

1. Planning Commission Regular Meeting Agenda Packet Part 1

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2. Planning Commission Regular Meeting Agenda Packet Part 2

Documents: [PC AGENDA PACKET FOR 2-17-2015 PART 2 OF 4.PDF](#)

3. Planning Commission Regular Meeting Agenda Packet Part 3

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4. Planning Commission Regular Meeting Agenda Packet Part 4

Documents: [PC AGENDA PACKET FOR 2-17-2015 PART 4 OF 4.PDF](#)



City Of Riverbank  
**Planning Commission Meeting**  
City Hall North Council Chambers  
6707 Third Street • Riverbank • CA 95367

**Agenda**  
**Tuesday, February 17, 2015 – 6:00 P.M.**

**CALL TO ORDER:**      **Chair: Stewart**

**ROLL CALL:**              **Chair:                      Stewart**  
                                 **Vice Chair:            Hughes**  
                                 **Commissioner:       Villapudua**  
                                 **Commissioner:       Degele**  
                                 **Commissioner:       McKinney**

**CONFLICT OF INTEREST**

Any Planning Commission/Authority Member and Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

**1. PUBLIC COMMENTS (No action to be taken)**

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

**2. CONSENT CALENDAR**

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

**Item 2.A:**              Posting of the Agenda. The Agenda for the February 17, 2015, Planning Commission Meeting was posted on the City Chamber bulletin board, City Hall North & South bulletin board, Post Office and sent to the Library on February 12, 2015.

**Item 2.B:**              Approval of the Agenda. This provides an opportunity for the Planning Commission or Staff to recommend that an item be placed on the agenda for discussion or to adjust the proposed agenda to allow an item to be taken out of order.

**Item 2.C:**              Approval of the Minutes. The Minutes of the December 16, 2014, Planning Commission Meeting having been read by the individual Commissioners and stands approved as submitted.

**Recommendation:** It is recommended that Planning Commission approve the Consent Calendar by roll call vote.

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3<sup>rd</sup> Street, Riverbank, CA during normal business hours.

### 3. PUBLIC HEARING

**Item 3.1: Zoning Ordinance Amendment – Amendments to the Zoning Code pertaining to Hookah Lounges and Vapor Bars: Reso# 2015-001.** The proposed Ordinance will 1) amend Section 153.003: Definitions to include E-Cigarette, Hookah Lounge and Vapor Bar definitions, 2) Amend Section 153.077: Uses Permitted with a Use Permit in the Neighborhood Commercial District C-1 Zone, amend Section 153.093: Uses Permitted with a Use Permit in the General Commercial District C-2 Zone and Amend Section 153.107: Uses Permitted with a Use Permit in the Commercial-Industrial C-M Zone, adding Hookah Lounges and Vapor Bars as a Use in these Sections to the City's Municipal Code. The proposed Ordinance will allow hookah lounges and vapor bars in all commercial zones subject to the requirement that the hookah lounge or vapor bar secures a conditional use permit. The Riverbank Municipal Code does not currently regulate the operation or location of hookah lounges and vapor bars. This matter affects commercial land uses City-Wide.

**Item 3.2: Zoning Ordinance Amendment – City-Initiated Rezone on Twenty-Two (22) Properties: Reso# 2015-002** This project involves the rezoning of twenty-two (22) properties Zoning District to the Mixed Use District CX-1 Zone. The Mixed Use General Plan Land Use Designation was established as part of the 2005-2025 General Plan, approved on April 22, 2009. All twenty-two (22) properties have a General Plan Land Use Designation of Mixed Use but are not zoned with the matching Mixed Use District CX-1 Zone. This project will rezone the aforementioned properties to CX-1, achieving General Plan and Zoning consistency, in accordance with the Government Code. **Location: APNs:** 062-022-023, 062-022-024, 062-022-025, 074-005-042, 074-005-043, 075-010-055, 075-010-056, 075-010-057, 075-010-063, 075-010-065, 132-051-002, 132-051-003, 132-051-005, 132-051-006, 132-051-008, 132-051-009, 132-051-010, 132-051-011, 132-051-013, 132-051-014, 132-051-032, and 132-051-033.

**Item 3.3: General Plan Amendment 02-2014, Zoning Ordinance Amendment 02-2014, and Tentative Map Application – Diamond Bar East 02-2014: TM Reso#2015-003, GP Amend. Reso#2015-004. Rezone Reso#2015-005** - The proposed Diamond Bar East Project consists of a General Plan Amendment (GPA), Rezone, and Tentative Map to subdivide 17.90± acres into ninety-six (96) single-family residential lots with an overall residential density of 5.41 du/acre, a 2,411 sq. ft. Landscape lot, a 0.99± acre drainage basin lot and the associated street, sewer, water, and storm drainage improvements. The project site currently has a General Plan designation of Medium Density Residential (MDR) and is located within the R-1, Single Family Residential zoning district. The proposed GPA would designate the project site for Low Density Residential (LDR) land uses. The proposed rezone would also modify the project site's existing zoning from R-1 to P-D, Planned Development. **Location:** The proposed project is bounded by Santa Fe Avenue to the north, Patterson Road/Sierra Northern Railway tracks to the south, Snedigar Road to the east, and Central Avenue and ranchette/single-family parcels to the west. The project site is further identified as being Assessor Parcel Number (APN) 062-020-010 and 025.

**Item 3.4: General Plan Amendment 01-2014, Zoning Ordinance Amendment 01-2014, and Tentative Map Application – Diamond Bar West 01-2014: GP Amend Reso#2015-006, Rezone Reso#2015-007, TM Reso#2015-008** - The proposed Diamond Bar West Project consist of a GPA, Rezone, Tentative Map to subdivide 11.34± acres into fifty-eight (58) residential lots and associated street, sewer, water, and storm drainage improvements. The project site is currently designated as Medium Density Residential (MDR) and is located within the R-2, Multi-Family Residential zone district. The proposed GPA would designate the project site for Low Density Residential (LDR) land uses. The proposed rezone would modify the project site's existing R-2 zone to a P-D, Planned Development. **Location:** The proposed project is bounded by Santa Fe Avenue to the north, Sierra Avenue to the south, Central Avenue to the east, and Claus Road and Ranchette Parcels to the west. The project site is further identified as being Assessor Parcel Number (APN) 062-020-027, 019, and 005.

**Recommendation:** Approval by roll call vote

**4. COMMISSION ITEMS (Information Only – No Action)**

None

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

None

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

**Item 6.1:** Draft Downtown Specific Plan (FEIR has been previously certified by the City Council in 2013).

**Item 6.2:** Kuffel Parcel Map.

**7. NEW BUSINESS (Information Only – No Action)**

**Item 7.1:** Election of officer's chair and vice chair.

**ADJOURNMENT – The next regular Planning Commission meeting – March 17, 2015 @ 6:00 p.m.**

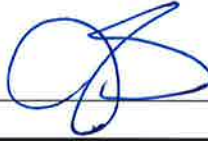
Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3<sup>rd</sup> Street, Riverbank, CA during normal business hours.



## AFFIDAVIT OF POSTING

*I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board 72 hours prior to the meeting.*

*Dated this 12<sup>th</sup> day of February, 2015  
Janet Smallen, Sr. CDS*



**NOTICE REGARDING AMERICANS WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Development Services Department at (209) 863-7128. Notification 3 business days before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

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

**GENERAL INFORMATION:** The Riverbank Planning Commission meets on the third Tuesday of each month at 6:00 p.m.

**COMMISSION AGENDAS:** The Planning Commission agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted. Additional documents that are part of this agenda and provided to a majority of the Planning Commission by the City will be made available to the public. The agenda is posted for public review at the City's website [www.riverbank.org](http://www.riverbank.org), at the Development Services Department, and on the exterior of both City Hall North & South buildings bulletin boards, 6707 & 6617 Third Street, Riverbank, CA. Subscription to receive the agenda can be purchased for a nominal fee through the Development Services Department.

**PUBLIC HEARINGS:** In general, a public hearing is an open consideration within a regular meeting of the Planning Commission, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.

**QUESTIONS:** Contact the Developmental Services Department at (209) 863-7128.

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**CITY OF RIVERBANK  
PLANNING COMMISSION  
STAFF REPORT**

**ITEM NO:** 3.1 **February 17, 2015**

**APPLICANT:** City-Initiated

**PROJECT:** A proposed amendment to the Riverbank Municipal Code to amend the zoning code to address hookah lounges and vapor bars. The matter affects land uses City-Wide.

**LOCATION:** City-Wide

**ENVIRONMENTAL DETERMINATION:** The proposed ordinance ("Ordinance") regarding hookah lounges and vapor bars is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately. Therefore, no CEQA analysis of the Ordinance is required.

**PROJECT PLANNER:** John B. Anderson, Contract Community Development Director

**RECOMMENDATION:** Staff recommends that the Planning Commission motion to adopt Resolution No. 2015-001, recommending the City Council of the City of Riverbank adopt Ordinance No. 2015-XX, amending the Zoning Code to include hookah lounges and vapor bars.

**ACRONYMS:** CEQA – California Environmental Quality Act  
R.M.C. – Riverbank Municipal Code  
CUP – Conditional Use Permit

**ATTACHMENTS:** 1. Planning Commission Resolution No. 2015-001  
2. Survey of Fifteen (15) Surrounding Cities Related to Hookah and E-Cigarette Regulations  
3. Riverbank Zoning Map

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## **I. EXECUTIVE SUMMARY**

Planning Commission Resolution No. 2015-001 (the "Resolution") recommends that the City Council adopt an ordinance to amend the zoning code to allow hookah lounges and vapor bars in all commercial zones subject to the requirement that the hookah lounge or vapor bar secures a conditional use permit. The R.M.C. does not currently regulate the operation or location of hookah lounges and vapor bars. The proposed regulations ensure that the City may review these types of businesses to determine whether they will be in the interest of the general welfare of the City and keep such uses from unduly influencing minors who may not engage in such uses.

## **II. BACKGROUND**

The City passed Ordinance No. 2014-011 on October 28, 2014 establishing a forty-five (45) day moratorium on the establishment or expansion of new hookah lounges, e-cigarette lounges, vapor bars, and drug paraphernalia retailers in the City. That moratorium was extended for an additional ten (10) months and fifteen (15) days on November 25, 2014 through Ordinance No. 2014-013. The City established the moratorium after it became clear that the City lacked any regulation or any criteria for evaluating business license applications for such uses in the R.M.C.

During the time the moratorium was in place, City staff has researched the best way to regulate these types of uses in the City while encouraging the active growth of the City's business community. Through this research, City staff has found that it is typical to require a conditional use permit for the establishment of a hookah lounge, e-cigarette lounge, and vapor bar. City staff has also determined that drug paraphernalia retailers are already regulated by state law and access to that type of establishment is limited to individuals over the age of eighteen (18) unless a minor is accompanied by a parent or guardian.<sup>1</sup> As such the proposed ordinance ("Ordinance") does not include drug paraphernalia retailers. Should the City decide that a more strict set of regulations are needed, additional regulations and restrictions may be drafted in the form of a Zoning Ordinance will be drafted and considered by Planning Commission and City Council.

## **III. ANALYSIS**

The City does not currently regulate the operation or location of hookah lounges and vapor bars. While state law prohibits the use of tobacco products indoors, cities are facing new challenges with the recent increase in popularity of hookah and e-cigarette use. Under state law, smoking tobacco products in an enclosed space of employment is generally prohibited, subject to several exceptions.<sup>2</sup> The exceptions to the state prohibition on tobacco use indoors includes retail or wholesale tobacco shops and private smokers' lounges. Under those exceptions hookah lounges and vapor bars are able to operate.

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<sup>1</sup> Health & Safety Code § 11364.5

<sup>2</sup> Labor code § 6404.5

In addition to the exception to the state tobacco use law that allows hookah lounges and vapor bars to operate, those types of establishments are starting to gain popularity as a social activity. The use of tobacco and e-cigarettes is restricted to individuals over the age of eighteen (18). Therefore hookah lounges and vapor bars can serve as a social location for individuals over the age of eighteen (18) but under the age of twenty-one (21) who are unable to patronize bars. The City's zoning code was drafted before hookah lounges and vapor bars became popular which also contributes to the lack of regulation.

The Ordinance amends the zoning code to require that hookah lounges and vapor bars apply for and are granted a conditional use permit in order to open and operate in the City. The business are only allowed to operate in the City's commercial zones subject to the conditional use permit. Thus, hookah lounges and vapor bars will be able to operate in the following zones with a conditional use permit: Neighborhood Commercial District C-1 Zone, General Commercial District C-2 Zone, and Commercial-Industrial C-M Zone. This will allow City staff to work with a business owner to establish conditions for the operation of the hookah lounge or vapor bar that: (1) consider the unique circumstances of the surrounding property; (2) restrict the use to individuals over the age of eighteen (18); and (3) ensure that the City's economy is not adversely impacted by the proliferation of these types of businesses.

The health concerns associated with hookah smoking are well established<sup>3</sup> while the health impacts of e-cigarette use is less well known, self-reported incidents indicate that e-cigarettes may have similar impacts to those seen with traditional tobacco cigarettes.<sup>4</sup> The lack of research on the health impacts of e-cigarettes is a result of their more recent introduction and widespread use. E-cigarettes have been in use since the 1970s but only recently have gained popularity. Given these impacts and the lack of knowledge regarding e-cigarettes, ensuring that minors are not unduly exposed to these uses is in the interest of the general welfare of the City.

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<sup>3</sup> World Health Organization Study Group on Tobacco Product Regulation, Advisory Note: Waterpipe Tobacco Smoking: Health Effects, Research Needs and Recommended Actions by Regulators (2005)

<[http://www.who.int/tobacco/global\\_interaction/tobreg/Waterpipe%20recommendation\\_Final.pdf](http://www.who.int/tobacco/global_interaction/tobreg/Waterpipe%20recommendation_Final.pdf)> (as of: Apr. 16, 2014).

<sup>4</sup> U.S. Food and Drug Administration, News & Events, Electronic Cigarettes

<<http://www.fda.gov/newsevents/publichealthfocus/ucm172906.htm>>

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# Survey of 15 Surrounding Cities

## **A. Survey Surrounding Jurisdictions**

As part of the research done to develop the proposed Ordinance, a survey was conducted to determine how other jurisdictions regulate Hookah Lounges and Vapor Bars. The examples in the survey are not exhaustive summaries of each City's regulations involving hookah lounges and vapor lounges nor is a comprehensive list of all approaches to regulating these types of uses in California. The results of the survey are attached to this Staff Report as Attachment 2. The following summarizes the findings of the survey:

## **B. Cities Surveyed**

- **El Cajon.** Requires a minor conditional use permit for establishments that involve vapor inhalation from electronic vapor devices, such as e-cigarettes. Included in the regulations for the conditional use permit are minimum spacing and proximity requirements including prohibition for establishing such business 1,000 feet from other similar uses, 500 feet from any land use zoned for residential use, or 600 feet from other specific uses such as schools, parks, and religious facilities.
- **Menifee.** Hookah Lounges are a prohibited use in the City.
- **Norco.** Hookah Lounges are prohibited in all commercially zoned areas, but outdoor smoking areas that are ancillary to a bar or restaurant are an allowed use. Additionally, areas to sample vapor flavors of electronic cigarettes and similar devices that do not include the burning of tobacco are an allowed use.
- **Merced.** A CUP issued on July 18, 2012 for a Hookah Lounge includes signage restrictions, restrictions on a change in ownership, and requires that a security guard be present at the location.
- **Santa Cruz.** Limits the number of Hookah Lounges in their City to two. All Hookah Lounge operators must secure a specific license to operate their Hookah Lounge.

## **C. Hours of Operation**

Of the fifteen (15) Cities surveyed, two (2) establish hours of operations for.

## **D. Prohibited Conduct**

Some of the jurisdictions reviewed in the survey require a Conditional Use Permit for a Hookah Lounge or Vapor Bar to be established. Through this process, the Hookah Lounge or Vapor Bar is conditionally approved, with some restrictions and requirements which may include prohibited conduct, where if violated, the

CUP could be revoked. An example of a jurisdiction including prohibited conduct in the CUP is below:

- **Yucca Valley.** Conditional of approval for one hookah lounge included restrictions on hours of operation, a restriction on smoking near doors and windows at the establishment, prohibitions on loitering, and access restrictions to the outdoor areas of the business.

Of the fifteen (15) jurisdictions surveyed, six (6) require a CUP, five (5) are a prohibited use and the rest either require a specific permit or have no regulations at all.

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#### **IV. ENVIRONMENTAL DETERMINATION**

The Ordinance regarding hookah lounges and vapor bars is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately. Therefore, no CEQA analysis of the Ordinance is required.

#### **V. FISCAL IMPACT**

The hookah lounge and vapor bar conditional use permit application process will require additional staff time to review and grant those permits. However, the City is authorized to charge a fee associated with this application that can help offset these costs.

#### **VI. PUBLIC NOTICE**

The Planning Commission hearing notice with a summary of the proposed Ordinance was published in the Riverbank News on February 4, 2015, on a 1/8<sup>th</sup> page, pursuant to California Government Code Section 65091(4) and posted at City Hall North and South on February 4, 2015. Written comments received by the City shall be supplied to the Commission at the day of the meeting and read into the public record.

In order to properly adopt an amendment to the City's zoning code, both the Planning Commission ("Commission") and the City Council must hold public hearings on the proposed amendment.<sup>5</sup> Both hearings must be noticed through publication in a newspaper of general circulation at least ten (10) days prior to the public hearing.<sup>6</sup>

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<sup>5</sup> Government Code § 65854.

<sup>6</sup> Government Code § 65090.



## VII. ALTERNATIVE ACTIONS

The Planning Commission's options regarding Resolution 2015-001 include:

1. Motion to adopt Resolution No. 2015-001, recommending the City Council of the City of Riverbank adopt Ordinance No. 2015-XXX amending the zoning code to include hookah lounges and vapor bars;
2. Motion to adopt Resolution No. 2015-001 as amended by the Commission, recommending the City Council of the City of Riverbank adopt a modified Ordinance No. 2015-XXX amending the zoning code to include hookah lounges and vapor bars;
3. Reject the Resolution No. 2015-001, recommending the that City Council of the City of Riverbank not adopt Ordinance No. 2015-XX amending the zoning code to include hookah lounges and vapor bars.

## VIII. RECOMMENDATION

Staff recommends that the Commission motion to adopt Resolution No. 2015-001, recommending the City Council of the City of Riverbank adopt Ordinance No. 2015-XX amending the Zoning Code to include hookah lounges and vapor bars.

Respectfully Submitted By:

A handwritten signature in blue ink that reads "John B. Anderson js." The signature is written in a cursive, flowing style.

John B. Anderson  
Contract Community Development Director

**Attachment 1: Planning Commission Resolution 2015-001**

**CITY OF RIVERBANK  
RESOLUTION NO. 2015-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF RIVERBANK, RECOMMENDING TO CITY  
COUNCIL OF APPROVAL OF ORDINANCE 2015-XXX,  
AMENDING TITLE XV: ZONING, AMENDING SECTION  
153.003: DEFINITIONS TO INCLUDE E-CIGARETTE,  
HOOKAH LOUNGE AND VAPOR BAR, AMENDING 1)  
SECTION 153.077: USES PERMITTED WITH A USE  
PERMIT IN THE NEIGHBORHOOD COMMERCIAL  
DISTRICT C-1 ZONE, 2) SECTION 153.093: USES  
PERMITTED WITH A USE PERMIT IN THE GENERAL  
COMMERCIAL DISTRICT C-2 ZONE AND 3) SECTION  
153.107: USES PERMITTED WITH A USE PERMIT IN THE  
COMMERCIAL-INDUSTRIAL C-M ZONE OF THE CITY'S  
MUNICIPAL CODE**

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**WHEREAS**, the City of Riverbank's zoning Code is silent with regard to the regulation and location of hookah lounges, e-cigarette lounges, and vapor bars; and

**WHEREAS**, California Labor Code section 6404.5 prohibits smoking of tobacco products in an enclosed space at a place of public employment, but retail or wholesale tobacco shops and private smokers' lounges are exempted from that prohibition; and

**WHEREAS**, notice of the public hearing on the proposed Ordinance was published in the *Riverbank News*, a newspaper of general circulation, on January 7, 2015; and

**WHEREAS**, the Planning Commission has reviewed the proposed Ordinance and conducted a public hearing on January 20, 2015; 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 HERBY RECOMMENDS CITY COUNCIL APPROVAL OF ORDINANCE 2015-XXX, ATTACHED HERETO AS EXHIBIT A AND INCORPORATED HEREIN BY THIS REFERENCE, AMENDING CHAPTER 153: ZONING IN THE CITY OF RIVERBANK MUNICIPAL CODE BASED ON THE FOLLOWING FINDINGS:**

1. There is a threat to the general welfare of the community if hookah lounges, e-cigarette lounges, and vapor bars locate in the City without proper regulations and planning in place; and
2. Hookah lounges, e-cigarette lounges, and vapor bars are adults-only uses in a commercial setting and may not be appropriate near uses that minors frequent; and
3. The proliferation of hookah lounges, e-cigarette lounges, and vapor bars may adversely affect the City's ability to attract and retain businesses and shoppers in the City, adversely affecting the City's economic vitality, and may promote the consumption and purchase of e-cigarettes by minors, possibly threatening the public health, safety, and welfare.
4. Pursuant to California Government Code Section 65355, the relationship between the proposed Zoning Code Amendments and the General Plan are as follows:
  - a. The proposed Ordinance Amendments are consistent with the General Plan and each of its elements and all components therein because the proposed Ordinance Amendments are consistent with the Goals and Policies of the Land Use and Economic Development Elements of the City of Riverbank General Plan:
    - 1) 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 process, public-private partnerships, and other means.
    - 2) Policy ED-5.1 – The City will work with the business community to continually identify areas for improvement and/or streamlining in the building and development permit approval process, City operations, public input, and other processes.
    - 3) Policy ED-5.2 – The City will proactively maintain responsiveness to addressing any business climate shortcomings identified through outreach and communication through local businesses.
  - b. The proposed Ordinance Amendments are compatible with the uses authorized in, and the regulations prescribed for, the land use districts for which it is proposed and with the regulations for each land use district.
5. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of

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

6. The City finds and determines that the amendments prescribed in Ordinance 2014-XXX are not considered a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately. Therefore, no CEQA analysis of the Ordinance is required.

**PASSED AND ADOPTED** by the Planning Commission of the City of Riverbank at a regular meeting held on the Twentieth day of January, 2015; motioned by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and upon roll call was carried by the following vote of \_\_\_\_:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**John B. Anderson**  
**Contract Community Development Director**

\_\_\_\_\_  
**Joan Stewart**  
**Planning Commission Chair**

Attachments:

Exhibit A: Proposed City Council Ordinance 2015-XXX

**EXHIBIT A: Proposed City Council Ordinance 2015-XXX**

CITY OF RIVERBANK  
IN THE CITY COUNCIL  
ORDINANCE 2015-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
RIVERBANK, AMENDING TITLE XV: ZONING, SECTION  
153.003: DEFINITIONS TO INCLUDE E-CIGARETTE,  
HOOKAH LOUNGE AND VAPOR BAR, AMENDING 1)  
SECTION 153.077: USES PERMITTED WITH A USE PERMIT  
INT EH NEIGHBORHOOD COMMERCIAL DISTRICT C-1  
ZONE, 2) SECTION 153.093: USES PERMITTED WITH A USE  
PERMIT IN THE GENERAL COMMERCIAL DISTRICT C-2  
ZONE AND 3) SECTION 153.107 USES PERMITTED WITH A  
USE PERMIT IN THE COMMERCIAL-INDUSTRIAL C-M ZONE  
OF THE CITY'S MUNICIPAL CODE

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**WHEREAS**, The City of Riverbank's zoning code is currently silent with regard to the regulation and location of hookah lounges, e-cigarette lounges, and vapor bars; and

**WHEREAS**, California Labor Code section 6404.5 prohibits smoking of tobacco products in an enclosed space at a place of public employment, but retail or wholesale tobacco shops and private smokers' lounges are exempted from that prohibition; and

**WHEREAS**, hookah lounges, e-cigarette lounges and vapor bars are adults-only uses in a commercial setting and may not be appropriate near uses that minors frequent; and

**WHEREAS**, the proliferation of hookah lounges, e-cigarette lounges, and vapor bars may adversely affect the City's ability to attract and retain businesses and shoppers in the City, adversely affecting the City's economic vitality, and may promote the consumption and purchase of e-cigarettes by minors, possibly threatening the public health, safety, and welfare; and

**WHEREAS**, there is a threat to the public health, safety, and welfare of the community if hookah lounges, e-cigarette lounges, and vapor bars locate in the City without proper regulations in place; and

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

1. There is a threat to the general welfare of the community if hookah lounges, e-cigarette lounges, and vapor bars locate in the City without proper regulations and planning in place; and

2. Hookah lounges, e-cigarette lounges and vapor bars are activities that can result in secondary negative impacts, such as the use of e-cigarettes and hookah by minors through the proliferation of hookah lounges, e-cigarette lounges, and vapor bars and the impairment of the market values and aesthetic and visual qualities of the properties adjacent to hookah lounges, e-cigarette lounges, and vapor bars; and
3. The proliferation of hookah lounges, e-cigarette lounges, and vapors bars may adversely affect the City's ability to attract and retain businesses and shoppers in the City, negatively impacting the City's economic vitality.
4. Pursuant to California Government Code Section 65355, the relationship between the proposed Zoning Code Amendments and the General Plan are as follows:
  - a. The proposed Ordinance is consistent with the General Plan and each of its elements and all components therein because the proposed Ordinance is consistent with the Goals and Policies of the Land Use and Economic Development Elements of the City of Riverbank General Plan:
    - 1) 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 process, public-private partnerships, and other means.
    - 2) Policy ED-5.1 – The City will work with the business community to continually identify areas for improvement and/or streamlining in the building and development permit approval process, City operations, public input, and other processes.
    - 3) Policy ED-5.2 – The City will proactively maintain responsiveness to addressing any business climate shortcomings identified through outreach and communication through local businesses.
  - b. The proposed Ordinance is compatible with the uses authorized in and the regulations prescribed for, the land use districts for which it is proposed and with the regulations for each land use district.

**WHEREAS**, The Planning Commission has considered this Zoning Code Amendment at a duly advertised public hearing on February 17, 2015 and adopted Resolution No. 2015-001 recommending that the City Council approve the Ordinance; and

**WHEREAS**, notice of the public hearing on the proposed Ordinance was published in the *Riverbank News*, a newspaper of general circulation on \_\_\_\_\_; and



**WHEREAS**, a public hearing was held on \_\_\_\_\_ and all comments were heard and considered by the City Council.

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

**SECTION 1:** Chapter 153: Zoning of Riverbank's Municipal Code shall be amended as follows:

***Subsection 153.003 Definitions of Chapter 153: Zoning, Section 153.003: Definitions of Riverbank's Municipal Code shall be amended to include Hookah Lounge and Vapor Bar as follows:***

***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.

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

***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.

***Chapter 153: Zoning, Section 153.077 Uses Permitted with a Use Permit, shall be amended to add a subsection (N) to include Hookah Lounges and Vapor Bars in the Neighborhood Commercial District C-1 Zone as follows:***

[...]

(Q) Hookah lounges and vapor bars, as defined in § 153.003.

***Chapter 153: Zoning, Section 153.093: Uses Permitted With a Use Permit, Commercial shall be amended to add a subsection (R) to include Hookah Lounges and Vapor Bars in the General Commercial District C-2 Zone as follows:***

[...]

(U) Hookah lounges and vapor bars, as defined in § 153.003.

**Chapter 153: Zoning, Section 153.107: Uses Permitted with a Use Permit shall be amended to add a subsection (S) to include Hookah Lounges and Vapor Bars in the Commercial-Industrial C-M Zone as follows:**

[...]

(V) Hookah lounges and vapor bars, as defined in § 153.003.

**SECTION 2:** 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 is published at least five (5) days prior to adoption and again no more than fifteen (15) days after adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank held on \_\_\_\_\_, 2015. Said ordinance was given a second reading at a regular meeting of said Council on \_\_\_\_\_, 2015, and Councilmember \_\_\_\_\_ seconded by Councilmember \_\_\_\_\_, moved the adoption of said ordinance, and upon roll call was carried by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

---

**Annabelle Aguilar, CMC**  
City Clerk

---

**Richard O'Brien**  
Mayor

**Attachment 2: Survey of Fifteen (15) Surrounding Cities Related to  
Hookah and E-Cigarette Regulations**

## **Attachment 2**

Below is a brief overview of regulatory practices in other California cities regarding hookah lounges and vapor lounges. The examples given are not exhaustive summaries of each city's regulations involving hookah lounges and vapor lounges nor is this a comprehensive list of all approaches to regulating these types of uses in California. The examples below merely highlight common themes in regulations.

### **EL CAJON**

The City of El Cajon requires a minor conditional use permit for establishments that involve vapor inhalation from electronic vapor devices, such as e-cigarettes. Included in the regulations for the conditional use permit are minimum spacing and proximity requirements including a prohibition for establishing such a business 1,000 feet from other similar uses, 500 feet from any land zoned for residential use, or 600 feet from other specific uses such as schools, parks, and religious facilities.

### **MENIFEE**

Hookah lounges are a prohibited use in the City of Menifee under Chapter 9.8 of the Menifee Municipal Code.

### **NORCO**

Hookah lounges are prohibited in all commercially zoned areas, but outdoor smoking areas that are ancillary to a bar or restaurant are an allowed use. In addition, areas to sample vapor flavors of electronic cigarettes and similar devices that do not include the burning of tobacco are an allowed use.

### **MERCED**

A conditional use permit issued on July 18, 2012 for a hookah lounge includes signage restrictions, restrictions on a change in ownership, and requires that a security guard be present at the location. The business is located in the regional/community commercial zone.

### **SANTA CRUZ**

The City of Santa Cruz limits the number of hookah lounges in their city to two. In addition, all hookah lounge operators must secure a specific license to operate their hookah lounge. The regulations for that permit include a prohibition on a cover fee, limitations on the hours of operation, location restrictions, and a requirement to provide tobacco use literature produced by the county at all hookah lounges.

# Attachment 2

## COVINA

Hookah lounges and vapor bars may operate in two commercial zones in the City of Covina subject to a conditional use permit. They may not be located within five hundred (500) feet of one another or within three hundred (300) feet of a school, park, or other similar sensitive use.

## YUCCA VALLEY

A hookah lounge requires a conditional use permit in a commercial zone. The conditions of approval for one such hookah lounge included restrictions on hours of operation, a restriction on smoking near doors and windows at the establishment, prohibitions on loitering, and access restrictions to the outdoor areas of the business.

## SUMMARY TABLE

The table below summarizes how a random sampling of cities in California address hookah lounges and vapor bars.

## Attachment 2

| Hookah Lounge and Vapor Bar Regulation |                                                                       |
|----------------------------------------|-----------------------------------------------------------------------|
| City                                   | Requirement                                                           |
| El Cajon                               | CUP                                                                   |
| Menifee                                | Prohibited Use                                                        |
| Norco                                  | Prohibited Use, but outdoor smoking areas allowed                     |
| Merced                                 | CUP                                                                   |
| Santa Cruz                             | Separate specific permit required                                     |
| Covina                                 | CUP                                                                   |
| Yucca Valley                           | CUP                                                                   |
| Sacramento                             | Governed under tobacco retailer license                               |
| Campbell                               | Prohibited Use                                                        |
| Merced                                 | CUP                                                                   |
| Gilroy                                 | Prohibited Use                                                        |
| Lathrop                                | Smoking prohibited in all retail establishments including smoke shops |
| Patterson                              | Tobacco shops require a CUP, no regulations on hookah specifically    |
| Oakdale                                | Not regulations on hookah lounges or vapor bars                       |
| Tracy                                  | Is a smoking optional area                                            |

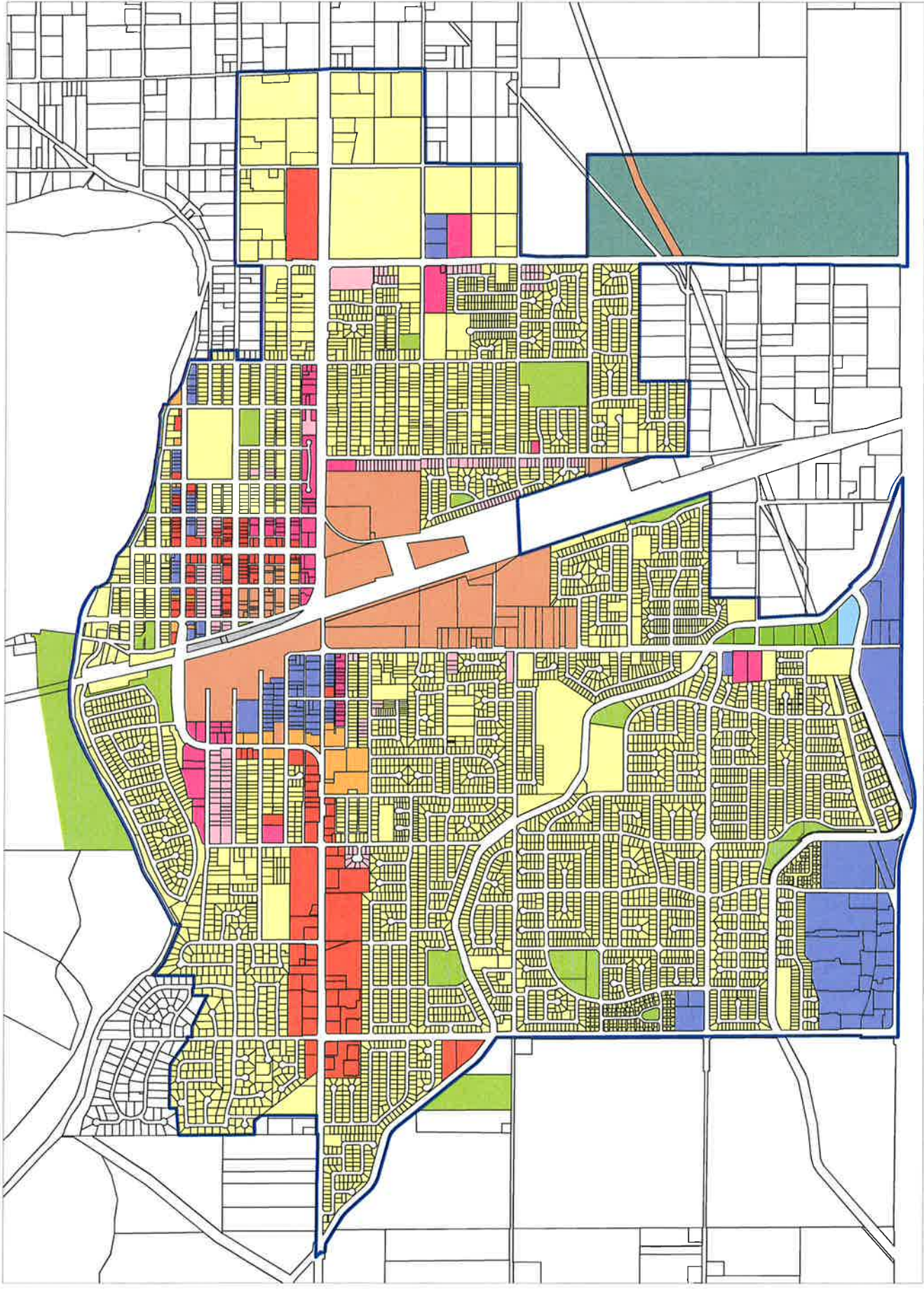
### **Attachment 3: Riverbank Zoning Map**





City of Riverbank  
ZONING

- Neighborhood Commercial (C-1)
- General Commercial (C-2)
- Commercial - Industrial (CI)
- Light Industrial (M-1)
- Park
- Single Family Residential (R-1)
- Duplex Residential (R-2)
- Multiple Family Residential (R-3)
- Rural to Low Residential (RLR - SPT)
- Public/Quasi Public (PQP)
- Riverbank Industrial Complex Park
- Unassigned
- City Limits



February 2015

000025



**CITY OF RIVERBANK  
PLANNING COMMISSION  
STAFF REPORT**

**ITEM NO:** 3.2 **February 17, 2015**

**APPLICANT:** City-Initiated

**PROJECT:** The proposed action includes a City-initiated re-zone on twenty-two (22) properties from their current zoning to the new Mixed Use District, CX-1 Zone, to conform to the Mixed Use General Plan Land Use Designation assigned to these properties.

**LOCATION:** Twenty-two (22) Individual Properties in the City of Riverbank, APNs listed in Attachment 3

**GENERAL PLAN:** Mixed Use (MU)

**ZONING:** Current Zoning – Single Family Residential (R-1), Neighborhood Commercial (C-1) and Commercial-Industrial (CM)  
Proposed Zoning – Mixed Use (CX-1)

**ENVIRONMENTAL DETERMINATION:** The proposed rezone to twenty-two (22) properties is exempt from the California Environmental Quality Act pursuant to the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. (CEQA §15061(b)(3)). Since the zoning changes are required under state law to comply with the City's General Plan, no new environmental effects will be created.

**PROJECT PLANNER:** John B. Anderson, Contract Community Development Director

**RECOMMENDATION:** Staff recommends that the Planning Commission motion to adopt Resolution No. 2015-002, recommending the City Council of the City of Riverbank adopt Ordinance No. 2015-XXX, approving the Rezone to the Mixed use District CX-1 Zone on twenty-two (22) individual properties.

**ACRONYMS:** MU – Mixed Use General Plan Designation  
CX-1 – Mixed Use Zone District  
CM – Commercial Industrial Zone District  
C-1 – Neighborhood Commercial Zone District  
RMC–Riverbank Municipal Code  
APN – Assessor's Parcel Number

**ATTACHMENTS:**

1. Planning Commission Resolution 2015-002
  2. City of Riverbank CX-1 Rezone Properties Spreadsheet
  3. Three (3) Letters to Property Owners, dated September 2, 2014, October 22, 2014 and December 16, 2014
  4. Signed Surveys from Property Owners
  5. APN Maps of Affected Properties
- 

**I. EXECUTIVE SUMMARY**

This action involves a City-Initiated Rezone to modify the Zoning District of twenty-two (22) properties in the City of Riverbank (the "City") to match the corresponding GP Land Use Designation of Mixed Use (MU).

**II. BACKGROUND**

The Riverbank 2005-2025 General Plan was adopted by the City Council on April 22, 2009. As part of the General Plan Update, a new Land Use Designation was created: Mixed Use (MU). As a result, numerous properties in the City were re-classified to MU in the General Plan Update, but their corresponding Zoning District were not modified in the City's zoning code to reflect these changes. Additionally, the City did not create a Mixed Use Zoning District in the City's zoning code to correspond to the MU land use designation. As such the subject parcels are currently in zoning districts that are incompatible with their land use designation under the City's General Plan. Ultimately, City staff is under legal obligation to achieve consistency between the City's General Plan and the zoning code, including land use designation and zoning districts.

In order to correct this land use issue, Staff followed these steps:

1. Create a Mixed Use Zoning District to match the GP Land Use Designation implemented in the General Plan update;
2. Identify properties that have a Mixed Use GP Land Use Designation and are in conflict with the corresponding Zoning District; and
3. Initiate a Rezone on these properties to be compatible with the GP Land Use Designation.

These steps are described in greater detail below.

**Create the Mixed Use District CX-1 Zone**

In 2014, City Council took action on establishing the Mixed Use District CX-1 Zone ("CX-1 Zone"). The CX-1 Zone provides the tools to implement the MU GP land use designation. The CX-1 Zone includes building and development regulations, such as height, setback and parking requirements as well as mixture of land uses requirements, adhering to the intent of the MU designation in the General Plan.

### **Identify Properties**

In 2014, Staff completed a survey in which we inventoried all the properties designated as Mixed Use according to the City's General Plan. The intent of the completed survey was to ensure the compatibility between the GP land use designation and the zoning code. This survey was split into two categories:

- 1) Properties that will require a General Plan Amendment to change the GP Land Use Designation to be compatible with their corresponding Zoning; and
- 2) Properties that will require a Rezone to change the Zoning District to be compatible with their corresponding GP Land Use Designation.

In 2014, City Council took action on re-classifying the GP land use designation on numerous properties, matching their Zoning.

The action being presented will rezone twenty-two (22) properties to the Mixed Use District CX-1 Zone. A list of properties identified in the survey for the Rezone is attached to this Staff Report as Attachment 2.

### **Rezone Properties to the Mixed Use District CX-1 Zone**

The proposed action includes a rezone of twenty-two (22) properties in Riverbank. All of the identified properties have a GP Land Use Designation of Mixed Use and are zoned R-1, C-1 or CM. The purpose of this action is to re-classify these properties to CX-1, which will match the GP Land Use Designation of Mixed Use.

In order to start the process to rezone these properties, a series of letters were sent to all twenty-five (25) property owners to solicit input on how they wanted to achieve consistency. They were given two (2) options:

- 1) Keep the Zoning District that the property currently enjoys and request the City initiate a General Plan Amendment to the property's Land Use Designation to achieve consistency;
- 2) Request that the property be rezoned to the Mixed Use District CX-1 Zone to achieve consistency.

Each letter is further described below.

### **September 2, 2014 Letter**

The first of three letters was sent to property owners on September 2, 2014. In the letter, Staff discussed the background and purpose of the letter. Furthermore, the property owners were also given information regarding the differences between their Zoning District and the CX-1 Zone, including building and development standards and a survey that they could sign and decide which option they wanted.

#### **October 22, 2014 Letter (Certified)**

The second letter was sent to the remaining properties that did not respond to the September 2<sup>nd</sup> request. This letter was fashioned differently than the first in that it was a certified letter, requiring the property owner to sign for the letter and notification is sent back to Riverbank, verifying the property owner received the information. Another difference is that this letter gave the property owner a deadline in which they must respond to the request and failure to do so was seen as consent and understanding that the City would rezone the property to the CX-1 Zone.

#### **December 16, 2014 Letter (Certified) in Spanish and English**

The third and final letter was sent to the remaining property owners on December 16, 2014. This letter was again sent certified mail and featured a deadline in which property owners must respond to the request.

Of the properties that were sent letters, twelve (12) owners responded with authorization to rezone their properties to the Mixed Use District CX-1 Zone. Ten (10) property owners did not respond.

Additionally, three (3) properties responded to the letters requesting the City initiate a General Plan Amendment to modify their GP Land Use Designation of Mixed Use to match their Zoning District.

### **III. ANALYSIS**

Pursuant to Government Code Section 65855, the recommendation to City Council shall include the relationship to the applicable general or specific plan. All subject properties are within the City Limits of the City and are not part of any specific plan. That relationship is as follows:

- a. The properties identified as part of this action have a General Plan Land Use Designation of Mixed Use and their current zoning does not match. This action will rezone these properties to the recently established Mixed Use District CX-1 Zone;
- b. The proposed rezone on twenty-two (22) properties will achieve consistency between the General Plan and the Zoning Code, pursuant to Government Code Section 65860;
- c. The proposed rezone on twenty-two (22) properties will assist in achieving Goal LAND-2: Balanced and Diverse Uses of Land because these properties will be the first properties to be zoned as Mixed Use.

The properties affected by this action are included in this Staff Report as Attachment 2. As discussed above, three (3) property owners responded to the letters requesting the City initiate a General Plan Amendment to modify their GP Land Use Designation to of

Mixed Use to match their current Zoning District. City staff will evaluate their responses and confirm with the property owner in their decision and start the process of a General Plan Amendment to their General Plan Land Use Designation in the upcoming months. The result will be the same as is in this action – General Plan and Zoning consistency.

#### **IV. ENVIRONMENTAL DETERMINATION**

The proposed rezone to twenty-two (22) properties is exempt from the California Environmental Quality Act pursuant to the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. (CEQA §15061(b)(3)). Since the zoning changes are required under state law to comply with the City's General Plan, no new environmental effects will be created.

#### **V. FISCAL IMPACT**

Not applicable. This action will not result in any fiscal impact to the City.

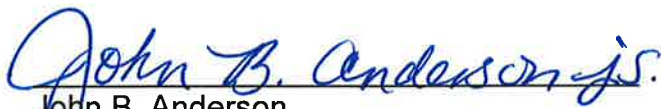
#### **VI. PUBLIC NOTICE**

The Planning Commission hearing notice was published in the Riverbank News on February 4, 2015 and posted at City Hall North and South on February 4, 2015. Pursuant to Government Code Section 65091(a)(4), notice of the hearing was mailed to all property owners within 300 feet of each property that subject to the hearing. Additionally, pursuant to California Government Code Section 65091(a)(1), notice of the hearing was mailed to each property owner in at least ten (10) days prior to the Planning Commission meeting.

#### **VII. RECOMMENDATION**

Staff recommends that the Planning Commission motion to adopt Resolution No. 2015-002, recommending the City Council of the City of Riverbank adopt Ordinance No. 2015-XXX, approving the Rezone to modify the Zoning of twenty-five (22) individual properties.

Respectfully Submitted By:

  
John B. Anderson  
Contract Community Development Director

Riverbank Planning Commission  
Meeting of February 17, 2015  
Staff Report 3.2  
Page 5 of 5

000030

**CITY OF RIVERBANK  
RESOLUTION NO. 2015-002**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF RIVERBANK, CALIFORNIA,  
RECOMMENDING TO CITY COUNCIL THE APPROVAL  
OF ORDINANCE NO. 2015-XXX TO REZONE TWENTY-  
TWO (22) PROPERTIES TO THE MIXED USE DISTRICT  
CX-1 ZONE**

---

**WHEREAS**, the Riverbank 2005-2025 General Plan was adopted on April 22, 2009; and

**WHEREAS**, as part of the General Plan Update, a new Land Use Designation was created: Mixed Use (MU); and

**WHEREAS**, numerous properties in Riverbank were re-designated as Mixed Use as part of the adoption of the City's General Plan; and

**WHEREAS**, the City recently created the Mixed Use District CX-1 Zone to correspond with the Mixed Use General Plan Land Use Designation; and

**WHEREAS**, City staff identified twenty-two (22) properties in which have a General Plan Land Use Designation of Mixed Use but do not have the matching District; and

**WHEREAS**, City staff initiated a Rezone to reclassify specific properties Zoning District to CX-1; and

**WHEREAS**, notice of the public hearing on the Rezone was published in the *Riverbank News*, a newspaper of general circulation, on February 4, 2015; and

**WHEREAS**, notice of the public hearing was mailed to each property owner affected by this Zoning Ordinance Amendment on February 3, 2015; and

**WHEREAS**, notices of the public hearing on the Zoning Ordinance Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on February 3, 2015; and

**WHEREAS**, the Planning Commission has reviewed the Zoning Amendment and conducted a public hearing on February 17, 2015; and

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

**NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF ORDINANCE NO. 2015-XXX, REZONING TWENTY-TWO (22) PROPERTIES TO THE MIXED USE DISTRICT CX-1 ZONE, 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 properties identified as part of this action have a General Plan Land Use Designation of Mixed Use and their current zoning does not match. This action will rezone these properties to the recently established Mixed Use District CX-1 Zone;
  - b. The proposed rezone on twenty-two (22) properties will achieve consistency between the General Plan and the Zoning Code, pursuant to Government Code Section 65860;
  - c. The proposed rezone on twenty-two (22) properties will assist in achieving Goal LAND-2: Balanced and Diverse Uses of Land because these properties will be the first properties to be zoned as Mixed Use.
2. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
3. The City finds and determines with certainty that the rezone described in Resolution 2015-002 is exempt from the California Environmental Quality Act ("CEQA") pursuant to the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. (CEQA § 15061(b)(3)). Since the zoning changes are required under state law to comply with the City's General Plan, no new environmental effects will be created.

**PASSED AND ADOPTED** by the Planning Commission of the City of Riverbank at a regular meeting held on the Seventeenth day of February, 2015; motioned by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and upon roll call was carried by the following vote of \_\_\_\_:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**John B. Anderson**  
**Contract Community Development Director**

\_\_\_\_\_  
**Joan Stewart**  
**Planning Commission Chair**

Attachments:

Exhibit "A" – Draft City Council Ordinance



## **Exhibit "A"**

**EXHIBIT "A"**  
**TO PC RESOLUTION NO. 2015-002**

**DRAFT**  
**CITY OF RIVERBANK**  
**ORDINANCE NO. 2015-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK APPROVING REZONING OF TWENTY-TWO (22) PROPERTIES IN RIVERBANK, LOCATED AT APN 062-022-023, 062-022-024, 062-022-025, 074-005-042, 074-005-043, 075-010-055, 075-010-056, 075-010-057, 075-010-063, 075-010-065, 132-051-002, 132-051-003, 132-051-005, 132-051-006, 132-051-008, 132-051-009, 132-051-010, 132-051-011, 132-051-013, 132-051-014, 132-051-032, 132-051-003**

---

**WHEREAS**, the City of Riverbank is authorized by Title 15 Chapter 153.231, to initiate a rezone whenever public necessity and convenience and the general welfare require such amendment; and

**WHEREAS**, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, February 17, 2015 to consider Rezoning of twenty-two (22) properties in Riverbank; and

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

1. The Riverbank 2005-2025 General Plan was adopted on April 22, 2009; and
2. As part of the General Plan Update, a new Land Use Designation was created: Mixed Use (MU); and
3. Numerous properties in Riverbank were re-designated as Mixed Use as part of the adoption of the City's General Plan; and
4. The City recently created the Mixed Use District CX-1 Zone to correspond with the General Plan Land Use Designation; and
5. City staff identified twenty-two (22) properties in which have a General Plan Land Use Designation of Mixed Use but do not have the matching District; and
6. City staff initiated a Rezone to classify specific properties Zoning District to the Mixed Use District CX-1 Zone; and

**EXHIBIT "A"**  
**TO PC RESOLUTION NO. 2015-002**

7. Notice of the public hearing on the Rezone was published in the *Riverbank News*, a newspaper of general circulation, on \_\_\_\_\_; and,
8. Notice of the public hearing on the Zoning Ordinance Amendment were mailed to all property owners affected by this action on \_\_\_\_\_; and,
9. Notices of the public hearing on the Zoning Ordinance Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on \_\_\_\_\_; and
10. The properties identified as part of this action have a General Plan Land Use Designation of Mixed Use and their current zoning does not match. This action will rezone these properties to the recently established Mixed Use District CX-1 Zone;
11. The proposed rezone on twenty-two (22) properties will achieve consistency between the General Plan and the Zoning Code, pursuant to Government Code Section 65860;
12. The proposed rezone on twenty-two (22) properties will assist in achieving Goal LAND-2: Balanced and Diverse Uses of Land because these properties will be the first properties to be zoned as Mixed Use.
13. The City finds and determines with certainty that the rezone described in Resolution 2015-002 is exempt from the California Environmental Quality Act ("CEQA") pursuant to the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. (CEQA § 15061(b)(3)). Since the zoning changes are required under state law to comply with the city's general plan, no new environmental effects will be created.

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

**Section 1:** The City Council of the City of Riverbank approves Rezoning of twenty-two (22) properties to the Mixed Use District CX-1 Zone, located at the following APNs:

062-022-023, 062-022-024, 062-022-025, 074-005-042, 074-005-043, 075-010-055, 075-010-056, 075-010-057, 075-010-063, 075-010-065, 132-051-002, 132-051-003, 132-051-005, 132-051-006, 132-051-008, 132-051-009, 132-051-010, 132-051-011, 132-051-013, 132-051-014, 132-051-032, 132-051-003

**Section 2:** Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect

**EXHIBIT "A"**  
**TO PC RESOLUTION NO. 2015-002**

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

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

The foregoing was introduced at a regular meeting of the City Council of the City of Riverbank held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015; motioned by Councilmember \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and upon roll call was carried by the following vote \_\_\_\_:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Annabelle Aguilar, CMC**  
**City Clerk**

\_\_\_\_\_  
**Richard D. O'Brien**  
**Mayor**

000037

# Attachment 2 CX-1 Rezone Properties

February 4, 2015

| City of Riverbank CX-1 Rezone Properties |             |                     |       |               |                                                    |                   |                                                                                  |                    |
|------------------------------------------|-------------|---------------------|-------|---------------|----------------------------------------------------|-------------------|----------------------------------------------------------------------------------|--------------------|
| No.                                      | APN         | ADDRESS             | ACRES | CURRENT<br>GP | PAST<br>GP                                         | CURRENT<br>ZONING | NOTES AND<br>EXISTING LAND USE                                                   | PROPOSED<br>ACTION |
| 1                                        | 062-022-023 | 4012 California Ave | 1.399 | MU            | Commercial (C-1, C-2, C-M)                         | C-1               | Rural Ranch House                                                                | CX - 1             |
| 2                                        | 062-022-024 | 4036 California Ave | 1.379 | MU            | Commercial (C-1, C-2, C-M)                         | C-1               | Rural Ranch House, All Brands Inc. Home goods commercial                         | CX - 1             |
| 3                                        | 062-022-025 | 4112 California Ave | 1.416 | MU            | Commercial (C-1, C-2, C-M)                         | C-1               | Rural Ranch House                                                                | CX - 1             |
| 4                                        | 074-005-042 | 2107 Patterson Rd   | 1.146 | MU            | Commercial (C-1, C-2, C-M)                         | R-1               | Park Sierra Mobile Home Park                                                     | CX - 1             |
| 5                                        | 074-005-043 | 2113 Patterson Rd   | 0.499 | MU            | Regional Commercial / BP / Neighborhood Commercial | R-1               | Single Family House next to Park Sierra Mobile Home Park                         | CX - 1             |
| 6                                        | 075-010-053 | 2700 W Ross Ave     | 0.179 | MU            | Low-Medium Residential                             | R-1               | Single Family House                                                              | GPA to LDR         |
| 7                                        | 075-010-054 | 2724 Patterson Rd   | 3.589 | MU            | Commercial (C-1, C-2, C-M)                         | CM                | Burtschi Brothers Hay and Transport                                              | GPA to CM          |
| 8                                        | 075-010-055 | 2750 Patterson Rd   | 0.149 | MU            | Commercial (C-1, C-2, C-M)                         | CM                | Lucky House Chinese Food                                                         | CX - 1             |
| 9                                        | 075-010-056 | 2776 Patterson Rd   | 0.149 | MU            | Commercial (C-1, C-2, C-M)                         | CM                | Commercial Building, Multiple Businesses: Tabacco City and more, Tattoo Parlor   | CX-1               |
| 10                                       | 075-010-057 | 0 Ward Ave          | 2.295 | MU            | Commercial (C-1, C-2, C-M)                         | CM                | Cell Tower on this Parcel. Undeveloped other than that. Used for Freight Storage | CX - 1             |

Attachment 2  
CX-1 Rezone Properties

|              |             |                   |        |    |                            |     |                     |           |
|--------------|-------------|-------------------|--------|----|----------------------------|-----|---------------------|-----------|
| 11           | 075-010-063 | N/A               | N/A    | MU | Commercial (C-1, C-2, C-M) | CM  | N/A                 | CX - 1    |
| 12           | 075-010-065 | N/A               | N/A    | MU | Commercial (C-1, C-2, C-M) | CM  | N/A                 | CX - 1    |
| 13           | 132-051-002 | 2842 Patterson Rd | 0.155  | MU | Commercial (C-1, C-2, C-M) | C-1 | Single Family House | CX - 1    |
| 14           | 132-051-003 | 2848 Patterson Rd | 0.155  | MU | Commercial (C-1, C-2, C-M) | C-1 | Single Family House | CX - 1    |
| 15           | 132-051-004 | 2854 Patterson Rd | 0.155  | MU | Commercial (C-1, C-2, C-M) | C-1 | Single Family House | GPA to CC |
| 16           | 132-051-005 | 2862 Patterson Rd | 0.155  | MU | Commercial (C-1, C-2, C-M) | C-1 | Single Family House | CX - 1    |
| 17           | 132-051-006 | 2868 Patterson Rd | 0.310  | MU | Commercial (C-1, C-2, C-M) | C-1 | Single Family House | CX - 1    |
| 18           | 132-051-008 | 2916 Patterson Rd | 0.153  | MU | Commercial (C-1, C-2, C-M) | C-1 | Single Family House | CX - 1    |
| 19           | 132-051-009 | 2924 Patterson Rd | 0.153  | MU | Commercial (C-1, C-2, C-M) | C-1 | Single Family House | CX - 1    |
| 20           | 132-051-010 | 2930 Patterson Rd | 0.153  | MU | Commercial (C-1, C-2, C-M) | C-1 | Single Family House | CX - 1    |
| 21           | 132-051-011 | 2936 Patterson Rd | 0.153  | MU | Commercial (C-1, C-2, C-M) | C-1 | Single Family House | CX - 1    |
| 22           | 132-051-013 | 2954 Patterson Rd | 0.153  | MU | Commercial (C-1, C-2, C-M) | C-1 | Single Family House | CX - 1    |
| 23           | 132-051-014 | 6373 Roselle Ave  | 0.305  | MU | Commercial (C-1, C-2, C-M) | C-1 | Undeveloped Lot     | CX - 1    |
| 24           | 132-051-032 | 2942 Patterson Rd | 0.153  | MU | Commercial (C-1, C-2, C-M) | C-1 | Single Family House | CX - 1    |
| 25           | 132-051-033 | 2948 Patterson Rd | 0.153  | MU | Commercial (C-1, C-2, C-M) | C-1 | Single Family House | CX - 1    |
| Total Acres* |             |                   | 14.506 |    |                            |     |                     |           |

Total Number of Sites: 25

630000

## Attachment 2 CX-1 Rezone Properties

February 4, 2015

000040

| Requested Action by Property Owner: |  |    |
|-------------------------------------|--|----|
| CX-1                                |  | 12 |
| GPA                                 |  | 3  |
| No                                  |  |    |
| Response                            |  | 10 |

| Zoning  |                           |  |
|---------|---------------------------|--|
| C-1     | Neighborhood Commercial   |  |
| C-2     | General Commercial        |  |
| CM      | Commercial / Industrial   |  |
| HC(SP1) | Highway Commercial        |  |
| R-1     | Single Family Residential |  |
| R-2     | Duplex Residential        |  |
| R-3     | Multi-Family Residential  |  |

| Current GP |                            |
|------------|----------------------------|
| LDR        | Lower Density Residential  |
| MDR        | Medium Density Residential |
| HDR        | Higher Density Residential |
| CC         | Community Commercial       |
| I / BP     | Industrial/Business Park   |
| MU         | Mixed Use                  |
| CIVIC      | Public and Quasi Public    |



**City of Riverbank Community Development Department**

Planning Division ≈ Building Division ≈ Code Enforcement Division

6707 Third Street, Riverbank, CA 95367 Office (209) 863-7120 FAX (209) 869-7126

September 2, 2014

RE: City Initiated Rezone of your Property

Dear Property Owner(s),

The purpose of this letter is to inform you of a potential city initiated change to the zoning of your property. This inquire is to solicit input from you as the property owner. Ultimately, City Staff is under legal obligation to either rezone your property or modify the long range General Plan Land Use Designation assigned to your property.

To provide you with some context, in 2009 the Riverbank City Council adopted the City's 2005-2025 General Plan. In this General Plan, a new land use designations was created called Mixed Use. The adopted General Plan Policy requires staff to create a complimentary Mixed Use Zone. City Council recently created the Mixed Use Zone (CX-1) to implement the General Plan Policy under the direction described above. Mixed Use, as opposed to Residential, Commercial, or Industrial, allows for a property to be developed with a mix of uses and an example of this are downtown buildings with a commercial/retail use on the ground floor with a residential use on upper floor.

It has been identified that your property has a General Plan Land Use Designation of Mixed Use and a Zoning of «Current\_Zoning». What this means is that your property's General Plan Land Use Designation and Zoning District are inconsistent. This was not created by you, but rather by the change in City policy as part of the new General Plan adoption.

Staff is under obligation to gain compliance with State law in that all property zoning shall be compatible with the underlying General Plan designations. State of California Government Code Section 65860 requires a City Zoning ordinance to be consistent with the General Plan.



There are two options available to City Staff, these options include:

1. No change. Meaning staff will keep your zoning as is and the City will initiate a General Plan Amendment to change your General Plan Land Use Designation to be consistent with the existing zoning.
2. Rezone Action. Meaning staff will rezone your property to the new Mixed Use (CX-1) zone. This will gain compliance with State law and the new General Plan Land Use Designation of Mixed Use.

**This is your property and the City will not rezone any property without the owner's consent and understanding.**

A comparison table is attached to this letter which explains the differences between the Mixed Use Zone and the current Zoning «Current\_Zoning» of your property.

Please use the Ballot found on Attachment 3 to answer the above request and select either option 1 or 2.

Alternatively, you may email [jsmallen@riverbank.org](mailto:jsmallen@riverbank.org) with the format found in Attachment 2. Copy the formatted response in the email "body" and fill out the information identified by the <INSERT> symbols. Please use the subject line of "CX-1 Rezone" and send to the above email address.

If there are any questions about this request or exercise, please don't hesitate to call Riverbank's Community Development Department at (209)863-7128 or email John B. Anderson at [jbanderson@riverbank.org](mailto:jbanderson@riverbank.org)

Cordially,

John B. Anderson  
Contract Community Development Director

Attachments:

1. Zoning Comparison Table
2. Email Response Format
3. Ballot



**City of Riverbank Community Development Department**

Planning Division ≈ Building Division ≈ Code Enforcement Division

6707 Third Street, Riverbank, CA 95367 Office (209) 863-7120 FAX (209) 869-7126

October 22, 2014

Certified Mail

RE: City Initiated Rezone of your Property

Dear Property Owner(s),

The purpose of this letter is to inform you of a City initiated change to the zoning of your property. This inquire was first given to you on September 2, 2014, when a letter, ballot, email format and zoning comparison table was mailed to you. Ultimately, City Staff is under legal obligation to either rezone your property or modify the long range General Plan Land Use Designation assigned to your property.

**We have not received a response from you detailing the requested action that you would like the City to take.**

Again, to provide you with some context, in 2009 the Riverbank City Council adopted the City's 2005-2025 General Plan. In this General Plan, a new land use designations was created called Mixed Use. The adopted General Plan Policy requires staff to create a complimentary Mixed Use Zone. City Council recently created the Mixed Use Zone (CX-1) to implement the General Plan Policy under the direction described above. Mixed Use, as opposed to Residential, Commercial, or Industrial, allows for a property to be developed with a mix of uses and an example of this are downtown buildings with a commercial/retail use on the ground floor with a residential use on upper floor.

Staff is under obligation to gain compliance with State law in that all property zoning shall be compatible with the underlying General Plan designations. State of California Government Code Section 65860 requires a City Zoning ordinance to be consistent with the General Plan.

Ultimately, this is your property and the City will not rezone any property without the owner's consent and understanding.

**Failing to notify the City of your request by November 15, 2014, however, will be understood as consent and that you request your property to be rezoned to the Mixed Use Zone (CX-1).**

Please contact Riverbank's Community Development Department at (209) 863-7128 or email John B. Anderson at [jbanderson@riverbank.org](mailto:jbanderson@riverbank.org) to request to either:

- 1) Confirm that the City is initiating at rezone on your property to the Mixed Use Zone (CX-1); or,
- 2) You wish to keep the Zoning District your property currently enjoys and request the City initiate a General Plan Amendment to your property's Land Use Designation to achieve consistency.

**Again, failing to notify the City of your request by November 15, 2014 will be understood as giving the City consent to rezone your property to the Mixed Use Zoning District (CX-1).**

Cordially,

John B. Anderson  
Contract Community Development Director



**City of Riverbank Community Development Department**

Planning Division ≈ Building Division ≈ Code Enforcement Division

6707 Third Street, Riverbank, CA 95367 Office (209) 863-7120 FAX (209) 869-7126

December 16, 2014

Certified Mail

«AddressBlock»

RE: City Initiated Rezone of your Property APN «APN»

Dear Property Owner(s),

The purpose of this letter is to inform you of a City initiated change to the zoning of your property. This inquire was first given to you on September 2, 2014, when a letter, ballot, email format and zoning comparison table was mailed to you. Ultimately, City Staff is under legal obligation to either rezone your property or modify the long range General Plan Land Use Designation assigned to your property.

Additionally, this inquire was further given to you on October 23, 2014, when a certified letter was mailed to you.

**We have not received a response from you detailing the requested action that you would like the City to take.**

Again, to provide you with some context, in 2009 the Riverbank City Council adopted the City's 2005-2025 General Plan. In this General Plan, a new land use designations was created called Mixed Use. The adopted General Plan Policy requires staff to create a complimentary Mixed Use Zone. City Council recently created the Mixed Use Zone (CX-1) to implement the General Plan Policy under the direction described above. Mixed Use, as opposed to Residential, Commercial, or Industrial, allows for a property to be developed with a mix of uses and an example of this are downtown buildings with a commercial/retail use on the ground floor with a residential use on upper floor.

Staff is under obligation to gain compliance with State law in that all property zoning shall be compatible with the underlying General Plan designations. State of California Government Code Section 65860 requires a City Zoning ordinance to be consistent with the General Plan.

Ultimately, this is your property and the City will not rezone any property without the owner's consent and understanding.

**Failing to notify the City of your request by January 15, 2015, however, will be understood as consent and that you request your property to be rezoned to the Mixed Use Zone (CX-1).**

Please contact Riverbank's Community Development Department at (209) 863-7128 or email John B. Anderson at [jbanderson@riverbank.org](mailto:jbanderson@riverbank.org) to request to either:

- 1) Confirm that the City is initiating at rezone on your property to the Mixed Use Zone (CX-1); or,
- 2) You wish to keep the Zoning District your property currently enjoys and request the City initiate a General Plan Amendment to your property's Land Use Designation to achieve consistency.

**Again, failing to notify the City of your request by January 15, 2014 will be understood as giving the City consent to rezone your property to the Mixed Use Zoning District (CX-1).**

**This will be the last attempt the City will make in determining your request.**

Please use the attached Ballot (Attachment 1) to indicate which option you would like.

Cordially,

John B. Anderson  
Contract Community Development Director

9/17 ✓

**Ballot**  
**City of Riverbank**  
**CX-1 Rezone**  
**September 2, 2014**

Please select one of the two options with either a "check mark" or "X" in the table below:

| Available Options | Description                                                                                                                                                                         | Check / X |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Option 1          | Keep the Zoning District that your property currently enjoys and request the City initiate a General Plan Amendment to your property's Land Use Designation to achieve consistency. |           |
| Option 2          | Request that your property be rezoned to Mixed Use (CX-1) to achieve consistency.                                                                                                   | X         |

Address:

2113 Patterson Rd

Owners Signature:

Verna Adams

Printed:

Verna Adams

Date:

9-17-14

Please mail or deliver this letter:

City of Riverbank  
Community Development Department  
6707 Third Street  
Riverbank, CA 95367

Verna Jean Adams  
2113 Patterson Road  
Riverbank, CA 95367  
074-005-043

9/17 ✓

**Ballot**  
**City of Riverbank**  
**CX-1 Rezone**  
**September 2, 2014**

Please select one of the two options with either a "check mark" or "X" in the table below:

| Available Options | Description                                                                                                                                                                         | Check / X |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Option 1          | Keep the Zoning District that your property currently enjoys and request the City initiate a General Plan Amendment to your property's Land Use Designation to achieve consistency. |           |
| Option 2          | Request that your property be rezoned to Mixed Use (CX-1) to achieve consistency.                                                                                                   | X         |

Address:

2107 Patterson Rd

Owners Signature:

Verna Adams

Printed:

Verna Adams

Date:

9-17-14

Please mail or deliver this letter:

City of Riverbank  
Community Development Department  
6707 Third Street  
Riverbank, CA 95367

Verna Adams  
2113 Patterson Road  
Riverbank, CA 95367  
074-005-042

City Initiated Rezone  
Attachment 3  
Page 1 of 23

000048

10/27 ✓

CITY OF RIVERBANK

**Ballot**  
**City of Riverbank**  
**CX-1 Rezone**  
**September 2, 2014**

BY: \_\_\_\_\_ RECEIVED

*[Signature]*

Please select one of the two options with either a "check mark" or "X" in the table below:

| Available Options | Description                                                                                                                                                                         | Check / X |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Option 1          | Keep the Zoning District that your property currently enjoys and request the City initiate a General Plan Amendment to your property's Land Use Designation to achieve consistency. |           |
| Option 2          | Request that your property be rezoned to Mixed Use (CX-1) to achieve consistency.                                                                                                   | X         |

Address:

2862 Patterson Road

Owners Signature:

Joaquin Perez

Printed:

Joaquin Perez

Date:

10/27/14

Please mail or deliver this letter:

City of Riverbank  
Community Development Department  
6707 Third Street  
Riverbank, CA 95367

Joaquin and Gloria Perez  
2549 Bradford Way  
Riverbank, CA 95367  
132-051-005

City Initiated Rezone  
Attachment 3  
Page 1 of 23

000049



10/29 ✓

**Ballot**  
**City of Riverbank**  
**CX-1 Rezone**  
**September 2, 2014**

Please select one of the two options with either a "check mark" or "X" in the table below:

| Available Options | Description                                                                                                                                                                         | Check / X |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Option 1          | Keep the Zoning District that your property currently enjoys and request the City initiate a General Plan Amendment to your property's Land Use Designation to achieve consistency. |           |
| Option 2          | Request that your property be rezoned to Mixed Use (CX-1) to achieve consistency.                                                                                                   | X         |

Address: 2916/2920 Patterson Rd.  
Owners Signature: Rigoberto Garcia (sig)  
Printed: Rigoberto Garcia  
Date: 10/29/14

Please mail or deliver this letter:

City of Riverbank  
Community Development Department  
6707 Third Street  
Riverbank, CA 95367

Rigoberto and Rosalia Garcia  
R&R Garcia 2003 Trust  
2600 Novi Drive  
Riverbank, CA 95367  
132-051-008

Rec. 1/9/15

**Ballot**  
**City of Riverbank**  
**CX-1 Rezone**  
**September 2, 2014**

Please select one of the two options with either a "check mark" or "X" in the table below:

| Available Options | Description                                                                                                                                                                         | Check / X |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Option 1          | Keep the Zoning District that your property currently enjoys and request the City initiate a General Plan Amendment to your property's Land Use Designation to achieve consistency. |           |
| Option 2          | Request that your property be rezoned to Mixed Use (CX-1) to achieve consistency.                                                                                                   | X         |

Address: 2848 Patterson Rd.  
Owners Signature: Don Bartlett  
Printed: Don Bartlett  
Date: 12-21-14

Please mail or deliver this letter:

City of Riverbank  
Community Development Department  
6707 Third Street  
Riverbank, CA 95367

Don Bartlett  
1967 Archer Avenue  
Live Oak, CA 95953  
132-051-003

**Ballot**  
**City of Riverbank**  
**CX-1 Rezone**  
**December 11, 2014**

4-63  
02  
56

Please select one of the two options with either a "check mark" or "X" in the table below:

| Available Options | Description                                                                                                                                                                              | Check / X |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Option 1          | Keep the Zoning District that your property currently enjoys (CM) and request the City initiate a General Plan Amendment to your property's Land Use Designation to achieve consistency. |           |
| Option 2          | Request that your property be rezoned to Mixed Use (CX-1) to achieve consistency.                                                                                                        | X         |

Address:

P.O. Box 328 Riverbank

Owners Signature:

Gayland Kuffel  
Melena Kuffel

Printed:

GAYLAND KUFFEL

Date:

12-17-14

Please mail or deliver this letter:

City of Riverbank  
Community Development Department  
6707 Third Street  
Riverbank, CA 95367

Gayland Kuffel  
P.O Box 328  
Riverbank, CA 95367  
075-010-063

# 57

**Ballot**  
**City of Riverbank**  
**CX-1 Rezone**  
**December 11, 2014**

Please select one of the two options with either a "check mark" or "X" in the table below:

| Available Options | Description                                                                                                                                                                              | Check / X |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Option 1          | Keep the Zoning District that your property currently enjoys (CM) and request the City initiate a General Plan Amendment to your property's Land Use Designation to achieve consistency. |           |
| Option 2          | Request that your property be rezoned to Mixed Use (CX-1) to achieve consistency.                                                                                                        | X         |

Address:

P.O. Box 328

Owners Signature:

Gayland Kuffel

GAYLAND KUFFEL

Marlene Kuffel

Printed:

GAYLAND KUFFEL

Date:

12-17-14

Please mail or deliver this letter:

City of Riverbank  
Community Development Department  
6707 Third Street  
Riverbank, CA 95367

Gayland Kuffel  
P.O Box 328  
Riverbank, CA 95367  
075-010-065

✓ 10/29

**Ballot**  
**City of Riverbank**  
**CX-1 Rezone**  
**September 2, 2014**

Please select one of the two options with either a "check mark" or "X" in the table below:

| Available Options | Description                                                                                                                                                                         | Check / X |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Option 1          | Keep the Zoning District that your property currently enjoys and request the City initiate a General Plan Amendment to your property's Land Use Designation to achieve consistency. |           |
| Option 2          | Request that your property be rezoned to Mixed Use (CX-1) to achieve consistency.                                                                                                   | X         |

Address:

4012 California Ave

Owners Signature:

Alonso Manriquez & Norma Torres-Manriquez

Printed:

Alonso Manriquez & Norma Torres-Manriquez

Date:

10/27/14

**CITY OF RIVERBANK**

Oct 29 2014

Please mail or deliver this letter:

City of Riverbank  
Community Development Department  
6707 Third Street  
Riverbank, CA 95367

RECEIVED lbaen  
BY: \_\_\_\_\_

Alonso and Norma Manriquez  
4012 California Avenue  
Riverbank, CA 95367  
062-022-023

Soils All SdA  
24

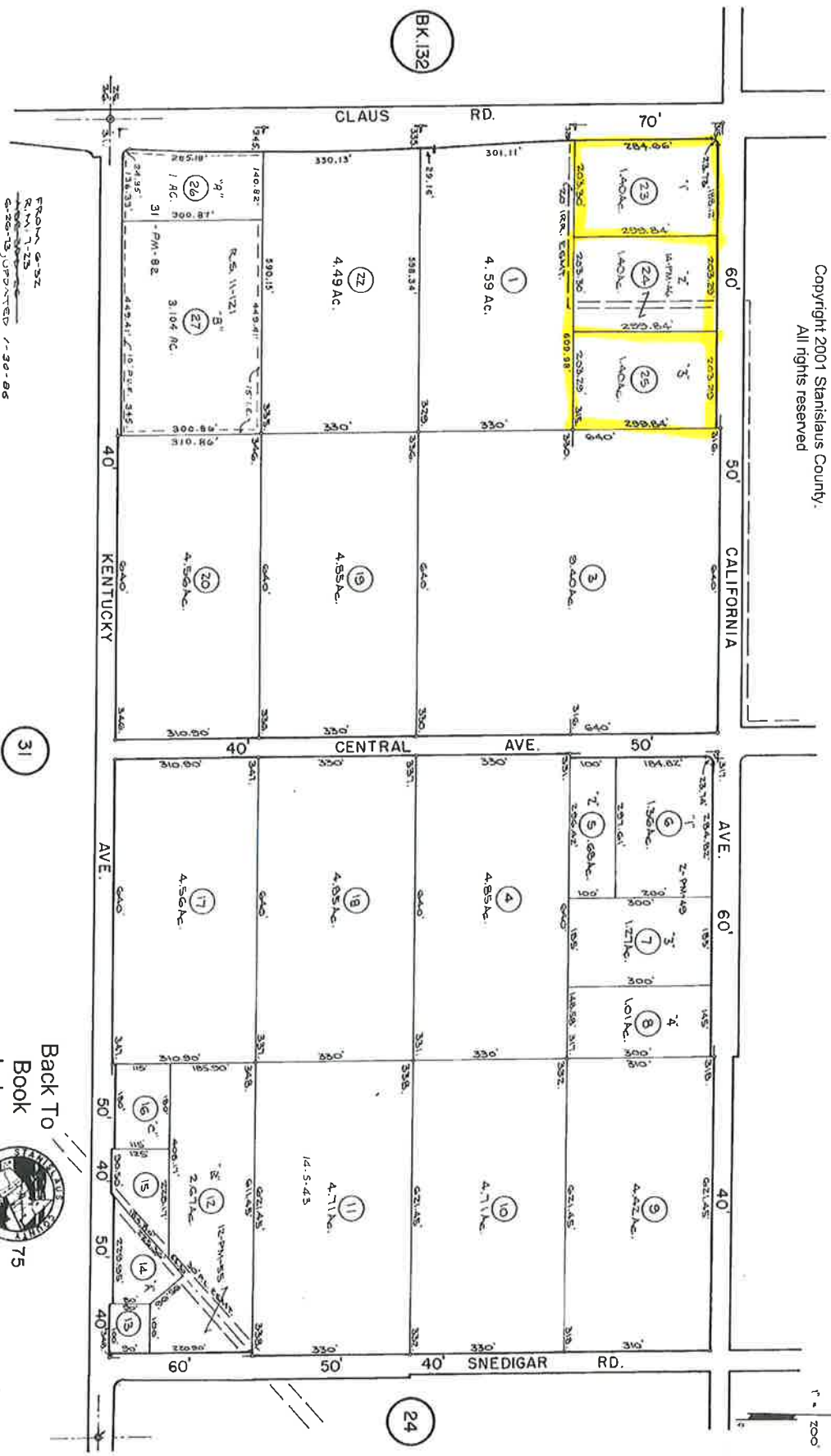
PORTION SW 1/4 SECTION 30 T.2S. R.10E. M.D.B. & M.  
POR. RIVERBANK IRR. FARMS - LOTS 315 - 318, 329-332, 335-338, 345-348

091 001

62 - 22

000055

THIS MAP FOR ASSESSMENT  
PURPOSES ONLY  
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Back To  
Book  
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75

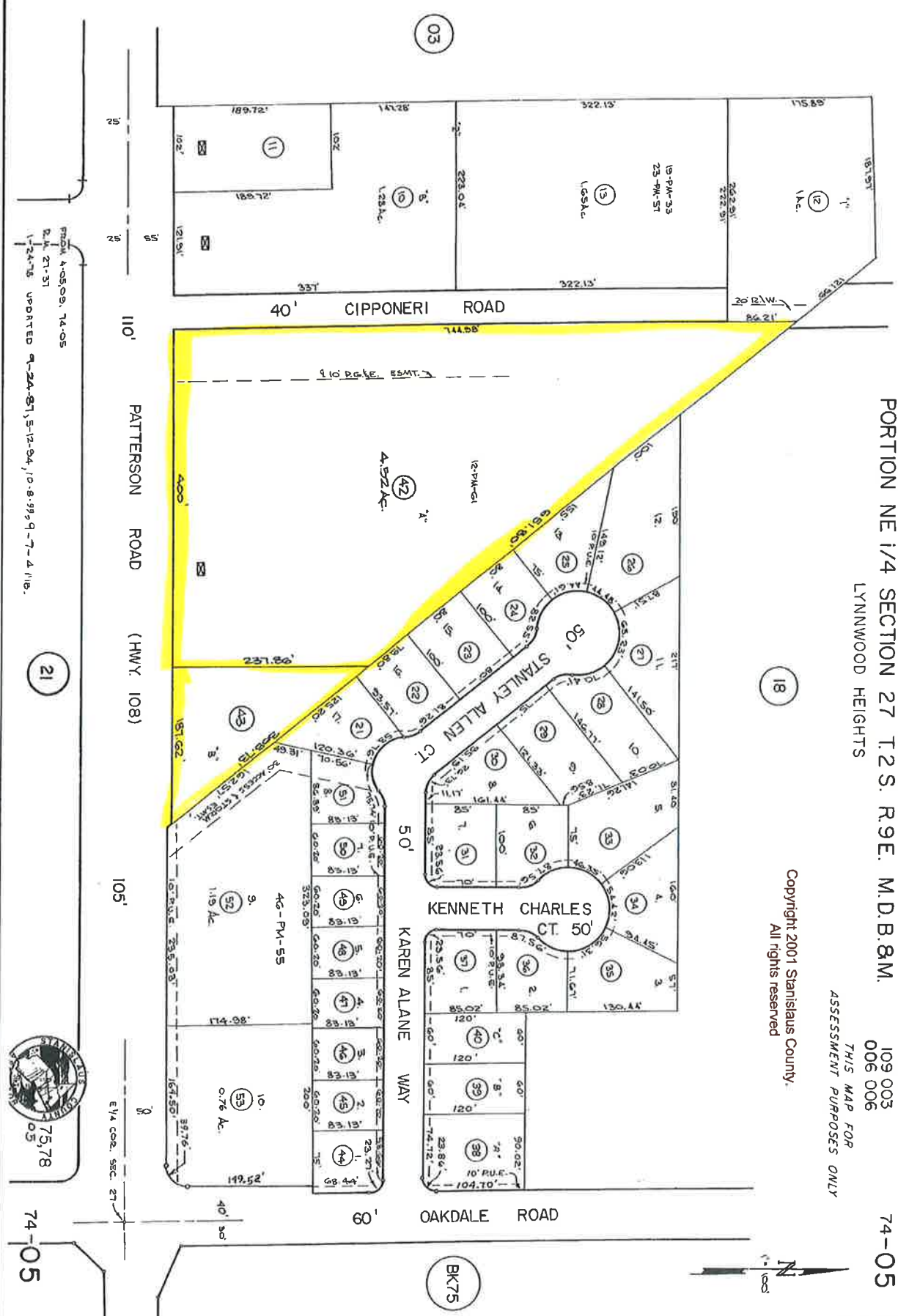
62 - 22

PORTION NE 1/4 SECTION 27 T.2S. R.9E. M.D.B.8.M.  
 LYNNWOOD HEIGHTS  
 109 003  
 006 006  
 74-05

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THIS MAP FOR  
 ASSESSMENT PURPOSES ONLY

000056



FROM 4-05-09, 74-05  
 R.L. 21-31  
 1-24-75 UPDATED 9-24-81, 5-12-84, 10-8-99, 9-7-04, 11-05

75,78  
 05  
 74-05

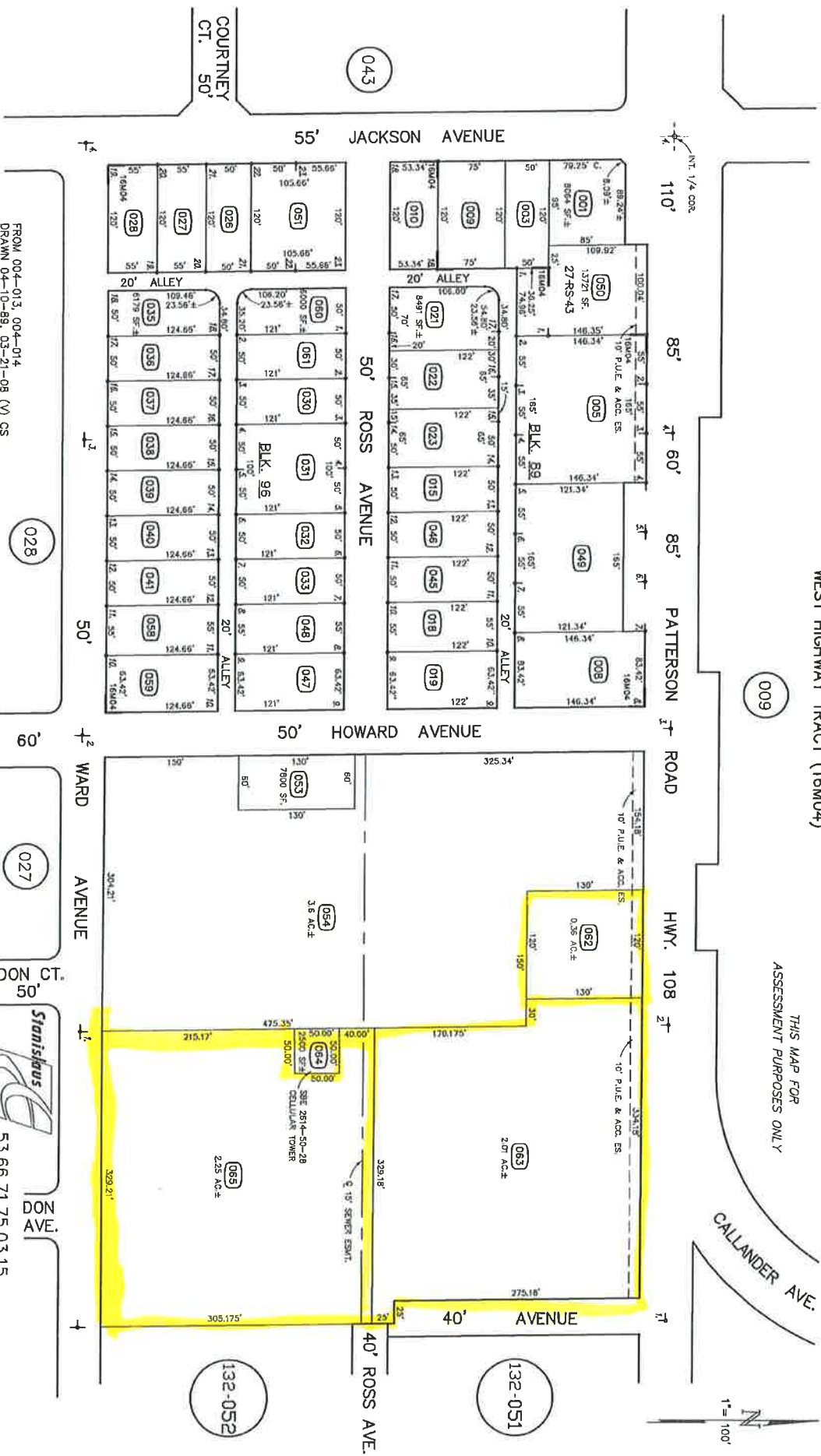


POR. SE. 1/4 SECTION 26 T.2S. R.9E. M.D.B. & M.  
 POR. MORILL TRACT LTS 1,2, & POR. LT. 4 (09M56)  
 WEST HIGHWAY TRACT (16M04)

006 077 075 - 010  
 006 090

000057

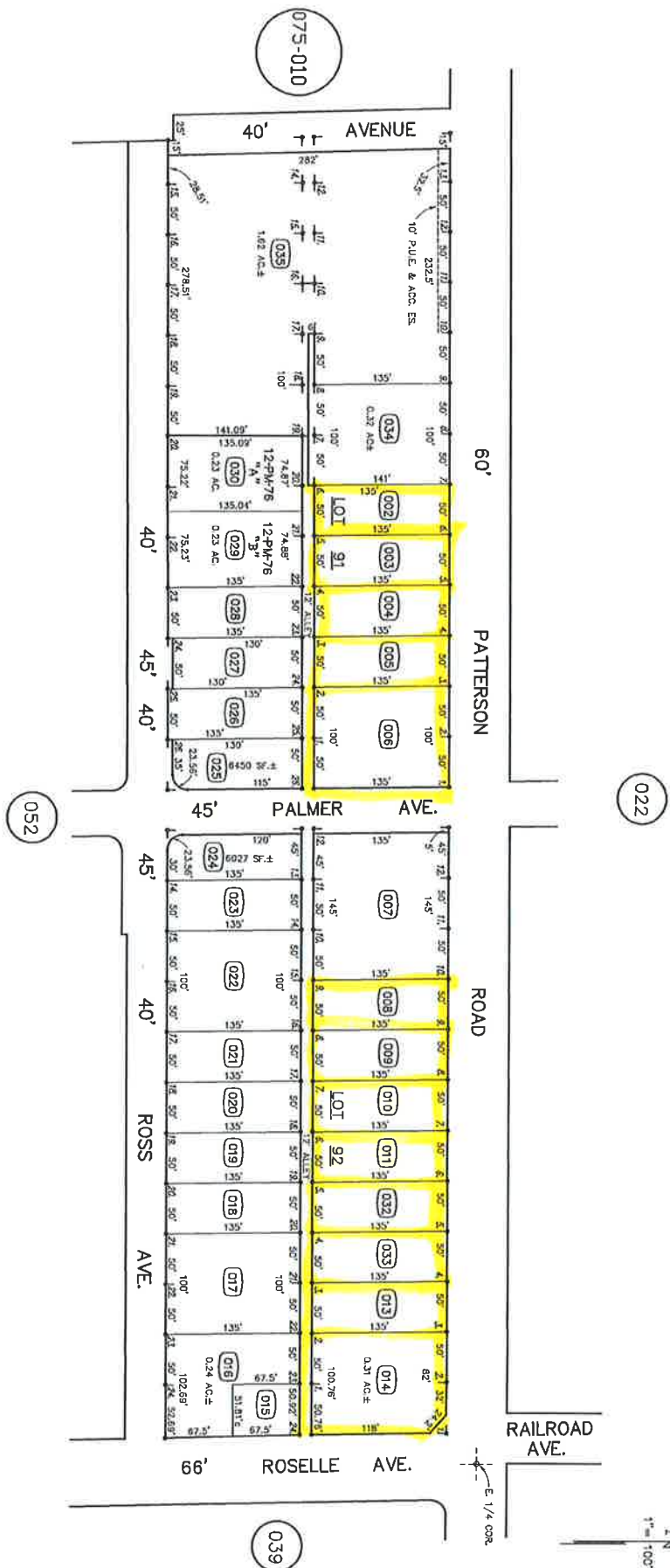
THIS MAP FOR  
 ASSESSMENT PURPOSES ONLY





000058

THIS MAP FOR  
ASSESSMENT PURPOSES ONLY



FROM: 132-030, 021  
DRAWN: 07-22-86  
REVISED: 07-08-99, 11-30-04 M.F., 09-14-10 MB, 09-20-12 (V) MB, 07-21-14 M.F.

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Stanislaus  
County  
Assessor

**CITY OF RIVERBANK  
PLANNING COMMISSION  
STAFF REPORT**

**ITEM NO:** 3.3 February 17, 2015

**APPLICATION:** General Plan Amendment No. 02-2014, Zoning Ordinance Amendment No. 02-2014, Tentative Map Application No. 02-2014 – Diamond Bar Estates - East – APN: 062-020-010 and 025. The project consists of a General Plan Amendment, Rezone, and Tentative Map to subdivide approximately 17.90± acres into ninety-six (96) single-family detached residential lots (overall residential density of 5.41 du/acre), a 42,605 sq. ft. drainage basin adjacent to the Sierra Northern Railroad and a 2,147 sq. ft. drainage basin lot, associated street, sewer, water, and storm drainage improvements.

**OWNER:** Ty Angle, Shane & Kim Parsons  
6055 Central Avenue  
Ceres, California 95307

**APPLICANT:** Cary W. Pope  
1120 Scenic Drive  
Modesto, California 95350

**ENGINEER:** Ryan Vance, CE  
VVH Consulting Engineers  
126 Drake Avenue  
Modesto, California 95350

**LOCATION/APN:** The proposed project is bounded by Santa Fe Avenue to the north, Patterson Road/Sierra Northern Railway tracks to the south, Snedigar Road to the east, and Central Avenue and ranchette/single-family parcels to the west. APN: 062-020-010 and 025.

**GENERAL PLAN:** Current: Medium Density Residential (MDR)  
Proposed: Low Density Residential (LDR)

**ZONING:** Current: Planned Development (P-D # 69)  
Proposed: Planned Development (P-D)

**ENVIRONMENTAL  
DETERMINATION:**

Pursuant to the California Environmental Quality Act, an Initial Study has been prepared by the Lead Agency (City of Riverbank). This Initial Study (IS) has been circulated to the Governor's Office of Planning and Research for consultation with other Responsible Agencies as SCH# 2014122029. The review period for the Initial Study closed on January 14, 2015 and all comments received have been incorporated into the revised IS presented with this staff report.

Based on the IS it has been determined that although the proposed Project could have a significant effect on the environment, certain modifications to the project have been agreed to by the applicant to reduce these identified impacts to a level which is considered less than significant. A Mitigated Negative Declaration has been prepared for this project, with Mitigation Measures incorporated into the project to lessen the impact on the environment where indicated. The property owners have been given a Mitigation Agreement for execution and this agreement will be recorded against the property as notice to subsequent owners of the mitigation obligations created as a result of this entitlement action.

**PROJECT PLANNER:** John B. Anderson, Contract Community Development Director

**RECOMMENDATION:** Planning Staff recommends approval of the proposed project based on the analysis presented below and based on the findings in the published Initial Study for the Diamond Bar East Development.

**ACRONYMS:**

MDR – Medium Density Residential  
LDR – Low Density Residential  
P-D – Planned Development  
DU – Dwelling Units  
CEQA – California Environmental Quality Act  
IS – Initial Study  
MND – Mitigated Negative Declaration  
RMC – Riverbank Municipal Code  
MMRP – Mitigation Monitoring Reporting Program

**ATTACHMENTS:**

1. Vicinity Map and General Plan Map
2. Diamond Bar Estates – East - Tentative Map No. 02-2014
3. Diamond Bar Estates – East - Design Guidelines (February 2015)
4. Diamond Bar Estates – East - Initial Study and MMRP
5. Draft Planning Commission Resolution recommending approval of the Diamond Bar Estates - East General Plan Amendment
6. Draft Planning Commission Resolution to approve the proposed rezoning including the Draft Ordinance amending the Municipal Code by rezoning the subject property PD#
7. Draft Planning Commission Resolution conditionally recommending approval of the requested Tentative Map No. 02-2014. This includes the conditions of approval.

---

**I. EXECUTIVE SUMMARY**

The proposed project consists of a General Plan Amendment, Rezone, and Tentative Map to subdivide approximately 17.99± acres into ninety-six (96) single-family residential lots with an overall density of 5.41 du/acre. The project site currently has a General Plan Land Use designation of Medium Density Residential and is zoned Planned Development P-D #69. The proposed GPA would lower the General Plan suggested density from 8 to 16 du/acre to a maximum of 8 du/acre. This would be accomplished by re-designating the project site for Low Density Residential land uses. The proposed rezone would also modify the project site's existing zoning from P-D # 96 which was created for a small lot development planned by Lafferty Homes back in 2006 to a new P-D, Planned Development as envisioned by the project proponent as illustrated in Attachment 3 to this staff report. Overall density for the new project as proposed is 5.41 dwelling units per acre as compared with the 8.0 dwellings per acre as originally approved back in 2006.

**II. BACKGROUND**

The subject project is located on the eastern edge of Riverbank and is bounded by Santa Fe Avenue to the north, Patterson Road/Sierra Northern Railway tracks to the south, Snedigar Road to the east, and Central Avenue and ranchette/single-family parcels to the west. The project site is comprised of an irrigated pasture with no improvements. The site is surrounded by lands in transition to urban uses but consist primarily of ranchette parcels. The Riverbank High School is located to the southwest of the site.

The subject parcel was part of an annexation approved by the City and Stanislaus County LAFCO in 2005. As part of the annexation action, the City prepared a Mitigated Negative Declaration which suggested that "the project will incrementally increase the need for additional police officers. This need will be partially mitigated through the collection of property tax and other revenue generated by the development of the property." The City staff report prepared for the annexation stipulated that the project would generate the need for about 0.28 police officers and that the Bruinville Public Facilities Master Plan calls for the formation of a Public Safety Community Facilities District (CFD). To follow up with future urban development occurring in the Bruinville area the City Council on October 23, 2006 enacted Resolution 2006-115 approving the Bruinville Public Facilities Master Plan as a planning tool. On the same night, the Riverbank City Council adopted Resolution 2006-016, which requires all properties included in the boundaries of the Bruinville Public Facilities Master Plan to amongst other items participate in the formation of a Police and Parks Community Services District as described in the Facilities Master Plan. The Bruinville Public Facilities Master Plan remains to be a valid document as the City continues to move forward with future development of all properties included in the boundaries of the Bruinville Master Plan Area.

The proposed project is made up of a previously approved Tentative Map (VTM 07-005), Merciadass-Pyun Subdivision (151 residential lots approved by PC Resolution No. 2006-019, January 1, 2006). The Merciadass-Pyun map expired on January 1, 2008 and is no longer valid.

### **III. PROJECT INFORMATION AND ANALYSIS**

#### **A. Site Design**

The design of the project as proposed is a standard small lot detached residential subdivision. Because the lot sizes proposed drop below the RMC R-1 standard of 6,000 square feet, the applicant has suggested a Planned Development Zoning to accommodate 5,000 square foot lots. The subdivision has been plotted to suggest that Sierra Street would terminate into "F" Street rather than continue onto Snedigar. All streets have been designed to accommodate new City Street Designs with consideration for LID Standards as well as encourage Complete Use of the streets by vehicles as well as pedestrians. The proposed map suggests two (2) out lots which will be dedicated to the treatment of storm waters generated from the project.

## **B. Architecture / Design Guidelines**

The Applicants have prepared Design Guidelines dated February 2015, Attachment 3 to this Staff Report, to guide all future development of the subject property. The project proponents lack specific architectural designs at this time and wish that the City be flexible in this regard. The PD proposed would require a subsequent builder to design specific house plans which adhere to the Design Guidelines presented as part of this application. Planning Staff is very pleased with the package prepared by the applicant in a number of key areas. First, the Design Guidelines defined setback requirements in such a way which exceeds the expectations of the current RMC. One example is the rear yard setback would be 20 feet rather than 5 feet. Second, the Design Guidelines require at least three home models of which there will be between 4 and 6 elevations developed for each model. Third, the Design Guidelines require four-sided architecture when the homes front, side or back-up to a public street. Fourth, the Design Guidelines commit to building no less than 50% of the homes as single story product. The Design Guidelines fill in the detail related to many aspects of the future appearance and design of the proposed subdivision including such detail as the mail boxes and street lighting detail. The proposed lot sizes can be supported by the level of detail provided in the Design Guidelines especially in light of the fact that the Planning Commission will have review authority over all future residential architecture proposed.

## **C. Transportation and Circulation**

Concerns have been expressed by the Riverbank Union School District as it relates to safe routes to school for students generated as a result of the proposed project. The project proponent and planning staff have met with District representatives and we have developed a preliminary solution including the need to install a pedestrian crossing at Claus and Sante Fe with flashing lights as well as installing a temporary paved walkway along the east side of Claus Road southerly of Sante Fe Street to the Patterson Road intersection.

Stanislaus County ERC along with City staff has identified concerns with the completion of part width streets adjacent to the subdivision and the lack of a fully functional rail crossing and intersection of Snedigar and Patterson Road. As a result the project will be conditioned with the obligation to complete full frontage improvements plus one travel lane on the opposing side including frontage improvements adjacent to APN 062-020-011. The project will further be required to design and replace the Snedigar Road rail crossing as well as improve their fair share of the Snedigar/Patterson intersection.

"C Street is illustrated to extend to the adjacent property to the west. The project will be conditioned to require a temporary turn around bulb which will occupy a portion of proposed lots No 76 and 77. These lots will remain as un-buildable lots until and unless "C" street is completed westerly and connected with Central Ave.

CALTRANS has expressed concern related to the age of the supporting traffic studies and the potential impacts the proposed project may have on the intersection of Claus Road and State Route 108. This matter is further discussed in the body of the IS attached to this staff report as Attachment 4. In general the aforementioned intersection is included in the City of Riverbank's System Development Fees (SDF) as a capital obligation of all new development. The proposed project when developed will be under obligation to pay all current SDF's in place at the time of Building Permit issuance. The City is not aware of any circumstances which would suggest that based on traffic warrants that a signalized intersection is necessary today at the Claus/SR 108. The payment of the SDF's at building permit for each home constructed in the project satisfies this projects obligation to signalize said intersection when it is warranted.

#### **D. Low Impact Development (LID) Standards**

The City has developed LID guidelines in anticipation of new storm water discharge standards being implemented by the State of California through the SM4 permit process. The proposed project embraces the Cities LID guidelines with the proposed street sections which will create a storm water swale between the curb and sidewalk (as a parkway strip). This swale will serves as a primary filtration device for storm water generated by the project. All project storm water will then be collected and disposed of on-site through the use of terminal storm water retention basins. While the project has been designed to retain the storm water collected within the boundaries of the map, City staff remains concerned that the LID systems might fail at some point in the future. In this regard, we will require the Bruinville Developers to participate in the funding of the Nolte Storm Water Solution per the adopted Master Plan. These fees are articulated in the adopted SDF imposed of all new development in the City of Riverbank.

#### **IV. ENVIRONMENTAL DETERMINATION**

As stated above, staff has prepared and circulated an Initial Study to evaluate possible environmental impacts associated with the proposed project. The following is a summary list of the mitigation measures identified for the project.

##### **MITIGATION MEASURES:**

The following Mitigation Measures shall be incorporated into the proposed project:

**AESTHETICS-1:** *All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. This shall include but not be limited to the use of shielded light fixtures to prevent 'sky-glow' (light spilling into the night sky) and the installation of shielded fixtures to prevent 'light-trespass' (glare and spill light that shines onto neighboring properties).*

**AQ-1:** During construction, the following basic control measures shall be implemented at the construction/project site:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxic control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure Compliance with applicable regulations.

**CUL-1:** The City of Riverbank, working with the project applicant, shall ensure that all work in the immediate vicinity is halted if concentrations of prehistoric or historic period materials are encountered as a result of ground-disturbing activity associated with the project. A qualified archaeologist shall be contacted to evaluate the finds and to make recommendations that shall be implemented. During grading activities, the applicant shall retain a qualified archaeologist to be present. If cultural materials are discovered, the archaeologist shall assess the discovery to determine if it constitutes either a unique archaeological resource or a historical resource for purposes of CEQA (California Code of Regulations [CCR] Title 14, Section 15064.5[a]).

If it is determined that the materials do not constitute either a unique archaeological resource or a historical resource, their presence shall be noted but need not be considered further. If the archaeologist determines that (a) the materials constitute a unique archaeological resource or historical resource, and (b) they are subject to substantial adverse changes as defined in CCR Title 14 Section 15064.5 (b), the archaeologist shall provide recommendations to the City and applicant for appropriate treatment which, among other options, may include preservation in place or archaeological data recovery. Preservation in place is preferred, if possible.

Implementation of Mitigation Measure CUL-1 would reduce the potential impact on archaeological resources to a less-than-significant level.

**CUL-2:** 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 descendent 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-2 would reduce the potential impact on human remains to a less-than-significant level.

**HYDRO-1:** Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period. The SWPPP shall be submitted to the City Engineer for review and approval prior to any construction activity. The SWPPP shall be designed to address the following objectives:

1. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs);
2. Where not otherwise permitted by the Regional Water Quality Control Board, all non-storm water discharges are identified and eliminated; and
3. BMPs are effective and result in the reduction or elimination of pollutants in storm water discharges and authorized non-storm water discharges from construction activity in accordance with the Construction General Permit.

The SWPPP shall be prepared by a Qualified SWPPP Developer. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Storm water Quality Association Storm water Best Management Handbook-Construction. The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring, inspection, and maintenance activities.

**HYDRO-2:** The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board storm water permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Storm water Control Plan (SCP) for the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:

1. An inventory and accounting of existing and proposed impervious areas.
2. Low Impact Development (LID) design details incorporated into the project. Specific LID design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of storm water, dispersal of runoff to

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

*3. Measures to address potential storm water contaminants. These may include measures to address potential sources of storm water pollutants at the project site, covering trash collection and parking areas.*

*4. A Draft Storm water Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan shall be finalized prior to issuance of any building permits for the project.*

**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).*
- 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).*
- Construction-related traffic shall be routed along major roadways (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's 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.*

**PUBLIC-1:** *Prior to recording the "Final Map" or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to establish and/or annex into a "Community Facilities District" (CFD) for fire protection services with the Stanislaus Consolidated Fire Protection District.*

**PUBLIC-2:** Prior to recording the "Final Map" or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to form and/or annex into a "Community Facilities District" (CFD) for operational services with the Riverbank Police Department (Stanislaus County Sheriff).

**TRANS-1:** Although construction impacts are expected to be temporary, development of a construction management plan would reduce the potential for construction vehicle conflicts with other roadway users. The project applicant shall prepare a construction management plan for review and approval by the City of Riverbank prior to any ground disturbing activity. The plan shall include:

- A project staging plan to maximize on-site storage of materials and equipment.
- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes.
- Permitted construction hours.
- Location of construction staging.
- Identification of parking areas for construction employees, site visitors, and inspectors to minimize potential impacts on adjacent residences/properties.
- Provisions for street sweeping to remove construction related debris on public streets.

Implementation of the construction management plan would reduce the temporary construction traffic impact to a less than significant level.

**TRANS-2:** Prior to construction, the project applicant/developer shall pay the appropriate 'fair-share' impact/developer fees towards the future improvements, to be made at the intersection of Snedigar and Patterson Road. The fees collected shall be calculated and based on the appropriate amount for roadways, rights-of-way and rail crossing improvements.

**TRANS-3:** Prior to construction, the project applicant/developer shall work with the Riverbank Unified School District and the City of Riverbank in a mutually acceptable fashion to improve the student bus stop, located at Santa Fe and Central Street. These improvements shall include a clear path of travel (sidewalk) from the project site to the bus stop and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank, as needed.

**TRANS-4:** Prior to construction, the project applicant/developer shall work with the Riverbank Unified School District and the City of Riverbank in mutually acceptable fashion to provide a 'safe' pedestrian route from the project site to each of the schools in the area: Riverbank High School, Cardoza Middle School, and Mesa Verde Elementary School. These improvements (sidewalk) shall provide a clear path of travel from the project site to the school(s) and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank and Stanislaus County, as needed.

## **Swainson 's hawk**

The proposed project involves the conversion of pasture land to an urban environment and as such will be required to mitigate for the loss of Swainson's Hawk foraging habitat based on adopted City Policy and the requirements of the General Plan EIR.

Riverbank General Plan Policy CONS-5.7 states: A mitigation plan shall be prepared and reviewed and approved by the appropriate regulatory agencies for the 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 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 through fee title acquisition, conservation easement, or other suitable mechanisms. Long-term management 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.

[...] "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"[...] "Alternatively, it may be appropriate to contribute funds to existing mitigation programs."

The General Plan EIR further stipulates the mitigation obligation for the loss of Swainson Hawk foraging habitat to be that which is specified by California Fish and Game which is summarized as follows:

The State-threatened Swainson's hawk is known to nest within the study area. Due to loss of suitable foraging habitat and existing nesting habitat that may occur during area development, mitigation measures compensating for these potential losses of habitat should be included. DFG's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (California Department of Fish and Game 1994) recommends that for projects that occur within 1 mile of an active nest tree, 1.5 acres of habitat be protected in perpetuity for every acre of Swainson's hawk foraging habitat affected; for projects that occur within 5 miles of an active nest tree, 0.75 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted; and for projects within 10 miles of

an active nest tree, 0.5 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted. The project sponsor should provide funding of a sufficient long-term endowment for the management of the protected properties.

City staff is still attempting to understand the obligations associated with Swanson's Hawk foraging Habitat mitigation. While we have conducted quite a bit of research concerning this topic, it is clear that we will be require to conduct additional research consideration appropriate forms of mitigation as we move towards implementing this requirement for all new urban development City wide.

## **V. FISCAL IMPACT**

The proposed project is in essence a re-mapping of an older pre-approved residential project. The fiscal impacts associated with providing municipal services to new residential projects will be partially off-set by the developers obligation to form a maintenance Community Facilities District (CFD) to off-set expenses associated with street lighting, road maintenance, storm drainage maintenance, common area landscaping and police services. The Stanislaus County Consolidated Fire District has asked for a similar CFD to compensate for addition expenses associated with emergency fire services.

Therefore, in light of the obligation to participate in the above mentioned CFD's, the proposed project should not have a negative fiscal impact on the City.

## **VI. PUBLIC NOTICE**

On February 3, 2015, notices for the Planning Commission hearing were mailed to interested and properties within 300 feet of the project location. The Planning Commission hearing notice was also published in the Riverbank News on February 4, 2015, and posted at City Hall North and South on February 4, 2015 and the subject property on February 4, 2015.

## **VII. RECOMMENDATION**

Staff recommends approval of the proposed project with the Mitigation Measures and Conditions of Approval as articulated in the attached Planning Commission Resolutions.

Respectfully Submitted By:

  
John B. Anderson  
Contract Community Development Director

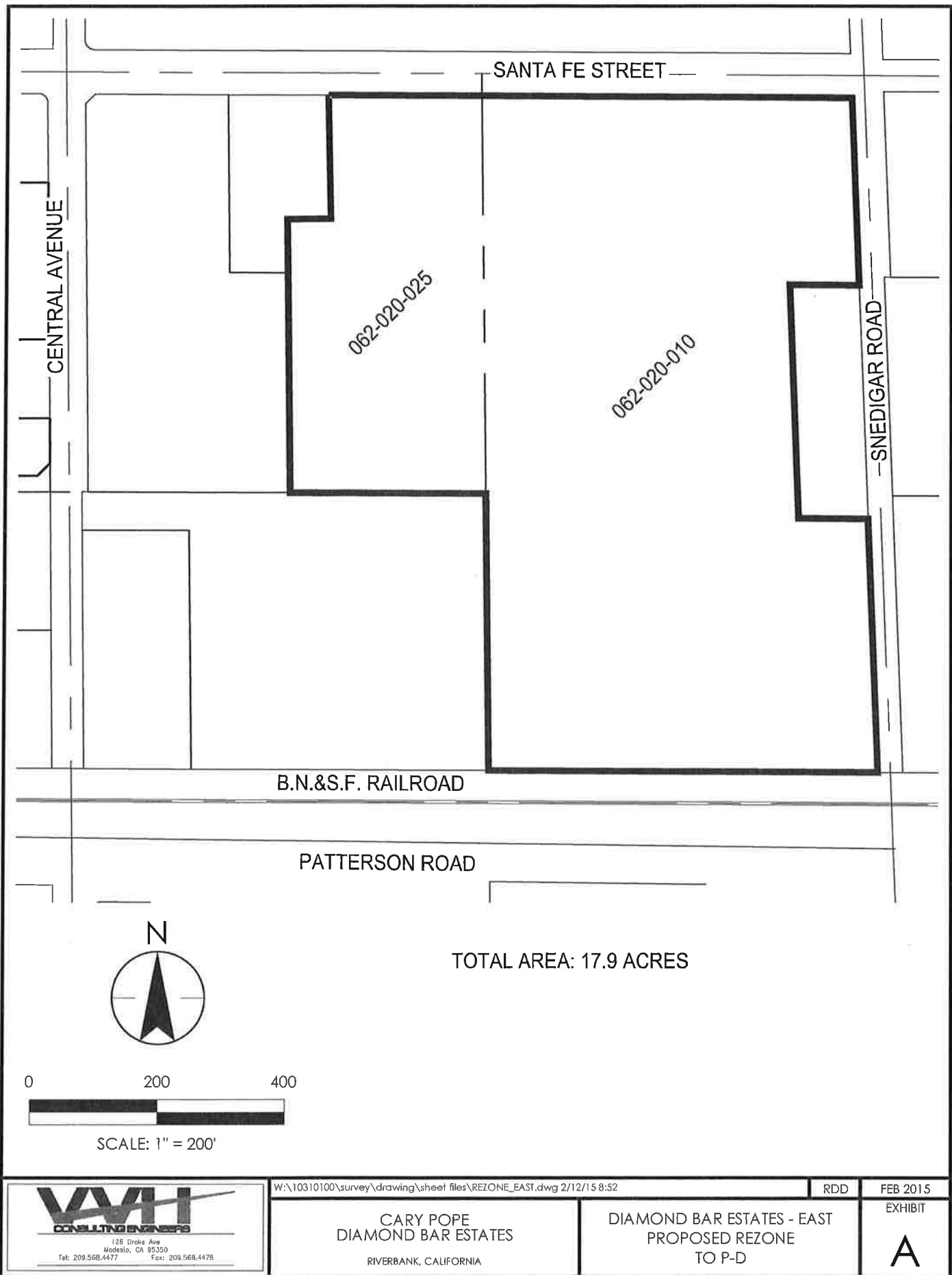
**PUBLIC AGENCY COMMENTS SENT TO THE BELOW AGENCIES FOR DIAMOND BAR EAST RECEIVED COMMENTS BACK FROM THE CHECKED MARKED AGENCIES**

|                                                                   |   |
|-------------------------------------------------------------------|---|
| Michael Riddell - Public Works Superintendent - City of Riverbank | ✓ |
| Sue Fitzpatrick - Parks Dept. - City of Riverbank                 |   |
| Chief Erin Kiely - Sheriff's Dept.                                |   |
| Bill Kull - Consultant City Engineer                              | ✓ |
| Peter Lononis - Public Works Inspector - City of Riverbank        |   |
| PG&E                                                              |   |
| AT&T                                                              |   |
| SBC                                                               |   |
| OID                                                               | ✓ |
| Charter Communications                                            |   |
| Gilston Solid Waste                                               | ✓ |
| Riverbank School District                                         | ✓ |
| Jack Schreder & Assoc. School                                     |   |
| County Public Works                                               | ✓ |
| Consolidated Fire District                                        | ✓ |
| San Joaquin - Air District                                        | ✓ |
| Environmental Resources                                           |   |
| Department of Fish & Game                                         |   |
| Regional Water Quality Control Board - Central Valley Region      | ✓ |
| Central Calif. Archaeological Cntr. Info. Dept. of Anthropology   | ✓ |

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## **Attachment 1: Vicinity Map and General Plan Map**



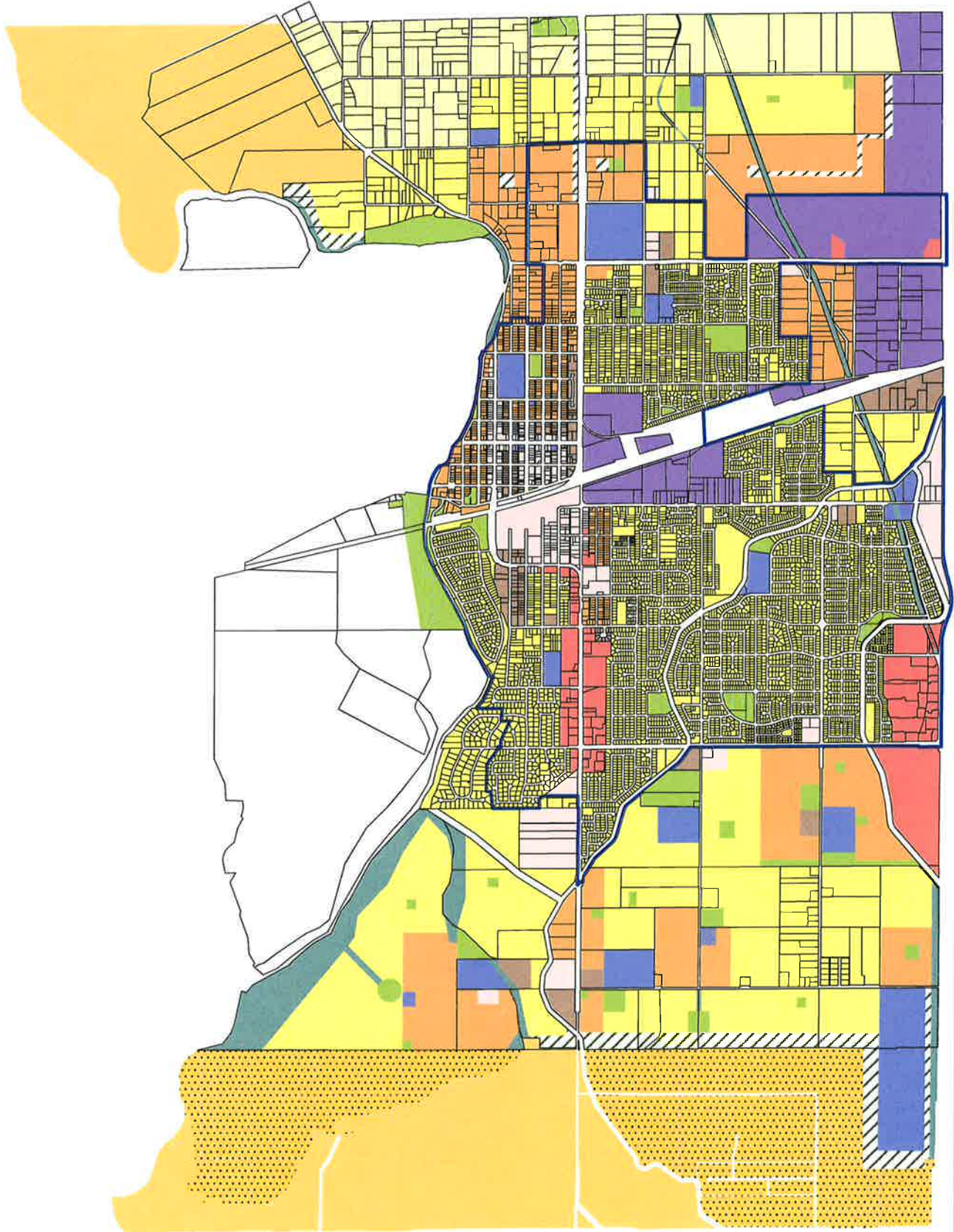


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City of Riverbank  
GENERAL PLAN

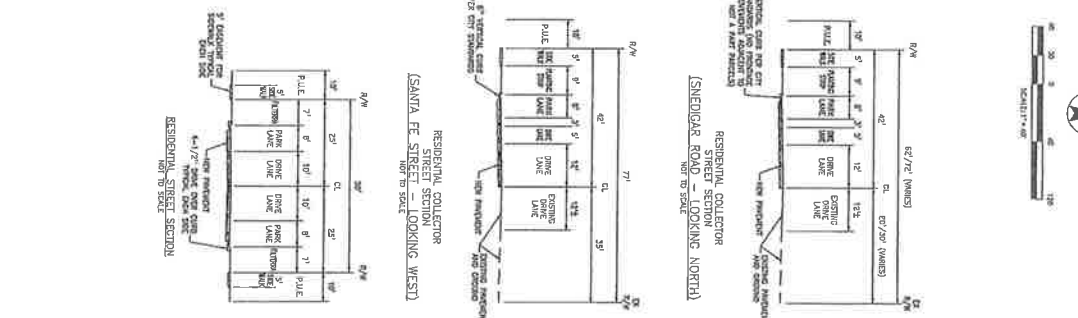
- AG Resource Conservation (AG)
- Buffer/Greenway/Open Space (B/G/O/S)
- City Center (C)
- Community Commercial (C/C)
- Higher Density Residential - 16+ Units (H/D/R)
- Industrial/Business Park (I/B/P)
- Lower Density Residential - 0-8 Units (L/D/R)
- Medium Density Residential - 8-16 Units (M/D/R)
- Mixed Use (M/U)
- Multi-Use Recreational/Resource (M/U/R/R)
- Parks
- Reserve (R)
- Clustered Rural Residential - 0.2 or less units per acre (R/R)
- Reserve (R)
- City Limits



January 2015

000074

**Attachment 2: Diamond Bar Estates – East – Tentative Map 02-2014**



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## SUMMARY

CARY W. POPE  
1120 SUDAS DRIVE  
MODESTO, CA 95350

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- 100

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**Attachment 3: Diamond Bar Estates – East – Design Guidelines (February 2015)**



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# **DESIGN GUIDELINES FOR DIAMOND BAR ESTATES EAST AND DIAMOND BAR ESTATES WEST - WITHIN THE BRUINVILLE MASTER PLAN AREA**

**FEBRUARY 2015**

**CITY OF RIVERBANK**

DEVELOPMENT SERVICES DEPARTMENT,  
6617 THRID ST., RIVERBANK, CA 95367  
Phone: 209-863-7128



000078

# **Diamond Bar Estates East and West – City of Riverbank**

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## Project History

The area that the project is located in has been annexed into the City of Riverbank for several years. The Diamond Bar Estates project is comprised of two adjacent but not connected projects, known as East Diamond Bar and West Diamond Bar. Between 2000 and 2006, there was a master plan known as "Bruinville", of which these properties were a part of. The projects have been sitting essentially dormant until the development world gets back up to speed. The state has continued to extend the life of maps through mandated map extensions. One of the parcels still has an approved map on it while the other has expired.

The maps that were approved fit the time of high density and very compact lots. Those were salable then, but they are not as salable today. Today's buyer, because of the housing crisis, expects more for their buying dollar. They are looking for room to play with their kids and use the outdoors for their personal pleasure – Larger lots to be able to grow and expand. In discussing this project with many Realtors over the last few months, the question was raised to them "What are your Homebuyers looking for?" Unequivocally, the response was elbow room – space – room to grow without disrupting their neighbors – A backyard for the Bar-B-Q and to have a dog. Traditional Americana values that have been lost in today's busy world. Buying a home is the single biggest investment most Americans will make in their lifetime, and they want a place that they can have friends and family over to throw the football, or teach the kids how to catch a baseball. Room – and affordability – is what we are trying to achieve here. We feel we have the perfect mix of room and affordability. Much market research was done to transform this property into one that, once built, will be attractive to those that are buying. In addition, the former project as a whole was very large in scope and required an annexation. With very large projects comes challenges, like storm water retention. The Bruinville project had a communal Storm Water Basin that was offsite, and many other concepts that may have worked during the boom, but not now.

Enclosed in this package are exhibits and examples of how we propose to handle issues like storm water retention, conforming to the new LID standards imposed by the state.



## **Proposed Development**

Our proposal consists of 2 groups of properties totaling 154 Single Family lots that are a minimum of 5,000 square feet each. We are asking for the properties to be re-zoned PD LDR, or Planned Development, Lower Density Residential to allow for decreased density and latitude regarding street sections and other amenities like custom mailboxes and street lights. Examples of some of the proposed amenities are included with this package.

Since we will not be building these homes, we are asking that the architectural component that is usually required with a PD proposal be "postponed" until we have a builder in place. At that time, we suggest that the architecture and normal requirements involving the approval of floor plans and elevations be reviewed at that time. These projects are autonomous, and can each be developed on their own, or together. Each have retaining basins and open green areas and because both of these projects lie within the current City boundaries of Riverbank.

In addition, development on the East side of Riverbank will ensure that all future and new development will not occur on just the west side of the city by Crossroads – It can occur on the easterly side of the City to try and tie the Crossroads development with the Downtown, and with this project as well.

## **Zoning, General Plan and Density**

The proposed density of the project is approximately 5 + units to the acre. Although the General Plan calls for a higher density, and the Housing element estimates were based on those densities, those higher densities can be made up once the larger annexation takes place around this project in the future. The original approved projects for both of these sites originally had 201 homes planned versus our 154. In addition, in speaking with the SCM Group that owns the parcel along the tracks to the west and south of our proposals, they intend on doing a higher density project on those 12 acres in the future.

The City will have multiple chances of having increased density in the future, once an application for new annexation is proposed, and we feel this would be the time to address the overall density issues not only in this area, but citywide.

## **Water, Sanitary Sewer and Storm Drainage**

### **Water**

The water main runs in front of both sites within in Santa Fe Avenue. Stanislaus Consolidated Fire performed a test flow at the fire hydrant located at Santa Fe and Central Ave. on 9/24/14. The results of the test confirmed sufficient water to accommodate the proposed development with a test flow of 1180 GPM with a static pressure of 68 PSI and a residual pressure of 44 PSI.

### **Sewer**

Sewer is available 200 feet from the project site, near the corner of Claus and Santa Fe Streets. Capacity is available, and the sizing of the lines in Santa Fe are adequate to accommodate our proposal.

### **Storm Drainage**

Storm drainage and retention has always been an issue in this area. Under the old Bruinville Plan, a master basin was proposed to service not only the current annexed area, of which these proposals are a part of, but a substantially larger area encompassing literally hundreds of acres that is not currently annexed into the City.

Our proposal makes each of our projects self-sufficient, as they each have retention capabilities on site. Regarding application for Diamond Bar East, since we are bordered on the south by the Railroad tracks, we established the basin along those tracks to help buffer the project from the tracks. We have spoken to the Railroad about our proposal, and they have no objection to it thus far. Many reasons exist for establishing the basin there, as we accomplish numerous goals by placing it up against the railroad tracks: 1) The onsite retention of our storm water, 2) Buffering the community from the working railroad tracks – We are a minimum of 200 feet from the tracks to our nearest home to the north. This way, noise and any vibration from the trains will be minimal, which is not the case elsewhere in town. 3) We are providing "Green open space" for the community to enjoy, as this area will feature a walking path going east to west. When there is not water in the basin, which is most of the time, the basin will act as another park-like setting. 4) This basin was designed to be "added on to" by future development to the east and the west. Eventually the city will get proposals to develop these properties that are contiguous to our projects, and in doing so, the "Linear Park" concept / buffer / parkway / basin can be extended and added on to our basin to provide an even bigger and better experience for the residents.

# Design Guidelines for Diamond Bar Estates

## Purpose

The purpose of the guidelines for the Bruinville Planned Development is to provide a clear set of design policies to developers, property owners, architects and designers.

Properly located and with a well-designed street network, lower-density development reduces the need for community open spaces and maximizes the use of private open space in the front and rear yards. Utilizing Low Impact Development (LID) guidelines this will provide storm water bio-filtration at the source and enhances street and landscapes by reducing the amount of impervious surfaces.

## Objectives

The Guidelines are intended to address the following objectives:

- Promote higher quality development, that maximizes personal open-spaces with larger front and rear yards.
- Create residential neighborhoods of interest which are visually pleasing.
- Provide a single-family project that features a variety of home sizes, housing types, designs and building materials.
- Provide for single-family developments that include interconnected, short blocks that diffuse traffic and provide easy, direct routes for pedestrians, bicyclists and drivers around the neighborhood.
- Provide for Low Impact Development (LID) by incorporating storm drainage designs features that pre-treatment of storm water at the source while providing ground water recharge by percolating the storm water back into the soil.
- Provide a Planned Development project that integrates seamlessly with previously approved projects and existing neighborhoods in the area.

## **Intent**

The following design guidelines are to be used to assist developers, project applicants and City staff to assist in producing a quality Planned Development. City staff and Planning Commissioners will use these Guidelines as a framework for evaluating development proposals and for commenting on the design aspects of proposed projects.

The Guidelines will be used to augment and reinforce the City of Riverbank 2005-2025 General Plan adopted April 22, 2009, The Bruinville Area Master Public Facilities Plan, adopted September 2005 and Chapter 153 single family residential zoning of the City of Riverbank Zoning Ordinance. The LDR guidelines are general and may be interpreted with some flexibility in their application to specific projects. Variations may be considered for projects with special design characteristics during the City's development review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. The Guidelines are also intended to ensure that new development is compatible with existing neighborhoods.

## **Applicability**

The Guidelines for LDR Single Family Developments apply to both Diamond Bar Estates projects, East and West. LDR development, as detailed in these guidelines, can only occur in Planned Development Zones.

There is a minimum practical lot size that will accommodate one detached house and still meet the intent of these Guidelines for LDR development. These guidelines allow the project designer maximum flexibility to develop a quality project that meets the intent of the Guidelines.

## **Discretionary Decision Making**

Every project is unique and requires a review on a case-by-case basis. This process depends upon the exercise of discretion. While some Guidelines include quantitative standards, some require qualitative interpretation. The City has the latitude to interpret the Guidelines so long as proposed projects meet the Guidelines' intent.

## **Architectural Review and Approvals**

Architectural details, plans and elevations will be developed once a homebuilder has been selected for the projects. The City planning commission will review and approve these items through the normal site development process as provided by the Riverbank Municipal Code.

## **Administrative Changes**

The Development Services Director has authority to correct discrepancies and conflicts within the document so long as the changes meet the overall intent of the guidelines.

## **Other Applicable Regulations**

The Guidelines for LDR single family developments primarily address architectural and site design elements. In designing projects, designers must also reference other codes, standards and policies in effect, such as the City of Riverbank Standard Specifications, Uniform Building/Fire Code, Riverbank General Plan, Riverbank Municipal and Zoning Codes, and other applicable policies.

## GUIDELINES

### LDR Single-Family Detached Houses



An example of a single-family home on a Lower-Density Lot

#### **A. Relationship to Existing Neighborhoods**

New LDR residential projects should be integrated with the existing neighborhoods adjacent to them. Designs should avoid the separation caused by high, solid fencing and walls, or blank walls of buildings.

Transitions between existing and new projects should be gradual. The height and mass of new projects should not create abrupt changes from those of existing buildings. Site setbacks should consider the prevailing setback patterns of adjacent buildings.

The perimeter areas of new projects should be planned to avoid disturbing existing adjacent residential uses. The protection of privacy of adjacent residents and minimization of environmental intrusions should be a major consideration in the design of new projects.

Where existing neighborhoods have architectural distinction and/or established functional or landscape patterns, new development should incorporate characteristics of the surroundings so that there is no disruption of the streetscape and attempt to become a part of and blend into the existing neighborhood character.



Poor Transition: An older single family ranch home surrounded by much larger two story Mediterranean-style homes, creating loss of privacy and architectural disparity

## **B. Setbacks/Open Space**

Setbacks: The front setback establishes a relationship between the house and the surrounding neighborhood. If the house is too close, indoor privacy can be compromised. If the house is too far back, people inside the house cannot observe activity on the street and can become detached from their neighborhood. Additionally, a larger front yard setback leaves a smaller private rear yard. It is equally important to ensure that the placement of the home or substantially varied elevations provide the appearance of a diverse and varied streetscape and avoid the monotonous single plane street.



*An example of poor setback variation that lacks diversity and creates a monotonous streetscape*

The side setback is primarily utilitarian. However, living areas of the house usually have windows that open into the side yard. Normal activity in the side yard, although limited, tends to be irritating and creates nuisances because the noise is concentrated in a small space and can be loud and irregular, such as moving trash cans or using storage sheds.

The rear yard is where most outdoor activity around under certain circumstances, where an equal amount of open space is incorporated into larger master plan areas, and for projects that do not meet the minimum number of units, a homeowner's association may not be required, provided that no private common areas are required in the development.

Open space; if well-designed, private open space, typically in the rear yard provides a place for children to play and to entertain friends. It must be large enough to allow these activities while maintaining some sense of privacy on both sides of the fence. Model homes in LDR developments should display a variety of fencing and landscape design concepts including porches, patios, walkways, covered trellises, screens and garden walls. The rear yard is where people expect to have privacy outdoors and is there children play and entertaining happens. These activities are expected and noisy, but the noise can be considered intrusive by neighbors; residents can feel as if their outdoor or indoor privacy is being invaded by rear yard neighbors. Adequate space is necessary for residents to enjoy their yards while providing a sense of privacy.

| <b>Table 1: Setbacks and Open Space for LDR PD</b>                  |                    |
|---------------------------------------------------------------------|--------------------|
| Lot Size                                                            | 5,000 sq. ft. min. |
| Minimum Width (mid-block/corner)                                    | 50'/55'            |
| <b>FRONT SETBACKS (A)</b>                                           |                    |
| Living (1 <sup>st</sup> floor) (vary front setback as noted above)  | 15                 |
| Living Area (2 <sup>nd</sup> floor)                                 | 15                 |
| Porches                                                             | 10                 |
| Attached Garage (B) (front entry/side entry)                        | 10/10              |
| <b>REAR SETBACKS *</b>                                              |                    |
| Living Area                                                         | 20                 |
| Attached Garage (no alley/alley access) (B)                         | 5/10               |
| Detached Garage (no alley/alley access) (B)                         | 5/10               |
| Patio Covers (D)                                                    | 5                  |
| <b>SIDE SETBACKS * (A) (G) (H)</b>                                  |                    |
| Living Area first floor (interior side) (D)                         | 5                  |
| Living Area (corner side) (D)                                       | 10                 |
| Detached Garage (Int. Side)                                         | 10                 |
| Attached/Detached Garages (B) (Corner Side) front entry /side entry | 10                 |
| <b>Lot Coverage</b>                                                 |                    |
| 50% of total acreage (gross)                                        | -                  |

**NOTES:**

- A. Dwelling unit & wall/fencing shall be located outside the "clear vision triangle" at street intersections.
- B. Garage setback measured from any other building and minimum of 5' from property line.
- C. Patio covers open on three sides should not exceed 30 percent of the size of the usable private open space. Setback is measured from support structures. Up to 24" overhang is permitted. No part of the structure shall be closer than 5' to property line.
- D. Includes attached garages and patio covers.
- E. Minor architectural projections, such as fireplaces and bay windows, may project into a setback or separation by up to 2 feet for a length not to exceed 10 feet or 20 percent of the building elevation length, minimum 3' clearance, excluding A/C units.
- F. Fragments less than 10' will not be counted toward the common open space area.
- G. Detached garages may be attached to the main house by a breezeway so long as the breezeway is open, post supported and the garage and house meet 1 hour fire wall ratings as stipulated by the UBC.
- H. Setbacks outlined in the above table are intended to meet the setback requirements outline in the City of Riverbank R-1 Zone of the current Zoning Ordinance.

### **C. Lot and Building Variation**

Single-family lot patterns should be varied to avoid monotonous streetscapes. This could be accomplished by the following:

Encourage:

- Larger lots that emphasize alternating designs of front and rear landscaping
- Single-story buildings and larger lots on corners.
- Mix of single and two-story units.
- Varied building setbacks and plot placement to avoid monotonous streetscapes.
- Variation of setbacks or appearance thereof (substantially different elevations), to avoid monotonous streetscapes.

Discourage/Avoid:

- Blocks more than 600 feet long.

### **D. General Building Design**

Variation in residences, structures and buildings is achieved through the use of quality materials, detail in design and distinct variation in floor plan and architecture, which lends visual interest, distinctive character and identity to a community. Quality in detail and design contributes not only to the long-term value of a home, but the neighborhood as well.

Encourage:

- Design diversity by providing front elevation variation throughout the plan. A minimum of three model floor plans shall be made available with 4-6 choices of elevation treatments. To accomplish this, one design should be repeated no more frequently than each fourth house. Veneer treatment where applied should turn corners and avoid exposed edges (Fig. 1).
- Provide 4-sided architecture within public views. In addition to the architectural design provided for the front elevation, design side and rear elevations to include architectural design treatment (e.g. window frames, shutters, planter boxes, window sills, etc.).
- At corner lots, side yard facades should maintain the same architectural design consistent with the front façade.
- Manipulation of building elements and massing to avoid visual monotony with particular emphasis on long streets.
- Vary roof forms and pitches when a project includes five or more homes. Incorporate home designs that rotate ridge lines both parallel and perpendicular to the street and utilize a variety of hips and gables. Other elements which add variety and break up the roof, such as dormers and turrets are encouraged.
- Roof elements of a two story building that slope downward toward the side property lines providing greater light and air between buildings particularly when the separation between the floors of the two adjoining buildings would be less than 15 feet (Fig. 2).
- Single story homes distributed evenly throughout the neighborhood to provide for seniors, the disabled, and families who prefer or desire single story homes. Single story homes are also encouraged to improve the visual character of neighborhoods and minimize the perceived density of two story neighborhoods. Single story homes shall be constructed on a minimum of 50% of the development.

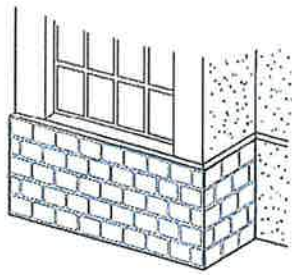


Discourage/Avoid:

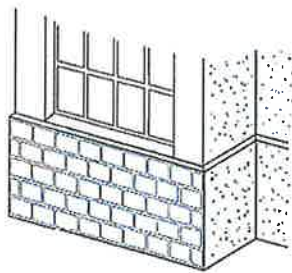
- Excessive repetition of identical or near identical floor plans and elevations throughout a neighborhood or subdivision with little distinct differentiation.
- The use of low quality/grade materials that do not wear well and contribute to a sense of permanence.
- Roof-mounted heating and air conditioning units.
- Keyhole entries (primary entrance hidden from view on the side or within deep recess of the building) should be avoided.
- Repetition of identical or near identical floor plans and elevations.
- Poor infill design.

### E. Porches, Entries and Courts

A clear sense of entry and design interest to a home is provided through the inclusion of porches, verandas and other architectural elements that contribute to a sense of place and activity.



Desirable Treatment



Undesirable Treatment

Fig . 1: Veneer Wrapping

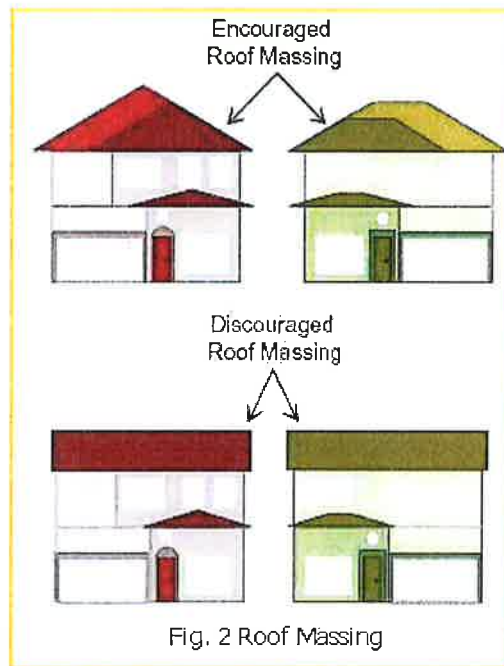


Fig. 2 Roof Massing

Encourage:

- Fronts of houses and entries that face the street. Each house should have a clearly identified entry and have active use of windows (i.e. living room, kitchen) facing the street.
- Front porches large enough to accommodate chairs provide an opportunity for increased interaction among neighbors (minimum dimension of 6'x6' or 5'x7, plus circulation area).
- Porches that provide weather protection and shade are desired.
- Entries and porches that incorporate railings, short walls, trellises and roofs to add architectural detail and character and visual interest to the homes.

Discourage:

- Small entries not seen from the street.
- Locating the porch or entryway in a location obstructed by the garage or side of the house.
- Locating entryways and windows that are small and oriented to the interior or side of the site.

## **F. Garage Frontage and Placement**

Conventional suburban development typically places the garage in a prominent location on the lot closer to the street with the house back farther from the street. The effects of garage-forward placement are to obstruct the view of the street from inside the house, to make the garage the most important feature of the house, to encourage the driver to enter the house through the garage door and prevent interaction with neighbors, and to decrease the appeal of the street. Safety is decreased and the general appeal of the street also declines.

The following measures are suggested to minimize the visual impact of garages:

Encourage:

- For garages accessed from the street, the garage face should be recessed a minimum of five feet from the primary living area façade
- Detached garages accessed from either an alley or a single-car driveway approach from the street.
- Alley loaded designs particularly for narrow lots are strongly encouraged.
- For homes facing out at community perimeter, rear loaded garages accessed from street rather than alley.



*Discourage homes with recessed entry that limit the view of the street.*



**Encourage recessing the garage from the primary-living area reduces its impact on the front façade.**



**Encourage de-emphasized garage doors that are offset from the primary living area**

- Attached garages should be designed to de-emphasize the garage door by techniques such as recessing the garage door 12"-18", by providing pillars or substantial trellis accents and utilizing upgraded garage doors.

**Discourage/Avoid:**

- For garages accessed from the street, garage frontage comprising 50 percent or more of building frontage.

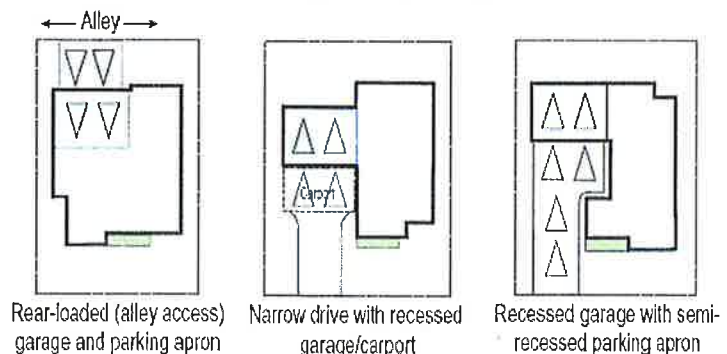
## G. Driveways



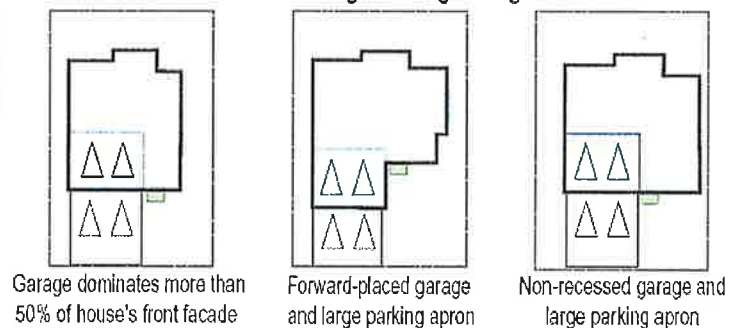
**Discourage homes with garages that dominate the front elevation.**

- Attached garages should be designed to de-emphasize the garage door by techniques such as recessing the garage door 12"-18", by providing pillars or substantial trellis accents and utilizing upgraded

### Desirable Garage/Parking Configurations



### Undesirable Garage/Parking Configurations



Driveways can consume a substantial amount of lot area. A typical automobile is approximately seven feet wide and one to two feet of space is needed on either side to allow access to car doors. In order for the house to relate to the street and to allow observation of the street from inside the house, the width of the lot helps dictate the width of driveway access from the street (one- or two-car approach) or whether the garage should be accessed from an alley at the rear of the lot.

#### Encourage:

- Different paving treatment to driveways, including colored concrete, stamped concrete patterns, paver insets, etc.
- Single-car width driveways that widen to two-car aprons at recessed or detached garage.
- Placement of driveways and garages within the development, as well as narrower driveway aprons, to maximize on-street parking.



Encourage homes with single-car width driveway that widens to a two-car approach in front of recessed garage.

## H. Parking

Most transportation occurs through the use of the private automobile. Because of this, the Zoning Code requires a minimum of two parking spaces for every single family house. With the increasing number of automobiles in every household, there is an increased need for parking, which is typically provided on the driveway and on the street. At the same time, the current trend is toward an increase in homeownership among single adults and the future will likely see an increase in the use of transit, walking, and bicycling for transportation, particularly as density increases and daily needs are better integrated into the fabric of the city.

Two enclosed off-street parking spaces will be required for each housing unit. Tandem parking spaces will be allowed provided that the minimum width of the garage door is 9' wide and that additional off-street parking be provided at a ratio of one space per each four homes. In addition, one on-street parking space will be required for each dwelling. The placement of driveways and garages within the development, as well as narrower driveway aprons, shall be utilized to maximize on-street parking. Shared driveways are also encouraged. Off-street parking spaces within the development located within 150 feet of the unit served, may also be considered. Community off-street parking shall be generally provided adjacent to Community Open Space. Additional Community off-street parking can be provided throughout the community at locations that have the ability to serve numerous homes as approved in the site plan.



Community off-street parking adjacent to homes



## I. Walls, Fences and Entry Features

Residences on the perimeter of new development should be oriented to existing streets, where applicable, minimizing the extent of sound walls or rear yard walls, except where necessary due to acoustical requirements. Frontage roads are preferred in lieu of sound walls wherever possible. The design of walls and fences, as well as the materials used, should be consistent with the overall development's design. Fence and wall color should be compatible with the development and adjacent properties.

Wall design and selection of materials should consider maintenance issues, especially graffiti removal and long-term maintenance.

Encourage:

- Sound walls should have a rhythm rather than a single monotonous design along the entire length.
- Periodic entries to minimize walking distances and integrate bike paths along the major roads.
- Walls architecturally integrated with adjacent buildings and landscape buffer.



Fence that has been constructed low but topped with lattice creating a sense of privacy.

- Additional landscape setbacks, street trees and accent trees at entries to improve the appearance of sound-walls.
- Landscaping and berms to minimize the visual impact of long continuous sound walls.
- Concrete capstones on stucco walls to help prevent water damage from rainfall and moisture.
- Fences and/or walls visible from streets should be architecturally integrated with adjacent buildings and are encouraged as a means of visually tying buildings together.
- Low walls or fences (3'-4' high) at front or side yard patios where desired in lieu of porch railings, provided the wall/fence design is compatible with the architectural style of the house.
- Accent landscaping and trellises to set off development entries are desirable.

Discourage:

- Long walls separating subdivisions from street access and other subdivisions. This type of development restricts movement between neighborhoods and creates "dead" spaces along pedestrian corridors, as well as increasing driving and walking distances. Back-up and side-on conditions requiring walled streets.
- Wood fencing along streets since it is not a long-term quality material.



**Discouraged:** Long walls that isolate neighborhoods and paved over appearance created by lack of landscaping.

## **J. Landscaping**

New LDR single-family developments typically have generous amounts of landscaping due to the larger front and rear yards. Landscape design guidelines are intended to improve the appearance of the streetscape with landscaping and street trees to diminish the impact of the development and provide a softer appearance

Encourage:

- Street trees or yard trees at approximately 20' to 25' on center along each side of the street (minimum 1 per lot, 2 per corner lot one on each street frontage).



**Landscaping should provide a broad palate of trees and plants that are compatible to the regions climate.**

- Separated sidewalks with "tree lawns" (min. 7' wide) (i.e. "parkways"). These may be planted in lawns or other appropriate ground cover (irrigation is required) if recorded with a landscape easement.
- A minimum of 15 gallon tree specimens for all street and yard trees (consult the Public Works Department, regarding tree selection).
- Tree species which attain a height in excess of 25 feet and develop a minimum canopy of 20 feet at maturity.
- Accent trees at special locations within the neighborhood.

- Variety of planting palettes for front yard landscaping to soften the development, reinforce the home design, and add variety to the streetscape.
- Front yard landscaping which reinforces other design elements of the home such as vines on trellises, hedges or low fences and walls.

## K. Mailboxes

Mailboxes should be located in highly visible, heavy use areas for convenience, to allow for casual social interaction, and to promote safety.

Encourage:

- Incorporate design features, such as a built frame, consistent with the development's architectural style.

Discourage:

- Pedestal-mounted cluster mailbox units.





## **M. Street Design Elements and Access**

A street serves as more than a place to drive or park a car. Besides its most basic function as a transportation conduit for bicyclists and pedestrians, as well as for cars, a street serves architectural and social functions. Houses relate to the street on which they are located; streets serve to formalize the street edge and demarcate public and private space. Streets are where neighbors meet informally and neighborhood bonds are created. Minimal street connections within a subdivision and to the external street network increase the need to drive and the number of miles driven, discourage walking and bicycling, and reduce emergency access. The site shall be designed to provide accessibility for emergency vehicles.



*Variety of planting palettes that soften the development and add to the variety of the streetscape*



*Sidewalks separated from the street by planting strips and tree wells are strongly encouraged*

## **N. Lighting**

Lighting should relate to the pedestrian scale of residential neighborhoods and should be considered a design element, rather than simply utilitarian.

Encourage:

- Light standards less than 15 feet in height. Decorative Visco VI-X-1-OF standard or equivalent standard with the same bulb type as the Visco are encouraged.
- Bollard lighting is encouraged along walkways.
- Metal halide luminaries should be utilized.
- Shielded light fixtures that minimize light "throw" off-site.
- Residentially scaled street lights.



*Encouraged; Residential scaled lighting with ornamental design features*

Discourage/Avoid:

- "Cobra head" street lights
- Sidewalks adjacent to street.
- Large-radius corner.
- Cul-de-sac and dead-end streets.

**P. Utilities, Infrastructure & Easements** Any and all private infrastructure shall be constructed to City standards. Public Utility Easements shall be provided for all public utility connections, in compliance with City Standards. To the maximum extent feasible, utility boxes, transformers, etc. shall be located in a manner to reduce their visual impact on the streetscape, which may include undergrounding or appropriate screening as determined by the City.

## **Q. Low Impact Development (LID)**

Low Impact Development (LID) is an innovative stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and retain runoff on-site. Techniques are based on the premise that stormwater management should not be seen as stormwater disposal. LID addresses stormwater through small, cost-effective landscape features located at the lot level. These landscape features, known as Integrated Management Practices (IMPs), are the building blocks of LID. Almost all components of the urban environment have the potential to serve as an IMP. This includes not only open space, but also rooftops, streetscapes, parking lots, sidewalks, and medians. LID is a versatile approach that can be applied to new projects.



Filterra® Stormwater Bioretention Filtration System

Encourage:

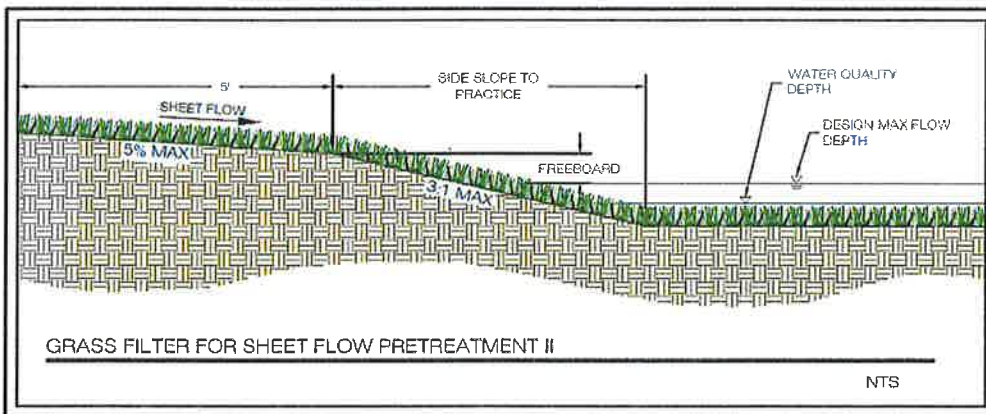
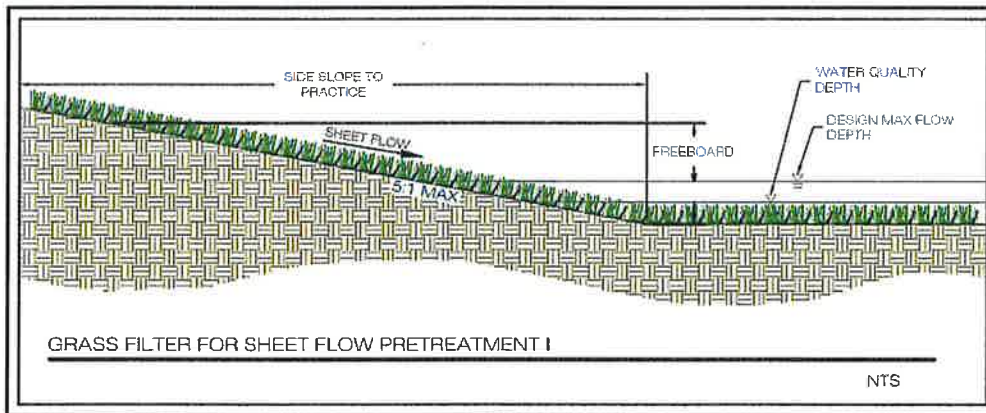
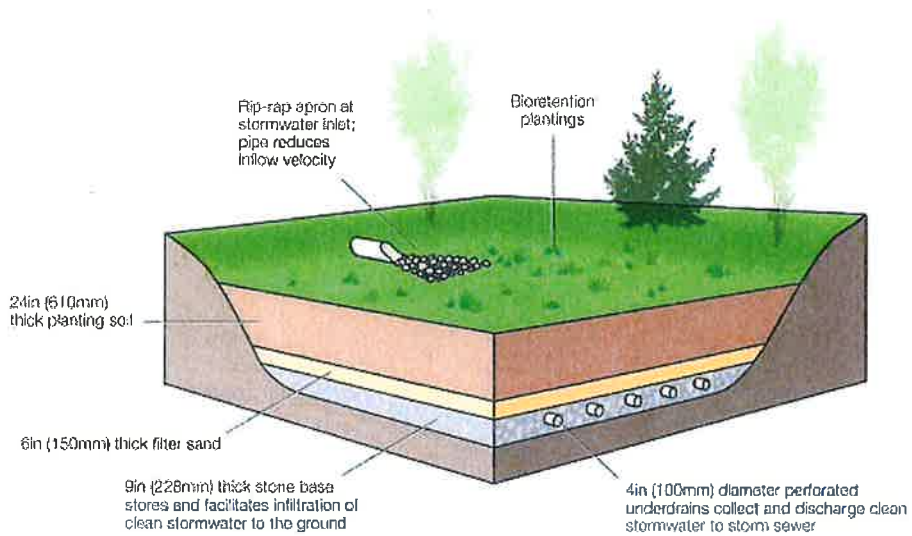
- Bio-retention swales for on-lot storm water run-off
- Decrease amount of impervious surfaces, through efficient street section widths, use of pervious materials
- Use landscape facilities for pretreatment of storm water
- Sufficient Capacity of total storm system to retain water on-site
- Treat storm water at the source
- Groundwater recharge

Discourage:

- Fully piped storm drainage system
- Discharge of storm water to nearby river/creek/waterway

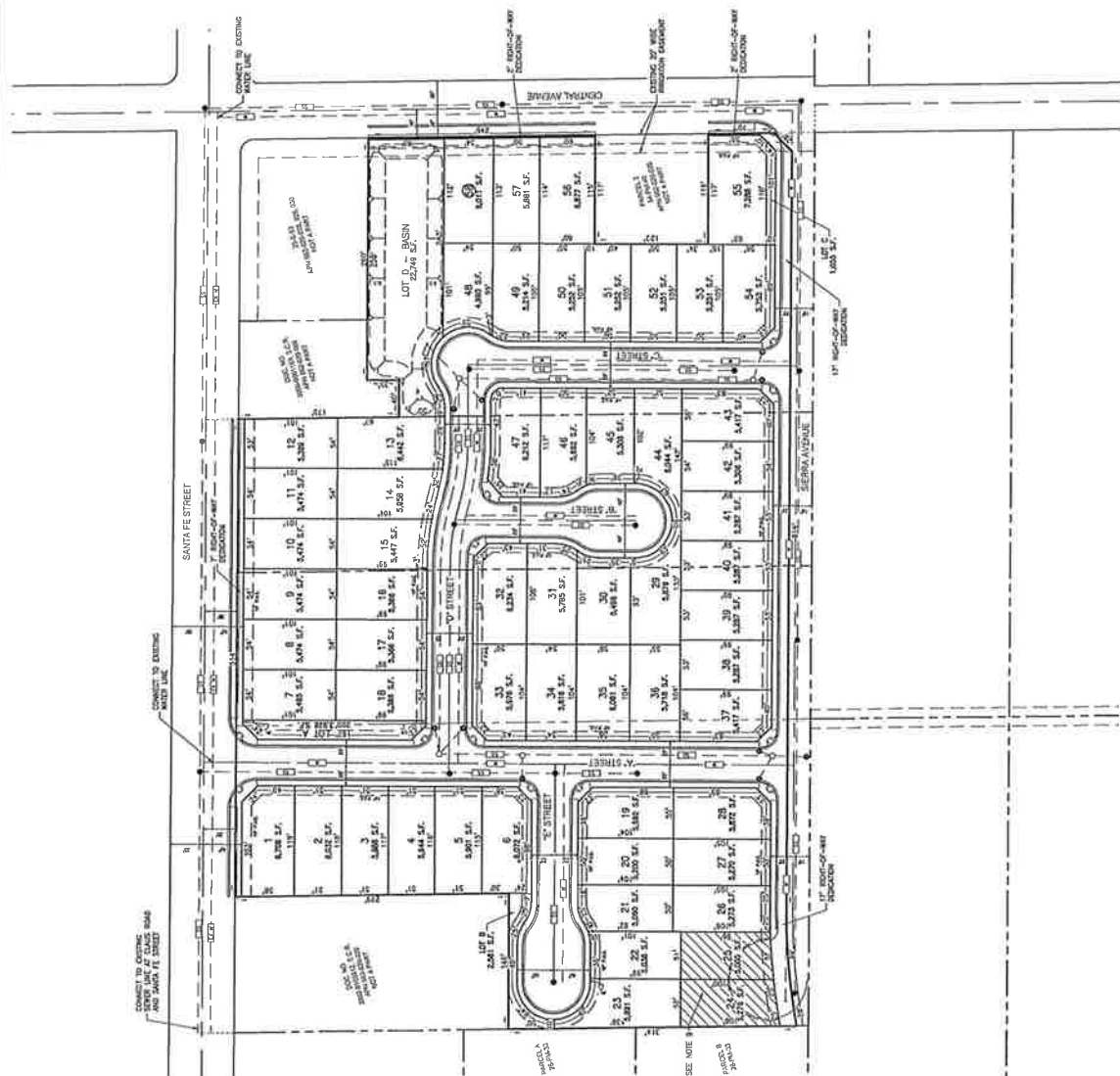
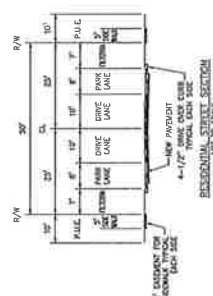
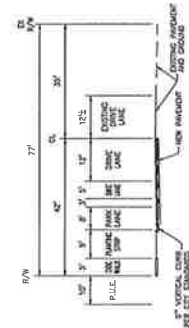
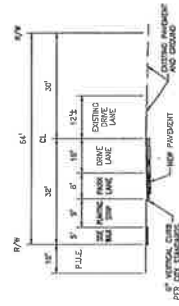
LID allows for greater development potential with less environmental impacts through the use of smarter designs and advanced technologies that achieve a better balance between conservation, growth, ecosystem protection, and public health / quality of life. Today, bio-retention is one of the LID techniques available to users. Other techniques, such as permeable pavers and disconnected downspouts are all effective tools to help developers control pollutants, reduce runoff volume, manage runoff timing, and address a number of other ecological concerns.

LID has numerous benefits and advantages over conventional stormwater management approaches. In short, it is a more environmentally sound technology and a more economically sustainable approach to addressing the adverse impacts of urbanization. By managing runoff close to its source through intelligent site design, LID can enhance the local environment, protect public health, recharge groundwater tables and improve community livability - all while saving developers and local government money.









- LEGEND**
- |                                                                                   |                          |                                                                                   |                                  |
|-----------------------------------------------------------------------------------|--------------------------|-----------------------------------------------------------------------------------|----------------------------------|
|  | STORM DRINK LINE         |  | NEW PUBLIC UTILITY DRAINAGE      |
|  | EX. SANITARY SINKER LINE |  | MAINTAIN EXISTENCE               |
|  | EX. WATER LINE           |  | PROPERTY BOUNDARY                |
|  | STORM DRAIN LINE         |  | NEW LOT LINE                     |
|  | SANITARY SINKER LINE     |  | NEW CURB & GUTTER                |
|  | WATER LINE               |  | EX. LOT LINE                     |
|  | STORM DRAIN MANHOLE      |  | PUBLIC UTILITY DRAINAGE          |
|  | CATCH BASIN              |  | EXISTING PUBLIC UTILITY DRAINAGE |
|  | SANITARY SINKER MANHOLE  |  | SQUARE FOOT                      |

**OWNER:**  
TY ANGLE, SHANE AND KIM PARSONS  
11202 SENECA DRIVE  
MARTINO, CA 95367

**SUBOWNER:**  
DARY W. ROPE  
11202 SENECA DRIVE  
MARTINO, CA 95367

LEGAL DESCRIPTION:

BEING A SUBDIVISION OF THE NORTHWEST 1/4 OF SECTION 3D,  
TOWNSHIP 2 SOUTH, RANGE 10 EAST, MOUNT Diablo BASE AND  
MERIDIAN, CITY OF RIVERDALE, STANISLAUS COUNTY, CALIFORNIA.

GENERAL NOTES:

- [illegible]

STATEMENT OF SUBMITTER:

- A. ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE CITY OF INDIANAPOLIS STANDARD SPECIFICATIONS.
- B. STORM DRAINAGE: IN-PIPE DRAINAGE SYSTEM PER CITY OF INDIANAPOLIS STANDARDS.
- C. WATER DISPOSAL: CITY OF INDIANAPOLIS SYSTEM.
- D. WATER SUPPLY: CITY OF INDIANAPOLIS SYSTEM.
- E. EXISTING LIGHTING SHALL BE INSTALLED AS PER THE CITY OF INDIANAPOLIS STANDARD SPECIFICATIONS.

## **Attachment 4: Diamond Bar Estates – East – Initial Study and MMRP**



**INITIAL STUDY/  
MITIGATED NEGATIVE DECLARATION**

for the

**CITY OF RIVERBANK**

**RIVERBANK GENERAL PLAN AMENDMENT NO. 2014-02  
RIVERBANK ZONING ORDINANCE AMENDMENT NO. 2014-02  
TENTATIVE MAP APPLICATION NO. 2014-02**

**DIAMOND BAR EAST SUBDIVISION**

December 2014



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## MITIGATED NEGATIVE DECLARATION

### Lead Agency:

City of Riverbank  
6707 3<sup>rd</sup> Street  
Riverbank, California 95367

### PROJECT NAME:

Riverbank General Plan Amendment No. 2014-02  
Riverbank Zoning Ordinance Amendment No. 2014-02  
Tentative Map Application No. 2014-02

### PROJECT PROPONENT AND LEAD AGENCY:

Project Applicant: Cary W. Pope  
1120 Scenic Drive  
Modesto, California 95350

Property Owner: Ty Angle, Shane & Kim Parsons  
6055 Central Ave.  
Ceres, California 95307

Lead Agency: City of Riverbank  
6707 3<sup>rd</sup> Street  
Riverbank, California 95367

### PROJECT LOCATION:

The proposed project is located within the City of Riverbank, an incorporated city within Stanislaus County. Specifically, the proposed project is bounded by Santa Fe Avenue to the north, Patterson Road/Sierra Northern Railway tracks to the south, Snedigar Road to the east, and Central Avenue and ranchette/single-family parcels to the west. The project site is further identified as being Assessor Parcel Number (APN) 062-020-010 and 025.

### PROJECT DESCRIPTION:

The proposed project consists of a General Plan Amendment (GPA), Rezone, and Tentative Map to subdivide approximately 17.90± acres into ninety-six (96) single-family residential lots (overall residential density of 5.41 du/acre), a 2,411sq.ft. landscape lot, a 0.99± acre drainage basin lot and the associated street, sewer, water, and storm drainage improvements. The project site currently has a General Plan designation of Medium Density Residential (MDR) and is located within the R-1, Single Family Residential zoning district. The proposed GPA would designate the project site for Low Density

Residential (LDR) land uses. The proposed rezone would also modify the project site's existing zoning from R-1 to P-D, Planned Development.

The proposed project site is made up of a previously approved Tentative Map (VTM 07-2005), Merciadass-Pyun Subdivision (151 residential lots approved January 2006). The Merciadass-Pyun map expired on January 10, 2008 and is no longer valid.

Primary and secondary access to the overall project site will be provided by two proposed entrances into the site from Snedigar Road, and one entrance from Santa Fe Street. These access points will be newly constructed public roads and will tie into the interior circulation of the proposed subdivision. Domestic water infrastructure is proposed via connecting to existing City of Riverbank water lines. Sanitary sewer services will be provided by connecting to the City's existing sewer line system. Storm drainage is provided by developing a 0.99± acre square foot storm drain basin, and retaining storm water on-site in accordance with City of Riverbank standards.

#### **ENVIRONMENTAL DETERMINATION:**

The Lead Agency has prepared an Initial Study, following, which considers the potential environmental effects of the proposed project. The Initial Study shows that although the proposed project could have a significant effect on the environment, there will not be a significant effect in the case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

#### **MITIGATION MEASURES:**

The following Mitigation Measures shall be incorporated into the proposed project:

**AESTHETICS-1:** *All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. This shall include but not be limited to the use of shielded light fixtures to prevent 'sky-glow' (light spilling into the night sky) and the installation of shielded fixtures to prevent 'light-trespass' (glare and spill light that shines onto neighboring properties).*

**AQ-1:** During construction, the following basic control measures shall be implemented at the construction/project site:

- *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
- *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
- *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
- *All vehicle speeds on unpaved roads shall be limited to 15 mph.*

- *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
- *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxic control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
- *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.*
- *Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*

**BIO-1:** *Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 15. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should utilize criteria set forth by CDFW (CDFG, 1994).*

**BIO-2:** *Burrowing owls could nest in the project site in the future if burrow habitat is available. Pre-construction surveys for burrowing owls are recommended if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be pursuant to criteria set forth by CDFW (CDFG, 2012).*

**BIO-3:** *The grasslands in the project site could be used for nesting by other birds protected by the MBTA. If construction commences during the general avian nesting season (March 1 through July 31), a pre-construction survey for nesting birds is recommended. If active nests are found, work in the vicinity of the nest should be delayed until the young fledge.*

**CUL-1:** *The City of Riverbank, working with the project applicant, shall ensure that all work in the immediate vicinity is halted if concentrations of prehistoric or historic period materials are encountered as a result of ground-disturbing activity associated with the project. A qualified archaeologist shall be contacted to evaluate the finds and to make recommendations that shall be implemented. During grading activities, the applicant shall retain a qualified archaeologist to be present. If cultural materials are discovered, the archaeologist shall assess the discovery to determine if it constitutes either a unique archaeological resource or a historical resource for purposes of CEQA (California Code of Regulations [CCR] Title 14, Section 15064.5[a]).*

*If it is determined that the materials do not constitute either a unique archaeological resource or a historical resource, their presence shall be noted but need not be considered further. If the archaeologist determines that (a) the materials constitute a unique archaeological resource or historical resource, and (b) they are subject to substantial adverse changes as defined in CCR Title 14 Section 15064.5 (b), the archaeologist shall provide recommendations to the City and applicant for appropriate treatment which, among other options, may include preservation in place or archaeological data recovery. Preservation in place is preferred, if possible.*

*Implementation of Mitigation Measure CUL-1 would reduce the potential impact on archaeological resources to a less-than-significant level.*

**CUL-2:** *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 descendent 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-2 would reduce the potential impact on human remains to a less-than-significant level.*

**HYDRO-1:** *Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period. The SWPPP shall be submitted to the City Engineer for review and approval prior to any construction activity. The SWPPP shall be designed to address the following objectives:*

- 1. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs);*
- 2. Where not otherwise permitted by the Regional Water Quality Control Board, all non-stormwater discharges are identified and eliminated; and*

*3. BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity in accordance with the Construction General Permit.*

*The SWPPP shall be prepared by a Qualified SWPPP Developer. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction. The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring, inspection, and maintenance activities.*

**HYDRO-2:** *The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board stormwater permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Stormwater Control Plan (SCP) for the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:*

- 1. An inventory and accounting of existing and proposed impervious areas.*
- 2. Low Impact Development (LID) design details incorporated into the project. Specific LID design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of stormwater, dispersal of runoff to landscaped areas, and/or routing of runoff swales and other small-scale facilities distributed throughout the site.*
- 3. Measures to address potential stormwater contaminants. These may include measures to address potential sources of stormwater pollutants at the project site, covering trash collection and parking areas.*
- 4. A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan shall be finalized prior to issuance of any building permits for the project.*

**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).
- 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).
- Construction-related traffic shall be routed along major roadways (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's 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.

**PUBLIC-1:** Prior to recording the "Final Map" or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to establish and/or annex into a "Community Facilities District" (CFD) for fire protection services with the Stanislaus Consolidated Fire Protection District.

**PUBLIC-2:** Prior to recording the "Final Map" or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to form and/or annex into



a "Community Facilities District" (CFD) for operational services with the Riverbank Police Department (Stanislaus County Sheriff).

**TRANS-1:** Although construction impacts are expected to be temporary, development of a construction management plan would reduce the potential for construction vehicle conflicts with other roadway users. The project applicant shall prepare a construction management plan for review and approval by the City of Riverbank prior to any ground disturbing activity. The plan shall include:

- A project staging plan to maximize on-site storage of materials and equipment.
- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes.
- Permitted construction hours.
- Location of construction staging.
- Identification of parking areas for construction employees, site visitors, and inspectors to minimize potential impacts on adjacent residences/properties.
- Provisions for street sweeping to remove construction related debris on public streets.

Implementation of the construction management plan would reduce the temporary construction traffic impact to a less than significant level.

**TRANS-2:** Prior to construction, the project applicant/developer shall pay the appropriate 'fair-share' impact/developer fees towards the future improvements, to be made at the intersection of Snedigar and Patterson Road. The fees collected shall be calculated and based on the appropriate amount for both roadway, rights-of-way and rail crossing improvements.

**TRANS-3:** Prior to construction, the project applicant/developer shall enter into an agreement with the Riverbank Unified School District to improve the student bus stop, located at Santa Fe and Central Street. These improvements shall include a clear path of travel (sidewalk) from the project site to the bus stop and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank, as needed.

**TRANS-4:** Prior to construction, the project applicant/developer shall enter into an agreement with the Riverbank Unified School District to provide a 'safe' pedestrian route from the project site to each of the schools in the area: Riverbank High School, Cardoza Middle School, and Mesa Verde Elementary School. These improvements (sidewalk) shall provide a clear path of travel from the project site to the school(s) and be compliant with the Americans with Disabilities Act

*(ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank and Stanislaus County, as needed.*

Therefore, the Lead Agency proposes to adopt a Mitigated Negative Declaration for the project, in accordance with the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

---

**Mr. John B. Anderson, Contract Community Development Director**

**Date**

## SECTION 1.0

## INTRODUCTION

### PROJECT TITLE

"Diamond Bar East"

Riverbank General Plan Amendment No. 2014-02

Riverbank Zoning Ordinance Amendment No. 2014-02

Tentative Map Application No. 2014-02

### LEAD AGENCY NAME AND ADDRESS

City of Riverbank

6707 3<sup>rd</sup> Street

Riverbank, California 95367

### CONTACT PERSON AND PHONE NUMBER

Mr. John B. Anderson, Community Development Director

(209) 599-8377

John@jbandersonplanning.com

### PROJECT SPONSOR'S NAME AND ADDRESS

Cary W. Pope

1120 Scenic Drive

Modesto, California 95350

### PROJECT LOCATION AND SETTING

The proposed project is located within the City of Riverbank, an incorporated city within Stanislaus County. Specifically, the proposed project is bounded by Santa Fe Avenue to the north, Patterson Road/Sierra Northern Railway to the south, Snedigar Road to the east, and Central Avenue and ranchette/single-family parcels to the west. The project site is further identified as being Assessor Parcel Number (APN) 062-020-010 and 025.

### GENERAL PLAN AND ZONING DESIGNATIONS

The 17.90± acre project site currently has a General Plan designation of Medium Density Residential (MDR) and is located within the R-2, Multi-Family Residential zoning district. The proposed GPA would designate the project site for Low Density Residential (LDR) land uses. The proposed rezone would also modify the project site's existing zoning from R-2 to P-D, Planned Development.

**OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (E.G., PERMITS, FINANCING APPROVAL, OR PARTICIPATION AGREEMENT.)**

*City of Riverbank - Development Services Department/Public Works*

- Improvement Agreement
- Encroachment Permit(s)
- SWPPP Permits

*San Joaquin Valley Air Pollution Control District (SJVAPCD)*

- Permits associated with District Rules & Regulations

*Regional Water Quality Control Board (RWQCB)*

- Construction General Permit
- SWPPP Permit(s)

**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.

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

**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.                                   |

---

Mr. John B. Anderson, Contract Community Development Director

---

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.

- 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



## SECTION 3.0

## INITIAL STUDY CHECKLIST

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

### ***I. AESTHETICS -- WOULD THE PROJECT:***

|                                                                                                                                                          | <b><i>Potentially Significant Impact</i></b> | <b><i>Less Than Significant with Mitigation Incorporation</i></b> | <b><i>Less Than Significant Impact</i></b> | <b><i>No Impact</i></b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-------------------------------------------------------------------|--------------------------------------------|-------------------------|
| 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) Substantially degrade the existing visual character or quality of the site and its surroundings?                                                      |                                              |                                                                   | X                                          |                         |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                    |                                              | X                                                                 |                                            |                         |

### ***DISCUSSION:***

- I-a) The proposed project will have no effect on scenic vistas and therefore will have no environmental impact.
- I-b) The proposed project is located within the City of Riverbank, and is not located on a state designated highway. Based on a review of the California Department of Transportation website (<http://www.dot.ca.gov/hq/LandArch/scenic/schwy.htm>), the nearest state scenic highway is Interstate 5, which runs for approximately 28.1 miles (North/South) in Stanislaus County from the Merced County line to the San Joaquin County line. The proposed project is not located on or adjacent to Interstate 5, and therefore will have no impact to a state scenic highway.
- I-c) The project site is now level and vacant with no landscaping or other natural features and could be generally described as being fallow agricultural land. The project would visually improve the project site by adding landscaping and built elements that would be ~~in~~ consistent with the single-family residential neighborhoods, found within the City. As required by City code, street

trees approved by the City of Riverbank, will be planted along the proposed interior streets of the subdivision as well as along the site frontage on Santa Fe Street and Snedigar Road. Landscaping would be located within the retention basin proposed along Patterson Road/Sierra Northern Railway tracks. Additional trees will be planted within the project site at individual lots as part of the new home landscaping. The built elements of the project would include single-family homes that would be consistent with those currently found throughout the city. The combined built and landscaped features of the project would not degrade the existing visual character or quality of the site or its surroundings.

- I-d) A detailed lighting plan has not yet been prepared for the project. The project would be expected to provide lighting that is typical of a residential subdivision. This lighting would mainly consist of interior home lighting, street lighting, and some lighting for private yard space. The project would be subject to Design Review at which time lighting plans would be reviewed. Potentially significant light and glare could result from the project. The nearest residences are located directly to the north and east of the project site.

**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:

***AESTHETICS-1:*** All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. This shall include but not be limited to the use of shielded light fixtures to prevent 'sky-glow' (light spilling into the night sky) and the installation of shielded fixtures to prevent 'light-trespass' (glare and spill light that shines onto neighboring properties).

**II. AGRICULTURE AND FORESTRY RESOURCES: WOULD THE PROJECT:**

|                                                                                                                                                                                                                                                                                             | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| 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                    |

**DISCUSSION:**

II-a, b) The project site is not located in an area identified as prime farmland, nor is the site being used or zoned for agriculture use. Furthermore, the site is not currently enrolled into a Williamson Act contract. Review of the Farmland Mapping and Monitoring Program of the California Resources Agency showed that the Project Location or the City of Riverbank is not mapped as Prime Farmland, Unique Farmland or Farmland of Statewide Importance. Therefore, the proposed project will not result in a significant impact on the City's or Region's agriculture resources and have no impact.

II-c, d) The site is mostly vacant and does not include a forest or other vegetation typically found in forest areas. No forest land zoning exists at the site and there is no timberland zoned for

Timberland Production and therefore will not conflict with existing zoning and therefore will have no impact to this resource.

II-e) Please refer to the discussion under items (a) and (c), above.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

### III. AIR QUALITY -- WOULD THE PROJECT:

|                                                                                                                                                                                                                                                                                             | <i><b>Potentially<br/>Significant<br/>Impact</b></i> | <i><b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b></i> | <i><b>Less Than<br/>Significant<br/>Impact</b></i> | <i><b>No<br/>Impact</b></i> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?                                                                                                                                                                                                             |                                                      |                                                                                   |                                                    | X                           |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?                                                                                                                                                                          |                                                      | X                                                                                 |                                                    |                             |
| c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)? |                                                      | X                                                                                 |                                                    |                             |
| d) Expose sensitive receptors to substantial pollutant concentrations?                                                                                                                                                                                                                      |                                                      |                                                                                   | X                                                  |                             |
| e) Create objectionable odors affecting a substantial number of people?                                                                                                                                                                                                                     |                                                      |                                                                                   | X                                                  |                             |

#### **BACKGROUND DISCUSSION:**

The proposed project is located in east 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 the public health; secondary standards are established to protect the public welfare. The attainment statuses of the SJVAB for Stanislaus County with respect to the applicable AAQS are shown in the following table.

The SJVAB is considered non-attainment for ozone and particulate matter (PM10 and PM2.5), 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)
- Rule 9510 (Indirect Source Review)

### **SAN JOAQUIN VALLEY FEDERAL AND STATE AAQS ATTAINMENT STATUS**

| <b>Pollutant</b>              | <b>Designation / Classification</b>  |                                    |
|-------------------------------|--------------------------------------|------------------------------------|
|                               | <b>Federal Standards<sup>a</sup></b> | <b>State Standards<sup>b</sup></b> |
| Ozone, 1-hour                 | No federal standard <sup>f</sup>     | Nonattainment / Severe             |
| Ozone, 8-hour                 | Nonattainment / Extreme <sup>e</sup> | Nonattainment                      |
| PM10                          | Attainment <sup>c</sup>              | Nonattainment                      |
| PM2.5                         | Nonattainment <sup>d</sup>           | Nonattainment                      |
| Carbon Monoxide               | Attainment / Unclassified            | Attainment / Unclassified          |
| Nitrogen Dioxide              | Attainment / Unclassified            | Attainment                         |
| Sulfur Dioxide                | Attainment / Unclassified            | Attainment                         |
| Lead (particulate)            | No designation                       | 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                         |

<sup>a</sup>See 40 CFR Part 81

<sup>b</sup>See CCR Title 17 Sections 60200-60210

<sup>c</sup>On September 25, 2008, EPA redesignated the San Joaquin Valley to Attainment for the PM10 National AAQS and approved the PM10 Maintenance Plan

<sup>d</sup>The SJV is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the SJV as nonattainment for the 2006 PM2.5 on November 13, 2009 (effective December 14, 2009).

<sup>e</sup>Though the SJV was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved reclassification of the SJV to extreme nonattainment in the Federal Register on May, 2010 (effective June 4, 2010).

<sup>f</sup>Effective 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).

|      |              |
|------|--------------|
| ROG  | 10 tons/year |
| NOx  | 10 tons/year |
| PM10 | 15 tons/year |

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 outlines 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. In accordance with Table 5-3(a) of GAMAQI, the proposed project is considered to be at a Small Project Analysis Level (SPAL), as it will not cross the SJVAPCD adopted threshold of 152 single-family (dwellings) units. Exceeding this limit would push the project into a separate tier as identified in the GAMAQI. Because the proposed project qualifies as SPAL, GAMAQI notes that it has no possibility of exceeding emission thresholds.

The applicant's representative conducted modeling of the project in order to estimate potential emissions associated with both the construction and operational phases of the proposed project. Modeling was completed using the California Emission Estimator Model (CalEEMod). These emission estimates did not show a potential significant impact and were within the thresholds identified by the Air District. The full results of the CalEEMod can be found in Appendix F of this Initial Study.

#### **DISCUSSION:**

III-a-c) The proposed project would 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. The air district has published comprehensive guidance on evaluating, determining significance of, and mitigating air quality impacts of projects and plans. As noted in the above discussion, the air

district's guidance is contained in its *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI) and within the air district's California Environmental Quality Act Guidelines ("CEQA guidelines"). Because the proposed project is relatively small, the analysis of air quality impacts focuses on whether the proposed project meets the air district screening criteria for projects having a less than significant impact. As described in the GAMAQI and generally in the air district's CEQA guidelines, if a proposed project size is below a threshold of 152 single-family (dwellings) units, the proposed project's operational impacts for criteria pollutants would not be potentially significant and detailed air quality assessment is not needed. Also detailed is the screening criteria for construction impacts of new development projects. For single-family residential uses, construction emissions are less than significant for any/all projects that contain less than 325 dwelling units and project specific construction impacts would be considered to be less than significant. However, cumulative development projects in the project vicinity could have a cumulatively significant effect on air quality impacts associated with construction activity. The mitigation measure listed below as "AQ-1" will ensure that the project's contribution to cumulative air quality construction impacts would not be considerable and therefore, less than significant. The SJVAPCD did provide comments on the project's CEQA-Early Consultation (letter dated July 31, 2014). In addition to stating that the project will not have a significant impact on air quality/pollutant emissions, the District listed several 'Rules' which the project may be subject to. Specifically, the District cited mandatory compliance with Rules 9510, 4002, 4102, 4601, and 4641. The District's comments on the above Rules will be incorporated into the project's final conditions of approval.

- III-d, e) Sensitive receptors are defined as facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors.

As mentioned previously, the project itself falls below certain thresholds established by the air district and is considered to be less than significant in terms of negatively effecting the air quality. As such, the proposed project would not be a significant source of odor during construction nor during full build-out. Furthermore, no existing sensitive receptors would be exposed to substantial pollutant concentrations as a result of the project, at any time nor would the project be a source of substantial nuisance odors. Therefore, the project will have a less than significant impact to sensitive receptors in the area.

#### **MITIGATION MEASURES:**

The following mitigation measure(s) shall be incorporated into the proposed project in order to mitigate any potential impacts to a less than significant level:

**AQ-1:** During construction, the following basic control measures shall be implemented at the



construction/project site:

- *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
- *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
- *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
- *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
- *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
- *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxic control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
- *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.*
- *Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*

**IV. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:**

|                                                                                                                                                                                                                                                                                                                  | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| 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 US 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                                           |                      |

**DISCUSSION:**

IV-a-f) In a previous Biological Survey of the project area completed by Diane S. Moore, M.S. in 2005, it was discovered that the site does contain two (2) 'wet areas' that appear to have been created

as a result of irrigation. It was noted that these areas would be expected to revert to 'uplands' once the on-site irrigation ceases and any leaking irrigation pipes are removed or repaired. Therefore, these areas are presumed to be non-jurisdictional.

The 2005 Biological Survey was updated by Moore Biological Consultants in December 2005. Based on the results of this update, it is determined that the proposed project will result in the following:

- The body of the project site primarily consists of leveled formerly irrigated pasture vegetated with ruderal grasses and weeds. There are some notable oaks and other large trees along the edges of the project site.
- No potential jurisdiction Waters of the U.S. were observed in the body of the project site. There are two irrigation-induced wetlands in the site that would revert to uplands absent irrigation and do not fall within AOCE jurisdiction.
- Due to lack of suitable habitat, it is unlikely that special-status plants occur in the project site.
- With the exception of Swainson's hawk and burrowing owl, no special-status wildlife species are expected to occur in or near the site on more than a very occasional or transitory basis.
- The project site contains potential Swainson's hawk foraging habitat, however the actual use of the project site by foraging Swainson's hawk has not been documented. The large trees in the project site are potentially suitable for nesting. Development of the project site would result in minor loss of potential Swainson's hawk foraging habitat and would contribute to a cumulative loss of open space and associated biological resource values.
- Due to the project site location so far east in the valley, it is unlikely Swainson's hawk will nest near the site in the future.

Based on the results of the Biological Resources Update prepared by Moore Biological Consultants, the proposed project will have a potentially significant impact to potential habitat for Swainson's hawk, burrowing owl, and nesting birds. Therefore, mitigation measures BIO-1, BIO-2, and BIO-3, stated below, have been incorporated into the proposed project to reduce potential impacts to a level of less than significant with mitigation incorporated.

In addition, the proposed project shall comply with Policies CONS-5.6 and CONS-5.7 of the City's 2005-2025 General Plan. Compliance with these policies will also allow the proposed project to have a less than significant impact with mitigation incorporated.

No trees or significant federally or State protected vegetation exist on the site, and thus there would be no conflict with any policies of the City of Riverbank regarding protection of biological resources or protection of existing trees. As such, impacts related to these areas are considered to be less than significant.

***MITIGATION MEASURES:***

The following mitigation measure(s) shall be incorporated into the proposed project in order to mitigate any potential impacts to a less than significant level:

**BIO-1:** Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 15. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should utilize criteria set forth by CDFW (CDFG, 1994).

**BIO-2:** Burrowing owls could nest in the project site in the future if burrow habitat is available. Pre-construction surveys for burrowing owls are recommended if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be pursuant to criteria set forth by CDFW (CDFG, 2012).

**BIO-3:** The grasslands in the project site could be used for nesting by other birds protected by the MBTA. If construction commences during the general avian nesting season (March 1 through July 31), a pre-construction survey for nesting birds is recommended. If active nests are found, work in the vicinity of the nest should be delayed until the young fledge.

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

|                                                                                                               | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| 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) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       |                                               |                                                                            | X                                           |                      |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                          |                                               |                                                                            |                                             | X                    |

**DISCUSSION:**

- V-a,b) No above-ground historical resources exist on or adjacent to the project site. A records search was undertaken on September 22, 2014 with the Central California Information Center of Stanislaus State University. This search concluded that no recorded archaeological resources have been identified at the site, nor have any recorded buildings or structures been identified. The search also concluded that there is a moderate potential of identifying unrecorded Native American resources at the project site, and a low potential of identifying historic-period archaeological resources. If archaeological resources are discovered during construction, however, impacts could be significant. Thus, mitigation measure CUL-1 is recommended.
- V-c) Paleontological resources are not expected to exist at the project site because the underlying soil type and age of the soils would generally preclude their presence. Therefore, the proposed project will have no impact.
- V-d) 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-2, specified below, in accordance with Section 15064.5(e) of the CEQA Guidelines, to reduce any potentially significant impacts to a level of less than significant.

**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:

**CUL-1:** *The City of Riverbank, working with the project applicant, shall ensure that all work in the immediate vicinity is halted if concentrations of prehistoric or historic period materials are encountered as a result of ground-disturbing activity associated with the project. A qualified archaeologist shall be contacted to evaluate the finds and to make recommendations that shall be implemented. During grading activities, the applicant shall retain a qualified archaeologist to be present. If cultural materials are discovered, the archaeologist shall assess the discovery to determine if it constitutes either a unique archaeological resource or a historical resource for purposes of CEQA (California Code of Regulations [CCR] Title 14, Section 15064.5[a]).*

*If it is determined that the materials do not constitute either a unique archaeological resource or a historical resource, their presence shall be noted but need not be considered further. If the archaeologist determines that (a) the materials constitute a unique archaeological resource or historical resource, and (b) they are subject to substantial adverse changes as defined in CCR Title 14 Section 15064.5 (b), the archaeologist shall provide recommendations to the City and applicant for appropriate treatment which, among other options, may include preservation in place or archaeological data recovery. Preservation in place is preferred, if possible.*

*Implementation of Mitigation Measure CUL-1 would reduce the potential impact on archaeological resources to a less-than-significant level.*

**CUL-2:** *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 descendent 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-2 would reduce the potential impact on human remains to a less-than-significant level.*

## VI. GEOLOGY AND SOILS -- WOULD THE PROJECT:

|                                                                                                                                                                                                                                                                                        | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:                                                                                                                                                       |                                       |                                              | X                                   |                  |
| 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                |

### DISCUSSION:

VI-a) Based on a Geotechnical Site Assessment conducted in May of 2013 (by ENGEO) and 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.

VI-b,c) The potential for grading and earthmoving during project construction to result in erosion is a potentially significant impact. Exposed soils could be entrained in stormwater runoff and transported off the project site. This impact would be mitigated to a less-than-significant level by Mitigation Measure HYDRO-1, requiring implementation of a Stormwater Pollution Prevention Plan (SWPPP). Additional details regarding the SWPPP are provided in this Initial Study.

VI-d,e) The proposed project is not located in an area known to contain expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994). Therefore, the proposed project will have no impact.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.



## **VII. GREENHOUSE GAS EMISSIONS -- WOULD THE PROJECT:**

|                                                                                                                                  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|------------------|
| 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 (CO<sub>2</sub>), 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 CO<sub>2</sub>. 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.

***DISCUSSION:***

VII-a, b) 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 greenhouse 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.

# **VIII. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:**

|                                                                                                                                                                                                                                                                  | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| 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) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?                                                                                                      |                                               |                                                                            |                                             | X                    |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                        |                                               |                                                                            |                                             | X                    |
| h) 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                                                                        |                                               |                                                                            |                                             | X                    |

|                            |  |  |  |  |
|----------------------------|--|--|--|--|
| intermixed with wildlands? |  |  |  |  |
|----------------------------|--|--|--|--|

***DISCUSSION:***

VIII-a-h) The project will not be located near any sites known to contain toxic or radioactive materials.

The project site is not situated within an Airport Clear Zone or Accident Potential Zone. The project will not create a risk of explosion, release of hazardous substances or other dangers to public health. The project will not contribute hazardous materials to the vicinity either in its construction or upon its completion. The proposed project will not interfere with any emergency response plan or emergency evacuation plan. Therefore, the proposed project will have no impact.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**IX. HYDROLOGY AND WATER QUALITY -- WOULD THE PROJECT:**

|                                                                                                                                                                                                                                                                                                                                                                                               | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| a) Violate any water quality standards or waste discharge requirements?                                                                                                                                                                                                                                                                                                                       |                                               | X                                                                          |                                             |                      |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? |                                               |                                                                            | 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, in a manner which would result in substantial erosion or siltation on- or off-site?                                                                                                                                                            |                                               |                                                                            | X                                           |                      |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?                                                                                                                     |                                               |                                                                            | X                                           |                      |
| e) 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?                                                                                                                                                                                                         |                                               |                                                                            | X                                           |                      |
| f) Otherwise substantially degrade water quality?                                                                                                                                                                                                                                                                                                                                             |                                               |                                                                            | X                                           |                      |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?                                                                                                                                                                                                                          |                                               |                                                                            |                                             | X                    |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood                                                                                                                                                                                                                                                                                                  |                                               |                                                                            |                                             | X                    |

|                                                                                                                                                                    |  |  |  |   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|---|
| flows?                                                                                                                                                             |  |  |  |   |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? |  |  |  | X |
| j) Inundation by seiche, tsunami, or mudflow?                                                                                                                      |  |  |  | X |

### **Discussion:**

IX-a) 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 17.90± acres and would be subject to the provisions of the Construction General Permit, which require the preparation and implementation 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 a 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). 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 measures HYDRO-1 and HYDRO-2 have been incorporated to address the potential of degradation of runoff water quality from project construction and operation.

- IX-b) The proposed project would connect to the City of Riverbank's water system and would not use groundwater during construction or operation. The project geotechnical investigation encountered groundwater at a depth of 70 feet, and therefore 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 (Mitigation Measure HYDRO-1) 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, no impact on groundwater supplies or recharge would be expected.
- IX-c) The proposed project would not alter the course of a stream or a river. The project site is in an rural/urban area and although development of the site would affect local drainage patterns, compliance with construction- and operation-phase stormwater requirements (Mitigation Measures HYDRO-1 and HYDRO-2) would ensure that development of the project would not result in substantial erosion or siltation on- or off-site.
- IX-d) No alteration of a stream or river is proposed. The proposed project would result in changes to drainage patterns at the project site from its current vacant state. However, implementation of Mitigation Measure HYDRO-2 would serve to reduce the rate and volume of surface runoff as a result of land development. The project would have a less than significant impact in relation to this area.
- IX-e) The proposed project would result in an increase in impervious surfaces at the site. As a result, storm water runoff volume from the site would increase relative to existing conditions. The conceptual storm water management plan included in the tentative map submittal to the city shows the applicant's plans to capture and convey storm water via a basin (identified as Lot A). The plans are designed to be consistent with the City's storm water management standards, which in general, require pre-treatment of storm water runoff and mitigation of peak storm flows to minimize downstream water quality impacts and potential for downstream flooding. The City's Stormwater Master Plan, General Plan, and General Plan EIR include policies that ensure that the proposed project will not contribute or create substantial surface run-off that would result in flooding on- or off-site, exceed storm water facility capacity or provide additional sources of polluted runoff and the impact is less than significant.
- IX-f) Operation of the proposed project would not result in any substantial changes to on-site water quality, with the exception of potential impacts associated with stormwater runoff. Implementation of Mitigation Measures HYDRO-1 and HYDRO-2 would reduce potential impacts on water quality to less than significant levels. No additional mitigation measures are required.

- IX-g,h) The project site is not located within a 100-year flood hazard area as shown by the Federal Emergency Management Agency, and therefore the proposed project would not place housing within such an area nor would development of the proposed project impede or redirect potential flood flows. As such no impact is associated.
- IX-i,j) 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. As such, no impacts are anticipated in either of these areas.

**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:

**HYDRO-1:** *Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period. The SWPPP shall be submitted to the City Engineer for review and approval prior to any construction activity. The SWPPP shall be designed to address the following objectives:*

- 1. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs);*
- 2. Where not otherwise permitted by the Regional Water Quality Control Board, all non-stormwater discharges are identified and eliminated; and*
- 3. BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity in accordance with the Construction General Permit.*

*The SWPPP shall be prepared by a Qualified SWPPP Developer. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction. The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations. A Qualified SWPPP Practitioner shall*



*be responsible for implementing the BMPs at the site and performing all required monitoring, inspection, and maintenance activities.*

**HYDRO-2:** *The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board stormwater permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Stormwater Control Plan (SCP) for the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:*

- 1. An inventory and accounting of existing and proposed impervious areas.*
- 2. Low Impact Development (LID) design details incorporated into the project. Specific LID design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of stormwater, dispersal of runoff to landscaped areas, and/or routing of runoff swales and other small-scale facilities distributed throughout the site.*
- 3. Measures to address potential stormwater contaminants. These may include measures to address potential sources of stormwater pollutants at the project site, covering trash collection and parking areas.*
- 4. A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan shall be finalized prior to issuance of any building permits for the project.*

**X. LAND USE AND PLANNING - Would the project:**

|                                                                                                                                                                                                                                                                                                             | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| a) Physically divide an established community?                                                                                                                                                                                                                                                              |                                               |                                                                            |                                             | X                    |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? |                                               |                                                                            |                                             | X                    |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?                                                                                                                                                                                                           |                                               |                                                                            |                                             | X                    |

**DISCUSSION:**

- X-a) The proposed new residential development would occur on a site that is now basically vacant with no agricultural activity or any use. Thus, an established community would not be divided or affected by the project. The area surrounding the site includes small ranchette parcels, with limited agricultural activity and single-family dwellings. All of these uses would remain with project development. Therefore, the proposed project will have no impact.
- X-b) The City of Riverbank General Plan designation for the project site is "Medium Density Residential" (MDR) which allows for a maximum of 16 residential units per acre. The General Plan amendment proposed for the project is a designation of "Low Density Residential" (LDR) which would allow up to 5 units per acre. With the project's proposal for 96 single-family residential lots on a total of 17.90± acres, the project would comply with the proposed density of the LDR designation. The project site is currently zoned as "Multi-Family Residential" (R-2) but, as part of the proposed project, would be rezoned to a P-D, Planned Development zoning district which would allow development and uses similar to the R-1, "Single-Family Residential" zoning district. Under the P-D zoning, building setbacks and height limits would be as shown on the proposed Tentative Subdivision Map and these would become conditions of approval for the project. With the proposed amendments and rezoning, the project would comply with regulations and policies related to the new designations and no significant impacts would result.
- X-c) No habitat conservation plan or community conservation plan applies to the project site. Thus, the project would have no impact

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**XI. MINERAL RESOURCES -- WOULD THE PROJECT:**

|                                                                                                                                                                       | <i>Potentially<br/>Significant<br/>Impact</i> | <i>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</i> | <i>Less Than<br/>Significant<br/>Impact</i> | <i>No<br/>Impact</i> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| 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                    |

**DISCUSSION:**

XI-a,b) 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. The proposed project is located within an area defined in the 2005-2025 General Plan as being a future residential area. Specifically, the land use designation of the project site is listed as Medium-Density Residential in the General Plan although, part of the proposed project is to modify this designation to Low-Density Residential. As such, the proposed project will have no impact to mineral resources of Statewide or local importance.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**XII. NOISE -- WOULD THE PROJECT RESULT IN:**

|                                                                                                                                                                                                                                                                     | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?                                                                                 |                                               |                                                                            | X                                           |                      |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?                                                                                                                                                             |                                               |                                                                            | X                                           |                      |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                                      |                                               |                                                                            | X                                           |                      |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                          |                                               | 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 expose people residing or working in the project area to excessive noise levels? |                                               |                                                                            |                                             | X                    |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?                                                                                                      |                                               |                                                                            |                                             | X                    |

**DISCUSSION:**

XII-a,c) 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-generating activities, and the distance between construction noise sources and 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 all

sides of the project site and the City's high school is located further away, to the south/west. Use of construction equipment could be a 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.

The proposed project is adjacent to the Sierra Northern Railway tracks which run parallel to Patterson Road, south of the project site. In reviewing potential noise issues related to the railroad, several different information sources were utilized to determine the potential impact on the future residential properties. Although the Sierra Northern rail lines are not consistently in use, it is assumed that two (2) trains pass the project site on a daily basis (*due to privacy and security concerns an exact number of trains per day is not available*). In determining the potential impacts, the noise standards/levels within the General Plan show a threshold of 60 dB. What was determined by Staff is that the periodic noise generated by the train lines/railroad does not rise to the level that would be considered to be a nuisance noise level of greater than 60dB. Another aspect of the areas noise levels is the proximity of the project site to Patterson Road. The noise levels generated from vehicle traffic on Patterson Road was found to be greater than noise generated by periodic railroad activity, however, the design of the project (subdivision) negates any potential noise impacts. As proposed, the subdivision is designed with a 0.99± acre drainage basin along the southern border and this basin acts as a buffer in relation to the noise generated by the railroad and Patterson Road. As such, the impacts of noise in this area is considered to be less than significant.

- XII-b) In general, ground borne vibration from standard construction practices is only a potential issue when the vibration occurs within 25 feet of sensitive uses. Because construction is not proposed within 25 feet of any sensitive uses, the potential impact of ground borne vibration is considered less than significant.
- XII-d) As discussed under Item (a) above, temporary construction work could result in a temporary increase in noise levels in the project vicinity. In order to ensure that project construction noise 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 project, construction activities, with mitigation incorporated, will result in a less than significant, short-term noise impact.

XII-e, f) The project site is not located within an airport land use plan or within 2 miles of an airport or private airstrip. Therefore, implementation of the proposed project would not expose persons within the project site to high levels of airport-related noise. There would be no impact.

**MITIGATION MEASURES:**

The following mitigation measure(s) shall be incorporated into the proposed project in order to mitigate any potential impacts to a less than significant level:

**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).*
- *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).*
- *Construction-related traffic shall be routed along major roadways (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's 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.*

**XIII. POPULATION AND HOUSING -- Would the project:**

|                                                                                                                                                                                                           | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| 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 housing, necessitating the construction of replacement housing elsewhere?                                                                                     |                                               |                                                                            |                                             | X                    |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?                                                                                               |                                               |                                                                            |                                             | X                    |

**DISCUSSION:**

XIII-a) With an average of about 3.5 (3.49) persons per household in the City of Riverbank (based California Department of Finance 2014 data) and 96 new dwellings proposed, the project would generate a new population of approximately 336 people. The proposed project, (including a General Plan amendment from medium to low density) is consistent with the general plan land use designation and densities and City zoning classification for the site. The proposed project would contribute to the impacts of population growth that have already been assessed and mitigated to the extent possible as part of the City's 2005-2025 General Plan EIR process. As such, the proposed project will serve as an implementation tool for a portion of the various areas designated as future residential growth under the City's General Plan and any potential impacts are considered to be less than significant.

XIII-b,c) The proposed project will not require the displacement of existing housing which would necessitate the construction of replacement housing. Currently the project site contains no dwellings or structures and will not displace a substantial number of people. Therefore, the proposed project will have no impact.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.



#### **XIV. PUBLIC SERVICES**

|                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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: |                                               |                                                                            | X                                           |                      |
| Fire protection?                                                                                                                                                                                                                                                                                                                                                                                                            |                                               | X                                                                          |                                             |                      |
| Police protection?                                                                                                                                                                                                                                                                                                                                                                                                          |                                               | X                                                                          |                                             |                      |
| Schools?                                                                                                                                                                                                                                                                                                                                                                                                                    |                                               |                                                                            | X                                           |                      |
| Parks?                                                                                                                                                                                                                                                                                                                                                                                                                      |                                               |                                                                            | X                                           |                      |
| Other public facilities?                                                                                                                                                                                                                                                                                                                                                                                                    |                                               |                                                                            | X                                           |                      |

#### **DISCUSSION:**

XIV-a) Public services are available and can be extended to serve future development. With regard to K-12 schools, the project applicant is required to pay the standard fees to both the elementary and high school districts at time of construction. With regard to parks, the applicant will pay in-lieu fees that will be used to buy park land.

The Stanislaus Consolidated Fire Protection District provided a response to the project's CEQA-Early Consultation via a memo dated July 14, 2014. The memo outlines specific requirements which will need to be met based off the California Fire Code. These comments will be incorporated into the project's conditions of approval. The Fire District also noted a mitigation measure that will need to be included to offset the potential negative impacts to the District as a result of the project. As requested, Mitigation Measure PUBLIC-1 has been added (below) and will require the project applicant/developer to establish a Community Facilities District to mitigate potential impacts to a less than significant level.

The City of Riverbank Police Department is concerned with potential negative impacts new growth places on Police Enforcement Services (Sheriff) for the City of Riverbank. The 2005-2025 Riverbank

General Plan Policy PUBLIC 8.1 states “new development shall fund and/or construct adequate law enforcement facilities to serve new growth areas, as required, in coordination with law enforcement service providers”. General Plan Policy PUBLIC 8.2 states “the City goal is to provide 1.25 sworn officers per 1,000 residents”.

The Riverbank City Council, in adopting Resolutions 2006-115 and 116 on October 23, 2006, set policy that requires all new development to participate in the formation of a Community Facilities District for Police Protection. “The increase of Police Services created by development will create an adverse impact to City financial capacity”.

Therefore it is our opinion, based on the stated General Plan Policies and City Council Resolutions referenced (above), that this development will have a significant adverse impact on Police Services unless the project proponent agrees to mitigate the project’s potential impacts through participation in the formation of and annexation into a Police Services Community Facilities District. The mitigation measure listed as PUBLIC-2 has been incorporated into this project in order to mitigate this potential impact to a less than significant level.

**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:

**PUBLIC-1:** *Prior to recording the “Final Map” or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to establish and/or annex into a “Community Facilities District” (CFD) for fire protection services with the Stanislaus Consolidated Fire Protection District.*

**PUBLIC-2:** *Prior to recording the “Final Map” or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to form and/or annex into a “Community Facilities District” (CFD) for operational services with the Riverbank Police Department (Stanislaus County Sheriff).*

## **XV. RECREATION**

|                                                                                                                                                                                                                | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</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 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                                           |                      |

### **DISCUSSION:**

- XV-a) Payment of fees in lieu of parkland dedication, in accordance with the General Plan, would be required by the City of Riverbank as part of the standard development review and building permit process for the project. Payment of these fees would provide for park improvements elsewhere in Riverbank. For this reason, the project would not be expected to 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. The project's impact in relation to this would be less than significant.
- XV-b) As noted under Item (a) above, the recreational needs of project residents are expected to be met by the existing recreational facilities in the area, and the project would not require construction or expansion of other recreational facilities. The project's impact would therefore be considered less than significant.

### **MITIGATION MEASURES:**

Mitigation is not required for this topic.

**XVI. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:**

|                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? |                                               | X                                                                          |                                             |                      |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?                                                                                                                                                                |                                               |                                                                            |                                             | X                    |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?                                                                                                                                                                                                                                                                |                                               |                                                                            |                                             | X                    |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?                                                                                                                                                                                                                                                                        |                                               |                                                                            |                                             | X                    |
| e) Result in inadequate emergency access?                                                                                                                                                                                                                                                                                                                                                                                     |                                               |                                                                            |                                             | X                    |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities:                                                                                                                                                                                                                                        |                                               | X                                                                          |                                             |                      |

**DISCUSSION:**

XVI-a) The proposed project's circulation does not conflict with the City's 2005-2025 General Plans Circulation Element or Municipal Code. However, the project may have an impact on the transportation/circulation system during construction. Potential transportation system impacts during the construction phase of the proposed project include the potential to disrupt traffic

flows on area roadways through the addition of heavy-duty construction vehicles turning in and out of the project site and sharing the roadway with normal vehicle traffic, creating potential conflicts. These impacts would be temporary but potentially significant. As such, Mitigation Measure TRANS-1 has been incorporated.

During review of the proposed project, a potential issue was identified at the intersection of Patterson and Snedigar Road. This intersection contains an existing rail-road crossing (Sierra Northern RR) and a 4-way stop sign but, is otherwise unimproved. Both the Riverbank General Plan and the Riverbank Facilities Master Plan shows this intersection as being planned signalized at a future date as well as improvements to the existing rail road crossing. As such, the project applicant/developer will be required to pay developer fees towards this future signalization and rail crossing project. The requirement to pay the appropriate development fees towards these future improvements have been included as mitigation measure TRANS-2 and will offset potential impacts to a less than significant level.

- XVI-b) The proposed project will not result in an increase or conflict to the level of service standards and travel demand for the City of Riverbank. The project will be required to and does conform to, the circulation standards and policies set forth by the City's 2005-2025 General Plan. Therefore, the proposed project will have no impact.
- XVI-c) The proposed project will not result in the change of air patterns. Therefore, the proposed project will have no impact in this area.
- XVI-d) Street improvements installed as part of the proposed project will not result in immediate construction or design hazards. As such, hazards due to a design feature are not anticipated to occur. Therefore, the proposed project will have no impact.
- XVI-e) The proposed project, as designed, will not result in inadequate emergency access. Therefore, the proposed project will have no impact.
- XVI-f) The proposed project will not conflict with any adopted policies, plans or programs regarding public transit, or bicycle facilities. However, there may be potential impacts to pedestrian facilities and transit as it relates to the "safe route to schools program". The future residents will reside within the Riverbank Unified School District and will utilize bus transportation and public sidewalks daily, in order to attend school. A response to the project's CEQA-Early Consultation (dated August 18, 2014), provided by the Riverbank Unified School District, noted concerns with both the pedestrian routes to school and with increased costs in student transportation, not currently covered by developer fees. Furthermore, the District cited necessary bus stop improvements at the existing school bus stop located at Santa Fe and Central Street. The District

has recommended important improvements which have been incorporated as Mitigation Measures TRANS-3 and TRANS-4 in order to mitigate the potential impacts to a less than significant level.

#### **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:

**TRANS-1:** *Although construction impacts are expected to be temporary, development of a construction management plan would reduce the potential for construction vehicle conflicts with other roadway users. The project applicant shall prepare a construction management plan for review and approval by the City of Riverbank prior to any ground disturbing activity. The plan shall include:*

- *A project staging plan to maximize on-site storage of materials and equipment.*
- *A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes.*
- *Permitted construction hours.*
- *Location of construction staging.*
- *Identification of parking areas for construction employees, site visitors, and inspectors to minimize potential impacts on adjacent residences/properties.*
- *Provisions for street sweeping to remove construction related debris on public streets.*

*Implementation of the construction management plan would reduce the temporary construction traffic impact to a less than significant level.*

**TRANS-2:** *Prior to construction, the project applicant/developer shall pay the appropriate 'fair-share' impact/developer fees towards the future improvements, to be made at the intersection of Snedigar and Patterson Road. The fees collected shall be calculated and based on the appropriate amount for both roadway, rights-of-way and rail crossing improvements.*

**TRANS-3:** *Prior to construction, the project applicant/developer shall enter into an agreement with the Riverbank Unified School District to improve the student bus stop, located at Santa Fe and Central Street. These improvements shall include a clear path of travel (sidewalk) from the project site to the bus stop and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank, as needed.*

**TRANS-4:** *Prior to construction, the project applicant/developer shall enter into an agreement with the Riverbank Unified School District to provide a 'safe 'pedestrian route from the project site to each of the schools in the area: Riverbank High School, Cardoza Middle School, and Mesa Verde Elementary School. These improvements (sidewalk) shall provide a clear path of travel from the project site to the school(s) and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank and Stanislaus County, as needed.*

**XVII. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:**

|                                                                                                                                                                                                                                 | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?                                                                                                                             |                                               |                                                                            | X                                           |                      |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                          |                                               |                                                                            | X                                           |                      |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                   |                                               |                                                                            | X                                           |                      |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?                                                                          |                                               |                                                                            | X                                           |                      |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments? |                                               |                                                                            | X                                           |                      |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?                                                                                                           |                                               |                                                                            | X                                           |                      |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?                                                                                                                                       |                                               |                                                                            | X                                           |                      |

**DISCUSSION:**

XVII-a) The proposed project would include underground sewer line connections to the City of Riverbank's existing sanitary sewer line at Claus Road and Santa Fe Street; with connections to the project site at the proposed "E, A & C Streets". Based on average wastewater generation rates (275 gallons per day per single-family dwelling unit) contained in the 2013 Municipal Service Review, performed by the Stanislaus County Local Agency Formation Commission (LAFCO), the proposed 96 single-family dwelling units would generate about 26,400 gallons of



wastewater per day. 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 treatment capacity 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 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 the result of new construction. The project applicant would be required to pay these fees and charges at the time that the proposed project residences connect to the sewer system. Given that the city of Riverbank wastewater collection and treatment facilities currently have or will have adequate capacity to serve the proposed project, the project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board and the project's impact would be considered less than significant.

- XVII-b) The project would not require or result in the construction of new water supply or off-site distribution facilities or expansion of existing facilities. Environmental effects of on-site construction of proposed water line connections are evaluated throughout this Initial Study. The project's impact related to construction or expansion of water facilities would be less than significant.
- XVII-c) Please refer to Section IX, Hydrology and Water Quality, for discussion of storm drainage facilities required for the project.
- XVII-d) 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. The project would therefore have a less-than-significant impact in relation to this criterion. Please refer to Item (b) above.
- XVII-e) The City of Riverbank has determined that it has or will have adequate capacity to serve the projected wastewater demand from the project in addition to City's existing and future commitments. The project's impact would therefore be less than significant. Please refer to Item (a) above.
- XVII-f, g) 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 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 and regulations related to solid waste and would not cause solid waste providers to be out of compliance with applicable statutes and regulations related to solid waste. As such, the project's impact in relation to this area would therefore be less than significant.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| 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                    |

**DISCUSSION:**

- XVIII-a) 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. Potentially impacts were identified in this issue area but they were identified to be less than significant.
- XVIII-b) 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. Therefore, finding (b) is checked as "No Impact".
- XVIII-c) 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 other such impacts were identified.

## SECTION 4.0

## 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 Section 3.0, 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. California Department of Transportation Online Database of State Scenic Highways ([www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm](http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm)).
6. California Department of Conservation Farmland Mapping and Monitoring Program, published October 2007.
7. Guide for Assessing and Mitigating Air Quality Impacts, adopted August 20, 1998, and as revised January 10, 2002, prepared by the San Joaquin Valley Air Pollution Control District.
8. 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.
9. Flood Insurance Rate Map (FIRM) No. 06099C0335E, dated September 26, 2008, and No. 06099C0330E, dated September 26, 2008 prepared by the Federal Emergency Management Association (FEMA).

## SECTION 5.0

## APPENDICES

- A. Biological Resource Inventory, *Moore Biological Consultants*; January 24, 2005
- B. Phase 1 Environmental Assessment, *Construction Testing & Engineering, Inc*; January 27, 2005
- C. Traffic Impact Analysis, *KD Anderson*; February 17, 2005
- D. Soil Absorption Evaluation, *Krazan & Associates, Inc.*; July 18, 2014
- E. Geotechnical Site Reconnaissance & Hazard Assessment, *ENGEO*; May 16, 2013
- F. California Emission Estimator Model (CalEEMod) – Results, *VVH Consulting Engineers*; Sept 23, 2014

FREE RECORDING REQUESTED PURSUANT TO  
GOVERNMENT CODE SECTION 27383, BY:

City of Riverbank  
c/o Community Development Department/Planning Division  
6707 Third Street  
Riverbank, CA 95367

AND WHEN RECORDED MAIL TO:

City of Riverbank  
c/o Community Development Department/Planning Division  
6707 Third Street  
Riverbank, CA 95367

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**CITY OF RIVERBANK  
MITIGATION AGREEMENT FOR PROPOSED PROJECT**

[California Code of Regulations Title 14, Sections 15040(c), 15064, and 15070 or 15126.4]

Lead Agency Address: City of Riverbank  
c/o Community Development Department/Planning Division  
6707 Third Street  
Riverbank, CA 95367  
Lead Agency Phone: (209) 863-7120

Project Title: DIAMOND BAR EAST SUBDIVISION

Property Owner: Ty Angle, Shane & Kim Parsons

Environmental Document: Proposed Mitigated Negative Declaration/ Initial Study (Diamond Bar East)  
(Type/File No.)

Discretionary Application(s): Riverbank General Plan Amendment No. 2014-02, Riverbank Zoning Ordinance  
Amendment No. 2014-02 & Tentative Map Application No. 2014-02

Project Description/Location: The proposed project consists of a General Plan Amendment (GPA), Rezone, and Tentative Map to subdivide approximately 17.90± acres into ninety-six (96) single-family residential lots (overall residential density of 5.41 du/acre), a 2,411sq.ft. landscape lot, a 0.99± acre drainage basin lot and the associated street, sewer, water, and storm drainage improvements. The project site currently has a General Plan designation of Medium Density Residential (MDR) and is located within the P-D #96, Planned Development zoning district. The proposed GPA would designate the project site for Low Density Residential (LDR) land uses. The proposed rezone would also modify the project site's existing zoning from P-D #96 to P-D, Planned Development.

The project site is located within the City of Riverbank, an incorporated city within Stanislaus County and is bounded by Santa Fe Avenue to the north, Patterson Road/Sierra Northern Railway tracks to the south, Snedigar Road to the east, and Central Avenue to the west. The project site is further identified as being Assessor Parcel Number (APN) 062-020-010 and 025.

Legal Description of Property: Attached as Exhibit A (legal description includes metes and bounds (bearings and dimensions) or existing lots of record and corresponding map(s) for affected property).

**MITIGATION MEASURES:**

**AESTHETICS-1:** *All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. This shall include but not be limited to the use of shielded light fixtures to prevent 'sky-glow' (light spilling into the night sky) and the installation of shielded fixtures to prevent 'light-trespass' (glare and spill light that shines onto neighboring properties).*

**AQ-1:** During construction, the following basic control measures shall be implemented at the construction/project site:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxic control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**BIO-1:** Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are required prior to any ground disturbing activities/construction. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should utilize criteria set forth by CDFW (CDFG, 1994).

**BIO-2:** Burrowing owls could nest in the project site in the future if burrow habitat is available. Pre-construction surveys for burrowing owls are required prior to any ground disturbing activities/construction. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be pursuant to criteria set forth by CDFW (CDFG, 2012).

**BIO-3:** The grasslands in the project site could be used for nesting by other birds protected by the MBTA. If construction commences during the general avian nesting season (February 1 through mid-September), a pre-construction survey for nesting birds is recommended. If active nests are found, work in the vicinity of the nest should be delayed until the young fledge.

**CUL-1:** The City of Riverbank, working with the project applicant, shall ensure that all work in the immediate vicinity is halted if concentrations of prehistoric or historic period materials are encountered as a result of ground-disturbing activity associated with the project. A qualified archaeologist shall be contacted to evaluate the finds and to make recommendations that shall be implemented. During grading activities, the applicant shall retain a qualified archaeologist to be present. If cultural materials are discovered, the archaeologist shall assess the discovery to determine if it constitutes either a unique archaeological resource or a historical resource for purposes of CEQA (California Code of Regulations [CCR] Title 14, Section 15064.5[a]). If it is determined that the materials do not constitute either a unique archaeological resource or a historical resource, their presence shall be noted but need not be considered further. If the archaeologist determines that (a) the materials constitute a unique archaeological resource or historical resource, and (b) they are subject to substantial adverse changes as defined in CCR Title 14 Section 15064.5 (b), the archaeologist shall provide recommendations to the City and applicant for appropriate treatment which, among other options, may include preservation in place or archaeological data recovery. Preservation in place is preferred, if possible.

Implementation of Mitigation Measure CUL-1 would reduce the potential impact on archaeological resources to a less-than-significant level.

**CUL-2:** 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 descendent 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-2 would reduce the potential impact on human remains to a less-than-significant level.

**HYDRO-1:** Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project



construction period. The SWPPP shall be submitted to the City Engineer for review and approval prior to any construction activity. The SWPPP shall be designed to address the following objectives:

1. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs);
2. Where not otherwise permitted by the Regional Water Quality Control Board, all non-stormwater discharges are identified and eliminated; and
3. BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity in accordance with the Construction General Permit.

The SWPPP shall be prepared by a Qualified SWPPP Developer. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction. The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring, inspection, and maintenance activities.

**HYDRO-2:** The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board stormwater permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Stormwater Control Plan (SCP) for the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:

1. An inventory and accounting of existing and proposed impervious areas.
2. Low Impact Development (LID) design details incorporated into the project. Specific LID design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of stormwater, dispersal of runoff to landscaped areas, and/or routing of runoff swales and other small-scale facilities distributed throughout the site.
3. Measures to address potential stormwater contaminants. These may include measures to address potential sources of stormwater pollutants at the project site, covering trash collection and parking areas.
4. A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan shall be finalized prior to issuance of any building permits for the project.

**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).
- 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).
- Construction-related traffic shall be routed along major roadways (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's 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.

**PUBLIC-1:** Prior to recording the "Final Map" or issuance of any building permits within the proposed subdivision, the

applicant/project developer will be required to establish and/or annex into a "Community Facilities District" (CFD) for fire protection services with the Stanislaus Consolidated Fire Protection District if one exists.

**PUBLIC-2:** Prior to recording the "Final Map" or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to form and/or annex into a "Community Facilities District" (CFD) for operational services with the Riverbank Police Department (Stanislaus County Sheriff).

**TRANS-1:** Although construction impacts are expected to be temporary, development of a construction management plan would reduce the potential for construction vehicle conflicts with other roadway users. The project applicant shall prepare a construction management plan for review and approval by the City of Riverbank prior to any ground disturbing activity. The plan shall include:

- A project staging plan to maximize on-site storage of materials and equipment.
- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes.
- Permitted construction hours.
- Location of construction staging.
- Identification of parking areas for construction employees, site visitors, and inspectors to minimize potential impacts on adjacent residences/properties.
- Provisions for street sweeping to remove construction related debris on public streets.

Implementation of the construction management plan would reduce the temporary construction traffic impact to a less than significant level.

**TRANS-2:** Prior to construction, the project applicant/developer shall improve and/or pay the appropriate 'fair-share' impact/developer fees towards the future improvements, to be made at the intersection of Snedigar and Patterson Road. The fees collected shall be calculated and based on the appropriate amount for both roadway, rights-of-way and rail crossing improvements.

**TRANS-3:** Prior to construction, the project applicant/developer shall work with the Riverbank Unified School District and the City of Riverbank in a mutually acceptable fashion to improve the student bus stop, located at Santa Fe and Central Street. These improvements shall include a clear path of travel (sidewalk) from the project site to the bus stop and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank, as needed.

**TRANS-4:** Prior to construction, the project applicant/developer shall work with the Riverbank Unified School District and the City of Riverbank in a mutually acceptable fashion to provide a 'safe' pedestrian route from the project site to each of the schools in the area: Riverbank High School, Cardoza Middle School, and Mesa Verde Elementary School. These improvements (sidewalk) shall provide a clear path of travel from the project site to the school(s) and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank and Stanislaus County, as needed.

#### **MITIGATION AGREEMENT:**

Pursuant to Section 15064 of the Guidelines for the Implementation of the California Environmental Quality Act (State CEQA Guidelines), the City of Riverbank, Environmental Review Committee (lead agency) has prepared the above-noted draft environmental document and has independently determined that there is substantial evidence, in light of the whole record before it, that the proposed project may have one or more significant effects on the environment unless those effects are avoided or mitigated to an acceptable level. Accordingly, as the property owner, applicant, or the legal representative for the above-described project/subject site, I hereby agree to make revisions to the project description, plans, or proposals by incorporating feasible mitigation measures which will avoid or reduce some or all of the potentially significant adverse environmental effects to a point where, clearly, those effects will not be significant. The applicable mitigation measures are identified in the above-referenced environmental document, and/or in a separate document, which is incorporated by this reference and attached hereto as Exhibit B.

Based on the substantial evidence in the whole record before it, the City of Riverbank, Environmental Review Committee has determined that the project, as revised by this Mitigation Agreement, will avoid or mitigate some or all of the potentially significant adverse environmental effects (as identified in Exhibit B) to a point where, clearly, those effects will not be significant. This determination and Agreement is based on, and subject to, the following findings, terms, and conditions, as applicable:

- This Agreement is binding on the property owner(s), applicant(s), and on any successors-in-interest. Therefore, they are responsible for incorporating the identified feasible mitigation or avoidance measures, and/or equivalent or more effective measures, as revisions to the project and for implementing those measures in coordination with project

design, construction, and operation.

- This agreement has been executed prior to the distribution of the above-referenced environmental document for public review. However, additional mitigation measures may be required, and/or equivalent or more effective measures may be substituted, following the review of the above-referenced environmental document by the public, by responsible and trustee agencies, and/or by City of Riverbank Planning Commission and City Council.
- Pursuant to Section 15074 or 15091 of the State CEQA Guidelines, as applicable, any project approval shall be based upon, and subject to, the adoption of related "CEQA Findings" for each significant and potentially significant environmental effect identified in the above-referenced environmental document. Furthermore, in accordance with Guidelines Section 15097, this Mitigation Agreement, and any subsequently adopted mitigation/avoidance measures, will be subject to the provisions of a related "Mitigation Monitoring and Reporting Program" which must be adopted in conjunction with the approval of the above-noted discretionary application(s) for the proposed project. The Monitoring Program shall ensure that the applicable mitigation and avoidance measures are actually implemented.
- Where applicable, in accordance with Section 15064 and/or 15152 of the State CEQA Guidelines, this Agreement incorporates any previously adopted measures designed to mitigate the significant adverse incremental or cumulatively considerable effects identified in a prior certified EIR or adopted Mitigated Negative Declaration (MND) for an earlier related project or project phase. Said measures are contained in Exhibit B, if applicable.
- Pursuant to Section 15152(f) of the State CEQA Guidelines, if the above-referenced environmental document concludes that certain significant environmental effects were adequately addressed in a prior EIR for an earlier related project or project phase and that those effects remain unavoidable and/or infeasible to mitigate, then, the proposed project may rely on a Statement of Overriding Consideration which was previously adopted in accordance with Guidelines Section 15093. Said Statement of Overriding Consideration is contained in Exhibit B, if applicable.
- Implementation of this fully executed Agreement shall be initiated following the date of its recordation at the Stanislaus County Recorder's Office. The applicable recording fee (payable to Stanislaus County) shall be submitted to the City's Community Development Department/Planning Division (CDD/PD) and the CDD//PD shall record the Agreement within five (5) calendar days after the City's final approval of the above-noted discretionary application(s). Upon recordation of this Agreement, the owners, applicants, and/or successors-in-interest may submit applications for site plan approvals, building and/or grading permits, final subdivision or parcel maps, improvement plan approvals, or other ministerial approvals to facilitate project implementation.
- In the event that all of the above-referenced discretionary application(s) for the project are withdrawn, denied, expired, terminated, or revoked, this Agreement shall be null and void.

IN WITNESS WHEREOF, the Community Development Director or his assign, representing the City of Riverbank, and the applicant/owner or their legal representatives have executed this agreement on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. A notarized acknowledgement form must be attached for each of the signatures provided below (except City Attorney).

COMMUNITY DEVELOPMENT DEPARTMENT  
CITY OF RIVERBANK

By \_\_\_\_\_  
John B. Anderson, Community Development Director

PROPERTY OWNER(S) NAME AND ADDRESS:  
(Type or Print):

Ty Angle, Shane & Kim Parsons  
6055 Central Ave.  
Ceres, California 95307

SIGNATURE OF OWNER/LEGAL AGENT:

\_\_\_\_\_

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY  
CITY OF RIVERBANK

By \_\_\_\_\_  
Tom Hallinan, City Attorney

APPLICANT(S) NAME AND ADDRESS:  
(Type or Print):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE OF APPLICANT/LEGAL AGENT:

\_\_\_\_\_

State of California

County of Stanislaus

On \_\_\_\_\_ before me \_\_\_\_\_  
DATE NAME, TITLE OF OFFICER

personally appeared \_\_\_\_\_  
NAME(S) OF SIGNER(S)

☐ personally known to me - **OR** - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
SIGNATURE OF NOTARY

### OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

#### CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL  
☐ CORPORATE OFFICER

\_\_\_\_\_  
TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED  
☐ GENERAL

- ☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(IES)

\_\_\_\_\_  
\_\_\_\_\_

#### DESCRIPTION OF ATTACHED DOCUMENT

\_\_\_\_\_  
TITLE OR TYPE OF DOCUMENT

\_\_\_\_\_  
NUMBER OF PAGES

\_\_\_\_\_  
DATE OF DOCUMENT

\_\_\_\_\_  
SIGNER(S) OTHER THAN NAMED ABOVE

## **Attachment 5: Draft PC Resolution for General Plan Amendment**

**CITY OF RIVERBANK  
RESOLUTION NO. 2015-004**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF RIVERBANK, CALIFORNIA, APPROVING  
THE GENERAL PLAN AMENDMENT REDESIGNATING  
17.90 ACRES TO LDR LOW DENSITY RESIDENTIAL,  
LOCATED AT APN 062-020-010 AND 062-020-025 - A  
PROJECT KNOWN AS DIAMOND BAR ESTATES - EAST**

---

**WHEREAS**, an application has been received from Cary W. Pope with a proposal to subdivide approximately 17.90 acres into ninety-six (96) single-family residential lots, with a density of 5.41 du/acre; and

**WHEREAS**, the project site is currently zoned Planned Development (PD# 69) with a General Plan Land Use Designation of MDR Medium Density Residential; and

**WHEREAS**, the applicant is proposing a General Plan Amendment to designate the project site as LDR Low Density Residential; and

**WHEREAS**, the 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**, notice of the public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation, on February 4, 2015 and

**WHEREAS**, notices of the public hearing on the General Plan Amendment was mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on February 3, 2014; and

**WHEREAS**, the Planning Commission has reviewed the General Plan Amendment and conducted a public hearing on February 17, 2015; and

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

**NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 02-2014 BASED ON THE FOLLOWING FINDINGS:**

1. General Plan Amendment Findings. That pursuant to California Government Code sections 65358 and the Riverbank General Plan, the Planning Commission finds as follows:
  - a. The General Plan Amendments are in the public interest because the General Plan Amendment will change the General Plan Land Use Map to comply with the proposed tentative map densities.
  - b. The General Plan Amendments are consistent and compatible with the goals and the vast majority of the policies of the General Plan.
  - c. The potential effects of the proposed amendments have been evaluated in the CEQA document on the project and have been found to be not detrimental to the public health, safety, or welfare.
  - d. That the proposed amendments have 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 CEQA Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearings on this matter before the Planning Commission, the Planning Commission hereby recommends approval of the General Plan Amendment as included in Exhibit A.
3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
4. The City finds that Pursuant to the California Environmental Quality Act (CEQA), the Lead Agency (Riverbank) has prepared an Initial Study and concludes that a Mitigated Negative Declaration shall be prepared to mitigate otherwise significant effects to the environment to less than significant.

Based on the IS it has been determined that although the proposed Project could have a significant effect on the environment, certain modifications to the project have been agreed to by the applicant to reduce these identified impacts to a level

which is considered less than significant. A Mitigated Negative Declaration has been prepared for this project, with Mitigation Measures incorporated into the project to lessen the impact on the environment where indicated. The property owners have been given a Mitigation Agreement for execution and this agreement will be recorded against the property as notice to subsequent owners of the mitigation obligations created as a result of this entitlement action

**PASSED AND ADOPTED** by the Planning Commission of the City of Riverbank at a regular meeting held on the Seventeenth day of February, 2015; motioned by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and upon roll call was carried by the following vote of \_\_\_\_:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**John B. Anderson**  
**Contract Community Development Director**

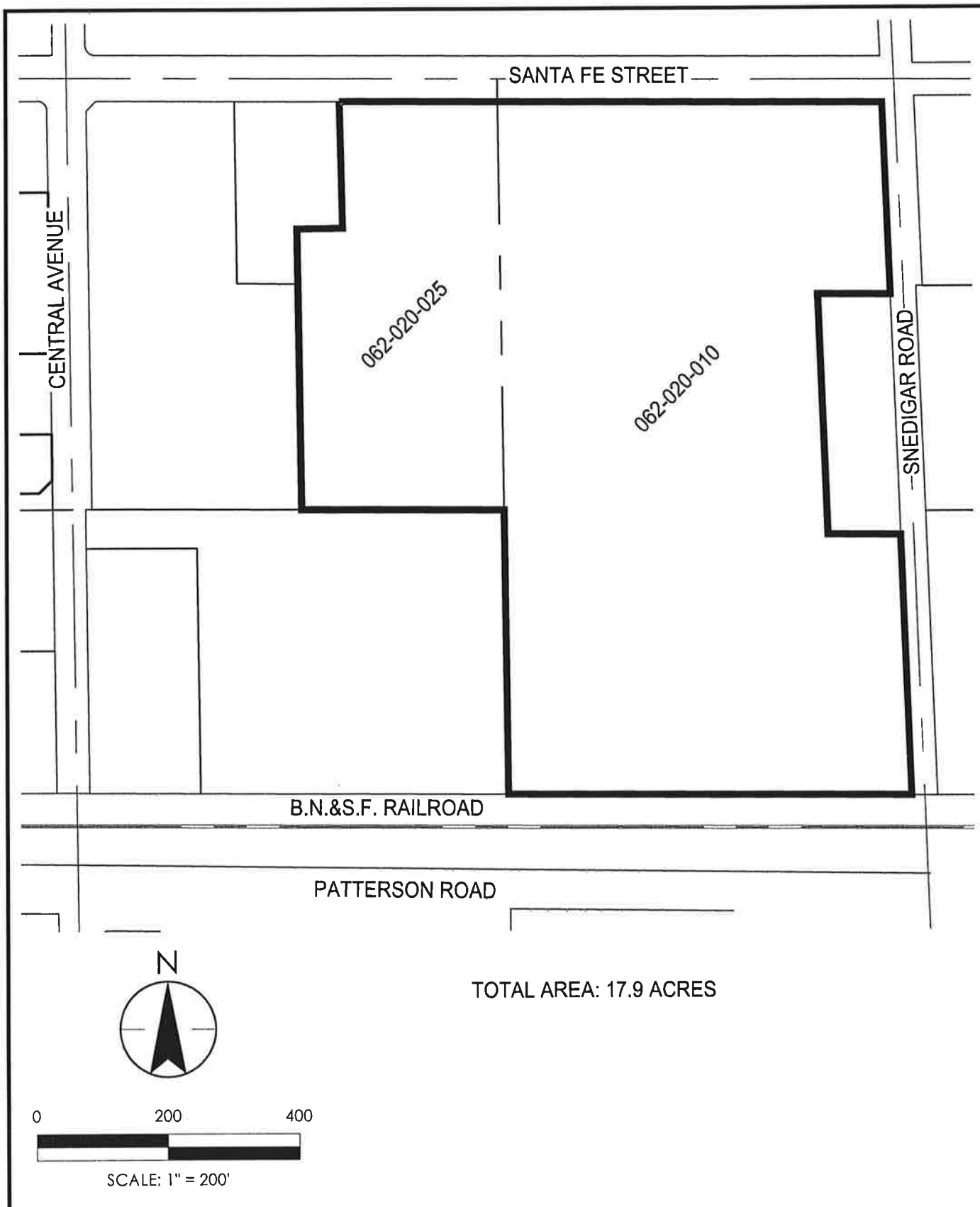
\_\_\_\_\_  
**Joan Stewart**  
**Planning Commission Chair**

Attachments:

Exhibit A – General Plan Exhibit



## **Exhibit "A"**



W:\10310100\survey\drawing\sheet files\GPA\_EAST.dwg 2/11/15 10:32

RDD

FEB 2015

CARY POPE  
DIAMOND BAR ESTATES  
RIVERBANK, CALIFORNIA

DIAMOND BAR ESTATES - EAST  
PROPOSED G.P.A.  
FROM MDR TO LDR

EXHIBIT

A

000176

**Attachment 6: Draft PC Resolution for Draft Ordinance rezoning to PD**

**CITY OF RIVERBANK  
RESOLUTION NO. 2015-005**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF RIVERBANK, CALIFORNIA, RECOM-  
MENDING TO CITY COUNCIL THE APPROVAL OF  
ORDINANCE NO. 2015-XXX TO REZONE 17.90 ACRES,  
KNOWN AS DIAMOND BAR ESTATES - EAST TO  
PLANNED DEVELOPMENT, LOCATED AT APN 062-020-  
010 AND 062-020-025**

---

**WHEREAS**, an application has been received from Cary W. Pope with a proposal to subdivide approximately 17.90 acres into ninety-six (96) single-family residential lots, with a density of 5.41 du/acre; and

**WHEREAS**, the project site is currently zoned Planned Development (PD # 69) with a newly modified General Plan Land Use Designation of LDR Low Density Residential; and

**WHEREAS**, the applicant is proposing to rezone the subject property to Planned Development P-D; and

**WHEREAS**, the Planning Commission held a public hearing on February 17, 2015, to consider Zoning Ordinance Amendment No. 2014-02; and

**WHEREAS**, notice of the public hearing on the Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on February 4, 2015; and

**WHEREAS**, notices of the public hearing on the Zoning Ordinance Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on February 3, 2015; and

**WHEREAS**, the Planning Commission has reviewed the proposed Zoning Ordinance Amendment and conducted a public hearing on February 17, 2015; and

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

**NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF ORDINANCE NO. 2015-XXX, REZONING 17.90 ACRES TO THE PLANNED DEVELOPMENT ZONE, 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 properties identified as part of this action have a General Plan Land Use Designation of Low Density Residential (LDR) and the current zoning of Planned Development matches a project which has expired. This action will rezone these properties to the recently proposed new project under a new P-D Zone;
  - b. The proposed rezone on these properties will achieve consistency between the General Plan and the Zoning Code, pursuant to Government Code Section 65860;
2. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
3. The City finds that Pursuant to the California Environmental Quality Act (CEQA), the Lead Agency (Riverbank) has prepared an Initial Study and concludes that a Mitigated Negative Declaration shall be prepared to mitigate otherwise significant effects to the environment to less than significant.

Based on the IS it has been determined that although the proposed Project could have a significant effect on the environment, certain modifications to the project have been agreed to by the applicant to reduce these identified impacts to a level which is considered less than significant. A Mitigated Negative Declaration has been prepared for this project, with Mitigation Measures incorporated into the project to lessen the impact on the environment where indicated. The property owners have been given a Mitigation Agreement for execution and this agreement will be recorded against the property as notice to subsequent owners of the mitigation obligations created as a result of this entitlement action

**PASSED AND ADOPTED** by the Planning Commission of the City of Riverbank at a regular meeting held on the Seventeenth day of February, 2015; motioned by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and upon roll call was carried by the following vote of \_\_\_\_:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

---

**John B. Anderson**  
**Contract Community Development Director**

---

**Joan Stewart**  
**Planning Commission Chair**

**Attachments:**

**Exhibit "A" – Draft City Council Ordinance**

## **Exhibit "A"**

**EXHIBIT "A" TO PC RESOLUTION NO. 2015-005**

**DRAFT  
CITY OF RIVERBANK  
ORDINANCE NO. 2015-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK  
APPROVING REZONING OF 17.90 ACRES TO PLANNED DEVELOPMENT,  
LOCATED AT APN 062-020-010 AND 025 – A PROJECT KNOWN AS DIAMOND  
BAR ESTATES - EAST**

---

**WHEREAS**, the City of Riverbank is authorized by Title 15 Chapter 153.231, to initiate a rezone whenever public necessity and convenience and the general welfare require such amendment; and

**WHEREAS**, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, February 17, 2015 to consider the proposed Zoning Ordinance Amendment in Riverbank; and

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

1. An application has been received from Cary W. Pope with a proposal to subdivide approximately 17.90 acres into ninety-six (96) single-family residential lots, with a density of 5.41 du/acre; and
2. The project site is currently zoned Planned Development (PD# 69) with a modified General Plan Land Use Designation of LDR Low Density Residential; and
3. The applicant is proposing to rezone the subject property to Planned Development P-D; and
4. Notice of the public hearing on the proposed Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on \_\_\_\_\_; and,
5. Notice of the public hearing on the proposed Zoning Ordinance Amendment were mailed to all property owners affected by this action on \_\_\_\_\_; and,



## **EXHIBIT "A" TO PC RESOLUTION NO. 2015-005**

6. Notices of the public hearing on the proposed Zoning Ordinance Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on \_\_\_\_\_; and
7. The City finds that Pursuant to the California Environmental Quality Act (CEQA), the Lead Agency (Riverbank) has prepared an Initial Study and concludes that a Mitigated Negative Declaration shall be prepared to mitigate otherwise significant effects to the environment to less than significant. The City Council finds that the amended and new mitigation measures, as discussed in the staff report and revised Mitigation Monitoring Plan, are equivalent to or more effective than the previous Mitigation Measures circulated with the Initial Study and that they, themselves, will not cause any potentially significant effect on the environment pursuant to CEQA guidelines section 15074.1.

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

**Section 1:** The City Council of the City of Riverbank approves Rezoning of 17.90 acres to the Planned Development zone district, located at the following APNs:

062-020-010 and 062-020-025

**Section 2:** Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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

**EXHIBIT "A" TO PC RESOLUTION NO. 2015-005**

The foregoing was introduced at a regular meeting of the City Council of the City of Riverbank held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015; motioned by Councilmember \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and upon roll call was carried by the following vote \_\_\_\_:

**AYES:**

**NAYS:**

**ABSENT:**

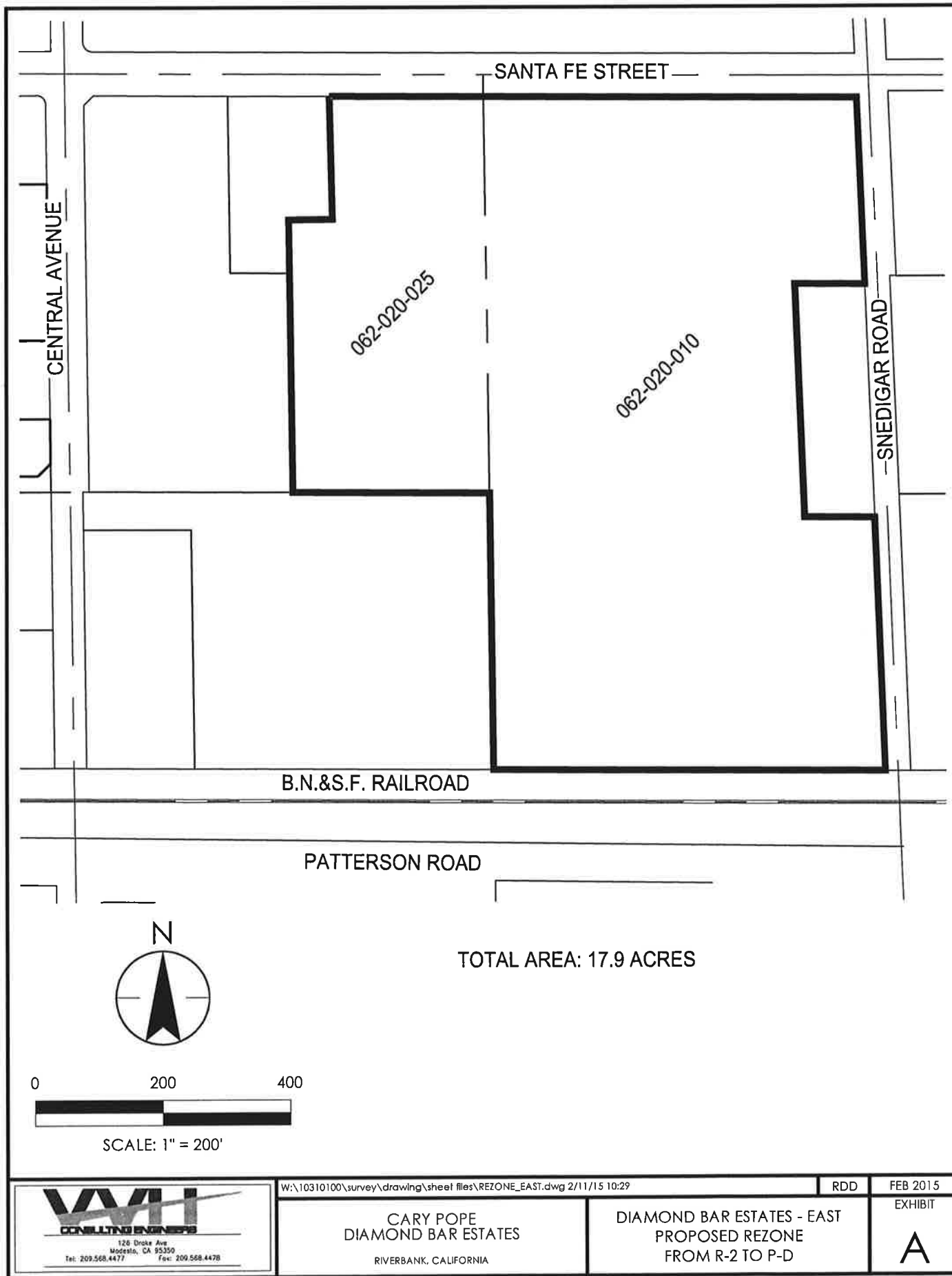
**ABSTAIN:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Annabelle Aguilar, CMC**  
**City Clerk**

\_\_\_\_\_  
**Richard D. O'Brien**  
**Mayor**



**Attachment 7: Draft PC Resolution for TM 02-2014**

**City of Riverbank  
Planning Commission  
Resolution No. 2015- 003**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK  
RECOMMENDING APPROVAL OF THE REQUEST OF CARY POPE FOR A TENTATIVE  
SUBDIVISION MAP 02-2014 TO SUBDIVIDE 17.90 ACRES INTO 96 PLANNED DEVELOPMENT  
SINGLE FAMILY RESIDENTIAL LOTS, LOCATED SOUTH OF SANTA FE DRIVE BETWEEN  
CENTRAL AVENUE AND SNEDIGAR ROAD  
APN: 062-020-010 AND 025.**

---

**WHEREAS**, a development application has been received from Cary Pope representing the real property owners: Ty Angle and Shane and Kim Parsons for a Tentative Subdivision Map to divide 17.90 acres into 96 single family residential lots and 2 drainage lots of lands more particularly described as:

Parcel A: All of Lots 267, 268 and 272 of RIVERBANK IRRIGATION FARMS, as per Map filed January 15, 1913 in Book 7 of Maps, at Page 23 Stanislaus County Records.

Parcel B: Parcel 2 as shown on that certain Parcel Map filed for record on January 27, 2006, in book 56 of Parcel Maps, at Page 29, Stanislaus County Records.

Stanislaus County Assessor Parcel Number's 062-020-010 and 025.

**WHEREAS**, The City Subdivision Ordinance, Section 152.037, states that as condition of approve of a tentative map, the subdivider shall dedicate and develop land, pay a fee in lieu thereof, or both, at the option of the City. In this case the City has chosen to accept the payment of an in-lieu fee for parkland dedication based on values of land at the time the Final map is recorded. The obligation for this project is 1.488 acres of park land pursuant to the General Plan Policy PUBLIC - 11.1 which requires a dedication obligation of five acres of parkland per 1,000 residents; and

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

**WHEREAS**, the proposed tentative map is consistent with General Plan Goal LAND -3 which states that the City promotes "Development Patterns that Encourage Alternatives to Vehicular Travel"; and

**WHEREAS**, the proposed tentative map is consistent with General Plan Goal DESIGN -1 which states that the City promotes "Street and circulation patterns that that encourage bicycling, transit use, and reduce traffic congestion"; and

**WHEREAS**, the proposed tentative map is consistent with General Plan Goal DESIGN – 2 which states that the City promotes "Amenities and Features along neighborhood Residential Streets that Accommodate All Travel Modes"; and

**WHEREAS**, the proposed tentative map is consistent with General Plan Goal DESIGN – 3 which states that the City promotes “Neighborhoods which are Oriented to the Pedestrian and Foster a Sense of Community”; and

**WHEREAS**, the proposed tentative map is consistent with General Plan Goal DESIGN – 4 which states that the City promotes “High Quality Residential Site Design and Architecture”; and

**WHEREAS**, the Planning Commission finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the general plan and applicable specific plans of the city.

(1) In connection with their review of a tentative map, the Planning Commission determines the discharge of waste from the proposed subdivision into the existing sewer system would not result in violation of existing requirements prescribed.

(2) The Planning Commission has consider the effect of its actions on the housing needs of the region in which the local jurisdiction is situated and balance those needs against the public service needs of the city's residents and available fiscal and environmental resources.

(3) The proposed tentative map:

(a) Is consistent with applicable general and specific plans.

(b) The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) The site is physically suitable for the type of development.

(d) The site is physically suitable for the proposed density of the development.

(e) The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) The design of the subdivision or the type of improvements will not cause serious public health problems.

(g) The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

**WHEREAS**, The location, size, timing, and financing of major streets, water, sewer, and drainage systems, parks and playgrounds, police and fire stations, and libraries must be planned well in advance of their construction. This advance planning is an essential to minimizing project costs, optimizing project need and usefulness, and maximizing the public benefits and private sector support; and

**WHEREAS**, Riverbank's investments in public facilities are designed to respond to the identified needs of the forecasted population and how these improvements relate to other existing public facilities; and

**WHEREAS**, newly developed properties must be adequately serviced with parks, sewerage, water, electricity, gas, street lighting and telecommunications in a timely, cost-effective coordinated and efficient manner; and

**WHEREAS,** The project will comply with all final findings and recommendation of the North Bruinville Basin Master Utility Design Memorandum that will ensure that public infrastructure is properly planned and implemented; and

**WHEREAS,** The applicant will incorporate natural drainage system techniques such as underground storage and percolation of storm water until facilities called for under the North Bruinville Basin Master Utility Design Memorandum are constructed; and

**WHEREAS,** Tentative Map 02-2014 was reviewed by the Riverbank Planning Commission at a regular meeting held on February 17, 2015 in the manner prescribed by law; and.

**WHEREAS,** The proposed subdivision is located on a vacant pasture land that is within the City limits of the City of Riverbank and is within an area anticipated for urban land uses; and

**WHEREAS,** The Planning Commission did consider a proposed Negative Declaration with mitigation measures pursuant to the California Environmental Quality Act and considers this to be the appropriate level of environmental review in this case. The Planning Commission finds that the amended and new mitigation measures, as discussed in the staff report and revised Mitigation Monitoring Plan, are equivalent to or more effective than the previous Mitigation Measures circulated with the Initial Study and that they, themselves, will not cause any potentially significant effect on the environment pursuant to CEQA guidelines section 15074.1.; and

**WHEREAS,** The Riverbank Planning Commission recommends approval of the requested Tentative Map as prepared by VVH Engineers and dated December 17, 2014 presented by Cary Pope as depicted in attached exhibit "A", incorporated herein as a part of this Planning Commission Resolution; and

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

- A. The project, as conditioned, is consistent with the General Plan in that the project directly implements adopted policies of the General Plan Land Use and Housing Elements.
- B. Notice to the general public and adjoining neighbors in the time and in the manner required by State Law and City Code.
- C. Based on the project's Initial Study, a Mitigated Negative Declaration has been prepared for the project and it has been determined to adequately address potential impacts created by the project and mitigation measures contained therein are hereby recommended for adoption in accordance with all applicable provisions of the California Environmental Quality Act. The Community Development Department is directed to file a Notice of Intent to Adopt with the Stanislaus County Clerk Recorder's Office.

- D. The site is physically suitable for the proposed type and intensity of development in that the site is generally flat with no unique geologic characteristics visible and construction of the project will result in adequate infrastructure available to the site to handle the anticipated development.
- E. The circulation of the Tentative Subdivision Map to all responsible and trustee agencies has provided sufficient opportunity to review the proposed development plan and ensure minimal impacts on surrounding properties in that the hearing was held in the manner prescribed by law and surrounding properties are not expected to be impacted by the additional residential housing units.
- F. The approval of the Tentative Map 02-2014 for the establishment of 96 new single family dwelling units will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood in that proposed are similar to, and compatible with, neighboring uses in the area.

**WHEREAS,** The request and plans of Cary Pope is hereby recommended for approval by the Planning Commission of the City of Riverbank, subject to the following conditions:

1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in the Planning Commission Resolution 2013-013 and/or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the subject project.
2. The project is subject to the recommendations of the Bruinville Public Facilities Master Plan pursuant to City Council Resolutions 2006-115 and 2006-116. Including the requirement to form and annex into a Public Services Community Facilities District for Police Protection services; maintenance of storm drainage and street lighting systems; and long term maintenance of public roads.
3. Applicant shall work with the City Engineer and the Riverbank Unified School District to design, fund and construct improvements to adequately address the issue of safe routes to schools as documented by the Riverbank Unified School District in their letter of August 18, 2014.
4. Applicant shall address the concerns expressed by the Oakdale Irrigation District (OID) with the Marrs and Santa Fe Pipelines to the satisfaction of OID. This condition is based on the OID letter dated July 24, 2014.
5. The project is required to comply with all Special Conditions discussed by the Stanislaus County Consolidated Fire District in their letter dated July 17, 2014.
6. If a final map reflecting these conditions of approval is not approved by the City Council within two years of the approval of this Tentative Map, this Tentative Map shall lapse and the applicant shall reapply to the City of Riverbank for a new Map. Applicant may not rely on this approval to begin construction of structures on parcels illustrated on the submitted map until all public improvements are inspected and accepted by the City. Notwithstanding, the



Applicant may commence all on and off site work upon issuance of a grading and construction permit Reapplications for a tentative map shall state the reasons why the applicant was unable to gain approval of a final map and why within two years from the approval of a new tentative map the project is expected to be able to file a final map, if so granted. Reapplications for tentative maps may include information submitted in the initial application by reference. The zoning will not expire, nor will any associated applications (except tentative maps and vacation and abandonment applications), unless otherwise stated in the conditions of approval. The application(s) will expire in two years at 5:00 p.m. on the expiration date (holidays and weekends will not extend the expiration day). Any extension of time must be applied for prior to 5:00 p.m. on the expiration date

7. If a final map reflecting the conditions of the approved tentative map is not completed within the timeframe provided by state law from the date of the granting of this approval, the City may reexamine its approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during that time period.
8. That a Mitigated Negative Declaration with mitigation measures has been prepared for this project in accordance with the California Environmental Quality Act and the applicant hereby agrees to incorporate all mitigation measures into the design and construction of the project. The Owners have executed a Mitigation Agreement for the project which will be recorded against the subject property to memorialize the mitigation commitments.
9. All improvements including future homes will be required to comply with the Design Guidelines for Diamond Bar Estates East and West dated February 2015 and attached to this Resolution as Exhibit "B".
10. Riverbank General Plan Policy CONS-5.7 states: A mitigation plan shall be prepared and reviewed and approved by the appropriate regulatory agencies for the 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 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 through fee title acquisition, conservation easement, or other suitable mechanisms. Long-term management 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.

11. Lots 76 and 77 as illustrated on the tentative map will be considered non-buildable lots until "C" Street is designed, funded, constructed and accepted by the City Council westerly to its intersection with Central Ave. These are future street improvements contemplated by the development of the property to the west of the subject property. Lots 76 and 77 shall have a temporary cul-de-sac constructed on the front portion of the parcels for emergency turn-around purposes.
12. Special Conditions as expressed by the City Engineer.

### **Streets**

- a. The streets shall be designed to conform to the dimensions shown on the approved tentative map.
- b. A safe route to the Riverbank elementary and Riverbank High School is required. A plan indicating safe access, including ADA compliance, sidewalks, ramps, striping and signage is to be designed and constructed.
- c. When half streets are constructed the design needs to include a half street section and a 12 foot paved lane.
- d. A slurry seal and traffic striping shall be applied to all public streets after the Notice of Completion and prior to the release of the one year maintenance bonds at the discretion of the City.
- e. All concrete, asphalt, signs, striping or utility system damaged during construction must be replaced prior to acceptance by the City of the one year warranty and prior to any building final inspection.
- f. Formation and annexation into a Community Facilities District is required to finance the maintenance, repair and replacement of all of the streets.
- g. The street frontage including drainage adjacent to APN 062-020-011 (about 367 linear feet) shall be fully improved to the street section suggested for Snedigar. This includes the 12 foot wide half street on the east side of Snedigar adjacent to the subject property. The City will consider the formation of an Area of Benefit to reimburse the subdivider for these off-site improvement obligations.
- h. The project proponent shall be required to fully improve the rail crossing of Snedigar near Patterson Road and pay a fair share of the intersection improvements and signalization of said intersection. All costs associated with compliance with this item are reimbursable as this item is an identified improvement as part of the Riverbank System Development Fees.

### **Water**

- i. The water system shall be installed, tested, approved and operational prior to any residential construction.

- j. The entire water system shall be looped with no dead end water lines.
- k. A water system analysis is required to determine when the water well #11, including well site improvements, emergency back-up power supply and associated water system improvements shall be installed.
- l. The water well site #11 needs to be acquired and granted to the City prior to the recording of the final map.

### **Sanitary Sewer**

- m. A sewer study is required to verify that the sewer trunk lines will be designed at a sufficient size and depth to serve the entire plan area.

### **Storm Drainage**

- n. A storm drainage system study is required to verify that the proposed storm drainage improvements will interconnect with future development and regional systems.
- o. Formation and annexation into a Community Facilities District is required to finance the maintenance, repair and replacement of storm drainage pipes, basins, inlets, filters, facility landscaping and other storm drainage features.
- p. Basins shall be designed to have a maximum depth of 10 feet with side slopes not to exceed 4:1 (H:V).
- q. All basin areas proposed lack specific designs of the areas in the after project condition. These basins and water filtration areas shall at a minimum be landscaped including irrigation meeting the RMC's standards related to drought tolerant landscape as approved by the City. The Applicant shall be under obligation to pay for all third party Landscape Architect Consultant charges associated with the review and inspection of the proposed landscape improvements associated with areas intending to be dedicated to the public.
- r. The storm drain basins shall be designed to handle water from the 50 year storm (2.8 inches) with the maximum basin water elevation to be one foot below the lowest gutter elevation in the tributary area being served by the basin. Two feet of freeboard is required in the basin at all times.
- s. Park Fee credits are not available for the proposed project basins unless it can be proven the drainage areas proposed meet several recreational goals of the City. This means that the basin are designed with one or more primary recreational amenities as the driving force behind the design, rather than creating a hole in the ground that serves as storm drainage basin filtering technique and secondarily as open space.

**Miscellaneous**

- t. All existing irrigation lines, wells, septic systems and structures shall be removed from the site. All wells shall be destroyed as per the requirements of the City of Riverbank and the Stanislaus County Department of Environmental Resources according to the Stanislaus County Well Ordinance 443, Section 3-301. All existing septic systems shall be pumped and then have the box punched and broken and back filled with soil in accordance with the requirements of the Stanislaus County Department of Environmental Resources and the City.

**NOW THEREFORE, BE IT RESOLVED** by the City of Riverbank Planning Commission recommends that the City Council approve Tentative Map Application No. 02-2014, subject to those conditions established by Resolution No. 2015-003 and to be built as illustrated in Exhibit "A and B" to this Resolution entitled TM dated February 17, 2015 and Design Guidelines dated February 2015.

**PASSED AND ADOPTED** by the Planning Commission of the City of Riverbank at a regular meeting held on the 17<sup>th</sup> of February, 2015, by the following vote:

**AYES:**

**NAYES:**

**ABSENT:**

**ABSTAIN:**

**Attest:**

**Approved:**

\_\_\_\_\_  
John B. Anderson  
Consulting Community Development Director

\_\_\_\_\_  
Joan Stewart, Chairperson  
Planning Commission

**Exhibits:**     **A – Tentative Map prepared by VVH Engineering and dated 12-17-14**  
                  **B – Design Guidelines for Diamond Bar Estates East dated February 2015**

Riverbank Planning Commission  
February 17, 2015  
Resolution No. 2015-003

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## **Exhibit "A"**



## **Exhibit "B"**

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# **DESIGN GUIDELINES FOR DIAMOND BAR ESTATES EAST AND DIAMOND BAR ESTATES WEST - WITHIN THE BRUINVILLE MASTER PLAN AREA**

**FEBRUARY 2015**

**CITY OF RIVERBANK**

DEVELOPMENT SERVICES DEPARTMENT,  
6617 THRID ST., RIVERBANK, CA 95367  
Phone: 209-863-7128



000198



# **Diamond Bar Estates East and West – City of Riverbank**

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## Project History

The area that the project is located in has been annexed into the City of Riverbank for several years. The Diamond Bar Estates project is comprised of two adjacent but not connected projects, known as East Diamond Bar and West Diamond Bar. Between 2000 and 2006, there was a master plan known as "Bruinville", of which these properties were a part of. The projects have been sitting essentially dormant until the development world gets back up to speed. The state has continued to extend the life of maps through mandated map extensions. One of the parcels still has an approved map on it while the other has expired.

The maps that were approved fit the time of high density and very compact lots. Those were salable then, but they are not as salable today. Today's buyer, because of the housing crisis, expects more for their buying dollar. They are looking for room to play with their kids and use the outdoors for their personal pleasure – Larger lots to be able to grow and expand. In discussing this project with many Realtors over the last few months, the question was raised to them "What are your Homebuyers looking for?" Unequivocally, the response was elbow room – space – room to grow without disrupting their neighbors – A backyard for the Bar-B-Q and to have a dog. Traditional Americana values that have been lost in today's busy world. Buying a home is the single biggest investment most Americans will make in their lifetime, and they want a place that they can have friends and family over to throw the football, or teach the kids how to catch a baseball. Room – and affordability – is what we are trying to achieve here. We feel we have the perfect mix of room and affordability. Much market research was done to transform this property into one that, once built, will be attractive to those that are buying. In addition, the former project as a whole was very large in scope and required an annexation. With very large projects comes challenges, like storm water retention. The Bruinville project had a communal Storm Water Basin that was offsite, and many other concepts that may have worked during the boom, but not now.

Enclosed in this package are exhibits and examples of how we propose to handle issues like storm water retention, conforming to the new LID standards imposed by the state.

## **Proposed Development**

Our proposal consists of 2 groups of properties totaling 154 Single Family lots that are a minimum of 5,000 square feet each. We are asking for the properties to be re-zoned PD LDR, or Planned Development, Lower Density Residential to allow for decreased density and latitude regarding street sections and other amenities like custom mailboxes and street lights. Examples of some of the proposed amenities are included with this package.

Since we will not be building these homes, we are asking that the architectural component that is usually required with a PD proposal be "postponed" until we have a builder in place. At that time, we suggest that the architecture and normal requirements involving the approval of floor plans and elevations be reviewed at that time. These projects are autonomous, and can each be developed on their own, or together. Each have retaining basins and open green areas and because both of these projects lie within the current City boundaries of Riverbank.

In addition, development on the East side of Riverbank will ensure that all future and new development will not occur on just the west side of the city by Crossroads – It can occur on the easterly side of the City to try and tie the Crossroads development with the Downtown, and with this project as well.

## **Zoning, General Plan and Density**

The proposed density of the project is approximately 5 + units to the acre. Although the General Plan calls for a higher density, and the Housing element estimates were based on those densities, those higher densities can be made up once the larger annexation takes place around this project in the future. The original approved projects for both of these sites originally had 201 homes planned versus our 154. In addition, in speaking with the SCM Group that owns the parcel along the tracks to the west and south of our proposals, they intend on doing a higher density project on those 12 acres in the future.

The City will have multiple chances of having increased density in the future, once an application for new annexation is proposed, and we feel this would be the time to address the overall density issues not only in this area, but citywide.

## **Water, Sanitary Sewer and Storm Drainage**

### **Water**

The water main runs in front of both sites within in Santa Fe Avenue. Stanislaus Consolidated Fire performed a test flow at the fire hydrant located at Santa Fe and Central Ave. on 9/24/14. The results of the test confirmed sufficient water to accommodate the proposed development with a test flow of 1180 GPM with a static pressure of 68 PSI and a residual pressure of 44 PSI.

### **Sewer**

Sewer is available 200 feet from the project site, near the corner of Claus and Santa Fe Streets. Capacity is available, and the sizing of the lines in Santa Fe are adequate to accommodate our proposal.

### **Storm Drainage**

Storm drainage and retention has always been an issue in this area. Under the old Bruinville Plan, a master basin was proposed to service not only the current annexed area, of which these proposals are a part of, but a substantially larger area encompassing literally hundreds of acres that is not currently annexed into the City.

Our proposal makes each of our projects self-sufficient, as they each have retention capabilities on site. Regarding application for Diamond Bar East, since we are bordered on the south by the Railroad tracks, we established the basin along those tracks to help buffer the project from the tracks. We have spoken to the Railroad about our proposal, and they have no objection to it thus far. Many reasons exist for establishing the basin there, as we accomplish numerous goals by placing it up against the railroad tracks: 1) The onsite retention of our storm water, 2) Buffering the community from the working railroad tracks – We are a minimum of 200 feet from the tracks to our nearest home to the north. This way, noise and any vibration from the trains will be minimal, which is not the case elsewhere in town. 3) We are providing “Green open space” for the community to enjoy, as this area will feature a walking path going east to west. When there is not water in the basin, which is most of the time, the basin will act as another park-like setting. 4) This basin was designed to be “added on to” by future development to the east and the west. Eventually the city will get proposals to develop these properties that are contiguous to our projects, and in doing so, the “Linear Park” concept / buffer / parkway / basin can be extended and added on to our basin to provide an even bigger and better experience for the residents.

# Design Guidelines for Diamond Bar Estates

## Purpose

The purpose of the guidelines for the Bruinville Planned Development is to provide a clear set of design policies to developers, property owners, architects and designers.

Properly located and with a well-designed street network, lower-density development reduces the need for community open spaces and maximizes the use of private open space in the front and rear yards. Utilizing Low Impact Development (LID) guidelines this will provide storm water bio-filtration at the source and enhances street and landscapes by reducing the amount of impervious surfaces.

## Objectives

The Guidelines are intended to address the following objectives:

- Promote higher quality development, that maximizes personal open-spaces with larger front and rear yards.
- Create residential neighborhoods of interest which are visually pleasing.
- Provide a single-family project that features a variety of home sizes, housing types, designs and building materials.
- Provide for single-family developments that include interconnected, short blocks that diffuse traffic and provide easy, direct routes for pedestrians, bicyclists and drivers around the neighborhood.
- Provide for Low Impact Development (LID) by incorporating storm drainage designs features that pre-treatment of storm water at the source while providing ground water recharge by percolating the storm water back into the soil.
- Provide a Planned Development project that integrates seamlessly with previously approved projects and existing neighborhoods in the area.

## **Intent**

The following design guidelines are to be used to assist developers, project applicants and City staff to assist in producing a quality Planned Development. City staff and Planning Commissioners will use these Guidelines as a framework for evaluating development proposals and for commenting on the design aspects of proposed projects.

The Guidelines will be used to augment and reinforce the City of Riverbank 2005-2025 General Plan adopted April 22, 2009, The Bruinville Area Master Public Facilities Plan, adopted September 2005 and Chapter 153 single family residential zoning of the City of Riverbank Zoning Ordinance. The LDR guidelines are general and may be interpreted with some flexibility in their application to specific projects. Variations may be considered for projects with special design characteristics during the City's development review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. The Guidelines are also intended to ensure that new development is compatible with existing neighborhoods.

## **Applicability**

The Guidelines for LDR Single Family Developments apply to both Diamond Bar Estates projects, East and West. LDR development, as detailed in these guidelines, can only occur in Planned Development Zones.

There is a minimum practical lot size that will accommodate one detached house and still meet the intent of these Guidelines for LDR development. These guidelines allow the project designer maximum flexibility to develop a quality project that meets the intent of the Guidelines.

## **Discretionary Decision Making**

Every project is unique and requires a review on a case-by-case basis. This process depends upon the exercise of discretion. While some Guidelines include quantitative standards, some require qualitative interpretation. The City has the latitude to interpret the Guidelines so long as proposed projects meet the Guidelines' intent.

## **Architectural Review and Approvals**

Architectural details, plans and elevations will be developed once a homebuilder has been selected for the projects. The City planning commission will review and approve these items through the normal site development process as provided by the Riverbank Municipal Code.

## **Administrative Changes**

The Development Services Director has authority to correct discrepancies and conflicts within the document so long as the changes meet the overall intent of the guidelines.

## **Other Applicable Regulations**

The Guidelines for LDR single family developments primarily address architectural and site design elements. In designing projects, designers must also reference other codes, standards and policies in effect, such as the City of Riverbank Standard Specifications, Uniform Building/Fire Code, Riverbank General Plan, Riverbank Municipal and Zoning Codes, and other applicable policies.

## **GUIDELINES**

### **LDR Single-Family Detached Houses**



*An example of a single-family home on a Lower-Density Lot*

#### **A. Relationship to Existing Neighborhoods**

New LDR residential projects should be integrated with the existing neighborhoods adjacent to them. Designs should avoid the separation caused by high, solid fencing and walls, or blank walls of buildings.

Transitions between existing and new projects should be gradual. The height and mass of new projects should not create abrupt changes from those of existing buildings. Site setbacks should consider the prevailing setback patterns of adjacent buildings.

The perimeter areas of new projects should be planned to avoid disturbing existing adjacent residential uses. The protection of privacy of adjacent residents and minimization of environmental intrusions should be a major consideration in the design of new projects.

Where existing neighborhoods have architectural distinction and/or established functional or landscape patterns, new development should incorporate characteristics of the surroundings so that there is no disruption of the streetscape and attempt to become a part of and blend into the existing neighborhood character.



*Poor Transition: An older single family ranch home surrounded by much larger two story Mediterranean-style homes, creating loss of privacy and architectural disparity*

## **B. Setbacks/Open Space**

Setbacks: The front setback establishes a relationship between the house and the surrounding neighborhood. If the house is too close, indoor privacy can be compromised. If the house is too far back, people inside the house cannot observe activity on the street and can become detached from their neighborhood. Additionally, a larger front yard setback leaves a smaller private rear yard. It is equally important to ensure that the placement of the home or substantially varied elevations provide the appearance of a diverse and varied streetscape and avoid the monotonous single plane street.



*An example of poor setback variation that lacks diversity and creates a monotonous streetscape*

The side setback is primarily utilitarian. However, living areas of the house usually have windows that open into the side yard. Normal activity in the side yard, although limited, tends to be irritating and creates nuisances because the noise is concentrated in a small space and can be loud and irregular, such as moving trash cans or using storage sheds.

The rear yard is where most outdoor activity around under certain circumstances, where an equal amount of open space is incorporated into larger master plan areas, and for projects that do not meet the minimum number of units, a homeowner's association may not be required, provided that no private common areas are required in the development.

Open space; if well-designed, private open space, typically in the rear yard provides a place for children to play and to entertain friends. It must be large enough to allow these activities while maintaining some sense of privacy on both sides of the fence. Model homes in LDR developments should display a variety of fencing and landscape design concepts including porches, patios, walkways, covered trellises, screens and garden walls. The rear yard is where people expect to have privacy outdoors and is there children play and entertaining happens. These activities are expected and noisy, but the noise can be considered intrusive by neighbors; residents can feel as if their outdoor or indoor privacy is being invaded by rear yard neighbors. Adequate space is necessary for residents to enjoy their yards while providing a sense of privacy.



| <b>Table 1: Setbacks and Open Space for LDR PD</b>                  |                    |
|---------------------------------------------------------------------|--------------------|
| Lot Size                                                            | 5,000 sq. ft. min. |
| Minimum Width (mid-block/corner)                                    | 50'/55'            |
| <b>FRONT SETBACKS (A)</b>                                           |                    |
| Living (1 <sup>st</sup> floor) (vary front setback as noted above)  | 15                 |
| Living Area (2 <sup>nd</sup> floor)                                 | 15                 |
| Porches                                                             | 10                 |
| Attached Garage (B) (front entry/side entry)                        | 10/10              |
| <b>REAR SETBACKS *</b>                                              |                    |
| Living Area                                                         | 20                 |
| Attached Garage (no alley/alley access) (B)                         | 5/10               |
| Detached Garage (no alley/alley access) (B)                         | 5/10               |
| Patio Covers (D)                                                    | 5                  |
| <b>SIDE SETBACKS * (A) (G) (H)</b>                                  |                    |
| Living Area first floor (interior side) (D)                         | 5                  |
| Living Area (corner side) (D)                                       | 10                 |
| Detached Garage (Int. Side)                                         | 10                 |
| Attached/Detached Garages (B) (Corner Side) front entry /side entry | 10                 |
| <b>Lot Coverage</b>                                                 |                    |
| 50% of total acreage (gross)                                        | -                  |

NOTES:

- A. Dwelling unit & wall/fencing shall be located outside the "clear vision triangle" at street intersections.
- B. Garage setback measured from any other building and minimum of 5' from property line.
- C. Patio covers open on three sides should not exceed 30 percent of the size of the usable private open space. Setback is measured from support structures. Up to 24" overhang is permitted. No part of the structure shall be closer than 5' to property line.
- D. Includes attached garages and patio covers.
- E. Minor architectural projections, such as fireplaces and bay windows, may project into a setback or separation by up to 2 feet for a length not to exceed 10 feet or 20 percent of the building elevation length, minimum 3' clearance, excluding A/C units.
- F. Fragments less than 10' will not be counted toward the common open space area.
- G. Detached garages may be attached to the main house by a breezeway so long as the breezeway is open, post supported and the garage and house meet 1 hour fire wall ratings as stipulated by the UBC.
- H. Setbacks outlined in the above table are intended to meet the setback requirements outline in the City of Riverbank R-1 Zone of the current Zoning Ordinance.

### **C. Lot and Building Variation**

Single-family lot patterns should be varied to avoid monotonous streetscapes. This could be accomplished by the following:

Encourage:

- Larger lots that emphasize alternating designs of front and rear landscaping
- Single-story buildings and larger lots on corners.
- Mix of single and two-story units.
- Varied building setbacks and plot placement to avoid monotonous streetscapes.
- Variation of setbacks or appearance thereof (substantially different elevations), to avoid monotonous streetscapes.

Discourage/Avoid:

- Blocks more than 600 feet long.

### **D. General Building Design**

Variation in residences, structures and buildings is achieved through the use of quality materials, detail in design and distinct variation in floor plan and architecture, which lends visual interest, distinctive character and identity to a community. Quality in detail and design contributes not only to the long-term value of a home, but the neighborhood as well.

Encourage:

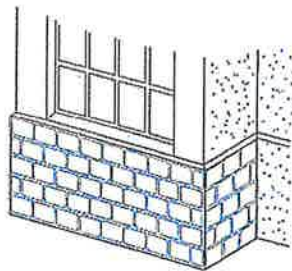
- Design diversity by providing front elevation variation throughout the plan. A minimum of three model floor plans shall be made available with 4-6 choices of elevation treatments. To accomplish this, one design should be repeated no more frequently than each fourth house. Veneer treatment where applied should turn corners and avoid exposed edges (Fig. 1).
- Provide 4-sided architecture within public views. In addition to the architectural design provided for the front elevation, design side and rear elevations to include architectural design treatment (e.g. window frames, shutters, planter boxes, window sills, etc.).
- At corner lots, side yard facades should maintain the same architectural design consistent with the front façade.
- Manipulation of building elements and massing to avoid visual monotony with particular emphasis on long streets.
- Vary roof forms and pitches when a project includes five or more homes. Incorporate home designs that rotate ridge lines both parallel and perpendicular to the street and utilize a variety of hips and gables. Other elements which add variety and break up the roof, such as dormers and turrets are encouraged.
- Roof elements of a two story building that slope downward toward the side property lines providing greater light and air between buildings particularly when the separation between the floors of the two adjoining buildings would be less than 15 feet (Fig. 2).
- Single story homes distributed evenly throughout the neighborhood to provide for seniors, the disabled, and families who prefer or desire single story homes. Single story homes are also encouraged to improve the visual character of neighborhoods and minimize the perceived density of two story neighborhoods. Single story homes shall be constructed on a minimum of 50% of the development.

### Discourage/Avoid:

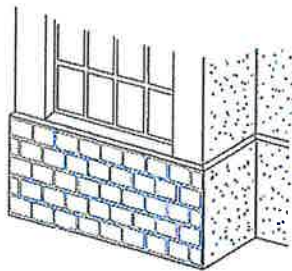
- Excessive repetition of identical or near identical floor plans and elevations throughout a neighborhood or subdivision with little distinct differentiation.
- The use of low quality/grade materials that do not wear well and contribute to a sense of permanence.
- Roof-mounted heating and air conditioning units.
- Keyhole entries (primary entrance hidden from view on the side or within deep recess of the building) should be avoided.
- Repetition of identical or near identical floor plans and elevations.
- Poor infill design.

### E. Porches, Entries and Courts

A clear sense of entry and design interest to a home is provided through the inclusion of porches, verandas and other architectural elements that contribute to a sense of place and activity.



Desirable Treatment



Undesirable Treatment

Fig . 1: Veneer Wrapping

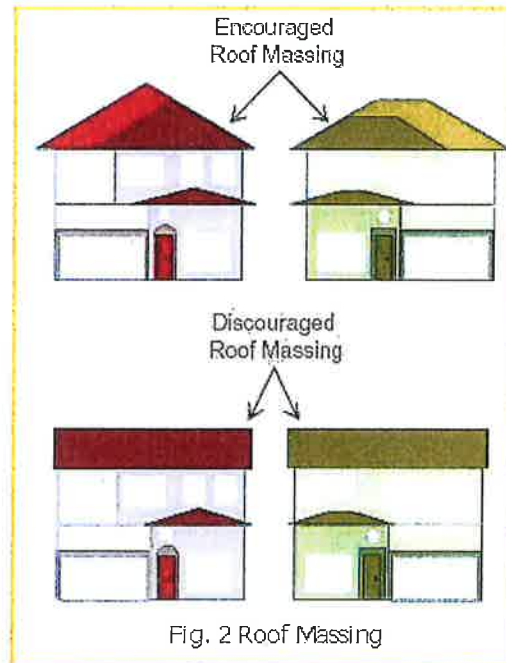


Fig. 2 Roof Massing

Encourage:

- Fronts of houses and entries that face the street. Each house should have a clearly identified entry and have active use of windows (i.e. living room, kitchen) facing the street.
- Front porches large enough to accommodate chairs provide an opportunity for increased interaction among neighbors (minimum dimension of 6'x6' or 5'x7, plus circulation area).
- Porches that provide weather protection and shade are desired.
- Entries and porches that incorporate railings, short walls, trellises and roofs to add architectural detail and character and visual interest to the homes.

Discourage:

- Small entries not seen from the street.
- Locating the porch or entryway in a location obstructed by the garage or side of the house.
- Locating entryways and windows that are small and oriented to the interior or side of the site.

## **F. Garage Frontage and Placement**

Conventional suburban development typically places the garage in a prominent location on the lot closer to the street with the house back farther from the street. The effects of garage-forward placement are to obstruct the view of the street from inside the house, to make the garage the most important feature of the house, to encourage the driver to enter the house through the garage door and prevent interaction with neighbors, and to decrease the appeal of the street. Safety is decreased and the general appeal of the street also declines.

The following measures are suggested to minimize the visual impact of garages:

Encourage:

- For garages accessed from the street, the garage face should be recessed a minimum of five feet from the primary living area façade
- Detached garages accessed from either an alley or a single-car driveway approach from the street.
- Alley loaded designs particularly for narrow lots are strongly encouraged.
- For homes facing out at community perimeter, rear loaded garages accessed from street rather than alley.



*Discourage homes with recessed entry that limit the view of the street.*



Encourage recessing the garage from the primary-living area reduces its impact on the front façade.



Encourage de-emphasized garage doors that are offset from the primary living area

- Attached garages should be designed to de-emphasize the garage door by techniques such as recessing the garage door 12"-18", by providing pillars or substantial trellis accents and utilizing upgraded garage doors.

Discourage/Avoid:

- For garages accessed from the street, garage frontage comprising 50 percent or more of building frontage.

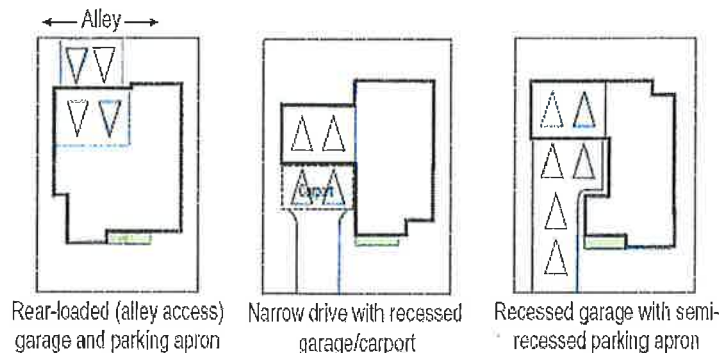
## G. Driveways



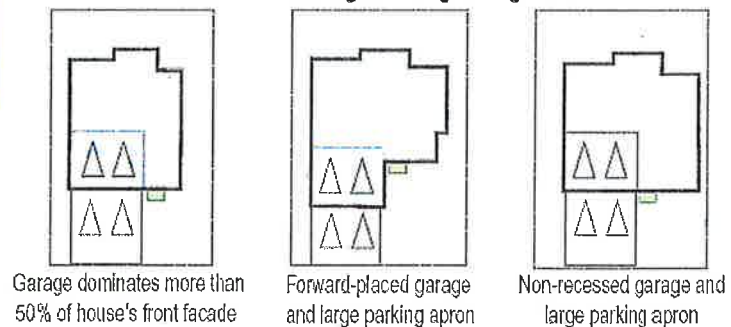
**Discourage homes with garages that dominate the front elevation.**

- Attached garages should be designed to de-emphasize the garage door by techniques such as recessing the garage door 12"-18", by providing pillars or substantial trellis accents and utilizing upgraded

### Desirable Garage/Parking Configurations



### Undesirable Garage/Parking Configurations



Driveways can consume a substantial amount of lot area. A typical automobile is approximately seven feet wide and one to two feet of space is needed on either side to allow access to car doors. In order for the house to relate to the street and to allow observation of the street from inside the house, the width of the lot helps dictate the width of driveway access from the street (one- or two-car approach) or whether the garage should be accessed from an alley at the rear of the lot.

#### Encourage:

- Different paving treatment to driveways, including colored concrete, stamped concrete patterns, paver insets, etc.
- Single-car width driveways that widen to two-car aprons at recessed or detached garage.
- Placement of driveways and garages within the development, as well as narrower driveway aprons, to maximize on-street parking.





Encourage homes with single-car width driveway that widens to a two-car approach in front of recessed garage.

## H. Parking

Most transportation occurs through the use of the private automobile. Because of this, the Zoning Code requires a minimum of two parking spaces for every single family house. With the increasing number of automobiles in every household, there is an increased need for parking, which is typically provided on the driveway and on the street. At the same time, the current trend is toward an increase in homeownership among single adults and the future will likely see an increase in the use of transit, walking, and bicycling for transportation, particularly as density increases and daily needs are better integrated into the fabric of the city.

Two enclosed off-street parking spaces will be required for each housing unit. Tandem parking spaces will be allowed provided that the minimum width of the garage door is 9' wide and that additional off-street parking be provided at a ratio of one space per each four homes. In addition, one on-street parking space will be required for each dwelling. The placement of driveways and garages within the development, as well as narrower driveway aprons, shall be utilized to maximize on-street parking. Shared driveways are also encouraged. Off-street parking spaces within the development located within 150 feet of the unit served, may also be considered. Community off-street parking shall be generally provided adjacent to Community Open Space. Additional Community off-street parking can be provided throughout the community at locations that have the ability to serve numerous homes as approved in the site plan.



Community off-street parking adjacent to homes

## I. Walls, Fences and Entry Features

Residences on the perimeter of new development should be oriented to existing streets, where applicable, minimizing the extent of sound walls or rear yard walls, except where necessary due to acoustical requirements. Frontage roads are preferred in lieu of sound walls wherever possible. The design of walls and fences, as well as the materials used, should be consistent with the overall development's design. Fence and wall color should be compatible with the development and adjacent properties.

Wall design and selection of materials should consider maintenance issues, especially graffiti removal and long-term maintenance.

Encourage:

- Sound walls should have a rhythm rather than a single monotonous design along the entire length.
- Periodic entries to minimize walking distances and integrate bike paths along the major roads.
- Walls architecturally integrated with adjacent buildings and landscape buffer.



Fence that has been constructed low but topped with lattice creating a sense of privacy.

- Additional landscape setbacks, street trees and accent trees at entries to improve the appearance of sound-walls.
- Landscaping and berms to minimize the visual impact of long continuous sound walls.
- Concrete capstones on stucco walls to help prevent water damage from rainfall and moisture.
- Fences and/or walls visible from streets should be architecturally integrated with adjacent buildings and are encouraged as a means of visually tying buildings together.
- Low walls or fences (3'-4' high) at front or side yard patios where desired in lieu of porch railings, provided the wall/fence design is compatible with the architectural style of the house.
- Accent landscaping and trellises to set off development entries are desirable.

Discourage:

- Long walls separating subdivisions from street access and other subdivisions. This type of development restricts movement between neighborhoods and creates "dead" spaces along pedestrian corridors, as well as increasing driving and walking distances. Back-up and side-on conditions requiring walled streets.
- Wood fencing along streets since it is not a long-term quality material.





*Discouraged: Long walls that isolate neighborhoods and paved over appearance created by lack of landscaping.*

## **J. Landscaping**

New LDR single-family developments typically have generous amounts of landscaping due to the larger front and rear yards. Landscape design guidelines are intended to improve the appearance of the streetscape with landscaping and street trees to diminish the impact of the development and provide a softer appearance

Encourage:

- Street trees or yard trees at approximately 20' to 25' on center along each side of the street (minimum 1 per lot, 2 per corner lot one on each street frontage).



*Landscaping should provide a broad palate of trees and plants that are compatible to the regions climate.*

- Separated sidewalks with "tree lawns" (min. 7' wide) (i.e. "parkways"). These may be planted in lawns or other appropriate ground cover (irrigation is required) if recorded with a landscape easement.
- A minimum of 15 gallon tree specimens for all street and yard trees (consult the Public Works Department, regarding tree selection).
- Tree species which attain a height in excess of 25 feet and develop a minimum canopy of 20 feet at maturity.
- Accent trees at special locations within the neighborhood.

- Variety of planting palettes for front yard landscaping to soften the development, reinforce the home design, and add variety to the streetscape.
- Front yard landscaping which reinforces other design elements of the home such as vines on trellises, hedges or low fences and walls.

### K. Mailboxes

Mailboxes should be located in highly visible, heavy use areas for convenience, to allow for casual social interaction, and to promote safety.

Encourage:

- Incorporate design features, such as a built frame, consistent with the development's architectural style.

Discourage:

- Pedestal-mounted cluster mailbox units.



## **M. Street Design Elements and Access**

A street serves as more than a place to drive or park a car. Besides its most basic function as a transportation conduit for bicyclists and pedestrians, as well as for cars, a street serves architectural and social functions. Houses relate to the street on which they are located; streets serve to formalize the street edge and demarcate public and private space. Streets are where neighbors meet informally and neighborhood bonds are created. Minimal street connections within a subdivision and to the external street network increase the need to drive and the number of miles driven, discourage walking and bicycling, and reduce emergency access. The site shall be designed to provide accessibility for emergency vehicles.



*Variety of planting palettes that soften the development and add to the variety of the streetscape*



*Sidewalks separated from the street by planting strips and tree wells are strongly encouraged*

## **N. Lighting**

Lighting should relate to the pedestrian scale of residential neighborhoods and should be considered a design element, rather than simply utilitarian.

Encourage:

- Light standards less than 15 feet in height. Decorative Visco VI-X-1-OF standard or equivalent standard with the same bulb type as the Visco are encouraged.
- Bollard lighting is encouraged along walkways.
- Metal halide luminaries should be utilized.
- Shielded light fixtures that minimize light "throw" off-site.
- Residentially scaled street lights.



*Encouraged; Residential scaled lighting with ornamental design features*

Discourage/Avoid:

- "Cobra head" street lights
- Sidewalks adjacent to street.
- Large-radius corner.
- Cul-de-sac and dead-end streets.

**P. Utilities, Infrastructure & Easements** Any and all private infrastructure shall be constructed to City standards. Public Utility Easements shall be provided for all public utility connections, in compliance with City Standards. To the maximum extent feasible, utility boxes, transformers, etc. shall be located in a manner to reduce their visual impact on the streetscape, which may include undergrounding or appropriate screening as determined by the City.

## **Q. Low Impact Development (LID)**

Low Impact Development (LID) is an innovative stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and retain runoff on-site. Techniques are based on the premise that stormwater management should not be seen as stormwater disposal. LID addresses stormwater through small, cost-effective landscape features located at the lot level. These landscape features, known as Integrated Management Practices (IMPs), are the building blocks of LID. Almost all components of the urban environment have the potential to serve as an IMP. This includes not only open space, but also rooftops, streetscapes, parking lots, sidewalks, and medians. LID is a versatile approach that can be applied to new projects.



Filterra® Stormwater Bioretention Filtration System



Encourage:

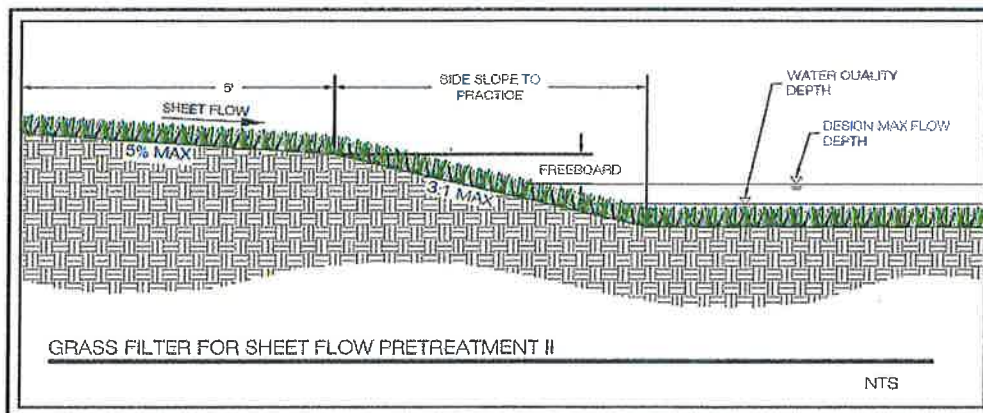
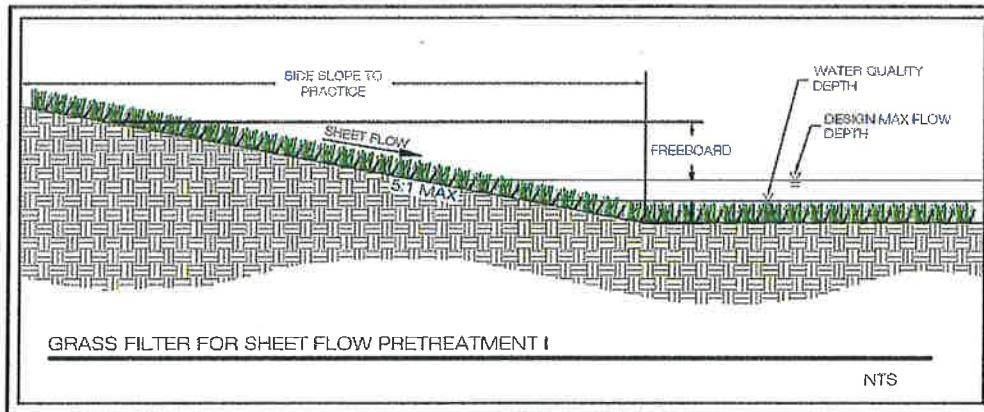
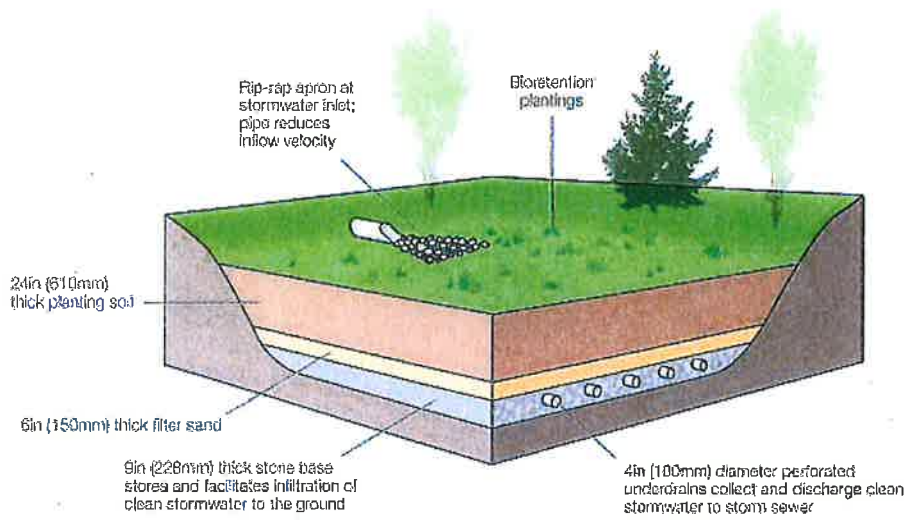
- Bio-retention swales for on-lot storm water run-off
- Decrease amount of impervious surfaces, through efficient street section widths, use of pervious materials
- Use landscape facilities for pretreatment of storm water
- Sufficient Capacity of total storm system to retain water on-site
- Treat storm water at the source
- Groundwater recharge

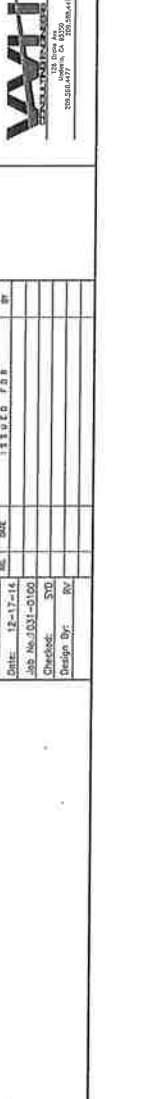
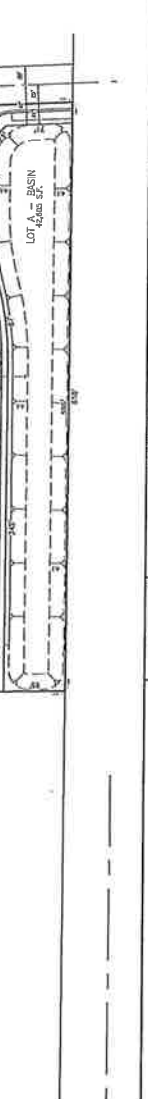
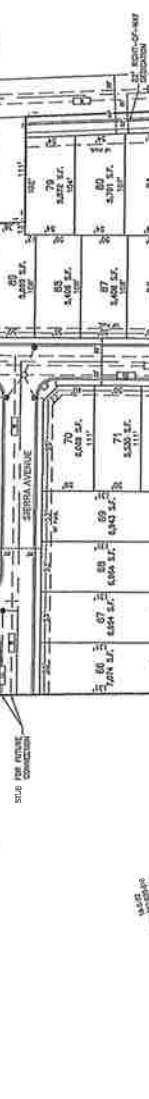
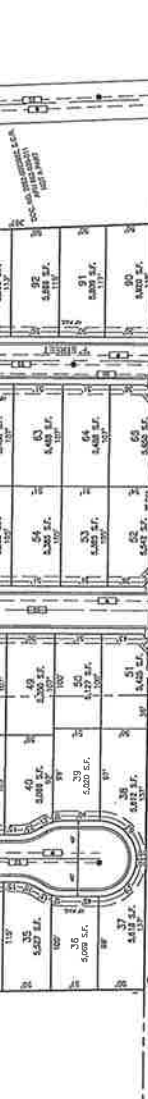
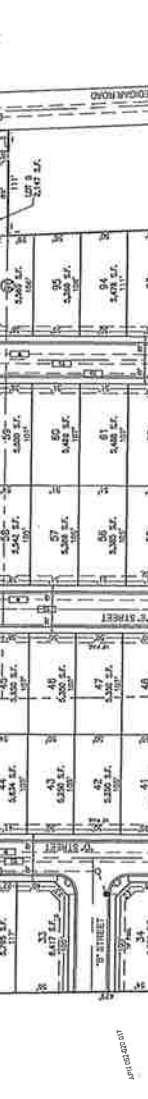
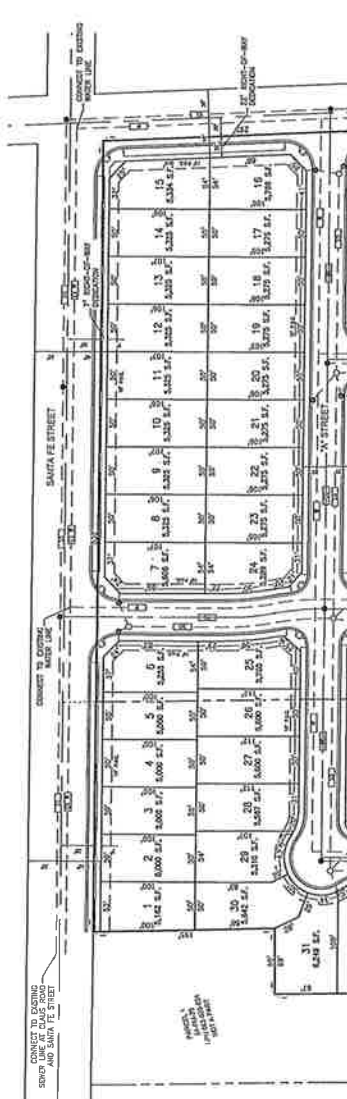
Discourage:

- Fully piped storm drainage system
- Discharge of storm water to nearby river/creek/waterway

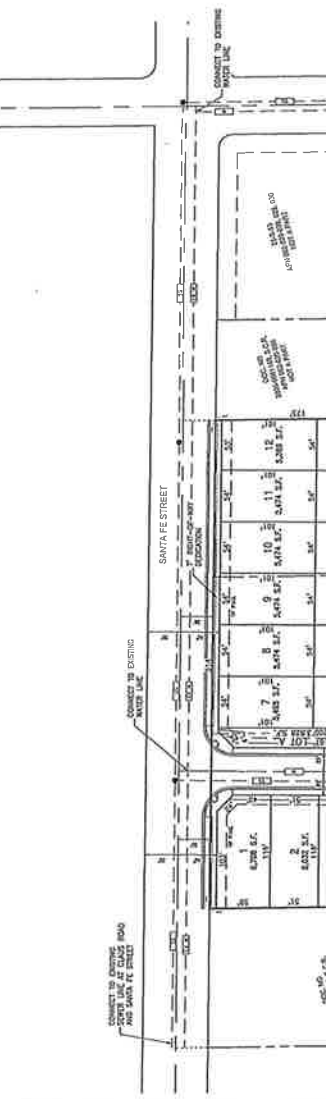
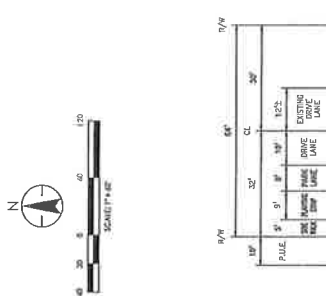
LID allows for greater development potential with less environmental impacts through the use of smarter designs and advanced technologies that achieve a better balance between conservation, growth, ecosystem protection, and public health / quality of life. Today, bio-retention is one of the LID techniques available to users. Other techniques, such as permeable pavers and disconnected downspouts are all effective tools to help developers control pollutants, reduce runoff volume, manage runoff timing, and address a number of other ecological concerns.

LID has numerous benefits and advantages over conventional stormwater management approaches. In short, it is a more environmentally sound technology and a more economically sustainable approach to addressing the adverse impacts of urbanization. By managing runoff close to its source through intelligent site design, LID can enhance the local environment, protect public health, recharge groundwater tables and improve community livability - all while saving developers and local government money.









### LEGEND

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**SUBSIDER:**  
DARY W. ROSE  
11401 FORD DRIVE  
MUNIC, CA 94559

WANE AND KIM PARSONS  
170 STREET  
CA 95367

LEGAL DESCRIPTION:

BEING A SUBDIVISION OF THE NORTHWEST 1/4 OF SECTION 30,  
TOWNSHIP 2 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND  
MERIDIAN, CITY OF RIVERBANK, STANISLAUS COUNTY, CALIFORNIA.

GENERAL NOTES:

- [illegible]

## STATEMENT OF SUMNER

- ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE CITY OF INDIANAPOLIS STANDING SPECIFICATIONS.

|                   |    |      |  |              |  |    |
|-------------------|----|------|--|--------------|--|----|
| Down By:          | BY | DATE |  | RECEIVED FOR |  | BY |
| Date: 12-17-14    |    |      |  |              |  |    |
| JOB No. 1031-0100 |    |      |  |              |  |    |
| Quantity: 500     |    |      |  |              |  |    |
| Design By:        | BY |      |  |              |  |    |

|                                                                                                                                                                                                                                                               |                                                                  |                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------|
|  <p> <b>LVI</b><br/>         LAND VALLEY INVESTMENTS<br/>         1000 S. G ST.<br/>         SUITE 100<br/>         BOULDER, CO 80505<br/>         303.446.4477       </p> | MAY 2015 TO PRESENT<br>1000 S. G ST. SUITE 100 BOULDER, CO 80505 | JAN 2015<br>OTHER |
| TENTATIVE SUBDIVISION MAP<br>CARY POPE<br>DIAMOND BAR ESTATES - WEST                                                                                                                                                                                          |                                                                  |                   |
| RIVERBANK<br>CALIFORNIA                                                                                                                                                                                                                                       |                                                                  |                   |

**CITY OF RIVERBANK  
PLANNING COMMISSION  
STAFF REPORT**

**ITEM NO:** 3.4 February 17, 2015

**APPLICATION:** General Plan Amendment No. 01-2014, Zoning Ordinance Amendment No. 01-2014, Tentative Map Application No. 01-2014 – Diamond Bar Estates - West – APN: 062-020-005, 019 and 027. The project consists of a General Plan Amendment, Rezone, and Tentative Map to subdivide approximately 11.34± acres into fifty-eight (58) single-family detached residential lots (overall residential density of 5.11 du/acre), three (3) storm drainage basins in the project, associated street, sewer, water, and storm drainage improvements.

**OWNER:** Ty Angle, Shane & Kim Parsons  
6055 Central Avenue  
Ceres, California 95307

**APPLICANT:** Cary W. Pope  
1120 Scenic Drive  
Modesto, California 95350

**ENGINEER:** Ryan Vance, CE  
VVH Consulting Engineers  
126 Drake Avenue  
Modesto, California 95350

**LOCATION/APN:** The proposed project is located in Riverbank and bounded by Santa Fe Avenue to the north, Central Ave to the West and a future connection of Sierra Avenue to Claus Ave. along the projects southern boundary. APN: 062-020-005, 019 and 027.

**GENERAL PLAN:** Current: Medium Density Residential (MDR)  
Proposed: Low Density Residential (LDR)

**ZONING:** Current: Single Family Residential (R-1) and Planned Development (P-D # 65)  
Proposed: Planned Development (P-D)

**ENVIRONMENTAL  
DETERMINATION:**

Pursuant to the California Environmental Quality Act, an Initial Study has been prepared by the Lead Agency (City of Riverbank). This Initial Study (IS) has been circulated to the Governor's Office of Planning and Research for consultation with other Responsible Agencies as SCH# 2014122030. The review period for the Initial Study closed on January 14, 2015 and all comments received have been incorporated into the revised IS presented with this staff report.

Based on the IS it has been determined that although the proposed Project could have a significant effect on the environment, certain modifications to the project have been agreed to by the applicant to reduce these identified impacts to a level which is considered less than significant. A Mitigated Negative Declaration has been prepared for this project, with Mitigation Measures incorporated into the project to lessen the impact on the environment where indicated. The property owners have been given a Mitigation Agreement for execution and this agreement will be recorded against the property as notice to subsequent owners of the mitigation obligations created as a result of this entitlement action.

**PROJECT PLANNER:** John B. Anderson, Contract Community Development Director

**RECOMMENDATION:** Planning Staff recommends approval of the proposed project based on the analysis presented below and based on the findings in the published Initial Study for the Diamond Bar West Development.

**ACRONYMS:**

MDR – Medium Density Residential  
LDR – Low Density Residential  
P-D – Planned Development  
DU – Dwelling Units  
CEQA – California Environmental Quality Act  
IS – Initial Study  
MND – Mitigated Negative Declaration  
RMC – Riverbank Municipal Code  
MMRP – Mitigation Monitoring Reporting Program

**ATTACHMENTS:**

1. Vicinity Map and General Plan Map
2. Diamond Bar Estates – West - Tentative Map No. 01-2014
3. Diamond Bar Estates – West - Design Guidelines (February 2015)
4. Diamond Bar Estates – West - Initial Study and MMRP
5. Draft Planning Commission Resolution recommending approval of the Diamond Bar Estates - West General Plan Amendment
6. Draft Planning Commission Resolution to approve the proposed rezoning including the Draft Ordinance amending the Municipal Code by rezoning the subject property PD#
7. Draft Planning Commission Resolution conditionally recommending approval of the requested Tentative Map No. 01-2104. This includes the conditions of approval.

---

**I. EXECUTIVE SUMMARY**

The proposed project consists of a General Plan Amendment, Rezone, and Tentative Map to subdivide approximately 11.34± acres into fifty-eight (58) single-family residential lots with an overall density of 5.11 du/acre. The project site currently has a General Plan Land Use designation of Medium Density Residential and is currently mixed zoned Single Family Residential and Planned Development P-D #65. The proposed GPA would lower the General Plan suggested density from 8 to 16 du/acre to a maximum of 8 du/acre. This would be accomplished by re-designating the project site for Low Density Residential land uses. The proposed rezone would also modify the project site's existing zoning and approved projects including P-D # 65 which was created for a small lot development planned by Brookview Investments and Willow Equities back in 2006 to a new P-D, Planned Development, as envisioned by the project proponent as illustrated in Attachment 3 to this staff report. Overall density for the new project as proposed is 5.11 dwelling units per acre as compared with the 8.0 dwellings per acre as originally approved back in 2006.

**II. BACKGROUND**

The subject project is located on the Western edge of Riverbank and is bounded by Santa Fe Avenue to the north and Central Ave to the east and ranchette/single-family parcels to the north and east. The project site is comprised of an irrigated pasture with no improvements of value. The site is surrounded by lands in transition to urban uses but consist primarily of ranchette parcels. The Riverbank High School is located to the southwest of the site.

The subject parcel was part of an annexation approved by the City and Stanislaus County LAFCO in 2005. As part of the annexation action, the City prepared a Mitigated Negative Declaration which suggested that "the project will incrementally increase the need for additional police officers. This need will be partially mitigated through the collection of property tax and other revenue generated by the development of the property." The City staff report prepared for the annexation stipulated that the project would generate the need for about 0.28 police officers and that the Bruinville Public Facilities Master Plan calls for the formation of a Public Safety Community Facilities District (CFD). To follow up with future urban development occurring in the Bruinville area the City Council on October 23, 2006 enacted Resolution 2006-115 approving the Bruinville Public Facilities Master Plan as a planning tool. On the same night, the Riverbank City Council adopted Resolution 2006-016, which requires all properties included in the boundaries of the Bruinville Public Facilities Master Plan to amongst other items participate in the formation of a Police and Parks Community Services District as described in the Facilities Master Plan. The Bruinville Public Facilities Master Plan remains to be a valid document as the City continues to move forward with future development of all properties included in the boundaries of the Bruinville Master Plan Area.

The proposed project is made up of two previously approved Tentative Maps (TM 02-005 and TM 03-2005), Brookview Subdivision was to create 46 clustered single family homesites and Willow Equities Subdivision was to create 55 clustered single family lots. The Brook View Subdivision TM 02-005 is valid till January 1, 2017 and Willow Equities Subdivision TM 03-2005 expires October 23, 2015. Both of these prior approvals will be forfeited with the entitlement action being considered with this Staff Report of 2015.

### **III. PROJECT INFORMATION AND ANALYSIS**

#### **A. Site Design**

The design of the project as proposed is a standard small lot detached residential subdivision. Because the lot sizes proposed drop below the RMC R-1 standard of 6,000 square feet, the applicant has suggested a Planned Development Zoning to accommodate 5,000 square foot lots. The subdivision has been plotted to suggest that Sierra Street would continue westerly towards Claus Road and is consistent with prior subdivision maps of lands westerly of the subject property. All streets have been designed to accommodate new City Street Designs with consideration for LID Standards as well as encourage Complete Use of the streets by vehicles as well as pedestrians. The proposed map suggests three (3) out lots which will be dedicated to the treatment of storm waters generated from the project.

## **B. Architecture / Design Guidelines**

The Applicants have prepared Design Guidelines dated February 2015, Attachment 3 to this Staff Report, to guide all future development of the subject property. The project proponents lack specific architectural designs at this time and wish that the City be flexible in this regard. The PD proposed would require a subsequent builder to design specific house plans which adhere to the Design Guidelines presented as part of this application. Planning Staff is very pleased with the package prepared by the applicant in a number of key areas. First, the Design Guidelines defined setback requirements in such a way which exceeds the expectations of the current RMC. One example is the rear yard setback would be 20 feet rather than 5 feet. Second, the Design Guidelines require at least three home models of which there will be between 4 and 6 elevations developed for each model. Third, the Design Guidelines require four-sided architecture when the homes front, side or back-up to a public street. Fourth, the Design Guidelines commit to building no less than 50% of the homes as single story product. The Design Guidelines fill in the detail related to many aspects of the future appearance and design of the proposed subdivision including such detail as the mail boxes and street lighting detail. The proposed lot sizes can be supported by the level of detail provided in the Design Guidelines especially in light of the fact that the Planning Commission will have review authority over all future residential architecture proposed.

## **C. Transportation and Circulation**

Concerns have been expressed by the Riverbank Union School District as it relates to safe routes to school for students generated as a result of the proposed project. The project proponent and planning staff have met with District representatives and we have developed a preliminary solution including the need to install a pedestrian crossing at Claus and Sante Fe with flashing lights as well as installing a temporary paved walkway along the West side of Claus Road southerly of Sante Fe Street to the Patterson Road intersection.

Stanislaus County ERC along with City staff has identified concerns with the completion of part width streets adjacent to the subdivision. As a result the project will be conditioned with the obligation to complete full frontage improvements plus one travel lane on the opposing side including frontage improvements adjacent to APN 062-020-0016, 026 and 030.

Sierra Street is illustrated to extend to the adjacent property to the west. The project will be conditioned to require a temporary turn around bulb which will occupy a portion of proposed lots No 24 and 25. These lots will remain as un-buildable lots until and unless Sierra Street is completed westerly and connected with Claus Ave.

CALTRANS has expressed concern related to the age of the supporting traffic studies and the potential impacts the proposed project may have on the intersection of Claus Road and State Route 108. This matter is further discussed in the body of the IS attached to this staff report as Attachment 4. In general the aforementioned intersection is included in the City of Riverbank's System Development Fees (SDF) as a capital obligation of all new development. The proposed project when developed will be under obligation to pay all current SDF's in place at the time of Building Permit issuance. The City is not aware of any circumstances which would suggest that based on traffic warrants that a signalized intersection is necessary today at the Claus/SR 108. The payment of the SDF's at building permit for each home constructed in the project satisfies this projects obligation to signalize said intersection when it is warranted.

#### **D. Low Impact Development (LID) Standards**

The City has developed LID guidelines in anticipation of new storm water discharge standards being implemented by the State of California through the SM4 permit process. The proposed project embraces the Cities LID guidelines with the proposed street sections which will create a storm water swale between the curb and sidewalk (as a parkway strip). This swale will serves as a primary filtration device for storm water generated by the project. All project storm water will then be collected and disposed of on-site through the use of terminal storm water retention basins. While the project has been designed to retain the storm water collected within the boundaries of the map, City staff remains concerned that the LID systems might fail at some point in the future. In this regard, we will require the Bruinville Developers to participate in the funding of the Nolte Storm Water Solution per the adopted Master Plan. These fees are articulated in the adopted SDF imposed of all new development in the City of Riverbank.

#### **IV. ENVIRONMENTAL DETERMINATION**

As stated above, staff has prepared and circulated an Initial Study to evaluate possible environmental impacts associated with the proposed project. The following is a summary list of the mitigation measures identified for the project.

##### **MITIGATION MEASURES:**

The following Mitigation Measures shall be incorporated into the proposed project:

***AESTHETICS-1:** All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. This shall include but not be limited to the use of shielded light fixtures to prevent 'sky-glow' (light spilling into the night sky) and the installation of shielded fixtures to prevent 'light-trespass' (glare and spill light that shines onto neighboring properties).*

**AQ-1:** During construction, the following basic control measures shall be implemented at the construction/project site:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at West once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxic control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure Compliance with applicable regulations.

**BIO-1:** Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 15. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on constructions. The determination should utilize criteria set forth by CDFW (CDFG, 1994).

**BIO-2:** Pre-construction surveys for burrowing owls are recommended if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be pursuant to criteria set forth by CDFW (CDFG, 2012).

**BIO-3:** If construction commences during the general avian nesting season (March 1 through July 31), a pre-construction survey for nesting birds is recommended. If active nests are found, work in the vicinity of the nest should be delayed until the young fledge.

**BIO-4:** Grading and/or other disturbance within 20 feet of the dripline of the noted elderberry shrub could potentially impact the shrub and valley elderberry longhorn beetles, if any, it may support. It is recommended that project work within 20 feet of the dripline of this shrub be limited to construction of the fence along the north edge of lot 55. Construction in the vicinity of the blue elderberry shrub should also occur between June 15 and April 15. During this time period, valley elderberry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e. fly or walk) into the construction area.



**CUL-1:** The City of Riverbank, working with the project applicant, shall ensure that all work in the immediate vicinity is halted if concentrations of prehistoric or historic period materials are encountered as a result of ground-disturbing activity associated with the project. A qualified archaeologist shall be contacted to evaluate the finds and to make recommendations that shall be implemented. During grading activities, the applicant shall retain a qualified archaeologist to be present. If cultural materials are discovered, the archaeologist shall assess the discovery to determine if it constitutes either a unique archaeological resource or a historical resource for purposes of CEQA (California Code of Regulations [CCR] Title 14, Section 15064.5[a]).

If it is determined that the materials do not constitute either a unique archaeological resource or a historical resource, their presence shall be noted but need not be considered further. If the archaeologist determines that (a) the materials constitute a unique archaeological resource or historical resource, and (b) they are subject to substantial adverse changes as defined in CCR Title 14 Section 15064.5 (b), the archaeologist shall provide recommendations to the City and applicant for appropriate treatment which, among other options, may include preservation in place or archaeological data recovery. Preservation in place is preferred, if possible.

Implementation of Mitigation Measure CUL-1 would reduce the potential impact on archaeological resources to a less-than-significant level.

**CUL-2:** 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 descendent 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-2 would reduce the potential impact on human remains to a less-than-significant level.

**HYDRO-1:** Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period. The SWPPP shall be submitted to the City Engineer for review and approval prior to any construction activity. The SWPPP shall be designed to address the following objectives:

1. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs);
2. Where not otherwise permitted by the Regional Water Quality Control Board, all non-storm water discharges are identified and eliminated; and

3. BMPs are effective and result in the reduction or elimination of pollutants in storm water discharges and authorized non-storm water discharges from construction activity in accordance with the Construction General Permit.

The SWPPP shall be prepared by a Qualified SWPPP Developer. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Storm water Quality Association Storm water Best Management Handbook-Construction. The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring, inspection, and maintenance activities.

**HYDRO-2:** The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board storm water permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Storm water Control Plan (SCP) for the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:

1. An inventory and accounting of existing and proposed impervious areas.
2. Low Impact Development (LID) design details incorporated into the project. Specific LID design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of storm water, dispersal of runoff to landscaped areas, and/or routing of runoff swales and other small-scale facilities distributed throughout the site.
3. Measures to address potential storm water contaminants. These may include measures to address potential sources of storm water pollutants at the project site, covering trash collection and parking areas.
4. A Draft Storm water Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan shall be finalized prior to issuance of any building permits for the project.

**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).
- 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).

- Construction-related traffic shall be routed along major roadways (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's 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.*

**PUBLIC-1:** *Prior to recording the "Final Map" or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to establish and/or annex into a "Community Facilities District" (CFD) for fire protection services with the Stanislaus Consolidated Fire Protection District.*

**PUBLIC-2:** *Prior to recording the "Final Map" or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to form and/or annex into a "Community Facilities District" (CFD) for operational services with the Riverbank Police Department (Stanislaus County Sheriff).*

**TRANS-1:** *Although construction impacts are expected to be temporary, development of a construction management plan would reduce the potential for construction vehicle conflicts with other roadway users. The project applicant shall prepare a construction management plan for review and approval by the City of Riverbank prior to any ground disturbing activity. The plan shall include:*

- *A project staging plan to maximize on-site storage of materials and equipment.*
- *A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes.*
- *Permitted construction hours.*
- *Location of construction staging.*
- *Identification of parking areas for construction employees, site visitors, and inspectors to minimize potential impacts on adjacent residences/properties.*
- *Provisions for street sweeping to remove construction related debris on public streets.*

*Implementation of the construction management plan would reduce the temporary construction traffic impact to a less than significant level.*

**TRANS-2:** *Prior to construction, the project applicant/developer shall pay the appropriate 'fair-share' impact/developer fees towards the future improvements, to be made at the intersection of Snedigar and Patterson Road. The fees collected shall be calculated and based on the appropriate amount for roadways, rights-of-way and rail crossing improvements.*

**TRANS-3:** *Prior to construction, the project applicant/developer shall work with the Riverbank Unified School District and the City of Riverbank in a mutually acceptable fashion to improve the student bus stop, located at Santa Fe and Central Street. These improvements shall include a clear path of travel (sidewalk) from the project site to the bus stop and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank, as needed.*

**TRANS-4:** *Prior to construction, the project applicant/developer shall work with the Riverbank Unified School District and the City of Riverbank in mutually acceptable fashion to provide a 'safe' pedestrian route from the project site to each of the schools in the area: Riverbank High School, Cardoza Middle School, and Mesa Verde Elementary School. These improvements (sidewalk) shall provide a clear path of travel from the project site to the school(s) and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank and Stanislaus County, as needed.*

### **Swainson's hawk**

The proposed project involves the conversion of pasture land to an urban environment and as such will be required to mitigate for the loss of Swainson's Hawk foraging habitat based on adopted City Policy and the requirements of the General Plan EIR.

Riverbank General Plan Policy CONS-5.7 states: A mitigation plan shall be prepared and reviewed and approved by the appropriate regulatory agencies for the 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 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 through fee title acquisition, conservation easement,

or other suitable mechanisms. Long-term management 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.

[...] "Loss of Swainson's hawk foraging habitat shall be compensated for by preservation and management or foraging habitat of at least a similar quality at an appropriate location"[...] "Alternatively, it may be appropriate to contribute funds to existing mitigation programs."

The General Plan EIR further stipulates the mitigation obligation for the loss of Swainson Hawk foraging habitat to be that which is specified by California Fish and Game which is summarized as follows:

The State-threatened Swainson's hawk is known to nest within the study area. Due to loss of suitable foraging habitat and existing nesting habitat that may occur during area development, mitigation measures compensating for these potential losses of habitat should be included. DFG's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (California Department of Fish and Game 1994) recommends that for projects that occur within 1 mile of an active nest tree, 1.5 acres of habitat be protected in perpetuity for every acre of Swainson's hawk foraging habitat affected; for projects that occur within 5 miles of an active nest tree, 0.75 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted; and for projects within 10 miles of an active nest tree, 0.5 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted. The project sponsor should provide funding of a sufficient long-term endowment for the management of the protected properties.

City staff is still attempting to understand the obligations associated with Swanson's Hawk foraging Habitat mitigation. While we have conducted quite a bit of research concerning this topic, it is clear that we will be require to conduct additional research consideration appropriate forms of mitigation as we move towards implementing this requirement for all new urban development City wide.

## **V. FISCAL IMPACT**

The proposed project is in essence a re-mapping of an older pre-approved residential project. The fiscal impacts associated with providing municipal services to new residential projects will be partially off-set by the developers obligation to form a maintenance Community Facilities District (CFD) to off-set expenses associated with street lighting, road maintenance, storm drainage maintenance, common area landscaping and police services. The Stanislaus County Consolidated Fire District has asked for a similar CFD to compensate for addition expenses associated with emergency fire services.

Therefore, in light of the obligation to participate in the above mentioned CFD's, the proposed project should not have a negative fiscal impact on the City.

## **VI. PUBLIC NOTICE**

On February 3, 2015, notices for the Planning Commission hearing were mailed to interested and properties within 300 feet of the project location. The Planning Commission hearing notice was also published in the Riverbank News on February 4, 2015, and posted at City Hall North and South on February 4, 2015 and the subject property on February 4, 2015.

## **VII. RECOMMENDATION**

Staff recommends approval of the proposed project with the Mitigation Measures and Conditions of Approval as articulated in the attached Planning Commission Resolutions.

Respectfully Submitted By:

  
John B. Anderson  
Contract Community Development Director

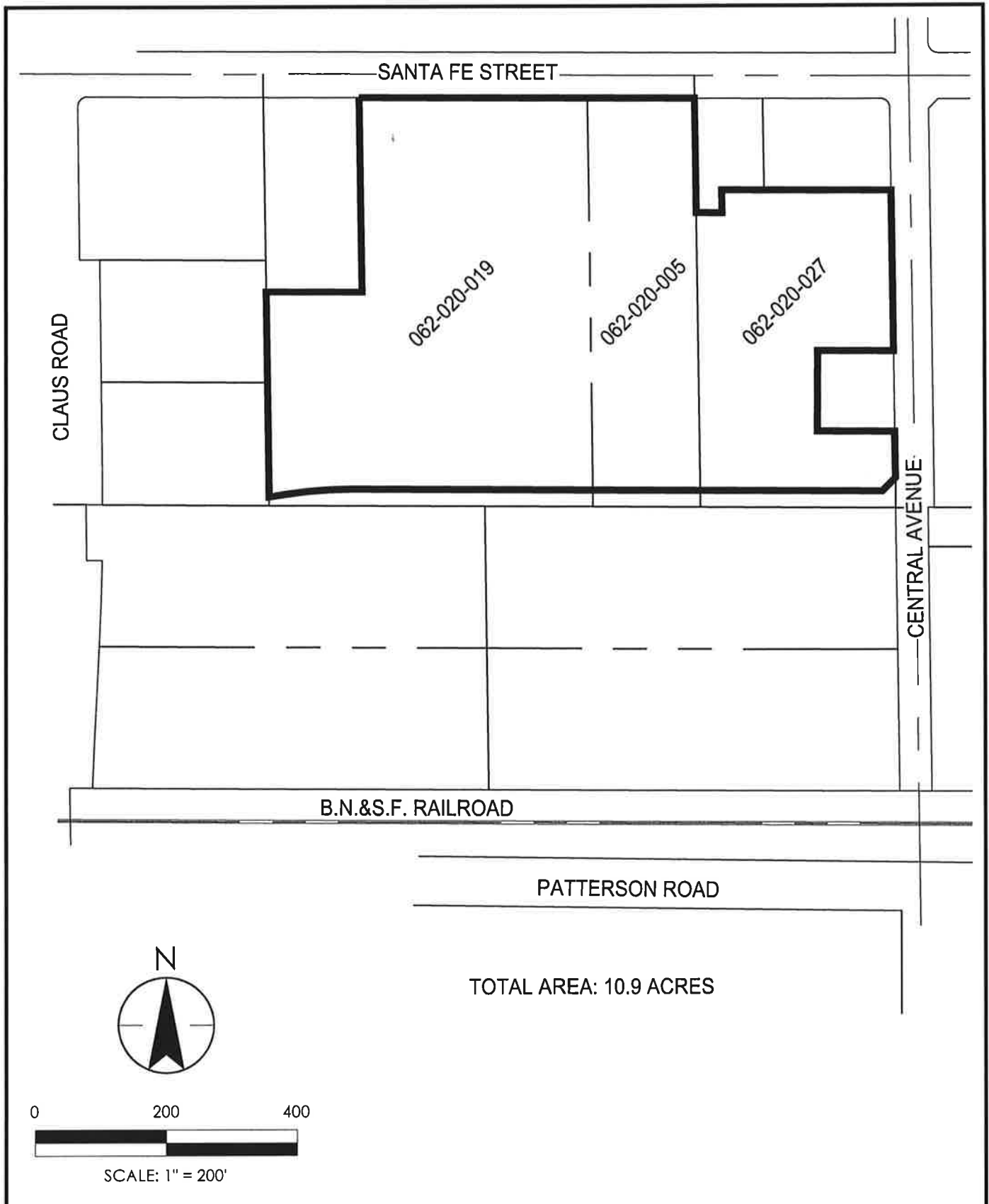
**PUBLIC AGENCY COMMENTS SENT TO THE BELOW AGENCIES FOR DIAMOND BAR WEST RECEIVED COMMENTS BACK FROM THE CHECKED MARKED AGENCIES**

|                                                                   |   |
|-------------------------------------------------------------------|---|
| Michael Riddell - Public Works Superintendent - City of Riverbank | ✓ |
| Sue Fitzpatrick - Parks Dept. - City of Riverbank                 |   |
| Chief Erin Kiely - Sheriff's Dept.                                |   |
| Bill Kull - Consultant City Engineer                              | ✓ |
| Peter Lolonis - Public Works Inspector - City of Riverbank        |   |
| PG&E                                                              |   |
| AT&T                                                              |   |
| SBC                                                               |   |
| OID                                                               | ✓ |
| Charter Communications                                            |   |
| Gilton Solid Waste                                                | ✓ |
| Riverbank School District                                         | ✓ |
| Jack Schreder & Assoc. School                                     |   |
| County Public Works                                               | ✓ |
| Consolidated Fire District                                        | ✓ |
| San Joaquin - Air District                                        | ✓ |
| Environmental Resources                                           |   |
| Department of Fish & Game                                         |   |
| Regional Water Quality Control Board - Central Valley Region      | ✓ |
| Central Calif. Archaeological Cntr. Info.Dept. of Anthropology    | ✓ |

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## **Attachment 1: Vicinity Map and General Plan Map**





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RDD

FEB 2015

CARY POPE  
DIAMOND BAR ESTATES  
RIVERBANK, CALIFORNIA

DIAMOND BAR ESTATES - WEST  
PROPOSED REZONE  
FROM R-2 TO P-D

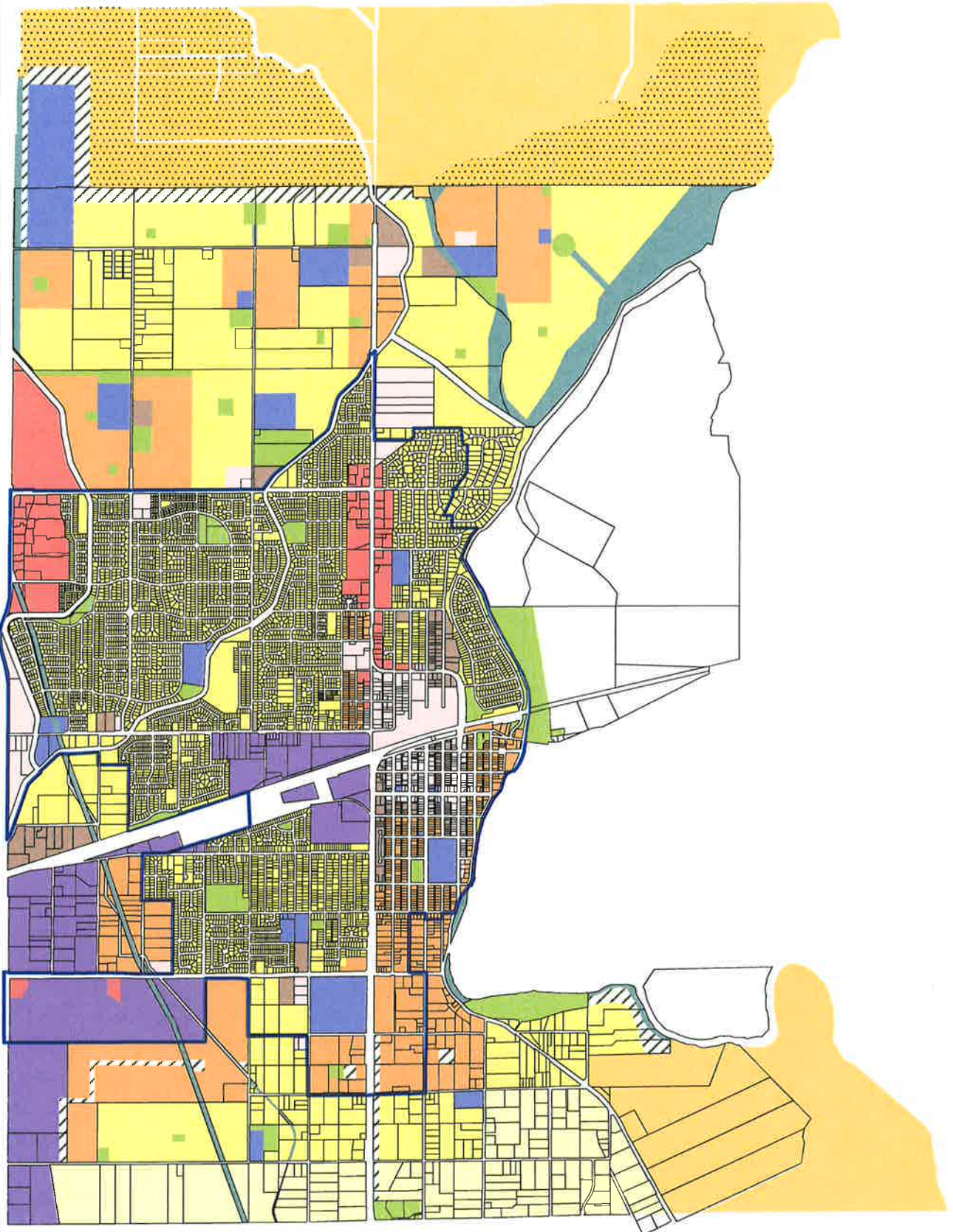
EXHIBIT

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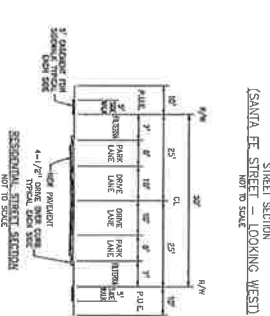
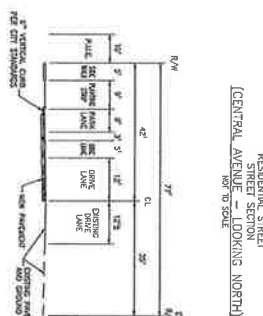
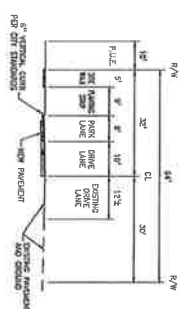
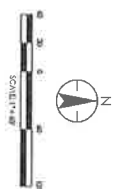
# City of Riverbank GENERAL PLAN



- AG Resource Conservation (AG)
- Buffer/Gateway/Open Space (BG/OS)
- City Limits
- Community Commercial (CC)
- Higher Density Residential - 16+ Units (HDR)
- Industrial/Business Park (IBP)
- Lower Density Residential - 0-8 Units (LDR)
- Medium Density Residential - 8-16 Units (MDR)
- Mixed Use (MU)
- Multi-Use Recreation/Resource (MURR)
- Parks
- Reserve (R)
- Clustered Rural Residential - 0.2 or less units per acre (RR)
- Reserve (R)

January 2015

**Attachment 2: Diamond Bar Estates West – TM 01-2014**



|     |                             |
|-----|-----------------------------|
| --- | NEW FLOOR TIGHTER DESIGN    |
| --- | ROBUST CONSTRUCTION         |
| --- | IMPROVED ROUGHNESS          |
| --- | NEW LIFT LANE               |
| --- | NEW CORN & CURBS            |
| --- | EX. LIFT LANE               |
| --- | PUBLIC UNILY DASHBO         |
| --- | PEINING PUBLIC UNILY DASHBO |
| --- | EX. PUBLIC                  |
| --- | S&P                         |
| --- | SQUARE FEET                 |

**SUBDIVIDER:**  
CARY W. POPE  
1120 SCENIC DRIVE  
MODESTO, CA 95350

BING A SUBDIVISION OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 10 EAST, MOUNT Diablo BASE AND MERIDIAN, CITY OF RIVERSIDE, STANISLAUS COUNTY, CALIFORNIA.

1. ASSOCIATE'S PRICING, NUMBER: 202-222-017, 019, AND 022  
2. PRICING BOARD: NONE - MEDICAL PROPERTY INCORPORATED

4. SITE SUMMARY: TOTAL PROJECT SITE = 11.34 ACRES BEING DIVIDED INTO 30 SINGLE-FAMILY LOTS, 4 LANDSCAPE/POUNCE LOTS (A - D). THE PROPOSED DENSITY IS 5.11 UNITS/ACRE.

#### DEVELOPMENT OF THE PROJECT DEVELOPMENT PLANS.

A. ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE CITY OF INDIANAPOLIS STANDARD SPECIFICATIONS.

F. SPECIAL SERVICES CITY OF MADISON, WISCONSIN

**B. WATER SUPPLY: CITY OF INDIANAPOLIS**

2. STREET LIGHTING SHALL BE INSTALLED AS PER THE CITY OF INDIANAPOLIS STANDARDS SPECIFICATION.

TENTATIVE SUBDIVISION MAP  
CARY POPE  
DIAMOND BAR ESTATES - WEST

TM1

**WATSON**  
120 Drake Ave  
Union City, CA 94586  
209.580.4477 209.582.4478

RIVERBANK  
CALIFORNIA

TENTATIVE SUBDIVISION MAP  
CARY POPE  
DIAMOND BAR ESTATES - WEST

TM

**Attachment 3: Diamond Bar Estates – West – Design Guidelines (February 2015)**



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# **DESIGN GUIDELINES FOR DIAMOND BAR ESTATES EAST AND DIAMOND BAR ESTATES WEST - WITHIN THE BRUINVILLE MASTER PLAN AREA**

**FEBRUARY 2015**

**CITY OF RIVERBANK**

DEVELOPMENT SERVICES DEPARTMENT,  
6617 THRID ST., RIVERBANK, CA 95367  
Phone: 209-863-7128



# **Diamond Bar Estates East and West – City of Riverbank**

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## Project History

The area that the project is located in has been annexed into the City of Riverbank for several years. The Diamond Bar Estates project is comprised of two adjacent but not connected projects, known as East Diamond Bar and West Diamond Bar. Between 2000 and 2006, there was a master plan known as "Bruinville", of which these properties were a part of. The projects have been sitting essentially dormant until the development world gets back up to speed. The state has continued to extend the life of maps through mandated map extensions. One of the parcels still has an approved map on it while the other has expired.

The maps that were approved fit the time of high density and very compact lots. Those were salable then, but they are not as salable today. Today's buyer, because of the housing crisis, expects more for their buying dollar. They are looking for room to play with their kids and use the outdoors for their personal pleasure – Larger lots to be able to grow and expand. In discussing this project with many Realtors over the last few months, the question was raised to them "What are your Homebuyers looking for?" Unequivocally, the response was elbow room – space – room to grow without disrupting their neighbors – A backyard for the Bar-B-Q and to have a dog. Traditional Americana values that have been lost in today's busy world. Buying a home is the single biggest investment most Americans will make in their lifetime, and they want a place that they can have friends and family over to throw the football, or teach the kids how to catch a baseball. Room – and affordability – is what we are trying to achieve here. We feel we have the perfect mix of room and affordability. Much market research was done to transform this property into one that, once built, will be attractive to those that are buying. In addition, the former project as a whole was very large in scope and required an annexation. With very large projects comes challenges, like storm water retention. The Bruinville project had a communal Storm Water Basin that was offsite, and many other concepts that may have worked during the boom, but not now.

Enclosed in this package are exhibits and examples of how we propose to handle issues like storm water retention, conforming to the new LID standards imposed by the state.



## **Proposed Development**

Our proposal consists of 2 groups of properties totaling 154 Single Family lots that are a minimum of 5,000 square feet each. We are asking for the properties to be re-zoned PD LDR, or Planned Development, Lower Density Residential to allow for decreased density and latitude regarding street sections and other amenities like custom mailboxes and street lights. Examples of some of the proposed amenities are included with this package.

Since we will not be building these homes, we are asking that the architectural component that is usually required with a PD proposal be "postponed" until we have a builder in place. At that time, we suggest that the architecture and normal requirements involving the approval of floor plans and elevations be reviewed at that time. These projects are autonomous, and can each be developed on their own, or together. Each have retaining basins and open green areas and because both of these projects lie within the current City boundaries of Riverbank.

In addition, development on the East side of Riverbank will ensure that all future and new development will not occur on just the west side of the city by Crossroads – It can occur on the easterly side of the City to try and tie the Crossroads development with the Downtown, and with this project as well.

## **Zoning, General Plan and Density**

The proposed density of the project is approximately 5 + units to the acre. Although the General Plan calls for a higher density, and the Housing element estimates were based on those densities, those higher densities can be made up once the larger annexation takes place around this project in the future. The original approved projects for both of these sites originally had 201 homes planned versus our 154. In addition, in speaking with the SCM Group that owns the parcel along the tracks to the west and south of our proposals, they intend on doing a higher density project on those 12 acres in the future.

The City will have multiple chances of having increased density in the future, once an application for new annexation is proposed, and we feel this would be the time to address the overall density issues not only in this area, but citywide.

## **Water, Sanitary Sewer and Storm Drainage**

### **Water**

The water main runs in front of both sites within in Santa Fe Avenue. Stanislaus Consolidated Fire performed a test flow at the fire hydrant located at Santa Fe and Central Ave. on 9/24/14. The results of the test confirmed sufficient water to accommodate the proposed development with a test flow of 1180 GPM with a static pressure of 68 PSI and a residual pressure of 44 PSI.

### **Sewer**

Sewer is available 200 feet from the project site, near the corner of Claus and Santa Fe Streets. Capacity is available, and the sizing of the lines in Santa Fe are adequate to accommodate our proposal.

### **Storm Drainage**

Storm drainage and retention has always been an issue in this area. Under the old Bruinville Plan, a master basin was proposed to service not only the current annexed area, of which these proposals are a part of, but a substantially larger area encompassing literally hundreds of acres that is not currently annexed into the City.

Our proposal makes each of our projects self-sufficient, as they each have retention capabilities on site. Regarding application for Diamond Bar East, since we are bordered on the south by the Railroad tracks, we established the basin along those tracks to help buffer the project from the tracks. We have spoken to the Railroad about our proposal, and they have no objection to it thus far. Many reasons exist for establishing the basin there, as we accomplish numerous goals by placing it up against the railroad tracks: 1) The onsite retention of our storm water, 2) Buffering the community from the working railroad tracks – We are a minimum of 200 feet from the tracks to our nearest home to the north. This way, noise and any vibration from the trains will be minimal, which is not the case elsewhere in town. 3) We are providing "Green open space" for the community to enjoy, as this area will feature a walking path going east to west. When there is not water in the basin, which is most of the time, the basin will act as another park-like setting. 4) This basin was designed to be "added on to" by future development to the east and the west. Eventually the city will get proposals to develop these properties that are contiguous to our projects, and in doing so, the "Linear Park" concept / buffer / parkway / basin can be extended and added on to our basin to provide an even bigger and better experience for the residents.

# Design Guidelines for Diamond Bar Estates

## Purpose

The purpose of the guidelines for the Bruinville Planned Development is to provide a clear set of design policies to developers, property owners, architects and designers.

Properly located and with a well-designed street network, lower-density development reduces the need for community open spaces and maximizes the use of private open space in the front and rear yards. Utilizing Low Impact Development (LID) guidelines this will provide storm water bio-filtration at the source and enhances street and landscapes by reducing the amount of impervious surfaces.

## Objectives

The Guidelines are intended to address the following objectives:

- Promote higher quality development, that maximizes personal open-spaces with larger front and rear yards.
- Create residential neighborhoods of interest which are visually pleasing.
- Provide a single-family project that features a variety of home sizes, housing types, designs and building materials.
- Provide for single-family developments that include interconnected, short blocks that diffuse traffic and provide easy, direct routes for pedestrians, bicyclists and drivers around the neighborhood.
- Provide for Low Impact Development (LID) by incorporating storm drainage designs features that pre-treatment of storm water at the source while providing ground water recharge by percolating the storm water back into the soil.
- Provide a Planned Development project that integrates seamlessly with previously approved projects and existing neighborhoods in the area.

## **Intent**

The following design guidelines are to be used to assist developers, project applicants and City staff to assist in producing a quality Planned Development. City staff and Planning Commissioners will use these Guidelines as a framework for evaluating development proposals and for commenting on the design aspects of proposed projects.

The Guidelines will be used to augment and reinforce the City of Riverbank 2005-2025 General Plan adopted April 22, 2009, The Bruinville Area Master Public Facilities Plan, adopted September 2005 and Chapter 153 single family residential zoning of the City of Riverbank Zoning Ordinance. The LDR guidelines are general and may be interpreted with some flexibility in their application to specific projects. Variations may be considered for projects with special design characteristics during the City's development review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. The Guidelines are also intended to ensure that new development is compatible with existing neighborhoods.

## **Applicability**

The Guidelines for LDR Single Family Developments apply to both Diamond Bar Estates projects, East and West. LDR development, as detailed in these guidelines, can only occur in Planned Development Zones.

There is a minimum practical lot size that will accommodate one detached house and still meet the intent of these Guidelines for LDR development. These guidelines allow the project designer maximum flexibility to develop a quality project that meets the intent of the Guidelines.

## **Discretionary Decision Making**

Every project is unique and requires a review on a case-by-case basis. This process depends upon the exercise of discretion. While some Guidelines include quantitative standards, some require qualitative interpretation. The City has the latitude to interpret the Guidelines so long as proposed projects meet the Guidelines' intent.

## **Architectural Review and Approvals**

Architectural details, plans and elevations will be developed once a homebuilder has been selected for the projects. The City planning commission will review and approve these items through the normal site development process as provided by the Riverbank Municipal Code.

## **Administrative Changes**

The Development Services Director has authority to correct discrepancies and conflicts within the document so long as the changes meet the overall intent of the guidelines.

## **Other Applicable Regulations**

The Guidelines for LDR single family developments primarily address architectural and site design elements. In designing projects, designers must also reference other codes, standards and policies in effect, such as the City of Riverbank Standard Specifications, Uniform Building/Fire Code, Riverbank General Plan, Riverbank Municipal and Zoning Codes, and other applicable policies.

## GUIDELINES

### LDR Single-Family Detached Houses



An example of a single-family home on a Lower-Density Lot

#### **A. Relationship to Existing Neighborhoods**

New LDR residential projects should be integrated with the existing neighborhoods adjacent to them. Designs should avoid the separation caused by high, solid fencing and walls, or blank walls of buildings.

Transitions between existing and new projects should be gradual. The height and mass of new projects should not create abrupt changes from those of existing buildings. Site setbacks should consider the prevailing setback patterns of adjacent buildings.

The perimeter areas of new projects should be planned to avoid disturbing existing adjacent residential uses. The protection of privacy of adjacent residents and minimization of environmental intrusions should be a major consideration in the design of new projects.

Where existing neighborhoods have architectural distinction and/or established functional or landscape patterns, new development should incorporate characteristics of the surroundings so that there is no disruption of the streetscape and attempt to become a part of and blend into the existing neighborhood character.



Poor Transition: An older single family ranch home surrounded by much larger two story Mediterranean-style homes, creating loss of privacy and architectural disparity

## **B. Setbacks/Open Space**

Setbacks: The front setback establishes a relationship between the house and the surrounding neighborhood. If the house is too close, indoor privacy can be compromised. If the house is too far back, people inside the house cannot observe activity on the street and can become detached from their neighborhood. Additionally, a larger front yard setback leaves a smaller private rear yard. It is equally important to ensure that the placement of the home or substantially varied elevations provide the appearance of a diverse and varied streetscape and avoid the monotonous single plane street.



*An example of poor setback variation that lacks diversity and creates a monotonous streetscape*

The side setback is primarily utilitarian. However, living areas of the house usually have windows that open into the side yard. Normal activity in the side yard, although limited, tends to be irritating and creates nuisances because the noise is concentrated in a small space and can be loud and irregular, such as moving trash cans or using storage sheds.

The rear yard is where most outdoor activity around under certain circumstances, where an equal amount of open space is incorporated into larger master plan areas, and for projects that do not meet the minimum number of units, a homeowner's association may not be required, provided that no private common areas are required in the development.

Open space; if well-designed, private open space, typically in the rear yard provides a place for children to play and to entertain friends. It must be large enough to allow these activities while maintaining some sense of privacy on both sides of the fence. Model homes in LDR developments should display a variety of fencing and landscape design concepts including porches, patios, walkways, covered trellises, screens and garden walls. The rear yard is where people expect to have privacy outdoors and is there children play and entertaining happens. These activities are expected and noisy, but the noise can be considered intrusive by neighbors; residents can feel as if their outdoor or indoor privacy is being invaded by rear yard neighbors. Adequate space is necessary for residents to enjoy their yards while providing a sense of privacy.

| <b>Table 1: Setbacks and Open Space for LDR PD</b>                  |                    |
|---------------------------------------------------------------------|--------------------|
| Lot Size                                                            | 5,000 sq. ft. min. |
| Minimum Width (mid-block/corner)                                    | 50'/55'            |
| <b>FRONT SETBACKS (A)</b>                                           |                    |
| Living (1 <sup>st</sup> floor) (vary front setback as noted above)  | 15                 |
| Living Area (2 <sup>nd</sup> floor)                                 | 15                 |
| Porches                                                             | 10                 |
| Attached Garage (B) (front entry/side entry)                        | 10/10              |
| <b>REAR SETBACKS *</b>                                              |                    |
| Living Area                                                         | 20                 |
| Attached Garage (no alley/alley access) (B)                         | 5/10               |
| Detached Garage (no alley/alley access) (B)                         | 5/10               |
| Patio Covers (D)                                                    | 5                  |
| <b>SIDE SETBACKS * (A) (G) (H)</b>                                  |                    |
| Living Area first floor (interior side) (D)                         | 5                  |
| Living Area (corner side) (D)                                       | 10                 |
| Detached Garage (Int. Side)                                         | 10                 |
| Attached/Detached Garages (B) (Corner Side) front entry /side entry | 10                 |
| <b>Lot Coverage</b>                                                 |                    |
| 50% of total acreage (gross)                                        | -                  |

NOTES:

- A. Dwelling unit & wall/fencing shall be located outside the "clear vision triangle" at street intersections.
- B. Garage setback measured from any other building and minimum of 5' from property line.
- C. Patio covers open on three sides should not exceed 30 percent of the size of the usable private open space. Setback is measured from support structures. Up to 24" overhang is permitted. No part of the structure shall be closer than 5' to property line.
- D. Includes attached garages and patio covers.
- E. Minor architectural projections, such as fireplaces and bay windows, may project into a setback or separation by up to 2 feet for a length not to exceed 10 feet or 20 percent of the building elevation length, minimum 3' clearance, excluding A/C units.
- F. Fragments less than 10' will not be counted toward the common open space area.
- G. Detached garages may be attached to the main house by a breezeway so long as the breezeway is open, post supported and the garage and house meet 1 hour fire wall ratings as stipulated by the UBC.
- H. Setbacks outlined in the above table are intended to meet the setback requirements outline in the City of Riverbank R-1 Zone of the current Zoning Ordinance.

### **C. Lot and Building Variation**

Single-family lot patterns should be varied to avoid monotonous streetscapes. This could be accomplished by the following:

Encourage:

- Larger lots that emphasize alternating designs of front and rear landscaping
- Single-story buildings and larger lots on corners.
- Mix of single and two-story units.
- Varied building setbacks and plot placement to avoid monotonous streetscapes.
- Variation of setbacks or appearance thereof (substantially different elevations), to avoid monotonous streetscapes.

Discourage/Avoid:

- Blocks more than 600 feet long.

### **D. General Building Design**

Variation in residences, structures and buildings is achieved through the use of quality materials, detail in design and distinct variation in floor plan and architecture, which lends visual interest, distinctive character and identity to a community. Quality in detail and design contributes not only to the long-term value of a home, but the neighborhood as well.

Encourage:

- Design diversity by providing front elevation variation throughout the plan. A minimum of three model floor plans shall be made available with 4-6 choices of elevation treatments. To accomplish this, one design should be repeated no more frequently than each fourth house. Veneer treatment where applied should turn corners and avoid exposed edges (Fig. 1).
- Provide 4-sided architecture within public views. In addition to the architectural design provided for the front elevation, design side and rear elevations to include architectural design treatment (e.g. window frames, shutters, planter boxes, window sills, etc.).
- At corner lots, side yard facades should maintain the same architectural design consistent with the front façade.
- Manipulation of building elements and massing to avoid visual monotony with particular emphasis on long streets.
- Vary roof forms and pitches when a project includes five or more homes. Incorporate home designs that rotate ridge lines both parallel and perpendicular to the street and utilize a variety of hips and gables. Other elements which add variety and break up the roof, such as dormers and turrets are encouraged.
- Roof elements of a two story building that slope downward toward the side property lines providing greater light and air between buildings particularly when the separation between the floors of the two adjoining buildings would be less than 15 feet (Fig. 2).
- Single story homes distributed evenly throughout the neighborhood to provide for seniors, the disabled, and families who prefer or desire single story homes. Single story homes are also encouraged to improve the visual character of neighborhoods and minimize the perceived density of two story neighborhoods. Single story homes shall be constructed on a minimum of 50% of the development.

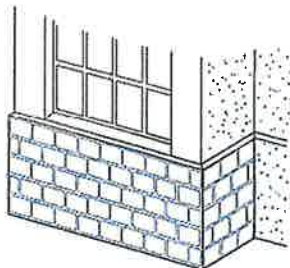


Discourage/Avoid:

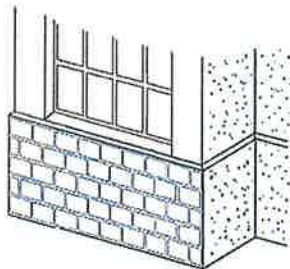
- Excessive repetition of identical or near identical floor plans and elevations throughout a neighborhood or subdivision with little distinct differentiation.
- The use of low quality/grade materials that do not wear well and contribute to a sense of permanence.
- Roof-mounted heating and air conditioning units.
- Keyhole entries (primary entrance hidden from view on the side or within deep recess of the building) should be avoided.
- Repetition of identical or near identical floor plans and elevations.
- Poor infill design.

### E. Porches, Entries and Courts

A clear sense of entry and design interest to a home is provided through the inclusion of porches, verandas and other architectural elements that contribute to a sense of place and activity.



Desirable Treatment



Undesirable Treatment

Fig . 1: Veneer Wrapping

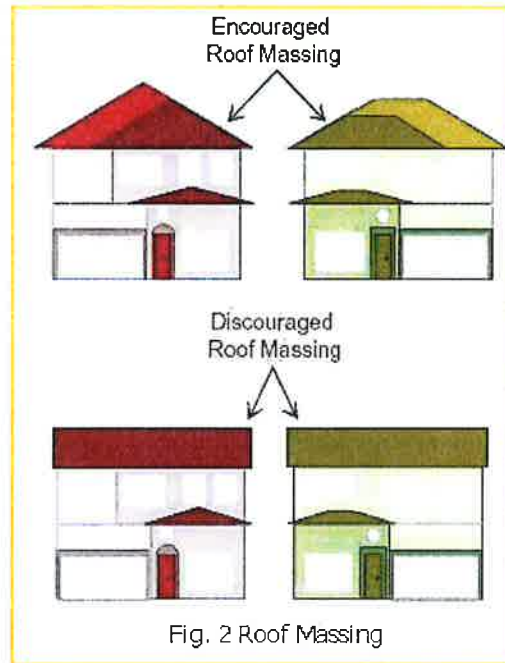


Fig. 2 Roof Massing

Encourage:

- Fronts of houses and entries that face the street. Each house should have a clearly identified entry and have active use of windows (i.e. living room, kitchen) facing the street.
- Front porches large enough to accommodate chairs provide an opportunity for increased interaction among neighbors (minimum dimension of 6'x6' or 5'x7, plus circulation area).
- Porches that provide weather protection and shade are desired.
- Entries and porches that incorporate railings, short walls, trellises and roofs to add architectural detail and character and visual interest to the homes.

Discourage:

- Small entries not seen from the street.
- Locating the porch or entryway in a location obstructed by the garage or side of the house.
- Locating entryways and windows that are small and oriented to the interior or side of the site.

## **F. Garage Frontage and Placement**

Conventional suburban development typically places the garage in a prominent location on the lot closer to the street with the house back farther from the street. The effects of garage-forward placement are to obstruct the view of the street from inside the house, to make the garage the most important feature of the house, to encourage the driver to enter the house through the garage door and prevent interaction with neighbors, and to decrease the appeal of the street. Safety is decreased and the general appeal of the street also declines.

The following measures are suggested to minimize the visual impact of garages:

Encourage:

- For garages accessed from the street, the garage face should be recessed a minimum of five feet from the primary living area façade
- Detached garages accessed from either an alley or a single-car driveway approach from the street.
- Alley loaded designs particularly for narrow lots are strongly encouraged.
- For homes facing out at community perimeter, rear loaded garages accessed from street rather than alley.



*Discourage homes with recessed entry that limit the view of the street.*



Encourage recessing the garage from the primary-living area reduces its impact on the front façade.



Encourage de-emphasized garage doors that are offset from the primary living area

- Attached garages should be designed to de-emphasize the garage door by techniques such as recessing the garage door 12"-18", by providing pillars or substantial trellis accents and utilizing upgraded garage doors.

**Discourage/Avoid:**

- For garages accessed from the street, garage frontage comprising 50 percent or more of building frontage.

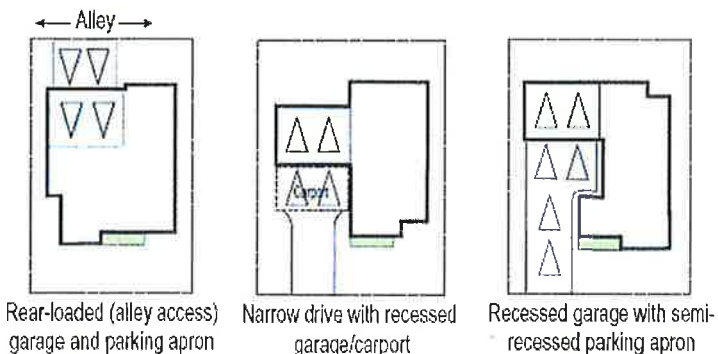
## G. Driveways



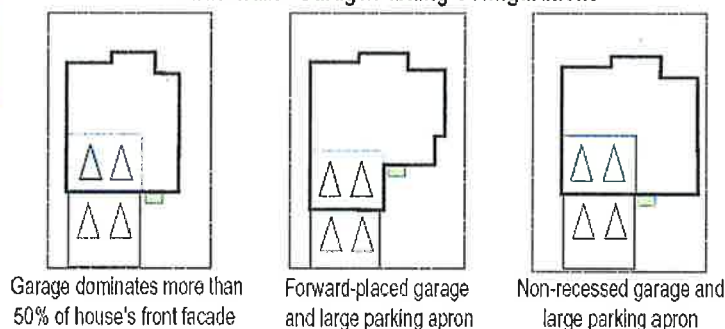
**Discourage homes with garages that dominate the front elevation.**

- Attached garages should be designed to de-emphasize the garage door by techniques such as recessing the garage door 12"-18", by providing pillars or substantial trellis accents and utilizing upgraded

### Desirable Garage/Parking Configurations



### Undesirable Garage/Parking Configurations



Driveways can consume a substantial amount of lot area. A typical automobile is approximately seven feet wide and one to two feet of space is needed on either side to allow access to car doors. In order for the house to relate to the street and to allow observation of the street from inside the house, the width of the lot helps dictate the width of driveway access from the street (one- or two-car approach) or whether the garage should be accessed from an alley at the rear of the lot.

Encourage:

- Different paving treatment to driveways, including colored concrete, stamped concrete patterns, paver insets, etc.
- Single-car width driveways that widen to two-car aprons at recessed or detached garage.
- Placement of driveways and garages within the development, as well as narrower driveway aprons, to maximize on-street parking.



Encourage homes with single-car width driveway that widens to a two-car approach in front of recessed garage.

## H. Parking

Most transportation occurs through the use of the private automobile. Because of this, the Zoning Code requires a minimum of two parking spaces for every single family house. With the increasing number of automobiles in every household, there is an increased need for parking, which is typically provided on the driveway and on the street. At the same time, the current trend is toward an increase in homeownership among single adults and the future will likely see an increase in the use of transit, walking, and bicycling for transportation, particularly as density increases and daily needs are better integrated into the fabric of the city.

Two enclosed off-street parking spaces will be required for each housing unit. Tandem parking spaces will be allowed provided that the minimum width of the garage door is 9' wide and that additional off-street parking be provided at a ratio of one space per each four homes. In addition, one on-street parking space will be required for each dwelling. The placement of driveways and garages within the development, as well as narrower driveway aprons, shall be utilized to maximize on-street parking. Shared driveways are also encouraged. Off-street parking spaces within the development located within 150 feet of the unit served, may also be considered. Community off-street parking shall be generally provided adjacent to Community Open Space. Additional Community off-street parking can be provided throughout the community at locations that have the ability to serve numerous homes as approved in the site plan.



Community off-street parking adjacent to homes



## I. Walls, Fences and Entry Features

Residences on the perimeter of new development should be oriented to existing streets, where applicable, minimizing the extent of sound walls or rear yard walls, except where necessary due to acoustical requirements. Frontage roads are preferred in lieu of sound walls wherever possible. The design of walls and fences, as well as the materials used, should be consistent with the overall development's design. Fence and wall color should be compatible with the development and adjacent properties.

Wall design and selection of materials should consider maintenance issues, especially graffiti removal and long-term maintenance.

### Encourage:

- Sound walls should have a rhythm rather than a single monotonous design along the entire length.
- Periodic entries to minimize walking distances and integrate bike paths along the major roads.
- Walls architecturally integrated with adjacent buildings and landscape buffer.



Fence that has been constructed low but topped with lattice creating a sense of privacy.

- Additional landscape setbacks, street trees and accent trees at entries to improve the appearance of sound-walls.
- Landscaping and berms to minimize the visual impact of long continuous sound walls.
- Concrete capstones on stucco walls to help prevent water damage from rainfall and moisture.
- Fences and/or walls visible from streets should be architecturally integrated with adjacent buildings and are encouraged as a means of visually tying buildings together.
- Low walls or fences (3'-4' high) at front or side yard patios where desired in lieu of porch railings, provided the wall/fence design is compatible with the architectural style of the house.
- Accent landscaping and trellises to set off development entries are desirable.

### Discourage:

- Long walls separating subdivisions from street access and other subdivisions. This type of development restricts movement between neighborhoods and creates "dead" spaces along pedestrian corridors, as well as increasing driving and walking distances. Back-up and side-on conditions requiring walled streets.
- Wood fencing along streets since it is not a long-term quality material.



Discouraged: Long walls that isolate neighborhoods and paved over appearance created by lack of landscaping.

## J. Landscaping

New LDR single-family developments typically have generous amounts of landscaping due to the larger front and rear yards. Landscape design guidelines are intended to improve the appearance of the streetscape with landscaping and street trees to diminish the impact of the development and provide a softer appearance

Encourage:

- Street trees or yard trees at approximately 20' to 25' on center along each side of the street (minimum 1 per lot, 2 per corner lot one on each street frontage).



Landscaping should provide a broad palate of trees and plants that are compatible to the regions climate.

- Separated sidewalks with "tree lawns" (min. 7' wide) (i.e. "parkways"). These may be planted in lawns or other appropriate ground cover (irrigation is required) if recorded with a landscape easement.
- A minimum of 15 gallon tree specimens for all street and yard trees (consult the Public Works Department, regarding tree selection).
- Tree species which attain a height in excess of 25 feet and develop a minimum canopy of 20 feet at maturity.
- Accent trees at special locations within the neighborhood.

- Variety of planting palettes for front yard landscaping to soften the development, reinforce the home design, and add variety to the streetscape.
- Front yard landscaping which reinforces other design elements of the home such as vines on trellises, hedges or low fences and walls.

## K. Mailboxes

Mailboxes should be located in highly visible, heavy use areas for convenience, to allow for casual social interaction, and to promote safety.

Encourage:

- Incorporate design features, such as a built frame, consistent with the development's architectural style.

Discourage:

- Pedestal-mounted cluster mailbox units.





## **M. Street Design Elements and Access**

A street serves as more than a place to drive or park a car. Besides its most basic function as a transportation conduit for bicyclists and pedestrians, as well as for cars, a street serves architectural and social functions. Houses relate to the street on which they are located; streets serve to formalize the street edge and demarcate public and private space. Streets are where neighbors meet informally and neighborhood bonds are created. Minimal street connections within a subdivision and to the external street network increase the need to drive and the number of miles driven, discourage walking and bicycling, and reduce emergency access. The site shall be designed to provide accessibility for emergency vehicles.



**Variety of planting palettes that soften the development and add to the variety of the streetscape**



**Sidewalks separated from the street by planting strips and tree wells are strongly encouraged**

## N. Lighting

Lighting should relate to the pedestrian scale of residential neighborhoods and should be considered a design element, rather than simply utilitarian.

Encourage:

- Light standards less than 15 feet in height. Decorative Visco VI-X-1-OF standard or equivalent standard with the same bulb type as the Visco are encouraged.
- Bollard lighting is encouraged along walkways.
- Metal halide luminaries should be utilized.
- Shielded light fixtures that minimize light "throw" off-site.
- Residentially scaled street lights.



Encouraged; Residential scaled lighting with ornamental design features

Discourage/Avoid:

- "Cobra head" street lights
- Sidewalks adjacent to street.
- Large-radius corner.
- Cul-de-sac and dead-end streets.

**P. Utilities, Infrastructure & Easements** Any and all private infrastructure shall be constructed to City standards. Public Utility Easements shall be provided for all public utility connections, in compliance with City Standards. To the maximum extent feasible, utility boxes, transformers, etc. shall be located in a manner to reduce their visual impact on the streetscape, which may include undergrounding or appropriate screening as determined by the City.

## **Q. Low Impact Development (LID)**

Low Impact Development (LID) is an innovative stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and retain runoff on-site. Techniques are based on the premise that stormwater management should not be seen as stormwater disposal. LID addresses stormwater through small, cost-effective landscape features located at the lot level. These landscape features, known as Integrated Management Practices (IMPs), are the building blocks of LID. Almost all components of the urban environment have the potential to serve as an IMP. This includes not only open space, but also rooftops, streetscapes, parking lots, sidewalks, and medians. LID is a versatile approach that can be applied to new projects.



Filtterra® Stormwater Bioretention Filtration System

Encourage:

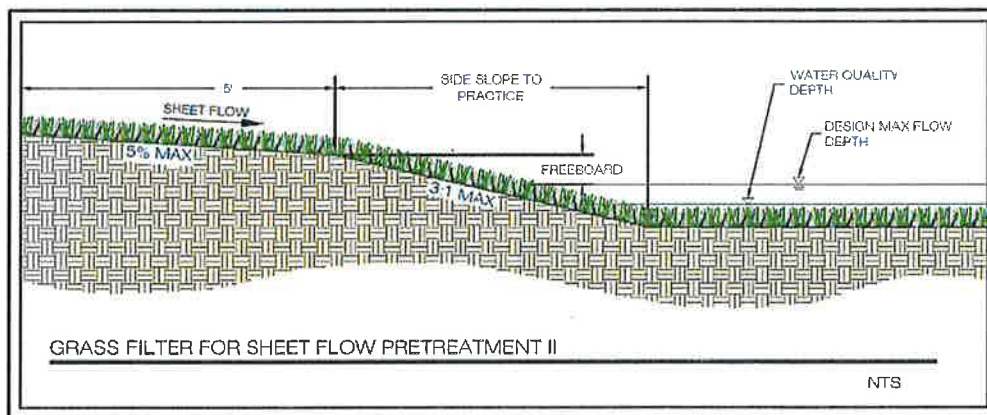
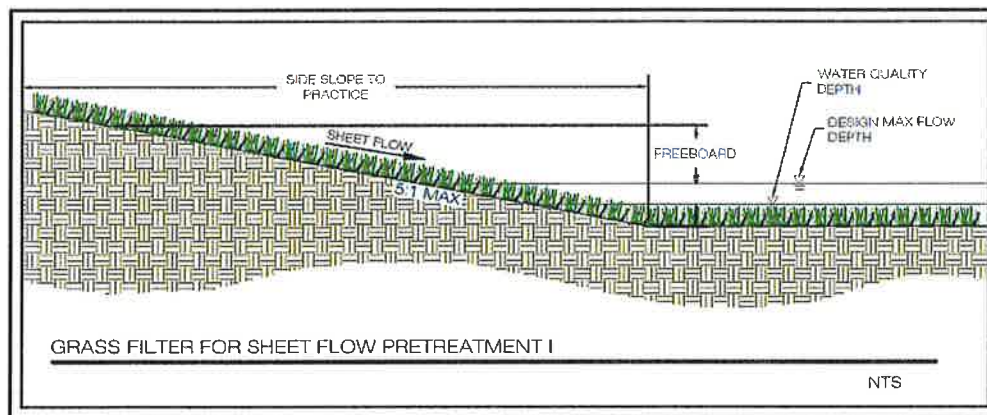
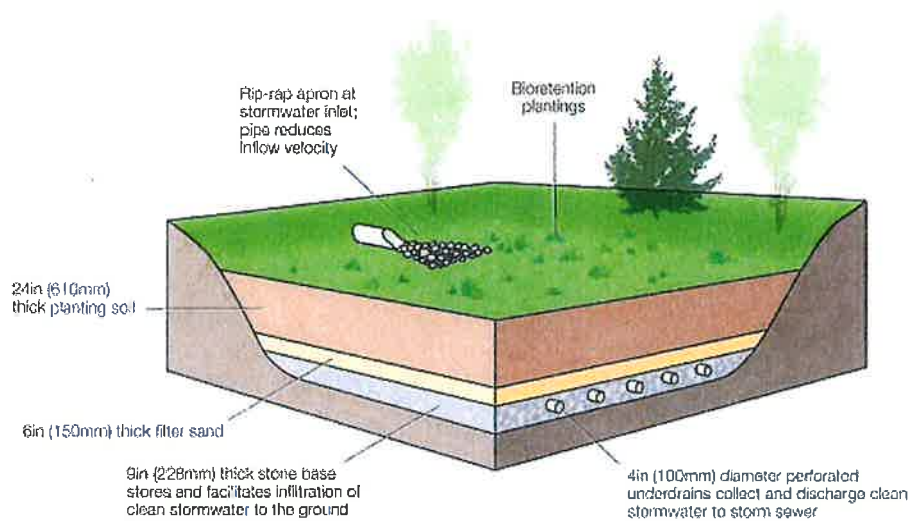
- Bio-retention swales for on-lot storm water run-off
- Decrease amount of impervious surfaces, through efficient street section widths, use of pervious materials
- Use landscape facilities for pretreatment of storm water
- Sufficient Capacity of total storm system to retain water on-site
- Treat storm water at the source
- Groundwater recharge

Discourage:

- Fully piped storm drainage system
- Discharge of storm water to nearby river/creek/waterway

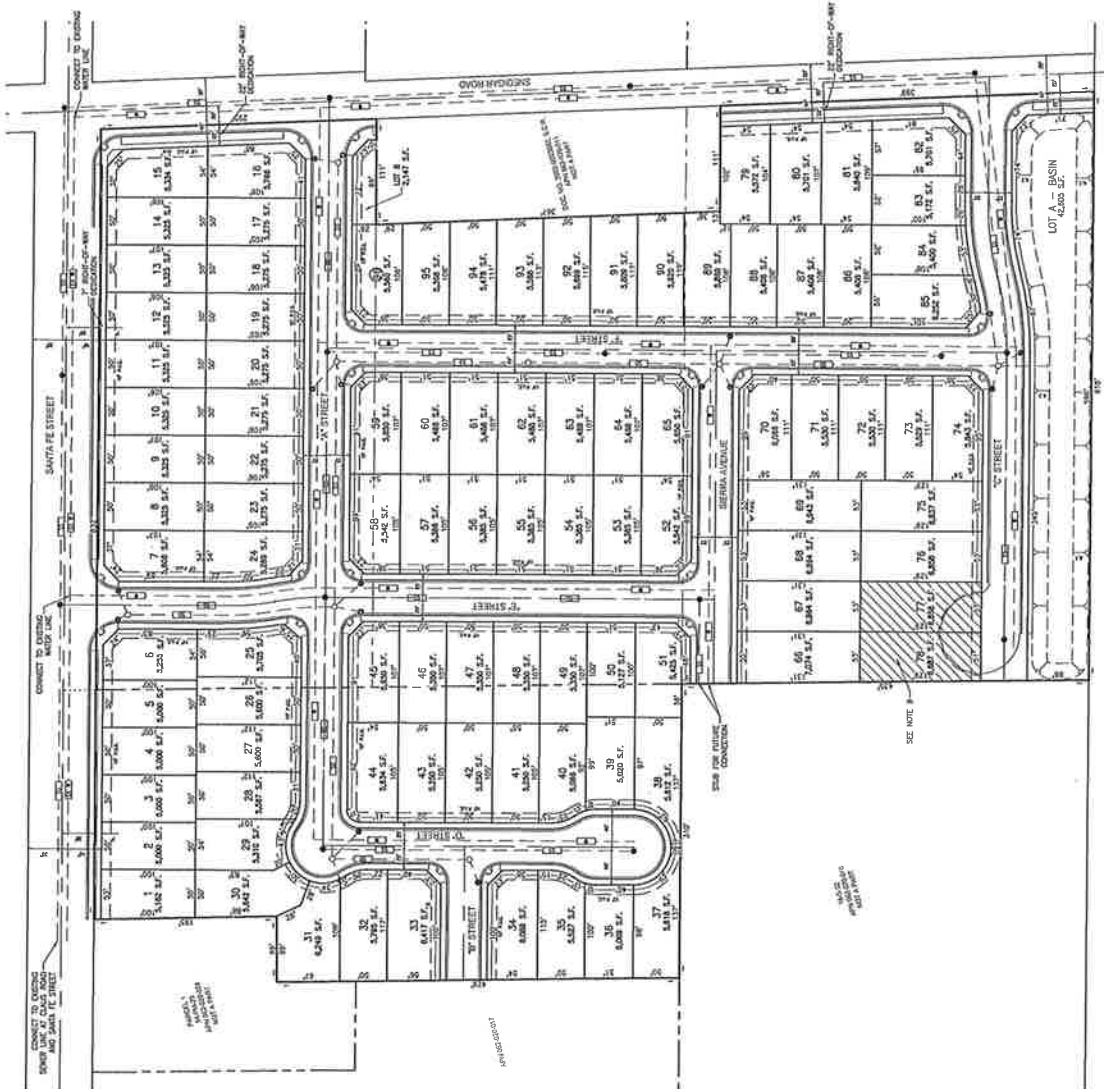
LID allows for greater development potential with less environmental impacts through the use of smarter designs and advanced technologies that achieve a better balance between conservation, growth, ecosystem protection, and public health / quality of life. Today, bio-retention is one of the LID techniques available to users. Other techniques, such as permeable pavers and disconnected downspouts are all effective tools to help developers control pollutants, reduce runoff volume, manage runoff timing, and address a number of other ecological concerns.

LID has numerous benefits and advantages over conventional stormwater management approaches. In short, it is a more environmentally sound technology and a more economically sustainable approach to addressing the adverse impacts of urbanization. By managing runoff close to its source through intelligent site design, LID can enhance the local environment, protect public health, recharge groundwater tables and improve community livability - all while saving developers and local government money.









## LEGEND

- | EX. 33 | EX. 34 | EX. 35 | EX. 36 | EX. 37 | EX. 38 | EX. 39 | EX. 40 | EX. 41 | EX. 42 | EX. 43 | EX. 44 | EX. 45 | EX. 46 | EX. 47 | EX. 48 | EX. 49 | EX. 50 | EX. 51 | EX. 52 | EX. 53 | EX. 54 | EX. 55 | EX. 56 | EX. 57 | EX. 58 | EX. 59 | EX. 60 | EX. 61 | EX. 62 | EX. 63 | EX. 64 | EX. 65 | EX. 66 | EX. 67 | EX. 68 | EX. 69 | EX. 70 | EX. 71 | EX. 72 | EX. 73 | EX. 74 | EX. 75 | EX. 76 | EX. 77 | EX. 78 | EX. 79 | EX. 80 | EX. 81 | EX. 82 | EX. 83 | EX. 84 | EX. 85 | EX. 86 | EX. 87 | EX. 88 | EX. 89 | EX. 90 | EX. 91 | EX. 92 | EX. 93 | EX. 94 | EX. 95 | EX. 96 | EX. 97 | EX. 98 | EX. 99 | EX. 100 | EX. 101 | EX. 102 | EX. 103 | EX. 104 | EX. 105 | EX. 106 | EX. 107 | EX. 108 | EX. 109 | EX. 110 | EX. 111 | EX. 112 | EX. 113 | EX. 114 | EX. 115 | EX. 116 | EX. 117 | EX. 118 | EX. 119 | EX. 120 | EX. 121 | EX. 122 | EX. 123 | EX. 124 | EX. 125 | EX. 126 | EX. 127 | EX. 128 | EX. 129 | EX. 130 | EX. 131 | EX. 132 | EX. 133 | EX. 134 | EX. 135 | EX. 136 | EX. 137 | EX. 138 | EX. 139 | EX. 140 | EX. 141 | EX. 142 | EX. 143 | EX. 144 | EX. 145 | EX. 146 | EX. 147 | EX. 148 | EX. 149 | EX. 150 | EX. 151 | EX. 152 | EX. 153 | EX. 154 | EX. 155 | EX. 156 | EX. 157 | EX. 158 | EX. 159 | EX. 160 | EX. 161 | EX. 162 | EX. 163 | EX. 164 | EX. 165 | EX. 166 | EX. 167 | EX. 168 | EX. 169 | EX. 170 | EX. 171 | EX. 172 | EX. 173 | EX. 174 | EX. 175 | EX. 176 | EX. 177 | EX. 178 | EX. 179 | EX. 180 | EX. 181 | EX. 182 | EX. 183 | EX. 184 | EX. 185 | EX. 186 | EX. 187 | EX. 188 | EX. 189 | EX. 190 | EX. 191 | EX. 192 | EX. 193 | EX. 194 | EX. 195 | EX. 196 | EX. 197 | EX. 198 | EX. 199 | EX. 200 | EX. 201 | EX. 202 | EX. 203 | EX. 204 | EX. 205 | EX. 206 | EX. 207 | EX. 208 | EX. 209 | EX. 210 | EX. 211 | EX. 212 | EX. 213 | EX. 214 | EX. 215 | EX. 216 | EX. 217 | EX. 218 | EX. 219 | EX. 220 | EX. 221 | EX. 222 | EX. 223 | EX. 224 | EX. 225 | EX. 226 | EX. 227 | EX. 228 | EX. 229 | EX. 230 | EX. 231 | EX. 232 | EX. 233 | EX. 234 | EX. 235 | EX. 236 | EX. 237 | EX. 238 | EX. 239 | EX. 240 | EX. 241 | EX. 242 | EX. 243 | EX. 244 | EX. 245 | EX. 246 | EX. 247 | EX. 248 | EX. 249 | EX. 250 | EX. 251 | EX. 252 | EX. 253 | EX. 254 | EX. 255 | EX. 256 | EX. 257 | EX. 258 | EX. 259 | EX. 260 | EX. 261 | EX. 262 | EX. 263 | EX. 264 | EX. 265 | EX. 266 | EX. 267 | EX. 268 | EX. 269 | EX. 270 | EX. 271 | EX. 272 | EX. 273 | EX. 274 | EX. 275 | EX. 276 | EX. 277 | EX. 278 | EX. 279 | EX. 280 | EX. 281 | EX. 282 | EX. 283 | EX. 284 | EX. 285 | EX. 286 | EX. 287 | EX. 288 | EX. 289 | EX. 290 | EX. 291 | EX. 292 | EX. 293 | EX. 294 | EX. 295 | EX. 296 | EX. 297 | EX. 298 | EX. 299 | EX. 300 | EX. 301 | EX. 302 | EX. 303 | EX. 304 | EX. 305 | EX. 306 | EX. 307 | EX. 308 | EX. 309 | EX. 310 | EX. 311 | EX. 312 | EX. 313 | EX. 314 | EX. 315 | EX. 316 | EX. 317 | EX. 318 | EX. 319 | EX. 320 | EX. 321 | EX. 322 | EX. 323 | EX. 324 | EX. 325 | EX. 326 | EX. 327 | EX. 328 | EX. 329 | EX. 330 | EX. 331 | EX. 332 | EX. 333 | EX. 334 | EX. 335 | EX. 336 | EX. 337 | EX. 338 | EX. 339 | EX. 340 | EX. 341 | EX. 342 | EX. 343 | EX. 344 | EX. 345 | EX. 346 | EX. 347 | EX. 348 | EX. 349 | EX. 350 | EX. 351 | EX. 352 | EX. 353 | EX. 354 | EX. 355 | EX. 356 | EX. 357 | EX. 358 | EX. 359 | EX. 360 | EX. 361 | EX. 362 | EX. 363 | EX. 364 | EX. 365 | EX. 366 | EX. 367 | EX. 368 | EX. 369 | EX. 370 | EX. 371 | EX. 372 | EX. 373 | EX. 374 | EX. 375 | EX. 376 | EX. 377 | EX. 378 |
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**DAVID W. POPE**  
1120 SCENE DRIVE  
MODESTO, CA 95350

**OWNER:**  
JOY ANGLE, SHAME AND KIM PARSONS  
1205 SANTA FE STREET  
UNIVERSITY, CA 95167

LEGAL DESCRIPTION:

BEING A SUBDIVISION OF THE NORTHWEST 1/4 OF SECTION 30,  
TOWNSHIP 2 SOUTH, RANGE 10 EAST, MOUNT Diablo BASE AND  
MERIDIAN, CITY OF RIVERBANK, STANISLAUS COUNTY, CALIFORNIA.

GENERAL NOTES:

- PROPERTY'S TRAILER NUMBER, 902-202-2194, & 225-362-2194.**
- NEW - VICTORIA TRAILER, 902-202-2194.**
- PREPARED TRAILER - NEW - LITTLE ROCK REGIONAL, 902-202-2194.**
- SEE TRAILER TRAILER PROJECT HERE - 11 AM PER HOUR BOUND INTO 90 SINGLE-HANDLERS, 2 LINDSEY/PRINCE LOTS (A & B), & THE PROPOSED TRAILER IS 24 UNIT/AREA.**
- THE PROPERTY LINE, BOUNDARIES, BOUNDARIES, & OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, FIELD SURVEYS, & BOTH, & PRELIMINARY FIELD ASSOCIATIONS BY OFFICE PERSONNEL, AND DO NOT RELY ON ACTUAL FIELD SURVEYS.**
- PURSUANT TO SECTION 60.01, OF THE SUNDOWN MAP ACT, THE SUNDOWN MAP ASSOCIATION RESERVES THE RIGHT TO FILE MULTIPLE SUBMISSION MAPS.**
- THE SUNDOWN MAP ASSOCIATION HAS BEEN ADVISED BY THE SUNDOWN MAP ASSOCIATION THAT THE PRELIMINARY DESIGN AND ARE SUBJECT TO CHANGE AT THE TIME OF THE SUBMISSION OF THE SUNDOWN MAP.**

## STATEMENT OF SUBMITTER:

4. ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS FOR THE CITY OF INDIANAPOLIS STANDARD SPECIFICATIONS.
5. STORM DRAINAGE ON-LOT DRAINAGE SYSTEM FOR CITY OF INDIANAPOLIS.
6. WATER SUPPLY CITY OF INDIANAPOLIS.
7. WATER SUPPLY CITY OF INDIANAPOLIS.
8. STREET LIGHTING SHALL BE INSTALLED AS FOR THE CITY OF INDIANAPOLIS STANDARD SPECIFICATIONS.

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TENTATIVE SUBDIVISION MAP  
CARY POPE  
DIAMOND BAR ESTATES - EAST

RIVERBANK  
CALIFORNIA

128 Dray Ave  
Ivanhoe, CA 95352  
709.565.4477  
209.568.4410

| Drawn By:  | RV       | NO | DWG | REV | DATE |
|------------|----------|----|-----|-----|------|
| Design:    | 13-17-14 |    |     |     |      |
| Drawn:     | 13-17-14 |    |     |     |      |
| Checked:   | 13-17-14 |    |     |     |      |
| Design By: | RV       |    |     |     |      |

## **Attachment 4: Diamond Bar Estates – West – Initial Study and MMRP**



**INITIAL STUDY/  
MITIGATED NEGATIVE DECLARATION**

for the

**CITY OF RIVERBANK**

**RIVERBANK GENERAL PLAN AMENDMENT NO. 2014-01  
RIVERBANK ZONING ORDINANCE AMENDMENT NO. 2014-01  
TENTATIVE MAP APPLICATION NO. 2014-01**

**DIAMOND BAR WEST SUBDIVISION**

November 2014



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## MITIGATED NEGATIVE DECLARATION

### Lead Agency:

City of Riverbank  
6707 3<sup>rd</sup> Street  
Riverbank, California 95367

### PROJECT NAME:

Riverbank General Plan Amendment No. 2014-01  
Riverbank Zoning Ordinance Amendment No. 2014-01  
Tentative Map Application No. 2014-01

### PROJECT PROPONENT AND LEAD AGENCY:

Project Applicant: Cary W. Pope  
1120 Scenic Drive  
Modesto, California 95350

Property Owner: Ty Angle, Shane & Kim Parsons  
6055 Central Ave  
Ceres, CA 95307

Lead Agency: City of Riverbank  
6707 3<sup>rd</sup> Street  
Riverbank, California 95367

### PROJECT LOCATION:

The proposed project is located within the City of Riverbank, County of Stanislaus. Specifically, the proposed project is bounded by Santa Fe Avenue to the north, Sierra Avenue to the south, Central Avenue to the east, and Claus Road and Ranchette Parcels to the west. The project site is further identified as being Assessor Parcel Number (APN) 062-020-027, 019, and 005.

### PROJECT DESCRIPTION:

The proposed project consists of a General Plan Amendment (GPA), Rezone, and Tentative Map to subdivide approximately 11.34± acres into fifty-eight (58) residential lots (over-all Residential density of 5.32 du/acre) and associated street, sewer, water, and storm drainage improvements. The project site is currently designated as Medium Density Residential (MDR) and is located within the R-1, Single Family

and (PD) Planned Development zone district. The proposed GPA would designate the project site for Low Density Residential (LDR) land uses. The proposed rezone would modify the project site's existing mixed residential zoning to a P-D (Planned Development) zoning district.

The proposed project site is made up of two previously approved Tentative Maps, Brookview PD TM 02-2005 TM 03-2005 (46 residential lots approved January 2006) and Willow Estates (55 residential lots approved October 2006). The Brookview map is valid through January of 2017 and the Willow Estates map is valid through October of 2015.

Primary and secondary access to the proposed project is provided by two proposed entrances into the site from Sierra Avenue, and one entrance from Santa Fe Street. Domestic water infrastructure is proposed via connecting to existing water lines located in Santa Fe Street, and the intersection of Santa Fe Street and Central Avenue. Sanitary sewer services are provided via connecting to the existing sewer line located at the intersection of Santa Fe Street and Claus Road. Storm drainage is provided by developing a 22,413 square foot storm drain basin and retaining storm water on-site (identified as 'Lot E' on the Tentative Map) in accordance with City of Riverbank standards.

#### **ENVIRONMENTAL DETERMINATION:**

The Lead Agency has prepared an Initial Study, following, which considers the potential environmental effects of the proposed project. The Initial Study shows that although the proposed project could have a significant effect on the environment, there will not be a significant effect in the case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

#### **MITIGATION MEASURES:**

The following Mitigation Measures shall be incorporated into the proposed project:

**AQ-1:** *During construction, the following basic control measures shall be implemented at the construction/project site:*

- *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
- *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
- *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
- *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
- *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*

- *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxic control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
- *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.*
- *Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*

**CUL-1:** *The City of Riverbank, working with the project applicant, shall ensure that all work in the immediate vicinity is halted if concentrations of prehistoric or historic period materials are encountered as a result of ground-disturbing activity associated with the project. A qualified archaeologist shall be contacted to evaluate the finds and to make recommendations that shall be implemented. During grading activities, the applicant shall retain a qualified archaeologist to be present. If cultural materials are discovered, the archaeologist shall assess the discovery to determine if it constitutes either a unique archaeological resource or a historical resource for purposes of CEQA (California Code of Regulations [CCR] Title 14, Section 15064.5[a]).*

*If it is determined that the materials do not constitute either a unique archaeological resource or a historical resource, their presence shall be noted but need not be considered further. If the archaeologist determines that (a) the materials constitute a unique archaeological resource or historical resource, and (b) they are subject to substantial adverse changes as defined in CCR Title 14 Section 15064.5 (b), the archaeologist shall provide recommendations to the City and applicant for appropriate treatment which, among other options, may include preservation in place or archaeological data recovery. Preservation in place is preferred, if possible.*

*Implementation of Mitigation Measure CUL-1 would reduce the potential impact on archaeological resources to a less-than-significant level.*

**CUL-2:** *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 descendent 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-2 would reduce the potential impact on human remains to a less-than-significant level.*

**HYDRO-1:** *Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period. The SWPPP shall be submitted to the City Engineer for review and approval prior to any construction activity. The SWPPP shall be designed to address the following objectives:*

- 1. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs);*
- 2. Where not otherwise permitted by the Regional Water Quality Control Board, all nonstormwater discharges are identified and eliminated; and*
- 3. BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity in accordance with the Construction General Permit.*

*The SWPPP shall be prepared by a Qualified SWPPP Developer. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction. The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring, inspection, and maintenance activities.*

**HYDRO-2:** *The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board stormwater permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Stormwater Control Plan (SCP) for the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply*

with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:

1. An inventory and accounting of existing and proposed impervious areas.
2. Low Impact Development (LID) design details incorporated into the project. Specific LID design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of stormwater, dispersal of runoff to landscaped areas, and/or routing of runoff swales and other small-scale facilities distributed throughout the site.
3. Measures to address potential stormwater contaminants. These may include measures to address potential sources of stormwater pollutants at the project site, covering trash collection and parking areas.
4. A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan shall be finalized prior to issuance of any building permits for the project.

**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).
- 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).
- Construction-related traffic shall be routed along major roadways (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's 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.*

***PUBLIC-1:*** *Prior to recording the "Final Map" or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to establish and/or annex into a "Community Facilities District" (CFD) for fire protection services with the Stanislaus Consolidated Fire Protection District.*

***PUBLIC-2:*** *Prior to recording the "Final Map" or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to form and/or annex into a "Community Facilities District" (CFD) for operational services with the Riverbank Police Department (Stanislaus County Sheriff).*

***TRANS-1:*** *Although construction impacts are expected to be temporary, development of a construction management plan would reduce the potential for construction vehicle conflicts with other roadway users. The project applicant shall prepare a construction management plan for review and approval by the City of Riverbank prior to any ground disturbing activity. The plan shall include:*

- *A project staging plan to maximize on-site storage of materials and equipment.*
- *A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes.*
- *Permitted construction hours.*
- *Location of construction staging.*
- *Identification of parking areas for construction employees, site visitors, and inspectors to minimize potential impacts on adjacent residences/properties.*
- *Provisions for street sweeping to remove construction related debris on public streets.*



*Implementation of the construction management plan would reduce the temporary construction traffic impact to a less than significant level.*

**TRANS-2:** *Prior to construction, the project applicant/developer shall enter into an agreement with the Riverbank Unified School District to improve the student bus stop, located at Santa Fe and Central Street. These improvements shall include a clear path of travel (sidewalk) from the project site to the bus stop and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank, as needed.*

**TRANS-3:** *Prior to construction, the project applicant/developer shall enter into an agreement with the Riverbank Unified School District to provide a 'safe 'pedestrian route from the project site to each of the schools in the area: Riverbank High School, Cardoza Middle School, and Mesa Verde Elementary School. These improvements (sidewalk) shall provide a clear path of travel from the project site to the school(s) and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank and Stanislaus County, as needed.*

Therefore, the Lead Agency proposes to adopt a Mitigated Negative Declaration for the project, in accordance with the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

---

**Mr. John B. Anderson, Contract Community Development Director**

**Date**

## **SECTION 1.0**

## **INTRODUCTION**

### **PROJECT TITLE**

"Diamond Bar West"

Riverbank General Plan Amendment No. 2014-01

Riverbank Zoning Ordinance Amendment No. 2014-01

Tentative Map Application No. 2014-01

### **LEAD AGENCY NAME AND ADDRESS**

City of Riverbank

6707 3<sup>rd</sup> Street

Riverbank, California 95367

### **CONTACT PERSON AND PHONE NUMBER**

Mr. John B. Anderson, Community Development Director

(209) 599-8377

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### **PROJECT APPLICANT'S NAME AND ADDRESS**

Cary W. Pope

1120 Scenic Drive

Modesto, California 95350

### **PROJECT LOCATION AND SETTING**

The proposed project is located within the City of Riverbank, County of Stanislaus. Specifically, the proposed project is bounded by Santa Fe Avenue to the north, Sierra Avenue to the south, Central Avenue to the east, and Claus Road and ranchette parcels to the west. The project site is further identified as being Assessor Parcel Number (APN) 062-020-027, 019, and 005.

### **GENERAL PLAN AND ZONING DESIGNATIONS**

The 11.34± acre project site currently has a General Plan designation of Medium Density Residential (MDR) and is located within the R-2, Multi-Family Residential zoning district. The proposed GPA would designate the project site for Low Density Residential (LDR) land uses. The proposed rezone would also modify the project site's existing zoning from R-2 to P-D, Planned Development.

**OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (E.G., PERMITS, FINANCING APPROVAL, OR PARTICIPATION AGREEMENT.)**

*City of Riverbank - Development Services Department/Public Works*

- Improvement Agreement
- Encroachment Permit(s)
- SWPPP Permits

*San Joaquin Valley Air Pollution Control District (SJVAPCD)*

- Permits associated with District Rules & Regulations

*Regional Water Quality Control Board (RWQCB)*

- Construction General Permit
- SWPPP Permit(s)

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

**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.                                                                                                                                                                                                                                                                                                                                                                      |
| <b>X</b> | 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.                                   |

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**Mr. John B. Anderson, Contract Community Development Director**

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**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.

- 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

## SECTION 3.0

## INITIAL STUDY CHECKLIST

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

### ***I. AESTHETICS -- WOULD THE PROJECT:***

|                                                                                                                                                          | <b><i>Potentially<br/>Significant<br/>Impact</i></b> | <b><i>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</i></b> | <b><i>Less Than<br/>Significant<br/>Impact</i></b> | <b><i>No<br/>Impact</i></b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------|
| 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) Substantially degrade the existing visual character or quality of the site and its surroundings?                                                      |                                                      |                                                                                   | X                                                  |                             |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                    |                                                      |                                                                                   | X                                                  |                             |

### ***DISCUSSION:***

- I-a) The proposed project will have no effect on scenic vistas and therefore will have no environmental impact.
- I-b) The proposed project is located within the City of Riverbank, and is not located on a state designated highway. Based on a review of the California Department of Transportation website (<http://www.dot.ca.gov/hq/LandArch/scenic/schwy.htm>), the nearest state scenic highway is Interstate 5, which runs for approximately 28.1 miles (North/South) in Stanislaus County from the Merced County line to the San Joaquin County line. The proposed project is not located on or adjacent to Interstate 5, and therefore will have no impact to a state scenic highway.
- I-c) The project site is now level, contains some structures, with no landscaping or other natural features and could be generally described as being dry grass lands. The project would visually improve the project site by adding landscaping and built elements that would be ~~in~~ consistent with the single-family residential neighborhoods, found within the City. As required by City



code, street trees approved by the City of Riverbank, will be planted along the proposed interior streets of the subdivision as well as along the site frontage on Santa Fe Street, Central and Sierra Road. Landscaping would be located within the retention basin proposed within the subdivision. Additional trees will be planted within the project site at individual lots as part of the new home landscaping. The built elements of the project would include single-family homes that would be consistent with those currently found throughout the city. The combined built and landscaped features of the project would not degrade the existing visual character or quality of the site or its surroundings.

- I-d) Street lighting installed as part of the proposed project will be designed and installed in accordance with the City's standards and specifications. While the proposed project will include this street lighting that will add to the amount of lighting in the general area, this lighting is not considered to be significant. Therefore, the proposed project will have a less than significant impact.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

## II. AGRICULTURE AND FORESTRY RESOURCES: WOULD THE PROJECT:

|                                                                                                                                                                                                                                                                                             | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporation | Less Than<br>Significant<br>Impact | No<br>Impact |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|------------------------------------|--------------|
| 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            |

### DISCUSSION:

II-a, b) The project site is not located in an area identified as prime farmland, nor is the site being used or zoned for agriculture use. Furthermore, the site is not currently enrolled into a Williamson Act contract. Review of the Farmland Mapping and Monitoring Program of the California Resources Agency showed that the Project Location or the City of Riverbank is not mapped as Prime Farmland, Unique Farmland or Farmland of Statewide Importance. Therefore, the proposed project will not result in a significant impact on the City's or Region's agriculture resources and have no impact.

II-c, d) The site is mostly vacant with some dilapidated structures and does not include a forest or other vegetation typically found in forest areas. No forest land zoning exists at the site and there is no

timberland zoned for Timberland Production and therefore will not conflict with existing zoning and therefore will have no impact to this resource.

II-e) Please refer to the discussion under items (a) and (c), above.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

### III. AIR QUALITY -- WOULD THE PROJECT:

|                                                                                                                                                                                                                                                                                             | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?                                                                                                                                                                                                             |                                               |                                                                            |                                             | X                    |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?                                                                                                                                                                          |                                               | X                                                                          |                                             |                      |
| c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)? |                                               | X                                                                          |                                             |                      |
| d) Expose sensitive receptors to substantial pollutant concentrations?                                                                                                                                                                                                                      |                                               |                                                                            | X                                           |                      |
| e) Create objectionable odors affecting a substantial number of people?                                                                                                                                                                                                                     |                                               |                                                                            | X                                           |                      |

#### **BACKGROUND DISCUSSION:**

The proposed project is located in east 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 the public health; secondary standards are established to protect the public welfare. The attainment statuses of the SJVAB for Stanislaus County with respect to the applicable AAQS are shown in the following table.

The SJVAB is considered non-attainment for ozone and particulate matter (PM10 and PM2.5), 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)
- Rule 9510 (Indirect Source Review)

### **SAN JOAQUIN VALLEY FEDERAL AND STATE AAQS ATTAINMENT STATUS**

| <b>Pollutant</b>              | <b>Designation / Classification</b>  |                                    |
|-------------------------------|--------------------------------------|------------------------------------|
|                               | <b>Federal Standards<sup>a</sup></b> | <b>State Standards<sup>b</sup></b> |
| Ozone, 1-hour                 | No federal standard <sup>f</sup>     | Nonattainment / Severe             |
| Ozone, 8-hour                 | Nonattainment / Extreme <sup>e</sup> | Nonattainment                      |
| PM10                          | Attainment <sup>c</sup>              | Nonattainment                      |
| PM2.5                         | Nonattainment <sup>d</sup>           | Nonattainment                      |
| Carbon Monoxide               | Attainment / Unclassified            | Attainment / Unclassified          |
| Nitrogen Dioxide              | Attainment / Unclassified            | Attainment                         |
| Sulfur Dioxide                | Attainment / Unclassified            | Attainment                         |
| Lead (particulate)            | No designation                       | 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                         |

<sup>a</sup>See 40 CFR Part 81

<sup>b</sup>See CCR Title 17 Sections 60200-60210

<sup>c</sup>On September 25, 2008, EPA redesignated the San Joaquin Valley to Attainment for the PM10 National AAQS and approved the PM10 Maintenance Plan

<sup>d</sup>The SJV is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the SJV as nonattainment for the 2006 PM2.5 on November 13, 2009 (effective December 14, 2009).

<sup>e</sup>Though the SJV was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved reclassification of the SJV to extreme nonattainment in the Federal Register on May, 2010 (effective June 4, 2010).

<sup>f</sup>Effective 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).

|      |              |
|------|--------------|
| ROG  | 10 tons/year |
| NOx  | 10 tons/year |
| PM10 | 15 tons/year |

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 outlines 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. In accordance with Table 5-3(a) of GAMAQI, the proposed project is considered to be at a Small Project Analysis Level (SPAL), as it will not cross the SJVAPCD adopted threshold of 152 single-family (dwellings) units. Exceeding this limit would push the project into a separate tier as identified in the GAMAQI. Because the proposed project qualifies as SPAL, GAMAQI notes that it has no possibility of exceeding emission thresholds.

The applicant's representative conducted modeling of the project in order to estimate potential emissions associated with both the construction and operational phases of the proposed project. Modeling was completed using the California Emission Estimator Model (CalEEMod). These emission estimates did not show a potential significant impact and were within the thresholds identified by the Air District. The full results of the CalEEMod can be found in Appendix F of this Initial Study.

#### **DISCUSSION:**

III-a-c) The proposed project would 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. The air district has published comprehensive guidance on evaluating, determining significance of, and mitigating air quality impacts of projects and plans. As noted in the above discussion, the air

district's guidance is contained in its *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI) and within the air district's California Environmental Quality Act Guidelines ("CEQA guidelines"). Because the proposed project is relatively small, the analysis of air quality impacts focuses on whether the proposed project meets the air district screening criteria for projects having a less than significant impact. As described in the GAMAQI and generally in the air district's CEQA guidelines, if a proposed project size is below a threshold of 152 single-family (dwellings) units, the proposed project's operational impacts for criteria pollutants would not be potentially significant and detailed air quality assessment is not needed. Also detailed is the screening criteria for construction impacts of new development projects. For single-family residential uses, construction emissions are less than significant for any/all projects that contain less than 325 dwelling units and project specific construction impacts would be considered to be less than significant. However, cumulative development projects in the project vicinity could have a cumulatively significant effect on air quality impacts associated with construction activity. The mitigation measure listed below as "AQ-1" will ensure that the project's contribution to cumulative air quality construction impacts would not be considerable and therefore, less than significant. The SJVAPCD did provide comments on the project's CEQA-Early Consultation (letter dated July 31, 2014). In addition to stating that the project will not have a significant impact on air quality/pollutant emissions, the District listed several 'Rules' which the project may be subject to. Specifically, the District cited required compliance with Rules 9510, 4002, 4102, 4601, and 4641. The District's comments on the above Rules will be incorporated into the project's final conditions of approval.

- III-d, e) Sensitive receptors are defined as facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors.

As mentioned previously, the project itself falls below certain thresholds established by the air district and is considered to be less than significant in terms of negatively effecting the air quality. As such, the proposed project would not be a significant source of odor during construction nor during full build-out. Furthermore, no existing sensitive receptors would be exposed to substantial pollutant concentrations as a result of the project, at any time nor would the project be a source of substantial nuisance odors. Therefore, the project will have a less than significant impact to sensitive receptors in the area.

**MITIGATION MEASURES:**

The following mitigation measure(s) shall be incorporated into the proposed project in order to mitigate any potential impacts to a less than significant level:

**AQ-1:** *During construction, the following basic control measures shall be implemented at the construction/project site:*

- *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
- *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
- *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
- *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
- *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
- *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxic control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
- *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.*
- *Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*



#### IV. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:

|                                                                                                                                                                                                                                                                                                                  | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| 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 US 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                                           |                      |

#### DISCUSSION:

IV-a-f) **ADDITIONAL INFO TO BE SUPPLIED BY DIANE AND THIS SECTION WILL BE MODIFIED AS NEEDED**

No trees or significant federally or State protected vegetation exist on the site, and thus there would be no conflict with any policies of the City of Riverbank regarding protection of biological resources or protection of existing trees. As such, impacts related to these areas are considered to be less than significant.

***MITIGATION MEASURES:***

No mitigation is required for this topic.

## V. CULTURAL RESOURCES -- Would the project:

|                                                                                                               | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------|------------------------------|-----------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?    |                                | X                                                   |                              | X         |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5? |                                |                                                     | X                            |           |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       |                                |                                                     | X                            |           |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                          |                                |                                                     |                              | X         |

### DISCUSSION:

- V-a,b) A records search was undertaken with the Central California Information Center of Stanislaus State University. This search concluded that no recorded archaeological resources have been formally reported at the site. The search also concluded that there is a moderate potential of identifying unrecorded Native American resources at the project site, and other historic-period archaeological resources. If archaeological resources are discovered during construction, however, impacts could be significant. Thus, mitigation measure CUL-1 is recommended.
- V-c) Paleontological resources are not expected to exist at the project site because the underlying soil type and age of the soils would generally preclude their presence. Therefore, the proposed project will have no impact.
- V-d) 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-2, specified below, in accordance with Section 15064.5(e) of the CEQA Guidelines, to reduce any potentially significant impacts to a level of less than significant.

**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:

**CUL-1:** *The City of Riverbank, working with the project applicant, shall ensure that all work in the immediate vicinity is halted if concentrations of prehistoric or historic period materials are encountered as a result of ground-disturbing activity associated with the project. A qualified archaeologist shall be contacted to evaluate the finds and to make recommendations that shall be implemented. During grading activities, the applicant shall retain a qualified archaeologist to be present. If cultural materials are discovered, the archaeologist shall assess the discovery to determine if it constitutes either a unique archaeological resource or a historical resource for purposes of CEQA (California Code of Regulations [CCR] Title 14, Section 15064.5[a]).*

*If it is determined that the materials do not constitute either a unique archaeological resource or a historical resource, their presence shall be noted but need not be considered further. If the archaeologist determines that (a) the materials constitute a unique archaeological resource or historical resource, and (b) they are subject to substantial adverse changes as defined in CCR Title 14 Section 15064.5 (b), the archaeologist shall provide recommendations to the City and applicant for appropriate treatment which, among other options, may include preservation in place or archaeological data recovery. Preservation in place is preferred, if possible.*

*Implementation of Mitigation Measure CUL-1 would reduce the potential impact on archaeological resources to a less-than-significant level.*

**CUL-2:** *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 descendent 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-2 would reduce the potential impact on human remains to a less-than-significant level.*

## VI. GEOLOGY AND SOILS -- WOULD THE PROJECT:

|                                                                                                                                                                                                                                                                                        | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------|---------------------------------------------|----------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:                                                                                                                                                       |                                               |                                                          | X                                           |                      |
| 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                                                        | 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                                                        | 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                    |

### DISCUSSION:

VI-a) Based on a Geotechnical Site Assessment conducted in May of 2013 (by ENGEO) and 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.

VI-b,c) The potential for grading and earthmoving during project construction to result in erosion is a potentially significant impact. Exposed soils could be entrained in stormwater runoff and transported off the project site. This impact would be mitigated to a less-than-significant level by Mitigation Measure HYDRO-1, requiring implementation of a Stormwater Pollution Prevention Plan (SWPPP). Additional details regarding the SWPPP are provided in this Initial Study.

VI-d,e) The proposed project is not located in an area known to contain expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994). Therefore, the proposed project will have no impact.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

## **VII. GREENHOUSE GAS EMISSIONS -- WOULD THE PROJECT:**

|                                                                                                                                  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|------------------|
| 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 (CO<sub>2</sub>), 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 CO<sub>2</sub>. 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.

***DISCUSSION:***

VII-a, b) 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 greenhouse 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.



**VIII. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:**

|                                                                                                                                                                                                                                                                  | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| 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) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?                                                                                                      |                                               |                                                                            |                                             | X                    |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                        |                                               |                                                                            |                                             | X                    |
| h) 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                                                                        |                                               |                                                                            |                                             | X                    |

|                            |  |  |  |  |
|----------------------------|--|--|--|--|
| intermixed with wildlands? |  |  |  |  |
|----------------------------|--|--|--|--|

***DISCUSSION:***

VIII-a-h) The project will not be located near any sites known to contain toxic or radioactive materials.

The project site is not situated within an Airport Clear Zone or Accident Potential Zone. The project will not create a risk of explosion, release of hazardous substances or other dangers to public health. The project will not contribute hazardous materials to the vicinity either in its construction or upon its completion. The proposed project will not interfere with any emergency response plan or emergency evacuation plan. Therefore, the proposed project will have no impact.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**IX. HYDROLOGY AND WATER QUALITY -- WOULD THE PROJECT:**

|                                                                                                                                                                                                                                                                                                                                                                                               | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| a) Violate any water quality standards or waste discharge requirements?                                                                                                                                                                                                                                                                                                                       |                                               | X                                                                          |                                             |                      |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? |                                               |                                                                            | 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, in a manner which would result in substantial erosion or siltation on- or off-site?                                                                                                                                                            |                                               |                                                                            | X                                           |                      |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?                                                                                                                     |                                               |                                                                            | X                                           |                      |
| e) 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?                                                                                                                                                                                                         |                                               |                                                                            | X                                           |                      |
| f) Otherwise substantially degrade water quality?                                                                                                                                                                                                                                                                                                                                             |                                               |                                                                            | X                                           |                      |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?                                                                                                                                                                                                                          |                                               |                                                                            |                                             | X                    |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood                                                                                                                                                                                                                                                                                                  |                                               |                                                                            |                                             | X                    |

|                                                                                                                                                                    |  |  |  |   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|---|
| flows?                                                                                                                                                             |  |  |  |   |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? |  |  |  | X |
| j) Inundation by seiche, tsunami, or mudflow?                                                                                                                      |  |  |  | X |

**Discussion:**

IX-a) 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 11.34± acres and would be subject to the provisions of the Construction General Permit, which require the preparation and implementation 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 a 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). 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 measures HYDRO-1 and HYDRO-2 have been incorporated to address the potential of degradation of runoff water quality from project construction and operation.

- IX-b) The proposed project would connect to the City of Riverbank's water system and would not use groundwater during construction or operation. The project geotechnical investigation encountered groundwater at a depth of approximately 70 feet, and therefore 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 (Mitigation Measure HYDRO-1) 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, no impact on groundwater supplies or recharge would be expected.
- IX-c) The proposed project would not alter the course of a stream or a river. The project site is in an rural/urban area and although development of the site would affect local drainage patterns, compliance with construction- and operation-phase stormwater requirements (Mitigation Measures HYDRO-1 and HYDRO-2) would ensure that development of the project would not result in substantial erosion or siltation on- or off-site.
- IX-d) No alteration of a stream or river is proposed. The proposed project would result in changes to drainage patterns at the project site from its current vacant state. However, implementation of Mitigation Measure HYDRO-2 would serve to reduce the rate and volume of surface runoff as a result of land development. The project would have a less than significant impact in relation to this area.
- IX-e) The proposed project would result in an increase in impervious surfaces at the site. As a result, storm water runoff volume from the site would increase relative to existing conditions. The conceptual storm water management plan included in the tentative map submittal to the city shows the applicant's plans to capture and convey storm water via a basin (identified as Lot A). The plans are designed to be consistent with the City's storm water management standards, which in general, require pre-treatment of storm water runoff and mitigation of peak storm flows to minimize downstream water quality impacts and potential for downstream flooding. The City's Stormwater Master Plan, General Plan, and General Plan EIR include policies that ensure that the proposed project will not contribute or create substantial surface run-off that would result in flooding on- or off-site, exceed storm water facility capacity or provide additional sources of polluted runoff and the impact is less than significant.
- IX-f) Operation of the proposed project would not result in any substantial changes to on-site water quality, with the exception of potential impacts associated with stormwater runoff. Implementation of Mitigation Measures HYDRO-1 and HYDRO-2 would reduce potential impacts on water quality to less than significant levels. No additional mitigation measures are required.

- IX-g,h) The project site is not located within a 100-year flood hazard area as shown by the Federal Emergency Management Agency, and therefore the proposed project would not place housing within such an area nor would development of the proposed project impede or redirect potential flood flows. As such no impact is associated.
- IX-i,j) 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. As such, no impacts are anticipated in either of these areas.

**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:

***HYDRO-1:*** Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period. The SWPPP shall be submitted to the City Engineer for review and approval prior to any construction activity. The SWPPP shall be designed to address the following objectives:

- 1. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs);*
- 2. Where not otherwise permitted by the Regional Water Quality Control Board, all nonstormwater discharges are identified and eliminated; and*
- 3. BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity in accordance with the Construction General Permit.*

*The SWPPP shall be prepared by a Qualified SWPPP Developer. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction. The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations. A Qualified SWPPP Practitioner shall*

*be responsible for implementing the BMPs at the site and performing all required monitoring, inspection, and maintenance activities.*

**HYDRO-2:** *The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board stormwater permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Stormwater Control Plan (SCP) for the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:*

- 1. An inventory and accounting of existing and proposed impervious areas.*
- 2. Low Impact Development (LID) design details incorporated into the project. Specific LID design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of stormwater, dispersal of runoff to landscaped areas, and/or routing of runoff swales and other small-scale facilities distributed throughout the site.*
- 3. Measures to address potential stormwater contaminants. These may include measures to address potential sources of stormwater pollutants at the project site, covering trash collection and parking areas.*
- 4. A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan shall be finalized prior to issuance of any building permits for the project.*

**X. LAND USE AND PLANNING - Would the project:**

|                                                                                                                                                                                                                                                                                                             | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| a) Physically divide an established community?                                                                                                                                                                                                                                                              |                                               |                                                                            |                                             | X                    |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? |                                               |                                                                            |                                             | X                    |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?                                                                                                                                                                                                           |                                               |                                                                            |                                             | X                    |

**DISCUSSION:**

- X-a) The proposed new residential development would occur on a site that is now basically vacant with no agricultural activity or any use. Thus, an established community would not be divided or affected by the project. The area surrounding the site includes small ranchette parcels, with limited agricultural activity and single-family dwellings. All of these uses would remain with project development. Therefore, the proposed project will have no impact.
- X-b) The City of Riverbank General Plan designation for the project site is "Medium Density Residential" (MDR) which allows for a maximum of 16 residential units per acre. The General Plan amendment proposed for the project is a designation of "Low Density Residential" (LDR) which would allow up to 5 units per acre. With the project's proposal for 58 single-family residential lots on a total of 11.34± acres, the project would comply with the proposed density of the LDR designation. The project site is currently zoned as "Multi-Family Residential" (R-2) but would be rezoned to a P-D, Planned Development and would allow development and uses similar to the R-1 "Single-Family Residential" zoning district. Under the proposed P-D zoning, building setbacks and height limits would be as shown on the proposed Tentative Subdivision Map and these would become conditions of approval for the project. With the proposed amendments and rezoning, the project would comply with regulations and policies related to the new designations and no significant impacts would result.
- X-c) No habitat conservation plan or community conservation plan applies to the project site. Thus, the project would have no impact



***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**XI. MINERAL RESOURCES -- WOULD THE PROJECT:**

|                                                                                                                                                                       | <i>Potentially<br/>Significant<br/>Impact</i> | <i>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</i> | <i>Less Than<br/>Significant<br/>Impact</i> | <i>No<br/>Impact</i> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| 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                    |

**DISCUSSION:**

XI-a,b) 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. The proposed project is located within an area defined in the 2005-2025 General Plan as being a future residential area. Specifically, the land use designation of the project site is listed as Medium-Density Residential in the General Plan although, part of the proposed project is to modify this designation to Low-Density Residential. As such, the proposed project will have no impact to mineral resources of Statewide or local importance.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

**XII. NOISE -- WOULD THE PROJECT RESULT IN:**

|                                                                                                                                                                                                                                                                     | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?                                                                                 |                                               |                                                                            | X                                           |                      |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?                                                                                                                                                             |                                               |                                                                            | X                                           |                      |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                                      |                                               |                                                                            | X                                           |                      |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                          |                                               | 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 expose people residing or working in the project area to excessive noise levels? |                                               |                                                                            |                                             | X                    |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?                                                                                                      |                                               |                                                                            |                                             | X                    |

**DISCUSSION:**

XII-a,c) 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-generating activities, and the distance between construction noise sources and 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 all

sides of the project site and the City's high school is located further away, to the south/west. Use of construction equipment could be a 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.

- XII-b) In general, ground borne vibration from standard construction practices is only a potential issue when the vibration occurs within 25 feet of sensitive uses. Because construction is not proposed within 25 feet of any sensitive uses, the potential impact of ground borne vibration is considered less than significant.
- XII-d) As discussed under Item (a) above, temporary construction work could result in a temporary increase in noise levels in the project vicinity. In order to ensure that project construction noise 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 project, construction activities, with mitigation incorporated, will result in a less than significant, short-term noise impact.
- XII-e, f) The project site is not located within an airport land use plan or within 2 miles of an airport or private airstrip. Therefore, implementation of the proposed project would not expose persons within the project site to high levels of airport-related noise. There would be no impact.

**MITIGATION MEASURES:**

The following mitigation measure(s) shall be incorporated into the proposed project in order to mitigate any potential impacts to a less than significant level:

**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).*

- *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).*
- *Construction-related traffic shall be routed along major roadways (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's 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.*

**XIII. POPULATION AND HOUSING -- Would the project:**

|                                                                                                                                                                                                           | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| 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 housing, necessitating the construction of replacement housing elsewhere?                                                                                     |                                               |                                                                            |                                             | X                    |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?                                                                                               |                                               |                                                                            |                                             | X                    |

**DISCUSSION:**

XIII-a) With an average of about 3.5 (3.49) persons per household in the City of Riverbank (based California Department of Finance 2014 data) and 58 new dwellings proposed, the project would generate a new population of approximately 203 people. The proposed project, (including a General Plan amendment from medium to low density) is consistent with the general plan land use designation and densities and City zoning classification for the site. The proposed project would contribute to the impacts of population growth that have already been assessed and mitigated to the extent possible as part of the City's 2005-2025 General Plan EIR process. As such, the proposed project will serve as an implementation tool for a portion of the various areas designated as future residential growth under the City's General Plan and any potential impacts are considered to be less than significant.

XIII-b,c) The proposed project will not require the displacement of existing housing which would necessitate the construction of replacement housing. Currently the project site contains no dwellings or structures and will not displace a substantial number of people. Therefore, the proposed project will have no impact.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

#### **XIV. PUBLIC SERVICES**

|                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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: |                                               |                                                                            | X                                           |                      |
| Fire protection?                                                                                                                                                                                                                                                                                                                                                                                                            |                                               | X                                                                          |                                             |                      |
| Police protection?                                                                                                                                                                                                                                                                                                                                                                                                          |                                               | X                                                                          |                                             |                      |
| Schools?                                                                                                                                                                                                                                                                                                                                                                                                                    |                                               |                                                                            | X                                           |                      |
| Parks?                                                                                                                                                                                                                                                                                                                                                                                                                      |                                               |                                                                            | X                                           |                      |
| Other public facilities?                                                                                                                                                                                                                                                                                                                                                                                                    |                                               |                                                                            | X                                           |                      |

#### **DISCUSSION:**

XIV-a) Public services are available and can be extended to serve future development. With regard to K-12 schools, the project applicant is required to pay the standard fees to both the elementary and high school districts at time of construction. With regard to parks, the applicant will pay in-lieu fees that will be used to buy park land.

The Stanislaus Consolidated Fire Protection District provided a response to the project's CEQA-Early Consultation via a memo dated July 17, 2014. The memo outlines specific requirements which will need to be met based off the California Fire Code. These comments will be incorporated into the project's conditions of approval. The Fire District also noted a mitigation measure that will need to be included to offset the potential negative impacts to the District as a result of the project. As requested, Mitigation Measure PUBLIC-1 has been added (below) and will require the project applicant/developer to establish a Community Facilities District to mitigate potential impacts to a less than significant level.

The City of Riverbank Police Department is concerned with potential negative impacts new growth places on Police Enforcement Services (Sheriff) for the City of Riverbank. The 2005-2025 Riverbank

General Plan Policy PUBLIC 8.1 states “new development shall fund and/or construct adequate law enforcement facilities to serve new growth areas, as required, in coordination with law enforcement service providers”. General Plan Policy PUBLIC 8.2 states “the City goal is to provide 1.25 sworn officers per 1,000 residents”.

The Riverbank City Council, in adopting Resolutions 2006-115 and 116 on October 23, 2006, set policy that requires all new development to participate in the formation of a Community Facilities District for Police Protection. “The increase of Police Services created by development will create an adverse impact to City financial capacity”.

Therefore it is our opinion, based on the stated General Plan Policies and City Council Resolutions referenced (above), that this development will have a significant adverse impact on Police Services unless the project proponent agrees to mitigate the project’s potential impacts through participation in the formation of and annexation into a Police Services Community Facilities District. The mitigation measure listed as PUBLIC-2 has been incorporated into this project in order to mitigate this potential impact to a less than significant level.

**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:

**PUBLIC-1:** *Prior to recording the “Final Map” or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to establish and/or annex into a “Community Facilities District” (CFD) for fire protection services with the Stanislaus Consolidated Fire Protection District.*

**PUBLIC-2:** *Prior to recording the “Final Map” or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to form and/or annex into a “Community Facilities District” (CFD) for operational services with the Riverbank Police Department (Stanislaus County Sheriff).*



## **XV. RECREATION**

|                                                                                                                                                                                                                | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</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 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                                           |                      |

### **DISCUSSION:**

- XV-a) Payment of fees in lieu of parkland dedication, in accordance with the General Plan, would be required by the City of Riverbank as part of the standard development review and building permit process for the project. Payment of these fees would provide for park improvements elsewhere in Riverbank. For this reason, the project would not be expected to 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. The project's impact in relation to this would be less than significant.
- XV-b) As noted under Item (a) above, the recreational needs of project residents are expected to be met by the existing recreational facilities in the area, and the project would not require construction or expansion of other recreational facilities. The project's impact would therefore be considered less than significant.

### **MITIGATION MEASURES:**

Mitigation is not required for this topic.

**XVI. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:**

|                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? |                                               | X                                                                          |                                             |                      |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?                                                                                                                                                                |                                               |                                                                            |                                             | X                    |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?                                                                                                                                                                                                                                                               |                                               |                                                                            |                                             | X                    |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?                                                                                                                                                                                                                                                                        |                                               |                                                                            |                                             | X                    |
| e) Result in inadequate emergency access?                                                                                                                                                                                                                                                                                                                                                                                     |                                               |                                                                            |                                             | X                    |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities:                                                                                                                                                                                                                                        |                                               | X                                                                          |                                             |                      |

**DISCUSSION:**

XVI-a) The proposed project's circulation does not conflict with the City's 2005-2025 General Plans Circulation Element or Municipal Code. However, the project may have an impact on the transportation/circulation system during construction. Potential transportation system impacts during the construction phase of the proposed project include the potential to disrupt traffic

flows on area roadways through the addition of heavy-duty construction vehicles turning in and out of the project site and sharing the roadway with normal vehicle traffic, creating potential conflicts. These impacts would be temporary but potentially significant. As such, Mitigation Measure TRANS-1 has been incorporated.

- XVI-b) The proposed project will not result in an increase or conflict to the level of service standards and travel demand for the City of Riverbank. The project will be required to and does conform to, the circulation standards and policies set forth by the City's 2005-2025 General Plan. Therefore, the proposed project will have no impact.
- XVI-c) The proposed project will not result in the change of air patterns. Therefore, the proposed project will have no impact in this area.
- XVI-d) Street improvements installed as part of the proposed project will not result in immediate construction or design hazards. As such, hazards due to a design feature are not anticipated to occur. Therefore, the proposed project will have no impact.
- XVI-e) The proposed project, as designed, will not result in inadequate emergency access. Therefore, the proposed project will have no impact.
- XVI-f) The proposed project will not conflict with any adopted policies, plans or programs regarding public transit, or bicycle facilities. However, there may be potential impacts to pedestrian facilities and transit as it relates to the "safe route to schools program". The future residents will reside within the Riverbank Unified School District and will utilize bus transportation and public sidewalks daily, in order to attend school. As such, Mitigation Measures TRANS-2 and TRANS-3 in order to mitigate the potential impacts to a less than significant level.

#### **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:

**TRANS-1:** *Although construction impacts are expected to be temporary, development of a construction management plan would reduce the potential for construction vehicle conflicts with other roadway users. The project applicant shall prepare a construction management plan for review and approval by the City of Riverbank prior to any ground disturbing activity. The plan shall include:*

- *A project staging plan to maximize on-site storage of materials and equipment.*

- *A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes.*
- *Permitted construction hours.*
- *Location of construction staging.*
- *Identification of parking areas for construction employees, site visitors, and inspectors to minimize potential impacts on adjacent residences/properties.*
- *Provisions for street sweeping to remove construction related debris on public streets.*

*Implementation of the construction management plan would reduce the temporary construction traffic impact to a less than significant level.*

**TRANS-2:** *Prior to construction, the project applicant/developer shall enter into an agreement with the Riverbank Unified School District to improve the student bus stop, located at Santa Fe and Central Street. These improvements shall include a clear path of travel (sidewalk) from the project site to the bus stop and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank, as needed.*

**TRANS-3:** *Prior to construction, the project applicant/developer shall enter into an agreement with the Riverbank Unified School District to provide a 'safe 'pedestrian route from the project site to each of the schools in the area: Riverbank High School, Cardoza Middle School, and Mesa Verde Elementary School. These improvements (sidewalk) shall provide a clear path of travel from the project site to the school(s) and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank and Stanislaus County, as needed.*

**XVII. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:**

|                                                                                                                                                                                                                                 | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|----------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?                                                                                                                             |                                               |                                                                            | X                                           |                      |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                          |                                               |                                                                            | X                                           |                      |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                   |                                               |                                                                            | X                                           |                      |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?                                                                          |                                               |                                                                            | X                                           |                      |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments? |                                               |                                                                            | X                                           |                      |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?                                                                                                           |                                               |                                                                            | X                                           |                      |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?                                                                                                                                       |                                               |                                                                            | X                                           |                      |

**DISCUSSION:**

XVII-a) The proposed project would include underground sewer line connections to the City of Riverbank's existing sanitary sewer line at Claus Road and Santa Fe Street; with connections to the project site at the proposed "A & C Streets". Based on average wastewater generation rates (275 gallons per day per single-family dwelling unit) contained in the 2013 Municipal Service Review, performed by the Stanislaus County Local Agency Formation Commission (LAFCO), the proposed 58 single-family dwelling units would generate about 15,950 gallons of wastewater

per day. 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 treatment capacity 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 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 the result of new construction. The project applicant would be required to pay these fees and charges at the time that the proposed project residences connect to the sewer system. Given that the city of Riverbank wastewater collection and treatment facilities currently have or will have adequate capacity to serve the proposed project, the project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board and the project's impact would be considered less than significant.

- XVII-b) The project would not require or result in the construction of new water supply or off-site distribution facilities or expansion of existing facilities. Environmental effects of on-site construction of proposed water line connections are evaluated throughout this Initial Study. The project's impact related to construction or expansion of water facilities would be less than significant.
- XVII-c) Please refer to Section IX, Hydrology and Water Quality, for discussion of storm drainage facilities required for the project.
- XVII-d) 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. The project would therefore have a less-than-significant impact in relation to this criterion. Please refer to Item (b) above.
- XVII-e) The City of Riverbank has determined that it has or will have adequate capacity to serve the projected wastewater demand from the project in addition to City's existing and future commitments. The project's impact would therefore be less than significant. Please refer to Item (a) above.
- XVII-f, g) 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 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 and regulations related to solid waste and would not cause solid waste providers to be out of compliance with applicable statutes and regulations related to solid waste. As such, the project's impact in relation to this area would therefore be less than significant.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|------------------------------------------------------------|-------------------------------------|------------------|
| 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                |

**DISCUSSION:**

- XVIII-a) 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. Potentially impacts were identified in this issue area but they were identified to be less than significant.
- XVIII-b) 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. Therefore, finding (b) is checked as "No Impact".
- XVIII-c) 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 other such impacts were identified.

## SECTION 4.0

## 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 Section 3.0, 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. California Department of Transportation Online Database of State Scenic Highways ([www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm](http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm)).
6. California Department of Conservation Farmland Mapping and Monitoring Program, published October 2007.
7. Guide for Assessing and Mitigating Air Quality Impacts, adopted August 20, 1998, and as revised January 10, 2002, prepared by the San Joaquin Valley Air Pollution Control District.
8. 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.
9. Flood Insurance Rate Map (FIRM) No. 06099C0335E, dated September 26, 2008, and No. 06099C0330E, dated September 26, 2008 prepared by the Federal Emergency Management Association (FEMA).

## SECTION 5.0

## APPENDICES

**\*\*\*TO BE ATTACHED\*\*\***

- A. Biological Resource Inventory, *Moore Biological Consultants*; January 24, 2005
- B. Phase 1 Environmental Assessment, *Construction Testing & Engineering, Inc*; January 27, 2005
- C. Traffic Impact Analysis, *KD Anderson*; February 17, 2005
- D. Soil Absorption Evaluation, *Krazan & Associates, Inc.*; July 18, 2014
- E. Geotechnical Site Reconnaissance & Hazard Assessment, *ENGEO*; May 16, 2013
- F. California Emission Estimator Model (CalEEMod) – Results, *VVH Consulting Engineers*; Sept 23, 2014

FREE RECORDING REQUESTED PURSUANT TO  
GOVERNMENT CODE SECTION 27383, BY:

City of Riverbank  
c/o Community Development Department/Planning Division  
6707 Third Street  
Riverbank, CA 95367

AND WHEN RECORDED MAIL TO:

City of Riverbank  
c/o Community Development Department/Planning Division  
6707 Third Street  
Riverbank, CA 95367

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**CITY OF RIVERBANK  
MITIGATION AGREEMENT FOR PROPOSED PROJECT**

[California Code of Regulations Title 14, Sections 15040(c), 15064, and 15070 or 15126.4]

Lead Agency Address: City of Riverbank  
c/o Community Development Department/Planning Division  
6707 Third Street  
Riverbank, CA 95367  
Lead Agency Phone: (209) 863-7120

Project Title: DIAMOND BAR WEST SUBDIVISION

Property Owner: Ty Angle, Shane & Kim Parsons

Environmental Document: Proposed Mitigated Negative Declaration/ Initial Study (Diamond Bar West)  
(Type/File No.)

Discretionary Application(s): Riverbank General Plan Amendment No. 2014-01, Riverbank Zoning Ordinance Amendment No. 2014-01 & Tentative Map Application No. 2014-01

Project Description/Location: The proposed project consists of a General Plan Amendment (GPA), Rezone, and Tentative Map to subdivide approximately 11.34± acres into fifty-eight (58) residential lots and associated street, sewer, water, and storm drainage improvements. The project site is currently designated as Medium Density Residential (MDR) and is located within the R-2, Multi-Family Residential zone district. The proposed GPA would designate the project site for Low Density Residential (LDR) land uses. The proposed rezone would modify the project site's existing R-2 zone to a P-D (Planned Development) zoning district.

The proposed project is located within the City of Riverbank, County of Stanislaus and bounded by Santa Fe Avenue to the north, Sierra Avenue to the south, Central Avenue to the east, and Claus Road to the west. The project site is further identified as being Assessor Parcel Number (APN) 062-020-027, 019, and 005.

Legal Description of Property: Attached as Exhibit A (legal description includes metes and bounds (bearings and dimensions) or existing lots of record and corresponding map(s) for affected property).

**MITIGATION MEASURES:**

**AQ-1:** During construction, the following basic control measures shall be implemented at the construction/project site:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxic control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**BIO-1:** Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 15. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on constructions. The determination should utilize criteria set forth by CDFW (CDFG, 1994).

**BIO-2:** Pre-construction surveys for burrowing owls are recommended if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be pursuant to criteria set forth by CDFW (CDFG, 2012).

**BIO-3:** If construction commences during the general avian nesting season (March 1 through July 31), a pre-construction survey for nesting birds is recommended. If active nests are found, work in the vicinity of the nest should be delayed until the young fledge.

**BIO-4:** Grading and/or other disturbance within 20 feet of the dripline of the noted elderberry shrub could potentially impact the shrub and valley elderberry longhorn beetles, if any, it may support. It is recommended that project work within 20 feet of the dripline of this shrub be limited to construction of the fence along the north edge of lot 55. Construction in the vicinity of the blue elderberry shrub should also occur between June 15 and April 15. During this time period, valley elderberry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e. fly or walk) into the construction area.

**CUL-1:** The City of Riverbank, working with the project applicant, shall ensure that all work in the immediate vicinity is halted if concentrations of prehistoric or historic period materials are encountered as a result of ground-disturbing activity associated with the project. A qualified archaeologist shall be contacted to evaluate the finds and to make recommendations that shall be implemented. During grading activities, the applicant shall retain a qualified archaeologist to be present. If cultural materials are discovered, the archaeologist shall assess the discovery to determine if it constitutes either a unique archaeological resource or a historical resource for purposes of CEQA (California Code of Regulations [CCR] Title 14, Section 15064.5[a]).

If it is determined that the materials do not constitute either a unique archaeological resource or a historical resource, their presence shall be noted but need not be considered further. If the archaeologist determines that (a) the materials constitute a unique archaeological resource or historical resource, and (b) they are subject to substantial adverse changes as defined in CCR Title 14 Section 15064.5 (b), the archaeologist shall provide recommendations to the City and applicant for appropriate treatment which, among other options, may include preservation in place or archaeological data recovery. Preservation in place is preferred, if possible.

Implementation of Mitigation Measure CUL-1 would reduce the potential impact on archaeological resources to a less-than-significant level.

**CUL-2:** 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 descendent 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-2 would reduce the potential impact on human remains to a less-than-significant level.

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**HYDRO-1:** Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period. The SWPPP shall be submitted to the City Engineer for review and approval prior to any construction activity. The SWPPP shall be designed to address the following objectives:

1. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs);
2. Where not otherwise permitted by the Regional Water Quality Control Board, all non-stormwater discharges are identified and eliminated; and
3. BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity in accordance with the Construction General Permit.

The SWPPP shall be prepared by a Qualified SWPPP Developer. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction. The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring, inspection, and maintenance activities.

**HYDRO-2:** The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board stormwater permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Stormwater Control Plan (SCP) for the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:

1. An inventory and accounting of existing and proposed impervious areas.
2. Low Impact Development (LID) design details incorporated into the project. Specific LID design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of stormwater, dispersal of runoff to landscaped areas, and/or routing of runoff swales and other small-scale facilities distributed throughout the site.
3. Measures to address potential stormwater contaminants. These may include measures to address potential sources of stormwater pollutants at the project site, covering trash collection and parking areas.
4. A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan shall be finalized prior to issuance of any building permits for the project.

**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).
- 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).
- Construction-related traffic shall be routed along major roadways (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's 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.

**PUBLIC-1:** Prior to recording the "Final Map" or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to establish and/or annex into a "Community Facilities District" (CFD) for fire protection services with the Stanislaus Consolidated Fire Protection District if one exists.

**PUBLIC-2:** Prior to recording the "Final Map" or issuance of any building permits within the proposed subdivision, the applicant/project developer will be required to form and/or annex into a "Community Facilities District" (CFD) for operational services with the Riverbank Police Department (Stanislaus County Sheriff).

**TRANS-1:** Although construction impacts are expected to be temporary, development of a construction management plan would reduce the potential for construction vehicle conflicts with other roadway users. The project applicant shall prepare a construction management plan for review and approval by the City of Riverbank prior to any ground disturbing activity. The plan shall include:

- A project staging plan to maximize on-site storage of materials and equipment.
- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes.
- Permitted construction hours.
- Location of construction staging.
- Identification of parking areas for construction employees, site visitors, and inspectors to minimize potential impacts on adjacent residences/properties.
- Provisions for street sweeping to remove construction related debris on public streets.

Implementation of the construction management plan would reduce the temporary construction traffic impact to a less than significant level.

**TRANS-2:** Prior to construction, the project applicant/developer shall work with the Riverbank Unified School District and the City of Riverbank in a mutually acceptable fashion to improve the student bus stop, located at Santa Fe and Central Street. These improvements shall include a clear path of travel (sidewalk) from the project site to the bus stop and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank, as needed.

**TRANS-3:** Prior to construction, the project applicant/developer shall work with the Riverbank Unified School District and the City of Riverbank in a mutually acceptable fashion to provide a 'safe' pedestrian route from the project site to each of the schools in the area: Riverbank High School, Cardoza Middle School, and Mesa Verde Elementary School. These improvements (sidewalk) shall provide a clear path of travel from the project site to the school(s) and be compliant with the Americans with Disabilities Act (ADA). All discussions and the agreed upon improvements should be coordinated with the City of Riverbank and Stanislaus County, as needed.

#### **MITIGATION AGREEMENT:**

Pursuant to Section 15064 of the Guidelines for the Implementation of the California Environmental Quality Act (State CEQA Guidelines), the City of Riverbank, Environmental Review Committee (lead agency) has prepared the above-noted draft environmental document and has independently determined that there is substantial evidence, in light of the whole record before it, that the proposed project may have one or more significant effects on the environment unless those effects are avoided or mitigated to an acceptable level. Accordingly, as the property owner, applicant, or the legal representative for the above-described project/subject site, I hereby agree to make revisions to the project description, plans, or proposals by incorporating feasible mitigation measures which will avoid or reduce some or all of the potentially significant adverse environmental effects to a point where, clearly, those effects will not be significant. The applicable mitigation measures are identified in the above-referenced environmental document, and/or in a separate document, which is incorporated by this reference and attached hereto as Exhibit B.

Based on the substantial evidence in the whole record before it, the City of Riverbank, Environmental Review Committee has determined that the project, as revised by this Mitigation Agreement, will avoid or mitigate some or all of the

potentially significant adverse environmental effects (as identified in Exhibit B) to a point where, clearly, those effects will not be significant. This determination and Agreement is based on, and subject to, the following findings, terms, and conditions, as applicable:

- This Agreement is binding on the property owner(s), applicant(s), and on any successors-in-interest. Therefore, they are responsible for incorporating the identified feasible mitigation or avoidance measures, and/or equivalent or more effective measures, as revisions to the project and for implementing those measures in coordination with project design, construction, and operation.
- This agreement has been executed prior to the distribution of the above-referenced environmental document for public review. However, additional mitigation measures may be required, and/or equivalent or more effective measures may be substituted, following the review of the above-referenced environmental document by the public, by responsible and trustee agencies, and/or by City of Riverbank Planning Commission and City Council.
- Pursuant to Section 15074 or 15091 of the State CEQA Guidelines, as applicable, any project approval shall be based upon, and subject to, the adoption of related "CEQA Findings" for each significant and potentially significant environmental effect identified in the above-referenced environmental document. Furthermore, in accordance with Guidelines Section 15097, this Mitigation Agreement, and any subsequently adopted mitigation/avoidance measures, will be subject to the provisions of a related "Mitigation Monitoring and Reporting Program" which must be adopted in conjunction with the approval of the above-noted discretionary application(s) for the proposed project. The Monitoring Program shall ensure that the applicable mitigation and avoidance measures are actually implemented.
- Where applicable, in accordance with Section 15064 and/or 15152 of the State CEQA Guidelines, this Agreement incorporates any previously adopted measures designed to mitigate the significant adverse incremental or cumulatively considerable effects identified in a prior certified EIR or adopted Mitigated Negative Declaration (MND) for an earlier related project or project phase. Said measures are contained in Exhibit B, if applicable.
- Pursuant to Section 15152(f) of the State CEQA Guidelines, if the above-referenced environmental document concludes that certain significant environmental effects were adequately addressed in a prior EIR for an earlier related project or project phase and that those effects remain unavoidable and/or infeasible to mitigate, then, the proposed project may rely on a Statement of Overriding Consideration which was previously adopted in accordance with Guidelines Section 15093. Said Statement of Overriding Consideration is contained in Exhibit B, if applicable.
- Implementation of this fully executed Agreement shall be initiated following the date of its recordation at the Stanislaus County Recorder's Office. The applicable recording fee (payable to Stanislaus County) shall be submitted to the City's Community Development Department/Planning Division (CDD/PD) and the CDD/PD shall record the Agreement within five (5) calendar days after the City's final approval of the above-noted discretionary application(s). Upon recordation of this Agreement, the owners, applicants, and/or successors-in-interest may submit applications for site plan approvals, building and/or grading permits, final subdivision or parcel maps, improvement plan approvals, or other ministerial approvals to facilitate project implementation.
- In the event that all of the above-referenced discretionary application(s) for the project are withdrawn, denied, expired, terminated, or revoked, this Agreement shall be null and void.

IN WITNESS WHEREOF, the Community Development Director or his assign, representing the City of Riverbank, and the applicant/owner or their legal representatives have executed this agreement on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. A notarized acknowledgement form must be attached for each of the signatures provided below (except City Attorney).

COMMUNITY DEVELOPMENT DEPARTMENT  
CITY OF RIVERBANK

By \_\_\_\_\_  
John B. Anderson, Community Development Director

PROPERTY OWNER(S) NAME AND ADDRESS:  
(Type or Print):

Ty Angle, Shane & Kim Parsons  
4206 Santa Fe Street  
Riverbank, California 95367

SIGNATURE OF OWNER/LEGAL AGENT:

\_\_\_\_\_

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY  
CITY OF RIVERBANK

By \_\_\_\_\_  
Tom Hallinan, City Attorney

APPLICANT(S) NAME AND ADDRESS:  
(Type or Print):

\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE OF APPLICANT/LEGAL AGENT:

\_\_\_\_\_



State of California

County of Stanislaus

On \_\_\_\_\_ before me \_\_\_\_\_  
DATE NAME, TITLE OF OFFICER

personally appeared \_\_\_\_\_  
NAME(S) OF SIGNER(S)

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

WITNESS my hand and official seal.

\_\_\_\_\_  
SIGNATURE OF NOTARY

**OPTIONAL**

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

**CAPACITY CLAIMED BY SIGNER**

**DESCRIPTION OF ATTACHED DOCUMENT**

- ☐ INDIVIDUAL  
☐ CORPORATE OFFICER

\_\_\_\_\_  
TITLE(S)

\_\_\_\_\_  
TITLE OR TYPE OF DOCUMENT

- ☐ PARTNER(S) ☐ LIMITED  
☐ GENERAL

- ☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

\_\_\_\_\_  
NUMBER OF PAGES

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DATE OF DOCUMENT

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(IES)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNER(S) OTHER THAN NAMED ABOVE

**Attachment 5: Draft PC Resolution recommending approval for GP Amendment**

**CITY OF RIVERBANK  
RESOLUTION NO. 2015-006**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF RIVERBANK, CALIFORNIA, APPROVING  
THE GENERAL PLAN AMENDMENT REDESIGNATING  
11.34 ACRES TO LDR LOW DENSITY RESIDENTIAL,  
LOCATED AT APN 062-020-005, 019 AND 027- A  
PROJECT KNOWN AS DIAMOND BAR ESTATES - WEST**

---

**WHEREAS**, an application has been received from Cary W. Pope with a proposal to subdivide approximately 11.34 acres into fifty-eight (58) single-family residential lots, with a density of 5.11 du/acre; and

**WHEREAS**, the project site is currently zoned Single Family Residential (R-1) and Planned Development (PD# 65) with a General Plan Land Use Designation of MDR Medium Density Residential; and

**WHEREAS**, the applicant is proposing a General Plan Amendment to designate the project site as LDR Low Density Residential; and

**WHEREAS**, the 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**, notice of the public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation, on February 4, 2015 and

**WHEREAS**, notices of the public hearing on the General Plan Amendment was mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on February 3, 2014; and

**WHEREAS**, the Planning Commission has reviewed the General Plan Amendment and conducted a public hearing on February 17, 2015; and

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

**000336**

**NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 01- 2014 BASED ON THE FOLLOWING FINDINGS:**

1. General Plan Amendment Findings. That pursuant to California Government Code sections 65358 and the Riverbank General Plan, the Planning Commission finds as follows:
  - a. The General Plan Amendments are in the public interest because the General Plan Amendment will change the General Plan Land Use Map to comply with the proposed tentative map densities.
  - b. The General Plan Amendments are consistent and compatible with the goals and the vast majority of the policies of the General Plan.
  - c. The potential effects of the proposed amendments have been evaluated in the CEQA document on the project and have been found to be not detrimental to the public health, safety, or welfare.
  - d. That the proposed amendments have 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 CEQA Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearings on this matter before the Planning Commission, the Planning Commission hereby recommends approval of the General Plan Amendment as included in Exhibit A.
3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
4. The City finds that Pursuant to the California Environmental Quality Act (CEQA), the Lead Agency (Riverbank) has prepared an Initial Study and concludes that a Mitigated Negative Declaration shall be prepared to mitigate otherwise significant effects to the environment to less than significant.

Based on the IS it has been determined that although the proposed Project could have a significant effect on the environment, certain modifications to the project have been agreed to by the applicant to reduce these identified impacts to a level

**000337**

which is considered less than significant. A Mitigated Negative Declaration has been prepared for this project, with Mitigation Measures incorporated into the project to lessen the impact on the environment where indicated. The property owners have been given a Mitigation Agreement for execution and this agreement will be recorded against the property as notice to subsequent owners of the mitigation obligations created as a result of this entitlement action

**PASSED AND ADOPTED** by the Planning Commission of the City of Riverbank at a regular meeting held on the Seventeenth day of February, 2015; motioned by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and upon roll call was carried by the following vote of \_\_\_\_:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**John B. Anderson**  
**Contract Community Development Director**

\_\_\_\_\_  
**Joan Stewart**  
**Planning Commission Chair**

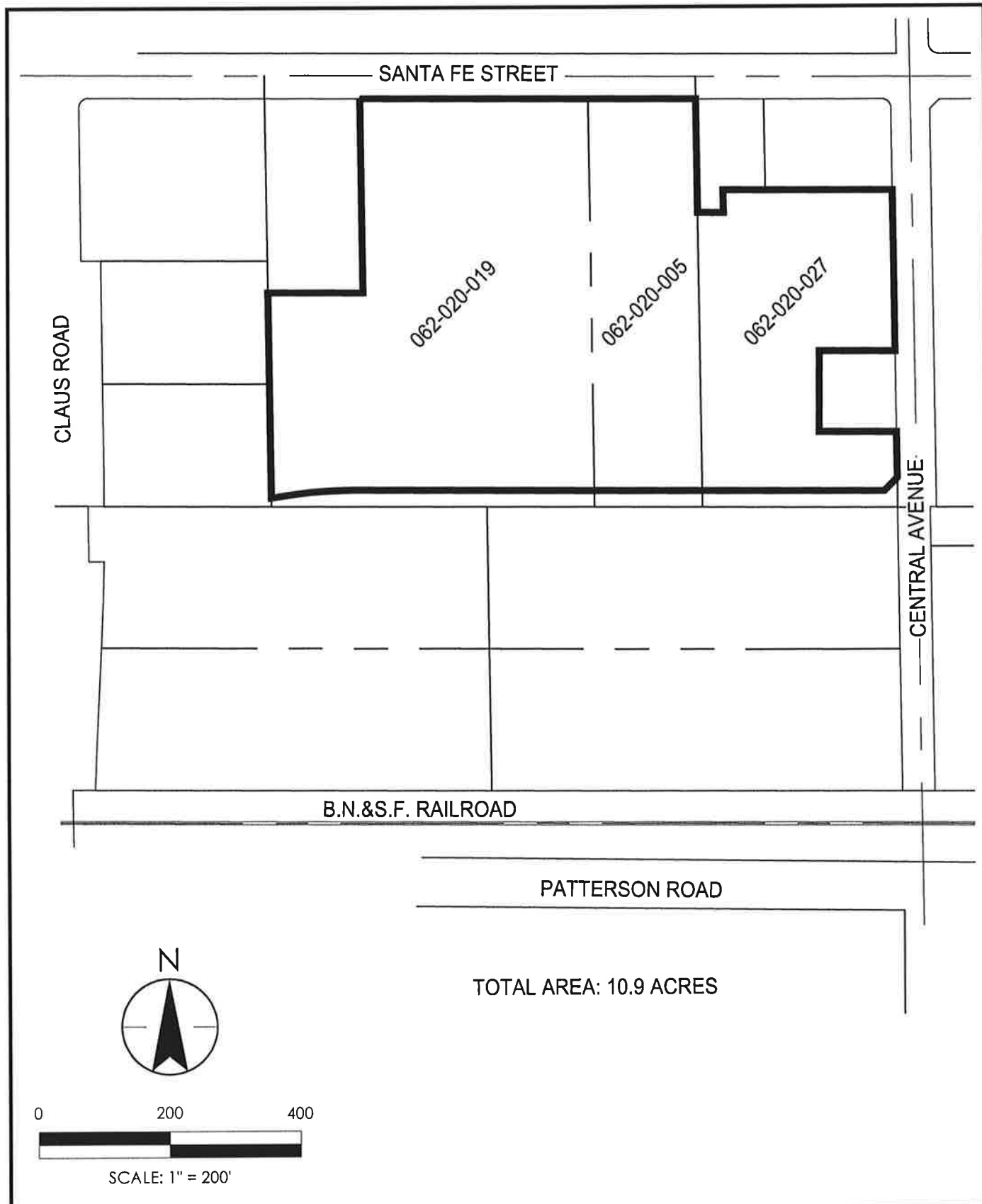
Attachments:

Exhibit A – General Plan Exhibit

**000338**

**Exhibit "A"**

**000339**



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RDD

FEB 2015

CARY POPE  
DIAMOND BAR ESTATES  
RIVERBANK, CALIFORNIA

DIAMOND BAR ESTATES - WEST  
PROPOSED G.P.A.  
FROM MDR TO LDR

EXHIBIT

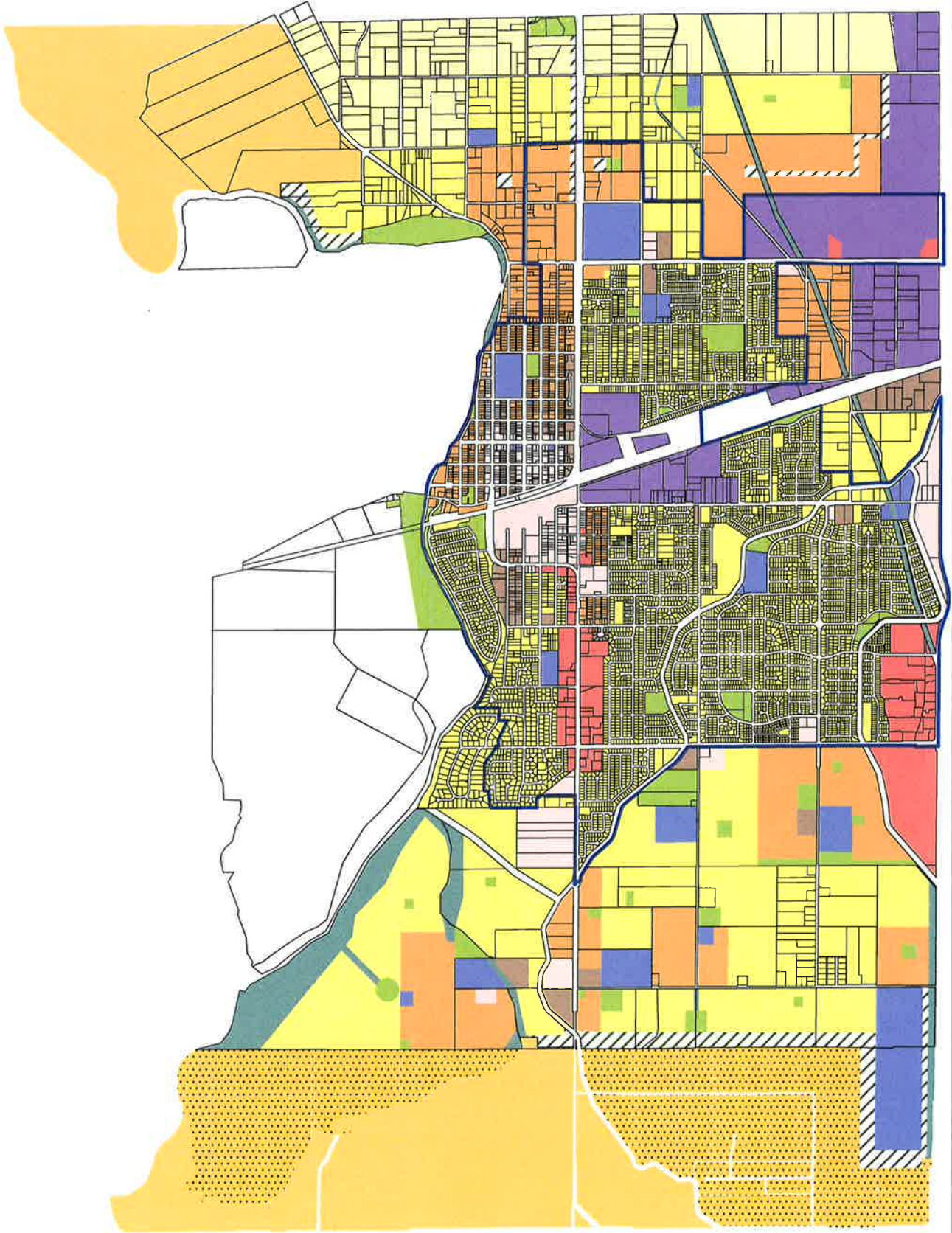
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000340



# City of Riverbank GENERAL PLAN

- AG Resource Conservation (AG)
- Buffer/Greenway/Open Space (BGOS)
- Civic (C)
- Community Commercial (CC)
- Higher Density Residential - 16+ Units (HDR)
- Industrial/Business Park (IBP)
- Lower Density Residential - 0-8 Units (LDR)
- Medium Density Residential - 8-16 Units (MDR)
- Mixed Use (MU)
- Multi-Use Residential/Resource (MURR)
- Parks
- Reserve (R)
- Clustered Rural Residential - 0.2 or less units per acre (RR)
- Reserve (R)
- City Limits



January 2015

000341



**Attachment 6: PC Draft Resolution to approve the proposed rezone & Draft  
Ordinance amending the rezone for PD**

**CITY OF RIVERBANK  
RESOLUTION NO. 2015-007**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF RIVERBANK, CALIFORNIA, RECOM-  
MENDING TO CITY COUNCIL THE APPROVAL OF  
ORDINANCE NO. 2015-XXX TO REZONE 11.34 ACRES,  
KNOWN AS DIAMOND BAR ESTATES - WEST TO  
PLANNED DEVELOPMENT, LOCATED AT APN 062-020-  
005, 019 AND 027**

---

**WHEREAS**, an application has been received from Cary W. Pope with a proposal to subdivide approximately 11.34 acres into fifty-eight (58) single-family residential lots, with a density of 5.11 du/acre; and

**WHEREAS**, the project site is currently zoned mixed zoned Single Family Residential (R-1) and Planned Development (PD # 65) with a newly modified General Plan Land Use Designation of LDR Low Density Residential; and

**WHEREAS**, the applicant is proposing to rezone the subject property to Planned Development P-D; and

**WHEREAS**, the Planning Commission held a public hearing on February 17, 2015, to consider Zoning Ordinance Amendment No. 02-2014; and

**WHEREAS**, notice of the public hearing on the Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on February 4, 2015; and

**WHEREAS**, notices of the public hearing on the Zoning Ordinance Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on February 3, 2015; and

**WHEREAS**, the Planning Commission has reviewed the proposed Zoning Ordinance Amendment and conducted a public hearing on February 17, 2015; and

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

**000343**

**NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF ORDINANCE NO. 2015-XXX, REZONING 11.34 ACRES TO THE PLANNED DEVELOPMENT ZONE, 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 properties identified as part of this action have a General Plan Land Use Designation of Low Density Residential (LDR) and the current zoning of Planned Development matches a project which has expired. This action will rezone these properties to the recently proposed new project under a new P-D Zone;
  - b. The proposed rezone on these properties will achieve consistency between the General Plan and the Zoning Code, pursuant to Government Code Section 65860;
2. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
3. The City finds that Pursuant to the California Environmental Quality Act (CEQA), the Lead Agency (Riverbank) has prepared an Initial Study and concludes that a Mitigated Negative Declaration shall be prepared to mitigate otherwise significant effects to the environment to less than significant.

Based on the IS it has been determined that although the proposed Project could have a significant effect on the environment, certain modifications to the project have been agreed to by the applicant to reduce these identified impacts to a level which is considered less than significant. A Mitigated Negative Declaration has been prepared for this project, with Mitigation Measures incorporated into the project to lessen the impact on the environment where indicated. The property owners have been given a Mitigation Agreement for execution and this agreement will be recorded against the property as notice to subsequent owners of the mitigation obligations created as a result of this entitlement action

**000344**

**PASSED AND ADOPTED** by the Planning Commission of the City of Riverbank at a regular meeting held on the Seventeenth day of February, 2015; motioned by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and upon roll call was carried by the following vote of \_\_\_\_:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**John B. Anderson**  
**Contract Community Development Director**

\_\_\_\_\_  
**Joan Stewart**  
**Planning Commission Chair**

**Attachments:**

Exhibit "A" – Draft City Council Ordinance

**000345**

**Exhibit "A"**

**000346**

**EXHIBIT "A" TO PC RESOLUTION NO. 2015-007**

**DRAFT  
CITY OF RIVERBANK  
ORDINANCE NO. 2015-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK  
APPROVING REZONING OF 11.34 ACRES TO PLANNED DEVELOPMENT,  
LOCATED AT APN 062-020-005, 019 AND 027 – A PROJECT KNOWN AS  
DIAMOND BAR ESTATES - WEST**

---

**WHEREAS**, the City of Riverbank is authorized by Title 15 Chapter 153.231, to initiate a rezone whenever public necessity and convenience and the general welfare require such amendment; and

**WHEREAS**, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, February 17, 2015 to consider the proposed Zoning Ordinance Amendment in Riverbank; and

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

1. An application has been received from Cary W. Pope with a proposal to subdivide approximately 11.34 acres into fifty-eight (58) single-family residential lots, with a density of 5.11 du/acre; and
2. The project site is currently mixed zoned Single Family Residential (R-1) and Planned Development (PD# 65) with a modified General Plan Land Use Designation of LDR Low Density Residential; and
3. The applicant is proposing to rezone the subject property to Planned Development P-D; and
4. Notice of the public hearing on the proposed Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on \_\_\_\_\_; and,
5. Notice of the public hearing on the proposed Zoning Ordinance Amendment were mailed to all property owners affected by this action on \_\_\_\_\_; and,

**000347**

## **EXHIBIT "A" TO PC RESOLUTION NO. 2015-007**

6. Notices of the public hearing on the proposed Zoning Ordinance Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on \_\_\_\_\_; and
7. The City finds that Pursuant to the California Environmental Quality Act (CEQA), the Lead Agency (Riverbank) has prepared an Initial Study and concludes that a Mitigated Negative Declaration shall be prepared to mitigate otherwise significant effects to the environment to less than significant. The City Council finds that the amended and new mitigation measures, as discussed in the staff report and revised Mitigation Monitoring Plan, are equivalent to or more effective than the previous Mitigation Measures circulated with the Initial Study and that they, themselves, will not cause any potentially significant effect on the environment pursuant to CEQA guidelines section 15074.1.

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

**Section 1:** The City Council of the City of Riverbank approves Rezoning of 11.34 acres to the Planned Development zone district, located at the following APNs:

062-020-005, 019 and 027.

**Section 2:** Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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

000348

**EXHIBIT "A" TO PC RESOLUTION NO. 2015-007**

The foregoing was introduced at a regular meeting of the City Council of the City of Riverbank held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015; motioned by Councilmember \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and upon roll call was carried by the following vote \_\_\_\_:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Annabelle Aguilar, CMC**  
**City Clerk**

\_\_\_\_\_  
**Richard D. O'Brien**  
**Mayor**

000349



**Attachment 7: PC Draft Resolution for TM 01-2014 & conditions**

**City of Riverbank  
Planning Commission  
Resolution No. 2015-008**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK  
RECOMMENDING APPROVAL OF THE REQUEST OF CARY POPE FOR A TENTATIVE  
SUBDIVISION MAP 01-2014 TO SUBDIVIDE 11.34 ACRES INTO 58 PLANNED DEVELOPMENT  
SINGLE FAMILY RESIDENTIAL LOTS, LOCATED SOUTH OF SANTA FE DRIVE BETWEEN  
CENTRAL AVENUE AND CLAUS AVENUE  
APN: 062-020-005, 019 AND 027.**

---

**WHEREAS**, a development application has been received from Cary Pope representing the real property owners: Ty Angle and Shane and Kim Parsons for a Tentative Subdivision Map to divide 11.34 acres into 58 single family residential lots and 3 drainage lots of lands more particularly described as:

Parcel A: All of Lots 262 and 263 of RIVERBANK IRRIGATION FARMS, as per Map filed January 15, 1913 in Book 7 of Maps, at Page 23 Stanislaus County Records.

Parcel B: Parcel 1 as shown on that certain Parcel Map filed for record on March 17, 2006, in book 54 of Parcel Maps, at Page 40, Stanislaus County Records.

Stanislaus County Assessor Parcel Number's 062-020-005, 019 and 027.

**WHEREAS**, The City Subdivision Ordinance, Section 152.037, states that as condition of approve of a tentative map, the subdivider shall dedicate and develop land, pay a fee in lieu thereof, or both, at the option of the City. In this case the City has chosen to accept the payment of an in-lieu fee for parkland dedication based on values of land at the time the Final map is recorded. The obligation for this project is 0.9 acres of park land pursuant to the General Plan Policy PUBLIC - 11.1 which requires a dedication obligation of five acres of parkland per 1,000 residents; and

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

**WHEREAS**, the proposed tentative map is consistent with General Plan Goal LAND -3 which states that the City promotes "Development Patterns that Encourage Alternatives to Vehicular Travel"; and

**WHEREAS**, the proposed tentative map is consistent with General Plan Goal DESIGN -1 which states that the City promotes "Street and circulation patterns that that encourage bicycling, transit use, and reduce traffic congestion"; and

**WHEREAS**, the proposed tentative map is consistent with General Plan Goal DESIGN – 2 which states that the City promotes "Amenities and Features along neighborhood Residential Streets that Accommodate All Travel Modes"; and

**WHEREAS**, the proposed tentative map is consistent with General Plan Goal DESIGN – 3 which states that the City promotes “Neighborhoods which are Oriented to the Pedestrian and Foster a Sense of Community”; and

**WHEREAS**, the proposed tentative map is consistent with General Plan Goal DESIGN – 4 which states that the City promotes “High Quality Residential Site Design and Architecture”; and

**WHEREAS**, the Planning Commission finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the general plan and applicable specific plans of the city.

(1) In connection with their review of a tentative map, the Planning Commission determines the discharge of waste from the proposed subdivision into the existing sewer system would not result in violation of existing requirements prescribed.

(2) The Planning Commission has consider the effect of its actions on the housing needs of the region in which the local jurisdiction is situated and balance those needs against the public service needs of the city's residents and available fiscal and environmental resources.

(3) The proposed tentative map:

(a) Is consistent with applicable general and specific plans.

(b) The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) The site is physically suitable for the type of development.

(d) The site is physically suitable for the proposed density of the development.

(e) The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) The design of the subdivision or the type of improvements will not cause serious public health problems.

(g) The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

**WHEREAS**, The location, size, timing, and financing of major streets, water, sewer, and drainage systems, parks and playgrounds, police and fire stations, and libraries must be planned well in advance of their construction. This advance planning is an essential to minimizing project costs, optimizing project need and usefulness, and maximizing the public benefits and private sector support; and

**WHEREAS**, Riverbank's investments in public facilities are designed to respond to the identified needs of the forecasted population and how these improvements relate to other existing public facilities; and

**WHEREAS**, newly developed properties must be adequately serviced with parks, sewerage, water, electricity, gas, street lighting and telecommunications in a timely, cost-effective coordinated and efficient manner; and

**WHEREAS,** The project will comply with all final findings and recommendation of the North Bruinville Basin Master Utility Design Memorandum that will ensure that public infrastructure is properly planned and implemented; and

**WHEREAS,** The applicant will incorporate natural drainage system techniques such as underground storage and percolation of storm water until facilities called for under the North Bruinville Basin Master Utility Design Memorandum are constructed; and

**WHEREAS,** Tentative Map 01-2014 was reviewed by the Riverbank Planning Commission at a regular meeting held on February 17, 2015 in the manner prescribed by law; and.

**WHEREAS,** The proposed subdivision is located on a vacant pasture land that is within the City limits of the City of Riverbank and is within an area anticipated for urban land uses; and

**WHEREAS,** The Planning Commission did consider a proposed Negative Declaration with mitigation measures pursuant to the California Environmental Quality Act and considers this to be the appropriate level of environmental review in this case. The Planning Commission finds that the amended and new mitigation measures, as discussed in the staff report and revised Mitigation Monitoring Plan, are equivalent to or more effective than the previous Mitigation Measures circulated with the Initial Study and that they, themselves, will not cause any potentially significant effect on the environment pursuant to CEQA guidelines section 15074.1.; and

**WHEREAS,** The Riverbank Planning Commission recommends approval of the requested Tentative Map as prepared by VVH Engineers and dated December 17, 2014 presented by Cary Pope as depicted in attached exhibit "A", incorporated herein as a part of this Planning Commission Resolution; and

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

- A. The project, as conditioned, is consistent with the General Plan in that the project directly implements adopted policies of the General Plan Land Use and Housing Elements.
- B. Notice to the general public and adjoining neighbors in the time and in the manner required by State Law and City Code.
- C. Based on the project's Initial Study, a Mitigated Negative Declaration has been prepared for the project and it has been determined to adequately address potential impacts created by the project and mitigation measures contained therein are hereby recommended for adoption in accordance with all applicable provisions of the California Environmental Quality Act. The Community Development Department is directed to file a Notice of Intent to Adopt with the Stanislaus County Clerk Recorder's Office.

- D. The site is physically suitable for the proposed type and intensity of development in that the site is generally flat with no unique geologic characteristics visible and construction of the project will result in adequate infrastructure available to the site to handle the anticipated development.
- E. The circulation of the Tentative Subdivision Map to all responsible and trustee agencies has provided sufficient opportunity to review the proposed development plan and ensure minimal impacts on surrounding properties in that the hearing was held in the manner prescribed by law and surrounding properties are not expected to be impacted by the additional residential housing units.
- F. The approval of the Tentative Map 01-2014 for the establishment of 58 new single family dwelling units will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood in that proposed are similar to, and compatible with, neighboring uses in the area.

**WHEREAS,** The request and plans of Cary Pope is hereby recommended for approval by the Planning Commission of the City of Riverbank, subject to the following conditions:

1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in the Planning Commission Resolution 2013-013 and/or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the subject project.
2. The project is subject to the recommendations of the Bruinville Public Facilities Master Plan pursuant to City Council Resolutions 2006-115 and 2006-116. Including the requirement to form and annex into a Public Services Community Facilities District for Police Protection services; maintenance of storm drainage and street lighting systems; and long term maintenance of public roads.
3. Applicant shall work with the City Engineer and the Riverbank Unified School District to design, fund and construct improvements to adequately address the issue of safe routes to schools as documented by the Riverbank Unified School District in their letter of August 18, 2014.
4. The project is required to comply with all Special Conditions discussed by the Stanislaus County Consolidated Fire District in their letter dated July 17, 2014.
5. If a final map reflecting these conditions of approval is not approved by the City Council within two years of the approval of this Tentative Map, this Tentative Map shall lapse and the applicant shall reapply to the City of Riverbank for a new Map. Applicant may not rely on this approval to begin construction of structures on parcels illustrated on the submitted map until all public improvements are inspected and accepted by the City. Notwithstanding, the Applicant may commence all on and off site work upon issuance of a grading and construction permit Reapplications for a tentative map shall state the reasons why the applicant was unable to gain approval of a final map and why within two years from the approval of a new tentative map the project is expected to be able to file a final map, if so

granted. Reapplications for tentative maps may include information submitted in the initial application by reference. The zoning will not expire, nor will any associated applications (except tentative maps and vacation and abandonment applications), unless otherwise stated in the conditions of approval. The application(s) will expire in two years at 5:00 p.m. on the expiration date (holidays and weekends will not extend the expiration day). Any extension of time must be applied for prior to 5:00 p.m. on the expiration date

6. If a final map reflecting the conditions of the approved tentative map is not completed within the timeframe provided by state law from the date of the granting of this approval, the City may reexamine its approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during that time period.
7. That a Mitigated Negative Declaration with mitigation measures has been prepared for this project in accordance with the California Environmental Quality Act and the applicant hereby agrees to incorporate all mitigation measures into the design and construction of the project. The Owners have executed a Mitigation Agreement for the project which will be recorded against the subject property to memorialize the mitigation commitments.
8. All improvements including future homes will be required to comply with the Design Guidelines for Diamond Bar Estates East and West dated February 2015 and attached to this Resolution as Exhibit "B".
9. Riverbank General Plan Policy CONS-5.7 states: A mitigation plan shall be prepared and reviewed and approved by the appropriate regulatory agencies for the 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 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 through fee title acquisition, conservation easement, or other suitable mechanisms. Long-term management 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.
10. Lots 24 and 25 as illustrated on the tentative map will be considered non-buildable lots until Sierra Street is designed, funded, constructed and accepted by the City Council westerly to its intersection with Claus Ave. These are future street improvements contemplated by the development of the property to the west of the subject property. Lots 24 and 25 shall have a temporary cul-de-sac constructed on the front portion of the parcels for emergency turn-around purposes.

11. The Approval of this map TM 01-2014 will invalidate the prior approvals of the underlying Tentative Maps approved in 2006 known as TM 02-2005 and TM 03-2005.

12. Special Conditions as expressed by the City Engineer.

### **Streets**

- a. The streets shall be designed to conform to the dimensions shown on the approved tentative map.
- b. A safe route to the Riverbank elementary and Riverbank High School is required. A plan indicating safe access, including ADA compliance, sidewalks, ramps, striping and signage is to be designed and constructed.
- c. When half streets are constructed the design needs to include a half street section and a 12 foot paved lane.
- d. A slurry seal and traffic striping shall be applied to all public streets after the Notice of Completion and prior to the release of the one year maintenance bonds at the discretion of the City.
- e. All concrete, asphalt, signs, striping or utility system damaged during construction must be replaced prior to acceptance by the City of the one year warranty and prior to any building final inspection.
- f. Formation and annexation into a Community Facilities District is required to finance the maintenance, repair and replacement of all of the streets.
- g. The street frontage including drainage adjacent to APN 062-020-006, 026 and 030 shall be fully improved to the street section suggested for Sante Fe Street and Central Ave. This includes the 12 foot wide half street on the north side of Sante Fe as well as the east side of Central adjacent to the subject property. City will consider the creation of an Area of Benefit to reimburse the subdivider for these off-site improvement obligations.

### **Water**

- h. The water system shall be installed, tested, approved and operational prior to any residential construction.
- i. The entire water system shall be looped with no dead end water lines.
- j. A water system analysis is required to determine when the water well #11, including well site improvements, emergency back-up power supply and associated water system improvements shall be installed.
- k. The water well site #11 needs to be acquired and granted to the City prior to the recording of the final map.

### **Sanitary Sewer**

- l. A sewer study is required to verify that the sewer trunk lines will be designed at a sufficient size and depth to serve the entire plan area.

### **Storm Drainage**

- m. A storm drainage system study is required to verify that the proposed storm drainage improvements will interconnect with future development and regional systems.
- n. Formation and annexation into a Community Facilities District is required to finance the maintenance, repair and replacement of storm drainage pipes, basins, inlets, filters, facility landscaping and other storm drainage features.
- o. Basins shall be designed to have a maximum depth of 10 feet with side slopes not to exceed 4:1 (H:V).
- p. All basin areas proposed lack specific designs of the areas in the after project condition. These basins and water filtration areas shall at a minimum be landscaped including irrigation meeting the RMC's standards related to drought tolerant landscape as approved by the City. The Applicant shall be under obligation to pay for all third party Landscape Architect Consultant charges associated with the review and inspection of the proposed landscape improvements associated with areas intending to be dedicated to the public.
- q. The storm drain basins shall be designed to handle water from the 50 year storm (2.8 inches) with the maximum basin water elevation to be one foot below the lowest gutter elevation in the tributary area being served by the he basin. Two feet of freeboard is required in the basin at all times.
- r. Park Fee credits are not available for the proposed project basins unless it can be proven the drainage areas proposed meet several recreational goals of the City. This means that the basin are designed with one or more primary recreational amenities as the driving force behind the design, rather than creating a hole in the ground that serves as storm drainage basin filtering technique and secondarily as open space.

### **Miscellaneous**

- s. All existing irrigation lines, wells, septic systems and structures shall be removed from the site. All wells shall be destroyed as per the requirements of the City of Riverbank and the Stanislaus County Department of Environmental Resources according to the Stanislaus County Well Ordinance 443, Section 3-301. All existing septic systems shall be shall be pumped and then have the box punched and broken and back filled with soil in accordance with the requirements of the Stanislaus County Department of Environmental Resources and the City.



**NOW THEREFORE, BE IT RESOLVED** by the City of Riverbank Planning Commission recommends that the City Council approve Tentative Map Application No. 01-2014, subject to those conditions established by Resolution No. 2015-008 and to be built as illustrated in Exhibit "A and B" to this Resolution entitled TM dated February 17, 2015 and Design Guidelines dated February 2015.

**PASSED AND ADOPTED** by the Planning Commission of the City of Riverbank at a regular meeting held on the 17<sup>th</sup> of February, 2015, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**Attest:**

**Approved:**

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John B. Anderson  
Consulting Community Development Director

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Joan Stewart, Chairperson  
Planning Commission

**Exhibits:**     **A – Tentative Map prepared by VVH Engineering and dated 12-17-14**  
                  **B – Design Guidelines for Diamond Bar Estates East dated February 2015**

**Exhibit "A"**



**Exhibit “B”**

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# **DESIGN GUIDELINES FOR DIAMOND BAR ESTATES EAST AND DIAMOND BAR ESTATES WEST - WITHIN THE BRUINVILLE MASTER PLAN AREA**

**FEBRUARY 2015**

**CITY OF RIVERBANK**

DEVELOPMENT SERVICES DEPARTMENT,  
6617 THRID ST., RIVERBANK, CA 95367  
Phone: 209-863-7128



000362

## **Diamond Bar Estates East and West – City of Riverbank**

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## Project History

The area that the project is located in has been annexed into the City of Riverbank for several years. The Diamond Bar Estates project is comprised of two adjacent but not connected projects, known as East Diamond Bar and West Diamond Bar. Between 2000 and 2006, there was a master plan known as "Bruinville", of which these properties were a part of. The projects have been sitting essentially dormant until the development world gets back up to speed. The state has continued to extend the life of maps through mandated map extensions. One of the parcels still has an approved map on it while the other has expired.

The maps that were approved fit the time of high density and very compact lots. Those were salable then, but they are not as salable today. Today's buyer, because of the housing crisis, expects more for their buying dollar. They are looking for room to play with their kids and use the outdoors for their personal pleasure – Larger lots to be able to grow and expand. In discussing this project with many Realtors over the last few months, the question was raised to them "What are your Homebuyers looking for?" Unequivocally, the response was elbow room – space – room to grow without disrupting their neighbors – A backyard for the Bar-B-Q and to have a dog. Traditional Americana values that have been lost in today's busy world. Buying a home is the single biggest investment most Americans will make in their lifetime, and they want a place that they can have friends and family over to throw the football, or teach the kids how to catch a baseball. Room – and affordability – is what we are trying to achieve here. We feel we have the perfect mix of room and affordability. Much market research was done to transform this property into one that, once built, will be attractive to those that are buying. In addition, the former project as a whole was very large in scope and required an annexation. With very large projects comes challenges, like storm water retention. The Bruinville project had a communal Storm Water Basin that was offsite, and many other concepts that may have worked during the boom, but not now.

Enclosed in this package are exhibits and examples of how we propose to handle issues like storm water retention, conforming to the new LID standards imposed by the state.

000364

## **Proposed Development**

Our proposal consists of 2 groups of properties totaling 154 Single Family lots that are a minimum of 5,000 square feet each. We are asking for the properties to be re-zoned PD LDR, or Planned Development, Lower Density Residential to allow for decreased density and latitude regarding street sections and other amenities like custom mailboxes and street lights. Examples of some of the proposed amenities are included with this package.

Since we will not be building these homes, we are asking that the architectural component that is usually required with a PD proposal be "postponed" until we have a builder in place. At that time, we suggest that the architecture and normal requirements involving the approval of floor plans and elevations be reviewed at that time. These projects are autonomous, and can each be developed on their own, or together. Each have retaining basins and open green areas and because both of these projects lie within the current City boundaries of Riverbank.

In addition, development on the East side of Riverbank will ensure that all future and new development will not occur on just the west side of the city by Crossroads – It can occur on the easterly side of the City to try and tie the Crossroads development with the Downtown, and with this project as well.

## **Zoning, General Plan and Density**

The proposed density of the project is approximately 5 + units to the acre. Although the General Plan calls for a higher density, and the Housing element estimates were based on those densities, those higher densities can be made up once the larger annexation takes place around this project in the future. The original approved projects for both of these sites originally had 201 homes planned versus our 154. In addition, in speaking with the SCM Group that owns the parcel along the tracks to the west and south of our proposals, they intend on doing a higher density project on those 12 acres in the future.

The City will have multiple chances of having increased density in the future, once an application for new annexation is proposed, and we feel this would be the time to address the overall density issues not only in this area, but citywide.

000365



## **Water, Sanitary Sewer and Storm Drainage**

### **Water**

The water main runs in front of both sites within in Santa Fe Avenue. Stanislaus Consolidated Fire performed a test flow at the fire hydrant located at Santa Fe and Central Ave. on 9/24/14. The results of the test confirmed sufficient water to accommodate the proposed development with a test flow of 1180 GPM with a static pressure of 68 PSI and a residual pressure of 44 PSI.

### **Sewer**

Sewer is available 200 feet from the project site, near the corner of Claus and Santa Fe Streets. Capacity is available, and the sizing of the lines in Santa Fe are adequate to accommodate our proposal.

### **Storm Drainage**

Storm drainage and retention has always been an issue in this area. Under the old Bruinville Plan, a master basin was proposed to service not only the current annexed area, of which these proposals are a part of, but a substantially larger area encompassing literally hundreds of acres that is not currently annexed into the City.

Our proposal makes each of our projects self-sufficient, as they each have retention capabilities on site. Regarding application for Diamond Bar East, since we are bordered on the south by the Railroad tracks, we established the basin along those tracks to help buffer the project from the tracks. We have spoken to the Railroad about our proposal, and they have no objection to it thus far. Many reasons exist for establishing the basin there, as we accomplish numerous goals by placing it up against the railroad tracks: 1) The onsite retention of our storm water, 2) Buffering the community from the working railroad tracks – We are a minimum of 200 feet from the tracks to our nearest home to the north. This way, noise and any vibration from the trains will be minimal, which is not the case elsewhere in town. 3) We are providing “Green open space” for the community to enjoy, as this area will feature a walking path going east to west. When there is not water in the basin, which is most of the time, the basin will act as another park-like setting. 4) This basin was designed to be “added on to” by future development to the east and the west. Eventually the city will get proposals to develop these properties that are contiguous to our projects, and in doing so, the “Linear Park” concept / buffer / parkway / basin can be extended and added on to our basin to provide an even bigger and better experience for the residents.

000366

## **Design Guidelines for Diamond Bar Estates**

### **Purpose**

The purpose of the guidelines for the Bruinville Planned Development is to provide a clear set of design policies to developers, property owners, architects and designers.

Properly located and with a well-designed street network, lower-density development reduces the need for community open spaces and maximizes the use of private open space in the front and rear yards. Utilizing Low Impact Development (LID) guidelines this will provide storm water bio-filtration at the source and enhances street and landscapes by reducing the amount of impervious surfaces.

### **Objectives**

The Guidelines are intended to address the following objectives:

- Promote higher quality development, that maximizes personal open-spaces with larger front and rear yards.
- Create residential neighborhoods of interest which are visually pleasing.
- Provide a single-family project that features a variety of home sizes, housing types, designs and building materials.
- Provide for single-family developments that include interconnected, short blocks that diffuse traffic and provide easy, direct routes for pedestrians, bicyclists and drivers around the neighborhood.
- Provide for Low Impact Development (LID) by incorporating storm drainage designs features that pre-treatment of storm water at the source while providing ground water recharge by percolating the storm water back into the soil.
- Provide a Planned Development project that integrates seamlessly with previously approved projects and existing neighborhoods in the area.

000367

**Intent**

The following design guidelines are to be used to assist developers, project applicants and City staff to assist in producing a quality Planned Development. City staff and Planning Commissioners will use these Guidelines as a framework for evaluating development proposals and for commenting on the design aspects of proposed projects.

The Guidelines will be used to augment and reinforce the City of Riverbank 2005-2025 General Plan adopted April 22, 2009, The Bruinville Area Master Public Facilities Plan, adopted September 2005 and Chapter 153 single family residential zoning of the City of Riverbank Zoning Ordinance. The LDR guidelines are general and may be interpreted with some flexibility in their application to specific projects. Variations may be considered for projects with special design characteristics during the City's development review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. The Guidelines are also intended to ensure that new development is compatible with existing neighborhoods.

**Applicability**

The Guidelines for LDR Single Family Developments apply to both Diamond Bar Estates projects, East and West. LDR development, as detailed in these guidelines, can only occur in Planned Development Zones.

There is a minimum practical lot size that will accommodate one detached house and still meet the intent of these Guidelines for LDR development. These guidelines allow the project designer maximum flexibility to develop a quality project that meets the intent of the Guidelines.

**Discretionary Decision Making**

Every project is unique and requires a review on a case-by-case basis. This process depends upon the exercise of discretion. While some Guidelines include quantitative standards, some require qualitative interpretation. The City has the latitude to interpret the Guidelines so long as proposed projects meet the Guidelines' intent.

**Architectural Review and Approvals**

Architectural details, plans and elevations will be developed once a homebuilder has been selected for the projects. The City planning commission will review and approve these items through the normal site development process as provided by the Riverbank Municipal Code.

**Administrative Changes**

The Development Services Director has authority to correct discrepancies and conflicts within the document so long as the changes meet the overall intent of the guidelines.

**Other Applicable Regulations**

The Guidelines for LDR single family developments primarily address architectural and site design elements. In designing projects, designers must also reference other codes, standards and policies in effect, such as the City of Riverbank Standard Specifications, Uniform Building/Fire Code, Riverbank General Plan, Riverbank Municipal and Zoning Codes, and other applicable policies.

000368

## GUIDELINES

### LDR Single-Family Detached Houses



*An example of a single-family home on a Lower-Density Lot*

#### **A. Relationship to Existing Neighborhoods**

New LDR residential projects should be integrated with the existing neighborhoods adjacent to them. Designs should avoid the separation caused by high, solid fencing and walls, or blank walls of buildings.

Transitions between existing and new projects should be gradual. The height and mass of new projects should not create abrupt changes from those of existing buildings. Site setbacks should consider the prevailing setback patterns of adjacent buildings.

The perimeter areas of new projects should be planned to avoid disturbing existing adjacent residential uses. The protection of privacy of adjacent residents and minimization of environmental intrusions should be a major consideration in the design of new projects.

Where existing neighborhoods have architectural distinction and/or established functional or landscape patterns, new development should incorporate characteristics of the surroundings so that there is no disruption of the streetscape and attempt to become a part of and blend into the existing neighborhood character.



*Poor Transition: An older single family ranch home surrounded by much larger two story Mediterranean-style homes, creating loss of privacy and architectural disparity*

000369

## **B. Setbacks/Open Space**

**Setbacks:** The front setback establishes a relationship between the house and the surrounding neighborhood. If the house is too close, indoor privacy can be compromised. If the house is too far back, people inside the house cannot observe activity on the street and can become detached from their neighborhood. Additionally, a larger front yard setback leaves a smaller private rear yard. It is equally important to ensure that the placement of the home or substantially varied elevations provide the appearance of a diverse and varied streetscape and avoid the monotonous single plane street.



*An example of poor setback variation that lacks diversity and creates a monotonous streetscape*

The side setback is primarily utilitarian. However, living areas of the house usually have windows that open into the side yard. Normal activity in the side yard, although limited, tends to be irritating and creates nuisances because the noise is concentrated in a small space and can be loud and irregular, such as moving trash cans or using storage sheds.

The rear yard is where most outdoor activity around under certain circumstances, where an equal amount of open space is incorporated into larger master plan areas, and for projects that do not meet the minimum number of units, a homeowner's association may not be required, provided that no private common areas are required in the development.

Open space; if well-designed, private open space, typically in the rear yard provides a place for children to play and to entertain friends. It must be large enough to allow these activities while maintaining some sense of privacy on both sides of the fence. Model homes in LDR developments should display a variety of fencing and landscape design concepts including porches, patios, walkways, covered trellises, screens and garden walls. The rear yard is where people expect to have privacy outdoors and is there children play and entertaining happens. These activities are expected and noisy, but the noise can be considered intrusive by neighbors; residents can feel as if their outdoor or indoor privacy is being invaded by rear yard neighbors. Adequate space is necessary for residents to enjoy their yards while providing a sense of privacy.

000370

| <b>Table 1: Setbacks and Open Space for LDR PD</b>                  |                    |
|---------------------------------------------------------------------|--------------------|
| Lot Size                                                            | 5,000 sq. ft. min. |
| Minimum Width (mid-block/corner)                                    | 50'/55'            |
| <b>FRONT SETBACKS (A)</b>                                           |                    |
| Living (1 <sup>st</sup> floor) (vary front setback as noted above)  | 15                 |
| Living Area (2 <sup>nd</sup> floor)                                 | 15                 |
| Porches                                                             | 10                 |
| Attached Garage (B) (front entry/side entry)                        | 10/10              |
| <b>REAR SETBACKS *</b>                                              |                    |
| Living Area                                                         | 20                 |
| Attached Garage (no alley/alley access) (B)                         | 5/10               |
| Detached Garage (no alley/alley access) (B)                         | 5/10               |
| Patio Covers (D)                                                    | 5                  |
| <b>SIDE SETBACKS * (A) (G) (H)</b>                                  |                    |
| Living Area first floor (interior side) (D)                         | 5                  |
| Living Area (corner side) (D)                                       | 10                 |
| Detached Garage (Int. Side)                                         | 10                 |
| Attached/Detached Garages (B) (Corner Side) front entry /side entry | 10                 |
| <b>Lot Coverage</b>                                                 |                    |
| 50% of total acreage (gross)                                        | -                  |

NOTES:

- A. Dwelling unit & wall/fencing shall be located outside the "clear vision triangle" at street intersections.
- B. Garage setback measured from any other building and minimum of 5' from property line.
- C. Patio covers open on three sides should not exceed 30 percent of the size of the usable private open space. Setback is measured from support structures. Up to 24" overhang is permitted. No part of the structure shall be closer than 5' to property line.
- D. Includes attached garages and patio covers.
- E. Minor architectural projections, such as fireplaces and bay windows, may project into a setback or separation by up to 2 feet for a length not to exceed 10 feet or 20 percent of the building elevation length, minimum 3' clearance, excluding A/C units.
- F. Fragments less than 10' will not be counted toward the common open space area.
- G. Detached garages may be attached to the main house by a breezeway so long as the breezeway is open, post supported and the garage and house meet 1 hour fire wall ratings as stipulated by the UBC.
- H. Setbacks outlined in the above table are intended to meet the setback requirements outline in the City of Riverbank R-1 Zone of the current Zoning Ordinance.

000371

### **C. Lot and Building Variation**

Single-family lot patterns should be varied to avoid monotonous streetscapes. This could be accomplished by the following:

#### **Encourage:**

- Larger lots that emphasize alternating designs of front and rear landscaping
- Single-story buildings and larger lots on corners.
- Mix of single and two-story units.
- Varied building setbacks and plot placement to avoid monotonous streetscapes.
- Variation of setbacks or appearance thereof (substantially different elevations), to avoid monotonous streetscapes.

#### **Discourage/Avoid:**

- Blocks more than 600 feet long.

### **D. General Building Design**

Variation in residences, structures and buildings is achieved through the use of quality materials, detail in design and distinct variation in floor plan and architecture, which lends visual interest, distinctive character and identity to a community. Quality in detail and design contributes not only to the long-term value of a home, but the neighborhood as well.

#### **Encourage:**

- Design diversity by providing front elevation variation throughout the plan. A minimum of three model floor plans shall be made available with 4-6 choices of elevation treatments. To accomplish this, one design should be repeated no more frequently than each fourth house. Veneer treatment where applied should turn corners and avoid exposed edges (Fig. 1).
- Provide 4-sided architecture within public views. In addition to the architectural design provided for the front elevation, design side and rear elevations to include architectural design treatment (e.g. window frames, shutters, planter boxes, window sills, etc.).
- At corner lots, side yard facades should maintain the same architectural design consistent with the front façade.
- Manipulation of building elements and massing to avoid visual monotony with particular emphasis on long streets.
- Vary roof forms and pitches when a project includes five or more homes. Incorporate home designs that rotate ridge lines both parallel and perpendicular to the street and utilize a variety of hips and gables. Other elements which add variety and break up the roof, such as dormers and turrets are encouraged.
- Roof elements of a two story building that slope downward toward the side property lines providing greater light and air between buildings particularly when the separation between the floors of the two adjoining buildings would be less than 15 feet (Fig. 2).
- Single story homes distributed evenly throughout the neighborhood to provide for seniors, the disabled, and families who prefer or desire single story homes. Single story homes are also encouraged to improve the visual character of neighborhoods and minimize the perceived density of two story neighborhoods. Single story homes shall be constructed on a minimum of 50% of the development.

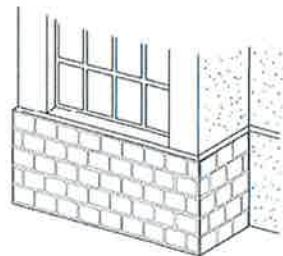
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Discourage/Avoid:

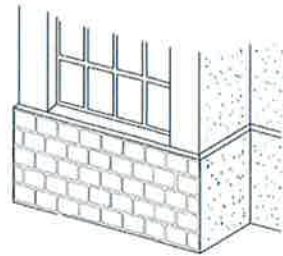
- Excessive repetition of identical or near identical floor plans and elevations throughout a neighborhood or subdivision with little distinct differentiation.
- The use of low quality/grade materials that do not wear well and contribute to a sense of permanence.
- Roof-mounted heating and air conditioning units.
- Keyhole entries (primary entrance hidden from view on the side or within deep recess of the building) should be avoided.
- Repetition of identical or near identical floor plans and elevations.
- Poor infill design.

### E. Porches, Entries and Courts

A clear sense of entry and design interest to a home is provided through the inclusion of porches, verandas and other architectural elements that contribute to a sense of place and activity.



Desirable Treatment



Undesirable Treatment

Fig . 1: Veneer Wrapping

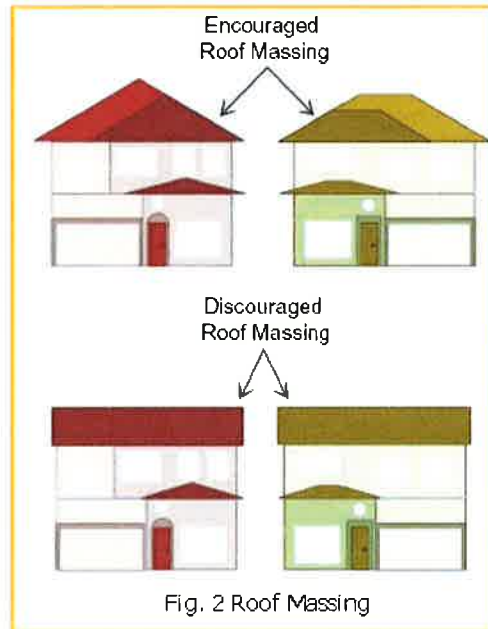


Fig. 2 Roof Massing

000373



Encourage:

- Fronts of houses and entries that face the street. Each house should have a clearly identified entry and have active use of windows (i.e. living room, kitchen) facing the street.
- Front porches large enough to accommodate chairs provide an opportunity for increased interaction among neighbors (minimum dimension of 6'x6' or 5'x7, plus circulation area).
- Porches that provide weather protection and shade are desired.
- Entries and porches that incorporate railings, short walls, trellises and roofs to add architectural detail and character and visual interest to the homes.

Discourage:

- Small entries not seen from the street.
- Locating the porch or entryway in a location obstructed by the garage or side of the house.
- Locating entryways and windows that are small and oriented to the interior or side of the site.

## **F. Garage Frontage and Placement**

Conventional suburban development typically places the garage in a prominent location on the lot closer to the street with the house back farther from the street. The effects of garage-forward placement are to obstruct the view of the street from inside the house, to make the garage the most important feature of the house, to encourage the driver to enter the house through the garage door and prevent interaction with neighbors, and to decrease the appeal of the street. Safety is decreased and the general appeal of the street also declines.

The following measures are suggested to minimize the visual impact of garages:

Encourage:

- For garages accessed from the street, the garage face should be recessed a minimum of five feet from the primary living area façade
- Detached garages accessed from either an alley or a single-car driveway approach from the street.
- Alley loaded designs particularly for narrow lots are strongly encouraged.
- For homes facing out at community perimeter, rear loaded garages accessed from street rather than alley.



**Discourage homes with recessed entry that limit the view of the street.**

000374



**Encourage recessing the garage from the primary-living area reduces its impact on the front façade.**



**Encourage de-emphasized garage doors that are offset from the primary living area**

- Attached garages should be designed to de-emphasize the garage door by techniques such as recessing the garage door 12"-18", by providing pillars or substantial trellis accents and utilizing upgraded garage doors.

**Discourage/Avoid:**

- For garages accessed from the street, garage frontage comprising 50 percent or more of building frontage.

**000375**

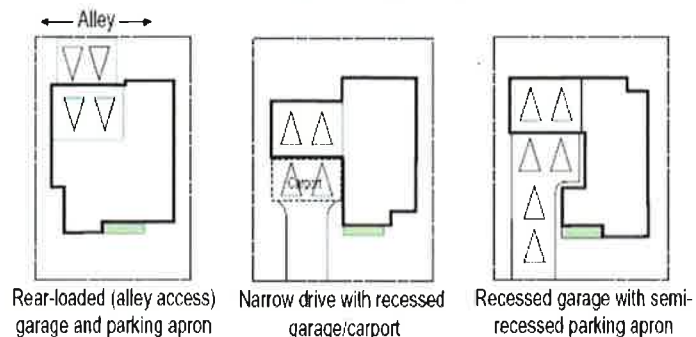
## G. Driveways



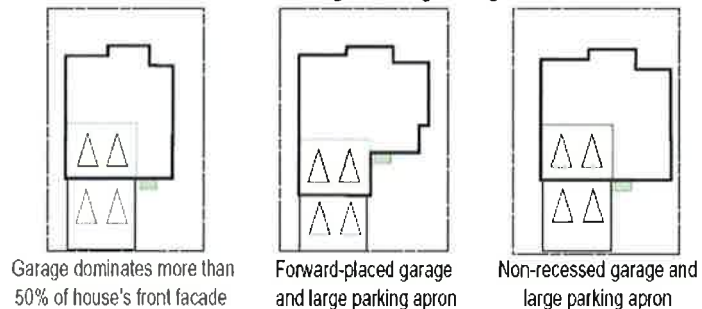
*Discourage homes with garages that dominate the front elevation.*

- Attached garages should be designed to de-emphasize the garage door by techniques such as recessing the garage door 12"-18", by providing pillars or substantial trellis accents and utilizing upgraded

### Desirable Garage/Parking Configurations



### Undesirable Garage/Parking Configurations



Driveways can consume a substantial amount of lot area. A typical automobile is approximately seven feet wide and one to two feet of space is needed on either side to allow access to car doors. In order for the house to relate to the street and to allow observation of the street from inside the house, the width of the lot helps dictate the width of driveway access from the street (one- or two-car approach) or whether the garage should be accessed from an alley at the rear of the lot.

#### Encourage:

- Different paving treatment to driveways, including colored concrete, stamped concrete patterns, paver insets, etc.
- Single-car width driveways that widen to two-car aprons at recessed or detached garage.
- Placement of driveways and garages within the development, as well as narrower driveway aprons, to maximize on-street parking.

000376



Encourage homes with single-car width driveway that widens to a two-car approach in front of recessed garage.

## H. Parking

Most transportation occurs through the use of the private automobile. Because of this, the Zoning Code requires a minimum of two parking spaces for every single family house. With the increasing number of automobiles in every household, there is an increased need for parking, which is typically provided on the driveway and on the street. At the same time, the current trend is toward an increase in homeownership among single adults and the future will likely see an increase in the use of transit, walking, and bicycling for transportation, particularly as density increases and daily needs are better integrated into the fabric of the city.

Two enclosed off-street parking spaces will be required for each housing unit. Tandem parking spaces will be allowed provided that the minimum width of the garage door is 9' wide and that additional off-street parking be provided at a ratio of one space per each four homes. In addition, one on-street parking space will be required for each dwelling. The placement of driveways and garages within the development, as well as narrower driveway aprons, shall be utilized to maximize on-street parking. Shared driveways are also encouraged. Off-street parking spaces within the development located within 150 feet of the unit served, may also be considered. Community off-street parking shall be generally provided adjacent to Community Open Space. Additional Community off-street parking can be provided throughout the community at locations that have the ability to serve numerous homes as approved in the site plan.



Community off-street parking adjacent to homes

000377

## I. Walls, Fences and Entry Features

Residences on the perimeter of new development should be oriented to existing streets, where applicable, minimizing the extent of sound walls or rear yard walls, except where necessary due to acoustical requirements. Frontage roads are preferred in lieu of sound walls wherever possible. The design of walls and fences, as well as the materials used, should be consistent with the overall development's design. Fence and wall color should be compatible with the development and adjacent properties.

Wall design and selection of materials should consider maintenance issues, especially graffiti removal and long-term maintenance.

### Encourage:

- Sound walls should have a rhythm rather than a single monotonous design along the entire length.
- Periodic entries to minimize walking distances and integrate bike paths along the major roads.
- Walls architecturally integrated with adjacent buildings and landscape buffer.



Fence that has been constructed low but topped with lattice creating a sense of privacy.

- Additional landscape setbacks, street trees and accent trees at entries to improve the appearance of sound-walls.
- Landscaping and berms to minimize the visual impact of long continuous sound walls.
- Concrete capstones on stucco walls to help prevent water damage from rainfall and moisture.
- Fences and/or walls visible from streets should be architecturally integrated with adjacent buildings and are encouraged as a means of visually tying buildings together.
- Low walls or fences (3'-4' high) at front or side yard patios where desired in lieu of porch railings, provided the wall/fence design is compatible with the architectural style of the house.
- Accent landscaping and trellises to set off development entries are desirable.

### Discourage:

- Long walls separating subdivisions from street access and other subdivisions. This type of development restricts movement between neighborhoods and creates "dead" spaces along pedestrian corridors, as well as increasing driving and walking distances. Back-up and side-on conditions requiring walled streets.
- Wood fencing along streets since it is not a long-term quality material.

000378





**Discouraged:** Long walls that isolate neighborhoods and paved over appearance created by lack of landscaping.

## **J. Landscaping**

New LDR single-family developments typically have generous amounts of landscaping due to the larger front and rear yards. Landscape design guidelines are intended to improve the appearance of the streetscape with landscaping and street trees to diminish the impact of the development and provide a softer appearance

Encourage:

- Street trees or yard trees at approximately 20' to 25' on center along each side of the street (minimum 1 per lot, 2 per corner lot one on each street frontage).



**Landscaping should provide a broad palate of trees and plants that are compatible to the regions climate.**

- Separated sidewalks with "tree lawns" (min. 7' wide) (i.e. "parkways"). These may be planted in lawns or other appropriate ground cover (irrigation is required) if recorded with a landscape easement.
- A minimum of 15 gallon tree specimens for all street and yard trees (consult the Public Works Department, regarding tree selection).
- Tree species which attain a height in excess of 25 feet and develop a minimum canopy of 20 feet at maturity.
- Accent trees at special locations within the neighborhood.

**000379**

- Variety of planting palettes for front yard landscaping to soften the development, reinforce the home design, and add variety to the streetscape.
- Front yard landscaping which reinforces other design elements of the home such as vines on trellises, hedges or low fences and walls.

### **K. Mailboxes**

Mailboxes should be located in highly visible, heavy use areas for convenience, to allow for casual social interaction, and to promote safety.

Encourage:

- Incorporate design features, such as a built frame, consistent with the development's architectural style.

Discourage:

- Pedestal-mounted cluster mailbox units.



000380

## **M. Street Design Elements and Access**

A street serves as more than a place to drive or park a car. Besides its most basic function as a transportation conduit for bicyclists and pedestrians, as well as for cars, a street serves architectural and social functions. Houses relate to the street on which they are located; streets serve to formalize the street edge and demarcate public and private space. Streets are where neighbors meet informally and neighborhood bonds are created. Minimal street connections within a subdivision and to the external street network increase the need to drive and the number of miles driven, discourage walking and bicycling, and reduce emergency access. The site shall be designed to provide accessibility for emergency vehicles.



*Variety of planting palettes that soften the development and add to the variety of the streetscape*



*Sidewalks separated from the street by planting strips and tree wells are strongly encouraged*

000381



## **N. Lighting**

Lighting should relate to the pedestrian scale of residential neighborhoods and should be considered a design element, rather than simply utilitarian.

Encourage:

- Light standards less than 15 feet in height. Decorative Visco VI-X-1-OF standard or equivalent standard with the same bulb type as the Visco are encouraged.
- Bollard lighting is encouraged along walkways.
- Metal halide luminaries should be utilized.
- Shielded light fixtures that minimize light "throw" off-site.
- Residentially scaled street lights.



*Encouraged; Residential scaled lighting with ornamental design features*

Discourage/Avoid:

- "Cobra head" street lights
- Sidewalks adjacent to street.
- Large-radius corner.
- Cul-de-sac and dead-end streets.

**P. Utilities, Infrastructure & Easements** Any and all private infrastructure shall be constructed to City standards. Public Utility Easements shall be provided for all public utility connections, in compliance with City Standards. To the maximum extent feasible, utility boxes, transformers, etc. shall be located in a manner to reduce their visual impact on the streetscape, which may include undergrounding or appropriate screening as determined by the City.

000382

### **Q. Low Impact Development (LID)**

Low Impact Development (LID) is an innovative stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and retain runoff on-site. Techniques are based on the premise that stormwater management should not be seen as stormwater disposal. LID addresses stormwater through small, cost-effective landscape features located at the lot level. These landscape features, known as Integrated Management Practices (IMPs), are the building blocks of LID. Almost all components of the urban environment have the potential to serve as an IMP. This includes not only open space, but also rooftops, streetscapes, parking lots, sidewalks, and medians. LID is a versatile approach that can be applied to new projects.



Filterra® Stormwater Bioretention Filtration System

000383

Encourage:

- Bio-retention swales for on-lot storm water run-off
- Decrease amount of impervious surfaces, through efficient street section widths, use of pervious materials
- Use landscape facilities for pretreatment of storm water
- Sufficient Capacity of total storm system to retain water on-site
- Treat storm water at the source
- Groundwater recharge

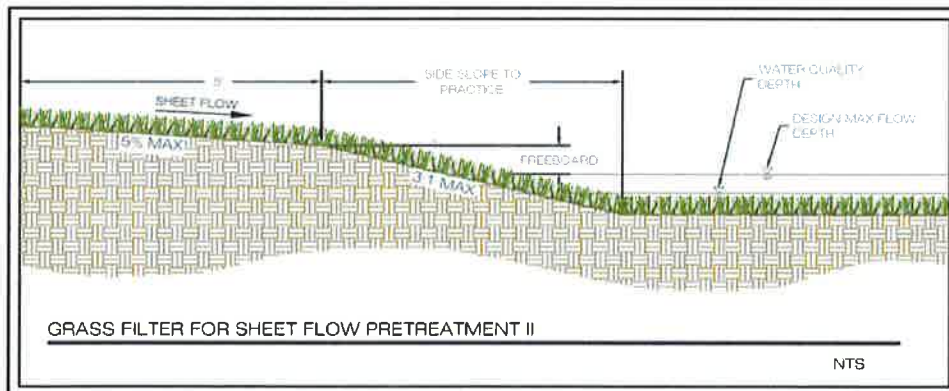
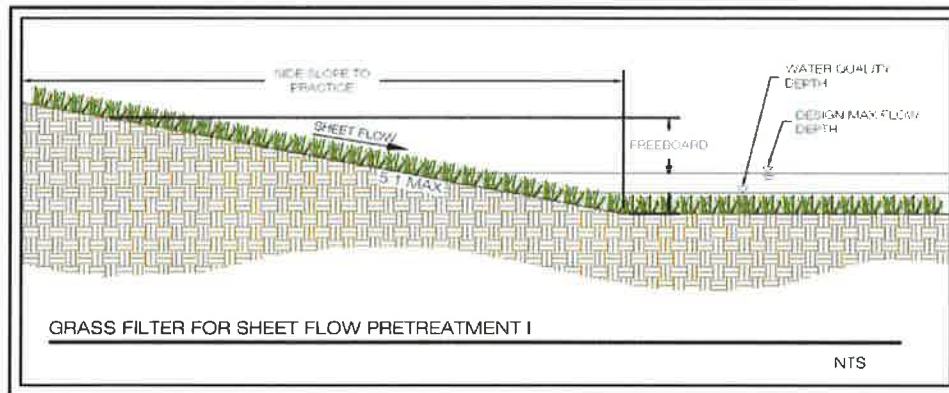
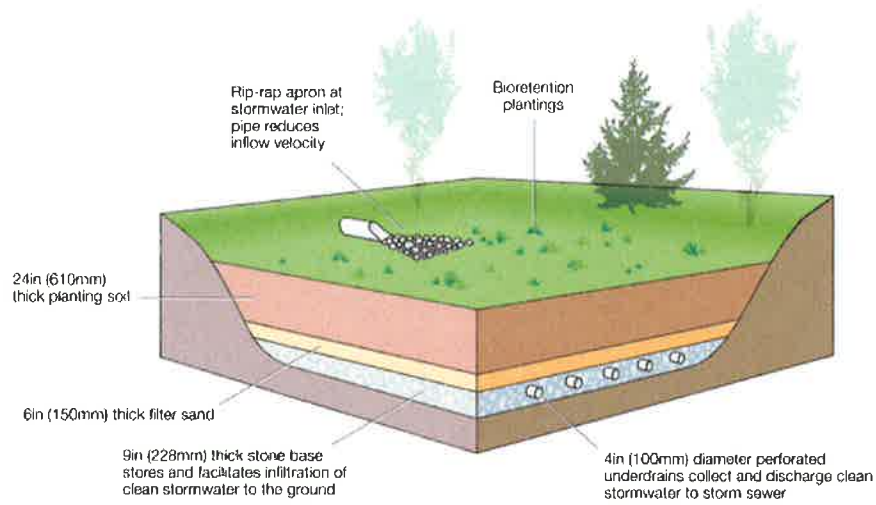
Discourage:

- Fully piped storm drainage system
- Discharge of storm water to nearby river/creek/waterway

LID allows for greater development potential with less environmental impacts through the use of smarter designs and advanced technologies that achieve a better balance between conservation, growth, ecosystem protection, and public health / quality of life. Today, bio-retention is one of the LID techniques available to users. Other techniques, such as permeable pavers and disconnected downspouts are all effective tools to help developers control pollutants, reduce runoff volume, manage runoff timing, and address a number of other ecological concerns.

LID has numerous benefits and advantages over conventional stormwater management approaches. In short, it is a more environmentally sound technology and a more economically sustainable approach to addressing the adverse impacts of urbanization. By managing runoff close to its source through intelligent site design, LID can enhance the local environment, protect public health, recharge groundwater tables and improve community livability - all while saving developers and local government money.

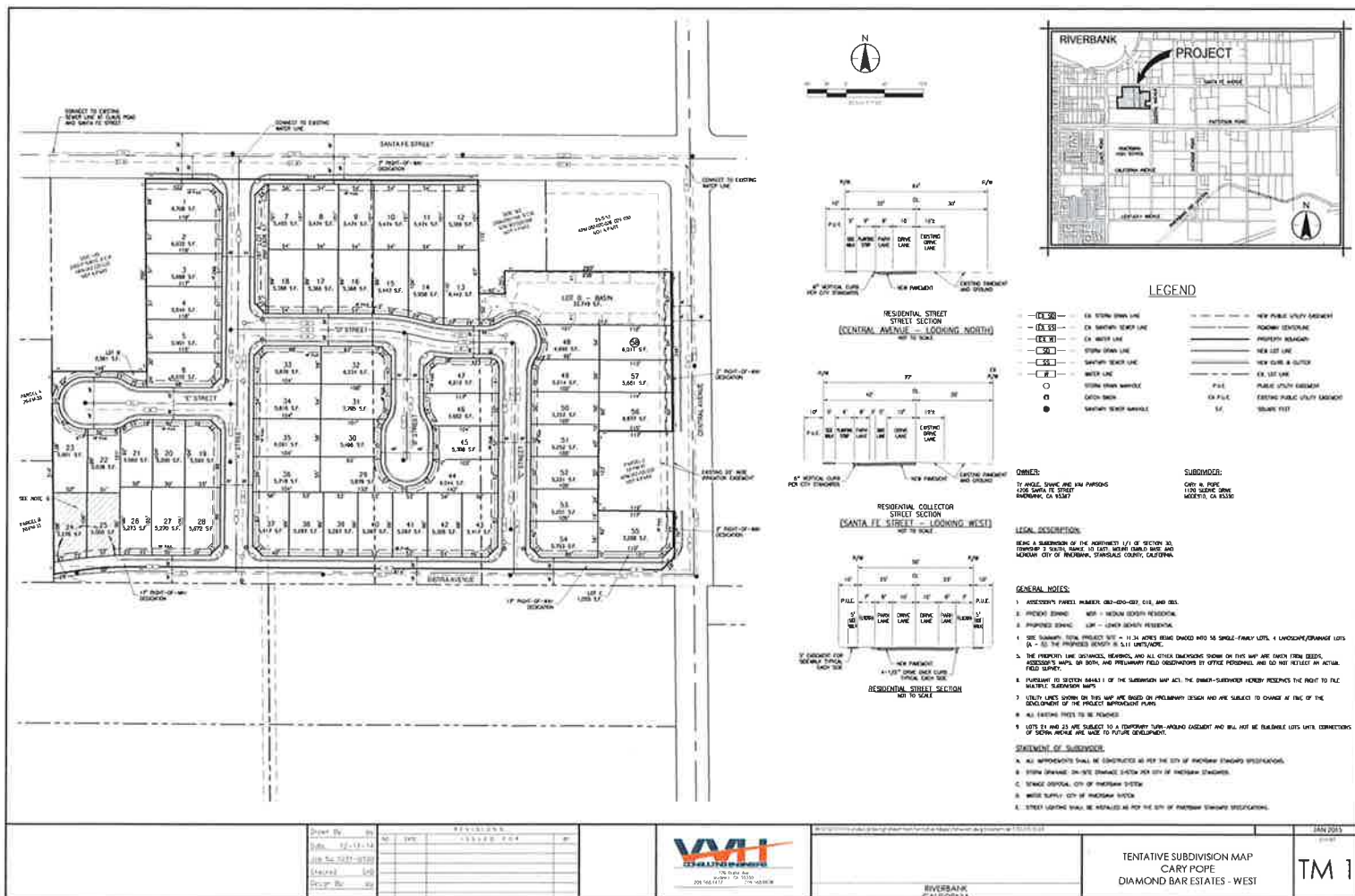
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