

AGENDA
City of Riverbank Developmental Services Department
Planning Commission Meeting
Tuesday, December 17, 2013 – 6:00 p.m.
6707 3rd Street, Riverbank, California 95367

CALL TO ORDER:

Chair: Stewart

ROLL CALL:

Chair:	Stewart
Vice Chair:	Hughes
Commissioners:	Villapudua
	Degele
	McKinney

CONFLICT OF INTEREST

Declaration by Staff or members of the Planning Commission who would have a direct Conflict of Interest on any scheduled agenda item.

BUSINESS FROM THE FLOOR (No action to be taken)

At this time members of the public may comment on any item not appearing on the agenda. It is recommended to keep your comments between 3 to 5 minutes. Under State Law, matters presented under this item cannot be discussed or acted upon by the Planning Commission at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Commission consideration. At all times, please use the microphone.

1. 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 for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 1.A: Posting of the Agenda. The Agenda for the December 17, 2013, Planning Commission Meeting was posted on the City Chamber bulletin board and the City Hall North & South bulletin board on December 11, 2013.

Item 1.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 1.C: Approval of the Minutes. The Minutes of the October 15, 2013, Planning Commission Meetings having been read by the individual Commissioners and stands approved as submitted.

Recommendation: Approval of Consent Calendar items by roll call vote.

Any documents that are not privileged or part of a Closed Session, provided to a majority, of the Planning Commission after distribution of the Planning Commission agenda packet regarding any item on this agenda will be made available for public inspection at the Developmental Services Department Counter at City Hall South located at 6617 3rd Street and North City Hall located at 6707 3rd Street, Riverbank, CA during normal business hours.

2. PUBLIC HEARINGS

Item 2.2: Riverbank Army Ammunition Specific Plan and General Plan; Certification of the Riverbank Army Ammunition Plant EIR including Adoption of CEQA Findings of Fact and Statement of Overriding Considerations, and Adoption of a Mitigation Monitoring Plan Approval of a General Plan Amendment changing land use designations and the Circulation Element. Adoption of the Riverbank Army Ammunition Specific Plan Amending the Municipal Code to include new SP-2 Zoning District.

Recommendation: Approval by roll call vote

3. NEW BUSINESS

Item 3.1: Standard Conditions - All projects must meet the following standard conditions unless specifically exempted by the Commission or Council.

4. COMMISSION ITEMS

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION

6. UP-COMING MEETING AGENDA ITEMS

Item 6.1: Downtown Specific Plan (FEIR has been previously certified).

Item 6.2: Architecture & Site Plan Review (02-2013) for a 72 Unit Apt. Complex at the south eastern corner of Claus & California, APN: 062-022-001.

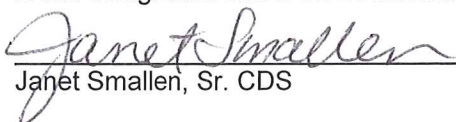
Item 6.3: GPA – Annexation Strategies.

Item 6.4: GPA - Land Use Map Change and General Plan/Zoning Compatibility Matrix.

Item 6.5: Request for a CUP from Rocio Taqueria to sell and serve beer and wine.

7. ADJOURNMENT

I, Janet Smallen, Sr. Community Development Specialist for the City of Riverbank, certify that I caused to be posted copies of the Riverbank Planning Commission Agenda for the Meeting on December 17, 2013 in the areas designated below on December 11, 2013.

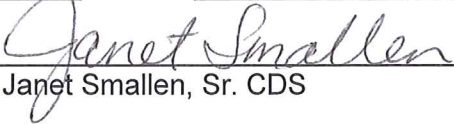

Janet Smallen, Sr. CDS

Riverbank City Hall North, 6707 3rd Street
Riverbank City Hall South, 6617 3rd Street

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AGENDA ITEM NO. 1.A
DATE & TIME OF POSTING

Date: December 11, 2013 Time: 11:00 a.m.

Verified by: 
Janet Smullen, Sr. CDS

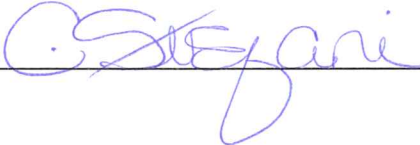
NOTICE REGARDING AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Building & Safety Director (209) 869-7101. Notification 48-hours before the meeting will enable the City to make 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 Council shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

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

COMMISSION AGENDAS: Any documents that are not privileged or part of a Closed Session, provided to a majority, of the Planning Commission after distribution of the Planning Commission agenda packet regarding any item on this agenda will be made available for public inspection at the Developmental Services Department Counter at City Hall South located at 6617 3rd Street and North City Hall located at 6707 3rd Street, Riverbank, CA during normal business hours, or at the time of the scheduled meeting.

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

WITNESSED BY: 

Any documents that are not privileged or part of a Closed Session, provided to a majority, of the Planning Commission after distribution of the Planning Commission agenda packet regarding any item on this agenda will be made available for public inspection at the Developmental Services Department Counter at City Hall South located at 6617 3rd Street and North City Hall located at 6707 3rd Street, Riverbank, CA during normal business hours.

MINUTES
City Of Riverbank Planning Commission
Tuesday October 15, 2013 Meeting

CALL TO ORDER/ROLL CALL:

Present: Chair Stewart, Commissioner Degele, Commissioner Villapudua

Absent: Vice Chair Hughes (Excused)

CONFLICT OF INTEREST: None.

BUSINESS FROM THE FLOOR: This is the opportunity of the audience to raise issues which are not on the agenda. Although no action may be taken tonight, the Planning Commission may direct staff to report on the issue(s) raised at a later Planning Commission Meeting.

1. CONSENT CALENDAR: Approval of matters listed under the Consent Calendar is considered routine. There will be no discussion of items listed under the Consent Calendar unless a member of the Planning Commission or the public requests that it be removed from the Consent Calendar for separate discussion and consideration.

The following Consent Items were approved as follows:

Consent Agenda Item No. 1.A

Posting of the October 15, 2013, Planning Commission Meeting a motion was made by Commissioner Villapudua and seconded by Commissioner Degele was approved as submitted.

Consent Agenda Item No. 1.B

The Agenda for the October 15, 2013, Planning Commission Meeting a motion was made by Commissioner Villapudua and seconded by Commissioner Degele was approved as submitted.

Consent Agenda Item No. 1.C

The Minutes of the September 17, 2013, Planning Commission Meeting was approved on a motion Commissioner Degele and seconded by Commissioner Villapudua, after ruled on by Chair Stewart that she asked for a clarification of the serving size restrictions imposed by the Planning Commission as a condition on the Galaxy Theater Resolution for their CUP, then approved as presented.

2. PUBLIC HEARING ITEMS

Item 2.1: Architecture Site Plan and Landscape Review for a Professional Office Building. Located at the corner of Estelle & Patterson Rd., APN: 075-008-033.

- John B. Anderson, City of Riverbank Consulting Planning Director presented the staff report along with a power point presentation in regards to the project.
- Planning Commission asked a few question to John B. Anderson about the project.
- Chair Stewart opened the public hearing.
- Present to speak in favor of the project was Jeremy West the applicant of the proposed project.
- Being there was no further comments the public hearing was closed.
- Planning Commission discussed item.

ACTION: By motion (Degele / Villapudua) Resolution 2013-008 approved by 3-0 vote.

3. NEW BUSINESS

Item 3.1: Presentation by City Manager, Jill Anderson regarding Strategic Planning Session held with the City Council at a special workshop.

4. COMMISSION ITEMS

Item 4.1: Mr. Anderson updated Planning Commission that we have 2 applicants that have applied for the vacant Planning Commission seat.

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION

None.

6. UP-COMING MEETING AGENDA ITEMS

Item 6.2: Local Redevelopment Authority (LRA) Specific Plan and Final EIR.

Item 6.3: Downtown Specific Plan (FEIR has been previously certified).

7. PRESENTATIONS

Item 7.1: See new business.

8. ADJOURNMENT

There being no further business, Chair Stewart adjourned the meeting.

ATTEST:

APPROVED:

John B. Anderson
Recording Secretary

Joan Stewart, Chair
Planning Commissioner

**CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT
Agenda Item No. 2.2**

DATE: December 17, 2013

APPLICATION: Riverbank Army Ammunition Specific Plan and General Plan Amendment to include:
Certification of the Riverbank Army Ammunition Plant EIR including: Adoption of CEQA Findings of Fact and Statement of Overriding Considerations, and Adoption of a Mitigation Monitoring Plan, Approval of a General Plan Amendment changing land use designations and the Circulation Element. Adoption of the Riverbank Army Ammunition Specific Plan Amending the Municipal Code to include new SP-2 Zoning District

LOCATION: Northeast corner of Claus and Claribel Roads, consisting of approximately 146 acres

GENERAL PLAN: Currently: Industrial/Business Park, Open Space and Medium Density Residential

Proposed: Industrial/Business Park, Open Space and Community Commercial

ZONING: Currently: Light Industrial

Proposed: Light Industrial/RAAP Specific Plan and Community Commercial/RAAP Specific Plan

ENVIRONMENTAL DETERMINATION: The project may have a significant effect on the environment, and mitigation measures are included as part of the Environmental Impact Report. In addition, the approval will contain CEQA findings of fact and a Mitigation Monitoring Program.

RECOMMENDATION: 1. Recommend to the Riverbank City Council that they adopt a Resolution recommending:

a. Certification of an Environmental Impact Report (State Clearinghouse #2011022015)

- b. Adoption of CEQA Findings of Fact for the Riverbank Army Ammunition Plant Specific Plan and General Plan Amendment
 - c. Adoption of Statement of Overriding Considerations, Considerations for the Riverbank Army Ammunition Plant Specific Plan and General Plan Amendment
 - d. Adoption of Mitigation Monitoring and Reporting Program for the Riverbank Army Ammunition Plant Specific Plan and General Plan Amendment
2. Adopt Resolution recommending approval of certain General Plan Amendments changing land use designations as depicted.
 3. Adopt Resolution recommending adoption of the Riverbank Army Ammunition Plant Specific Plan and recommending rezoning of the property to SP-2 by Ordinance

ACRONYMS:

CEQA – California Environmental Quality Act
 RAAP – Riverbank Army Ammunition Plant
 EIR – Environmental Impact Report
 DEIR – Draft EIR
 FEIR – Final EIR
 RLRA – Riverbank Local Redevelopment Authority

ATTACHMENTS:

- A - Riverbank Army Ammunition Plant Final Specific Plan dated December 2013. Given to Planning Commission on November 19, 2013.
- B – Map illustrations of the General Plan Amendments. Given to Planning Commission on November 19, 2013.
- C - Riverbank Army Ammunition Plant DEIR. Given to Planning Commission on November 19, 2013.
- D - Riverbank Army Ammunition Plant FEIR. Given to Planning Commission on November 19, 2013.
- E – Draft Resolution recommending Certification of the FEIR And Approval of CEQA Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program for the General Plan Amendment and RAAP Specific Plan (Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Report Program are included as (Exhibits)
- F – Draft Resolution recommending approval of the RAAP General Plan Amendment
- G– Draft Resolution recommending approval of the RAAP Specific Plan

H – Draft Ordinance amending the Municipal Code by rezoning the property SP-2

I. PROJECT DESCRIPTION

A draft Specific Plan for a portion of the previous Riverbank Army Ammunition Plant (RAAP) has been prepared and is ready for evaluation by the Planning Commission (Attachment A). The entire RAAP property includes about 175 acres, of which the Army is retaining a 29-acre outparcel for their continued use that is not subject to the specific plan. The Specific Plan will guide the redevelopment of about 76 acres that contains more than 700,000 square feet of buildings and the development of the remaining 63 acres of vacant land. In addition, the project site contains about 7 acres of other public-use property.

The property was part of the Base Closure and Realignment (BRAC) decisions that were made in 2005 regarding which bases throughout the United States were to close or combine with other facilities. It was decided that RAAP would move its work to Rock Island, Illinois, and be decommissioned as an Army base. The Riverbank Local Redevelopment Authority was formed to plan for this closure and reuse of the Army facility. Working within the Federal Guidelines, a Reuse Plan was proposed that would allow reuse of the property and transfer the majority of it to the RLRA for development and redevelopment.

According to the Reuse Plan, approximately 35.65 acres of the main project site would be retained by the Army for sale to private developers. The developed portion of the property (approximately 76 acres) and nearly 28 acres of undeveloped property would be transferred to the RLRA for improvement and to increase economic development efforts and provide jobs in the region. At the time of the Reuse Plan approval, unemployment in the area topped 25%.

The Reuse Plan proposes primarily industrial uses for the site with two areas planned for public sale by the Army for Commercial development: a 4 acre area on the northwest corner of Claribel and Claus Roads and a 3 acre area approximately 2600 feet north of Claribel Road where RV storage currently exists. The Riverbank Army Ammunition Plant Specific Plan established certain development plans and includes various development standards necessary to ensure a high quality development.

The property is currently zoned Light Industrial but the General Plan shows it as Industrial with the northeast corner of the property designated Medium Density Residential. Due to groundwater contamination on the site, the Army would not accept any residential development included in the Reuse Plan. Consequently, this project will also require a General Plan Amendment to change the Medium Density Residential designation to Industrial. In addition it is proposed that two areas of the plan be changed from Industrial to Community Commercial to comply with the approved Reuse Plan. See Attachment B. Finally, the Circulation Element designates the extension of Townsend Avenue east of Claus Road as a collector street. Townsend Avenue is south

of and adjacent to a railroad spur that runs from the BNSF Main Line to the plan area. The rail spur continues into the site, eventually turning south to serve the entire site. Extension of Townsend Avenue is not feasible with this rail spur in place so it is recommended that the Circulation Element be amended to delete Townsend Avenue as a collector street easterly of Claus Road.

When this project was reviewed for potential environmental impacts, it was determined that there was the possibility of significant adverse impacts, so an Environment Impact Report (EIR) was required. Attachment C is the Draft EIR and Attachment D is the final EIR. The EIR found that there were significant impacts from the project, some of which could be mitigated so that they were no longer significant and some that could not be mitigated. With this determination, it became necessary to develop California Environmental Quality Act (CEQA) findings of fact and a Statement of Overriding Considerations (Exhibit A to Attachment E) to summarize and clarify the impacts that were identified. In addition, for those impacts that could be mitigated, a Mitigation Monitoring Plan (Exhibit C to Attachment E) was also required and is attached for action by the Planning Commission.

II. ENVIRONMENTAL IMPACT REPORT AND RELATED DOCUMENTS (ATTACHMENTS C, D, E)

A. WHAT IS AN ENVIRONMENTAL IMPACT REPORT AND WHY IS IT REQUIRED?

The first step in complying with the California Environmental Quality Act (CEQA) is the preparation of an "Initial Study" (CEQA Guidelines § 15063.) If the proposed project has one or more significant impacts, an Environmental Impact Report (EIR) is required. CEQA states that an EIR is designed to: (1) identify the potential impacts of the proposed project; (2) identify alternatives to the project; and (3) indicate ways to lessen or avoid the identified effects. (California Public Resources Code §21002.1(a).)

In the case of the subject property, an EIR had been completed and certified when the General Plan was adopted in 2009 that addressed potential development of the site after base closure. Once the RAAP Specific Plan was created, an Initial Study was done on the Specific Plan that indicated that there may be impacts on the environment not anticipated in that General Plan EIR. Therefore, a Notice that an EIR was going to be prepared for this project was circulated as required by CEQA in February 2011, asking what topics agencies and the public would like addressed in the EIR. A Draft EIR was completed in March 2013 and circulated for 45 days as required by CEQA. Comments were received and responses have been supplied to those agencies and people who commented. Clarifications have been made in the Draft EIR and a Final EIR has been published.

B. RELATIONSHIP TO THE PROPOSED RIVERBANK ARMY AMMUNITION PLANT SPECIFIC PLAN

The certification of the EIR is an independent action from the adoption of the RAAP Specific Plan. The EIR is a public information document that analyzes the impacts associated with the build-out of the Specific Plan within the context of the build-out of the General Plan. This information needs to be certified so that the public, including residents, staff, developers, and policy makers can make logical future development decisions regarding the RAAP development. Furthermore, this certification needs to occur prior to any action on the Specific Plan or General Plan amendments.

C. IDENTIFIED ENVIRONMENTAL IMPACTS

The Draft EIR found that there were 9 potentially significant impacts that could be mitigated to a level of insignificance by the imposition of mitigation measures (conditions). These impacts include the following:

- Impact on the maternity roosts of Townsend's big ear bats
- Possible generation of increased greenhouse gases
- Impact of noise from industrial uses on residential land west of Claus Road
- Impact of construction noise on residential land west of Claus Road
- Impact of additional development on fire protection services
- Existing and increased poor circulation at Claribel and Coffee Road intersection
- Existing and increased poor circulation at Claribel and Roselle intersection
- Impact of construction related traffic to circulation issues
- Impact of additional development on the storm drainage system

In addition, there were 8 impacts that could be partially mitigated but not to the point where they became insignificance. These impacts include the following: Impact of construction on air quality Impact of operations of new industrial uses on air quality Cultural impacts of demolishing buildings that may be of cultural significance Impact of existing and future traffic noise on adjacent residential areas Impact of future traffic noise with additional development on adjacent areas Impact of truck traffic, including turning movements, on Highway 108 Impact of future development on the intersection of Claribel and Coffee Road Impact of future development on the intersection of Claribel and Oakdale Road All of these impacts are discussed in more detail, along with the mitigation measures that can be imposed in Exhibit A to the Resolution approving the EIR (Attachment E).

D. COMMENTS ON THE EIR AND RESPONSES

A final EIR consists of the draft EIR; comments and recommendations received on the DEIR; a list of persons, organizations, and public agencies commenting on the DEIR; responses to the comments made; and any other information added by the agency. If the responses to comments results in the inclusion of

new or additional information, the EIR may need to be recirculated if. (California Public Resources §21092.1, CEQA Guidelines §15088.5)

Eleven letters were received during the comment period (spring of 2013) and addressed a number of unique comments/concerns/points. Included in Appendix H of the Final EIR (Attachment D) is a recital of all of the received comments/concerns/points. Each of the concerns was individually responded to by mail (USPS). Table 5.1 of the Final EIR provides a list of all comments/concerns/points received and the written response. If the response resulted in a needed change to the EIR, these changes were then made and included in the final EIR. None of the changes were substantive enough to require recirculation of the EIR.

E. ALTERNATIVES ANALYSIS

CEQA requires that an EIR include an analysis of alternatives to project, or to the location of the project that achieve the objectives of the project, but that may avoid or have fewer impacts than the proposed project. (CEQA Guidelines §15126.6(a).) While a public agency can choose which alternatives to analyze, it must include a “no project” alternative and evaluate the merits of the alternatives, in determining which the environmentally superior alternative is. (CEQA Guidelines §§ 15126.6(a), 15126.6(e)(2).) Under CEQA, the goal of identifying the environmentally superior alternative is to assist decision-makers in considering whether to approve the project; CEQA does not, however, require the agency to select the alternative analyzed to be “environmentally superior”. (CEQA Guidelines §§ 15042-15043.)

In the case of the RAAP Specific Plan EIR, Reduced Density Alternative is the environmentally superior alternative. However, this alternative does not have to be the project. Instead, in conjunction with the findings described below, the Planning Commission can override the determination of what is environmentally superior.

F. FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

In order to take action on a Final EIR, a decision-making body, including the Planning Commission, must make certain written findings about the impacts that may be created by approving or carrying out a project. These findings require that, for every impact identified, the project has been changed or altered in order to avoid or substantially lessen the significant environmental effect as identified in the final EIR. If the changes cannot be imposed because another public agency has responsibility (for example, Caltrans on state highways), the findings need to state that. If the Planning Commission believes that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR, it may make findings on that

basis. (CEQA Guidelines § 15091.) Finally, even if all feasible mitigation has been included and significant impacts continue, the Findings must balance “the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’” (CEQA Guidelines §15093.)

The Findings of Fact for the RAAP Specific Plan EIR can be found in Exhibit A to the Resolution adopting the EIR (Attachment E). These findings of fact address each of the impacts that were found to be significant in the draft EIR. Based on feasible mitigation measures, some of these potential impacts were then deemed not to be significant as certain mitigation measures are applied. For some impacts, it is not possible to adequately mitigate them and a Statement of Overriding Considerations (“Statement”) is required before this project can be approved. That Statement is also found in Exhibit A to the Resolution adopting the EIR (Attachment E).

G. MITIGATION MONITORING AND REPORTING PROGRAM

For those impacts that can be mitigated to a level of insignificance or to a less significant impact because of mitigation measures to be required, the mitigation measures must be included in a program to ensure that these mitigation measures are implemented. (CEQA Guidelines § 15091(d).) This is called a Mitigation Monitoring and Reporting Program (MMRP). This program identifies the impact, includes timing as to when this mitigation measure comes into play, says who is responsible for monitoring that the measure is actually implemented and then includes a place to note when compliance is achieved. The MMRP is included as Exhibit C to the Resolution adopting the EIR. (Attachment E).

III. GENERAL PLAN CONSISTENCY AND AMENDMENT (ATTACHMENT B)

A. GENERAL PLAN CONSISTENCY

State Law requires that any zoning for a property be consistent with the General Plan. This means that a specific plan, such as is proposed, must be consistent with the adopted General Plan. Riverbank adopted its General Plan, after a multi-year revision process, in 2009. The General Plan provides guidance for all future development with the City, as well as goals and policies for how the City should expand.

With few exceptions, the proposed Specific Plan is consistent with the Riverbank General Plan. Those exceptions are noted in the next section and a General Plan Amendment is proposed to provide conformity.

The consistency begins with the City's Vision as stated in the General Plan. The General Plan says that it wants to create an environment where "residents live, work and play locally." A "healthy and diversified industrial base served by its railroad" is desired along with "a wide range of employment . . . opportunities." Furthermore, an "appropriate balance between housing, commerce, industry, circulation, and open spaces for agriculture and nature" is desired. The Specific Plan helps to further this vision. The project site will provide an excellent location for the growth of industry that can provide jobs for the City's residents. It currently provides a variety of jobs including many manufacturing jobs. Approval of the Specific Plan will encourage even more job growth. The property is served by the railroad which provides excellent transportation options for its businesses. Locating jobs in the City will also improve air quality and traffic congestion caused by the need for City residents to commute.

In the Land Use Element, one of the main goals is that "Commercial and Industrial Development Contribute to the Health, Welfare, and Vitality of the Community." This project area is one of the City's main industrial areas. The Specific Plan will aid in the development of this site to meet this goal.

In the Community Character Design Element, there is an emphasis on the aesthetics of new development, particularly areas that can be seen from the public right-of-ways. This project helps to promote those desires. For example, this element requires attractive streetscapes and designates both Claus and Claribel Roads as Gateway and Urban Design Streets. The Specific Plan will require attractive streetscape and commits to meeting any requirements that may be adopted by the City for Gateway streets. Furthermore, this element requires that "when new development, redevelopment . . . of industrial . . . complexes occurs, the City will require aesthetic and landscaping improvements of facades and entry features oriented to the street that will strengthen the identity of Riverbank. The project site has been in federal ownership for more than 60 years and has been developed in a more utilitarian manner than an aesthetically pleasing manner. Nevertheless, it does have some attractive industrial characteristics that will be maintained under this plan and enhanced with additions that will improve the look of the site.

The City's Conservation Element requires that buildings that are not historically significant but that have historical value should be preserved whenever possible. If this is not feasible, then the resource needs to be documented and the information retained. RAAP-2 is the only part of the site with any buildings on it. These are not historically significant but they do have some historical value. Most of the buildings will be retained but there are a couple of large buildings that will need to be demolished. They will be documented and the information retained as noted above. In addition, the most visible of the buildings is made of brick which will be reused on site to provide some retention of the "look" of the building.

The Conservation Element also promotes adaptive reuse of buildings. Although this site is no longer needed as an ammunition plant for the Army, it is in the process of being reused as an industrial park.

The Economic Development Element of the General Plan has several Goals/Policies that apply to this site. The overarching goal of the element is to “[plan] for a community where businesses can thrive and attract wealth, create jobs and income growth for local residents, generate revenue for local government, serve local market needs, and help revitalize older neighborhoods.” The policies go on to encourage the exploration of business development opportunities with durable manufacturing industries and to maximize the opportunities using the railroad lines, spurs and shoreline railroads. In the past 3 ½ years, the RAAP-2 site has gone from 3 manufacturers to 9 manufacturers. In addition, the number of jobs provided on site has tripled. This growth is expected to continue and expand under the Specific Plan. With respect to the development of RAAP-1, interest has been shown repeatedly in this land because of the existence of the rail spur that serves the site. At present, the RLRA can only lease this property to others which makes it difficult for developers to get financing to build on the property. Transfer of the property to the RLRA will likely result in some quick land sales to developers for this property and this is largely due to the presence of rail.

B. GENERAL PLAN AMENDMENT

While most of the Specific Plan is consistent with the General Plan as outlined above, there are two areas where it is not consistent. The land use designations are slightly different and an amendment to the Circulation Element is needed.

Currently, the General Plan for the RAAP is mostly Industrial/Business Park (I/BP) with an area at the northeast corner of the property planned for Medium Density Residential. It is proposed that these designations be changed. The Medium Density Residential designation would be changed to Industrial/Business Park due to the prohibition against any residential development in the plan area by the BRAC. Previous uses on the site contaminated some of the groundwater and, as a result, no housing can be built on the property. In addition, two areas (4 acres at the northeast corner of Claus and Claribel Roads and 3 acres on the east side of Claus approximately 2600 feet north of Claribel Road) would be changed from Industrial/Business Park to Community Commercial (CC) to comply with the Reuse Plan that was required by the Army. In addition, it is proposed that Townsend Avenue east of Claus Road be deleted as a collector street. Attachment B includes maps of the present General Plan designations and the proposed designations.

Part of the Reuse Plan was to include two commercial parcels as described above. These new commercial areas would serve the RAAP area where no commercial uses exist currently, including the developed portion of the site. The

Riverbank General Plan designates an area north of the RAAP as commercial. The commercial site to the north is much larger than the proposal and is intended to serve as a regional commercial center. This area is not in the City limits and is unlikely to develop until considerably more residential development occurs in the area. Development of the future off-site regional commercial would require the preparation of a Specific Plan and annexation to develop the property. Timing of such development is unknown at this time.

The Circulation Element shows Townsend Avenue extended east of Claus Road on its present alignment to Central Avenue. This is problematic because of an adjacent railroad spur. The railroad spur provides access from the BNSF main line to the plan area. After traveling east along the north side of Townsend, it crosses Claus Road before turning south into the main part of the Plan area. The RAAP Specific Plan area is one of only two industrial parks in the County who provide short-line rail service to its tenants. This rail service is critical to attracting the job-creating businesses that the City of Riverbank needs. Consequently, it is recommended that Townsend Road east of Claus Road be removed as a collector street.

Finally, OLD underground pipeline currently designated as Buffer/Greenway/Open Space (B/G/OS) would be changed to Industrial/Business Park (I/BP).

IV. RIVERBANK ARMY AMMUNITION PLANT SPECIFIC PLAN (ATTACHMENT A)

The RAAP Specific Plan was developed to carry out the intent of the adopted and approved Reuse Plan. It includes the following:

- A. A vision for the site.
- B. Goals and policies that further this vision.
- C. Land use designations and development standards for the property.
- D. Infrastructure plans, including circulation, water, sanitary sewer, storm sewer, gas, electrical, rail, communications, etc.
- E. A set of Implementation Measures.
- F. A set of Design Guidelines.

The vision for the site includes maintaining, to the extent possible, the historical flavor of the site while creating jobs for the region. The vision is extensive and includes land use and circulation concepts, development concepts, and streetscape concepts as well as some alternatives for development of the northernmost portion of the property. Goals and policies needed to achieve these visions are also included.

General Plan Land Use Designations include Industrial/Business Park (I/BP) for most of the area, Community Commercial (CC) for 7 acres and Buffer/Greenway/Open Space (B/G/OS) for the Hetch Hetchy right-of-way.

The plan area is proposed to be rezoned to SP-2. Such a zoning will then rely on the Specific Plan document for all its development standards.

To provide access within and to the site, two new interior roads are suggested, as well as the widening of Claus and Claribel Roads. The two new roads proposed in the undeveloped area shown on both sides of the Hetch Hetchy right-of-way. No road crossing of the Hetch Hetchy right-of-way is suggested which is why one of the access roads is a cul-de-sac, while the other extends to the eastern property line to provide for connectivity. Access points on both Claus and Claribel would be limited to permit the free flow of traffic while still providing adequate access to the site.

Freight service is a major enhancement to the site. There is a railroad spur that runs from the BNSF main rail line along Townsend Avenue to the site. There are 4.5 miles of tracks on the RAAP site that serve all parts of the developed property and can be used to serve the undeveloped properties on the north end of the property. Bicycle, pedestrian, ride-sharing and transit needs are also included in the Specific Plan.

Water for the site is currently provided by three wells (two that operate daily and one standby well). All of these wells use an aquifer that is at a depth where they are not affected by the groundwater contamination (discussed above). A permit exists with the Department of Public Health to use these wells and that permit will be transferred to the RLRA once the property transfers from federal to local control. There are also three wells that are being abandoned and under review by the California Water Quality Board. In addition, there is a 1 million gallon water tank on site for fire flow purposes and an elevated tank that has a usable capacity of 40,000 gallons for potable water storage. These wells and tanks provide adequate water for the redevelopment of the developed portion of the site (RAAP 2). The currently undeveloped portions of the property will connect to the City of Riverbank water system (RAAP 1 and RAAP R).

Sanitary sewer is currently provided by the City of Riverbank. All industrial uses on the developed portion of the site must pretreat their wastewater before it is sent to the City sewer system. Future uses on the undeveloped portion of the site also connect to the City system and will meet all requirements to obtain such service, including pretreatment as necessary.

Storm sewer is currently provided on site. There are two storm drain ponds on the site to handle run-off from the developed portion of the site. Additional development will require additional storm drainage to be provided, as identified in the Specific Plan. This storm drainage will be provided on each site unless and until there is a joint storm drainage pond provided.

Gas is provided by PG&E. Electrical service to the developed portion of the site is provided by Hetch Hetchy. Service could also be provided through Pacific Gas & Electric and Modesto Irrigation District, although neither is currently being used. Future development of the undeveloped portions of the site would need to work with

these providers to obtain electrical service. Fiber optic was brought onto the developed portion of the site in 2011 but needs to be distributed throughout that developed portion.

The final section of the Specific Plan (except for Appendices) is the implementation section. This discusses the requirements for adoption of the specific plan, general plan amendments and EIR. It also discusses various funding sources and what the next steps in implementation should be.

The appendices include the design guidelines for the two main zoning districts for undeveloped property – Industrial/R&D and Retail. These guidelines will help to ensure that new development meets the standards that the City desires.

With the amendment of the General Plan, the Specific Plan can then be adopted to be consistent with the General Plan Amendment.

V. ACTIONS

Staff recommends that the Planning Commission recommend that the City Council Certify the EIR, approval of the General Plan Amendment, Approval of the Specific Plan and approval of amendments to the Municipal Code to implement the Specific Plan. This set of actions will make it possible to implement the vision of the adopted Reuse Plan and ensure that quality development of the former Riverbank Army Ammunition Plant occurs. In order to accomplish this, the following motions need to be made:

1. Adopt Resolution 2013-010 recommending Certification FEIR, including approval of CEQA Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program for the General Plan Amendment and RAAP Specific Plan.
2. Adopt Resolution 2013-011 recommending approval of the RAAP General Plan Amendment.
3. Adopt Resolution 2013-012 recommending approval of the RAAP Specific Plan and adoption of Ordinance amending the Municipal Code by rezoning the plan area to SP-2.

Prepared by: _____
Pamela R. Carder, Project Management Specialist, LRA

Reviewed by: _____
John B. Anderson, Consulting Community Development Director

Attachment "E"
Draft
City of Riverbank
Planning Commission
Resolution No. 2013-010

A Resolution of the Planning Commission recommending certification of an Environmental Impact Report (State Clearinghouse #2011022015), adoption of CEQA Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Riverbank Army Ammunition Plant Specific Plan and General Plan Amendment

Whereas, the Riverbank Army Ammunition Plant was placed on a list of military installations recommended for closure as part of the BRAC 2005 round of closures; and

Whereas, the Riverbank City Council, as the recognized and designated Local Redevelopment Authority for Riverbank Army Ammunition Base, has submitted a Reuse Plan for the redevelopment of the Riverbank Army Ammunition Plant as required under BRAC law and regulation; and

Whereas, the Local Redevelopment Authority now wishes to oversee the fulfillment of the vision, goals and objectives as stated by the community and presented in the Reuse Plan; and

Whereas, the Local Redevelopment Authority has determined that the best way to accomplish this is to develop and adopt a Specific Plan pursuant to Section 65450 et. seq. of the State of California Government Code to guide the redevelopment of the property and has caused such to be prepared; and

Whereas, this General Plan designates the Riverbank Army Ammunition Plant property largely as "Industrial/Business Park" with the northeast corner being designated "Medium Density Residential"; and

Whereas, the approved Reuse Plan designates the entire site as Industrial/Business Park with two areas of approximately 3 acres and 4 acres as Community Commercial necessitating a General Plan amendment; and

Whereas, the use of the site as an Army Base for more than 60 years and the proposed reuse of the site indicates that there may be significant impacts on the environment and, therefore, a Program Level Environmental Impact Report (EIR) needs to be prepared analyzing the draft Specific Plan and Proposed General Plan Amendment (collectively, the "Project"); and

Whereas, a Notice of Preparation that an EIR was being prepared was released to obtain public and agency review and comment on the Project on February 2, 2011, with a public review period ending on March 7, 2011; and

Whereas, a draft Environmental Impact Report on the Specific Plan and General Plan Amendment has been prepared and circulated for comment; and

Whereas, copies of the DEIR and Specific Plan were distributed to public agencies which have jurisdiction by law with respect to the Project, the State Clearinghouse, and other interested persons and agencies on March 29, 2013 and provided more than the required 45 day comment period with comments due on May 20, 2013;

Whereas, written responses were prepared to all comments received during the comment period and these responses are included in a separate volume entitled *City of Riverbank, Riverbank Army Ammunition Plant Specific Plan EIR, State Clearinghouse Number 2011022015, August 2013/Final EIR* (the "Final EIR" or "FEIR"). The Final EIR consists of: a List of Agencies and Persons Commenting, Comments and Responses to those Comments, and the DEIR.

Whereas, pursuant to Public Resources Code Section 21092.5, the City provided written responses to comments on the DEIR received by all public agencies to such public agencies on November 14, 2013, which responses conformed to the requirements of CEQA; and

Whereas, the Planning Commission held a duly advertised Public Hearing to consider the adoption of the FEIR, including CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan; and

Whereas, the Planning Commission has received and reviewed the Final EIR for the Project, along with the Specific Plan, CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan; and

Whereas, the FEIR identifies certain significant and potentially significant adverse effects on the environment caused by the Project; and

Whereas, the City is required, whenever possible, pursuant to CEQA to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects of the Project; and

Whereas, the Planning Commission desires to recommend to the City Council that, in accordance with CEQA, they declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain

overriding economic, social and other considerations that support approval of the Project.

THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF RIVERBANK, CALIFORNIA, AS FOLLOWS:

1. That the Planning Commission finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby finds that the FEIR has been completed in compliance with CEQA.
3. That the Planning Commission hereby finds that the FEIR has been presented to the Planning Commission, which reviewed and considered the information and analysis contained therein before recommending that the City Council make the findings attached hereto and adopt the mitigation monitoring and reporting program as attached and adopting the statement of overriding considerations. The findings and statement of overriding considerations are contained in **Exhibit A**, attached hereto,
4. That, as set forth in its findings of fact, the Planning Commission recommends that the City Council find that none of the proposed project alternatives set forth in the FEIR can feasibly substantially lessen or avoid those significant adverse environmental effects not otherwise lessened or avoided by the adoption of all feasible mitigation measures while still meeting the Project's objectives.
5. That in order to comply with Public Resources Code Section 21080.6 the City Council hereby adopts the mitigation monitoring and reporting program as set forth in the attached **Exhibit B**. The program is designed to ensure that, during project implementation, the City, [affected landowners, their assigns and successors in interest,] and any other responsible parties comply with the feasible mitigation measures identified below. The mitigation, monitoring and reporting program identifies, for each mitigation measure, the responsible party for implementation.
6. That, since the adoption of all feasible mitigation measures will not mitigate or avoid all significant adverse environmental effects caused by approval of the Project, the Planning Commission hereby recommends the issuance, pursuant to CEQA Guidelines Section 15093, and attached hereto, a statement of overriding considerations, as set forth in **Exhibit A**.

7. That the FEIR set forth environmental impacts that would be significant or potentially significant in the absence of mitigation measures. As to each such impact, the Planning Commission recommends that the City Council find that changes or alterations incorporated into the project mitigate or avoid the significant or potentially significant environmental impacts. Also set forth are impacts that are significant and unavoidable that cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the Planning Commission recommends that the City Council find that there are certain overriding economic, social and other considerations for approving the Project.
8. That the Planning Commission recommends that the City Council find that the Project is consistent with the City of Riverbank General Plan, as amended, and implements the goals and policies of the General Plan.
9. Based on the findings set forth in this Resolution and the evidence in the City Staff Report, the Planning Commission hereby recommends that the City Council certify the FEIR, make findings concerning the mitigation measures, adopt the mitigation monitoring and reporting program, make findings concerning alternatives and adopt a statement of overriding consideration in accordance with CEQA for the Project.
10. 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 recommends that the City Council declare 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), sentences(s), clause(s), phrase(s), or words(s) be declared invalid.

Passed and adopted by the Planning Commission of the City of Riverbank at a regular meeting held on the 17th day of December 2013, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Attest:

Approved:

John B. Anderson

Consulting Community Development Director

Joan Stewart

Chairperson of the Planning Commission

Exhibit A

THE CITY OF RIVERBANK FINDINGS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (Public Resources Code, Section 21000 et seq)

I. Introduction

The Project consists of adoption and implementation of the Riverbank Army Ammunition Plan (“RAAP”) Specific Plan (“Specific Plan”). The Specific Plan covers an approximately 146-acre area in the southeast portion of the City of Riverbank (“City”). The City RAAP prepared a Final Environmental Impact Report (“Final EIR”) for the RAAP and other related entitlements including a General Plan Amendment, the Specific Plan, and Zoning Map (“RAAP Specific Plan” or the “Project”). The Riverbank Local Redevelopment Authority is the lead agency for the Project.

The Final EIR addresses the potential environmental effects associated with the development or the redevelopment, reuse, and expansion of the former Riverbank Army Ammunition Plant into a commercial/industrial development. This review is at a programmatic level; therefore, as subsequent development occurs, project-level environmental review will still be required but may be streamlined by reference to the analysis already performed under the Final EIR. (See *Public Resources Code section 21094*.) The Project site includes approximately 146 acres of land in the southeast portion of the city of Riverbank near the intersection of Claus Road and Claribel Road. The Project includes, among other uses, commercial and industrial uses, including green technology and the redevelopment and reuse of existing structures.

The Findings, recommendations, and statement of overriding considerations set forth below (“Findings”) are made and recommended by the **City of Riverbank Planning Commission** (the “Commission”), for adoption by the City Council, as the City’s findings under the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, §21000 *et seq.*) and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 *et seq.*) relating to the Project. The Findings provide the written analysis and conclusions of this Commission regarding the Project’s environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in this Commission’s view, support approval of the RAAP Specific Plan.

II. General Findings and Overview

A. Relationship to the City of Riverbank General Plan

The Riverbank General Plan was adopted in 2009. The General Plan anticipated the transfer of this property to the City but lacked any specifics about the level of development that might be expected. The Specific Plan helps to implement the General Plan and increases the level of specificity with regard to the RAAP.

B. Procedural Background

The Draft Environmental Impact Report (referred to as, the “Draft EIR” or the “DRAFT EIR”) was circulated for public review and comment on March 28, 2013, and was filed with the State Office of Planning & Research under State Clearinghouse No.

2011022015. The Draft EIR was made available for review and comment by interested persons and public agencies through May 20, 2013.

The City prepared written responses to the comments received during the comment period and included these responses in a separate volume entitled "Riverbank Army Ammunition Plant Specific Plan EIR, Final EIR". The Final EIR consists of: Introduction, List of Agencies and Persons Commenting, and Comments and Responses. The Final EIR was made available for public review on March 28, 2013.

On July 22, 2013, the City Council of the City of Riverbank adopted its Resolution No. 068, certifying the Urban Water Management Plan. As required by California law, the information contained in the Urban Water Management Plan was utilized in the preparation of the Draft EIR. (See "Utilities and Service Systems", pp. 4.17-13 to 4.17-15, 4.17-17, 4.17-22 to 4.17-23.) While the final action approving the Urban Water Management Plan, occurred after the distribution of the Draft EIR, the information contained in the Draft EIR is unchanged. Therefore, recirculation of the Draft EIR following approval of the Urban Water Management Plan is not required because no new information or change in impacts or mitigation measures occurred following the public comment period on the Draft EIR. (Public Resources Code section xx.)

C. Description of the Prior Environmental Impact Reports

In 2009, an EIR was certified for a revised City-wide General Plan. This EIR looked at the potential impacts associated with this transfer but on a broader basis than the current Draft and Final EIR (collectively "Final EIR") on the Specific Plan. As a result, the subsequent Final EIR has been completed on the Specific Plan.

D. Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City of Riverbank's findings and determinations include the following documents and testimony, at a minimum:

- The Notice of Preparation and other public notices issued by the City in conjunction with the RAAP Specific Plan Project and the Draft EIR.
- All written and oral comments submitted by agencies or members of the public during the public review period for the Draft EIR (March 28, 2013 through May 20, 2013) and any public hearings or meeting held on Project approvals.
- All other public reports, documents, studies, memoranda, maps, or other planning documents related to the RAAP Specific Plan Project or the Final EIR and the Draft EIR, prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the Project Entitlements.
- The City of Riverbank General Plan, as amended, and all environmental review documents, findings and statements of overriding considerations made pursuant to Section 21081 of the Public Resources Code related thereto;

- All matters of common knowledge to this Commission, including, but not limited to (1) the Riverbank General Plan and other applicable policies, (2) the Riverbank Zoning Ordinance and other applicable ordinances, (3) information regarding the City's fiscal status, (4) applicable City policies and regulations, (5) reports, projections, and documentation regarding development within and surrounding the City, and (6) federal, state, and county laws, regulations, guidelines, and publications.
- All public reports, documents, studies, memoranda, maps, or other documents related to the SB 610 Water Supply Assessment, including, but not limited to Resolution No. 068, of the City Council of the City of Riverbank adopted on July 22, 2013.

The documents described above comprising the record of proceedings are located in the offices of the Riverbank Local Redevelopment Authority, 5300 Claus Road, Riverbank, CA 95367. The custodian of these documents is Debbie Olson, the Executive Director of the RLRA, or her designee.

E. Consideration of the Environmental Impact Report

In recommending adoption of these Findings, this Planning Commission finds that the Final EIR was presented to this Commission, which reviewed and considered the information in the Final EIR prior to recommending approval of the RAAP Specific Plan, General Plan amendment, and Rezoning Map. By these findings, this Commission ratifies, adopts and incorporates the analysis, explanation, findings, responses to comments and conclusions of the Final EIR. The Final EIR represents the independent judgment of the City.

CEQA Requirements

Public Resources Code section 21002 provides that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. The required procedures are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. In the event that specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof. (Public Resources Code §21002.)

The requirements set forth in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).)

The EIR included a detailed analysis of impacts in multiple environmental disciplines, analyzing the proposed project and alternatives, including a No Project Alternative. The EIR discloses the environmental impacts expected to result from the construction and operation of the proposed project. Where possible, mitigation measures were identified to avoid or minimize significant environmental effects. The mitigation measures identified in the EIR are measures proposed by the lead agency, and other

measures proposed by the lead agency or responsible or trustee agencies or other persons that were not included in the proposed project but could reasonably be expected to reduce adverse impacts if required as conditions of approving the proposed project, as required by CEQA Guidelines section 15126.4(a)(1)(A). Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. City Council "Goleta II"* (1990) 52 Cal.3d 553, 565.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "[F]easibility" under CEQA encompasses "desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Alternatives and mitigation measures may also be determined to be infeasible if they do not "fully satisfy the objectives associated with a proposed project" or are "undesirable from a policy standpoint." (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).)

Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, no public agency shall approve or carry out a project for which a FEIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The City has made one or more of these specific written findings regarding each significant impact associated with the proposed project. These findings set forth the evidentiary and policy basis for the City Council's decision to approve the proposed

project in a manner consistent with the requirements of CEQA. Those findings are presented below in **Table 1**, along with a presentation of facts in support of the findings.

F. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the RAAP Specific Plan, shall continue in full force and effect unless amended or modified by the City.

III. Findings and Recommendations Regarding Significant and Unavoidable Impacts

A. Air Quality

1. Construction (EIR Impact AQ-1)

(a) **Potential Impact:** The potential impact of the Project on air quality due to construction-related operations is discussed at page 4.3-37 to 4.3-40 of the Draft EIR.

(b) **Mitigation Measures:** The following mitigation measures are hereby adopted and will be implemented by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measures AQ-1a to AQ-1e, inclusive

(c) **Findings:** Based on the Draft EIR and the entire record before this City, the City finds that:

(1) Effects of Mitigation: The potential impact of the Project on air quality can be reduced by the mitigation measures AQ-1a to AQ-1e because these measures ensure that the applicant employ best management practices to reduce or eliminate the potential introduction of criteria pollutants to an area of existing non-attainment. However, the impacts remain significant and unavoidable because the size of the project and the uncertainty of its construction schedule cannot fully preclude the possibility of air pollution during construction activities.

(2) Remaining Impacts: Although the RLRA will use its best efforts to avoid the introduction of pollutants, the size of the project and the uncertainty of the timing and completion of construction will result in construction period emissions that may violate clean air standards. The City finds that although changes or alterations have been required in, or incorporated into the Project, which avoid or substantially lessen this impact,

specific economic, legal, social, technological or other considerations make infeasible additional mitigation measures or alternatives. Since no feasible mitigation measures or alternatives are available to reduce this impact to less than significant, this impact remains significant and unavoidable.

(3) Overriding Considerations: Economic, social and other benefits of the Project override any remaining significant adverse impact of the Project on air quality during construction, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

2. Operations (EIR Impact AQ-2).

a) **Potential Impact.** The proposed project could result in the emission of levels of criteria pollutants that may contribute to existing or projected air quality violations. This impact is discussed at pages 4.3-40 to 4.3-41 of the Draft EIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measures AQ-2

c) **Findings.** Based upon the Draft EIR and the entire record before this Planning Commission, this Planning Commission finds that:

(1) **Effects of Mitigation.** The potential air quality impacts related to operations shall be reviewed as each individual project component of the RAAP Specific Plan is implemented by reference to the latest methodology of the San Joaquin Valley Air Pollution Control District ("SJVAPCD") and compared to accepted thresholds of significance.

(2) **Remaining Impacts.** Although the implementation of the mitigation measures described above would substantially reduce the project's long-term regional air emissions, the project may still result in air quality violations because the SJVAPCD has not completed its assessments or application of all rules related to air quality. Because the assessment and application of rules related to air quality are subject to the jurisdiction of another agency, the RAAP Specific Plan Project will result in significant, unavoidable operational air quality impacts. The City finds that although changes or alterations have been required in, or incorporated into the

Project, which avoid or substantially lessen this impact, specific economic, legal, social, technological or other considerations make infeasible additional mitigation measures or alternatives. Since no feasible mitigation measures or alternatives are available to reduce this impact to less than significant, this impact remains significant and unavoidable.

- (3) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project on air quality during operations, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

B. Cultural Resources

1. Loss of Historical Buildings (EIR Impact CUL-1).

- a) **Potential Impact.** The potential impact of the Project on historical resources through the removal of existing structures from the historical plant is discussed at page 4.5-24 of the Draft EIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure CUL-1.

- c) **Findings.** Based upon the Draft EIR and the entire record before this Planning Commission, this Planning Commission finds that:

(1) Effects of Mitigation: Implementation of the mitigation measure indicated above would document the eligible district and would lessen the impact, but demolition of structures cannot otherwise be mitigated.

(2) Remaining Impacts. The City finds that although changes or alterations have been required in, or incorporated into the Project, which avoid or substantially lessen this impact, specific economic, legal, social, technological or other considerations make infeasible additional mitigation measures or alternatives. Since no feasible mitigation measures or alternatives are available to reduce this impact to less than significant, this impact remains significant and unavoidable.

(3) Overriding Considerations: The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project to project traffic noise, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

C. Noise

1. Transportation Noise (EIR Impact NOISE-2).

a) **Potential Impact.** The potential impact of the Project for noise caused by traffic generated by the Project to impact residences near the project site is discussed at pages 4.12-32 to 4.12-33 of the Draft EIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure NOISE-2.

c) **Findings.** Based upon the Draft EIR and the entire record before this Planning Commission, this Planning Commission finds that:

(1)Effects of Mitigation: Implementation of the mitigation measure indicated above will be effective in reducing impacts associated with transportation noise caused by vehicles accessing the project site.

(2)Remaining Impacts. The impacts on outdoor areas of residences along Claus Road will utilize a variety of noise-reducing techniques and technologies. However, because the construction of noise barriers and sound insulation treatments on individual residences will require agreements with each affect property owner, it may be infeasible or impracticable to reduce project-generated traffic noise at all affected receivers. As a result, impacts associated with transportation noise generated by the project may be significant and avoidable.

(3) Overriding Considerations: The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project to project traffic noise, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

2. Cumulative Traffic Noise (EIR Impact NOISE-4).

a) **Potential Impact.** The potential impact of project traffic associated with the build-out of the Project and other anticipated

growth in the plan area is discussed at page 4.12-37 of the Draft EIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measures NOISE-2.

- c) **Findings.** Based upon the Draft EIR and the entire record before this Planning Commission, this Planning Commission finds that:

(1) **Effects of Mitigation:** See above.

(2) **Remaining Impacts:** See above.

(3) **Overriding Considerations:** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project to project traffic noise, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

C. Transportation and Traffic

1. Truck Traffic on State Route 108 (EIR Impact TRANS-3).

- a) **Potential Impact.** The potential impact of the Project caused by truck traffic on State Route 108 and its intersection with Claus Road, Patterson Road, Atchison Street and 1st Street is discussed at pages 4.16-39 to 4.16-40 of the Draft EIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure TRANS-3.

- c) **Findings.** Based upon the Draft EIR and the entire record before this Planning Commission, this Planning Commission finds that:

(1) **Effects of Mitigation:** Implementation of the mitigation measure indicated above will be effective in reducing impacts associated with project-related truck traffic on State Route 108.

(2) **Remaining Impacts.** Under Mitigation Measure TRANS-3, future development in the RAAP will pay its fair share of the cost of needed improvements. However, specific improvements have not yet been identified for the affected intersections nor are there existing plans to make the necessary improvements. Because the construction of these improvements is outside the scope of the RAAP Specific Plan Project and is subject to the jurisdiction of another agency, the RAAP Specific Plan Project will result in significant, unavoidable traffic impacts. The City finds that although changes or alterations have been required in, or incorporated into the Project, which avoid or substantially lessen this impact, specific economic, legal, social, technological or other considerations make infeasible additional mitigation measures or alternatives. Since no feasible mitigation measures or alternatives are available to reduce this impact to less than significant, this impact remains significant and unavoidable.

(3) **Overriding Considerations:** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project to project traffic noise, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

2. **Cumulative Impact to Traffic Operations at Claribel Road/Coffee Road (EIR Impact TRANS-5).**

a) **Potential Impact.** The potential impact of the Project to existing unacceptable operations at the intersection of Claribel Road and Coffee Road is discussed at pages 4.16-41 to 4.16-43 of the Draft EIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure TRANS-5.

c) **Findings.** Based upon the Draft EIR and the entire record before this Planning Commission, this Planning Commission finds that:

(1) **Effects of Mitigation:** Implementation of the mitigation measure indicated above will be effective in reducing impacts associated with project-related traffic at Claribel Road/Coffee Road.

(2) Remaining Impacts. Construction of Phase 2 of the North County Corridor Project may shift traffic away from the Claribel Road/Coffee Road intersection so that it would achieve an acceptable Level of Service (LOS) during the AM-peak and PM-peak. Alternately, improvements identified in the Riverbank General Plan may result in the construction of improvements that would improve the LOS during the AM-peak and PM-peak; however, these parallel improvements do not result in operations at an acceptable LOS. Moreover, given the uncertainty of the construction of either improvement, there is no guarantee that the impacts of Project-generated traffic at the intersection will be mitigated to a level of less-than-significant. Therefore, the impact of traffic generated by the project on the operations at Claribel Road/Coffee Road may be significant and avoidable. The City finds that although changes or alterations have been required in, or incorporated into the Project, which avoid or substantially lessen this impact, specific economic, legal, social, technological or other considerations make infeasible additional mitigation measures or alternatives. Since no feasible mitigation measures or alternatives are available to reduce this impact to less than significant, this impact remains significant and unavoidable.

(3) Overriding Considerations: The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project to project traffic noise, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

3. **Cumulative Impact to Traffic Operations at Claribel Road/Oakdale Road (EIR Impact TRANS-6).**

a) **Potential Impact.** The potential impact of the Project to existing unacceptable operations at the intersection of Claribel Road and Oakdale Road is discussed at pages 4.16-42 to 4.16-43 of the Draft EIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure TRANS-6.

d) **Findings.** Based upon the Draft EIR and the entire record before this Planning Commission, this Planning Commission finds that:

- (1) **Effects of Mitigation:** Implementation of the mitigation measure indicated above will be effective in reducing impacts associated with project-related traffic at Claribel Road/Oakdale Road.
- (2) **Remaining Impacts.** Construction of Phase 2 of the North County Corridor Project may shift traffic away from the Claribel Road/Oakdale Road intersection so that it would achieve an acceptable Level of Service (LOS) during the AM-peak and PM-peak. Alternately, improvements identified in the Riverbank General Plan may result in the construction of improvements that would improve the LOS during the AM-peak and PM-peak; however, these parallel improvements do not result in operations at an acceptable LOS. Moreover, given the uncertainty of the construction of either improvement, there is no guarantee that the impacts of Project-generated traffic at the intersection will be mitigated to a level of less-than-significant. Therefore, the impact of traffic generated by the project on the operations at Claribel Road/Oakdale Road may be significant and avoidable. The City finds that although changes or alterations have been required in, or incorporated into the Project, which avoid or substantially lessen this impact, specific economic, legal, social, technological or other considerations make infeasible additional mitigation measures or alternatives. Since no feasible mitigation measures or alternatives are available to reduce this impact to less than significant, this impact remains significant and unavoidable.
- (3) **Overriding Considerations:** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project to project traffic noise, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

IV. Findings and Recommendations Regarding Significant Impacts Which Are Avoided or Mitigated to a Less-Than-Significant Level

A. Biological Resources

1. **Townsend's big-eared bat (EIR Impact BIO-1).**

- a) **Potential Impact.** The potential impact of the Project, due to demolition or redevelopment of building where Townsend's big-eared bats may have maternity nests, is discussed at pages 4.4-26 to 4.4-28 of the DRAFT EIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure BIO-1

- c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:
 - (1) **Effects of Mitigation.** Implementation of Mitigation Measure BIO-1 will reduce Project impacts on maternity roosts of Townsend's big-eared bats during demolition or redevelopment of existing buildings by requiring pre-demolition/construction surveys and avoidance of noisy or intrusive activities during known maternity usages. The use of surveys will also allow for the creation of buffer zones to prevent disturbing pup-rearing and winter hibernacula seasons.
 - (2) **Remaining Impacts.** Any remaining impacts related to the Townsend's big-eared bat roosts resulting from demolition or redevelopment of existing structures would not be significant.

B. Greenhouse Gas Emissions

1. Greenhouse Gas Emission (EIR Impact GHG-1).

- a) **Potential Impact.** The potential impact of the Project to generate greenhouse gases, either directly or indirectly, during development, construction and operation, is discussed at page 4.7-17 of the DRAFT EIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure GHG-1

- c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure GHG-1 will reduce Project-related emissions of greenhouse gases through various measures, through the review of each project to be development consistent with the RAAP Specific Plan and the imposition of various mitigation measures to ensure compliance with standards set forth in the Draft EIR, including, but not limited to, technological controls for stationary sources, energy efficiency, and site design measures.

(2) **Remaining Impacts.** Any remaining impacts related to greenhouse gas emissions would not be significant.

C. Noise

1. **Stationary Noise Sources/Residential Receivers (EIR Impact NOISE-1).**

- a) **Potential Impact.** The potential impact of the Project to exceed City standards for stationary noise on residential receivers is discussed at pages 4.12-32 to 4.12-33 of the Draft EIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure NOISE-1

- c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:

- (1) **Effects of Mitigation.** Implementation of Mitigation Measure NOISE-1 will reduce Project impacts on residential receivers near the Project from stationary sources by requiring project-specific noise analyses; limiting parking lot cleaning activities to certain hours; locating trash compactors away from residential receptors; and limiting loading dock operations.
- (2) **Remaining Impacts.** Any remaining impacts related to Project impacts on residential receivers near the Project from stationary sources would not be significant.

2. Construction Noise (EIR Impact NOISE-3).

- a) **Potential Impact.** The potential impact of the Project to create noise during construction in excess of 60 dBA (or an increase in the ambient noise level by more than 5 dBA for multi-season construction) is discussed at pages 4.12-35 to 4.12-37 of the Draft EIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure NOISE-3

- c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:
 - (1) **Effects of Mitigation.** Implementation of Mitigation Measure NOISE-3 will reduce Project impacts from construction-related noise by requiring limiting the hours of construction and by precluding construction on Sundays and holidays; by requiring mufflers and limiting idling of combustion engines; by routing traffic via designated construction routes and precluding heavy truck traffic in residential areas; and by limiting the use of radios or other amplified sound by workers.
 - (2) **Remaining Impacts.** Any remaining impacts related to construction-related noise in excess of specified standards would not be significant.

C. Public Services

1. Fire Protection and Emergency Rescue Service (EIR Impact PUB-1).

- a) **Potential Impact.** The potential impact of the Project to exacerbate existing deficiencies in response times and in ISO ratings is discussed at pages 4.14-7 to 4.14-14 of the Draft EIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure PUB-1

- c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:
 - (1) **Effects of Mitigation.** Implementation of Mitigation Measure PUB-1 will reduce Project impacts on fire response times and ISO ratings by requiring the provision of a new fire station in the area of the RAAP, along with appropriate staffing and equipment.
 - (2) **Remaining Impacts.** Any remaining impacts related to Project impacts on fire protection and emergency rescue service would not be significant.

D. Transportation and Traffic

1. Claribel Road/Coffee Road (EIR Impact TRANS-1).

- a) **Potential Impact.** The potential impact of the Project to exacerbate existing unacceptable Levels of Service (LOS) during AM-peak and PM-peak hours, as well as the Project's contribution to the meeting of warrant to signalize the intersection of Claribel

Road and Coffee Road, is discussed at pages 4.16-38 to 4.16-39 of the Draft EIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure TRANS-1

- c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:

- (1) **Effects of Mitigation.** Implementation of Mitigation Measure TRANS-1 will reduce Project impacts on operations at the intersection of Claribel Road and Coffee Road by requiring that developers in the RAAP will make “fair share” contributions to the construction of previously-identified improvements that are scheduled to begin construction in 2013. Thus, the improvements will be made prior to the impacts identified from Project-related traffic.

- (2) **Remaining Impacts.** Any remaining impacts related to the potential impact of the Project to exacerbate existing unacceptable Levels of Service (LOS) during AM-peak and PM-peak hours, as well as the Project’s contribution to the meeting of warrant to signalize the intersection of Claribel Road and Coffee Road, would not be significant.

2. **Claribel Road/Roselle Avenue (EIR Impact TRANS-2).**

- a) **Potential Impact.** The potential impact of the Project to exacerbate existing unacceptable Levels of Service (LOS) during AM-peak and PM-peak hours, as well as the Project’s contribution to the meeting of warrant to signalize the intersection of Claribel Road and Roselle Avenue, is discussed at page 4.16-39 of the Draft EIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure TRANS-2

- c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure TRANS-2 will reduce Project impacts on operations at the intersection of Claribel Road and Roselle Avenue by requiring that developers in the RAAP will make “fair share” contributions to the construction of previously-identified improvements that are scheduled to begin construction in 205/2016. Thus, the improvements will be made prior to the impacts identified from Project-related traffic.

(2) **Remaining Impacts.** Any remaining impacts related to the potential impact of the Project to exacerbate existing unacceptable Levels of Service (LOS) during AM-peak and PM-peak hours, as well as the Project’s contribution to the meeting of warrant to signalize the intersection of Claribel Road and Roselle Avenue, would not be significant.

3. **Claribel Road/Coffee Road (EIR Impact TRANS-4).**

- a) **Potential Impact.** The potential impact of the Project to substantially increase hazards due to a design feature or incompatible use is discussed at pages 4.16-40 to 4.16-41 of the Draft EIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure TRANS-4

- c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure TRANS-4 will reduce the potential for future development in the RAAP Specific Plan area to substantially

increase hazards through a design feature or incompatible use by requiring the preparation of a construction management plan that includes such things as permitted construction hours, location of construction staging, use of street sweeping to remove construction debris on public streets, and traffic control measures to avoid peak hours.

- (2) **Remaining Impacts.** Any remaining impacts related to the potential for future development in the RAAP Specific Plan area to substantially increase hazards through a design feature or incompatible use would not be significant.

E. Utilities and Service Systems

1. Stormwater (EIR Impact UTIL-1).

- a) **Potential Impact.** The potential impact of the Project on the existing stormwater collection and retention system on-site, requiring improvements to be constructed, is discussed at pages 4.17-32 to 4.17-35 of the Draft EIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement RAAP Specific Plan Mitigation Measure UTIL-1

- c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:
- (1) **Effects of Mitigation.** Implementation of Mitigation Measure UTIL-1 will reduce Project impacts on stormwater collection, containment, and discharge to prevent flooding by requiring a series of improvements, including, but not limited to, measures to prevent inflow and infiltration at manholes; replacement of existing piping with improved lining and/or increased size to prevent contamination of stormwater; and improvements to reservoirs.

- (2) **Remaining Impacts.** Any remaining impacts related to the on-site storm drainage system and the potential for flooding would not be significant.

IV. Findings and Recommendations Regarding Those Impacts Which are Less Than Significant

- A.** Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

1. Aesthetics

2. Agriculture/Forestry Resources

3. Geology and Soils

4. Mineral Resources

5. Hazards and Hazardous Materials

6. Land Use and Planning

7. Population and Housing

8. Public Services: Law Enforcement, Schools, and Library Services and

Facilities

9. Recreation

10. Utility and Service Systems: Wastewater, Water Supply, and Solid Waste

B. The above impacts are less than significant for one of the following reasons:

- 1.** The EIR determined that the impact is less than significant for the Project.
- 2.** The EIR determined that the impact is beneficial for the Project.
- 3.** The Project entitlements (i.e. the General Plan amendment, Specific Plan adoption, and rezoning) result in new impacts that were less-than-significant.

V. Project Alternatives

A. Background - Legal Requirements

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of projects prior to approval. *Public*

Resources Code § 21002. With the exception of the “no project” alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA “establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose.” *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 556 (1990). The legislative purpose of CEQA is to protect public health, welfare and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian. *Public Res. Code § 21000*. In short, the objective of CEQA is to avoid or mitigate environmental damage associated with development. This objective has been largely accomplished in the Project through the inclusion of project modifications and mitigation measures that reduce the potentially significant impacts to an acceptable level. The courts have held that a public agency “may approve a developer’s choice of a project once its significant adverse environment effects have been reduced to an acceptable level -- that is, all avoidable significant damage to the environment has been eliminated and that which remains is otherwise acceptable.” *Laurel Hills Homeowners Assoc. v. City*, 83 Cal.App.3d 515, 521 (1978).

B. Identification of Project Objectives

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the Project. *CEQA Guidelines § 15126(d)(2)*. Thus, an evaluation of the Project objectives is key to determining which alternatives should be assessed in the EIR.

The general goal of the proposed Project is completion of the reuse of the former army ammunitions plan and the use of previously undeveloped lands into a commercial/industrial complex. Generally, the Project would provide for the orderly and systematic development of a mix of commercial and industrial uses that would increase the tax base of the City, replace jobs lost through the relocation of operations to other military installations, and create new jobs as the result of providing commercial and industrial spaces of varying sizes. Finally, the implementation of the RAAP Project would address pollution on-site that impacts groundwater and other environments that occurred during prior operation on the Project site.

The specific Project objectives are discussed at pages 3-6 through 3-7 and 5-22 through 5-23 of the Draft EIR, and are incorporated herein by reference.

C. Alternatives Analysis in EIR

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the Project. The City evaluated the alternatives listed below.

1. No Project/No Development Alternative

The No Project/No Development Alternative is discussed at pages 5-4 through 5-9 of the Draft EIR. As required by CEQA, this alternative assumes that no development would occur in the Project area, other than existing industrial uses.

(a) Findings: The No Project/No Development Alternative is rejected as an alternative because it would not achieve the Project's objectives nor the objectives of the City.

(b) Explanation: This alternative would not realize the benefits of the Project nor achieve any of the Project objectives. The No Project/No Development Alternative would not provide the orderly redevelopment of the existing industrial facilities; would not provide opportunities for new commercial and industrial locations to be developed; would not offer new employment opportunities or replace employment opportunities lost as a result of the closure of the military facilities; and would not address the pre-existing on-site pollution. In addition, the No Project/No Development Alternative would not achieve the objective of generating property and sales tax revenues for the City since it was exempt from such taxes as a Federal Property.

2. Reduced Density Alternative

The Reduced Density Alternative is discussed at pages 5-10 through 5-16 of the Draft EIR. The Reduced Density Alternative would decrease the amounts and types of buildings to be renovated and/or constructed. The Reduced Density Alternative is the **environmentally superior alternative**.

(a) Findings: The Reduced Density Alternative is rejected as an alternative because the majority of impacts under that alternative are the same as, or greater than, the Project and this alternative would not achieve all of the Project objectives nor the objectives of the City. The environmental, economic, social and other benefits of the Project override the superiority of this Alternative, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

(b) Explanation: Although the Draft EIR considers this alternative to be "environmentally superior" to the other alternatives analyzed, as well as to the RAAP Project itself, the site would be redeveloped and developed but would have fewer buildings on the same acreage, thus creating many of the same impacts as the Project. While the Reduced Density Alternative would generally incorporate the same goals, policies, development standards, implementation strategies and land use designations as the Project, it would not generate as many jobs as the Project and would not provide the variety of development types sought by the City for the Project area.

3. Reconfigured Site Plan Alternative

The Reconfigured Site Plan Alternative is discussed at pages 5-16 through 5-22 of the Draft EIR. This alternative assumes slightly less development on the Project site.

(a) Findings: The Reconfigured Site Plan Alternative is rejected as an alternative because it would not avoid the significant and unavoidable impacts associated with the Project but would undermine assurances that objectives of the City could be satisfied.

(b) Explanation: This alternative would reduce the beneficial impact of the proposed Project on job creation and economic vitality for the Riverbank community as a whole. Given the large scale of the proposed project and the extensive infrastructure needed to support the project (e.g., traffic and transportation, on-site drainage and sanitary sewer) it is unknown whether this Reconfigured Site Plan alternative would be financially feasible or could be effectively integrated into the City's planning goals.

VI. Statements of Overriding Considerations Related to the RAAP Specific Plan Project Findings

As set forth in the preceding sections, the approval of the Project will result in significant adverse environmental impacts that cannot be avoided even with the adoption of all feasible mitigation measures.

In the City's judgment, the benefits of the proposed Project, as approved, outweigh its unavoidable significant effects. Having adopted all feasible mitigation measures, rejected as infeasible alternatives to the proposed Project discussed above, and recognized all significant, unavoidable impacts, the City has weighed the economic, legal, social, technological, and other benefits of the Oakdale 2030 General Plan against unavoidable significant environmental impacts in determining whether to approve the proposed Project.

Specific benefits of the RAAP Specific Plan Project include:

A. Community Benefits.

The adoption of this Specific Plan will allow development and redevelopment of a former military base into an industrial park that will create jobs and increase local revenue.

B. Job Creation.

An over-arching goal of the City's General Plan strives for the development of job-creating activities, as well as preserving and enhancing job opportunities that would otherwise be lost due to the restructuring the military base. The Project, through its ability to provide jobs for the City, plays a strong role in achieving those goals. Development of the RAAP Specific Plan Project area will create construction jobs, in addition to jobs created by new commercial and industrial operations in the revitalized and expanded footprint of the RAAP.

C. Public Revenues. The Project, through its ability to generate revenues for the City, plays a strong role in achieving the General Plan's goal of developing tax revenue-creating activities necessary to implement other city-wide objectives. No costs associated with the development of the RAAP Specific Plan Project area will be borne by existing residents of the City. In addition, developers in the RAAP Specific Plan area will contribute its fair share toward the cost of City-wide community facilities which are proposed for construction outside of the Project area, including a fire station and various roadway improvements. Finally,

this property will go from a tax exempt Federal property to a taxable property that will aid in supporting local governments. In short, the Project will increase tax revenues to the City through the addition of property value, the expansion of the housing market and commercial activities, and the overall enhancement of the City's economic base.

In accordance with section 15093 of the CEQA Guidelines, the City hereby finds that the benefits of the proposed project outweigh its unavoidable adverse environmental effects such that the adverse environmental effects may be considered "acceptable."

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
Air Quality						
AQ-1a: Each individual project component of the Specific Plan, including those projects allowed by right, shall be analyzed for significant construction period air quality impacts. For each project-level analysis, a construction emissions estimate will be made by SJVAPCD using the latest SJVAPCD accepted methodology and will be compared to accepted thresholds of significance. Means of mitigating construction period impacts to a less-than-significant level include, but are not limited to, Mitigation Measures AQ-1a through AQ-1d. Since approval of the RAAP Specific Plan may constitute the final discretionary approval by the City of Riverbank, each individual project component, including those projects allowed by right, shall be required to demonstrate to the SJVAPCD compliance with construction period requirements of Rule 9510 prior to issuance of the first building and/or grading permits as a condition of project approval. The applicant shall document, to the City's reasonable satisfaction, its compliance with this mitigation measure.	Project Applicant	Prior to issuance of building permit	City of Riverbank Development Services Department	SJVAPCD to review construction specifications and materials and provide compliance verification to City to retain for administrative record	Once	Initials: _____ Date: _____
						Initials: _____ Date: _____
						Initials: _____ Date: _____
						Initials: _____ Date: _____
						Initials: _____ Date: _____
AQ-1b: SJVAPCD Regulation VIII Control Measures. Prior to initiation of construction activities, the applicant for an individual, site-specific development under the RAAP Specific Plan shall be required to implement the following controls: ♦ All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover;	Construction Contractors	During construction	City of Riverbank Development Services Department	Review construction specifications and materials and retain for administrative record/Conduct site inspections	During regularly scheduled inspections	Initials: _____ Date: _____
						Initials: _____ Date: _____
						Initials: _____ Date: _____
						Initials: _____ Date: _____
						Initials: _____ Date: _____

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
♦ All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant; ♦ All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by pre-soaking; ♦ With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition; ♦ When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained; ♦ All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. <i>(The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden);</i> ♦ Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant; ♦ Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday; and ♦ Any site with 150 or more vehicle trips per day shall						

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
prevent carryout and trackout.						
AQ-1c: Enhanced Control Measures. Prior to initiation of construction activities, the applicant for an individual, site-specific development under the Specific Plan, the following measures shall be implemented at construction sites when required to mitigate significant PM ₁₀ impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):	Construction Contractors	During Construction	City of Riverbank Development Services Department	Review construction specifications materials and retain for administrative record/ Conduct site inspections	During regularly scheduled inspections	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
◆ Limit traffic speeds on unpaved roads to 15 mph; and						
◆ Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.						Initials: _____ Date: _____
AQ-1d: Additional Control Measures. The following control measures are strongly encouraged by the SJVAPCD at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reductions:	Construction Contractors	During construction	City of Riverbank Development Services Department	Review construction specifications materials and retain for administrative record/ Conduct site inspections	During regularly scheduled inspections	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
◆ Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;						
◆ Install wind breaks at windward side(s) of construction areas;						
◆ Suspend excavation and grading activity when wind exceeds 20 mph (<i>Regardless of wind speed, and owner/operator must comply with Regulation VIII's 20 percent opacity limitation.</i>); and						
◆ Limit area subject to excavation, grading, and other construction activity at any one time.						
AQ-1e: The following measures may be implemented to mitigate emissions from construction equipment exhaust:	Construction Contractors	During construction	City of Riverbank Development Services Department	Review construction specifications	During regularly scheduled inspections	Initials: _____ Date: _____

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
◆ Use of alternative-fueled or catalyst-equipped diesel construction equipment; ◆ Minimize idling time (e.g. 5-minute maximum); ◆ Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use; ◆ Replace fossil-fueled equipment with electrically-driven equivalents (provided they are not run via a portable generator set); ◆ Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways; and ◆ Implement activity management (e.g. rescheduling activities to reduce short-term impacts).	Project Applicant	Prior to issuance of building permit	City of Riverbank Development Services Department	materials and retain for administrative record/ Conduct site inspections	Once	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>AQ-2:</u> Each individual project component of the Specific Plan, including those projects allowed by right, shall be analyzed for significant construction period air quality impacts. For each project-level analysis, an operational emissions estimate will be made by SJVAPCD using the latest SJVAPCD accepted methodology and will be compared to accepted thresholds of significance. Means of mitigating operational period impacts to a less-than-significant level include, but are not limited to, improving transportation and transit design (e.g. improved bikeways, transit infrastructure, and pedestrian enhancements); contributing a project's fair share to the Air Quality Mitigation Fee Fund; and contributing a project's fair share towards Transportation Control Measures implementation programs. For each individual project, the applicant shall document, to the City's reasonable satisfaction, its compliance with this mitigation measure.	Project Applicant	Prior to issuance of building permit	City of Riverbank Development Services Department	SJVAPCD to review construction specifications materials and provide compliance verification to City retain for administrative record	Once	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
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Since approval of the RAAP Specific Plan may constitute the final discretionary approval by the City of Riverbank, each individual project component, including those projects allowed by right, shall be required to demonstrate to the SJVAPCD compliance with operational period requirements of Rule 9510 prior to issuance of the first building and/or grading permits as a condition of project approval. For each individual project, the applicant shall document, to the City's reasonable satisfaction, its compliance with this mitigation measure.

Each individual project, including those projects allowed by right, that introduce significant sources of air pollutant emissions or stationary sources of TACs shall complete separate ambient air quality analysis and health risks assessments to ensure that violations of ambient air quality standards do not occur, including an analysis of cumulative emissions from the RAAP Specific Plan. For each individual project, the applicant shall document, to the City's reasonable satisfaction, its compliance with this mitigation measure.

Biological Resources

<u>BIO-1:</u> Implementation of the Plan shall avoid disturbance to the maternity roosts of special-status bats during the breeding season in accordance with the following procedures for Pre-Construction Special-Status Bat Surveys and Subsequent Actions: No more than two weeks in advance of any demolition or construction activity involving concrete breaking or similarly noisy or intrusive activities, that would commence during the pup-rearing season (April 15 through August 31), or winter hibernacula season (October 15 through March 1, depending on weather conditions) a qualified bat biologist,	Construction Contractor	Prior to issuance of grading and construction permits	City of Riverbank Development Services Department	Site inspection	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____
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RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
acceptable to the CDFG, shall conduct pre-demolition surveys of all potential special-status bat breeding habitat in the vicinity of the planned activity. Depending on the survey findings, the following actions shall be taken to avoid potential adverse effects on breeding special-status bats: 1. If active roosts are identified during pre-construction surveys, a no disturbance buffer will be created by the qualified bat biologist, in consultation with the CDFG, around active roosts during the breeding season. The size of the buffer will take into account factors such as the following: ◆ Noise and human disturbance levels at the project site and the roost site at the time of the survey and the noise and disturbance expected during the construction activity; ◆ Distance and amount of vegetation or other screening between the project site and the roost; and ◆ Sensitivity of individual nesting species and the behaviors of the bats. 2. If pre-construction surveys indicate that no roosts of special-status bats are present, or that roosts are inactive or potential habitat is unoccupied, no further mitigation is required. 3. Pre-construction surveys are not required for demolition or construction activities scheduled to occur during the non-breeding and winter hibernacula season (September 1 through October 15, and March 1 through April 15). 4. Noisy demolition or construction activities as described above (or activities producing similar substantial increases in noise and activity levels in the						Date: _____

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
vicinity) commencing during the non-breeding season and continuing into the breeding season do not require surveys (as it is assumed that any bats taking up roosts would be acclimated to project-related activities already under way). However, if trees are to be removed during the breeding season, the trees would be surveyed for roosts prior to their removal, according to the survey and protective action guidelines 1a through 1c, above. 5. Bat roosts initiated during demolition or construction activities are presumed to be unaffected by the activity, and a buffer is not necessary. 6. Destruction of roosts of special-status bats and overt interference with roosting activities of special-status bats shall be prohibited. 7. The noise control procedures for maximum noise, equipment, and operations identified in Chapter 4.12, Noise, of this EIR shall be implemented. Implementation of the above mitigation measure would reduce potential impacts to the maximum extent practicable.						
Cultural Resources						
<u>CUL-1:</u> Prior to the demolition of buildings and structures comprising the eligible district, an Historic American Building Survey/Historic American Engineering Record (HABS/HAER) recordation shall be conducted for the affected structures. HABS/HAER recordation could include archiving of original plans, undertaking archival research for preparation of a report, making measured drawings, and completing a photographic study of the structures.	Project Applicant	Prior to demolition of buildings and structures comprising the eligible district	City of Riverbank Development Services Department	Review HABS/HAER recordation	Once	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
						Initials: _____ Date: _____
Greenhouse Gas Emissions						
GHG-1: Each individual project component of the Specific Plan shall be analyzed for significant GHG impacts. For each project-level analysis, appropriate BPS will be implemented or a 29 percent GHG emission reduction compared to BAU will be demonstrated. Means of mitigating GHG impacts to a less-than-significant level include, but are not limited to, technological controls for stationary sources (such as for boilers, generators, and process heaters) and the GHG emission reduction measures (such as energy efficiency, transportation, and site design measures) for development projects listed in the SJVAPCD CCAP. For each individual project, the applicant shall document, to the City's reasonable satisfaction, its compliance with this mitigation measure.	Project Applicant	Prior to issuance of building permits	City of Riverbank Development Services Department	SJVAPCD to review project-level analyses and provide compliance verification to City to retain for administrative record	Once	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
Noise						
NOISE-1: In order to reduce noise generated by activities occurring within the RAAP site, the following mitigation measures shall be implemented:	Developers and Construction Contractors	Prior to construction and site plan approval	City of Riverbank Development Services Department	Review project level acoustic analyses and retain for administrative record/ Site inspection	Review analyses once per individual development project/ Conduct site inspection at least once at beginning of operation	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
♦ Project level acoustical analyses shall be constructed for noise-generating land uses proposed as part of the Specific Plan. Exterior noise levels at residential land uses interfacing active parks, commercial land uses, or industrial land uses shall be maintained in accordance with the standards presented in the General Plan and Municipal Code.						
♦ Parking lot cleaning activities in commercial and industrial areas shall be limited to daytime and						

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
evening hours (7 a.m. to 10 p.m.). ◆ Trash compactors in commercial and industrial areas shall be located away from adjacent residential receivers or shielded with noise barriers. ◆ Loading dock hours of operation shall be limited to daytime and evening hours (7 a.m. to 10 p.m.).						
<u>NOISE-2:</u> Noise reduction methods shall be implemented to reduce generated by activities resulting from the Specific Plan. These measures shall include, but are not limited to the following: ◆ Paving streets with "quieter" pavement types such as Open-Grade Rubberized Asphaltic Concrete would reduce noise levels by 2 to 3 dBA depending on the existing pavement type, traffic speed, traffic volumes, and other factors. ◆ New or larger noise barriers could reduce noise levels by 5 dBA Ldn. Final design of such barriers, including an assessment of their feasibility and reasonableness, should be completed during project level review. ◆ Sound insulation treatments to affected buildings, such as sound rated windows and doors, could reduce noise levels in interior spaces. ◆ Installing traffic calming measures to slow traffic along Claus Road could provide qualitative improvement by smoothing out the rise and fall in noise levels caused by speeding vehicles.	Project Applicant	Prior to construction and site plan approval	City of Riverbank Development Services Department	Consider measures to include in construction and site plans	Once	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>NOISE-3:</u> To reduce noise levels generated by construction, the following standard construction noise control measures shall be included in all construction projects within the plan area: ◆ Limit construction to the hours of 7:00 a.m. to 6:30	Construction Contractors	Prior to construction	City of Riverbank Development Services Department	Review construction plans and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/ Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on Saturdays, with no noise-generating construction on Sundays or holidays.						Initials: _____ Date: _____
♦ Equip all internal combustion engine-driven equipment with mufflers which are in good condition and appropriate for the equipment.						Initials: _____ Date: _____
♦ Unnecessary idling of internal combustion engines should be strictly prohibited.						
♦ Locate stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.						
♦ Utilize "quiet" air compressors and other stationary noise sources where technology exists.						
♦ Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction related heavy truck traffic in residential areas where feasible.						
♦ Control noise from construction workers' radios to a point that they are not audible at existing residences bordering the project site.						
♦ The contractor shall prepare and submit to the City for approval a detailed construction plan identifying the schedule for major noise-generating construction activities.						
♦ Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance						

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
coordinator will determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. <u>NOISE-4:</u> Implement Mitigation Measure NOISE-2.	Project Applicant	Prior to construction and site plan approval	City of Riverbank Development Services Department	Consider measures to include in construction and site plans	Once	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
Public Services						
<u>PUB-1:</u> The City shall coordinate with Stanislaus Consolidated Fire Protection District to ensure fair share development fees for future development resulting from the implementation of the RAAP Specific Plan to ensure equipment, staffing, and facilities for emergency medical services, urban search and rescue, hazardous materials emergency response, and other relevant needs, as appropriate.	City of Riverbank	Prior to issuance of building permits	City of Riverbank Development Services Department and Stanislaus Consolidated Fire Protection District	Review the RAAP Specific Plan	Once	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
						Date: _____
Transportation and Traffic						
TRANS-1: Future developers within the RAAP area shall contribute their fair share, through the payment of local and regional fees, towards the construction of left-turn pockets on all approaches to the Claribel Road/Coffee Road intersection with appropriate storage and deceleration length, and signalization of the intersection. This improvement would improve the service at the Claribel Road/Coffee Road intersection level to LOS C or better (the level of service standard for this intersection) in both peak hours, as shown on Table 4.16-9. Stanislaus County plans to signalize this intersection as part of the Claribel Road widening project. Funding for signalization is provided from Congestion Mitigation and Air Quality (CMAQ) Federal funding. Construction is scheduled to begin in 2013.	Project Applicant	Prior to issuance of building permits	City of Riverbank Development Services Department	Obtain proof of payment and retain for administrative record	Once per individual development project	Initials: _____ Date: _____
						Initials: _____ Date: _____
						Initials: _____ Date: _____
						Initials: _____ Date: _____
TRANS-2: Future developers within the RAAP area shall contribute their fair share, through the payment of local and regional fees, towards the construction of left-turn pockets on all approaches to the Claribel Road/Roselle Avenue intersection with appropriate storage and deceleration length, and signalization of the intersection. This improvement would improve the service level at the Claribel Road/Roselle Avenue intersection to LOS D or better (the level of service standard for this intersection) in both peak hours, as shown on Table 4.16-9. Signalization of this intersection is programmed in the Stanislaus County 2011-2012 budget using CMAQ funding and is scheduled for construction in 2015/2016.	Project Applicant	Prior to issuance of building permits	City of Riverbank Development Services Department	Obtain proof of payment and retain for administrative record	Once per individual development project	Initials: _____ Date: _____
						Initials: _____ Date: _____
						Initials: _____ Date: _____
						Initials: _____ Date: _____
TRANS-3: Future developers within the RAAP area	Project Applicant	Prior to issuance	City of Riverbank	Obtain proof	Once per	Initials: _____

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
shall contribute their fair share towards improvements to provide adequate turning radii in conformance with STAA requirements at intersections on State Route 108, specifically at the intersections of Atchison Street (State Route 108)/1st Street, State Route 108/Claus Road and State Route 108/Patterson Road, though the payment of local and regional traffic fees. No other improvements are needed to mitigate project impacts at these intersections.		of building permits	Development Services Department	of payment and retain for administrative record	individual development project	Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
TRANS-4: Although construction impacts are expected to be temporary and less-than-significant, for all future development in the plan area, the following is recommended to minimize the effects of construction related activity: ◆ Prepare a construction management plan, including: • 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. • Provision of on-site parking for all construction employees, site visitors, and inspectors. • Provisions for street sweeping to remove construction related debris on public streets.	Project Applicant	Prior to construction	City of Riverbank Development Services Department	Review construction management plan and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
TRANS-5: Construction of Phase 2 of the North County Corridor Project, which would connect the Phase 1 project, which is planned to terminate at McHenry Avenue, to State Route 99, is expected to shift sufficient traffic from this intersection that LOS C would be achieved. Alternatively, intersection improvements beyond the cross-section identified in the General Plan could be provided to improve peak hour operations, such as dual left-turn lanes and right-turn only lanes on all approaches. This improvement would improve the service level to LOS E during the AM peak hour and LOS D during the PM peak hour, as shown on Table 4.16-10. These service levels are considered deficient for this intersection. Given the uncertainty of constructing parallel capacity or the feasibility of additional improvements beyond the planned General Plan cross section, this impact is expected to remain significant and unavoidable.	County of Stanislaus	Implementation of North County Corridor Project	City of Riverbank	Continue monitoring of conditions following completion of North County Corridor Project	Following completion of North County Corridor Project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
TRANS-6: Construction of Phase 2 of the North County Corridor Project, which would connect the Phase 1 project, which is planned to terminate at McHenry Avenue, to State Route 99, is expected to shift sufficient traffic from this intersection that LOS D would be achieved. Alternatively, construction of additional improvements at this intersection that would result in acceptable service levels, including dual left-turn pockets on the northbound, westbound, and eastbound approaches could be constructed. This improvement would improve the service level to LOS D or better (the level of service standard for this intersection) in both peak hours, as shown in Table 10 of the TIA, reducing this impact to a less-than-significant level. However, given the uncertainty of constructing parallel capacity or the feasibility of additional improvements beyond the	County of Stanislaus	Implementation of North County Corridor Project	City of Riverbank	Continue monitoring of conditions following completion of North County Corridor Project	Following completion of North County Corridor Project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN FINAL EIR
MITIGATION MONITORING AND REPORTING PROGRAM

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE RIVERBANK SPECIFIC PLAN EIR

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
planned General Plan cross section, this impact is expected to remain significant and unavoidable.						
♦						

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
RAAP SPECIFIC PLAN EIR
MITIGATION MONITORING AND REPORTING PROGRAM

Attachment "F"
Draft
City of Riverbank
Planning Commission
Resolution No. 2013-011

A Resolution of the Planning Commission of the City of Riverbank, California,
Approving the General Plan Amendments for the Riverbank Army Ammunition Plant
Project

WHEREAS, on May 26, 2009, the City of Riverbank Local Redevelopment Authority authorized a contract to develop a Specific Plan, EIR and other documents necessary to effectuate the changes envisioned for the reuse and redevelopment of the Riverbank Army Ammunition Plant following its conversion from a military installation to a civilian facility; and

WHEREAS, in order to adopt a Specific Plan, it is necessary to amend the City or Riverbank General Plan; and

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

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

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

WHEREAS, notice of the public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation, on December 4, 2013; and

WHEREAS, notices of the public hearing on the General Plan Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on December 4, 2013; and

WHEREAS, before considering this General Plan amendment, the Planning Commission reviewed and considered the information contained in the Final Environmental Impact Report for the Riverbank Army Ammunition Plant Project (SCH #2011022015) ("FEIR") and adopted a resolution making findings, including a Statement of Overriding Considerations and adopting a Mitigation Monitoring and Reporting Plan ("CEQA Resolution"); and

WHEREAS, the Planning Commission finds that mitigation measures identified in the FEIR have been imposed on and incorporated into the project which mitigate or avoid the significant environmental effects, that certain mitigation measures are within the responsibility and jurisdiction of another public agency and such changes can and should be adopted by such other agency, that specific economic, social and other considerations make infeasible the project alternatives that would avoid or mitigate the environmental impacts and that social, economic and other benefits outweigh the environmental impacts that cannot be fully mitigated; and

WHEREAS, the Planning Commission has reviewed the General Plan Amendments and conducted a public hearing.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF RIVERBANK THAT IT RECOMMENDS THAT THE CITY COUNCIL APPROVE THE GENERAL PLAN AMENDMENTS AS FOLLOWS:

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 land use designations included in the adopted Reuse Plan for the site that will allow transfer and reuse of the site rather than having it closed and unused by the federal government. Reuse will provide jobs to an area that has very high unemployment and will prevent the site from deteriorating to the point that it becomes a safety hazard.
 - 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 EIR on the project and have been found to be not detrimental to the public health, safety, or welfare with a few exceptions that are discussed in the Statement of Overriding Considerations.
 - d. That the proposed amendments have been processed in accordance with the California Government Code and the California Environmental Quality Act.
2. That the Riverbank General Plan is hereby amended by changing the General Plan Land Use Map to replace the Medium Density Residential designation with the Industrial designation and to change about 7 acres from Industrial to Community Commercial and to eliminate the Buffer/Greenway/Open Space designation from the subject property as it relates to the underground OID irrigation lateral passing through the subject property (see Exhibits A and B). The second part of the General Plan Amendment is to delete Townsend Avenue

as a collector road easterly of Claus Road from the Circulation Element figure CIRC-1 found on page CIRC-11 of the General Plan (See Exhibits C and D).

3. 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 Exhibits A, B, C and D.
4. 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.

Passed and adopted by the Planning Commission of the City of Riverbank at a regular meeting held on the 17th day of December 2013, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Attest:

Approved:

John B. Anderson

Consulting Community Development Director

Joan Stewart

Chairperson of the Planning Commission

Exhibit "A" Existing General Plan Land Use Designations

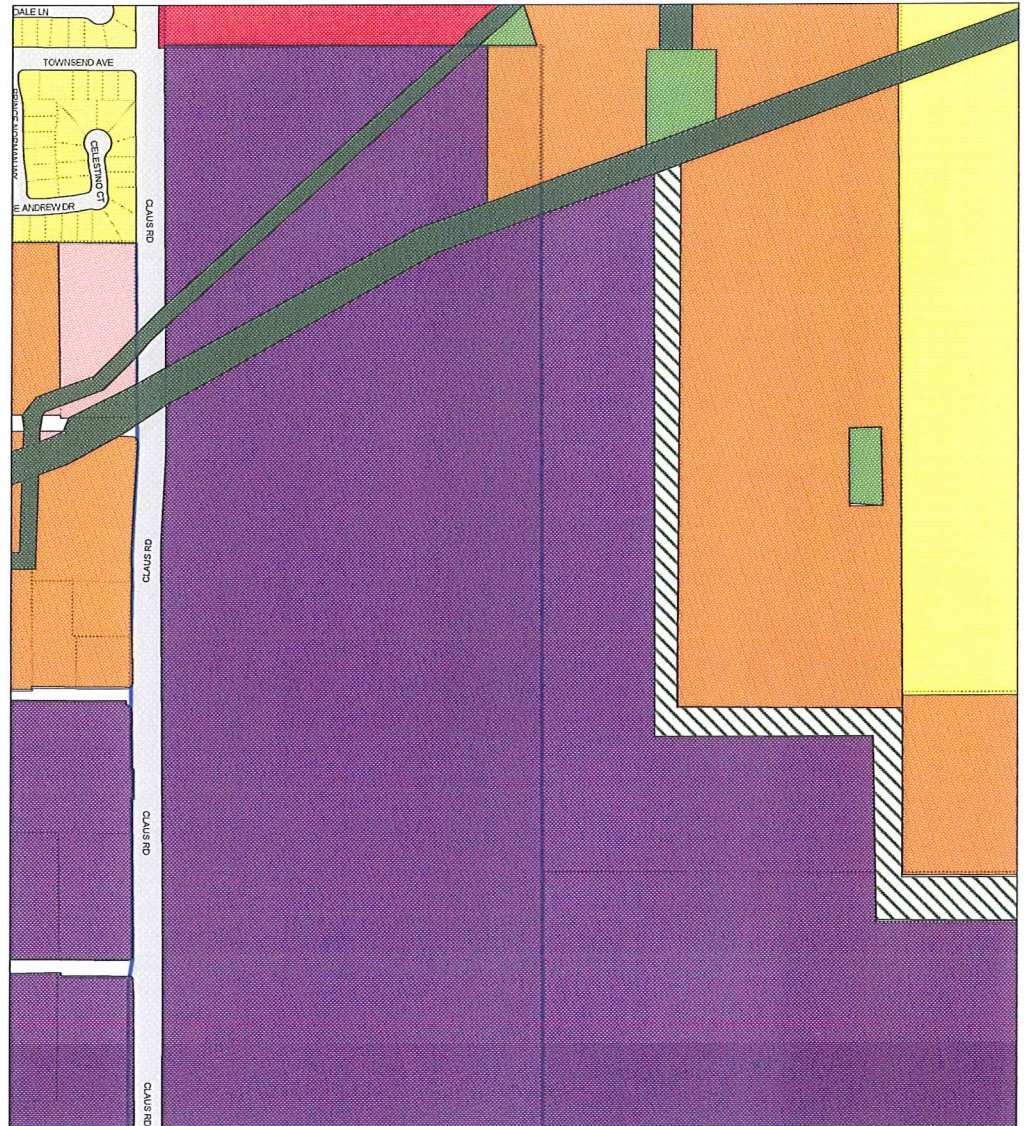
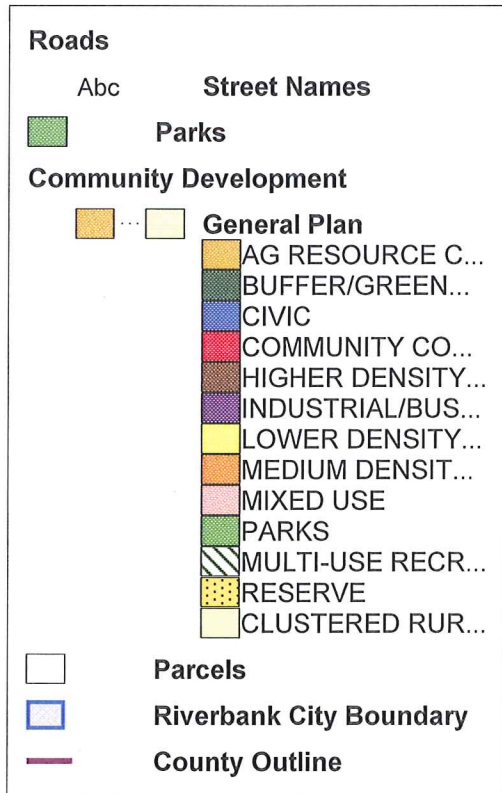


Exhibit "B" Proposed General Plan Land Use Designations

Roads

Abc

Street Names

Parks

Community Development

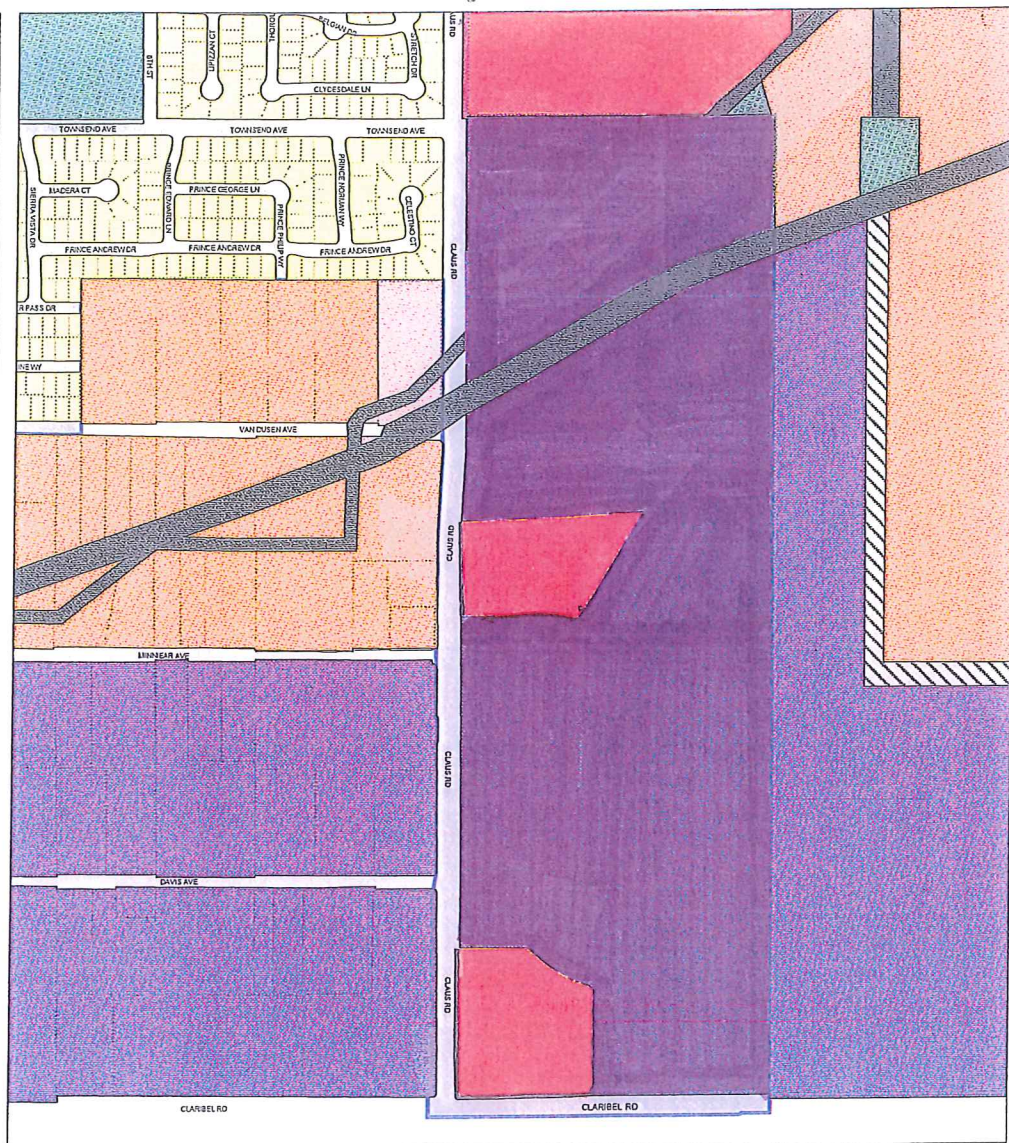
General Plan

AG RESOURCE C...
 BUFFER/GREEN...
 CIVIC
 COMMUNITY CO...
 HIGHER DENSITY...
 INDUSTRIAL/BUS...
 LOWER DENSITY...
 MEDIUM DENSIT...
 MIXED USE
 PARKS
 MULTI-USE RECR...
 RESERVE
 CLUSTERED RUR...

Parcels

Riverbank City Boundary

County Outline



N



CIRCULATION

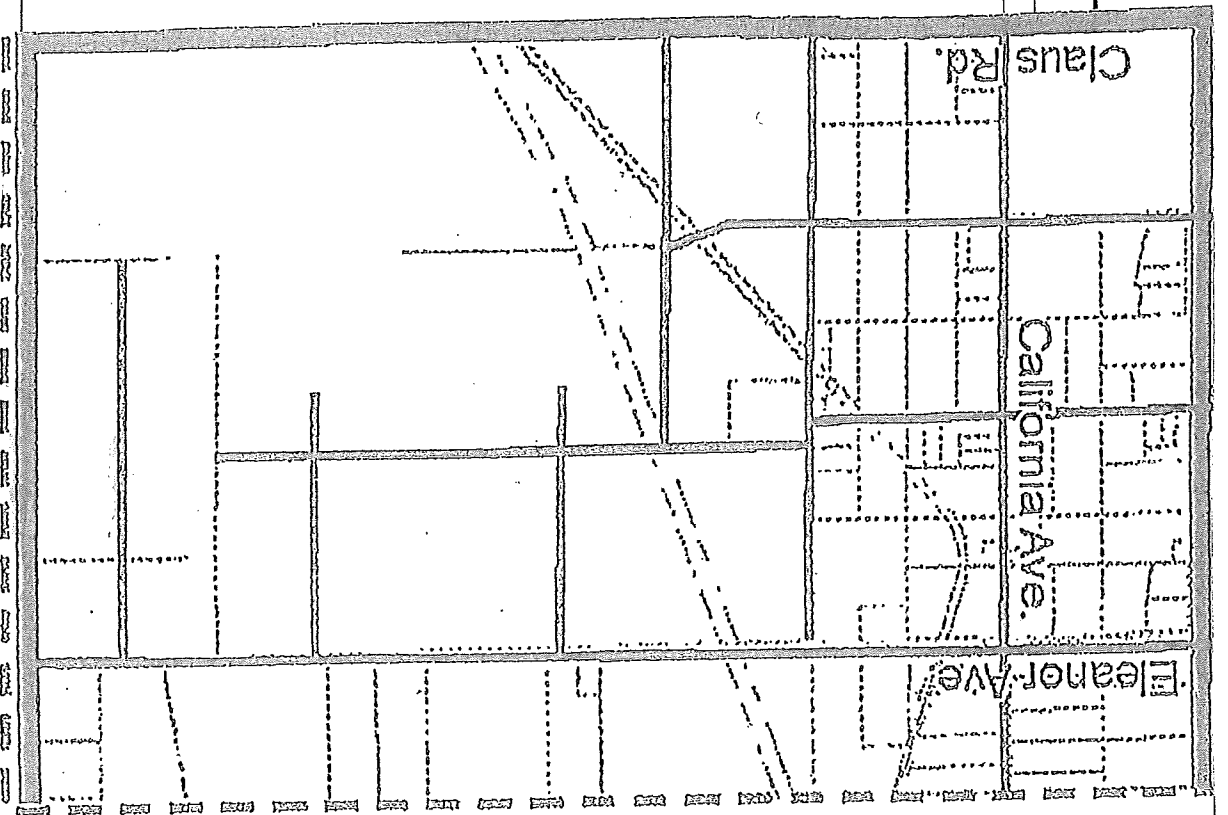


Figure CIRC-1
Riverbank General Plan Circulation Diagram

Exhibit "C"

Existing General Plan Circulation Diagram (CIRC-1)



CIRCULATION

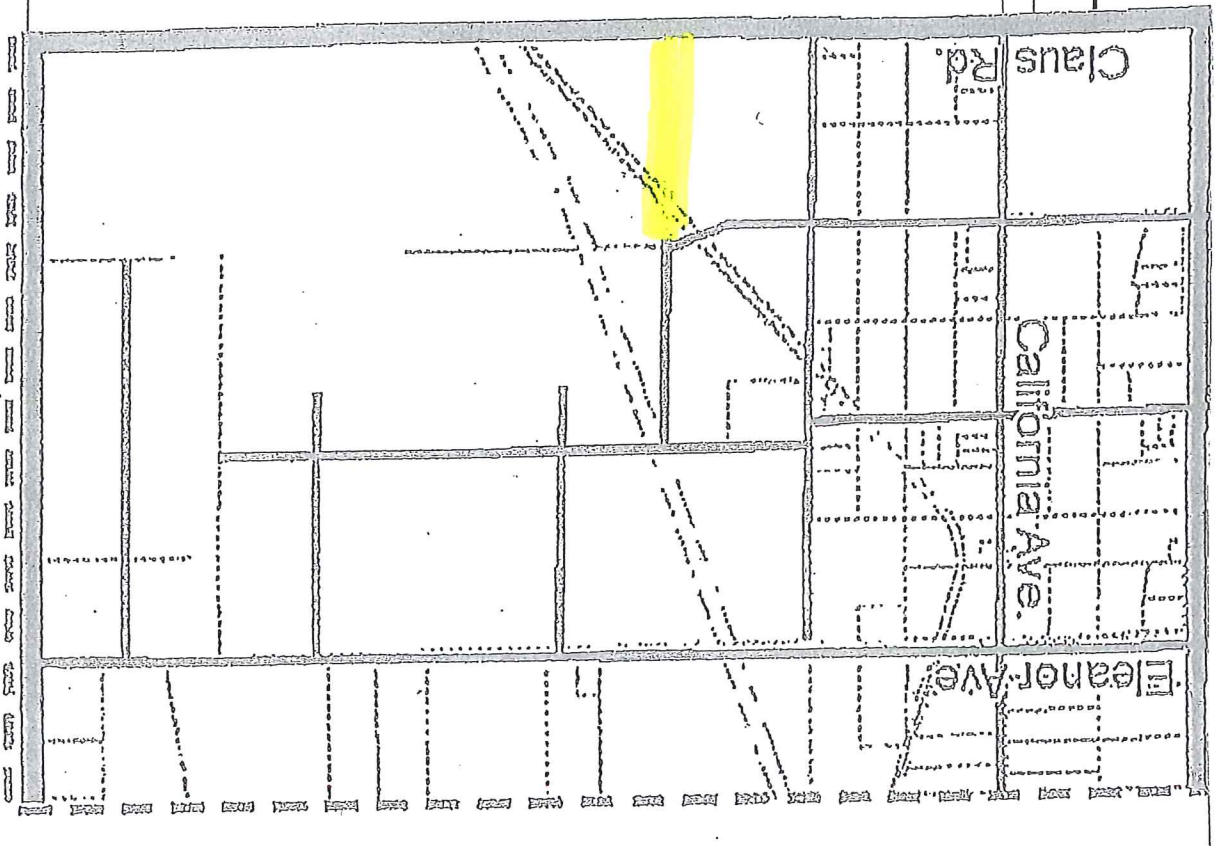


Figure CIRC-1
Riverbank General Plan Circulation Diagram



Exhibit "D"

Proposed General Plan Circulation Diagram (CIRC-1)

Attachment "G"
Draft
City of Riverbank
Planning Commission
Resolution No. 2013-012

A Resolution of the Planning Commission recommending approval of the Riverbank Army Ammunition Plant Specific Plan Dated December of 2013

Whereas, the Riverbank Army Ammunition Plant was placed on a list of military installations recommended for closure as part of the BRAC 2005 round of closures; and

Whereas, the Riverbank City Council, as the recognized and designated Local Redevelopment Authority for Riverbank Army Ammunition Base, has submitted a Reuse Plan for the redevelopment of the Riverbank Army Ammunition Plant as required under BRAC law and regulation; and

Whereas, the Local Redevelopment Authority now wishes to oversee the fulfillment of the vision, goals and objectives as stated by the community and presented in the Reuse Plan; and

Whereas, the Local Redevelopment Authority has determined that the best way to accomplish this is to develop and adopt a Specific Plan pursuant to Section 65450 et. seq. of the State of California Government Code to guide the redevelopment of the Plant and has caused such to be prepared; and

Whereas, this General Plan designates the Riverbank Army Ammunition Plant property largely as "Industrial/Business Park" with the northeast corner being designated "Medium Density Residential"; and

Whereas, Townsend Avenue east of Claus Road is shown as a collector street east of Claus Road and the approved Reuse Plan designates the entire site as Industrial/Business Park with two areas of approximately 3 acres and 4 acres as Community Commercial necessitating a General Plan amendment; and

Whereas, the use of the site as an Army Base for more than 60 years and the proposed reuse of the site indicates that there may be significant impacts on the environment and, therefore, an Environmental Impact Report (EIR) needs to be prepared on the draft Specific Plan and General Plan Amendment (collectively, the "Project"); and

Whereas, the Planning Commission has considered the Final Environmental Impact Report at a duly advertised public hearing and adopted its Resolution No. 2013-

010, recommending that the City Council certify the EIR, make findings and adopt Mitigation Monitoring and Reporting; and

Whereas, the Planning Commission has considered a General Plan Amendment to make changes to the land use designations on site and has adopted its Resolution No. 2013-011, recommending that the City Council approve the General Plan Amendment; and

WHEREAS, notice of the public hearing on the Specific Plan was published in the *Riverbank News*, a newspaper of general circulation, on December 4, 2013; and

WHEREAS, notices of the public hearing on the General Plan Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on December 3, 2013; and

WHEREAS, a public hearing was held on December 17, 2013 and all comments were heard and considered by the Planning Commission.

THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF RIVERBANK, CALIFORNIA, AS FOLLOWS:

1. That the Planning Commission finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission recommends that the City Council find that the Project is consistent with the City of Riverbank General Plan, as amended, and is the best way to implement the goals and policies of the General Plan.
3. Based on the findings set forth in this Resolution and the evidence in the City Staff Report, the Planning Commission hereby recommends that the City Council adopt the Riverbank Army Ammunition Plant Specific Plan.
4. The Planning Commission further recommends that an Ordinance be adopted by the City Council to rezone the property included in the Specific Plan area to SP-2.
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 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), sentences(s), clause(s), phrase(s), or words(s) be declared invalid.

Passed and adopted by the Planning Commission of the City of Riverbank at a regular meeting held on the 17th day of December 2013, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Attest:

Approved:

John B. Anderson

Consulting Community Development Director

Joan Stewart

Chairperson of the Planning Commission

**Draft
City of Riverbank
Ordinance No. 2013-**

An Ordinance of the City Council of the City of Riverbank Approving Rezoning of the Riverbank Army Ammunition Plant consistent with the RAAP Specific Plan, Located at 5300 Claus Road, APN 062-031-005

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

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

The City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, December 17, 2013 to consider Rezoning of the Riverbank Army Ammunition Plant; and

The City Council for City of Riverbank has made the following findings for adoption.

1. The Riverbank Army Ammunition Plant was placed on a list of military installations recommended for closure as part of the BRAC 2005 round of closures; and
2. The Riverbank City Council, as the recognized and designated Local Redevelopment Authority for Riverbank Army Ammunition Base, has submitted a Reuse Plan for the redevelopment of the Riverbank Army Ammunition Plant as required under BRAC law and regulation; and
3. The Local Redevelopment Authority now wishes to oversee the fulfillment of the vision, goals and objectives as stated by the community and presented in the Reuse Plan; and
4. The Local Redevelopment Authority has determined that the best way to accomplish this is to develop and adopt a Specific Plan pursuant to Section 65450 et. seq. of the State of California Government Code to guide the redevelopment of the Plant and has caused such to be prepared; and
5. Prior to approval of the Specific Plan, a General Plan Amendment is required to comply with State Law; and
6. The use of the site as an Army Base for more than 60 years and the proposed reuse of the site indicates that there may be significant impacts on the environment and, therefore, an Environmental Impact Report (EIR) needs to be

prepared on the draft Specific Plan and General Plan Amendment (collectively, the "Project"); and

7. The Planning Commission has considered the Final Environmental Impact Report, General Plan Amendment, Specific Plan and Zoning Ordinance Amendment at a duly advertised public hearing and adopted its Resolutions recommending that the City Council approve all applications; and
8. Sections 153.308 and 153.309 of the City of Riverbank Municipal Code describe the process for delineating specific plan areas for purposes of zoning by requiring that lands governed by a specific plan be zoned "SP-2".
9. Notice of the public hearing on the EIR, General Plan Amendment, Specific Plan and Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on December 4, 2013; and
10. Notices of the public hearing on the EIR, General Plan Amendment, Specific Plan and Zoning Ordinance were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on October 16, 2013; and
11. A public hearing was held on December 17, 2013 and all comments were heard and considered by the City Council; and
12. The City Council certified the EIR and approved the General Plan Amendment and Specific Plan on ____ day of _____, 2014.

The City Council of the City of Riverbank approves Rezoning of the Riverbank Army Ammunition Plant consistent with the RAAP Specific Plan, Located at 5300 Claus Road, APN 062-031-005.

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.

The foregoing was introduced at a regular meeting of the City Council of the City of Riverbank held on the ____ day of _____, 2014; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:
NAYS:
ABSENT:
ABSTAIN:

ATTEST:

Annabelle Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

**CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT
Agenda Item No. 3.1**

December 17, 2013

APPLICATION:	Standard Conditions
LOCATION:	City Wide
ENVIRONMENTAL DETERMINATION:	The proposed action to adopt Standard Conditions is not a project as defined by Section 15378 of the CEQA Guidelines
PROJECT PLANNER:	John B. Anderson, Contract Community Development Director
RECOMMENDATION:	Recommend the Planning Commission approve and adopt Standard Conditions, as illustrated in Exhibit "A"
ACRONYMS:	CEQA – California Environmental Quality Act
ATTACHMENTS:	1. Exhibit "A" Standard Conditions

I. EXECUTIVE SUMMARY:

The proposed Standard Conditions is a list of conditions set forth for future development projects to adhere to. The applicant or developer must follow these standards which are listed by category such as General Conditions, Improvement Plans, Grading Plans, Architecture, Landscaping, etc. The City's intent is to two fold. First, it helps the applicant understand what is to be expected of them when developing a project in Riverbank and helps streamline the development process, i.e. requirements for landscaping, submittals, etc. are clearly defined. Secondly, these Standard Conditions can be implemented on a variety of projects – City staff does not have to draft a list of Conditions on a project by project basis. This saves time – both for the City and the Applicant.

This is a tool that is intended to be used early in the planning process, preferably in the pre-application meeting between the applicant and City Staff. The applicant will be fully aware of the City's Standard Conditions before any application is submitted to the city.

II. ENVIRONMENTAL DETERMINATION

The proposed action to adopt Standard Conditions is not a project as defined by Section 15378 of the CEQA Guidelines and therefore will not require any environmental determination.

III. ANALYSIS

II. PUBLIC NOTICE:

III. RECOMMENDATION:

Find that the attached (Exhibit "A") Standard Conditions be approved and adopted by the Planning Commission.

Respectfully Submitted By:

John B. Anderson
Contract Community Development Director

Attachments: Exhibit "A" Standard Conditions

**City of Riverbank
Planning Commission
Draft - Resolution No. 2013-013**

**A Resolution of the Development Services Department of the City of Riverbank
Approving the Standard Conditions to be Applied to Development projects.**

WHEREAS, the Development Services Department of the City of Riverbank has heretofore held a duly noticed public hearing, as required by law; and

WHEREAS, the project proponent is City of Riverbank Development Services Department who is requesting that a standard list of conditions be established by the Planning Commission for future reference on certain development projects; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the proposed Standard Conditions shall be used for all projects unless specifically exempted by the Commission and/or Council; and

WHEREAS, the proposed action to adopt Standard Conditions is not a project as defined by Section 15378 of the CEQA Guidelines; and

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that Standard Conditions is hereby approved, as illustrated in Exhibit "A".

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 17th of December, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attest:

Approved:

John B. Anderson, Secretary
Planning Consultant

Joan Stewart, Chairperson
Planning Commission

EXHIBIT "A"

STANDARD CONDITIONS

A. General Conditions

All projects must meet the following standard conditions unless specifically exempted by the Planning Commission and/or City Council.

1. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Planning Commission and/or City Council as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents or presentations is subject to review and approval prior to implementation.
2. The applicant shall secure and comply with all applicable federal, state and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
3. The applicant shall comply with all regulations and code requirements of the Community Development Director, City Engineer, Building Official, Modesto Regional Fire Authority, Stanislaus Consolidated Fire Protection District, the Police Chief and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final maps, site plans, public improvement plans, grading plans and building plans.
4. All conditions of approval for this project shall be written by the project developer on all building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading and construction plans kept on the project site. It is the responsibility of the building developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Manager must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.
5. Final maps and/or site development plans shall be in substantial conformance to the approved tentative map/site plan and must be submitted, in English units, to the City Engineering Department for review and approval. Maps shall be prepared, wet signed and sealed by a civil engineer, land surveyor, or architect registered in the State of California and licensed to prepare final maps and/or site development plans.
6. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site, either wind or water, during the construction and operation of the project covered by this approval.

7. Should the project be found, at any time, not to be in compliance with any of the Conditions of Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents or presentations to staff, Planning Commission or City Council, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to be violated.
8. If construction or operation of the activity is not begun within one year, or as allowed by State of California Subdivision Map Act, as amended, this entitlement shall lapse and the applicant shall reapply to the City of Riverbank for a new project entitlement. The applicant may not begin construction or operation of the activity until a new entitlement is granted. Reapplications for entitlement shall state the reasons why the applicant will be able to begin the activity within a year from the granting of a new entitlement, if so granted. Reapplications for entitlement may include information submitted in the initial application by reference. The zoning will not expire; however, any associated applications (except lot line adjustments, boundary adjustments, vacation and abandonment applications) will expire, unless otherwise stated in the conditions of approval. The application(s) will expire in one year 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.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the applicant a copy of this permit.
10. The hours of construction, including equipment warm-up, shall be limited to 7:00 a.m. - 6:30 p.m. on weekdays and 8:00 a.m. - 5:00 p.m. on weekends and legal holidays.
11. Development of the property must conform to the plans as submitted with revisions as specified by the City of Riverbank City Council and / or Planning Commission.
12. All new construction requires building permits in accordance with all applicable building and fire codes and submission of a plot and grading plan prepared by a registered professional civil engineer showing property lines, building locations, topography and such other data as required by the Community Development Department.
13. All geologic hazards must be plotted on a plot plan, and habitable structures shall comply with the restrictions specified in all applicable building and fire codes.
14. Drainage and / or traffic studies must be submitted and approved and all improvements must comply with the approved studies. Further, street and storm water management dedication and / or improvements may be required.

15. If the property is located in a flood zone, a drainage study must be submitted to and approved by the Floodplain Administrator prior to any permits being issued.
16. Fire hydrants must be provided in compliance with Fire Department specifications and a three foot fire hydrant, a 10 foot PUE is typically required and the fire hydrant can be in that easement if it cannot be within the right of way easement is required around all street frontage lot lines. Waivers of street improvements do not waive fire hydrant requirements.
17. All necessary utility easements shall be retained or reserved.
18. Mobile homes and / or manufactured housing require building permits before they are moved and inspection for the California Safety Seal prior to occupancy.
19. Approval of this application does not constitute approval of any other entitlement or any other necessary permit, license, or approval.
20. All activities undertaken in accordance with this approval shall comply with the City's General Plan and Municipal Code. In cases of conflict between the City's Municipal Code or map-specific conditions of approval, the governing priority shall be, to the extent legally permitted, as follows: 1) Municipal Code regulations; 2) project-specific conditions; 3) standard conditions.
21. The developer shall pay all applicable processing fees, permit fees, City development fees, fire fees, school fees, drainage fees and other public entity fees in effect at the time of the issuance of the applicable permit.
22. In addition to otherwise applicable development fees, if the subject property is located within an existing or a proposed Benefit District, the developer shall pay the Benefit District fee as set forth in the Engineers Report for the applicable Benefit District. Fees shall be charged and paid at the time of building permit issuance. The fee may be adjusted over time by an amount equal to the annual rate of inflation set forth in the Engineering News Record Construction Cost Index.
23. If it is determined that the project will impact existing agricultural uses, the construction and maintenance of necessary mitigation measures are the financial responsibility of the developer until the City formally accepts these improvements. Additionally, the developer shall bear the financial responsibility of, and shall dedicate to the City, agricultural runoff control easements, as needed, and may be required to financially support the maintenance of said facilities.
24. The property owner/manager/HOA shall be responsible for the maintenance of all common areas, such as landscaping, parking, access roads, and easements.

25. With respect to any claim, action or proceeding against the City, its officials, employees or agents relating to the action or inaction of the City in reviewing, approving or denying the tentative or final maps, the Developer shall defend, indemnify and hold harmless the city, its officials, employees and agents from any claim, action or proceeding to attack, set aside, void or annul an approval of the City concerning a project approval. With respect to all other claims, actions or proceedings relating to or arising from this project, including without limitation those concerning environmental review, subsequent permit decisions, personal injury, death, property damage or inverse condemnation, the Developer shall also defend, indemnify and hold harmless the City, its officials, employees and agents. The City retains the option to employ independent defense counsel at Developer's expense. The Developer shall bear the litigation expenses of defense, including attorneys' fees, whether incurred by Developer or the City's counsel, or awarded to any third party. The City must pre-approve any decision in the action, including settlement, in which the City's participation or performance is required.
26. The applicant shall defend, indemnify and hold harmless the City of Riverbank, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval, or any aspect of the City's consideration of applicant's project. The applicant recognizes and agrees that applicant's voluntary commitment to meet the obligations described in this condition is an integral factor in the City's approval of this project. The intent of this condition is to require the applicant to bear the cost of any and all litigation instituted to overturn or in any way modify the City's approval of this project. Such costs include without limitation, any award of attorney's fees and costs to a prevailing plaintiff or petitioner. In the event the City becomes aware of any such claim, action, or proceeding, the City shall promptly notify the applicant and shall cooperate fully in the defense. If the City fails to promptly notify the applicant, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Nothing contained in this condition prohibits the City from participating in the defense of any claim, action, or proceeding, if both the following occur: (a) the City bears its own attorneys' fees and costs; and (b) the City defends the action in good faith. The applicant shall not be required to pay or perform any settlement unless the applicant approves the settlement.
27. It is required by State Law (Business and Professional Code Section No. 5537 & 5538 and Section 302(b) of the Uniform Building Code) that all commercial buildings, new or existing must have a licensed professional designer (Architect, Civil or Structural Engineer) to design all changes of use or occupancy as well as new construction.
28. This approval may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic

congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the approval or add/modify conditions approval.

29. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
30. The applicant shall negotiate school mitigation with the appropriate School District before issuance of building permit. Applicant shall present evidence of School District compliance to the City of Riverbank.
31. The project shall annex into a storm water management district for on-going maintenance of the public system.
32. The project shall annex into a Community facilities district for the on-going Public Services operations including Fire and Police services.
33. The project shall annex into a Lighting and Landscaping District for the on-going maintenance to project lighting, open space areas and any proposed common landscape areas such as parks, landscape medians and parkway strips.
34. Where required, automatic fire sprinkler systems shall be designated and installed in compliance with NFPA (National Fire Protection Association) standards. Fire Department Connections (FDC's) shall be located within 50 feet of a fire hydrant.
35. The grade of the fire apparatus access road shall be within the limits established by the code official based on fire apparatus. (Shall not exceed 10 percent.)
36. Fire apparatus access roads shall be designated and maintained to support the imposed loads of fire apparatus (75,000 pounds) and shall be surfaced so as to provide all-weather driving capabilities.
37. Where applicable, NO PARKING – FIRE LANE signage and/or marking(s) shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof.

B. Improvement Plans

1. All underground utilities shall be installed in conformance with existing City policy including without limitation the City of Riverbank Subdivision and Zoning Ordinances.
2. Right of way or easement acquisitions necessary to implement any portion of this map, and/or site development plan, including public improvements, shall be obtained by the developer at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. The developer shall notify the City

in writing no more than 120 days and no less than 60 days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of 100% of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.

3. Environmental and engineering studies, as directed by the Community Development Director, must be complete and on file prior to commencement to plan checking. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.
4. The Applicant shall submit a complete area water pressure availability study for all phases of the Project prior to issuance of any development permits. If the study indicates that the present system is inadequate, the Applicant must provide plans, with existing water, sewer and utilities software simulation program that will demonstrate any remedial action necessary to abate the deficiency and shall submit for plan check and take all necessary actions at the applicant's expense.
5. Developer shall underground existing and required on and off-site utilities as specified in the Municipal Code or as deemed necessary by the City Engineer.
6. All site development shall comply with all applicable provisions of the City of Riverbank Municipal Code as determined by the City Engineer. Issuance of a site development permit will be required whereby specific engineering requirements will be made as conditions of approval of that permit.
7. The developer shall provide and show on the final map and/or site development plan all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City.
8. The final map and/or site development plan and all related documents shall comply with all regulations and requirements of the Riverbank Municipal Code.
9. Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.
10. An encroachment permit shall be required for any construction to be done in the public right of way, in easements, or on lands to be dedicated to the City of Riverbank upon completion of the improvements. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted development fee schedule.

11. Due to LID requirements, on site storage, retention/detention should be permitted.
12. Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement or public street.
13. The developer shall provide joint trenching for telephone, gas, electric, cable TV and fiber optic service for every parcel.
14. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the Standard Plans and Specifications all applicable state and local ordinances, standards and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
15. All public improvements proposed by the developer or required through these conditions of approval shall be completed and accepted by the City in compliance with the time schedule set forth in the conditions of approval; if no time schedule is provided, then no later than recordation of the parcel map. The developer may apply to the City for a Subdivision Improvement Agreement or Deferred Improvement Agreement in order to postpone completion of the public improvements. In any event, the City shall require the developer to guarantee the performance of the improvements and payment of labor and materials by furnishing security in a form acceptable to the City.
16. Developer shall ensure finished pad elevations are at a minimum one foot above the 100 year base flood elevation as shown on the latest Federal Emergency Management Agency (FEMA) floodplain maps for Stanislaus County, California. The developer shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development. [Letter of Map Amendment Revision (LOMAR)], and for obtaining a Floodplain Permit from the Community Development Director for all projects on parcels identified in Zone 'A' on the FEMA Flood Insurance Rate Maps for the City of Riverbank. Application for LOMAR shall be prepared and submitted by the developer prior to grading permit issuance or final map approval, whichever occurs first.
17. Regional and Sub-regional Drainage fees shall be paid in an amount acceptable to the City Engineer prior to approval of the final map.
18. Detailed plans reflecting the design and construction of all public infrastructure improvements for street, sewer, water, and storm drain, both on- and off-site, shall be in conformance with the adopted Infrastructure Master Plans and as directed by the City Engineer. Developer shall have written approval from the City Engineer for any variations from the City's Master Plans prior to any final map or plan approval.
19. All on and off site development and improvements shall be designed and constructed at the sole expense of the developer. The developer may apply for

reimbursement for those improvements deemed eligible by the City Engineer as oversized in accordance with the City's laws and the State Subdivision Map Act in effect at the time of the developer's application for reimbursement to the City Council. Any such application must be presented to the City Council on or before the City records the first final map. The City's method of reimbursement shall not be limited, and may be memorialized through a reimbursement agreement with the Developer.

20. The sub divider shall submit plans and specifications for improvements of all public and private street rights-of-way, drainage easements, culverts, drainage structures and drainage facilities to the Department of Public Works for approval by the City Engineer.
21. Street alignments and grades, including the change of any existing or proposed street alignment and grade, shall be as required by the Community Development Director and the City Engineer.
22. The exact depth of imported base material shall be based on soil tests which have been approved by the Director of the Department of Public Works.
23. Sight distance requirements at all street intersections shall conform to City Standards.
24. If the improvement plans show a need to excavate in any public road right-of-way, the developer shall place a cash deposit with the Department of Public Works to ensure that any damage to the existing roadway is repaired in a timely manner.
25. Portland cement concrete cross gutters or culverts shall be installed where water crosses the roadways.
26. An adequate energy dissipater shall be constructed at the outlet of the storm drain, or verification shall be provided that such improvement is not needed.
27. Hydrology and hydraulic calculations for determining the storm system design, with water surface profile and adequate field survey cross section data, shall be provided satisfactory to the Director of the Department of Public Works, or verification shall be provided that such calculations are not needed.
28. Developer shall submit a study addressing on and off-site storm water and/or sewer system capabilities. If the study indicates that the present systems are inadequate, the developer must provide plans and install any additional storm water and/or sanitary and sanitary sewer facilities, including off-site improvements, to correct storm water run-off and sanitary sewer demands anticipated for upstream build-out in accordance with the Riverbank General Plan.

29. Prior to occupancy, the developer shall supply the City with an ACAD computer disk file showing plans that reflect the project as it was built (As-Builts) to the satisfaction of the City Engineer. These plans shall be 3D.
30. The installation (if required) of all gas, electric, sewer, and water lines and any other below surface utilities is to take place before the installation of any concrete curbs, gutter, sidewalks, and the surfacing of the streets.
31. All walls adjacent to public right-of-ways shall be provided with decorative treatment, subject to approval by the Community Development Director.
32. The design of any masonry sound wall shall be approved by the Community Development Department. It shall match or harmonize with existing sound walls of neighboring projects along that street.

C. Grading Plans

1. Prior to the issuance of any grading permits, if the applicant submits a grading plan which the City Engineer, determines to show a significant deviation from the grading shown on the approved tentative map, specifically with regard to slope heights, slope ratios, pad elevations or pad configuration, the Planning Commission shall review the plan for a finding of substantial conformance. If the Planning Commission fails to make such a finding, the applicant shall process a revised tentative map; or, if a final map has been recorded, the applicant shall process a new tentative map or a site development permit application per City of Riverbank Municipal Code. Additionally, the applicant shall process a new environmental assessment for determination by the decision making entity.
2. Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the City Engineer, Subdivision and Grading, for approval. The report shall include the information and be in the form as required by the City Engineer
3. Prior to the issuance of any preliminary grading permits, the applicant shall provide evidence to the City Engineer, that the Vector Control District has surveyed the site to determine if vector control measures are necessary. If the District determines measures are warranted, the applicant shall conduct such measures in a manner meeting the approval of the City Engineer.
4. Prior to the issuance of any grading permit or revisions thereto, the Community Development Director shall determine that the proposed grading is consistent with the grading depicted within this approved planning application.

5. The sub divider shall submit grading plans, a permit application, and plan check and inspection fees and deposits to the Department of Public Works. Grading plans shall be approved prior to or concurrently with the approval of the Improvement Plans.
6. The grading plan shall contain a certificate signed by a registered civil engineer that the grading plan has preserved a minimum of 100 square feet of solar access for each lot created by this subdivision pursuant to Section 81.401(n) of the Subdivision Ordinance.
7. Finished grading shall be certified by a registered civil engineer and inspected by the City Engineer for drainage clearance. Approval of rough grading does not certify finished grading due to potential surface drainage problems that may be created by landscaping accomplished after rough grading certification.
8. Developer shall provide written notification to adjacent property owners for any drainage work required to collect or convey storm water runoff, which may or will affect their properties.
9. 6" high Portland Concrete Cement curbing shall be provided between all driveways and landscaped areas as indicated in the City of Riverbank Standard Plans and Specifications. In addition to above, curbing between length of parking space and landscaped area shall include a 12" wide "Courtesy Curb." Curb Cuts shall be allowed to conform to LID Standards.
10. During construction water trucks or sprinkler systems are to be used in sufficient quantities to prevent dust from leaving the site during any earthmoving and/or construction activities.

D. Architecture

1. All mechanical, irrigation, ground and/or roof mounted equipment shall be architecturally screened from view from all public right-of-ways prior to issuance of certificate of occupancy.
2. All trash enclosures shall be constructed of masonry material with self-enclosing doors and have a second access and a sloped roof. The enclosure shall have materials and colors consistent with the primary building.
3. All vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted or finished to match the color of the adjacent surface unless otherwise directed by the Planning Commission.
4. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.

5. Finish quality of exterior design elements including, but not limited to, building façade landscaping shall be subject to approval of the Community Development Director prior to issuance of Certificate of Occupancy.
6. All signs shall be submitted to the Community Development Director for design review per the sign ordinance of the Riverbank Municipal Code.
7. All outdoor mechanical equipment, satellite dishes, fire main and all rooftop equipment shall be fully visually screened upon installation subject to the approval of the Community Development Department. Screening devices shall be shown on construction and/or landscape plans.
8. All exterior light fixtures shall be shown on plans subject to staff review and approval. All lights attached to buildings shall provide a soft “wash” of light against the wall. All building and parking or yard lights shall conform to City Standards and shall compliment the site and building architecture.
9. For residential projects, the CC&R’s shall restrict the storage of recreational vehicles on this site or parcels unless they are the principle source of transportation for the owner and prohibit parking on the public street for long than 72 hours.

E. Landscaping

1. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Community Development Director prior to Certificate of Occupancy.
2. The area under the drip line of all existing trees, which are to be saved, shall be fenced during construction. Grading shall be restricted under them to prevent soil compaction around the trees and to protect them from damage.
3. An existing tree inventory shall be created and included on the site plan for all new projects prior to approval of grading plan.
4. All slope banks in excess of two (2) feet in vertical height shall be landscaped and irrigated for erosion control and to soften their appearance as follows:
one 15-gallon or larger size tree per each 150 sq. ft. of slope area, one 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover 12-24 inches on-center. In addition, slope banks in excess of five (5) feet in vertical height also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this condition shall include a permanent irrigation system to be installed by the

developer prior to occupancy.

5. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to insure continued regular watering of landscape areas, and health and vitality of landscape materials.
6. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
7. All landscape areas shall be maintained in a healthy, thriving and weed free condition.
8. The site shall be maintained in a neat and clean manner free of trash and debris.
9. All walls adjacent to public right-of-ways shall be provided with decorative treatment, subject to approval by the Community Development Director. Walls shall match or harmonize with existing sound walls of neighboring projects along that street.

F. Minimum Construction Site Management Practices

1. **(Projects involving land disturbances of less than five (5) acres)** – During construction activities, the project sponsor shall reduce or prevent to the maximum extent practicable the direct or indirect discharge of any pollutant into the storm drain system utilizing best management practices contained in the California Storm Water Best Management Practices Handbook for Construction Activities. Construction activities include, but are not limited to: watering operations; roadwork and paving operations; concrete and painting; structure construction and painting; construction material storage and handling; construction waste/debris storage and disposal; and, construction equipment/vehicle cleaning, maintenance and fueling operations. The project sponsor is also responsible for training all contractors and subcontractors on the best management practices which are identified in the California Storm Water Best Management Practices Handbook for Construction Activities which will be available at the pre-construct meeting of the project.

Or

2. **(Projects involving land disturbances of five (5) acres or more)** – Prior to commencement of any site work that will result in a land disturbance of five acres or more, the project sponsor shall submit to the City a copy of the Notice

of Intent (NOI) sent to the State Water Resources Control Board and the Storm water Pollution Prevention Plan (SWPPP) prepared for the project, as required by the State's General Construction Activity Permit.

3. All storm drains, which serve the site, shall be protected from spills and soil runoff (from unpaved parking areas). The applicant may use "Any Source Control" BMP (Best Management Practice) as listed in the California Storm Water Best

Management Practice Handbook for storm water run-off for commercial and industrial sites. Storm drains will be inspected periodically.

4. The applicant shall comply with all regulations and code requirements of the Community Development Department, Public Works Department, Stanislaus Consolidated Fire Protection District, the Sheriff's Department and any other agencies requiring review of the project. If required, the applicant shall be responsible to insure that these agencies are supplied copies of the final building and site plans.
5. Developer shall provide written notification to adjacent property owners for any drainage work required to collect or convey storm water runoff, which may or will affect their properties
7. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.
8. Developer shall underground existing and required on and off-site utilities as deemed necessary by the Public Works Department.
9. All off-site development shall comply with all applicable provisions of the Riverbank Municipal Code as determined by the City Engineer. Issuance of an encroachment permit will be required whereby specific engineering requirements will be made as conditions of approval of that permit.

TENTATIVE MAP

1. Applicant is responsible for street name signs in accordance with City of Riverbank Standards.
2. All subsequent maps shall plot dedication and/or the relinquishment of all effected utility easements.
3. If applicable, all beneficiaries of record to sign a consent statement to record with the Final Map.

4. The sub divider of residential projects shall record CC&R's at the time of recordation of the final parcel map creating the individual lots of this subdivision. The CC&R's will provide for a manager to be responsible for maintenance and repair, with each lot owner responsible for its pro rata share of the maintenance costs. The manager may be an owner, a third party manager designated by the owners, or a special purpose entity such as an owners' association. The CC&R's shall be subject to the review and approval of the City Attorney and Community Development Director prior to recordation of the final parcel map, and shall include the following:
5. All housing units built on this project are subject to the design standards of the City of Riverbank General Plan.
6. The City of Riverbank Police Department shall have the authority to enforce the State Vehicle Code on private streets within this subdivision. This enforcement shall commence only upon receipt of a written request from the developer or individual homeowners in the subdivision. The requesting party shall pay all costs associated with posting the private streets as required by the State Vehicle Code. The Police Department shall have the authority to enforce the State Vehicle Code and all Riverbank laws on future public roads offered for dedication, but not yet accepted by the City.
7. CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer.
8. Except as shown on the approved tentative map or as modified by the conditions contained herein, all street, thoroughfare or highway improvements shall be constructed as required in the Riverbank Municipal Code and the City Engineering Department's Standard Plans and Specifications. Any adopted precise section not referenced in the General Plan shall be constructed as directed by the City Engineer.
9. All streets and alleys shall be irrevocably offered for dedication and improved to City standards. Street names shall be reflected on the final map and shall be approved by the Community Development Department.
10. Prior to approval of the final map the developer shall form or annex into a street lighting and landscape maintenance district, or some alternative financing mechanism acceptable to the City, for maintenance of all street lights and landscaping within or adjacent to the site.
11. In conjunction with the recordation of the map (or by separate instrument), the developer shall provide all necessary easements for streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation district facilities, fiber optics and other facilities as required by the City or serving utility. Utility easements shall be a

minimum of a clear fifteen feet (15') for one utility and a clear twenty feet (20') for two or more utilities or as specified by basic engineering design guidelines. Easements shall not be split between property lines unless determined otherwise by the City Engineer. The easement widths identified are minimums and in certain circumstances, additional easement widths may be required as determined by the City Engineer.

12. The developer shall comply with Government Code Section 66436(a) (3) before approval of each final map, and shall provide "no objection" letters from the public entity or utility to the satisfaction of the City Engineer.
15. To the extent applicable by past or future City Council actions prior to the recordation of final maps, the developer shall participate in the City's Capital Improvement Financing Plan to finance required infrastructure
16. The subdivider shall construct, or agree to construct, the public improvements and private road improvements shown on the improvement plans as approved by the City Engineer.
17. If the subdivider desires site addresses for the lots created by the subdivision, the sub-divider is to furnish a true scale Final Map to the City. Said map is to show driveway locations for all lots and street names for all streets.
18. All new and existing utility distribution facilities, including cable television lines, within the boundaries of the subdivision or within any half street abutting the subdivision, shall be placed underground. The subdivider is responsible for complying with the requirements of this condition, and shall make the necessary arrangements with each of the serving utilities, including licensed cable television operators, for the installation of such facilities.
19. The subdivider shall provide for a drainage system capable of handling and disposing of all surface water originating within the subdivision and all surface water that may flow onto the subdivision from adjacent lands. Said drainage system shall include any easements and structures required by the City Engineer to properly handle the drainage, and shall be designed so as to prevent ponding of surface water that would create a public health hazard or nuisance.
20. The subdivider shall provide for the improvement of all drainage easements by culvert or drainage channel of adequate size, whichever is required by the Director of the Department of Public Works. Any required drainage channel shall be lined with the suitable material as specified by the Director of the Department of Public Works. All such drainage easements shall be monumented along property lines at locations approved by the Director of the Department of Public Works. An access easement shall be provided to each drainage system maintenance access point not

directly accessible from a public roadway. Such access easement is to be improved, fenced, and aligned to the satisfaction of the Director of the Department of Public Works.

The subdivider shall construct, to the satisfaction of the Director of the Department of Public Works, a public street lighting system that complies with the following conditions:

- a. All fixtures shall use a low pressure sodium vapor light source.
- b. All light standards and heads shall be ornamental in nature not to exceed 16 feet in height designed to the satisfaction of the Community Development Director and spaced and located to the satisfaction of the City Engineer.
- c. Deposit with the City of Riverbank, through the Department of Public Works, a cash deposit sufficient to:
 - i. Energize, maintain, and operate the street lighting system until tax revenues begin accruing from the subdivision for those purposes.
 - ii. Pay the cost to process lighting district administration of this project. After recording of the Final Map, the subdivision shall be transferred without notice or hearing, to a City designated lighting district to operate and maintain the system.

22. If the project is a Planned Development, then the following conditions shall apply:

- a. Minimum unobstructed private road width (face to face of curb) shall be twenty-four feet (24').
- b. Private road structural section shall be a minimum of two inches (2") of asphaltic concrete over four inches (4") of approved base. Grades shall be a minimum of 1.0 percent and a maximum of 15 percent and designed to drain the surface water properly. Adequacy of the structural section and surface drainage shall be inspected and certified by the City Engineer.
- c. Property owners shall agree to preserve and save harmless the City of Riverbank and each officer and employee thereof from any liability or responsibility for any accident, loss, or damage to persons or property, happening or occurring as the proximate result of any of the work undertaken to complete this work, and that all of said liabilities are hereby assumed by the property owner. Hold harmless forms are available from City Hall.
- d. The applicant shall deposit with the Department of Public Works sufficient funds to cover the cost of inspection of the private improvements.

- e. CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer.

The applicant shall construct and improve the pedestrian circulation system to the following design standards to the satisfaction of the Community Development Director:

- a. The pedestrian system shall provide a minimum eight feet (8') of landscaping of trees and shrubs between the sidewalk and curbing of any street on all projects.
 - b. Sidewalk surface shall consist of pervious concrete, or other pervious material approved by the Community Development Director.
 - c. Sidewalk gradients shall not exceed 15 percent. Where natural grades exceed 15 percent, sufficient width for switchbacks shall be provided to accommodate a 15 percent gradient path.
 - d. Sidewalks shall intersect roads at approximately 90 degree angles.
 - e. The sidewalk system shall be continuous through the subdivision.
 - f. Points where sidewalk exists, the subdivision shall be coordinated with existing or planned sidewalk locations on adjacent property.
21. Notwithstanding any grading/elevations that are shown on the tentative map, or the provisions of the City of Riverbank Municipal Code, approval of this tentative map does not authorize the issuance of any grading permits.
22. Prior to the recordation of a subdivision map or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the City Engineer, the applicant shall record a letter of consent from the affected property owners permitting offsite grading, cross lot drainage, drainage diversions and/or unnatural concentrations. The applicant shall obtain approval of the form of the letter of consent from the City of Riverbank before recordation of the letter.
23. The sub-divider shall deposit with the City the required fees at the time the lot grading plan or improvement is submitted. The deposit will be made with whichever plan is first submitted. Said deposit shall be used to cover the cost of site inspection by the City to determine whether any geologic hazard exists and, if such is found, to review the geologic report prepared by the developer's engineering geologist. The developer shall reimburse the Department of Public Works for any cost in excess of the deposit prior to recording the Final Map. Any unused portion of the deposit will be refunded.

FINAL MAP RECORDATION

1. The Final Map shall show the dedication of all onsite drainage easements, including easements for access thereto, and show monumentation for such easements, as required by the Public Works Director, or verify that no easements are required.
2. The Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
3. Final Maps may be filed as units or groups of units, provided that there will be a minimum six-week interval between approval of each Final Map. Lot design on the Final Map shall be in substantial conformance to that shown on the Tentative Map. Lot 1 shall be in Unit 1, and the lot number sequencing shall correspond with unit sequencing. The highest numbered lot shall be in the last unit.
4. Upon notification by the City of Riverbank that a final map is approved for recordation, the applicant shall pay all costs associated with the transport of the map by city personnel to the Stanislaus County Recorder's Office.
5. The sub divider shall accomplish the following prior to approval of the Final Map by the City Council:
 - a. Provide the Department of Public Works with standard forms approved by the Community Development Director stating that the applicable agency or agencies have provided commitment to the site for such public facilities that are required for the subdivision (including, but not necessarily limited to, water and sewer services).]
 - b. Provide the City with a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: (a) they have received from the developer a copy of the proposed map; (b) they object or do not object to the filing of the map without their signature; (c) in case of a street dedication affected by their existing easement, they will sign a "subordination certificate" or "joint-use certificate" on the map when required by the governing body. In addition, the sub divider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the Tentative Map.
 - c. Grant to the appropriate agency, by recorded document, all required offsite easements and all onsite water main easements that serve fire hydrants, or furnish a letter from said agency that none are required.
 - d. Provide the Department of Public Works with evidence that any offer of dedication or grant of right-of-way shall be free of all encumbrances or subordinated at the time of recordation of the Final Map.
 - e. If the sub divider does not have the real property rights necessary for public access or the construction of required improvements, he/she shall

request the Planning Commission to direct City staff to begin eminent domain proceedings for acquisition of said property rights in accordance with Board Policy J-33. The developer shall agree to pay full City costs of eminent domain proceedings, including all easement costs. The developer shall also agree to construct required improvements within said easement.

- f. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the City