



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

Agenda
Tuesday, June 16, 2015 – 6:00 P.M.

CALL TO ORDER: Chair: Hughes

ROLL CALL:

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

CONFLICT OF INTEREST

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

1. PUBLIC COMMENTS (No action to be taken)

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

2. CONSENT CALENDAR

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

Item 2.A: Posting of the Agenda. The Agenda for the June 16, 2015, Planning Commission Meeting was posted on the City Chamber bulletin board, City Hall North & South bulletin board, Post Office and sent to the Library on June 12, 2015.

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

Item 2.C: Approval of the Minutes. The Minutes of the May 5, 2015, Special Planning Commission Meeting having been read by the individual Commissioners and stands approved as submitted.

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

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA during normal business hours. (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).

3. PUBLIC HEARING

Item 3.1: Dominic Genova, Linda R. Hollar-Genova, the D&J Kochevar 1998 Revocable Trust proposal for a Parcel Map Application No. 03-2014. Project Description: The property owners are requesting to subdivide an existing 40,000 square foot parcel of land into two (2) parcels consisting of Parcel 1 – 27,466 square feet and Parcel 2 – 12,543 square feet. Parcel 1 would be vacant land while Parcel 2 would contain the existing house and garage with granny flat conversion above the garage. Property is located at 6413 4th Street, APN 132-017-019 and is zoned R-3 (Multi-Family Residential). The General Plan designation for the site is HDR (High Density Residential). The property is within the recently adopted Downtown Specific Plan which designates this property as Mixed Use Neighborhood District. City services currently serving the site will remain unchanged including water and sewer. City staff has determined that the proposed Parcel Map is exempt from the CEQA pursuant to Section 15332 (Class 32) of the State CEQA Guidelines related to In-fill Development Projects.

Recommendation: Denial by roll call vote

Item 3.2: Riverbank General Plan Amendment. The project involves a General Plan Amendment to the City's Safety Element related to new State law requirements of Senate Bill 5. Project Description: The proposed General Plan Amendment will update the City's General Plan Safety Element to be consistent with Senate Bill 5 and the Central Valley Flood Protection Plan (CVFPP). Senate Bill 5 was adopted in 2007 and effective on January 1, 2008, which requires jurisdictions within the Sacramento-San Joaquin Valley to include 1) locations of State Plan Flood Control (SPFC) facilities and areas protected by the facilities, 2) location of flood hazard zones and 3) goals, policies, objectives, and feasible mitigation measures based on the data and analysis contained the Central Valley Flood Protection Plan (CVFPP) for the protection of lives and property to reduce the risk of flood damage. The proposed General Plan Amendment includes information based on the requirements above as well as new policies and implementation measures to ensure the City is making adequate progress toward 200-year flood protection, where applicable.

Recommendation: Approval by roll call vote

4. COMMISSION ITEMS (Information Only – No Action)

None

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

None

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

Item 6.1: Kuffel Parcel Map – Waiting on applicant to submit items.

Item 6.2: Ward Villas – Infill project that would require a General Plan Amendment, Rezone and Planned Development/Tentative Map. Waiting on applicant to submit items.

Item 6.3: Galaxy Theaters – Modification to CUP 01-2013.

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA during normal business hours. (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).

7. NEW BUSINESS (Information Only – No Action)

None

8. ADJOURNMENT – The next regular Planning Commission meeting – July 21, 2015 @ 6:00 p.m.

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA during normal business hours. (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).

AFFIDAVIT OF POSTING

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

*Dated this 12th day of June, 2015
Janet Smallen, Sr. CDS*

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

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

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

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

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

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

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA during normal business hours. (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).



City of Riverbank Development Services Department

Planning Division ≈ Building Division ≈ Neighborhood Improvement Division

6707 Third Street, Riverbank, CA 95367 Office (209) 863-7128 FAX (209) 869-7126

PUBLISH DATE: June 3, 2015
DEPT: PLANNING

LEGAL

CITY OF RIVERBANK NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Riverbank Planning Commission will conduct a public hearing to consider the request for a Parcel Map, described below at 6:00 p.m. on Tuesday June 16, 2014, in Council Chambers 6707 Third Street, Riverbank, California.

Project Descriptions:

- I. **Dominic Genova, Linda R. Hollar-Genova, the D&J Kochevar 1998 Revocable Trust proposal for a Parcel Map Application No. 03-2014. Project Description:** The property owners are requesting to subdivide an existing 40,000 square foot parcel of land into two (2) parcels consisting of Parcel 1 – 27,466 square feet and Parcel 2 – 12,543 square feet. Parcel 1 would be vacant land while Parcel 2 would contain the existing house and garage with granny flat conversion above the garage. Property is located at 6413 4th Street, APN 132-017-019 and is zoned R-3 (Multi-Family Residential). The General Plan designation for the site is HDR (High Density Residential). The property is within the recently adopted Downtown Specific Plan which designates this property as Mixed Use Neighborhood District. City services currently serving the site will remain unchanged including water and sewer. City staff has determined that the proposed Parcel Map is exempt from the CEQA pursuant to Section 15332 (Class 32) of the State CEQA Guidelines related to In-fill Development Projects.
- II. **Riverbank General Plan Amendment. The project involves a General Plan Amendment to the City's Safety Element related to new State law requirements of Senate Bill 5. Project Description:** The proposed General Plan Amendment will update the City's General Plan Safety Element to be consistent with Senate Bill 5 and the Central Valley Flood Protection Plan (CVFPP). Senate Bill 5 was adopted in 2007 and effective on January 1, 2008, which requires jurisdictions within the Sacramento-San Joaquin Valley to include 1) locations of State Plan Flood Control (SPFC) facilities and areas protected by the facilities, 2) location of flood hazard zones and 3) goals, policies, objectives, and feasible mitigation measures based on the data and analysis contained the Central Valley Flood Protection Plan (CVFPP) for the protection of lives and property to reduce the risk of flood damage. The proposed General Plan Amendment includes information based on the requirements above as well as new policies and implementation measures to ensure the City is making adequate progress toward 200-year flood protection, where applicable.

The City of Riverbank will hold a Public Hearing as follows:

**Planning Commission Meeting
June 16, 2015 at 6:00 pm
City Hall Council Chambers - 6707 Third Street - Riverbank, California**

ALL INTERESTED PARTIES are invited to attend the public hearing on **June 16, 2015** at the time and place specified above to express opinions or submit evidence for or against the subject matter being considered. Written comments via e-mail to jbanderson@riverbank.org or by postal service, or hand delivered to **6707 Third Street, Suite A, Riverbank, California, 95367**, will be accepted by the Community Development Department up to 5:00 p.m. on said date. All written comments received by said time will be distributed to the Planning Commission for consideration. Oral comments will be received by the Planning Commission prior to the close of the Public Hearing on the subject matter being considered. The Planning Commission will receive all testimony prior to taking action. Testimony cannot be given over the telephone. If you challenge the City's action on these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing.

Meeting facilities are accessible to persons with disabilities. Any person requiring special assistance to participate in the meeting should notify the Administration Dept. at (209) 863-7122 or cityclerk@riverbank.org at least seventy-two (72) hours prior to the meeting. For questions regarding the public hearing matter contact John B. Anderson, Consulting Community Development Director, at (209) 863-7124; jbanderson@riverbank.org.

Any public record materials pertaining to the presentation of the subject matter being considered will be made available for review at the Development Services Counter at 6717 Third Street, Riverbank, and (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).



City Of Riverbank
Special Planning Commission Meeting
MINUTES
Tuesday, May 5, 2015

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Development Services Department at (209) 863-7128.

CALL TO ORDER/ROLL CALL:

Present: Chair Hughes, Vice Chair Degele, Commissioner McKinney
Commissioner Villapudua

Absent: Commissioner Stewart (Excused)

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC COMMENTS (No Action Can Be Taken): At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission.

Rich Holmer – Informed the Planning Commission he is Vice Chair to the Historical Society and that they are working with an architect to draw up plans to be able to construct a 3,000 sq. ft. building on the empty lot next to the Museum, to house their 1919 Model T fire truck that was the first fire truck in Riverbank. As they are raising funds by doing fund raisers, such as omelet breakfast they are holding on May 17th. And that in the near future the Planning Commission will be seeing this project.

2. CONSENT CALENDAR: All items 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 No. 2.A: Posting of the May 5, 2015, Special Planning Commission Meeting.

ACTION: *By motion moved/second (Degele / McKinney / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Degele, Hughes, McKinney and Villapudua

Nays: None

Absent: Commissioner Stewart (Excused)

Abstained: None

Item No. 2.B: The Agenda for the May 5, 2015, Special Planning Commission Meeting.
ACTION: *By motion moved/second (Degele / McKinney / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Degele, Hughes, McKinney and Villapudua

Nays: None

Absent: Commissioner Stewart (Excused)

Abstained: None

Item No. 2.C: The Minutes of the April 21, 2015 Planning Commission Meeting.
ACTION: *By motion moved/second (Degele / McKinney / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Degele, Hughes, McKinney and Villapudua

Nays: None

Absent: Commissioner Stewart (Excused)

Abstained: None

3. PUBLIC HEARINGS

Item 3.1: Galaxy Theaters Conditional Use Permit 01-2015 – Resolution #2015-012 -
Project Description: The project applicant is requesting to construct an 8,750 square foot expansion of Galaxy Theaters to include a 452 seat IMAX Theater, located on the western portion of the existing 12 screen complex. The project is located at 2525 Patterson Road, APN 075-008-029 and is zoned PD42 (Planned Development) District. Characteristics of the proposed building addition include 8,750 square feet expansion, 48 feet in height and 30 feet in height for accessory structures (i.e. light poles, mechanical equipment). As a result of the proposed building, the applicant is suggesting that fifty-two (52) existing parking stalls be removed. Existing City services currently serving the site will remain unchanged. No additional off-site connections are proposed. Storm drainage will continue to drain into the City system. However, the applicant is proposing to filter Storm drainage on-site, as required by new State MS4 Requirements.

- John B. Anderson introduced item 3.1 and presented the PowerPoint presentation.
- Commissioner McKinney asked John if the elevation presented is what the new addition would look like.

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- John informed McKinney that yes this is what it would look like and the proximity of the new addition is to the west side of the existing building.
 - Commissioner Villapudua asked if the IMAX addition was going to be a two story addition.
 - John B. Anderson said it looks like a two story but the way the screen is projected and the seating has to be to fit the large screen the building has to be 48 feet tall.
 - Commissioner Degele asked if the 48 feet height of the building was within the zoning standards.
 - John B. Anderson said yes that the zoning standards max height is 70 feet.
 - John B. Anderson presented the revised resolution.
 - Chair Hughes asked if John B. Anderson could go through the changes of the revised resolution.
 - John B. Anderson went through what the clarifications and changes that were made.
 - John B. Anderson and the Commission discussed concerns of parking and if the applicant in the future decides to subdivide and make additional changes they would need support that at that time. But currently are meeting what was approved when they first built the Theater.
 - Chair Hughes opened the public hearing for persons wishing to speak for or against the Item.
 - Persons wishing to speak for the project was Garnette Martin a director with the Riverbank Chamber of Commerce.
 - Is in favor of the IMAX Theater addition and that it will be great for the community.
 - Persons wishing to speak for the project was Rich Holmer speaking on behalf of the applicant.
 - Rich first wanted to thank staff for working on this project with them and that Galaxy had thought long and hard on adding the IMAX Theater that it is a 3.5 million dollar project.
 - That this would draw a lot of new people to our city.
 - They are aware of the parking concerns, but have reduced the seating and that it is not like a ball game that the movie times are staggered to so people are always coming and going at different times.

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- Rich also addressed the height of the building and that it is to get the effects that is offered by the IMAX Theater.
 - And that in the past the back parking spaces haven't been utilized as they should and that they have added camera's and on Friday and Saturday nights will have security that will walk around the building.
 - Nathan Paul General Manager of Galaxy also spoke in favor of the project and that it would be good for Riverbank and draw outside patrons to come to Riverbank.
 - Rod Hawkins Civil Engineer for the project also spoke in favor of the project and added that there would be additional restrooms added to the new addition.
 - Chair Hughes asked question pertaining to ADA parking and the distance from the current ADA parking to the new addition.
 - Rod Hawkins stated that the ADA parking is on the east side the Theater and would remain there.
 - Chair Hughes asked if there would be additional ADA spots added to the west side.
 - Rod Hawkins stated that they would still be entering at the same entrance to the Theater.
 - Discussion between John B. Anderson, Rod Hawkins, Rich Holmer and Chair Hughes on the ADA parking and location.
 - Commissioner McKinney asked about the height restriction.
 - John B. Anderson stated that 70 feet is the max height and there purposed building is 48 feet.
 - Vice Chair Degele asked if we had received any feedback from residence that live behind the theater and issue with the lighting.
 - Rich Holmer explained that the lighting is directed downward.
 - Commissioner McKinney asked if the neighboring properties were notified of the purposed addition and meeting.
 - John B. Anderson said that we notify in three different ways one is a public notice in the Riverbank News, the other is a posting a sign at the site and the other is by mailing a letter to everyone within 300 feet of the project location.
 - Commissioner McKinney asked about traffic during prime movie events.

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- Rich Holmer informed him that nothing would be done at this time as it was not required by Caltrans.
 - Commissioner McKinney asked additional question to applicant.
 - Nathan Paul responded to Commissioner McKinney's questions.
 - Chair Hughes asked what the price would be for a showing at the IMAX.
 - Nathan Paul was not sure at this time.
 - Commissioner Villapudua asked about ADA parking and if they choose to exit from the west side exit other than the main entrance it would be quite a distance to the ADA parking on the east side.
 - John B. Anderson said once they submit plans building plans it will be review by fire and other departments.
 - Commissioner McKinney had question to the elevation of the new IMAX and that it looks like it is separate of the existing theater.
 - Nathan Paul said they like to make it look a little different to stand out more.
 - Chair Hughes asked if there would be signage on the new building.
 - Commissioner McKinney asked additional question to applicant.
 - Nathan Paul responded to Commissioner McKinney.
 - Rich Holmer also responded to Commissioner McKinney.
 - Chair Hughes asked if from the last upgrade that Galaxy had done are they seeing the projections that they had hoped for.
 - Rich Holmer said that they are close, but are regaining the patrons that they had lost.
 - Chair Hughes asked if there are any issues with parking could they stagger the movie times more.
 - Rich Holmer said that it's not like a baseball game or concert that they all come and go at one time. That it would be up to Nathan and his staff to come up with the most opportune plan so it does stagger and there is parking.
 - Commissioner Villapudua asked when it would be open.
 - Rich Holmer said hopefully March of 2016.

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- Commissioner McKinney asked if the city receives money for ticket sales.
 - Rich Holmer said no that they receive money from the concession's that are sold.
 - Commissioner McKinney asked about landscaping to the addition.
 - Rich Holmer said that they will be replacing landscaping that will be taken out.
 - Rod Hawkins said that there is not a new look put will be placing new planters for what is being removed.
 - Chair Hughes asked about the length of the footage of the new building.
 - John B. Anderson stated it is 87 feet.
 - Commissioner McKinney asked some additional question to applicant.
 - Rod Hawkins responded to Commissioner McKinney's questions.
 - Chair Hughes stated she would like to see more ADA spaces to the center entrance. Stating that it is such a long distance from the east side to the entrance, then all the way to the new IMAX Theater.
 - Rod Hawkins stated that they could analyze and look at it with the architect.
 - John B. Anderson clarified what Chair Hughes was suggested by adding additional ADA parking somewhere in the center parking lot so the travel distance would not be so long.
 - Rod Hawkins said that would be something they could look at, but the one advantage of parking on the east side you are not crossing any traffic paths.
 - Chair Hughes suggested that some people would like to have less distance to travel.
 - Rod Hawkins stated that maybe they could look at the west side and add some ADA spots and eliminate some from the east side, that they have enough ADA spots.
 - Vice Chair Degele thought it might be more of a distance from the west side.
 - Rod Hawkins said no matter what you have to enter at the main entrance but could exit from the west side.
 - Jill Anderson, City Manager spoke on behalf of the project and that how it would benefit Riverbank and bring great value to the community.

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- Chair Hughes closed the public hearing at 6:56 pm.

ACTION: *By motion moved/second (Degele / Villapudua / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Degele, Hughes, McKinney and Villapudua

Nays: None

Absent: Commissioner Stewart (Excused)

Abstained: None

4. COMMISSION ITEMS

None.

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION

None.

6. UP-COMING MEETING AGENDA ITEMS

Item 6.1: Kuffel Parcel Map.

Item 6.2: 4th Street Parcel Map on an R-3 parcel has been referred out to the different agency to comment on.

Item 6.3: Ward Villa – Infill project that would require a General Plan Amendment, Rezone and Planned Development.

Item 6.4: Michael Riddell, Public Works Superintendent to report on the water crisis, will be available for our June Planning Commission meeting.

7. NEW BUSINESS

None.

8. ADJOURNMENT

Item 8.1: Commissioner McKinney wanted to thank Galaxy Theater for making a huge investment in our city.

There being no further business, Chair Hughes adjourned the meeting at 7:00 p.m.

ATTEST:

John B. Anderson
Recording Secretary

APPROVED:

Patricia Hughes, Chair
Planning Commissioner

**CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT**

ITEM NO: 3.1 **June 16, 2015**

APPLICATION: **Tentative Parcel Map Application 03-2014. Project Description:** Request to subdivide an existing 40,000 square foot parcel of land into two (2) parcels consisting of Parcel 1 – 27,466 square feet and Parcel 2 – 12,543 square feet. Parcel 1 would be vacant land while Parcel 2 would contain the existing house and garage with granny flat conversion above the garage. Property is located at 6413 4th Street, APN 132-017-019 and is zoned R-3 (Multi-Family Residential). The General Plan designation for the site is HDR (High Density Residential). The property is within the recently adopted Downtown Specific Plan which designates this property as Mixed Use Neighborhood District. City services currently serving the site will remain unchanged including water and sewer.

OWNER: Dominic Genova, Linda R. Hollar-Genova
The D & J Kochevar 1998 Revocable Trust
10008 Cork Oak Circle
Oakdale, California 95361

APPLICANT: Dennis Wilson
Horizon Consulting Services
P.O. Box 1448
Modesto, California 95353

ENGINEER: Associated Engineering Group
4206 Technology Drive, Suite 4
Modesto, California 95356

LOCATION/APN: The proposed project is located at 6413 4th Street, APN 132-017-019

GENERAL PLAN: High Density Residential (HDR)

ZONING: Multi-Family Residential (R-3)
Mixed Use Neighborhood District (DTSP), Recently adopted and in effect as of June 13, 2015

ENVIRONMENTAL DETERMINATION:	Pursuant to the California Environmental Quality Act, Staff has determined that the proposed Parcel Map is exempt pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the State CEQA Guidelines. The proposed Parcel Map meets the conditions prescribed by CEQA Section 15332(a-e).
PROJECT PLANNER:	John B. Anderson, Contract Community Development Director
RECOMMENDATION:	Planning Staff recommends denial of the proposed Parcel Map based on the analysis presented below.
ACRONYMS:	CEQA – California Environmental Quality Act RMC – Riverbank Municipal Code HDR – High Density Residential R-3 – Multi-Family Residential District BNSF – Burlington North Santa Fe ROW – Right of Way
ATTACHMENTS:	1. Vicinity Map 2. Tentative Parcel Map No. 03-2014 3. Conceptual Drawing of R-3 Development Potential with Parcel 1 4. Photos of Site

I. EXECUTIVE SUMMARY

The proposed project consists of a request to subdivide an existing 40,000 square foot parcel of land into two (2) parcels consisting of Parcel 1 – 27,466 square feet and Parcel 2 – 12,543 square feet. Parcel 1 would be vacant land while Parcel 2 would contain the existing house and garage with granny flat conversion above the garage. The property is zoned R-3 (Multi-Family Residential). The General Plan designation for the site is HDR (High Density Residential). The property is within the recently adopted Downtown Specific Plan which designates this property as Mixed Use Neighborhood District. City services currently serving the site will remain unchanged including water and sewer.

II. BACKGROUND

The subject project is located within the Downtown Area of Riverbank and is bounded by an alley to the north, Patterson Road/BNSF to the south, 4th Street to the east, and residential parcels/ 3rd Street to the west. As discussed above, the existing house and garage/granny flat will remain on Parcel 2 as a result of this subdivision. Parcel 1 would

be vacant. An existing lean-to attached to the garage/granny flat on the west side and shed, south of the existing patio cover are to be removed.

The Tentative Parcel Map Application was submitted on November 17, 2014. Staff has been working with applicant to respond to design and General Plan policy issues.

The existing house and garage/granny flat were constructed in 1942 and 1946, respectively, for a combined square footage of 1,820 square feet (house is 1,388 sq. ft. and the garage/granny flat is 432 sq. ft.). The granny flat is located above the existing garage, located north of the house. City building records indicate that little activity has taken place since it was purchased in the 1940s as it relates to building improvements on these two (2) structures. However, the applicant has supplied Staff with documents showing that improvements have more recently been made to the existing house and garage/granny flat in the form of paint, carpeting and mechanical repairs.

4th Street frontage at the project site remains unimproved.

III. ANALYSIS

A. Development Standards

Lot Size

The proposed Parcel Map would subdivide an existing 40,000 square foot parcel (200' x 200') of land into two (2) parcels consisting of Parcel 1 – 27,466 square feet and Parcel 2 – 12,543 square feet. Minimum lot area, as prescribed by the RMC, is 6,000 square feet for one and two family dwellings and 2,000 square feet for each unit in excess of two dwelling units. According to the Site Plan, the proposed subdivision meets this requirement, including Parcel 2, which will contain the existing 1,388 square foot house and 432 square foot garage/granny flat.

Lot Width

Minimum lot width for a corner lot is 65 feet. According to the Site Plan, the proposed subdivision meets this requirement, as Parcel 1 has a proposed width of 110' (North property line) and 200' (South property line) and Parcel 2 has a proposed width of 90'.

B. General Plan Consistency Findings

As part of the recommendation to the Planning Commission, Staff must find the project consistent with the City's adopted General Plan. Policy 4.2 and Program 4.2a of the City's certified 2009-2014 Housing Element calls for the preservation of multi-family sites and discourages land division of sites currently zoned high-density residential

This program is detailed as follows:

Policy 4.2: Preserve current multi-family sites

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

Responsibility: Community Development Department

Timeframe: Ongoing

The proposed project will subdivide a site that has a General Plan designation of HDR (High Density Residential) and is further zoned as R-3 (Multi-Family Residential) / Mixed Use Neighborhood District (DTSP).

The intent of the above Policy and Program is to preserve sites that are currently zoned and have the capacity for multi-family developments. In many instances, subdividing such parcels will result in a significantly reduced development potential. This is due to a number of factors including:

- Size is reduced to the point where a multi-family development is not possible;
- Access, including emergency services is limited;
- The result of the subdivision leaves the remaining parcel such that building layout is hindered and reduces the potential for higher density uses.

Staff has asked the applicant/owner to provide evidence to support this General Plan finding. None has been provided.

Additionally, the City, through the Housing Element and greater Regional Housing Needs Allocation (RHNA) must plan for housing for all economic segments of the community, including housing for extremely low-, very low-, and low-income groups. Currently, the City needs sites that are zoned multiple family residential. As part of the update to the 2009-2014 Housing Element, staff conducted a Vacant Sites Inventory and found that only 6.18 acres of the vacant land in Riverbank is zoned Multiple Family Residential. This acreage has the potential for ninety-three (93) units, using average densities. Assuming that all 6.18 acres would be developed and are affordable, this only meets 17.6 percent of the regional housing needs for the extremely low-, very low- and low-income groups.

C. Multi-Family Development Potential of Parcel 1

During the application process, Staff requested that the applicant show the multi-family development potential of Parcel 1: the vacant 27,466 square foot parcel that would be a result of the proposed subdivision. The applicant submitted a sketch of how Parcel 1 could be developed and it is attached to this Staff Report as Attachment 3. **It is important to note that the sketch provided is hypothetical and serves as a tool for us to understand how this site could accommodate a multi-family residential project.**

Staff has expressed a number of concerns with the sketch that was presented by the applicant. In summary, the sketch does not meet the City's parking standards, ROW is too narrow at 15' – should be 25' minimum and the sketch does not allocate space for on-site storm water filtering and retention. Staff's determination in this regard is that the development potential for this site is drastically reduced if the proposed subdivision is approved.

To provide some context, an apartment building / project located at 6418 3rd Street, which is adjacent to the proposed subdivision is .447 acres (19,471 sq. ft.) in size. The property is zoned Multi-Family Residential (R-3) and has a General Plan designation of Mixed Use. The property has eight (8) units with an overall density of 17.89 dwelling units per acre. Additionally, the site has adequate parking adjacent to the building, accessible from the alley, which has been widened and provides sufficient right-of-way and open space to filter storm water.

D. Reasons for Denial

Riverbank Municipal Code §152.093(C): Action on Tentative Parcel Map provides detail on when a tentative parcel map is not to be approved or conditionally approved by the Planning Commission. Findings within this code section include:

- 1) The proposed map is not consistent with applicable general and specific plans;
- 2) The design or improvement of the proposed subdivision is not consistent with applicable general or specific plans;
- 3) The site is not physically suitable for the proposed type of development;
- 4) The site is not physically suitable for the proposed density of the development;
- 5) The design of the subdivision or the type of improvements is likely to cause serious public health problems; and
- 6) The design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

Staff has determined that the proposed Parcel Map is *not* consistent with the City's adopted General Plan and the lack of evidence of the potential for a multi-family residential development on the remaining vacant parcel (Parcel 1).

Furthermore, the above request, as a result of the analysis above, is in conflict with RMC §152.093(C)(1) and (4).

IV. ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act, staff has determined that the proposed Parcel Map is exempt pursuant to Section 15332 (Class 32) of the State

CEQA Guidelines. The proposed Parcel Map meets the conditions prescribed by CEQA Section 15332(a-d).

V. FISCAL IMPACT

No fiscal impact. However, concern has been raised by Riverbank Police Services as it relates to what potential impacts of new growth may have on enforcement services for the City of Riverbank. The Riverbank City Council in adopting Resolutions 2006-115 and 116 on October 23, 2006, set policy to require all new development to participate in the formation of a Community Facilities District for Police Protection. The proposed project is a Tentative Parcel Map and no development is proposed at this time. It has been expressed by the applicant that Parcel 1 will be sold at a later date for development, where fiscal impacts to Police and Fire Services will be addressed. Therefore, in light of the obligation for future residential projects to participate in the above mentioned CFD's, the proposed project should not have a negative fiscal impact on the City.

VI. PUBLIC NOTICE

The Planning Commission hearing notice was published in the Riverbank News on June 3, 2015, and posted at City Hall North and South on June 3, 2015 and the subject property on June 5, 2015 along with mailers to neighboring properties within 300 ft. on June 5, 2015.

VII. ALTERNATIVE ACTIONS

The Planning Commission's options regarding Tentative Parcel Map 03-2014:

1. Deny the request to subdivide the subject parcel based on 1) General Plan Consistency Findings related to the preservation of multi-family sites and 2) lack of evidence as it relates to the multi-family development potential of Parcel 1.
2. Continue the Public Hearing to a time certain to approve the above request. In this case the PC will need to supply Staff with direction for appropriate verbiage to support the stated General Plan Policy and RMC Findings, as well as direction to prepare a Resolution to formally approve the project.

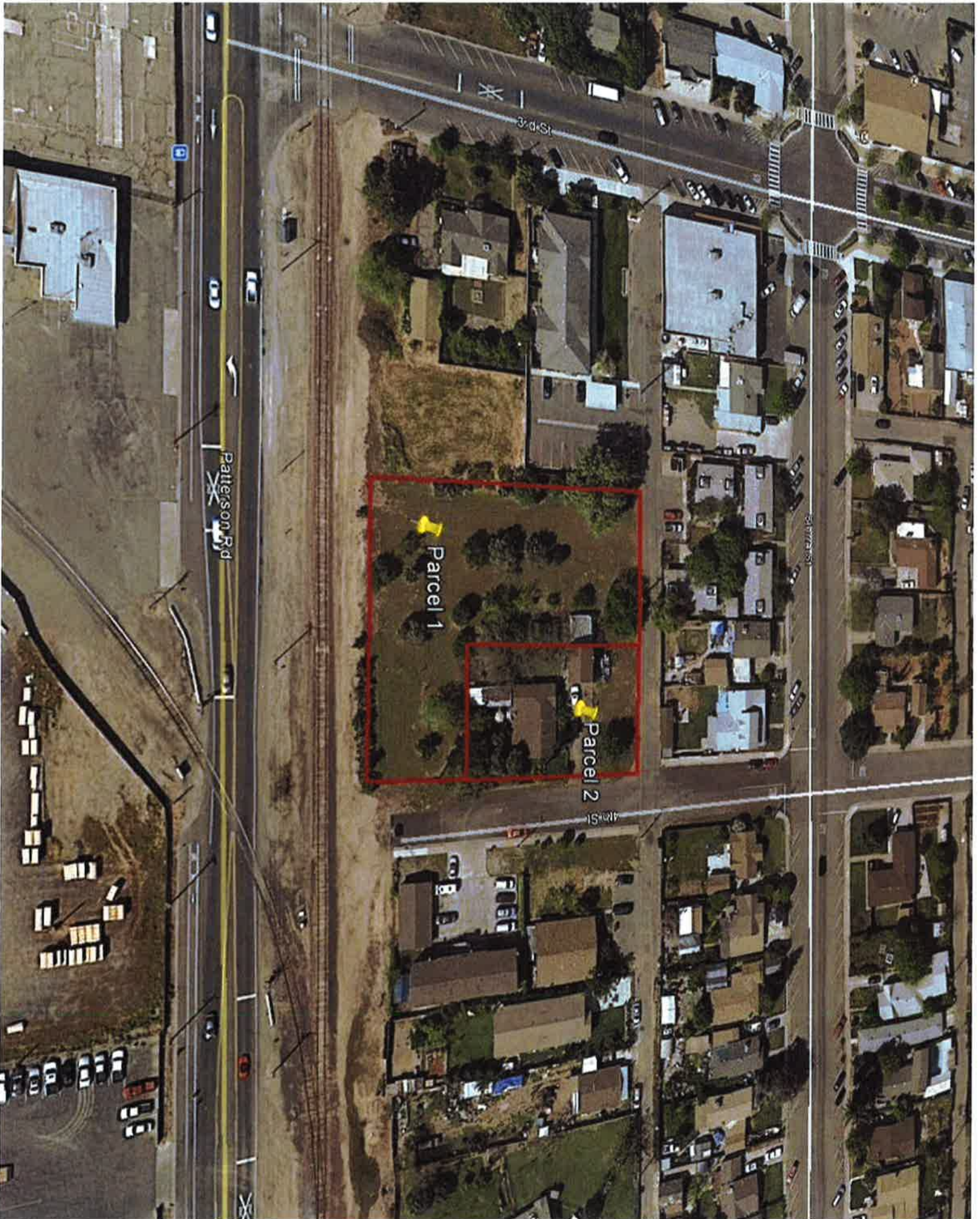
VIII. RECOMMENDATION

Staff recommends that the Planning Commission choose Option 1 above and deny the request based on the General Plan Consistency Findings that staff has made and the lack of evidence as it relates to the multi-family development potential of the entire site.

Respectfully Submitted By:

John B. Anderson

John B. Anderson
Contract Community Development Director



OWNER(S):

DOMINIC GENOVA, LINDA R. HOLLAR-GENOVA
THE D & J KOCH-GENOVA 1998 REVOCABLE TRUST
10008 CORK OAK CIRCLE
OAKDALE, CA 95361
C/O: DENNIS WILSON
HORIZON CONSULTING SERVICES
P.O. BOX 1448
MODESTO, CA 95355



APN: 132-017-015

APN: 132-017-016

APN: 132-017-017

APN: 132-017-018

BLOCK 25

20' ALLEY

3RD STREET

PARCEL 1
27,466 SQ. FT. ±

PARCEL 2
12,543 SQ. FT. ±

4TH STREET

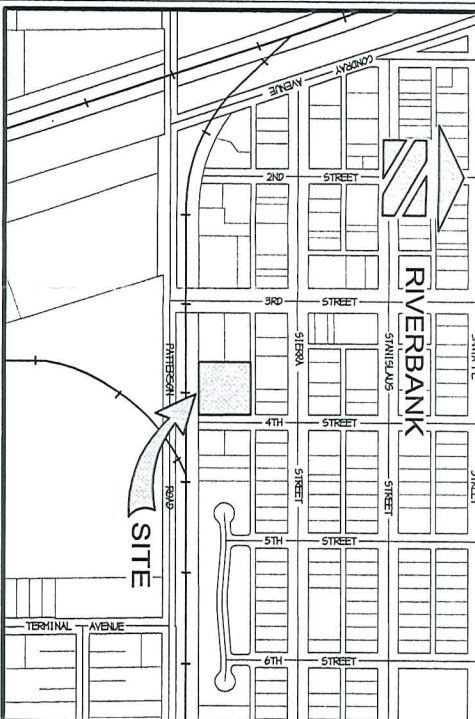
APN: 132-017-021

APN: 132-017-020

APN: 132-016-023

APN: 132-016-024

VICINITY MAP
NO SCALE



GENERAL NOTES

- SUBJECT PROPERTY:
ASSESSOR'S PARCEL NUMBER: 132-017-019
1. PRESENT ZONING: R-3 (MULTIPLE FAMILY RESIDENTIAL)
2. SITE SUMMARY: PROPERTY ADDRESS - 6413 4TH STREET, RIVERBANK, CA., 95367
3. TOTAL PROJECT SITE = 40,000 +/- SQ. FT., BEING SUBDIVIDED INTO (2) TWO PARCELS. PARCEL ONE = 27,466 SQ. FT. ± AND PARCEL TWO = 12,543 SQ. FT. ± ALL REQUIRED IMPROVEMENTS (IF ANY) SHALL BE CONSTRUCTED AS PER THE CURRENT CITY OF RIVERBANK STANDARD SPECIFICATIONS. ALL BUILDINGS (STRUCTURES) TO REMAIN SHALL MEET THE CURRENT CITY SETBACK REQUIREMENTS FOR THE ZONE.
4. UTILITIES:
WATER SUPPLY: CITY OF RIVERBANK
SANITARY SEWER DISPOSAL: CITY OF RIVERBANK
STORM DRAINAGE: CITY OF RIVERBANK
ELECTRICITY: MODESTO IRRIGATION DISTRICT
TELEPHONE: A.T.&T.
IRRIGATION: N/A
5. SITE CURRENTLY CONSISTS OF A SINGLE FAMILY RESIDENCE /GRANNY FLAT AND LARGE FALLOW LAND AREA
6. THIS SITE IS GENERALLY FLAT IN NATURE AND LYING NEAR THE 145 FOOT CONTOUR. ELEVATION AS SHOWN ON USGS MAPS. SUBJECT PARCEL IS LOCATED IN ZONE "X", OF THE FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY-PANEL NUMBER 06099C 0335 E.
7. THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY. THE STRUCTURES DEPICTED HEREON ARE PLOTTED FROM AERIAL PHOTOS AND INFORMATION PERTAINING TO CLIENT RECOLLECTION AND ARE SHOWN IN APPROXIMATE LOCATIONS FOR TENTATIVE MAPPING PURPOSES ONLY. ACTUAL LOCATIONS MAY VARY.

TENTATIVE
PARCEL MAP

A DIVISION OF LOT 25-B OF BLOCK 25, TOWN OF RIVERBANK
AS SHOWN IN VOL. 5 OF MAPS, PG. 16, S.C.R.
CITY OF RIVERBANK, CALIFORNIA



ASSOCIATED
ENGINEERING
GROUP

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

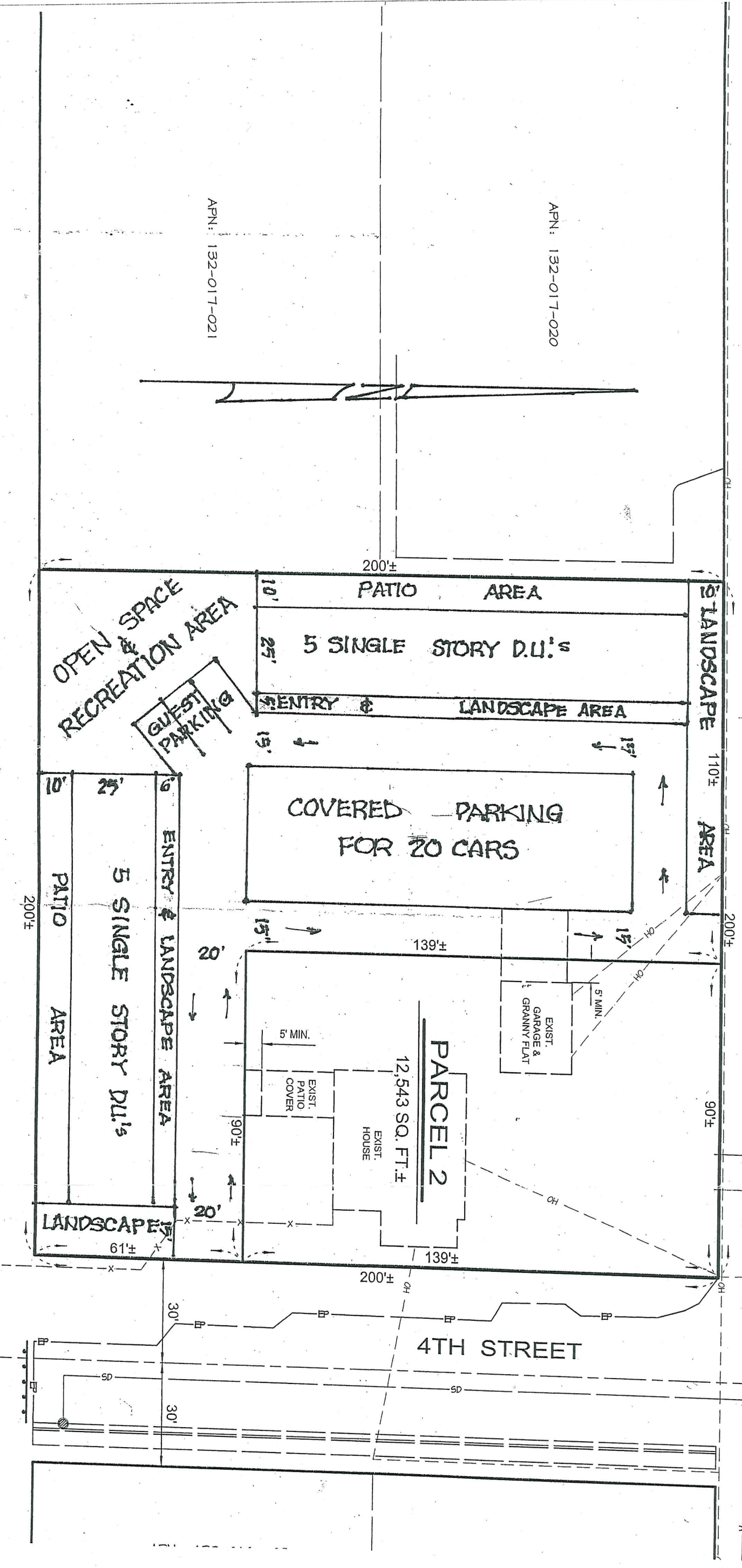
REVISION	DATE	DESCRIPTION	BY

A.T. & S.F. RAILROAD
PATTERSON ROAD

DRAWN BY: DLS
DATE: 2/27/15
SCALE: 1"=30'
DWG: TPM(12)
CHECKED: _____
JOB #: 1003-14
SHEET
1
OF 1

BLOCK 25

20' ALLEY



SKETCH TO SHOW POTENTIAL
FOR AN R-3 PROJECT

SCALE: 1" = 30'

PREPARED BY
APR 01 2015



Photo 1: Facing South



Photo 2: Facing South



Photo 3: Facing South



Photo 4: Facing South East



Photo 5: Facing South West



Photo 6: Facing South



Photo 7: Facing South



Photo 8: Facing West



Photo 9: Facing West

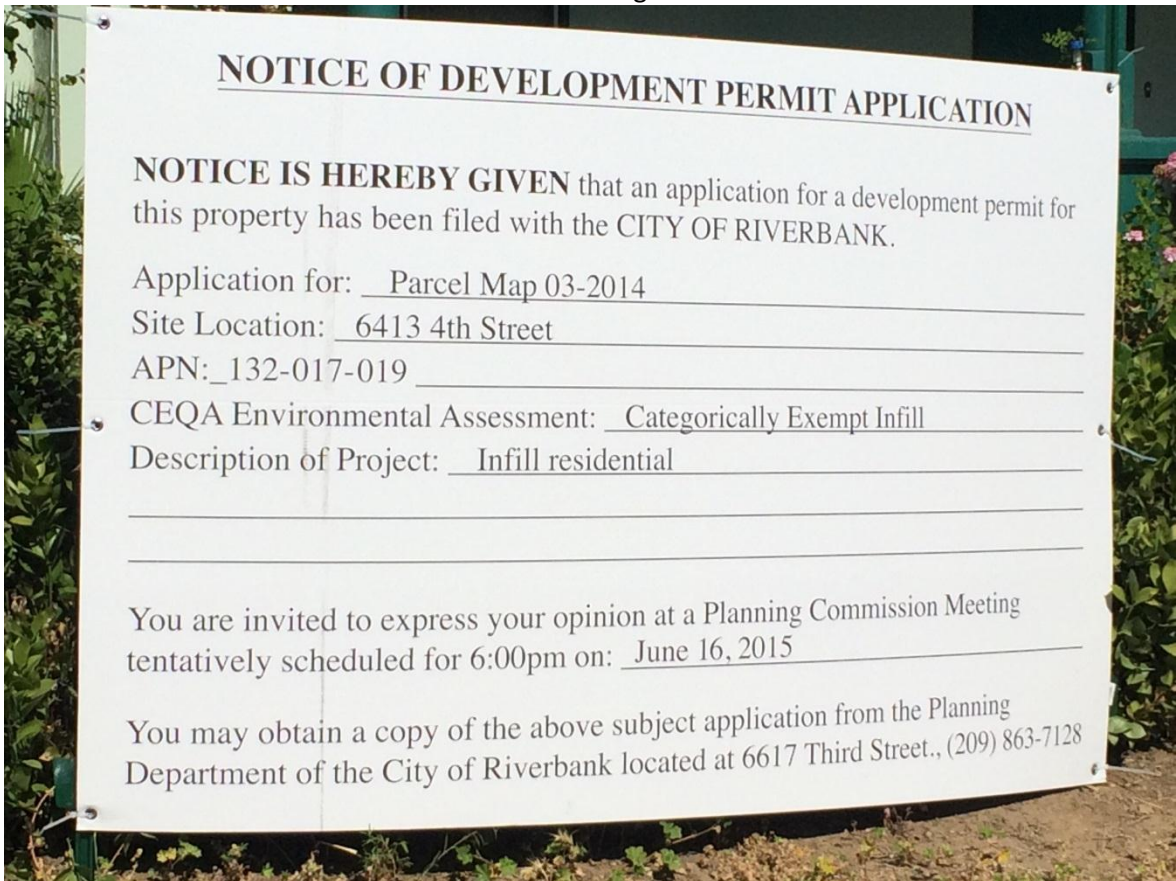
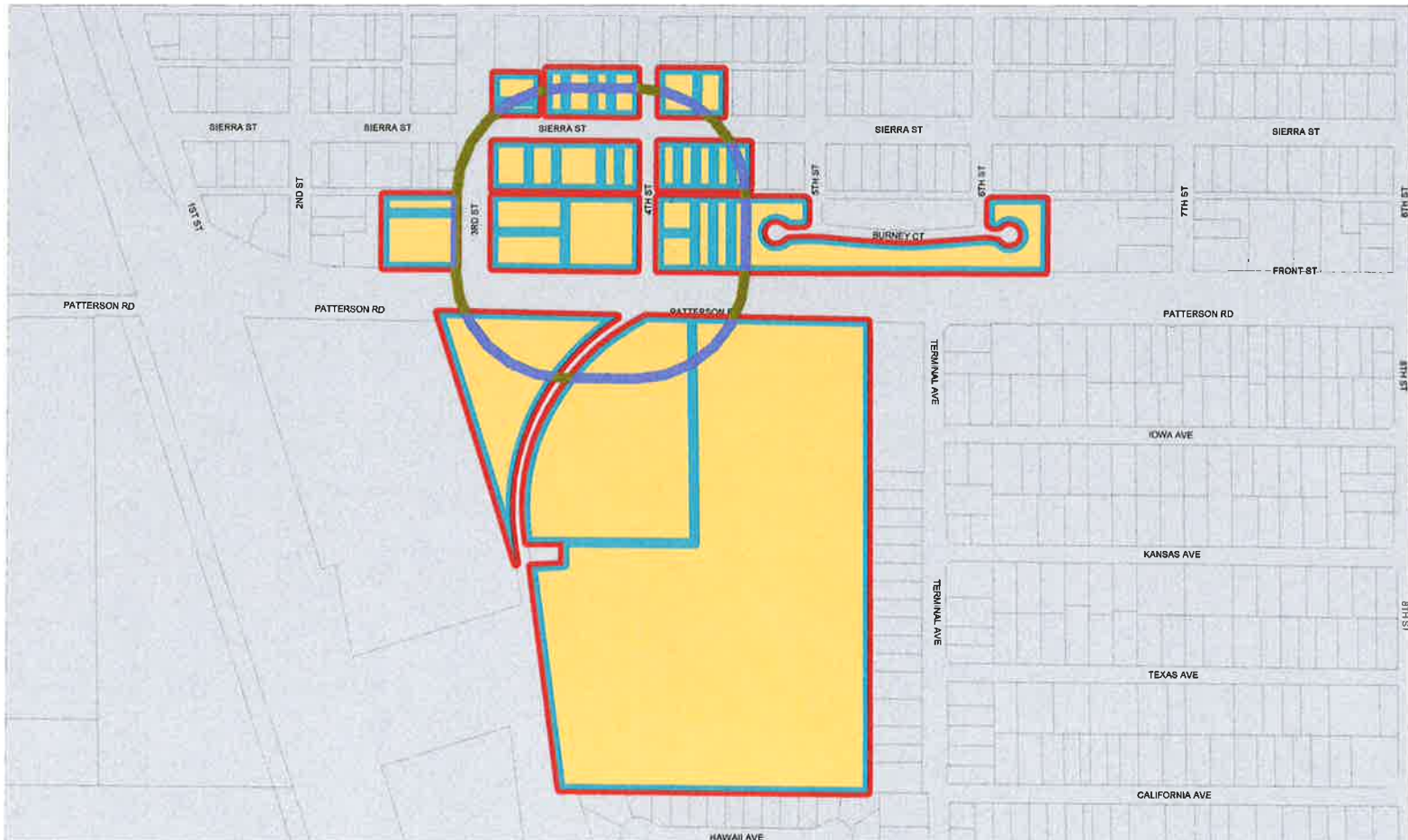


Photo 10: Facing West



Photo 11: Facing West

300 ft. raduis map for noticing





City of Riverbank Development Services Department

Planning Division ≈ Building Division ≈ Neighborhood Improvement Division

6707 Third Street, Riverbank, CA 95367 Office (209) 863-7128 FAX (209) 869-7126

PUBLISH DATE: June 3, 2015
DEPT: PLANNING

LEGAL

CITY OF RIVERBANK NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Riverbank Planning Commission will conduct a public hearing to consider the request for a Parcel Map, described below at 6:00 p.m. on Tuesday June 16, 2014, in Council Chambers 6707 Third Street, Riverbank, California.

Project Description:

- I. **Dominic Genova, Linda R. Hollar-Genova, the D&J Kochevar 1998 Revocable Trust proposal for a Parcel Map Application No. 03-2014.** **Project Description:** The property owners are requesting to subdivide an existing 40,000 square foot parcel of land into two (2) parcels consisting of Parcel 1 – 27,466 square feet and Parcel 2 – 12,543 square feet. Parcel 1 would be vacant land while Parcel 2 would contain the existing house and garage with granny flat conversion above the garage. Property is located at 6413 4th Street, APN 132-017-019 and is zoned R-3 (Multi-Family Residential). The General Plan designation for the site is HDR (High Density Residential). The property is within the recently adopted Downtown Specific Plan which designates this property as Mixed Use Neighborhood District. City services currently serving the site will remain unchanged including water and sewer. City staff has determined that the proposed Parcel Map is exempt from the CEQA pursuant to Section 15332 (Class 32) of the State CEQA Guidelines related to In-fill Development Projects.

The City of Riverbank will hold a Public Hearing as follows:

**Planning Commission Meeting
June 16, 2015 at 6:00 pm
City Hall Council Chambers - 6707 Third Street - Riverbank, California**

ALL INTERESTED PARTIES are invited to attend the public hearing on **June 16, 2015** at the time and place specified above to express opinions or submit evidence for or against the subject matter being considered. Written comments via e-mail to jbanderson@riverbank.org or by postal service, or hand delivered to **6707 Third Street, Suite A, Riverbank, California, 95367**, will be accepted by the Community Development Department up to 5:00 p.m. on said date. All written comments received by said time will be distributed to the Planning Commission for consideration. Oral comments will be received by the Planning Commission prior to the close of the Public Hearing on the subject matter being considered. The Planning Commission will receive all testimony prior to taking action. Testimony cannot be given over the telephone. If you challenge the City's action on these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing.

Meeting facilities are accessible to persons with disabilities. Any person requiring special assistance to participate in the meeting should notify the Administration Dept. at (209) 863-7122 or cityclerk@riverbank.org at least seventy-two (72) hours prior to the meeting. For questions regarding the public hearing matter contact John B. Anderson, Consulting Community Development Director, at (209) 863-7124; jbanderson@riverbank.org.

Any public record materials pertaining to the presentation of the subject matter being considered will be made available for review at the Development Services Counter at 6717 Third Street, Riverbank, and (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).

132-012-040
SCHOONOVER RICHARD
3415 SIERRA ST
RIVERBANK CA 95367

132-012-041
CAMERON BRENDA ET AL TRS
FREE HOLINESS CHURCH
2554 TOPEKA ST
RIVERBANK CA 95367

132-012-041
CURRENT RESIDENT
3401 SIERRA ST
RIVERBANK, CA 95367

132-012-043
CURRENT RESIDENT
6501 4TH ST
RIVERBANK, CA 95367

132-012-043
BURGENO ROSENDO
P O BOX 129
RIVERBANK CA 95367-0000

132-012-044
BENITEZ SANDRA J & ARTHUR
3339 SIERRA ST
RIVERBANK CA 95367-0000

132-012-045
DABADIE LINDA J
3333 SIERRA ST
RIVERBANK CA 95367

132-012-046
KENNEDY EARNEST L
3323 SIERRA ST
RIVERBANK CA 95367-0000

132-012-047
CURRENT RESIDENT
3309 SIERRA AVE
RIVERBANK, CA 95367

132-012-047
ALBERTO PETE
6505 CALLANDER AVE
RIVERBANK CA 95367

132-012-060
AU-YEUNG HAY LAU
6506 THIRD ST
RIVERBANK CA 95367-0000

132-012-060
CURRENT RESIDENT
6506 3RD ST
RIVERBANK, CA 95367

132-016-001
CURRENT RESIDENT
3400 SIERRA ST
RIVERBANK, CA 95367

132-016-001
CONTRERAS ALEX & CONTRERAS SAR
2328 WELDON AVE
MODESTO CA 95350-0123

132-016-002
CISNEROS MIGUEL
3410 SIERRA ST
RIVERBANK CA 95367-0000

132-016-004
JEPPSON GERALD BLAIR
3408 MONTCLAIR CIRCLE
MODESTO CA 95350

132-016-004
CURRENT RESIDENT
3426 E SIERRA ST
RIVERBANK, CA 95367

132-016-016
CURRENT RESIDENT
0 BURNEY CT
RIVERBANK, CA 95367

132-016-016
HOUSING AUTHORITY CITY OF RIV
P O BOX 695
RIVERBANK CA 95367

132-016-017
CURRENT RESIDENT
3422 SIERRA ST
RIVERBANK, CA 95367

132-016-017
SOTO ELIZABETH & JESUS G
PO BOX 1344
RIVERBANK CA 95367

132-016-018
VALDEZ IGNACIO ET AL
3416 SIERRA ST
RIVERBANK CA 95367-0000

132-016-022
ANDERSON MIKE & TAMMY
3420 SIERRA ST
RIVERBANK CA 95367

132-016-023
HERNANDEZ ROBERTO
3414 SIERRA ST
RIVERBANK CA 95367-0000

132-016-024
CURRENT RESIDENT
6418 4TH ST
RIVERBANK, CA 95367

132-016-024
GUERRERO CARLOS BOLAN & OBDULI
GUERRERO FAMILY TRUST
1511 HIGATE DR
SAN JOSE CA 95122-0000

132-016-025
SHATSWELL JOHN C & TINA M TRS
JOHN & TINA SHATSWELL FAMILY 2
11611 SILVER OAK DR
OAKDALE CA 95361

132-016-025
CURRENT RESIDENT
6412 4TH ST
RIVERBANK, CA 95367

132-017-014
GARCIA HERIBERTO & ROSA MARIA
GARCIA FAMILY 2010 TRUST
7210 RICHARDSON RD
OAKDALE CA 95361

132-017-014
CURRENT RESIDENT
6450 THIRD ST
RIVERBANK, CA 95367

132-017-015
GARCIA HERIBERTO & ROSA MARIA
GARCIA FAMILY 2010 TRUST
7210 RICHARDSON RD
OAKDALE CA 95361

132-017-015
CURRENT RESIDENT
3312 SIERRA ST
RIVERBANK, CA 95367

132-017-016
HOUSING AUTHORITY CITY OF RIV
P O BOX 695
RIVERBANK CA 95367

132-017-016
CURRENT RESIDENT
3328 SIERRA ST
RIVERBANK, CA 95367

132-017-017
LILES DELBERT & LILES GRACIE
3338 SIERRA ST
RIVERBANK CA 95367-2441

132-017-018
ARLT CURTIS L & SANDRA D
3344 SIERRA ST
RIVERBANK CA 95367-2441

132-017-019
CURRENT RESIDENT
6413 4TH ST
RIVERBANK, CA 95367

132-017-019
KOCHEVAR JOANN MARIE TRS ET AL
10008 CORK OAK CIR
OAKDALE CA 95361

132-017-020
CURRENT RESIDENT
6418 3RD ST
RIVERBANK, CA 95367

132-017-020
MV HOLDINGS INC
15700 WINCHESTER BLVD
LOS GATOS CA 95030

132-017-021
MAGANA EUGENE J ET AL
2101 PRESTON LANE
MODESTO CA 95355

132-017-021
CURRENT RESIDENT
6430 3RD ST
RIVERBANK, CA 95367

132-017-022
CURRENT RESIDENT
0 3RD ST
RIVERBANK, CA 95367

132-017-022
VAN BUREN VICTORIA
C/O JAMES VAN BUREN
1501 CHRISTINA AVE
STOCKTON CA 95204

132-017-023
CURRENT RESIDENT
6431 3RD ST
RIVERBANK, CA 95367

132-017-023
VAN BUREN VICTORIA
C/O JAMES VAN BUREN
1501 CHRISTINA AVE
STOCKTON CA 95204

132-039-017
LOVALVO LEONARD & GRACE TRS
LOVALVO FAMILY 2005 TRUST
P O BOX 1389
RIVERBANK CA 95367-0000

132-039-017
CURRENT RESIDENT
3312 PATTERSON RD
RIVERBANK, CA 95367

132-039-021
CURRENT RESIDENT
3400 PATTERSON RD
RIVERBANK, CA 95367

132-039-021
LOVALVO LEONARD & GRACE TRS
LOVALVO FAMILY 2005 TRUST
P O BOX 1389
RIVERBANK CA 95367-0000

**CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT**

ITEM NO:	3.2	June 16, 2015
APPLICANT:	City-Initiated	
PROJECT:	The proposed project includes a General Plan Amendment to the City's Safety Element pursuant to Senate Bill 5 and to be consistent with the Central Valley Flood Protection Plan, adopted on July 1, 2012	
LOCATION:	City-wide	
ENVIRONMENTAL DETERMINATION:	The proposed General Plan Amendment is exempt from analysis under the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). The General Plan Amendment proposes additional policies to commit the City to undergo future planning, design and zoning determinations, to ensure that the City continues to comply with state law. All future requests for discretionary approvals relating to a project would be required to comply with the General Plan, as amended, and will be subject to CEQA compliance.	
PROJECT PLANNER:	John B. Anderson, Contract Community Development Director	
RECOMMENDATION:	Staff recommends that the Planning Commission motion to adopt Resolution No. 2015-014, recommending the City Council of the City of Riverbank to find the project is exempt under Article 12 Section 15183 of the CEQA Guidelines and approve the proposed General Plan Amendment	
ACRONYMS:	GP – General Plan EIR – Environmental Impact Report NOE – Notice of Exemption SB5 – Senate Bill 5 FEMA – Federal Emergency Management Agency DWR – California Department of Water Resources CVFPB – Central Valley Flood Protection Board CVFPP – Central Valley Flood Protection Plan ULOP – Urban Level of Flood Protection USACE – United States Army Corp of Engineers	

ATTACHMENTS: 1. Planning Commission Resolution 2015-014

I. EXECUTIVE SUMMARY

This project involves a General Plan Amendment to the City's Safety Element pursuant to Senate Bill 5, a bill that was enacted in 2008 and the Central Valley Flood Project Plan, adopted by the Central Valley Flood Protection Board on July 1, 2012.

II. BACKGROUND

Recognizing the significance of flood risk in California and its negative consequences to public safety, economic development, and environmental stability, the California Legislature enacted six (6) interrelated bills in 2007 – Senate Bills 5 and 17, and Assembly Bills (AB) 5, 70, 162, and 156. These bills are commonly referred to as Senate Bill 5.

The 2007 California flood legislation package contained many provisions related to the requirements for incorporating flood risk considerations into land use planning and management. In summary, SB5 requires that cities and counties within the Sacramento-San Joaquin Valley amend their general plans to include:

- The locations of SPFC facilities and areas protected by the facilities;
- Location of flood hazard zones; and
- Goals, policies, objectives, and feasible mitigation measures based on the data and analysis contained in the CVFPP for the protection of lives and property to reduce the risk of flood damage.

Additionally, jurisdictions in the Sacramento-San Joaquin Valley will need to amend their zoning and other applicable ordinances to be consistent with the newly revised general plan content within one year of adopting general plan amendments.

California Government Code §65302.9 – Summary of Requirements

Pursuant to Government Code Section 65302.9(a), the City's General Plan must include: (1) the data and analysis contained in the Central Valley Protection Plan pursuant to Water Code section 9612, including, but not limited to, the locations of the facilities of the State Plan of Flood Control and the locations of the real property protected by those facilities; (2) the locations of flood hazard zones, including, but not limited to, locations mapped by the Federal Emergency Management Agency (FEMA)

Flood Insurance Rate Map or the Flood Hazard Boundary Map, locations that participate in the National Flood Insurance Program, locations of undetermined risk areas, and locations mapped by a local flood agency or flood district; (3) goals, policies, and objectives, based on the data and analysis identified, for the protection of lives and property that will reduce the risk of flood damage; and (4) Feasible implementation measures designed to carry out the goals, policies, and objectives established.

III. ANALYSIS

The proposed amendments to the General Plan Safety Element add a new section to the Safety Element entitled “Flood Safety”. This section addresses the requirements of SB5 by providing data and analysis from the CVFPP. This section also describes the location of the State Plan of Flood Control and includes maps of the same. Additionally this section describes the location of flood zones in and around the City to the extent possible. Since there is no current data regarding 200-year flood zones in the area yet, the section is limited to an analysis on the 100-year flood zones.

The proposed amendment also adds new policies and implementation measures to ensure that the City continues to comply with state laws and develop strategies for addressing any flooding threats in the area. The proposed changes are as follows:

~~The following section describes goals and policies that address the pertinent safety topics for the City of Riverbank.~~

Flood Safety

Pursuant to Government Code Section 65302.9(a), the City's General Plan must include: (1) the data and analysis contained in the Central Valley Protection Plan pursuant to Water Code section 9612, including, but not limited to, the locations of the facilities of the State Plan of Flood Control and the locations of the real property protected by those facilities; (2) the locations of flood hazard zones, including, but not limited to, locations mapped by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map or the Flood Hazard Boundary Map, locations that participate in the National Flood Insurance Program, locations of undetermined risk areas, and locations mapped by a local flood agency or flood district; (3) goals, policies, and objectives, based on the data and analysis identified, for the protection of lives and property that will reduce the risk of flood damage; and (4) Feasible implementation measures designed to carry out the goals, policies, and objectives established.

Flood Hazard Zones

The threshold for unacceptable flood risk has traditionally been associated with the “100-year flood”. The Federal Emergency Management Agency (FEMA) creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones. A 100-year

floodplain zone is the area that has a one in one hundred (1.0%) chance of being flooded in any one year based on historical data. A review of FIRMs for Riverbank shows that no real property is located within a 100-year floodplain in the City of Riverbank. The 100-year floodplain is located along the Stanislaus River, within the Designated Floodway and areas in the General Plan area, east and west of the City limits.

State law now requires, with Senate Bill 5, that urban areas, defined as those exceeding a population of 10,000, shall provide 200-year flood protection. The Department of Water Resources, as required by Senate Bill 5, released 200-year floodplain (0.5% chance of occurring in any year) maps for some urban communities in the Sacramento-San Joaquin Valley, such as Sacramento, Davis, Chico and Fresno but has not released any for the Riverbank area. Preliminary maps developed by the U.S. Army Corp of Engineers (Comprehensive Study, 2002) primarily study the San Joaquin River and portions of its tributaries and distributaries.

For this reason, the extent of the 200-year floodplain in Riverbank has not been determined.

Policy SAFE-1.15 has been added to ensure that the City will keep up-to-date 100-, 200-, and 500-year floodplain maps available to the public, as they become available.

Additionally, Implementation Measure SAFE-6 has been added to ensure that the City will coordinate with applicable parties to prepare a hydrological study and floodplain maps to identify the extent of 200-year floodplains in the Riverbank area and along the Stanislaus River.

Moderate flood hazard areas, labeled as Zone B or Zone X are also shown on FIRMs, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. A review of the two (2) FIRMs for the City show that affected areas for Zone X500 (areas subject to a 500-year flood) include the River Cove Subdivision and the southern portion of the City's Waste Water Treatment Plant (WWTP), located north of the City, along the Stanislaus River. Additionally, areas west of the City, located outside of the City's Sphere of Influence are located in this floodplain as well.

Flood Insurance Rate Maps No. 06099C0330E and No. 06099C0335E, dated September 26, 2008, are attached to this Resolution as Exhibit B.

Awareness Floodplains

The Awareness Floodplain Mapping project is an effort by the Department of Water Resources to identify all flood hazard areas that are not mapped by the Federal Emergency Management Agency's (FEMA). These maps are intended to provide communities with additional information regarding potential flood hazards that are not

currently identified. The awareness floodplain maps use approximate assessment procedures, relying on aerial photos and general flood models, to identify potential 100-year flood hazard areas. These areas are shown simply as flood prone areas and do not include specific depths and/or other flood hazard data.

Awareness floodplains do not result in any restrictions on building or development. However, if requested by the local jurisdiction, FEMA can incorporate them into National Flood Insurance Program maps where they would become regulatory. Awareness floodplains have been generally identified east of Eleanor Avenue, outside the City's Sphere of Influence (SOI) but within the General Plan [area](#).

Designated Floodways

The Central Valley Flood Protection Board (CVFPB) has the authority to designate floodways in the Central Valley and regulate their uses. The CVFPB defines a Designated Floodway as that portion of the stream channel and adjoining floodplain which is reasonably required to accommodate a design flood event. It can also refer to the floodway between existing levees, as designated by the CVFPB or the State Legislature. The only floodway designated by the CVFPB in Riverbank is the Stanislaus River.

For FEMA, a "regulatory floodway" is defined as that portion of the watercourse and adjacent lands that are needed to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. FEMA requires that local cities and counties to regulate development within floodways to prevent any increases in upstream flood elevations. FEMA has designated the Stanislaus River as a regulatory floodway, from New Melones Lake to the San Joaquin River.

Levee Flood Protection Zones

State Plan of Flood Control Facility Levees are located west of the City, on the Stanislaus and San Joaquin Rivers. Levees along the San Joaquin River include portions of tributaries and distributaries, such as the Stanislaus River. These levees end, however, east of the San Joaquin River, west of the City of Riverbank. A map showing the locations of SPFC Levees is attached to this Resolution as Exhibit C.

Goals and Policies

Goals and policies presented in the following section of this Safety Element address various aspects of public health and safety related to buildout of the Riverbank General Plan.

Goal SAFE-1 Minimize the Loss of Life and Damage to Property Natural and Human-Caused Hazards

Policy SAFE-1.1 The City will ensure that approved development projects and public investments are consistent with the information provided in the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan.

Policy SAFE-1.2 The City will continue to enforce State of California Building Standards Commission uniform codes, such as the California Building Code and California Fire Code with adopted Fire District amendments.

Policy SAFE-1.3 The City will encourage the retrofitting of older buildings to current safety standards, and require compliance to recommendations of the fire and law enforcement service providers and the State Building Standards Commission uniform codes in coordination with major remodeling or additions.

| Policy SAFE-1.4 The City will require set-backs, ignition resistant building materials, or other measures to reduce exposure to potential wildfires in areas designated for natural open space preservation, in coordination with California Department of Forestry and Fire Protection recommendations and Maintenance of Defensible Space Measures, as appropriate.

Policy SAFE-1.5 Approved plans, projects, and subdivision requests will ensure adequate fire flow per City and Fire District standards. The installation of automatic fire sprinklers may, at the discretion of the City and the Fire Chief, allow for a reduction in the required fire flow, while still complying with the California Fire Code requirements.

| Policy SAFE-1.6 The City will not allow the development of housing in the 100- and 200-year floodplain, as determined by the Federal Emergency Management Agency. The City may permit placement of non-residential improvements within the 100- and 200-year floodplain under a very limited set of circumstances. Any development project that includes structures or disturbances of natural features within the 100-year floodplain shall prove that the proposal does not:

- Create danger to life and property due to increased flood heights or velocities caused by excavation, fill, roads, or intended use.
- Create difficult emergency vehicle access in times of flood.
- Create a safety hazard due to the unexpected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- Create excessive costs in providing governmental services during and after flood conditions, including maintenance and repair of public facilities.
- Interfere with the existing waterflow capacity of the floodway.
- Substantially increase erosion and/or sedimentation.
- Contribute to the deterioration of any watercourse or the quality of water in any body of water.

Policy SAFE-1.7	The City will require any public facilities <u>and critical facilities (e.g., hospitals, emergency command centers, communication facilities, fire stations, and police stations)</u> in the 100- <u>and 200-year</u> flood zones to be flood-proofed to a point at or above the base flood level elevation from the Stanislaus River <u>and be designed to mitigate potential flood risk to ensure functional operation during a flood event.</u>
Policy SAFE-1.8	The City will require that hazardous materials are used, stored, transported, and disposed in a safe manner and in compliance with local, State, and federal safety standards.
Policy SAFE-1.9	Developments located on farmland or former farmland shall prepare reports that analyze residual agricultural chemicals that may be present on-site. Developments on such sites shall include measures to remove any risk due to hazardous materials for on-site proposed land uses, as well as existing and proposed land uses and users in the vicinity.
Policy SAFE-1.10	The City will review development requests and require that any airborne, waterborne, windborne, and other hazardous materials issues are fully disclosed, analyzed, and mitigated to ensure against any risk relative to any nearby planned or existing land uses and their users.

Policy SAFE-1.11 Proposed developments located within river bluff areas and other areas prone to geologic and soil limitations require a detailed geotechnical study prepared by an independent qualified geologist approved by the City. Approved plans, projects, and subdivision requests shall incorporate measures to reduce risks identified in the geotechnical study, to the City's satisfaction.

Policy SAFE-1.12 The City will not allow the location of water wells in areas where subsidence could occur as a result or where existing potential for subsidence could be increase as a result of operation of a domestic water well.

Policy SAFE-1.13 Ensure the City is in compliance with the Central Valley Flood Protection Plan (CVFPP)

Policy SAFE-1.14 The City, as necessary, will participate in a Regional Flood Management Plan.

Policy SAFE-1.15 The City will maintain, update, and make available to the public, as appropriate, FEMA 100- and 500-year Flood Insurance Rate Maps (FIRMs) and 200-year Floodplain maps, as they become available from the Department of Water Resources (DWR).

Policy SAFE-1.16 The City will use the best available flood hazard information and mapping from regional, State, and federal agencies and use this information to inform land use and public facilities investment decisions.

Goal SAFE-2 Provide Adequate Access for Emergency Response

Policy SAFE-2.1 The City will require development and maintenance of a road system that provides adequate access for emergency equipment.

Policy SAFE-2.2 The City will consult with fire protection service providers in reviewing development proposals. Development proposals will include City conditions that respond to concerns of fire protection service providers.

Policy SAFE-2.3 The City will improve fire flow in existing developed areas of the City, as feasible, to meet standards presented in the Public Facilities and Services Element of the General Plan and relevant City Master Plans.

Policy SAFE-2.4 The City will coordinate with the County Office of Emergency Services to identify evacuation routes and operational plans to be used in case of dam failure, flood disaster, and wildfire for any new growth areas in addition to any updates required to serve the existing developed City.

Implementation Measures

Implementation

Measure SAFE-1 The City will work with the Department of the Army to ensure successful clean-up and reuse of the decommissioned Riverbank Army Ammunition Plant.

Implementation

Measure SAFE-2 The City will, in coordination with the County Office of Emergency Services, implement and periodically update disaster plans, including the City's Emergency Operations Plan, to meet federal, State, and local emergency requirements. Included in this work will be the identification and planning for evacuation routes for dam failure, flooding, and wildfire that may affect existing developed areas of the City, as well as new growth areas.

Implementation

Measure SAFE-3 The City will coordinate with public safety service providers serving the City to ensure proper training and disaster preparedness, and period testing of equipment and facilities, in coordination with the County Office of Emergency Services.

Implementation

Measure SAFE-4 The City will work with emergency responders serving the City to support the purchase and maintenance of proper emergency communication systems and equipment, and other necessary tools dealing with emergencies.

Implementation

Measure SAFE-5 The City will review annually and update, as necessary, appropriate General Plan Elements to reflect current floodplain mapping data available from local, regional, State, and federal agencies to ensure

the best available flood risk mapping information is contained in the General Plan.

Implementation

Measure SAFE-6 The City shall amend its Zoning Ordinance pursuant to California Government Code §65860.1 to provide consistency with amendments made to the General Plan pursuant to California Government Code §65302.9 for flood risk management and for compliance with the Central Valley Flood Protection Act of 2008 (and any subsequent amendments).

The update to the Safety Element of the General Plan ensures compliance with new state legislation and regulations. These changes are intended to provide flood protection to future development.

IV. ENVIRONMENTAL DETERMINATION

The proposed General Plan Amendment is exempt from analysis under the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). The General Plan Amendment proposes additional policies to commit the City to undergo future planning, design and zoning determinations, to ensure that the City continues to comply with state law. All future requests for discretionary approvals relating to a project would be required to comply with the General Plan, as amended, and will be subject to CEQA compliance.

V. FISCAL IMPACT

The proposed changes may require additional staff time to monitor and update flood data. However, these are state mandated requirements.

VI. PUBLIC NOTICE

The Planning Commission hearing notice was published in the Riverbank News on June 3, 2015 and posted at City Hall North and South (6707 Third Street and 6617 Third Street, Riverbank, respectfully) on June 3, 2015. Notice of the proposed General Plan Amendment was delivered by first class mail to the Native American Tribes Commission

on April 27, 2015 for a ninety (90) day review and consultation and the review period will close on July 26, 2015.

VII. RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2015-014, recommending the City Council of the City of Riverbank to find the project is exempt under Article 12 Section 15183 of the CEQA Guidelines and approve the proposed General Plan Amendment.

Respectfully Submitted By:

John B. Anderson

John B. Anderson
Contract Community Development Director

**CITY OF RIVERBANK
RESOLUTION NO. 2015-014**

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

WHEREAS, in 2008 the California Legislature enacted, and the Governor signed, the Central Valley Protection Act (“Act”), which directed the Department of Water Resources (“DWR”) to prepare and the Central Valley Flood Protection Board (“CVFPB”) to adopt Central Valley Flood Protection Plan (“CVFPP”) by July 1, 2012; and

WHEREAS, on June 29, 2012, the CVFPB adopted a CVFPP that established a vision and process for reducing flood risk in the Sacramento and San Joaquin River basins; and

WHEREAS, the Act requires the City to revise its General Plan to provide additional information and planning with regards to potential flooding; and

WHEREAS, to comply with the Act’s requirements, City staff prepared an amendment to the general plan, which provides additional flood planning and flood data (“General Plan Amendment”); and

WHEREAS, notice of the proposed General Plan Amendment was delivered by first class mail to the Native American Tribes Commission on April 27, 2015, 2015 for a ninety (90) day review and consultation and the review period closed on July 26, 2015; and

WHEREAS, the Government Code Section 65353 requires the Planning Commission to hold at least one noticed, public hearing on any proposed general plan amendment; and

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

WHEREAS, notice of the public hearing on the proposed Resolution was published in the *Riverbank News*, a newspaper of general circulation, on June 3, 2015; and

WHEREAS, the Planning Commission has reviewed the proposed General Plan Amendment and conducted a public hearing on June 16, 2015; and

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

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS THAT THE CITY COUNCIL:

I. APPROVE THE AMENDMENTS TO THE GENERAL PLAN SAFETY ELEMENT, ATTACHED HERETO AS EXHIBIT A AND INCORPORATED HEREIN BY THIS REFERENCE, BASED ON THE FOLLOWING FINDINGS:

1. General Plan Amendment Findings. That pursuant to California Government Code section 65358 and the Riverbank General Plan, the Planning Commission finds as follows:
 - a. It is in the public interest to adopt the proposed General Plan Amendment.
 - b. The City has provided opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups pursuant to Government Code 65351.
 - c. The update to the Riverbank General Plan Safety Element is supported by the following existing General Plan Goals and Policies:
 - **GOAL SAFE-1** – Minimize the Loss of Life and Damage to Property from Natural and Human-Caused Hazards
 - **POLICY SAFE-1.6** – The City will not allow development of housing in the 100-year floodplain, as determined by the Federal Emergency Management Agency. The City may permit placement of non-residential improvements within the 100-year floodplain under a very limited set of circumstances. Any development project that includes structures or disturbances of natural features within the 100-year floodplain shall prove that the proposal does not:
 - Create danger to life and property due to increased flood heights or velocities caused by excavation, fill, roads, or intended use.
 - Create difficult emergency vehicle access in times of flood.
 - Create a safety hazard due to the unexpected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

- Create excessive costs in providing governmental services during and after flood conditions, including maintenance and repair of public facilities.
 - Contribute to the deterioration of any watercourse or the quality of water in any body of water.
 - **POLICY SAFE-1.7** – The City will require any public facilities in the 100-year flood zones to be flood-proofed to a point at or above the base flood level elevation from the Stanislaus River.
- d. It is found that update of the Riverbank General Plan Safety Element is supported by additional goals and policies that will be incorporated as part of this General Plan Amendment:
- **POLICY SAFE-1.13** – The City will be in compliance with the Central Valley Flood Protection Plan (CVFPP).
 - **POLICY SAFE-1.14** – The City, as necessary, will participate in a Regional Flood Management Plan.
 - **POLICY SAFE-1.15** – The City will maintain, update, and make available to the public, as appropriate, FEMA 100- and 500-year Flood Insurance Rate Maps (FIRMs) and 200-year Floodplain maps, as they become available from the Department of Water Resources (DWR).
 - **POLICY SAFE-1.16** – The City will use the best available flood hazard information and mapping from regional, State, and federal agencies and use this information to inform land use and public facilities investment decisions.
- e. That the proposed amendments have been processed in accordance with the California Government Code, the Riverbank Municipal Code and the California Environmental Quality Act.
2. That, based on the findings set forth in this Resolution, the 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 as Exhibit A to this Resolution.
3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), clause(s), phrase(s), or word(s) be declared invalid.

4. The City has completed the environmental review on the General Plan Amendment to the Safety Element and has determined that the proposed General Plan Amendment is exempt from analysis under the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). The General Plan Amendment proposes additional policies to commit the City to undergo future planning, design and zoning determinations, to ensure that the City continues to comply with state law. All future requests for discretionary approvals relating to a project would be required to comply with the General Plan, as amended, and will be subject to CEQA compliance.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the sixteenth day of June, 2015; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

John B. Anderson, Secretary
Contract Community Development Director

Patricia Hughes
Planning Commission Chair

Attachments:

Exhibit A: General Plan Amendment

Exhibit B: FEMA FIRMS No. 06099C0330E and No. 06099C0335E

Exhibit C: Map of SPFC Levees, dated June 2012 (Page 1-9 of the CVFPP)

Exhibit A: General Plan Amendment

General Plan Amendment Flood Hazards

The Safety Element of the 2005-2025 General Plan will be replaced with the following text. Deleted text is noted in ~~striketrough~~ format. Added text is underlined.

SAFETY ELEMENT

INTRODUCTION

California law requires a safety element as one of the seven mandated elements of the General Plan. A safety element contains policies that contribute to the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence, liquefaction and other seismic hazards, flooding; and wild land and urban fires. “

General plans are required to include mapping of known seismic and other geologic hazards. General Plan must also address “evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards” (Government Code 65302 (g)). Please refer to the Safety General Plan Background Report for more information. Please refer to the Public Services and Facilities General Plan Background Report and the Hydrology and Water Quality General Plan Background Report for information on water quality and supply.

The seismic safety element was one of the first mandatory general plan elements. However, California law has changed over time, including combining those issues previously addressed in seismic safety elements to be incorporated into the safety element. Seismic safety is not a major issue for Riverbank, compared to other parts of California. Please refer to the Safety General Plan Background Report for more information. ~~The following section describes goals and policies that address the pertinent safety topics for the City of Riverbank.~~

Flood Safety

Pursuant to Government Code Section 65302.9(a), the City's General Plan must include: (1) the data and analysis contained in the Central Valley Protection Plan pursuant to Water Code section 9612, including, but not limited to, the locations of the facilities of the State Plan of Flood Control and the locations of the real property protected by those facilities; (2) the locations of flood hazard zones, including, but not limited to, locations mapped by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map or the Flood Hazard Boundary Map, locations that participate in the National Flood Insurance Program, locations of undetermined risk areas, and locations mapped by a local flood agency or flood district; (3) goals, policies, and objectives, based on the data and analysis identified, for the protection of lives and property that will reduce the risk of flood damage; and (4) Feasible implementation measures designed to carry out the goals, policies, and objectives established.

Flood Hazard Zones

The threshold for unacceptable flood risk has traditionally been associated with the "100-year flood". The Federal Emergency Management Agency (FEMA) creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones. A 100-year floodplain zone is the area that has a one in one hundred (1.0%) chance of being flooded in any one year based on historical data. A review of FIRMs for Riverbank shows that no real property is located within a 100-year floodplain in the City of Riverbank. The 100-year floodplain is located along the Stanislaus River, within the Designated Floodway and areas in the General Plan area, east and west of the City limits.

State law now requires, with Senate Bill 5, that urban areas, defined as those exceeding a population of 10,000, shall provide 200-year flood protection. The Department of Water Resources, as required by Senate Bill 5, released 200-year floodplain (0.5% chance of occurring in any year) maps for some urban communities in the Sacramento-San Joaquin Valley, such as Sacramento, Davis, Chico and Fresno but has not released any for the Riverbank area. Preliminary maps developed by the U.S. Army Corp of Engineers (Comprehensive Study, 2002) primarily study the San Joaquin River and portions of its tributaries and distributaries.

For this reason, the extent of the 200-year floodplain in Riverbank has not been determined.

Policy SAFE-1.15 has been added to ensure that the City will keep up-to-date 100-, 200-, and 500-year floodplain maps available to the public, as they become available.

Additionally, Implementation Measure SAFE-6 has been added to ensure that the City will coordinate with applicable parties to prepare a hydrological study and floodplain

maps to identify the extent of 200-year floodplains in the Riverbank area and along the Stanislaus River.

Moderate flood hazard areas, labeled as Zone B or Zone X are also shown on FIRMs, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. A review of the two (2) FIRMs for the City show that affected areas for Zone X500 (areas subject to a 500-year flood) include the River Cove Subdivision and the southern portion of the City's Waste Water Treatment Plant (WWTP), located north of the City, along the Stanislaus River. Additionally, areas west of the City, located outside of the City's Sphere of Influence are located in this floodplain as well.

Flood Insurance Rate Maps No. 06099C0330E and No. 06099C0335E, dated September 26, 2008, ~~are~~is attached to this Resolution as Exhibit B.

Awareness Floodplains

The Awareness Floodplain Mapping project is an effort by the Department of Water Resources to identify all flood hazard areas that are not mapped by the Federal Emergency Management Agency's (FEMA). These maps are intended to provide communities with additional information regarding potential flood hazards that are not currently identified. The awareness floodplain maps use approximate assessment procedures, relying on aerial photos and general flood models, to identify potential 100-year flood hazard areas. These areas are shown simply as flood prone areas and do not include specific depths and/or other flood hazard data.

Awareness floodplains do not result in any restrictions on building or development. However, if requested by the local jurisdiction, FEMA can incorporate them into National Flood Insurance Program maps where they would become regulatory. Awareness floodplains have been generally identified east of Eleanor Avenue, outside the City's Sphere of Influence (SOI) but within the General Plan ~~area~~.

Designated Floodways

The Central Valley Flood Protection Board (CVFPB) has the authority to designate floodways in the Central Valley and regulate their uses. The CVFPB defines a Designated Floodway as that portion of the stream channel and adjoining floodplain which is reasonably required to accommodate a design flood event. It can also refer to the floodway between existing levees, as designated by the CVFPB or the State Legislature. The only floodway designated by the CVFPB in Riverbank is the Stanislaus River.

For FEMA, a "regulatory floodway" is defined as that portion of the watercourse and adjacent lands that are needed to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. FEMA requires that local cities and counties regulate development within floodways to prevent any increases in upstream flood elevations. FEMA has designated the Stanislaus River as a regulatory floodway, from New Melones Lake to the San Joaquin River.

Levee Flood Protection Zones

State Plan of Flood Control Facility Levees are located west of the City, on the Stanislaus and San Joaquin Rivers. Levees along the San Joaquin River include portions of tributaries and distributaries, such as the Stanislaus River. These levees end, however, east of the San Joaquin River, west of the City of Riverbank. A map showing the locations of SPFC Levees is attached to this Resolution as Exhibit C.

Goals and Policies

Goals and policies presented in the following section of this Safety Element address various aspects of public health and safety related to buildout of the Riverbank General Plan.

Goal SAFE-1 Minimize the Loss of Life and Damage to Property Natural and Human-Caused Hazards

Policy SAFE-1.1 The City will ensure that approved development projects and public investments are consistent with the information provided in the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan.

Policy SAFE-1.2 The City will continue to enforce State of California Building Standards Commission uniform codes, such as the California Building Code and California Fire Code with adopted Fire District amendments.

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Policy SAFE-1.5 Approved plans, projects, and subdivision requests will ensure adequate fire flow per City and Fire District standards. The installation of automatic fire sprinklers may, at the discretion of the City and the Fire Chief, allow for a reduction in the required fire

flow, while still complying with the California Fire Code requirements.

- Policy SAFE-1.6 The City will not allow the development of housing in the 100- [and 200-year](#) floodplain, as determined by the Federal Emergency Management Agency. The City may permit placement of non-residential improvements within the 100- [and 200-year](#) floodplain under a very limited set of circumstances. Any development project that includes structures or disturbances of natural features within the 100-year floodplain shall prove that the proposal does not:
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 - Create excessive costs in providing governmental services during and after flood conditions, including maintenance and repair of public facilities.
 - Interfere with the existing water flow capacity of the floodway.
 - Substantially increase erosion and/or sedimentation.
 - Contribute to the deterioration of any watercourse or the quality of water in any body of water.
- Policy SAFE-1.7 The City will require any public facilities [and critical facilities \(e.g., hospitals, emergency command centers, communication facilities, fire stations, and police stations\)](#) in the 100- [and 200-year](#) flood zones to be flood-proofed to a point at or above the base flood level elevation from the Stanislaus River [and be designed to mitigate potential flood risk to ensure functional operation during a flood event](#).
- Policy SAFE-1.8 The City will require that hazardous materials are used, stored, transported, and disposed in a safe manner and in compliance with local, State, and federal safety standards.
- Policy SAFE-1.9 Developments located on farmland or former farmland shall prepare reports that analyze residual agricultural chemicals that may be present on-site. Developments on such sites shall include measures to remove any risk due to hazardous materials for on-site

proposed land uses, as well as existing and proposed land uses and users in the vicinity.

- Policy SAFE-1.10 The City will review development requests and require that any airborne, waterborne, windborne, and other hazardous materials issues are fully disclosed, analyzed, and mitigated to ensure against any risk relative to any nearby planned or existing land uses and their users.
- Policy SAFE-1.11 Proposed developments located within river bluff areas and other areas prone to geologic and soil limitations require a detailed geotechnical study prepared by an independent qualified geologist approved by the City. Approved plans, projects, and subdivision requests shall incorporate measures to reduce risks identified in the geotechnical study, to the City's satisfaction.
- Policy SAFE-1.12 The City will not allow the location of water wells in areas where subsidence could occur as a result or where existing potential for subsidence could be increase as a result of operation of a domestic water well.

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Policy SAFE-1.14 The City, as necessary, will participate in a Regional Flood Management Plan.

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Policy SAFE-1.16 The City will use the best available flood hazard information and mapping from regional, State, and federal agencies and use this information to inform land use and public facilities investment decisions.

Goal SAFE-2 Provide Adequate Access for Emergency Response

- Policy SAFE-2.1 The City will require development and maintenance of a road system that provides adequate access for emergency equipment.
- Policy SAFE-2.2 The City will consult with fire protection service providers in reviewing development proposals. Development proposals will include City conditions that respond to concerns of fire protection service providers.

- Policy SAFE-2.3 The City will improve fire flow in existing developed areas of the City, as feasible, to meet standards presented in the Public Facilities and Services Element of the General Plan and relevant City Master Plans.
- Policy SAFE-2.4 The City will coordinate with the County Office of Emergency Services to identify evacuation routes and operational plans to be used in case of dam failure, flood disaster, and wildfire for any new growth areas in addition to any updates required to serve the existing developed City.

Implementation Measures

Implementation

- Measure SAFE-1 The City will work with the Department of the Army to ensure successful clean-up and reuse of the decommissioned Riverbank Army Ammunition Plant.

Implementation

- Measure SAFE-2 The City will, in coordination with the County Office of Emergency Services, implement and periodically update disaster plans, including the City's Emergency Operations Plan, to meet federal, State, and local emergency requirements. Included in this work will be the identification and planning for evacuation routes for dam failure, flooding, and wildfire that may affect existing developed areas of the City, as well as new growth areas.

Implementation

- Measure SAFE-3 The City will coordinate with public safety service providers serving the City to ensure proper training and disaster preparedness, and period testing of equipment and facilities, in coordination with the County Office of Emergency Services.

Implementation

- Measure SAFE-4 The City will work with emergency responders serving the City to support the purchase and maintenance of proper emergency communication systems and equipment, and other necessary tools dealing with emergencies.

Implementation

- Measure SAFE-5 The City will review annually and update, as necessary, appropriate General Plan Elements to reflect current floodplain mapping data available from local, regional, State, and federal agencies to ensure the best available flood risk mapping information is contained in the General Plan.

Implementation

Measure SAFE-6 The City shall amend its Zoning Ordinance pursuant to California Government Code §65860.1 to provide consistency with amendments made to the General Plan pursuant to California Government Code §65302.9 for flood risk management and for compliance with the Central Valley Flood Protection Act of 2008 (and any subsequent amendments).

Exhibit B: FEMA FIRMs No. 06099C0330E and No. 06099C0335E

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or floodways have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent the water surface elevation of the flood, not the elevation of the structure. For purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only to landward of 0.0' from the mean high water line (MHWL) of the National Geodetic Survey (NGS) datum. For areas that coastal flood elevations are shown, the National Geodetic Survey (NGS) datum is the datum used for the Flood Insurance Study Report for the jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction, and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodway boundaries are shown on this map with regard to requirements of the National Flood Insurance Program Floodway Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 Flood Protection Measures of the Flood Insurance Study report for information on flood control structures in this jurisdiction. The protection used in the preparation of this map was California State Plans, Zone III. The horizontal datum was NAD83, GRS80 spheroid. Differences in datum, epoch, projection or State Plane zones used in the production of FIRM's for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NAD83
National Geodetic Survey, SSMC-3, #9202
1318 Beach-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit their website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was derived from multiple sources. This information was compiled from the National Geodetic Survey 2002 Federal Emergency Management Agency, 2004, and U.S. Geological Survey, 1989 and 1993. Additional information was photogrammetrically compiled at a scale of 1:12,000 from aerial photography dated 2002.

This map reflects more detailed and up-to-date stream channel configurations than the previous FIRM. The stream channels, floodplains, floodways, and flood boundaries that were transferred from the previous FIRM have been modified to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

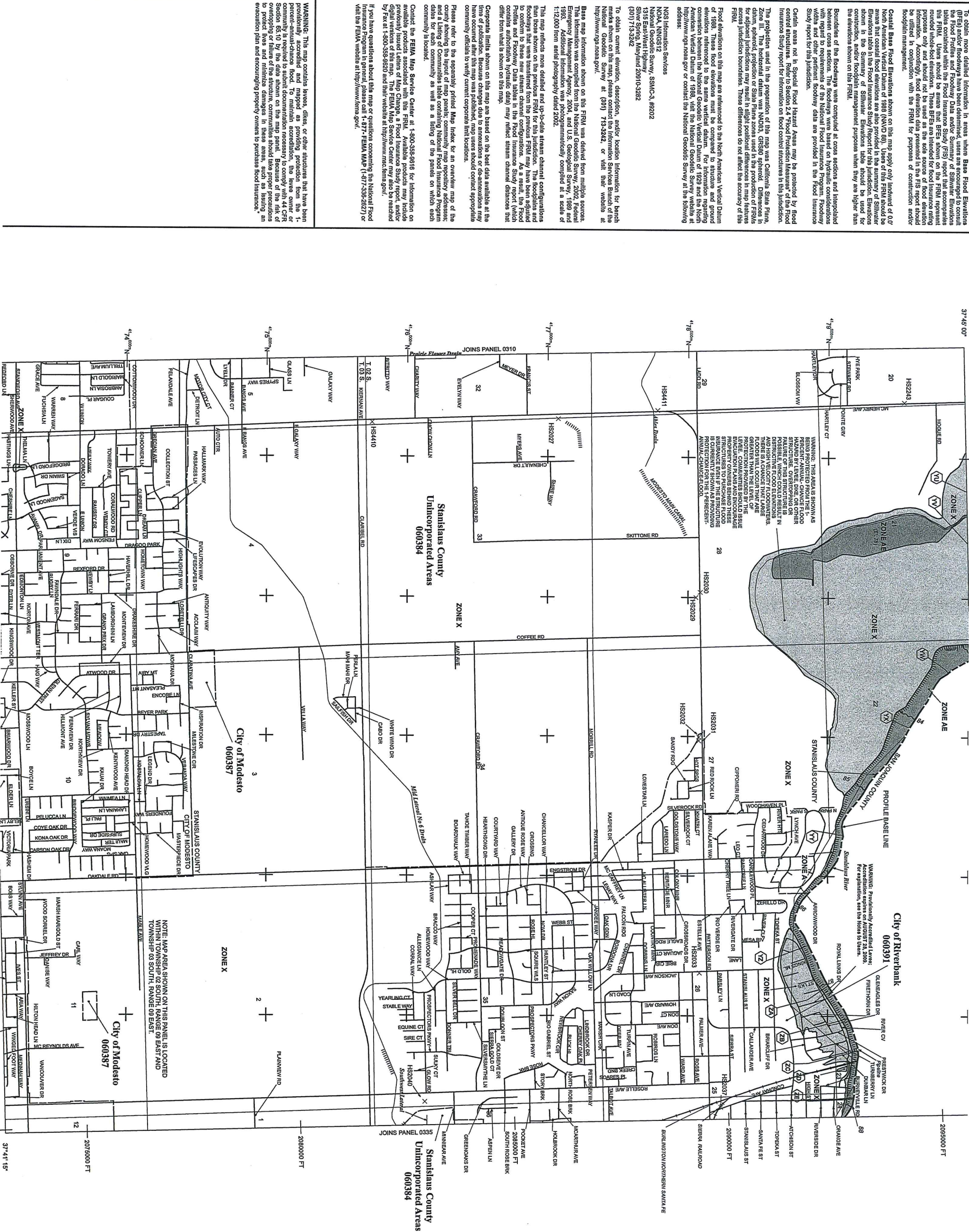
Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to mergers, acquisitions, and other factors have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels; community map repository addresses; and a listing of communities table containing National Flood Insurance Program data for each community as well as a listing of the panels on which each community is located.

Contact the FEMA Map Service Center at 1-800-358-5616 for information on available products associated with this FIRM. Available products may include digital versions of this map. The FEMA Map Service Center may also be reached by fax at 1-800-535-9620 and their website at <http://www.nfsc.fema.gov/>.

If you have questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-338-2827) or visit the FEMA website at <http://www.fema.gov>.

WARNING: This map contains levees, dikes, or other structures that have been professionally accredited and mapped as providing protection from the percent-annual-chance flood. To maintain accreditation, the levee owner or community is required to submit documentation necessary to comply with 44 CFR Section 65.10 by the date shown on the map panel. Because of the risk of overtopping or failure of the structure, communities should take proper precautions to protect lives and minimize damages in these areas, such as issuing an evacuation plan and encouraging property owners to purchase flood insurance.



Legend

- Zone A**: Flood depths of 1 to 3 feet (usually state law on stopping turnouts)
- Zone AE**: Flood depths of 1 to 3 feet (usually state law on stopping turnouts)
- Zone AO**: Flood depths of 1 to 3 feet (usually state law on stopping turnouts)
- Zone AR**: Flood depths of 1 to 3 feet (usually state law on stopping turnouts)
- Zone AS**: Flood depths of 1 to 3 feet (usually state law on stopping turnouts)
- Zone V**: Flood depths of 1 to 3 feet (usually state law on stopping turnouts)
- Zone VE**: Flood depths of 1 to 3 feet (usually state law on stopping turnouts)
- Floodway**: Areas in which flood hazards are determined, but possible.
- Coastal Barrier Resources System (CBRS) Areas**: Areas determined to be outside the 0.2% annual chance floodplain.
- Other Areas**: Areas determined to be outside the 0.2% annual chance floodplain.
- Other Flood Areas**: Areas in which flood hazards are determined, but possible.
- Other Areas**: Areas determined to be outside the 0.2% annual chance floodplain.
- Other Flood Areas**: Areas in which flood hazards are determined, but possible.
- Other Areas**: Areas determined to be outside the 0.2% annual chance floodplain.
- Other Flood Areas**: Areas in which flood hazards are determined, but possible.

Map Index

For community map revision history prior to community mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction. To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-439-6620.

Map Scale

1" = 1000'

0 1000 2000 FEET

0 300 600 METERS

Map Information

Panel: 0330E

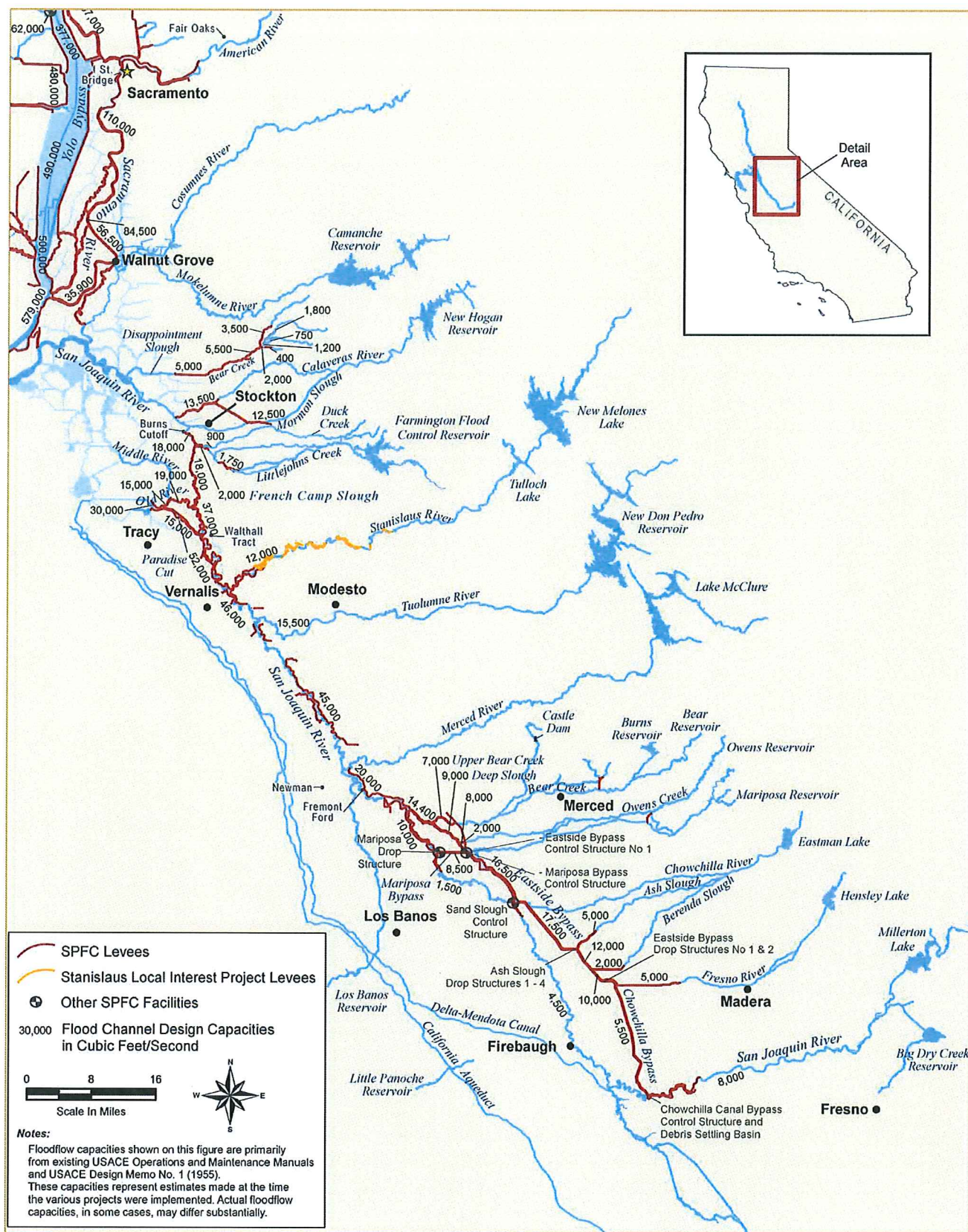
Community: Stanislaus County

Effective Date: 06/03/90

Map Number: 06039C0330E

Effective Date: 06/03/90

Exhibit C: Map of SPFC Levees, dated June 2012 (Page 1-9 of the CVFPP)



Key: SPFC = State Plan of Flood Control

USACE = U.S. Army Corps of Engineers

Figure 1-5. State Plan of Flood Control Facilities, San Joaquin River Basin