



CITY OF RIVERBANK
**REGULAR CITY COUNCIL AND THE
 LOCAL REDEVELOPMENT AUTHORITY MEETINGS**
 (The City Council also serves as the LRA Board)
 City Hall North • Council Chambers
 6707 Third Street • Suite B • Riverbank • CA • 95367

AGENDA

TUESDAY, FEBRUARY 9, 2016 – 6:00 P.M.

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK’S OFFICE AND AT WWW.RIVERBANK.ORG)

- CALL TO ORDER:** Mayor/Chair Richard D. O’Brien
- FLAG SALUTE:** Mayor/Chair Richard D. O’Brien
- INVOCATION:** Riverbank Ministerial Association
- ROLL CALL:** Mayor/Chair Richard D. O’Brien
 Vice Mayor/Chair Jeanine Tucker
 Council/Authority Member Darlene Barber-Martinez
 Council/Authority Member Cal Campbell
 Council/Authority Member Leanne Jones Cruz

CONFLICT OF INTEREST
 Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

1. PRESENTATIONS **There are no presentations.**

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 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 City Council/LRA Board.

3. CONSENT CALENDAR

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

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the January 26, 2016, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution** to Approve the Pay Schedules for Part-Time Classifications effective January 1, 2016.

Item 3.D: Acceptance of the Central Avenue Pavement Resurfacing and Rehabilitation Project and Authorization to File a Notice of Completion.

Recommendation: It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

4. UNFINISHED BUSINESS There are no items to consider.

5. PUBLIC HEARINGS

The Public Hearing Notices for the following public hearing items 5.1 – 5.4, to be considered by the City Council were published in the local newspaper of general circulation on January 25, 2016. Item 5.5 was published on January 23, 2016 and January 27, 2016.

Item 5.1:

- 1.) A Resolution of the City Council of the City of Riverbank, California, Approving the General Plan Amendment Redesignating 2.42 Acres to MDR Medium Density Residential, Located at APN 132-036-003, a Project Known as Ward Villas; and**
- 2.) A Resolution of the City Council of the City of Riverbank Approving the Request of Troy Wright for Tentative Subdivision Map 01-2015 to Subdivide 2.42 Acres into 28 Planned Development Single Family Residential Lots, Located South of Ward Avenue, West of Roselle Avenue APN: 132-036-003; and**
- 3.) First Reading and Introduction by Title Only of an Ordinance of the City Council of the City of Riverbank, California, Approving Rezoning of 2.42 Acres to Planned Development, Located At APN 32-036-003 – a Project Known as Ward Villas -** It is recommended that the City Council consider the adoption of the proposed resolutions, to conditionally approve the request of Troy Wright for a General Plan Amendment, Rezone, and Vesting Tentative Map to create 28 single family lots at a density of 16 dwelling units per net acre, a private street lot, and a basin/emergency vehicle access (EVA) lot on 2.42 acres, and as part of this project, conduct the public hearing for the first reading and introduction by title only of the proposed ordinance to consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only on March 8, 2016, to consider its adoption.

Item 5.2: **An Ordinance of the City Council of the City of Riverbank Amending the Riverbank Municipal Code by Repealing in its Entirety Section 153.217: Variance of Chapter 153: Zoning of Title XV: Land Usage, and Substitute it with a New Section 153.217: Variance** - It is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the proposed ordinance to consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only on March 8, 2016, to consider its adoption.

Item 5.3: **A Resolution of the City Council of the City of Riverbank, California, to Establish, Amend, or Authorize Fees for the Spring/Summer 2016 City of Riverbank Recreation Programs, Parks and Facility Use** – It is recommended that the City Council consider the proposed fees as presented and adopt the Resolution to Establish, Amend or Authorize Fees for the Spring/Summer 2016 City of Riverbank Recreation Programs, Parks and Facility Use.

6. NEW BUSINESS

Item 6.1: **River Cove River Access Review** – It is recommended that the City Council receive a report on river access concerns in the River Cove subdivision, review the options for dealing with these concerns in the future and provide direction to staff.

Item 6.2: **A Resolution of the City Council of the City of Riverbank, California, to Establish a Facility Improvement Fund Account for the City of Riverbank Community Center, Scout Hall, and Gymnasium Facilities** – It is recommended that the City Council consider adopting the resolution authorizing the establishment of a Facility Improvement Fund Account to be funded by a portion of the facility rental fees to fund equipment replacement and/or facility renovations as needed.

Item 6.3: **Recommend City Council Review and Provide Feedback on the Removal of Ash Trees Along Crawford Road to Prevent On-going Damage to Sidewalk and Other Infrastructure Now and in the Future and Review Design Concepts for a New Landscaping Plan** – It is recommended that the City Council receive the presentation and provide feedback on the Crawford Road Ash tree removal and design concepts for a new landscaping plan.

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Item 7.2: Council/Authority Member Comments

Item 7.3: Mayor/Chair Comments

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

Item 8.1: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(a)

Name of Case: Barham Construction, Inc. v. City of Riverbank

Court of Appeals of California, Fifth District

Case No. F058692 and Case No. F059499

Item 8.2: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(a)

Name of Case: City of Riverbank v. Riverbank Oil Transfer, LLC

Stanislaus County Superior Court Case No. 2012779

Recommendation:

It is recommended that City Council /LRA Board provide direction to Staff on the Closed Session item(s).

9. REPORT FROM CLOSED SESSION**Item 9.1: Report on Closed Session Item 8.1: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION****Item 9.2: Report on Closed Session Item 8.2: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION****ADJOURNMENT (The next regular City Council meeting –Tuesday, Feb. 23 @ 6:pm)****UPCOMING EVENTS:**

Open Until Filled	<ul style="list-style-type: none"> ▪ <u>Budget Advisory Committee</u> Applications are currently being accepted. Visit www.riverbank.org or Contact Marisela Garcia, Director of Finance, at 863-7110.
Closes Feb. 16	<ul style="list-style-type: none"> ▪ <u>Riverbank Representative Vacancy on the Stanislaus Consolidated Fire Protection District – Board of Directors.</u> - For application and information visit www.riverbank.org or Contact Administration at 863-7122.
City Hall Friday Office Hours	<ul style="list-style-type: none"> ▪ <u>City Offices are Closed Alternating Fridays</u> <ul style="list-style-type: none"> ○ Friday: February 12 and February 26 – CLOSED ○ Friday: February 5 and February 19: Hours 8:am – 5:pm

Any documents that are not privileged or part of a Closed Session provided to a majority of the City Council/LRA Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at North City Hall, 6707 Third Street, Riverbank, CA, during normal business hours.

AFFIDAVIT OF POSTING

I, Annabelle Aguilar, do hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours prior to the meeting in accordance to the Brown Act.

Posted this 4th day of February, 2016

/s/Annabelle H. Aguilar, CMC, City Clerk / LRA Recorder

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 City Clerk's Office at (209) 863-7122 or cityclerk@riverbank.org. Notification 72-hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

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

GENERAL INFORMATION

Meeting Schedule	The City Council Members also serve as the LRA Board Members. The Riverbank City Council/LRA Board meets in the City Hall North Council Chambers. Regular City Council meetings are held on the 2nd and 4th Tuesdays of each month at 6:00 p.m. The Local Redevelopment Authority Board meets on an "as needed" basis. Meetings are held as indicated, unless otherwise noticed.
City Council / LRA Agenda & Reports	The City Council/LRA Board agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when available, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk's Office, 6707 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the City Council/LRA Board. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.
Public Hearings	In general, a public hearing is an open consideration within a regular meeting of the City Council or a meeting of the LRA, 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.
Televised / Video of Meetings	City Council/LRA meetings are televised on Charter Channel 2 and AT&T Uverse Channel 99. Video of the meeting and the schedule of replays may be seen on the City's website, under the "Action 2" Icon. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)
Questions	Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org

Any documents that are not privileged or part of a Closed Session provided to a majority of the City Council/LRA Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at North City Hall, 6707 Third Street, Riverbank, CA, during normal business hours. 5

RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 3.A

SECTION 3: CONSENT CALENDAR

Meeting Date:	February 9, 2016
Subject:	Waiver of Readings
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the waiver of the readings of Ordinances and Resolutions, to be introduced by title only.

SUMMARY

The approval of the waiver of readings will allow Ordinances and Resolutions to be introduced by title only and acted upon without the need to read the entire text of the item into the public record. The documents related to proposed Ordinances and Resolutions are available for review by the public on the City's website and in the City Clerk's office at City Hall (North).

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B**

SECTION 3: CONSENT CALENDAR

Meeting Date:	February 9, 2016
Subject:	Approval of the January 26, 2016, City Council and Local Redevelopment Authority Minutes
From:	Jill Anderson, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

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

SUMMARY

The Draft Minutes of the January 26, 2016, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. January 26, 2016, City Council and LRA Minutes



City of Riverbank
**REGULAR CITY COUNCIL AND LOCAL REDEVELOPMENT AUTHORITY
MEETINGS**

(The City Council also serves as the LRA Board)

MINUTES

TUESDAY, JANUARY 26, 2016

CALL TO ORDER:

The City Council and Local Redevelopment Authority Board of the City of Riverbank met at 6:00 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Mayor/Chair Richard D. O'Brien presiding.

FLAG SALUTE: Mayor/Chair Richard D. O'Brien

ROLL CALL: Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Jeanine Tucker
Council/Authority Member Darlene Barber-Martinez
Council/Authority Member Cal Campbell
Council/Authority Member Leanne Jones Cruz

CONFLICT OF INTEREST

Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

Councilmember Barber-Martinez and Councilmember Campbell claimed a conflict with item 6.2.

1. PRESENTATIONS

Item 1.1: Presentation to Recognize Ms. Patricia Hughes for her Exemplary Service as a Planning Commissioner – *Ms. Hughes was presented with a plaque. She thanked several people.*

Item 1.2: Administer the Oath of Office to Reappointed Planning Commissioner Joan Stewart and Newly Appointed Planning Commissioners Edward Tabacco and Larry King – *The appointed Planning Commissioners were sworn in by City Clerk Annabelle Aguilar.*

Item 1.3: Strategic Planning Update – *City Manager Jill Anderson made the presentation.*

LRA Item 1.4: Enhanced Infrastructure Financing Districts – a Financing Option for Funding Redevelopment and Future Capital Improvements – *Mr. Gomez of Economic & Planning Systems, Inc. made the presentation.*

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 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 City Council/LRA Board.

No one spoke.

3. CONSENT CALENDAR

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

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the January 12, 2016, City Council and Local Redevelopment Authority Minutes.

Item 3.C: A **Resolution [No. 2016-004]** of the City Council, of the City of Riverbank, California, Approving the Interim Appointment of Michelle Guzman to the Stanislaus Consolidated Fire Protection District Board of Directors as the Riverbank Representative.

Item 3.D: A **Resolution [No. 2016-005]** of the City Council of the City of Riverbank, California, to Replace in its Entirety the City of Riverbank Standard Specifications Design Standards and Standard Plans for Section 1 through Section 8 with New Specifications and Drawings.

Item 3.E: Out of State Travel Request to Attend Training for the Implementation of Casselle Financial Management Software in Provo, Utah.

Item 3.F: Adjustments to 2016 City Council Meeting Schedule and Closure of City Offices from December 26 to December 30, 2016.

Item 3.G: Authorization of the Out of State Travel Made by the City Manager to attend the International City/County Management Association Annual Conference in Seattle, WA in September 2015.

Recommendation: It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

ACTION: *By motion moved and seconded (Tucker/ Jones Cruz /passed 5-0) to approve Items 3.A through 3.G as presented. Motion carried by unanimous City Council and LRA Board roll call vote.*

*AYES: Campbell, Jones Cruz, Tucker, Barber-Martinez, and Mayor O'Brien
NAYS: None, ABSENT: None, ABSTAINED: None*

4. UNFINISHED BUSINESS There were no items to consider.

5. PUBLIC HEARINGS There were no items to consider.

6. NEW BUSINESS

Item 6.1: **Riverbank Cheese & Wine Festival Report** – It is recommended that the City Council hear the report on the 2015 Cheese & Wine Festival and provide direction regarding the plans for the 2016 event.

Mr. Chris Ricci of Chris Ricci Presents provided an update on the financial status of conducting the Cheese and Wine Festival. City Council and presenters discussed the item. Mr. Ricci will proceed with the preparations of the Festival for 2016.

Item 6.2: **Farmer's Market Update and Fee Waiver Request** – It is recommended that the City Council review the plans for the 2016 Farmer's Market and provide staff direction on the request to waive the fees for City services and if approved, authorize the reimbursement of the Enterprise Fund with a General Fund allocation.

Due to serving on the Farmer's Market Committee for the Chamber of Commerce, Councilmembers Barber-Martinez and Campbell recused themselves from consideration of this item and left the room at 7:10 p.m.

Parks and Recreation Director Sue Fitzpatrick presented the staff report.

Ms. Garnett Martin, Marketing Director of the Chamber of Commerce, and Mr. Anthony McKinney Chamber President, spoke in favor of approving the waiver to conduct the event. City Council discussed the item.

ACTION: *By motion moved and seconded (Tucker / Jones Cruz / passed 3-0) to approve Resolution No. 2015-006 of the City Council of the City Of Riverbank, California, Approving the Request from the Riverbank Chamber of Commerce for the Waiver of Fees for the Operation of the Farmer's Market and Authorization to Reimburse the Associated Enterprise Fund from the General Fund as presented. Motion carried by unanimous City Council roll call vote.
*AYES: Jones Cruz, Tucker, and Mayor O'Brien
NAYS: None, ABSENT: None, ABSTAINED: None**

Councilmembers Barber-Martinez and Campbell returned to the dais at 7:25 p.m.

Item 6.3: **Citywide Special Events Planning** – It is recommended that the City Council direct staff in the planning of special events for the upcoming year.

Director Fitzpatrick presented the staff report; City Council and staff discussed the item.

City Council directed to continue the RiverFest event in combination with the Color Run event for another year and reassess the event next year, to continue with the Memorial Day Remembrance event, and discontinue a separate event for the Fiesta Riverbank/Multi-Cultural event.

LRA Item 6.4: Authorize the City Manager and Local Redevelopment Authority Executive Director to finalize negotiations and execute an Environmental Services Cooperative Agreement that will Remediate and/or Remove Contamination to Real Property at the (former) Riverbank Army Ammunition Plant – It is recommended that the Local Redevelopment Authority (“LRA”) Board of Directors (“BOD”) authorize the City Manager and the Local Redevelopment Authority Executive Director to finalize negotiations and execute an environmental services cooperative agreement (“ESCA”) with the US Army for the purpose of remediating and/or removing contamination to real property (“Project”) associated with the Army’s mission at the former Riverbank Army Ammunition Plant (“RAAP”), now commonly known as the Riverbank Industrial Complex.

LRA Executive Director Debbie Olson presented the staff report.

ACTION: *By motion moved and seconded (O’Brien / Jones Cruz / passed 5-0) to approve Authorizing the City Manager and LRA Executive Director to finalize negotiations and execute an Environmental Services Cooperative Agreement that will Remediate and/or Remove Contamination to Real Property at the (former) Riverbank Army Ammunition Plant as presented. Motion carried by unanimous City Council and LRA Board roll call vote.*

AYES: Campbell, Jones Cruz, Tucker, Barber-Martinez, and Mayor/Chair O’Brien

NAYS: None, ABSENT: None, ABSTAINED: None

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments.

- *Planning and Building Manager Donna Kenney announced a training workshop and a training Academy for Planning Commissioners, and for anyone who may be interested.*
- *Director Fitzpatrick reported on the Dog Park Task Force meeting.*
- *City Clerk Annabelle Aguilar announced the recruitment to fill the Riverbank Representative seat on the Stanislaus Consolidated Fire Protection District, Board of Directors.*
- *City Manager Jill Anderson announced the restaurants that will be opening soon.*

Item 7.2: Council/Authority Member Comments

- *Councilmember Cal Campbell reported on his attendance of the California League of Cities Employee Relations meeting, and spoke in regards to the potential business opportunities that the IMAX theatre will offer to current and new entrepreneurs.*
- *Councilmember Barber-Martinez reported on her attendance of the Institute for Local Government Workshop on immigrant engagement and integration, and on her attendance of the League of California Cities Policy Committee meeting on the topic of homelessness.*

Item 7.3: Mayor/Chair Comments

- *Mayor O'Brien encouraged City departments to further develop the City's new website.*

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

Mayor/Chair O'Brien announced the Closed Session items and opened the items for public comment; no one spoke. The City Council and LRA Board recessed into Closed Session at 8:01 p.m.

LRA Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Government Code Section 54956.8
Property: APN #062-031-007; 062-031-006; 062-008-009
Agency Negotiator: Jill Anderson, City Manager and Debbie Olson,
LRA Executive Director
Property Negotiator: U.S. Army

LRA Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(a)
Name of Case: In Re: AQH, LLC dba Aquifer LLC
United States Bankruptcy Court, Northern District of California
Case No. 15-50553 ASW 11

Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Government
Code § 54956.9: 1 potential case

9. REPORT FROM CLOSED SESSION

Mayor/Chair O'Brien reconvened the meetings at 8:17 p.m.

LRA Item 9.1: Report on Closed Session LRA Item 8.1: **CONFERENCE WITH
REAL PROPERTY NEGOTIATORS**

There was no report on this item.

LRA Item 9.2: Report on Closed Session LRA Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Chair O'Brien reported that direction was given to staff.

Item 9.3: Report from Closed Session Item 8.3: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Mayor O'Brien reported that direction was given to staff.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 8:18 p.m.

ATTEST: (Adopted 02/09/2016)

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair

DRAFT

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	February 9, 2016
Subject:	A Resolution to Approve the Pay Schedules for Part-Time Classifications effective January 1, 2016
From:	Jill Anderson, City Manager
Submitted by:	Alvaro Zamora, Human Resource Analyst

RECOMMENDATION

It is recommended that the City Council consider adopting the resolution to approve the Pay Schedules for the Part-Time Classifications with an effective date of January 1, 2016 to comply with California Assembly Bill 10, Chapter 351.

BACKGROUND

On September 2013 the Governor approved Assembly Bill 10, Chapter 351, amending Section 1182.12 of the California Labor Code to increase the minimum wage not less than \$9 per hour as of July 1, 2014; and on and or after January 1, 2016 to not less than \$10 per hour.

As of December 31, 2015 the City had three classifications falling below the new \$10 minimum wage. Those were the Recreation Leader I & II and the Lifeguard/Instructor classifications. The pay rates for these classifications was adjusted to comply with the new California minimum wage. In addition the pay rates for the rest of the part-time classifications were adjusted to eliminate any salary compaction issues.

To comply with Assembly Bill 10, Chapter 351, the attached Part-Time Pay Schedule needs to be formally approved and adopted by the City Council. By approving the attached pay schedule the City will be in compliance with Assembly Bill 10, Chapter 351 as well as CalPERS pay regulations.

FINANCIAL IMPACT

The cost to implement the required minimum wage increase is minor and can be absorbed in current Department operating budgets for Fiscal Year 2015-2016. The financial impact of the minimum wage increase to future Fiscal Years will be budgeted appropriately.

ATTACHMENTS

Attached to this report is the Part-Time Employee Riverbank Compensation Plan, effective:

- a. January 1, 2016

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, APPROVING THE PAY SCHEDULE FOR PART-TIME
CLASSIFICATIONS EFFECTIVE JANUARY 1, 2016**

WHEREAS, the State of California approved Assembly Bill 10, Chapter 351, to increase the minimum wage from \$9.00 to \$10.00, effective January 1, 2016; and

WHEREAS, in order to comply with Assembly Bill 10, Chapter 351, the City of Riverbank adjusted the Part-Time Classifications pay rates and pay schedule to reflect the new California minimum wage.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Riverbank hereby adopts the Part-Time Classifications Pay Schedule effective January 1, 2016, as specified in **Exhibit A**, attached hereto.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of February, 2016; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of ___:

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

Attachment: Exhibit A – Part-time Compensation Schedule effective 01/01/2016.

**PART-TIME/TEMPORARY/SEASONAL POSITIONS
EFFECTIVE JANUARY 1, 2016**

Position	Range	HOURLY PAY				
		A	B	C	D	E
Recreation Leader I	1	10.00	10.25	10.50	10.75	11.00
Recreation Leader II	5	11.00	11.25	11.50	11.75	12.00
Recreation Leader III	9	12.00	12.25	12.50	12.75	13.00
Sr. Recreation Leader	13	13.00	13.25	13.50	13.75	14.00
Lifeguard/Instructor	5	11.00	11.25	11.50	11.75	12.00
Head Lifeguard	9	12.00	12.25	12.50	12.75	13.00
Assistant Pool Manager	13	13.00	13.25	13.50	13.75	14.00
Pool Manager	17	14.00	14.25	14.50	14.75	15.00
Site Monitor	5	11.00	11.25	11.50	11.75	12.00
Program Specialist	9	12.00	12.25	12.50	12.75	13.00
Administrative Intern	17	14.00	14.25	14.50	14.75	15.00
Building/Neighborhood Improvement Aide	17	14.00	14.25	14.50	14.75	15.00
Collections Clerk	17	14.00	14.25	14.50	14.75	15.00
Maintenance Worker Aide	13	13.00	13.25	13.50	13.75	14.00
Facilities Maintenance Worker Aide	13	13.00	13.25	13.50	13.75	14.00
Park Maintenance Worker Aide	13	13.00	13.25	13.50	13.75	14.00
Water Utility Worker Aide	17	14.00	14.25	14.50	14.75	15.00
Water Conservation Coordinator	17	14.00	14.25	14.50	14.75	15.00
Personnel Clerk/Part-Time	17	14.00	14.25	14.50	14.75	15.00

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.D

SECTION 3: CONSENT CALENDAR

Meeting Date:	February 9, 2016
Subject:	Acceptance of the Central Avenue Pavement Resurfacing and Rehabilitation Project and Authorization to File a Notice of Completion
From:	Jill Anderson, City Manager
Submitted by:	Marisela H. Garcia, Director of Finance/City Treasurer Kathleen Cleek, Development Services Administration Manager Laura Graybill, Project Coordinator

RECOMMENDATION:

It is recommended that the City Council accept the completion of the Central Avenue Pavement Resurfacing and Rehabilitation Project and authorize staff to file a Notice of Completion.

SUMMARY:

George Reed, Inc. has completed the construction of the Central Avenue Pavement Resurfacing and Rehabilitation Project. William Kull, City Engineer and City staff have completed a final inspection and determined that construction has been completed as per the plans and specifications.

The Central Avenue Pavement Resurfacing and Rehabilitation Project was completed on Central Avenue between California Avenue and Kentucky Avenue. The project consisted of reconstructing the existing deteriorated asphalt concrete surface into a 24 foot wide roadway. The existing road surface was ground in place and used as base rock, with additional base rock added to achieve a uniform roadway. Base rock was added to both sides of the pavement to create five foot shoulders. Drainage was directed to one side of the road and collected in a roadside ditch, which will be protected with rock lining. A French drain was constructed below the road side ditch to dissipate storm water. A 12 inch PVC water line was extended in Central Avenue from California Avenue to Kentucky Avenue. Fire hydrants were placed at 400 foot intervals. A waterline trench was excavated for a 12 inch waterline, and the trench was backfilled with native materials that met City Specifications.

A total budget of \$367,200.00 was available for this project. The contract was awarded on October 14, 2014 to George Reed, Inc. in the amount of \$321,455.00. A total of

three (3) Contract Change Orders were issued for this project due to various items and changes in quantities in the amount of \$36,912.07 (11.48% of the original construction cost). Due to weather conditions and a nesting Swanson Hawk which is protected under environmental protection laws, there was a delay in starting this project. Field conditions revealed some unknown conditions and the need for grading and asphaltting of additional roadway was encountered. These were the major contingency items involved with the project leading to the Change Orders.

It is recommended that the Council accept the Central Avenue Pavement Resurfacing and Rehabilitation Project as complete and authorize the Project Coordinator to record the Notice of Completion.

FISCAL IMPACT:

The total cost of construction including change orders is \$358,367.07. Overall the project was completed at 11.48% over the original project bid. The project was programmed in the Federal Transportation Improvement Plan (FTIP) under the Regional Surface Transportation Program (RSTP) and Non-Participating Costs were paid from Fund 206, Fund 208 and Local Transportation Funds (LTF). This project was completed under the available budget of \$367,200.

Construction - RSTP Funds	\$149,200.00
Non-Participating Costs (Storm) Fund 208	\$ 80,000.00
Non-Participating Costs (Water) Fund 206	\$113,000.00
Local Transportation Funds (LTF)	\$ 25,000.00
TOTAL	\$367,200.00

ATTACHMENTS:

1. Notice of Completion.

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME City of Riverbank
 STREET ADDRESS Attn: Development Services
6707 Third Street
 CITY & STATE Riverbank, CA 95367

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the owner of the interest or estate stated below in the property hereinafter described.

2. The full name of the undersigned is City of Riverbank (Print Full Name)

3. The complete address of the undersigned is 6707 Third Street, Riverbank, CA 95367 (Address, City, State, Zip)

4. The nature of the title of the undersigned is:

- Owner in Fee, or
- Vendee (Buyer) under Contract of Purchase, or
- Lessee, or
- Other

If "Other," briefly list or describe appropriate designation or title _____

5. The full names and complete addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

Co-owner's Name(s) _____ Co-owner's Complete Address (Number and Street, City, State, Zip) _____
N/A

6. The names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to, include, but are not limited to the following individual(s) (if no transfer was made, insert the word "none"):

Co-owner's Name(s) _____ Co-owner's Complete Address (Number and Street, City, State, Zip) _____
N/A

7. A work of improvement on the property described below was completed on February 9, 2016 (Date of Completion)

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty, either expressed or implied, as to the merchantability or fitness for a particular purpose, or as to the legal validity of any provision or the suitability of these forms in any specific transaction.



8. The name of the original contractor, if any, for the work of improvement was (if no contractor for the work of improvement as a whole, insert the word "none") George Reed, INC.

If notice covers completion of contract for only part of the work of improvement, check box and complete:

The kind of work done or finished was demolition, asphalt removal, paving, striping
(Give General Description of Work Completed, e.g., Furnishing of Concrete for Sidewalks, etc.)
raise structures to grade, storm drainage, water line, fire hydrants,
water valves, SWPPP, traffic control and roadway compaction.

9. The property on which the work of improvement was completed is in the City of Riverbank,
County of Stanislaus, State of California, and is described as follows:

Central Avenue Pavement Resurfacing and Rehabilitation Project

(Set Forth Description of Jobsite Sufficient for Identification, Using Legal Description if Possible)

10. The street address of the said property is Central Avenue (between California and
Kentucky), Riverbank, CA 95367
(Address, City, State, Zip, or if No Official Street Address, Insert the Word "None")

Dated this 9 day of February, 2016
(Day) (Month) (Year)

City of Riverbank

Laura Graybill, Project Coordinator

(Owner's Signature)

(Owner's Typed or Printed Name)

VERIFICATION

I the undersigned, say:

I am the person who signed the foregoing notice. I have read and understand the above notice and know its contents, and the facts stated therein are true and correct to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in City of Riverbank, County of Stanislaus, State of California

on this 9 day of February, 2016
(Day) (Month) (Year)

(Signature of Person Signing Notice of Completion)

Laura Graybill, Project Coordinator
City of Riverbank

This form is the notice of completion that a property owner may record to limit the time in which mechanics' liens may be recorded against a construction project (see CA Civil Code § 3093). For this purpose an "owner" is the person who causes a building, improvement, or structure to be constructed, altered, or repaired, whether the interest or estate is in fee, as a vendee (buyer) under contract or purchase, as lessee, or other interest or estate less than fee. If the interest is held by two or more persons as joint tenants or tenants in common, any one or more of the co-tenants may be deemed to be the owner. (CA Civil Code §§ 3092(g), 3093). **This form is for use with a private work of improvement only, and is not intended for public sector applications.**

If the owner records the notice within the applicable time period, the original contractor has sixty (60) days from the day the notice is recorded to record a claim of lien against

the project (CA Civil Code § 3115); and all other persons who furnished labor, services, equipment, or materials must record their liens within thirty (30) days after the notice of completion is recorded (CA Civil Code § 3116). Otherwise, all persons who furnished labor, services, equipment, or materials have ninety (90) days after completion of the work of improvement in which to record their liens (CA Civil Code §§ 3115, 3116).

The owner must record the notice in the office of the county recorder of the county where the site is located within ten (10) days after the work of improvement is completed (CA Civil Code § 3093(e)). This applies equally to the project which is completed in phases. A notice of completion must be filed within ten (10) days after the completion of each phase of the project to shield owner properly (CA Civil Code § 3117).

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date: February 9, 2016

Subject: 1) A **Resolution** of the City Council of the City of Riverbank, California, Approving the General Plan Amendment Redesignating 2.42 Acres to MDR Medium Density Residential, Located at APN 132-036-003, a Project Known as Ward Villas; and

2) A **Resolution** of the City Council of the City of Riverbank Approving the Request of Troy Wright for Tentative Subdivision Map 01-2015 to Subdivide 2.42 Acres into 28 Planned Development Single Family Residential Lots, Located South of Ward Avenue, West of Roselle Avenue APN: 132-036-003; and

3) First Reading and Introduction by Title Only of an **Ordinance** of the City Council of the City of Riverbank, California, Approving Rezoning of 2.42 Acres to Planned Development, Located At APN 32-036-003 – a Project Known as Ward Villas

From: Jill Anderson, City Manager

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

RECOMMENDATION

It is recommended that the City Council consider the adoption of the proposed resolutions, to conditionally approve the request of Troy Wright for a General Plan Amendment, Rezone, and Vesting Tentative Map to create 28 single family lots at a density of 16 dwelling units per net acre, a private street lot, and a basin/emergency vehicle access (EVA) lot on 2.42 acres, and as part of this project, conduct the public hearing for the first reading and introduction by title only of the proposed ordinance to consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only on March 8, 2016, to consider its adoption.

SUMMARY

The proposed General Plan Amendment (GPA), Rezone and Vesting Tentative Map (VTM) project consists of a request for the development of 28 single family lots, a private street lot, and a storm water basin with emergency vehicle access (EVA) lot on 2.42 acres with an overall density of sixteen (16) dwelling units per net acre. The General Plan designation for the site is Low Density Residential (LDR) to be re-designated as Medium Density Residential (MDR) with 8-16 units allowed per net acre.

The property is zoned Single Family Residential (R-1) to be rezoned to Planned Development (PD). Approval of the two (2) resolutions and one (1) ordinance is recommended if all Conditions of Approval are adopted and all GPA, Rezone, and VTM findings can be met to ensure consistency with the General Plan, Zoning Ordinance, and State mapping requirements.

BACKGROUND

The subject property is located on the south side of Ward Avenue, just west of Roselle Avenue. The property is currently occupied by one single family dwelling unit. The site is surrounded on all sides by existing single family dwelling units. VTM 01-2015 (Attachment 4) proposes subdividing 2.42 acres into Lot A, which is the storm water basin and EVA; Lot B, which is the private street; and 28 buildable lots with dwelling units attached in pairs. The Planning Commission heard this item in public hearing on January 19, 2016 and recommends approval (Attachment 4).

PROJECT INFORMATION AND ANALYSIS

A. Site Design

The design of the project as proposed is a small lot, attached, single family residential subdivision (Attachment 5). Units are attached in pairs. Because the proposed lot sizes are below the Riverbank Municipal Code (RMC) R-1 standard of 6,000 square feet (sf), the applicant proposes a rezone to Planned Development to accommodate 2,730 – 3,731 sf lots. The subdivision has been drawn so that all interior lots front the proposed stubbed private street. The street is narrow with no bulb or hammerhead turn-around but does have an emergency vehicle access (EVA) that connects it to Don Rafael Avenue to the west. It does not incorporate new City Street Designs, Low Impact Development (LID) Standards, or encourage Complete Streets for vehicles, bicycles and pedestrians. The proposed VTM has two (2) out lots which will be dedicated to the private street and a basin with EVA for the treatment of storm water generated from the project. Current State regulations require new projects to retain as much water as possible for percolation on site and to only discharge overflow into a canal.

B. Architecture / Design Guidelines

The developer has provided colors and materials, and elevations and floor plans (Attachment 6) but no Design Guidelines document as requested. Key information that staff has compiled from the submitted plans include:

1. Setbacks – The project proposes setbacks which meet or exceed R-1 single family residential standards. For example, the R-1 district requires a minimum ten (10) foot front setback and the developer proposes a twenty (20) foot minimum front setback. Side setbacks meet the R-1 minimum of five (5) feet and rear setbacks, at sixteen (16) feet exceed the R-1 minimum of five (5) feet.
2. Lot and Building Variation – Except for the two (2) larger corner lots that are adjacent to Ward Avenue, lots are a standard 30' x 91' (2,730 sf), less than half

the size of a minimum R-1 district lot. The two (2) corner lots are approximately 3,700 sf in size. Dwelling units range in size between 1,860 sf and 2,275 sf. Two building types are proposed with two styles each. The styles are differentiated by colors and architectural details, such as rounded windows, decorative wrought iron, and shutters.

3. General Building Design – The dwelling units are attached in pairs but each unit is on its own lot and are labeled “A and B” or “C and D.” Only unit C has a bedroom on the first floor, allowing those occupants to be able to age in place. The other three (3) units have straight staircases to the second floor which would allow the installation of a chair lift for seniors with mobility problems.
4. Colors and Materials (Attachment 5) – The developer proposes the following colors and materials for the dwelling units:
 - a. Building 1, Style 1 – There are two (2) “body colors” proposed for this building and style: “Sand Dollar” and “Natural Bridge.” Trim colors for Building 1 include “Spice Cake” and “Log Cabin.” These colors span from a tan shade to deep brown.
 - b. Building 1, Style 2 – Like Style 1, the developer proposes two (2) body colors: “Sand Dollar” and “Graham Cracker,” which appears a little lighter than the “Natural Bridge” color of Style 1. Trim colors for this style are proposed as “Cellar Door” and “Log Cabin.” Out of the eight (8) proposed colors for Building 1, the two (2) styles share two (2) colors, “Sand Dollar” and “Log Cabin.”
 - c. Building 2, Style 1 – Style 1 has two (2) body colors proposed: “Bungalow Taupe” and “Spice Cake.” Three (3) trim colors are proposed: “Cellar Door,” “Canadian Lake,” and “Weathered Brown.” The color palate is in browns like Building 1 but brings in a little blue to the palate through “Canadian Lake.”
 - d. Building 2, Style 2 – There are two (2) body colors proposed for this building: “Bungalow Taupe” and “Even Growth,” which brings some green into the palate. The three (3) trim colors are “Cellar Door,” “Wells Gray,” and “Weathered Brown.” Out of the ten (10) proposed colors for Building 2, the two (2) styles share three (3) colors, “Bungalow Taupe,” “Cellar Door,” and “Weathered Brown.” Buildings 1 and 2 share “Spice Cake” and “Cellar Door.” Browns appear to be the unifying colors for the subdivision.
 - e. All dwelling units are proposed to have the same “Walnut Creek Blend” color of concrete tile roofing. The two (2) dwelling units that front Ward Avenue will have “Saddleback” colored stone on their facades.

5. Porches, Entries, and Courts – Neither style of Building 1 or 2 has a front porch. All unit entries face the side setbacks; only garage doors and upper floor windows face the private street. Only the two (2) units adjacent to Ward Avenue that are on the larger lots have entries that face Ward Avenue. These two (2) units are the only ones with a rock façade. All entries have tall covered doorways and there are no courts.
6. Garage Frontage and Placement – As mentioned above, all the garages face the private street. Each dwelling unit has two (2) covered spaces in the garage. One (1) garage on each of the attached units is slightly staggered by approximately three (3) feet.
7. Driveways and Parking – Three (3) existing driveways on Ward Avenue which currently serve the property will be removed. Proposed driveways are large enough to park two (2) vehicles. Driveways are approximately twenty (20) feet wide, twenty (20) feet long, and span approximately 2/3 of the lot frontage of thirty (30) feet. There is no on-street parking proposed as all curbs are shown painted red. Since this is a private street, it will be the responsibility of the Home Owners Association (HOA) to enforce the parking restriction. Only the west side of the private street is proposed by the developer to have sidewalks, which makes the east side noncompliant with the Americans with Disabilities Act (ADA). There is no planting strip proposed between the curb and sidewalk.
8. Fences, Walls, and Entry Features - There is no entry feature or signage proposed for the project. Plans show existing six (6) foot wooden (redwood) or vinyl fencing along the east, south and west property lines except across Don Rafael Avenue which will have a wrought iron fence and emergency gate with a Knox Box. Staff proposed vinyl fencing instead of redwood, which fades unevenly, as a proposed Planned Development amenity for a deviation in zoning standards. During the Planning Commission's public hearing on this item, the developer stated he is not replacing the existing perimeter fencing unless it is damaged during construction. The Planning Commission conditioned the project to ensure that damaged fencing is replaced like for like; wooden fencing shall be replaced with wooden fencing and vinyl fencing shall be replaced with vinyl. The developer proposed a decorative block wall along Ward Avenue, vinyl fencing within the subdivision where it can be seen from the roadway, and wooden fencing for the rear yards instead of vinyl throughout.
9. Landscaping – Six (6) existing trees with trunks exceeding twelve (12) inches are proposed to be removed (Attachment 4, sheet 1 of 3). A Major Tree Conservation Permit is required pursuant to RMC 156.12 (D) Permit Applications. A tree survey shall be completed which must be dated within six (6) months of the Tree Removal Permit application. A Tree Protection Plan is required which may be part of the landscape plan required as a condition of project approval. A cash bond equal to the cost of the conservation efforts in the Major Tree

Conservation Permit shall be held for the purpose of assuring that the conservation efforts are implemented. The developer is required to design and install drought-tolerant landscaping in the front yards of the dwelling units, at the end of the private street, and in the stormwater basin (Attachment 7). Home owners are required to maintain the landscaping on their lots and the Home Owners Association (HOA) is responsible for maintaining the common areas, basin, walls/fences, and street.

10. Mailboxes –Existing mailboxes belonging to the neighboring properties on Ward Avenue at the northwest and northeast corners of the site will remain, protected in place. A new mailbox cluster is proposed on the private street between lots 26 and 27 for the new residents. Staff will verify the new location and mailbox type with the Post Office and approve the design as a condition of approval.
11. Lighting – LED street lights will be provided in locations approved by the City Engineer and maintained by the HOA. One of the standard conditions of approval attached to this project requires that it be annexed into the currently forming Community Facilities District (CFD) for its fair share costs of the city-wide maintenance of lighting, landscaping, parks, streets, stormwater and sewer facilities and Police operations.
12. Utilities, Infrastructure & Easements – All utilities will be provided within the subdivision. The water line will be looped per the Fire Department, entering the site at Rocky Lane and exiting at the EVA and Don Rafael Avenue. A ten (10) foot water line easement has been provided from Rocky Way, between lots 10 and 11, to the private street. As mentioned above, one of the standard conditions of approval attached to this project requires that it be annexed into the currently forming Community Facilities District (CFD) for its fair share costs of the city-wide maintenance of lighting, landscaping, parks, streets, stormwater and sewer facilities, and Police operations.
13. Low Impact Development (LID) – The City developed LID guidelines in anticipation of new storm water discharge standards being implemented by the State of California through the SM4 permit process and will work with the developer to ensure the facility is designed to meet those standards. All project storm water will be collected and percolated on-site through the use of a terminal storm water retention basin. While the project can be designed to retain storm water collected within the boundaries of the map, the system will be maintained by the HOA and there is concern that the system may fail at some point in the future. This potential failure is another reason for the City requirement to annex the project into its CFD.

C. Transportation and Circulation

Pursuant to RMC 152.026 (H) Street Design and Standards, “Dead-end streets where necessary to give access to, or permit a satisfactory future subdivision of adjoining land,

shall extend to the boundary of the property and the resulting dead-end street may be approved without a turnaround. In all other districts a cul-de-sac or a comparable area in another form shall be required, separated to the depth of one (1) lot from the exterior boundary line or other topographical feature of the subdivision. No dead-end street shall be more than five hundred (500) feet in length." The proposed private, dead-end street is four hundred ninety (490) feet in length and will not connect to any other street at the south property line where there is existing housing and a retaining wall. A fire hydrant and enhanced landscaping is proposed for the dead-end of the private street. Since this is a private street, its maintenance will be the responsibility of the HOA.

Pursuant to RMC section 152.026 (P)(4) Local streets shall have a minimum right-of-way of fifty (50) feet and a minimum paved street width of thirty-six (36) feet between curb faces. During the agency comment period, both Gilton Solid Waste Management and the Fire Department expressed concern with the narrowness of the private street at thirty-four (34) feet, the lack of a cul-de-sac or hammerhead, and the use of the EVA (20' wide) for their trucks. Both eventually conceded the smaller width, without parking could work for them. The developer refuses to connect the private street to Don Rafael Avenue and has collected signatures from its residents stating they agree with him and want Don Rafael Avenue and the private street to remain as dead-ends (Attachment 8). "No Parking" signs are required on the EVA gate to keep cars from blocking the EVA.

D. General Plan Amendment

The existing General Plan designation for this project is Low Density Residential (LDR) which allows 1-8 dwelling units per net acre. The proposed General Plan Amendment re-designating the project from LDR to Medium Density Residential (MDR) would allow the project to be built at 8-16 dwelling units per net acre. The project proposes 28 dwelling units on 1.75 net acres for a total of 16 dwelling units per net acre ("net" means excluding the basin, EVA, and private street square footages). Thus, the project's density is consistent with the MDR designation of the General Plan.

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

1. Is the proposed amendment in the public interest? *The General Plan Amendments are in the public interest because the amendment will change the General Plan Land Use Map to comply with the proposed tentative map densities.*
2. Is the proposed amendment consistent and compatible with the goals and the vast majority of policies of the General Plan? *The amendment is not consistent as proposed with the vast majority of policies of the General Plan. Adopting the recommended Conditions of Approval will create consistency and compatibility with the goals and vast majority of the policies of the General Plan.*

3. Have the potential effects of the proposed amendment been evaluated and determined not to be detrimental to the public health, safety, or welfare? *The potential effects of the proposed amendments have been evaluated in the CEQA document on the project and have been found to be not detrimental to the public health, safety, or welfare.*
4. Has the proposed amendment been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act? *The proposed amendments have been processed in accordance with the California Government Code, the Riverbank Municipal Code, and the California Environmental Quality Act.*

General Plan Consistency Findings

As part of their recommendation to the City Council, the Planning Commission is required to find the project consistent with the City's adopted General Plan per question #2 above. The project site's density is sixteen (16) dwelling units per net acre. At this density, the Project is consistent with a General Plan designation of Medium Density Residential (MDR, net density of 8-16 units per acre). Below is a discussion of General Plan Policies with which the proposed project is consistent or inconsistent:

1. Policy DESIGN-1.3

"The City will ensure frequent street and trail connections between new residential developments and established neighborhoods." *There are no trail connections within the Ward Villas subdivision but pedestrians can use the emergency vehicle access (EVA) route to Don Rafael Avenue to the west. The private street will only connect to Ward Avenue and there is no connectivity to adjacent established neighborhoods via Don Rafael Avenue or unimproved Rocky Lane. The Planning Commission found the Project is consistent with this General Plan policy of providing street connectivity between new residential developments and established neighborhoods because of the pedestrian access through the EVA.*

2. Policy DESIGN-1.6

"Approved projects, plans, and subdivision requests shall connect with adjacent roadways and stubbed roads and shall provide frequent stubbed roadways in coordination with future planned development areas." *The project's stubbed private street does not connect to adjacent Don Rafael Avenue or unimproved Rocky Lane. As noted above, the Planning Commission found the project is consistent with connectivity to surrounding neighborhoods through pedestrian access through the EVA.*

3. Policy DESIGN-2.5

"The City will require visually attractive streetscapes with street trees and sidewalks on both sides of streets, planting strips, attractive transit shelters, benches and pedestrian-scale streetlights in appropriate locations." *The project will provide required street trees and pedestrian-scale streetlights but no planting strips and a transit shelter is not required. Both sides of the new street will have curb, gutter and sidewalks. Therefore,*

the Project is consistent with this General Plan policy of providing street trees, streetlights, and sidewalks.

4. Policy DESIGN-2.7

“In general, the City will require the construction of sidewalks on both sides of all new streets.” Both sides of the new street will have curb, gutter and sidewalks. Therefore, the Project is consistent with this General Plan policy of providing sidewalks.

5. Policy DESIGN-2.8

“The City will coordinate with transit providers and, as appropriate, require land and amenities to accommodate transit.” The developer will provide a concrete pad for school children to await their bus on Ward Avenue per a school district request. Therefore, the Project is consistent with this General Plan policy in regards to providing an amenity to accommodate transit.

6. Policy DESIGN-3.1

“The City will limit block lengths and encourage continuity of streets among neighborhoods to facilitate access, increase connectivity, and support safe pedestrian, bicyclist, and vehicular movement in residential neighborhoods.” The project’s stubbed private street does not connect to adjacent Don Rafael Avenue or unimproved Rocky Lane. As noted above, the Planning Commission found the project is consistent with connectivity to surrounding neighborhoods through pedestrian access through the EVA.

7. Policy DESIGN-3.2

“Approved plans, projects, and subdivision requests shall provide residential site and building design that contributes to an attractive, pedestrian-friendly environment along neighborhood streets. Approved plans, projects and subdivision requests will minimize the visual prominence of garages and instead incorporate porches, stoops, active rooms, and functionally opening windows that face the street.” While the two (2) types of housing products incorporate many architectural details that enhance the elevations, the front elevations facing the private street only contain garage doors and second story bedroom windows – the main entrance door is on a side elevation. There are no proposed porches, stoops, and active rooms. Functionally opening windows will face the private street. Therefore, the Project is consistent with this General Plan policy in regards to functionally opening windows that face the street.

8. Policy DESIGN-3.5

“The City will ensure that smaller residential lots, including those with widths of less than approximately 50 feet, shall minimize driveway widths, set garages back from the home structure, and minimize garage widths.” This project has lots that are approximately 30 feet wide which provides 600 sf of front yard within the 20 foot setback. Driveways are a standard 20 feet wide and take up 400 sf or 66% of the front yards. Garages are even with the home structure (not set back) and they and their driveways shall be minimized

where possible. Therefore, the Project is consistent with this General Plan policy in regards to driveways and garages.

9. Policy DESIGN-5.2

“The City will encourage the use of porches, stoops, and other elements that provide a place to comfortably linger and thereby provide ‘eyes on the street,’ helping to maintain a sense of security within neighborhoods.” *There are no porches or stoops provided on the front elevations for people to linger but there are functional windows facing the street. The Project is inconsistent with this General Plan policy in regards to porches and stoops but has functionally opening windows to provide “eyes on the street.”*

10. Policy CONS-4.2

“Approved projects, plans and subdivisions shall provide for collection, conveyance, treatment, detention, and other storm water management measures in a way that does not decrease water quality or alter hydrology in the Stanislaus River or associated groundwater recharge areas.” *The developer has provided a stormwater basin within the project to keep the water on-site for percolation. He will be working with the City Engineer to ensure it is appropriately sized for the project. The developer is required to annex into the city’s CFD for back up in case of failure. Therefore, the Project is consistent with this General Plan policy concerning storm water.*

11. Policy CONS-8.6

“The City will encourage compact development to achieve more efficient use of resources and provision of public facilities and services.” *The project proposes maximum 2,275 sf homes on 2,730 sf lots at a density of 16 homes per net acre. Therefore, the Project is consistent with this General Plan policy concerning more compact development.*

12. Policy CONS-8.9

“Approved projects, plans, and subdivision requests shall include native, drought-tolerant landscaping.” *Based upon the City’s Model Standards and Specifications for Low Impact Development Practices, conditions of project approval include a condition that “Three sets of landscape and irrigation plans shall be prepared and submitted with a fee for review and approval by a landscape architect.” This condition will ensure the project contains native, drought-tolerant landscaping and, therefore, is consistent with General Plan policy.*

13. 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.” *During the review process for this project, Fire required, and the developer complied with looped water lines for the project, connected to both Rocky Lane and Don Rafael Avenue. Therefore, the Project is consistent with this General Plan policy concerning fire protection service provider comments.*

Based upon the above policy discussions during their January 19, 2016 public hearing, the Planning Commission determined the project is consistent and compatible with the goals and the vast majority of policies of the General Plan.

E. Rezone

The developer is requesting relief from Single Family Residential (R-1) standards through rezoning the property as Planned Development (PD). The Table below compares the standards of the existing and proposed districts, seven (7) of which propose smaller or different standards than the R-1 zone does (*):

Type of Standard	LDR Zoning Standards	Proposed PD Standards
Lot Size	6,000 square feet minimum	2,730 square feet minimum *
Lot Width	50 feet minimum	30 feet minimum *
Lot Depth	100' minimum	91' minimum *
Density	8 units per net acre	16 units per net acre *
Height	35 feet maximum	35 feet maximum
Front Setback	10 feet minimum	20 feet minimum
Garage Setback	20 feet minimum	20 feet minimum
Side Setback	5 feet minimum	5 feet minimum
Rear Setback	5 feet minimum	16 feet minimum
Lot Coverage	50% maximum	50% maximum
Accessory Height	15 feet maximum	15 feet maximum
Local Street Width	36 feet between curbs	32 feet between curbs*
Sidewalks	Both sides of street	Both sides of street
Onsite Parking	2 covered spaces	2 covered spaces
Street Parking	Both sides of street	One side of street*

Pursuant to RMC section 153.162 (E)(3), staff has requested that the developer offer amenities to compensate the neighborhood for deviating from the standards above. The amenities agreed to by the developer include: 1. enhanced landscaping throughout the subdivision; 2. a colored concrete or brick crosswalk across the private street at Ward Avenue; 3. carriage-type garage doors; 4. French doors instead of sliding doors in the living rooms; 5. two (2) benches at the stormwater basin; 6. outdoor outlets to support Christmas lights; and 7. upgraded exterior light fixtures. The developer has indicated there would be parking on both sides of the street; however, parking on both sides would reduce the center travel area to fourteen (14) feet, which is too narrow for the Fire Department vehicles to access.

Per Riverbank Municipal Code section 153.161 (A), no combination of parcels less than one (1) acre in size may be rezoned PD. The combination of parcels proposed for development in this project totals 2.42 acres. Therefore, the project meets this requirement.

Rezone Findings

The Planning Commission was asked to recommend approval, conditional approval, or disapproval of the rezone of the PD to the City Council. In order to do so, the project must meet the required findings of fact:

1. Each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development. *The development could be built in stages and exist as independent units capable of creating a good environment.*
2. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect. *The site is currently a mostly vacant parcel with one residential dwelling unit and a social trail. A new subdivision will reduce any blighted conditions on the property.*
3. Any deviation from the standard ordinance requirements is warranted by the unusual design and additional amenities incorporated in the development plan which offers certain redeeming features to compensate for any deviations that may be permitted. *The amenities agreed to by the developer include: 1. enhanced landscaping throughout the subdivision; 2. a colored concrete or brick crosswalk across the private street at Ward Avenue; 3. carriage-type garage doors; 4. French doors instead of sliding doors in the living rooms; 5. two (2) benches at the stormwater basin; 6. outdoor outlets to support Christmas lights; and 7. upgraded exterior light fixtures.*
4. The principles incorporated in the proposed master plan identify unique characteristics which could not otherwise be achieved under other zoning districts. *Smaller lot sizes cannot be achieved under other zoning districts.*
5. Where a PD rezone is initiated by the City, the previous findings are not required nor is a master plan required. *This PD rezone was not initiated by the City.*

Based upon their discussion of the above findings of fact, the Planning Commission determined a PD Rezone is appropriate and a conditional approval is recommended to the City Council.

F. Vesting Tentative Map

The Vesting Tentative Map proposes 28 buildable single family residential lots (Attachment 5). A proposed street name, Chavez, will be reviewed by staff and outside agencies such as Fire and 911 to see if it is currently in use. The use of "Court" will not be permitted as this is a stubbed street and not a cul-de-sac. Per RMC section 152.026 (L) all street names shall be approved by City Council. Duplication of existing names

within the County will not be allowed unless the streets are obviously in alignment with existing streets and likely to sometime be a continuation of the other street. This is not the case in this situation. A blanket public utilities easement will be created within the private street for City access to the sanitary sewer and water lines.

Vesting Tentative Map Findings

A tentative map shall not be approved or conditionally approved by the City Council if it makes any of the following findings:

1. The proposed map is not consistent with applicable general and specific plans. *The proposed map is consistent with the General Plan with the recommended Conditions of Approval.*
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans. *The proposed map is consistent with the General Plan with the recommended Conditions of Approval.*
3. That the site is not physically suitable for the type of development. *The site is suitable for a new subdivision of this type.*
4. That the site is not physically suitable for the proposed density of the development. *The site is physically suitable for a proposed density of sixteen (16) dwelling units per net acre.*
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitats. *The design of the subdivision should not injure fish, wildlife, or their habitats, none of which are present on the site.*
6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems. *There is no indication the design of the subdivision will cause serious health problems.*
7. That 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. In this connection, the City Council may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This division shall only apply to easements of record or to easements established by judgement of a court of competent jurisdiction. *The design of the subdivision should not conflict with any easements of record.*

Based upon their public hearing discussion of the above findings, the Planning Commission recommends a conditional approval of the tentative map to the City Council.

G. Park-in-lieu Fee

Pursuant to RMC Section 11-3-12(c), the Project has an obligation to dedicate park land or pay a Park-in-lieu Fee. The developer has set aside 10,517 square feet for a stormwater basin. This a not dual-use park basin; therefore staff is requiring a Park-in-lieu fee based on calculations (below) that show the obligation for this project is .24 acres to be paid based on values of land at the time the Final Map is recorded.

RMC SECTION 11-3-12(C) FIVE (5) ACRES PER 1000 POPULATION		CONVERTS TO ONE (1) ACRE/200 PERSONS. REFER TO RESOLUTION NO. 99-45 FOR LISTING OF SUBDIVISIONS WHICH ARE CALCULATED AT ONE (1) ACRE/402.5 PERSONS, OR FIVE (5) ACRES/2012.5 POPULATION	
DWELLING TYPE	ZONING	DENSITY	STANDARD ACRES/DU
SINGLE FAMILY	R-1	3.5 PERSONS PER DU	1 ACRE/58 UNITS
DUPLEX/MULTIPLE	R-2 AND R-3	2.5 PERSONS PER DU	1 ACRE/80 UNITS
PARK LAND DEDICATION CALCULATION FOR MULTIPLE FAMILY DEVELOPMENT – 2016 2.5 PERSONS PER UNIT 2015.5 POPULATION = 402.5 POPULATION PER ACRE = 115 UNITS PER ACRE 115 UNITS PER ACRE 1-ACRE = 0.0087 ACRE PER DWELLING UNIT			
PARK LAND DEDICATION CALCULATIONS FOR WARD VILLAS		TOTAL PARK LAND DEDICATION REQUIRED 28 UNITS X 0.0087 ACRES PER DWELLING UNIT = .24 ACRES	
TOTAL IN-LIEU FEE CALCULATION AT FINAL MAP RECORDATION		$\$ \underline{\hspace{2cm}}$ PER ACRE X .24 = $\$ \underline{\hspace{2cm}}$ TOTAL <u>IN-LIEU FEE</u> $\$ \underline{\hspace{2cm}}$ DIVIDED BY 28 LOTS = $\$ \underline{\hspace{2cm}}$ TOTAL IN-LIEU <u>FEE PER UNIT</u>	

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act, staff has determined that the proposed Vesting Tentative Map is exempt pursuant to Section 15332 (Class 32) In-Fill Development Projects of the State CEQA Guidelines. The proposed Vesting Tentative Map meets the conditions prescribed by CEQA Section 15332(a-e):

- a. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations. *As discussed above, at sixteen (16) dwelling units per net acre, the project is consistent with a General Plan designation of MDR. As also discussed above, the adoption of recommended Conditions of Approval will ensure the project is consistent with General Plan policies.*
- b. The proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses. *The project at 2.42 acres is within city limits and substantially surrounded by existing single family residential dwelling units.*
- c. The project site has no value as habitat for endangered, rare, or threatened species. *The project site is currently developed with a single family residential*

dwelling unit and has a social trail between Rocky Lane and Don Rafael Avenue. It has no value as habitat for endangered, rare or threatened species.

- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. *Adoption of the project's recommended Conditions of Approval will ensure this project would not result in any significant effects.*
- e. The site can be adequately served by all required utilities and public services. *Water and sanitary sewer connections are all available at the property line. Storm water will be handled on site. Electric and gas are available from PG&E and telephone is available through AT&T.*

FISCAL IMPACT

No negative fiscal impact. However, concern has been raised by Riverbank Police Services as it relates to what potential impacts 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 (CFD) for police protection. Therefore, in light of the obligation for future residential projects to participate in the above mentioned CFD, the proposed project should not have a negative fiscal impact on the City.

PUBLIC NOTICE

The City Council public hearing notice was published in the Riverbank News on January 27, 2016 and posted at City Hall North and Community Center on January 20, 2016. In addition, the Applicant posted a Notice of Development Permit Application at 2912 Ward Avenue on January 29, 2016, and notices were distributed to residents and business within 300-feet of the Project site in accordance with City standard practices on January 26, 2016. At the time of writing this Staff Report (February 1, 2016), the City has not received any written public comments. Written comments received by the City shall be supplied to the Council on the day of the meeting.

Public comments provided during the Planning Commission meeting were from the project's neighbors, whose main concerns were the replacement of their existing fencing and the increased traffic and parking problems if Chavez and Don Francisco Avenue are connected.

ATTACHMENTS

1. City Council Resolution No. 2016-XXX General Plan Amendment
2. City Council Resolution No. 2016-XXX Zoning Ordinance Amendment
3. City Council Ordinance No. 2016-XXX
4. Planning Commission Resolution No. 2016-006 VTM 01-2015
5. Vesting Tentative Parcel Map No. 01-2015
6. Floor Plans and Elevations
7. Basin and Landscaping
8. Don Rafael Avenue Petition

**CITY OF RIVERBANK
CITY COUNCIL
RESOLUTION NO. 2016-XXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, APPROVING THE GENERAL PLAN AMENDMENT
REDESIGNATING 2.42 ACRES TO MDR MEDIUM DENSITY RESIDENTIAL,
LOCATED AT APN 132-036-003, A PROJECT KNOWN AS WARD VILLAS**

WHEREAS, an application has been received from Troy Wright with a proposal to subdivide approximately 2.42 acres into twenty-eight (28) planned development single-family residential lots, with a density of 16 du/net acre; and

WHEREAS, the project site is currently zoned Single Family Residential (R-1) with a General Plan Land Use Designation of Low Density Residential (LDR); and

WHEREAS, the applicant is proposing a General Plan Amendment to designate the project site as Medium Density Residential (MDR); and

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

WHEREAS, the Planning Commission conducted a public hearing on January 19, 2016 and recommended approval of the proposed General Plan Amendment with Planning Commission Resolution No. 2016-004; and

WHEREAS, pursuant to Government Code section 65355, notice of the public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation, on January 25, 2016 and

WHEREAS, notices of the City Council public hearing on the General Plan Amendment were also mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on January 25, 2016; and

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

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RIVERBANK HEREBY:

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

- a. The General Plan Amendments are in the public interest because the General Plan Amendment will change the General Plan Land Use Map to comply with the proposed tentative map densities.
 - b. The General Plan Amendments are consistent and compatible with the goals and the vast majority of the policies of the General Plan.
 - c. The potential effects of the proposed amendments have been evaluated in the CEQA document on the project and have been found to be not detrimental to the public health, safety, or welfare.
 - d. That the proposed amendments have been processed in accordance with the California Government Code, the Riverbank Municipal Code and the California Environmental Quality Act.
2. That, based on the findings set forth in this Resolution, the CEQA Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby approves the General Plan Amendment as included in Exhibit A.
 3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
 4. Pursuant to the California Environmental Quality Act, the Planning Commission has determined that the proposed Vesting Tentative Map is exempt pursuant to Section 15332 (Class 32) In-Fill Development Projects of the State CEQA Guidelines. The proposed Vesting Tentative Map meets the conditions prescribed by CEQA Section 15332(a-e).

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of February, 2016; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:
NAYS:
ABSENT:
ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor



GENERAL PLAN DESIGNATIONS

CITY OF RIVERBANK

RESOLUTION NO. 2016-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK APPROVING THE
REQUEST OF TROY WRIGHT FOR TENTATIVE SUBDIVISION MAP 01-2015 TO SUBDIVIDE 2.42
ACRES INTO 28 PLANNED DEVELOPMENT SINGLE FAMILY RESIDENTIAL LOTS, LOCATED
SOUTH OF WARD AVENUE, WEST OF ROSELLE AVENUE
APN: 132-036-003**

WHEREAS, a development application has been received from Troy Wright representing the real property owners: Rachel Garcia and Mary Chavez for a Tentative Subdivision Map to divide 2.42 acres into 28 planned development single family residential lots, a private street lot and a drainage/EVA lot of lands more particularly described as:

The East half of Lot 96 of Riverbank Acreage Tract as per Map filed March 23, 1912 in Vol. 6 of Maps, Page 33, Stanislaus County Records.

Stanislaus County Assessor Parcel Number 132-036-003.

WHEREAS, The City Subdivision Ordinance, Section 152.037, states that as condition of approval of a tentative map, the subdivider shall dedicate and develop parkland, pay a fee in lieu thereof, or both, at the option of the City. In this case the City has chosen to accept the payment of an in-lieu fee for parkland dedication based on values of land at the time the Final map is recorded. The obligation for this project is 0.24 acres of park land pursuant to the General Plan Policy PUBLIC - 11.1 which requires a dedication obligation of five acres of parkland per 1,000 residents; and

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

WHEREAS, the proposed tentative map is consistent with General Plan Goal CONS-4.2 which states "Approved projects, plans and subdivisions shall provide for collection, conveyance, treatment, detention, and other storm water management measures in a way that does not decrease water quality or alter hydrology in the Stanislaus River or associated groundwater recharge areas"; and

WHEREAS, the proposed tentative map is consistent with General Plan Goal CONS-8.6 which states "The City will encourage compact development to achieve more efficient use of resources and provision of public facilities and services"; and

WHEREAS, the proposed tentative map is consistent with General Plan Goal CONS-8.9 which states that "Approved projects, plans, and subdivision requests shall include native, drought-tolerant landscaping"; and

WHEREAS, the proposed tentative map is consistent with General Plan Goal DESIGN-2.5

which states that “The City will require visually attractive streetscapes with street trees and sidewalks on both sides of streets, planting strips, attractive transit shelters, benches and pedestrian-scale streetlights in appropriate locations”; and

WHEREAS, the proposed tentative map is consistent with General Plan Goal DESIGN-2.8 which states that “The City will coordinate with transit providers and, as appropriate, require land and amenities to accommodate transit”; and

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

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

(2) The proposed tentative map is consistent with applicable general and specific plans.

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

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

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

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

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

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

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

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

WHEREAS, Tentative Map 01-2015 was reviewed by the Riverbank Planning Commission at a regular meeting held on January 19, 2016 in the manner prescribed by law; and.

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

WHEREAS, Pursuant to the California Environmental Quality Act, the Planning Commission has determined that the proposed VTM is exempt pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the State CEQA Guidelines. The proposed Vesting Tentative Map meets the conditions

prescribed by CEQA Section 15332(a-e); and

WHEREAS, The Riverbank City Council approves the requested Tentative Map as prepared by Hawkins and Associates Engineering, Inc. and dated January 13, 2016 presented by Troy Wright as depicted in attached exhibit "A", incorporated herein as a part of this City Council Resolution; and

WHEREAS, The City Council of the City of Riverbank hereby finds and adopts the following findings

- A. The project, as conditioned, is consistent with the General Plan in that the project directly implements adopted policies of the General Plan Land Use and Housing Elements.
- B. Notice to the general public and adjoining neighbors in the time and in the manner required by State Law and City Code.
- C. Pursuant to the California Environmental Quality Act, it has been determined that the proposed VTM is exempt pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the State CEQA Guidelines. The proposed Vesting Tentative Map meets the conditions prescribed by CEQA Section 15332(a-e) and a Notice of Exemption will be filed with the County Recorder.
- D. The site is physically suitable for the proposed type and intensity of development in that the site is generally flat with no unique geologic characteristics visible and construction of the project will result in adequate infrastructure available to the site to handle the anticipated development.
- E. The circulation of the Tentative Subdivision Map to all responsible and trustee agencies has provided sufficient opportunity to review the proposed development plan and ensure minimal impacts on surrounding properties in that the hearing was held in the manner prescribed by law and surrounding properties are not expected to be impacted by the additional residential housing units.
- F. The approval of the Tentative Map 01-2015 for the establishment of 28 planned development single family dwelling units will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood in that proposed are similar to, and compatible with, neighboring uses in the area.

WHEREAS, The request and plans of Troy Wright are hereby approved by the City Council of the City of Riverbank, subject to the following conditions:

1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in Planning Commission Resolution 2013-014, including annexing into a Community Facilities District, or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the subject project; and

2. All frontage improvements (curb, gutter, and sidewalk) along Ward Avenue and the private street shall be designed, completed, and inspected by the City prior to Final Map Recordation.
3. Fencing along the east, west, and south property lines and separating individual lots shall be six (6) feet tall. If adjacent neighbor fences need replacement during construction, vinyl shall be replaced with vinyl and wood shall be replaced with wood or vinyl. A decorative wall meeting city standards shall be installed on the two parcels fronting Ward Avenue to the satisfaction of the Community Development Director. Any new fencing visible from Ward or Chavez shall be vinyl.
4. A Major Tree Conservation Permit including a Tree Removal Permit Application, Tree Survey and Tree Protection Plan is required before a grading permit can be issued.
5. The private street name, Chavez Street shall be approved by City Council unless a street with that name already exists in Stanislaus County.
6. The developer shall minimize driveway and garage widths where possible.
7. The required Home Owner's Association shall be responsible for maintenance of the basin and common areas, landscaping (including front yards), and walls and fences (including graffiti removal and re-staining wooden fencing when it fades from sprinklers).
8. The Park-in-lieu fee obligation for this project is .24 acres to be paid based on values of land at the time the Final Map is recorded.
9. Three (3) sets of landscape and irrigation plans shall be prepared and submitted with fee for review and approval by the City's contract landscape architect.
10. The developer shall provide functionally opening windows on all elevations to the satisfaction of the Community Development Director.
11. The developer shall install sidewalks on both sides of the private street.
12. The developer shall install a concrete pad on Ward Avenue for school children to wait on to the satisfaction of the Community Development Director.
13. All structures shall be designed and oriented for passive energy savings.
14. The developer shall record a ten (10) foot water line easement between Lot 10 and Lot 11, from Rocky Lane to the private street to loop the water system
15. Pursuant to RMC section 153.162 (E)(3) the developer shall provide seven (7) amenities for the seven (7) deviations from standard ordinance requirements: 1. enhanced landscaping (i.e. larger size plants, more dense plantings); 2. a colored concrete or brick crosswalk across the private street at Ward Avenue; 3. A decorative block wall and vinyl fencing instead of wooden fencing where fencing is visible from the streets; 4. upgraded garage (carriage) doors; 5. French doors instead of sliding doors in the living rooms; 6. outdoor outlets to support electric mowers, trimmers, and Christmas lights; and 7. two (2) benches at the storm water basin.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Riverbank that Tentative Map Application No. 01-2015 is approved, subject to those conditions established by Resolution No. 2016- [redacted] and to be built as illustrated in Exhibit "A" to this Resolution entitled TM dated January 13, 2016

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of February, 2016; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:
NAYS:
ABSENT:
ABSTAIN:

ATTEST:

Annabelle Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

Exhibits: A – Tentative Map prepared by Hawkins and Associates Engineering, Inc. and dated 1-13-16

GENERAL NOTES:

- ASSESSOR'S PARCEL NUMBER 132-036-003
- TOTAL AREA: 2.42 ACRES
- TOTAL NUMBER OF RESIDENTIAL LOTS: 28, BASIN LOT: 1
- CURRENT ZONING: R-1 (SINGLE FAMILY RESIDENTIAL); CURRENT GENERAL PLAN DESIGNATION: LOWER DENSITY RESIDENTIAL
- PROPOSED ZONING: PLANNED DEVELOPMENT; PROPOSED GENERAL PLAN DESIGNATION: PLANNED DEVELOPMENT RESIDENTIAL
- SEWER SERVICE: CITY OF RIVERBANK
- WATER SERVICE: CITY OF RIVERBANK
- ELECTRIC & GAS SERVICE: PG&E
- TELEPHONE SERVICE: AT&T
- STORM DRAINAGE: POSITIVE DRAINAGE SYSTEM TO DRAINAGE BASIN/CITY FACILITIES.
- ALL NEW PUBLIC UTILITIES ARE TO BE INSTALLED UNDERGROUND IN EASEMENTS. 10 FOOT WIDE PUBLIC UTILITY EASEMENTS SHALL BE DEDICATED ALONG ALL ROAD FRONTAGES.
- THE PROJECT SITE SLOPES FROM NORTH TO SOUTH WITH ELEVATIONS FROM 137.5 TO 137.0.
- ALL DIMENSIONS, DISTANCES, AREAS, ETC. ARE TAKEN FROM ASSESSOR'S DATA, RECORD INFORMATION, AND FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY.
- ALL EXISTING STRUCTURES AND TREES ARE TO BE REMOVED.

STATEMENT OF SUBDIVIDER:

- ALL IMPROVEMENTS SHALL BE CONSTRUCTED PER CITY OF RIVERBANK'S STANDARD SPECIFICATIONS.
- STORM DRAINAGE: BY POSITIVE SYSTEM TO A STORM DRAINAGE BASIN.
- SEWAGE DISPOSAL: CITY OF RIVERBANK SYSTEM.
- WATER SUPPLY: CITY OF RIVERBANK SYSTEM.
- STREET LIGHTING: LIGHTING SHALL BE INSTALLED AS PER THE CITY OF RIVERBANK'S STANDARD SPECIFICATION.
- WARD AVENUE VILLAS HOME OWNERS ASSOCIATION RESPONSIBILITIES:

A HOME OWNERS ASSOCIATION AND CC&RS WILL BE ESTABLISHED FOR THIS PROJECT. THE HOA WILL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL THE COMMON AREAS. THIS WOULD INCLUDE THE INTERIOR STREET, THE DUAL USE BASIN, PARK AREA, ON-SITE STREET LIGHTING AND THE CLUSTER MAIL BOX. A BLANKET PUBLIC UTILITY EASEMENT WILL BE CREATED IN THE STREET RIGHT OF WAY FOR PUBLIC UTILITIES SUCH AS SANITARY SEWER AND CITY WATER. THE STORM DRAINAGE LINES AND FACILITIES WILL BE RESPONSIBILITY OF THE HOA.

EACH INDIVIDUAL HOME OWNER WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THEIR FRONT YARDS.

OWNER

RACHEL LYNN GARCIA & MARY M. CHAVEZ JOINT TENANCY

BUYER: WESTWOOD COUNTRY VENTURE, LLC

CONTACT:
WINDWARD PACIFIC BUILDERS
TROY WRIGHT
135 S. 5TH AVENUE, OAKDALE, CA 95361
(209) 521-0803

SUBDIVIDER:

WINDWARD PACIFIC BUILDERS
CONTACT: TROY WRIGHT
135 S. 5TH AVENUE, OAKDALE, CA 95361
(209) 521-0803

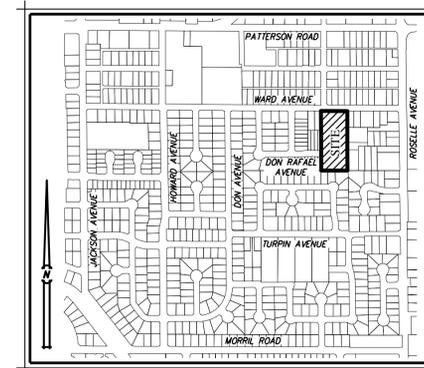
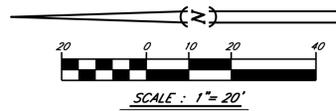
ENGINEER:

HAWKINS & ASSOCIATES ENGINEERING INC.
436 MITCHELL ROAD, MODESTO, CA 95354
(209) 575-4295

LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF STANISLAUS, CITY OF RIVERBANK, AND DESCRIBED AS FOLLOWS:

THE EAST HALF OF LOT 96 OF RIVERBANK ACREAGE TRACT AS PER MAP FILED MARCH 23, 1912 IN VOLUME 6 OF MAPS, AT PAGE 33, STANISLAUS COUNTY RECORDS



VICINITY MAP
NO SCALE

RODRICK H. HAWKINS	R.C.E. 30188
KRODIEE LINDSAY	R.C.E. 31900, P.L.S. 4709
KEVIN J. GENASCI	P.L.S. 8660
SYM. DATE	DESCRIPTION OF REVISION
APPD.	



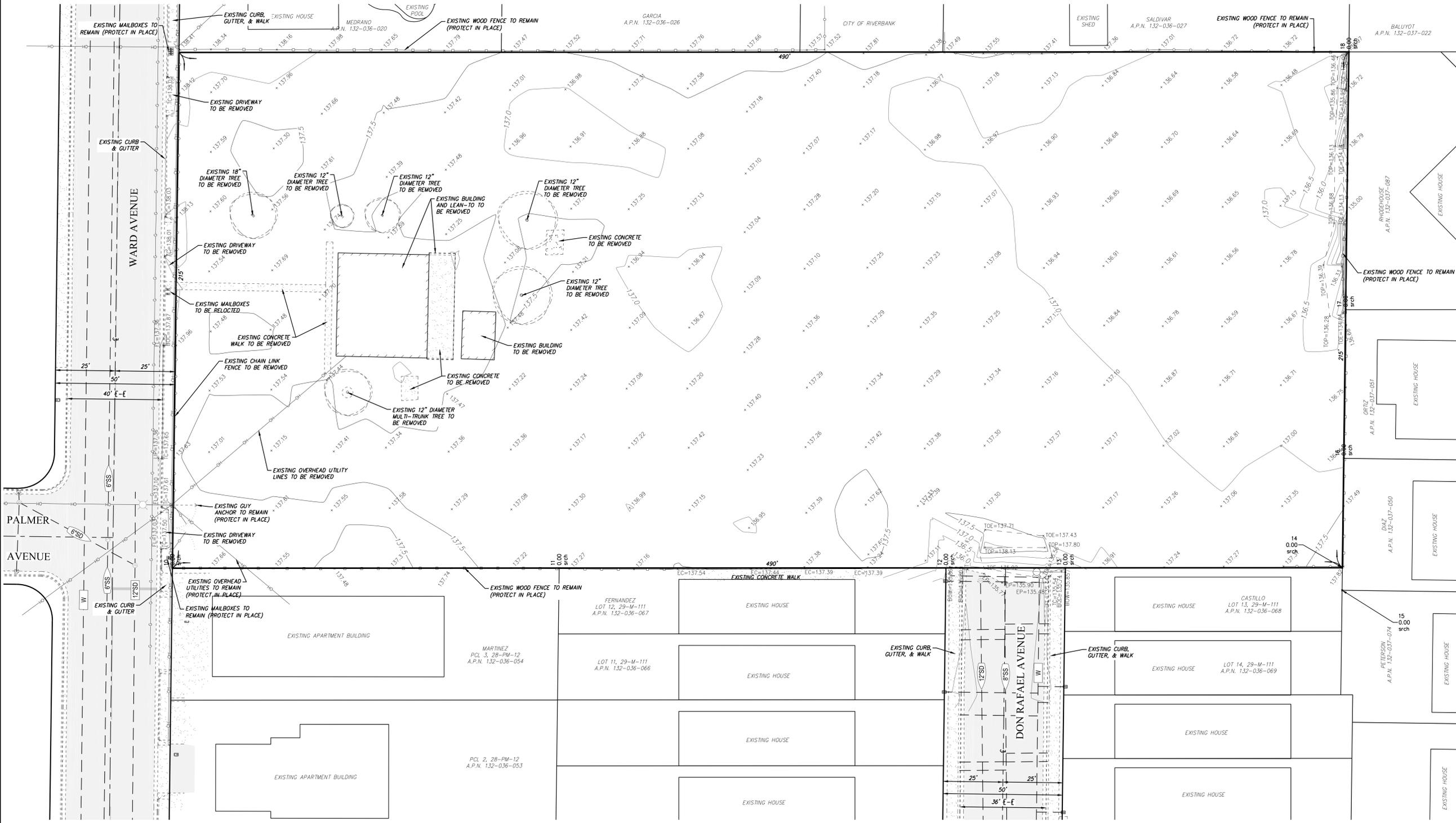
BY: RCS
CHK: RHH
DATE: APRIL 2015

HAWKINS & ASSOCIATES ENGINEERING, INC.
436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575-4295
FX: (209) 578-4295

EXISTING TOPOGRAPHY
WARD AVENUE VILLAS
VESTING TENTATIVE SUBDIVISION MAP

A.P.N. 132-036-003
2912 WARD AVENUE
RIVERBANK, CALIFORNIA

DATE:
SHEET
1
OF
3



CITY OF RIVERBANK

ORDINANCE No. 2016-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING REZONING OF 2.42 ACRES TO PLANNED DEVELOPMENT, LOCATED AT APN 132-036-003 – A PROJECT KNOWN AS WARD VILLAS

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

WHEREAS, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, January 19, 2016 to consider the proposed Zoning Ordinance Amendment in Riverbank; and

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

1. An application has been received from Troy Wright with a proposal to subdivide approximately 2.42 acres into twenty-eight (28) single-family residential lots, with a density of 16 du/acre; and
2. The project site is currently zoned Single Family Residential (R-1) with a General Plan Land Use Designation of LDR Low Density Residential; and
3. The applicant is proposing to rezone the subject property to Planned Development (P-D) and redesignate the subject property Medium Density Residential (MDR) on the General Plan Map; and
4. Notice of the public hearing on the proposed Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on February 3, 2016; and
5. Notice of the public hearing on the proposed Zoning Ordinance Amendment were mailed to all property owners affected by this action on January 25, 2016; and

6. Notices of the public hearing on the proposed Zoning Ordinance Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on January 25, 2016; and
7. Pursuant to the California Environmental Quality Act, the Planning Commission has determined that the proposed Vesting Tentative Map is exempt pursuant to Section 15332 (Class 32) In-Fill Development Projects of the State CEQA Guidelines. The proposed Vesting Tentative Map meets the conditions prescribed by CEQA Section 15332(a-e):
 - a. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations. *As discussed above, at sixteen (16) dwelling units per net acre, the project is consistent with a General Plan designation of MDR. As also discussed above, the adoption of recommended Conditions of Approval will ensure the project is consistent with General Plan policies.*
 - b. The proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses. *The project at 2.42 acres is within city limits and substantially surrounded by existing single family residential dwelling units.*
 - c. The project site has no value as habitat for endangered, rare, or threatened species. *The project site is currently developed with a single family residential dwelling unit and has a social trail between Rocky Lane and Don Rafael Avenue. It has no value as habitat for endangered, rare or threatened species.*
 - d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. *Adoption of the project's recommended Conditions of Approval will ensure this project would not result in any significant effects.*
 - e. The site can be adequately served by all required utilities and public services. *Water and sanitary sewer connections are all available at the property line. Storm water will be handled on site. Electric and gas are available from PG&E and telephone is available through AT&T.*

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

Section 1: The City Council of the City of Riverbank approves Rezoning of 2.42 acres to the Planned Development zone district, located at the following APN: 032-036-003.

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

that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

Section 3: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption (____), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on February 9, 2016. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the __ day of __, 2015; motioned by Councilmember _____, seconded by Councilmember _____, moved said ordinance by a City Council roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

City of Riverbank
Planning Commission
Resolution No. 2016-005

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
RIVERBANK, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL
THE APPROVAL OF ORDINANCE NO. 2016-XXX TO REZONE 2.42
ACRES, KNOWN AS WARD VILLAS TO PLANNED DEVELOPMENT,
LOCATED AT 2912 WARD AVENUE APN: 132-036-003**

WHEREAS, an application was received from Troy Wright,/Applicant and Rachel Garcia and Mary Chavez/Owners, with a proposal to subdivide approximately 2.42 acres into twenty-eight (28) single-family residential lots, with a density of sixteen (16) dwelling units per net acre; and

WHEREAS, the project site is currently zoned Single Family Residential (R-1) with a General Plan Land Use designation of Low Density Residential (LDR); and

WHEREAS, the applicant is proposing to rezone the property to Planned Development (PD); and

WHEREAS, the Planning Commission held a public hearing on January 19, 2016, to consider Zoning Ordinance Amendment (Rezone) 2016-005; and

WHEREAS, notices of the public hearing on the Rezone was published in the *Riverbank News*, a newspaper of general circulation on January 6, 2016; and

WHEREAS, notices of the public hearing on the Rezone were mailed to all property owners within three hundred (300) feet of the property, according to the most recent assessor's roll, on January 6, 2016; and

WHEREAS, the Planning Commission has reviewed the proposed Rezone and conducted a public hearing on January 19, 2016; and

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

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF ORDINANCE NO. 2016-XXX, REZONING 2.42 ACRES TO THE PLANNED DEVELOPMENT ZONE, ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN BY THIS REFERENCE, BASED ON THE FOLLOWING FINDINGS:

1. Pursuant to California Government Code Section 65855, the recommendation to City Council shall include the relationship to the applicable general or specific plan.
 - a. The property identified in this action has a General Plan Land Use Designation of Low Density Residential (LDR) and a current zoning of Single Family Residential

(R-1). The project proposes a General Plan Amendment re-designation to Medium Density Residential (MDR) and a Rezone to Planned Development.

- b. The proposed General Plan Amendment to MDR and the proposed Rezone to PD will maintain consistency between the General Plan and Zoning Code, pursuant to Government Code Section 65860.

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

3. The City finds that Pursuant to the California Environmental Quality Act (CEQA), the Lead Agency (Riverbank) has prepared a Notice of Exemption after determining the project is exempt pursuant to Section 15332 (Class 32) In-Fill Development Projects.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 19th of January, 2016, by the following roll call vote:

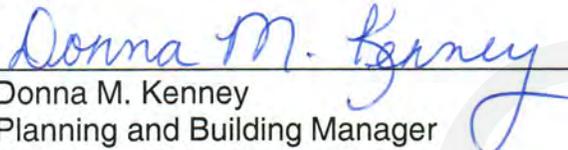
AYES: Chair Hughes, Commissioners; McKinney, Stewart and Villapudua

NOES: None

ABSENT: None

ABSTAIN: None

Attest:



Donna M. Kenney
Planning and Building Manager

Approved:



Patricia Hughes, Chairperson
Planning Commission

Attachment: Exhibit "A" – Draft City Council Ordinance No. 2016-XXX

**DRAFT
CITY OF RIVERBANK
ORDINANCE NO. 2016-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING REZONING OF 2.42 ACRES TO PLANNED DEVELOPMENT,
LOCATED AT APN 132-036-003 – A PROJECT KNOWN AS WARD AVENUE
VILLAS**

WHEREAS, the City of Riverbank received an application from Troy Wright requesting a Rezone from Single Family Residential (R-1) to Planned Development (PD) for APN 132-036-003; and

WHEREAS, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, January 19, 2016 to consider the proposed Zoning Ordinance Amendment in Riverbank; and

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

1. An application has been received from Troy Wright with a proposal to subdivide approximately 2.42 acres into twenty-eight (28) single-family residential lots, with a density of 16 dwelling units per net acre; and
2. The project site is currently zoned Single Family Residential (R-1) with a General Plan Land Use Designation of LDR Low Density Residential; and
3. The applicant is proposing to rezone the subject property to Planned Development P-D; and
4. Notice of the public hearing on the proposed Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on January 6, 2016; and,
5. Notices of the public hearing on the proposed Zoning Ordinance Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on January 6, 2016; and
6. The City finds that per the California Environmental Quality Act (CEQA), the Lead Agency (Riverbank) has prepared a Notice of Exemption pursuant to Section 15332 (Class 32) In-Fill Development Projects of the State CEQA Guidelines.

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

Section 1: The City Council of the City of Riverbank approves Rezoning 2.42 acres to the Planned Development zone district, located at APN 132-036-003.

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

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

The foregoing was introduced at a regular meeting of the City Council of the City of Riverbank held on the _____ day of _____, 2016; motioned by Councilmember _____, seconded by Council Member _____, and upon roll call was carried by the following vote ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

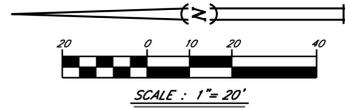
APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

GENERAL NOTES:

- ASSESSOR'S PARCEL NUMBER 132-036-003
- TOTAL AREA: 2.42 ACRES
- TOTAL NUMBER OF RESIDENTIAL LOTS: 29, BASIN LOT: 1
- CURRENT ZONING: R-1 (SINGLE FAMILY RESIDENTIAL)
- SEWER SERVICE: CITY OF RIVERBANK
- WATER SERVICE: CITY OF RIVERBANK
- STORM DRAINAGE: POSITIVE DRAINAGE SYSTEM TO DRAINAGE BASIN/CITY FACILITIES.
- ALL NEW PUBLIC UTILITIES ARE TO BE INSTALLED UNDERGROUND IN EASEMENTS. 10 FOOT WIDE PUBLIC UTILITY EASEMENTS SHALL BE DEDICATED ALONG ALL ROAD FRONTAGES.
- THE PROJECT SITE SLOPES FROM NORTH TO SOUTH WITH ELEVATIONS FROM 137.5 TO 137.0.
- ALL DIMENSIONS, DISTANCES, AREAS, ETC. ARE TAKEN FROM ASSESSOR'S DATA, RECORD INFORMATION, AND FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY.
- ALL EXISTING STRUCTURES AND TREES ARE TO BE REMOVED.



STATEMENT OF SUBDIVIDER:

- ALL IMPROVEMENTS SHALL BE CONSTRUCTED PER CITY OF RIVERBANK'S STANDARD SPECIFICATIONS.
- STORM DRAINAGE: BY POSITIVE SYSTEM TO A STORM DRAINAGE BASIN.
- SEWAGE DISPOSAL: CITY OF RIVERBANK SYSTEM.
- WATER SUPPLY: CITY OF RIVERBANK SYSTEM.
- STREET LIGHTING: LIGHTING SHALL BE INSTALLED AS PER THE CITY OF RIVERBANK'S STANDARD SPECIFICATION.
- WARD AVENUE VILLAS HOME OWNERS ASSOCIATION RESPONSIBILITIES:

A HOME OWNERS ASSOCIATION AND CC&RS WILL BE ESTABLISHED FOR THIS PROJECT. THE HOA WILL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL THE COMMON AREAS. THIS WOULD INCLUDE THE INTERIOR STREET, THE DUAL USE BASIN, PARK AREA, ON-SITE STREET LIGHTING AND THE CLUSTER MAIL BOX. A BLANKET PUBLIC UTILITY EASEMENT WILL BE CREATED IN THE STREET RIGHT OF WAY FOR PUBLIC UTILITIES SUCH AS SANITARY SEWER AND CITY WATER. THE STORM DRAINAGE LINES AND FACILITIES WILL BE RESPONSIBILITY OF THE HOA.

EACH INDIVIDUAL HOME OWNER WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THEIR FRONT YARDS.

- PROPOSED 6' WOOD FENCE ALONG ENTIRE LENGTH OF EAST, SOUTH & WEST PROPERTY LINES EXCEPT ALONG DON RAFAEL AVE. WHICH WILL HAVE A WROUGHT IRON FENCE AND EMERGENCY GATE WITH A KNOX BOX.

OWNER:

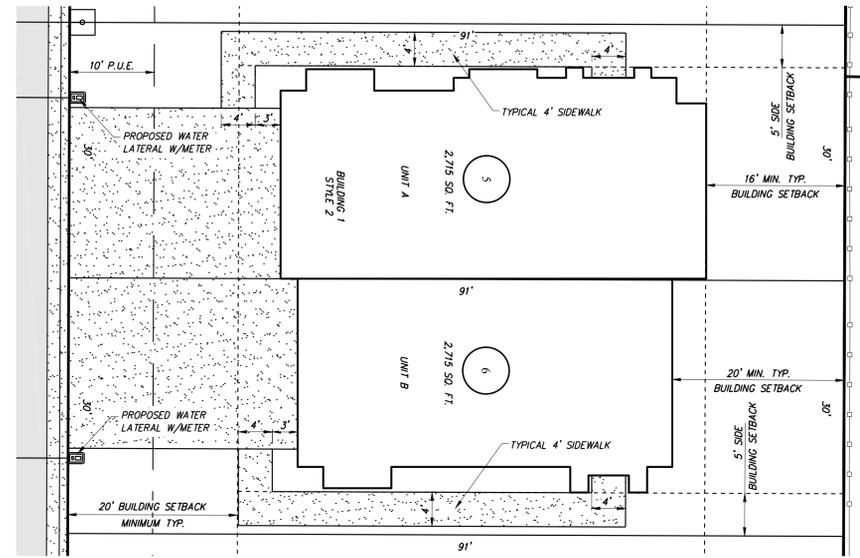
WINDWARD PACIFIC BUILDERS
CONTACT: TROY WRIGHT
135 S. 5TH AVENUE, OAKDALE, CA 95361
(209) 521-0803

SUBDIVIDER:

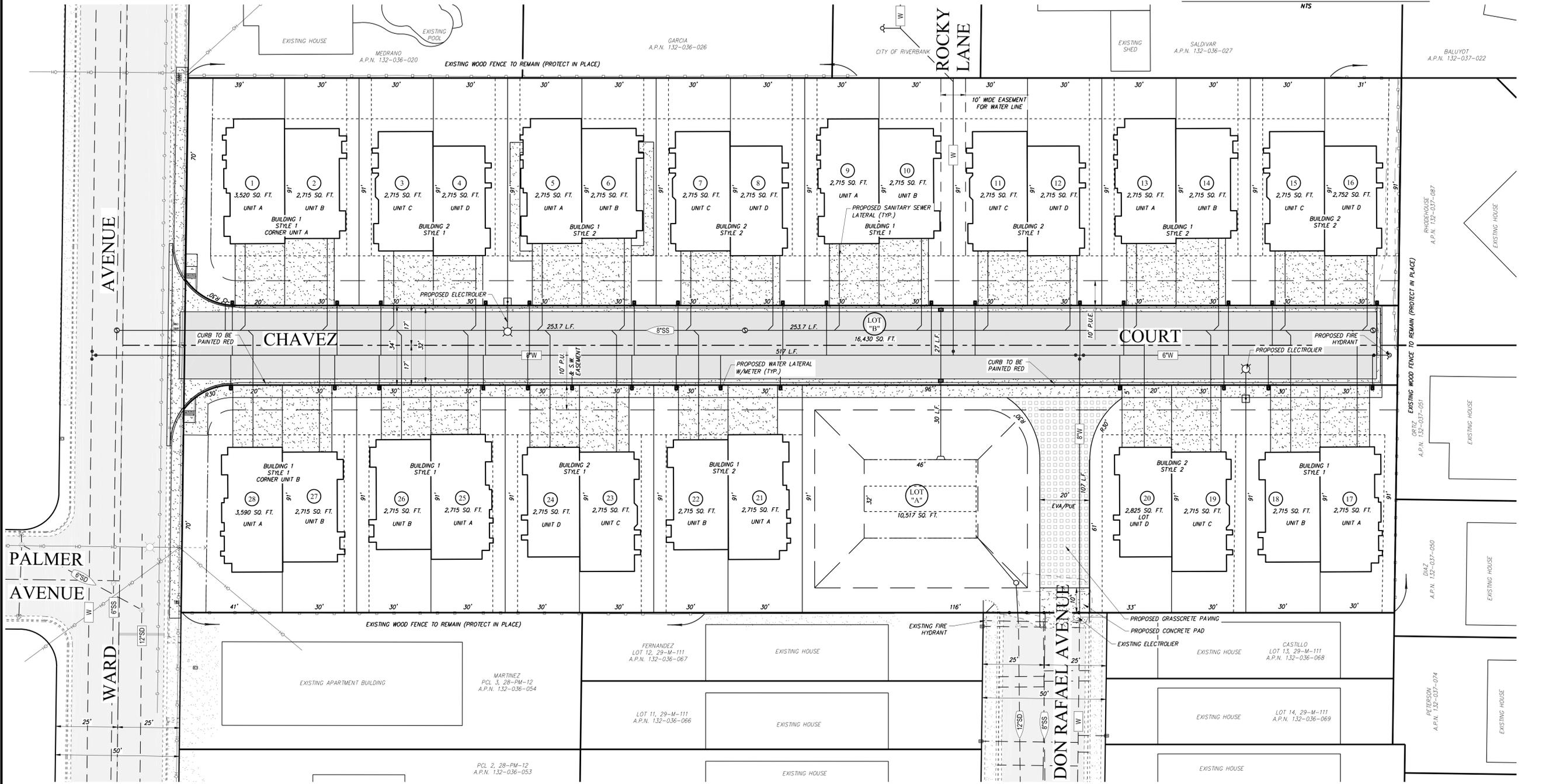
WINDWARD PACIFIC BUILDERS
CONTACT: TROY WRIGHT
135 S. 5TH AVENUE, OAKDALE, CA 95361
(209) 521-0803

ENGINEER:

HAWKINS & ASSOCIATES ENGINEERING INC.
436 MITCHELL ROAD, MODESTO, CA 95354
(209) 575-4295



TYPICAL SETBACKS & SIDEWALK LAYOUT



UTILITY PLAN

WARD AVENUE VILLAS
VESTING TENTATIVE SUBDIVISION MAP

A.P.N. 132-036-003
2912 WARD AVENUE
RIVERBANK, CALIFORNIA

DATE:
SHEET
3
OF
3

HAWKINS & ASSOCIATES
ENGINEERING, INC.

436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575-4295
FX: (209) 578-4295



R.C.E. 30188	RODRICK H. HAWKINS	DESCRIPTION OF REVISION	APPD.
R.C.E. 31900, P.L.S. 4709	KROELIE E. LINDSAY		
P.L.S. 8660	KEVIN J. GENASCI		
	SYM. DATE		



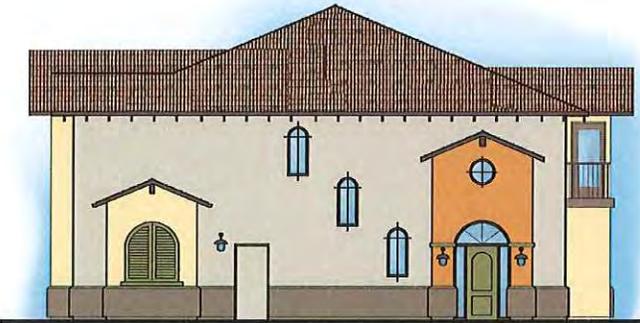
BY: RCS
CHK: RHH
DATE: APRIL 2015



BUILDING 1 - STYLE 1 - UNIT A ENTRY



BUILDING 1 - STYLE 1 - FRONT ELEVATION



BUILDING 1 - STYLE 1 - UNIT B ENTRY



BUILDING 1 - STYLE 1 - REAR ELEVATION

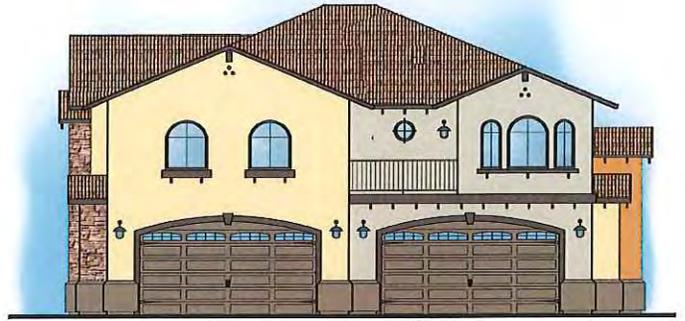
BUILDING ONE: STYLE ONE

RIVERBANK, CALIFORNIA

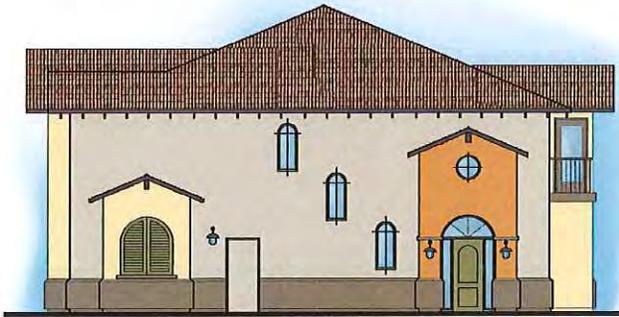
COMMERCIAL ARCHITECTURE
 816 14TH STREET
 MIDDLETOWN, CALIFORNIA
 PH: (505) 871-8188 FAX: (505) 871-8188



BUILDING 1 - STYLE 1 - UNIT A ENTRY - WARD AVE. VIEW



BUILDING 1 - STYLE 1 - FRONT ELEVATION



BUILDING 1 - STYLE 1 - UNIT B ENTRY



BUILDING 1 - STYLE 1 - REAR ELEVATION

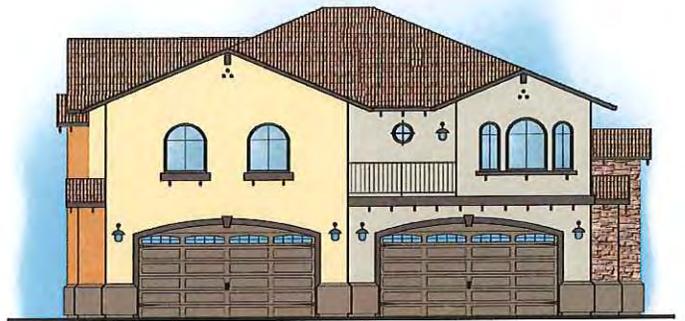
BUILDING ONE: STYLE ONE - WARD AVE. CORNER, UNIT A

RIVERBANK, CALIFORNIA

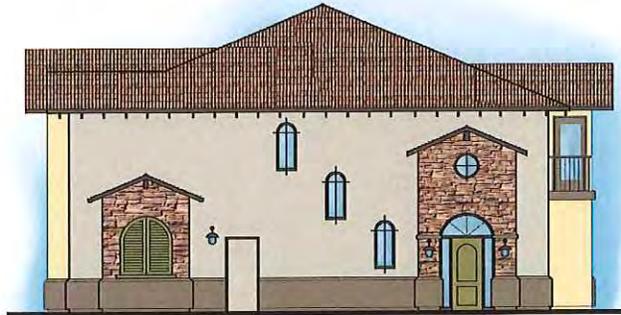
COMMERCIAL ARCHITECTURE
 618 14TH STREET
 HODESD, CALIFORNIA
 PH: (909) 971-6188 FAX: (909) 971-6140



BUILDING 1 - STYLE 1 - UNIT A ENTRY



BUILDING 1 - STYLE 1 - FRONT ELEVATION



BUILDING 1 - STYLE 1 - UNIT B ENTRY - WARD AVE. VIEW



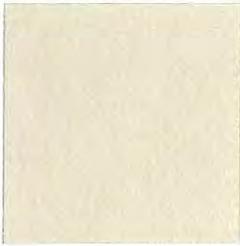
BUILDING 1 - STYLE 1 - REAR ELEVATION

BUILDING ONE: STYLE ONE - WARD AVE. CORNER, UNIT B

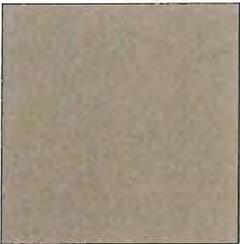
RIVERBANK, CALIFORNIA

COMMERCIAL ARCHITECTURE
 618 14TH STREET
 HODGESTO, CALIFORNIA
 PH: (505) 971-6158 FAX: (505) 971-6140

Building 1, Style 1



Body Color 1, Dunn Edwards, DE 6171 Sand Dollar



Body Color 2, Dunn Edwards, DE 6194 Natural Bridge



Trim/Accent, Dunn Edwards, DE 251 Spice Cake



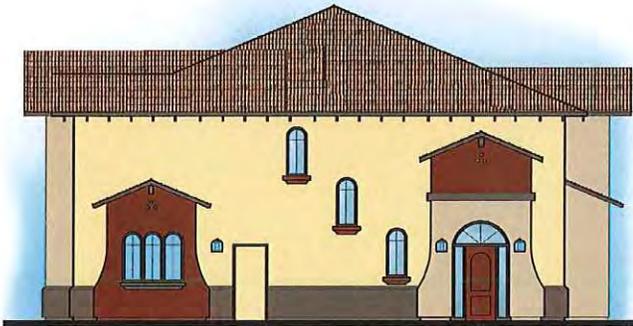
Trim/Base, Dunn Edwards, DEA 162 Log Cabin



BUILDING 1 - STYLE 2 - UNIT A ENTRY



BUILDING 1 - STYLE 2 - FRONT ELEVATION



BUILDING 1 - STYLE 2 - UNIT B ENTRY



BUILDING 1 - STYLE 2 - REAR ELEVATION

BUILDING ONE: STYLE TWO

RIVERBANK, CALIFORNIA

COMMERCIAL ARCHITECTURE
 616 14TH STREET
 MODESTO, CALIFORNIA
 PH: (209) 471-8158 FAX: (209) 471-8156

Building 1, Style 2



Body Color 1, Dunn Edwards, DE 6171 Sand Dollar



Body Color 2, Dunn Edwards, DE 6144 Graham Cracker



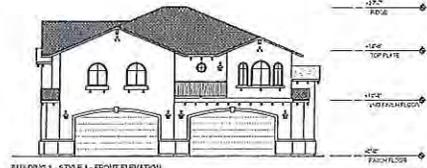
Trim/Accent, Dunn Edwards, DEA 157 Cellar Door



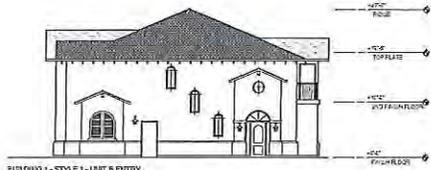
Trim/Base, Dunn Edwards, DEA 162 Log Cabin



BUILDING 1 - STYLE 1 - UNIT A ENTRY



BUILDING 1 - STYLE 1 - FRONT ELEVATION



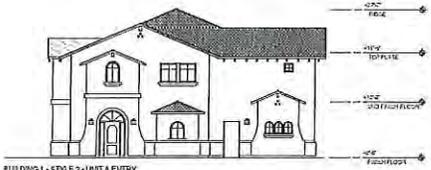
BUILDING 1 - STYLE 1 - UNIT B ENTRY



BUILDING 1 - STYLE 1 - REAR ELEVATION

1 BUILDING 1 - EXTERIOR ELEVATIONS - STYLE 1

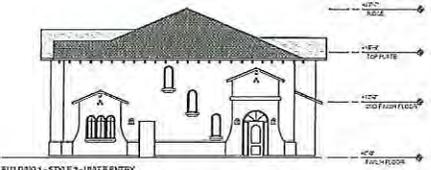
SCALE 3/4" = 1'-0"



BUILDING 1 - STYLE 2 - UNIT A ENTRY



BUILDING 1 - STYLE 2 - FRONT ELEVATION



BUILDING 1 - STYLE 2 - UNIT B ENTRY



BUILDING 1 - STYLE 2 - REAR ELEVATION

2 BUILDING 1 - EXTERIOR ELEVATIONS - STYLE 2

SCALE 3/4" = 1'-0"

REVISION	BY

COMMERCIAL ARCHITECTURE INC.
 THEODORE J. BRANDVOLD, ARCHITECT
 616 14TH STREET, MODESTO, CA 95354
 PH (209) 571-8198 FAX (209) 571-8100



PROJECT 1: DUNBAR HOMES
 EVERGREEN SUBDIVISION
 10000 EVERGREEN
 10000 EVERGREEN
 CLIENT: THEODORE J. BRANDVOLD
 LOCATION: WARD AVE AND PALMER DR.
 RIVERBANK, CA 95357

DESIGN	
DATE	
SCALE	
PROJECT	
A-1.1	

NO.	DATE	BY

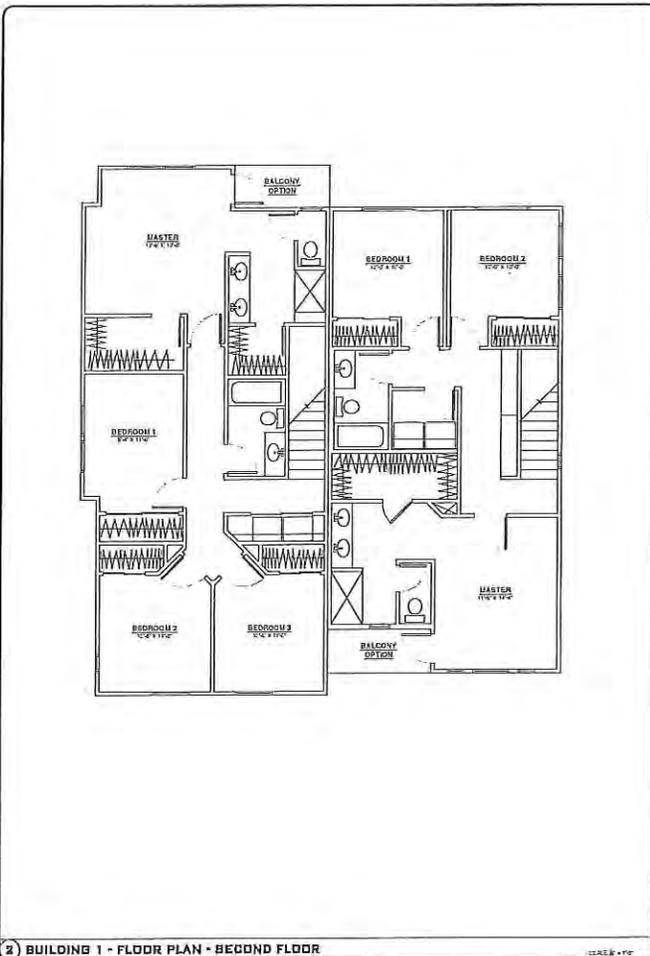
COMMERCIAL ARCHITECTURE INC.
 THEODORE J. BRANDVOLD, ARCHITECT
 816 14TH STREET, MODESTO, CA 95354
 PH (209) 571-8158 FAX (209) 571-8160



PROJECT 1: DUREX HOME
 RIVERBANK SUBDIVISION
 CLIENT: DUREX HOME
 700 W. WARD AVE.
 LOCATION: WARD AVE AND PALMER DR.
 RIVERBANK, CA 95357

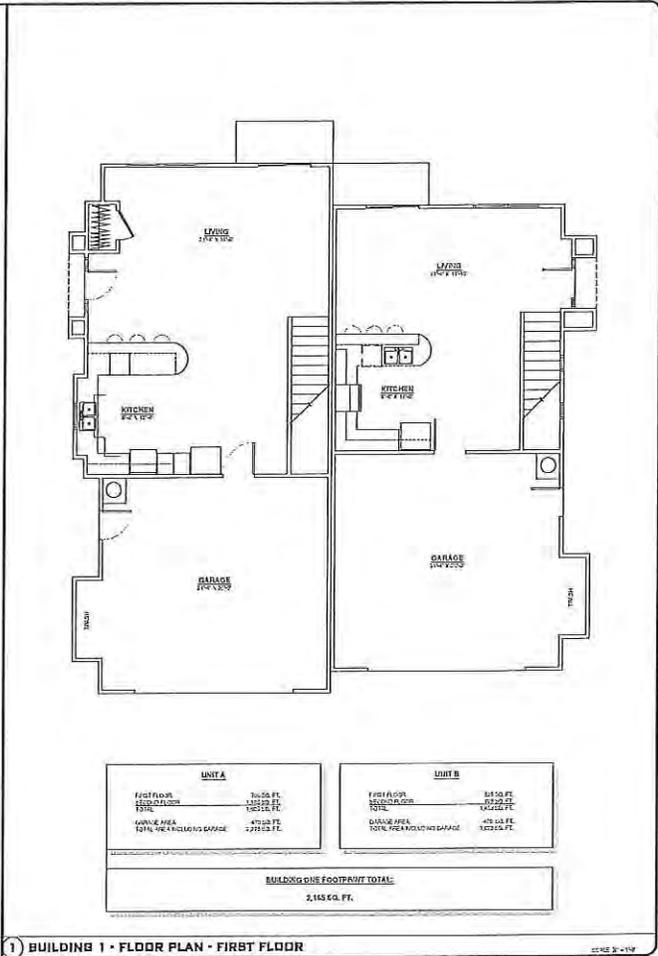
SCALE: AS SHOWN
 DATE: 01/15/04
 DRAWN: J. BRANDVOLD
 CHECKED: J. BRANDVOLD
 DATE: 01/15/04

A-1.0



2 BUILDING 1 - FLOOR PLAN - SECOND FLOOR

SCALE: 1/8" = 1'-0"



1 BUILDING 1 - FLOOR PLAN - FIRST FLOOR

SCALE: 1/8" = 1'-0"

UNIT A		UNIT B	
FIRST FLOOR	76.56 SQ. FT.	FIRST FLOOR	81.50 SQ. FT.
SECOND FLOOR	1,341.78 SQ. FT.	SECOND FLOOR	1,412.25 SQ. FT.
TOTAL	1,418.34 SQ. FT.	TOTAL	1,493.75 SQ. FT.
GARAGE AREA	479.52 SQ. FT.	GARAGE AREA	479.52 SQ. FT.
TOTAL AREA INCLUDING GARAGE	1,897.86 SQ. FT.	TOTAL AREA INCLUDING GARAGE	1,973.27 SQ. FT.

BUILDING ONE FOOTPRINT TOTAL:
 2,145 SQ. FT.



BUILDING 2 - STYLE 1 - UNIT C ENTRY



BUILDING 2 - STYLE 1 - FRONT ELEVATION



BUILDING 2 - STYLE 1 - UNIT D ENTRY



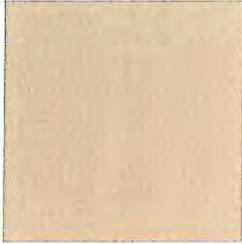
BUILDING 2 - STYLE 1 - REAR ELEVATION

BUILDING TWO: STYLE ONE

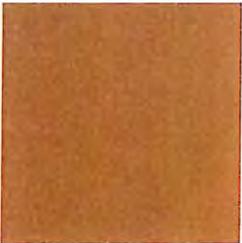
RIVERBANK, CALIFORNIA

COMMERCIAL ARCHITECTURE
 818 14TH STREET
 MODESTO, CALIFORNIA
 PH: (202) 871-8188 FAX: (202) 871-8188

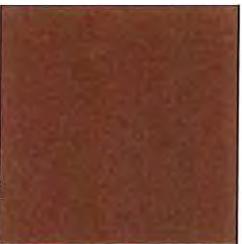
Building 2, Style 1



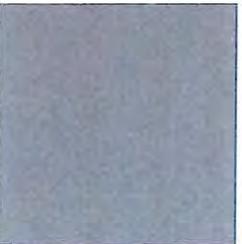
Body Color 1, Dunn Edwards, DE 6172 Bungalow Taupe



Body Color 2, Dunn Edwards, DE 251 Spice Cake



Trim/Accent, Dunn Edwards, DEA 157 Cellar Door



Trim/Accent, Dunn Edwards, DEA 6340 Canadian Lake



Trim/Base, Dunn Edwards, DEA 756 Weathered Brown



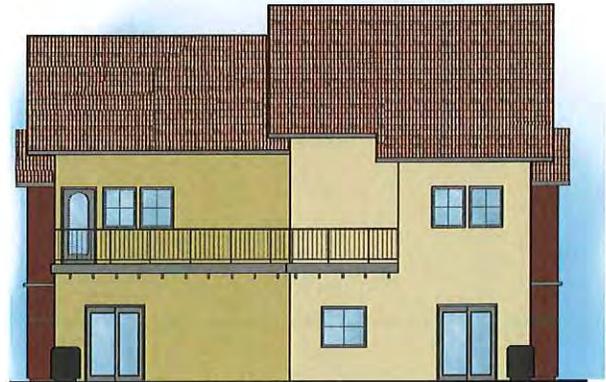
BUILDING 2 - STYLE 2 - UNIT C ENTRY



BUILDING 2 - STYLE 2 - FRONT ELEVATION



BUILDING 2 - STYLE 2 - UNIT D ENTRY



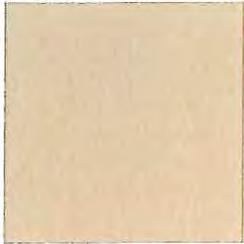
BUILDING 2 - STYLE 2 - REAR ELEVATION

BUILDING TWO: STYLE TWO

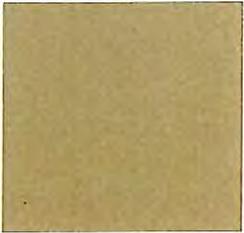
RIVERBANK, CALIFORNIA

COMMERCIAL ARCHITECTURE
 816 14TH STREET
 MIDDLETOWN, CALIFORNIA
 TEL: (509) 871-8158 FAX: (509) 871-8142

Building 2, Style 2



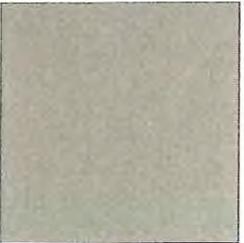
Body Color 1, Dunn Edwards, DE 6172 Bungalow Taupe



Body Color 2, Dunn Edwards, DE 5494 Even Growth



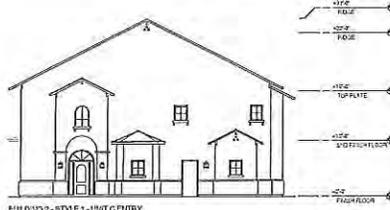
Trim/Accent, Dunn Edwards, DEA 157 Cellar Door



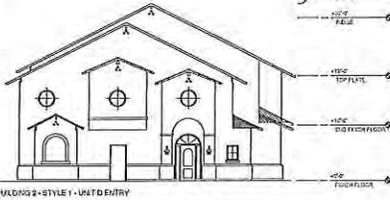
Trim/Accent, Dunn Edwards, DE 6242 Wells Gray



Trim/Base, Dunn Edwards, DEA 756 Weathered Brown



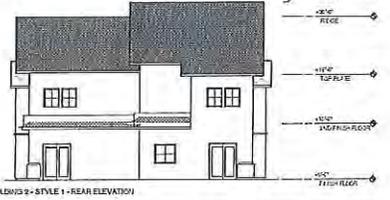
BUILDING 2 - STYLE 1 - UNIT C ENTRY



BUILDING 2 - STYLE 1 - UNIT D ENTRY



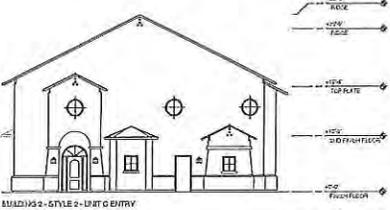
BUILDING 2 - STYLE 1 - FRONT ELEVATION



BUILDING 2 - STYLE 1 - REAR ELEVATION

1 BUILDING 2 - EXTERIOR ELEVATIONS - STYLE 1

SCALE 3/4" = 1'-0"



BUILDING 2 - STYLE 2 - UNIT C ENTRY



BUILDING 2 - STYLE 2 - UNIT D ENTRY



BUILDING 2 - STYLE 2 - FRONT ELEVATION



BUILDING 2 - STYLE 2 - REAR ELEVATION

2 BUILDING 2 - EXTERIOR ELEVATIONS - STYLE 2

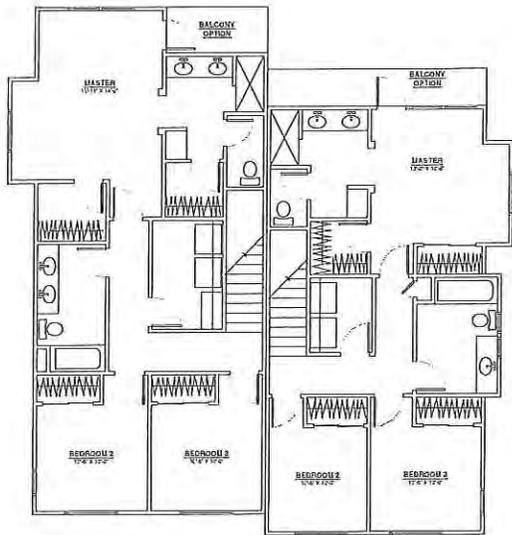
SCALE 3/4" = 1'-0"

REVISION	BY

COMMERCIAL ARCHITECTURE INC.
 THEODORE J. BRANDVOLD, ARCHITECT
 616 14TH STREET, MODESTO, CA 95354
 PH (209) 571-8158 FAX (209) 571-8100

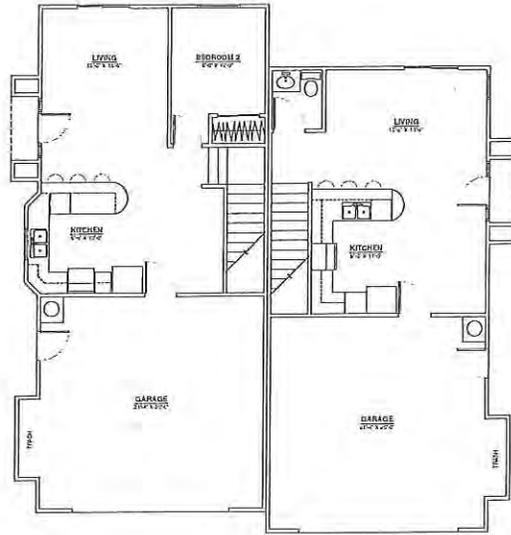
PROJECT: DUPLEX HOMES
 SEVERANCE SUBDIVISION
 CLIENT: THEODORE J. BRANDVOLD
 LOCATION: WARD AVE AND PALMER DR
 HAYWARD, CA 94541

DATE: 11/11/11
 DRAWN: JTB
 CHECKED: JTB
 SCALE: AS SHOWN
 SHEET: 2 OF 2
A-2.1
 SHEET



2 BUILDING 2 - FLOOR PLAN - SECOND FLOOR

SCALE: 1/8" = 1'-0"



1 BUILDING 2 - FLOOR PLAN - FIRST FLOOR

SCALE: 1/8" = 1'-0"

UNIT C		UNIT D	
FIRST FLOOR	4125 SQ. FT.	FIRST FLOOR	4125 SQ. FT.
SECOND FLOOR	1175 SQ. FT.	SECOND FLOOR	8100 SQ. FT.
TOTAL	5300 SQ. FT.	TOTAL	12225 SQ. FT.
GARAGE AREA	4750 SQ. FT.	GARAGE AREA	4750 SQ. FT.
TOTAL AREA INCLUDING GARAGE	10050 SQ. FT.	TOTAL AREA INCLUDING GARAGE	16975 SQ. FT.

BUILDING TWO FOOTPRINT TOTAL:
2,561 65. FT.

REVISION	BY

COMMERCIAL ARCHITECTURE INC.
 THEODORE J. BRANDVOLD, ARCHITECT
 515 14TH STREET, MODESTO, CA 95354
 PH (509) 571-8108 FAX (509) 571-8100

PROJECT: DUPLEX HOMES
 RIVERBANK SUBDIVISION
 CLIENT: RIVERBANK SUBDIVISION
 1000 WARD AVE
 RIVERBANK, CA 95357
 LOCATION: WARD AVE AND PALMER DR.
 RIVERBANK, CA 95357

DATE: 01/10/04
 DRAWN BY: J. BRANDVOLD
 CHECKED BY: J. BRANDVOLD
 SCALE: AS SHOWN
 SHEET NO: 2 OF 2
A-2.0

Stone & Roofing



Stone

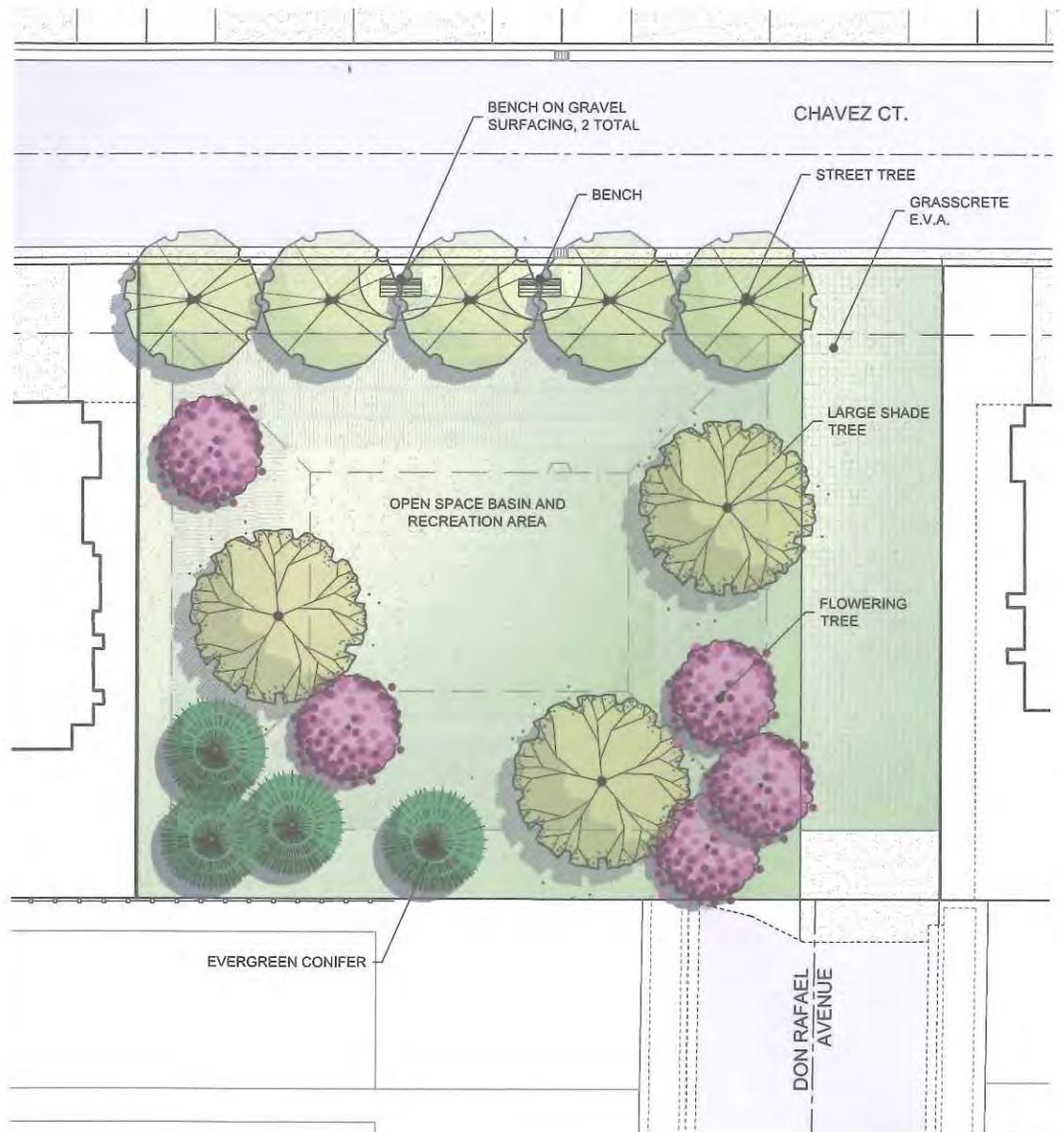
El Dorado Stone, Rustic Ledge, Saddleback



Concrete Tile Roofing

Eagle Roofing, Bel Aire, SHE8773 Walnut Creek Blend

C:\Users\lverma_1\OneDrive\Documents\PROJECTS\2023\Verma_Ave_VB2-15692-01\Task_L\Book_Plan\14\141020\151919-01_141020-DNR1.dwg, 24x36, Jul 21, 2023, 5:00pm, lverma_1\lverma_1



B BASIN/OPEN SPACE LANDSCAPE CONCEPT

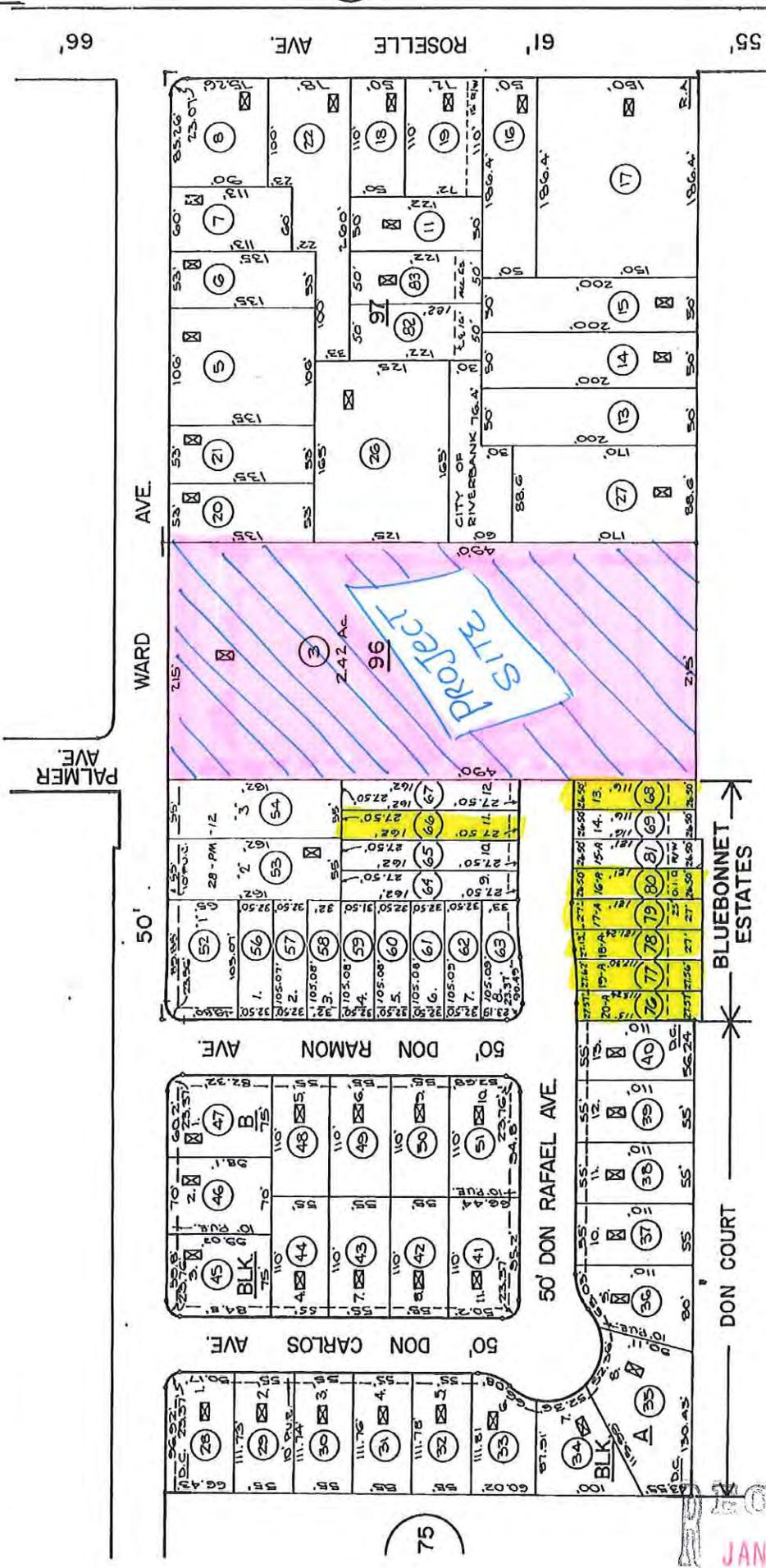
GENERAL NOTES

1. DEVELOPER-PROVIDED LANDSCAPING FOR THIS PROJECT WILL BE LIMITED TO THE DUAL USE DRAINAGE BASIN/RECREATIONAL OPEN SPACE, LOT "A".
2. THIS PLAN IS INTENDED TO ILLUSTRATE THE CONCEPT FOR THE PROPOSED DUAL USE BASIN/OPEN SPACE RECREATION AREA AND IS SUBJECT TO CHANGE BASED ON FINAL DESIGN CONDITIONS.
3. PLANT SELECTION WILL BE DETERMINED AT TIME OF FINAL DESIGN.
4. LANDSCAPING WILL BE IRRIGATED BY AN IRRIGATION SYSTEM CONTROLLED BY A CONTROLLER CAPABLE OF MULTIPLE WATERING PROGRAMS WITH MULTIPLE START TIMES, INDIVIDUAL STATION CONTROL, AND SENSORS CAPABLE OF ADJUSTING TO VARYING EVAPO-TRANSPORATION RATES, RAIN EVENTS, SOIL MOISTURE CONDITIONS, OR FLOW SENSING EQUIPMENT AS APPROPRIATE TO THIS SPECIFIC LANDSCAPE WITHIN APPLICABLE REGULATIONS.

PORTION SE 1/4 SECTION 26 T.2S. R.9E. M.D.B.&M.
RIVERBANK ACREAGE TRACT - LOTS 96 & 97
DON COURT, BLUEBONNET ESTATES

THIS MAP FOR ASSESSMENT
PURPOSES ONLY
Copyright 2001 Stanislaus County.
All rights reserved

52



37

RECEIVED
JAN 07 2016

BY:

FROM 4-32
R.M. G-33, 23-26, 29-111
REDRAWN 11-10-71
UPDATED 6-25-92 AJT



Back To
Book
Index

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

SECTION 5: PUBLIC HEARING

Meeting Date:	February 9, 2016
Subject:	An Ordinance of the City Council of the City of Riverbank Amending the Riverbank Municipal Code by Repealing in its Entirety Section 153.217: Variance of Chapter 153: Zoning of Title XV: Land Usage, and Substitute it with a New Section 153.217: Variance
From:	Jill Anderson, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the proposed ordinance to consider its approval as presented, which will initiate the scheduling of the ordinance for its second reading by title only on March 8, 2016, to consider its adoption.

BACKGROUND

In July 2015, KB Home applied for Variance 01-2015 to decrease a setback on Lot 99 in Cornerstone at Crossroads from four (4) feet to three (3) feet. A public hearing was held by the Planning Commission on October 20, 2015 and the vote was 4-0 to recommend approval of the KB Home Variance to the City Council. A public hearing was then held by the City Council on November 10, 2015 and the variance was approved. During this meeting, the City Council questioned why they were hearing this item and staff explained that the process in RMC Section 153.217 Variance required both bodies to review the variance request in public hearings. Council directed staff to bring back an ordinance amendment to make the Planning Commission the deciding body. An appeal of Planning Commission's decision on a variance would be heard by the City Council.

An ordinance amendment was prepared and Planning Commission reviewed it in a public hearing at their regular meeting of January 19, 2016. With a vote of 4-0, the Commission recommended approval of the ordinance amendment to the City Council with Resolution 2016-003 (Attachment 1).

GENERAL PLAN

The Planning Commission, in their recommendation to the City Council, found the ordinance amendment consistent with the following General Plan Policy:

Policy LAND-4.1: The City will encourage, through incentives, streamlining, flexible standards, and other means, development of employment-generating uses.

By removing the requirement that a variance must be heard by the Planning Commission and the City Council, the Council is in effect streamlining the variance process and allowing projects (home construction jobs) to avoid a second public hearing and move forward.

ENVIRONMENTAL DETERMINATION

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

FISCAL IMPACT

The ordinance amendment will require less staff time to process a variance because there will be one less public hearing involved, including the newspaper posting and the mailing of notices. Therefore, staff expects a small, but positive fiscal impact.

STRATEGIC GOALS

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. The above action to modify the variance ordinance is not an objective of these goals.

ATTACHMENTS

1. Planning Commission Resolution 2016-003
Exhibit A - Proposed City Council Ordinance

PLANNING COMMISSION

RESOLUTION NO. 2016-003

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF AN ORDINANCE
AMENDING THE RIVERBANK MUNICIPAL CODE BY REPEALING IN ITS ENTIRETY
CHAPTER 153: VARIANCE OF TITLE XV: LAND USAGE
AND SUBSTITUTING IT WITH A NEW CHAPTER 153: VARIANCE**

WHEREAS, Pursuant to Riverbank Municipal Code Section 153.217 Variance, an application for a variance in the City of Riverbank is required to be heard in public hearing by the Planning Commission, which then makes recommendation to the City Council on approving or denying the variance during a second public hearing; and

WHEREAS, During the City Council's hearing on the last variance proposal, staff was questioned about the variance process and the need for a second public hearing; and

WHEREAS, Staff was then directed to work on an ordinance amendment to make the Planning Commission the deciding body on variances; and

WHEREAS, The Planning Commission held a public hearing on January 19, 2016, to consider said ordinance and take public comment pursuant to Section 153.232 (A); and

WHEREAS, The Planning Commission reviewed and considered, pursuant to the California Environmental Quality Act (CEQA), that the Ordinance regarding Variances is not a project within the meaning of Section 15378 (B)(5) of the State CEQA Guidelines because it has no potential for resulting in a physical change in the environment, directly or ultimately; and

WHEREAS, the proposed ordinance is consistent with the following aspect of the General Plan:

Policy LAND-4.1: The City will encourage, through incentives, streamlining, flexible standards, and other means, development of employment-generating uses. *By removing the requirement that a Variance must be heard by the Planning Commission and the City Council, the Council is in effect streamlining the variance process by allowing projects (home construction jobs) to avoid a second public hearing and move forward.*

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that Ordinance No. XXX-2016 is hereby recommended for approval to the City Council as illustrated in Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 19th of January, 2016, by the following vote:

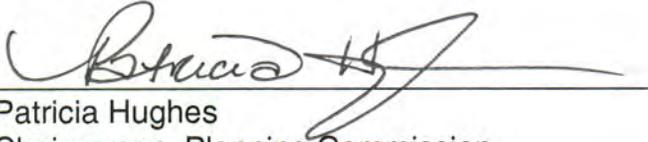
AYES: Chair Hughes, Commissioner's; McKinney, Stewart and Villapudua

NOES: None

ABSENT: None

ABSTAIN: None

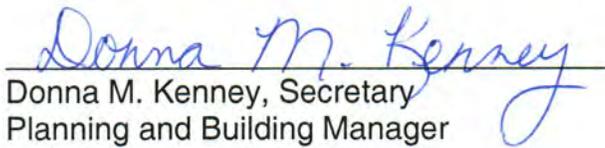
Approved:



A handwritten signature in black ink, appearing to read 'Patricia Hughes', is written over a horizontal line.

Patricia Hughes
Chairperson, Planning Commission

Attest:



A handwritten signature in blue ink, appearing to read 'Donna M. Kenney', is written over a horizontal line.

Donna M. Kenney, Secretary
Planning and Building Manager

CITY OF RIVERBANK

ORDINANCE 2016-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING THE RIVERBANK MUNICIPAL CODE BY REPEALING IN ITS ENTIRETY SECTION 153.217: VARIANCE OF CHAPTER 153: ZONING OF TITLE XV: LAND USAGE AND SUBSTITUTE IT WITH A NEW SECTION 153:217 VARIANCE

WHEREAS, Pursuant to Riverbank Municipal Code Section 153.217 Variance, an application for a variance in the City of Riverbank is required to be heard in public hearing by the Planning Commission, which then makes recommendation to the City Council on approving or denying the variance during a second public hearing; and

WHEREAS, During the City Council's hearing on the last variance proposal, staff was questioned about the variance process and the need for a second public hearing; and

WHEREAS, Staff was then directed to work on an ordinance amendment to make the Planning Commission the deciding body on variances.

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

SECTION 1: Riverbank Municipal Code Section 153.217: Variance, of Chapter 153: Zoning, of Title XI: Land Usage shall be repealed in its entirety and replaced with a new Section 153.217: Variance, which shall read as follows:

153.217 VARIANCE

When practical difficulties, unnecessary hardship and results inconsistent with the general purpose of this title may result from the strict application of certain provisions thereof, a variance may be granted as provided in this section except for uses not permitted by zoning district regulations.

A. Form: Application for variance shall be made in writing on a form prescribed by the Planning Commission and shall be accompanied by a fee (to be set from time to time by the City Council) and statement, plans and evidence showing:

1. Because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classifications.
2. The granting of the application is necessary for the preservation and

enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privileges.

3. The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

B. Public Hearing: Whenever an application for a variance is submitted to the Planning Commission, the Planning Commission shall give notice of hearing thereof in the same manner and for the same period of time as required for use permits under Section 153.216(B) of this Title.

C. Action by the Planning Commission: After the conclusion of the public hearing, the Planning Commission shall made a finding of facts indicating whether the circumstances enumerated in Division A hereof apply to the land, buildings or use for which a variance is sought. If the variance is in harmony with the general purpose of this title, it shall grant, by resolution, such variance.

1. The Planning Commission may impose such conditions in connection with the variance as it deems necessary to secure the purposes of this chapter and may require a bond guarantee or other assurances that such conditions are being or will be complied with.

~~2. If the Planning Commission, after receiving and considering the evidence, and any proposed conditions, is unable to make the foregoing findings of facts, it shall recommend to the City Council that the variance be denied.~~

~~D. Action by the City Council: The Council shall consider the application for variance at a public hearing held within 60 days after receipt of the Planning Commission's recommendation.~~

~~1. If the Council finds that the qualifications under this Section apply to the land, building or use for which a variance is sought and that such variance is in the harmony with the general purpose of this Title, the Council shall, by resolution grant such variance.~~

~~2. The Council may designate such conditions in connection with the variance as it deems necessary to secure the purpose of this Title and may require a bond, guarantee or other evidence that such conditions are being or will be complied with.~~

D. Appeal Hearing

The applicant, or any interested party, may appeal a decision of the Planning Commission to grant or deny a zoning variance application. An interested party is anyone who, in person or through a representative, presented testimony at a

public hearing in connection with the decision being appealed, or who otherwise informed the city in writing of the nature of their concerns prior to the hearing. The appeal must be filed with the City Clerk within ten (10) days of the Planning Commission's determination. The City Clerk shall set a date for the public hearing and give notice to the Planning Commission of such appeal; whereas the Planning Commission shall submit a report to the City Clerk, setting forth the reasons for action taken by the Commission prior to the appeal hearing. The City Council shall render its decision within thirty (30) days of said hearing.

E. Effect

1. No application for a variance which has been denied shall be resubmitted for a period of 1 year from the date of said order of denial became final, except on grounds of new evidence or proof of change of conditions found to be valid by the City Council. (Ord. 82-07)

2. Any variance granted shall be null and void 12 months from the date of final approval thereof unless prior to such expiration date, the property is being used as stated in the variance, or unless a valid building permit is in effect for the construction of buildings or appurtenances to such variance. The Planning Commission may defer expiration of the variance for a period not exceeding one year upon application, in writing, by the owner of the property prior to expiration provided the conditions for granting the variance have not changed. (Ord. 83-09)

SECTION 2: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption (____), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on February 9, 2016. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the ____ day of _____, 2016; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council roll call vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

PROPOSED

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.3

SECTION 5: PUBLIC HEARING

Meeting Date:	February 9, 2016
Subject:	A Resolution of the City Council of the City of Riverbank, California, to Establish, Amend, or Authorize Fees for the Spring/Summer 2016 City of Riverbank Recreation Programs, Parks and Facility Use
From:	Jill Anderson, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council consider the proposed fees as presented and adopt the Resolution to Establish, Amend or Authorize Fees for the Spring/Summer 2016 City of Riverbank Recreation Programs, Parks and Facility Use.

INTRODUCTION

The Spring/Summer 2016 recreation program schedule has been completed and the related fees are being presented for City Council's review and approval. While it is recommended that the majority of the fees remain the same, it is requested that the City Council consider slight adjustments to certain fees based on increasing costs and adopt fees for new programs. Operating costs for the Community Center and Scout Hall Buildings have increased. The proposed fees will assist the City in covering these costs, a portion of the indirect costs and provide a set aside for facility improvements and equipment replacement.

A survey was conducted to review facility rental fees in the surrounding areas and our fees continue to remain the lowest. Our rental fee includes all services; however, many of the facility rental fees we surveyed do not. The options to rent our facilities at an hourly rate or half day rate were explored and it was determined that this would not be in our best interest. Most of the rental requests that we receive are for a full day.

The Parks and Recreation Department do receive requests for Memorial Services and meetings. It is proposed that we establish a Memorial Service fee based on 3 hours for \$400 for the Community Center and \$200 for the Scout Hall. The meeting fee proposed is \$50 per hour for the Community Center and \$25 per hour for the Scout Hall. Meetings would have a 2 hour maximum.

Based on the increased percentage of utilities paid by the City during the summer and the recommendation from the Budget Advisory Committee, a seasonal increase in rental fees for the Community Gymnasium are being proposed.

As part of the City Strategic Plan to maintain facilities and infrastructure, it is proposed as a separate agenda item at tonight's meeting to provide, through our fee structure, a Facility Improvement Fund. The fee structure proposed has taken this goal into consideration.

The following program fee table presents the proposed fee changes, including new programs offered by the City:

Class/Program	Current Fee	Proposed Fee
Got Color Run	\$25 for all	\$30 Adults \$15 under 12
Craft Classes	N/A	\$25
Cooking Camp	N/A	\$25
Basketball Camp	\$55	\$65 includes ball
Soccer Camp	N/A	\$65 3-5 yr. olds \$40 5-14 half day \$137 5-14 Full day
Teen Rafting Trip	\$5	\$15
Camping at Jacob Myers	N/A	\$5

The Following table presents the Facility Rental Fee Adjustments for the Community Center, Scout Hall Buildings, and Community Gymnasium:

Facility Rental	Service Clubs (with waivers)	Resident	Non-Resident	Memorial Service	Meeting Fee
Community Center	Custodial Only \$100 Prior Fee \$60 Additional day for same event \$100 or \$25 per hr.	\$1,300 Prior Fee: \$1,200	\$1,600 Prior Fee: \$1,500	\$400 Based on 3 hrs.	\$50 per hr. (2 hr. max) Prior Fee: \$25 per hr. No cost to service clubs with waivers
Scout Hall	\$100 rental Fee Prior Fee \$85 \$50 custodial only Prior Fee \$35	\$350 Prior Fee: \$200	\$400 Prior Fee: \$250	\$200 Based on 3 hrs.	\$25 per hr. (2 hr. max) No cost to service clubs with waivers

Gymnasium	Winter	Summer (June/July/Aug)
Non-Profit rate (Based on 4 hrs.)	\$50 \$25 per hr. after 4 hrs.	\$100 \$25 per hr. after 4 hrs.

FINANCIAL IMPACT:

The Financial Impact will have a positive impact on the enterprise fund and should in turn decrease the subsidy required from the General Fund.

ATTACHMENTS:

- 1) Resolution For Fee Approval
- 2) Attachment to Resolution- Exhibit A

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, TO ESTABLISH, AMEND, OR AUTHORIZE FEES FOR THE
SPRING/SUMMER 2016 CITY OF RIVERBANK RECREATION PROGRAMS, PARKS
AND FACILITY USE**

WHEREAS, It is necessary as established in the Riverbank Municipal Code for the proper and effective operation of City Government to establish, amend, or authorize fees for services in order to provide for the financial support of City Government; and,

WHEREAS, From time to time, the City Council reviews the fees to ensure that they are adequately supporting the operation of City Government; and,

WHEREAS, The foregoing rates will take effect on March 1, 2016, by resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves and establishes the stated fees as outlined in **Exhibit A** attached hereto.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of February, 2016; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachments: Exhibit A

EXHIBIT A

**City of Riverbank
Parks and Recreation Department
New Fees for Programs, Facilities and Parks for 2016**

Facility Rental	Service Clubs (with waivers)	Resident	Non-Resident	Memorial Service	Meeting Fee
Community Center	1-day event = \$100/day custodial cost. For additional day of same event, \$25/ph or \$100/day.	\$1,300	\$1,600	\$400 Based on 3 hrs.	\$50/ph (2 hr. Max). No cost to service clubs with waivers
Scout Hall	\$100 rental Fee \$50 Custodial Only	\$350	\$400	\$200 Based on 3 hrs.	\$25/ph (2 hr. Max). No cost to service clubs with waiver

Recreation Program	Fee
Got Color Run	\$30 Adults \$15 under 12
Craft Classes	\$25
Cooking Camp	\$25
Basketball Camp	\$65
Soccer Camp	
3-5 yrs.	\$65
5-14 yrs. Half day	\$40
5-14 yrs. Full Day	\$137
Teen Rafting	\$15
Camping (Teen Trip) Jacob Myers Park	\$5.00

Gymnasium	Winter	Summer (June/July/August)
Nonprofit Rate (Based on 4 hrs.)	\$50/day \$25/ per hr. after 4 hrs.	\$100/day \$25/per hr. after 4 hrs.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	February 9, 2016
Subject:	River Cove River Access Review
From:	Jill Anderson, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council receive a report on river access concerns in the River Cove subdivision, review the options for dealing with these concerns in the future and provide direction to staff.

SUMMARY

In October 2015, the City Parks and Recreation Director presented the City Council a result of the survey that was implemented for the River Cove subdivision regarding the challenges regarding river access. At that time various options for dealing with these issues were discussed as well as the resident input gathered from the survey. City Council direction was given to do additional research on the parking by permit option and the process and cost associated with it. Additional information was also requested regarding the fencing at Briarcliff which was a main access point to the river and a source of many of the problems. The Parks and Recreation Director, Public Works Superintendent and the Police Chief have worked together in obtaining detailed information on the few options that were mentioned in most of the surveys, and which were of most interest to the City Council. This information will be presented tonight.

BACKGROUND

The residents that reside in the River Cove subdivision have expressed concerns regarding access to the river along River Cove Drive. These concerns have escalated as the river has become increasingly popular over the past few years. The City of Riverbank has worked closely with the neighborhood group that was formed to address these concerns. These meetings were initiated predominately due to the increased number of people parking in the subdivision and accessing the river from River Cove Drive. The complaints have been the number of cars parked along the access points as well as cars speeding, consumption of alcohol, littering, and overall poor behavior.

REVISED

The City implemented some intervention including increased Sheriff Patrols, private security, and garbage pick-up and were successful to some degree. The cost to the Parks Department averages \$4,000 per season to address this situation. These services were funded through the General Fund last year.

PARKING BY PERMIT

The first step in this process would be to order and install signage. The City Public Works Superintendent has estimated the cost for signage installed for the subdivision would cost \$7,000. This would be a General Fund expense.

Chief Kiley consulted with Capitola Police Department and determined that most of the work to process permits would occur through our Sheriff Department in the month of April as residents complete and submit seasonal parking permit applications. If there is a charge to the residents for the permit, this could be paid at City Hall South as is the case with other police service business. Residents would provide proof of registration at a River Cove residence for their vehicles. Once permits are issued they will be entered into a database so that they can be accessed and verified by any Deputy out in the field doing enforcement.

The legal clerk position that would handle this process would cost the City \$3,326 for the month of April. All other permit work after April would be handled by the existing Police Services records staff.

Sworn staff costs increases associated with enforcement during May through September would occur, especially during the first year. Normal patrols can handle enforcement as time allows but the Police Chief has determined that this will need to be supplemented with overtime shifts, particularly during hot spells or until the word gets out. This would include 2 eight hour deputy shifts per week for 4 months, totaling \$15,000.

The total cost of the parking by permit option would be \$18,326 annually. This cost could be charged to the General Fund, split by the City and the Subdivision or covered through permit fees per vehicle.

The Police Chief estimated that with 241 River Cove homes and a rough average of 3 vehicles per household the City could anticipate 723 vehicle applications. If applications are \$25 per vehicle x 723= \$18,075. This should come close to covering our costs. This does not include the cost of producing/printing the actual permit so the City may desire to increase the permit fee to \$30 per permit. Permits would be renewed and paid for on an annual basis. Guest permits would be provided at no additional cost.

FENCING AT BRIARCLIFF AND RIVERCOVE DR. ACCESS POINT

The Parks Department received bids for an ornamental rod iron fence to be constructed to block the entrance to river access at Briarcliff and River Cove Dr. This access point has created many issues at that section of the subdivision and is used to access the private property where the rope swing is located.

Estimates for the fencing have averaged \$20,000. This would make river access more difficult but if people were determined to access the river, they could find a way around it. Installing the fencing would improve the situation and decrease liability to the City but will not solve the overall problem of parking on River Cove Drive as there are other river access points.

Public Works has a storm outfall along the top of the trail that leads to the river. This creates a pit that needs to be secured. This will be complete and put in place by the Public Works division but does not block the access to the river.

OPTIONS TO BE CONSIDERED

Option #1:

Implement Parking by Permit only throughout River Cove Subdivision. The City Streets Department would purchase and install the signage. The Sheriff's Department would process the permits and handle the enforcement.

Financial Impact:

The cost to the City General Fund would be \$7,000 to purchase and install the signage throughout the subdivision.

The cost for the Sheriff Department to process and enforce the parking by permit policy would be \$18,500 annually and this would be paid through the General Fund.

Pros: This option would limit parking in the area and make access to the river more difficult.

Cons: The option would affect the entire subdivision and create an annual expense to the General Fund.

Option #2:

This option is the same as option #1 in implementing the Parking by Permit but the cost of processing and enforcement would be covered by a fee collected for the vehicle parking permit.

Pros: If the City does not have the funding but the residents want this option to be implemented it provides the funding source.

REVISED

Cons: This would need to be implemented in the entire subdivision and those not directly affected may not favor this option.

Financial Impact: \$7,000 for signage from the General Fund

Option #3:

Construct fencing at the Briarcliff access point. This access point created many issues last year as this was the main access to the private property to the West (rope swing area).

Pros: This may reduce some of the problems and traffic on River Cove Dr. and possibly reduce liability to the City. This does not create a large annual expense.

Cons: This will not solve the problem of parking or other river access points along River Cove Dr.

Financial Impact: \$25,000 for fencing from the General Fund.

Option #4

Provide private security, increase Sheriff Patrol and garbage pick-up. The survey results showed that these interventions were helpful in dealing with the citizen concerns.

Financial Impact: \$4,000 annually already budgeted in the Parks Department Budget (General Fund)

STAFF RECCOMENDATION

The Police Chief, Public Works Superintendent and Director of Parks and Recreation have reviewed all the options discussed and recommend continuing with the increased Sheriff Patrols, private security and garbage pick-up during the months of May through September as it is the most fiscally responsible and has been effective.

In considering the Parking by Permit option, the subdivision may be divided as the residents not effected by the river access issues may object to the inconvenience and possible costs for the parking permit.

The Fencing at Briarcliff will solve one portion of the problem of access but the other access points and parking concerns will continue to exist.

FINANCIAL IMPACT

The Financial impact would depend on the option chosen.

REVISED

This item directly relates to the Strategic Plan to Enhance Public Safety.

ATTACHMENTS There are no attachments to this report.

1. ~~Aerial View of location~~
2. ~~PowerPoint Presentation~~

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date:	February 9, 2016
Subject:	A Resolution of the City Council of the City of Riverbank, California, to Establish a Facility Improvement Fund Account for the City of Riverbank Community Center, Scout Hall, and Gymnasium Facilities
From:	Jill Anderson, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council consider adopting the resolution authorizing the establishment of a Facility Improvement Fund Account to be funded by a portion of the facility rental fees to fund equipment replacement and/or facility renovations as needed.

INTRODUCTION

The Community Center Building is in need of renovation. Last year the City Council approved a contract with Commercial Architecture to complete a conceptual design and cost estimate for renovation of the building. In addition, the tables and chairs are over 10 years old and are showing signs of wear and tear. It is fiscally prudent for the City to set-aside funds to renovate our buildings and replace our equipment as needed rather than waiting for emergency repairs or replacements. The City Scout Hall Building and Community Gymnasium often need upgrades as well.

DISCUSSION

It is proposed that as part of the City Strategic Plan, a portion of each facility rental fee be set-aside to establish a Facility Improvement Fund.

The direct costs and indirect costs for the rental of each facility have been calculated. In reviewing these calculations the estimated amount that is recommended to be placed in the Facility Improvement Fund from the rental fees received are indicated in the table as follows:

Facility	Full Rental	Non-Resident	Service Club Rental
Community Center	\$400 set-aside of a \$1,300 rental fee	\$500 set-aside of a \$1,600 rental fee	\$150 set-aside of a \$500 rental fee
Scout Hall	\$150 set-aside of a \$350 rental fee	\$200 set-aside of a \$400 rental fee	\$30 set-aside of a \$100 rental fee
Gymnasium	For Profit Group: \$50 set-aside of a \$200 rental fee	N/A	\$15 -set aside of a \$50 rental fee

FINANCIAL IMPACT:

The set-aside funds will have a positive impact on the General Fund as it will reduce the subsidy required from the General Fund for replacement of equipment and renovation.

ATTACHMENTS:

- 1) Resolution For Facility Improvement Fund
- 2) Attachment to Resolution- Exhibit A

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, TO ESTABLISH A FACILITY IMPROVEMENT FUND ACCOUNT FOR
THE CITY OF RIVERBANK COMMUNITY CENTER, SCOUT HALL, AND
GYMNASIUM FACILITIES**

WHEREAS, as outlined in the City Strategic Plan it is necessary to maintain City infrastructure, specifically the Community Center, Scout Hall and Community Gymnasium facilities, and to adequately charge facility rentals to support this effort, and;

WHEREAS, Riverbank recreation facilities are in tremendous need of renovation and therefore it is imperative that funds are set aside for this purpose from the rental fees established; and,

WHEREAS, the City Council desires to establish a Facility Improvement Fund Account for the purpose of creating a fund in which a portion of rental fees received, as indicated in Exhibit A, will be placed in said fund for the funding of facility renovations and/or equipment replacement as needed; and

WHEREAS, the amount of funds indicated in Exhibit A, may be revised from time to time by City Council resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the establishment of a Facility Improvement Fund Account as of March 1, 2016, to allocate portions of the facility rental fees received, as specified in **Exhibit A** attached hereto, for the funding of facility renovations and/or equipment replacement as needed.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of February, 2016; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attached: Exhibit A

CC Resolution No.

EXHIBIT A

City of Riverbank Parks and Recreation Department Facility Improvement Fund Account

The amount shown in the following table, to be set aside, from the total rental fees received, will be deposited into the Facility Improvement Fund Account that will be used for equipment replacement and renovation costs.

Facility	Full Rental	Non-Resident	Service Club Rental
Community Center	\$400 set-aside of a \$1,300 rental fee	\$500 set-aside of a \$1,600 rental fee	\$150 set-aside of a \$500 rental fee
Scout Hall	\$150 set-aside of a \$350 rental fee	\$200 set-aside of a \$400 rental fee	\$30 set-aside of a \$100 rental fee
Gymnasium	For Profit Group: \$50 set-aside of a \$200 rental fee	N/A	\$15 -set aside of a \$50 rental fee

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.3

SECTION 6: NEW BUSINESS

Meeting Date:	February 9, 2016
Subject/ Title:	Recommend City Council Review and Provide Feedback on the Removal of Ash Trees Along Crawford Road to Prevent On-going Damage to Sidewalk and Other Infrastructure Now and in the Future and Review Design Concepts for a New Landscaping Plan
From:	Jill Anderson, City Manager
Submitted by:	Marisela H. Garcia, Director of Finance Kathleen Cleek, Development Services Administration Manager

RECOMMENDATION

It is recommended that the City Council receive the presentation and provide feedback on the Crawford Road Ash tree removal and design concepts for a new landscaping plan.

SUMMARY

Development Services staff is here this evening to share and receive comments from the City Council on the Crawford Road Ash tree removal and design concepts for a new landscaping plan between Antique Rose and Squire Wells.

The Ash trees along Crawford Road, particularly between Antique Rose and Squire Wells, are continuing to damage sidewalk, curb & gutter. The irrigation system is damaged and the roots from the Ash trees will continue to grow and cause additional costly damage. In addition to the hardscape damage, an Arborist has determined that the Ash trees are infested with wood boring insects called Clearwing Moths. The larvae from the insects bore just under the bark and into the sapwood. The process to treat the trees is costly and the damage to the hardscape will still continue.

PLAN FOR REMOVAL

The plan along Crawford Road between Antique Rose and Squire Wells is to remove 41 Raywood Ash trees along the south side and 23 Raywood Ash trees along the north side of the road. The Pistachia trees that are already planted in this area will remain. The plan also includes grinding all stumps and roots in the grass area. A Rainbird Techline will be installed instead of existing spray heads and the existing turf will be converted to ground cover. Thirty-two – 15 gallon Pistachia Chinensis (Keith Davey) variety and 1,250 – 1 gallon Asiaticum Jasmine will be planted. The Pistachia Chinensis have a deep root system, which will prevent future hardscape damage.

If nothing is done or the plan is delayed, the damage to the sidewalks, curb and gutters will increase and the costs to repair the irrigation system will continue to rise. There is also a concern that the tree roots will begin damaging the City's storm drain system and drain inlets. The costs to repair the additional infrastructure damage will continue to increase and escalate the remediation of the hardscape costs.

PROJECT TIMELINE & DETOUR

The plan is to begin the project between Antique Rose and Squire Wells in April/May 2016. The south side of Crawford will be closed between Antique Rose and Squire Wells for 2.5 - 3 days and the north side closed for 1.5 - 2 days. Both sides of the road will not be closed at the same time. The stumps will be grinded immediately after the tree removal.

Due to budgetary constraints, the remaining Ash trees between Saxon Way and Prospector's Parkway will be removed next fiscal year. This area also has a mix of both Ash trees and Pistachia Chinensis.

OUTREACH TO RESIDENTS

Keeping the residents of the Crossroads Community informed is of utmost importance. A mailing will be sent to each resident and commercial center business explaining the following:

- Reason for the removal
- Plan for new Landscaping & Irrigation
- Detailed Timeline
- Detour Map with dates of the road closures
- Contact information for questions

Postings will also be made on the Crossroads & City of Riverbank Facebook pages and information will be posted to the City's website.

FINANCIAL IMPACT:

The cost for removal and new irrigation and landscaping was budgeted in the Fiscal Year 2015/2016 Crossroads Landscape & Lighting budget.

Tree removal, stump and root grinding	\$15,260
Installation of Rainbird Techline	\$15,750
Plant Installation	<u>\$16,750</u>
TOTAL:	\$47,760

ATTACHMENTS:

There are no attachments to this report.