



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 23, 2016 – 6:00 P.M.**

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK’S OFFICE AND AT [WWW.RIVERBANK.ORG](http://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**

**Item 1.1:** Presentation by StanCOG Regarding the Proposed Expenditure Plan Adopted by the StanCOG Board of Directors.

### **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 February 9, 2016, City Council and Local Redevelopment Authority Minutes.

**Item 3.C:** A **Resolution** of the City Council of the City of Riverbank, California, to Approve the Amended and Restated Joint Powers Agreement Establishing the Stanislaus Council of Governments.

**Item 3.D:** A **Resolution** of the City Council of the City of Riverbank, California, Appointing a Member to the City of Riverbank Budget Advisory Committee

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

### **4. UNFINISHED BUSINESS**

**Item 4.1:** **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2016-002 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 conduct the second reading by title only of proposed Ordinance No. 2016-002 and consider its adoption by roll call vote.

**Item 4.2:** **Table the Second Reading of Proposed Ordinance No. 2016-003 Amending the Riverbank Municipal Code Section 153.217: Variance of Chapter 153: Zoning of Title XV: Land Usage** – It is recommended that the City Council motion to table the second reading of the proposed ordinance, to a future date to be determined, to allow for further research and modification of the Riverbank Municipal Code (RMC) Chapter 153, Section 153.217, and additional sections as deemed necessary.

### **5. PUBLIC HEARINGS**

*The Public Hearing Notices for the following public hearing items 5.1 – 5.5, to be considered by the City Council were published in the local newspaper of general circulation. For 5.1 on 02/10/16 and a notice mailed on 02/05/16 to property owners within 300 feet (English & Spanish); for 5.2 on 02/10/16 (English & Spanish); for 5.3, 5.4, and 5.5 on 02/10/16.*

- Item 5.1:**     **A Resolution of the City Council of the City of Riverbank, California, Adopting the Interim and Ultimate Plan Line for Patterson Road** – It is recommended that the City Council adopt the resolution to approve the Interim and Ultimate Plan Line for Patterson Road between Roselle to the west and Claus Road to the east in compliance with the City of Riverbank 2005-2025 General Plan and the Downtown Specific Plan, adopted July, 2015, which is found to not be a Project as defined by CEQA and is pursuant to findings contained in the attached resolution.
- Item 5.2:**     **A Resolution of the City Council of the City of Riverbank, California, Adopting the 2014-2023 Housing Element and 2014-2023 Housing Element Negative Declaration and Authorizing Its Submittal to the State Department of Housing and Community Development** – Consistent with the recommendation of the Planning Commission, it is recommended that the City Council approve the proposed Resolution (Attachment 1), adopting the 2014-2023 Housing Element and Negative Declaration and authorize the submittal of the 2014-2023 Housing Element to the State Department of Housing and Community Development (HCD) for certification.
- Item 5.3:**     **First reading and Introduction of a Proposed Ordinance of the City Council of the City Of Riverbank, California, to Amend Sections 52.01, 52.32, 52.34, and 52.61 of Chapter 52: Water, of Title V: Public Works, of the City of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the public hearing for the first reading and introduction by title only of the proposed ordinance and 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 5.4:**     **A Resolution of the City Council of the City of Riverbank, California, Approving the Fiscal Year 2015-16 Mid-Year Budget Amendments** – It is recommended that City Council consider: 1) Approval of the Fiscal Year 2015-16 Mid-Year Budget Amendment, and 2) Provide Guidance on One-Time Capital Expenditures that will impact the City Budget.
- LRA Item 5.5:**     **A Resolution of the Local Redevelopment Authority of the City of Riverbank, California, Approving the Fiscal Year 2015/16 Mid-Year Budget Adjustment and Accepting the Second Quarter Revenue Expenditure Report** – It is recommended that the Local Redevelopment Authority (“LRA”) Board of Directors (“Board”) accept the second quarter revenue and expenditure report (September 1, 2015 through December 31, 2015) and adopt the attached resolution approving mid-year budget adjustments to the Fiscal Year (“FY”) 2015/16 Local Redevelopment Authority Budget.

**6. NEW BUSINESS**

**Item 6.1:**     **Utility Rate Assistance Program for Water & Sewer Rates for Low-Income Seniors** – It is recommended that the City Council receive a presentation and provide feedback regarding the development and implementation of a Utility Rate Assistance Program for Water and Sewer Rates for Low-Income Seniors.

**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 – ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: 1 potential case

**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 – ANTICIPATED LITIGATION**

**ADJOURNMENT** (The next regular City Council meeting –Tuesday, March 8 @ 6:pm)

**UPCOMING EVENTS:**

Open Until Filled	<ul style="list-style-type: none"> <li>▪ <b><u>Budget Advisory Committee</u></b> Applications are currently being accepted. Visit <a href="http://www.riverbank.org">www.riverbank.org</a> or Contact Marisela Garcia, Director of Finance, at 863-7110.</li> </ul>
City Hall Friday Office Hours	<ul style="list-style-type: none"> <li>▪ <b><u>City Offices are Closed Alternating Fridays</u></b> <ul style="list-style-type: none"> <li>○ <b>Friday: February 26 and March 11 – CLOSED</b></li> <li>○ <b>Friday: February 19 and March 4: Hours 8:am – 5:pm</b></li> </ul> </li> </ul>

**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 19<sup>th</sup> 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**

<b>Meeting Schedule</b>	<p><u>Regular City Council Meetings:</u> 6:00 p.m. on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month, unless otherwise noticed.</p> <p><u>Local Redevelopment Authority Board:</u> Meets on an "as needed" basis. The City Council also serves as the LRA Board.</p>
<b>City Council / LRA Agenda &amp; Reports</b>	<p>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 technologically able, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. <b>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 <a href="http://www.riverbank.org">www.riverbank.org</a> upon distribution to a majority of the City Council/LRA Board.</b> A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.</p>
<b>Public Hearings</b>	<p>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.</p>
<b>Televised / Video of Meetings</b>	<ul style="list-style-type: none"> <li>• Charter – Channel 2</li> <li>• AT&amp;T Uverse – Channel 99</li> </ul> <p>Visit <a href="http://www.riverbank.org">www.riverbank.org</a> to connect to meeting videos. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)</p>
<b>City Hall Hours</b>	<p>City Hall is open Monday – Thursday; 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays</p>
<b>Questions</b>	<p>Contact the City Clerk at (209) 863-7122 or cityclerk@riverbank.org</p>

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.

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

### SECTION 1: PRESENTATION

<b>Meeting Date:</b>	February 23, 2016
<b>Subject:</b>	Presentation by StanCOG Regarding the Proposed Expenditure Plan Adopted by the StanCOG Board of Directors
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted By:</b>	Marisela Garcia, Director of Finance Kathleen Cleek, Development Services Admin. Manager

### **RECOMMENDATION**

It is recommended that the City Council hear the presentation by representatives of StanCOG regarding the proposed Expenditure Plan adopted by the StanCOG Board of Directors and provide any feedback or comments after the presentation.

### **SUMMARY**

The StanCOG Board is proposing a ½ cent sales tax measure for the November ballot to fund local and regional transportation projects and programs. The measure is expected to generate approximately \$39 million dollars a year over a 25-year period. The purpose of the presentation is to:

- Update Council on the proposed components of the Plan,
- Describe the types of projects and programs that may be considered by each agency,
- Outline the coordination between StanCOG and City Staff to identify key projects for inclusion in the Plan, and
- Describe the process moving forward towards the November ballot.

This is an informational item. StanCOG will return to the Council in May seeking a resolution of support for the Financial Expenditure Plan, which will include a detailed list of specific projects and programs relevant to the region and the City.

Executive Director Rosa De Leon Park will also be in attendance and available to answer any questions Council or staff may have at this time in the process.

### **FISCAL IMPACTS**

None at this time.

### **ATTACHMENTS**

There are no attachments.

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

**SECTION 3: CONSENT CALENDAR**

<b>Meeting Date:</b>	February 23, 2016
<b>Subject:</b>	Waiver of Readings
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

**RECOMMENDATION**

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

**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**

<b>Meeting Date:</b>	February 23, 2016
<b>Subject:</b>	Approval of the February 9, 2016, City Council and Local Redevelopment Authority Minutes
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	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 February 9, 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. February 9, 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 OF**  
**TUESDAY, FEBRUARY 09, 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

**INVOCATION:** Riverbank Ministerial Association

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

<b>CONFLICT OF INTEREST</b>
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 were 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.

*John Foley, Riverbank, spoke in opposition of how the city turned off people's water service.*

*Edward Jones, Riverbank, spoke in regards to the Farmer's Market.*

*Charles Neal, Riverbank, spoke in support of the City Manager.*

*David Taylor, homeless, spoke in regards to his innocent judgement at his court trial on trespassing, and the loss of his personal property.*

### **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 [No. 2016-007]** 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.

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

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

***MAYOR O'BRIEN ANNOUNCED THAT ITEM 6.1 WOULD BE CONSIDERED NEXT; NO ONE OBJECTED.***

**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 [No. 2016-008] 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 [No. 2016-009] 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 [2016-002] 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.

*Planning and Building Manager Donna Kenney presented the staff report.*

*Mayor O'Brien opened the public hearing at 7:07 p.m.*

- *Mr. Troy Wright, Windwood Pacific Builders, spoke in favor the project.*
- *Ms. Lakeisha Castillo, Riverbank, spoke in opposition of the project's construction dust and noise; requesting that the fence be put up first.*
- *Ms. Rosa Madrono, Riverbank, inquired about the fencing material to be used and height, and the potential sewer system and parking problems.*
- *Lydia Barren, Riverbank, requested to have "children at play" signs be posted and had concerns with the width of Chavez Avenue, garages converted to housing causing parking problems, and more noise.*
- *Mr. Warton responded to comments.*

*Mayor O'Brien closed the public hearing at 7:24 p.m.*

*City Council and staff discussed the item and concerns mentioned.*

**ACTION:** *By motion moved and seconded (Tucker / Jones Cruz / passed 5-0) to approve 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 by adoption of Resolution No. 2016-008 as presented. Motion carried by unanimous City Council roll call vote.*

*AYES: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien*

*NAYS: None, ABSENT: None, ABSTAINED: None*

**ACTION:** *By motion moved and seconded (Jones Cruz / Tucker / passed 4-1) to approve 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 by adoption of Resolution No. 2016-009 as presented. Motion carried by unanimous City Council roll call vote.*  
*AYES: Barber-Martinez, Jones Cruz, Tucker, and Mayor O'Brien*  
*NAYS: Campbell, ABSENT: None, ABSTAINED: None*

**ACTION:** *By motion moved and seconded (Jones Cruz / Tucker / passed 5-0) to approve the First Reading of proposed Ordinance [No. 2016-002] Approving Rezoning of 2.42 Acres to Planned Development, Located At APN 32-036-003 – a Project Known as Ward Villas, and to consider its Second Reading and adoption at the next regular City Council meeting as presented. Motion carried by unanimous City Council roll call vote.*  
*AYES: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien*  
*NAYS: None, ABSENT: None, ABSTAINED: None*

**Item 5.2:** **An Ordinance [No. 2016-003] 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.

*Planning and Building Manager Donna Kenney presented the staff report.*

*Mayor O'Brien opened the public hearing at 7:37 p.m.: no one spoke, the hearing was closed.*

**ACTION:** *By motion moved and seconded (Barber-Martinez / Campbell / passed 5-0) to approve the First Reading and Introduction of proposed Ordinance [No. 2016-003] 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 and to consider its Second Reading and adoption at the March 8, 2016, regular City Council meeting as presented. Motion carried by unanimous City Council roll call vote.*  
*AYES: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien*  
*NAYS: None, ABSENT: None, ABSTAINED: None*

**Item 5.3:** **A Resolution [No. 2016-010] 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.

*Parks and Recreation Director Sue Fitzpatrick presented the staff report.*

*Mayor O'Brien opened the public hearing at 7:47 p.m.; No one spoke, the hearing was closed.*

**ACTION:** *By motion moved and seconded (Jones Cruz / Campbell / passed 5-0) to approve the Establishment, Amendment, or Authorization of Fees for the Spring/Summer 2016 City of Riverbank Recreation Programs, Parks and Facility Use by adoption of Resolution No. 2016-010 as presented. Motion carried by unanimous City Council roll call vote.*

*AYES: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien*

*NAYS: None, ABSENT: None, ABSTAINED: None*

## **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.

*Parks and Recreation Director Sue Fitzpatrick presented the staff report; City Council and staff discussed the item.*

### **Public comments**

- *Ms. Elaine Alcott, River Cove resident, inquired about the location of the fencing, and was concerned about cutting off an access point used to get on or out of the river.*
- *Mr. John Foley, River Cove resident, spoke in favor of making River Cove a gated community.*
- *Chief Kiely spoke in regards to the river activity related calls.*
- *Ms. Carla Weaver, River Cove resident, spoke in favor of issuing parking permits.*
- *Ms. Alcott spoke again to clarify there were three river access points to consider if River Cove became a gated community.*
- *Mr. Dan Scott, River Cove resident, was opposed to any decisions that would be a financial burden or inconvenience.*
- *Mr. Ken Berkus, River Cove resident, agreed with Mr. Scott, was opposed to a gated community, and stated that law enforcement should be dealing with the problems.*
- *Mr. Foley handed the City Clerk the results of a River Cove resident survey he conducted.*

*City council and staff discussed the item further.  
“Mayor-option to increase sheriff reserves during peak time.*

***DIRECTION:*** *Proceed with the construction of the fencing around the access point on Briarcliff to reduce potential liability of a land pit, and unanimously agreed to continue with Option #4 – Patrol area by use of private security personnel and increased Sheriff patrol, and pick up the garbage at a current cost of \$4,000 annually, which may need to be revisited for additional funds to cover the costs.*

***CITY COUNCIL RETURNED TO THE AGENDA ORDER WITH ITEM 5.1***

**Item 6.2:** **A Resolution [No. 2016-011] 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.

*Parks and Recreation Director Sue Fitzpatrick presented the staff report.*

**ACTION:** *By motion moved and seconded (Campbell / Tucker / passed 5-0) to approve the Establishment of a Facility Improvement Fund Account for the City of Riverbank Community Center, Scout Hall, and Gymnasium Facilities by adoption of Resolution No. 2016-011 as presented. Motion carried by unanimous City Council roll call vote.*

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

*NAYS: None, ABSENT: None, ABSTAINED: None*

**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.

*City Manager Jill Anderson introduced the item; Development Services Administration Manager Kathleen Cleek presented the staff report.*

*City Council directed staff to proceed with the action to minimize the damage.*

## **7. COMMENTS (Information only – No action)**

**Item 7.1:** Staff Comments

*Public Works Superintendent, Michael Riddell, provided an overview of water production and water use for the month of January 2016.*

**Item 7.2:** Council/Authority Member Comments

*Council/Authority Member Jones Cruz clarified that she also agreed with River Cove Option 4 and thanked the River Cove residents for engaging in tonight's discussion.*

*Council/Authority Member Campbell agreed with Council/Authority member Jones Cruz.*

*Council/Authority Member Barber-Martinez thanked everyone for attending the meeting and providing important input.*

*Vice Mayor Tucker agreed with all the comments made.*

**Item 7.3:** Mayor/Chair Comments

*Mayor O'Brien spoke in regards to the archiving of records and their availability on-line.*

**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 for public comment; no one spoke. The meetings were recessed and City Council went into Closed Session at 8:12 p.m.*

**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**

*Mayor/Chair O'Brien reconvened the meetings at 8:32p.m.*

**Item 9.1:** Report on Closed Session Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

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

**Item 9.2:** Report on Closed Session Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – EXISTING 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 8:33 p.m.

**ATTEST:** *(Adopted 02/23/16)*

**APPROVED:**

\_\_\_\_\_  
Annabelle H. Aguilar, CMC  
City Clerk / LRA Recorder

\_\_\_\_\_  
Richard D. O'Brien  
Mayor / Chair

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

### SECTION 3: CONSENT CALENDAR

<b>Meeting Date:</b>	February 23, 2016
<b>Subject:</b>	A <b>Resolution</b> of the City Council of the City of Riverbank, California, to Approve the Amended and Restated Joint Powers Agreement Establishing the Stanislaus Council of Governments
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Marisela Garcia, Director of Finance Kathleen Cleek, Development Services Administration Manager

#### **RECOMMENDATION:**

It is recommended that the City Council approve the resolution amending and restating the Joint Powers Agreement Establishing the Stanislaus Council of Governments.

#### **SUMMARY:**

On March 18, 2015, the Policy Board of the Stanislaus Council of Governments (StanCOG) adopted amendments to the Joint Powers Agreement (JPA) establishing StanCOG. Based on that amendment, it was determined that an amendment to the bylaws to the JPA was also warranted. Revisions to the Bylaws were adopted by the StanCOG Policy Board on August 19, 2015.

The amendments made the following changes to the JPA and the Bylaws:

1. Clarified the selection process for the Executive Committee of the Policy Board (Agreement - Section 7);
2. Adjusted the term of office of the Chair and Vice-Chair of the Policy Board from a fiscal year to a calendar year to align with elected officials terms of office (By-laws – Article 5, Section 1); and
3. Updated the standing committee descriptions and composition information to more accurately describe the committees (By-laws – Article 6, Section 1).

As a member agency of the StanCOG JPA, the City of Riverbank is being asked to ratify the above described amendments by taking the item to the City Council for consideration.

Rosa De Leon Park, StanCOG's Executive Director will be in attendance and available for any questions/comments from Council and/or the public on the amendments.

**FINANCIAL IMPACT:**

No financial impact.

**ATTACHMENTS:**

1. Resolution
2. Attachment A - Amended and Restated Joint Powers Agreement Establishing the Stanislaus Council of Governments

**CITY OF RIVERBANK**

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, TO APPROVE THE AMENDED AND RESTATED JOINT POWERS AGREEMENT ESTABLISHING THE STANISLAUS COUNCIL OF GOVERNMENTS**

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**WHEREAS**, the City of Riverbank is a party to the Joint Powers Agreement establishing the Stanislaus Council of Governments dated December 12, 2007 (JPA);

**WHEREAS**, on March 18, 2015, the StanCOG Policy Board approved an amendment to the JPA updating standing committee descriptions and composition information, clarifying the selection process for the Executive Committee of the StanCOG Policy Board, and adjusting the term of office for the Chair and Vice-Chair of the Policy Board from a fiscal year to a calendar year to correspond with elected officials terms of office;

**WHEREAS**, it was determined that the Bylaws of the JPA also needed to be amended to be consistent with the JPA;

**WHEREAS**, pursuant to Section 13 of the JPA, the Bylaws of the Stanislaus Council of Governments are those annexed to the JPA as Exhibit A and amendments to all or a portion of the Bylaws may be made in the manner prescribed in the Bylaws;

**WHEREAS**, Section 26.B of the JPA requires that any amendment to the JPA be ratified by resolution of 75% of the member agencies representing 75% of the population of the County of Stanislaus as determined by the most recent Decennial Census.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Riverbank, as a party to the JPA, hereby approves the amendments to the JPA and the Bylaws as shown in Attachment A and authorizes the Mayor to execute the same.

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 23rd 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:**

**APPROVED:**

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**Annabelle H. Aguilar, CMC**  
City Clerk

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**Richard D. O'Brien**  
Mayor

PROPOSED

**ATTACHMENT A**

**AMENDED AND RESTATED JOINT POWERS AGREEMENT  
ESTABLISHING THE STANISLAUS COUNCIL OF GOVERNMENTS  
(BYLAWS AS EXHIBIT "A" TO THE JPA)**

PROPOSED

**AMENDED AND RESTATED JOINT POWERS AGREEMENT ESTABLISHING THE  
STANISLAUS COUNCIL OF GOVERNMENTS**

THIS AGREEMENT, made and entered into in the County of Stanislaus, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2016, is between the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, all municipal corporations, and the County of Stanislaus, a political subdivision of the State of California. The municipal corporations are sometimes referred to individually as “City” and collectively as “Cities.” The County of Stanislaus is sometimes referred to as “County.” The Cities and County are sometimes referred to individually as a “Party” and collectively as “Parties.”

**WITNESSETH:**

1. **RECITALS.**

1.1. **Common Power.** Chapter 5 of Division 7 of Title 1 (Sections 6500, et seq.) of the California Government Code authorizes two (2) or more public agencies, by a joint powers agreement entered into respectively by them and authorized by their legislative or governing bodies, to exercise jointly any power or powers common to the contracting parties.

1.2. **Common Authority.** The City of Modesto, by virtue of its charter, and the Cities of Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, by virtue of California Government Code Section 65600 through 65604, inclusive, possess in common the authority:

1.2.1. To study, discuss, and develop solutions to area-wide problems of direct concern to the performance of their constitutional and statutory functions and to establish an area planning organization and expend public funds for these purposes.

1.2.2. To do all acts necessary to participate in federal programs and receive federal funds for health, education, welfare, public works, and community improvement activities, including contracting and cooperating with other agencies.

1.3. **Orderly Development.** The people residing within the incorporated and unincorporated areas of Stanislaus County have an interest in the orderly development of their communities.

1.4. Independent Agency. The continued growth and extensive development within the incorporated and unincorporated areas of Stanislaus County evidenced a need to create a wholly independent regional agency capable of dealing with area-wide issues and problems.

1.5. Predecessor. The foregoing need led to the creation and establishment of the Stanislaus Area Association of Governments on May 11, 1971, the subsequent approval of a Revised Joint Powers Agreement on May 28, 1974, and a subsequent approval of a Joint Powers Agreement establishing the Stanislaus Council of Governments on June 5, 2001.

1.6. Effects. The establishment of STANISLAUS COUNCIL OF GOVERNMENTS (hereinafter referred to as “StanCOG”) has:

1.6.1. Provided a forum to study and develop solutions to area-wide problems of mutual concern to the various governmental entities in Stanislaus County.

1.6.2. Provided efficiency and economy in governmental operations through the cooperation of member governments and the pooling of common resources.

1.6.3. Provided for the establishment of an agency responsible for identifying, planning, and developing solutions to regional problems requiring multijurisdictional cooperation.

1.6.4. Provided for the establishment of an agency capable of developing regional plans and policies and performing area-wide duties.

1.6.5. Facilitated cooperation among and agreement between local governmental bodies for specific purposes, interrelated development actions, and for the adoption of common policies with respect to issues and problems which are common to its members.

1.7. Amendment. The Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford and the County of Stanislaus, at this time, desire to amend that certain joint powers agreement of June 5, 2001, as subsequently amended on December 12, 2007, and enter into this Amended and Restated Agreement in order to establish the duties and powers of the STANISLAUS COUNCIL OF GOVERNMENTS.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

## 2. STATEMENT OF PURPOSE

The member Cities and the County have joined together to establish the Stanislaus Council of Governments for the following purposes:

2.1. Area-Wide Opportunities. A number of opportunities and issues within the area are either area-wide in nature or have area-wide aspects or implications, including, but not

limited to transportation, air quality, land use, economic development, job creation, and the reduction of unemployment.

2.2. Need. There is a demonstrated need for the establishment of an organization of the Cities and the County within the area to provide a forum for study and development of recommendations to area-wide problems of mutual interest and concern to the Cities and the County and to facilitate the development of policies and action recommendations for the solution of problems.

2.3. Independent Review. The Cities and the County wish to create an area-wide organization which will independently review and make comments to the member Cities and the County regarding projects which receive state or federal funding.

2.4. Elected Officials. The Cities and the County believe that an area-wide planning organization, governed solely by elected officials from the Cities and the County, with a staff independent of any City or the County, is best suited for area-wide planning and review.

2.5. Area-Wide Problems. The Cities and the County, working together through this organization, can exercise initiative, leadership, and responsibility for solving area-wide problems.

2.6. Allocation of Resources. The Cities and the County share common area-wide problems and issues, and at the same time, have different needs and priorities and are affected in different ways by these common area-wide problems and issues. The resources of StanCOG shall be allocated in a manner so that the needs of any portion of the area are not ignored, recognizing, however, that resources are limited and that not all needs can be met, nor all portions of the area assisted equally at any one time.

### 3. ESTABLISHMENT OF STANISLAUS COUNCIL OF GOVERNMENTS

3.1. Continued Public Entity. Upon the effective date of this Agreement, the Parties hereto hereby continue the STANISLAUS COUNCIL OF GOVERNMENTS, as a public entity separate and distinct from its member entities, as the agent to exercise the common powers provided for in this Agreement and to administer or otherwise execute this Agreement.

3.2. Continuation of Duties. StanCOG is the successor entity to the Area Association of Governments established in 1971, insofar as its predecessor entity has been designated, and insofar as legally authorized, it shall continue to function, without interruption in its duties, as:

3.2.1. The Local Transportation Authority (LTA) as designated by the Stanislaus County Board of Supervisors, pursuant to the Local Transportation Authority and Improvement Act set forth at California Public Utilities Code Sections 180,000, et seq.

3.2.2. The Area-wide Planning Organization (APO) as designated by the U.S. Department of Housing and Urban Development (HUD);

3.2.3. The Metropolitan Planning Organization (MPO) as designated by the U.S. Department of Transportation; pursuant to Title 23 of United States Code, Section 134 (23 USC 134) and Title 49 of the United States Code, Section 5303(b)(2).

3.2.4. The Regional Transportation Planning Agency (RTPA) as designated by the Secretary of Business and Transportation Agency of the State of California; pursuant to California Government Code Sections 65080, et seq.

3.2.5. The regional planning representative, as designated by the parties hereto, for the purpose of acting upon any appropriate proposals which may be presented to the StanCOG Policy Board of Directors for consideration, or which the StanCOG Policy Board of Directors may elect to take up, and for transmission of proposed recommendations to Federal, State, and local agencies, including, but not limited to the member entities of StanCOG.

3.2.6. The Congestion Management Agency (CMA) as designated by the Stanislaus County Board of Supervisors, pursuant to California Government Code Sections 65088, et seq.

3.2.7. The Abandoned Vehicle Authority (AVA) as designated by the Stanislaus County Board of Supervisors, pursuant to California Vehicle Code, Section 22710(a).

#### 4. COOPERATION

The Parties to this Agreement pledge full cooperation and agree to assign representatives to serve as official members of the StanCOG Policy Board or any committee or subcommittee thereof, which members shall act for and on behalf of their Cities or the County in any and all matters which shall come before StanCOG, subject to any necessary and legal approvals of their acts by the legislative bodies of the Cities and the County.

#### 5. MEMBER AGENCIES.

StanCOG shall be composed of the County of Stanislaus and the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, together hereinafter referred to as the Member Agencies.

#### 6. BOARD AND VOTING

6.1. Board. The Stanislaus Council of Governments shall be governed by a Board of Directors, herein referred to as the StanCOG Policy Board, the members of which shall be appointed by the Member Agencies as follows.

6.1.1. Five members of the Board of Supervisors of the County of Stanislaus, with each member having one vote.

6.1.2. Three members from the Modesto City Council, with each member having one vote.

6.1.3. One (1) member from each of the City Councils of Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford (with the Mayor an eligible member), and each member having one (1) vote.

6.1.4. A representative or his or her alternate must be present to vote.

6.2. Appointment and Term of Office. Members shall be appointed by the governing body of each Party and shall serve at the pleasure of their appointing body or until their respective successors are appointed. The term of office of each representative and alternate representative, should the alternate be an elected official, shall correspond with his or her term of office on the legislative body he or she represents. If a vacancy occurs, it shall be filled by a new appointment made by the appropriate Member Agency.

6.3. Alternate Representatives. Each Member Agency shall designate at least one alternate representative. Said alternates need not be elected officials of the member, however, the County Chief Executive Officer and the Modesto City Manager are not eligible to be designated as alternates. Members may designate more than one alternate for each representative, as deemed prudent by that member. To be eligible to cast the vote of the member, alternates must be designated, and notice of said designation given to the StanCOG Executive Director, at least twenty-four (24) hours prior to the first meeting at which that alternate is to attend on behalf of the Member Agency's designated Representative.

6.4. Quorum and Majority Requirements. The presence of at least one (1) representative, or in the absence of a representative his or her alternate, from a majority of the Member Agencies, shall constitute a quorum. A quorum shall be necessary for the purpose of conducting official business. A two-thirds majority of those present shall be required to approve all expenditures. For all other business, a majority vote of those present shall be sufficient. A roll call vote shall be conducted at the request of any representative.

6.5. Meeting Time and Place. The Stanislaus Council of Governments shall establish a time and place for regular Policy Board meetings. All meetings shall be conducted in accordance with the Ralph M. Brown Act, California Government Code, section 54950 et seq.

## 7. EXECUTIVE COMMITTEE

7.1. Executive Committee. The Executive Committee shall consist of five (5) members of the StanCOG Policy Board: Two of the representatives from the County Board of Supervisors, to be appointed by and serve at the pleasure of the County Board of Supervisors; One of the representatives from the City of Modesto, to be appointed by and to serve at the

pleasure of the City of Modesto and; Two representatives from among the other cities, said representatives to be chosen each year by the Policy Board members representing the cities other than Modesto. The Chairperson and Vice-Chairperson of the Policy Board shall be ex officio two of the five members of the Executive Committee, representing their respective Member Agencies, and shall serve as the Chairperson and Vice-Chairperson of the Executive Committee.

7.2. Powers of Executive Committee. The Executive Committee shall have such powers as are not inconsistent with this Agreement and as delegated to it by the StanCOG By-laws or the StanCOG Policy Board.

7.3. Alternate Representatives. Each representative of the Member Agency that sits on the Executive Committee shall designate at least one alternate representative in the manner set forth in Section 6.3, except that each alternate shall be a member of the StanCOG Policy Board.

## 8. MANAGEMENT AND FINANCE COMMITTEE.

8.1. Management and Finance Committee. The Management and Finance Committee shall consist of the Chief Administrative Official for the County of Stanislaus, or his or her designee; and the City Manager/Administrator for the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford.

8.2. The Management and Finance Committee shall be operated in accordance with the Bylaws of the Policy Board attached hereto as Exhibit A.

## 9. SOCIAL SERVICES TRANSPORTATION ADVISORY COUNCIL

9.1. Social Services Transportation Advisory Council. The Social Services Transportation Advisory Council shall consist of the following members who are residents of Stanislaus County:

1. One representative of potential transit users who is 60 years of age or older.
2. One representative of potential transit users who are handicapped.
3. Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.
4. Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.
5. One representative of a local social service provider for persons of limited means.
6. Two representatives from the local consolidated transportation service agency, designated pursuant to Subdivision (a) of Section

15975 of the Government Code, if one exists, including one representative from an operator, if one exists.

7. Up to two (2) additional representatives, if desired by StanCOG and appointed by the Executive Committee.

9.2. The Social Services Transportation Advisory Council shall be operated in accordance with the Bylaws of the Social Services Transportation Advisory Council attached hereto as Appendix I.

#### 10. CITIZENS ADVISORY COMMITTEE

10.1. Citizens Advisory Committee. The Citizens Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

10.2. The Citizens Advisory Committee shall be operated in accordance with the Bylaws of the Citizens Advisory Committee attached hereto as Appendix II.

#### 11. BICYCLE / PEDESTRIAN ADVISORY COMMITTEE

11.1. Bicycle / Pedestrian Advisory Committee. The Bicycle/Pedestrian Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

11.2. The Bicycle / Pedestrian Advisory Committee shall be operated in accordance with the Bylaws of the Bicycle / Pedestrian Advisory Committee attached hereto as Appendix III.

#### 12. VALLEY VISION STANISLAUS STEERING COMMITTEE

12.1. Valley Vision Stanislaus Steering Committee. The Valley Vision Stanislaus Steering Committee shall be comprised of twenty-one (21) residents of Stanislaus County, one (1) from each of the Member Agencies, and one representative from: Citizens Advisory Committee, Policy Board, LAFCO, Health, Agriculture, Environment/Conservation, Economic Development, Building Industry, Transit User/Provider, Education and Environmental Justice.

12.2. The Valley Vision Stanislaus Steering Committee shall be operated in accordance with the Bylaws of the Valley Vision Stanislaus Steering Committee attached hereto as Appendix IV.

### 13. POWERS AND FUNCTIONS

13.1. Specific Functions. The Stanislaus Council of Governments shall have the common power of the Parties hereto to plan, establish, administer, and operate an independent area planning organization and in the exercise of that power the Stanislaus Council of Governments is authorized in its own name to:

13.1.1. Employ an Executive Director as the chief administrative officer of Stanislaus Council of Governments.

13.1.2. Employ agents and employees and contract for professional services.

13.1.3. Make and enter into contracts.

13.1.4. Acquire, hold and convey real and personal property, including the power to acquire property by eminent domain.

13.1.5. Undertake the planning, design, environmental clearance and construction of transportation and other projects.

13.1.6. Cooperate with other agencies, counties and other local public agencies and participate in joint projects as necessary.

13.1.7. Incur debts, obligations and liabilities.

13.1.8. Accept contributions, grants or loans from any public or private agency or individual, or the United States, the State of California or any department, instrumentality, or agency thereof, for the purpose of financing its activities.

13.1.9. Invest money that is not needed for immediate necessities, in the same manner and upon the same conditions as other local entities in accordance with Section 53601 of the California Government Code.

13.1.10. Have appointed members and ex-officio members of the Stanislaus Council of Governments serve without compensation from the Stanislaus Council of Governments, except that members of the StanCOG Policy Board may be reimbursed for all reasonable expenses and costs relating to attendance at Stanislaus Council of Governments meetings or other Stanislaus Council of Governments business.

13.1.11. Sue and be sued, in its own name only, but not in the name or stead of any Member Agency.

13.1.12. Exercise any and all other powers as may be provided for in California Government Code Section 6547.

13.1.13. The Stanislaus Council of Governments is hereby designated by the parties to this Agreement as the regional review agency for the purposes of acting on any appropriate proposals which may be presented to it for consideration, and as the sole regional planning representative for transmission of proposed recommendations to the U.S. Department of Housing and Urban Development or such other agency of the Federal Government or State Government as may be designated to receive such recommendations from the Council, and as the area-wide planning organization (APO) for the County of Stanislaus as such APO is defined in pertinent State and/or Federal directives and regulations.

13.1.14. File, within 30 days of the effective date of this Agreement, a Notice of the Agreement with the office of the California Secretary of State, pursuant to California Government Code, section 6503.5

13.1.15. Do all other acts reasonable and necessary to carry out the purposes of this Agreement.

13.2. Limitation. The powers to be exercised by the Stanislaus Council of Governments are subject to such restrictions upon the manner of exercising such powers as are imposed upon the County in the exercise of similar powers.

13.3. Funds. StanCOG shall be held strictly accountable for all funds received, held and disbursed by it.

#### 14. BYLAWS

14.1. Bylaws. The Bylaws of the Stanislaus Council of Governments shall be those attached to this Agreement marked "Exhibit A" and incorporated herein by reference. Amendments to all or a portion of the Bylaws may be made in the manner prescribed in the Bylaws.

#### 15. EXECUTIVE DIRECTOR

15.1. Powers and Duties. The Executive Director shall be selected by, and shall serve at the pleasure of and upon the terms prescribed by the Stanislaus Council of Governments Policy Board. The powers and duties of the Executive Director are:

15.1.1. To serve as the chief administrative officer of StanCOG and to be responsible to the StanCOG Policy Board for the proper administration of all affairs.

15.1.2. To appoint, supervise, suspend, discipline or remove StanCOG employees subject to those policies and procedures, from time to time, adopted by the StanCOG Policy Board.

15.1.3. To supervise and direct the preparation of the annual budget for the StanCOG and be responsible for its administration after adoption by the StanCOG Policy Board.

15.1.4. To formulate and present to the StanCOG Policy Board plans for StanCOG activities and the means to finance them.

15.1.5. To supervise the planning and implementation of all StanCOG activities.

15.1.6. To attend all meetings of the StanCOG Policy Board and act as the secretary to the StanCOG Policy Board.

15.1.7. To prepare and submit to the StanCOG Policy Board periodic financial reports and, as soon as practicable after the end of each fiscal year, an annual report of the activities of StanCOG for the preceding year.

15.1.8. To have custody and charge of all StanCOG property other than money and securities.

15.1.9. To transmit to the Executive Director's successor all books and records of StanCOG in his or her possession.

15.1.10. To perform such other duties as the StanCOG Policy Board may require in carrying out the policies and directives of the Stanislaus Council of Governments Board.

16. TREASURER

16.1. Treasurer. The Treasurer of the County shall be the Treasurer of StanCOG.

16.2. Duties. The Treasurer shall:

16.2.1. Receive and receipt all money of StanCOG and place it in the treasury of the County to the credit of StanCOG.

16.2.2. Be responsible upon the Treasurer's official bond for the safekeeping and disbursement of all StanCOG money held by the Treasurer.

16.2.3. Pay, when due, out of money of StanCOG, all sums payable on outstanding bonds and coupons of StanCOG.

16.2.4. Pay any sums due from the StanCOG, from the StanCOG funds held by the Treasurer or any portion thereof, upon warrants of the Auditor-Controller designated herein.

16.2.5. Verify and report in writing as soon as possible after the first day of July, October, January, and April of each year to the StanCOG the amounts of monies the Treasurer holds for the StanCOG, the amount of receipts since the Treasurer's last report, and any interest accrued to those funds.

16.3. Reimbursement. StanCOG shall reimburse the County for the cost of services provided by the Treasurer to the Council on an at-cost basis.

17. AUDITOR-CONTROLLER

17.1. Auditor-Controller. The Auditor-Controller of the County shall be the Auditor -Controller for StanCOG.

17.2. Duties. The Auditor-Controller shall:

17.2.1. Draw warrants to pay demands against StanCOG when the demands have been approved by the StanCOG Policy Board and/or the StanCOG Executive Director. The Auditor -Controller shall be responsible on his/her official bond for the Auditor-Controller's approval of disbursements of StanCOG money.

17.2.2. Keep and maintain records and books of account on the basis of generally accepted accounting practices. The books of account shall include records of assets, liabilities, and contributions made by each Party to this Agreement.

17.2.3. Make available all the financial records of StanCOG to a certified public accountant or public accountant contracted by StanCOG to make an annual audit of the accounts and records of StanCOG. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the California Government Code and shall conform to generally accepted auditing standards.

17.3. Reimbursement. StanCOG shall reimburse the County for the cost of services provided by the Auditor-Controller to StanCOG on an at-cost basis.

17.4. Approvals. The Executive Director of the StanCOG and the Chairman of StanCOG Policy Board shall together have the power to approve to the auditor demands against StanCOG. The Vice-Chairman of StanCOG Policy Board shall be substituted in the absence or vacancy of either of the above officials.

18. FINANCING

18.1. Allocation of Financing. Each member shall contribute to the financial support of StanCOG. Each city's share of financial support shall be determined by the percentage its population has to the County as a whole. The County's share of financial support shall be determined by the percentage the population of the unincorporated areas of the County have to the County as a whole. Population is to be determined by the latest United States Decennial Census or later California State Department of Finance figures.

18.2. Annual Dues. The Policy Board may provide for annual dues to be paid by each member agency.

18.3. Fiscal Year. The fiscal year of StanCOG shall commence on July 1 of each year and shall terminate on June 30 of the following year. Each member shall deposit its share of financial support with the Treasurer of StanCOG no later than August 1 of each year.

18.4. Support from Member Agencies. A member agency in the exercise of the reasonable discretion of its governing body, may provide support for StanCOG, its staff, and its professional consultants, including providing quarters, janitorial services and maintenance, supplies, printing and duplication, postage, telephone services, transportation services, and the professional and technical assistance as may be agreed upon from time to time by StanCOG and the respective member agencies. All assistance shall be provided on an at-cost basis.

18.5. Other Support and Fees. The Stanislaus Council of Governments shall apply for available state federal, regional, and local support funds, and shall make new and additional applications from time to time as appropriate. If deemed necessary, the Stanislaus Council of Governments Board may also establish and collect filing and processing fees from non-members in connection with matters to be considered by it.

19. BOND REQUIREMENTS

19.1. Bond Requirement. The Executive Director and such other persons employed by the Stanislaus Council of Governments as may be designated by the Stanislaus Council of Governments Policy Board, shall file with the Stanislaus Council of Governments Policy Board an official fidelity bond in a penal sum determined by the Stanislaus Council of Governments Board as security for the safekeeping of the Stanislaus Council of Governments' property entrusted to the employee. However, if the Executive Director or other such persons designated are already bonded by another agency, no additional bonding shall be required by this section. Premiums for any bonds required under this section shall be paid by the Stanislaus Council of Governments.

20. PARTIES LIABILITY

20.1. The debts, liabilities, and obligations of StanCOG shall not be debts, liabilities, or obligations of the Parties to this Agreement either singly or collectively.

## 21. ASSIGNABILITY

21.1. Assignability. With the approval of, and upon the terms agreed upon by, the governing body of each Party to this Agreement, all or any of the rights and property subject to this Agreement may be assigned to further the purpose of this Agreement. Provided, however, no right or property of StanCOG shall be assigned without compliance with all conditions imposed by any state or federal entity from which Stanislaus Council of Governments has received financial assistance.

## 22. WITHDRAWAL OF A PARTY

22.1. Notice. A Party to this Agreement may, at any time, withdraw from the Stanislaus Council of Governments, following 90 days notice to StanCOG and all other Member Agencies of StanCOG, by resolution of intent to withdraw adopted by the governing board of the withdrawing Party.

22.2. Effect of Withdrawal. Upon the effective date of such withdrawal such member shall cease to be bound by this Agreement, but shall continue to provide financial support through the approved percentage of planning funds provided to StanCOG, as Transportation Planning Agency under the provisions of Section 99233.2 of the Transportation Development Act. StanCOG assets representing any accumulated capital contribution of the withdrawing Party shall remain subject to StanCOG control, depreciation and use without compensation to the withdrawing party until termination of this Agreement and distribution of StanCOG assets.

22.3. Resumption of Membership. Any member agency which has withdrawn from StanCOG in accordance with the provisions of this Section 21 may resume its membership upon thirty (30) days' written notice to the then members, which notice may be waived by a majority vote of the StanCOG Policy Board.

## 23. TERMINATION AND DISSOLUTION

23.1. No Specific Term. This Agreement shall continue in force without specific term.

23.2. Termination. If, at any time, those Cities and County which are members of StanCOG contain less than 55% of the population residing within the area of Stanislaus County, based upon the latest available population estimates by the California Department of Finance, and there are less than a majority of local governments remaining as Member Agencies of StanCOG, StanCOG shall be deemed disestablished and this Agreement shall cease to be operative except for the purpose of payment of any obligations theretofore incurred.

23.3. Distribution of Assets. If this Agreement is terminated, all real and personal property owned by StanCOG shall be distributed to the Federal, State, or local funding agency or party to this Agreement that supplied the property or whose funding provided for the

acquisition of the property unless other distribution is provided by law. Should the origin of any real or personal property be undeterminable, that property shall be disbursed to the Parties to this Agreement in proportion to the size of the jurisdiction as delineated in the latest California Department of Finance estimate of population.

23.4. Continues in Effect until Distribution. This Agreement shall not terminate until all property has been distributed in accordance with this provision.

24. RETURN OF SURPLUS FUNDS

24.1. Return of Surplus Funds. Upon termination of this Agreement, any surplus money on hand shall be returned, pro rata, to the Federal, State, or local agency or the party to this Agreement that provided the funds.

25. ADDITIONAL MEMBERS

25.1. Additional Members. In addition to the Cities identified in this Agreement, any city within Stanislaus County which may hereafter be incorporated and which desires to participate in the activities of StanCOG may do so by executing this Agreement without the prior approval or ratification of the named Parties to this Agreement and shall thereafter be a Party to this Agreement and be bound by all terms and conditions of this Agreement as of the date it executes this Agreement.

26. SUCCESSORS AND ASSIGNS

26.1. Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of any successors to or assigns of the Parties.

27. SEVERABILITY

27.1. Severability. Should any part, term, portion, or provision of this Agreement be finally decided to be in conflict with any law of United States or the State of California, or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms, portions, or provisions shall be deemed severable and shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the Agreement which the Member Agencies intended to enter into in the first instance.

28. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which when executed will be deemed to be an original and all of which, taken together, will be deemed to be one and the same instrument.

29. TITLES AND HEADING.

The Section titles and the headings of this Agreement are for convenience only and shall not be used in interpreting this Agreement.

30. EFFECTIVE DATE OF AGREEMENT

30.1. Effective Date. This Agreement shall become effective upon ratification by resolution of the Stanislaus County Board of Supervisors and each of the city councils of the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford. From and after said date the agreements made establishing the Stanislaus Area Association of Governments dated May 11, 1971 and May 20, 1974, and the Agreement Establishing the Stanislaus Council of Governments dated June 5, 2001 shall be superseded, replaced and terminated by this Agreement and shall be of no further force and effect.

31. AMENDMENTS

31.1. This Agreement may be amended upon ratification by resolution of 75% of the member agencies representing 75% of the population of the County of Stanislaus as determined by the most recent Decennial Census. For this purpose each incorporated city shall represent those people residing within its city limits and the Stanislaus County Board of Supervisors shall represent those people who reside in the unincorporated areas of the County.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the dates shown in the respective signature blocks.

**STANISLAUS COUNTY BOARD OF SUPERVISORS**

By: \_\_\_\_\_  
[Type Name]  
[Type Title]

ATTEST:

By: \_\_\_\_\_  
[Type Name]  
Clerk of County Board of Supervisors

Approved as to Legal Form:

By: \_\_\_\_\_  
[Type Name]  
County Counsel

**CITY OF CERES**

By: \_\_\_\_\_  
[Type Name]  
Mayor

ATTEST:

By: \_\_\_\_\_  
[Type Name]  
City Clerk

Approved as to Legal Form:

By: \_\_\_\_\_  
[Type Name]  
City Attorney

**CITY OF HUGHSON**

By: \_\_\_\_\_  
[Type Name]  
Mayor

ATTEST:

By: \_\_\_\_\_  
[Type Name]  
City Clerk

Approved as to Legal Form:

By: \_\_\_\_\_  
[Type Name]  
City Attorney

**CITY OF MODESTO**

By: \_\_\_\_\_  
[Type Name]  
Mayor

ATTEST:

By: \_\_\_\_\_  
[Type Name]  
City Clerk

Approved as to Legal Form:

By: \_\_\_\_\_  
[Type Name]  
City Attorney

**CITY OF NEWMAN**

By: \_\_\_\_\_  
[Type Name]  
Mayor

ATTEST:

By: \_\_\_\_\_  
[Type Name]  
City Clerk

Approved as to Legal Form:

By: \_\_\_\_\_  
[Type Name]  
City Attorney

**CITY OF OAKDALE**

By: \_\_\_\_\_  
[Type Name]  
Mayor

ATTEST:

By: \_\_\_\_\_  
[Type Name]  
City Clerk

Approved as to Legal Form:

By: \_\_\_\_\_  
[Type Name]  
City Attorney

**CITY OF PATTERSON**

By: \_\_\_\_\_  
[Type Name]  
Mayor

ATTEST:

By: \_\_\_\_\_  
[Type Name]  
City Clerk

Approved as to Legal Form:

By: \_\_\_\_\_  
[Type Name]  
City Attorney

**CITY OF RIVERBANK**

By: \_\_\_\_\_  
[Type Name]  
Mayor

ATTEST:

By: \_\_\_\_\_  
[Type Name]  
City Clerk

Approved as to Legal Form:

By: \_\_\_\_\_  
[Type Name]  
City Attorney

**CITY OF TURLOCK**

By: \_\_\_\_\_  
[Type Name]  
Mayor

ATTEST:

By: \_\_\_\_\_  
[Type Name]  
City Clerk

Approved as to Legal Form:

By: \_\_\_\_\_  
[Type Name]  
City Attorney

**CITY OF WATERFORD**

By: \_\_\_\_\_  
[Type Name]  
Mayor

ATTEST:

By: \_\_\_\_\_  
[Type Name]  
City Clerk

Approved as to Legal Form:

By: \_\_\_\_\_  
[Type Name]  
City Attorney

PROPOSED

**EXHIBIT "A"**

**STANISLAUS COUNCIL OF GOVERNMENTS  
AMENDED AND RESTATED BYLAWS**

**RECITALS:**

WHEREAS, it is deemed prudent to amend and restate the Bylaws of The Stanislaus Council of Governments. These Amended Bylaws, dated \_\_\_\_\_, shall supersede the previous Bylaws as amended April 10, 1974; July 10, 1974; November 10, 1976; and \_\_\_\_\_.

**ARTICLE I  
NAME**

This joint powers agency shall be known as the STANISLAUS COUNCIL OF GOVERNMENTS (“StanCOG”) and shall exercise its powers within the geographical area of the County of Stanislaus as set forth in the joint powers agreement entered into by the County and the Cities (“Party or collectively “Parties”) establishing StanCOG.

**ARTICLE II  
MEETINGS**

Section 1: Regular and Special Meetings.

A. The StanCOG Policy Board shall hold a regular meeting on the third Wednesday of each month, at 6:00 p.m., or at a time, specified by the StanCOG Policy Board. Such regular meetings shall be for considering reports of the affairs of StanCOG and for transacting such other business as may be properly brought before the meeting. Any regular meeting may be rescheduled on an individual basis as to date, time and place, by motion of the StanCOG Policy Board, in the event of a conflict with holidays, Director’s schedules, or similar matters, or, in the event of a lack of a quorum, as specified below. Notice of regular meetings shall be given to each representative and alternate representative at least ten (10) days prior to each meeting.

B. Special meetings may be called in accordance with the California Ralph M. Brown Act. Special meetings may be called by the Chairperson. No business except that specified in the notice shall be discussed at a special meeting.

C. All meetings shall be conducted in accordance with the Ralph M. Brown Act.

Section 2: Closed Sessions.

A. All information presented in closed session shall be confidential. Ex-Officio non-voting members shall not be permitted to attend closed sessions.

B. Under Government Code Section 54956.96, StanCOG adopts a joint powers agency limited disclosure policy as follows:

1. All information received by the legislative body of the local agency member in a closed session related to the information presented to StanCOG in closed session shall be confidential. However, a member of the legislative body of a member local agency may disclose information obtained in a closed session that has directed financial or liability implications for that local agency to the following individuals:

a) Legal counsel of that member local agency for purposes of obtaining advise on whether the matter has direct financial or liability implications for that member local agency.

b) Other members of the legislative body of the local agency present in a closed session of that member local agency.

2. Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

Section 3: Cancellation of Meetings.

The StanCOG Executive Director or the Chairperson of the StanCOG Policy Board may cancel any regular or special meeting of StanCOG except upon objection by any representative.

Section 4: Notice of Meetings.

A. Notice of regular meetings shall be in accordance with the Ralph M. Brown Act. The StanCOG Executive Director or the Chairperson of the StanCOG Policy Board shall direct the publication of notices of all meetings, public hearings, etc., as required by the California Government Code. Such notices shall specify the place, the day, and the hour of the meeting and accompanying the notice shall be a copy of the agenda for that meeting.

B. In the case of special meetings, the written notice shall specify the specific nature of the business to be transacted and shall be in accordance with the Ralph M. Brown Act.

Section 5: Committee Meetings.

Except as herein or otherwise provided, the Standing Committees of StanCOG shall meet on the call of their Chairperson. Notice of committee meetings shall be in accordance with the Ralph M. Brown Act.

Section 6. Quorum.

A quorum for conducting all matters of business shall be the presence of at least one (1) representative, or the alternate, from a majority of the Member Agencies. A two-thirds majority of those present shall be required to approve all expenditures.

Section 7. Voting.

A. Voting shall only be conducted at properly noticed meetings where a quorum has been established and members are physically present, except as provided in Government Code Section 54953 for teleconferencing.

B. Voting shall be by voice, show of hands, or roll call vote. Any Director may request a roll call vote.

C. In all cases, a vote to “abstain” shall be counted as an “aye” vote unless there is a majority vote to defeat the motion and then the vote to abstain shall be counted as a “no” vote.

Section 8: Lack of a Quorum.

A. If less than a quorum of the Directors are present at any properly called regular, adjourned regular, special, or adjourned special meeting, the member(s) who are present may adjourn the meeting to a time and place specified in the order of adjournment. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was to have been held within 24 hours after adjournment.

B. If all the members are absent from any regular or adjourned regular meeting, the Executive Director may so adjourn the meeting and post the order or notice of adjournment as provided, and additionally shall cause a written notice of the adjournment to be given in the same manner as for a notice of a special meeting.

C. If the notice or order of adjournment fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for the regular meeting of StanCOG.

Section 9. Agenda.

Any Director or the Executive Director may cause an item to be placed on the agenda.

Section 10. Adjournment.

Except as provided in Section 8 above, a meeting may be adjourned by the presiding officer's own action; however, any Director may object to such adjournment by the presiding officer and then a motion and action is required in order to adjourn the meeting in accordance with Robert's Rules of Order.

**ARTICLE III**  
**CONDUCT OF MEETINGS**

Section 1: General Conduct.

Except as herein or otherwise provided, ROBERTS RULES OF ORDER shall govern all proceedings of the Council. In any event, all proceedings and conduct of the meetings shall be in full compliance with the State of California Government Code.

Section 2. Decorum

All Directors, and staff, shall conduct themselves in accordance with Robert's Rules of Order and in a civil and polite manner toward other board members, employees, and the public. Using derogatory names, interrupting the speaker having the floor, or being disorderly or disruptive, are prohibited actions. If any meeting is willfully interrupted by any individual so as to render the orderly conduct of that meeting infeasible, that individual may be removed from the meeting. If any group or groups of persons willfully interrupts a meeting so as to render the orderly conduct of that meeting infeasible, the presiding officer, or a majority of the Board, may clear the meeting room in accordance with Government Code Section 54957.9.

Section 3: Voting Authorization.

All votes shall be cast by the person or persons authorized to do so by the member which they represent. Such authorization shall be made known to the Executive Director of StanCOG at least twenty-four hours prior to the meeting. No proxy, absentee, or fractional votes may be cast.

**ARTICLE IV**  
**EXECUTIVE SESSIONS**

Section 1: Executive Sessions.

Executive sessions shall be held in conformance with the Government Code of the State of California.

**ARTICLE V**  
**OFFICERS**

Section 1: Chair.

A. The representatives of StanCOG shall elect from among their members a Chair of the Policy Board. The Chair shall serve a one-year term of office beginning at the first regular meeting of each calendar year. The Chair may serve more than one (1) term if re-elected by the Policy Board.

B. The Chair shall preside at all meetings of the Policy Board and such other meetings approved by the Policy Board.

C. The Chair shall serve as the official spokesperson for the Policy Board.

D. The Chair shall appoint such committees and other working groups as prescribed by the Policy Board.

E. The Chair shall designate Directors or others to represent the Policy Board at various meetings, hearings, and conferences.

F. The Chair shall perform such other duties as necessary to carry out the work of the Policy Board or as prescribed by law.

Section 2: Vice-Chair.

A. The representatives of StanCOG shall elect from among their members a Vice-Chair of the Policy Board. The Vice-Chair shall serve a one-year term of office beginning at the first regular meeting in each calendar year. The Vice-Chair may serve more than one (1) term if re-elected by the Policy Board.

B. The Vice-Chair shall act in the place of and have all the powers and duties of the Chair in the absence of the Chair.

Section 3: Absences.

In the absence of both the Chair and the Vice-Chair, a majority of the Policy Board shall select a Director to serve as Chair Pro Tem.

Section 4: Secretary.

The Executive Director shall serve as the Secretary of the StanCOG Policy Board. The Secretary shall maintain a public record of the Policy Board's resolutions, transactions, findings, and determinations, and shall prepare agendas and minutes of each Regular and Special meeting of StanCOG.

Section 5: Vacancy.

Upon a vacancy occurring in the office of the Chair, the Vice-Chair shall assume the office of Chair for the balance of the unexpired term. Upon a vacancy occurring in the office of the Vice-Chair the representatives shall elect, from among their members, a Vice-Chair to serve the balance of the unexpired term.

**ARTICLE VI**  
**COMMITTEES**

Section 1: Standing Committees.

The Standing Committees of the Council shall be:

A. Executive Committee.

The Executive Committee shall consist of five (5) members of the StanCOG Policy Board: Two of the representatives from the Stanislaus County Board of Supervisors, to be appointed by and serve at the pleasure of the Stanislaus County Board of Supervisors; One of the representatives from the City of Modesto, to be appointed by and to serve at the pleasure of the City of Modesto City Council, and; Two representatives from among the other Cities, said representatives to be chosen each year by the Policy Board members representing the cities other than Modesto, and serve at the pleasure of these other cities. The Chairperson and Vice-Chairperson of the Policy Board shall be ex officio two of the five members of the Executive Committee, representing their respective Member Agencies, and shall serve as the Chairperson and Vice-Chairperson of the Executive Committee.

The Executive Committee shall be operated in accordance with the Bylaws of the Policy Board.

B. Management and Finance Committee.

The Management and Finance Committee shall consist of the Chief Administrative Official for the County of Stanislaus, or his or her designee; and the City Manager/Administrator for the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford.

The Management and Finance committee shall be operated in accordance with the Bylaws of the Policy Board.

C. Social Services Transportation Advisory Council.

The Social Services Transportation Advisory Council shall consist of the following members who are residents of Stanislaus County:

1. One representative of potential transit users who is 60 years of age or older.
2. One representative of potential transit users who is handicapped.
3. Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.
4. Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.
5. One representative of a local social service provider for persons of limited means.
6. Two representatives from the local consolidated transportation service agency, designated pursuant to Subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.
7. Up to two (2) additional representatives, if desired by StanCOG and appointed by the Executive Committee.

The Social Services Transportation Advisory Committee shall be operated in accordance with the Bylaws of the Social Services Transportation Advisory Committee.

D. Citizens Advisory Committee.

The Citizens Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

The Citizens Advisory Council shall be operated in accordance the Bylaws of the Citizens Advisory Council.

D. Bicycle / Pedestrian Advisory Committee .

The Bicycle/Pedestrian Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

The Bicycle/Pedestrian Advisory Committee shall be operated in accordance with the Bylaws of the Bicycle/Pedestrian Advisory Committee.

F. Valley Vision Stanislaus Steering Committee.

The Valley Vision Stanislaus Steering Committee shall be comprised of up to twenty-one (21) members which shall consist of Tier I and Tier II members as follows:

Tier I Members: One representative (Planning Director or his/her designee) from each of the ten (10) Member Agencies (Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford, and Stanislaus County); one (1) representative (Executive Officer or his/her designee) from LAFCO; one (1) representative from the Policy Board.

Tier II Members: One representative may be appointed as needed from each of the following: Citizens Advisory Committee, Health Industry, Agriculture Industry, Environment/Conservation, Economic Development, Building Industry, Transit User/Provider, Education and Environmental Justice.

The Valley Vision Stanislaus Steering Committee shall be operated in accordance with the Bylaws of the Valley Vision Stanislaus Steering Committee.

Section 2: Special Committees.

The Chair of the Policy Board or Directors may appoint additional committees as may be necessary or desirable.

**ARTICLE VII**  
**FINANCIAL DETERMINATIONS**

Section 1: Withdrawal.

A member of the Council that withdraws from the Council shall not have its financial contribution refunded.

Section 2: Newly Incorporated Cities.

Any newly incorporated city which becomes a member of the Council after the commencement of a fiscal year shall not be required to contribute financially to the Council until the subsequent fiscal year, providing that the said newly incorporated city becomes a member of the Council within one (1) year of its incorporation date.

Section 3: Other Political Entities.

Any other political entity which becomes a member of StanCOG after the commencement of a fiscal year shall contribute to the Council that amount which it would have contributed had it been a member at the commencement of the fiscal year.

**ARTICLE VIII**  
**REFERRALS**

StanCOG may accept by letter or resolution referrals for study and report from any duly constituted advisory or legislative body or their representatives. Reports will be made and returned to the referring body within a reasonable time.

**ARTICLE IX**  
**REPORTS**

StanCOG shall render a written report on its activities at the end of each fiscal year of operation to each legislative body which is a Member Agency of StanCOG.

**ARTICLE X**  
**INITIATIVE**

StanCOG may, upon its own initiative, institute action to carry out any routine or special study or project.

**ARTICLE XI**  
**COORDINATION**

It is the policy of StanCOG to establish technical and advisory liaison with all other agencies and bodies seeking to improve the quality of planning, health, safety, welfare and governmental services for the Stanislaus Regional Area.

**ARTICLE XII**  
**TRANSMITTAL OF PLANNING INFORMATION**

StanCOG hereby approves as a regular operating procedure the transmittal of planning information to the individual Boards of Supervisors, City Councils, County and City Planning Commissions, the California State Office of Planning, and any other duly constituted regional area, metropolitan, or other Planning Commission which may request in writing such information.

**ARTICLE XIII**  
**AMENDMENTS**

Section 1: These Bylaws may be amended by a two-thirds vote of those representatives voting at a Regular Meeting of the StanCOG Policy Board.

Section 2: Amendments to these Bylaws may be proposed by any representative of StanCOG.

Section 3: In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted in writing by the Secretary to the representatives and alternate representatives at least fifteen (15) days prior to the meetings.

**APPENDIX I**

**STANISLAUS COUNCIL OF GOVERNMENTS**

**SOCIAL SERVICES TRANSPORTATION ADVISORY COUNCIL**

**BYLAWS**

**ARTICLE I**  
**FUNCTION**

Section 1: The Social Services Transportation Advisory Council (SSTAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board and have the following responsibilities:

1. Annually participate in the identification of transit needs in the jurisdiction, including unmet transit needs that may exist within the jurisdiction of the Stanislaus Council of Governments, and that may be reasonable to meet by establishing or contracting for new public transportation or specialized transportation services or by expanding existing services.
2. Annually review and recommend action by StanCOG for the area within StanCOGs jurisdiction which finds by resolution, that:
  - A. there are no unmet transit needs; or
  - B. there are no unmet transit needs that are reasonable to meet; or
  - C. there are unmet transit needs, including needs that are reasonable to meet.
3. Advise StanCOG on any other major transit issues, including the coordination and consolidation of specialized transportation services.

**ARTICLE II**  
**MEMBERSHIP**

Section 1: The Social Services Transportation Advisory Council shall consist of the following members who are residents of Stanislaus County:

1. One representative of potential transit users who is 60 years of age or older.

2. One representative of potential transit users who is handicapped.
3. Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.
4. Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.
5. One representative of a local social service provider for persons of limited means.
6. Two representatives from the local consolidated transportation service agency, designated pursuant to Subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.
7. Up to two (2) additional representatives, if desired by StanCOG and appointed by the Executive Committee.

Section 2: A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 3: Any qualified resident of Stanislaus County may apply for membership on the Social Services Transportation Advisory Council. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Social Services Transportation Advisory Council shall be valid for a period of two years. After this time, the applicant's name may be removed from the list of applicants.

Section 4: The Executive Committee of StanCOG shall appoint, from the list of applicants, the members of the Social Services Transportation Advisory Council.

### **ARTICLE III** **TERM OF OFFICE**

Section 1: Of the initial appointments to the Social Services Transportation Advisory Council, one-third of them shall be for a one-year term, one-third shall be for a two-year term, and one-third shall be for a three-year term.

Section 2: Subsequent to the initial appointment, the term of appointment shall be for three years, which may be renewed for additional three-year terms.

**ARTICLE IV**  
**MEETINGS**

Section 1: The Policy Board shall establish a regular place and time for meetings of the Social Services Transportation Advisory Council, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

**ARTICLE V**  
**ATTENDANCE**

The members of the Social Services Transportation Advisory Council will be expected to attend the meetings of the Council on a regular basis. Any member of the Council who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year, may be dismissed from the Council.

**ARTICLE VI**  
**REMOVAL**

The Executive Committee of StanCOG may, at any time, recommend the removal of any member of the Social Services Transportation Advisory Council. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

**ARTICLE VII**  
**OFFICERS, RULES, AND PROCEDURES**

Section 1: The Social Services Transportation Advisory Council shall elect from among its membership a Chair, and a Vice-Chair. The term of office shall be for one year.

Section 2: The Social Services Transportation Advisory Council shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Social Services Transportation Advisory Council shall conduct all proceedings in conformity with Robert's Rules of Order and the Brown Act.

Section 3: All references to "year" shall refer to the StanCOG fiscal year, July 1 through June 30.

**ARTICLE VIII**  
**STAFF**

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Social Services Transportation Advisory Council and shall provide the Social Services Transportation Advisory Council with appropriate staff assistance.

**ARTICLE IX**  
**FINANCING**

Section 1: Except as specifically provided by the StanCOG Policy Board, the members of the Social Services Transportation Advisory Council shall receive no compensation for their service.

Section 2: The Policy Board shall provide the Committee with the financial support StanCOG deems necessary for the successful functioning of the Social Services Transportation Advisory Council.

**ARTICLE X**  
**AMENDMENT OF BYLAWS**

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the Social Services Transportation Advisory Council present and voting at a regular meeting of the Social Services Transportation Advisory Council, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members present and voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the said proposed amendment has been submitted in writing to the members of the Social Services Transportation Advisory Council at least fifteen (15) days prior to the meeting at which a vote is to be taken.

**APPENDIX II**

**STANISLAUS COUNCIL OF GOVERNMENTS**

**CITIZENS ADVISORY COMMITTEE BYLAWS**

**ARTICLE I**  
**FUNCTION**

Section 1: The Citizens Advisory Committee (CAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on matters related to transportation from the public's perception and transportation activities affecting the general public.

**ARTICLE II**  
**MEMBERSHIP**

Section 1: The Citizens Advisory Committee shall be comprised of ten (10) residents of Stanislaus County. A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 2: The ten members of the Committee shall consist of one representative from each of the following jurisdictions:

City of Ceres	City of Hughson
City of Modesto	City of Newman
City of Oakdale	City of Patterson
City of Riverbank	City of Turlock
City of Waterford	Stanislaus County

Section 3: Any resident of Stanislaus County may apply for membership on the Citizens Advisory Committee. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Committee shall be valid for a period of two (2) years. After this time, the applicant's name may be removed from the list of applicants.

Section 4: The Policy Board's Executive Committee shall appoint from the list of applicants the members of the Citizens Advisory Committee.

Section 5: When making Citizen's Advisory Committee appointments, the Policy Board's Executive Committee shall attempt to fill vacancies on the Committee by appointing members from an agency or jurisdiction that is not already represented on the Committee. The Executive Committee shall also consider obtaining a balance of views and a cross-section of county interests.

**ARTICLE III**  
**TERM OF OFFICE**

Section 1: Each appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any member of the Committee serve on the Committee longer than eight (8) consecutive years.

**ARTICLE IV**  
**MEETINGS**

Section 1: The Policy Board shall establish a regular place and time for meetings of the Committee, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

**ARTICLE V**  
**ATTENDANCE**

The members of the Citizens Advisory Committee will be expected to attend the meetings of the Committee on a regular basis. Any member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year, may be dismissed from the Committee.

**ARTICLE VI**  
**REMOVAL**

The Executive Committee may, at any time, recommend the removal of any member of the Citizens Advisory Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

**ARTICLE VII**  
**OFFICERS, RULES, AND PROCEDURES**

Section 1: The Citizens Advisory Committee shall elect from among its membership a Chair, and a Vice-Chair. The term of office shall be one year.

Section 2: The Citizens Advisory Committee shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board.

The Committee shall conduct all proceedings in conformity with Robert's Rules of Order and the Brown Act.

Section 3: All references to "year" shall refer to the StanCOG fiscal year, July 1 through June 30.

## **ARTICLE VIII** **STAFF**

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Citizens Advisory Committee and shall provide the Committee with appropriate staff assistance.

## **ARTICLE IX** **FINANCING**

Section 1: Except as specifically provided by the Policy Board, the members of the Citizens Advisory Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the Committee with the financial support deemed necessary for the successful functioning of the Committee.

## **ARTICLE X**

### **AMENDMENT OF BYLAWS**

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the Committee present and voting at a regular meeting of the Committee, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted in writing to the members of the committee at least fifteen (15) days prior to the meeting at which a vote is to be taken.

**APPENDIX III**

**STANISLAUS COUNCIL OF GOVERNMENTS**

**BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE BYLAWS**

**ARTICLE I**  
**FUNCTION**

The Bicycle and Pedestrian Advisory Committee (BPAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on matters related to bicycle and pedestrian needs or concerns and advise on the development of the StanCOG Non-motorized Transportation Plan.

**ARTICLE II**  
**MEMBERSHIP**

Section 1: The Bicycle and Pedestrian Advisory Committee shall be comprised of ten (10) residents of Stanislaus County. A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 2: The ten members of the Committee shall consist of one representative from each of the following jurisdictions:

City of Ceres	City of Hughson
City of Modesto	City of Newman
City of Oakdale	City of Patterson
City of Riverbank	City of Turlock
City of Waterford	Stanislaus County

Section 3: Any resident of Stanislaus County may apply for membership on the Bicycle and Pedestrian Advisory Committee. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Committee shall be valid for a period of two (2) years. After this time, the applicant's name may be removed from the list of applicants.

Section 4: The Policy Board's Executive Committee shall appoint from the list of applicants the members of the Bicycle and Pedestrian Advisory Committee.

Section 5: When making Bicycle and Pedestrian Advisory Committee appointments, the Policy Board's Executive Committee shall attempt to fill vacancies on the Committee by appointing members from an agency or jurisdiction that is not already represented on the Committee. The Executive Committee shall also consider obtaining a balance of views and a cross-section of county interests.

Section 6: The following agencies are invited to have members attend meetings of the BPAC and share their expertise, as non-voting members.

- Various City agencies having an interest in non-motorized transportation
- Stanislaus County [Department of Public Works, Traffic Engineering, or related departments]
- California Department of Transportation [CalTrans]
- Stanislaus County-based bicycling or pedestrian organizations

Section 7: Any appointment term shall commence as of the date of appointment.

### **ARTICLE III** **TERM OF OFFICE**

Section 1: Each appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any member of the Committee serve on the Committee longer than eight (8) consecutive years.

### **ARTICLE IV** **MEETINGS**

Section 1: The Policy Board shall establish a regular place and time for meetings of the Committee, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

### **ARTICLE V** **ATTENDANCE**

The members of the Bicycle and Pedestrian Advisory Committee are expected to attend the meetings of the Committee on a regular basis. Any member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year may be dismissed from the Committee.

**ARTICLE VI**  
**REMOVAL**

The Policy Board Executive Committee may, at any time, recommend the removal of any member of the Bicycle and Pedestrian Advisory Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

**ARTICLE VII**  
**OFFICERS, RULES, AND PROCEDURES**

Section 1: The BPAC shall elect from among its membership a Chair and a Vice-Chair. The term of office for each shall be one year.

Section 2: The BPAC shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Committee shall conduct all proceedings in conformity with Robert's Rules of Order and the Brown Act.

Section 3: All references to "year" shall refer to the California fiscal year, July 1 through June 30.

**ARTICLE VIII**  
**STAFF**

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Bicycle and Pedestrian Advisory Committee and shall provide the Committee with appropriate staff assistance.

**ARTICLE IX**  
**FINANCING**

Section 1: Except as specifically provided by the Policy Board, the members of the Bicycle and Pedestrian Advisory Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the BPAC with the financial support deemed necessary for the successful functioning of the Committee.

**ARTICLE X**  
**AMENDMENT OF BYLAWS**

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the BPAC voting at a regular meeting of the Committee, and shall be subject to the

majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted, in writing, to the members of the BPAC at least fifteen (15) days prior to the meeting at which a vote is to be taken.

PROPOSED

**APPENDIX IV**

**STANISLAUS COUNCIL OF GOVERNMENTS**

**VALLEY VISION STANISLAUS STEERING COMMITTEE BYLAWS**

**ARTICLE I**  
**FUNCTION**

The Valley Vision Stanislaus Steering Committee (VVS) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on issues related to the development of the Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP).

**ARTICLE II**  
**MEMBERSHIP**

Section 1: The Valley Vision Stanislaus Steering Committee shall be comprised of up to twenty-one (21) members. A quorum shall consist of one-half (1/2) plus 1 (1) of the current membership.

Section 2: The twenty-one (21) members of the Committee shall consist of Tier I and Tier II members.

Tier I Members:

One representative (Planning Director or his/her designee) from each of the 10 Member Agencies:

City of Ceres	City of Hughson
City of Modesto	City of Newman
City of Oakdale	City of Patterson
City of Riverbank	City of Turlock
City of Waterford	Stanislaus County

One representative (Executive Officer or his/her designee) from LAFCO

One representative from the Policy Board

Tier II Members:

One representative may be appointed as needed from each of the following:

Citizens Advisory Committee  
Health Industry  
Agriculture Industry  
Environment/Conservation  
Economic Development  
Building Industry  
Transit User/Provider  
Education  
Environmental Justice

**ARTICLE III**  
**TERM OF OFFICE**

Section 1: Tier I appointments shall not be subject to term restrictions or limits. Each Tier II appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any Tier II member of the Committee serve on the Committee longer than eight (8) consecutive years.

Section 3: Any appointment term shall commence as of the date of appointment.

**ARTICLE IV**  
**MEETINGS**

Section 1: The Policy Board shall establish a regular place and time for meetings of the Committee.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

**ARTICLE V**  
**ATTENDANCE**

The members of the Valley Vision Stanislaus Steering Committee are expected to attend the meetings of the Committee on a regular basis. Any Tier II member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year may be dismissed from the Committee.

**ARTICLE VI**  
**REMOVAL**

The Policy Board Executive Committee may, at any time, recommend the removal of any Tier II member of the Valley Vision Stanislaus Steering Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

**ARTICLE VII**  
**OFFICERS, RULES, AND PROCEDURES**

Section 1: The VVS shall elect from among its membership a Chair and a Vice-Chair. The term of office for each shall be one year.

Section 2: The VVS shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Committee shall conduct all proceedings in conformity with Robert's Rules of Order and the Brown Act.

Section 3: All references to "year" shall refer to the California fiscal year, July 1 through June 30.

**ARTICLE VIII**  
**STAFF**

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Valley Vision Stanislaus Steering Committee and shall provide the Committee with appropriate staff assistance.

**ARTICLE IX**  
**FINANCING**

Section 1: Except as specifically provided by the Policy Board, the members of the Valley Vision Stanislaus Steering Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the VVS with the financial support deemed necessary for the successful functioning of the Committee.

**ARTICLE X**  
**AMENDMENT OF BYLAWS**

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the VVS voting at a regular meeting of the Committee, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted, in writing, to the members of the VVS at least fifteen (15) days prior to the meeting at which a vote is to be taken.

PROPOSED

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.D

### SECTION 3: CONSENT CALENDAR

<b>Meeting Date:</b>	February 23, 2016
<b>Subject/ Title:</b>	A <b>Resolution</b> of the City Council of the City of Riverbank, California, Appointing a Member to the City of Riverbank Budget Advisory Committee
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Marisela H. Garcia, Director of Finance

#### **RECOMMENDATION:**

It is recommended that the City Council approve the by **Resolution** the Mayor-recommended appointment of Daniel Park as a member of the City of Riverbank Budget Advisory Committee.

#### **SUMMARY:**

At the June 28, 2010 City Council Meeting, Council authorized staff to form a Budget Advisory Committee. This committee will serve to make recommendations, in an advisory role, to City Council on projects, programs and policies related to the City's operating budget and annual audits. The committee is comprised of five (5) voting members, one (1) non-voting Councilmember, and one (1) non-voting Councilmember alternate.

An application for appointment was received from Mr. Daniel Park. Mr. Park is the Principal of Beyer High School. His interest in becoming a member of the Committee, as well as his experience in budgeting, makes him an excellent candidate to fill the remaining vacancy on the Committee until July 26, 2016.

By recommendation of Mayor O'Brien, it is recommended that the City Council ratify the appointment of the following candidate to the Budget Advisory Committee:

- Chair 4: Mr. Daniel Park - Term Expiration 07/26/2016

**FINANCIAL IMPACT:**

There is no financial impact associated with the appointment of this member to the Budget Advisory Committee.

**STRATEGIC PLAN:**

This report is directly related to the City's Strategic Plan Three-Year Goal to:

“Achieve and Maintain Financial Stability and Sustainability”

**ATTACHMENTS:**

1. Resolution
2. Application for Appointment: Budget Advisory Committee

**CITY OF RIVERBANK**

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,  
CALIFORNIA, APPOINTING A MEMBER TO THE BUDGET ADVISORY COMMITTEE**

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**WHEREAS**, on June 28, 2010, the City Council formed the Budget Advisory Committee to provide recommendations, in an advisory role, to City Council on projects, programs and policies related to the City's operating budget and annual audits; and,

**WHEREAS**, there has been continuous recruitment for a voting member from the residents of the City of Riverbank; and,

**WHEREAS**, Mr. Daniel Park, resident of the City of Riverbank has expressed interest in becoming a member of the Budget Advisory Committee.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Riverbank hereby appoints the following resident to the City of Riverbank Budget Advisory Committee:

- **Chair 4: Daniel Park. Term to expire 07/26/2016.**

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 23<sup>rd</sup> 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:**

**APPROVED:**

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

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

Attachments: Application for Appointment: Budget Advisory Committee



**APPLICATION FOR APPOINTMENT  
BUDGET ADVISORY COMMITTEE**

Name: Daniel Park

Date: 1/27/16

Home Address: [Redacted] (City/Zip) (Telephone)

Business Address: [Redacted] (City/Zip) (Telephone)

Email Address: [Redacted] Cell: [Redacted]

Eligible applicants must reside within the Riverbank city limits and should possess a basic knowledge of accounting procedures and protocols.

Are you a legal citizen of the United States? yes  
How long have you been a resident of Riverbank? 8 yrs.

Please describe your education, employment and civic activities:

Bachelor's Degree in English  
Master's in Composition & Literature  
Teaching Credential  
School Administrative Credential

Twenty-six years in education. The past eleven as an  
administrator at Bayan High School, Modesto

What qualifies you best to advise the Riverbank City Council on budgetary issues?

I've been the principal of Bayan High School, Modesto  
for the past six years. Consequently, I've  
been responsible for the school's budget.

I hereby certify that this form is true and accurate to the best of my knowledge. I understand that I may be contacted for more information if needed. I am available for monthly/bi-monthly/quarterly evening meetings and can commit to serving until July 26, 2016 on the Committee should I be appointed.

(Signature)

1/27/16  
(Date)

Please return: In person to the Finance Department - 6617 Third Street or via e-mail at [mhgarcia@riverbank.org](mailto:mhgarcia@riverbank.org). Application period open until all vacancies are filled.

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.1

## SECTION 4: UNFINISHED BUSINESS

<b>Meeting Date:</b>	February 23, 2016
<b>Subject:</b>	Second Reading by Title Only and Adoption of Proposed <b>Ordinance No. 2016-002</b> 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
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Donna M. Kenney, Planning and Building Manager Annabelle Aguilar, CMC, Sr. Management Analyst/City Clerk

### RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2016-002 and consider its adoption by roll call vote.

### INTRODUCTION

A Public Hearing was conducted at the regular City Council meeting on February 9, 2016, to receive public opinions or evidence for or against the proposed ordinance after its first reading and introduction by title only. The City Council approved the first reading and introduction of the proposed ordinance (now titled Ordinance No. 2016-002) which moved said Ordinance to the February 23, 2016, regular City Council meeting for its second reading by title only and consideration for adoption.

### SUMMARY

At the February 9, 2016, regular meeting, City Council considered approval of a proposed General Plan Amendment (GPA), Rezone and Vesting Tentative Map (VTM) project that consisted 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). As a result, City Council adopted Resolution No. 2016-008 for the GPA of 2.42 acres to MDR, and Resolution No. 2016-009 for a Tentative Subdivision Map 01-2015 to subdivide 2.42 acres into 28 planned development, single family residential lots as presented. In addition, the first reading by title only and introduction of an ordinance to

approve rezoning of the 2.42 acres to Planned Development was approved to conduct its second reading at this evenings City Council meeting for consideration of its adoption. These actions are 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 recommended approval by adoption of PC Resolution No. 2016-005.

## **PROJECT INFORMATION AND ANALYSIS**

### **A. Site Design**

The design of the project as proposed is a small lot, attached, single family residential subdivision (Attachment 4). 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 5) 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 6). 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 7). "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 Riverbank Municipal Code (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 RMC 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 4). 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 recommended 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 is not a 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		$\$ \underline{\hspace{2cm}} \text{ PER ACRE} \times .24 = \$ \underline{\hspace{2cm}} \text{ TOTAL IN-LIEU FEE}$ $\$ \underline{\hspace{2cm}} \text{ DIVIDED BY 28 LOTS} = \$ \underline{\hspace{2cm}} \text{ TOTAL IN-LIEU FEE PER UNIT}$	

## 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. Proposed Ordinance No. 2016-002
2. City Council Resolution No. 2016-008 – General Plan Amendment
3. City Council Resolution No. 2016-009 – Zoning Ordinance Amendment
4. Vesting Tentative Parcel Map No. 01-2015
5. Floor Plans and Elevations
6. Basin and Landscaping
7. Don Rafael Avenue Petition

**CITY OF RIVERBANK**

**ORDINANCE NO. 2016-002**

**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**

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**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 (March 26, 2016), 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 23<sup>rd</sup> day of February, 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

**CITY OF RIVERBANK**

**RESOLUTION NO. 2016-008**

**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**

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**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 RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RIVERBANK HEREBY DECLARES:**

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 9<sup>th</sup> day of February, 2016; motioned by Vice Mayor Jeanine Tucker, seconded by Councilmember Leanne Jones Cruz, and upon roll call was carried by the following City Council vote of 5-0:

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

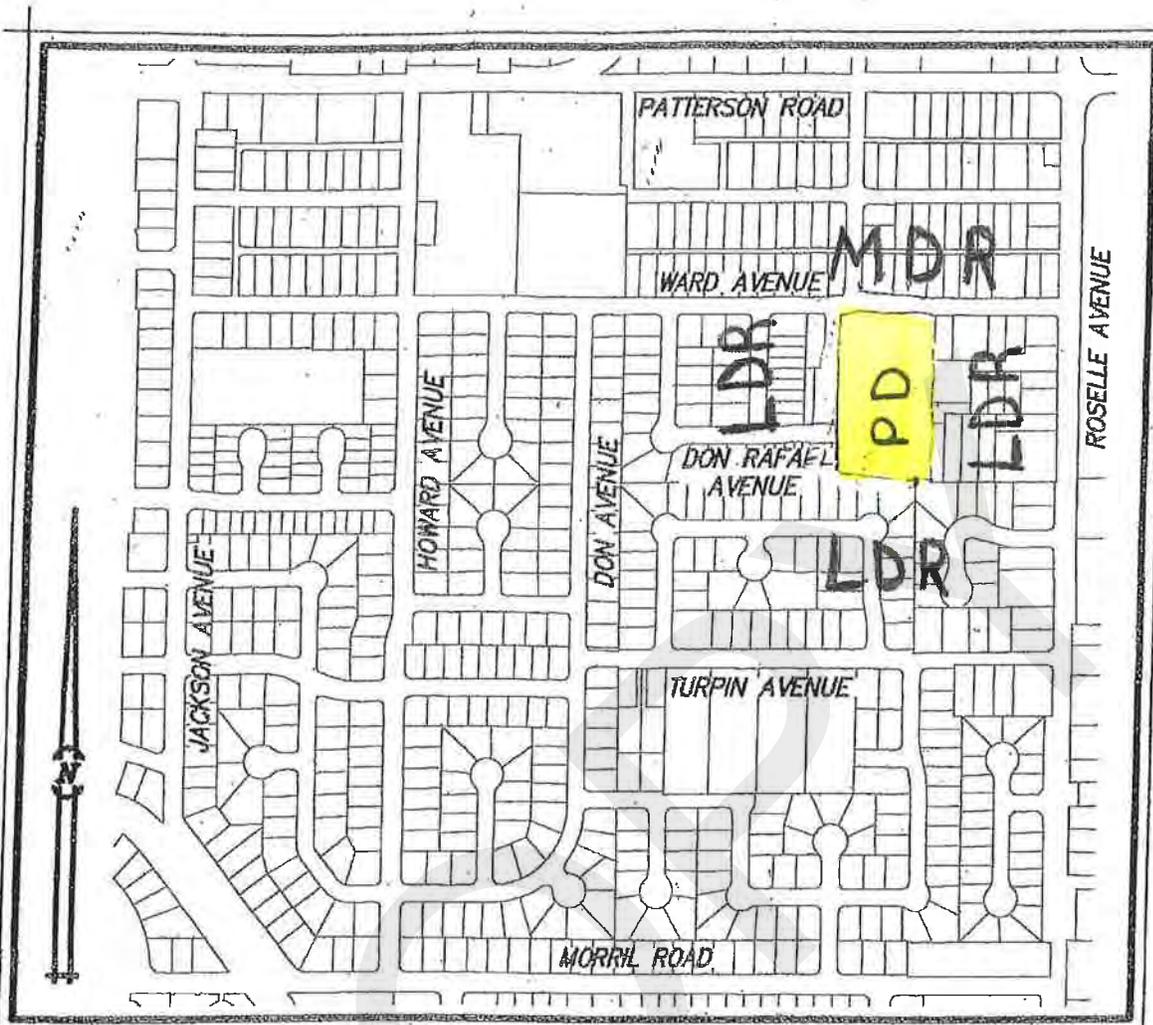
**ATTEST:**

**APPROVED:**

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

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

Attachments: Exhibit A – General Plan Exhibit



# GENERAL PLAN DESIGNATIONS

**CITY OF RIVERBANK**

**RESOLUTION NO. 2016-009**

**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**

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**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** that the City Council of the City of Riverbank hereby approves the Tentative Map Application No. 01-2015, subject to those aforementioned conditions established herein, to be built as illustrated in **Exhibit "A"** incorporated herein 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 9<sup>th</sup> day of February, 2016; motioned by Councilmember Leanne Jones Cruz, seconded by Vice Mayor Jeanine Tucker, and upon roll call was carried by the following City Council vote of 4-1:

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

**ATTEST:**

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

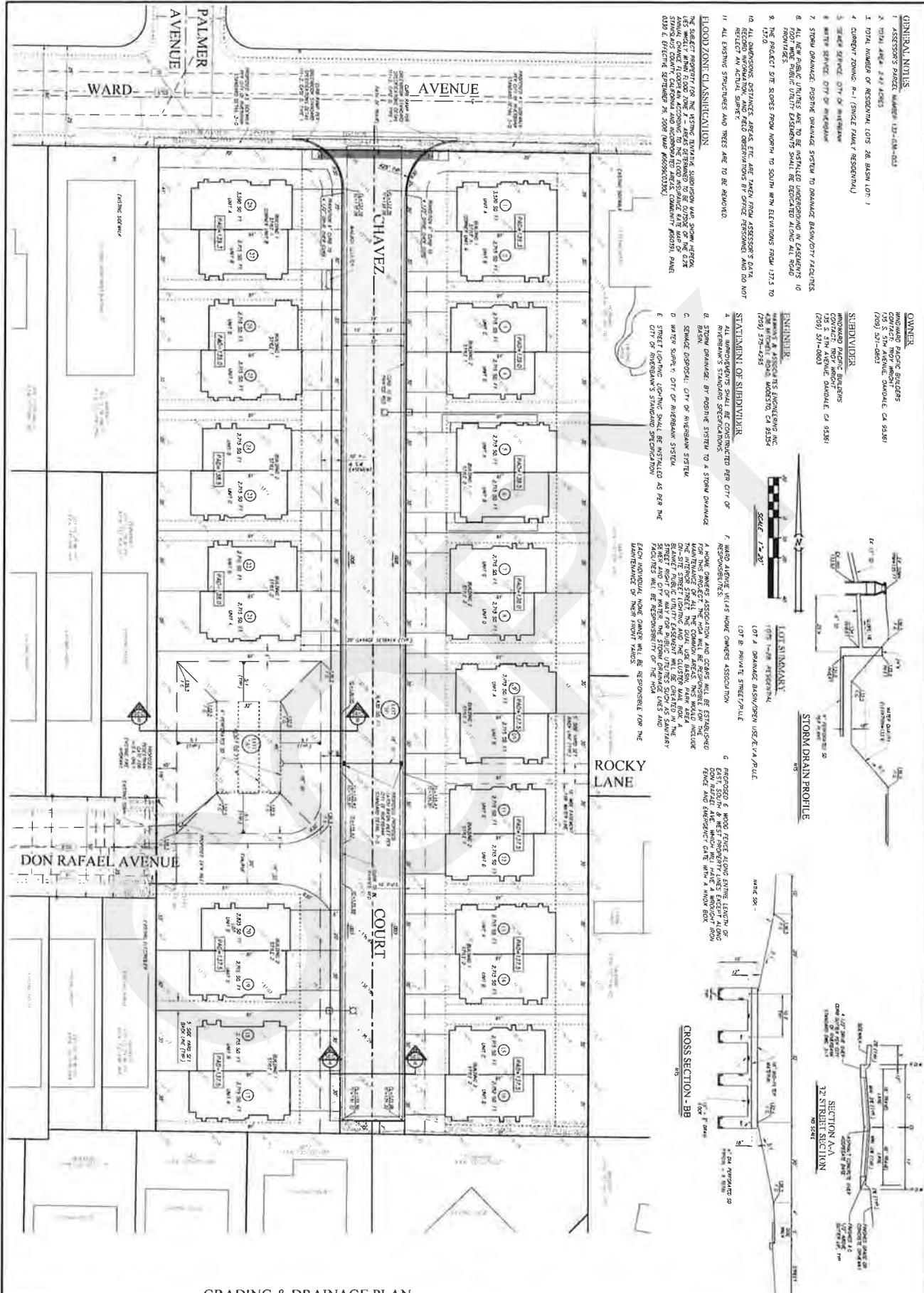
**APPROVED:**

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

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

COPY





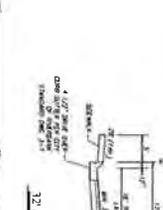
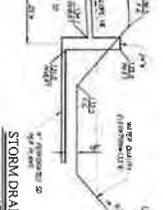
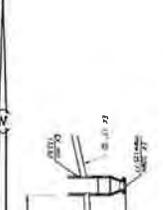
**GENERAL NOTES**

1. ASSESSORS' PARCEL NUMBER: 132-036-003
2. TOTAL AREA: 4.41 ACRES
3. TOTAL NUMBER OF RESIDENTIAL LOTS: 28 (BASED ON LOT 1)
4. CURRENT ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
5. STORM DRAINAGE SYSTEM TO BE INSTALLED UNDERGROUND IN EXISTING 10\"/>

**OWNER**  
 WARD AVENUE VILLAS  
 2912 WARD AVENUE, CA 95361  
 (209) 571-0003

**SUBDIVIDER**  
 WARD AVENUE VILLAS  
 2912 WARD AVENUE, CA 95361  
 (209) 571-0003

**ENGINEER**  
 HAWKINS & ASSOCIATES ENGINEERING INC.  
 436 MITCHELL ROAD, MODESTO, CA 95354  
 (209) 578-4295



**FLOOD ZONE CLASSIFICATION**  
 THE SUBJECT PROPERTY FOR THE EXISTING EXISTING SUBDIVISION WAS SHOWN WITHIN THE SPECIAL FLOOD HAZARD ZONE (SFHZA) DETERMINED BY THE U.S. ARMY CORPS OF ENGINEERS (USACE) AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES (CDWR) IN 1982. THE SFHZA IS SHOWN ON THE SPECIAL FLOOD HAZARD ZONE MAP (SFHZA) FOR THE CITY OF RIVERBANK, CALIFORNIA, AND IS IDENTIFIED AS A SPECIAL FLOOD HAZARD ZONE (SFHZA) WITH A FLOOD RISK INDEX (FRI) OF 1.0. THE FLOOD RISK INDEX (FRI) IS A MEASURE OF THE FLOOD RISK TO LIFE AND PROPERTY AND IS DETERMINED BY THE U.S. ARMY CORPS OF ENGINEERS (USACE) AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES (CDWR) IN 1982. THE FLOOD RISK INDEX (FRI) IS A MEASURE OF THE FLOOD RISK TO LIFE AND PROPERTY AND IS DETERMINED BY THE U.S. ARMY CORPS OF ENGINEERS (USACE) AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES (CDWR) IN 1982.

**STAINMENT OF SUBDIVIDER**  
 1. ALL IMPROVEMENTS SHALL BE CONSTRUCTED PER CITY OF RIVERBANK'S STANDARD SPECIFICATIONS.  
 2. STORM DRAINAGE: BY ROSSINI SYSTEM TO A STORM DRAINAGE SYSTEM.  
 3. SERVICE DISPOSAL: CITY OF RIVERBANK SYSTEM.  
 4. WATER SUPPLY: CITY OF RIVERBANK SYSTEM.  
 5. STREET LIGHTING: CITY OF RIVERBANK SYSTEM.  
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**GRADING & DRAINAGE PLAN**

**WARD AVENUE VILLAS VESTING TENTATIVE MAP**  
 A.P.N. 132-036-003  
 2912 WARD AVENUE  
 RIVERBANK, CALIFORNIA



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



NO.	DATE	DESCRIPTION	BY	CHKD.	APP'D.
1	02/09/16	ISSUED FOR PERMIT	KLVIN T. GIBSON		
2					
3					



**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

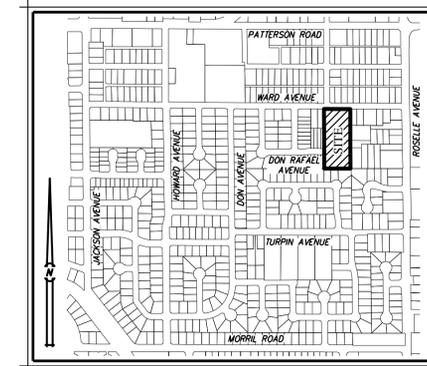
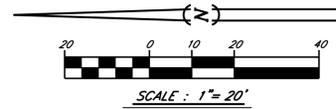
**ENGINEER:**

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

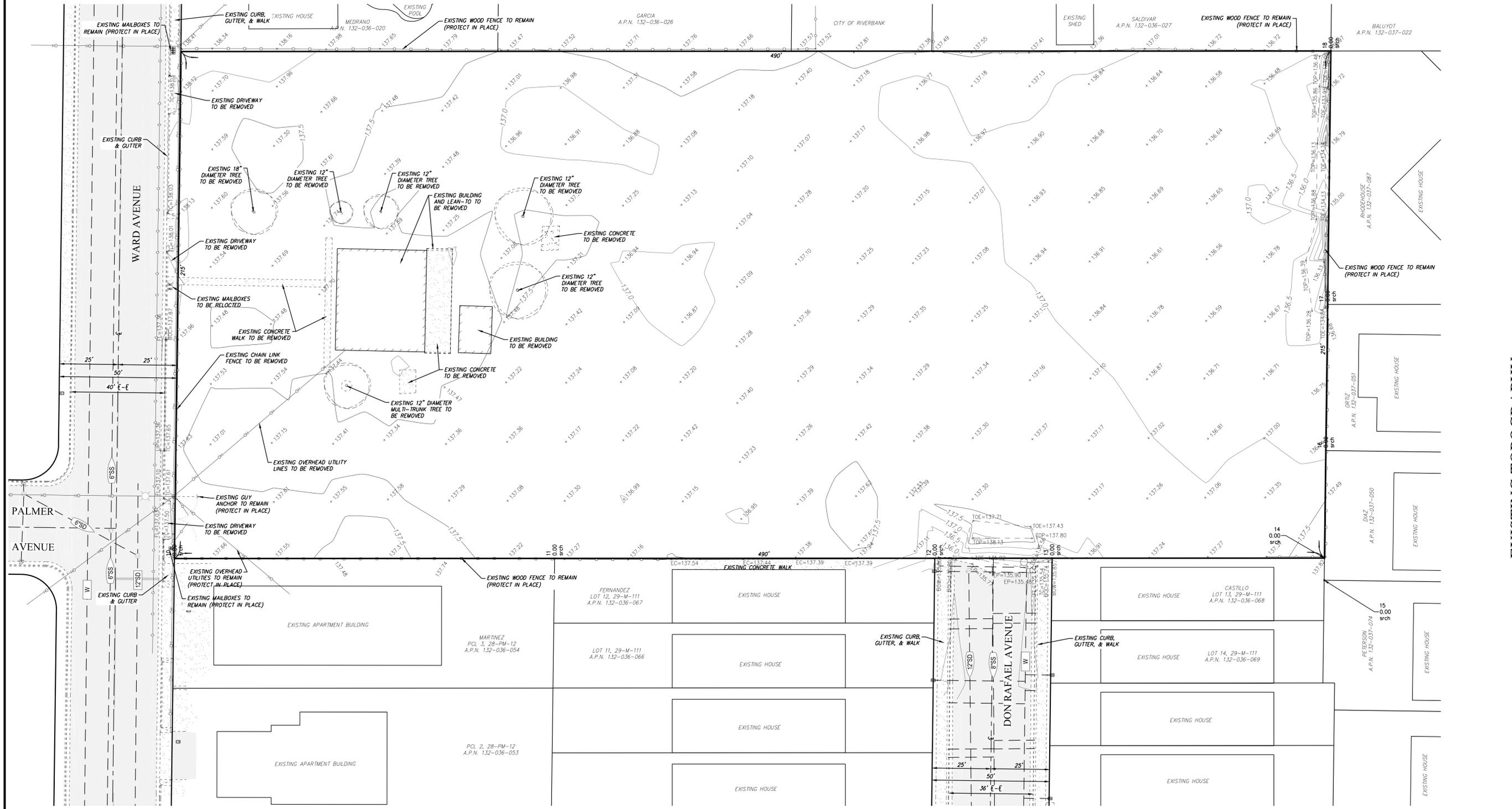
BY: RCS  
CHK: RHH  
DATE: APRIL 2015

**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



**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)
- 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.

**FLOOD ZONE CLASSIFICATION**

THE SUBJECT PROPERTY FOR THE VESTING TENTATIVE SUBDIVISION MAP, SHOWN HEREON, LIES WHOLLY WITHIN FLOOD ZONE X - AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO THE FLOOD INSURANCE RATE MAP OF STANISLAUS COUNTY, CALIFORNIA AND INCORPORATED AREAS, COMMUNITY #060391, PANEL 0330 E, EFFECTIVE SEPTEMBER 26, 2008 (MAP #06099C0330E).

**OWNER**

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

**SUBDIVIDER:**

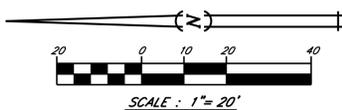
WINDWARD PACIFIC BUILDERS  
CONTACT: TROY WRIGHT  
135 S. 5TH AVENUE, OAKDALE, CA 95361  
(209) 521-0803

**ENGINEER:**

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

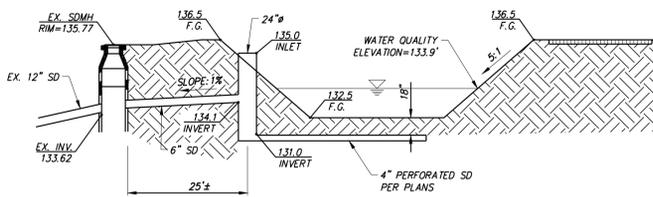
**STATEMENT OF SUBDIVIDER:**

- 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.

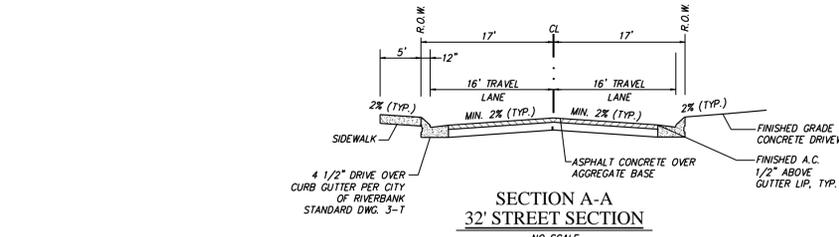


**LOT SUMMARY**

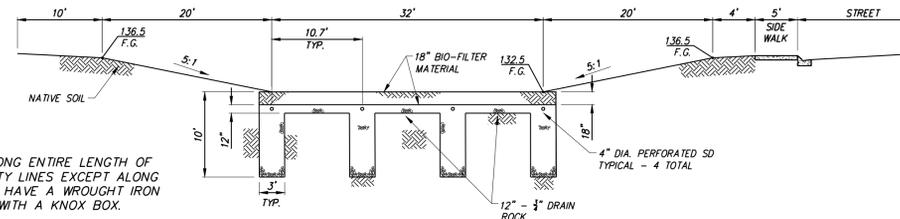
- LOTS 1-28: RESIDENTIAL
- LOT A: DRAINAGE BASIN/OPEN USE/E.V.A./P.U.E.
- LOT B: PRIVATE STREET/P.U.E.



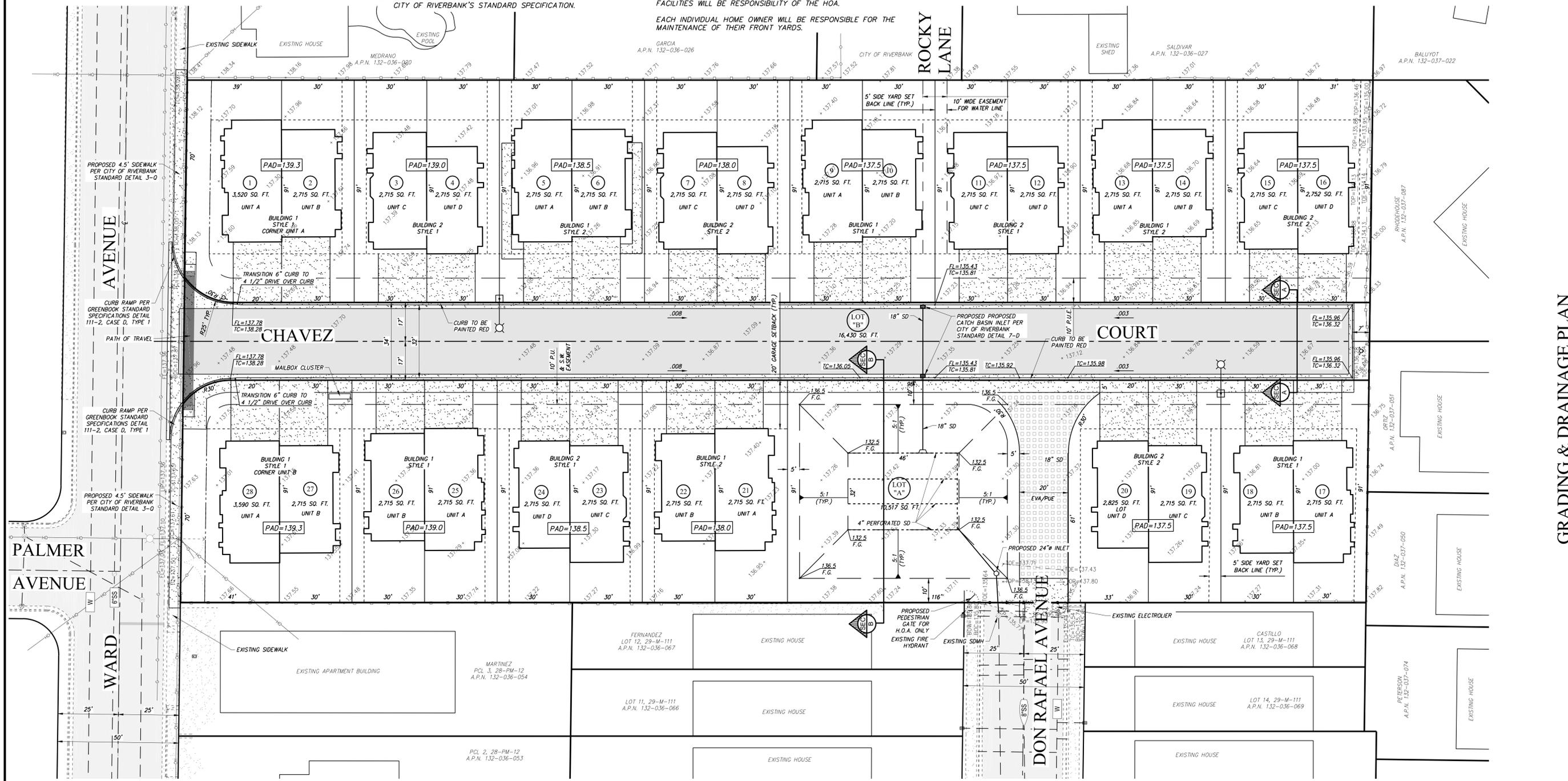
STORM DRAIN PROFILE



SECTION A-A  
32' STREET SECTION  
NO SCALE



CROSS SECTION - BB  
NTS



GRADING & DRAINAGE PLAN

WARD AVENUE VILLAS  
VESTING TENTATIVE MAP

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

DATE:  
SHEET 2  
OF 3

BY: RCS  
CHK: RHH  
DATE: APRIL 2015

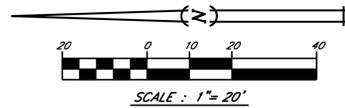
**HAWKINS & ASSOCIATES ENGINEERING, INC.**  
436 MITCHELL ROAD  
MODESTO, CA. 95354  
PH: (209) 575-4295  
FX: (209) 578-4295

PROJECT NO.	132-036-003
DATE	APRIL 2015
BY	RCS
CHK	RHH
DATE	APRIL 2015
SYM.	DESCRIPTION OF REVISION
APPD.	



**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.
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- 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:**

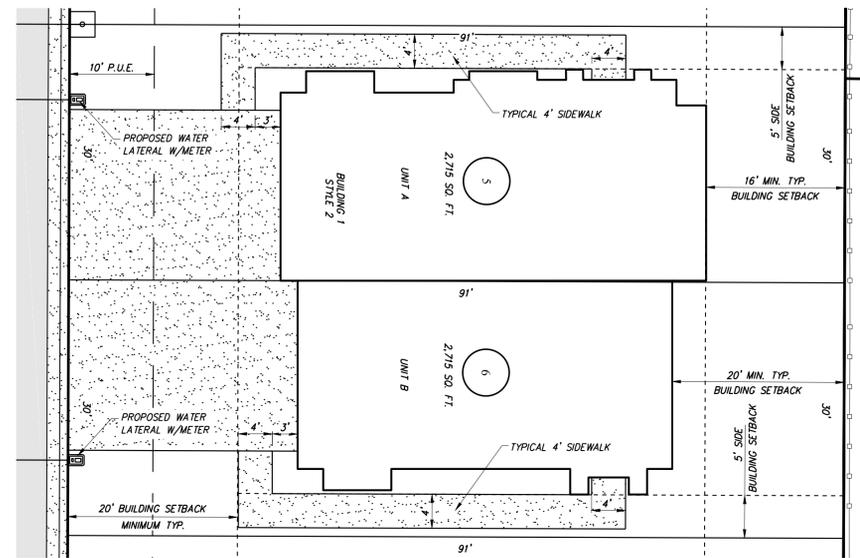
WINDWARD PACIFIC BUILDERS  
CONTACT: TROY WRIGHT  
135 S. 5TH AVENUE, OAKDALE, CA 95361  
(209) 521-0803

**SUBDIVIDER:**

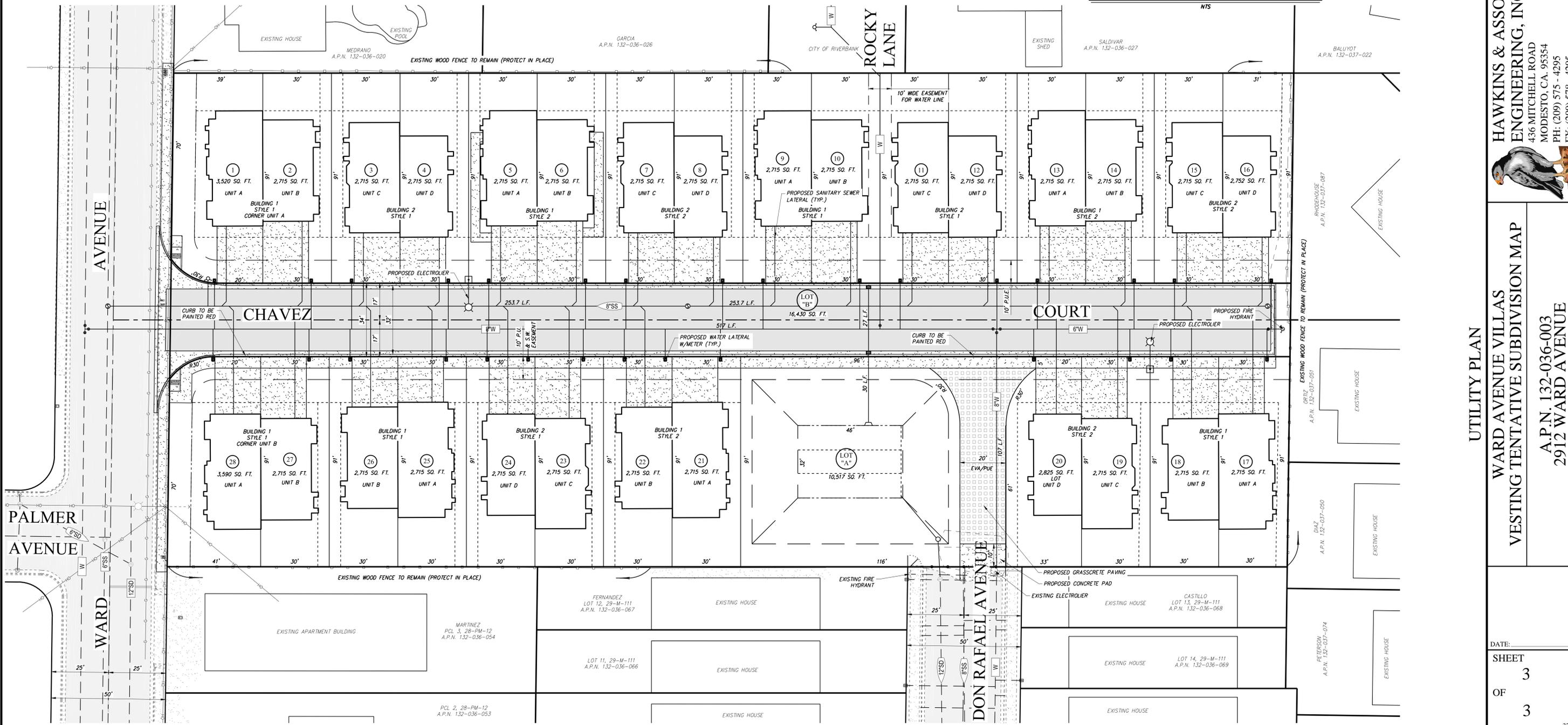
WINDWARD PACIFIC BUILDERS  
CONTACT: TROY WRIGHT  
135 S. 5TH AVENUE, OAKDALE, CA 95361  
(209) 521-0803

**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



BY: RCS  
CHK: RHH  
DATE: APRIL 2015

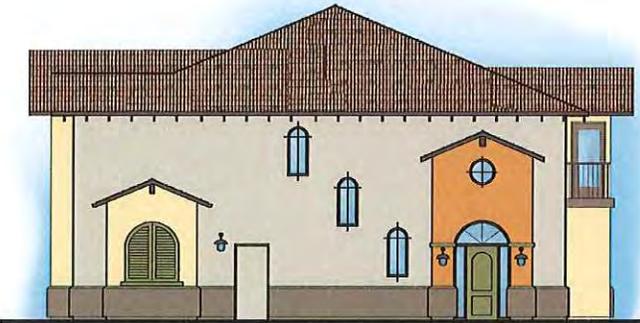
RODRICK H. HAWKINS	R.C.E. 30188
KROELIE E. LINDSAY	R.C.E. 31900, P.L.S. 4709
KEVIN J. GENASCI	P.L.S. 8660
SYM. DATE	DESCRIPTION OF REVISION
	APPD.



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

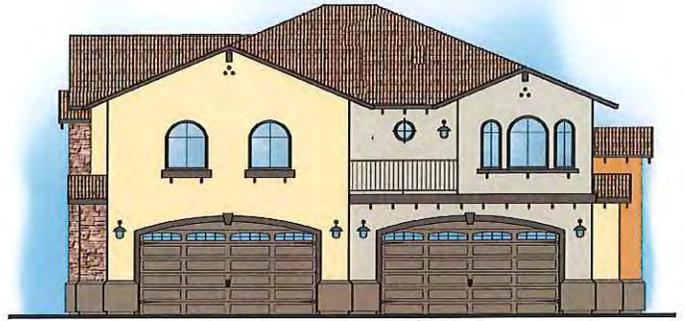
**BUILDING ONE: STYLE ONE**

RIVERBANK, CALIFORNIA

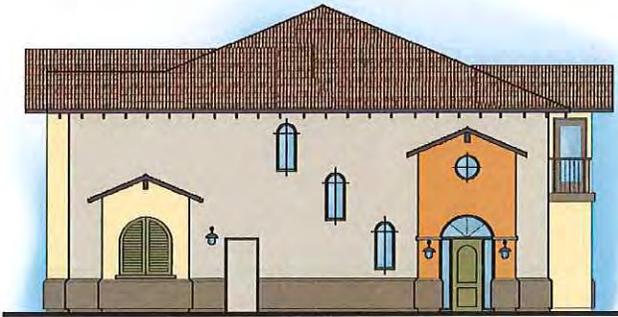
COMMERCIAL ARCHITECTURE  
 815 14TH STREET  
 MIDDLETOWN, CALIFORNIA  
 TEL: (909) 871-8188 FAX: (909) 871-8188



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

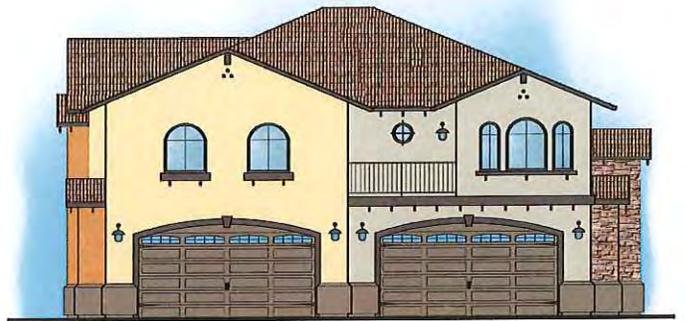
**BUILDING ONE: STYLE ONE - WARD AVE. CORNER, UNIT A**

RIVERBANK, CALIFORNIA

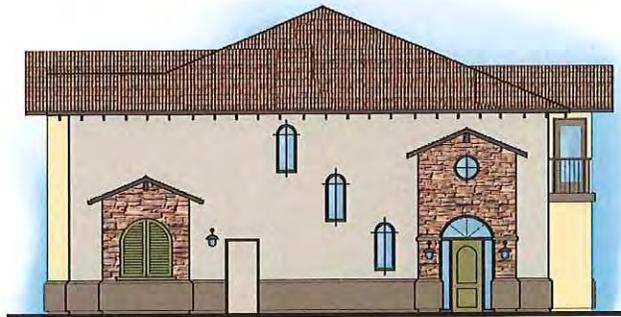
**COMMERCIAL ARCHITECTURE**  
 618 14TH STREET  
 HUNTSVILLE, CALIFORNIA  
 PH: (907) 971-6158 FAX: (907) 971-6160



BUILDING 1 - STYLE 1 - UNIT A ENTRY



BUILDING 1 - STYLE 1 - FRONT ELEVATION



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



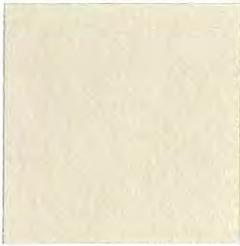
BUILDING 1 - STYLE 1 - REAR ELEVATION

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

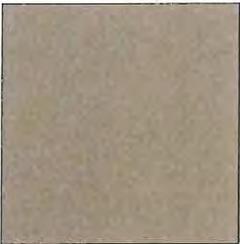
RIVERBANK, CALIFORNIA

COMMERCIAL ARCHITECTURE  
 618 14TH STREET  
 HODGESTO, CALIFORNIA  
 PH: (909) 971-6138 FAX: (909) 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



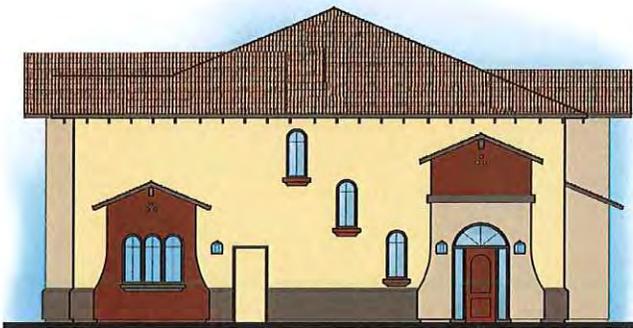
Trim/Base, Dunn Edwards, DEA 162 Log Cabin



BUILDING 1 - STYLE 2 - UNIT A ENTRY



BUILDING 1 - STYLE 2 - FRONT ELEVATION



BUILDING 1 - STYLE 2 - UNIT B ENTRY



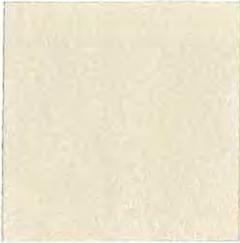
BUILDING 1 - STYLE 2 - REAR ELEVATION

**BUILDING ONE: STYLE TWO**

RIVERBANK, CALIFORNIA

COMMERCIAL ARCHITECTURE  
 616 14TH STREET  
 MODESTO, CALIFORNIA  
 PH: (209) 571-8158 FAX: (209) 571-8156

Building 1, Style 2



Body Color 1, Dunn Edwards, DE 6171 Sand Dollar



Body Color 2, Dunn Edwards, DE 6144 Graham Cracker



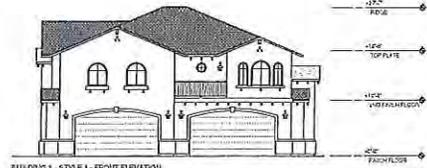
Trim/Accent, Dunn Edwards, DEA 157 Cellar Door



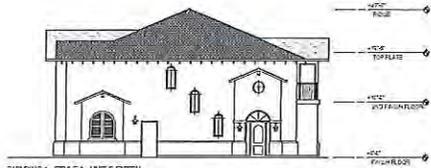
Trim/Base, Dunn Edwards, DEA 162 Log Cabin



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

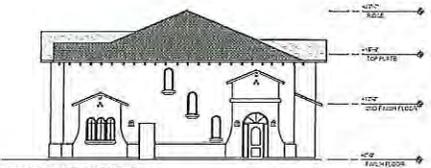
SCALE 3/4" = 1'-0"



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	
<b>A-1.1</b>	

NO.	DATE	BY

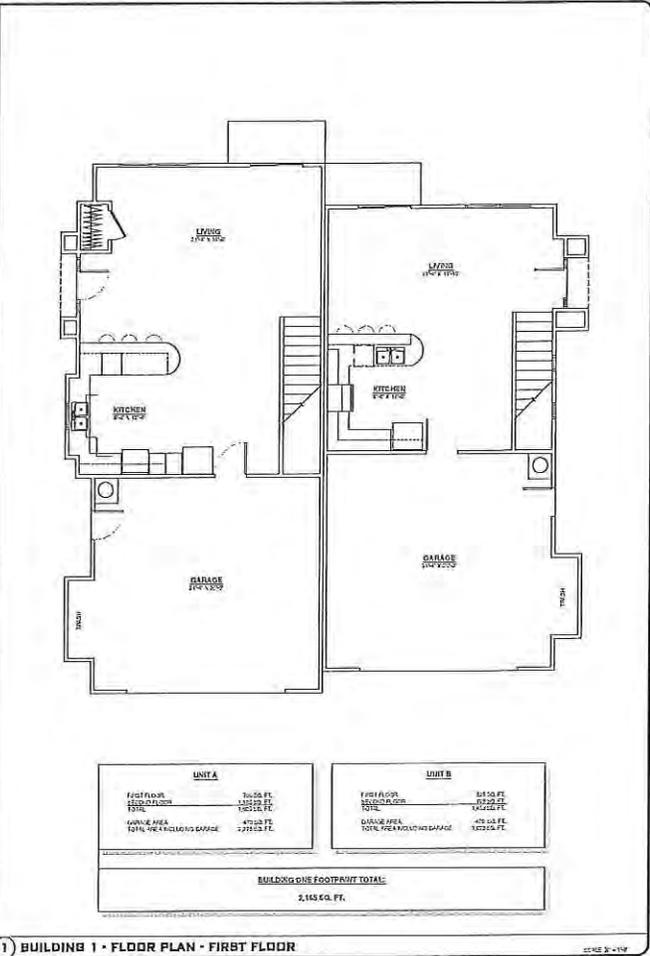
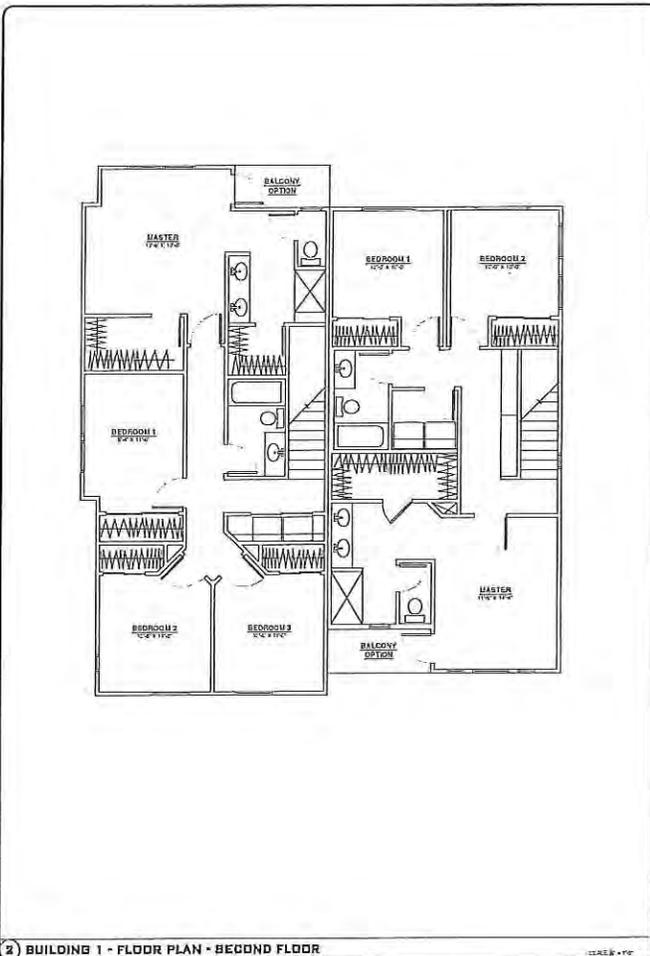
**COMMERCIAL ARCHITECTURE INC.**  
 THEODORE J. BRANDVOLD, ARCHITECT  
 816 14TH STREET, MODESTO, CA 95354  
 PH (209) 571-8158 FAX (209) 571-8160



PROJECT 1: DUNEAK HOME  
 RIVERBANK SUB-DIVISION  
 CLIENT: TONY AND JACQUELINE  
 LOCATION: WARD AVE AND PALMER DR,  
 RIVERBANK, CA 95357

SCALE: 1/8" = 1'-0"  
 DATE: 01/15/04  
 SHEET: A-1.0

**A-1.0**



UNIT A		UNIT B	
FIRST FLOOR	765.00 FT.	FIRST FLOOR	817.50 FT.
SECOND FLOOR	1,347.50 FT.	SECOND FLOOR	1,347.50 FT.
TOTAL	2,112.50 FT.	TOTAL	1,665.00 FT.
GARAGE AREA	474.00 FT.	GARAGE AREA	474.00 FT.
TOTAL AREA INCLUDING GARAGE	2,586.50 FT.	TOTAL AREA INCLUDING GARAGE	2,139.00 FT.

**BUILDING ONE FOOTPRINT TOTAL:**  
 2,143.50 FT.

2 BUILDING 1 - FLOOR PLAN - SECOND FLOOR

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

1 BUILDING 1 - FLOOR PLAN - FIRST FLOOR

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



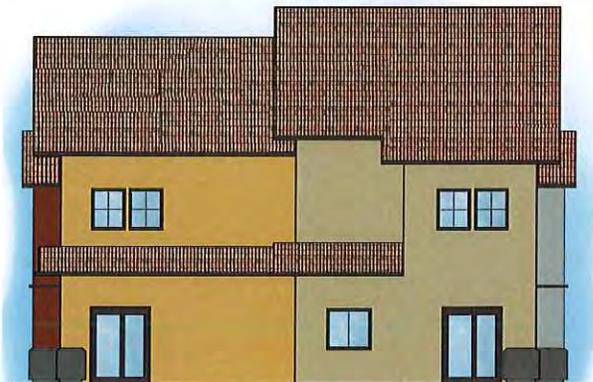
BUILDING 2 - STYLE 1 - UNIT C ENTRY



BUILDING 2 - STYLE 1 - FRONT ELEVATION



BUILDING 2 - STYLE 1 - UNIT D ENTRY



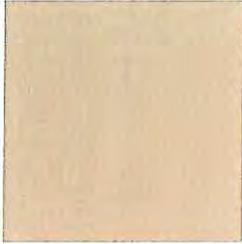
BUILDING 2 - STYLE 1 - REAR ELEVATION

**BUILDING TWO: STYLE ONE**

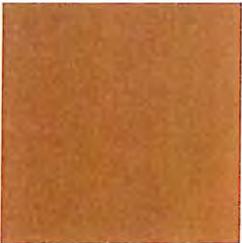
RIVERBANK, CALIFORNIA

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

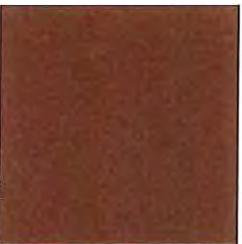
## Building 2, Style 1



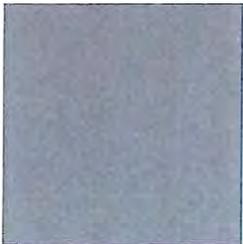
Body Color 1, Dunn Edwards, DE 6172 Bungalow Taupe



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



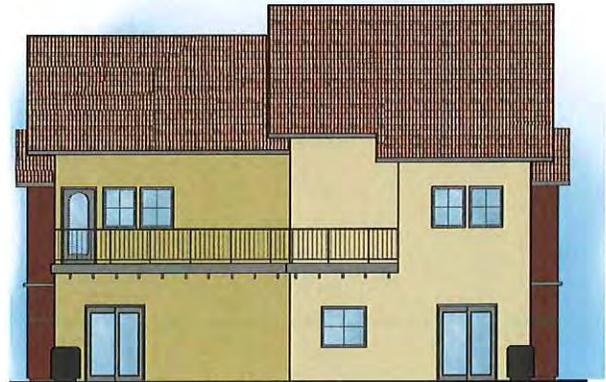
BUILDING 2 - STYLE 2 - UNIT C ENTRY



BUILDING 2 - STYLE 2 - FRONT ELEVATION



BUILDING 2 - STYLE 2 - UNIT D ENTRY



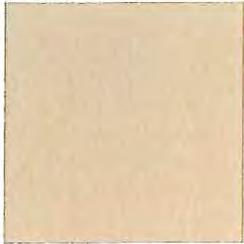
BUILDING 2 - STYLE 2 - REAR ELEVATION

**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



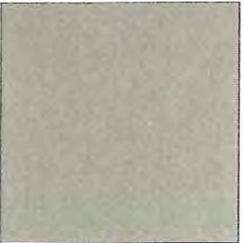
Body Color 1, Dunn Edwards, DE 6172 Bungalow Taupe



Body Color 2, Dunn Edwards, DE 5494 Even Growth



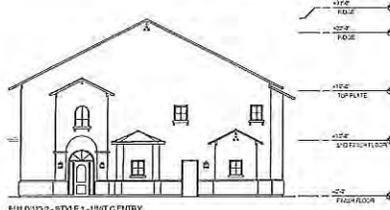
Trim/Accent, Dunn Edwards, DEA 157 Cellar Door



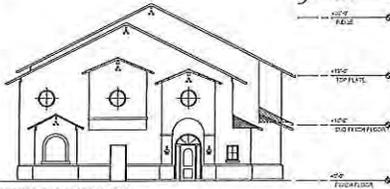
Trim/Accent, Dunn Edwards, DE 6242 Wells Gray



Trim/Base, Dunn Edwards, DEA 756 Weathered Brown



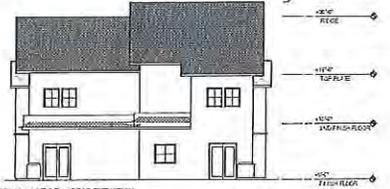
BUILDING 2 - STYLE 1 - UNIT C ENTRY



BUILDING 2 - STYLE 1 - UNIT D ENTRY



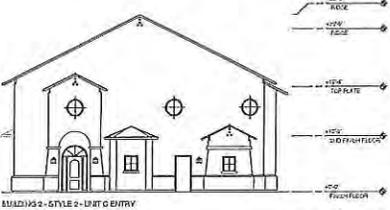
BUILDING 2 - STYLE 1 - FRONT ELEVATION



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

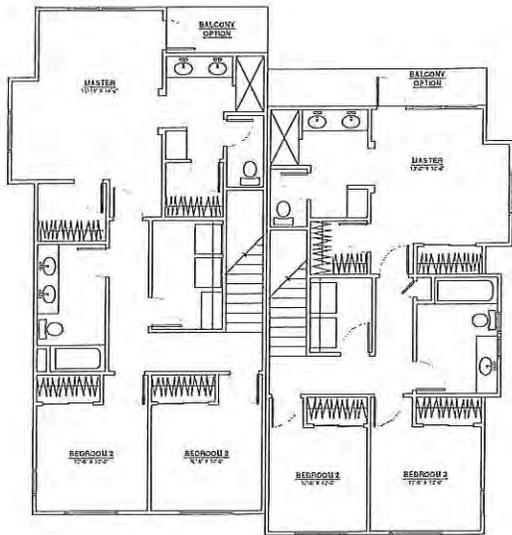
SCALE 3/4" = 1'-0"

REVISION	BY

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

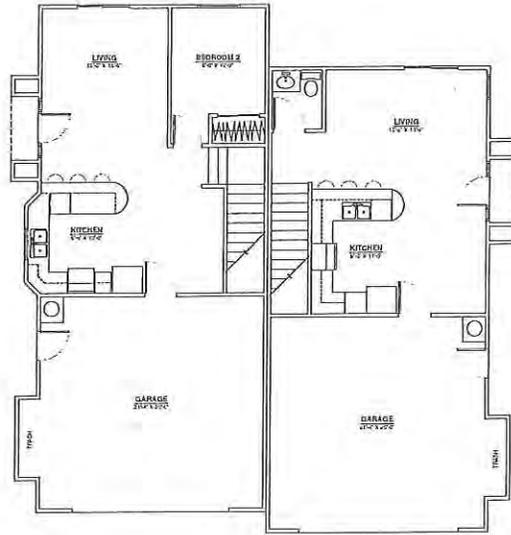
PROJECT: SULLY HOMES  
 SEVERANCE SUBDIVISION  
 CLIENT: SULLY HOMES  
 LOCATION: WARD AVE AND PALMER DR  
 HAYWARD, CA 94547

DATE: 10/10/10  
 DRAWN: JTB  
 CHECKED: JTB  
 SCALE: AS SHOWN  
 TITLE: EXTERIOR ELEVATIONS  
 SHEET: **A-2.1**  
 OF 2



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	4125 SQ. FT.
TOTAL	5300 SQ. FT.	TOTAL	8250 SQ. FT.
GARAGE AREA	4750 SQ. FT.	GARAGE AREA	4750 SQ. FT.
TOTAL AREA INCLUDING GARAGE	10050 SQ. FT.	TOTAL AREA INCLUDING GARAGE	13000 SQ. FT.

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

REVISION	BY

**COMMERCIAL ARCHITECTURE INC.**  
 THEODORE J. BRANDVOLD, ARCHITECT  
 515 14TH STREET, MODESTO, CA 95354  
 PH (520) 571-8108 FAX (520) 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: J. BRANDVOLD  
 CHECKED: J. BRANDVOLD  
 TITLE: ARCHITECT  
 SCALE: 1/8" = 1'-0"  
 SHEET NO: A-2.0  
 OF 2

## Stone & Roofing



Stone

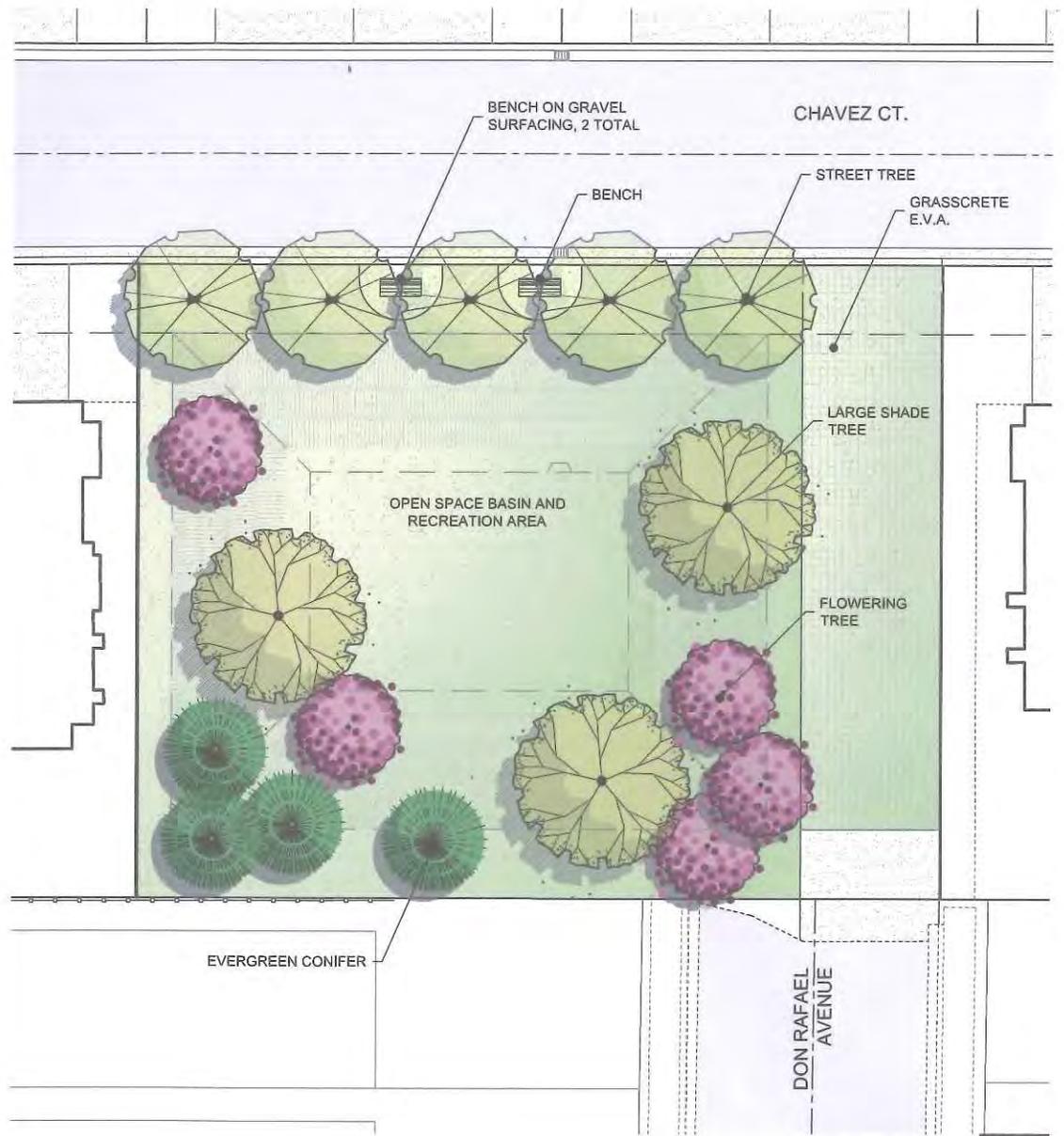
El Dorado Stone, Rustic Ledge, Saddleback



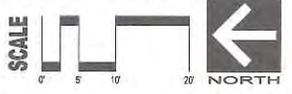
Concrete Tile Roofing

Eagle Roofing, Bel Aire, SHE8773 Walnut Creek Blend

C:\Users\lverma\_1\OneDrive\Documents\PROJECTS\2025\Verma\_Ave\_VB2-156WP-01\Task\_L\Book\_Plan\14\141020\151919-01\_141020-DND1.dwg, 24x36, Jul 23, 2025, 5:00pm, Verma\_1\lverma\_1



**B** BASIN/OPEN SPACE LANDSCAPE CONCEPT



**GENERAL NOTES**

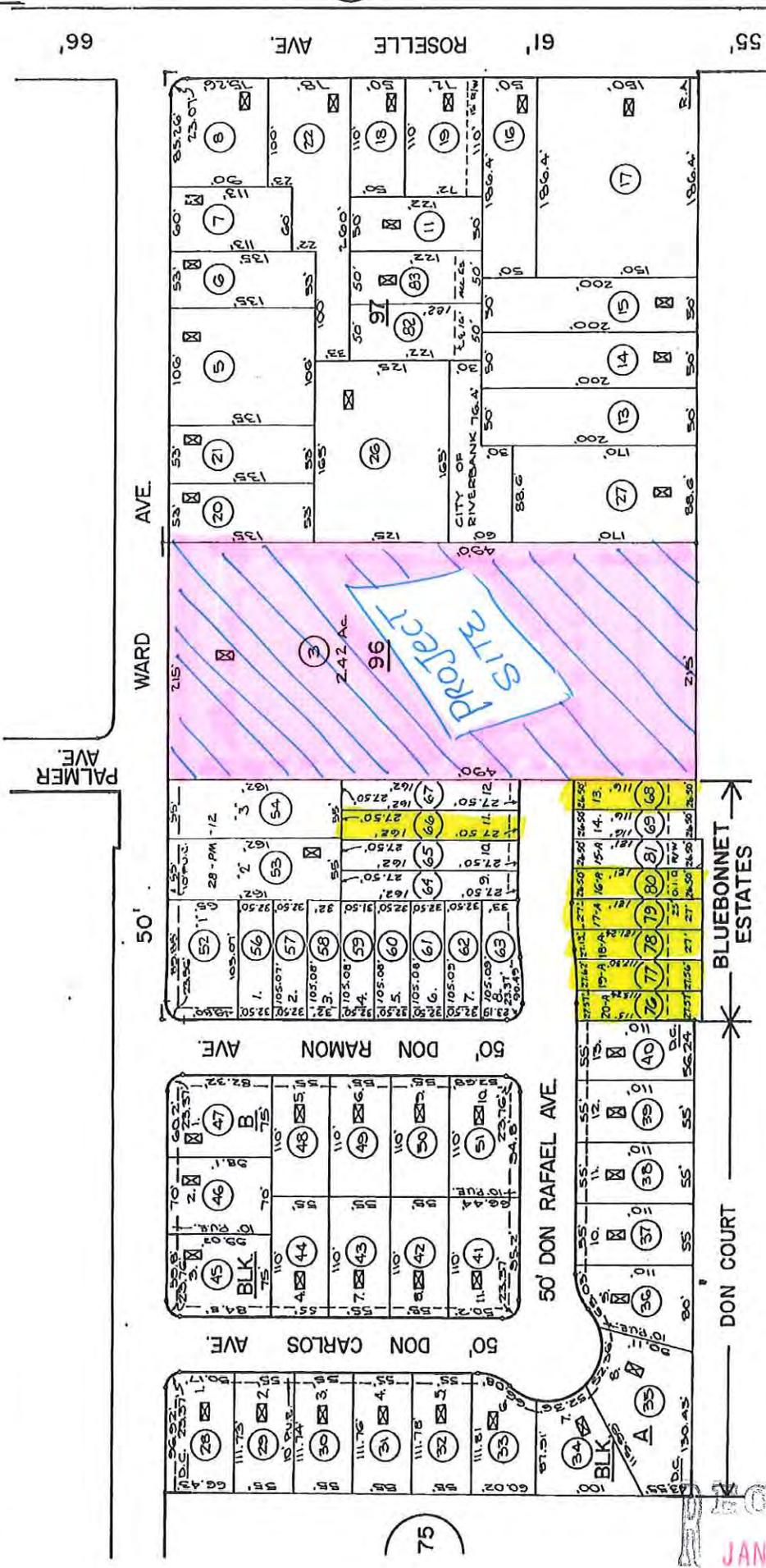
1. DEVELOPER-PROVIDED LANDSCAPING FOR THIS PROJECT WILL BE LIMITED TO THE DUAL USE DRAINAGE BASIN/RECREATIONAL OPEN SPACE, LOT "A".
2. THIS PLAN IS INTENDED TO ILLUSTRATE THE CONCEPT FOR THE PROPOSED DUAL USE BASIN/OPEN SPACE RECREATION AREA AND IS SUBJECT TO CHANGE BASED ON FINAL DESIGN CONDITIONS.
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  
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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. 4.2

### SECTION 4: UNFINISHED BUSINESS

<b>Meeting Date:</b>	February 23, 2016
<b>Subject:</b>	Table the Second Reading of Proposed <b>Ordinance No. 2016-003</b> Amending the Riverbank Municipal Code Section 153.217: Variance of Chapter 153: Zoning of Title XV: Land Usage
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Donna M. Kenney, Planning and Building Manager Annabelle Aguilar, CMC, Sr. Management Analyst/City Clerk

#### **RECOMMENDATION**

It is recommended that the City Council motion to table the second reading of the proposed ordinance, to a future date to be determined, to allow for further research and modification of the Riverbank Municipal Code (RMC) Chapter 153, Section 153.217, and additional sections as deemed necessary.

#### **SUMMARY**

As a result of a City Council public hearing to consider approval of Variance #01-2015 requested by KB Home to decrease a setback on Lot 99 in Cornerstone at Crossroads from four (4) feet to three (3) feet, which was recommended for approval by the Planning Commission, the City Council questioned why they were the hearing body to such a request. They were informed that pursuant to the RMC Section 153.217, the Planning Commission and City Council were designated as the hearing bodies for approval of a variance. At that time, City Council directed to have the RMC amended to make the Planning Commission the deciding body; however, an appeal of the Planning Commission's decision on a variance would be heard by the City Council.

A Public Hearing was conducted at the regular City Council meeting on February 9, 2016, to receive public opinions or evidence for or against the proposed Ordinance after its first reading and introduction by title only. The City Council approved the first reading and introduction of the proposed ordinance (now titled Ordinance No. 2016-003) which moved said Ordinance to the February 23, 2016, regular City Council meeting for its second reading by title only and consideration for adoption. However, after further review and research of the proposed ordinance, it was determined that the ordinance could be further refined and clarified.

It is therefore recommended that the City Council motion to table the action of the second reading and consideration for adoption of the proposed ordinance until a refined ordinance amendment can be re-introduced to the City Council at a future public hearing date, to be determined.

**FISCAL IMPACT**

There is no financial impact.

**ATTACHMENTS**

There are no attachments.

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

## SECTION 5: PUBLIC HEARING

<b>Meeting Date:</b>	February 23, 2016
<b>Subject:</b>	A <b>Resolution</b> of the City Council of the City of Riverbank, California, Adopting the Interim and Ultimate Plan Line for Patterson Road
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	John B. Anderson, Contract Community Development Director

### RECOMMENDATION

It is recommended that the City Council adopt the resolution to approve the Interim and Ultimate Plan Line for Patterson Road between Roselle to the west and Claus Road to the east in compliance with the City of Riverbank 2005-2025 General Plan and the Downtown Specific Plan, adopted July, 2015, which is found to not be a Project as defined by CEQA and is pursuant to findings contained in the attached resolution.

### SUMMARY

Patterson Road serves as a major thoroughfare for the City of Riverbank and is designated as an Arterial in the 2005-2025 General Plan Circulation Element as well as a designated Truck Route. It also serves as a high impact roadway which accommodates local vehicular traffic as well as Commercial Trucks which transport goods and services in and through the City. In addition, Patterson Road serves as a primary point of connection for access to Downtown Riverbank, job generating land uses, Riverbank High School and the existing residential neighborhoods located to the east and west. As a result, Patterson Road receives a fair amount of pedestrian and bicycle traffic. Over many decades, urban development has occurred, encroaching into the Patterson Road corridor, which makes it difficult to develop a comprehensive street strategy. These right of way constraints, combined with the land held by BNSF and the Sierra Railroad for Commercial Rail services, further frustrate the development of a proper street plan for Patterson Road.

Efforts to develop a comprehensive street plan started in the late 1980s; however, little has been resolved due to the issues noted above. The 2005-2025 General Plan and the Downtown Specific Plan of 2015 both focus attention on the need to develop a comprehensive strategy to promote the widening of Patterson Road between Roselle and Claus Road to allow for four (4) lanes of travel. These adopted plans also indicate

that future signalization of Patterson at Third Street, Terminal and Eighth Street will be necessary to accommodate future traffic demands. These future signalization projects serve to further heighten the need for additional travel lanes to accommodate intersection transitions between Patterson road and several intersecting streets identified.

The City prepared a number of possible street solutions for Patterson Road, which were shared with the community during City Sponsored workshops conducted during the spring of 2015. This report brings together all of the concerns raised, as well as the design constraints, in order to develop a long-range strategy for Patterson Road.

## **EXISTING CONDITIONS AND SITE CONSTRAINTS**

Patterson Road is comprised of a two lane rural roadway with class two bike lanes in the pavement section. The existing sidewalk on the south side is interrupted by power poles making clear ADA travel less than desirable. The roadway right of way varies in width from 55 feet adjacent to the homes between Terminal easterly to Tina and 80 feet adjacent to the Patterson family apartments at the intersection of Patterson and Claus. Parking is a desired condition along the south side of Patterson Road to serve the existing single family residents between Terminal and Tina. Patterson Road is parallel by the existing rail lines owned by BNSF and the Sierra Railroad. The centerline of the rail grade is located 40 feet north of the south line of a 100 feet railroad right of way. Meaning the rail tracks are not centered in the 100 foot right of way. The right of way at the BNSF mainline westerly of First Street is complicated by two existing rail switch's, one mechanical and one remotely controlled by the BNSF rail authority. There are two existing crossing arms and various control structures located east and west of the rail crossings as well.

## **ANALYSIS**

The Riverbank General Plan and the Downtown Specific Plan both call for a future expansion of Patterson Road to four lanes to serve the anticipated traffic associated with a growing City. The City intends to make substantial investments in the future intersection of Roselle and Patterson. It is necessary to establish a strategy for the full and complete development of Patterson Road which embraces all of the existing constraints and mitigation obligations which are known. In this regard, if the City does nothing Patterson Road will operate at a level of service which is contrary to the CEQA mitigation obligations disclosed with the General Plan and the Downtown Specific Plan. KD Anderson & Associates in their response to City concerns on this topic wrote a position paper dated July 9, 2015 which summarized the Traffic related consequences. Relevant portions of KD Anderson position paper of July 2015 are restated below in italics to emphasize the importance of the matter:

### **Background Information**

***Evaluation Criteria - Level of Service based on Daily Traffic Volume. The General Plan EIR, as well as the Downtown Specific Plan EIR traffic analysis evaluated traffic***

conditions at intersections and on roadway segments. Level of Service based on daily traffic volumes for roadway segments (as opposed to intersections) is an effective tool for long range planning, as daily traffic volumes can be used as a surrogate for peak-hour intersection analysis. Table 4.15-2 of the GPU EIR identifies Level of Service volume thresholds for various road classifications. These daily volume thresholds, which are presented in Table 1, are intended to represent daily traffic volumes that would be expected to result in peak-hour LOS at typical intersections.

Classification / Terrain	Pavement Width	Shoulder Width	Level of Service Threshold				
			A	B	C	D	E
Two Lane Collector			-	-	7,700	11,600	12,900
Two Lane Undivided Urban Arterial			-	10,200	13,500	14,800	15,700
Four Lane Divided Urban Arterial			-	22,800	29,500	31,700	33,400
Six Lane Divided Urban Arterial			-	35,100	45,000	47,900	50,300

Source: City of Riverbank GPU EIR, Table 4.15-2

**Daily Traffic Volumes Forecasts.** I assembled information regarding current and future daily traffic volumes in the area of Patterson Road from the General Plan EIR. This information is show in Table 2. The resulting Level of Service based on adopted LOS thresholds is also presented.

As indicated, the current traffic volumes on Patterson Road vary greatly, with the highest volume observed in the area between the Roselle Avenue and 1st Street intersection. Under the adopted thresholds this segment operates at LOS E, which exceeds the City’s minimum LOS D threshold. The remaining segments carry much lower volumes, and the Levels of Service in these areas is indicative of LOS B or C.

It is important to note that in urban areas the flow of traffic through major intersections is the primary factor in the quality of overall; traffic flow. For example it is often possible to overcome limitations on the number of through lanes when auxiliary turn lanes are available and an appreciable share of the traffic volume is turning.

Table 2 also presents future daily traffic volumes on Patterson Road as documented in the General Plan EIR and in the Downtown Specific Plan EIR. While daily volumes on Patterson Road will increase, the change will vary based on location. It should be noted that these forecasts generally assume the effects of additional capacity on the Claribel Road corridor, either via a future NCC expressway or via a widened Claribel Road, although the exact layout of the former facility was not incorporated into the forecasts.

Evaluation

**Level of Service based on Daily Volume.** As indicate in Table 2, if no improvements are made to Patterson Road, then some portions of the facility would be expected to operate with a Level of Service that exceeded the City's LOS D minimum standard. As we have discussed, the General Plan Circulation Element indicates that the portion of Patterson Road west of the Estelle Avenue intersection to Callander Avenue would be widened to four lanes. That level of improvement is unlikely to be feasible due to the location of existing development. However, the projected daily traffic volume without widening the two-lane road is indicative of LOS C conditions, which satisfies the City's minimum requirement.

The volume east of the Roselle Avenue to the 1st Street intersection would operate at LOS F without improvements. In this area a great share of the traffic on Patterson Road will actually turn onto and off of Roselle Avenue. As a result, the design of long term improvements will include auxiliary left turn lanes that accommodate appreciable turning volumes. It is likely that the optimal design of the Patterson Road / Roselle Avenue intersection may not include two through lanes in each direction on Roselle Avenue. If the design of the ultimate intersection facilities can deliver Level of Service satisfying the City's minimum standard, I do not believe that the absence of four through travel lanes in this short area would necessarily be inconsistent with the intent of the General Plan.

Street	From	To	Class	Lanes	Current Conditions		General Plan EIR	
					Daily volume	LOS	Daily Volume	LOS
Patterson Road	Callander Avenue	Roselle Avenue	Arterial	2	7,300	B	13,200	C
Santa Fe Street	Roselle Avenue	1st Street	Collector	2	Future	-	not a part	-
Patterson Road	Roselle Avenue	1st Street	Arterial	2	<b>15,270</b>	<b>E</b>	<b>23,400</b>	<b>F</b>
Patterson Road	1st Street	Terminal Avenue	Arterial	2	10,500	C	<b>16,900</b>	<b>F</b>
Patterson Road	Terminal Avenue	8th Street	Arterial	2	6,735	B	12,300	C
Patterson Road	8th Street	Claus Road	Arterial	2	5,100	B	<b>17,775</b>	<b>F</b>

**Bold is conditions in excess of LOS D minimum.**

*The volume of traffic in the area from 1st Street east to Claus Road varies, and the effects of BN&SF and local development constrain available right of way. If no improvements were made, then the two-lane section from 1st Street to Terminal Avenue would be projected to operate at LOS F, as would the section from 8th Street to Claus Road. The volume is projected to be lower between Terminal Avenue and 8th Street, and the projected Level of Service in this area would meet the City's minimum LOS D standard.*

*You have indicated that the most acute right of way limitation exists in the area from Terminal Avenue through the 8th Street intersection to Tina Avenue. The cross section that would be created within the roughly 55 feet of right of way would include a single travel lane in each direction, on-street parking on the south side of the street and a separated 8' wide bicycle lane. From the standpoint of the General Plan and Level of Service based on daily volume, the segment west of 8th Street would operate at LOS C. However, the segment between 8th Street and Tina Avenue would operate at LOS F.*

The importance of creating a comprehensive approach could not be made any clearer than what is stated above. The difficulty in this entire matter is that the City lacks the appropriate amount of easements or right of way to accomplish all of the stated objectives. Patterson Road serves as important asset to the community of Riverbank and is certainly used by all modes of transportation.

City Staff has had numerous conversations with representatives from BNSF, Sierra Railroad as well as the regulatory branch of the CPUC. Each of these meetings has been well received with lots of information shared. Unfortunately, City Staff has received no clear direction on what the railroads would accept as it relates to improvements other than to suggest the railroads would not encourage the use of the space north of the railroad centerline for any purpose. This is difficult to understand from a Corporate Citizen standpoint as the area in question continues to be poorly managed by the railroads. Nevertheless, the improvement of Patterson Road to serve the future of Riverbank has a bigger focus, the excess land south of the railroad centerline adjacent to Patterson Road. Based on the concept plans presented with this staff report, City Staff is suggesting a 20 foot easement from the railroads to accomplish the future street improvements.

The fact of the matter is that Patterson Road will take many years to be built out as funding is not guaranteed nor secured in any way. The presentation by staff here is to work with the right of way that we have and to secure minor right of way expansions where needed over time. Additional negotiations with the railroad authorities will be need to progress in order for the ultimate design for Patterson Road to be realized.

## **PUBLIC PARTICIPATION AND NOTICE**

City staff has conducted two public workshops on the future of Patterson Road one on February 25, 2015 and the last on March 28, 2015. Both of these workshops resulted in a number of questions and concerns. It is evident that the public is interested in

improving Patterson Road to safely accommodate all modes of transportation. It was also evident that the existing residents along Patterson Road are not interested in giving up the street parking they currently enjoy in front of their homes.

This City Council hearing was noticed by a published notice in the *Riverbank News* on February 10, 2016 and posted at City Hall North and South on February 10, 2016. Individual notices were sent to all property owners along Patterson Road. Written comments received by the City shall be supplied to the City Council at the day of the meeting and read into the public record.

### **PLANNING COMMISSION ACTION**

On January 19, 2016, the Planning Commission held a noticed Public Hearing to consider a Resolution to recommend to the City Council adoption Interim and Ultimate Plan Line for Patterson Road. All four (4) Planning Commissioners were present at this meeting: Chair Hughes, Commissioner McKinney, Commissioner Stewart, and Commissioner Villapudua.

During their deliberation, the Planning Commission raised some questions regarding a possible middle divider along Patterson Road.

During the public comment period, there were a number of concerns raised by the public regarding parking, traffic, railroad improvements and property access. More specifically, these concerns were:

- A question was raised to the amount of lanes that are planned for Patterson Road and what was included in the notice that was sent out to the property owners along Patterson Road.

*To clarify, there will be two (2) lanes heading east, one (1) turn lane and one (1) lane head west from Terminal to Tina. Technically, that makes four (4) lanes and caused some confusion. In addition, none of the exhibits are new and have been made available to the public for months.*

- Concern was raised regarding the plan to eliminate parking from Tina Lane and Claus Road. There are a number of houses along Patterson Road that currently have on-street parking available.

*There is sufficient right-of-way between Tina Lane and Claus Road to provide parking. However, as we get closer to the intersection of Patterson and Claus Road, we need to provide sufficient right-of-way for a right turn lane – we can't have parking there. There could be some areas west of the right turn lane that could be utilized for parking, this issue will be resolved.*

- Suggestion was made to a quiet-zone crossing for the intersection of Patterson Road and Roselle Avenue. Modesto has recently installed one and Escalon has one.

*The City of Escalon has a way-side horn, which are direction horns as opposed to a quiet zone crossing, where no horns are present. For the City of Riverbank to install wayside horns or a quiet zone crossing, the City would have to assume 100% liability at that crossing or crossings. In 2014, the City of Manteca considered installing wayside horns on ten (10) crossings but considered the liability risk and insurance cost too great. The City's insurance provider, Municipal Pooling Authority (MPA) estimated that the expansion of the City's liability insurance would cost \$400,000 per year. A copy of the City Council Staff Report regarding Manteca wayside horns is included in this Staff Report as Attachment 6.*

- Commissioner Villapudua raised the question of if the conceptual plan line can be amended in the future.

*The conceptual interim and ultimate plan line for Patterson Road sets forth a strategy to develop and improve Patterson Road. From there, hard engineering designs take place and funding is identified to improve a segment of the plan line. By having the conceptual Plan Line in place, the City can pursue State and Federal grants.*

- Commissioner McKinney raised the question of the amount of feet (20 ft.) that the City would need from the BNSF right-of-way to implement the ultimate plan line.

*City staff has had a few meetings with BNSF to discuss the necessary "right-of-way take" for the plan line and they have made it clear that they will not allow the City to utilize their right-of-way for this plan. Worst case scenario is that Patterson Road stays the same.*

Commissioner Villapudua made the motion to approve the proposed Resolution to recommend to the City Council to adopt the Interim and Ultimate Plan Line for Patterson Road. Commissioner Stewart seconded the motion and the Planning Commission approved Planning Commission Resolution No. 2016-01 with a 4-0 vote.

## **ENVIRONMENTAL DETERMINATION**

The proposed action is not in itself a project and is therefore exempt from CEQA.

## **FINANCIAL IMPACT**

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

## **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 adoption of an interim and ultimate plan line is not part of the Strategic Planning Session goals and objectives; however, it is consistent with the goal to “Improve and Maintain Infrastructure and Facilities.”

## **ATTACHMENTS**

1. Draft City Council Resolution
2. Patterson Road Workshop PowerPoint held on February 25, 2015
3. Summary Memorandum of Walking Workshop held on March 28, 2015
4. Petition of Patterson Road Homeowners who protest the removal of parking along Patterson road, received by the City May 11, 2015.
5. Interim and Ultimate Concept Plans for Patterson Road, dated November 30 and December 7, 2015, respectfully.
6. Manteca City Council Staff Report regarding Wayside Horns, dated October 28, 2014
7. Signed Planning Commission Resolution 2016-001
8. Draft Planning Commission Minutes of January 19, 2016

**CITY OF RIVERBANK**

**RESOLUTION NO. 2016-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,  
CALIFORNIA, ADOPTING THE INTERIM AND ULTIMATE PLAN LINE FOR  
PATTERSON ROAD**

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

**WHEREAS**, as part of the General Plan Update, the Circulation Element identified Patterson Road as a major collector requiring four (4) lanes of travel to adequately accommodate the future transportation needs of the community; and

**WHEREAS**, City staff initiated an investigation into the right of way constraints associated with future Patterson Road improvements and conducted a Community Workshop on February 25, 2015 and a Walking Tour on March 28, 2015; and

**WHEREAS**, the Riverbank Planning Commission held a duly noticed Public Hearing on January 19, 2016 to consider the Interim and Ultimate Plan Line for Patterson Road and by a vote of 4-0 (vice-chair vacant), approved Resolution No. 2016-01, recommending to the City Council to adopt the Interim and Ultimate Plan Line for Patterson Road; and

**WHEREAS**, the City Council has reviewed staff report and all attachments concerning the Patterson Road Plan and conducted a public hearing on February 23, 2016; and

**WHEREAS**, notice of this public hearing was published in the *Riverbank News*, a newspaper of general circulation, on February 10, 2016; and

**WHEREAS**, notice of the public hearing was mailed to each property owner fronting on Patterson Road, as well as any and all persons who have expressed interests concerning the future improvements to Patterson; and

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

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RIVERBANK HEREBY APPROVES THE PROPOSED INTERIM AND ULTIMATE PLAN LINE FOR PATTERSON ROAD, ATTACHED HERETO AS EXHIBIT A AND EXHIBIT B INCORPORATED HEREIN BY THIS REFERENCE, BASED ON THE FOLLOWING FINDINGS:**

1. The City finds and determines with certainty that the proposed interim and ultimate plan line for Patterson Road described in Resolution 2016- [REDACTED] is exempt from the California Environmental Quality Act (“CEQA”) pursuant to the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. (CEQA § 15061(b)(3)). The proposed interim and ultimate plan line adoption is consistent with the City’s General Plan, and provides a conceptual framework for circulation that was previously analyzed in the City’s General Plan EIR. No new impacts will be created by adoption of the interim and ultimate plan line for Patterson Road, and future projects will be subject to project-level environmental review as required under CEQA.
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.

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 23rd 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 Aguilar, CMC**  
**City Clerk**

**APPROVED:**

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

Attachments:

Exhibit “A” – Interim Patterson Road Alignment  
Exhibit “B” – Ultimate Patterson Road Alignment



**PATTERSON ROAD  
COMMUNITY WORKSHOP**

FEBRUARY 25, 2015

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**OUTLINE**

**PowerPoint Outline**

- Patterson Road Current Conditions
- Constraints
- Concept Plan Goals
- Patterson Road Concept Plan
- Community Input

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**PATTERSON ROAD -  
CURRENT CONDITIONS**

- 2 - Lane Configuration
- 35mph Speed Limit
- Disconnected Sidewalk on South Side
- Disconnected Bicycle Lane on North and South Side
- Easy access to BNSF/Sierra Northern Railroad Lines for Pedestrians - Safety Concern

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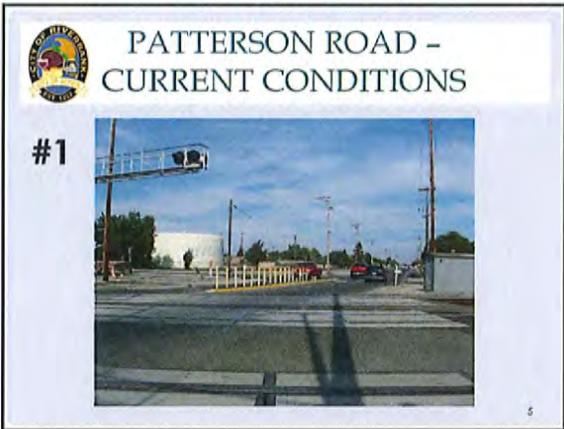
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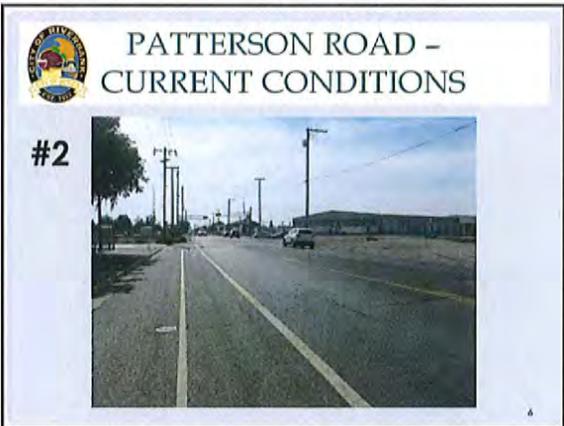
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 PATTERSON ROAD -  
CURRENT CONDITIONS

#3



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 PATTERSON ROAD -  
CURRENT CONDITIONS

#4



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 PATTERSON ROAD -  
CURRENT CONDITIONS

#5



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 **PATTERSON ROAD -  
CURRENT CONDITIONS**

#6



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 **CONSTRAINTS**

- **BNSF** will not relinquish or provide the City access to any part of their right-of-way for improvements along the north side of Patterson Road between Roselle and Claus Roads.
- **Right-of-Way** is not consistent along Patterson Road that ranges from 55 feet to 80 feet.
- **Parking** along Patterson Road will limit the options for conceptual Patterson Road improvements

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 **CONSTRAINTS**

• Railroad Constraints



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 **CONSTRAINTS - ROW**

- Right-of-Way Constraints



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 **CONSTRAINTS - ROW**

- Parking Constraints



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 **CONCEPT PLAN GOALS**

- **Lane Capacity**
  - Configure Patterson Road to accommodate four (4) lanes of travel, where Right-of-Way permits
  - Consistent with the General Plan Circulation Element and General Plan Environmental Impact Report

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 **CONCEPT PLAN GOALS**

- **Safety for Pedestrians and Cyclists**
  - Increase Safety for Pedestrians and Cyclist who travel this section of Patterson Road
  - Develop (Class 1) 8 foot Bicycle Path, separated from roadway on the north side of Patterson Road
  - Continuous 5 foot sidewalk on south side of Patterson Road

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 **CONCEPT PLAN GOALS**

- **"Complete Streets"**
  - A Complete Street is a street that accommodates and is for all modes of transportation including:
    - Vehicles
    - Pedestrians
    - Bicyclists
    - ADA Transportation

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 **PATTERSON ROAD CONCEPT PLAN**

- 80' of Right-of-Way



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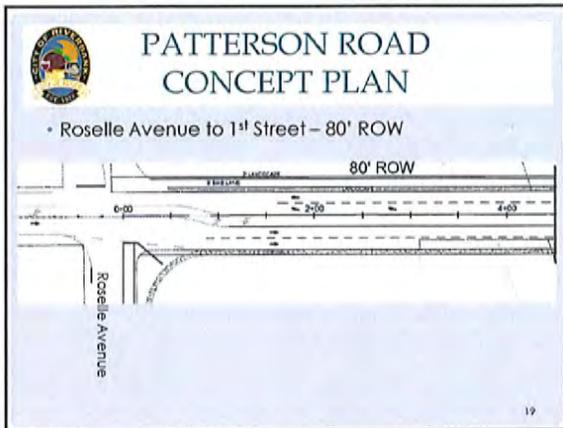
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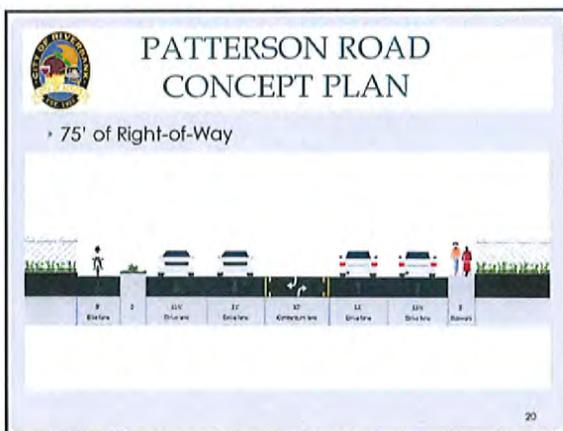
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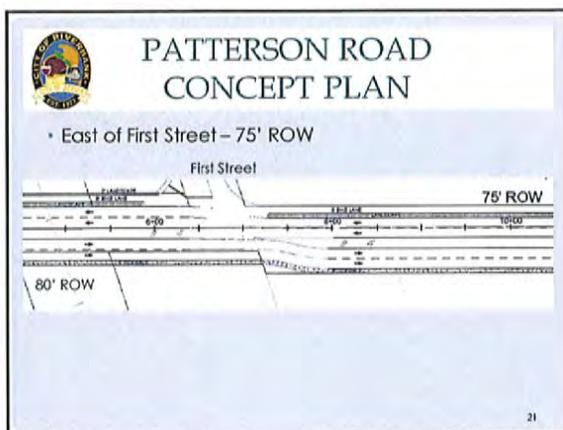
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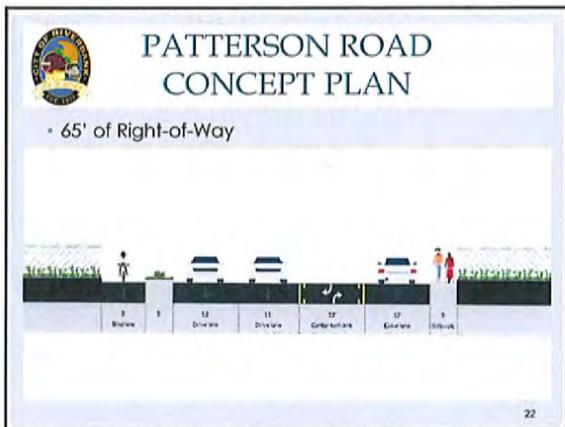
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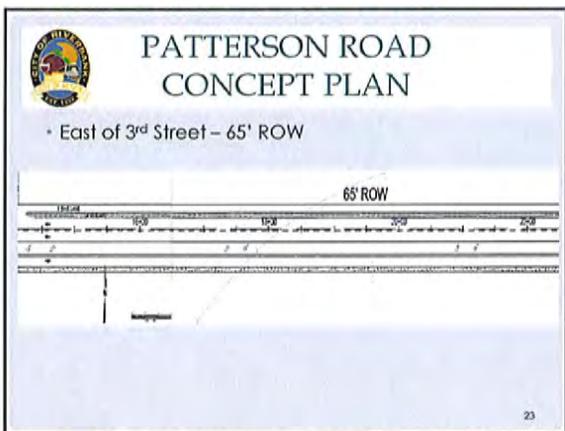
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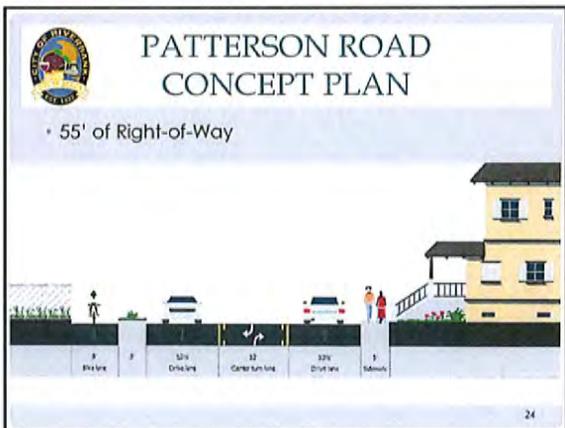
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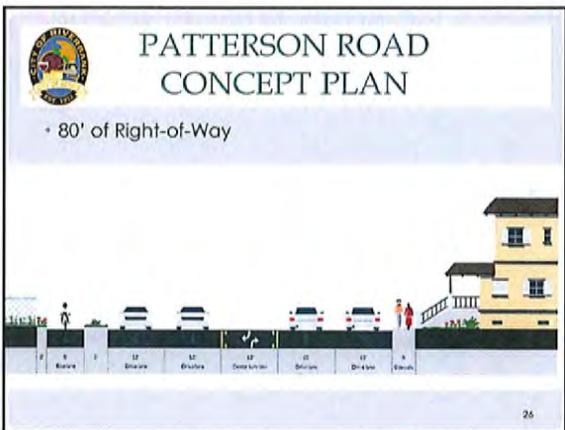
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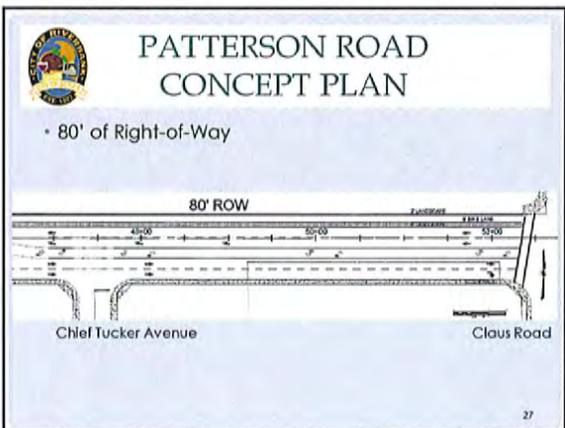
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### COMMUNITY INPUT

- Lane configuration and improvements to Patterson Road are **concept only** to guide future improvements. **Funding is not secured.**
- Community input will provide Staff with direction as to how Patterson Road should be configured

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### COMMUNITY INPUT

- **Questions**

1. How do you think the City could improve Patterson Road?
2. What are your thoughts on the Concept that the Staff has prepared for Patterson Road?

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**City of Riverbank Community Development Department**

Planning Division ≈ Building Division ≈ Code Enforcement Division

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

# MEMORANDUM

**DATE:** April 1, 2015  
**TO:** City Staff and Property Owner Attendees  
**FROM:** John B. Anderson, Contract Community Development Director  
**SUBJECT:** Summary of Community Workshop #2 on March 28, 2015

The purpose of this memorandum is to summarize the second Community Workshop regarding the future alignment of Patterson Road, held on March 28, 2015 at 10:00 A.M. at the corner of Terminal Avenue and Patterson Road.

The workshop started at 10:00 A.M. and John B. Anderson, Contract Community Development Director for the City of Riverbank, presented the future alignment and concept plan, developed by staff, to the attendees of the workshop. He further presented the purpose of the workshop – to solicit input from residents and the community on the concept plan.

The following is a list of concerns that were recorded during the meeting. Please note that this list is not all-encompassing and are the major concerns/issues that attendees expressed during the workshop. *Any additional concerns should be directed to the contact information provided below.*

- Concern was raised as to the elimination of Parking from Terminal Avenue to Tina Lane. These concerns included:
  - Possible solution of additional off-street parking on a parcel between Terminal Avenue and 8<sup>th</sup> Street was not well received due to concerns with theft, proximity to owners/renters home and safety.
  - With the elimination of parking, this eliminates the buffer that helps protect children from vehicular traffic when playing outside of homes or walking on the sidewalk.
  - Multiple vehicle owners will have a difficult time in finding room on the driveway and will be forced to park on their lawn.
  
- A possible solution regarding the potential elimination of the parking between Terminal Avenue and Tina Lane is to eliminate the middle turn lane in certain areas.

- Bus stop improvements. Concern was raised as to the improvements to the bus stops along Patterson Road. Specifically, the bus stop at 8<sup>th</sup> Street is not ADA Accessible due to the railroad tracks that cross the street. Concern was raised on whether improvements will be made to the railroad crossings for this reason.

*Staff recognizes the improvement that are required to make ADA access easier and less encumber sum to persons with disabilities. Stanislaus Regional Transit (START) has been in discussion with City Staff on re-aligning the Patterson Road Bus route to Santa Fe Avenue. It is anticipated that this will likely occur.*

- Concern was raised as to the elimination of Parking from Terminal Avenue to Tina Lane and that it would make it more dangerous for vehicles to pull-out of driveways. They would be forced to pull-out onto vehicular traffic more-so than they are now.
- In addition to making it more dangerous for cars to pull-out of driveways, some attendees were concerned that, due to the elimination of parking, residents will be required to purchase automatic gates. Some of the residents have gate closures but they are not electronic.

### **Remote Off-Street Parking Solutions**

A possible solution to the concerns regarding the elimination of parking is for the City to utilize up to two (2) off-street parking lots for residences to share. Both lots are on Patterson Road between Terminal Avenue and 8<sup>th</sup> Street and are either a) underutilized or b) vacant. The two (2) lots are described as follows:

1. 3636 Patterson Road. APN 132-053-004. Size: .210 acres/ 9,148 square feet

This property is located close to the intersection of Terminal Avenue and Patterson Road. Currently, the property is occupied by a dilapidated Single-Family Dwelling. As part of the future improvements to Patterson Road, this parcel could be used as an off-street parking for guests and residences. It could serve as event parking for family events, guests, etc.

2. 3710 Patterson Road. APN 132-053-012. Size: .263 acres/ 11,456 square feet

This property is located closer to 8<sup>th</sup> Street, adjacent to the Free Holliness Church on Patterson Road. The property is currently vacant and is an option for off-street parking for residents in the area.

As stated above, the list above is not all-encompassing regarding the issues/concerns/solutions raised during the Community Workshop. Any additional questions or comments, please direct them to John. B. Anderson, Contract Community Development Director at (209) 863-7124 or email at [jbanderson@riverbank.org](mailto:jbanderson@riverbank.org).

### Attachments:

1. Photos of Community Workshop #2 held on March 28, 2015
2. Aerial Photos of Potential Off-Street Parking Sites
3. List of Participants – Meeting Sign-In Sheet

**Attachment 1: Photos of the Community Workshop**



Some attendees at the Workshop



Advertisement of Workshop at Terminal Avenue and Patterson Road

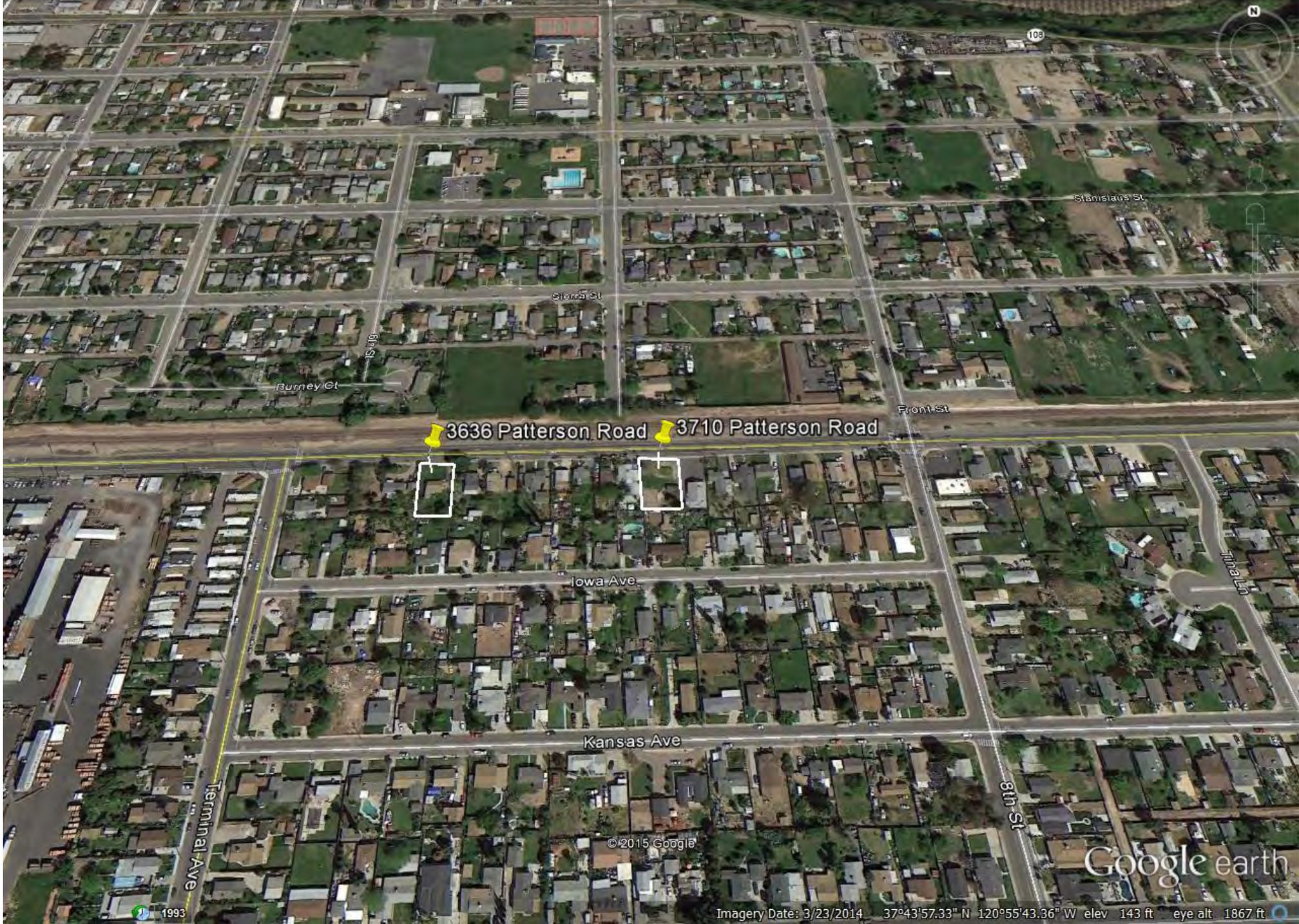
## Attachment 2: Aerial Photos of Potential Off-Street Parking Sites



Site #1 - 3636 Patterson Road



Site #2 - 3710 Patterson Road



Site #1 and Site #2 – 3636 and 3710 Patterson Road



Attachment 3: List of Participants – Meeting Sign-In Sheet

MEETING SIGN-IN SHEET		
Project: Patterson Road Concept Plan		Meeting Date: Wednesday, <del>February 25, 2015</del> <sup>March 28, 2015</sup> 6:00pm <sup>10:00 A.M.</sup>
Facilitator: J.B. Anderson Land Use Planning Staff John B. Anderson and David Niskanen		Place/Room: City Council Chambers, Riverbank, CA
Name / Title	Phone	E-mail
Diane Talbut	863-9965	nana.cornish@yahoo.com
Frank Eddy	552-5524	N/A
Ben Talbut	863-9965	N/A
Thomas Mendes	345-0335	Tmendes24@yahoo.com
Kay Valardi	869-4979	N/A
Roger Moore	869 4003	
David Moore	869 4003	
Roger Kallman	869 2583	
Valerie Farup	880 8038	Valeriefn@yahoo.com
Armando Nunez	918-5254	armandonunez@yahoo.com
Jorge Ramos	505-2395	
Daryl Dornell	6024381	SNOWHITEFOOD@yahoo.com

Saturday, March 28, 2015  
~~Wednesday, February 25, 2015~~

5-7-15

Tom Haskell Moore

Copys go to

City Clerk Answabelle Aguilar

City Manager Jill Anderson

Mayor Richard O'Brien

All Council Members

CAh Campbell

Darlene Barber-Martinez

Leanne Jones Cruz

Jeanine Tucker

Planning Commissioner

John Anderson

2 pages of Property owners  
signatures collected by  
Haskell Moore

CITY OF RIVERBANK

MAY 11 2015

RECEIVED

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

*[Signature]*

# Don't Take Our Parking Away

We, property owners and residents on Patterson Road between Terminal and Claus Road, Do not want our Parking Taken Away.

It would be a hazard to all Pedestrians with the Traffic next to sidewalk, also no place for Handicap wheelchairs because of power poles in middle of sidewalk, they are using bike lane now. Plus it would be a hazard getting in and out of our driveway.

Our garbage cans are curbside also. We need our Parking on the street.

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- 15

PATTERSON RD Abdul Moore & Rebecca Moore  
 PATTERSON RD Haskell Moore & Rebecca Moore  
 PATTERSON RD Roger Kallman  
 PATTERSON RD Norma Kallman

Patterson Rd Cynthia Turner

patterson Rd Maria Vega

Patterson Rd Pragas Dwart

Patterson Rd Rocky Felomindo

Patterson Rd Jimmie Marquez

Patterson Rd Mani A Felix

patterson RD Raulo Medina

Patterson RD Riverbank, CA Mohamed Nagi, Moh H

Patterson RD. Riverbank, CA Mohamed Nagi, Moh H

Patterson Rd Riverbank CA Norman B Strickell

*[Handwritten signature]*

PROPERTY OWNERS

by Haskell Moore

# Don't Take Our Parking Away

We, property owners and residents on Patterson Road between Terminal and Claus Road, Do NOT want our Parking TAKEN AWAY.

It would be a hazard to all Pedestrians with the Traffic next to Sidewalk, also no place for Handicap wheelchairs because of power poles in middle of sidewalk, They are using bike lane now. Plus it would be a hazard getting in and out of our driveway.

Our garbage cans are curbside also. We need our Parking on the street.

- 16- Patterson Rd Riverbank, CA Francisca Martinez
- 17- Patterson Rd. Riverbank, CA Francisca Martinez
- 18- Patterson Rd Riverbank CA Thomas Menden
- 19- Patterson Rd. Riverbank, CA Roger Galvan
- 20- Patterson Rd Riverbank W. Haskell



1-800-227-2600  
CALL 2 FULL WORKING DAYS IN ADVANCE

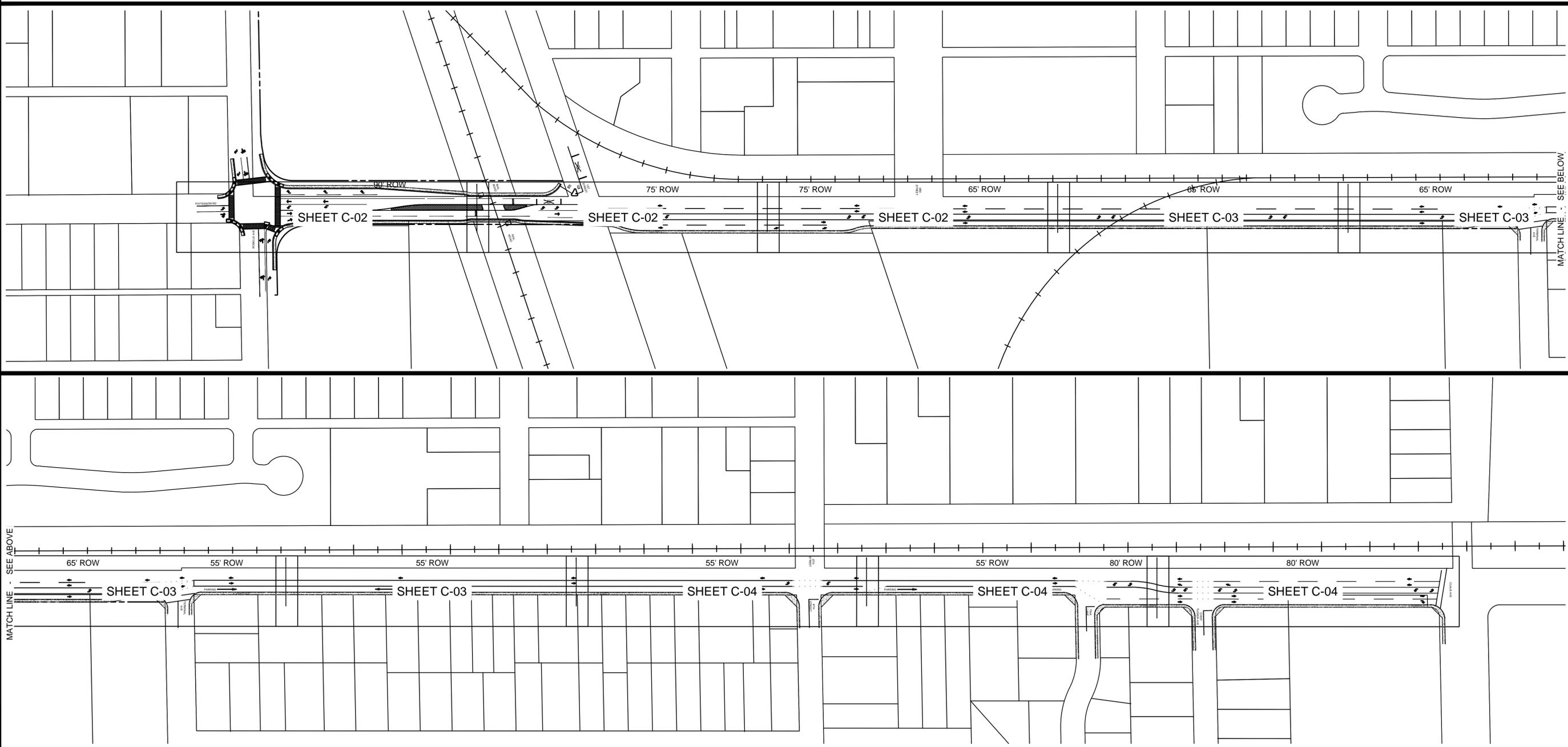
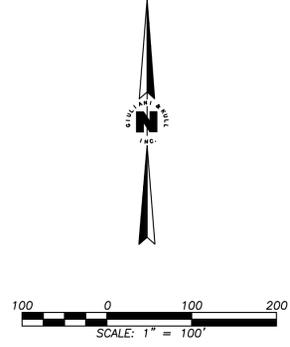
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**GK Giuliani & Kull, Inc.**  
 Engineers • Planners • Surveyors  
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361  
 (209) 847-8726 Fax (209) 847-7323  
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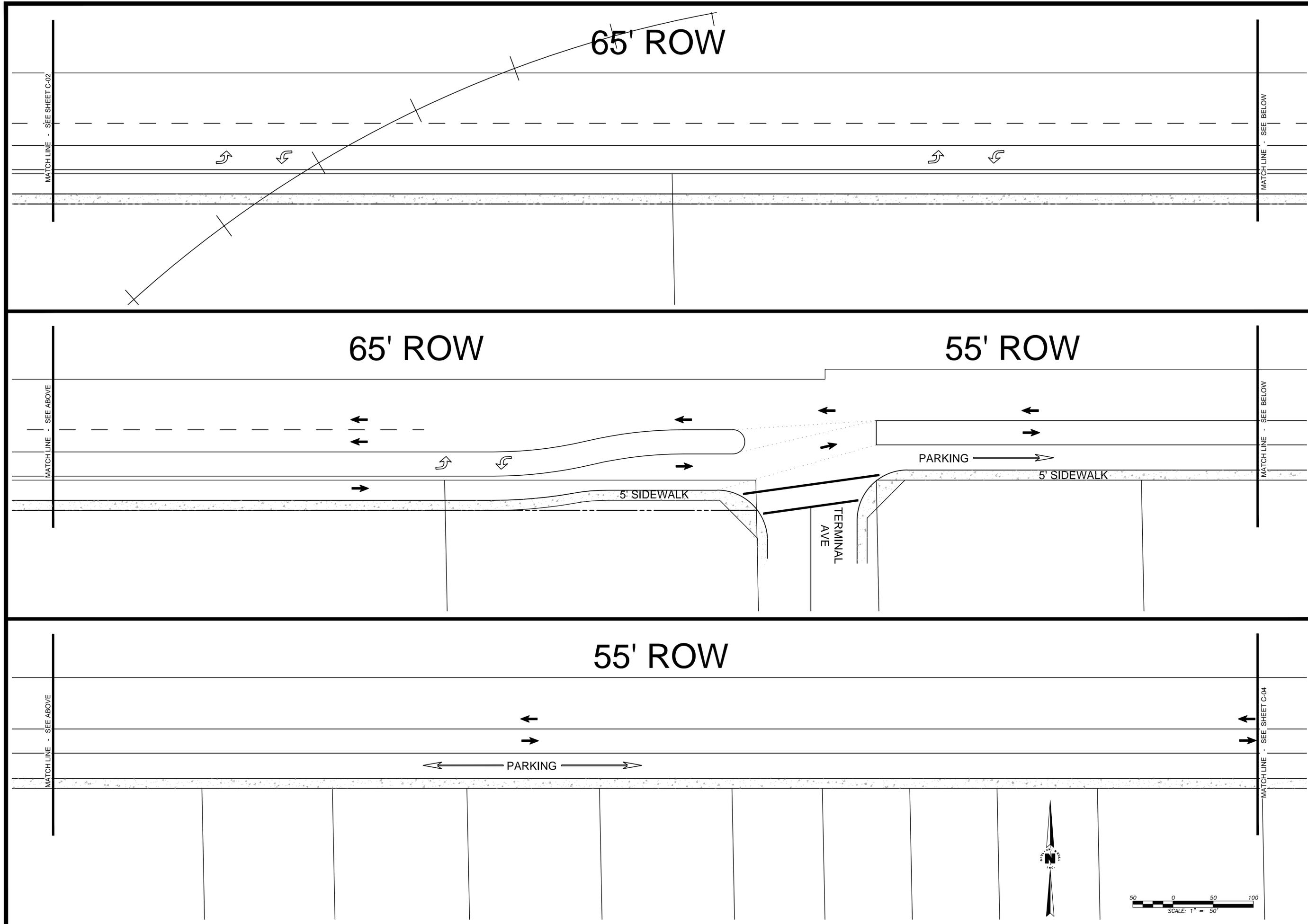
**COVER SHEET - PATTERSON ROAD  
 BETWEEN ROSELLE AVE & CLAUS RD  
 PATTERSON ROAD - INTERIM CONCEPT PLAN  
 CITY OF RIVERBANK  
 RIVERBANK, CALIFORNIA**

SCALE	1" = 100'
DRAWN BY	SDT
DESIGNED BY	
CHECKED BY	WFK
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OF	4
JOB NO.	13118

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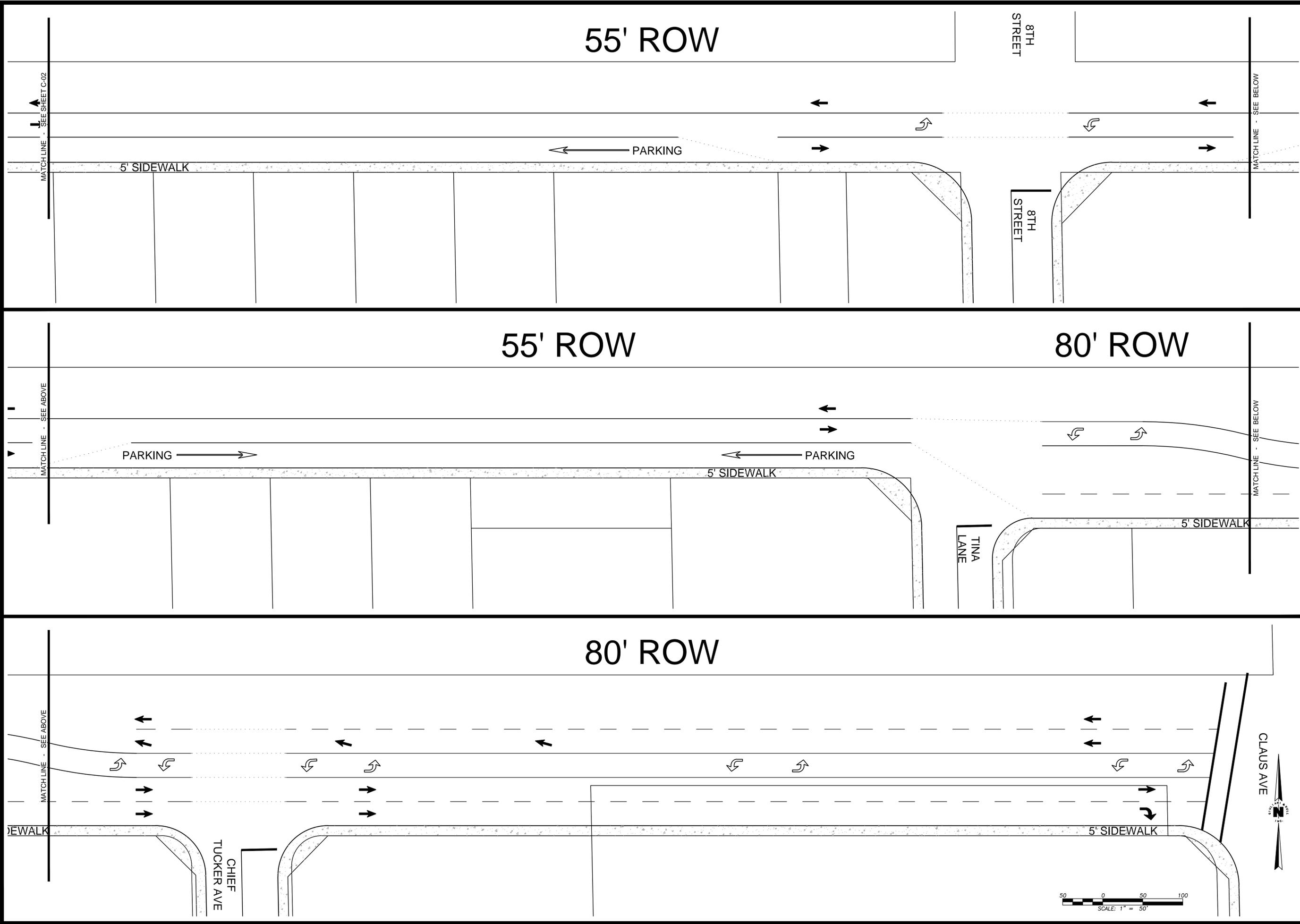
Engineers • Planners • Surveyors

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 (209) 847-8726 Fax (209) 847-7323  
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PLAN VIEW  
 STATION 16+50 TO 34+50  
 PATTERSON ROAD - INTERIM CONCEPT PLAN  
 CITY OF RIVERBANK  
 RIVERBANK, CALIFORNIA

SCALE	1" = 20'
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**PLAN VIEW**  
 STATION 34+50 TO 52+50  
 PATTERSON ROAD - INTERIM CONCEPT PLAN  
 CITY OF RIVERBANK  
 RIVERBANK, CALIFORNIA

SCALE	1" = 20'
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JOB NO.	13118



CLAUSS AVE



SCALE: 1" = 50'

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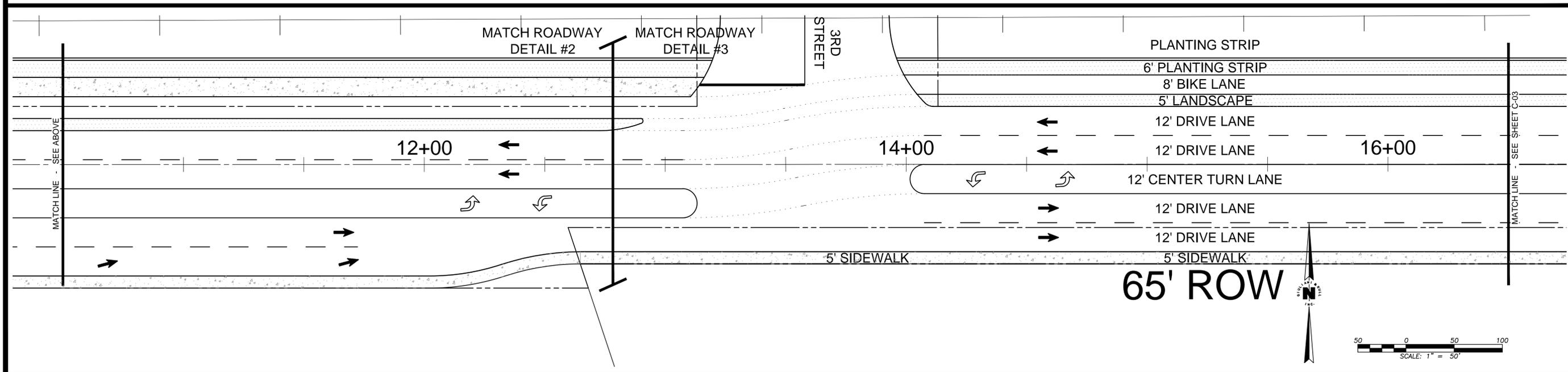
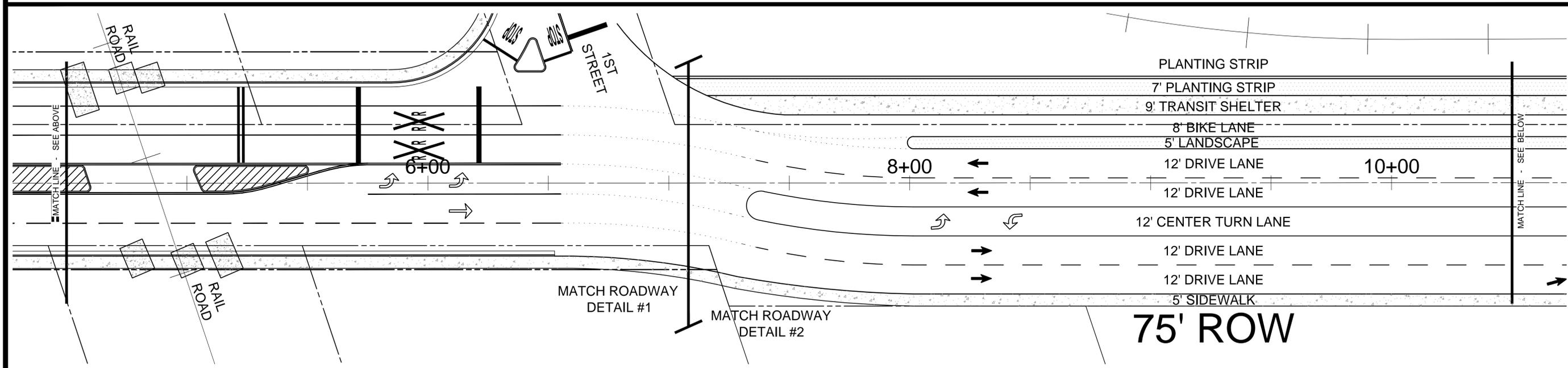
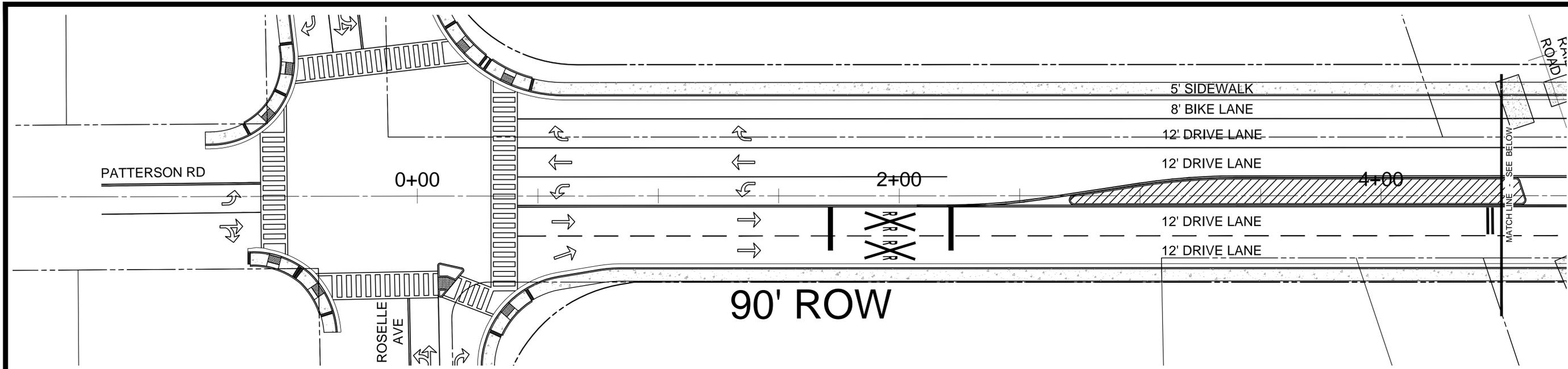
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**COVER SHEET - PATTERSON ROAD  
 BETWEEN ROSELLE AVE & CLAUD RD  
 PATTERSON ROAD - ULTIMATE CONCEPT PLAN  
 CITY OF RIVERBANK  
 RIVERBANK, CALIFORNIA**

SCALE 1" = 100'  
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**C-01**  
 OF 4  
 JOB NO. 13118



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PLAN VIEW

STATION 0+00 TO 16+50

PATTERSON ROAD - ULTIMATE CONCEPT PLAN

CITY OF RIVERBANK

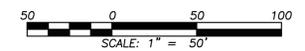
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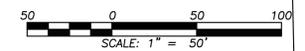
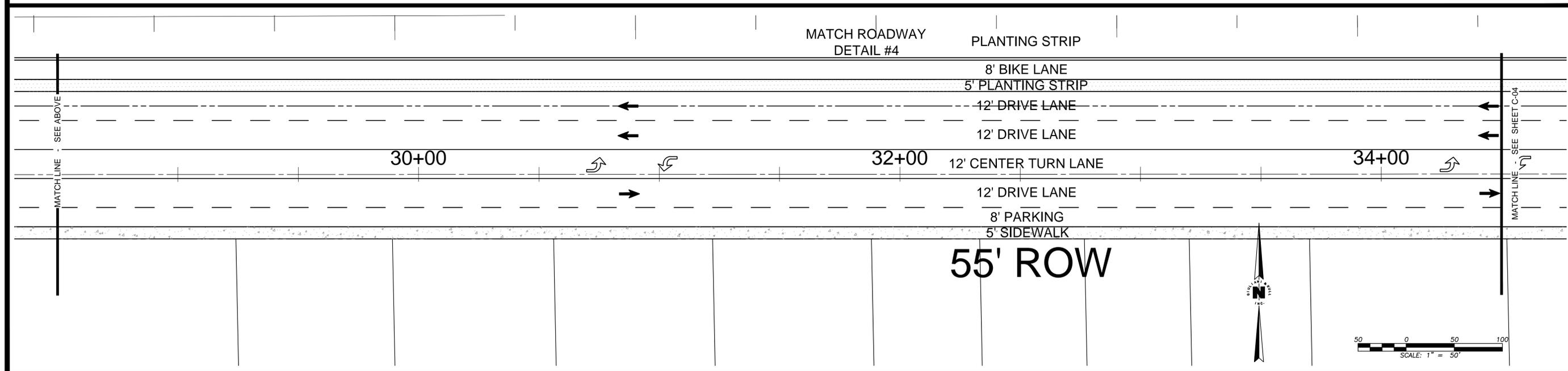
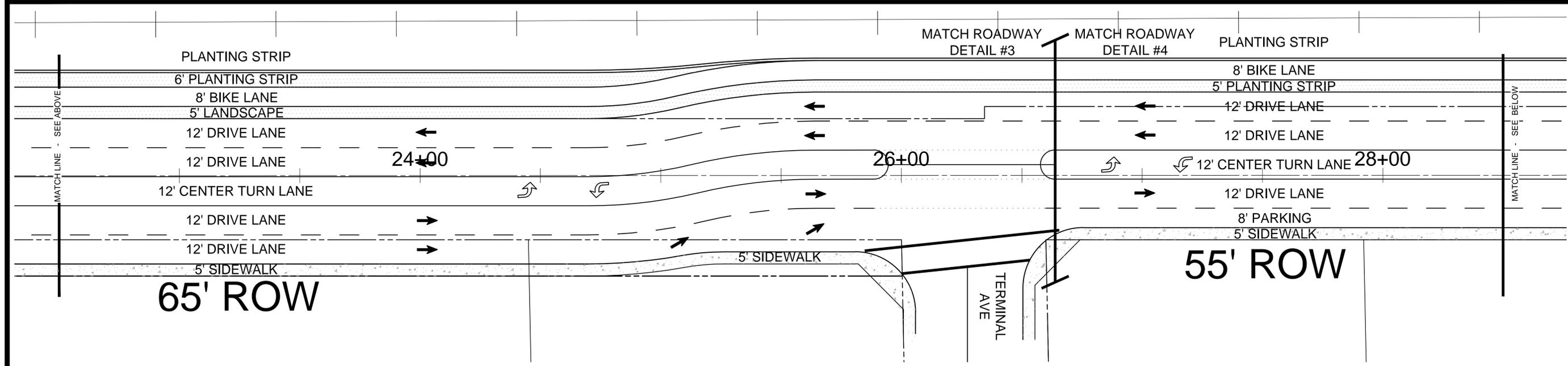
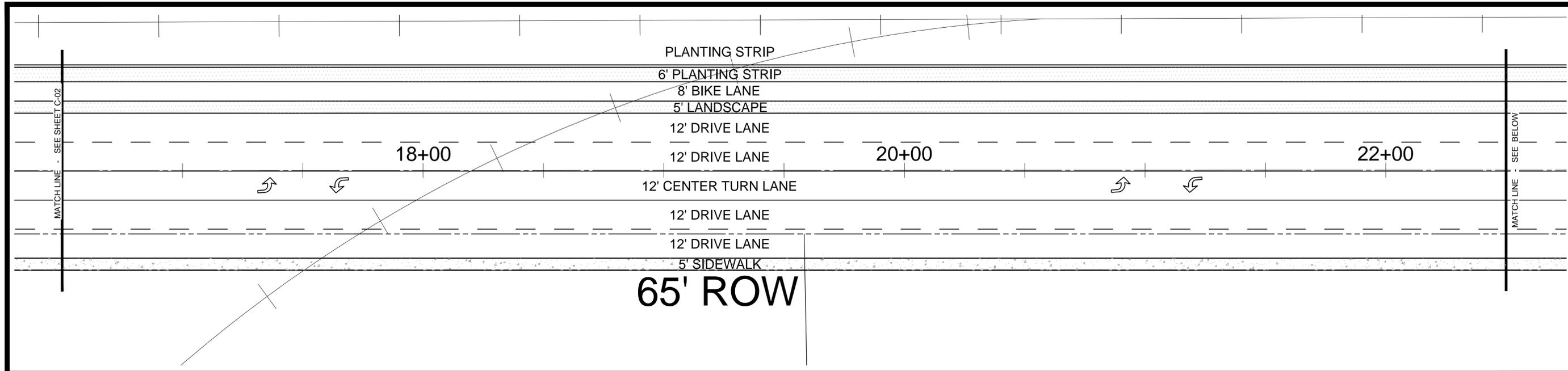



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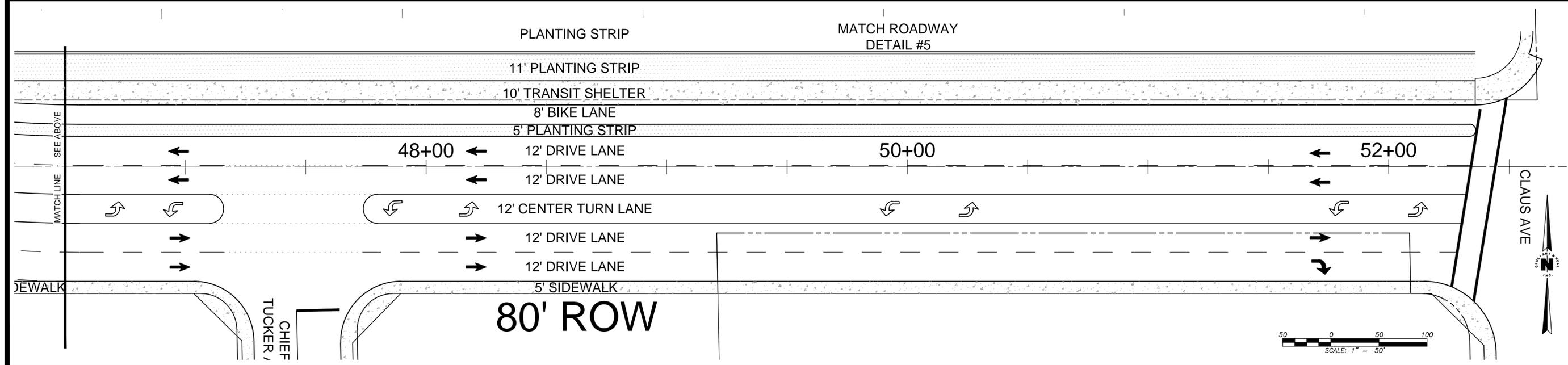
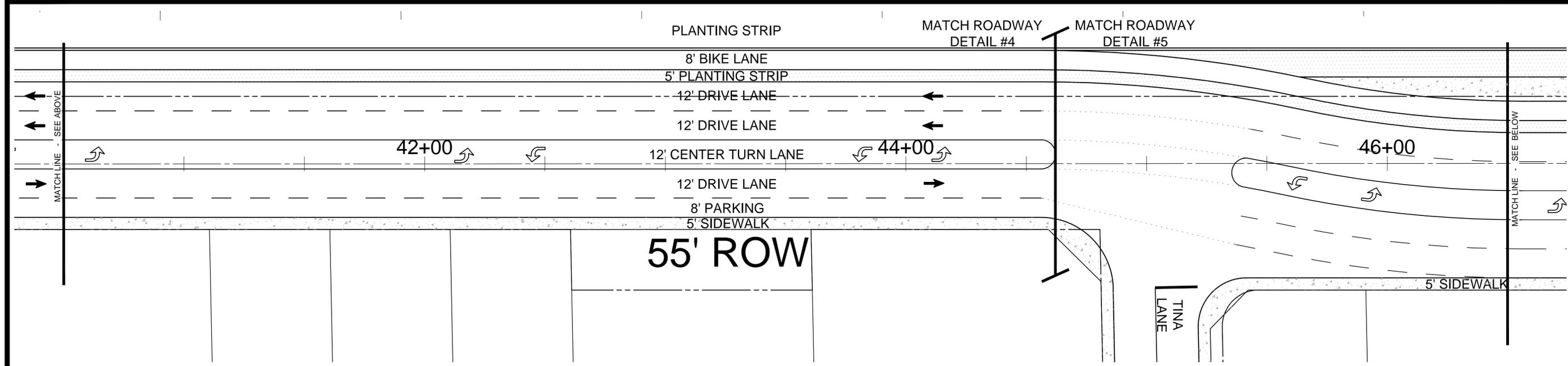
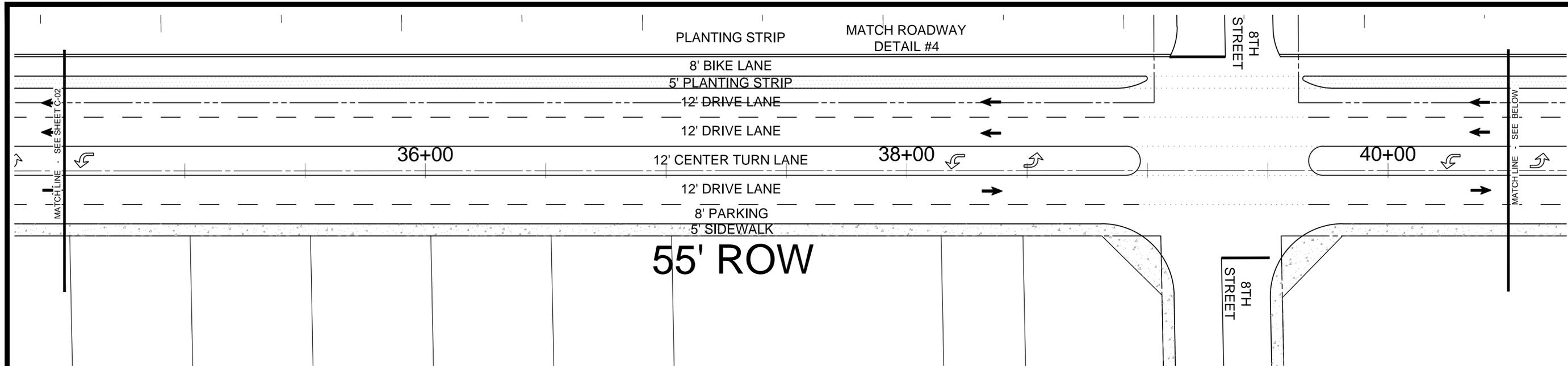
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PLAN VIEW  
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OF	4
JOB NO.	13118



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City Council Agenda  
November 4, 2014  
Mayor and Council  
Agenda Item No. B.01

Reviewed by  
City Mgr's office: /KLM

Memo to: Manteca City Council  
From: Karen L. McLaughlin, City Manager  
Date: October 28, 2014  
Subject: Report on Installation of Wayside Horns at Railroad Crossings and Railroad Trench System

Recommendation:

Receive report on wayside horns at railroad crossings within the City of Manteca, and other options including railroad trench system, and provide direction to staff as appropriate.

Background:

Councilman Harris had requested staff research the concept of wayside horns at railroad crossings, and bring back to Council for consideration. In addition, this concept was included in the Council's adopted goals and asked to be evaluated.

Effective June 24, 2005, the Federal Railroad Administration (FRA) established the Final Rule on the Use of Locomotive Horns at Highway/Rail Grade Crossings. The regulations requires locomotive horns be sounded for 15-20 seconds before entering all public grade crossings, but not more than one-quarter mile in advance. The required pattern for blowing the horn is "2-long, 1-short, and 1-long-sounding" horn, repeated as necessary until the locomotive clears the crossing. Locomotive Engineers retain the authority to vary this pattern as necessary for crossings in close proximity, and are allowed to sound the horn in emergency situations. Some cities have pursued other alternatives to train-mounted horns – specifically, Wayside Horns and Quiet Zones.

## Wayside Horns:

Wayside horns – more specifically called Automated Horn System (AHS) – replaces locomotive-mounted train horns as a means of alerting potential cross traffic. Prior to a train being within ¼ mile of a crossing, large flashing orange X's become visible to the train crew (see attached illustration). These X's, also known as horn indicators, tell the train crew the AHS is operating correctly. The X's flash continuously, except when a train actively occupies the railroad crossing. They stop flashing when a train is in the crossing, so if a second train approaches and the system correctly recognized the approaching locomotive, they can begin flashing again to show the train crew the system is working and they do not need to blow their train-mounted horn. These X's flash in a rhythmic pattern to offset them from other lights in the vicinity of the crossing. Generally, the X's are mounted at the crossing on poles adjacent to the railroad tracks. In at least one City with wayside horns, the X's are mounted 29 feet above the adjacent ground. This allows them to be visible over other train cars, should multiple trains be near the crossings.

Once the train is on the approach to the crossing, the railroad's constant warning time detection equipment (equipment that can tell when a train is approaching, how fast it is going, and when it will arrive at that crossing so it can consistently provide the same amount of warning time prior to the arrival of a train) notifies the AHS of the impending train. The AHS then begins sounding its stationary horns. These horns are loudspeakers mounted on poles at the crossing. They are pointed in the general vicinity of the approaching traffic on the cross streets and are programmed to sound like a train horn. Each crossing receives approximately 25 seconds of warning time prior to the arrival of the train. This equates to eight horn activations per train in a “2-long, 1-short, and 1-long” pattern that is repeated twice. Once the train occupies the crossing, the AHS stops sounding its horn.

The AHS continuously monitors its operational status. It checks to make sure it is communicating correctly with the railroad warning equipment from which it receives notification of the approaching train. It also monitors the decibel level of the stationary horns every time they sound. Should the system find a problem, it will turn itself and the flashing X's off. Locomotive Engineers have been trained to sound their train-mounted horns should the flashing X's not be visible for any reason. If the X's are off or just not visible due to sun, glare, fog, etc., they are instructed to blow the train-mounted horns. They are also permitted to blow the train-mounted horns if they perceive a potential danger encroaching on the tracks, such as pedestrians or vehicles trying to beat the train through the crossing.

### Quiet Zones:

In order to mitigate the effects of train horn noise, localities may establish a “quiet zone.” In a quiet zone, railroads are directed to cease the routine sounding of their horns when approaching public highway-rail grade crossings. Train horns may still be used in emergency situations or to comply with other Federal regulations or railroad operating rules. Localities desiring to establish a quiet zone are first required to mitigate the increased risk caused by the absence of a horn. Those mitigation measures are specifically laid out in the 2005 Final Rule noted above. They include the installation of gates, medians, programmed enforcement, photo enforcement and education.

Union Pacific Railroad believes quiet zones compromise the safety of railroad employees, customers and the general public; however, Federal regulations provide public authorities the option to maintain and/or establish quiet zones, provided certain supplemental or alternative safety measures are in place, and the crossing accident rate meets FRA standards. The types of quiet zones that may be available to a City include:

1. New Quiet Zone: Those zones that were established after October 9, 1996.
2. Partial Quiet Zone: Quiet zones where the horn is silenced for only a portion of the day, typically between the hours of 10 p.m. and 7 a.m.
3. Full Quiet Zone: Zones where the horn is silenced 24 hours per day.

As of April 2013, there were 36 quiet zones throughout the State, accounting for a total of 181 crossings.

### Wayside Horns Explored:

As of April 2013, California had five wayside horn corridors, accounting for a total of 15 crossings:

- City of Riverside – 6 crossings
- City of Roseville – 2 crossings
- City of Paramount – 2 crossings
- City of Escalon – 4 crossings
- City of Del Mar – 1 crossing

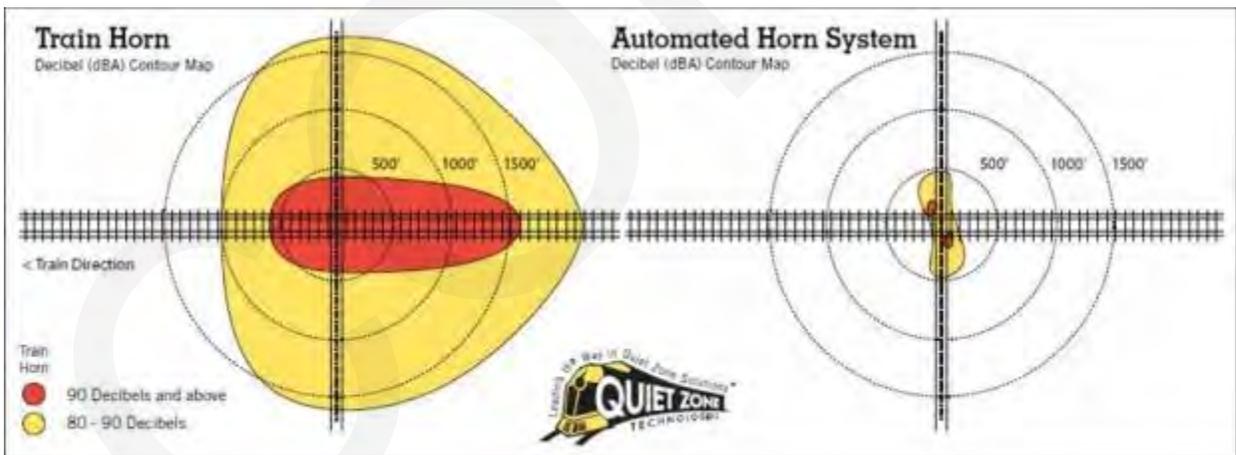
Staff reached out to staff from these cities, and has spoken with staff from the cities of Roseville, Escalon and Del Mar regarding their systems. The following is a summary of the feedback we have received:

Roseville	Escalon	Del Mar/North County Transit District (NCTD)
<b>When did your wayside horns become operational?</b>		
2001	2008	2012
<b>What was the cost to install (per crossing)?</b>		
\$85,000	\$140,000	\$137,000
<b>What is your cost to maintain the wayside horn system and is maintenance in-house or contracted?</b>		
<ul style="list-style-type: none"> <li>• Did not have exact numbers, but thought costs were minimal – similar to traffic signal maintenance.</li> <li>• Six signal technicians on staff who handle the maintenance of system.</li> <li>• On average, experience a signal outage 1-2 times per month.</li> </ul>	<ul style="list-style-type: none"> <li>• Did not have exact numbers, but felt costs were negligible.</li> <li>• City staff maintains the system; training was provided by the wayside horn vendor.</li> <li>• Have not experienced any signal outages.</li> </ul>	<ul style="list-style-type: none"> <li>• The railroad operator installed the horns. Maintenance of the system was added to its already established maintenance contract. Cost is low.</li> </ul>
<b>What wayside horn vendor did you use?</b>		
Railroad Control Limited (RCL)	Railroad Control Limited (RCL)	Campbell Technology Corporation (CTC)
<b>What was the catalyst to have the system installed?</b>		
<ul style="list-style-type: none"> <li>• Resident complaints.</li> <li>• High school near one of the crossing locations.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff was instructed to look for avenues to reduce train noise.</li> <li>• Approximately 48-72 trains per day were traveling through Escalon.</li> </ul>	<ul style="list-style-type: none"> <li>• Resident complaints.</li> </ul>
<b>What has been the feedback to date?</b>		
<ul style="list-style-type: none"> <li>• Conducted a community survey 3 times over a 5-month period after the installation of the horns. Graphs showing the responses to the 7-question surveys are attached.</li> </ul>	<ul style="list-style-type: none"> <li>• Initial: Residents thought the horns sounded odd, needed a short acclimation period.</li> <li>• Very positive response, especially from those residents close to the tracks.</li> </ul>	<ul style="list-style-type: none"> <li>• Positive response, except from residents down the street from the crossing.*</li> </ul>

**Miscellaneous Comments**

	<ul style="list-style-type: none"> <li>• Had to establish quiet zone prior to installing the horns.</li> <li>• Installed medians at the horn locations to increase safety (not included in the \$140,000 cost above).</li> <li>• Chose vendor prior to beginning process of establishing the quiet zone. Vendor helped Escalon through the process to get the system approved.</li> </ul>	<ul style="list-style-type: none"> <li>• Tremendous support from the Del Mar Foundation. Foundation solicited donations to assist with project cost.</li> <li>• FRA recently released new guidance regarding the horn system. NCTD will have to reprogram the horns to meet the new guidance.</li> </ul>
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\*“The disadvantage of wayside horns is that the area near the crossing will have a full and continuous horn impact for 30 seconds. But the noise is focused toward the street approaching the tracks, not a wide blast, as is the case with train horns. Wayside horns work well at some locations where the land uses are non-residential in nature.” (*Boulder Train Horn Elimination Analysis, page 6*) See exhibit below for decibel map detailing Train Horn vs. Automated Horn System.



Staff also spoke with staff from the City of Riverside. Riverside is removing its wayside horns because they are constructing grade separations at each of their crossings. One issue they came across with their system was with the railroad. When a problem with the system occurred, after having to prove it was the railroad’s issue, it took approximately six months for the railroad to rectify the problem.

Manteca currently has 10 railroad crossings within the City limits:

- Airport Way
- Louise Avenue
- Union Road
- Walnut Avenue
- Center Street
- Yosemite Avenue
- Main Street
- Industrial Park Drive
- Woodward Avenue
- Austin Road

The distance between these crossings vary from 1,060 feet (.2 miles) to 6,090 feet (1.2 miles). In order to maximize any benefit of the wayside horn system, staff believes the system would need to be installed at at least eight of the crossings – potentially eliminating the two outside crossings at each end of the City.

#### Cost/Insurance Considerations:

Assuming a current cost of approximately \$150,000 per crossing, the cost to install this system at all 10 crossings in Manteca would be \$1.5 million. In addition, there would be some ongoing maintenance costs relating to the replacement of bulbs at the crossings, and staff resources to conduct semi-annual decibel reads – a requirement of the system. As indicated above, staff from other cities with wayside horns indicate these costs are minimal, not unlike maintenance associated with traffic signal maintenance.

Staff also spoke with the City's risk management agency regarding this concept. The City obtains its insurance through the Municipal Pooling Authority (MPA) of Northern California, which has, in the past, received this request from another MPA member agency, the City of Martinez. It was the MPA staff's opinion that the expansion of liability exposure was so significant that any consideration to provide indemnification coverage would require submission to the Authority's Board of Directors. MPA staff has indicated it would recommend against covering such an arrangement. For this same reason, MPA staff has informed Manteca staff that it does not recommend this alternative warning system. The MPA is concerned about increased risk to the MPA by altering the warning system that is currently in place. Currently, the City/MPA is liable for maintenance of the crossings beyond the railroad arms, and Union Pacific assumes liability within the arms at the railroad. The same would be true if a wayside horn system is installed.

However, if the City decided to move forward on the installation of wayside horns, the item would have to be taken to the MPA Board to determine whether it wishes to risk share for this exposure. Estimates from MPA to insure all ten (10) railroad crossings in the City for \$10 million per intersection comes at a cost of \$400,000 per year and would be expected to increase each year of coverage. This estimate is only for liability insurance on the intersections and does not include the cost to maintain or install any needed infrastructure or equipment.

#### Railroad Trench Alternative:

One alternative to wayside horns is the concept of a railroad trench. Although construction costs for this alternative are extremely high (estimated at more than \$200 million), it may be possible some Federal funding may be available to help offset these costs. At the very least, staff believes this concept warrants further exploration. The trench system essentially “buries” miles of train track in a trench that is dug through the City. The City of Reno completed such a venture in 2005, lowering more than 2 miles of train track that ran directly through Downtown Reno. In addition to virtually eliminating train vs. pedestrian/car accidents, it improved public safety by ensuring no railroad crossings were blocked when emergency vehicles needed to get from one part of the City to another. For Manteca, the idea of a trench that could accommodate two rail lines – Union Pacific and the Altamont Commuter Express (ACE) could be explored.

#### Fiscal Impact:

If Council chooses to proceed with pursuing the wayside horn system, specific cost estimates and funding mechanisms will be brought back. However, preliminary estimates indicate installation costs would be \$1.5 million for all 10 crossings, plus potentially \$400,000 per year for additional insurance costs, in the event the MPA Board does not approve sharing the “risk.” Staff from the San Joaquin Council of Governments (COG) has indicated Local Transportation Funds (LTF) can be used to pay for installation, maintenance and insurance costs associated with wayside horns. Allocating LTF funds for these annual costs would mean less funding for street and road maintenance funding. LTF funds are required to be used to meet unmet transit needs first, and then can be used for these other purposes. Other potential funding sources include the General Fund, or remaining development agreement fees.

Should Council wish to direct staff to pursue discussions relative to a railroad trench, specific cost estimates and funding sources would be brought back once developed.

**CITY OF RIVERBANK  
RESOLUTION NO. 2016-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF RIVERBANK, CALIFORNIA, RECOM-  
MENDING TO CITY COUNCIL THE APPROVAL OF  
ITERIM AND ULTIMATE PLAN LINE FOR PATTERSON  
ROAD**

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

**WHEREAS**, as part of the General Plan Update, the Circulation Element identified Patterson Road as a major collector requiring four (4) lanes of travel to adequately accommodate the future transportation needs of the community; and

**WHEREAS**, City staff initiated an investigation into the right of way constraints associated with future Patterson Road improvements and conducted a Community Workshop on February 25, 2015 and a Walking Tour on March 28, 2015; and

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

**WHEREAS**, notice of the public hearing was mailed to each property owner fronting on Patterson Road, as well as any and all persons who have expressed interests concerning the future improvements to Patterson; and

**WHEREAS**, the Planning Commission has reviewed staff report and all attachments concerning the Patterson Road Plan and conducted a public hearing on January 19, 2016; and

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

**NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF THE PROPOSED INTERIM AND ULTIMATE PLAN LINES FOR PATTERSON, ATTACHED HERETO AS EXHIBIT A AND EXHIBIT B AND INCORPORATED HEREIN BY THIS REFERENCE, BASED ON THE FOLLOWING FINDINGS:**

1. 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.

2. The City finds and determines with certainty that the proposed interim and ultimate plan line for Patterson Road described in Resolution 2016-001 is exempt from the California Environmental Quality Act ("CEQA") pursuant to the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. (CEQA § 15061(b)(3)). Since the proposed Plan Line adoption is required under state law to comply with the City's General Plan, no new environmental effects will be created.

**PASSED AND ADOPTED** by the Planning Commission of the City of Riverbank at a regular meeting held on the 19 th day of January, 2016; motioned by Commissioner Villapudya seconded by Commissioner Stewart, and upon roll call was carried by the following vote of 4-0:

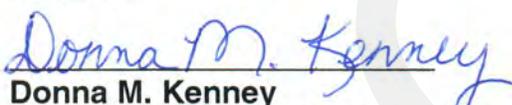
**AYES:** Chair Hughes, Commissioner McKinney, Commissioner Stewart & Commissioner Villapud

**NAYS:** None

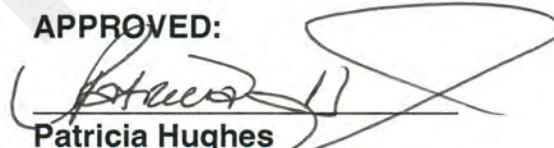
**ABSENT:** None

**ABSTAIN:** None

**ATTEST:**

  
Donna M. Kenney  
Planning and Building Manager

**APPROVED:**

  
Patricia Hughes  
Planning Commission Chair

Attachments:

- Exhibit "A" – Interim Patterson Road Alignment
- Exhibit "B" – Ultimate Patterson Road Alignment



City of Riverbank  
**Planning Commission Meeting**  
6707 Third Street • Riverbank • CA 95367

**\*DRAFT\* MINUTES**  
**Tuesday, January 19, 2016**

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

**CALL TO ORDER/ROLL CALL:**

**Present:** Chair Hughes, Commissioner McKinney, Commissioner Stewart and Commissioner Villapudua

**Absent:** None

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

*No one declared a conflict.*

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

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

*None*

**2. CONSENT CALENDAR**

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

**Item No. 2.A:** Posting of the January 19, 2016, Planning Commission Meeting.

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

*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

**Item No. 2.B:** The Agenda for the January 19, 2016, Planning Commission Meeting.

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

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*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

**Item No. 2.C:** The Minutes of the November 17, 2015 Planning Commission Meeting.

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

*Ayes: Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

### **3. PUBLIC NOTICE**

**Item 3.1:** PATTERSON ROAD PLAN LINE. PROJECT DESCRIPTION: The proposed Resolution will recommend to the City Council approval of the Interim and Ultimate Plan Lines for Patterson Road between Roselle Avenue to the west and Claus Road to the east in compliance with the City of Riverbank 2005-2025 General Plan.

- Donna M. Kenney introduced item 3.1 and John B. Anderson; consultant planner presented the staff report and PowerPoint.
- John B. Anderson asked the Planning Commission if they had any questions.
- Commissioner Villapudua asked some questions.
- Mr. Anderson responded to his questions.
- Public Hearing was opened at 6:22 p.m.
- Haskell Moore spoke on item 3.1 and had question on the number of lanes.
- Mr. Anderson responded to Mr. Moore's questions.
- Michael Monshien with Monshien Cabinets that is on the corner of Patterson and Roselle, commented on the signal light and suggested a pedestrian over pass and making the train to a quiet zone.
- Rosa Medrano stated that with the proposed new homes it will cause more traffic at Roselle and Patterson Roads. And was wondering if Roselle would become 4 lanes and concerned about no sidewalks.
- Vince Brown with Thunderbolt Wood Treating Services acknowledged the Planning Commission on their jobs and their decisions making on these difficult projects. And stated that they receive about 30 trucks a day to their business.
- Haskell Moore made additional comments on sidewalks and utility poles and that the traffic is due to the school kids.
- Mr. Anderson came up and responded to the questions asked and gave a recap of the concerns that were mentioned.

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- Planning Commission responded to John's recap and comments.
  - Chair Hughes asked Mr. Anderson some questions.
  - Commissioner Villapudua also asked Mr. Anderson some questions.
  - Mr. Anderson explained the process and what we need to do 1<sup>st</sup> to meet are General Plan and Downtown Specific Plan.
  - Commissioner McKinney asked Mr. Anderson some questions about the railroad right away.
  - Planning Commission discussed item and asked Mr. Anderson additional questions.
  - Mr. Anderson responded to the Commissioner's questions.
  - Public Hearing Closed at 7:06 p.m.

***ACTION:*** *By motion moved/second (Villapudua / Stewart / passed 4-0) was approved with adding special considerations to staff prior to going to City Council to examine pedestrian mobility and safety; motion carried by unanimous roll call vote.*

*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

**Item 3.2:** This was previously Item 3.4, was moved to Item 3.2 - WARD AVENUE VILLAS – GENERAL PLAN AMENDMENT 01-2015, REZONE 01-2015, AND VESTING TENTATIVE MAP 01-2015. PROJECT DESCRIPTION: Request for the development of 28 single family parcels and a storm water basin on 2.42 acres to be rezoned to Planned Development. Property is located at 2912 Ward Avenue, west of Roselle Avenue, APN 132-036-003 within an R-1 Single Family Residential Zoning District.

- Donna M. Kenney presented the staff report and PowerPoint on item 3.2.
- Public Hearing was opened at 7:37 p.m.
- Troy Wright with Windward Pacific Builders, applicant spoke on behalf of his project and the deciding factors and challenges they had with planning the project.
- Rod Hawkins with Hawkins & Associates Engineer applicants engineer spoke on behalf of the project and the storm basin.
- Commissioner Villapudua asked about the depth of the basin.
- Commissioner Stewart asked questions about the landscaping.
- Discussion on wood fencing verses vinyl fencing.
- Rosa Medrano that lives next to the project is concerned with her vinyl fence and 2 story houses looking into her yard.
- Commission and Mr. Wright discussed fencing issues.

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- Rosa Medrano asked additional question and concerns to her fencing if damaged.
  - Donna Kenney stated that any fencing that is damaged during construction would be replace like for like.
  - Lucrecia Castillo asked questions about the project and parking concerns.
  - Patricia Hughes read an email that was received by Judy Garcia into the public hearing comments.
  - Troy Wright continued through the amenities list of resolution 2016-006.
  - Rosa Medrano asked about utility poles.
  - Lucrecia Castillo also asked additional question to project.
  - Rosa Medrano asked what the homes would look like.
  - Public Hearing was closed at 8:42 p.m.

**ACTION:** Resolution 2016-004 - By motion moved/second (McKinney / Stewart / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.

*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

**ACTION:** Resolution 2016-005 - By motion moved/second (McKinney / Stewart / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.

*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

**ACTION:** Resolution 2016-006 – By motion moved/second (McKinney / Stewart / passed 4-0) was approved after staff made changes and recommendations; motion carried by unanimous roll call vote.

*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

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**Item 3.3:** This was previously Item 3.2, was moved to Item 3.3 - RIVERBANK 2014-2023 HOUSING ELEMENT AND INITIAL STUDY/NEGATIVE DECLARATION. PROJECT DESCRIPTION: The Planning Commission will hold a Public Hearing to review and make recommendations to the City Council regarding: 1) Initial Study/Negative Declaration on the Housing Element Update 2014-2023; and 2) an amendment to the Riverbank General Plan to adopt the Housing Element Update for the 2014-2023 Planning Period. The Proposed project is an update to the Riverbank Housing Element. In compliance with Government Code Section 65580 *et seq.*, the proposed Housing Element Update, which supports goals and policies of the City's current Housing Element, provides policies and implementation programs under which new housing development would be allowed. The proposed Housing Element includes updated policies and programs that are intended to guide the City's housing efforts through the 2014-2023 planning period.

- Donna M. Kenney introduced item 3.3 and David Niskanen; consultant planner presented the staff report and PowerPoint.
- Chair Hughes asked the Commission if they had any questions.
- Commissioner McKinney asked how confident are they.
- Mr. Niskanen responded to McKinney's question that they have done all that has been asked of them so they are very confident.
- Commissioner Villapudua asked Mr. Niskanen some questions.
- Mr. Niskanen responded to his questions.
- Public Hearing was opened at 9:00 p.m.
- Being there was no comments the Public Hearing was closed at 9:01 p.m.

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

*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

**Item 3.4:** This was previously Item 3.3, was moved to Item 3.4 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, 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. PROJECT DESCRIPTION: The proposed Ordinance Amendment will update the City's Municipal Code to make the Planning Commission the deciding body of a variance request. An appeal of the Planning Commission's decision would still be heard in public hearing by the City Council.

- Donna M. Kenney presented the staff report and PowerPoint on item 3.4.
- Planning Commission discussed item.
- Public Hearing was opened at 9:05 p.m.
- Being there was no comments the Public Hearing was closed at 9:06 p.m.

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

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

Nays: None

Absent: None

Abstained: None

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

**Item 5.1:** Planning Commissioner appointments were notified January 13<sup>th</sup>. They are Joan Stewart, Edward Tabacco and Larry King. Newly appointed Commissioners will be given the Oath of Office at the January 26<sup>th</sup> City Council meeting at 6:00 p.m. and the Council will also recognize Planning Commissioners Patricia Hughes and John Degele for their years of service on the Planning Commission Board. - Donna Kenney thanked Chair Hughes for her years of service on the Planning Commission Board.

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

**Item 6.1:** 39<sup>th</sup> Annual Stanislaus County Planning Commissioners' Workshop – Saturday, February 27, 2016. - Commissioners Villapudua, Stewart, McKinney and Hughes all stated they would want to attend this workshop.

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

**Item 7.1:** Diamond Bar West – Final Subdivision Map. Applicants are working on the plans for utilities, streets, hawk foraging land mitigation and oak tree mitigation.

**Item 7.2:** Diamond Bar West – Architecture and Site Plan Review. Application to be submitted within 2 weeks.

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

**Item 8.1:** Crossroads Shopping Center, Pad "C" Update - Panda Express (open), Chipotle, Dickey's BBQ Pit, AT&T Store (open), and Five Guys.

**Item 8.2:** Crossroads Shopping Center, Pad "G" Update – (next to Bevmo) America's Tire plans in review.

**9. ADJOURNMENT – There being no further business, Chair Hughes adjourned the meeting at 9:15 p.m.**

ATTEST:

APPROVED:

\_\_\_\_\_  
Donna M. Kenney  
Recording Secretary

\_\_\_\_\_, Chair  
Planning Commissioner

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

### SECTION 5: PUBLIC HEARING

<b>Meeting Date:</b>	February 23, 2016
<b>Subject/ Title:</b>	A <b>Resolution</b> of the City Council of the City of Riverbank, California, Adopting the 2014-2023 Housing Element and 2014-2023 Housing Element Negative Declaration and Authorizing Its Submittal to the State Department of Housing and Community Development
<b>From:</b>	<b>Jill Anderson, City Manager</b>
<b>Submitted by:</b>	<b>John B. Anderson, Contract Community Development Director</b>

#### **RECOMMENDATION**

Consistent with the recommendation of the Planning Commission, it is recommended that the City Council approve the proposed Resolution (Attachment 1), adopting the 2014-2023 Housing Element and Negative Declaration and authorize the submittal of the 2014-2023 Housing Element to the State Department of Housing and Community Development (HCD) for certification.

#### **BACKGROUND**

Typically, State Law requires Housing Elements be updated every five (5) years to reflect a Community's changing needs. For the 5<sup>th</sup> Cycle, HCD has modified this timeframe to 9 years. The current planning cycle is from January 1, 2014 to September 30, 2023. The City's previous Housing Element (2009-2014) was adopted by City Council on August 24, 2009. As part of the overall update to the Housing Element, Section 65585(b) of the State Government Code requires the 2014-2023 Housing Element to be submitted to HCD for a 60 day review period.

A vast majority of the policy direction established in the 2009-2014 Housing Element remains valid and unchanged with this update. However, there are new and revised programs included in the 2014-2023 Housing Element update to reflect State Legislation adopted in recent years since the previous plan was last certified by HCD.

On May 12, 2015, the City Council authorized staff to release the Draft 2014-2023 Housing Element for public review and submittal to HCD to allow for the State mandated 60-day review period. On July 13, 2015, HCD issued their written findings of the Draft 2014-2023 Housing Element, which recommend various revisions to comply

with State Housing Law (Attachment 4). Since the July 28<sup>th</sup> letter, Staff has been working with HCD Staff to bring the 2014-2023 Housing Element into compliance with State Housing Law. On December 30, 2015, HCD issued a Letter stating that upon adoption, the 2014-2023 Housing Element will be in compliance with State Housing Law (Attachment 4)

## **ANALYSIS**

The Housing Element is one of the seven (7) State mandated Elements of the City's General Plan. Pursuant to Section 65800 of the State Government Code, the City of Riverbank Draft 2014-2023 Housing Element provides the following:

- An analysis of the City's existing housing needs;
- An analysis of the City's population and employment trends;
- An analysis and documentation of the City's household characteristics;
- An inventory of land within the City suitable for residential development, including vacant sites and sites suitable for redevelopment;
- An identification of a zone or zones where emergency shelters are allowed or permitted without a conditional use or other discretionary permit;
- An analysis of potential and actual government constraints upon the maintenance, improvement, or development of housing for all income levels within the City;
- An analysis of potential and actual non-governmental constraints (i.e. market, environmental, etc.) upon the maintenance, improvement, or development of housing for all income levels within the City;
- An analysis of all special housing needs within the City (i.e. those residents with disabilities, large families, farm workers, senior citizens, etc.);
- An analysis of existing assisted housing development that may be eligible to change from low-income housing uses during the next ten years;
- A statement of the City's goals, objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and,
- An identification of housing programs within the County to provide housing opportunities for all income levels.

The City's 2014-2023 Housing Element has been prepared in accordance with Section 65800 of the State Government Code, and is organized into nine (9) sections:

1. Introduction;
2. Household and Employment Characteristics;
3. Housing Stock Characteristics;
4. Housing Supply and Needs;
5. Housing Production Opportunities;
6. Housing Production Constraints;
7. Housing Development Eligible to Change to Non-Low Income Units;
8. Evaluation of Previous Housing Element; and,
9. 2014-2023 Housing Goals and Policies.

Below is a summary of the major updates incorporated into the nine (9) Sections of the 2014-2023 Housing Element:

**Regional Housing Needs Allocation**

As part of the update to the City’s 2014-2023 Housing Element, and as noted above, the City is required to identify sites to accommodate its Regional Housing Need Allocation (RHNA), as determined by HCD and the Stanislaus Council of Governments (StanCOG). In the 2014-2023 Regional Housing Need Allocation Plan for Stanislaus County, StanCOG provided the City with the RHNA between the timeframe of January 1, 2014 to September 30, 2023. Below, Table 1 provides the City’s RHNA, expressed in terms of Median income:

Table 1 – City of Riverbank Regional Housing Need Allocation

Category	Income Range (Family of Four)	Maximum Rent or Mortgage*	Maximum Home Loan***	Riverbank Regional Share (units)
Extremely Low Income	up to \$24,250	up to \$606	\$88,742	161**
Very Low	\$24,250 to \$28,450	\$597 to \$711	\$104,167	160
Low	\$28,450 to \$45,500	\$700 to \$1,137	\$166,586	206
Moderate	\$45,500 to \$63,960	\$1,120 to \$1,599	\$234,161	217
Above Moderate	\$63,960 +	\$1,599 +	\$234,161 +	536

*SOURCE:* HUD Median Income Limits, 2015, effective March 6, 2015. \*Not to exceed 30% of monthly income  
 \*\*Regional Share of extremely low income units assumed to be 50% of the very low income units  
 \*\*\*Assumes 30% of income devoted to mortgage payment, taxes, mortgage insurance and homeowner’s insurance; 97% loan @ 4% 30 year term, FHA. No consumer debt is assumed.  
<http://calculators.freddiemac.com/response/1f-freddiemac/calc/home01>

J.B. Anderson Land Use Planning staff conducted a Vacant Site Inventory utilizing information from the City, Stanislaus County Parcel Database, Riverbank Geographical Information Systems and the City’s General Plan. The Vacant Sites Inventory identified approximately 64.72 acres of land within the City’s existing City Limits that can accommodate residential development. In addition, 53.42 acres of land within the City limits could be considered underutilized based on the inventory. Additionally, 458 acres were identified outside of the City Limits but within the City’s Sphere of Influence (SOI) that can accommodate residential development. Land within the proposed Crossroads West Specific Plan resulted in 264 acres of land that can accommodate residential development.

In total, the inventory of vacant land and underutilized land within the City Limits and Sphere of Influence, as well as the Crossroads West Specific Plan resulted in the City’s ability to accommodate the development of 3,551 residential units, varying from single-

family residential dwellings to multi-family residential dwellings (apartments, townhouses, etc.)

### **Additional Research and Analysis – Underutilized Sites, AB1233 and CRLA**

To reach the goal of identifying adequate land to accommodate the RHNA, Staff evaluated sites within the City which are underutilized, meaning that there is a potential for an increase in density and units. For example, a property designated as High Density Residential in the General Plan that is 4 acres in size and currently has one (1) single family dwelling would be considered underutilized.

Staff evaluated all the land within the City Limits and created a new table which showed the Underutilized Sites by zoning district to be used to calculate the potential unit inventory.

In addition to underutilized sites, Staff evaluated the 4<sup>th</sup> Cycle Unaccommodated Need and calculated the necessary acreage of rezone necessary to bring the City's Housing Element into compliance. Assembly Bill 1233 was adopted in 2007 and required sites to be rezoned when a jurisdiction fails to adopt a Housing Element that identified adequate sites or fails to timely implement programs in its housing element to identify adequate sites pursuant to Government Code Section 65583(c)(1). The City's 2009-2014 Housing Element identified a program to rezone 65.2 acres and annex and zone 15 acres to Multi-Family Residential (R-3) from Single Family Residential (R-1). As part of the AB1233 Analysis, Staff evaluated the affordable housing approved/constructed in the City since January of 2007 as well as the amount of acres of available land for multi-family development. The end result is a reduction in the program requirement (65.2 and 15 acres) to an unaccommodated need of 0.85 acres. JBA Staff worked with City Staff to identify a site to be rezoned to meet this requirement. The AB1233 analysis and program is included in the Housing Element in Section VIII and Section IX.

Additional research and analysis was completed in response to comment letters received by the California Rural Legal Assistance (CRLA), a non-profit legal group that advocates for housing for low-income households, farmworkers, homeless and large families. The comment letters, dated June 8, June 17 and October 7 stated that the Housing Element needed additional evaluation of the homeless population, farmworker housing, large-family households and housing for low-income households. In response, City staff revised the Housing Element and provided additional research and analysis as well as drafted new programs tailored to these groups. More discussion related to the CRLA is discussed below.

### **2014-2023 Housing Goals and Policies**

Although a majority of the policy direction established in the 2009-2014 Housing Element remains valid, there is new and revised goals, policies and goals provided in the 2014-2023 Housing Element to reflect community needs.

**Major updates to existing Programs, or new Programs include:**

*Program 1.1a: Meet the RHNA between 2014-2023;* Review, as needed, the amount of land designated for various residential uses in conjunction with the amount of and types of housing produced in previous year to determine if any changes in the General Plan and Zoning Ordinance may be needed to meet the City's housing needs.

*Program 1.1b: Maintain vacant sites inventory and facilitate the development of Crossroads West Specific Plan;* City shall maintain its vacant sites inventory by facilitating the development of the Crossroads West Specific Plan, and designate therein sufficient sites to accommodate the dwelling units identified in Table V-4, and specifically, those sites designated for higher density development in order to meet the regional housing needs of lower income households.

*Program 1.1c: Meet the Unaccommodated Need from the 4<sup>th</sup> Cycle;* To meet the Unaccommodated Need from the 4<sup>th</sup> Cycle identified in the Program 1.1a and AB1233 Analysis located in Section VIII, the City will rezone the site(s) listed in Table VIII-7 and adopt a general plan amendment (if necessary).

*Program 2.1e: Assist in the development of housing for farmworkers.* The City shall provide technical assistance when needed, and continue to conduct pre-application conferences and meet with farm worker housing developers on an ongoing basis. Actions include: post information on the Development Services website within 1-year of Housing Element adoption and contact farmworker housing developers to determine interest and identify constraints to farmworker housing development within the City.

*Program 2.1f: The City will work with the agricultural community, housing providers and agriculture groups.* The City will work with these groups to develop and build year-round and seasonal agricultural housing. This will require an analysis of prime agricultural areas in the City to identify suitable locations for at least 20 units of farmworker housing. Information gathered from this analysis shall be provided, in conjunction with Program 2.1e, to agricultural and affordable housing developers.

*Program 2.1g: Transitional and Supportive Housing.* The City will update the uses permitted in the R-1 and R-2 Zone to include Transitional and Supportive Housing as a permitted use. In addition, the City shall amend the uses permitted with a use permit the C-1, C-2 and C-M Zone to remove Transitional and Supportive Housing as a permitted use with a use permit.

*Program 2.1h: Employee Housing/Farmworker Housing.* The City shall amend the R-1 zone to include Employee Housing as a permitted use per Health and Safety Act Sections 17021.5 and 17021.6.

*Program 2.1i: Developmental Disabilities.* The City shall refer residents to the Valley Mountain Regional Center for housing and services available for persons with developmental disabilities.

*Program 2.1j: Infill Opportunity Area.* The City shall encourage housing development within the General Plan Infill Opportunity Area and specifically, sites designated Mixed Use. Housing development shall include housing for extremely low-, very-low, and low income groups.

*Program 2.1k: Regional cooperation with Homeless needs.* The City shall participate in the Stanislaus County Housing and Supportive Service Collaborative (SCHSCC) and the Continuum of Care to help address homeless needs in Riverbank and Stanislaus County.

*Program 2.2a: Downtown Specific Plan;* The City shall encourage redevelopment in the Downtown area that results in a two to one replacement of any existing housing units displaced by redevelopment projects in the Downtown area.

*Program 2.2b: Downtown Specific Plan;* City shall coordinate with Developers and Non-Profit Housing Provides on implementation of the Downtown Specific Plan.

*Program 2.2c: Downtown Specific Plan;* City shall encourage the development of new housing of upper stories and mixed-use buildings in the Downtown Core area of the Downtown Specific Plan.

*Program 3.1d: Parking.* The City shall review and amend the Zoning Code to reduce the City's parking standards (inclusive of guest parking) for multifamily uses in the R-2 and R-3 zones.

*Program 3.1e: System Development Fees.* Amend Section 150.30: System Development Fees to provide provisions for the Deferral of System Development Fees.

*Program 3.1f: Water and Sewer Providers.* In accordance with Government Code Section 65589.7, immediately following City Council adoption, the City must deliver to all public agencies or private entities that provide water and sewer services to properties within Riverbank a copy of the 2014-2023 Housing Element. In addition, the City will also establish a written procedure by the end of 2017 to provide water and sewer service to development with units affordable to lower income households.

*Program 3.1g: Constraints to affordable housing projects.* One way the City can assist such developers is by providing fast-track/priority processing for low-income and special needs housing projects. Other services include: assign primary contact for priority housing developments, hold pre-application development conferences, provide information about permit streamlining at the planning counter, on the City's website and in other public places to increase awareness.

*Program 4.1c: Housing Condition Survey.* The City shall conduct a Housing Condition Survey. This Housing Condition Survey will follow HCD Guidelines for conducting a Housing Condition Survey.

*Program 4.2a: Land division of sites currently zoned high-density residential.* The City shall evaluate and make a written determination on the site constraints as a result of a proposed subdivided site currently zoned high-density residential.

*Program 5.1b: Public Engagement/Participation.* To promote continued opportunity for public engagement, the City shall conduct an annual Housing Element review. Provide opportunities for public engagement and discussion in conjunction with the State requirement of written review of the General Plan by April 1 of each year.

*Program 5.1c: Public Engagement/Participation.* To promote Public Participation in the Housing Element update process, the City shall utilize the following action, including: public notices for Housing Element public workshops shall be posted in English and Spanish, the City shall partner with churches to present and solicit input on affordable housing in the City, and public notices for activities related to the Housing Element shall be delivered in the monthly water bill.

## **PUBLIC PARTICIPATION**

On September 30, 2014, a Public Workshop on the 2014-2023 Housing Element Update was held at the Riverbank City Council Chambers to provide a presentation on the Housing Element Update process, and to solicit input and comment from Workshop Attendees. A Public Notice for this workshop was published in the *Riverbank News* and posted at City Hall North and South and posted on the City's website. Five (5) people attended the Public Workshop: one (1) Councilmember, one (1) Planning Commissioner and three (3) representatives from the City, despite the workshop being noticed.

In addition, on December 12, 2014, a questionnaire was mailed to public housing providers, developers, non-profit organizations, responsible agencies, such as Stanislaus Habitat for Humanity, Building Industry of the Greater Valley, Modesto Gospel Mission, etc. One (1) response was received from Modesto Gospel Mission.

As discussed above, Planning Commission and City Council meetings were held on April 21, 2015 and May 12, 2015 to review and authorize Staff to submit the Draft 2014-2023 Housing Element to HCD for a mandated 60-day review.

### **California Rural Legal Assistance**

On June 8 and June 17, 2015, the City received two (2) comment letters from the California Rural Legal Assistance (CRLA) in response to the City's Draft 2014-2023 Housing Element and the City's request for a Streamlined Review from HCD (Attachment 5). The CRLA is a non-profit legal services provider serving low-income clients and communities throughout California. The comments received by the CRLA focus on low-income needs and the desire for additional analysis and proactive programs for the homeless, farmworker and large family housing. In addition, the CRLA requested that the City include more proactive public participation efforts to reach out to these populations.

In addition to the comment letters received above, the City received one (1) comment letter on October 7, 2015 (Attachment 6). This comment letter was focused on the revisions that the City sent HCD in response to the HCD Comment letter dated July 13, 2015. It requested the City evaluate and analyze the homeless population in greater detail as well as more proactive programs for lower-income groups.

In response, the City met with the CRLA on November 12, 2015 to review and discuss their comments. As a result, the City revised the Draft 2014-2023 Housing Element to include more analysis and programs focused on homeless and farmworker needs as well as public participation. On December 18, 2015, the CRLA submitted a letter to the City and HCD stating that they are “encouraged to see a number of programs that address the need for affordable housing, farmworker housing, homeless needs, public participation, and specifically extremely low-income housing” (Attachment 6). The City will continue to work with the CRLA in addressing housing related issues and future Housing Element updates.

### **PLANNING COMMISSION ACTION**

On January 19, 2015, the Planning Commission held a noticed Public Hearing to consider a Resolution to recommend to the City Council adoption of the 2014-2023 Housing Element and 2014-2023 Housing Element Negative Declaration and to submit the Housing Element to HCD for certification. All four (4) Planning Commissioners were present at this meeting: Chair Hughes, Commissioner McKinney, Commissioner Stewart, and Commissioner Villapudua.

During their deliberation, the Planning Commission commented on the Housing Element process and the work Staff did with the CRLA to create the updated Programs. During the public comment period, no one from the public spoke for or against this item.

Commissioner Stewart made the motion to approve the proposed Resolution to recommend to the City Council to adopt the 2014-2023 Housing Element and 2014-2023 Housing Element Negative Declaration and to authorize Staff to submit to HCD for certification. Commissioner McKinney seconded the motion and the Planning Commission approved Planning Commission Resolution No. 2016-02 with a 4-0 vote.

### **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act, an Initial Study has been prepared by the Lead Agency (City of Riverbank). This Initial Study (IS) has been circulated to the Governor’s Office of Planning and Research for consultation with other Responsible Agencies as SCH# 2015122008. The review period for the Initial Study closed on January 4, 2016 and one comment letter was received from the Central Valley Regional Water Quality Control Board. Based on the IS it has been determined that the proposed Project will not have a significant effect on the environment, and a Negative Declaration has been prepared.

## **FINANCIAL IMPACT**

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

## **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 preparation of the Draft 2014-2023 Housing Element is required by State law to be reviewed and certified by HCD and therefore consistent with the City's mission to "provide exceptional municipal exceptional services in a fiscally sound and professionally responsible manner for our community." Furthermore, certification will assist the City in procuring State and Federal funds, which require an up-to-date, certified Housing Element.

## **ATTACHMENTS**

1. Proposed City Council Resolution
2. 2014-2023 Housing Element, dated January 2016
3. 2014-2023 Housing Element Negative Declaration, dated December 2015
4. Letters from HCD, dated June 13, 2015 and December 30, 2015
5. Letters from CRLA, dated June 8, 2015 and June 17, 2015
6. Letters from CRLA, dated October 7, 2015 and December 18, 2015
7. Planning Commission Resolution No. 2016-02
8. Draft Planning Commission Minutes of January 19, 2016

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,  
CALIFORNIA, ADOPTING THE 2014-2023 HOUSING ELEMENT AND 2014-2023  
HOUSING ELEMENT NEGATIVE DECLARATION AND AUTHORIZING ITS  
SUBMISSION TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT**

---

**WHEREAS**, the City of Riverbank desires to maintain a General Plan that complies with State law (Gov. Code § 65300 *et. seq.*); and

**WHEREAS**, State law requires cities in Stanislaus County to have adopted or revised their Housing Element within 120 days after December 31, 2015, to be responsive to changing conditions, new laws, State law requirements and updated regional “fair share” housing determinations; and

**WHEREAS**, the purpose of the proposed Housing Element is to assure compliance with State law by addressing the City’s fair share of regional housing need through the year 2023 and to comply with other State law requirements; and

**WHEREAS**, on September 30, 2014, staff held a duly noticed public workshop to discuss the Housing Element; and

**WHEREAS**, the Planning Commission held a public meeting on April 21, 2015, and recommended that the City Council authorize staff to send the Housing Element to the State Department of Housing and Community Development (“HCD”) for their mandated 60-day review; and

**WHEREAS**, on May 12, 2015, the City Council considered the draft Housing Element at a Public Meeting and authorized staff to send the document to HCD; and

**WHEREAS**, the Housing Element was sent to HCD in May 2015 for their mandated review and comments on the proposed Housing Element’s consistency with State law; and

**WHEREAS**, comments were received from HCD on July 13, 2015, stating certain changes were needed for the proposed Housing Element to be considered consistent with State law; and

**WHEREAS**, Staff prepared the necessary changes to respond to HCD’s comments; and

**WHEREAS**, on December 30, 2015, HCD issued a letter indicating that the draft Housing Element is in compliance with State law; and

**WHEREAS**, the Riverbank Planning Commission held a duly noticed Public Hearing on January 19, 2016 to consider the Draft Housing Element and, by a vote of 4-0 (vice-chair vacant), approved Resolution 2016-02, recommending to the City Council to adopt the 2014-2023 Housing Element and Negative Declaration; and

**WHEREAS**, a Notice of City Council Public Hearing to consider the draft Housing Element and Housing Element Negative Declaration was posted and published on February 10, 2016; and

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

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RIVERBANK FINDS AS FOLLOWS:**

1. The proposed Housing Element is considered to be in the public interest because it provides policies and programs to promote housing for all economic segments of the City;
2. The proposed Housing Element is consistent with the goals and policies of the General Plan, and conforms to the requirements of Article 10.6 of Chapter 3 of Division 1 of Title 7 of the California Government Code (Gov. Code § 65580 *et seq.*)
3. Based on the prepared Initial Study for the Housing Element, there is sufficient evidence and evaluation to determine that the proposed Housing Element will not be detrimental to the public health, safety, or welfare;
4. Based on the Initial Study, the Housing Element will not have a significant impact on the environment and, as a result, a Negative Declaration has been prepared.
5. The proposed Housing Element is required to be reviewed and certified through the Housing and Community Development Department, and the Initial Study was prepared and submitted for public and agency review through the Office of Planning and Research (SCH# 2005122008). The proposed Housing Element has been reviewed by HCD and is ready to be submitted for formal certification.
6. 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 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) may be declared invalid.

**BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RIVERBANK, BASED ON THE FACTS AND ANALYSIS IN THE STAFF REPORT, WRITTEN AND ORAL TESTIMONY, AND EXHIBITS PRESENTED, HEREBY APPROVES THE 2014-2023 HOUSING ELEMENT AND THE 2014-2023 HOUSING ELEMENT NEGATIVE DECLARATION; AND**

**BE IT FURTHER RESOLVED THAT THE CITY COUNCIL AUTHORIZES SUBMITTAL OF THE HOUSING ELEMENT TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR CERTIFICATION**

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 23rd 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:**

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

**APPROVED:**

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

# CITY OF RIVERBANK

## 2014 – 2023 HOUSING ELEMENT

January 2016



RIVERBANK



# CITY OF RIVERBANK

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# HOUSING ELEMENT

January 2016

*Lead Agency:*

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

*Prepared by:*





# ◆ Table of Contents ◆

<b>Section I - Introduction</b>	<b>I-1</b>
A. Purpose of the Housing Element	I-1
B. Methodology	I-4
C. Public Participation	I-5
<b>Section II - Household and Employment Characteristics</b>	<b>II-1</b>
A. Community Profile	II-1
B. Population Trends/Growth Rate	II-2
C. Population Characteristics (Age and Ethnicity)	II-4
D. Employment Trends	II-7
E. Jobs/Housing Balance	II-11
<b>Section III - Housing Stock Characteristics</b>	<b>III-1</b>
A. Existing Housing Stock	III-1
B. Growth of Housing Stock	III-3
C. Housing Quality	III-3
D. Vacancy Rates	III-4
E. Economic Characteristics of Housing	III-5
F. Housing Choice	III-9
G. Subsidized Housing	III-9
<b>Section IV - Housing Supply and Needs</b>	<b>IV-1</b>
A. Local Housing Supply	IV-1
B. Overpayment of Lower-Income Households	IV-2
C. Existing Extremely Low-Income (ELI) Households	IV-2
D. Number of Overcrowded Households	IV-4
E. Amount of Housing Needing Rehabilitation	IV-5
F. Special Needs	IV-6
G. Riverbank Housing Needs	IV-6
H. Market-Rate Housing Needs	IV-6
I. Non-Market-Rate Housing Needs	IV-8
J. The Elderly	IV-9
K. The Disabled/Handicapped	IV-12
L. Developmental Disabilities	IV-13
M. Female Heads of Households	IV-14
N. Large Families	IV-15
O. Farmworkers	IV-17
P. Emergency Housing/Homeless	IV-20
Q. Agencies Offering Emergency Housing Assistance	IV-21
R. Persons Requiring Temporary Shelter (Homeless)	IV-22
S. Agencies Providing Shelter and/or Services and/or Meals	IV-23

<b>Section V - Housing Production Opportunities</b>	<b>V-1</b>
A. Inventory of Land	V-1
B. Sites for the Development of Mobilehomes/Manufactured Housing Mobile home Parks and Emergency Shelters	V-20
<b>Section VI - Housing Production Constraints</b>	<b>VI-1</b>
A. Non-Governmental Housing Constraints	VI-1
B. Government Constraints	VI-4
C. Energy Conservation Opportunities	VI-12
D. Trends in Housing Production	VI-15
<b>Section VII - Housing Development Eligible to Change to         Non-Low Income Units</b>	<b>VII-1</b>
A. State Requirement	VII-1
B. Result	VII-1
C. Funding Programs	VII-2
<b>Section VIII - Evaluation of Previous Housing Element</b>	<b>VIII-1</b>
A. Effectiveness of Programs	VIII-1
B. Ability to Meet Quantified Objectives	VIII-1
C. Appropriateness of Goals	VIII-1
D. Housing Unit Accomplishment 2007-2014	VIII-1
F. Evaluation of Program 1.1A	VIII-17
<b>Section IX – 2014-2023 - Housing Goals and Policies</b>	<b>IX-1</b>
A. Introduction	IX-1
B. Goals	IX-2
C. Anticipated Housing Accomplishments: 2014-2023	IX-14
<b>Appendices:</b>	
A. Available Housing Programs – City of Riverbank	A-1
B. Housing Condition Survey – City of Riverbank	B-1
C. Processing Time of Various Development Applications	C-1
D. Zoning Districts Summary and Comparisons to Land Use Designations	D-1
E. Exactions and Processing Fees	E-1
F. Overpayment Calculation	F-1
G. Definitions	G-1
H. Crossroads West Conceptual Land Use Plan	H-1
<b>References</b>	

# List of Tables

<b>Section II - Household and Employment Characteristics</b>	<b>II-1</b>
II-1 Population and Population Growth Rates City of Riverbank – 2004-2014	II-2
II-2 Historical & Projected Household Population City of Riverbank – 2010-2040	II-3
II-3 Historical & Projected Household Population Stanislaus County – 2010-2060	II-3
II-4 Persons per Room in Occupied Housing Units City of Riverbank – 2010 and 2014	II-3
II-5 Selected Age Groups City of Riverbank – 2000-2010	II-4
II-6 Persons by Race City of Riverbank – 2000, 2010, and 2020	II-5
II-7 Persons by Age and Sex City of Riverbank – 2000, 2010, and 2012	II-6
II-8 Top Employers City of Riverbank – 2012	II-7
II-9 Annual Average Wage and Salary Employment Stanislaus County: Historical – 2010, Forecast – 2020	II-10
II-10 Monthly Unemployment Rate Stanislaus County: 2006 – August 2014	II-11
<b>Section III - Housing Stock Characteristics</b>	<b>III-1</b>
III-1 Housing Stock by Type and Vacancy City of Riverbank, Stanislaus County, and CA – 2010 and 2014	III-1
III-2 Projected Owners and Renters Stanislaus County and California – 2010 and 2020 Projection	III-2
III-3 Tenure by Unit Type City of Riverbank – 2000 and 2012	III-2
III-4 Age of Housing Units City of Riverbank – 1939 to 2012	III-3
III-5 Annual Vacancy Rates City of Riverbank – 2004-2014	III-4
III-6 Detailed Features of Vacancies City of Riverbank and Stanislaus County – 2013	III-5
III-7 Median Home Values – 2010 and 2015, Median Rents – 2000 and 2012 Stanislaus County and California	III-6
III-8 Income Limits by Income Category and Size Stanislaus County – 2015	III-7
III-9 Affordable Housing Guidelines by Income Category – 2015	III-8
III-10 FMRs by Unit Bedrooms Stanislaus County – 2008 and 2015	III-9

<b>Section IV - Housing Supply and Needs</b>	<b>IV-1</b>
IV-1 Income Limits Stanislaus County – 2015	IV-1
IV-2 Number of Lower-Income Owner and Rental Households Overpaying for Housing, City of Riverbank – 2012	IV-2
IV-3 Housing Problems for All Households – May 2014	IV-3
IV-4 Persons per Room in Occupied Housing Units City of Riverbank – 2000 and 2012	IV-5
IV-5 Yearly Housing Unit Increase Stanislaus County and Cities – 2004-2014	IV-7
IV-6 Housing Needs Allocation – 2014-2023	IV-8
IV-7 Population 60 Years of Age and Older City of Riverbank and Stanislaus County – 2010	IV-12
IV-8 Disabled Persons by Age City of Riverbank – 2010	IV-12
IV-9 Persons in Group Quarters City of Riverbank and Stanislaus County – 2010	IV-13
IV-10 Developmentally Disabled Residents by Age California Department of Developmental Services	IV-14
IV-11 Female Headed Householders City of Riverbank and Stanislaus County – 2008-2012	IV-15
IV-12 Household Type and Size City of Riverbank – 2008-2012	IV-16
IV-13 Persons in Occupied Housing Units City of Riverbank – 2008-2012	IV-16
IV-14 Income Distribution Overview	IV-17
IV-15 Estimated Number of Farmworkers City of Riverbank – 2012	IV-18
IV-16 Farm Labor and Migrant Housing	IV-19
IV-16 Homeless Facilities	IV-21
IV-17 Homeless Needs	IV-21
 <b>Section V - Housing Production Opportunities</b>	 <b>V-1</b>
V-1 Vacant Land in the City Limits	V-3
V-2 Underutilized Land in the City Limits	V-7
V-3 Residential Land within the Sphere of Influence	V-11
V-4 Sites within the Downtown Specific Plan	V-16
V-5 Crossroads West Specific Plan Summary of Assumed Residential Land Uses	V-18
V-6 City's Ability to Meet Its Regional Housing Needs (Average Densities) 2015	V-19
 <b>Section VI - Housing Production Constraints</b>	 <b>VI-1</b>
VI-1 Average Single-Family Home Sales Price Stanislaus County – January, 2006 – September, 2014	VI-1
VI-2 Median Home Values – November, 2014	VI-2

VI-3	Comparison of Salary Ranges and Rental/Mortgage Stanislaus County – 2012	VI-3
VI-4	Final FY 2015 FMR by Unit Bedrooms	VI-3
<b>Section VII – Housing Development Eligible to Change to Non-Low Income Units</b>		<b>VII-1</b>
VII-1	Affordable Housing Units	VIII-1
VII-2	Summary of Financial Resources for Housing	VIII-2
<b>Section VIII - Evaluation of Previous Housing Element</b>		<b>VIII-1</b>
VIII-1	Housing Unit Accomplishments, 2007-2014	VIII-2
VIII-2	Housing Policies and Programs Evaluation	VIII-5
VIII-3	Affordable Housing Project Characteristics	VIII-18
VIII-4	Rent Versus Median Income	VIII-19
VIII-5	Income Category by Unit	VIII-20
VIII-6	AB1233 Analysis-4 <sup>th</sup> Cycle	VIII-21
VIII-7	Site Inventory for Rezone	VIII-22

## ***List of Figures***

<b>Section II - Household and Employment Characteristics</b>		<b>II-1</b>
II-1	Vicinity Map	II-1
II-2	Jobs by Industry – 2008-2012 ACS	II-8
<b>Section V - Housing Production Opportunities</b>		<b>V-1</b>
V-1	Vacant Land in the City Limits	V-5
V-2	Underutilized Land in the City Limits	V-9
V-3	Sites within the Downtown Specific Plan	V-13
V-4	Riverbank Sphere of Influence Land Use Designations	V-23
<b>Section VIII - Housing Production Opportunities</b>		<b>VIII-1</b>
VIII-1	Site Inventory for Rezone	VIII-3

## ***List of Charts***

<b>Section II - Household and Employment Characteristics</b>		<b>II-1</b>
II-1	Selected Age Groups, City of Riverbank – 2010	II-4
II-2	Race and Ethnicity – 2020 Projection	II-5
<b>Section III - Housing Stock Characteristics</b>		<b>III-1</b>
III-1	Age of Housing Units – 2012	III-4



# **SECTION I Introduction**

## **A. PURPOSE OF THE HOUSING ELEMENT**

The State Legislature has declared that the provision of decent housing in a suitable living environment is of the highest priority (Government Code Section 65580). The Legislature has determined that local governments are responsible for facilitating improvements and development of housing to meet the housing needs of all economic segments of the community, while considering other fiscal, environmental, and community goals set forth in the General Plan. To address these goals, the City's Housing Element represents a nine-year program to conserve, improve, and develop housing in the community. Regional growth for the area is projected from January 1, 2014 to September 30, 2023. This 9-year period will be used to show the City's plan to accommodate its share of the regional housing needs.

### **1. Substantive Requirements**

To meet substantive requirements, the Riverbank 2014-2023 Housing Element contains:

- Identification and analysis of existing and projected housing needs for all income levels, including an inventory of resources and constraints.
- An inventory of land suitable for residential development including vacant sites, and sites having potential for redevelopment.
- Revised housing goals, policies, and quantified objectives reflecting an updated housing needs analysis. These will be incorporated into a new schedule of actions to meet the goals and policies of the City's Housing Element during the planning period.

### **2. Procedural Requirements**

The City must consider guidelines adopted by the State Department of Housing and Community Development (HCD) when undertaking revision of the Housing Element. The City will submit a draft of the revised Housing Element to HCD for review at least 45 days prior to formal adoption. The City must amend the draft Housing Element taking into consideration HCD's findings, or make findings as to why the City believes it is in substantial compliance with the law.

### **3. Relationship to the General Plan**

The City Housing Element is one of seven mandated elements of the General Plan. State requirements for the content of the Housing Element are more specific than other parts of the General Plan, and all parts of the General Plan must be internally consistent. Local planning actions involving zoning, subdivision approval and redevelopment, must be

consistent with the City's Housing Element. The Housing Element is consistent with Riverbank's general plan's land use designations, as well as with the overall theme of the general plan which highlights balance among housing types, among economic sectors, in transportation mode choices, and between housing and jobs. Consistency with the general plan will be maintained by evaluating the consistency of proposed housing policies with all other general plan elements. When any element of the General Plan is amended, the City will review the Housing Element and if necessary, amend it to ensure continued consistency among elements. For continued consistency between the Housing Element and other Elements of the General Plan, Program 5.1b has been added to the 2014-2023 Housing Element, requiring the City to provide for public engagement and discussion in conjunction with the State requirement for written review of the General Plan (per Government Code §65400). Additional actions include to maintain the Draft General Plan Housing Element Review on the City's website annually and to develop an evaluation matrix to determine the consistency between the Housing Element policies and programs and the other Elements of the General Plan.

#### **4. State Law Requirements**

The California Legislature adopted requirements in 1980 for the contents of Housing Elements. Among these legislative requirements is the mandate that:

"The Housing Element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing....The Housing Element shall make adequate provisions for the existing and projected needs of all economic segments of the community."

This Housing Element serves two main purposes which are based on the legislative requirements mentioned above. First, it contains information describing the City of Riverbank's residents and their homes in sufficient detail to evaluate current and future housing needs. Second, the Element contains recommended policies and programs aimed at meeting the identified housing needs.

Specifically, the Element must contain:

- (a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs, including:
  - 1) Analysis of population and employment trends and quantification of the existing and projected housing needs for all income levels, including extremely low income households;
  - 2) Analysis and documentation of household/housing characteristics;
  - 3) Inventory of land suitable for residential development;

- 4) Identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use permit or other discretionary permit;
  - 5) Analysis of potential and actual government constraints;
  - 6) Analysis of potential and actual non-governmental constraints;
  - 7) Analysis of special housing needs (including homeless needs);
  - 8) Analysis of opportunities for energy conservation; and
  - 9) The preservation or replacement of dwelling units in subsidized housing projects which are affordable to low-income households and which may convert to market-rate rents.
- (b) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, improvement, and development of housing. The total housing needs identified in (a) may exceed the available resources and the community's ability to satisfy those needs.
- (c) A program which sets forth a nine-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element, including:
- 1) Identification of adequate sites that will be made available;
  - 2) Assisting in the development of housing affordable to low-income (80% or less of median) and moderate-income (80-120% of median) households;
  - 3) Addressing, and where possible, removing governmental constraints;
  - 4) Conservation of an improvement in the condition of existing affordable housing stock; and
  - 5) Promotion of housing opportunities for all persons (fair housing program);
  - 6) Preserve lower income households;
  - 7) Identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other General Plan Elements;
  - 8) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the Housing Element.

(d) State Law Relationship to City of Riverbank's Critical Housing Issues

Among the provisions of California Housing Element Law are requirements that:

- 1) The City adopt, as a minimum goal, a share of the projected regional growth in lower- and moderate-income households as determined by the council of governments operating within the region (Stanislaus Council of Governments—StanCOG).

- 2) Financial resources be identified that can make the construction of lower- and moderate-income households feasible; and,
- 3) Existing housing, affordable to lower- and moderate-income households be conserved, especially federally or State-subsidized housing that may convert to market-rate housing within the time frame of the housing element.

These requirements of State law address the most critical effects of the public actions that the City is pursuing.

To date, the City has pursued a market-based strategy to meet its residents' housing needs. The City has designated lands for various types of housing at several density levels, including land for multi-family housing, which could meet a portion of the lower- and moderate-income housing needs. The City does not require developers to construct housing at the maximum allowed density.

Market decisions made by individual developers have traditionally determined timing and types of housing constructed. The City of Riverbank cooperates with private and/or non-profit developers interested in building affordable housing projects and helps them to identify economic incentives and government subsidies. The City has also begun to consider requesting that new developments include mix of housing types, including multi-family housing, in order to make up for the lack such housing in the current inventory.

## **5. Regional Nature**

The provision of adequate housing is a regional problem and the City of Riverbank cannot implement a housing program without recognizing how land use and transportation decisions made by other jurisdictions affect the City's regional share of the area-wide housing needs. Conversely, land-use actions taken by the City may have extra-territorial effects which should be recognized. Because of the regional nature of housing needs in the greater Stanislaus area, the City's housing program requires coordination with other agencies.

## **B. METHODOLOGY**

The 2014 Housing Element Update has included updated statistical data reported in the 2010 Census (including 2012 and 2014 estimates), StanCOG's Regional Housing Needs Allocation Report (2014), State Department of Finance data, the State of California Economic Development Department, the Stanislaus Economic Development and Workforce ALLIANCE and other pertinent housing and technical reports.

The existing 2009 City of Riverbank Housing Element was an update to the Housing Element previously adopted in 2003. The analysis in the 2009 Housing Element relied primarily on 2000 U.S. Census data. The 2014-2023 Housing Element Update will be based on the 2010 Census data, while at the same time, every attempt will be made to

include newer census data from other reliable sources such as Employment Development Department (EDD) statistics on jobs and homelessness, Department of Finance (DOF) estimates and projections on population and housing and information from the U.S. Department of Housing and Urban Development (HUD).

The data for Riverbank is presented whenever possible, alongside comparable data for Stanislaus County and the State of California. This facilitates an understanding of Riverbank’s characteristics by illustrating how the City is similar to, or differs from, the county and state in various aspects related to demographic characteristics and housing conditions and needs.

**C. PUBLIC PARTICIPATION**

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The community was encouraged by the City to participate in the preparation of the Housing Element through a combination of general public notices as well as outreach on local Channel 2 and the City of Riverbank’s website. The City solicited comments on key issues, policies, and programs that the City should address in the Housing Element update.

Additionally, a letter was sent to various outside agencies on December 15, 2014, to solicit comment on the previous Housing Element and issues related to Riverbank and the update of the Housing Element. The following is the list of agencies that the Questionnaire was sent to:

Habitat for Humanity	Riverbank Housing Authority	Stanislaus Housing Authority
Building Industry Association of the Greater Valley	Haven Women’s Center	Self Help Enterprises
Children’s Crisis Center	Disability Resources Agency for Stanislaus County	Eden Housing
The USA Properties Fund	The Pacific Companies	Salvation Army
Bethany’s House	Modesto Union Gospel Mission	Disability Resource Agency for Independent Living (DRAIL)
Stanislaus County Affordable Housing Corporation	EAH Housing	CA Coalition for Rural Housing
Lodi Association of Realtors	American Red Cross	Aspiranet

Center for Human Services	California Valley Opportunity Center	Community Housing and Shelter Services (CHSS)
Community Impact Central Valley (CIVC)	Family Promise	Healthy Aging Association
Healthy Start FRC	Helping Others Sleep Tonight	Howard Training Center
National Alliance on Mental Illness	NeighborWorks	Parent Resource Center
PIQE Parent Institute for Quality	Project Sentinel Fair Housing	Telecare
Stanislaus County Affordable Housing	Turning Point	United Samaritans Foundation

Valley Recovery Resources

The City of Riverbank received one (1) response from the Agency Questionnaire. Modesto Gospel Mission’s Kevin Carroll responded. Modesto Gospel Mission provides shelter services for the homeless in Stanislaus County and sited “affordable safe housing” as a housing need which should be addressed in the City’s Housing Element Update. There have been three (3) Affordable Housing projects that have been approved and/or constructed since January 1, 2007, adding about 150 affordable units in the City. The City is encouraged by this trend and will continue to promote affordable safe housing. Further discussion on affordable housing is located in Section V, Section VI, Section VII, and Section VIII.

The City also held a Public Workshop on September 30, 2014. Public Notice of the Workshop was provided through the City’s website and an ad placed in the Riverbank News. The purpose of this workshop was to provide a presentation on the City’s Housing Element, the update process, and to solicit public comment on various housing questions and concerns. The Public Workshop was attended by six (6) members of the public, including City staff, and a member of the City’s Planning Commission. During the Public Workshop, the following issues/comments were discussed:

- Availability of various types of housing;
- Methodology of City’s Regional Housing Need;
- Type and availability of grants related to housing;
- Housing Element contents and requirements per State Housing Law;
- Accomplishments of the 2009-2014 Housing Element;
- Funding sources for lower income housing; and,
- Code enforcement issues.

During the Public Workshop, comments were received by the attendees and include but are not limited to:

- Would like to see a mix of all kinds of housing, including affordable housing, located throughout the City.
- The City should pursue more Grant funding for rehabilitation and construction. Types include HOME and CDBG funds.
- Affordable Housing seems to be located on one (1) side of the City (the east side). The Housing Element needs to address this.

These comments were noted and incorporated into the Housing Element. For instance, the location of Affordable Housing is a difficult process to control, as the location depends greatly on availability, cost and size. To help alleviate this issue, Program 2.1j states “where the City shall encourage housing development within the General Plan Infill Opportunity Area, including allowing sites to be developed with stand-alone residential uses with densities of at least 20 dwelling units per acre, provided the development proposal includes an affordable housing component.”

The Public Review 2014-2023 Housing Element was reviewed by the City’s Planning Commission on April 21, 2015 and the City Council on May 12, 2015. The Public Review Draft 2014-2023 was subsequently submitted to the California Department of Housing and Community Development Department (HCD) on May 13, 2015, and released for public review and comment. Public Notice of the Planning Commission public hearing was provided through the City’s website and an ad placed in the Riverbank News. Public Notice for the City Council meeting was provided through the City’s website. Notice was also posted at City Hall North and South for both public hearings.

The Draft Housing Element was made available to the public prior to the City’s Planning Commission meeting on April 16, 2015 at the following locations:

- Riverbank City Hall North and South
- Riverbank Public Library
- City’s Website – both as an Agenda item and on the Development Services section

The City has received comment letters from the California Rural Legal Assistance, Inc. (CRLA) on June 8, 2015, June 17, 2015, October 7, 2015 and December 18, 2015. Many of the concerns that were received have been addressed through discussions with HCD and associated revisions to achieve consistency with Housing Element Law and new statutory requirements. Example is incorporating Program 2.1g in the 2014-2023 Housing Element to amend the Riverbank Municipal Code to permit Transitional and Supportive Housing by-right in the Single Family Residential District, R-1 Zone and Duplex Residential District, R-2 Zone. The City will continue to contact and engage the

CRLA to improve the Housing Element for the 5<sup>th</sup> Cycle and Planning Periods in the future.

The City is committed to ongoing public engagement throughout the adoption and implementation of the Housing Element. As indicated in Program 5.1b of the 2014-2023 Housing Element, the City will provide the opportunity for public engagement and discussion in conjunction with the State requirement for written review of the General Plan (per Government Code §65400). The public notice is to be published and posted in English and Spanish.

Upon review by HCD, the 2014-2023 Housing Element was reviewed and considered by the City's Planning Commission during a duly noticed Public Hearing on (DATE TO BE INSERTED). At their regularly scheduled meeting of (DATE TO BE INSERTED) the Riverbank City Council adopted the City's 2014-2023 Housing Element and associated CEQA compliance document.

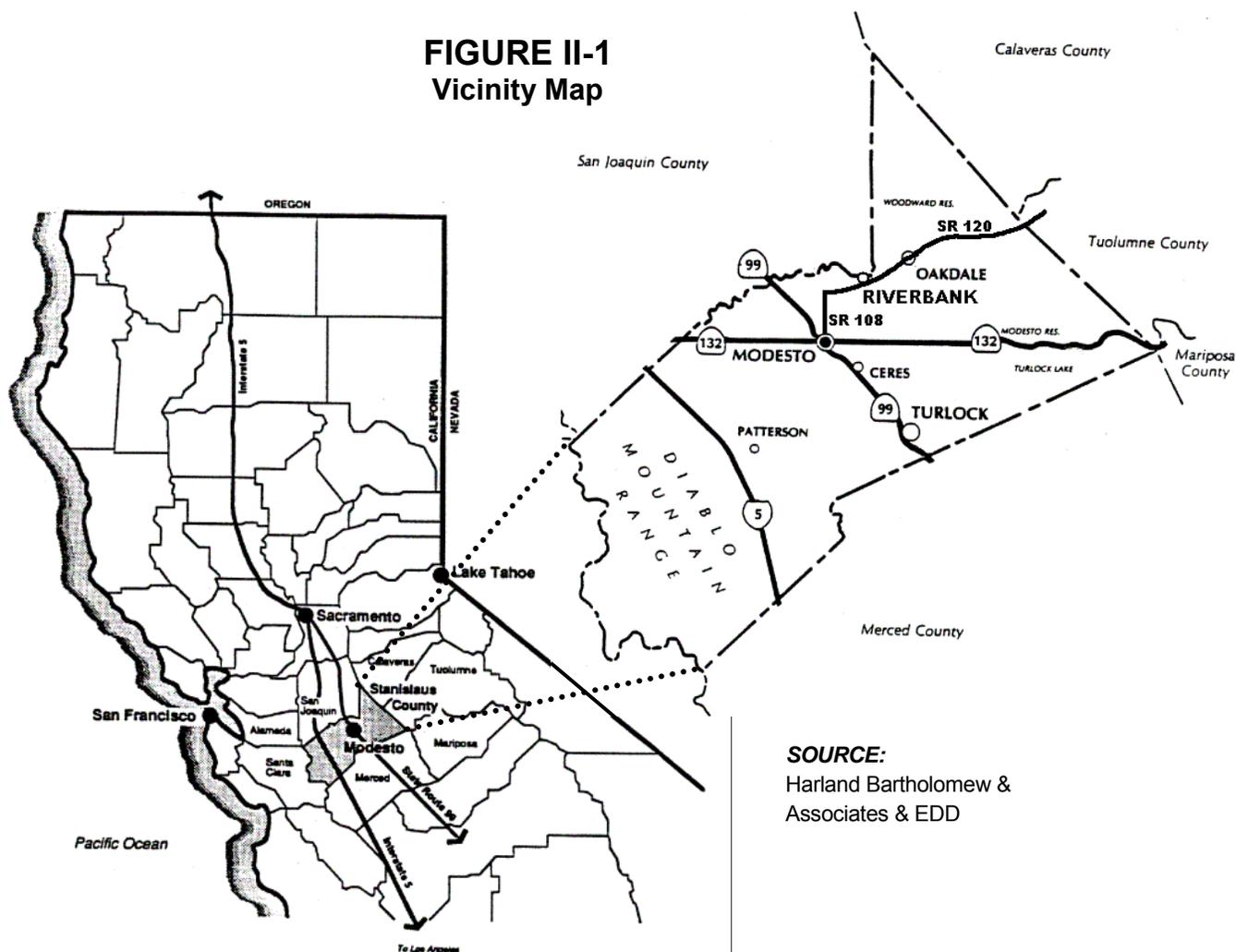
## SECTION II Household and Employment Characteristics

### A. COMMUNITY PROFILE

Riverbank is located in Stanislaus County, northeast of Modesto (see Figure II-1). From the early 1930's up through the 1950's, Riverbank experienced significant immigration of families from the Mid-west and Mexico. These newcomers were drawn to the area by the promise of jobs in agricultural and related industries, as well as the possibility of finding low-cost housing.

The City of Riverbank was incorporated in 1922 and consisted of 340 acres of land area. In 1930, Riverbank had a population of 803 people. From its incorporation in 1922 until 1986 Riverbank was a small, agricultural, service town housing residents who generally worked within or nearby the City.

**FIGURE II-1  
Vicinity Map**



## **B. POPULATION TRENDS / GROWTH RATE**

In 2004, the population in Riverbank was 18,302 according to the Department of Finance. Using the same source, in 2014, the population was 23,243. Based on these numbers, the growth rate for the 2004-2014 is just above 27% (see Table II-1, Population and Population Growth Rates 2004-2014).

Beyond 2014, projections indicate that the City of Riverbank will grow to approximately 38,000 by the year 2030 (see Table II-2 Historical and Projected Household Population - 2010-2040).

Stanislaus County has two population growth projections, one by Stanislaus Council of Governments (StanCOG) and the other by the Department of Finance. StanCOG's growth projection for the County

beyond 2010 up to 2050 is from 514,000 to 849,000 in population. The Department of Finance's growth projection for the same period is 515,205 to 861,984 in population, along with a projection out to 2060, which is 953,580 (see Table II-3 Historical and Projected Household Population - Stanislaus County 2010-2060).

As shown in Tables II-2 and II-3, population growth is anticipated to continue. Most of Stanislaus County is affected by Bay Area commuters; Riverbank has also been experiencing growth from this group. High population growth rates throughout Stanislaus County have placed significant stress on infrastructure. Thus far, the City of Riverbank has utilized an unrestricted growth policy which allows market demand to dictate housing construction and population growth. The closing of Gangi Brothers Cannery has resulted in available sewer facilities for the City to sufficiently serve a population of approximately 60,000.

Over the past decade, household size in Riverbank has held steady, with a slight increase. In 2010, the average household size was 3.42 persons. In 2014, it was 3.49 persons per household. This minor change is not anticipated to affect the number of housing units needed to house a given population. (See Table II-4, Persons per Occupied Housing Units 2010-2014)

**TABLE II-1**  
**Population and Population Growth Rates**  
**City of Riverbank – 2004-2014**

YEAR	POPULATION	ANNUAL POPULATION CHANGE	ANNUAL % POPULATION CHANGE
JANUARY 2004	18,302	-	-
JANUARY 2005	19,986	1,684	9.20%
JANUARY 2006	21,176	1,190	5.95%
JANUARY 2007	21,492	316	1.49%
JANUARY 2008	21,757	265	1.23%
JANUARY 2009	22,121	364	1.67%
JANUARY 2010	22,678	557	2.52%
JANUARY 2011	22,775	97	0.43%
JANUARY 2012	22,898	123	0.54%
JANUARY 2013	23,100	202	0.88%
JANUARY 2014	23,243	143	0.62%
JAN. 2004-2014	-	4,941	27.01%

**SOURCE:** State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State – January 1, 2011-2014. Sacramento, California, May 2014 and DOF Report E-8 Historical Population and Housing Estimates for Cities, Counties, and the State, 2000-2010. Stanislaus County Data Package, Table 1

**TABLE II-2****Historical & Projected Household Population, City of Riverbank – 2010-2040**

YEAR	CENSUS	STANCOG	DEPT OF FINANCE
2010	22,678	22,678	22,678
2014			23,243
2015		24,989	26,264
2020		27,627	29,678
2025		30,265	33,536
2030		32,903	37,896
2035		34,961	42,822
2040		37,019	48,389

**SOURCE:** CENSUS: U.S. Census Bureau, 2010 Census  
 STANCOG: 2014 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), Appendix J Regional Demographic Forecast  
 DEPARTMENT OF FINANCE: Stanislaus County Population & Housing Estimates (for January 1), E-5 and Historical E-4 x Avg. 5 yr. Increase (.13)

**TABLE II-3****Historical & Projected Household Population, Stanislaus County - 2010-2060**

YEAR	CENSUS	STANCOG	DEPT OF FINANCE
2010	514,453	514,000	515,205
2015		552,000	540,853
2020		594,000	589,156
2030		679,000	674,859
2040		764,000	759,027
2050		849,000	861,984
2060			953,580

**SOURCE:** CENSUS: U.S. Census Bureau, 2010 Census  
 STANCOG: 2014 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), Appendix J Regional Demographic Forecast.  
 DEPARTMENT OF FINANCE: State of California, Department of Finance, Report P-1 (County): State and County Total Population Projections, 2010-2060. Sacramento, California, January 2013.

**TABLE II-4****Persons per Occupied Housing Units For Riverbank, Stanislaus County, and California - 2010 and 2014**

DOF Estimates	Total	Single-family		Multi-family		Mobile Homes	Occupied	Persons Per Household	
		Detached	Attached	2 to 4	5 Plus				
<b>Riverbank</b>									
Units	2010	7,069	6,075	250	160	288	296	6,579	3.42
%		100%	85.94%	3.54%	2.26%	4.07%	4.19%	93.07%	-
Units	2014	7,109	6,095	250	160	308	296	6,616	3.49
%		100%	85.74%	3.52%	2.25%	4.33%	4.16%	93.07%	-
<b>Stanislaus County</b>									
Units	2010	179,503	133,952	7,484	12,382	17,127	8,558	165,180	3.08
%		100%	74.62%	4.17%	6.90%	9.54%	4.77%	92.02%	-
Units	2014	180,165	134,406	7,485	12,400	17,309	8,565	165,790	3.13
%		100%	74.60%	4.15%	6.88%	9.61%	4.75%	92.02%	-
<b>California</b>									
Units	2010	13,670,304	7,959,072	966,440	1,110,620	3,076,519	557,674	12,568,167	2.90
%		100%	58.22%	7.07%	8.12%	22.51%	4.08%	91.94%	-
Units	2014	13,845,281	8,038,217	972,976	1,119,175	3,154,907	560,000	12,731,223	2.95
%		100%	58.06%	7.03%	8.08%	22.79%	4.04%	91.95%	-

**SOURCE:** State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State – January 1, 2011-2014. Sacramento, California, May 2014

## C. POPULATION CHARACTERISTICS (AGE AND ETHNICITY)

### 1. Age of Population

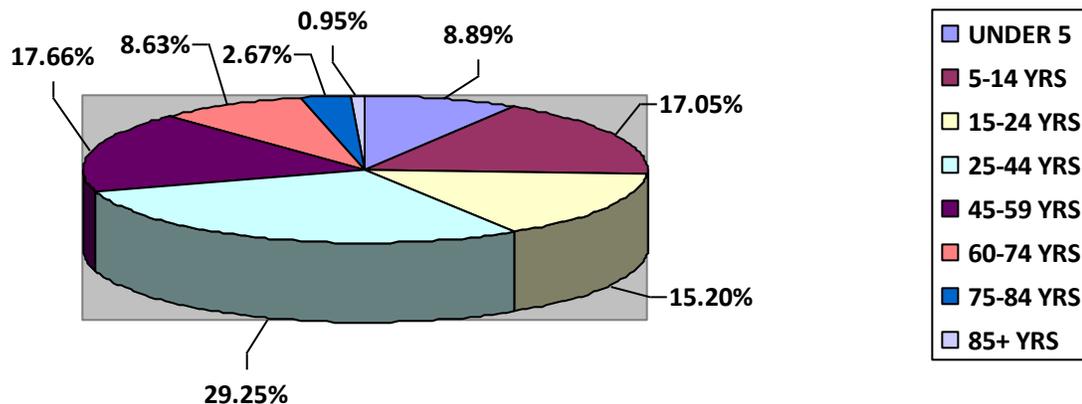
The age distribution for the City of Riverbank has remained relatively constant over the past ten years. There has been a slight increase in the population aged 45 to 59 years and in the population aged 60 to 74 years. The only population that has seen a marked decrease is the 5 to 14 age range, from 19.10% in 2000 to 17.05% in 2010. Also, the median age in the City of Riverbank increased from 29.6 years in 2000 to 31.0 years in 2010. (Also see Table II-7, Persons by Age and Sex)

**TABLE II-5**  
**Selected Age Groups**  
**City of Riverbank - 2000 to 2010**

AGE GROUP	2000 Census		2010 Census	
	#	% OF CITY POPULATION	#	% OF CITY POPULATION
< 5 YEARS	1,445	9.13%	1,948	8.89%
5 TO 14	3,023	19.10%	3,866	17.05%
15 TO 24	2,466	15.58%	3,447	15.20%
25 TO 44	4,869	30.77%	6,633	29.25%
45 TO 59	2,406	15.20%	4,005	17.66%
60 TO 74	1,142	7.22%	1,958	8.63%
75 TO 84	371	2.34%	606	2.67%
85 YEARS +	104	0.66%	215	0.95%
POPULATION	15,826	100.00%	22,678	100.00%

**SOURCE:** U.S. Census Bureau, 2000 and 2010 Census, QT-P1: Age Groups and Sex: 2010

**CHART II-1**  
**Selected Age Groups**  
**City of Riverbank - 2010**



**SOURCE:** U.S. Census Bureau, 2010 Census, QT-P1: Age Groups and Sex: 2010

## 2. Ethnic Groups

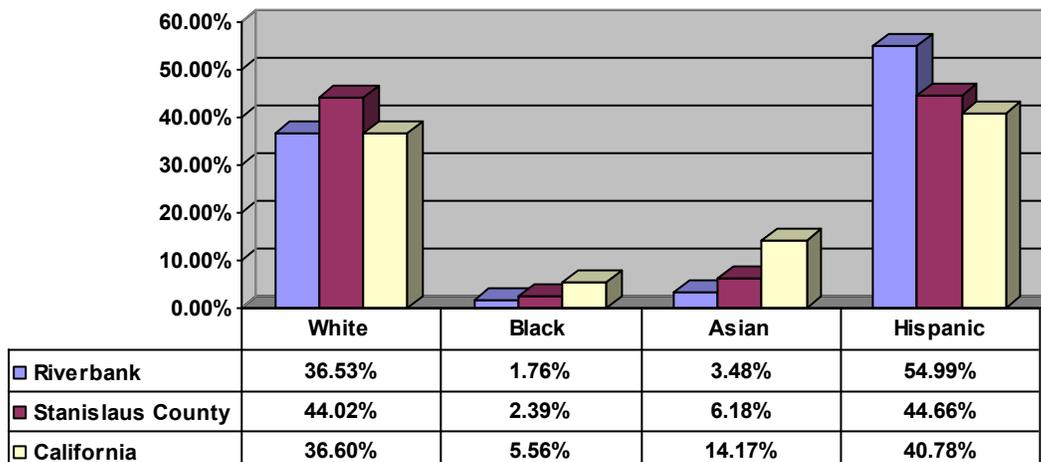
Table II-6, Persons by Race, indicates that the Hispanic population is the largest ethnic group in the City of Riverbank. The 2010 Census reports that the Hispanic or Latino population account for 52.13% of the population, greater than the white population at 39.53 percent. By comparison, California is approximately 37.6% of Hispanic origin, with Stanislaus County being the same at 37.6% of Hispanic origin, showing that Riverbank has a higher percentage of population which are of Hispanic origin. The 2020 demographic projection utilizes Stanislaus County's projections for race, assuming that Riverbank's ethnic groups will likely increase at a comparative rate. However, this projects Riverbank's 2020 total population at 26,164, while Riverbank's estimated January, 2014 population was 23,243 (DOF E-5 Estimates). This discrepancy is likely a result of the sharp increase in growth that Riverbank experienced between 2000 and 2012.

**TABLE II-6**  
**Persons by Race**  
**City of Riverbank – 2000, 2010, and 2020**

RACE	2000	% OF TOTAL	2010	% OF TOTAL	2020 PROJECTED	% OF TOTAL
WHITE	7,612	48.15%	8,964	39.53%	9,557	36.53%
BLACK OR AFRICAN AMERICAN	200	1.26%	410	1.81%	461	1.76%
AMER. INDIAN / ALASKAN NATIVE	143	0.90%	129	0.57%	137	0.52%
ASIAN	187	1.18%	733	3.23%	911	3.48%
NATIVE HAWAIIAN AND OTHER PACIFIC ISLANDER	15	0.09%	81	0.36%	84	0.32%
OTHER RACE	12	0.08%	34	0.15%	N/A	N/A
HISPANIC OR LATINO (OF ANY RACE)	7,266	45.91%	11,822	52.13%	14,387	54.99%
TWO OR MORE RACES	391	2.47%	505	2.23%	627	2.40%
<b>TOTAL</b>	<b>15,826</b>	<b>100%</b>	<b>22,678</b>	<b>100%</b>	<b>26,164</b>	<b>100%</b>

**SOURCE:** U.S. Census Bureau, 2000 and 2010 Census, QT-PL and P2 Tables; State of California, Department of Finance, Report P-1 (Race): State and County Population Projections by Race/Ethnicity, 2010-2060. *Sacramento, California, January 2013.*

**CHART II-2**  
**Race and Ethnicity – 2020 Projection**



**SOURCE:** State of California, Department of Finance, Report P-1 (Race): State and County Population Projections by Race/Ethnicity, 2010-2060. *Sacramento, California, January 2013.*

### 3. Gender

In 2000, the male and female populations in Riverbank were roughly equal. Males made up 49.46% and females made up 50.54% of the City's population. The percentage of males and females remained consistent in 2010, with a minor increase in the percentage of males (49.83% males and 50.17% females).

**TABLE II-7  
Persons by Age and Sex  
City of Riverbank – 2000, 2010, and 2012**

AGE GROUP		2000 CENSUS		2010 CENSUS		2012 ESTIMATE	
		NUMBER	% OF TOTAL	NUMBER	% OF TOTAL	NUMBER	% OF TOTAL
<u>UNDER 5</u>	TOTAL	1,445	9.20%	1,948	8.59%	2,190	9.49%
	MALE	725	4.62%	992	4.37%	1,243	5.39%
	FEMALE	720	4.59%	956	4.22%	947	4.10%
<u>5 TO 14</u>	TOTAL	3,023	19.27%	3,866	17.05%	3,928	17.02%
	MALE	1,542	9.83%	1,998	8.81%	2,110	9.14%
	FEMALE	1,481	9.43%	1,868	8.24%	1,818	7.88%
<u>15 TO 24</u>	TOTAL	2,464	15.70%	3,447	15.20%	3,835	16.62%
	MALE	1,226	7.81%	1,758	7.75%	2,041	8.85%
	FEMALE	1,238	7.89%	1,689	7.45%	1,794	7.78%
<u>25 TO 34</u>	TOTAL	2,316	14.76%	3,407	15.02%	3,006	13.03%
	MALE	1,149	7.32%	1,711	7.54%	1,451	6.29%
	FEMALE	1,167	7.44%	1,696	7.48%	1,555	6.74%
<u>35 TO 44</u>	TOTAL	2,515	16.03%	3,226	14.22%	3,655	15.84%
	MALE	1,232	7.85%	1,622	7.15%	1,914	8.30%
	FEMALE	1,283	8.18%	1,604	7.07%	1,741	7.55%
<u>45 TO 54</u>	TOTAL	1,784	11.37%	2,918	12.87%	3,032	13.14%
	MALE	876	5.58%	1,448	6.39%	1,437	6.23%
	FEMALE	908	5.79%	1,470	6.48%	1,595	6.91%
<u>55 TO 64</u>	TOTAL	1,059	6.75%	1,973	8.70%	1,572	6.81%
	MALE	534	3.40%	939	4.14%	794	3.44%
	FEMALE	525	3.35%	1,034	4.56%	778	3.37%
<u>65 TO 74</u>	TOTAL	595	3.79%	1,072	4.73%	1,099	4.76%
	MALE	229	1.46%	499	2.20%	530	2.30%
	FEMALE	366	2.33%	573	2.53%	569	2.47%
<u>75+</u>	TOTAL	400	2.55%	821	3.62%	759	3.29%
	MALE	157	1.00%	334	1.47%	346	1.50%
	FEMALE	243	1.55%	487	2.15%	413	1.79%
<b>CITY TOTAL</b>		<b>15,691</b>	<b>100.00%</b>	<b>22,678</b>	<b>100.00%</b>	<b>23,073</b>	<b>100.00%</b>
MALE		<b>7,760</b>	<b>49.46%</b>	<b>11,301</b>	<b>49.83%</b>	<b>11,866</b>	<b>51.43%</b>
FEMALE		<b>7,931</b>	<b>50.54%</b>	<b>11,377</b>	<b>50.17%</b>	<b>11,210</b>	<b>48.58%</b>
<i>MEDIAN AGE</i>		29.6		31.0		30.2	

**SOURCE:** U.S. Census Bureau, 2000 Census, PCT013, 2010 Census, QT-P1, Age Groups and Sex: 2010; U.S. Census Bureau, 2010-2012 American Community Survey, B01001, Sex by Age and B01002, Median Age by Sex.

## **D. EMPLOYMENT TRENDS**

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### **1. City of Riverbank - Area Profile and Employment**

The largest employer in Riverbank is the Riverbank Unified School District with 302 employees. In manufacturing, Silgan Containers, a food container manufacture, is the largest manufacturing employer, at 208 employees. The current unemployment rate in Riverbank is 14.2% (Economic Development Department, Labor Market Info, Unemployment Rate and Labor Force, August 2014).

**TABLE II-8**  
**Top Employers – City of Riverbank, 2012**

#### **MANUFACTURING**

<b>COMPANY</b>	<b>PRODUCT TYPE</b>	<b>NUMBER OF EMPLOYEES</b>
SILGAN CONTAINERS	METAL CAN CONTAINERS	208
MONSCHEIN INDUSTRIES	CABINET MANUFACTURER	100

#### **NON-MANUFACTURING**

<b>COMPANY</b>	<b>PRODUCT TYPE</b>	<b>NUMBER OF EMPLOYEES</b>
RIVERBANK SCHOOL DISTRICT	EDUCATION	302
TARGET CORPORATION	GENERAL RETAIL STORE	185
HOME DEPOT	BUILDING SUPPLY	119
ECONTACTLIVE	TELEMARKETING	100
CITY OF RIVERBANK	GOVERNMENT	56

**SOURCE:** Stanislaus Economic Development & Workforce Alliance – Riverbank Profile – 2012 and City of Riverbank, 2015

According to the California Retail Survey, retail growth in the City from the 5-year period of 2001-2006 was 26.6%. The City is currently rated third for the fastest growing city in California.

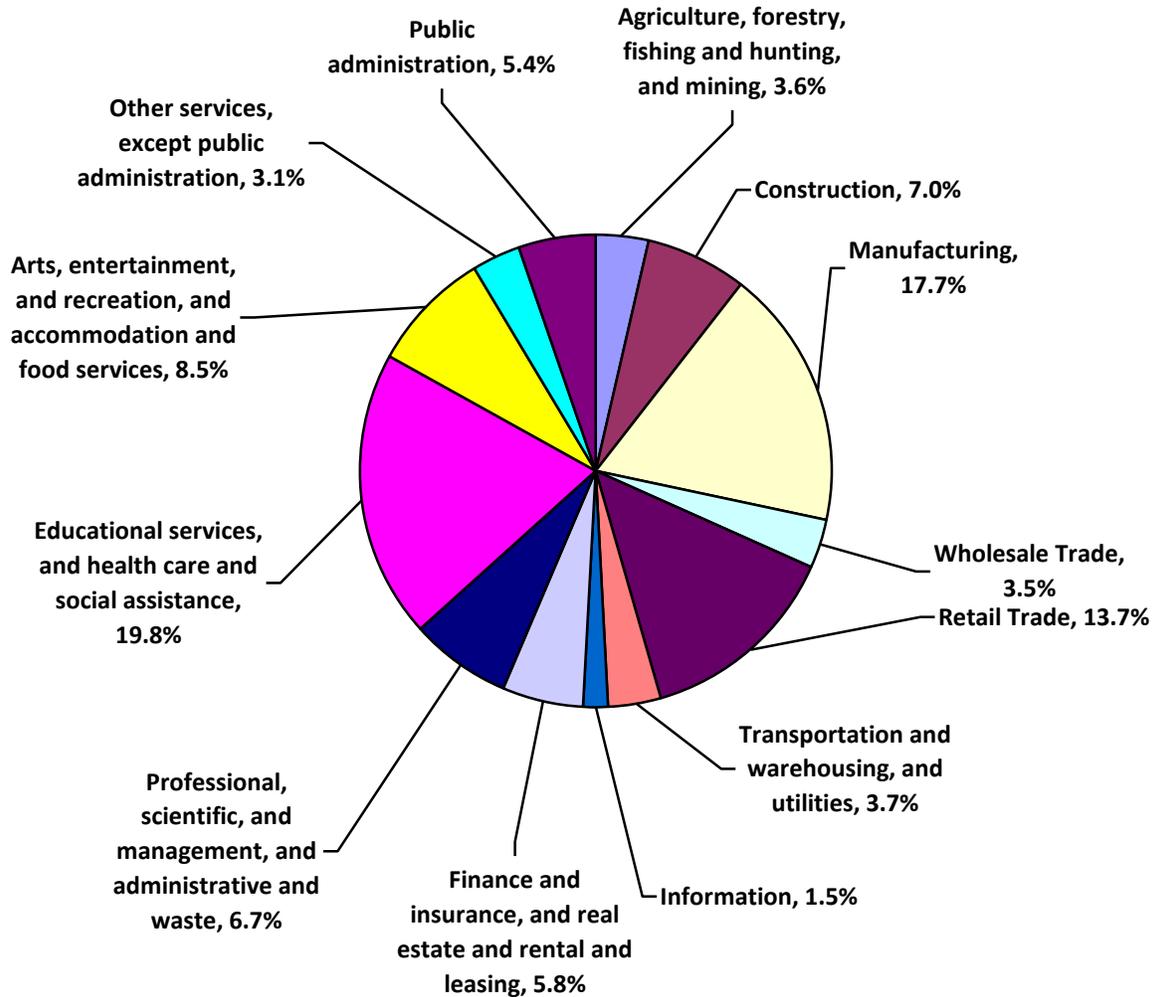
With the completion of the Riverbank Crossroads Regional Center and the anchoring of Target, Kohl's, Home Depot, SaveMart, Ulta and Beverages and More, Riverbank is now able to compete with the larger trade areas surrounding our community. Many small businesses have located in the shopping center to capture the exposure as well.

### **2. Stanislaus County - Area Profile and Employment**

Agriculture is the mainstay of Stanislaus County's economy. Farmers in this County grow over 250 commodities and produce value added products which are shipped world-wide. Agriculture represents over \$3.6 billion gross dollars and one-third of the county's jobs. Stanislaus County is the number seven agricultural county in the state. Milk, almonds and chickens lead the county in gross farm revenue.

According to a statistical report prepared for August, 2014 by the Economic Development Department (EDD), the civilian labor force in Stanislaus County included 214,600 employed. (EDD, Current Employment Statistics, September 19, 2014) An industry breakdown is shown in the figure below using American Community Survey data.

**FIGURE II-2**  
**Jobs by Industry – ACS 2008-2012**



**SOURCE:** U.S. Census Bureau, 2008-2012 American Community Survey, DP-03; 5<sup>th</sup> Cycle Housing Element Data Package, Table 2

The EDD also reports that Stanislaus County (Modesto Metropolitan Statistical Area) will continue to experience economic expansion through 2020. Total employment, including Self-employment, Unpaid Family Workers, Farm Employment and Non-Farm Employment in Stanislaus County is expected to grow at slightly over 1.5 percent annually between 2010 and 2020. The overall growth will add 28,600 new jobs, bringing Stanislaus County's total employment to 207,100 by 2020. (EDD, Modesto Metropolitan Statistical Area, Stanislaus County, 2010-2020 Industry Employment Projections, August 9, 2013)

Non-Farm Employment, 82 percent of total employment, is expected to grow 1.7 percent annually for the next ten years. About fifty-five percent of all new wage and salary jobs are

forecasted to occur in Professional and Business Services (31 percent), Retail Trade (19 percent), Education and Health Services (17 percent) and Leisure and Hospitality (18 percent). (EDD, Modesto Metropolitan Statistical Area, Stanislaus County, 2010-2020 Industry Employment Projections, August 9, 2013)

Mining, Logging, and Construction is the fastest growing major industry, growing at an annual rate of 6.3 percent. Other major industries growing faster than the overall county average of 1.3 percent annually are: Transportation, Warehousing, and Utilities (3.7 percent), Wholesale Trade (1.9 percent), Administrative and Support and Waste Management and Remediation Services (3.7 percent), and Educational Services (1.7 percent).

Occupational projection numbers include self-employment, unpaid family workers and farm employment for the period 2010 to 2020. The forecast projects:

- 28,600 new jobs from industry growth
- Nearly 4,000 jobs openings from Retail Trade
- About 2,000 job openings from Government

The top 50 occupations with the most job openings will generate approximately 61 percent (or 31,620) total job openings in Stanislaus County during the 2004-2014 period. Of the 50 occupations listed, 28 require only a year or less of experience which is 56 percent of the total job openings. This includes entry level occupations such as Retail Salespersons, Cashiers, Combined Food Prep and Serving Workers, and Waiters and Waitresses with minimal pay. Higher-skilled and higher-paying occupations are those with an AA degree or higher like Registered Nurses, Teachers and Managers. They are forecasted to have over 14,150 job openings.

The 50 fastest growing occupations are all expected to grow at an annual rate of 1.4 percent or more. Almost 67 percent of the fastest growing occupations require a year's experience or less. Occupations in the construction field make up 16 percent of the top 50 fastest growing occupations. The 7 top paying occupations all have higher education requirements. Source: Economic Development Department, 2010-2020 Occupational Employment Projections, Modesto Metropolitan Statistical Area, Stanislaus County, August 16, 2013.

**TABLE II-9**  
**Annual Average Wage and Salary Employment\* - Stanislaus County**  
**Historical – 2010, Forecast – 2020**

INDUSTRY	HISTORICAL 2010	FORECASTS 2020	ABSOLUTE CHANGE 2010-2020
TOTAL, ALL INDUSTRIES	178,500	207,100	28,600
SELF EMPLOYMENT	15,100	16,200	1,100
UNPAID FAMILY WORKERS	500	500	0
TOTAL FARM	12,900	13,000	100
TOTAL NON-FARM	146,300	172,200	25,900
MINING, LOGGING, AND CONSTRUCTION	5,900	9,600	3,700
MANUFACTURING	20,700	21,600	900
NON-DURABLE GOODS MANUFACTURING	14,800	15,400	600
FOOD MANUFACTURING	10,000	9,900	-100
TRADE, TRANSPORTATION AND UTILITIES	31,600	38,800	7,200
WHOLESALE TRADE	5,900	7,000	1,100
RETAIL TRADE	19,500	23,300	3,800
FOOD AND BEVERAGE STORES	4,100	4,900	800
CLOTHING AND CLOTHING ACCESSORIES STORES	1,800	2,100	300
GENERAL MERCHANDISE STORES	4,600	5,500	900
TRANSPORTATION, WAREHOUSING, AND UTILITIES	6,200	8,500	2,300
INFORMATION	1,200	1,300	100
FINANCIAL ACTIVITIES	5,500	5,900	400
PROFESSIONAL AND BUSINESS SERVICES	12,500	16,400	3,900
ADMIN AND SUPPORT AND WASTE MGMT. AND REMEDATION SERVICES	6,300	8,600	2,300
EDUCATION SERVICES (PRIVATE), HEALTH CARE, AND SOCIAL ASSISTANCE	23,200	27,100	3,900
HEALTH CARE AND SOCIAL ASSISTANCE	21,600	25,200	3,000
HEALTH CARE	19,400	22,400	3,000
LEISURE AND HOSPITALITY	14,600	17,200	2,600
OTHER SERVICES	5,100	6,000	2,100
GOVERNMENT	26,200	28,300	2,100
FEDERAL	1,000	1,000	0
STATE AND LOCAL	25,200	27,300	2,100

\*Employment and projections contained in these tables are considered estimates. Annual average industry detail may not add up to totals due to independent rounding. Government data include all civilian government employees regardless of the activities in which they are engaged.

**SOURCE:** Employee Development Department Industry Employment Projections, Modesto Metropolitan Statistical Area, Stanislaus County, 2010-2020

### 3. Unemployment

The County's unemployment trends can also be a strong indicator of the future economic development in the County. Monthly unemployment trends rose drastically from 2006 to 2010, going from an annual average of 8.0% to 17.2%. Although the County has yet to recover fully to 2006 and pre 2006 unemployment rates, unemployment decreased in the recent past from 2011 through August of 2014. Unemployment rates tend to drop significantly during the peak harvest months of July through October. Table II-10, Monthly Unemployment Rate, Stanislaus County 2006-2014, illustrates the unemployment trends

in Stanislaus County. Unemployment in Stanislaus County has seasonal fluctuations; however, the 2013 average unemployment rate was 13.0%. In September 2012, 31,500 persons were unemployed, 13.0% as compared to 11.3% in September 2013. The preliminary unemployment rate for November, 2014 is 10.7%.

**TABLE II-10**  
**Monthly Unemployment Rate**  
**Stanislaus County: 2006- August 2014**

MONTH	2006	2007	2008	2009	2010	2011	2012	2013	2014
JANUARY	8.8%	9.1%	10.7%	15.3%	18.3%	18.3%	16.7%	15.3%	13.3%
FEBRUARY	9.0%	9.3%	10.8%	16.1%	18.8%	18.2%	16.8%	14.6%	13.3%
MARCH	9.1%	9.0%	11.3%	16.5%	18.6%	18.1%	16.6%	14.3%	13.5%
APRIL	8.8%	9.0%	10.3%	15.6%	17.7%	17.2%	15.8%	13.4%	12.2%
MAY	7.8%	8.3%	10.3%	15.4%	16.9%	16.7%	15.2%	12.7%	11.1%
JUNE	8.3%	8.4%	10.6%	15.8%	17.0%	17.1%	15.5%	13.3%	11.0%
JULY	8.1%	8.8%	10.9%	15.9%	17.3%	17.1%	15.7%	13.0%	11.4%
AUGUST	7.0%	7.9%	10.3%	15.0%	16.2%	15.8%	14.1%	12.0%	10.2%
SEPTEMBER	6.6%	7.7%	10.1%	14.8%	15.5%	15.1%	13.0%	11.3%	9.6%
OCTOBER	6.7%	8.3%	11.3%	15.9%	16.1%	15.2%	13.5%	11.8%	10.0%
NOVEMBER	7.5%	8.8%	12.2%	16.7%	17.1%	15.5%	13.8%	12.1%	10.7%
DECEMBER	7.8%	9.6%	13.4%	17.1%	17.4%	16.1%	14.4%	12.0%	N/A
<b>ANNUAL AVERAGE</b>	<b>8.0%</b>	<b>8.7%</b>	<b>11.0%</b>	<b>15.8%</b>	<b>17.2%</b>	<b>16.7%</b>	<b>15.1%</b>	<b>13.0%</b>	<b>-</b>

**SOURCE:** Economic Development Department, California Labor Market Information, Historical Unemployment Rates (Labor Force) in Stanislaus County, 2006 – November 2014 (Preliminary)

### **E. JOBS/HOUSING BALANCE**

It is desirable, at least theoretically, for a community to have a balance of jobs and housing within a specific area in order to achieve several commonly held goals such as the following:

- a. A reduction in vehicle miles traveled (for home-work-home trips).
- b. A reduction in air pollution (less travel time).
- c. An improvement to the quality of life (more time for family and recreation).
- d. An increased sense of community.

The ideal ratio of jobs to housing units is expressed as 1:1, one job to one housing unit. Recent trends toward two wage earners per family indicate that a ratio of 2:1 might be more appropriate.

The housing price escalation from 2000 to 2006 was brought in large part by Bay Area commuters moving to Stanislaus County. Most of these households in the moderate- or above-moderate income level are located within the cities, creating locally unexpected bedroom communities serving the Bay Area. Housing prices dropped drastically in 2008; In Stanislaus County, the single-family home sale price was \$318,500 in 2008, in 2007,

the average sale price dropped to \$140,924. Since then, sale prices have stabilized and more recently, have increased to \$186,635 in 2013 and \$221,971 in 2014.

In order to plan for the provision of housing which matches the financial capabilities of the existing jobs in an area, or to encourage the types of employment opportunities that match skills of the persons who presently reside in the area, it is necessary to collect, quantify, and classify this type of information.

The following analysis is primarily based upon the State Employment Development Department's "Civilian Labor Force, Employment, and Unemployment" report dated March, 2013, Stanislaus County.

In 2013, the Stanislaus labor force peaked in January with 239,800 and was at the lowest point in December with 234,600. Total employment ranged from a low of 203,200 in December and a high of 212,400 in September. In 2010, Stanislaus County had a jobs/housing ratio of 1.10. This figure indicates that, on average, Stanislaus County produces more housing units than jobs. Ideally, there should be 1.5 jobs for every household. The current jobs/housing ratio suggests that there are fewer jobs than are typically needed for each household. Based on the 1.5 jobs/housing ratio, in 2010, Stanislaus County produced almost 44,000 more housing units than needed to balance the available jobs in the County. By 2025, Stanislaus County is projected to see its jobs/housing balance figure drop up to 1.09, resulting in over 80,970 more housing units than jobs in the county. (The City of Riverbank jobs/housing balance cannot be estimated here at a seasonal level because the data is not available.)

## SECTION III Housing Stock Characteristics

### A. EXISTING HOUSING STOCK

The City of Riverbank had 7,109 housing units as of January 1, 2014. Detached single-family homes continue to make up the bulk of the City's housing stock (86%). This continues as a consistent trend observed over the last four years, although the increase of detached single-family homes has decreased when compared to the last decade, 2000-2010. Comparison of trends from 2010 to 2014 indicates only a 0.33% (20 housing units) increase of single-family, detached units. During the same period, multi-family units increased by only 0.22% (20 units) (See Table III-1). There is projected to be a slight increase in the ratio of owner-occupied units versus renter-occupied units in Stanislaus County by 2020 compared to 2010 (See Table III-2). Comparison of tenure trends in Riverbank from 1990 to 2000 indicates a near doubling of single-family, detached units (98% increase), as well as a significant increase in the ratio of owner-occupied units versus renter-occupied units (See Table III-3).

**TABLE III-1  
Housing Stock by Type and Vacancy  
For Riverbank, Stanislaus County, and California - 2010 and 2014**

DOF ESTIMATES		TOTAL	SINGLE-FAMILY		MULTI-FAMILY		MOBILE HOMES	OCCUPIED	VACANT %
			Detached	Attached	2 to 4	5 Plus			
<b>RIVERBANK</b>									
<b>Units</b>	<b>2010</b>	7,069	6,075	250	160	288	296	6,579	6.9%
<b>%</b>		100.00%	85.94%	3.54%	2.26%	4.07%	4.19%	93.07%	-
<b>Units</b>	<b>2014</b>	7,109	6,095	250	160	308	296	6,616	6.9%
<b>%</b>		100.00%	85.74%	3.52%	2.25%	4.33%	4.16%	93.07%	-
<b>STANISLAUS COUNTY</b>									
<b>Units</b>	<b>2010</b>	179,503	133,952	7,484	12,382	17,127	8,558	165,180	8.0%
<b>%</b>		100.00%	74.62%	4.17%	6.90%	9.54%	4.77%	92.02%	-
<b>Units</b>	<b>2014</b>	180,165	134,406	7,485	12,400	17,309	8,565	165,790	8.0%
<b>%</b>		100.00%	74.60%	4.15%	6.88%	9.61%	4.75%	92.02%	-
<b>CALIFORNIA</b>									
<b>Units</b>	<b>2010</b>	13,670,304	7,959,072	966,440	1,110,620	3,076,519	557,647	12,568,167	8.1%
<b>%</b>		100.00%	58.22%	7.07%	8.12%	22.51%	4.08%	91.94%	-
<b>Units</b>	<b>2014</b>	13,845,281	8,038,217	972,976	1,119,175	3,154,907	560,000	12,731,223	8.0%
<b>%</b>		100.00%	58.06%	7.03%	8.08%	22.79%	4.04%	91.95%	-

SOURCE: State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State – January 1, 2011-2014, Sacramento, California, May 2014; 5<sup>th</sup> Cycle Housing Element Data Package, Table 9

**TABLE III-2**  
**Projected Owners and Renters**  
**Stanislaus County and California – 2010 and 2020 Projection**

<b>Owner-Occupied Households</b>				
	<b>2010</b>	<b>2020 Projection</b>	<b>Change</b>	<b>% Change</b>
<b>Stanislaus County</b>	99,364	155,929	56,565	56.93%
<b>California</b>	7,035,371	9,164,711	2,129,340	30.27%
<b>Renter-Occupied Households</b>				
	<b>2010</b>	<b>2020 Projection</b>	<b>Change</b>	<b>% Change</b>
<b>Stanislaus County</b>	65,816	94,000	61,929	42.82%
<b>California</b>	5,542,127	6,395,071	852,944	15.39%
<b>% Owner-occupants</b>				
	<b>2010</b>	<b>2020</b>		
<b>Stanislaus</b>	60.2%	62.4%		
<b>California</b>	55.9	58.90%		

**SOURCE:** U.S. Census Bureau, 2010 Census, QT-H1; California Department of Housing and Community Development based on Household Projects from Exhibit 7 and Exhibit 11, and 2010 Tenure Rates.

**TABLE III-3**  
**Tenure by Unit Type**  
**City of Riverbank - 2000 and 2012**

	<b>HOUSING CATEGORY</b>	<b>TOTAL HOUSING UNITS*</b>	<b>TOTAL OCCUPIED UNITS</b>	<b>VACANCY (%)</b>	<b>OWNER OCCUPIED</b>	<b>% OF TOTAL OCCUPIED</b>	<b>RENTER OCCUPIED</b>	<b>% OF TOTAL OCCUPIED</b>
<b>2000</b>	SF DETACHED	3,882	3,795	2.24%	3,118	82.16%	677	17.84%
	SF ATTACHED	184	170	7.61%	71	41.76%	99	58.24%
	2 UNITS	130	130	0%	9	6.92%	121	93.1%
	3 OR 4 UNITS	49	49	0%	14	28.57%	35	71.43%
	5 OR MORE UNITS	181	162	10.5%	0	0	162	100%
	MOBILEHOME/TRAILER	240	206	14.17%	192	93.2%	14	6.8%
	<b>CITY TOTALS</b>	<b>4,666</b>	<b>4,512</b>	<b>3.3%</b>	<b>3,404</b>	<b>75.44%</b>	<b>1,108</b>	<b>24.56%</b>
<b>2012</b>	SF DETACHED	5,650	N/A	N/A	4,395	N/A	1,255	N/A
	SF ATTACHED	199	N/A	N/A	110	N/A	89	N/A
	2 UNITS	144	N/A	N/A	12	N/A	132	N/A
	3 OR 4 UNITS	37	N/A	N/A	0	N/A	37	N/A
	5 OR MORE UNITS	350	N/A	N/A	0	N/A	350	N/A
	MOBILEHOME/TRAILER	280	N/A	N/A	159	N/A	121	N/A
<b>CITY TOTALS</b>	<b>6,539</b>	<b>N/A</b>	<b>6.2%</b>	<b>4,676</b>	<b>N/A</b>	<b>1,863</b>	<b>N/A</b>	

**SOURCE:** U.S. Census Bureau, 2000 Census, H032, Tenure by Units in Structure [23] and H031, Units in Structure for Vacant Housing Units [11]; U.S. Census Bureau, 2008-2012 American Community Survey, B25032, Tenure by Units in Structure and DP04, Selected Housing Characteristics.

## **B. GROWTH OF HOUSING STOCK**

The City has experienced some growth in housing stock since 2007 but has slowed down when compared to substantial housing growth between 2000 and 2007. During the 2007-2014 cycle, the city added 409 housing units. However, this did not meet StanCOG's 2007-2014 total projected need of 894 units. Table III-1 depicts growth by unit type between the 2010 and 2014.

## **C. HOUSING QUALITY**

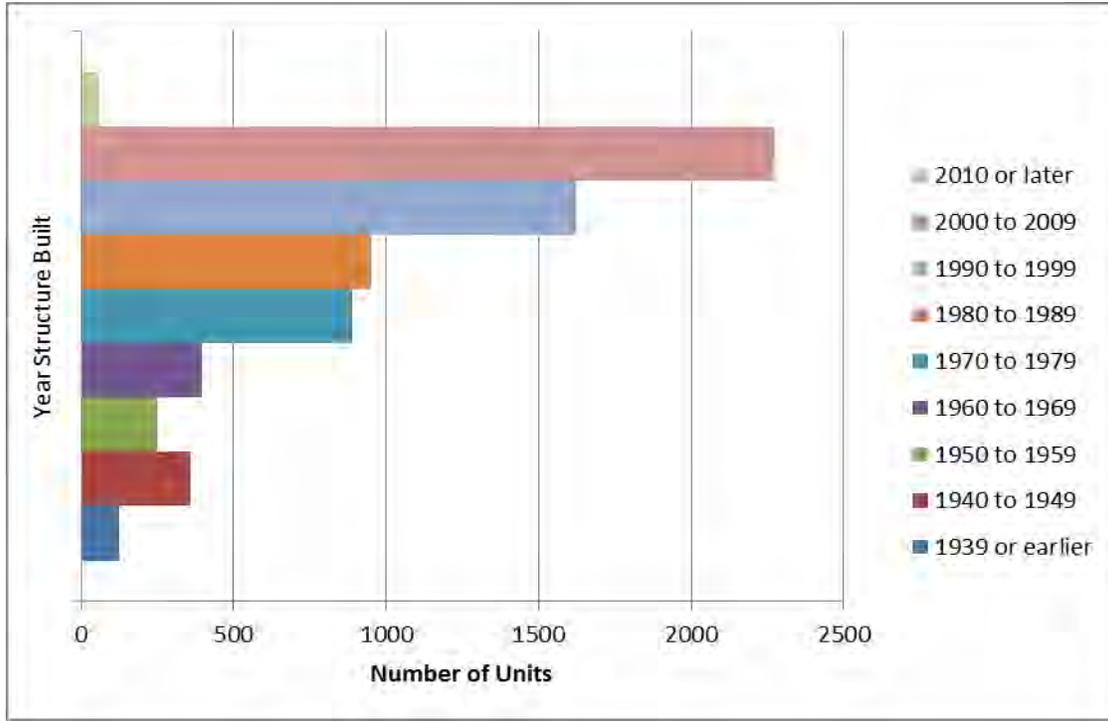
In May 2003, a housing condition survey was conducted by staff of the City of Riverbank. This survey identified that of the existing 4,954 units surveyed, 2,713 units were identified as sound (about 55% of the total units). Of the remaining units, 759 were identified as needing minor repair, 1,191 in need of moderate repair, 229 in substantial condition, and 62 identified as dilapidated units. This corresponds with the large supply of older housing stock in the city. Table III-4 and Chart III-1, Age of Housing Units, 2012, identifies that 1,157 units were built pre-1969. (More detailed results regarding the housing condition survey can be found in Appendix C.) Program 4.1c has been added to the 2014-2023 Goals, Policies and Implementation Measures for the City to update and complete a Housing Condition Survey by December 2016.

**TABLE III-4**  
**Age of Housing Units**  
**City of Riverbank - 1939 to 2012**

<b>YEAR STRUCTURE BUILT</b>	<b>TOTAL HOUSING UNITS</b>	<b>% OF TOTAL</b>
2010 OR LATER	57	.82%
BUILT 2000 TO 2009	2,276	32.72%
BUILT 1990 TO 1999	1,623	23.34%
BUILT 1980 TO 1989	952	13.69%
BUILT 1970 TO 1979	890	12.80%
BUILT 1960 TO 1969	394	5.66%
BUILT 1950 TO 1959	251	3.61%
BUILT 1940 TO 1949	359	5.16%
BUILT 1939 OR EARLIER	153	2.20%
<b>TOTAL</b>	<b>6,955</b>	<b>100.00%</b>

**SOURCE:** U.S. Census Bureau, 2010-2012 American Community Survey, B25034 Year Structure Built.

**CHART III-1  
Age of Housing Units – 2012**



**D. VACANCY RATES**

The decreasing vacancy rate for available housing limits choice for both new and existing housing in various price ranges. Vacancy rates have been more critical in lower income single and multiple housing units. It is difficult for people to find vacancies in lower-income housing, and there are long waiting lists for subsidized housing. State Department of Finance (DOF) estimates indicate that the overall vacancy rate for all dwelling units in the City has varied from 5.05% in 2004 to 6.93% in 2014. (See Table III-5, Annual Vacancy Rates).

Table III-6, Detailed Features of Vacancies – 2010, provides a comparison between Riverbank and Stanislaus County.

**TABLE III-5  
Annual Vacancy Rates  
City of Riverbank – 2004-2014**

YEAR	TOTAL HOUSING UNITS	OCCUPIED HOUSING UNITS	# OF VACANT UNITS	% OF VACANT
JAN 2004	5,484	5,207	277	5.05
JAN 2005	6,064	5,743	321	5.29
JAN 2006	6,534	6,171	363	5.56
JAN 2007	6,700	6,306	394	5.88
JAN 2008	6,821	6,397	424	6.22
JAN 2009	6,911	6,458	453	6.55
JAN 2010	7,051	6,568	483	6.85
JAN 2011	7,081	6,590	491	6.9
JAN 2012	7,082	6,591	491	6.9
JAN 2013	7,098	6,606	492	6.9
JAN 2014	7,109	6,616	493	6.9

**SOURCE:** State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State – January 1, 2011-2014, Sacramento, California, May 2014 and E-8 Historical Population and Housing Estimates for Cities, Counties, and the State, 2000-2010, Sacramento, California, November 2012.

**TABLE III-6**  
**Detailed Features of Vacancies**  
**City of Riverbank and Stanislaus County – 2013**

VACANT HOUSING UNITS	RIVERBANK		STANISLAUS	
	NUMBER	% OF VACANT UNITS	NUMBER	% OF VACANT UNITS
FOR RENT	77	16.38%	4,691	36.91%
RENTED, NOT OCCUPIED	0	0.00%	464	3.65%
FOR SALE ONLY	224	47.66%	2,390	18.81%
SOLD, NOT OCCUPIED	0	0.00%	982	7.73%
FOR SEASONAL, RECREATIONAL, OCCASIONAL USE	0	0.00%	362	2.85%
FOR MIGRANT WORKERS	0	0.00%	81	0.64%
OTHER VACANT	169	35.96%	3,738	29.41%
<b>TOTAL VACANT</b>	<b>470</b>	<b>100.00%</b>	<b>12,708</b>	<b>100.00%</b>

**SOURCE:** U.S. Census Bureau, 2009-2013 5-Year American Community Survey

### **E. ECONOMIC CHARACTERISTICS OF HOUSING**

Since the decrease in housing costs in 2007/2008, raw construction costs have increased. According to Cary Pope, a Real Estate Agent and housing developer, the average hard costs (raw building materials, excluding permit fees, impact fees, etc.) is about 60 to 65 dollars a foot. For a 1,500 square foot construction, that equals \$97,500. Compared to 2007/2008, the construction costs have increased about 10 percent. Increased costs affect the renter and homebuyer alike, ultimately affecting the cost and availability of labor due to the decreasing supply of affordable housing. This phenomenon is reflected in the escalation of median priced homes in Stanislaus County over the past decade. In 2010, a median priced home in Stanislaus County was \$217,900. For the City of Riverbank, the median price for a home in 2010 was \$207,800, according to the 2007-2010 American Community Survey. According to Zillow Home Prices and Values, the median home value was \$218,400, as of February of 2015 (See Table III-7).

**TABLE III-7**  
**Median Home Values – 2010 and 2015**  
**Median Rents – 2010 and 2014**  
**Stanislaus County and California**

MEDIAN HOMES VALUES	2010 HOME VALUES	% OF STANISLAUS MEDIAN	FEBRUARY, 2015 HOME VALUES	% OF STANISLAUS MEDIAN	% CHANGE IN MEDIAN VALUE: 2010 - 2015
CERES	\$198,700	91.19%	\$205,100	93.52%	3.22%
HUGHSON	187,000	85.82%	264,900	120.79%	41.66%
MODESTO	209,000	95.92%	206,000	93.94%	-1.44%
NEWMAN	217,900	100.00%	214,900	97.99%	-1.38%
OAKDALE	249,300	114.41%	262,800	119.84%	5.42%
PATTERSON	207,900	95.41%	253,400	115.55%	21.90%
<b>RIVERBANK</b>	<b>207,800</b>	<b>99.95%</b>	<b>218,400</b>	<b>99.59%</b>	<b>5.10%</b>
TURLOCK	232,800	106.84%	247,100	112.68%	6.14%
WATERFORD	239,100	109.73%	182,900	83.40%	-23.50%
<b>STANISLAUS COUNTY</b>	<b>217,900</b>	<b>100.00%</b>	<b>219,300</b>	<b>100.00%</b>	<b>0.64%</b>
CALIFORNIA	405,800	186.23%	436,600	199.09%	7.59%

MEDIAN CONTRACT RENT	2000 CONTRACT RENT	% OF STANISLAUS MEDIAN	2012 CONTRACT RENT	% OF STANISLAUS MEDIAN	% CHANGE IN MEDIAN VALUE: 1990-2000
CERES	\$528	101.34%	\$772	94.61%	46.21%
HUGHSON	415	79.65%	1,054	129.17%	153.98%
MODESTO	551	105.76%	828	101.47%	50.27%
NEWMAN	428	82.15%	794	97.30%	85.51%
OAKDALE	497	95.39%	890	109.07%	79.07%
PATTERSON	423	81.19%	1,121	137.38%	165.01%
<b>RIVERBANK</b>	<b>522</b>	<b>100.19%</b>	<b>867</b>	<b>106.25%</b>	<b>66.09%</b>
TURLOCK	509	97.70%	825	101.10%	62.08%
WATERFORD	478	91.75%	689	84.44%	44.14%
<b>STANISLAUS COUNTY</b>	<b>521</b>	<b>100.00%</b>	<b>816</b>	<b>100.00%</b>	<b>56.62%</b>
CALIFORNIA	677	129.94%	1,106	135.54%	63.37%

**SOURCE:** U.S. Census Bureau, 2007-2010 American Community Survey, B25077; 2008-2012 American Community Survey, B25058; DQ News, California Home Sale Activity by City, September 2014.

In evaluating housing affordability, households are divided into four income categories relative to the median household income for Stanislaus County. The 2010 median income, as set by the Housing and Urban Development Department (HUD), for Stanislaus County was estimated to be \$59,500 for a family of four. The 2015 median income is estimated to be \$53,300 (Table III-8, Income Limits by Income Category and Size, 2015). The following illustrates how the four income categories are divided.

- Extremely-low-income =** Households who earn 30% or less of the median area income.
- Very-Low-Income =** Households who earn between 30% and 50% of the median area income.
- Low-Income =** Households who earn between 51% and 80% of the area median income.

**Moderate-Income =** Households who earn between 80% and 120% of the area median income. (100% of the area median income for 2015 is \$53,300 for a family of four in Stanislaus County.)

**Above Moderate Income =** Above 120% of the County median income.

Income limits by income category and size are shown in Table III-8, Income Limits by Income Category and Size, 2015. The 2015 HUD Income Limits became effective on March 6, 2015

**TABLE III-8**  
**Income Limits by Income Category and Size - Stanislaus County, 2015**

PERSON(S)	EXTREMELY LOW INCOME	VERY LOW INCOME	LOW INCOME	MODERATE INCOME	ABOVE MODERATE INCOME
1	\$11,950	\$19,950	\$31,850	\$37,310	\$44,772
2	\$15,930	\$22,800	\$36,400	\$42,640	\$51,168
3	\$20,090	\$25,650	\$40,950	\$47,970	\$57,564
4	\$24,250	\$28,450	\$45,500	\$53,300	\$63,960
5	\$28,410	\$30,750	\$49,150	\$57,564	\$69,077
6	\$32,570	\$33,050	\$52,800	\$61,828	\$74,194
7	\$35,300*	\$35,300	\$56,450	\$66,092	\$79,310
8	\$37,600*	\$37,600	\$60,100	\$70,356	\$84,427

**SOURCE:** HUD Family Income Limits, FY 2015

\*THE FY 2014 CONSOLIDATED APPROPRIATIONS ACT CHANGED THE DEFINITION OF EXTREMELY LOW-INCOME TO BE GREATER THAN 30/50THS (60 PERCENT) OF THE SECTION 8 VERY LOW-INCOME LIMIT, PROVIDED THIS AMOUNT IS NOT GREATER THAN THE SECTION 8 50% VERY LOW-INCOME LIMIT. CONSEQUENTLY, THE EXTREMELY LOW (30%) INCOME LIMITS MAY EQUAL THE VERY LOW (50%) INCOME LIMITS.

In determining housing affordability, State and federal guidelines stipulate that a household should not spend more than 30 percent of its gross income on housing needs. Households paying more than 30 percent of their annual income on housing are determined by HUD as needing housing assistance. Table III-9 illustrates housing affordability by income category for a family of four.

**TABLE III-9**  
**Affordable Housing Guidelines by Income Category – 2015**

Category	Income Range (Family of Four)	Maximum Rent or Mortgage*	Maximum Home Loan***	Riverbank Regional Share (units)
Extremely Low Income	up to \$24,250	up to \$606	\$88,742	161**
Very Low	\$24,250 to \$28,450	\$597 to \$711	\$104,167	160
Low	\$28,450 to \$45,500	\$700 to \$1,137	\$166,586	206
Moderate	\$45,500 to \$63,960	\$1,120 to \$1,599	\$234,161	217
Above Moderate	\$63,960 +	\$1,599 +	\$234,161 +	536

**SOURCE:** HUD Median Income Limits, 2015, effective March 6, 2015. \*Not to exceed 30% of monthly income

\*\*Regional Share of extremely low income units assumed to be 50% of the very low income units

\*\*\*Assumes 30% of income devoted to mortgage payment, taxes, mortgage insurance and homeowner's insurance; 97% loan @ 4% 30 year term, FHA. No consumer debt is assumed. <http://calculators.freddiemac.com/response/lf-freddiemac/calc/home01>

Table III-10 below shows HUD-defined Fair Market Rent levels (FMR) for Stanislaus County for FY 2008 and 2015. In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities. FMRs are housing market-wide estimates of rents that provide opportunities to rent standard quality housing throughout the geographic area in which rental housing units are in competition. The rents are drawn from the distribution of rents of all units that are occupied by recent movers. Adjustments are made to exclude public housing units, newly built units, and substandard units.

Comparing Table III-10 to Table III-9, a four-person household classified as Low-Income (80% of median) with an annual income of up to \$45,500 could afford to pay \$700 to \$1,137 monthly gross rent (including utilities). The FY 2015 HUD FMR for a 2-bedroom unit is \$923, which is affordable to the household assuming that such units are available in Riverbank. However, a four-person household classified as Extremely Low-Income (30% of median) with an annual income of up to \$23,450 could afford to pay less than \$606 monthly gross rent. No unit types would be affordable to this household. The table below indicates the FMRs by number of bedrooms for Stanislaus County.

**TABLE III-10**  
**FY 2008 and 2015 FMRs by Unit Bedrooms**  
**Stanislaus County**

	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
<b>FY 2008 FMR</b>	\$664	\$734	\$864	\$1,239	\$1,431
<b>FY 2015 FMR</b>	\$583	\$720	\$923	\$1,360	\$1,578

**SOURCE:** HUD Final FY 2008 and 2015 FMR Summary for Stanislaus County, California

Table III-10, FY 2008 and 2015 FMR, reflects the increase in rental rates in two bedroom and more units and, when compared with Table III-9, the widening gap between rental rates and the amount that extremely low-income households can afford to pay.

**F. HOUSING CHOICE**

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The availability of a mix of housing types and sizes is an important goal in meeting the varied social and economic needs of residents in the community. Availability of choice affects expanding families that need larger homes, retirees who would like to move from a large home to a smaller one requiring less maintenance, or the first-time buyer who is seeking an initial opportunity to own a modest sized starter home. Choice in housing is constrained by several factors. One factor is increased costs; for example, the median price of a resale home in Riverbank increased 5.10% between 2010 and 2014 (See Table III-7). Another factor is the prospect of established homeowners paying increased property taxes (under Proposition 13) if they move and purchase a smaller (or larger) home. A third factor is low vacancy rates, especially for lower-income and subsidized housing.

In Riverbank, an additional factor was a lack of larger, move-up housing stock. The City has traditionally provided more modest-sized affordable homes, in comparison to other communities. Almost all single-family homes built before 1969 are "starter" homes. In consequence, to move to larger homes, residents had to leave the community. With the approval of the Crossroads Community Specific Plan in 1998, this trend has shifted, meeting the demand for move-up housing stock.

**G. SUBSIDIZED HOUSING (City of Riverbank Housing Authority)**

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Established in 1952, the Riverbank Housing Authority (RHA) oversees 60 units designated for use by eligible elderly/handicapped applicants and 30 units occupied by families. Recently, the RHA entered into an agreement with the Stanislaus Housing Authority which will enable them to purchase lands and develop more housing units. According to Rosa

Casas of the Riverbank Housing Division and Christine Held of the Riverbank Housing Authority the Riverbank Housing Authority continues to oversee 60 units designated for use by eligible elderly/handicapped applicants and 30 units occupied by families. The affordability of these units depend upon HUD funding and according to Christine Held, they will not expire in the foreseeable future and will not expire during the 2014-2023 Planning Period.

## SECTION IV Housing Supply and Needs

Section 65583 of the Government Code requires that Housing Elements identify and analyze existing and projected housing needs for all economic segments of the community. This is to include analysis of special housing needs, including handicapped, elderly, large families, farm workers, families with female heads of households, and families and persons in need of emergency shelter. The State mandates that existing and projected needs include the locality's share of the regional housing need, determined by the regional Council of Government (StanCOG). These requirements are discussed in the sections below.

### A. LOCAL HOUSING SUPPLY

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The City's housing supply reflects supply and demand in the real estate market, and residential growth policies contained in the General Plan. Current trends affecting private sector activity are discussed in other sections of the Element. The effects of growth management policies on housing supply are discussed below.

#### 1. General Plan Policies

A foundational policy of the General Plan is that future growth shall not exceed the City's capability to provide infrastructure and services. Table IV-5 in this section shows the total housing projection calculated for the period between 2014 and 2023.

#### 2. Estimated Costs to Purchase/Rent Housing

State law defines affordability as a housing unit where the household does not pay more than 30 percent of its income towards housing costs.

The State affordability income guidelines for a family of four (Table IV-1) can be compared with the following tables which profile cost trends in Riverbank's rental and for-sale housing market for different housing types over the last decade.

**TABLE IV-1**  
**Income Limits – Stanislaus County, 2015**  
**Using HUD Affordability Guidelines for a Family of Four**

<i>Median Income: \$53,300</i>		
<b>Extremely Low</b>	<b>30% of Median</b>	<b>\$24,250</b>
<b>Very Low</b>	<b>50% of Median</b>	<b>\$28,450</b>
<b>Low</b>	<b>80% of Median</b>	<b>\$45,500</b>
<b>Moderate</b>	<b>100%-120% of Median</b>	<b>\$53,300</b>
<b>Above Moderate</b>	<b>120% of Median &amp; up</b>	<b>\$63,960</b>

*SOURCE:* California Department of Housing and Community Development, effective March 6, 2015

## **B. OVERPAYMENT OF LOWER-INCOME HOUSEHOLDS**

Overpayment occurs when a household spends 30 percent or more of its gross income on housing and utilities. Household incomes are divided into five categories: extremely low, very low, low, moderate, and above moderate income. The lower income categories represent incomes of up to 80 percent of the regional median household income. The county's median income for a family of four is estimated to be \$52,700 in 2014, so lower-income households were those with an income of \$44,800 or less.

Table IV-2 below shows the proportions of lower-income households overpaying for housing in Riverbank in 2012. Appendix F contains method of calculation for the 2013 estimates.

**TABLE IV-2**  
**Number of Lower Income Owner and Rental Households Overpaying for Housing**

AMI	Households by Income Category Paying in Excess of 30% of Income Toward Housing Cost (Overpayment By Income Category)						
	Riverbank						
62,000	Extreme Low	Very Low	Low	Moderate	Above Moderate	Total	Lower Income
<b>Household</b>							
<b>Ownership Households</b>	342	567	719	969	2,016	4,614	1,629
Overpaying owner households	287	366	429	494	552	2,129	1,083
Percentage of overpaying owners	84.0%	64.6%	59.6%	51.0%	27.4%	46.1%	66.5%
<b>Renter Households</b>	447	354	485	200	292	1,779	1,287
Overpaying renter households	379	312	263	47	23	1,024	954
Percentage of overpaying renters	84.8%	88.0%	54.1%	23.7%	7.9%	57.6%	74.1%
<b>Total Households</b>	790	921	1,205	1,169	2,308	6,393	2,916
<b>Overpaying Households</b>	667	678	692	542	575	3,153	2,036
Percentage of overpaying households	84.5%	73.6%	57.4%	46.3%	24.9%	49.3%	69.8%

**SOURCE:** U.S. Census Bureau, 2000 Census; U.S. Census Bureau, 2010-2012 American Community Survey, B25106; 5<sup>th</sup> Cycle Housing Element Data Package, Table 4

## **C. EXISTING EXTREMELY LOW-INCOME (ELI) HOUSEHOLDS**

Riverbank has 540 existing extremely low-income households, 80.5% of which have housing problems, according to the HUD and census data from the Comprehensive Housing Affordability Strategy (CHAS) Data (2007-2011 ACS) (Table IV-3). Riverbank's

regional housing need allocation (RHNA) for very low-income households is 321 dwelling units. The existing number of ELI households and very low-income households should equal the City's RHNA. Program 2.1b has been added to prioritize funding for the development of housing affordable to extremely low-income households. This incentive to develop this housing type will help rectify the disparity between existing extremely low-income households and Riverbank's RHNA for this category.

ELI households often require specific housing solutions such as deeper income targeting for subsidies; housing with supportive services; single-room occupancy (SROs) and/or shared housing; and rent subsidies (vouchers). Program 2.1b has been added to assist developers of extremely low-, low- and very low- income housing in the grant preparation process to help fund developments and services of this type.

Supportive housing is allowed by right in the R-3 zoning district, and with a conditional use permit in the C-1, C-2, and CM zoning districts (See Table D-1, Residential Types Permitted by Zone). There are 6.43 acres of undeveloped land zoned R-3 within Riverbank's city limits, which would provide sufficient capacity to accommodate the need for supportive housing. Rooming houses, boarding houses, and dwelling groups which accommodate single room occupancy (SRO) units are allowed by right in the R-3 zoning district and with a conditional use permit in the C-1, C-2, and C-M zoning districts.

**TABLE IV-3  
Housing Problems for All Households – Riverbank – May 2014**

	Total Owners	Total Renters	Total Households
<b>Household Income &lt;=30% HAMFI</b>	<b>205</b>	<b>335</b>	<b>540</b>
% with any housing problems	85.3%	77.6%	80.5%
% Cost Burden >30%	82.9%	77.6%	78.7%
% Cost Burden >50%	58.5%	52.2%	54.6%
<b>Household Income &gt;30% to &lt;=50% HAMFI</b>	<b>320</b>	<b>110</b>	<b>430</b>
% with any housing problems	76.5%	72.7%	75.6%
% Cost Burden >30%	68.7%	72.7%	69.8%
% Cost Burden >50%	59.3%	22.7%	50.0%
<b>Household Income &gt;50% to &lt;=80% HAMFI</b>	<b>605</b>	<b>435</b>	<b>1,040</b>
% with any housing problems	76.0%	78.1%	76.9%
% Cost Burden >30%	76.0%	74.7%	75.5%
% Cost Burden >50%	50.4%	19.5%	37.5%

**SOURCE:** State of the Cities Data Systems: Comprehensive Housing Affordability Strategy (CHAS) Data, 2007-2011 ACS, released May 28, 2014

#### **D. NUMBER OF OVERCROWDED HOUSEHOLDS**

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Overcrowded households are defined by the Census Bureau as those having more than 1.01 persons per room. Severely Overcrowded is defined as those having more than 1.50 persons per room. This condition is reflective of one of three conditions: (1) a family or household inhabiting too small a dwelling; (2) a family living with extended family members; or (3) a family renting inadequate living space to non-family members.

Table IV-4, Persons per Room in Occupied Units for the City of Riverbank, presents information on the amount of overcrowded households based on the 2000 Census and 2010-2012 American Community Survey. 460 (13.51%) households in owner-occupied units and 273 (24.64%) households in renter-occupied units were classified as overcrowded, according to the 2000 Census. Many of these renter households are exceptionally large families and the overcrowding in the renter units is worse than in the owner occupied units. Overall, 733 (16.25%) of all the occupied units were overcrowded in 2000. Data more recent (2012 ACS) show that 313 (6.69%) households in owner-occupied are overcrowded and 193 (10.36%) in renter-occupied. 45 (0.96%) owner-occupied are severely overcrowded and 71 (3.81%) in renter-occupied are severely overcrowded.

There also seems to be a direct link between overcrowding and housing affordability. Homeowners or renters with large families are unable to afford larger dwellings, individuals on fixed incomes are left no alternative but inadequate housing, and the young are unable to make rental payments or secure home loans so they reside longer with their parents.

In addition, families with large numbers of children are most likely to live in overcrowded conditions. Therefore, children are usually the largest percentage of persons living in substandard conditions.

**TABLE IV-4**  
**Persons per Room in Occupied Housing Units**  
**City of Riverbank - 2000 and 2012**

PERSONS PER ROOM	# OF OCCUPIED UNITS	% OF UNITS	# OF OCCUPIED UNITS	% OF UNITS
ALL OCCUPIED HOUSING UNITS:	<b>2000 CENSUS</b>		<b>2012 CENSUS / ACS</b>	
1.00 OR LESS	3,186	70.61%	6,033	92.26%
1.01 TO 1.50	<b>379</b>	8.40%	<b>390</b>	5.96%
1.51 OR 2.00	<b>237</b>	5.25%	<b>76</b>	1.16%
2.01 OR MORE	<b>117</b>	2.59%	<b>40</b>	0.61%
CITY TOTALS	4,512	100.00%	6,539	100.00%
<b>TOTAL OVERCROWDED</b>	<b>773</b>	<b>17.13%</b>	<b>506</b>	<b>7.74%</b>
<b>TOTAL SEVERELY OVERCROWDED</b>	<b>354</b>	<b>7.85%</b>	<b>116</b>	<b>1.77%</b>
OWNER-OCCUPIED HOUSING UNITS:				
1.00 OR LESS	2,944	86.49%	4,363	93.31%
1.01 TO 1.50	<b>242</b>	7.11%	<b>268</b>	1.45%
1.51 OR 2.00	<b>153</b>	4.49%	<b>25</b>	0.53%
2.01 OR MORE	<b>65</b>	1.91%	<b>20</b>	0.43%
CITY TOTALS	3,404	100.00%	4,676	100.00%
<b>TOTAL OVERCROWDED</b>	<b>460</b>	<b>13.51%</b>	<b>313</b>	<b>6.69%</b>
<b>TOTAL SEVERELY OVERCROWDED</b>	<b>218</b>	<b>6.40%</b>	<b>45</b>	<b>0.96%</b>
RENTER-OCCUPIED HOUSING UNITS:				
1.00 OR LESS	835	75.36%	1,670	89.64%
1.01 TO 1.50	<b>137</b>	12.36%	<b>122</b>	6.55%
1.51 TO 2.00	<b>84</b>	7.58%	<b>51</b>	2.74%
2.01 OR MORE	<b>52</b>	4.69%	<b>20</b>	1.07%
CITY TOTALS	1,108	100.00%	1,863	100.00%
<b>TOTAL OVERCROWDED</b>	<b>273</b>	<b>24.64%</b>	<b>193</b>	<b>10.36%</b>
<b>TOTAL SEVERELY OVERCROWDED</b>	<b>136</b>	<b>12.27%</b>	<b>71</b>	<b>3.81%</b>

**SOURCE:** U.S. Census Bureau, 2000 Census; U.S. Census Bureau, 2010-2012 American Community Survey, B25014, Tenure by Occupants Per Room; 5<sup>th</sup> Cycle Housing Element Data Package, Table 3

### **E. AMOUNT OF HOUSING NEEDING REHABILITATION**

The City of Riverbank received Community Development Block Grants between 2009 and 2014. These grants assisted in providing 14 loans — 2 for home rehab and 12 to first-time homebuyers. The Housing Rehabilitation Program issued two (2) loans in 2014 and according to Rosa Casas of the Riverbank Housing Division; they will be completed in the Spring of 2015. The 2003 Housing Condition Survey (see Appendix B) conducted by city staff identified that of the 4,954 residential units surveyed, nearly 30% (1,482 units) were in need of *at least* moderate repair. This was consistent with the older housing stock numbers in the city.

## **F. SPECIAL NEEDS**

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State and federal law requires local governments to take steps to assure that housing programs are implemented in such a manner as to eliminate the effects of discrimination in housing based on race, color, religion, sex or national origin. In addition, State anti-discrimination standards prohibit discrimination on the basis of marital status or family size. These policies apply to all income levels rather than just lower-income groups.

The special needs of other groups are defined by the unique circumstances of the group which require special housing considerations, and the ability of the groups to afford the special consideration. An effort to alleviate special needs must therefore consist of two separate phases: first, programs to assist special need groups which have inadequate financial resources; and second, assurances of equal access to all community housing resources for all segments of the community.

## **G. RIVERBANK HOUSING NEEDS**

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Federal regulations require that area-wide agencies "identify the housing needs of the current and prospective population by appropriate geographic sectors and identifiable segments of the population and provide for the distribution of housing resources (including assisted housing) to meet the needs of all citizens in order to provide a choice of housing type and location." The regulations further require that broad goals and annual objectives be specified and that a housing policy be established to allocate housing resources in a manner appropriate to the identified needs.

The purpose of the fair share allocation is to provide localities with a general measure of local responsibility for addressing a fair share of the market area housing need. Within Stanislaus County, the adopted StanCOG Regional Housing Needs Assessment serves as the fair share allocation for all jurisdictions.

## **H. MARKET-RATE HOUSING NEEDS**

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Market-rate households are those, which do not have to pay a disproportionate amount (30% or more) of gross household income in order to secure adequate housing. Riverbank has previously afforded market-rate households the opportunity to locate in the city by annexing for residential uses, by providing public services to those areas, and by encouraging increased employment opportunities in the urban area. Beyond the commitment to provide housing opportunities, a matter of continuing concern is the need to achieve a measure of economic balance in the value of new homes. At present, the city has a preponderance of low and moderate-income households. A greater parity between the number of low, moderate, middle and upper-income homes could benefit the entire city.

Riverbank experienced a high rate of growth over the past several years (peaking in 2006), with new construction at comparable rates to other cities in Stanislaus County.

Table IV-5 identifies the yearly household increase from 2004 to January of 2014. During this time frame, the City of Riverbank added 1,806 units to its housing stock, which equates to a 34.06 percent increase. During this same time frame, the total increase in housing units for the county was 10.58 percent. As seen in the table below, the increase in housing stock slowed down from 2010 to 2014, where only 40 units were added to the housing stock.

**TABLE IV-5  
Yearly Housing Unit Increase Stanislaus County and Cities (2004-2014)**

CITY	2004	2005	2006	2007	2008	2009	2010
CERES	11,399	11,865	12,641	13,040	13,279	13,620	13,673
HUGHSON	1,614	1,836	1,911	1,907	1,937	2,191	2,234
MODESTO	72,018	72,615	73,501	74,297	74,700	75,233	75,044
NEWMAN	2,503	2,756	3,092	3,160	3,243	3,340	3,357
OAKDALE	6,292	6,419	6,639	6,968	7,227	7,702	7,822
PATTERSON	3,918	4,484	5,412	5,932	5,999	6,288	6,328
RIVERBANK	5,303	5,835	6,257	6,375	6,447	6,911	7,069
TURLOCK	21,652	22,581	23,084	23,711	23,993	24,285	24,627
WATERFORD	2,315	2,330	2,448	2,574	2,623	2,661	2,665
UNINCORP.	35,911	36,327	36,734	37,076	37,174	36,651	36,684
<b>TOTAL</b>	<b>162,925</b>	<b>167,048</b>	<b>171,719</b>	<b>175,040</b>	<b>176,622</b>	<b>178,882</b>	<b>179,503</b>

CITY	2011	2012	2013	2014	ABSOLUTE CHANGE	PERCENT CHANGE
CERES	13,674	13,681	13,717	13,725	2,326	20.41%
HUGHSON	2,244	2,267	2,310	2,350	736	45.60%
MODESTO	75,056	75,092	75,601	75,711	3,693	5.13%
NEWMAN	3,431	3,439	3,438	3,437	934	37.32%
OAKDALE	7,841	7,854	7,903	7,961	1,669	26.53%
PATTERSON	6,339	6,339	6,356	6,363	2,445	62.40%
RIVERBANK	7,081	7,082	7,098	7,109	1,806	34.06%
TURLOCK	24,633	24,656	24,680	24,727	3,075	14.20%
WATERFORD	2,665	2,665	2,665	2,665	350	15.12%
UNINCORP.	36,658	36,670	36,140	36,117	206	0.57%
<b>TOTAL</b>	<b>179,649</b>	<b>179,745</b>	<b>179,908</b>	<b>180,165</b>	<b>17,240</b>	<b>10.58%</b>

**SOURCE:** State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State – January 1, 2011-2014, Sacramento, California, May 2014 and State of California, Department of Finance, E-8 *Historical Population and Housing Estimates for Cities, Counties, and the State, 2000-2010*. Sacramento, California, November 2012.

In the estimate by the Department of Finance, dated January 1, 2014, the population of the City of Riverbank (23,243) represented 4.42 percent of Stanislaus County's total population. The Housing Needs Report predicts a countywide need to plan for 21,330 new homes between 2014 and 2023. The proportional share for Riverbank is 1,280 new units (Table IV-6).

Currently, the City is at about 75% of meeting its above-moderate income housing units but is falling behind in its provision for moderate, low-income, very-low and extremely-low households.

The City of Riverbank, however, cannot guarantee construction or occupancy of new units consistent with present or future allocations, only that the City will take steps to assure that the opportunity exists for all households to locate in Riverbank.

Most homes in Riverbank are made available in the commercial marketplace through the efforts of the housing industry, and it is expected that housing construction and occupancy will continue to primarily be a function of private market forces.

**TABLE IV-6**  
**Housing Needs Allocation**  
**January 1, 2014 – September 30, 2023**

CITY	VERY LOW INCOME	LOW INCOME	MODERATE INCOME	ABOVE MODERATE INCOME	TOTAL PROJECTED NEED
Ceres	622	399	446	1,104	2,571
Hughson	53	34	38	93	218
Modesto	1,546	991	1,100	2,724	6,361
Newman	186	119	136	337	778
Oakdale	315	202	210	520	1,247
Patterson	636	408	416	1,031	2,491
<b>Riverbank</b>	<b>321</b>	<b>206</b>	<b>217</b>	<b>536</b>	<b>1,280</b>
Turlock	877	562	627	1,552	3,618
Waterford	131	84	89	221	525
Unincorporated	538	345	391	967	2,241
<b>TOTAL</b>	<b>5,225</b>	<b>3,350</b>	<b>3,670</b>	<b>9,085</b>	<b>21,330</b>

**SOURCE:** StanCOG Regional Housing Needs Assessment 2014-2023 (Note: Table may not add due to rounding); 5<sup>th</sup> Cycle Housing Element Data Package, Table 20

## **I. NON-MARKET-RATE HOUSING NEEDS**

Non-market rate households are those that are unable to secure adequate housing except at a cost which is disproportionate to the gross household income and, therefore, do not have the financial capability to meet their housing needs without sacrificing other essential needs. The adequacy of a housing unit is related to the physical condition of the structure or to the special needs of the household.

For the purpose of this housing element, special needs categories shall include housing units which are:

- dilapidated;
- deteriorated;
- overcrowded; or
- overpriced in relation to the gross household income.

Special need groups shall include very low, low, and moderate-income households which are defined as:

- elderly;
- handicapped;
- large family;
- farm workers;
- female heads of households; or
- homeless

While market-rate housing needs are expected to be met by the private housing market, addressing the inadequate conditions of non-market rate households may require action from the public sector. Indeed, one purpose of State and federal housing requirements is to encourage local jurisdictions to identify housing needs and to develop programs to mitigate the needs.

## **J. THE ELDERLY**

The elderly often face a lack of housing in the marketplace suitable for their particular needs since they are likely to have fixed or limited incomes. In addition to financial considerations, the elderly require special needs in housing construction and location to allow for access and mobility. Elderly citizens must rely on public transportation if their dwellings are not located within close proximity to local services. The elderly often need additional mobile assistance in the form of ramps and handrails, which will allow access to public facilities.

Because the elderly often live alone, they are more vulnerable to abuse and theft and thus, need security devices to safeguard their homes against unwanted intrusions. Retirement and convalescent homes offer alternative housing choices, but the majority live in independent residences, often in substandard conditions. The 2010 Census shows that there are 2,779 people in the City of Riverbank who are aged 60 years or over (Table IV-7); this is 12.25 percent of the total population. Stanislaus County is slightly higher at 15.25 percent.

Census data show the vast majority of older Americans (95 percent) live in their homes within the community, as opposed to only 5 percent living in an institutional setting. Repeatedly, research such as the 1990 AARP survey shows that most older Americans want to remain in their community homes, and to age in place. Households with members over age 65 are three and one-half times less likely to relocate than those under 65. While a large proportion of the elderly population lives alone; many seniors find single-family homes too costly to maintain; others cannot afford multifamily rental housing.

While a notable segment of the elderly population does not require constant care, to counter problems with affordability or when faced with the need to find housing, some seniors choose to live in alternative housing. For example, shared housing programs

match people in need of housing with other homeowners or apartment dwellers looking for roommates. These arrangements reduce housing costs and often ameliorate the sense of loneliness and isolation the elderly feel when a spouse dies or extended family members move away.

The increasing number of elderly persons in the population is creating a demand for more affordable housing in the short-term. Long-range planning must recognize this need and design innovative programs to address the demand.

Connecting senior units with services, transportation and social community centers offer opportunities for social interaction for the elderly. Additional housing types considered appropriate for the elderly include townhouses, one-story duplexes and second units (granny flats). Congregate housing, which provides services on-site such as a common dining room and kitchen with support services, allows the elderly to maintain their independence.

In addition to incentivizing new construction of a variety of housing types to meet the needs of the growing elderly population, the City's Housing Rehabilitation Program for Low Income residents provides funds for minor retrofit and disabilities/handicap modifications to allow elderly persons to remain in their home. Within the program the City offers funds to address items of Health and Safety concern as well as State and local code violations. The following are typical items addressed by the Housing Rehabilitation Program: insulation for attic and walls, weather-stripping for doors and windows, energy efficient windows, installation of HVAC units, security lighting, security doors, smoke detectors, carbon monoxide detectors, and replacement of water heaters, roofs, and electrical,

The City has a variety of organizations which provide services to the elderly and assist with the specific housing needs of elderly households. A listing of these organizations is provided on Page IV-11:

<b>Riverbank Senior Resources</b>	
Brown Bag (Salvation Army) Christian Food Share Assembly of God Church Saint Vincent de Paul Society Reach Program (Former program provided by Christ the King Church) Senior Meals Program Riverbank Christian Food Sharing	Provide meals to qualifying families, individuals, and seniors. Also provide volunteer opportunities.
City Department of Parks and Recreation Senior Activities	Provides a social gathering place for seniors to exercise and interact.
Meals on Wheels	Provides meals to home-bound seniors.
Stanislaus Regional Transit – START. Dial-a-Ride	Provides door-to-door service for residents who have a qualifying disability or those at least 65 years of age.
Riverbank Public Library	Library books available in large print.

**TABLE IV-7**  
**Population 60 Years of Age and Older**  
**City of Riverbank and Stanislaus County – 2010**

	RIVERBANK			STANISLAUS COUNTY		
	2010 CENSUS			2010 CENSUS		
	#	% OF CITY POP.	% OF CITY POP. 60+	#	% OF COUNTY POP.	% OF COUNTY POP. 60+
	TOTAL POPULATION: 22,678			TOTAL POPULATION: 514,453		
<b>60 YEARS+</b>						
MALE	1,257	5.54%	45.23%	34,862	6.78%	44.45%
FEMALE	1,522	6.71%	54.77%	43,574	8.47%	55.55%
<b>TOTAL</b>	<b>2,779</b>	<b>12.25%</b>	<b>100.00%</b>	<b>78,436</b>	<b>15.25%</b>	<b>100.00%</b>
<b>60 TO 64 YEARS</b>						
MALE	424	1.87%	15.26%	11,236	2.18%	14.33%
FEMALE	462	2.04%	16.62%	12,369	2.40%	15.77%
<b>TOTAL</b>	<b>886</b>	<b>3.91%</b>	<b>31.88%</b>	<b>23,605</b>	<b>4.58%</b>	<b>30.10%</b>
<b>65 TO 74 YEARS</b>						
MALE	499	2.20%	21.90%	13,624	2.65%	17.37%
FEMALE	573	2.53%	20.62%	16,013	3.11%	20.42%
<b>TOTAL</b>	<b>1,072</b>	<b>4.73%</b>	<b>42.52%</b>	<b>29,637</b>	<b>5.76%</b>	<b>37.79%</b>
<b>75 TO 84 YEARS</b>						
MALE	261	1.15%	9.39%	7,420	1.44%	9.46%
FEMALE	345	1.52%	12.41%	10,365	2.01%	13.21%
<b>TOTAL</b>	<b>606</b>	<b>2.67%</b>	<b>21.80%</b>	<b>17,785</b>	<b>3.45%</b>	<b>22.67%</b>
<b>85 YEARS +</b>						
MALE	73	0.32%	2.63%	2,582	0.50%	3.29%
FEMALE	142	0.63%	5.11%	4,827	0.94%	6.15%
<b>TOTAL</b>	<b>215</b>	<b>0.95%</b>	<b>7.74%</b>	<b>7,409</b>	<b>1.44%</b>	<b>9.44%</b>

**SOURCE:** U.S Census Bureau, 2010 Census, DP-1, Profile of General Population and Housing Characteristics: 2010 for Riverbank and Stanislaus County.

**K. THE DISABLED/HANDICAPPED**

Disabled individuals often require special access and design features within their housing units. Like the elderly, they also may need aid to travel to and from public facilities. California Administrative Code, Title 24, requires all public buildings be accessible to the public, and therefore, must meet architectural standards such as ramp ways, large door widths and restroom modifications enabling free access for the handicapped. Table IV-8 shows the 2010 estimate of persons' ages by age in Riverbank who have some type of disability (duplications exist in this data).

**TABLE IV-8**  
**Disabled Persons by Age**  
**City of Riverbank, 2010**

Type of Disability	Persons by Age		TOTAL
	5-64 years	65+ years	
Sensory disability	245	113	
Physical disability	624	388	
Mental disability	667	110	
Self-care disability	234	93	
Go-outside-home disability	920	185	
Employment disability	1,215	N/A	
	<b>3,905</b>	<b>889</b>	<b>4,794</b>

**SOURCE:** U.S. Census Bureau, 2010 Census, P041; 5<sup>th</sup> Cycle Housing Element Data Package, Table 12

Households with a member who has a mental disability include those whose disability is psychiatric and those with organic illness--such as organic brain disorders resulting from Alzheimer's disease or AIDS-related infections. The 2010 Census provided the number of individuals who are institutionalized with psychiatric disabilities. The following Table IV-9, Persons in Group Quarters, reflects the number of individuals that are institutionalized within the City of Riverbank and Stanislaus County.

**TABLE IV-9  
Persons in Group Quarters  
City of Riverbank and Stanislaus County - 2010**

	RIVERBANK		STANISLAUS COUNTY	
	# IN GROUP QUARTERS	% OF TOTAL	# IN GROUP QUARTERS	% OF TOTAL
<b>INSTITUTIONALIZED PERSONS:</b>	<b>72</b>	<b>42.86%</b>	<b>3,370</b>	<b>53.45%</b>
CORRECTION INSTITUTIONS	0	0.00%	1,091	17.30%
JUVENILE FACILITIES	0	0.00%	375	5.95%
NURSING HOMES	72	42.86%	1,904	30.20%
OTHER INSTITUTIONS	0	0.00%	0	0.00%
<b>NONINSTITUTIONALIZED:</b>	<b>96</b>	<b>57.14%</b>	<b>2,935</b>	<b>46.55%</b>
COLLEGE DORMITORIES	0	0.00%	584	9.26%
MILITARY QUARTERS	0	0.00%	0	0.00%
OTHER	96	57.14%	2,351	37.29%
<b>TOTAL:</b>	<b>168</b>	<b>100.00%</b>	<b>6,305</b>	<b>100.00%</b>

**SOURCE:** U.S. Census Bureau, 2010 Census, QT-P13, Group Quarters by Sex, Age, and Type of Group Quarters: 2010

## **L. DEVELOPMENTAL DISABILITIES**

A “developmental disability” is defined as a disability that originates before an individual becomes eighteen (18) years old, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. Senate Bill 812, Statutes of 2010, which took effect January 2011, amended State housing element law to require the analysis of the disabled to include an evaluation of the special housing needs of persons with developmental disabilities.

The U.S. Census does not have specific information regarding persons with developmental disabilities; however, each nonprofit regional center contracted with the California Department of Developmental Services (DDS) maintains an accounting of the number of persons served by zip code.

DDS currently provides community based services to approximately 248,000 persons with

developmental disabilities and their families through a statewide system of twenty-one (21) regional centers, three (3) developmental centers, and one (1) community-based facility. However, the DDS has announced preparations to initiate the closure planning process for the three (3) remaining developmental centers. The DDS will submit a closure plan to the Legislature on October 1, 2015 with the goal of closing Sonoma DC by the end of 2018. The closure of Fairview DC will follow the closure of Sonoma DC and lastly the closure of the General Treatment Area of Porterville DC. However, this will not affect Riverbank, as these Developmental Centers are located outside of Stanislaus County.

Table IV-10 is information from the Valley Mountain Regional Center on Developmentally Disabled Residents in the City of Riverbank:

**TABLE IV-10**  
**Developmentally Disabled Residents by Age**  
**City Of Riverbank**

Zip Code Area	0 – 14 Years	15 – 22 Years	23 – 54 Years	55 – 65 Years	65+ Years	Total
95367	97	29	60	10	6	202
<i>Source: California Department of Developmental Services (DDS), HCD 5<sup>th</sup> Cycle Housing Element Data Package, Table 13</i>						

As shown in the data above, the age group with the most individuals with a developmental disability is the 0 -14 year age group or 48.0 percent of the total number of developmental disabled residents. Of the 97 residents in this age group, 96 have a residency type of own home.

To assist in providing information to Riverbank residents and the development of housing for persons with developmental disabilities, Program 2.1h has been added to the 2014-2023 Housing Element which requires the City to refer residents to the Valley Mountain Regional Center for information on housing and services designed for persons with developmental disabilities and for the City to pursue monies for construction and rehabilitation of housing for persons with disabilities.

**M. FEMALE HEADS OF HOUSEHOLDS**

According to the U.S. Census Bureau, American Community Survey, City of Riverbank had a total of 837 are female heads of household or 15.33 percent of all householders in Riverbank (Table IV-11, Female Headed Household, 2008-2012 ACS). 273 female headed households are considered to be under the poverty level (5.00 percent of all households). Stanislaus County, by comparison, has 23,952 female headed households or 19.49 percent of all householders. These low-income households find it increasingly difficult to find adequate housing since they may have limited incomes that restrict their ability to rent or own large enough dwellings to accommodate their children. Female

heads of households often spend more on immediate needs such as food, clothing, transportation, and medical care than on maintaining their dwelling. This may result in living units falling into disrepair and the incidence of poverty is more apparent and difficult to remedy.

**TABLE IV-11**  
**Female Headed Householders**  
**City of Riverbank and Stanislaus County – 2008-2012 ACS**

HOUSEHOLD TYPE	RIVERBANK		STANISLAUS COUNTY	
	NUMBER	% OF TOTAL	NUMBER	% OF TOTAL
<b>FEMALE HEADED HOUSEHOLDS</b>	<b>837</b>	<b>15.33%</b>	<b>23,952</b>	<b>19.49%</b>
FEMALE HEADS WITH OWN CHILDREN	571	10.46%	16,327	13.28%
FEMALE HEADS WITHOUT CHILDREN	266	4.87%	7,625	6.20%
FEMALE HEADED HOUSEHOLDS UNDER THE POVERTY LEVEL	273	5.00%	8,025	6.53%
<b>TOTAL FAMILIES UNDER THE POVERTY LEVEL</b>	<b>655</b>	<b>11.99%</b>	<b>17,672</b>	<b>14.38%</b>
<b>TOTAL HOUSEHOLDERS</b>	<b>5,461</b>	<b>100.00%</b>	<b>122,902</b>	<b>100.00%</b>

**SOURCE:** U.S. Census Bureau, 2008-2012 American Community Survey, B17012; 5<sup>th</sup> Cycle Housing Element Data Package, Table 8

Families with female heads of households experience a high incidence of poverty not only in this County, but generally statewide. For Stanislaus County, the incidence of poverty among families headed by women was greater in the unincorporated areas than in the cities.

## **N. LARGE FAMILIES**

Households of five or more totaled 1,424 for Riverbank in 2012 (Table IV-12, Household Type and Size). Families falling into this category represent a higher percentage of 21.78% compared to the County average of 17.46%. Many large families face difficulty in securing adequate housing because they are in the low- or moderate-income range, and an adequate supply of rental units are unavailable in the market place. Large families are indicative not only of those households that require larger dwellings to meet their housing needs, but also are reflective of a large number that live below the poverty level. Table IV-12 shows that the average persons per household decreased from 3.45 in 2000 to 3.24 in 2011. That decrease is comparable when looking at Renter and Owner Households. The 2007-2011 American Community Survey shows that 19.79 percent of occupied housing units are considered to be “Large Households” (5 or more persons).

**TABLE IV-12**  
**Household Type and Size, 2008-2012 ACS**

		RIVERBANK			STANISLAUS COUNTY		
		NUMBER OF HHS	% OF HH TYPE	% OF ALL HHS	NUMBER OF HHS	% OF HH TYPE	% OF ALL HHS
<b>FAMILY HHS</b>	2 PERSONS	1,358	24.83%	20.77%	40,374	32.67%	24.32%
	3 PERSONS	1,254	22.93%	19.18%	27,056	21.89%	16.30%
	4 PERSONS	1,434	26.22%	21.93%	27,165	21.98%	16.36%
	5 PERSONS	666	12.18%	10.19%	15,588	12.61%	9.39%
	6 PERSONS	535	9.78%	8.18%	8,232	6.66%	4.96%
	7 OR MORE	223	4.08%	3.41%	5,167	4.18%	3.11%
TOTAL FAMILY HH		5,470	100.00%	83.65%	123,582	100.00%	74.75%
PERSONS PER FAMILY HH		3.71	-	-	3.51	-	-
<b>NON-FAMILY HHS</b>	1 PERSON	782	73.15%	11.96%	33,832	79.76%	20.38%
	2 PERSONS	185	17.31%	2.83%	6,988	16.47%	4.21%
	3 PERSONS	102	9.54%	1.56%	942	2.22%	0.57%
	4 PERSONS	0	0.00%	0.00%	425	1.00%	0.26%
	5 PERSONS	0	0.00%	0.00%	140	0.33%	0.08%
	6 PERSONS	0	0.00%	0.00%	90	0.21%	0.05%
	7 OR MORE	0	0.00%	0.00%	0	0.00%	0.00%
TOTAL NON-FAMILY HH		1,069	100.00%	16.35%	42,417	100.00%	25.55%
PERSONS PER NON-FAMILY HH		1.36	-	-	1.26	-	-
<b>TOTAL HH</b>		<b>6,539</b>	<b>100.00%</b>	<b>100.00%</b>	<b>165,999</b>	<b>100.00%</b>	<b>100.00%</b>
PERSONS PER HH		3.33	-	-	2.94	-	-

**SOURCE:** U.S. Census Bureau, 2008-2012 American Community Survey, B11016.

**TABLE IV-13**  
**Persons in Occupied Housing Units**  
**City of Riverbank, 2000 and 2012**

PERSONS IN UNIT	TOTAL OCCUPIED HOUSING UNITS	% OF TOTAL OCCUPIED HOUSING UNITS	OWNER OCCUPIED UNITS	% OF TOTAL OWNER OCCUPIED UNITS	RENTER OCCUPIED UNITS	% OF TOTAL RENTER UNITS
<b>2000 CENSUS</b> 1 PERSON	539	11.86%	356	10.48%	183	15.95%
2 PERSONS	1,173	25.81%	937	27.58%	236	20.58%
3 PERSONS	804	17.69%	601	17.69%	203	17.70%
4 PERSONS	906	19.94%	690	20.31%	216	18.83%
5 OR MORE PERSONS	1,122	24.69%	819	24.11%	309	26.94%
<b>CITY TOTAL</b>	<b>4,544</b>	<b>100.00%</b>	<b>3,397</b>	<b>100.00%</b>	<b>1,147</b>	<b>100.00%</b>
<i>PERSONS/OCCUPIED UNIT: 3.45</i>			<i>PERSONS/OWNER UNIT: 3.43</i>		<i>PERSONS/RENTAL UNIT: 3.50</i>	
<b>2012 CENSUS</b> 1 PERSON	782	11.96%	523	11.18%	259	13.90%
2 PERSONS	1,543	23.60%	1,187	25.38%	356	19.11%
3 PERSONS	1,356	20.74%	937	20.04%	419	22.49%
4 PERSONS	1,434	21.93%	1,045	22.35%	389	20.88%
5 OR MORE PERSONS	1,424	21.78%	984	21.04%	440	23.62%
<b>CITY TOTAL</b>	<b>6,539</b>	<b>100.00%</b>	<b>4,676</b>	<b>100.00%</b>	<b>1,863</b>	<b>100.00%</b>
<i>PERSONS/OCCUPIED UNIT: 3.32</i>			<i>PERSONS/OWNER UNIT: 3.30</i>		<i>PERSONS/RENTAL UNIT: 3.40</i>	

**SOURCE:** U.S. Census Bureau, 2000 Census, 2008-2012 American Community Survey, B25007; 5<sup>th</sup> Cycle Housing Element Data Package, Table 6

A little more than eight (8) percent (540) of the 6,480 households in Riverbank have less than 30 percent of the HUD Area Medium Family Income (HAMFI). Of the 540 total households in that income group, 335 or 19 percent are renters.

**TABLE IV-14  
Income Distribution Overview**

Income Level	Owner		Renter		Total	
	Number	Percent	Number	Percent	Number	Percent
Less than or = 30% HAMFI	205	4.34%	335	19.03%	540	8.33%
31% to less than or = 50% HAMFI	320	6.78%	110	6.25%	430	6.64%
51% to less than or = 81% HAMFI	605	12.82%	435	24.72%	1,040	16.05%
81% to less than or = 100% HAMFI	440	9.32%	190	10.80%	630	9.72%
101% and above	3,155	66.84%	690	39.20%	3,845	59.34%
TOTAL	4,720	100.00%	1,760	100.00%	6,480	100.00%

**SOURCE:** State of the Cities Data Systems, Comprehensive Housing Affordability Strategy ("CHAS") data, 2007-2011 ACS

As with other special needs groups, large families would benefit from innovative multifamily housing development such as co-housing units which may include child care facilities. Large families should also have adequate recreational areas for children and adults near their residences. Housing for large families should also be located near public transit. A program to assist large families with homeownership may also be advantageous. To assist in the development of affordable housing, the City included Program 3.1g to the Housing Element. In this program, the City shall provide fast-track/priority processing for low-income and special needs housing projects, including large family housing projects, such as the currently approved Riverbank Central Apartments, a 72-unit affordable housing project along Claus Road.

**O. FARMWORKERS**

Stanislaus County places farmworkers into two categories: (1) those regular or year-round farm laborers employed for more than 150 days annually, and (2) those seasonal and migrant farm workers who travel more than 50 miles across County lines to obtain agricultural employment and reside in the County approximately six months of the year.

Statistics concerning the number of farmworkers employed in the City of Riverbank assumed from the 2012 USDA Ag Census. The Census identifies number of employees in a given occupation group, in this case, farming, fishing, and forestry. There are no fishing or forestry industries in the City, therefore the number can be used to show farmworker employment. Table IV-15 on the next page shows the estimated number of

farmworkers in 2012 from the Ag Census.

**TABLE IV-15**  
**Estimated Number of Farmworkers**  
**City of Riverbank, 2012**

<b>Hired Farm Labor - 2012</b>	
<b>Number</b>	
<b>Farms</b>	1,724
<b>Workers</b>	14,657
<b>\$1,000 Payroll</b>	221,868
<b>Farmworkers by Days Worked</b>	
<b>Number</b>	
<b>150 Days or more</b>	
<b>Farms</b>	991
<b>Workers</b>	5,928
<b>Farms with 10 or more Workers</b>	
<b>Workers</b>	3,402
<b>Fewer than 150 Days</b>	
<b>Farm</b>	1,173
<b>Workers</b>	8,729

**SOURCE:** 2012 Ag Census, <http://agcensus.usda.gov/index.php>; 5<sup>th</sup> Cycle Housing Element Data Package, Table 14 and 15

As is the case for most low-income households, housing needs of farmworkers far exceed government's ability to provide assistance. The Farmers Home Administration (FmHA) is the most important provider of permanent housing for farm workers, but FmHA assistance suffers from its own income qualifying standards and a shortage of staff and funds. The State HCD and Office of Migrant Services, also supply housing assistance for the farm workers. Because farm workers are of low income and their employment status is often tenuous, they are unable to compete for housing on the open market. The housing that is available is often of substandard condition and located in areas of the community lacking adequate services. In relation to their low incomes, farmworkers often overpay for substandard housing and live in crowded conditions. Program 2.1h has been added to assist in the development of housing for farmworkers. Actions will include amending the Zoning Code to include Employee Housing (which includes Farmworker Housing) as a permitted use in the R-1 Zone.

In Stanislaus County, farm workers are housed predominantly in farm labor camps owned and operated by the Stanislaus County Housing Authority and camps privately owned in the unincorporated areas. Table IV-16 indicates where the USDA Rural Assisted Housing Developments are located.

**TABLE IV-16**  
**Farm Labor and Migrant Housing**  
**Stanislaus County**

USDA RURAL DEVELOPMENT	TOTAL # OF UNITS	# OF RENT ASSISTED UNITS	% OF RENT ASSISTED UNITS	LOCATION	RESTRICTIVE CLAUS EXPIRATION
El Solyo Village	46	27	58.70%	Patterson	11/16/2028
Garden Apartments	42	41	97.62%	Oakdale	12/21/2010
Oakdale Apartments	42	39	92.86%	Oakdale	04/24/2011
Oakridge Apartments	41	0	0.00%	Oakdale	01/17/2005
Patterson Place Apartments	40	13	32.50%	Patterson	06/12/2005
Ram Farms Inc	0	0	0.00%	Hughson	
Riverview Gardens	42	41	97.62%	Riverbank	2044
Stanislaus Flh Ctr Modesto	355	185	52.11%	Modesto	
Sunrise Vista Apartments	24	18	75.00%	Waterford	03/11/2032
Waterford Garden Apartments	51	3	5.88%	Waterford	06/03/2005
Westley-Patterson Migrant Center	92	92	100.00%	Patterson	
Willow Pointe Migrant Center	25	24	96.00%	Riverbank	07/26/2035
<b>Total</b>	<b>800</b>	<b>483</b>	<b>60.38%</b>	-	-

**SOURCE:** California Housing Partnership Corporation; 5<sup>th</sup> Cycle Housing Element Data Package, Table 18.c; Phone Conversations with Riverview Gardens Management and Central Valley Coalition for Affordable Housing.

Provisions which allow for the housing of farm workers include permanent residential buildings and mobile homes. Permits are issued with the stipulation that the occupant be employed on a full-time basis in conjunction with farming operation. Both mobile homes and farm labor camps provide important housing for seasonal or year-round workers who may otherwise have a difficult time obtaining housing at an affordable price and within close proximity to their jobs.

According to the Bureau of Labor Statistics report on the Farmworkers and Laborers, Crop, Nursery, and Greenhouse occupation, dated May 2014, the Modesto Metropolitan Area has 4,940 people employed in these occupations, including farmworkers and laborers. The hourly mean wage is \$9.61 and the annual mean wage is \$19,990. More specifically, the 2009-2013 American Community Survey reports that there are 379 people employed in the Agriculture, forestry, fishing and hunting, and mining industry within the City of Riverbank. However, as Table IV-16 depicts, the lack of farmworker housing is apparent, as Riverbank only has one (1) rent assisted project (Riverview Gardens). To encourage and fulfil this need, Program 2.1e and 2.1f has been included in the Housing Element. Program 2.1e requires the City to assist in the development of housing for farmworkers. Actions include site identification assistance and City support of applications for funding. In addition, the City will post information on the City's website related to site inventory, housing programs, and grant information. Program 2.1h requires the City to work with the agricultural community, housing providers and agricultural groups

to develop and build year-round and seasonal agricultural worker housing. The City will also contact developers with information in a manner conducive for developing the actual units.

## **P. EMERGENCY HOUSING/HOMELESS**

Some of the main causes of homelessness are the breakdown of the traditional social relationships, unemployment, shortage of extremely low- and low-income housing and the de-institutionalization of the mentally ill. A homeless count was conducted on January 29, 2015 by the Stanislaus County Housing Authority, in cooperation with Riverbank Police Services. This survey concluded that, in Riverbank, twelve (12) homeless people were observed. None were questioned as part of the survey. Homeless persons in Stanislaus County tend to be transient in nature, many moving to larger cities (e.g. Turlock and Modesto) where more services are available. According to Chief Kiely, of Stanislaus County Sheriff's Department and Police Chief for Riverbank Police Services, has not changed since the survey was conducted to now (May, 2015).

According to Government Code 65583, at least one zoning district shall permit emergency shelters without a conditional use permit. Emergency Shelters may be considered "dwelling groups" and are thus allowed by right in the R-3 zoning district, and with a conditional use permit in the C-1, C-2, and CM zoning districts (See Table D-1, Residential Types Permitted by Zone). Emergency shelters will only be subject to those development and management standards that apply to other residential development within the same zone. There are 6.43 acres of undeveloped land zoned R-3 within Riverbank's city limits, which would provide sufficient capacity to accommodate the need for emergency shelters. On February 10, 2015, City Council adopted Ordinance No. 2015-002 permitting Emergency Shelters, Transitional Housing and Supportive Housing to be a permitted use in the Multiple-Family Residential District R-3 Zone and a Permitted Use with a Use Permit in the Neighborhood Commercial District C-1 Zone, General Commercial District C-2 Zone and Commercial-Industrial C-M Zone. Program 2.1g has been included to update the uses permitted in the Zoning Code to include Transitional and Supportive Housing. Emergency Shelters and Transitional and Supportive Housing shall be a by-right use and require no discretionary review and approval. Emergency Shelters are not subject to a population limit.

The following tables provided indicate the type of Homeless Facilities available. The numbers provided are for the Turlock/Modesto/Stanislaus County Continuum of Care for which Fresno County is a participating member. Numbers represent homeless needs for the total Continuum of Care area.

To better serve the homeless population (transient and otherwise) within the City of Riverbank, Program 2.1k has been added to the Housing Element, requiring the City to participate in the Stanislaus County Housing and Supportive Collaborative (SCHSCC) and the Continuum of Care to help address homeless needs in Riverbank and Stanislaus County. The City will select a point-of-contact for the City within one (1) year of Housing

Element adoption.

**TABLE IV-17  
Homeless Facilities**

Facility Type	Family Beds	Adults Only Beds	Child Only Beds	Total Year Round Beds	Seasonal
Emergency Shelter	84	113	61	258	0
Transitional Housing	85	215	0	300	0
Permanent Supportive Housing	153	227	0	300	n/a
Total	322	555	61	858	0

**SOURCE:** Continuum of Care or HUD; 5<sup>th</sup> Cycle Housing Element Data Package, Table 16

**TABLE IV-18  
Homeless Needs**

	2012	2013	2012	2013	2012	2013
Total Homeless	861	941	609	260		
Total Sheltered	262	459	417	97		
Total Unsheltered	599	482	192	163		
Total Chronically Homeless					288	205
Total Chronically Sheltered					65	166
Total Chronically Unsheltered					140	122

**SOURCE:** Continuum of Care or HUD; 5<sup>th</sup> Cycle Housing Element Data Package, Table 17

**Q. AGENCIES OFFERING EMERGENCY HOUSING ASSISTANCE**

1. Salvation Army, Social Service Program - Under this program, renter's assistance, energy bill assistance, as well as housing information and referral are provided to low-income families. Also, families facing eviction are given a first month's rent allowance and

are assisted in finding permanent housing.

2. Stanislaus County Housing Authority - The Stanislaus County Housing Authority is located at 1701 Robertson Road, Modesto. The Housing Authority develops and operates subsidized housing facilities in Stanislaus County (with the exception of Riverbank, which has its own Housing Authority) for very-low and low-income families, including the elderly, handicapped and disabled families. The Authority also offers counseling for rent delinquency and mortgage delinquency at no charge, under license from the Housing and Urban Development Agency.

3. Modesto Gospel Mission – Under this program, shelter services are provided for up to 2,000 men, women, and children each year. They offer shelter for men; men with children, women; women with children; and, as available, families. They also partner with a local animal shelter for the family dog to be sheltered.

4. Hutton House – Hutton House is Stanislaus County’s only shelter for runaway and homeless youth. While at the shelter clients receive basic residential services, as well as individual, group and family counseling. The program goal focuses on getting youth off the street and reunited with their families.

5. Children’s Crisis Center – This program’s mission is to provide child abuse prevention, intervention and shelter services to abused, neglected and high risk children living in Stanislaus County and its surrounding communities. The Children’s Crisis Center is a private, non-profit organization established in 1980 solely to protect local children threatened by their own family circumstances. This program offers a broad range of services including respite, shelter, emergency child care, crisis counseling and empathetic support to protect high risk children and help abusive families achieve meaningful change.

## **R. PERSONS REQUIRING TEMPORARY SHELTER (HOMELESS)**

1. Emergency and Transitional Shelter Needs - The housing needs of those seeking emergency shelter and/or transitional shelter have dramatically increased in the last ten years. The fastest growing population in need of shelter is families with children. The reason for this increase can be attributed to rising unemployment and the decline in affordable housing. A large percentage of mentally ill persons are homeless due to the relaxing of guidelines for state mental health care institutions. Others in need are homeless persons with drug and alcohol problems, battered women and children, teenage runaways, and evicted tenants.

2. Agencies Providing Temporary Shelter - The following programs offer cash or vouchers to homeless individuals and families for securing temporary shelter:

- a. Community Temporary Shelter Service Coalition - Since 1981, the Community Temporary Shelter Service Coalition (CTSSC) has provided

services for those seeking shelter. CTSSC provides temporary shelter to those with immediate need. CTSSC assists families with dependent children and the mentally ill homeless. Stay is temporary, in motels or shelters until more permanent shelter can be found. CTSSC contracts with the Stanislaus County Department of Social Services to find temporary shelter for the AFDC Homeless Assistance Program.

CTSSC receives block grant funding to find shelter for the Mentally Ill Homeless Program. The Program is administered by the Stanislaus County Mental Health Department. The Program provides shelter for stays of three to seven days, based on need, and then many individuals are placed in board and care facilities. For the FY 90/91, this program provided 460 shelter nights with some stays up to seven nights.

- b. AFDC Homeless Assistance Program (HAP). This program provided temporary shelter for families who qualify for Aid to Families with Dependent Children and is administered by the Stanislaus County Department of Social Services. Benefits are paid for 21 days, with 28 days being the maximum for extenuating circumstances as defined by the Social Services Department.

In addition, the Stanislaus County Department of Social Services along with the Salvation Army provides a variety of referrals and medical services to the homeless through the Stanislaus Homeless Health project.

#### **S. AGENCIES PROVIDING SHELTER AND/OR SERVICES AND/OR MEALS**

The following facilities provide shelter and/or meals and services to the homeless population.

1. Adult Protective Services - This is a function of the County's Welfare Department and they provide information and act as a referral agency for those in need of help for emergency housing, money, food, mental problems, and alcoholism. Their primary function is to access a person's immediate problems, and link that person with the appropriate agency for further help.
2. County's General Hospital - This County facility provides, as mandated by law, the delivery of medical attention to indigent and those unable to pay for such services.
3. General Assistance/Aid to Families with Dependent Children - These two functions of the County's Welfare Department provide cash assistance to single individuals and families based on qualifying criteria. For those in need of emergency housing, they are placed either in motels or board and care homes until additional assistance can be obtained.

The above-mentioned agencies are only some of the more recognized agencies dealing

with the emergency housing/homeless issue. This is not an exhaustive matter. The problems are more acute in the winter than in the summer months. A number of people being assisted in this County are the pass through individuals with destinations in other counties or states. They may stop for food or shelter, then move on as evidenced by agency experience in the County. Many of the able bodied people never seek help and consequently are not reflected in reports on the homeless.

In summary, the matter of homeless and emergency housing is not a major issue or problem in the City of Riverbank. In the rural areas, those who are considered strangers and anyone without shelter are usually reported to the Sheriff's Department. Those in need of help or anyone considered a nonresident are referred to an appropriate agency for assistance. The rural area of the County does not provide amenities or have the resources to accommodate emergency housing and the homeless. All of those agencies are located in urban areas and, henceforth, those in need of assistance are referred there.

4. Haven Women's Center of Stanislaus – Haven offers a variety of supportive services designed to aid victims in crisis following a traumatic incident and with their longer-term planning and goal setting.

5. Family Justice Center – The Stanislaus Family Justice Center is a one-stop center offering help and hope for victims and survivors of domestic violence, sexual assault, child abuse, and elder abuse.

24-hour Trauma Response. Advocates are dispatched to hospital emergency rooms 24-hours a day, 7 days a week, in response to calls from law enforcement or emergency room personnel. The advocate responds to provide support, advocacy and information to victims of sexual assault or domestic violence in the emergency room setting.

Case Management. Haven offers the services of case managers to assist in developing personal goals toward violence-free life and finding resources and tools to achieve those goals.

Behavioral Health Services (BHS). The StanWORKSs Behavioral Health Services program is designed for TANF recipients in achieving and maintaining employment. The BHS program provides a variety of services including assessment, treatment, groups and on-going case management.

## **SECTION V**

### **Housing Production Opportunities**

As required by State planning law (§65583{3}), cities are required to complete:

*...an inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these cities.*

In addition to this requirement, each city must demonstrate that the number of potential housing units meets the housing need determination provided by the Stanislaus Council of Governments (StanCOG). The StanCOG Housing Needs Determination report projects a total need of 1,280 units for the City of Riverbank from 2014 - 2023. Of these units, 160 should be affordable to extremely low-income households, 161 should be affordable to very low-income households, 206 to low-income households, 217 to moderate-income households, and 536 to above moderate-income households.

#### **A. INVENTORY OF LAND**

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The City, as part of revisions to the Housing Element, has conducted a comprehensive identification of sites available for affordable housing development within the planning period. The sites inventory conducted for this revised Housing Element supercedes the sites inventory prepared to support the previously adopted of the Housing Element.

Table V-1 depicts the vacant land designated for residential land uses within the city limits. Each identified site in the table is given a site number identifier. The APN, address, acreage (gross) and the average and maximum number of potential housing units that could be accommodated on each site are shown in the table. Figure V-1 shows the location of each site referred to in Table V-1 and identifies each site by parcel number and address.

To calculate the designated development potential in the identified vacant sites, the City determined the average densities for each Zoning District, using data from the previous Housing Element and past projects. As Table V-1 shows, there are a total of 84.34 gross acres of vacant land planned for residential uses. The majority of this land is classified as being in the Single Family Residential District, R-1 Zone for a total acreage of 64.72 acres.

In addition, max densities were used in each District to determine the maximum residential development potential. Table V-1 shows that 485 units can be accommodated at typical densities (7.5 Dwelling Units per Acre (“DUA”)) and 517 units at maximum (8 DUA) for sites classified as R-1. For sites that are R-2, 140 units can be accommodated at typical densities (10 DUA) and 224 units at maximum (16 DUA). For sites that are classified as R-3, 84 units can be accommodated at typical densities (15 DUA) and 90 units at maximum (16 DUA).

Table V-2 represents Underutilized Sites within the City Limits and includes sites that are 1) larger than one-half (1/2) acre and 2) exclude sites that meet the criteria below. Table V-2 shows that 51.18 acres that have the capability of developing at higher density residential uses or with greater intensity. For sites that are R-1, 276 units can be accommodated at typical densities. For sites that are classified as R-2, 10 units can be accommodated at typical densities and for R-3, 268 units can be accommodated at typical densities.

The City has also excluded from the inventory sites that:

- Have significant environmental constraints;
- Are located such that the provision of public services and infrastructure would be problematic;
- Have Williamson Act contracts;
- Are planned for schools, parks, or other public uses; and,
- Have existing structures or improvements that cannot be easily removed without incurring a significant cost (for example, sites containing more than a few outbuildings or a single dwelling).

### **1. Assumptions and Methodology**

This study includes vacant and underutilized lands which are available for development for residential uses by virtue of size and land use designation in the Land Use Element portion of the General Plan. The land parcels used in the build-out assumptions in this study were located in the City or Sphere of Influence (SOI). The densities used in Table V-1 and Table V-2 represent average densities and are within an acceptable density range as provided for in the General Plan of each Zoning District as determined by City staff and maximum density as indicated in the General Plan Land Use Element. The densities are calculated using the gross acreages of each Zoning District. Additionally, the typical densities assumed are the same that were used in the certified 2009-2014 Housing Element. Underutilized lands were broken down by size, zoning, current use, and infrastructure availability.

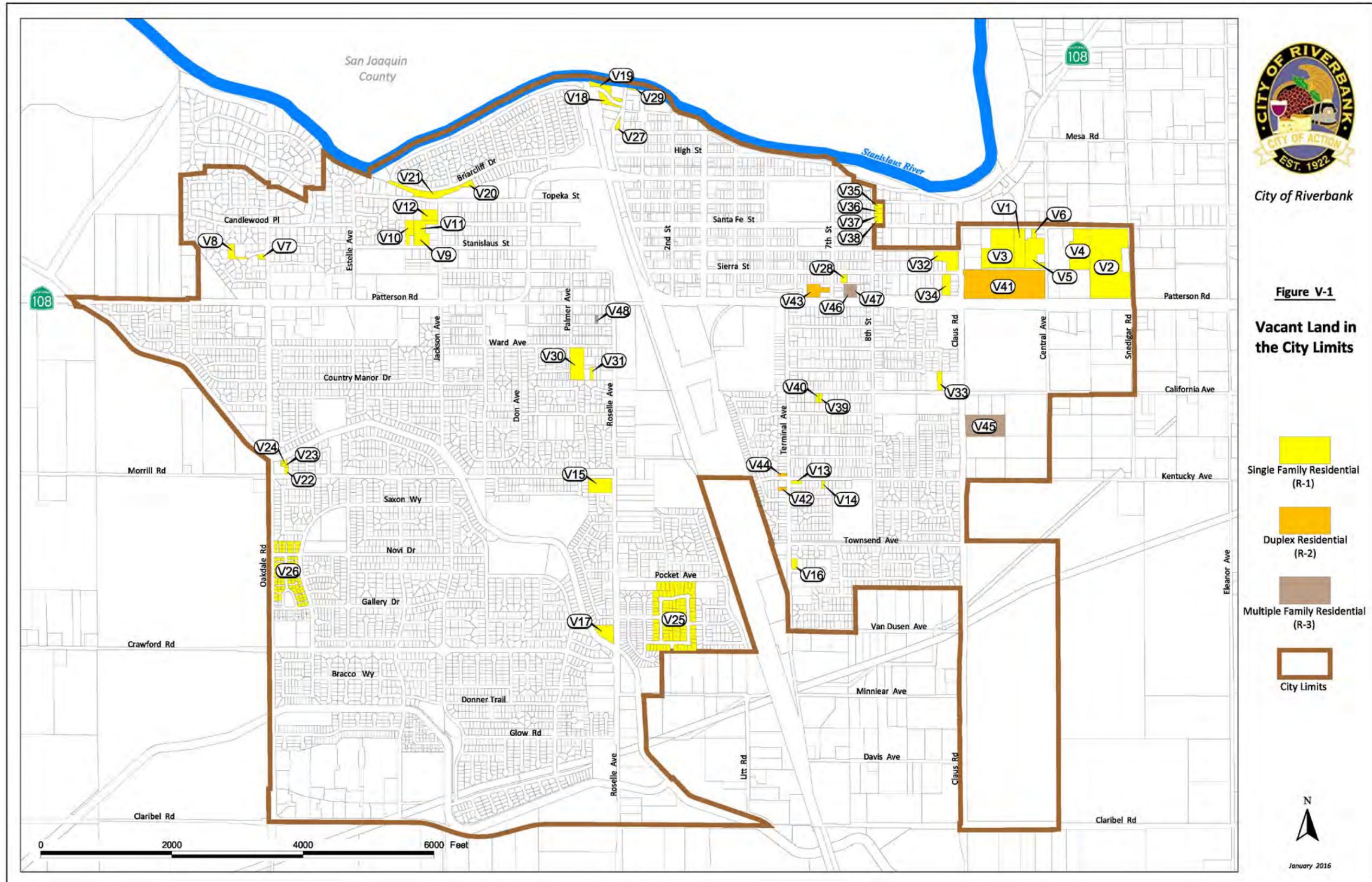
Government Code Section 65583.2(c)(3)(B) allows local governments to elect the option of utilizing “default” density standards that are “deemed appropriate to accommodate housing for lower income households.” Riverbank’s density range for Multiple-Family Residential is 16 dwelling units per acre and has no maximum. According to the Default Density Standard Option 2010 Census Update, default densities are established using population based criteria and for Stanislaus County, the default density is at least twenty (20) dwelling units per acre. The default density is within an acceptable density range provided for in the General Plan.

**TABLE V-1  
Vacant Land in the City Limits**

Site No.	APN	Address	Gross Acres	Average Density(1)	Realistic Unit Potential	Maximum Unit Potential(2)	Infrastructure Availability
<b>Residential Sites</b>							
<b>Single Family Residential District, R-1 Zone</b>							
V1	062-020-005	4206 Santa Fe Street	2.32	7.5	17.4	18.56	Y
V2	062-020-010	4424 Santa Fe Street	13.76	7.5	103.2	110.08	Y
V3	062-020-019	0 Santa Fe Street	5.95	7.5	44.63	47.60	Y
V4	062-020-025	0 Santa Fe Street	4.14	7.5	31.05	33.12	Y
V5	062-020-027	0 Central Avenue	2.85	7.5	21.38	22.8	Y
V6	062-020-028	0 Santa Fe Street	0.23	7.5	1.73	1.84	Y
V7	074-018-052	2122 Leo Court	0.20	7.5	1.5	1.6	Y
V8	074-018-056	0 Leo Court	0.67	7.5	5.03	5.36	Y
V9	075-005-013	2531 W. Stanislaus Street	0.99	7.5	7.43	7.92	Y
V10	075-005-015	2519 W. Stanislaus Street	0.89	7.5	6.68	7.12	Y
V11	075-005-025	0 Jackson Avenue	1.08	7.5	8.1	8.64	Y
V12	075-005-026	6719 Jackson Avenue	0.95	7.5	7.13	7.6	Y
V13	075-017-001	5930 Terminal Avenue	0.20	7.5	1.50	1.6	Y
V14	075-017-020	0 Kentucky Avenue	0.14	7.5	1.05	1.12	Y
V15	075-031-034	5931 Roselle Avenue	1.84	7.5	13.8	14.72	Y
V16	075-039-002	0 Terminal Avenue	0.33	7.5	2.48	2.64	Y
V17	075-045-039	0 Roselle Avenue	1.29	7.5	9.68	10.32	Y
V18	075-048-002	2812 River Cove Drive	0.59	7.5	4.43	4.72	Y
V19	075-048-003	0 River Cove Drive	0.75	7.5	5.63	6	Y
V20	075-052-044	2608 Briarcliff Drive	0.35	7.5	2.63	2.8	Y
V21	075-056-031	0 Briarcliff Drive	2.09	7.5	15.68	16.72	Y
V22	075-057-002	0 Zellman Court	0.14	7.5	1.05	1.12	Y
V23	075-057-003	0 Zellman Court	0.12	7.5	0.9	0.96	Y
V24	075-057-004	0 Zellman Court	0.12	7.5	0.9	0.96	Y
V25	075-095-001 – 089	Various(3)	7.28	7.5	54.6	58.24	Y
V26	075-099-001 – 067 and 075-100-001 – 013, 043 - 048	Various(4)	7.55	7.5	56.63	60.4	Y
V27	132-001-001	0 Riverside Drive	0.20	7.5	1.5	1.6	Y
V28	132-015-009	3718 Sierra Street	0.29	7.5	2.18	2.32	Y
V29	132-035-010	0 Burneyville Road	0.08	7.5	0.6	0.64	Y
V30	132-036-003	2912 Ward Avenue	2.44	7.5	18.3	19.52	Y
V31	132-036-013	0 Rocky Lane	0.24	7.5	1.8	1.92	Y
V32	132-048-016	6509 Claus Road	1.95	7.5	14.63	15.6	Y
V33	132-046-078	0 Claus Road	0.54	7.5	4.05	4.32	Y
V34	132-048-022	3960 Sierra Street	0.94	7.5	7.05	7.52	Y
V35	132-049-041	0 Eighth Street	0.22	7.5	1.65	1.76	Y
V36	132-049-042	0 Eighth Street	0.23	7.5	1.73	1.84	Y
V37	132-049-043	0 Eighth Street	0.23	7.5	1.73	1.84	Y
V38	132-049-044	0 Eighth Street	0.22	7.5	1.65	1.76	Y
V39	132-057-010	0 California Avenue	0.16	7.5	1.2	1.28	Y
V40	132-057-047	0 California Avenue	0.16	7.5	1.2	1.28	Y
<b>R-1 Total</b>			<b>64.72</b>		<b>485</b>	<b>517</b>	

Site No.	APN	Address	Gross Acres	Average Density <sup>(1)</sup>	Realistic Unit Potential	Maximum Unit Potential <sup>(2)</sup>	Infrastructure Availability
<b>Duplex Residential District, R-2 Zone</b>							
V41	062-020-001	6448 Claus Road	12.50	10	125	200	Y
V42	075-016-002	5913 Terminal Avenue	0.16	10	1.6	2.56	Y
V43	132-015-023	0 7 <sup>th</sup> Street	1.17	10	11.7	18.72	Y
V44	132-040-063	0 Terminal Avenue	0.16	10	1.6	2.56	Y
<b>R-2 Total</b>			<b>13.99</b>		<b>140</b>	<b>224</b>	
<b>Multiple Family Residential District, R-3 Zone</b>							
V45	062-022-001	0 Claus Road	4.56	20	91.2	72.96	Y
V46	132-015-025	0 Front Street	0.58	20	11.6	9.28	Y
V47	132-015-026	3737 Front Street	0.34	20	6.8	5.44	Y
V48	132-051-018	0 Ross Avenue	0.15	20	3	2.4	Y
<b>R-3 Total</b>			<b>5.63</b>		<b>113</b>	<b>90</b>	
<b>TOTAL UNITS</b>			<b>84.34</b>		<b>738</b>	<b>831</b>	

- (1) The average density of each Zoning District is determined by City staff using past city project densities and general plan build out assumptions as follows:
- Lower Density Residential (LDR) – 7.5 DUA
  - Medium Density Residential (MDR) – 10 DUA
  - Higher Density Residential (HDR) – 20 DUA (Default Density)
  - Mixed Use (MU) – 18 DUA
- (2) The maximum density of each Zoning District is derived from the General Plan Land Use Element as follows:
- Lower Density Residential (LDR) – 8 DUA
  - Medium Density Residential (MDR) – 16 DUA
  - Higher Density Residential (HDR) – 16+ DUA
  - Mixed Use (MU) – 18 DUA
- (3) Includes vacant sites in the project known as “Elmwood Estates” – Survey completed February 2015. Some sites have been developed and are not included in this Table.
- (4) Includes vacant sites in the project known as “Cornerstone” – Survey completed February 2015. Some sites have been developed and are not included in this Table.



City of Riverbank

**Figure V-1**  
**Vacant Land in the City Limits**

- Single Family Residential (R-1)
- Duplex Residential (R-2)
- Multiple Family Residential (R-3)
- City Limits



January 2016

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**TABLE V-2  
Underutilized Land in the City Limits**

Site No.	APN	Address	Gross Acres	Average Density(1)	Realistic Unit Potential	Maximum Unit Potential(2)	Infrastructure Availability	Existing Use <sup>3</sup>	Environmental Constraints
<b>Residential Sites</b>									
<b>Single Family Residential, R-1 Zone</b>									
W1	075-090-063	0 Pocket Avenue	2.01	7.5	15.08	16.08	Y	One (1) SFD	None
W2	075-031-034	5931 Roselle Avenue	1.84	7.5	13.80	14.72	Y	One (1) SFD	None
W3	075-075-052	0 Roselle Avenue	5.16	7.5	38.70	41.28	Y	Pasture/ Undeveloped	Hetch-Hetchy (SFPUC) and Farmland of Local Imp. <sup>4</sup>
W4	132-046-079	0 Claus Road	1.66	7.5	12.45	13.28	Y	One (1) SFD	None
W5	062-022-022	6036 Claus Road	4.50	7.5	33.75	36.00	Y	SFD/Ranch	Farmland of Local Imp.
W6	062-022-027	0 Kentucky Avenue	3.07	7.5	23.03	24.56	Y	Pasture	Farmland of Local Imp.
W7	062-022-003	6101 Central Avenue	9.38	7.5	70.35	75.04	Y	One (1) SFD	Farmland of Local Imp.
W8	062-021-008	6272 Central Avenue	9.17	7.5	68.78	73.36	Y	One (1) SFD	Farmland of Local Imp.
<b>R-1 Total</b>			<b>36.79</b>		<b>276</b>	<b>294</b>			
<b>Duplex Residential District, R-2 Zone</b>									
W9	132-063-006	2967 Morrill Avenue	1.01	10	10.10	16.16	Y	One (1) SFD	None
<b>R-2 Total</b>			<b>1.01</b>		<b>10</b>	<b>16</b>			
<b>Multiple Family Residential District, R-3 Zone</b>									
W10	075-003-011	0 Topeka	0.73	20	14.6	11.68	Y	One (1) SFD	Adjacent to SR 108
W11	075-003-012	2767 Topeka	1.31	20	26.2	20.98	Y	Undeveloped	Adjacent to SR 108
W12	075-069-002	5425 Roselle Avenue	2.07	20	41.4	33.12	Y	One (1) SFD	None
W13	075-069-003	5401 Roselle Avenue	1.88	20	37.6	30.08	Y	One (1) SFD	None
W14	132-045-002	6145 Claus Road	4.45	20	89.0	71.20	Y	One (1) SFD	None
W15	132-015-025	0 Front Street	0.58	20	11.6	9.28	Y	One (1) SFD	None
<b>R-3 Total</b>			<b>11.02</b>		<b>220</b>	<b>176</b>			

Site No.	APN	Address	Gross Acres	Average Density <sup>(1)</sup>	Realistic Unit Potential	Maximum Unit Potential <sup>(2)</sup>	Infrastructure Availability	Existing Use <sup>3</sup>	Environmental Constraints
<b>Mixed Use District, CX-1 Zone</b>									
W16	075-010-065	0 Ward Avenue	2.24	18	40.32	40.32	Y	Storage, Undeveloped	None
<b>CX-1 Total</b>			<b>2.24</b>		<b>40</b>	<b>40</b>			
<b>TOTAL UNITS</b>			<b>51.06</b>		<b>546</b>	<b>526</b>			

(1) The average density of each Zoning District is determined by City staff using past city project densities and general plan build out assumptions as follows:

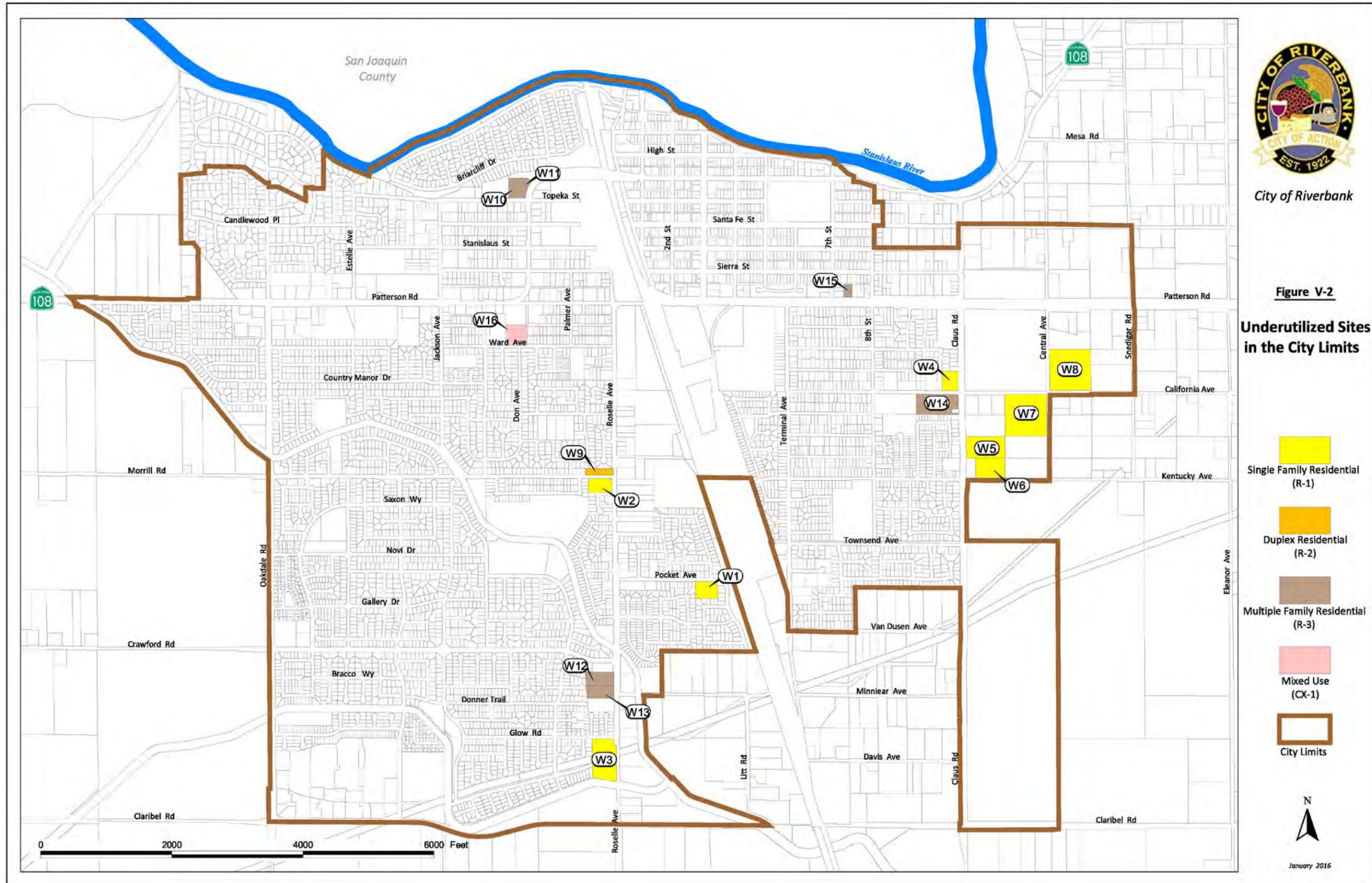
- Lower Density Residential (LDR) – 7.5 DUA
- Medium Density Residential (MDR) – 10 DUA
- Higher Density Residential (HDR) – 20 DUA (Default Density)
- Mixed Use (MU) – 18 DUA

(2) The maximum density of each Zoning District is derived from the General Plan Land Use Element as follows:

- Lower Density Residential (LDR) – 8 DUA
- Medium Density Residential (MDR) – 16 DUA
- Higher Density Residential (HDR) – 16+ DUA
- Mixed Use (MU) – 18 DUA

(3) SFD = Single Family Dwelling

(4) Source: City of Riverbank Municipal Service Report, 2013 and 2010 Farmland Mapping & Monitoring Program



City of Riverbank

**Figure V-2**  
**Underutilized Sites**  
**in the City Limits**

- Single Family Residential (R-1)
- Duplex Residential (R-2)
- Multiple Family Residential (R-3)
- Mixed Use (CX-1)
- City Limits



January 2016

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## 2. Available Land Outside of the City Limits

Outside the city limits, but within the Sphere of Influence (SOI), there is, for the most part, unconstrained vacant and agricultural land. In most unconstrained areas for growth, there are about 458 acres of vacant and agricultural land that is designated to allow for residential uses.

As Table V-3 shows, at build out, the residential land outside the City limits but in the Sphere of Influence, could potentially support 2,115 single family units and 1,820 multi-family units at average densities. At maximum densities the available land in the Sphere of Influence could support 4,842 residential units. The parcels examined do not have a Williamson Act contract.

**TABLE V-3**  
**Residential Land Within the Sphere of Influence**

	<b>Gross Acres<sup>(1)</sup></b>	<b>Average Density<sup>(2)</sup></b>	<b>Average Unit Potential</b>	<b>Maximum Unit Potential<sup>(3)</sup></b>
<b>Residential Land in the adopted Sphere of Influence<sup>(4)</sup></b>				
Lower Density Residential	282	7.5	2,115	2,256
Medium Density Residential	130	10	1,300	2,080
Higher Density Residential	26	20	520	416
Mixed Use	5	18	90	90
<b>Total</b>	<b>458</b>		<b>4,025</b>	<b>4,842</b>

(1) Total gross acres of land outside the city limits, but within the Sphere of Influence that support residential development excluding parcels with Williamson Act contracts, based on the General Plan Environmental Impact Report.

(2) The average density of each General Plan Land Use Designation is determined by City staff using past city project densities as follows:

- Lower Density Residential (LDR) – 7.5 DUA
- Medium Density Residential (MDR) – 10 DUA
- Higher Density Residential (HDR) – 20 DUA (Default Density)
- Mixed Use (MU) – 18 DUA

(3) The maximum density of each General Plan Land Use Designation is derived from the General Plan Land Use Element as follows:

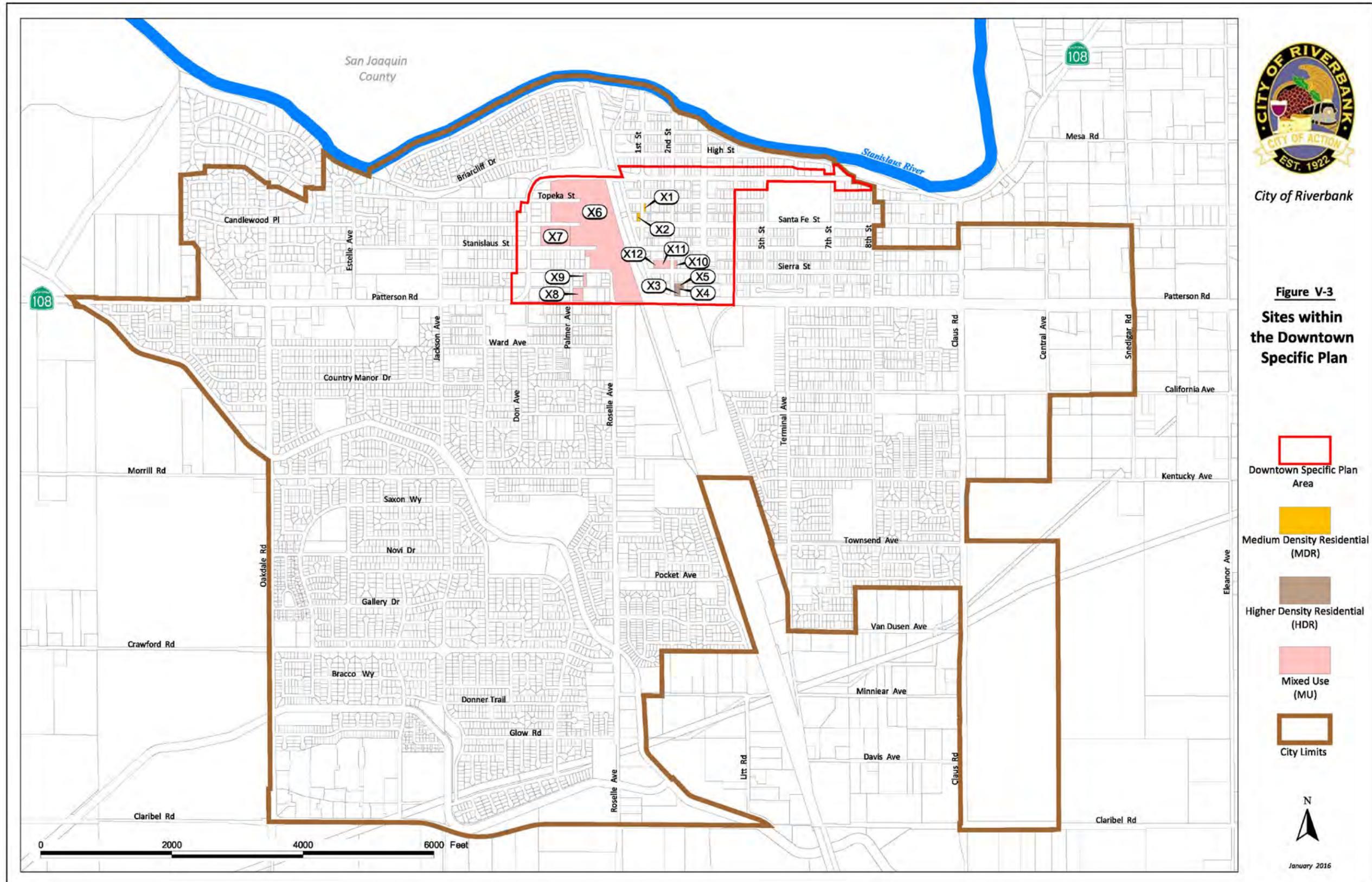
- Lower Density Residential (LDR) – 8 DUA
- Medium Density Residential (MDR) – 16 DUA
- Higher Density Residential (HDR) – 16+ DUA
- Mixed Use (MU) – 18 DUA

(4) Includes lands that are designated for residential development (LDR, MDR, HDR, MU).

Source: City of Riverbank, 2015; Stanislaus County Parcel Database and GIS; Stanislaus County Assessors Database, 2015; J.B. Anderson Land Use Planning, 2015.

Pre-zoning and zoning would occur for the identified properties, or those determined to have equal or better feasibility for affordable housing development, such that densities typical of the R-3 zone could occur. However, the City would encourage developers to achieve higher densities in lands rezoned or pre-zoned R-3 by requiring a minimum average density.

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City of Riverbank

**Figure V-3**  
**Sites within**  
**the Downtown**  
**Specific Plan**

-  Downtown Specific Plan Area
-  Medium Density Residential (MDR)
-  Higher Density Residential (HDR)
-  Mixed Use (MU)
-  City Limits



January 2016

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### **Downtown Specific Plan**

The Downtown Specific Plan was adopted by Resolution No. 2015-031 and Ordinance No. 2015-010 by City Council on May 12, 2015. The Environmental Impact Report (EIR) was certified and adopted by City Council on March 25, 2013 with Resolution 2013-015. According to the EIR, at build-out of the Specific Plan, the City assumes an additional 53 single-family dwelling units and 832 multi-family dwelling units. The Cannery District is the primary redevelopment opportunity area within the Downtown Specific Plan. Of the assumed units above, 53 single-family dwelling units and 454 higher-density dwelling units are anticipated to be accommodated within the Cannery District. Table V-4 depicts the current development potential in the Downtown Specific Plan. The largest parcel in the Cannery Site, a 26.97 acre property that has a General Plan Land Use Designation of Mixed Use and is classified as Mixed Use Neighborhood in the Downtown Specific Plan.

Policy 2.2, Program 2.2a, 2.2b, and 2.2c has been added to the City's 2014-2023 Housing Element Goals and Policies to encourage revitalization and expansion of residential development and opportunities within the City's Downtown Specific Plan area. Program 2.2a ensures that the City will have no net loss of residential development potential for the vacant sites designated Downtown Core, Mixed Use Neighborhood, and Downtown Neighborhood, as identified in the Downtown Specific Plan, the City shall encourage redevelopment in the Downtown area that results in a two to one replacement of any existing housing units displaced by redevelopment projects in the Downtown area. Program 2.2a ensures that the City will coordinate with Developers and Non-Profit Housing Providers on the implementation of the Downtown Specific Plan. To encourage the development of new housing of upper stories and mixed-use buildings in the Downtown Core area of the Downtown Specific Plan, Program 2.2c has been added to the City's 2014-2023 Housing Element Goals and Policies. Where feasible, City staff shall assist Property Owners and/or Developers in identifying sites suitable for upper story residential development, identifying Grant funding opportunities, and expedite permit processing through the Community Development Department.

**TABLE V-4  
Sites within the Downtown Specific Plan**

Site No.	APN	Address	Gross Acres	Average Density(1)	Realistic Unit Potential	Maximum Unit Potential(2)	Infrastructure Availability
<b>Residential Sites</b>							
<b>Medium Density Residential (MDR)</b>							
X1	132-010-031	0 1 <sup>st</sup> and Topeka Street	0.08	10	0.8	1.28	Y
X2	132-010-057	6709 1 <sup>st</sup> Street	0.14	10	1.4	2.24	Y
<b>MDR Total</b>					<b>2</b>	<b>3</b>	
<b>Higher Density Residential (HDR)</b>							
X3	132-017-027	6412 2 <sup>nd</sup> Street	0.18	20	3.6	2.88	Y
X4	132-017-032	6426 2 <sup>nd</sup> Street	0.16	20	3.2	2.56	Y
X5	132-017-033	6430 2 <sup>nd</sup> Street	0.21	20	4.2	3.36	Y
<b>HDR Total</b>					<b>11</b>	<b>9</b>	
<b>Mixed Use (MU)</b>							
X6	132-034-020	2906 Santa Fe Avenue	26.97	18	485.5	485.5	Y
X7	132-023-020	0 Santa Fe Street	3.10	18	55.8	55.8	Y
X8	132-022-017	2907 Patterson Road	0.74	18	13.3	13.3	Y
X9	132-022-010	2924 Sierra Street	0.24	18	4.3	4.3	Y
X10	132-011-052	0 Sierra Street	0.14	18	2.5	2.5	Y
X11	132-011-053	Abandoned Warehouse	0.57	18	10.3	10.3	Y
X12	132-011-054	Parking lot next to warehouse	0.14	18	2.5	2.5	Y
<b>MU Total</b>					<b>574</b>	<b>574</b>	
<b>TOTAL UNITS</b>					<b>587</b>	<b>585</b>	

(1) The average density of each Zoning District is determined by City staff using past city project densities as follows:

- Lower Density Residential (LDR) – 7.5 DUA
- Medium Density Residential (MDR) – 10 DUA
- Higher Density Residential (HDR) – 20 DUA (Default Density)
- Mixed Use (MU) – 18 DUA

(2) The maximum density of each Zoning District is derived from the General Plan Land Use Element as follows:

- Lower Density Residential (LDR) – 8 DUA
- Medium Density Residential (MDR) – 16 DUA
- Higher Density Residential (HDR) – 16+ DUA
- Mixed Use (MU) – 18 DUA

### **Mixed Use Development**

According to the City's General Plan, the Mixed Use designation is anticipated to be mainly non-residential. However, the Mixed Use designation also explicitly allows for higher-density residential in a vertical or horizontal mixed-use setting. This could include residential development above or adjacent to commercial operations on the same property. This provides the potential for at least 18 dwelling units per acre in a mixed use setting.

In addition, the City adopted an Infill Opportunity Area overlay as part of the 2005-2025 General Plan. This area designates an Infill Opportunity Area where the City will focus reinvestment, redevelopment, and revitalization efforts during the General Plan time horizon. Housing added in the Infill Opportunity Area will mostly consist of apartment buildings, condominiums,

townhomes, small-lot single-family structures, and other more compact residential designs. The parcels identified above in the Downtown Specific Plan are located in the Infill Opportunity Area. Most notably, the parcels designated as Mixed Use.

To encourage housing development and revitalization within the Infill Opportunity Area, Program 2.1i has been added to the 2014-2023 Housing Element, in which the City shall encourage housing development within the General Plan Infill Opportunity Area and specifically, sites designated Mixed Use. Housing development shall include housing for extremely low-, very-low, and low income groups. Strategies to achieve new and infill housing include:

- Allow sites to be developed with stand-alone residential uses and densities of at least 20 dwelling units per acre, provided the development proposal includes an affordable housing component;
- In conjunction with Program 1.2a, the City shall keep an up-to-date inventory of vacant and underutilized sites within the Infill Opportunity Area; and
- Encourage affordable housing developers such as Habitat for Humanity to locate affordable housing projects within the Infill Opportunity Area.

### **Crossroads West Specific Plan**

The City is currently in the early planning stages of processing the Crossroads West Specific Plan, located west of the city limits east of Coffee Road to Oakdale Road, North of Claribel Road and South of MID Main Canal. The Crossroads West Specific Plan is approximately 380 acres and includes two (2) School sites, expansion of the Riverbank Sports Complex and the preliminary land use mix includes full range of land uses, including Lower Density Residential, Medium Density Residential, Higher Density Residential and Mixed Use for an estimated gross acreage of 385.4. Based on the Crossroads West Conceptual Land Use Plan, out of the 385.4 estimated acres, 234 acres are designated as Lower Density Residential, 20 acres Medium Density Residential and 10 acres Higher Density Residential. Commercial and Mixed Use opportunities are along Claribel Road and Oakdale Road. The Plan will include a new Fire Station for Stanislaus Consolidated Fire.

The Crossroads West Specific Plan will include the adoption of a Specific Plan, Sphere of Influence Amendment, Annexation into Riverbank, Prezone, General Plan Amendments and the processing of map entitlements. A Conceptual Land Use Plan is included in this Housing Element in Appendix H.

Development of the Crossroads West Specific Plan requires City Council adoption, as well as Annexation and Sphere of Influence Modification consideration by the Stanislaus LAFCO. The exact land use plan is yet to be determined. Table V-5 is a summary of assumed residential land uses and the estimated units that could provide for Riverbank, based on the adopted General Plan land use mix.

To help facilitate the annexation and adoption of the Crossroads West Specific Plan, Program 1.1 and 1.1b has been added to the City's 2014-2023 Housing Element Goals and Policies. Program 1.1 requires the City to identify sufficient land at various densities to allow for the construction of sufficient housing to meet its legally adopted HCD Regional Housing Need Allocation. Since some of the land needed is outside the present City limits and Sphere of Influence, the City will have to amend its Sphere of Influence

and annex this land before it can be developed. The City shall prezone enough land outside the current city limits to accommodate the remaining housing need. Outreach effort shall include notification to developers, property owners and public outreach. The outreach effort should also seek to encourage developer interest in annexation of prezoned land by describing development characteristics.

Program 1.1b the City shall maintain its vacant sites inventory by facilitating the development of the Crossroads West Specific Plan, and designate therein sufficient sites to accommodate the dwelling units identified in Table V-5 and specifically, those sites designated for higher density development in order to meet the regional housing needs of lower income households. The Crossroads West Conceptual Land Use Plan is included in this 2014-2023 Housing Element in Appendix H.

**TABLE V-5**  
**Crossroads West Specific Plan**  
**Summary of Assumed Residential Land Uses**

<b>ZONE DESIGNATION</b>	<b>LAND USE</b>	<b>DENSITY DU/ACRE<sup>1</sup></b>	<b>ESTIMATED ACRES</b>	<b>ESTIMATED UNITS</b>
LDR	Low Density Residential	7.5	234	1,755
MDR	Medium Density Residential	10	20	200
HDR	High Density Residential	20	10	200
<b>Total</b>			<b>264</b>	<b>2,155</b>

(1) The average density of each Zoning District is determined by City staff using past city project densities as follows:

- Lower Density Residential (LDR) – 7.5 DUA
- Medium Density Residential (MDR) – 10 DUA
- Higher Density Residential (HDR) – 20 DUA (Default Density)
- Mixed Use (MU) – 18 DUA

(2) The maximum density of each Zoning District is derived from the General Plan Land Use Element as follows:

- Lower Density Residential (LDR) – 8 DUA
- Medium Density Residential (MDR) – 16 DUA
- Higher Density Residential (HDR) – 16+ DUA
- Mixed Use (MU) – 18 DUA

### **3. Ability to Address Regional Housing Need**

Table V-6 shows the residential holding capacity after subtracting unit production during the current housing element period (January 2014 to September 2023). The table goes on to show the remaining capacity at average densities within the city limits in subdivisions and vacant land. Finally, unit potential outside the city limits, but within the Sphere of Influence is shown.

It is important to note that lands within the City’s General Plan Boundary, but outside of the Sphere of Influence, are focused specifically on lands within the proposed Crossroads West Specific Plan. As referenced previously, the Crossroads West Specific Plan is currently being processed by the City, and includes a Sphere of Influence Expansion and Annexation component as part of the overall Application to be reviewed and considered by the Riverbank City Council and Stanislaus LAFCO.

The City has enough land to accommodate its total allocated RHNA with a surplus of 2,301 units. The City exceeds its need for above moderate households by 737 units and

land available for extremely-low, very low-, low-, and moderate-groups meet the RHNA with a surplus of 1,564 units.

**TABLE V-6**  
**City's Ability to Meet Its Regional Housing Needs**  
**(Average Densities)**  
**2015**

	Extremely Low	Very-Low	Low	Moderate	Above Moderate	Total
HCD RHNA Allocation (Jan 2014 – Sept 2023)	160	161	206	217	536	1,280
Units Produced(1)					30	30
Net Allocation to be Met	160	161	206	217	506	1,250
<i>Allocation to be Met</i>					506	1,250
<b>Holding Capacity Within the City Limits</b>						
Potential Units in Vacant Land	213			186	339	738
Potential Units in Underutilized Land	190			136	220	546
Potential Units in Downtown Specific Plan	293			235	59	587
<i>City Holding Capacity Subtotal</i>	1,253				618	1,871
<b>Holding Capacity Outside City Limits(2)</b>						
Single-Family Units	0			267	625	892
Multi-Family Units	788				0	788
<i>Outside Holding Capacity Subtotal</i>	1,055				625	1,680
<b>Surplus</b>	<b>1,564</b>				<b>737</b>	<b>2,301</b>
(1) Units with final building permits issued between January 2014 and December 2014 as identified in Table VIII-1						
(2) Includes lands within the proposed Crossroads West Specific Plan						

In compliance with the requirements of Government Code Section 65583(c)(1), the General Plan Land Use Element should provide a sufficient portion of land in its multi-family land use categories to meet its obligation to provide sites suitable for the production of needed housing affordable to extremely low-, very low-, low-, moderate-, and above moderate-income households. As the analysis above shows, at average densities, the city has enough vacant land designated for single-family and multi-family development to provide for the needs of all income groups.

**Second Units**

The City of Riverbank issues approximately two to three permits a year for secondary units. This trend is expected to continue, if not increase due to recent legislation (AB 1866) requiring ministerial review of applications for second units.

**Single-Room Occupancy (SRO) Units**

SROs can provide a valuable form of affordable private housing for lower- income individuals, seniors, and persons with disabilities. An SRO unit usually is small, between 200 to 350 square feet. These units provide a valuable source of affordable housing and can serve as an entry point into the housing market for formerly homeless people. Rooming houses, boarding houses, and dwelling groups which accommodate single room occupancy (SRO) units are allowed with a conditional use permit in the R-3, C-1, C-2, and C-M zoning districts. Boarding houses require one off-street parking space for every 300 square feet of ground floor area. Spaces inside a garage may be counted toward meeting the requirement. New low-income units, including SROs, are

encouraged by both the City's Planning and Housing Departments. No existing low-income units are at-risk to change to non-low income units within the City of Riverbank in the foreseeable future.

## **B. SITES FOR THE DEVELOPMENT OF MOBILE HOMES / MANUFACTURED HOUSING, MOBILE HOME PARKS AND EMERGENCY SHELTERS**

### **1. Mobile Homes/Manufactured Housing**

As required by law, the City allows the placement of mobile homes/manufactured housing on single family lots, provided they meet all requirements of the applicable zoning district. The City has not received nor processed any requests for manufactured housing subdivisions.

### **2. Mobile Home Parks**

Mobile home parks provide an affordable alternative to housing, especially for senior citizens, as the investment only includes the up-front cost of buying the mobile homes and rental of the pad. In addition, this type of housing provides an alternative lifestyle suitable for the smaller family (retired couples, divorced, etc.). Mobile home parks are permitted by a conditional use permit.

### **3. Emergency Shelters, Transitional Housing, and Supportive Housing**

As a part of a program in the previous Housing Element, the City has clarified in which areas of the City emergency shelters and transitional housing facilities would be permitted and the standards of review to be used to encourage such special needs facilities. City Council Ordinance No. 2015-002, adopted by the City Council on February 10, 2015, permits Emergency Shelters, Transitional Housing and Supportive Housing to be a Permitted Use in the Multiple-Family Residential District R-3 Zone and a Permitted Use with a Use Permit in the Neighborhood Commercial District C-1 Zone, General Commercial District C-2 Zone and Commercial-Industrial C-M Zone, implementing Senate Bill 2. Program 2.1g has been added to amend the Municipal Code to permit Transitional and Supportive Housing in the R-1 Zoning District. This is a by-right use and requires no discretionary review. Additionally, Program 2.1f has been added to the 2014-2023 Housing Element to require the City to amend the Zoning Code to permit Transitional and Supportive Housing in the Single Family Residential District R-1 Zone and Duplex Residential District R-2 Zone. As shown in Table V-1 and V-2, there is sufficient land to accommodate at least one year-round Emergency Shelter in the R-3 Zone as well as Transitional and Supportive Housing in the R-1, R-2 and R-3 Zone. The Commercial-Industrial and Light and Heavy Industrial Zones in the City allow for one dwelling unit as a conditional use but are subject to the following requirements:

- The dwelling unit shall be clearly secondary to the commercial use of the property.
- There are no other residences on the property.
- The dwelling unit shall not be rented or leased independent of the principal use to which it is necessary.
- The exterior of any residential unit shall be compatible with the commercial building(s) on the property.

*City of Riverbank Housing Element – Housing Production Opportunities*

- The permit shall be reviewed annually to ensure continued compliance with the provisions of this chapter.
- A finding shall be made that other feasible security measures have been tried and that there is a demonstrated need for additional security.

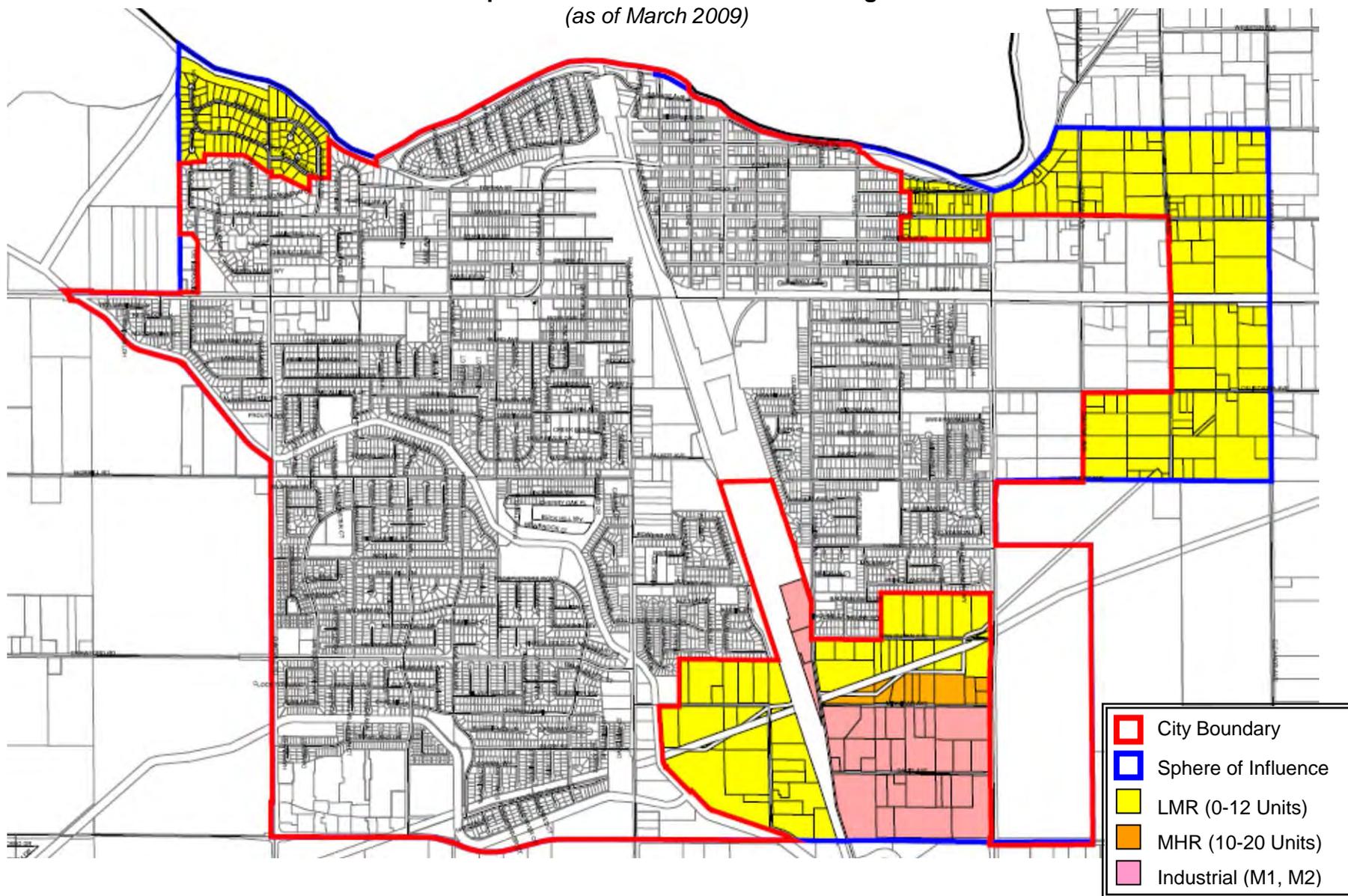
As shown above, the dwelling unit cannot be rented or leased independent of the principle use and as such, cannot be considered for a zone in which allows for Transitional and Supportive Housing.

#### **4. Farmworker Housing**

Agricultural worker labor camps are allowed in the R-3, C-1, and C-2 Zoning Districts through issuance of a Use Permit. Agricultural worker labor camps are allowed in the M-1 Zone by right. As discussed in Section B of Chapter IV of this Housing Element, the City's permitting requirements and processing time for such development proposals do not represent substantial constraints to development for land uses allowed by right. As a part of the previous Housing Element, the City has clarified in which areas of the City special needs housing are permitted, and the standards of review to be used to encourage such special needs facilities. Regarding the development of housing to meet the needs of year-round farmworkers, the needs of such households are not different than other households with potentially lower incomes. The needs of such households are addressed in the sites inventory, constraints analysis, programs, and throughout the Housing Element. Multi-family housing that could accommodate affordable housing is permitted by right in the R-3 and C-1 zones. Multi-family housing that could accommodate housing affordable to lower income households is also permitted through issuance of a Use Permit in the C-2 and CM zones.

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**Figure V-4**  
**Riverbank Sphere of Influence Land Use Designations**  
*(as of March 2009)*



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## SECTION VI Housing Production Constraints

### A. NON-GOVERNMENTAL HOUSING CONSTRAINTS

The ability to fulfill housing needs is greatly constrained by factors prevalent in the housing market. Non-governmental factors inhibiting the availability of housing include financing costs, land prices, and construction costs.

#### 1. Financing Costs

Low mortgage interest rates and the prevalence of sub-prime mortgage lending led to a sharp increase in home construction and purchases, as well as increased demand and prices. These factors had more influence on home ownership and construction than any other. The reverse of this is now being seen as increasingly troubled credit markets are hesitant to finance loans, which is putting a damper on the real estate market. Policies set at the federal level affecting interest rates, subsidies, material and wage costs, are cost factors which are little influenced by local policy, desire, or action.

Stanislaus County experienced a high population increase from 1992 to 2006. Primarily, the discovery of the San Joaquin Valley as an area with affordable housing to San Francisco Bay Area commuters resulted in an increase in local values and almost all new housing stock was built for this income group. From 2006 to current time, the area experienced the “Great Recession”, which caused home sales prices to significantly decrease. However, since 2013, the City has seen average home sales prices begin to rise again. Table VI-1, Average Home Sales Price, reflects the average sale price for a single-family home in Stanislaus County from 2006 to 2014.

**TABLE VI-1**  
**Average Single-Family Home Sales Price**  
**Stanislaus County January, 2006 – September 2014**

YEAR	AVERAGE HOME PURCHASE PRICES	ANNUAL % CHANGE
2006	\$374,000	-
2007	\$318,500	-14.8%
2008	\$185,000	-41.9%
2009	\$140,924	-23.82%
2010	\$143,974	2.16%
2011	\$134,879	-6.32%
2012	\$143,859	6.66%
2013	\$186,635	29.73%
2014	\$221,971	18.93%

**SOURCE:** California Association of Realtors, Median Prices of Existing Detached Homes, September 2014.

Note: 2014 Data is shown until September of 2014

#### 2. Construction Costs and Land Prices

Since the decrease in housing costs in 2007/2008, raw construction costs have increased. According to Cary Pope, a Real Estate Agent and housing developer, the average hard costs (raw building materials, excluding permit fees, impact fees, etc.) is about 60 to 65 dollars a foot. For a 1,500 square foot construction, that equals \$97,500.

Compared to 2007/2008, the construction costs have increased about 10 percent. According to Cary Pope, finished lot prices in Riverbank area about \$65,000 per lot, where raw land within the City is about \$50,000 per acre.

While land values in Stanislaus County have decreased over the last two years, this has not corresponded to a decrease in the demand for and price of building materials. Increases in building material prices can be attributed to demand from growing economies in foreign countries such as China, India and South America. While there will be fluctuations in the commodities markets, experts agree that the costs of raw materials—such as steel, copper, dry wall, plastics, asphalt and diesel—are not going to go down significantly as long as demand from other countries continues.

### 3. Housing Costs

Since the decline of the housing market in 2007 and 2008, Riverbank median home prices have steadily increased, with the November, 2014 median home value in Riverbank at \$271,000. Riverbank has yet to experience the sharp increase in home values as was the case from 1994 to 2006, where in 2006 the median home price in Riverbank was \$380,000.

Table VI-2, Median Home Values and Rents, indicates a comparison of home values in Stanislaus County.

**TABLE VI-2**  
**Median Home Values – November 2014**

Location	Median Home Value	% of County Median
CERES	\$210,000	94.97%
MODESTO	\$198,000	89.54%
OAKDALE	\$289,000	130.69%
PATTERSON	\$260,000	117.58%
RIVERBANK	\$271,000	122.55%
SALIDA*	\$223,500	101.07%
TURLOCK	\$256,000	115.77%
STANISLAUS COUNTY	\$221,127	100.00%

**SOURCE:** DQ News, California Home Sale Activity by City,  
Home Sales Recorded in November 2014

\*Unincorporated Communities in Stanislaus County

Even with this sharp decline in housing prices, the income needed to purchase a median-priced home places it beyond the reach of most individuals in Stanislaus County and the City of Riverbank. The rise of the "working poor" elicits the demand for more affordable housing, both rental and for purchase.

In most cases, it takes two incomes just to pay the rent or mortgage. Two full-time workers earning minimum wages earn just less than enough to be able to afford the fair market rent for a two-bedroom unit in Stanislaus County of \$923.

**TABLE VI-3**  
**Comparison of Salary Ranges and Rental/Mortgage – 2013**  
**Stanislaus County**

OCCUPATION	MEAN SALARY HOUR/MONTH FULL-TIME	MAX RENT / MORTGAGE PAYMENT	MAXIMUM HOME LOAN AMOUNT*
MINIMUM WAGE WKR	\$9.00/\$1,440	\$475	\$79,576
RETAIL SALESPERSON	\$11.41 / \$1,977	\$652	\$109,251
RECEPTIONISTS	\$12.82/ \$2,222	\$733	\$122,790
PRE-SCHOOL TEACHER	\$18.53 / \$3,211	\$1,059	\$177,443
CONSTRUCTION LABORER	\$20.37 / \$3,530	\$1,165	\$195,072
AUTO MECHANIC	\$19.43 / \$3,367	\$1,111	\$186,064
TRUCK DRIVER	\$20.06/ \$3,477	\$1,147	\$192,143
COMPUTER USER SUPPORT SPEC.	\$22.98 / \$3,983	\$1,314	\$220,105
POLICE OFFICER	\$35.31 / \$6,120	\$2,020	\$338,198
REGISTERED NURSE	\$50.44 / \$8,742	\$2,885	\$483,093

**SOURCE:** Occupational Employment Statistics (OES) Survey, May, 2013

One person working full-time in Riverbank needs to earn at least \$15.00 per hour to keep within the 30 percent affordability guidelines and be able to afford the fair market rent for a one-bedroom unit (\$720). Table VI-3 shows a comparison of salaries and rental/mortgage payments. Table VI-4 shows the HUD fair market rent guidelines for 2013.

**TABLE VI-4**  
**Final FY 2015 FMRs by Unit Bedrooms**

	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
<b>Final FY 2015 FMR</b>	\$583	\$720	\$923	\$1,360	\$1,578

**SOURCE:** HUD Final FY 2015 FMR Summary for Stanislaus County, California

Table VI-1 shows the average sale prices for homes in Stanislaus County from 2006 to 2014. As indicated in the table, the average sales price for homes decreased from \$374,000 in 2006 to \$221,971 in 2014, representing a decrease of 41 percent. Even with the decrease in home prices in the last two years, the average home price (\$185,000) is not affordable to most of the workers shown in Table VI-3. For example, only the registered nurse's annual salary would allow for the purchase of the average priced home in the Stanislaus County or the City of Riverbank.

#### **4. Consumer Expectation**

While consumer preference has generally been toward a detached single-family dwelling, the high costs associated with owning and maintaining a single-family home, as well as a shifting desire to be closer to urban amenities, may result in households being more willing to accept alternatives to that lifestyle by accepting smaller lots, high densities, and innovative approaches to today's housing needs.

### **B. GOVERNMENT CONSTRAINTS**

Constraints, often called "soft costs" are contributing to an increasingly large percent of the cost of affordable housing, as well as to housing in general. Soft costs include requirements by local governments that, while necessary, may seem excessive when affordable housing is a community's goal. Some of the charges attributable to each house are:

- water and sewer connection fees;
- traffic control improvements;
- legal and consulting fees;
- interest (passed on to buyers) during up to 2 years while waiting for approvals;
- environmental studies;
- park fees;
- sidewalks;
- roads;
- inspection fees; and
- school fees

#### **1. Building Codes and Enforcement**

While minimum building codes enforced by State law are essential to the physical construction of safe and lasting housing, additional standards controlling the design or safety precautions may increase the cost of affordable housing.

The City has not adopted local amendments to the various uniform building and housing codes adopted by the State of California (Title 24 of the California Code of Regulations, 2013). The City is currently utilizing the 2013 edition of the California Building Code. The City applies a flexible approach to code enforcement to avoid the displacement of lower-income residents and to assure that reasonable

accommodations can be made for modifications addressing handicapped accessibility. The City applies a flexible approach in its inspection process for older homes in need of rehabilitation to focus on health and key safety problems and to assure the occupants are not forced from their homes due to the high cost of complying with current building code requirements.

The City links building code enforcement activities to housing rehabilitation programs. At the beginning of housing rehabilitation program review there is a property evaluation and items are considered for repair and property cleanness. There is also a property pest inspection. During project construction there are project inspections, progress and evaluation reports of work being complete, building inspection, and final inspection. After the project is complete there are annual inspections. If staff identifies an item of concern on the documented inspection sheet at annual inspection, or if the Neighborhood Improvement Officer identifies a city code violation and/or receives a property complaint, the housing department will be notified. An automatic interior/exterior inspection letter is sent to property owner. Inspection is conducted and items of concern are worked on until items are cleared.

## **2. On- and Off-site Improvements**

Land improvements can be categorized as those designated to modify the existing parcel of land, an on-site improvement, or those to modify the exterior, or off-site areas. The City of Riverbank Public Works Department is responsible for reviewing all off-site improvements. Such public off-site improvements include curbs, gutters, sidewalks, pavement, adequate drainage and street lighting. These have been deemed necessary to maintain the public health, safety and welfare standards for a residential community.

Site improvements are an important component of new development and include roads, water and sewer, and other infrastructure necessary to serve the new development. Improvement requirements are regulated by the City's subdivision ordinance. Within the existing City limits, off-site improvement requirements are typically limited because the infrastructure needed to serve infill development is already in place. Where off-site improvements are required, they typically relate to local improvements to existing facilities to accommodate higher density development or to repair or replace aged infrastructure.

Street improvement standards can have a significant impact on housing cost. The right-of-way and pavement requirements allow for slightly narrower streets in residential areas than in many communities. Minimum pavement widths of 50 feet or more for collector streets and 40 feet or more for residential streets are common among local jurisdictions. Residential streets in Riverbank require a 40-foot part-width standard to provide for two driving lanes, one parking lane and curb, gutter and sidewalk adjacent to the parking lane. The City has also approved narrower streets – 36 feet in width is feasible in certain cases.

Required street improvements include curbs, gutters, and sidewalks of at least four feet

in width. The minimum sidewalk improvement standard is consistent with accessibility requirements for persons with disabilities and is less than in many communities.

Storm drainage facilities are the responsibility of the subdivider. City standards address proper grading and erosion control on-site, including avoiding sedimentation or damage to off-site property. Payment of mitigation for drainage impacts is included within the City's development impact fee.

Internal sanitary sewers and appropriate off-site sanitary sewers are required for all proposed development. Installation is required to comply with City policies and Standard Specification. At the time of filing of the final map or parcel map, subdividers are required to pay sewer connection fees and front foot assessments.

Internal water transmission pipelines and appropriate off-site connection facilities are required for all proposed development. Installation is required to comply with City policies and Standard Specifications. All water and sewer lot services are required to extend two feet past the sidewalk and be between three and five feet of one interior side property line of each lot in any proposed subdivision.

Although the City's site improvement requirements add to the cost of new housing, the City believes its standards are reasonable and necessary to promote the health and safety of residents living in new residential developments.

### **3. Fees**

While fees can contribute significantly to increased housing costs, the Riverbank Planning Division has attempted to minimize these costs for the developer. Although the costs listed below still amount to a substantial sum, the City has traditionally set these fees actually below their costs to provide the service.

The county has adopted a Public Facilities Fee for both unincorporated areas as well as incorporated areas. The public facilities fee are collected at building permit stage. This fee was deemed necessary in order that Stanislaus County could provide the needed services and facilities as a result of new growth. The City of Riverbank requires these fees to be paid prior to issuance of building permits.

The county and the cities have reached mutual agreement to cause collection of the appropriate public facilities fee at the building permit stage.

Pursuant to 1986 legislation (AB 2926) school districts can directly levy developer fees to defray the costs of accommodating new students. The current School Impact Fee for new residential construction in the Riverbank Unified School District is 3.36 per square foot. Beyond this legislation, school districts are attempting to gain full mitigation to school impacts at or during legislation actions by elected officials.

According to the State Department of Housing and Community Development, local

jurisdictions throughout the state have tended to increase the burden of fees placed on new housing to finance infrastructure, primarily as a result of property tax reductions brought about by Proposition 13. The Department now assumes that fees comprise as much as 25% of the construction cost of a new home. Since most fees are levied on a per-unit basis, it is economically advantageous for a developer to build more expensive homes. The per-unit fees which add as much as \$40,000 to a single home cost are significantly impacting lower cost units.

To help alleviate the overall cost of the City's System Development Fees, Program 3.1e has been added to the 2014-2023 Housing Element, which requires the City to amend Riverbank Municipal Code Section 150.30: System Development Fees to provide provisions for the Deferral of System Development Fees.

#### **4. Processing and Permit Procedures**

Expeditious processing and permit procedures can minimize development costs dramatically. Delays often occur in the approval process, which translate into increased housing costs. The City of Riverbank follows differing processing procedures for various planning transactions. Amendments to the General Plan and zoning modifications must go before the Planning Commission and City Council for passage, averaging 60 to 120 days, since changes of this nature are only considered at three scheduled City Council meetings per year. Processing time for a housing development (single- or multi-family) with appropriate zoning and General Plan designations would take approximately 90 days if the project applicant is responsive in submitting a complete application in a timely manner.

Applications for residential subdivisions are processing within a 3 to 5 month period; however, applications that are more complex may take up to 12 months because of project pre-planning, site constraints and environmental review. Site plan review typically takes 1-2 months. Processing time is largely determined by the significance of project related issues. The City meets state-required timelines for the approval of development permits. The time required for development approval is not generally a constraint or substantial cost to housing developers.

To expedite the permit processing procedures, City staff hold a Pre-Application Review conference to provide upfront feedback on proposed projects in order to increase approval certainty for applicants.

Tentative maps for subdivision development are required to pass the Planning Commission, and need City Council approval. All other permits, variances, or transactions of this type must be presented before the Planning Commission for their final approval. When an environmental impact report is required, six months or more will be added to the processing period.

## **5. Site Plan Review**

Site plan review is required for proposals to construct anything except one single-family dwelling, duplex, triplex, or four-plex on appropriately zoned property. Site plan review occurs before the Planning Commission prior to issuance of a building permit and would occur concurrently with all other Planning Commission related review of the subject project. The Planning Commission will review the site plan, floor plans of all buildings, and a landscape plan, pursuant to the requirements of the zone. The Planning Commission may not deny a project during this review based on use; only impose conditions that insure the project meets the development standards set forth in the Zoning Ordinance. Therefore, site plan review does not add significant time to the approval process when other discretionary approvals are required. The average processing time for site plan reviews is 8 weeks. Refer to *Appendix C: Processing Time for Various Development Applications* and *Appendix E: Exactions and Processing Fees* for more information about the approval process and estimated time and fees associated with various development projects.

Staff makes every attempt to work closely with project applicants from project conception to completion in order to increase the likelihood of a favorable project recommendation to the Planning Commission. Initial submittals are highly encouraged and generally contribute to the successful approval of the project. More than 90% of projects that receive a favorable staff recommendation go on to be approved by the Planning Commission. Multifamily development applications are typically approved by the Planning Commission provided they conform to the Community Character and Design Element of the General Plan and comply with other applicable General Plan goals and policies, zoning requirements, and State health and safety requirements. Architecture and Site Plan Review is required of anything other than a single-family dwelling, a duplex, a triplex or a four-plex on a parcel. The review includes, but is not limited to, comparison of the project with the Architectural and Subdivision Design Standards.

Annexations to accommodate residential development or bring existing development into the City normally do not take more than six months. A specific plan must be prepared for the proposed annexation area prior to application for annexation. If a subdivision map or any other entitlement process is associated with annexation proceedings, it would occur concurrently to expedite the process.

## **6. Constraints to Persons with Disabilities**

In January of 2002, amendments to Section 65008 of the Government Code required localities to analyze potential and actual constraints upon housing for persons with disabilities, demonstrate efforts to remove government constraints, and include programs to accommodate housing designed for disabled persons. As part of the Housing Element process, the City analyzed its Zoning Ordinance, permitting procedures, development standards, and building codes to identify potential impediments. The City has not identified any significant constraints to housing for persons with disabilities or reasonable accommodations for persons with disabilities.

The City's Zoning Code defines "Family" as, "an individual, or two or more persons related by blood or marriage, or a group of not more than five persons who are not related by blood or marriage, excluding servants, living together as a single housekeeping unit in a dwelling unit..." Program 5.1b has been added to the 2009-2014 Housing Goals and Policies in order to update the definition of "family" and "single-family residence" to comply with all federal and State fair housing laws. The definition should not distinguish between related and unrelated persons and should not impose limitations on the number of persons that may constitute a family. This definition will allow for a broad range of living situations that could accommodate the needs of persons with disabilities. The updated definition for Family and Dwelling, Single Family Residence was updated on February 10, 2015 by the City of Riverbank City Council with Ordinance No. 2015-002. The new definition for "Family" is one or more persons occupying a dwelling unit and living as a single housekeeping unit, and distinguished from a group occupying a boarding house, lodging house, motel or hotel. The new definition for "Dwelling, Single Family Residence" is a residential building containing one (1) dwelling unit on one (1) lot. All rooms within the single-family attached dwelling shall be interconnected. Single-family dwelling shall include a dwelling that is constructed for the purposes of providing supportive and transitional housing.

Residential care homes that provide food, shelter and care for compensation to less than seven persons not of the immediate family are allowed by right in all residential zoning districts. Residential care homes for more than seven persons are permitted with a use permit in the Multiple Family Residential Zone. There are no maximum concentration requirements for residential care facilities.

Due to increased development costs and site limitations, minimum off-street parking requirements can pose a constraint on housing for persons with disabilities. The City currently requires two off-street spaces per dwelling unit except for the following housing types:

- Senior development: One and a half spaces per unit covered or uncovered.
- Rooming or boarding house: One space per every 300 square feet of ground floor area. Spaces inside a garage may be counted toward meeting the requirement.

These decreased off-street parking ratios may reduce constraints on housing for persons with disabilities. However, with only one (1) standard for multi-family sites at two (2) spaces per unit, smaller multi-family projects may be negatively impacted by this requirement. As such, Program 3.1d has been added to the 2014-2023 Housing Element for the City to consider reduced parking standards for multi-family projects in the R-2 and R-3 zones as follows

- Zero to one (1) bedroom: one onsite parking space;
- Two to three bedrooms: one and a half onsite parking spaces; and
- Four or more bedrooms: two and one half onsite parking spaces.

The City shall provide this information at the planning counter, on the City's website and in other public spaces to increase awareness.

In addition, the City will review the Zoning Code annually to determine if any amendments need to be made to the Parking standards for multi-family and special housing, to reduce constraints to multi-family housing development.

The City of Riverbank has not adopted a universal design ordinance governing construction or modification of homes using design principles that allow individuals to remain in those homes as their physical needs and capabilities change. The City has added the development of a Universal Design Ordinance as a Program during this planning period. The City will refer to the HCD website to develop guidelines and a model ordinance consistent with the principles of universal design. On February 10, 2015, the City Council adopted a Reasonable Accommodation Ordinance which addresses reasonable accommodation policies for persons with disabilities. This ministerial action assists persons with disabilities in the request for reasonable accommodation.

As part of the Site Inventory and Analysis in Section V, the City has identified Vacant and Underutilized Sites that are fit for residential development. In accordance with California Government Code Section 65583.2(c)(3)(B), the City has chosen to utilize the "default" density standard of twenty (20) dwelling units per acre. In a review of the City's development standards, the development of lower-income housing at twenty (20) dwelling units per acre does not create an undue governmental constraint. In addition, the developer can and is encouraged to utilize the Planned Development (P-D) zoning district as a way to relieve certain developmental standards, such as building setbacks, open space requirements, parking standards, etc. As such, utilizing Default Densities is not seen as causing a governmental constraint to the development of affordable housing.

**Zoning and Land Use:** State and federal housing laws encourage an inclusive living environment, where persons of all walks of life have the opportunity to find housing suited to their needs. Persons with disabilities who are unable to live independently in conventional housing can benefit from various types of alternative shelter such as residential care facilities, group homes, or second units. Riverbank allows such types of shelter in all of its residential zones and some commercial zones. As shown in Appendix D, Table D-1, second units are allowed by right in single-family zones and with a use permit in the C-2 (General Commercial) zone. Residential care facilities for up to seven residents are allowed by right in all residential zones and in the C-1 (neighborhood commercial) zone. Rooming and boarding homes are permitted in the R-3, C-1, and C-2 zone.

The City also allows exceptions to the setback and lot coverage requirements, without a variance permit, for improvements and alterations necessary to allow mobility and

accessibility of properties for the disabled, and other changes necessary to ensure that reasonable accommodations are not constrained by the City's development standards or permitting procedures. The City's height and setback standards are typical of other communities similar to Riverbank.

**Building Codes and Development Standards:** The City enforces Title 24 of the California Code of Regulations (2013 California Building Code, Effective January 1, 2014), which regulates the access and adaptability of buildings to accommodate persons with disabilities. The City permits existing and new homes to be retrofitted or fitted for features that provide for accessibility and independent living for persons with disabilities. The City does not impose any local amendments to the California Building Code.

**Permitting Procedures:** The City does not require special building codes or additional levels of review to build, improve, or convert housing for persons with disabilities. Requests for modifications to ensure housing access, such as ramps up to 30 inches in height, do not require a building permit and are processed over the counter. The City uses standard entitlement processes to ensure that facilities are sited and operated in a manner compatible with surrounding land uses. Any person with disabilities or individuals representing such persons can request permits for reasonable accommodations for disabled persons as described above. No additional fees, other than standard building permit fees, are charged by the City to review plans that include accessibility features.

## **7. Availability of Public Facilities**

City policies require that community sewer, water, and adequate streets be provided to all new development. The primary public infrastructure/service issue for the City as it looks at accommodating future growth is wastewater collection, treatment, and disposal. The sewer treatment plant has the capacity to serve a population of 50,000. The current population of Riverbank is approximately 23,243. The overall remaining treatment and disposal capacity for wastewater would easily accommodate Riverbank's share of the regional housing needs allocation.

The City's total water supply capacity is 9,600 gallons per minute (gpm). Currently, 6,100 gpm are pumped each day on average. The City's has reviewed its water capacity and distribution system and believes it to be sufficient at this time to serve its future housing construction needs. The total water treatment and delivery capacity would accommodate a future population of approximately 50,000. This capacity can accommodate the City's share of the regional housing need.

The sites identified as a part of the sites inventory outside of current City limits (within the existing SOI) are directly adjacent to the current City boundaries, directly adjacent to areas of the City currently provided with municipal water and sewer service, and as such, would easily be served by minor extensions of such public utilities. Extension of street systems can be easily accommodated to serve such new development in

Riverbank, as shown on Figure V-2 of Chapter V of this Housing Element, which illustrates the location of available sites. The City has elected not to identify any potential sites that are isolated from existing developed areas and where extension of service may be relatively more expensive.

In accordance with Government Code Section 65589.7, immediately following City Council adoption, the city must deliver to all public agencies or private entities that provide water and sewer services to properties within Riverbank a copy of the 2014-2023 Housing Element within thirty (30) days. The City of Riverbank provides water and sewer services to all residents and businesses within the City. As such, Program 3.1f has been added, which requires a copy of the adopted 2014-2023 Housing Element to be provided to the applicable Department(s) within 30-days.

### **C. ENERGY CONSERVATION OPPORTUNITIES**

State Housing Element law requires an analysis of the opportunities for energy conservation in residential development. Energy conservation has direct application to affordable housing since higher energy bills result in less money available for rent or mortgage payments. High energy costs have particularly detrimental effects on low-income households that do not have enough income or cash reserved to absorb costs increases and many times must choose between basic needs such as shelter, food, and energy.

Pacific Gas and Electric (PG&E) provides gas services for the City of Riverbank. There are a variety of ways for a resident or business to save money through PG&E's rebates program. The rebates that qualify are related to new appliances with the ENERGY STAR certification and vary depending on the appliance. The following is a list of 2015 Residential rebates offered from PG&E:

- ENERGY STAR Most Efficient 2015 Clothes Washer
  - Customers who reside in certain PG&E service areas might be eligible for a combined rebate of \$150 from PG&E and their local water agency. For more information, please visit <http://www.waterenergysavings.com>
- ENERGY STAR High-Efficiency Gas Storage Water Heater
  - EF of 0.67 or greater
  - \$200/unit rebate
- ENERGY STAR Electric Heat Pump Water Heater
  - EF of 2.0 or greater
  - \$500/unit rebate
- Variable-Speed Pool Pump or Motor
  - Must have a CA Title 20-qualifying programmable controller unit (built in or standalone) to be eligible for rebate
  - \$100/unit rebate

Publicly operated electrical service is provided by the Modesto Irrigation District.

The Modesto Irrigation District (MID) provides various opportunities for existing and new residential development to obtain energy efficiency rebates for implementing energy

conservation measures. For new residential construction, MID offers rebates to homebuilders who incorporate energy efficiency measures into new residential construction, a program called M-Power New Home.

As of May 2015, MID's rebate offer is \$500 per approved single family residence and \$250 per approved multi-family residence. Home builders must meet the program requirements, including:

- Be pre-approved by MID for eligibility to receive funds through this program;
- Be a new construction home receiving electric distribution from MID;
- Be either a single family detached or single family attached unit of any number of stories and on a utility residential rate.
- Be permitted, manufactured housing, mobile homes, residential care facilities, and dormitories;
- Meet guidelines for California ENERGY STAR; and
- Have a 14 SEER/12 EER HVAC Unit with an electronically commutated motor.

For existing residential development, MID offers energy efficiency rebates. According to <http://www.mid.org>, the following rebate programs are offered:

- **ENERGY STAR® Qualified Room Air Conditioner:** \$250 to \$500 rebate for replacement of existing central air conditioner or heat pump with new energy efficient model that meets program requirements. \$50 rebate for replacement of existing room air conditioner with new energy efficient model that meets program requirements.
- **ENERGY STAR® Qualified Washing Machine:** \$35 rebate for replacement of existing washing machine with new energy efficient model that meets program requirements.
- **ENERGY STAR® Water Heater (Tank):** \$25 rebate for replacement of existing water heater (electric) with new energy efficient model that meets program requirements
- **ENERGY STAR® Qualified Heat Pump Water Heater:** \$100 rebate for replacement of existing heat pump water heater with new energy efficient model that meets program requirements.
- **Pool Filtration Pump:** \$200 rebate on new variable speed pump and motor that meets program requirements.
- **Whole House Fan:** \$100 rebate on new whole house fan that meets program requirements.
- **Solar Attic/ Gable Fan:** \$50 to \$100 rebate on new solar attic/ gable fan that meets program requirements.
- **General Improvement Rebates:**
  - Attic Insulation: \$0.17 per square foot of replacement of attic insulation to at least R-30 insulation.
  - Radiant Barrier Laminated Sheeting – Roofing: Maximum of \$500 rebate for new radiant barrier laminated sheeting for roof.
  - Radiant Barrier – Attic: Maximum of \$500 rebate for new radiant barrier in attic.

- **Window Rebates:**
  - Sun Screen: \$1.00 per square foot for new sun screen in rooms that receive refrigerated air conditioning.
  - Window Film: \$1.00 per square foot for new window film in rooms that receive refrigerated air conditioning.
  - ENERGY STAR® Qualified Replacement Window: \$1.00 per square foot for replacement of new Energy Star windows.

All new buildings in California must meet the standards contained in Title 24, Part 6 of the California Code of Regulations (Energy Efficiency Standards for Residential and Nonresidential Buildings). These regulations were established in 1978 and most recently updated in 2013 (effective date of July 1, 2014). Local governments enforce energy efficiency requirements through the building permit process. All new construction must comply with the standards in effect on the date a building permit application is made.

The California Subdivision Map Act (Government Code Section 66473-66498) allows local governments to provide for solar access as follows:

*66475.3. For divisions of land for which a tentative map is required pursuant to Section 66426, the legislative body of a city or county may by ordinance require, as a condition of the approval of the tentative map, the dedication of easements for the purpose of assuring that each parcel or unit in the subdivision for which approval is sought shall have the right to receive sunlight across adjacent parcels or units in the subdivision for which approval is sought for any solar energy system, provided that such ordinance contains all of the following:*

- (1) *Specifies the standards for determining the exact dimensions and locations of such easements.*
- (2) *Specifies any restrictions on vegetation, buildings, and other objects that would obstruct the passage of sunlight through the easement.*
- (3) *Specifies the terms or conditions, if any, under which an easement may be revised or terminated.*
- (4) *Specifies that in establishing such easements consideration shall be given to feasibility, contour, configuration of the parcel to be divided, and cost, and that such easements shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or a structure under applicable planning and zoning in force at the time such tentative map is filed.*
- (5) *Specifies that the ordinance is not applicable to condominium projects which consist of the subdivision of airspace in an existing building where no new structures are added.*

Assembly Bill No. 2188 (AB 2188) was approved and signed by the Governor on September 21, 2014 and amended state law to require the City to adopt an ordinance that creates an expedited, streamlined permitting process for small

residential rooftop solar energy systems. In this regard, the City of Riverbank has adopted an ordinance for expedited permitting procedures and inspections for small residential rooftop solar energy systems and these procedures have since been implemented.

#### **D. TRENDS IN HOUSING PRODUCTION**

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While housing construction levels have sharply declined from the all-time high reached in 2006, the truly "affordable" house has not been produced and will not be available in any numbers until some means can be implemented to decrease development costs for preferable housing types, which can be as much as 35 percent of the cost of a single-family affordable home, and additional State and Federal subsidies are provided. In 2013/2014, the City has seen an increase in development applications consisting of smaller sized single-family homes. This allows a broad range of housing choices for existing and future residents of Riverbank.

## SECTION VII HOUSING DEVELOPMENT ELIGIBLE TO CHANGE TO NON-LOW INCOME UNITS

### A. STATE REQUIREMENT

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Section 65583 (a)(8) of the Government Code requires analysis of existing assisted rental housing developments that are eligible to change to non-low-income units during the next ten (10) year period due to termination of use restrictions. The required analysis includes project name and location, earliest possible date of conversion to non-low-income use, and the total number of elderly and non-elderly units which could be lost from the local low-income housing stock. The analysis shall also include an estimate of the total cost of producing new replacement housing units and an estimated cost of preserving the assisted housing development.

### B. RESULT

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Based upon data collected from HCD, the Federal Department of Housing and Urban Development (HUD), the California Housing Partnership Corporation, the California Tax Credit Allocation Committee, and from the Planning Departments of each jurisdiction, StanCOG identifies **zero** units at-risk to change to non-low income units within the City of Riverbank. Riverview Gardens, located at 2701 Topeka Street has a total of 42 units and has 41 units rent assisted. The restrictive clause was renewed in 2014 and will continue for 30 years.

The following table provides detail on the Affordable Housing in Riverbank. As shown in the table below, zero units are at-risk to change to non-low income units within the City of Riverbank during the 2014-2023 Housing Element Planning period.

**TABLE VII-1  
Affordable Housing  
City of Riverbank**

Property Name	Address	Rent Assisted Units	Total Units	Expiration Date
Riverview Gardens	2701 Topeka Street	41	42	2044
Willow Pointe Apartments	6050 Venhaus Way	24	25	7/1/2035
Riverbank Family Apartments	3952 Patterson Road	64	65	2065
Riverbank Senior Apartments	3101 Orange Avenue	19	20	2068
<b>Total:</b>		<b>148</b>	<b>152</b>	
Source: HCD 5 <sup>th</sup> Cycle Housing Element Data Package, Phone Conversations with Riverview Gardens Management and Central Valley Coalition for Affordable Housing.				

## C. FUNDING PROGRAMS

There are several local, state, and federal funding programs that can be used to assist first-time homebuyers, build affordable housing, and help special needs groups, such as seniors and large households. Because of the high cost of project development and the competition for funding sources, several sources of funds are usually required to construct an affordable housing development. Funds provided may be low-interest loans that need to be repaid, or in some instances, grants are provided that do not require repayment.

Table VII-2 identifies a range of funds that are available from Federal, State, local, and private sources which may be used to develop and rehabilitate affordable housing.

**TABLE VII-2  
SUMMARY OF FINANCIAL RESOURCES FOR HOUSING  
City of Riverbank  
2015**

Program Name	Description
<b>FEDERAL PROGRAMS</b>	
Community Development Block Grant (CDBG) Program	Federal block grant program administered and awarded by the State Dept. of Housing and Community Development (HCD) on behalf of HUD through an annual competitive process to cities and counties. Funds may be used for affordable housing acquisition, rehabilitation, construction, homebuyer assistance, community facilities, community services, and infrastructure improvements, among other uses that assist low-income persons.
Neighborhood Stabilization Program (NSP)	Federal block grant administered and awarded by HUD, which was enacted by the United States Housing and Urban Development Department to allow Municipal Agencies to purchase foreclosed or abandoned homes and to rehabilitate, resell, and redevelop these homes in order to stabilize home neighborhoods.
Emergency Shelter Grants (ESG) Program	Federal block grant program administered and awarded by the State Dept. of HCD on behalf of HUD through an annual competitive process to cities and counties. Funds may be used for homeless services and facilities, including emergency shelter and transitional housing.
Housing for Persons with AIDS (HOPWA) Program	HOPWA makes grants to local communities, States, and non-profit organizations for projects that benefit low-income persons medically diagnosed with HIV/AIDS and their families. HOPWA funding provides housing assistance and related supportive services
HUD Continuum of Care grants	Continuum grants fund outreach and assessment programs and provide transitional and permanent housing for the homeless.
HOME Investment Partnership Act (HOME) Funds	Federal block grant program for affordable housing activities administered and awarded by the State on behalf of HUD through an annual competitive process to cities, counties, and private non-profit housing development agencies.

HUD Section 8 Rental Assistance Program	Provides project-based rental assistance or subsidies in connection with the development of newly constructed or substantially rehabilitated privately owned rental housing financed with any type of construction or permanent financing.
HUD Section 8 Housing Choice Voucher Program	HUD Section 8 Voucher program provides very-low income tenants with a voucher to be used in rental housing of the tenant's choosing.
HUD Section 202 - Supportive Housing for the Elderly Program	Provides funding for construction, rehabilitation or acquisition of supportive housing for very low-income elderly persons and provides rent subsidies for the projects to help make them affordable.
HUD Section 203(k) - Rehabilitation Mortgage Insurance Program	Provides in the mortgage, funds to rehabilitate and repair single-family housing.
HUD Section 207 - Mortgage Insurance for Manufactured Home Parks Program	Insures mortgage loans to facilitate the construction or substantial rehabilitation of multi-family manufactured home parks.
HUD Section 221(d)(3) and 221(d)(4)	Insures loans for construction or substantial rehabilitation of multi-family rental, cooperative, and Single Room Occupancy (SRO) housing.
HUD Section 811 - Supportive Housing for Persons with Disabilities	Provides funding to nonprofits to develop rental housing for persons with disabilities, and provides rent subsidies for the projects to help make them affordable.
HUD Self-help Homeownership Opportunity Program (SHOP)	Provides funds for non-profits to purchase home sites and develop or improve the infrastructure needed for sweat equity affordable homeownership programs.
HUD Shelter Plus Care Program (S+C)	Provides rental assistance and permanent housing for disabled homeless individuals and their families.
HUD Supportive Housing Program (SHP)	Provides grants to develop supportive housing and services that enable homeless people to live independently.
Low-Income Housing Tax Credit (LIHTC) Program	Provides Federal and State income tax credit based on the cost of acquiring, rehabilitating or constructing low-income housing.
Mortgage Credit Certificate (MCC) Program	MCCs can be used by lower-income first-time homebuyers to reduce their federal income tax by a portion of their mortgage interest.
USDA RHS Direct Loan Program and Loan Guarantee Program (Section 502)	Provides low-interest loans to lower-income households. Also guarantees loans made by private sector lenders.
USDA RHS Home Repair Loan and Grant Program (Section 504)	Provides loans and grants for renovation including accessibility improvements for persons with disabilities.
USDA RHS Farm Labor Housing Program (Section 514)	Provides loans for the construction, improvement, or repair of housing for farm laborers.
USDA RHS Rural Rental Housing - Direct Loans (Section 515)	Provides direct loans to developers of affordable rural multi-family rental housing and may be used for new construction or rehabilitation.

USDA RHS Farmworker Housing Grants (Section 516)	Provides grants for farmworker housing.
USDA RHS Multi-Family Housing - Rental Assistance Program (Section 521)	Provides rent subsidies to ensure that elderly, disabled, and low-income residents of multi-family housing complexes financed by RHS are able to afford rent payments.
USDA RHS Rural Housing Site Loans (Sections 523 and 524)	Provide financing for the purchase and development of affordable housing sites in rural areas for low/moderate-income families.
USDA RHS Housing Preservation Grant Program (Section 533)	Provides grants to nonprofit organizations, local governments and Native American tribes to renovate existing low-income multi-family rental units.
USDA RHS Rural Rental Housing Guaranteed Loan Program (Section 538)	Provides funding construction of multi-family housing units to be occupied by low-income families.
<b>STATE PROGRAMS</b>	
Affordable Housing Innovation Program: Catalyst Community Grant Program	Grants in support of designated Gold and Silver Catalyst Projects; ongoing targeted technical assistance from participating State agencies; and bonus points when applying for State funding programs.
Affordable Housing Innovation Program: Golden State Acquisition Fund	Provides quick acquisition financing for the development or preservation of affordable housing. Loans for developers, provided through a nonprofit fund manager.
Affordable Housing Innovation Program: Local Housing Trust Fund Program	To help finance local housing trust funds (LHTFs) dedicated to the creation or preservation of affordable housing
CalHome Program	Grants to local public agencies and nonprofit corporations for first-time homebuyer down payment assistance, home rehabilitation, including manufactured homes not on permanent foundations, acquisition and rehabilitation, homebuyer counseling, self-help mortgage assistance programs, or technical assistance for self-help homeownership.
California Self-Help Housing Program (CSHHP)	Grants are made to sponsor organizations that provide technical assistance to participating families.
State Community Development Block Grant Program (CDBG): CD, Native American, and Colonia Allocation	Funds housing activities, public works, community facilities, and public service projects serving lower-income people in small, typically rural communities.

State Community Development Block Grant Program (CDBG): Economic Development Allocation, Over the Counter Development	Economic development through assistance to local businesses, resulting in the creation or retention of jobs for low-income workers in rural communities.
State Community Development Block Grant Program (CDBG): Economic Development Allocation, Enterprise Fund Component	Assists low-income microenterprise owners, and create or preserve jobs for low-income and very low-income persons.
State Community Development Block Grant Program (CDBG): Planning and Technical Assistance Grants	Provides funds for small cities and counties for planning and evaluation studies related to any CDBG-eligible activity.
Disaster Recovery Initiative (DRI) / Disaster Recovery Enhancement Fund (DREF)	Established to distribute federal funds to assist physical and economic recovery from wildlife disasters in 2008 that affected 15 California counties and two Indian tribes.
Emergency Housing and Assistance Program Capital Development (EHAPCD)	To fund capital development activities for emergency shelters, transitional housing and safe havens that provide shelter and supportive services for homeless individuals and families.
Enterprise Zone Program (EZ)	Stimulates business investment and job creation for disadvantaged individuals in state-designated economically distressed areas of California.
Governor's Homeless Initiative (GHI)	Reduces homelessness by funding development or permanent supportive housing for persons with severe mental illness and are chronically homeless.
Housing Related Parks Program	Provides financial incentives to Cities and Counties that issue building permits for new housing.
Infill Infrastructure Grant Program	Funds infrastructure improvements to facilitate new housing development in residential or mixed use infill projects and infill areas.
Transit-Oriented Development Housing Program	Provides funding to stimulate the production of higher density housing and related infrastructure within close proximity to qualifying transit stations that encourage increased public transit ridership and minimizes automobile trips.
Accessibility Grants for Renters	Grants by HCD to local agencies to fund accessibility improvements for disabled renters.
Building Equity and Growth in Neighborhoods (BEGIN)	HCD provides grants to local public agencies that adopt measures to encourage affordable housing. Grant funds must be used for down payment assistance for low and moderate-income homebuyers.
California Homebuyer's Down payment Assistance Program (CHDAP)	Provides deferred down payment assistance loans for first-time moderate-income homebuyers.

California Self-Help Housing Program	Provides grants to organizations in order to assist low and moderate-income households who build their own homes.
CDLAC Tax-Exempt Housing Revenue Bonds	Local agencies can issue tax-exempt housing revenue bonds to assist developers of multifamily rental housing units, acquire land, and construct new projects or purchase and rehabilitate existing units. Reduce interest rate paid by developers for production of affordable rental housing for low and very low income households.
CHFA Affordable Housing Partnership Program (AHPP)	Provides below market-rate mortgages to qualified low-income, first-time homebuyers who also receive direct financial assistance from their local government, such as down payment assistance or closing cost assistance.
CHFA Homeownership Program	Program offers single-family low-interest homeownership loans requiring as little as 3% down payment to first-time low- and moderate-income buyers to purchase new or existing housing.
CHFA 100% Loan Program (CHAP)	Provides 100% of the financing needs of eligible first-time homebuyers by providing a below market interest rate first mortgage combined with a 3% "silent second" mortgage to purchase newly constructed or existing (resale) housing.
CHFA Self-Help Builder Assistance Program	Offers an opportunity to households with limited down payment resources to obtain homeownership. The borrower's labor represents the down payment.
CTCAC Tax Credit Program	Through a competitive process, awards tax credits to local agencies or non-profits for the development of affordable rental housing.
Emergency Housing Assistance Program (EHAP)	EHAP provides funds for emergency shelter, transitional housing and related services for the homeless and those at risk of losing their housing. The funds are distributed to all 58 counties based on a "need" formula derived from factors including population, unemployment and poverty.
Jobs Housing Balance Incentive Grant Program	Provides grants to local governments that approve increased housing production.
Joe Serna, Jr. Farmworker Housing Grant Program: Single Family	Finances new construction, rehabilitation and acquisition of owner-occupied housing units for agricultural workers, with a priority for lower-income households. – Homeowner Grants
Joe Serna, Jr. Farmworker Housing Grant Program: Rental	Finances new construction, rehabilitation and acquisition of owner-occupied housing units for agricultural workers, with a priority for lower-income households. – Rental new construction or rehabilitation grants and loans
Local Housing Trust Fund	Provides matching grants to local agencies that operate local housing trust funds.
Mobile home Park Resident Ownership Program (MPROP)	Finance the preservation of affordable mobile home parks by conversion to ownership or control by resident organizations, nonprofit housing sponsors, or local public agencies.
Multifamily Housing Program: General Component (MHP-General)	Provides low-interest loans to developers of affordable rental housing.

Multifamily Housing Program: Supportive Housing Component (MHP-SH)	Provides low-interest loans to developers of permanent affordable rental housing developments that contain supportive housing units.
Multifamily Housing Program: Homeless Youth Component (MHP-HY)	Provides low-interest loans to developers of affordable rental housing developments that contain units for homeless youth (HY).
Preservation Interim Repositioning Program	Provides a short-term loan to an organization for preservation of “at-risk” subsidized developments.
Preservation Opportunity Program	Provides supplemental financing for “at-risk” subsidized rental developments receiving bond financing from CalHFA.
Predevelopment Loan Program (PDLP)	Provides predevelopment capital to finance the start of low-income housing projects.
Proposition 84 Office of Migrant Services	Uses general obligation bonds to fund new construction or conversion and rehabilitation of existing facilities for migrant housing.
School Facility Fee Down payment Assistance Program (CHFA)	Provides down payment assistance grants for low and moderate-income homebuyers of newly constructed to cover school impact fees
<b>LOCAL PROGRAMS</b>	
Single-Family Mortgage Revenue Bonds	Bonds may be issued and used to fund programs for construction and rehabilitation of affordable single-family housing.
Multi-Family Mortgage Revenue Bonds	Bonds may be issued and used to fund programs for construction and rehabilitation of affordable multi-family housing.
<b>PRIVATE RESOURCES</b>	
Federal Home Loan Bank Affordable Housing Program	Provides grants or subsidized interest rate loans for purchase, construction and/or rehabilitation of owner-occupied housing by or lower- and moderate-income households and/or to finance the purchase, construction or rehabilitation of rental housing.
Federal National Mortgage Association (Fannie Mae) Programs	Provides low down payment mortgage to help first-time buyers purchase a home.
Federal Home Loan Mortgage Corporation (Freddie Mac) Affordable Gold Program	Provides mortgages requiring as little as 3% down payment.
California Community Reinvestment Corporation (CCRC)	Provides long-term mortgage and bond financing for new construction, acquisition and rehabilitation as well as direct equity investment funds to acquire housing at risk of going to market-rate rents.
Low-Income Housing Fund	Provides financing for low-income housing at affordable rates and terms.

Source: HUD, HCD Financial Assistance Directory Program (June 2012), LISC, USDA, and CCRC.

## **SECTION VIII**

### **Evaluation of Previous Housing Element**

This section evaluates the goals, objectives and implementation strategies of the 2009 – 2014 Housing Element.

#### **A. EFFECTIVENESS OF PROGRAMS**

The City of Riverbank has almost met its total 2007-2014 housing unit production goal. Housing production continued to climb until late 2006, with 1,752 units constructed from 2007 to 2014. Throughout the 2009-2014 planning period, the City's Economic Development Department was successful in providing 14 loans—2 for home rehab and 12 to homebuyers.

#### **B. ABILITY TO MEET QUANTIFIED OBJECTIVES**

The City of Riverbank met the majority of its objectives as detailed in subsection four below; however, not all objectives were met. Developer response to the opportunity to build at a high, multi-family density has resulted in continued production of single-family homes. Other hindrances included limited staff to focus on proactive approaches and a lack of public support.

#### **C. APPROPRIATENESS OF GOALS**

The 2009-2014 Housing Element was based on a previously successful philosophical approach to providing housing for needy families. Sufficient lands for housing opportunities were believed to be available, governmental restraints were reduced, and cooperative efforts were encouraged among governmental agencies (local, state, and federal) for profit and non-profit housing advocacy.

#### **D. HOUSING UNITS ACCOMPLISHMENTS 2007-2014**

During the 2007-2014 cycle, the city added 379 housing units. However, this did not meet StanCOG's 2007-2014 total projected need of 894 units. Moreover, the City did not satisfy the allocations for each income group. During the 2007-2014 period, the City had a trend of moderate- and above moderate- income homes being built. Units built in the above moderate category exceeded StanCOG's allocation. Table VIII-1, Housing Unit Accomplishments 2007-2014, summarizes the City's accomplishments.

**TABLE VIII-1  
Housing Unit Accomplishments, 2007 - 2014**

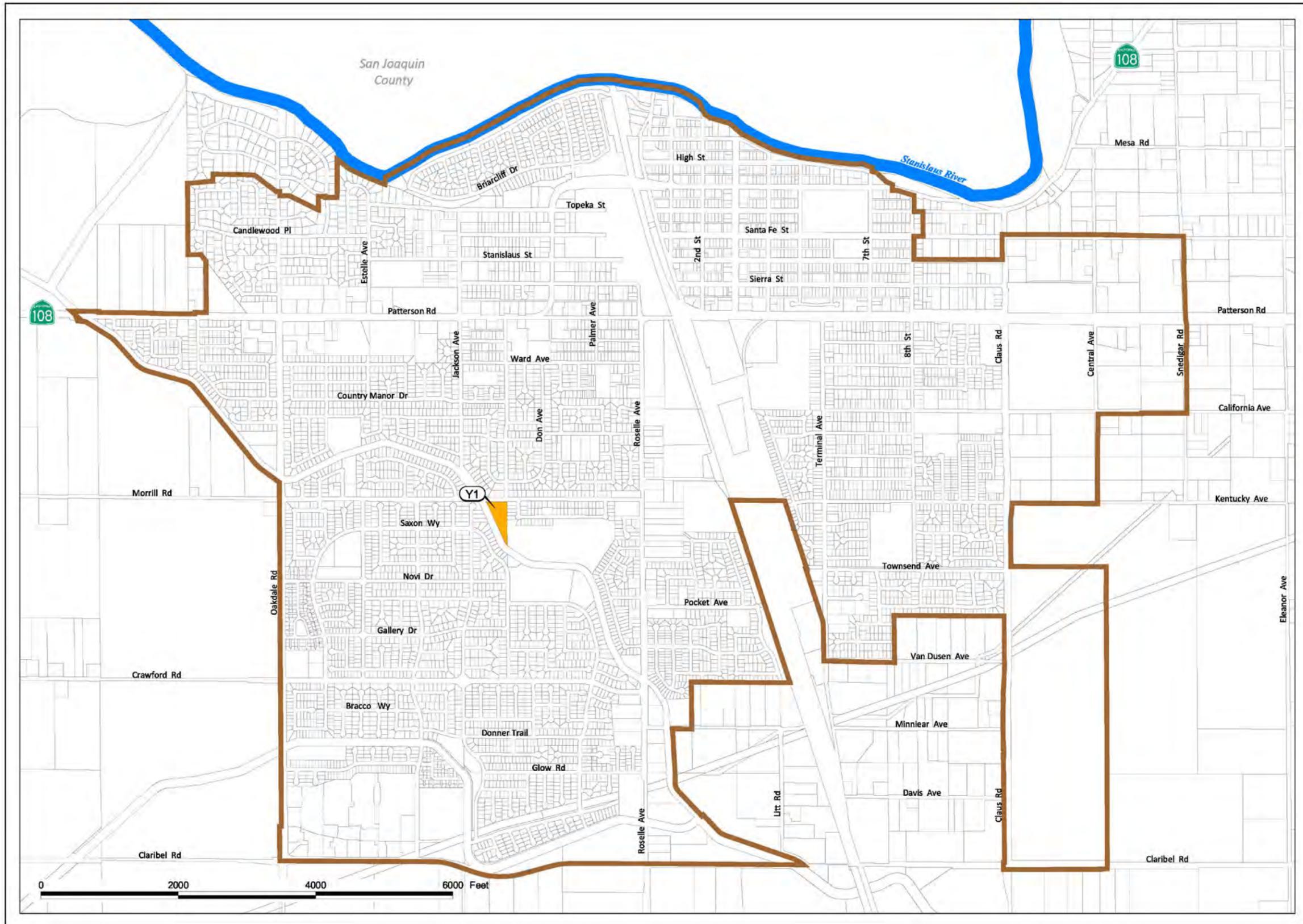
<i>Year</i>	<b>EXTREMELY LOW</b>	<b>VERY LOW</b>	<b>LOW</b>	<b>MODERATE</b>	<b>ABOVE MODERATE</b>	<b>Total</b>
<b>STANCOG (2007-2014)</b>	<b>104</b>	<b>105</b>	<b>146</b>	<b>172</b>	<b>367</b>	<b>894</b>
2007					118	118
2008					72	72
2009			65	3	31	99
2010					20	20
2011					7	7
2012			20		1	21
2013					12	12
2014					30	30
<b>TOTAL PERMITS (2007-2014)</b>	<b>0</b>	<b>0</b>	<b>85</b>	<b>3</b>	<b>291</b>	<b>379</b>
1st-Time Home Buyers Program	0	8	6	20*	0	32
<b>Total Accomplishment</b>	<b>0</b>	<b>0</b>	<b>85</b>	<b>3</b>	<b>291</b>	<b>379</b>
<b>Difference</b>	<b>(104)</b>	<b>(105)</b>	<b>(61)</b>	<b>(169)</b>	<b>(76)</b>	<b>(515)</b>

**SOURCE:** City of Riverbank Building Department, City of Riverbank Housing Department

\*First Time Home Buyers Program uses "Median Income", not moderate.

## **E. EVALUATION**

Several of the policies and programs in the 2009-2014 Housing Element were successful in meeting their objectives. Table VIII-2, Housing Policies and Programs Evaluation, provides a detailed review of the City's 2009-2014 Housing Element programs, followed by a statement of whether the policies and/or programs will be deleted, continued, and/or continued and modified as part of the 2014-2023 Housing Element.



City of Riverbank

**Figure VIII-1**  
**Site Inventory**  
**for Rezone**



Rezone Site  
 (R-1 to R-3)



City Limits



January 2016

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**TABLE VIII-2**  
**Housing Policies and Programs Evaluation**

Policies and Programs	Accomplishments and Discussion
<p><b>GOAL 1: IDENTIFY ADEQUATE SITES TO PROVIDE FOR A SUFFICIENT NUMBER OF DWELLING UNITS TO MEET THE CITY’S REGIONAL HOUSING NEEDS.</b></p>	
<p>Policy 1.1: Ensure land use and zoning procedures accommodating affordable housing.</p>	<p>Refer to discussion for Program 1.1a.</p>
<p>Program 1.1a: Rezone sites listed in Table V-2 (65.2 acres) and adopt a general plan amendment (if necessary) to complete annexation and zoning of at least 15 acres of potential sites identified in Table V-3 to higher density residential (R-3 or equivalent zoning of at least 20 dwelling units per acre). The first areas to be targeted for rezoning by December 2011 will be Table V-2 sites within existing City limits. Owner and rental multifamily uses will be permitted by-right in these areas, without a conditional use permit, planned unit development or other discretionary review or approval. In addition, a minimum of 20 units per acre will be required. By December 2012, the City will complete annexation and zoning (in consultation with property owners) of at least 15 acres of sites shown in Figure Table V-3.</p> <p>The Stanislaus County Local Agency Formation Commission (LAFCo) has indicated to the City that it would look favorably on annexation requests for land adjacent to current City limits within Riverbank’s Sphere of Influence (SOI). The City will: 1) identify areas with few environmental constraints that can be provided with public facilities and services meeting City standards; 2) meet with property owners to seek their agreement to initiate annexation; and 3) initiate specific planning and/or rezoning as part of the annexation process to expedite residential development opportunities. The City’s objective will be to increase the availability of adequate sites—properties without significant environmental or public facility constraints to</p>	<p>As identified in Section V with Table V-1, Vacant Land in the City Limits; Table V-2, Residential Land Within the Sphere of Influence; and Table V-3, Crossroads Specific Plan, Summary of Assumed Residential Land Uses, the City has surplus of land available for residential development in the City limits, SOI and outside of the SOI to accommodate the 2014-2023 Regional Housing Needs Program 1.1a has been revised to reflect the City’s ability to meet its RHNA within its City limits, and by way of amending its SOI and annexation of the Crossroads West Specific Plan. Since some of the land needed to meet the City’s housing needs between 2014 and 2023 is outside of the present City limits and SOI, the City will have to amend its SOI and annex this land before it can be developed. Additionally, the program requires the City to prezone enough land outside of the current city limits to accommodate the remaining housing need.</p> <p>Upon evaluation of the amount of land currently vacant in the City (see Table V-1) and underutilized land in the City (see Table V-2), residential land outside of the City limits but within the SOI (Table V-3), as well as the inventory of the potential Crossroads West Specific Plan (Table V-5), staff determined that the sites identified in the 2009-2014 Housing Element Table V-2 did <u>not</u> need to be rezoned to accommodate lower-income housing. Additionally, Staff concluded that the sites identified in the 2009-2014 Housing Element Table V-2 had a number of development constraints, including 1) six (6) of the thirteen (13) sites have approved Tentative Maps, all of</p>

ensure the properties can accommodate development by June 2013. The City will continue to provide a process whereby multi-family housing can be approved without a conditional use permit process (by right, as currently allowed in the R-3 zone).

To ensure that the City meets its obligation to identify additional sites, the City will commit to the actions and timeframes listed below. The City believes these timeframes are workable based on the history of annexations in Riverbank over the past several years.

The City will use the following criteria to identify the most appropriate sites for rezoning to permit 20 or more units per acre:

- Identify sites for residential development, suitable for high-density residential development on or near major roads and transportation corridors;
- Identify sites that are least two acres or greater in size for efficient use as multi-family housing;
- Provide a financing plan and phasing schedule for the provision of public facilities and services (including water, sewer, and storm drainage) that ensure the sites can be developed between 2011 and 2014; and
- Concurrent with the annexations, adopt development standards similar to the City's R-3 zone for high-density housing that will permit multi-family housing by right, without a conditional use permit (see Table D-1), and require that properties designated for high-density residential use are developed, on average, at 70 percent or greater of the maximum permitted density of 20 or more units per acre.

Responsibility: Community Development Department

Timeframe: By December 2011, rezone existing City sites identified in Table V-2, and by December 2012, complete annexation of SOI sites so that both actions will result in a total at least 80 acres being rezoned to R-3 or

which are lower-density developments; 2) almost all of the properties identified are located in one section of the City – the east side; 3) the largest site identified (27.99 acres), the Cannery District, is located within the Downtown Specific Plan and is planned for a mixture of land-uses and densities, not just Multiple Family Residential (R-3).

In conjunction with Program 1.1a, Program 1.1b has been added to maintain the City's vacant sites inventory and to help facilitate the SOI amendment and Annexation of the Crossroads West Specific Plan.

Further evaluation and analysis related to Assembly Bill 1233 (AB1233) is located in this Section under "E. Evaluation of Program 1.1a."

Further evaluation of Program 1.1a is located in this section under E. Evaluation of Program 1.1a. Included in the evaluation is an Assembly Bill 1233 analysis which evaluates the unaccommodated need for the 4<sup>th</sup> Cycle Planning Period.

equivalent zoning (allowing at least 20 units per acre).	
Policy 1.2: Maintain an inventory of vacant and underutilized residential lands.	Refer to discussion for Programs 1.2a through 1.2b.
<p>Program 1.2a: Track changes in land availability and accomplishments in multi-family development in order to determine if further rezoning is necessary to better facilitate high-density developments.</p> <p>Responsibility: Community Development Department</p> <p>Timeframe: Ongoing</p>	Through the Annual General Plan Progress Reports, City staff has continuously monitored the availability of land suitable for residential development, including multi-family residential development. Therefore, this program has been successful, and will be continued as part of the 2014-2023 Housing Element.
<p>Program 1.2b: Update Geographical Information Systems (GIS) as changes to the land inventory occur. Provide this information to those interested in infill projects through updated layers viewable from the internet.</p> <p>Responsibility: Community Development Department</p> <p>Timeframe: Ongoing</p>	The City's Geographical Information Systems (GIS) continues to be updated as Zoning and General Plan changes are adopted by City Council. The GIS is up-to-date as of January 12, 2015, and is available for use by the public, including those interested in infill projects. The City intends to continuously update its GIS system as future development occurs. Therefore, this program has been successful, and will be continued as part of the 2014-2023 Housing Element.
<b>GOAL 2: ENCOURAGE AND ASSIST IN THE DEVELOPMENT OF ADEQUATE HOUSING TO MEET THE NEEDS OF EXTREMELY LOW-, LOW- AND VERY LOW-INCOME HOUSEHOLDS.</b>	
Policy 2.1: Implement a proactive approach to encourage and gain support for multi-family developments.	Refer to the discussion below for Programs 2.1a through 2.1g.
<p>Program 2.1a: Seek assistance from non-profit developers, including Self-Help Enterprises and Habitat for Humanity to develop homes for lower-income families. The City will meet with non-profit developers to discuss available sites for affordable housing projects, potential funding sources, and actions the City can take to assist housing providers in obtaining funding.</p> <p>Responsibility: Housing &amp; Economic Development Department</p> <p>Timeframe: Meet with non-profit developers</p>	City staff has, and continues to maintain communications with non-profit developers such as Self Help Enterprises and Habitat for Humanity. As noted previously in this Housing Element, the City has assisted in the development of two (2) affordable housing projects within the 2007-2014 planning period; the Riverbank Family Apartments and Riverbank Senior Apartments which consisted on the construction of 20 units for low-to very low-income seniors. City staff assisted the developer, Pacific West Communities, in identifying a site suitable for affordable

<p>by June 2011 and annually thereafter to discuss affordable housing development opportunities, available funding, and the City's support of funding requests.</p>	<p>residential development.</p> <p>This Program will be continued as part of the 2014-2023 Housing Element.</p>
<p>Program 2.1b: Continue to assist developers of extremely low-, low- and very-low income housing in the grant preparation process to help fund their developments. Funding will be prioritized for the development of housing affordable to extremely low-income households. The City assists developers by expediting review and approval of development applications to meet funding deadlines and providing information needed to support funding requests.</p> <p>Responsibility: Community Development and Housing &amp; Economic Development Departments</p> <p>Timeframe: Ongoing, as staff time permits</p>	<p>During the 2007-2014 planning period, the City approved and assisted in the development of two (2) affordable housing projects: known as the Riverbank Family Apartments and Riverbank Senior Apartments. The Riverbank Family Apartments consists of 65 multi-family residential units, and accommodates households that qualify as lower income categories. The Riverbank Family Apartments project was approved by the City in 2008, and subsequently developed in 2009. The Riverbank Senior Apartments was approved in 2008</p> <p>The Riverbank Senior Apartments consists of 20 units for low- and very low-income seniors.</p> <p>As development interests increase, and the City receives interest and/or formal development applications for residential projects accommodating lower income households, City staff has, and continues to, assist where feasible through expediting the application process, deferring fees, and assist in obtaining grant funding. Therefore, this Program will be continued as part of the 2014-2023 Housing Element.</p>
<p>Program 2.1c: Encourage developers to include second dwelling units in new subdivisions as well as a variety of higher density options. The City encourages developers to include second units by permitting such units without requiring additional lot area and allowing up to 50 percent lot coverage. The City permits such units by right in single-family subdivisions according to the requirements of State law.</p> <p>Responsibility: Community Development Department</p> <p>Timeframe: Ongoing</p>	<p>Through its Zoning Ordinance, the City encourages the development of second units in new subdivisions. As development applications are submitted, City staff will work with applicants to encourage the development of second units in new subdivisions. Therefore, this program will be continued as part of the 2014-2023 Housing Element.</p>
<p>Program 2.1d: Continue to distribute information on second units at the permit counter and post information on the City's</p>	<p>Information on second units is available at the front counter of the City's Community Development Department, as well as on the</p>

<p>website.</p> <p>Responsibility: Community Development Department</p> <p>Timeframe: Ongoing</p>	<p>City's website. City staff is committed to ensure information on second units is available. Therefore, this program will be continued as part of the 2014-2023 Housing Element.</p>
<p>Program 2.1e: Adopt a density bonus ordinance in compliance with statutory amendments (Chapter 1928, Statutes 2004) to State density bonus law (Government Code Section 65915).</p> <p>Responsibility: Community Development Department</p> <p>Timeframe: Adopt density bonus ordinance by December 2010</p>	<p>On February 10, 2015, the City Council for the City of Riverbank adopted Ordinance No. 2015-003, updating the City's Density Bonus Ordinance to comply with statutory amendments to State Density Bonus Law. The Ordinance now references State Density Bonus Law, ensuring compliance with any future Statutory Amendments to the Government Code.</p> <p>This program is completed.</p>
<p>Program 2.1f: Assist in the development of housing for farmworkers. Actions will include assistance with site identification and support of applications for funding. The City will identify a partner and development opportunity by June 2010 and apply for grant funding through HCD.</p> <p>Responsibility: Economic Development and Housing Department</p> <p>Timeframe: By June 2010, development opportunity will be identified and grant applications will be submitted.</p>	<p>The City will continue to assist in the development of housing for farmworkers. The City currently has zero (0) farmworker housing and has not yet identified a partner and development opportunity for the development of housing for farmworkers in the City.</p> <p>The City will encourage the opportunity for coordination with a prospective housing developer for the development of housing for farmworkers.</p> <p>Therefore, this program will be continued as part of the 2014-2023 Housing Element but on an "on-going" timeframe.</p>
<p>Program 2.1g: The City will update the uses permitted in the R-3 zone (Section 153.061 (A)) to include emergency shelters. Emergency shelters will only be subject to those development and management standards that apply to other residential development within the same zone.</p> <p>Responsibility: Community Development Department</p> <p>Timeframe: By June 2010, adopt updated permitted uses.</p>	<p>On February 10, 2015, the City Council for the City of Riverbank adopted Ordinance No. 2015-002, adding Emergency Shelters, Transitional Housing, Supportive Housing and Target Population definitions to Section 153.003 and added Emergency Shelters, Transitional Housing and Supportive Housing as a permitted use in the Multiple Family Residential District R-3 Zone and as a permitted use with a use permit in the Neighborhood Commercial District C-1 Zone, General Commercial District C-2 Zone and Commercial-Industrial C-M Zone. This is consistent with Program 2.1g as well as Appendix D, Table D-1.</p> <p>This program is completed.</p>
<p>Policy 2.2: Adopt an Inclusionary Zoning</p>	<p>Refer to discussion below for Program 2.2a.</p>

Ordinance	
<p>Program 2.2a: An Inclusionary Zoning Ordinance will propose to have the City of Riverbank establish a regulatory and incentive framework which provides opportunities for the development of a supply and mix of new housing to meet the future housing needs of all residents. Through this framework it is expected that new residential development will provide housing opportunities to households of all incomes and achieve a diverse and balanced community with housing available for households of all income levels.</p> <p>Inclusionary unit regulations will apply to projects that propose (1) the creation of five or more dwelling units through new construction, or (2) the creation of ten or more dwelling units through adaptive reuse or conversion of a nonresidential use to residential use. The Inclusionary Zoning Ordinance will govern the percentage of inclusionary units, general requirements for inclusionary units, calculation of rents and selling prices, marketing of inclusionary units, requirements for continued affordability, and density bonuses. Projects that have entered into a development agreement with the City of Riverbank may be exempted from the provisions of this ordinance only if alternative methods of ensuring the construction of affordable dwelling units are included as part of said agreement.</p> <p>Responsibility: Community Development Department</p> <p>Timeframe: By June 2010, develop draft Inclusionary Zoning Ordinance. By June 2011, adopt and implement Inclusionary Zoning Ordinance.</p>	<p>This program was <u>not</u> implemented as part of the 2009-2014 Housing Element planning period.</p> <p>The current climate of residential development is such that the City is in a position where increased costs to developers may hinder the opportunity for the development of single-family homes. The City encourages affordable housing development and with the Density Bonus Ordinance, offers incentives for providing such housing, but an Inclusionary Zoning Ordinance would create an undue obstacle for new single-family development. The City, as with all others, used to be in a position where providing funding for the development of affordable housing was possible – through the Redevelopment Agency (RDA). With the elimination of RDA, however, the monetary burden for the development of affordable housing falls to Non-Profit Developers and For-Profit Developers.</p> <p>For the reasons described above, this program will <u>not</u> be continued as part of the 2014-2023 Housing Element.</p>
<b>GOAL 3: REDUCE OR REMOVE GOVERNMENT CONSTRAINTS.</b>	
Policy 3.1 Promote efficient and creative alternatives to help reduce government constraints.	Refer to discussion below, for Programs 3.1a through 3.1d.
Program 3.1a: Continue to promote the use of	Through the 2007-2014 planning period, the

<p>Planned Development zones for developers who wish to deviate from setback, parking, or other standards which may limit their ability to develop at a desired density.</p> <p>Responsibility: Community Development Department Timeframe: Ongoing</p>	<p>City did not receive any development applications proposing a Planned Development zone. However, City staff continues to promote the use of Planned Development zones within the City when circumstances allow applicants/developers to deviate from City development standards such as setbacks, parking requirements, etc. This Program will be continued as part of the 2014-2023 Housing Element.</p>
<p>Program 3.1b: The City will waive fees for General Plan amendments intended solely to increase residential designations from low-to-medium density to medium-to-high density residential. The City will apply the fee waiver at the time of submittal of a complete application. The City will also defer fees for developments with units affordable to lower-income households until the time of first inspection or as established in a development agreement between the City and the project applicant. The City will promote its fee waiver program through distribution of a brochure at the permit counter, posting of information on the City's website, and distribution of information to the local building industry association.</p> <p>Responsibility: Community Development Department Timeframe: Ongoing</p>	<p>Through the 2007-2014 planning period, the City did not receive any development applications proposing to amend the General Plan to allow for medium-to-high density residential land uses from low-to-medium density residential. As such, this Program was not successful.</p> <p>However, during the 2007-2014 planning period, the Riverbank Family Apartments were approved by the City, and developed. Through the entitlement process, the City worked with the Developer (Pacific West Companies) to adjust System Development Impact Fees and Planning Application Fees.</p> <p>The City continues encourage residential development that allows for higher densities, and therefore, this Program will be continued as part of the 2014-2023 Housing Element.</p>
<p>Program 3.1c: Continue to utilize computer software to help fast-track building permits, saving both developer and staff time.</p> <p>Responsibility: Community Development Department Timeframe: Ongoing</p>	<p>The City is currently performing a full update to the Website and will include tools and access for developers that will help streamline the "development process." Although the website is not scheduled to be complete until 2015, the City initiated this action during the planning period, 2014. Therefore, this program will be continued as part of the 2014-2023 Housing Element.</p>
<p>Program 3.1d: Amend the Zoning Ordinance to facilitate the development of housing for special needs groups. Amendments will address the following:</p> <ul style="list-style-type: none"> <li>• Parking requirements: The City will approve reduced parking requirements for</li> </ul>	<p>This program was <u>not</u> implemented as part of the 2009-2014 Housing Element.</p> <p>The City encourages the opportunity for coordination with the Developer for development and building regulations that may be a constraint to the development of housing</p>

<p>developments containing senior, handicapped, single-adult, and/or small-family housing for which two parking spaces per unit are not needed to meet resident and guest parking demands.</p> <p>Responsibility: Community Development Department</p> <p>Timeframe: Adopt Zoning Ordinance amendments by December 2011.</p>	<p>for special needs groups. Although opportunity is there for coordination, specifically through the City's adopted Reasonable Accommodation Ordinance, this program does provide a method in which parking requirements may be reduced for developments containing senior, handicapped, single-adult and/or small-family housing.</p> <p>Therefore, this program will be continued as part of the 2014-2023 Housing Element with a new timeframe for completion.</p>
<p><b>GOAL 4: CONSERVE AND IMPROVE THE CONDITION OF EXISTING AFFORDABLE HOUSING STOCK.</b></p>	
<p>Policy 4.1 Increase rehabilitation efforts.</p>	<p>Refer to discussion below, for Programs 4.1a through 4.1b.</p>
<p>Program 4.1a: Continue to actively seek State and federal funding for the rehabilitation of homes. The City will consider annual applications for State CDBG, HOME, and Multi-family Housing Program funds depending on the need for additional funds and the City's ability to expend funds in a timely manner.</p> <p>Responsibility: Housing &amp; Economic Development Department</p> <p>Timeframe: Ongoing – apply annually.</p>	<p>City staff continues to actively develop and apply for State CDGB, HOME, and Multi-Family Housing Program funds for the purposes of rehabilitating homes.</p> <p>This Program will be continued as part of the 2014-2023 Housing Element.</p>
<p>Program 4.1b: Maintain database of housing conditions and rehabilitation projects to track accomplishments and assist in future goals.</p> <p>Responsibility: Community Development and Housing &amp; Economic Development Departments</p> <p>Timeframe: Ongoing</p>	<p>City staff continues to actively maintain a database of housing conditions and rehabilitation projects to track accomplishments and assist in future goals.</p> <p>This program will be continued as part of the 2014-2023 Housing Element.</p>
<p>Policy 4.2 Preserve current multi-family sites.</p>	<p>Refer to discussion below for Programs 4.2a and 4.2b.</p>
<p>Program 4.2a: Discourage land division of sites currently zoned high-density residential.</p> <p>Responsibility: Community Development Department</p>	<p>During the 2007-2014 planning period, the City did not receive any formal applications requesting to subdivide lands designated or zoned for high-density residential development. However, the City will continue to discourage the subdivision of sites designated for high-</p>

Timeframe: Ongoing	density residential development and therefore, this program will be continued as part of the 2014-2023 Housing Element.
<p>Program 4.2b: Monitor any units which may be deemed at-risk for conversion into market-rate housing. Ensure that any loss to the housing stock for lower income households is properly mitigated.</p> <p>Responsibility: Community Development Department</p> <p>Timeframe: Ongoing</p>	<p>Through the adoption and certification of the City's 2009-2014 Housing Element, the City determined there were no units at-risk to change to non-low income units within the City. City staff, however, will continue to monitor units which may be deemed at-risk of conversion to market rate. Therefore, this program will be continued as part of the 2014-2023 Housing Element.</p>
<p><b>GOAL 5: PROMOTE HOUSING OPPORTUNITIES FOR ALL PERSONS REGARDLESS OF RACE, RELIGION, SEX, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, COLOR, FAMILIAL STATUS, OR DISABILITY</b></p>	
<p><b>Policy 5.1</b> Make programs and information available to all persons.</p>	<p>Refer to the discussion below, for Programs 5.1a through 5.1b.</p>
<p>Program 5.1a: The City will continue to promote equal housing opportunity for all persons regardless of race, religion, sex, marital status, ancestry, nation origin, or color by supporting efforts of community groups that provide counseling, investigatory, legal, or referral services to victims of discrimination. Specifically, the City will:</p> <ul style="list-style-type: none"> <li>• Disseminate information in a variety of ways (including brochures, mailings, websites, newspaper ads, etc. in both English and Spanish) regarding rehabilitation and first-time homebuyer programs.</li> <li>• Maintain information on State and federal fair housing laws at the Community Development Department and other public places for public distribution (such as the Riverbank branch of the Stanislaus County Public Library, the Riverbank Community Center, and City Hall);</li> <li>• Train City staff at the public counter to refer victims of housing discrimination to the appropriate agency (local legal services organization, the Stanislaus County District Attorney's Office, the State Fair Employment and Housing Commission, or the U.S. Department of Housing and Urban Development);</li> </ul>	<p>The City continues to promote equal housing opportunity for all persons regardless of race, religion, sex, marital status, ancestry, nation origin, or color.</p>

<ul style="list-style-type: none"> <li>• Seek the cooperation of the local homebuilders association, Realtor association and lenders in disseminating fair housing information; and,</li> <li>• Identify an annual community event such as a fair housing day or as part of another community event at which fair housing information can be distributed.</li> </ul> <p>Responsibility: Housing &amp; Economic Development Department</p> <p>Timeframe: Ongoing</p>	
<p>Program 5.1b: The City will update the definition of “family” and “single-family residence” to comply with all federal and State fair housing laws. The definition should not distinguish between related and unrelated persons and should not impose limitations on the number of persons that may constitute a family.</p> <p>Responsibility: Community Development Department</p> <p>Timeframe: By June 2010, adopt updated definitions.</p>	<p>On February 10, 2015, the City Council of the City of Riverbank adopted Ordinance No. 2015-002, updating the definition of “Family” and “Dwelling, Single Family Residence” to comply with all federal and State fair housing laws. These definitions do not distinguish between related and unrelated persons and do not impose limitations on the number of persons that may constitute a family. Additionally, these definitions are consistent with surrounding jurisdictions. This program has been completed and therefore will be deleted as part of the 2014-2023 Housing Element.</p>
<p>Policy 5.2 Adopt Universal Design Ordinance</p>	<p>Refer to the discussion below for Programs 5.2a through 5.2b.</p>
<p>Program 5.2a: The City will adopt a universal design ordinance governing construction or modification of homes using design principles that allow individuals to remain in those homes as their physical needs and capabilities change. The City will refer to the HCD website to develop guidelines and a model ordinance consistent with the principles of universal design.</p> <p>Responsibility: Community Development Department</p> <p>Timeframe: By June 2010, develop draft Universal Design Ordinance. By June 2011, adopt and implement Universal Design Ordinance.</p>	<p>The City Council of the City of Riverbank adopted a Reasonable Accommodation Ordinance in 2015. This ordinance provides procedures and criteria in which reasonable accommodations may be made. Program 5.2a requires the City to adopt a Universal Design Ordinance but with the Reasonable Accommodation Ordinance, the City may provide exception to zoning and land-use requirements for persons with disabilities.</p> <p>Therefore, this program is considered to be completed and will be deleted as part of the 2014-2023 Housing Element.</p>
<p>Policy 5.3 Adopt Reasonable Accommodation</p>	<p>Refer to the discussion below for Program 5.3a.</p>

Ordinance	
<p>Program 5.3a: The City will adopt written reasonable accommodation ordinance to provide exception in zoning and land-use for housing for persons with disabilities. This procedure will be a ministerial process, with minimal or no processing fee, subject to approval by the Community Development Director applying following decision-making criteria:</p> <ul style="list-style-type: none"> <li>• The request for reasonable accommodation will be used by an individual with a disability protected under fair housing laws.</li> <li>• The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing laws.</li> <li>• The requested accommodation would not impose an undue financial or administrative burden on the City.</li> <li>• The requested accommodation would not require a fundamental alteration in the nature of the City's land-use and zoning program.</li> </ul> <p>Responsibility: Community Development Department</p> <p>Timing: Adopt Zoning Ordinance Amendments by December 2012</p>	<p>On February 10, 2015, the City Council of the City of Riverbank adopted Ordinance No. 2015-004, adding Sections 153.221 through 153.229, Reasonable Accommodation, to the City's Zoning Code. This new Ordinance establishes procedures for an individual with a disability to apply for reasonable accommodation. This is approved by the Community Development Director after certain findings are made, ensuring that this process is ministerial.</p> <p>The decision making criteria in Program 5.3a are included in the Reasonable Accommodation Ordinance.</p> <p>Because this program has been completed, it will be deleted as part of the 2014-2023 Housing Element.</p>
<b>GOAL 6: PROMOTE ENERGY CONSERVATION</b>	
Policy 6.1: Continue to implement state energy-efficient standards.	Refer to discuss below for Program 6.1a.
<p>Program 6.1a: Continue to implement state energy-efficient standards, including the addition of energy-efficient conditions to planned development approvals.</p> <p>Responsibility: Community Development Department</p> <p>Timeframe: Ongoing</p>	<p>During the 2007-2014 planning period, the City continuously monitored updates to the California Uniform Building Code. As updates to the State's Building Code were adopted, the City updated its own Building Code. These updates included implementation of the State's energy-efficient standards. This Program will be continued as part of the 2014-2023 Housing Element.</p>
Policy 6.2: Include energy conservation guidelines as part of the development standards for the specific plan area.	During the 2007-2014 planning period, the City was in the process of preparing two Specific Plans; the Downtown Specific Plan, and the

	<p>Riverbank Army Ammunition Plant Specific Plan. The Downtown Specific Plan, scheduled for adoption in 2015, includes development standards related to energy conservation, including lighting standards, windows, and landscape and open space.</p> <p>During the 2014-2023, the City anticipates the preparation of other Specific Plan(s) within the City. Therefore, this Program will be continued as part of the 2014-2023 Housing Element.</p>
<p>Program 6.2a: Continue to include energy conservation guidelines as part of development standards in new developments.</p> <p>Responsibility: Community Development Department Timeframe: Ongoing</p>	<p>As required per Title 24 of the California Code of Regulations, the City continues to include energy conservation standards on all new development within the City.</p> <p>This Program will be continued as part of the 2014-2023 Housing Element.</p>
<p>Policy 6.3: Provide weatherization assistance to low-income households.</p>	<p>Refer to discussion below for Program 6.3a.</p>
<p>Program 6.3a: Continue to include weatherization as a typical repair in the City's housing rehabilitation program.</p> <p>Responsibility: Housing and Economic Development Department Timeframe: Ongoing</p>	<p>During the 2007-2014 planning period, the City assisted in the rehabilitation of two (2) residential units. In 2014, the Housing Rehabilitation Program funded two (2) loans. These two projects are expected to be completed in the Spring of 2015.</p> <p>This Program will be continued as part of the 2014-2023 Housing Element.</p>

## **F. EVALUATION OF PROGRAM 1.1A**

Pursuant to Chapter 614, Statutes of 2005 (AB 1233) (Government Code Section 65584.09), if the City of Riverbank failed to make adequate sites available to accommodate the regional housing need in the prior planning period including failure to implement rezoning, the City must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2015-2023 planning period. Program 1.1a required the City to rezone sites listed in Table V-2 (65.2 acres) and adopt a general plan amendment (if necessary) and to complete annexation and zoning of at least 15 acres of potential sites identified in Table V-3 to a higher density district (R-3 or equivalent zoning to at least 20 dwelling units per acre).

There are a number of reasons for not implementing this program in addition to the site development constraints identified in Table VIII-2 (Program 1.1a Evaluation). In addition, this program:

1. The previous Housing Element provided zero analysis and data of Multiple Family Residential capacity and as a result, identified a shortfall that required the City to rezone and annex about 85 acres to R-3. Per Government Code Section 65583(3), the City is required to complete "...an inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment." In addition, the inventory must list these sites by parcel number of unique reference, zoning, general plan, and existing use for non-vacant sites and realistic residential capacity for each individual site. The 2009-2014 Housing Element failed to provide this level of analysis and only provided total acreages and realistic capacity for each Zoning District.
2. Upon evaluation of the current Site Inventory and Analysis located in Section V, City staff determined that the amount of acres identified in the 2009-2014 Housing Element was not justified to meet the 4<sup>th</sup> Cycle RHNA.
3. To determine the shortfall (Unaccommodated Need) from the 4<sup>th</sup> Cycle Planning Period, an AB1233 Analysis is included in this Section.

Since January 1, 2007 and June 23, 2014, there have been three (3) affordable housing developments approved and/or constructed in the City of Riverbank. Table VIII-3 below shows the project characteristics, which includes 155 affordable units approved and/or constructed and they include: Riverbank Family Apartments, Riverbank Senior Apartments and Riverbank Central Apartments, a Pacific West Communities project awaiting approval for Tax-Credit Allocation (Preliminary Allocation) from the California Tax Allocation Committee.

**TABLE VIII-3**  
**Affordable Housing Project Characteristics**  
**City of Riverbank**

Project	Address	GP	Zoning	APN	Acres	Total Units	Affordable Units	Density	Year Approved/Constructed
Riverbank Family Apartments	3952 Patterson Road	MDR	R-2	132-047-077	4.32	65	64	15.1	2008/2010
Riverbank Senior Apartments	3101 Orange Avenue	MDR	PD	132-035-008	2.11	20	20	8.4	2009/2010
Riverbank Central Apartments	6108 Claus Road	HDR	R-3	062-022-001	4.59	72	71	16	April 15, 2014
<b>Total</b>						<b>157</b>	<b>155</b>		
<i>Notes:</i> MDR = Medium Density Residential (8-16 du/acre) HDR = Higher Density Residential (16+ du/acre) PD = Planned Development R-3 = Multiple Family Residential									

In all three affordable housing projects, each unit is identified as targeting a specific income group (extremely low-, very low-, and low-income). This is done by setting the rent (including utilities) at a specific amount so that is below the medium family income by a certain percentage, i.e. 30% below median income, 50% below median income, etc. As depicted below in Table VIII-4, each affordable housing unit is separated by bedroom, current/proposed rent as well as percentage versus the area medium income. Based on HUD Income Limits for 2015, the income categories are divided as such:

- Extremely-low-income =** Households who earn 30% or less of the median area income.
- Very-Low-Income =** Households who earn between 30% and 50% of the median area income.
- Low-Income =** Households who earn between 51% and 80% of the area median income.
- Moderate-Income =** Households who earn between 80% and 120% of the area median income. (100% of the area median income for 2015 is \$53,300 for a family of four in Stanislaus County.)
- Above Moderate Income =** Above 120% of the County median income.

**TABLE VIII-4  
Rent Versus Median Income  
City of Riverbank**

<b>Project Name</b>		<b>30%</b>	<b>50%</b>	<b>55%</b>	<b>60%</b>
<b>Riverbank Family Apartments</b>	Two-Bedroom Rent	\$359.00	\$638.00	\$708.00	\$779.00
	Three-Bedroom Rent	\$408.00	\$731.00	\$811.00	\$892.00
	Four-Bedroom Rent	\$449.00	\$809.00	\$899.00	\$898.00
<b>Unit Count</b>	Two-Bedroom	2	6	12	4
	Three-Bedroom	4	8	16	4
	Four-Bedroom	1	2	4	1
<i>Note: Rent includes Utilities</i>					
		<b>30%</b>	<b>40%</b>	<b>50%</b>	
<b>Riverbank Senior Apartments</b>	One-Bedroom Rent	\$282.00	\$303.00	\$504.00	
	Two-Bedroom Rent	\$333.00	\$359.00	\$598.00	
<b>Unit Count</b>	One-Bedroom	1	1	14	
	Two-Bedroom	1	3	0	
<i>Note: Rent includes Utilities</i>					
		<b>30%</b>	<b>50%</b>	<b>55%</b>	<b>60%</b>
<b>Riverbank Central Apartments</b>	Two-Bedroom Rent	\$312.00	\$569.00	\$633.00	\$697.00
	Three-Bedroom Rent	\$353.00	\$649.00	\$723.00	\$797.00
	Four-Bedroom Rent	\$388.00	\$719.00	\$801.00	\$884.00
<b>Unit Count</b>	Two-Bedroom	3	9	10	2
	Three-Bedroom	4	13	16	6
	Four-Bedroom	1	3	3	1
<i>Note: Project not constructed. Proposed Rent is presented above includes Utilities.</i>					
<i>Sources: Riverbank Family Apartments: California Tax Credit Allocation Committee Project Staff Report, Dated December 16, 2008 and Phone Conversation with Property Management held on September 11, 2015. Riverbank Senior Apartments: City of Riverbank Planning Commission Staff Report, Dated June 16, 2009; and Phone Conversation with Property Management held on September 11, 2015. Riverbank Central Apartments: Phone Conversation with Mike Kelly, TPC Housing; California Tax Credit Allocation Committee Staff Report, Dated May 21, 2015 and filled out June 26, 2015. Going to be presented to the Committee November 2015 for Preliminary Reservation.</i>					

Table VIII-5 totals the units by bedroom and income category to utilize in the AB1233 Analysis in Table VIII-6. As shown below, 17 units are set-aside for Extremely Low Income families, 45 units are set-aside for Very Low Income families and 99 are set aside for Low Income families. These units are spread among one-bedroom, two-bedroom, three-bedroom and four-bedroom units. For instance, Riverbank Family Apartments has set-aside one (1) four-bedroom unit out of eight (8) total four-bedroom units for Extremely Low Income families.

**TABLE VIII-5**  
**Income Category by Unit**  
**City of Riverbank**

<b>Project Name</b>	<b>Bedrooms</b>	<b>Extremely Low</b>	<b>Very Low</b>	<b>Low</b>
<b>Riverbank Family Apartments - Total Units = 65</b>	Two-Bedroom	2	6	16
	Three-Bedroom	4	8	20
	Four-Bedroom	1	2	5
<b><i>Subtotal by Bedroom</i></b>		<b>7</b>	<b>16</b>	<b>41</b>
<i>One (1) Three-Bedroom Manager Unit Excluded</i>				
<b>Riverbank Senior Apartments - Total Units = 20</b>	One-Bedroom	1	1	14
	Two-Bedroom	1	3	0
<b><i>Subtotal by Bedroom</i></b>		<b>2</b>	<b>4</b>	<b>20</b>
<b>Riverbank Central Apartments - Total Units = 72</b>	Two-Bedroom	3	9	12
	Three-Bedroom	4	13	22
	Four-Bedroom	1	3	4
<b><i>Subtotal by Bedroom</i></b>		<b>8</b>	<b>25</b>	<b>38</b>
<i>One (1) Three-Bedroom Manager Unit Excluded</i>				
<b>Total by Bedroom</b>		<b>17</b>	<b>45</b>	<b>99</b>

As discussed above, Government Code Section 65584.09 mandates that “where a local government failed to identify or make adequate sites available in the prior planning period, the jurisdiction must zone or rezone adequate sites to address the unaccommodated housing need within the first year of the new planning period. In addition to demonstrating adequate sites for the new planning period, the updated housing element must identify the unaccommodated housing need by income level. To determine the unaccommodated need, jurisdictions could take the following steps:”

- Subtract the number of units approved or constructed (by income) since the beginning of the previous planning period's RHNA baseline data.
- Subtract the number of units that could be accommodated on any appropriately zoned site specifically identified in the element adopted for the previous planning period (not counted above).
- Subtract the number of units accommodated on sites that have been rezoned for residential development pursuant to the site identification programs in the element adopted for the prior planning period.
- Subtract the number of units accommodated on sites rezoned for residential development independent of the sites rezoned in conjunction with the element's site identification programs as described above.

Table VIII-6 below depicts the AB1233 Analysis for Riverbank.

**TABLE VIII-6**  
**AB1233 Analysis – 4<sup>th</sup> Cycle**  
**City of Riverbank**

Regional Housing Needs Allocation (RHNA)	Extremely Low	Very Low	Low	Moderate	Above Moderate
	55	54	146	172	367
<b>1) Units Approved/Constructed from January 2007- June 2014</b>	17	45	99	0	386
<b>2) Previously Identified Sites Currently Available in Acres (Capacity)</b>	22	22	46	172	N/A
<b>3) Sites Rezoned pursuant to Housing Element Program</b>	0	0	0	N/A	N/A
<b>4) Sites Rezoned (other)</b>	0	0	0	N/A	N/A
<b>Remaining Need</b>	16	-13	1	0	
<b>Total Remaining Need</b>					<b>17</b>
<b>Total Remaining Need (Acres) (20 du/acre)</b>					<b>0.85</b>
<b>Notes:</b>					
<i>4.50 net Acres identified in the Previous Housing Element that could accommodate 90 units using default density of 20 du/acre</i>					
<i>Previously identified sites currently available for the Moderate Income Group include 5.98 net acres of sites zoned R-2 and 96.35 net acres zoned R-1 as part of the 2009-2014 Housing Element</i>					

As shown in Table VIII-6 above, the Total Remaining Need from the 4<sup>th</sup> Cycle Planning Period for Riverbank to zone or rezone is 0.85 acres, or 17 units (20 dwelling units per acre). This is calculated using the AB1233 instructions above as well as identifying the Units Approved/Constructed from January 2007 to June 2014, as determined in Table VIII-3, VIII-4 and VIII-5.

Pursuant to AB1233 and Housing Element Law, the site as part of the rezone program must comply with suitability requirements set forth in Government Code Section 65583.2. Specifically, for Riverbank, the site must be by-right, meaning that (a) local government review must not require a CUP, planned unit development or other discretionary approval, (b) be zoned and have development standards that permit at least 16 units per site, (c) have a minimum density of 20 units per acre, and (d) at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only, unless otherwise meeting statutory requirements for mixed use.

The requirement to address the unaccommodated housing need for the previous planning period is **in addition** to the requirement to identify other specific sites to accommodate the RHNA for the new planning period. The site(s) identified to be zoned or rezoned to address the unaccommodated need from the 4<sup>th</sup> Cycle may not count for the sites used to address the new planning period (5<sup>th</sup> Cycle).

To address the unaccommodated need as analyzed in Table VIII-6 of 0.85 acres (17 units), the City has identified one (1) site to be rezoned within the first year of the new planning period. For Stanislaus County, Housing Element updates are due by December 31, 2015. As a result, the rezone requirement must be done by December 31, 2016 for the Housing Element to remain in compliance with HCD. The site to be rezoned to meet this requirement is shown in Table VIII-7 below:

**TABLE VIII-7  
Site Inventory for Rezone  
City of Riverbank**

Site No.	APN	Address	Gross Acres	Net Acres	General Plan	Current Zoning	Rezone	Infrastructure Availability	Existing Use	Environmental Constraints	Realistic Capacity <sup>1</sup>
Y1	075-30-001	2644 Morrill Road	2.40	1.68	Lower Density Residential (LDR)	Single Family Residential (R-1)	R-3	Y	SFD / Out Buildings	MID Lateral	34

Note:

R-3 = Multiple Family Residential

Default Density of 20 du/acre was used to determine Realistic Capacity.

<sup>1</sup>The realistic capacity considers a twenty (20) percent right-of-way take and the setback requirements of the MID Lateral adjacent to the site. End net acre percentage = 30 percent.

To accomplish this, Program 1.1c has been added to the 2014-2023 Housing Element. This program requires the City to rezone the above site to R-3, Multiple Family Residential and if necessary, adopt a General Plan Amendment to achieve

consistency. The above site meets the following criteria:

- Site is suitable for higher density residential development and is located close to services and transportation corridors;
- Can accommodate at least sixteen (16) dwelling units; and
- Can accommodate the density of twenty (20) dwelling units per acre.

This program is to be complete by December, 2016. By rezoning the above site, the City addresses the Unaccommodated Need from the 4<sup>th</sup> Cycle. In addition, this Site is not included in the inventory located in Section V to accommodate the RHNA for the 5<sup>th</sup> Cycle Planning Period.

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## **SECTION IX**

### **2014-2023 Housing Element - Housing Goals and Policies**

#### **A. INTRODUCTION**

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This section of the Housing Element contains the City's goals, policies, and proposed plan of actions to implement the City's housing program. The goals and policies reflect the needs identified previously in the Element. Each proposed implementation program contains a description of the intended action, an explanation of the agency responsible for administering the program, and the timeframe during which the program would take effect. Whenever possible, the anticipated results have been expressed in quantified terms.

Briefly stated, the Housing Goals are:

- To plan for a sufficient number of dwelling units to meet the City's regional housing share as determined by StanCOG within the confines of environmental considerations
- To ensure an orderly approach to providing public services and facilities to meet the needs of new development
- To address the affordable housing needs of very low- and low-income households and to encourage the private sector to develop housing affordable to these income groups
- To conserve and improve the quality of Riverbank's existing housing stock and residential neighborhoods
- To preserve existing affordable housing opportunities
- To plan for a balanced community that provides housing, employment, commercial services, and recreational opportunities
- To ensure that housing is available to all present and future residents on a non-discriminatory basis

The philosophy underlying the proposed policies and programs is that the Riverbank's role in the development of housing is one of facilitator. The City can lay the planning ground work for housing construction, provide a favorable regulatory environment for housing, and apply for financial assistance from state and federal agencies. The City can also actively seek out interested builders who are willing to work with the City on alternative housing developments that will promote affordability for very low- and low-income households.

Whether or not appropriate amounts and types of housing are constructed has depended primarily on the decisions of home builders and non-profit housing corporations. The City, itself, is not in the business of building housing. However, the City *can* help to ensure that lands designated for multi-family densities are not underdeveloped. This objective is reflected in the updated goals and policies.

## **B. GOALS**

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The City believes that, in the long run, with the implementation of these policies, a reasonable balance between the needs of its very low-, and low-income residents and the ability and willingness of the private market to respond to those needs through voluntary approaches can be achieved.

**GOAL 1: IDENTIFY ADEQUATE SITES TO PROVIDE FOR A SUFFICIENT NUMBER OF DWELLING UNITS TO MEET THE CITY’S REGIONAL HOUSING NEEDS.**

**Policy 1.1** Ensure land use and zoning procedures accommodating to affordable housing.

Program 1.1a: The City shall designate sufficient land at various densities to allow for the construction of sufficient housing to meet its legally adopted HCD Regional Housing Need Allocation (RHNA) between 2014 and 2023. The City shall review, as needed, the amount of land designated for various residential uses in conjunction with the amount of and types of housing produced in the previous year to determine if any changes in the General Plan and Zoning Ordinance may be needed to meet the City’s housing needs. A review of the supply of vacant land and development patterns over the preceding year will be incorporated into each annual evaluation of the City’s implementation of the Housing Element programs. Since some of the land needed to meet the City’s housing needs between 2014 and 2023 is outside the present City limits and Sphere of Influence, the City will have to amend its Sphere of Influence and annex this land before it can be developed. The City shall prezone enough land outside the current city limits to accommodate the remaining housing need. The City shall inform local developers and affected landowners of the rezoning action through a public outreach effort (i.e. direct mailings, website postings, etc.). The outreach effort should also seek to encourage developer interest in annexation of rezoned land by describing development characteristics.

Responsibility: Development Services Department

Timeframe: 2014-2023

Program 1.1b In conjunction with Program 1.1a, the City shall maintain its vacant sites inventory by facilitating the development of the Crossroads West Specific Plan, and designate therein sufficient sites to accommodate the dwelling units identified in Table V-4, and specifically, those sites designated for higher density development in order to meet the regional housing

needs of lower income households. As of March 2015, the Crossroads West Specific Plan area is anticipated to be annexed into the City of Riverbank by 2017. Upon annexation, the City shall permit the development of sites designated for higher density development in accordance with Section 65583.2(h) and (i) of the Government Code, including permitting multi-family housing without discretionary review, or beyond what is typically required by the City. The City will also consider allowing additional density bonuses within the Crossroads West Specific Plan for affordable housing development projects that commit to providing Extremely Low-, Very Low-, and Low Income Housing. If the Crossroads West Specific Plan is not annexed by the end of the year, 2017, the City will take the following actions to identify and rezone, if necessary, higher density residential sites of equivalent capacity within 6-months to maintain a sufficient sites inventory to meet the City’s Regional Housing Needs Allocation.

Responsibility: Development Services Department, Planning Commission, and City Council

Timeframe: By End of Year 2017

Program 1.1c To meet the Unaccommodated Need from the 4<sup>th</sup> Cycle identified in the Program 1.1a and AB1233 Analysis located in Section VIII, the City will rezone the site(s) listed in Table VIII-7 and adopt a general plan amendment (if necessary). The site(s) will meet the following criteria:

- Can meet a minimum of 16 units;
- Can meet a minimum density of 20 dwelling units per acre;
- Rezone to a district that can permits residential uses only (by-right)

Failure to rezone the site(s) to address the Unaccommodated Need from the 4<sup>th</sup> Cycle by the timeframe will result in Housing Element non-compliance.

Responsibility: Development Services Department

Timeframe: No later than December 31, 2016

**Policy 1.2:** Maintain an inventory of vacant and underutilized residential lands.

Program 1.2a: Track changes in land availability and accomplishments in multi-family development in order to determine if further rezoning is necessary to better facilitate high-density developments.

Responsibility: Development Services Department

Timeframe: Ongoing and Annually through the General Plan Housing Element Annual Progress Report

Program 1.2b: Update Geographical Information Systems (GIS) as changes to the land inventory occur. Provide this information to those interested in infill projects through updated layers viewable from the internet.

Responsibility: Development Services Department

Timeframe: Ongoing

**GOAL 2: ENCOURAGE AND ASSIST IN THE DEVELOPMENT OF ADEQUATE HOUSING TO MEET THE NEEDS OF EXTREMELY LOW-, LOW- AND VERY LOW-INCOME HOUSEHOLDS.**

**Policy 2.1:** Implement a proactive approach to encourage and gain support for multi-family developments.

Program 2.1a: Seek assistance from non-profit developers, including Self-Help Enterprises and Habitat for Humanity to develop homes for lower-income families. The City will meet with non-profit developers to discuss available sites for affordable housing projects, potential funding sources, and actions the City can take to assist housing providers in obtaining funding.

Responsibility: Housing & Economic Development Department

Timeframe: Meet with non-profit developers annually thereafter to discuss affordable housing development opportunities, available funding, and the City's support of funding requests.

Program 2.1b: Continue to assist developers of extremely low-, low- and very-low income housing in the grant preparation process to help fund their developments. Funding will be prioritized for the development of housing affordable to extremely low-income households. The City assists developers by expediting review and approval of development applications to meet funding deadlines and providing information needed to support funding requests.

Responsibility: Development Services Department and Housing & Economic Development Departments

Timeframe: Bi-Annually and as project applications are received.

Program 2.1c: Encourage developers to include second dwelling units in new subdivisions as well as a variety of higher density options. The City encourages developers to include second units by permitting such units without requiring additional lot area and allowing up to 50 percent lot coverage. The City permits such units by right in single-family subdivisions according to the requirements of State law.

Responsibility:	Development Services Department
Timeframe:	Ongoing
Program 2.1d:	Continue to distribute information on second units at the permit counter and post information on the City's website.
Responsibility:	Development Services Department
Timeframe:	Ongoing
Program 2.1e:	<p>Assist in the development of housing for farmworkers. Actions will include assistance with site identification and support of applications for funding. The City shall provide technical assistance when needed, and continue to conduct pre-application conferences and meet with farm worker housing developers on an ongoing basis. Actions include:</p> <ul style="list-style-type: none"> <li>• Post information on the Development Services website within 1-year of Housing Element adoption. Information includes a site inventory of available land (Program 2.1f), housing resources and grant information.</li> <li>• Contact farmworker housing developers to determine interest and identify constraints to farmworker housing development within the City.</li> </ul>
Responsibility:	Economic Development and Housing Department
Timeframe:	Ongoing; Post information on Development Services website within 1-year of Housing Element adoption; Identify and list Farmworker housing developers by December 2017.
Program 2.1f	The City will work with the agricultural community, housing providers and agricultural groups to develop and build year-round and seasonal agricultural worker housing. This will require an analysis of prime agricultural areas in the City to identify suitable locations for at least 20 units of farmworker housing. Information gathered from this analysis shall be provided, in conjunction with Program 2.1e, to agricultural and affordable housing developers in a manner conducive to their use for developing the actual units. In addition, the City shall invite developers and local farmworker organizations to be involved in the Housing Element update and other housing related activities.
Responsibility:	Development Services and Housing Department
Timeframe:	Ongoing, Initiate analysis of prime agricultural areas in the City within 1-year of Housing Element adoption.
Program 2.1g:	The City will update the uses permitted in the R-1 and R-2 Zone to include Transitional and Supportive Housing as a permitted use. In addition, the City shall amend the Uses Permitted with a Use Permit in the C-1, C-2 and C-M Zone to

remove Transitional and Supportive Housing as a Permitted Use with a Use Permit. The C-1, C-2 and C-M Zone do not permit residential uses and Transitional and Supportive Housing, per State Law, shall be permitted by-right and require no discretionary review.

Responsibility: Development Services Department  
Timeframe: By June 2016, adopt updated permitted uses.

Program 2.1h: The City shall amend its Zoning Ordinance to comply with Health and Safety Act Sections 17021.5 and 17021.6 and permit Employee Housing/Farmworker Housing in the R-1 Zone. The amendment shall include the following:

- Amend Definitions (Section 153.003) to include Employee Housing
- Amend the Single Family Residential District R-1 zone to include Employee Housing for no more than 6 workers as a permitted use (Section 153.031).
- Amend the Single Family Residential District R-1 Zone to include Employee Housing with no more than 12 units or 36 beds as a permitted use Section 153.031).

Responsibility: Development Services Department  
Timeframe: By June 2016, adopted updated permitted uses.

Program 2.1i: The City shall refer residents to the Valley Mountain Regional Center for housing and services available for persons with developmental disabilities. Provide information on services on the City's website. As available, the City will pursue State and federal monies for direct support of housing construction and rehabilitation specifically targeted for housing for persons with developmental disabilities.

Responsibility: Development Services Department and Housing and Economic Development Departments.  
Timeframe: 2014-2023

Program 2.1j: The City shall encourage housing development within the General Plan Infill Opportunity Area and specifically, sites designated Mixed Use. Housing development shall include housing for extremely low-, very-low, and low income group. Strategies to achieve new and infill housing include:

- Allow sites to be developed with stand-alone residential uses and densities of at least 20 dwelling units per acre, provided the development proposal includes an affordable housing component;
- In conjunction with Program 1.2a, the City shall keep an up-to-date inventory of vacant and underutilized sites within the Infill Opportunity Area; and

- Encourage affordable housing developers to, such as Habitat for Humanity to locate affordable housing projects within the Infill Opportunity Area.

Responsibility: Development Services Department  
 Timeframe: 2014-2023

Program 2.1k Regional cooperation with homeless needs. The City shall participate in the Stanislaus County Housing and Support Service Collaborative (SCHSCC) and the Continuum of Care to help address homeless needs in Riverbank and Stanislaus County. Actions include:

- Coordinate with the Stanislaus County Housing Authority on the Continuum of Care;
- Have a point of contact in Riverbank within the Development and/or Housing Department

Responsibility: Development Services and Housing Department  
 Timeframe: Ongoing, Coordinate with the Stanislaus County Housing Authority within 1 year of Housing Element adoption.

**Policy 2.2:** Encourage revitalization and expansion of residential development and opportunities within the City’s Downtown Specific Plan area

Program 2.2a: To ensure that there is no net loss of residential development potential for the vacant sites designated Downtown Core, Mixed Use Neighborhood, and Downtown Neighborhood, as identified in the Downtown Specific Plan, the City shall encourage redevelopment in the Downtown area that results in a two to one replacement of any existing housing units displaced by redevelopment projects in the Downtown area.

Responsibility: Development Services Department  
 Timeframe: 2014-2023 Planning Period

Program 2.2b In conjunction with Program 2.2a, the City shall coordinate with Developers and Non-Profit Housing Providers (i.e. Housing Authority of Stanislaus County, Stanislaus Habitat for Humanity, etc.) on the implementation of the Downtown Specific Plan. The City shall consider joint venture partnerships with developers and/or property owners to help facilitate land assembly, option agreements, and outright land purchase for projects consisting of attached single-family and multi-family residential for extremely low, very low, and low-income households within the Downtown Specific Plan area.

Responsibility: Development Services Department  
 Timeframe: Annually

Program 2.2c            The City shall encourage the development of new housing of upper stories and mixed-use buildings in the Downtown Core area of the Downtown Specific Plan. Where feasible, City staff shall assist Property Owners and/or Developers in identifying sites suitable for upper story residential development, identifying Grant funding opportunities, and expedite permit processing through Community Development Department

Responsibility:        Development Services Department  
Timeframe:            2014-2023 Planning Period

**GOAL 3:        REDUCE OR REMOVE GOVERNMENT CONSTRAINTS.**

**Policy 3.1**    Promote efficient and creative alternatives to help reduce government constraints.

Program 3.1a:        Continue to promote the use of Planned Development zones for developers who wish to deviate from setback, parking, or other standards which may limit their ability to develop at a desired density.

Responsibility:        Development Services Department  
Timeframe:            Ongoing

Program 3.1b:        The City will waive fees for General Plan amendments intended solely to increase residential designations from low-to-medium density to medium-to-high density residential. The City will apply the fee waiver at the time of submittal of a complete application. The City will also defer fees for developments with units affordable to lower-income households until the time of first inspection or as established in a development agreement between the City and the project applicant. The City will promote its fee waiver program through distribution of a brochure at the permit counter, posting of information on the City’s website, and distribution of information to the local building industry association.

Responsibility:        Development Services Department  
Timeframe:            Ongoing

Program 3.1c:        Continue to utilize computer software to help fast-track building permits, saving both developer and staff time.

Responsibility:        Development Services Department  
Timeframe:            Ongoing

Program 3.1d:        As parking requirements are a common constraint throughout the State of California, the City shall review and amend to reduce the City’s parking standards (inclusive of guest parking)

for multifamily uses in the R-2 and R-3 zones as follows:

- Zero to one (1) bedroom: one onsite parking space;
- Two to three bedrooms: one and a half onsite parking spaces; and
- Four or more bedrooms: two and one half onsite parking spaces.

The City shall provide this information at the planning counter, on the City's website and in other public spaces to increase awareness.

In addition, the City will review the Zoning Code annually to determine if any amendments need to be made to the Parking standards for multi-family and special housing, to reduce constraints to multi-family housing development.

Responsibility: Development Services Department  
Timeframe: Review Zoning Code Parking Standards annually and make information available to public by Spring of 2016.

Program 3.1e: Amend the Section 150.30: System Development Fees of the Riverbank Municipal Code to provide provisions for the Deferral of System Development Fees. Deferral of Fees are to be approved by the City Council and shall require a deposit, payment of an administrative expense, and payment of a reasonable rate of interest for the portion of the fee which is deferred.

Responsibility: Development Services Department  
Timeframe: Adopt Zoning Ordinance amendment by Spring of 2016

Program 3.1f In accordance with Government Code Section 65589.7, immediately following City Council adoption, the city must deliver to all public agencies or private entities that provide water and sewer services to properties within Riverbank a copy of the 2014-2023 Housing Element. The City of Riverbank provides water and sewer services to all residents and businesses within the City. As such, a copy of the adopted 2014-2023 Housing Element will be provided to the applicable Department(s) within 30-days. The City will also establish a written procedure by the end of 2017 pursuant to Government Code Section 65589.7 to provide priority water and sewer service to development with units affordable to lower income households.

Responsibility: Development Services Department  
Timeframe: Within 30 days of adoption of the Housing Element, prepare written procedures by the end of 2017

Program 3.1g: Affordable housing developers often face constraints to developing affordable housing projects. One way the City can assist such developers is by providing fast-track/priority processing for low-income and special needs housing projects. This service can encourage affordable housing development by allowing developers to go through the approval and permitting process quicker keeping costs down and units affordable. It is important that following the construction of the project that units are monitored to ensure that subsequent tenants are households with special needs and/or lower income:

- Assign a primary contact for priority housing developments to assist with all necessary entitlement and assist navigating various local departments;
- Hold pre-application development conferences; and
- Provide information about permit streamlining at the planning counter, on the City’s website and in other public places to increase awareness.

Responsibility: Development Services Department  
 Timeframe: Ongoing

**GOAL 4: CONSERVE AND IMPROVE THE CONDITION OF EXISTING AFFORDABLE HOUSING STOCK.**

**Policy 4.1** Increase rehabilitation efforts.

Program 4.1a: Continue to actively seek State and federal funding for the rehabilitation of homes. The City will consider annual applications for State CDBG, HOME, and Multi-family Housing Program funds depending on the need for additional funds and the City’s ability to expend funds in a timely manner.

Responsibility: Housing & Economic Development Department  
 Timeframe: Ongoing – apply annually.

Program 4.1b: Maintain database of housing conditions and rehabilitation projects to track accomplishments and assist in future goals.

Responsibility: Development Services and Housing & Economic Development Departments  
 Timeframe: Ongoing

Program 4.1c: The City will conduct a Housing Condition Survey. This Housing Condition Survey will follow HCD Guidelines for conducting a Housing Condition Survey. Results of the survey are to be published on the City’s website and, as a result of the

survey, the City will assist the Stanislaus County Housing Authority in rehabilitation and targeted efforts. Actions to be take following the results of the Survey include but are not limited to:

- Apply for HOME and CDBG grant funds for rehabilitation projects identified as part of the Survey; and
- Contact homeowners identified in the Survey as having a home qualifying for the rehabilitation program.

Responsibility: Development Services and Housing & Economic Development Departments

Timeframe: By December 2016, complete Housing Condition Survey and Ongoing assistance to the Stanislaus County Housing Authority

**Policy 4.2** Preserve current multi-family sites.

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

- The City shall evaluate and make a written determination on the site constraints as a result of a proposed subdivided site currently zoned high-density residential.

Responsibility: Development Services Department

Timeframe: Ongoing

Program 4.2b: Monitor any units which may be deemed at-risk for conversion into market-rate housing. Ensure that any loss to the housing stock for lower income households is properly mitigated.

Responsibility: Development Services Department

Timeframe: Ongoing

**GOAL 5: PROMOTE HOUSING OPPORTUNITIES FOR ALL PERSONS REGARDLESS OF RACE, RELIGION, SEX, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, COLOR, FAMILIAL STATUS, OR DISABILITY**

**Policy 5.1** Make programs and information available to all persons.

Program 5.1a: The City will continue to promote equal housing opportunity for all persons regardless of race, religion, sex, marital status, ancestry, nation origin, or color by supporting efforts of community groups that provide counseling, investigatory, legal, or referral services to victims of discrimination. Specifically, the

City will:

- Disseminate information in a variety of ways (including brochures, mailings, websites, newspaper ads, etc in both English and Spanish) regarding rehabilitation and first-time homebuyer programs.
- Maintain information on State and federal fair housing laws at the Community Development Department and other public places for public distribution (such as the Riverbank branch of the Stanislaus County Public Library, the Riverbank Community Center, and City Hall);
- Train City staff at the public counter to refer victims of housing discrimination to the appropriate agency (local legal services organization, the Stanislaus County District Attorney's Office, the State Fair Employment and Housing Commission, or the U.S. Department of Housing and Urban Development);
- Seek the cooperation of the local homebuilders association, Realtor association and lenders in disseminating fair housing information; and,
- Identify an annual community event such as a fair housing day or as part of another community event at which fair housing information can be distributed.

Responsibility: Housing & Economic Development Department  
Timeframe: Ongoing

Program 5.1b: To promote continued opportunity for public engagement, the City shall conduct an annual Housing Element review. Provide opportunities for public engagement and discussion in conjunction with the State requirement of written review of the General Plan by April 1 of each year (per Government Code Section 65400). Use the Planning Commission and City Council as an avenue for public input on housing issues and housing element implementation. Notices shall be prepared in English and Spanish and be published in a newspaper of general circulation and posted at City Hall North and South. Website and social media notification shall be encouraged. To ensure General Plan Consistency between the Housing Element and the other Elements of the General Plan the City shall, in addition to the requirements above, complete the following:

- Maintain the Draft General Plan Housing Element Review on the City's Website;
- Develop an evaluation matrix to determine the consistency between the Housing Element policies and

programs and the other Elements of the General Plan.

Responsibility: Development Services Department  
Timeframe: Annually (April 1 of each year)

Program 5.1c: To promote Public Participation in the Housing Element update process, the City shall utilize the following actions, including:

- As noted in Program 5.1b, Public Notices for Housing Element Public Workshops shall be posted in English and Spanish and posted at various locations within the City including affordable housing developments, churches, schools, Community Center as well as the City's website and social media (Facebook);
- The City shall partner with local Churches to present and solicit input on affordable housing within the City;
- Public Notices for activities related to the Housing Element shall be delivered in the Monthly water bill. Notices shall be printed in English and Spanish.

Responsibility: Development Services Department  
Timeframe: Ongoing, Identify partner for Public Participation by December, 2021.

## **GOAL 6: PROMOTE ENERGY CONSERVATION**

**Policy 6.1:** Continue to implement state energy-efficient standards.

Program 6.1a: Continue to implement state energy-efficient standards, including the addition of energy-efficient conditions to planned development approvals.

Responsibility: Development Services Department  
Timeframe: Ongoing

**Policy 6.2:** Include energy conservation guidelines as part of the development standards for the specific plan area.

Program 6.2a: Continue to include energy conservation guidelines as part of development standards in new developments.

Responsibility: Development Services Department  
Timeframe: Ongoing

**Policy 6.3:** Provide weatherization assistance to low-income households.

Program 6.3a: Continue to include weatherization as a typical repair in the City's housing rehabilitation program.

Responsibility: Housing and Economic Development Department  
Timeframe: Ongoing

### **C. ANTICIPATED HOUSING ACCOMPLISHMENTS: 2014-2023**

The City believes that the programs and objectives described in this section represent the maximum effort the City can make to accommodate housing for all income groups. In developing quantified objectives, the City has considered:

- Development costs for market-rate housing and how the City can reduce these costs, still provide necessary public services and facilities, and maintain a minimum acceptable standard of development quality;
- The zoning densities which are appropriate to accommodate very low-, low-income housing yet which are still sensitive to the City's environmental character and existing residential neighborhoods;
- Available local financial and staff resources to implement the City's housing program (the City does not anticipate having sufficient funding to provide more than 1 staff positions to support the City's housing program and other community development programs);
- Available state and federal sources of funding for affordable housing developments; and,
- The ability of the private sector to assist the City in implementing proposed housing programs. The housing program makes a conservative estimate, therefore, of the number of market rate and government-assisted housing units affordable to very low, low and moderate-income households that could be provided from the programs described above.

#### **QUANTIFIED OBJECTIVES (2014 - 2023)**

	<b>Extremely Low</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>Total</b>
<b>Accommodate Regional Housing Needs<sup>1</sup></b>	<b>160</b>	<b>161</b>	<b>206</b>	<b>217</b>	<b>536</b>	<b>1,280</b>
<b>New Housing Construction</b>	50	50	145	300	500	<b>1,045</b>
<b>Housing Rehabilitation</b>	33	32	35			<b>100</b>
<b>Conservation of Affordable Housing<sup>2</sup></b>	100					<b>100</b>
<b>Homebuyer Assistance</b>	7	8	20			<b>35</b>

1. STANCOG 2014-2023 Regional Housing Allocation Plan

2. Conservation of non-assisted low-cost rental housing through the City's code enforcement program and the preservation/improvement of mobilehome parks.

# **APPENDICES**

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**APPENDIX A**  
**AVAILABLE HOUSING PROGRAMS – CITY OF RIVERBANK**

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## **APPENDIX A**

### **Available Housing Programs - City of Riverbank**

#### **A. HOUSING REHABILITATION PROGRAM**

The City of Riverbank's Housing Rehabilitation Program currently has funds available to assist families and individuals with home repair and rehabilitation needs. The purpose of the program is to eliminate hazardous conditions in the home, correct code deficiencies and extend the useful life of the structure.

Typical repairs include: roof repair or replacement; electrical, plumbing or structural repairs; room additions to lessen over-crowding; installation of central heat and air conditioning; window repair or replacement; weatherization; handicapped access including wheelchair ramps; and floor-covering repair or replacement.

As of 2014, the maximum loan amount is \$85,000.00 - \$175,000.00, which is provided as a non-interest and/or below-market interest rate mortgage. The fixed interest rate is 0% or 3% per year for owner-occupied housing, and 5% per year for renter-occupied housing. Loan terms are for 15 years with a non-prepayment penalty policy.

Elderly owner-occupants (62 years of age or older), who are low to very low-income and paying more than 30% of their income toward housing expenses, can receive a 15-year term deferred loan. Loans are non-amortized with repayment due upon sale of the property. Loans made to other low-income owner-occupants and owner-investors are amortized over the term of 15 years with small monthly payments required.

Income limits to determine eligibility change yearly. Interested applicants should contact the City of Riverbank's Economic Development and Housing Department for more information.

#### **B. FIRST-TIME HOMEBUYERS ASSISTANCE PROGRAM**

The First-Time Homebuyers Program provides an opportunity for qualified low-income households to buy their first home in Riverbank.

Since 2009, the City of Riverbank Housing Division has issued forty-three (43) first-time homebuyers assistance loans amounting to \$2,460,173. Out of the forty-three (43) issued, eight (8) were for very-low income groups, six (6) for low income groups and twenty (20) for Medium Income groups.

##### **1. Assistance Available**

Up to \$70,000.00 is available as a deferred payment loan (DPL) for a 30-year period. The loan can be used to cover initial costs such as loan origination, points, title insurance,

escrow fees, impounds, etc., in addition to mortgage subsidy to reduce principal, interest, taxes, and insurance (PITI) to an affordable level, based on household income. At the end of the 30-year term, the loan shall retain the non-interest rate payable on the 31<sup>st</sup> anniversary date. Funds are available through the Home Ownership Partnership Program (HOME) or the First Time Home Buyers Program (FTHB) funded by State of California Housing and Community Development (HCD).

## **2. Property Qualifications**

The property must be located within the City Limits of Riverbank. Purchase price limit is subject to the Stanislaus County maximum of \$362,790. The home must be a structurally sound, and homes built prior to 1978 must provide Lead Base Paint Clearance. New developments must have foundations poured and can be under construction or at final stage. A unit is ineligible if its purchase would result in the displacement of the tenant.

## **3. Procedure**

The first step is to contact the City's Housing staff in regards to the program procedure funds availability and placement on interest list. Notification of funds will be conducted by provided phone contact. Once the application has been received, applicants must schedule an interview appointment to determine the household eligibility. Once eligibility has been determined, the applicant will receive instructions on the proceeding loan process. To remain eligible, the applicant has 60 days to enter into a real estate purchase contract.

Applicants must work with lenders to determine the amount of payment the family can afford and loan approval. Lenders may contact the City of Riverbank for loan process guidance if the lender is unfamiliar with the city program. Applicants must provide sufficient personal funds to cover 1% of purchase, providing records of season money or gift letter from anyone except person(s) holding deed on the property being purchased.

The applicant works with a real estate agent on the selection of a home, makes an offer and enters the purchase contract. Applicant, realtor, and lender must join all documentation as one loan application package providing the analysis of the applicant's need to be submitted to the City's Housing Department. Housing staff will stamp-date the loan received, evaluate for completeness and analyze process. All parties involved in this application process must plan for at least a 45-day escrow upon complete package acceptance.

Updated information regarding income qualifications and funds available can be acquired from the Economic Development and Housing Department. The City of Riverbank is an Equal Housing Lender and does not discriminate on the basis of race, color, religion, sex, handicap, familial status, or national origin.

**APPENDIX B**  
**HOUSING CONDITION SURVEY – CITY OF RIVERBANK**

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**APPENDIX B**  
**Housing Condition Survey**  
**City of Riverbank**

Funded By:  
State of California Department of Housing and Community Development  
California Development Block Grant No. 02-STBG-1762  
May/June 2003

**PURPOSE**

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A housing condition survey was conducted in 2003 covering the proposed Riverbank target area. The purpose of the survey was two-fold: first, to gather information in order to assess the feasibility of implementing a housing rehabilitation project in the area; second, to develop a program design which would effectively address demonstrated housing needs. The survey was conducted in accordance with the California Department of Housing and Community Development guidelines.

**METHODOLOGY**

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During the months of May and June 2003, staff of the Community Development Department for the City of Riverbank drove every street in the Housing Condition Target Area and completed a Housing Condition Survey for each housing structure.

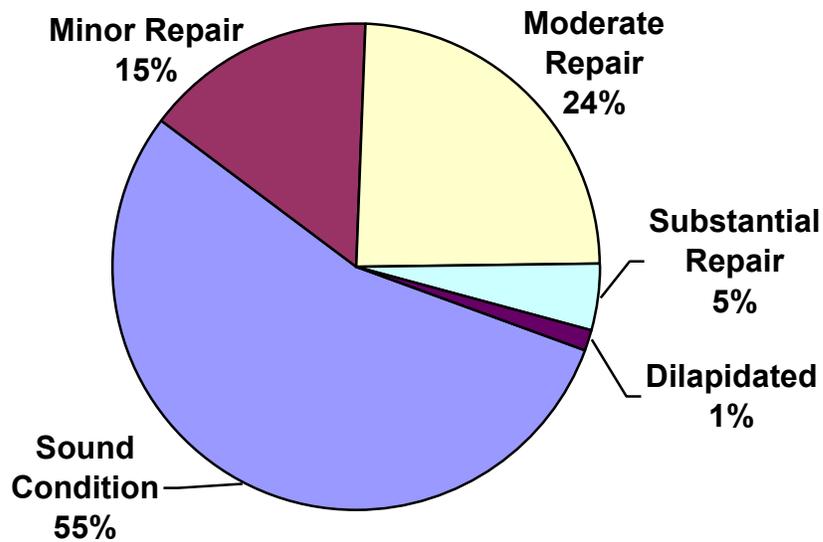
Each structure was rated according to criteria established by the State Department of Housing and Community Development (HCD). There are five structural categories: foundation, roofing, siding, windows, and electrical. Within each category, the housing unit is rated from "no repairs needed" to "replacement needed." These condition points are added together for each unit and a finding was made identifying each unit as being sound, in need of minor repair, moderate repair, and substantial repair or dilapidated. The last designation is applied to units on which only correction of health and safety factors or demolition is economically feasible (i.e., too expensive to bring up to the Uniform Housing Code Standards).

Upon completion of the surveys, collected data was collated and analyzed.

## 2003 SURVEY RESULTS

By APN Book Number and Tenure

BOOK NUMBER	SOUND CONDITION		MINOR REPAIR		MODERATE REPAIR		SUBSTANTIAL REPAIR		DILAPIDATED		TOTAL
	Single	Multi	Single	Multi	Single	Multi	Single	Multi	Single	Multi	
62	6	0	10	0	6	2	2	0	0	0	26
74	367	45	17	0	1	0	0	0	0	0	430
75	1872	2	199	186	318	135	53	25	10	9	2809
132	412	9	305	42	657	72	144	5	43	0	1689
<b>Subtotal</b>	<b>2657</b>	<b>56</b>	<b>531</b>	<b>228</b>	<b>982</b>	<b>209</b>	<b>199</b>	<b>30</b>	<b>53</b>	<b>9</b>	<b>-</b>
<b>TOTAL</b>	<b>2713</b>		<b>759</b>		<b>1191</b>		<b>229</b>		<b>62</b>		<b>4954</b>







**APPENDIX C**  
**PROCESSING TIME OF VARIOUS DEVELOPMENT APPLICATIONS**

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## **APPENDIX C**

### **Processing Time of Various Development Applications**

#### **PROCESSING TIME**

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Processing time is an important factor for all housing unit construction, but specifically for projects being developed under volatile financial conditions. The City has become accustomed to processing a large volume of projects, however, the average processing time per project can increase significantly depending on the complexity of the project in question.

The following are average processing times for various types of land use approvals:

- Subdivision Maps - 16 weeks
- Zone Change - 16 weeks
- (Conditional) Use Permit - 8 weeks
- Site Plan Review - 8 weeks
- Planned Development - 20 weeks
- General Plan Amendment (No EIR) - 20 weeks
- General Plan Amendment (With EIR) - 56 weeks

These typical processing times are in compliance with state-mandated timeframes for development review. The City believes these are reasonable timeframes that do not pose a constraint to meeting the City's housing needs. To reduce the overall development review time for complicated proposals and proposals requiring multiple approvals, the City encourages concurrent reviews of multiple-approval projects.

#### **SITE IMPROVEMENTS REQUIREMENTS**

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The City of Riverbank Subdivision Ordinance, Title 11, General Regulations; Design, identifies the following site improvements and Chapter 5, Final Maps, identifies security and form of final maps.

- Subdividers shall have their contractors for subdivision improvements consult with the Director before any construction is started to arrive at an understanding as to requirements and the schedule of inspections required.
- All improvements in subdivisions shall be installed as required to the specifications and standards established by the City Council. The City's Construction Inspector shall administer or perform inspections to determine conformance.
- Plans and profiles for proposed improvements shall be submitted to and approval obtained from the City Engineer prior to the commencement of construction. A plan of the entire subdivision shall be on the first sheet of improvement plans.

- Inspection fees shall be based on the actual expenses incurred, plus a reasonable sum for overhead and supervision.
- Rejected work shall be remedied or removed by the subdivider. Any work beyond the lines and grades shown on the plans and not approved by the City Engineer may be ordered removed at the subdivider's expense.
- The City Engineer or his authorized representative shall at all times have access to the work during construction and shall be furnished with every reasonable facility for ascertaining that materials used and employed and the workmanship are in accordance with the requirements and intentions of these specifications. Work done and materials furnished shall be subject to his inspection and approval. Materials found unsuitable may be rejected and must be removed from the project.
- Underground utilities installed in streets or alleys shall be installed prior to surfacing of said streets or alleys. Service connections shall be laid to such length as will obviate the necessity for disturbing the street or alley improvements when service connections are completed.
- The subdivider shall direct his engineer to furnish the City one complete set of improvement plans on reproducible paper after completion of improvements. These plans shall show any corrections as to location or grade or improvements or "No Corrections," whichever is applicable. Said plans shall be marked "AS BUILT," and submitted to the Development Services Department prior to acceptance of improvements by the City Council.

The Improvements made in the City must conform to the specifications and standards adopted by the City Council. Offsite requirements are discussed in the next section on fees and exactions. Chapter 1 of the Title 11, Subdivisions Code, identifies the following specifications for lot line adjustments:

**Definition:** A lot line adjustment is any division of land not requiring a map as specified by the Subdivision Map Act, in which no more parcels are created by the division than existed prior to it. Section 11-1-5 (D) provides definition and action required by the City Council.

**Application:** Any person desiring a lot line adjustment shall complete an application for a lot line adjustment and supply all the data required therein.

## **APPROVAL**

- a. The City Council may approve the lot line adjustment when it finds that:
  - The lot line adjustment does not violate existing codes and policies;

- The lot line adjustment will not create difficult or unreasonable access to parcels;
  - The lot line adjustment would not require variances to permit standard development;
  - Utilities and public services can be provided to the revised parcels.
- b. If the City Council approves the lot line adjustment, a resolution shall be passed approving said adjustment and authorizing the execution and recordation of the lot line agreement.

### **ANNEXATION PROCESS AND TIMELINES**

Annexation of land to the City of Riverbank requires an application to the Stanislaus County Local Agency Formation Commission (Stanislaus LAFCO). All affected public agencies (municipalities, school districts, and other special districts) must be notified of the annexation application. The City must also provide evidence of how the lands to be annexed will be provided with water, sewer, and other services.

Annexations are subject to the California Environmental Quality Act (CEQA). An Initial Study and identification of potentially significant adverse impacts must be prepared. The City must then prepare either a Negative Declaration (no adverse impacts), a Mitigated Negative Declaration (adverse impacts mitigated to less than significant), or an Environmental Impact Report (EIR).

Annexations to accommodate residential development or bring existing development into the City normally do not take more than six months, while most would take three to four months. If a subdivision map or any other entitlement process is associated with annexation proceedings, it would occur concurrently to expedite the process.

### **USE PERMIT PROCESS**

A use permit (conditional use permit) requires an application to the Planning Commission and public hearing by the Commission. To grant a use permit, the Planning Commission must find that the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

The Planning Commission may designate such conditions in connection with the use permit as it deems necessary to secure the purpose of this title and may require such guarantees and evidence that such conditions are being or will be complied with.

If the applicant or any other person is not satisfied with the actions of the Planning Commission, that individual may, within ten days, appeal the Planning Commission decision in writing to the City Council.

As noted above, use permits can be approved fairly quickly once a completed application has been submitted. The use permit process, by itself, is not a significant constraint to the provision of housing or shelter for special needs groups.

### **SITE PLAN REVIEW PROCESS**

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Site plan review requires an application to the Planning Commission and public hearing by the Commission. Site plan review is required for proposals to construct anything except one single-family dwelling, duplex, triplex, or four-plex on appropriately zoned property. Site plan review occurs before the Planning Commission prior to issuance of a building permit and would occur concurrently with all other Planning Commission related review of the subject project. Therefore, site plan review does not add significant time to the approval process when other discretionary approvals are required.

Staff makes every attempt to work closely with project applicants from project conception to completion in order to increase the likelihood of a favorable project recommendation to the Planning Commission. Initial submittals are highly encouraged and generally contribute to the successful approval of the project. More than 90% of projects that receive a favorable staff recommendation go on to be approved by the Planning Commission.

**APPENDIX D**  
**ZONING DISTRICTS SUMMARY AND COMPARISONS TO LAND USE DESIGNATIONS**

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## **APPENDIX D**

### **Zoning Districts Summary and Comparisons to Land Use Designations**

Three tables: D-1, D-2 and D-3 provide an analysis of zone districts and residential uses either permitted by right or by a conditional use permit.

**Table D-1** – Development Standard for each residential zone district.

**Table D-2** – Density Comparison between residential zone districts and the General Plan land use density.

**Table D-3** – Zoning District Comparison to land use designation: residential density clearly identifies that the Zoning Ordinance allows, whether by right or by conditional use permit, multi-family units from the R-2 district to the CM district.

**TABLE D-1**  
**Residential Types Permitted by Zone**

TYPE OF RESIDENTIAL	R-1 SINGLE-FAMILY ZONE DISTRICT		R-2 DUPLEX RESIDENTIAL ZONE DISTRICT		R-3 MULTIPLE-FAMILY ZONE DISTRICT		C-1 NEIGHBORHOOD COMMERCIAL ZONE DISTRICT		C-2 GENERAL COMMERCIAL ZONE DISTRICT		CM COMMERCIAL INDUSTRIAL ZONE DISTRICT		M-1 INDUSTRIAL ZONE DISTRICT		M-2 HEAVY INDUSTRIAL ZONE DISTRICT	
	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT	BY RIGHT	USE PERMIT
SINGLE FAMILY	X		X		X						X <sup>1</sup>		X <sup>1</sup>		X <sup>1</sup>	
MOBILE HOME	X		X		X											
CORNER LOT DUPLEX		X	X		X		X			X						
SECOND UNIT	X									X						
MULTI-FAMILY					X		X			X		X				
MOBILE HOME PARK		X				X	X									
FAMILY DAY CARE (6)	X		X		X											
FAMILY DAY CARE (7-12)	X		X		X											
RESIDENTIAL CARE HOME (7)	X		X		X		X									
HOTELS						X	X	X			X					
ROOMING/ BOARDING HOMES						X	X	X		X	X					
LABOR CAMPS						X	X	X		X		X				
EMERGENCY SHELTERS					X											
TRANSITIONAL HOUSING	X		X		X											
SUPPORTIVE HOUSING	X		X		X											
EMPLOYEE/FARMWORKER HOUSING	X															

<sup>1</sup> Per Riverbank Municipal Code, one dwelling unit shall be permitted if specific conditions are met, including the dwelling unit is clearly secondary to the commercial use of the property, there are no other residences on the property and the dwelling unit shall not be rented or leased independently of the principal use. For this reason, Transitional and Supportive Housing are not required to be permitted in these zoning districts as residential uses are not clearly a principle use in the zone.

**TABLE D-2**  
**Development Standards for Residential by Zone**

<b>DEVELOPMENT STANDARDS</b>	<b>R-1 SINGLE- FAMILY</b>	<b>R-2 DUPLEX</b>	<b>R-3 MULTI- FAMILY ZONE</b>	<b>C-1 NEIGHBORHOOD COMMERCIAL</b>	<b>C-2 GENERAL COMMERCIAL</b>	<b>CM COMMERCIAL INDUSTRIAL</b>	<b>M-1 LIGHT INDUSTRIAL</b>	<b>M-2 HEAVY INDUSTRIAL</b>
LOT SIZE 6000 S.F.	X	X						
6000 S.F. FOR 1 <sup>ST</sup> /2 <sup>ND</sup> UNITS, THEN 2000 S.F. PER UNIT			X	X	X	X		
NOT SPECIFIED							X	X
LOT COVERAGE 50%	X	X	X	X	X	X		
DENSITY PER NET ACRE 8 DU	X							
12 DU		X						
20 DU			X	X	X	X		
DENSITY BONUS PERMITTED (PER STATE LAW)	X	X	X	X	X	X		
PARKING RATIO PER UNIT	2	2	2	2	2	2		

**TABLE D-3**  
**Zoning District Comparison to Land Use Designation – Residential Density**

<b>ZONE DISTRICT</b>	<b>LOW TO MEDIUM DENSITY RESIDENTIAL (0-12 UNITS/NET ACRE)</b>	<b>MEDIUM TO HIGH DENSITY RESIDENTIAL (0-20 UNITS/NET ACRE)</b>	<b>COMMERCIAL (C-1, C-2, CM)</b>	<b>INDUSTRIAL (M-1, M-2)</b>
<b>R-1</b>	X	X	X	
<b>R-2</b>	X	X	X	
<b>R-3</b>		X	X	
<b>C-1</b>		X		
<b>C-2</b>		X		
<b>C-M</b>		X		
<b>M-1</b>				X
<b>M-2</b>				X

## Other Development Standards

The City's development standards do not unduly constrain housing or restrict the ability of affordable housing providers to construct housing for very low- or low-income households. Yard, setback, and open space requirements are generally modest. Height limits are reasonable to achieve permitted densities in the City's residential zones. The City's parking requirements for multifamily housing (two parking spaces per unit) could pose a constraint to the construction of affordable housing for lower-income seniors, persons with disabilities, and small households. A program to allow for reduced parking for studio, one-bedroom, and small two-bedroom units in affordable housing developments could address this constraint.

The City's development standards are summarized below.

### Yards and Open Space:

#### Single-Family Residential District R-1 Zone

- Front yard – 10 feet minimum
- Interior Lot: Side, rear yard – five feet
- Corner Lot:: Front and side yards – 15 feet minimum; portions with vehicle opening – 20 feet minimum toward which the opening faces

#### Duplex Residential District R-2 Zone

- Front yard – 15 feet minimum
- Interior Lot: Side, rear yard – five feet
- Corner Lot:: Front and side yards – 15 feet minimum; portions with vehicle opening – 20 feet minimum toward which the opening faces
- All multiple residential uses of two or more dwelling units on one lot require a fenced open space of at least 50 square feet per unit with a minimum area of 300 square feet. This area shall have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than 50 units) this required open space shall be in one location.

#### Multiple-Family Residential District R-3 Zone

- For single-family dwellings, duplexes and triplexes in this zone, setbacks are the same as in R-2.
- For other than the aforementioned three types of residential structures, the minimum setback of a building adjacent to a public right-of-way shall be 15 feet and shall be determined by a 60° vertical angle beginning at the edge of the right-of-way and extending onto the property.
- For other than the aforementioned three types of residential structures, setbacks for buildings adjacent to residential districts is 25 feet minimum, measured as 60° vertical angle beginning at the property line and extending onto the property.
- A landscaping plan is required for all proposed land uses except single-family dwellings, duplexes, and triplexes to be approved administratively the Building and Planning Manager.

## Building Height:

### Single-Family Residential District R-1 Zone and Duplex Residential District R-2 Zone

- 35 feet maximum (dwellings and other main buildings)
- 15 feet maximum (accessory buildings)

### Multiple-Family Residential District R-3 Zone

- Three stories maximum but in no case to exceed 45 feet (dwellings and other main buildings)
- 15 feet maximum (accessory buildings)

The City's setback and height standards are typical of other communities similar to Riverbank and do not pose any strenuous constraints to affordable housing development.

## Parking:

Single-family (including manufactured): Two-car garage, minimum width of 18 feet and depth of 19 feet six inches in the direction of travel. No appliance or other objects may intrude into the garage space area.

Single-family/manufactured FmHA: (housing financed through FmHA) One 1-car garage and one additional off-street parking space which may be located adjacent to the driveway.

Multiple-dwelling: Two spaces per unit covered or uncovered.

Senior development: One and a half spaces per unit covered or uncovered.

Rooming or boarding house: One space per every 300 square feet of ground floor area. Spaces inside a garage may be counted toward meeting the requirement.

Mobile Home Parks: Two spaces per home plus one visitor parking space per every five mobile home spaces. Excluding visitor parking, the spaces may be constructed in tandem.

These parking standards are typical when compared to most cities in California and do not pose any strenuous constraints to affordable housing development. In 2015, the City established parking standards for mixed use developments, including allowing for off-site and shared parking as a means to reduce the overall number of parking spaces required per unit. Commercial and Residential uses may share parking which will assist in the reduction of the parking area as a whole. However, with only one (1) standard for multi-family sites at two (2) spaces per unit, smaller multi-family projects may be negatively impacted by this requirement. As such, Program 3.1d has been to the 2014-2023 Housing Element for the City to review and amend the zoning code to reduce the parking standards for multi-family projects in the R-2 and R-3 zone as follows

- Zero to one (1) bedroom: one onsite parking space;
- Two to three bedrooms: one and a half parking spaces; and
- Four or more bedrooms: two and one half onsite parking spaces.

The City shall provide this information at the planning counter, on the City's website and in other public spaces to increase awareness.

In addition, the City will review the Zoning Code annually to determine if any amendments need to be made to the Parking standards for multi-family and special housing, to reduce constraints to multi-family housing development.



**APPENDIX E**  
**EXACTIONS AND PROCESSING FEES**

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## **APPENDIX E**

### **Exactions and Processing Fees**

#### **FEES, EXACTIONS AND PROCESSING**

---

The City of Riverbank Public Facilities Fees identifies the fee basis and structure as applied to new construction.

A public facilities fee will be charged and paid at the time of issuance of a building permit for development. If a Mello-Roos District, assessment district, or other arrangement of such a nature has been made, only the portion of the fee applicable to the project may be adjusted by staff. The fee will be determined by the fee schedule in effect on the date the permit is issued.

The amount of the public facility fee will be adjusted from time to time. The availability of other funds, such as Mello-Roos and direct developer payment to construct projects included in the City of Riverbank Public Facility Plan may also affect the amount of fees to be paid.

Exemptions: The public facilities fees shall not be imposed on any of the following:

- Any alteration or addition to a residential structure, except to the extent that additional dwelling units are created.
- Any alteration or addition to a specific nonresidential structure if the square footage of the structure is increased less than ten percent, unless the alteration or addition changes the use of the structure to a higher density category or will result in the generation of additional peak hour trip ends.
- Any replacement or reconstruction of any residential, commercial or industrial development project that is damaged or destroyed as a result of a natural disaster as declared by the Governor.
- Any replacement of existing structures, in kind, if the applicant can prove that the structure of facility legally existed before the ordinance was effective.
- Any replacement, in kind, or structures damaged by fire, flooding, earthquake, etc.

The fees for the City of Riverbank are shown in Table E-1. The following application fee schedule applies to both Single-Family Dwellings and Multiple-Family Developments.

**TABLE E-1  
Application Fee Schedule – 2014  
Resolution No. 2014-063**

APPLICATION TYPE	FEE/DEPOSIT	FOOTNOTES
<b>ANNEXATION APPLICATION –</b> • ANNEXATION	\$ 4,000.00 DEPOSIT	1,2,3,5,6,7
<b>APPEAL</b>	\$1,000.00 FEE	*5
<b>ARCHITECTURE AND SITE PLAN REVIEW</b>	\$1,000.00 FEE	*5
<b>CERTIFICATE OF COMPLIANCE</b>	\$158.25	*5
<b>CONDITIONAL USE PERMIT</b>	\$2,000.00 FEE	*2,5
<b>CELLULAR TOWERS/ANTENNAS -</b> • ADMINISTRATIVE APPROVAL • CONDITIONAL USE PERMIT REQUIRED • LEASE AGREEMENT NOTE: APPLICANT TO PAY FULL COST OF PROCESSING AN APPLICATION	\$930.62 DEPOSIT \$1,094.11 DEPOSIT \$2,189.27 DEPOSIT	*2,5
<b>DEVELOPMENT AGREEMENT -</b> ANNUAL REVIEW OF DEVELOPMENT AGREEMENT	\$ 2,000.00 DEPOSIT \$2,189.27	*2,4,5
<b>DEPOSIT FOR CITY ATTORNEY</b>	\$547.06	*2
<b>DEPOSIT FOR CITY ENGINEER</b>	\$547.06	*2
<b>ENVIRONMENTAL REVIEW</b> • NEGATIVE DECLARATION • NEGATIVE DECLARATION WITH MMRP • ENVIRONMENTAL IMPACT REPORT  • <b>FISH AND GAME ENVIRONMENTAL FEES – WHICHEVER APPLIES TO YOUR APPLICATION. CHECK SHALL BE PAYABLE TO COUNTY CLERK RECORDER</b>	\$2,000.00 DEPOSIT \$2,000.00 DEPOSIT ACTUAL COST + DEPOSIT <b>\$57.00</b> <b>\$57 AND \$1,966.83 OR</b> <b>\$57 AND \$2,731.87</b>	*2,5,8
<b>FILE MAINTENANCE -</b> • COMMUNITY DEVELOPMENT DEPARTMENT FILE MAINTENANCE • CITY CLERK FILE MAINTENANCE • GENERAL PLAN MAP OR ZONING MAP OR BASE MAP MAINTENANCE	\$54.50 \$9.43 \$ 657.10	
<b>EXCEPTION TO SUBDIVISION STANDARDS</b>	\$497.80	*2,5
<b>GENERAL PLAN AMENDMENT</b>	\$ 2,000.00 DEPOSIT	*1,2,5,6,7
<b>LANDSCAPE REVIEW</b>	\$547.05	
<b>LOT LINE ADJUSTMENT</b>	\$500.00 PER LLA	*2,5,9
<b>PARCEL MAP -</b> • TENTATIVE PARCEL MAP	\$2,000.00 DEPOSIT	*1,2,5,6,7
<b>SUBDIVISION MAP –</b> • TENTATIVE SUBDIVISION MAP	\$2,000.00 DEPOSIT	*1,2,5,6,7
<b>TEMPORARY MOBILEHOME PERMIT -</b> • APPLICATION • PERMIT RENEWAL	\$273.53 \$98.51	*5
<b>TIME EXTENSION -</b>		*1,2,5

• TIME EXTENSION – OTHER (PD, PM, TM, CUP, ETC)	\$1,500.00 FEE	
<b>VARIANCE</b>	\$1,500.00 FEE	*1,2,5
<b>ZONE CHANGE -</b> • ZONE CHANGE TO OTHER ZONE DESIGNATION	\$2,000.00 DEPOSIT	*1,2,5,6,7
<b>ZONING ORDINANCE TEXT AMENDMENT</b>	\$1,051.14	*1,2,5
<b>OTHER SERVICES-</b> POST PLANNING APPLICATION PROJECT CONSULTATION RESEARCH FEE REQUIRING EXTENSIVE STAFF TIME	PUBLISHED RATES PUBLISHED RATES	10

**Footnotes**

1. Applicant may be required to provide a **traffic study** of impacts on roads.
2. Applicant must also pay City Attorney and City Engineering fees on an “at cost” basis.
3. Applicant must also pay the following: **a]** all election costs if one is necessary; **b]** LAFCO/State Board of Equalization filing fees; **c]** maps/legal descriptions that comply with LAFCO/State Board of Equalization Standards; **d]** \$295 if protest hearing is required.
4. Deposit of \$2,000 to cover costs of establishing Development Agreement. Upon adoption of Development Agreement, applicant shall deposit an additional \$2,089 to annual review. If deposit exceeds charges of review, applicant will be required to provide additional funds.
5. Applicant shall be required to pay a “file maintenance fee” (Community Development Department, City Clerk Files)
6. Applicant shall pay General Map Maintenance Fee
7. Applicant shall pay Zoning Map Maintenance Fee
8. All Environmental Assessments shall comply with Riverbank’s Municipal Code Section 32.79
9. \$500/00 Per Lot Line Adjusted, not per LLA Application
10. The Community Development Director shall determine the appropriate fee based on the staff time involved in the service or activity

Preliminary Fee Deposit; does not include contract/consultant service costs and indirect costs. The City Manager or Community Development Director may require a deposit or cost recovery agreement, based on the city’s estimate of the overall processing costs related to the application. If a deposit is required, the application shall not be deemed complete until the applicant provides the deposit, in cash or check, to the city.

The City of Riverbank adopted the following fees in addition to fees stated above:

**2015 SYSTEM DEVELOPMENT FEES**

Land Use Category	Water	Wastewater	Stormwater	Parks and Rec	Gen. Government Fee	Traffic <sup>(1)</sup>
<b>Residential (Fee per Unit)</b>						
Clustered Rural (RR)	\$13,495	\$5,023	\$7,632	\$3,442	\$1,246	\$3,486
Lower Density (LDR)	\$7,024	\$3,063	\$6,922	\$3,912	\$1,416	\$2,928
Medium Density (MDR)	\$6,743	\$2,558	\$2,794	\$3,353	\$1,213	\$2,580
Higher Density (HDR)	\$4,889	\$3,141	\$3,154	\$2,794	\$1,011	\$2,196
Mixed Use (Residential) (MU)	\$4,889	\$951	\$2,041	\$2,439	\$883	\$2,196
<b>Non-Residential (Fee per KSF)<sup>(2)</sup></b>						
Community Commercial (CC)	\$2,066	\$1,651	\$4,251	-	\$368	\$5,470
Mixed Use (Commercial) (MU)	\$2,078	\$1,661	\$4,220	-	\$367	\$5,470
Industrial/Business Park (I/BP)	\$2,058	\$1,402	\$4,159	-	\$270	\$3,447
Office (MU)	\$2,027	\$1,289	\$4,081	-	\$506	\$5,655
Regional Commercial (CC)	-	-	-	-	-	\$5,695

(1) Higher Density includes HDR and MU, Commercial includes CC and MU.  
(2) KSF = per 1,000 square feet of building space

## STANISLAUS COUNTY DEVELOPMENT FEES

The City of Riverbank has entered into an inter-agency agreement with Stanislaus County to collect the Stanislaus County Development Fees. The following fee schedule was effective July 20, 2010.

SINGLE-FAMILY	MULTI-FAMILY	SENIOR HOUSING
\$7,072.00/UNIT	\$4,597.00/UNIT	\$4,597.00/UNIT

The following table identifies the hypothetical fees that would be collected for a new 1,500 square foot plan with a valuation of \$108,196. These fees would be approximately \$32,337.00 for a Single-Family Dwelling and \$21,782.00 for a Multifamily Unit, with the following fee breakdown:

- City of Riverbank System Development Fee (per unit): \$25,265.00 SFD (LDR); \$17,185.00 MF (HDR)
- Stanislaus County System Development Fee (per unit): \$7,072.00 SFD; \$4,597.00 MF
- Permit fees (per unit): \$1,039.67 SFD/MF
- Application fees (per development): \$0.00 SFD and \$3,000.00 (Arch and Site Plan Review and IS/Negative Declaration) MF
- Land Costs: \$65,000.00 for a finished lot

This represents about 19.3 percent of the total development cost for a single-family unit and 13.2 percent for a multifamily unit.

### PROPORTION OF FEES IN OVERALL DEVELOPMENT COST FOR A TYPICAL RESIDENTIAL DEVELOPMENT

Development Cost for Typical Unit	New Single-Family	New Multifamily
Total estimated fees per unit	\$33,376.67	\$22,821.67 (+ \$3,000 per development)
Typical estimated cost of development per unit	\$173,196.00	\$173,196.00
Estimated proportion of fee cost to overall development cost per unit	19.3%	13.2%

**APPENDIX F**  
**OVERPAYMENT CALCULATION**

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**APPENDIX F**  
**Overpayment Calculation**  
**For Very Low- and Lower Income Owner and Rental**  
**Households Overpaying for Housing – 2013**

<b>STANISLAUS COUNTY - 2014</b>	
<i>Median Household Income in Stanislaus County</i>	\$52,720
<i>Lower Income Households:</i> Those at or below 80% of the Median Income	\$42,176
<i>Overpayment:</i> Total Lower Income Owner & Renter Households paying more than 30% of Household Income for Housing Costs.	> \$12,652 ( >\$1,054/month)
<i>Severe Overpayment:</i> Total Lower Income Owner & Renter Households paying more than 50% of Household Income for Housing Costs.	> \$21,088 ( >\$1,757/month)

**SOURCE:** HUD Median Income Limits, 2014.

<b>CITY OF RIVERBANK - 2013</b>	
<i>Median Household Income in Riverbank</i>	\$59,925
<i>Lower Income Households:</i> Those at or below 80% of the Median Income	\$47,940
<i>Overpayment:</i> Total Lower Income Owner & Renter Households paying more than 30% of Household Income for Housing Costs.	> \$14,382 ( >\$1,198/month)
<i>Severe Overpayment:</i> Total Lower Income Owner & Renter Households paying more than 50% of Household Income for Housing Costs.	> \$23,970 ( >\$1,997/month)

**SOURCE:** U.S. Census Bureau, 2011-2013 American Community Survey, B19013: Median Household Income

**SPECIFIED RENTER HOUSING UNITS, CITY OF RIVERBANK – 2013**

<b>HOUSEHOLD INCOME BY GROSS RENT AS A PERCENT OF INCOME</b>							
<b>Rents as % of Income</b>	<b>&lt; 20%</b>	<b>20 – 24%</b>	<b>25 – 29%</b>	<b>30 – 34%</b>	<b>35% +</b>	<b>Not Computed</b>	<b>Total</b>
< \$10,000	0	0	4	0	78	19	101
\$10,000 - \$19,999	0	0	66	52	307	0	425
\$20,000 - \$34,999	0	48	0	37	371	12	468
\$35,000 - \$49,999	19	106	122	44	154	15	460
\$50,000 – \$74,999	47	89	61	29	0	0	226
\$75,000 - \$99,999	82	45	0	25	0	0	152
\$100,000 +	140	49	0	0	0	26	215
							2,047

**SOURCE:** U.S. Census Bureau, 2009-2013 American Community Survey, Table B25074, Household Income by Gross Rent as a Percentage of Household Income in the Past 12 Months

**SPECIFIED OWNER HOUSING UNITS, CITY OF RIVERBANK – 2013**

<b>HOUSEHOLD INCOME BY SELECTED MONTHLY OWNER COSTS AS A PERCENT OF INCOME</b>				
<b>Owner Costs as % of Income</b>	<b>Less than 30%</b>	<b>30% or More</b>	<b>Not Computed</b>	<b>Total</b>
< \$10,000	6	91	9	106
\$10,000 - \$19,999	49	162	0	211
\$20,000 - \$34,999	284	411	0	695
\$35,000 - \$49,999	255	327	0	582
\$50,000 – \$74,999	653	382	0	1,035
\$75,000 - \$99,999	330	316	0	646
\$100,000 +	1,248	61	0	1,309
				<b>4,584</b>

**SOURCE:** U.S. Census Bureau, 2009-2013 American Community Survey, Table C25095: Household Income by Selected Monthly Owner Costs as a Percentage of Income in the Past 12 Months

<b>CALCULATIONS FOR TOTAL LOW INCOME HOUSEHOLDS OVERPAYING</b>		
	<i>RENTERS</i>	<i>OWNERS</i>
<i>Step 1:</i> Number of Low Income Households with Incomes Between 0 and \$34,999 Overpaying	845	477
<i>Step 2:</i> All households in \$35,000 to \$49,999 Income Range Overpaying	198	327
<i>Step 3A:</i> Difference between Upper figures in \$35-\$49,999 range and 0-\$34,999 range	\$15,000	\$15,000
<i>Step 3B:</i> Difference between Low Income Limits and Upper figure in 0-\$34,999 range	\$12,941	\$12,941
<i>Step 3C:</i> Proportion of Income Range below the Low Income Limits	0.049	0.049
<i>Step 3D:</i> Multiply all Households in the \$35,000-\$49,999 Income Range by the proportion in Step 3C	22.54	28.52
<i>Step 4:</i> Total Number	867	692

**APPENDIX G**  
**DEFINITIONS**

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## **APPENDIX G**

### **Definitions**

Constraints - potential and actual governmental and non-governmental hindrances to the maintenance, improvement, and development of housing for all income levels.

County - the unincorporated areas of Stanislaus County over which the County governing body maintains jurisdictional control.

Countywide - the incorporated and unincorporated portions of Stanislaus County.

Deteriorating - Refers to housing units which needs more repair than would be provided in the course of regular maintenance and indicates lack of proper upkeep. Such defects would classify a unit as deteriorating: holes, open cracks, missing materials (over a small area), windows not rain or wind proof, missing bricks, broken, or loose railing.

Dilapidated - refers to a housing unit which no longer provides safe and adequate shelter. The defects are so critical that the unit should be either extensively repaired, or rebuilt, or torn down. Such defects would classify a unit as dilapidated: holes, open cracks, missing materials (over a large area), and substantial sagging of floors, walls or roof, extensive damage due to storm, fire, or flood.

Disability - a physical or mental problem lasting six months or longer.

Elderly - people of the age 62 years or older.

Fair-Share Allocation Plan - a provision of the 1977 Housing and Community Development Housing Element Guidelines which assigned the regional councils of governments to determine the responsibility of each local jurisdiction within the region to address the housing needs of all economic sectors of the population.

Farm Worker - those regular or full-time farm laborers employed for more than 150 days annually and those seasonal or migrant farm laborers who travel more than 50 miles across County lines to obtain agricultural employment and reside in the County approximately six months of the year.

Handicapped - refers to individuals with a physical or mental disability.

Household - refers to all persons occupying a dwelling unit.

Large Family - a family comprising of four or more people.

Lower Income - refers to very low- and low- income groups.

Very Low, Low, and Moderate Income - very low income refers to households that earn 50 percent or less of the median County income; low income refers to households earning 51-80 percent of the median County income; and moderate income refers to households earning 81-120 percent of the median County income level.

Multiple-Family Units - refers to occupied owner and rental multiple unit dwellings ranging in size from duplexes to large apartment complexes containing many units.

Need - the summation of new units, rehabilitated units, and rental units which would be required to enable all lower and moderate income households in the unincorporated areas of the County to be adequately housed.

Overcrowded - refers to households in which there is less than one room per person.

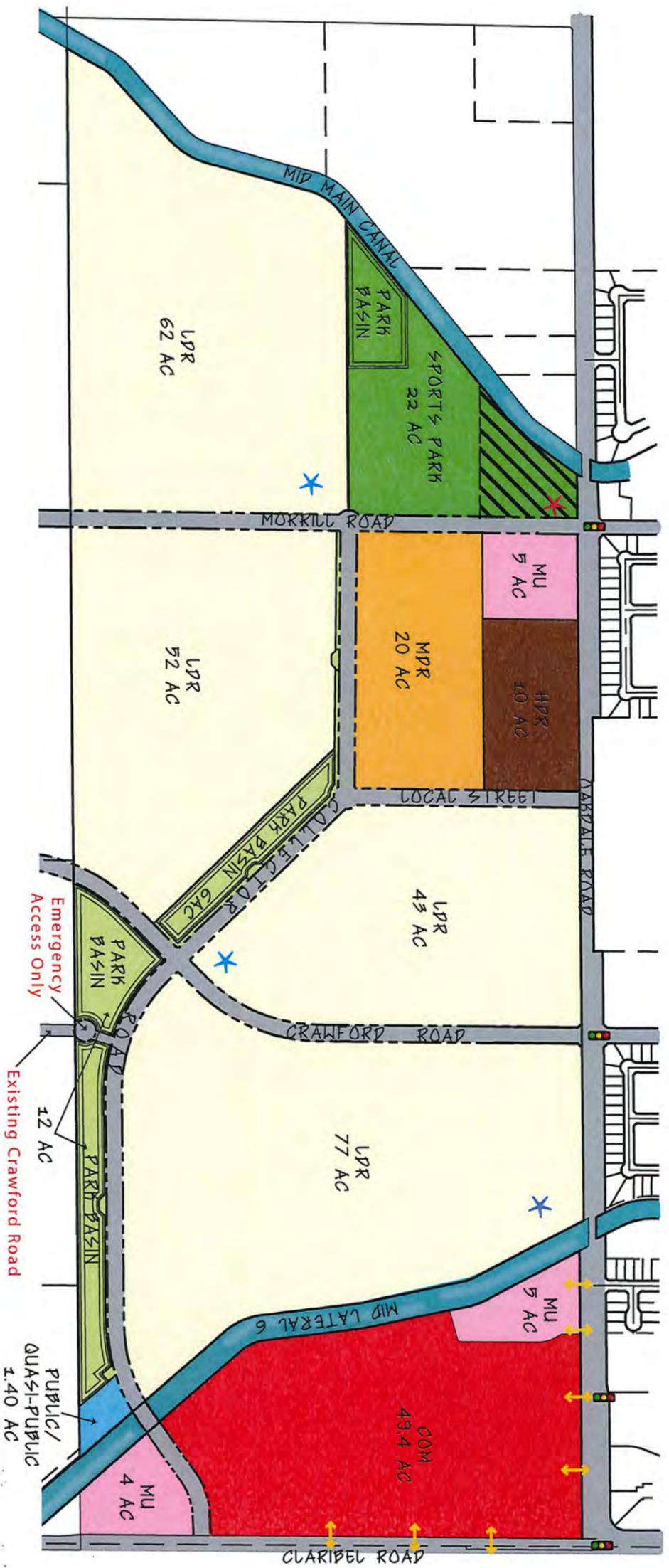
Single Family Unit - refers to owner and renter occupied single, detached, and attached units.

Total Housing Stock - refers to three basic categories of housing types: (1) single-family units; (2) multiple- family units; and (3) mobile homes.

**APPENDIX H**  
**CROSSROADS WEST CONCEPTUAL LAND USE PLAN**

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### LAND USE DATA

Land Use Category	Acres	DU's
LOW-DENSITY RESIDENTIAL (LDR) - 0-8 DU/Acre <sup>3</sup>	234	1872
MEDIUM DENSITY RESIDENTIAL (MDR) - 8-16 DU/Acre	20	320
HIGH DENSITY RESIDENTIAL (HDR) - 16+ DU/Acre	10	300
SPORTS PARK	22	-
MIXED USE (MU)	14	-
COMMERCIAL	49.4	-
PUBLIC/QUASI-PUBLIC	1.4	-
PARK BASIN	18	-
COLLECTORS AND LOCAL STREET	21.6	-
<b>TOTAL</b>	<b>390.4<sup>1</sup></b>	<b>2,492</b>

### LEGEND/NOTES

- ↔ ACCESS POINTS
- 🚦 EXISTING TRAFFIC SIGNAL
- ★ SCHOOL<sup>3</sup>
- ★ FIRE STATION (1 acre included within Sports Park)
- ★ ACTIVE ADULT<sup>2</sup>
- /// HDR Underlying Zone (4.9 acres)

- NOTES:**
- <sup>1</sup> Total acreage does not include the existing Right-of-Ways for the MID Main Canal, Oakdale Road, MID Lateral 6, or Claribel Road
  - <sup>2</sup> Active Adult is allowed anywhere within the LDR zoning designation
  - <sup>3</sup> The School locations are placeholders within the LDR zone. The School District indicated the potential for a Middle School (15-20 acres) and an Elementary School (10-12 acres) area within the plan



08.04.15



1117 L Street  
 Modesto, CA 95354  
 866.526.4214  
 www.mve.net

# CROSSROADS WEST CONCEPTUAL LAND USE PLAN

Riverbank, California

CROSSROADS WEST  
 DEVELOPER GROUP



## ◆ References ◆

California Association of Realtors

California Department of Housing and Community Development (HCD)

California Department of Housing and Urban Development (HUD)

California Labor Market Information

City of Riverbank Building Department

City of Riverbank Economic Development and Housing Department

City of Riverbank General Plan & EIR

City of Riverbank – 2009-2014 Housing Element

Department of Finance

Economic Development Department (EDD) Labor Market Information Division

Occupational Employment Statistics (OES)

Stanislaus Council of Governments (StanCOG) - Regional Housing Needs Allocation, 2014

Stanislaus County Housing Authority

State of the Cities Data Systems, CHAS Data

U.S. Census Bureau – 1990, 2000 and 2010 Summary Tape Files

U.S. Census Bureau – American Community Survey

**INITIAL STUDY /  
NEGATIVE DECLARATION**

for the

**CITY OF RIVERBANK**

**2014-2023 RIVERBANK HOUSING ELEMENT UPDATE**

**City of Riverbank**

December 2, 2015

Prepared for:

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

Prepared by:



## TABLE OF CONTENTS

	Page
<b>NEGATIVE DECLARATION</b>	<b>1</b>
<b>SECTION 1.0 INTRODUCTION</b>	<b>16</b>
<b>SECTION 2.0 EVALUATION INSTRUCTIONS</b>	<b>19</b>
<b>SECTION 3.0 INITIAL STUDY CHECKLIST</b>	<b>21</b>
1. Aesthetics	21
2. Agriculture and Forestry Resources	22
3. Air Quality	24
4. Biological Resources	28
5. Cultural Resources	30
6. Geology and Soils	31
7. Greenhouse Gas Emissions	33
8. Hazards and Hazardous Materials	35
9. Hydrology and Water Quality	38
10. Land Use and Planning	41
11. Mineral Resources	43
12. Noise	44
13. Population and Housing	46
14. Public Services	48
15. Recreation	50
16. Transportation/Traffic	51
17. Utilities and Service Systems	53
18. Mandatory Findings of Significance	55
<b>SECTION 4.0 REFERENCES</b>	<b>57</b>

## NEGATIVE DECLARATION

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

### PROJECT NAME:

2014-2023 Housing Element Update

### PROJECT PROPONENT AND LEAD AGENCY:

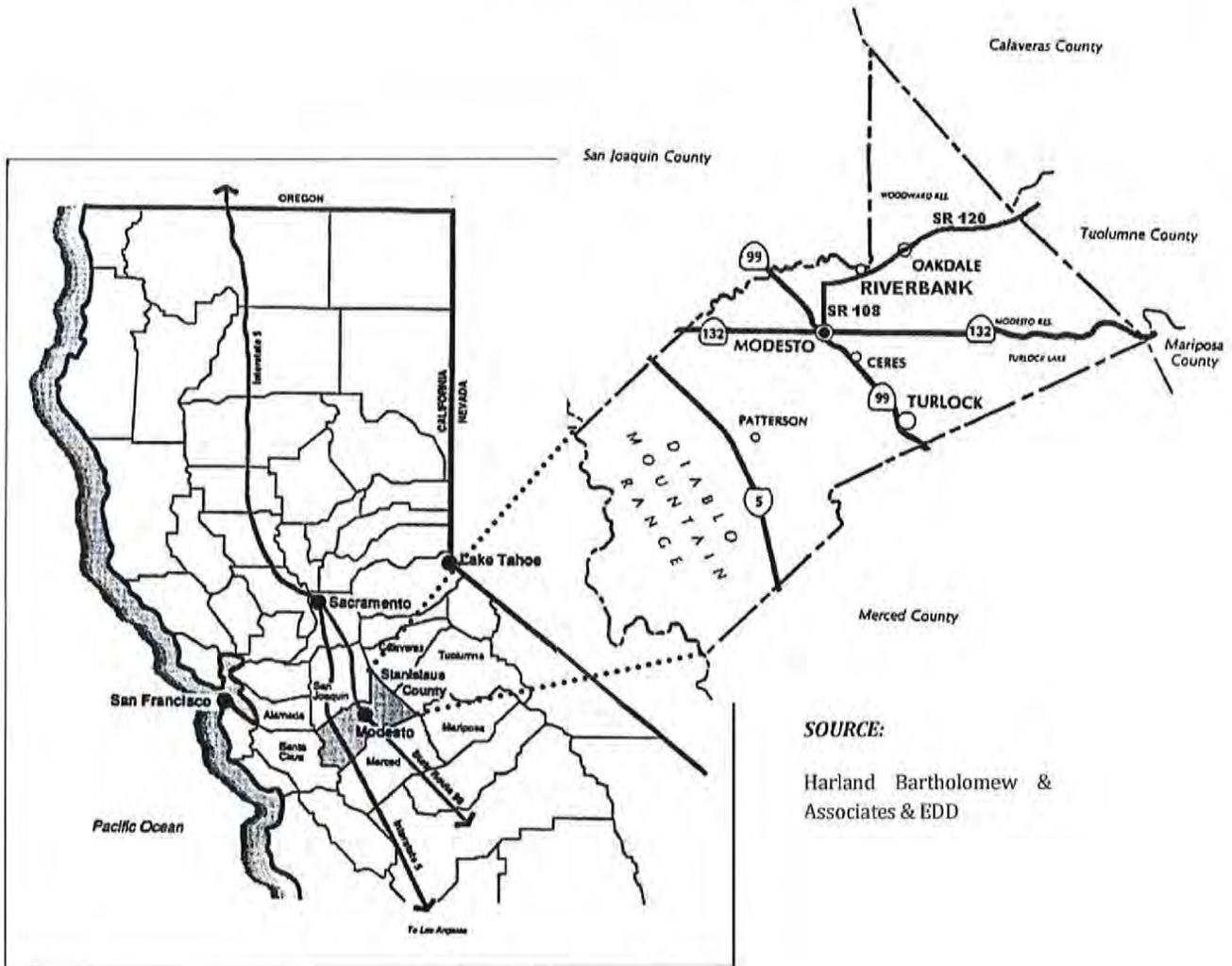
Project Proponent: City of Riverbank  
6707 3<sup>rd</sup> Street  
Riverbank, California 95367

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

### PROJECT LOCATION:

The City of Riverbank is located in Stanislaus County (County), in the San Joaquin Valley of the State of California. Stanislaus County is bordered by Tuolumne County to the east, portions of San Joaquin and Alameda Counties to the west, San Joaquin County to the north, and Merced County to the south. Figure - 1, Location Map, has been included to illustrate the City's location and boundary.

Figure 1 - Location Map



SOURCE:  
Harland Bartholomew &  
Associates & EDD

## PROJECT DESCRIPTION:

The 2014-2023 Housing Element is an update to the 2009-2014 Housing Element that was adopted by the City of Riverbank on August 24, 2009. California State Law (Government Code Sections 65580 through 65589) mandates the contents of the Housing Element. The City of Riverbank's 2014-2023 Housing Element addresses State Law requirements and statutory regulations. Government Code §65583 requires that the Housing Element consist of the following components:

- A review of the previous Element's goals, policies, programs, and objectives to ascertain the effectiveness of each of these components, as well as the overall effectiveness of the Housing Element;
- An assessment of housing needs and an inventory of resources and constraints related to the meeting of these needs;
- An analysis and program for preserving assisted housing developments;
- A statement of community goals, quantified objectives, and policies relative to the preservation, improvement, and development of housing;
- A program which sets forth a schedule of actions that the City is undertaking or intends to undertake, in implementing the policies set forth in the Housing Element. The program must do all of the following:
  - a. Identify actions that will be taken to make adequate sites available to accommodate the City's share of the regional housing need, if the need could not be accommodated by the existing inventory of residential sites;
  - b. Assist in the development of adequate housing to meet the needs of extremely low, very low, low, and moderate income households;
  - c. Address and, where appropriate, remove governmental constraints to the maintenance, improvement, and development of housing;
  - d. Conserve and improve the condition of the existing affordable housing stock;
  - e. Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability; and,
  - f. Preserve assisted housing developments for lower income households.

The physical development of Riverbank is guided by the 2005-2025 General Plan (adopted April 22, 2009), and as part of the City's adopted General Plan. The Housing Element must include identification and analysis of existing and projected housing needs; an identification of resources and constraints to address its housing needs; and goals, policies, and implementation programs for adequate housing opportunities for all economic segments of the City.

The update of the Housing Element is necessary to ensure that housing policies properly address changing conditions as well as existing and projected housing needs. The Housing Element plans for and

guides development of affordable housing to address the needs of lower income households and special needs groups and minimizes, where possible, the impediments of production of affordable housing.

The City's 2014-2023 Housing Element is organized in nine (9) Sections; I – Introduction, II – Household & Employment Characteristics, III – Housing Stock Characteristics, IV – Housing Supply & Needs, V – Housing Production Opportunities, VI – Housing Production Constraints, VII – Housing Development Eligible to Change to Non-Low Income Units, VIII – Evaluation of Previous Housing Element, and IX – Housing Goals & Policies.

The 2014-2023 Housing Element contains the City's goals, policies, and proposed plan of actions to implement the City's housing program. The City's housing Goals, Policies, and Programs are identified below:

**GOAL 1: IDENTIFY ADEQUATE SITES TO PROVIDE FOR A SUFFICIENT NUMBER OF DWELLING UNITS TO MEET THE CITY'S REGIONAL HOUSING NEEDS.**

Policy 1.1: Ensure land use and zoning procedures accommodating to affordable housing.

Program 1.1a: The City shall designate sufficient land at various densities to allow for the construction of sufficient housing to meet its legally adopted HCD Regional Housing Need Allocation (RHNA) between 2014 and 2023. The City shall review, as needed, the amount of land designated for various residential uses in conjunction with the amount of and types of housing produced in the previous year to determine if any changes in the General Plan and Zoning Ordinance may be needed to meet the City's housing needs. A review of the supply of vacant land and development patterns over the preceding year will be incorporated into each annual evaluation of the City's implementation of the Housing Element programs. Since some of the land needed to meet the City's housing needs between 2014 and 2023 is outside the present City limits and Sphere of Influence, the City will have to amend its Sphere of Influence and annex this land before it can be developed. The City shall prezone enough land outside the current city limits to accommodate the remaining housing need. The City shall inform local developers and affected landowners of the prezoning action through a public outreach effort (i.e. direct mailings, website postings, etc.). The outreach effort should also seek to encourage developer interest in annexation of prezoned land by describing development characteristics.

Program 1.1b: In conjunction with Program 1.1a, the City shall maintain its vacant sites inventory by facilitating the development of the Crossroads West Specific Plan, and designate therein sufficient sites to accommodate the dwelling units identified in Table

V-4, and specifically, those sites designated for higher density development in order to meet the regional housing needs of lower income households. As of March 2015, the Crossroads West Specific Plan area is anticipated to be annexed into the City of Riverbank by 2017. Upon annexation, the City shall permit the development of sites designated for higher density development in accordance with Section 65583.2(h) and (i) of the Government Code, including permitting multi-family housing without discretionary review, or beyond what is typically required by the City. The City will also consider allowing additional density bonuses within the Crossroads West Specific Plan for affordable housing development projects that commit to providing Extremely Low-, Very Low-, and Low Income Housing. If the Crossroads West Specific Plan is not annexed by the end of the year, 2017, the City will take the following actions to identify and rezone, if necessary, higher density residential sites of equivalent capacity within 6-months to maintain a sufficient sites inventory to meet the City's Regional Housing Needs Allocation.

Program 1.1c: To meet the Unaccommodated Need from the 4<sup>th</sup> Cycle identified in the Program 1.1a and AB1233 Analysis located in Section VIII, the City will rezone the site(s) listed in Table VIII-7 and adopt a general plan amendment (if necessary). The site(s) will meet the following criteria:

- Can meet a minimum of 16 units;
  - Can meet a minimum density of 20 dwelling units per acre;
  - Rezone to a district that can permits residential uses only (by-right)
- Failure to rezone the site(s) to address the Unaccommodated Need from the 4<sup>th</sup> Cycle by the timeframe will result in Housing Element non-compliance.

Policy 1.2: Maintain an inventory of vacant and underutilized residential lands.

Program 1.2a: Track changes in land availability and accomplishments in multi-family development in order to determine if further rezoning is necessary to better facilitate high-density developments.

Program 1.2b: Update Geographical Information Systems (GIS) as changes to the land inventory occur. Provide this information to those interested in infill projects through updated layers viewable from the internet.

**GOAL 2: ENCOURAGE AND ASSIST IN THE DEVELOPMENT OF ADEQUATE HOUSING TO MEET THE NEEDS OF EXTREMELY LOW-, LOW- AND VERY LOW-INCOME HOUSEHOLDS.**

Policy 2.1: Implement a proactive approach to encourage and gain support for multi-family developments.

Program 2.1a: Seek assistance from non-profit developers, including Self-Help Enterprises and Habitat for Humanity to develop homes for lower-income families. The City will meet with non-profit developers to discuss available sites for affordable housing projects, potential funding sources, and actions the City can take to assist housing providers in obtaining funding.

Program 2.1b: Continue to assist developers of extremely low-, low- and very-low income housing in the grant preparation process to help fund their developments. Funding will be prioritized for the development of housing affordable to extremely low-income households. The City assists developers by expediting review and approval of development applications to meet funding deadlines and providing information needed to support funding requests.

Program 2.1c: Encourage developers to include second dwelling units in new subdivisions as well as a variety of higher density options. The City encourages developers to include second units by permitting such units without requiring additional lot area and allowing up to 50 percent lot coverage. The City permits such units by right in single-family subdivisions according to the requirements of State law.

Program 2.1d: Continue to distribute information on second units at the permit counter and post information on the City's website.

Program 2.1e: Assist in the development of housing for farmworkers. Actions will include assistance with site identification and support of applications for funding. The City shall provide technical assistance when needed, and continue to conduct pre-application conferences and meet with farm worker housing developers on an ongoing basis. Actions include:

- Post information on the Development Services website within 1-year of Housing Element adoption. Information includes a site inventory of available land (Program 2.1f), housing resources and grant information.
- Contact farmworker housing developers to determine interest and identify constraints to farmworker housing development within the City.

Program 2.1f The City will work with the agricultural community, housing providers and agricultural groups to develop and build year-round and seasonal agricultural worker housing. This will require an analysis of prime agricultural areas in the City to

identify suitable locations for at least 20 units of farmworker housing. Information gathered from this analysis shall be provided, in conjunction with Program 2.1e, to agricultural and affordable housing developers in a manner conducive to their use for developing the actual units. In addition, the City shall invite developers and local farmworker organizations to be involved in the Housing Element update and other housing related activities.

Program 2.1g: The City will update the uses permitted in the R-1 and R-2 Zone to include Transitional and Supportive Housing as a permitted use. Transitional and Supportive Housing shall be by-right and require no discretionary approval.

Program 2.1h: The City shall amend its Zoning Ordinance to comply with Health and Safety Act Sections 17021.5 and 17021.6 and permit Employee Housing/Farmworker Housing in the R-1 Zone. The amendment shall include the following:

- Amend Definitions (Section 153.003) to include Employee Housing
- Amend the Single Family Residential District R-1 zone to include Employee Housing for no more than 6 workers as a permitted use (Section 153.031).
- Amend the Single Family Residential District R-1 Zone to include Employee Housing with no more than 12 units or 36 beds as a permitted use Section 153.031).

Program 2.1i: The City shall refer residents to the Valley Mountain Regional Center for housing and services available for persons with developmental disabilities. Provide information on services on the City's website. As available, the City will pursue State and federal monies for direct support of housing construction and rehabilitation specifically targeted for housing for persons with developmental disabilities.

Program 2.1j: The City shall encourage housing development within the General Plan Infill Opportunity Area and specifically, sites designated Mixed Use. Housing development shall include housing for extremely low-, very-low, and low income group. Strategies to achieve new and infill housing include:

- Allow sites to be developed with stand-alone residential uses and densities of at least 20 dwelling units per acre, provided the development proposal includes an affordable housing component;
- In conjunction with Program 1.2a, the City shall keep an up-to-date inventory of vacant and underutilized sites within the Infill Opportunity Area; and
- Encourage affordable housing developers to, such as Habitat for Humanity to locate affordable housing projects within the Infill Opportunity Area.

Program 2.1k Regional cooperation with homeless needs. The City shall participate in the Stanislaus County Housing and Support Service Collaborative (SCHSCC) and the Continuum of Care to help address homeless needs in Riverbank and Stanislaus County. Actions include:

- Coordinate with the Stanislaus County Housing Authority on the Continuum of Care;
- Have a point of contact in Riverbank within the Development and/or Housing Department

Policy 2.2: Encourage revitalization and expansion of residential development and opportunities within the City's Downtown Specific Plan area.

Program 2.2a: To ensure that there is no net loss of residential development potential for the vacant sites designated Downtown Core, Mixed Use Neighborhood, and Downtown Neighborhood, as identified in the Downtown Specific Plan, the City shall encourage redevelopment in the Downtown area that results in a two to one replacement of any existing housing units displaced by redevelopment projects in the Downtown area.

Program 2.2b: In conjunction with Program 2.2a, the City shall coordinate with Developers and Non-Profit Housing Providers (i.e. Housing Authority of Stanislaus County, Stanislaus Habitat for Humanity, etc.) on the implementation of the Downtown Specific Plan. The City shall consider joint venture partnerships with developers and/or property owners to help facilitate land assembly, option agreements, and outright land purchase for projects consisting of attached single-family and multi-family residential for extremely low, very low, and low-income households within the Downtown Specific Plan area.

Program 2.2c: The City shall encourage the development of new housing of upper stories and mixed-use buildings in the Downtown Core area of the Downtown Specific Plan. Where feasible, City staff shall assist Property Owners and/or Developers in identifying sites suitable for upper story residential development, identifying Grant funding opportunities, and expedite permit processing through Community Development Department.

**GOAL 3: REDUCE OR REMOVE GOVERNMENT CONSTRAINTS.**

Policy 3.1: Promote efficient and creative alternatives to help reduce government constraints.

Program 3.1a: Continue to promote the use of Planned Development zones for developers who wish to deviate from setback, parking, or other standards which may limit their ability to develop at a desired density.

Program 3.1b: The City will waive fees for General Plan amendments intended solely to increase residential designations from low-to-medium density to medium-to-high density residential. The City will apply the fee waiver at the time of submittal of a complete application. The City will also defer fees for developments with units affordable to lower-income households until the time of first inspection or as established in a development agreement between the City and the project applicant. The City will promote its fee waiver program through distribution of a brochure at the permit counter, posting of information on the City's website, and distribution of information to the local building industry association.

Program 3.1c: Continue to utilize computer software to help fast-track building permits, saving both developer and staff time.

Program 3.1d: As parking requirements are a common constraint throughout the State of California, the City shall consider reduced parking standards (inclusive of guest parking) for multifamily uses in the R-2 and R-3 zones as follows:

- Zero to one (1) bedroom: one onsite parking space;
- Two to three bedrooms: one and a half onsite parking spaces; and
- Four or more bedrooms: two and one half onsite parking spaces.

The City shall provide this information at the planning counter, on the City's website and in other public spaces to increase awareness.

In addition, the City will review the Zoning Code annually to determine if any amendments need to be made to the Parking standards for multi-family and special housing, to reduce constraints to multi-family housing development.

Program 3.1e: Amend the Section 150.30: System Development Fees of the Riverbank Municipal Code to provide provisions for the Deferral of System Development Fees. Deferral of Fees are to be approved by the City Council and shall require a deposit, payment of an administrative expense, and payment of a reasonable rate of interest for the portion of the fee which is deferred.

Program 3.1f In accordance with Government Code Section 65589.7, immediately following City Council adoption, the city must deliver to all public agencies or private entities that provide water and sewer services to properties within Riverbank a copy of the 2014-2023 Housing Element. The City of Riverbank provides water and sewer services to all residents and businesses within the City. As such, a copy of the adopted 2014-2023 Housing Element will be provided to the applicable Department(s) within 30-days.

Program 3.1g: Affordable housing developers often face constraints to developing affordable housing projects. One way the City can assist such developers is by providing fast-track/priority processing for low-income and special needs housing projects. This service can encourage affordable housing development by allowing developers to go through the approval and permitting process quicker keeping costs down and units affordable. It is important that following the construction of the project that units are monitored to ensure that subsequent tenants are households with special needs and/or lower income:

- Assign a primary contact for priority housing developments to assist with all necessary entitlement and assist navigating various local departments;
- Hold pre-application development conferences; and
- Provide information about permit streamlining at the planning counter, on the City's website and in other public places to increase awareness.

**GOAL 4: CONSERVE AND IMPROVE THE CONDITION OF EXISTING AFFORDABLE HOUSING STOCK.**

Policy 4.1: Increase rehabilitation efforts.

Program 4.1a: Continue to actively seek State and federal funding for the rehabilitation of homes. The City will consider annual applications for State CDBG, HOME, and Multi-family Housing Program funds depending on the need for additional funds and the City's ability to expend funds in a timely manner.

Program 4.1b: Maintain database of housing conditions and rehabilitation projects to track accomplishments and assist in future goals.

Program 4.1c: The City will conduct a Housing Condition Survey. This Housing Condition Survey will follow HCD Guidelines for conducting a Housing Condition Survey. Results of the survey are to be published on the City's website and, as a result of the

survey, the City will assist the Stanislaus County Housing Authority in rehabilitation and targeted efforts. Actions to be take following the results of the Survey include but are not limited to:

- Apply for HOME and CDBG grant funds for rehabilitation projects identified as part of the Survey; and
- Contact homeowners identified in the Survey as having a home qualifying for the rehabilitation program.

Policy 4.2: Preserve current multi-family sites.

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

- The City shall evaluate and make a written determination on the site constraints as a result of a proposed subdivided site currently zoned high-density residential.

Program 4.2b: Monitor any units which may be deemed at-risk for conversion into market-rate housing. Ensure that any loss to the housing stock for lower income households is properly mitigated.

**GOAL 5: PROMOTE HOUSING OPPORTUNITIES FOR ALL PERSONS REGARDLESS OF RACE, RELIGION, SEX, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, COLOR, FAMILIAL STATUS, OR DISABILITY**

Policy 5.1: Make programs and information available to all persons.

Program 5.1a: The City will continue to promote equal housing opportunity for all persons regardless of race, religion, sex, marital status, ancestry, nation origin, or color by supporting efforts of community groups that provide counseling, investigatory, legal, or referral services to victims of discrimination. Specifically, the City will:

- Disseminate information in a variety of ways (including brochures, mailings, websites, newspaper ads, etc in both English and Spanish) regarding rehabilitation and first-time home buyer programs.
- Maintain information on State and federal fair housing laws at the Community Development Department and other public places for public distribution (such as the Riverbank branch of the Stanislaus County Public Library, the Riverbank Community Center, and City Hall);

- Train City staff at the public counter to refer victims of housing discrimination to the appropriate agency (local legal services organization, the Stanislaus County District Attorney's Office, the State Fair Employment and Housing Commission, or the U.S. Department of Housing and Urban Development);
- Seek the cooperation of the local home builders association, Realtor association and lenders in disseminating fair housing information; and,
- Identify an annual community event such as a fair housing day or as part of another community event at which fair housing information can be distributed.

Program 5.1b: To promote continued opportunity for public engagement, the City shall conduct an annual Housing Element review. Provide opportunities for public engagement and discussion in conjunction with the State requirement of written review of the General Plan by April 1 of each year (per Government Code Section 65400). Use the Planning Commission and City Council as an avenue for public input on housing issues and housing element implementation. Notices shall be prepared in English and Spanish and be published in a newspaper of general circulation and posted at City Hall North and South. Website and social media notification shall be encouraged. To ensure General Plan Consistency between the Housing Element and the other Elements of the General Plan the City shall, in addition to the requirements above, complete the following:

- Maintain the Draft General Plan Housing Element Review on the City's Website;
- Develop an evaluation matrix to determine the consistency between the Housing Element policies and programs and the other Elements of the General Plan.

Program 5.1c: To promote Public Participation in the Housing Element update process, the City shall utilize the following actions, including:

- As noted in Program 5.1b, Public Notices for Housing Element Public Workshops shall be posted in English and Spanish and posted at various locations within the City including affordable housing developments, churches, schools, Community Center as well as the City's website and social media (Facebook);
- The City shall partner with local Churches to present and solicit input on affordable housing within the City;
- Public Notices for activities related to the Housing Element shall be delivered in the Monthly water bill. Notices shall be printed in English and Spanish.

**GOAL 6: PROMOTE ENERGY CONSERVATION**

Policy 6.1: Continue to implement state energy-efficient standards.

Program 6.1a: Continue to implement state energy-efficient standards, including the addition of energy-efficient conditions to planned development approvals.

Policy 6.2: Include energy conservation guidelines as part of the development standards for the specific plan area.

Program 6.2a: Continue to include energy conservation guidelines as part of development standards in new developments.

Policy 6.3: Provide weatherization assistance to low-income households.

Program 6.3a: Continue to include weatherization as a typical repair in the City's housing rehabilitation program.

### ***City's Regional Housing Needs Allocation (RHNA)***

The Stanislaus Council of Governments (StanCOG), as required by State Law, has determined the City's projected share of the regional housing needs. These allocations are contained in StanCOG's Regional Housing Needs Allocation Plan, dated June 2014, which covers a nine year time-frame (January 1, 2014 to September 30, 2023). The City's share of the 2014-2023 RHNA is 1,280 residential units, 527 of which are projected for lower income households (i.e. Extremely Low, Very Low, and Low-Income).

The inventory of land contained in Section V – Housing Production Opportunities, contains an inventory of sites available for residential development and housing opportunities for all economic segments of the City. The inventory concluded the City has the potential to accommodate 843 residential units (using an average density) on lands currently designated for Residential Land Uses and within its Sphere of Influence (SOI). For available lands outside the City limits and within the SOI (consisting of approximately 458 acres), there is a potential to support 2,115 single family units and 1,780 multi-family units based on the realistic densities. At maximum densities, the land could potentially support 4,842 residential units.

The following is a brief description of the available sites per residential land use designation of the City's 2005-2025 General Plan:

- Land designated Low Density Residential (LDR):

Within the City limits, the LDR land use designation provides an average density of 7.5 d.u./ac. Table V-1 of 2014-2023 Housing Element indicates there is approximately 64.72 acres (gross) of LDR within the City's existing City Limits which could realistically supply 485 units. As shown in Table V-2, there are approximately 36.79 acres (gross) of underutilized sites, which can realistically accommodate 276 units at an average density of 7.5 d.u./ac.

- Land designated Medium Density Residential (MDR):

Within the City limits, the MDR land use designation provides an average density of 10 d.u./ac. Table V-1 of the 2014-2023 Housing Element indicates there is approximately 13.99 acres (gross) within the City's existing City Limits which could accommodate 140 units. As shown in Table V-2, there is approximately 1.01 acres (gross) of underutilized sites, which can realistically accommodate 10 units at an average density of 10 d.u./ac. In addition, there is approximately 0.22 acres (gross) within the Downtown Specific Plan, which can realistically accommodate 2 units at an average density of 10 d.u./ac.

- Land designated Higher Density Residential (HDR):

Within the City limits, the HDR land use designation provides a default density of 20 d.u./ac. Table V-1 of the 2014-2023 Housing Element indicates there is approximately 5.63 acres (gross) within the City's existing City Limits which could accommodate 113 units. As shown in Table V-2, there is approximately 13.38 acres (gross) of underutilized sites, which could realistically supply 268 dwelling units at a default density of 20 d.u./ac. In addition, there is approximately 0.55 acres (gross) within the Downtown Specific Plan, which can realistically accommodate 11 units at a default density of 20 d.u./ac.

In addition, the City's 2005-2025 General Plan allows residential units within the Mixed Use (MU) land use designation. Table V-4 indicates that land within the City's Downtown Specific Plan designated for MU land uses can accommodate up to 574 dwelling units.

In total, the City has the land available within its existing City Limits and Sphere of Influence to accommodate its total allocated RHNA with a surplus of 2,349 dwelling units. The 2014-2023 Housing Element does not require modifications to the land use designations contemplated in the City's 2005-2025 General Plan in order to achieve this capacity.

## **ENVIRONMENTAL DETERMINATION:**

This document is an Initial Study/Negative Declaration (IS/ND) prepared in accordance with the California Environmental Quality Act (CEQA) for the proposed 2014-2023 Housing Element. The IS/ND tiers from the City's Environmental Impact Report (EIR) prepared for the 2005-2025 General Plan. As discussed in Section 15152 of the CEQA Guidelines, "tiering refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIR's and negative declarations on narrower project; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project." Tiering is generally appropriate when, "...the sequence of analysis is from an EIR prepared for a general plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration..." Consequently, because the Housing Element Update would not result in alterations of the land uses evaluated in the 2005-2025 General Plan EIR, and instead, merely addresses updated policies to meet the revised Regional Housing Needs Allocation, the tiering process is appropriate in this situation.

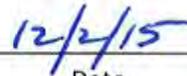
**MITIGATION MEASURES:**

This project will have not have a significant effect on the environment, thus will require no mitigation measures.

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

 for

Donna Kenney, Planning & Building Manager



Date

## **SECTION 1.0**

## **INTRODUCTION**

### **PROJECT TITLE**

2014-2023 Housing Element Update

### **LEAD AGENCY NAME AND ADDRESS**

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

### **CONTACT PERSON AND PHONE NUMBER**

Donna Kenney, Planning & Building Manager  
(209) 863-7120  
dkenney@riverbank.org

### **PROJECT SPONSOR'S NAME AND ADDRESS**

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

### **PROJECT LOCATION AND SETTING**

The proposed project location is City-Wide.

### **GENERAL PLAN AND ZONING DESIGNATIONS**

The project's General Plan and Zoning Designations vary as the proposed project location is City-Wide.

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

The California Department of Housing and Community Development (HCD) is required by State Housing Element Law to review housing elements and report written findings to local governments. If HCD finds the housing is in full compliance with State Law, HCD provides its "certification" of the element.

However, it is important to note that HCD approval of the 2014-2023 Housing Element Initial Study/Negative Declaration is not required.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**LEAD AGENCY DETERMINATION:**

On the basis of this initial evaluation:

X	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.
	
_____ <b>Donna Kenney, Planning &amp; Building Manager</b>	for  _____ <b>Date</b>
	_____ <b>12/2/15</b>

## SECTION 2.0 EVALUATION INSTRUCTIONS:

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

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

## SECTION 3.0

## INITIAL STUDY CHECKLIST

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

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

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

### ***DISCUSSION:***

I-a-d) The Housing Element Update identifies a need for 1,280 additional housing units during the nine year RHNA planning period (2014-2023). This level of development is consistent with what was planned for under the 2005-2025 General Plan Land Use Element and no change to land use types or intensity is proposed. As noted in the Project Description, adoption of the Housing Element Update would not allow or approve specific development projects. Consequently, the proposed project would not directly create new sources of light or glare that would adversely affect day or night-time views in areas of the City. Any new residential development within the City would be required to comply with the policies outlined in the 2005-2025 General Plan, and be subject to site-specific CEQA analysis where the appropriate design review, standards, conditions, and mitigation measures would be determined at that time. Therefore, the Housing Element Update alone would not directly result in physical changes in the City and would not degrade the existing visual character or quality of the City. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

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

Mitigation is not required for this topic.

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

**DISCUSSION:**

II-a) The most recent data (2014) from the California Department of Conservation’s Farmland Mapping and Monitoring Program reports there are approximately 252,700 acres of Prime Farmland, 105,630 acres of Unique Farmland, and 32,182 acres of Farmland of Statewide Importance in Stanislaus County, of which a large majority is contained outside of the urban areas such as Riverbank. Adoption of the Housing Element will not result in any specific project development that could result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. All new residential development projects will be required to comply with the City’s 2005-2025 General Plan, and will be subject to site-specific CEQA analysis and review. Therefore, the Housing Element Update alone will not result in physical changes in the environment that would result in the conversion of farmland within these categories. Therefore, the 2014-2023 Housing Element will have **No Impact**.

- II-b) No change or conflict to existing zoning for agricultural use is proposed under this Housing Element Update. The 2014-2023 Housing Element Update alone does not allow for or proposed specific development, which could create conflicts with Williamson Act properties. Any new residential development within the City would be required to comply with the policies outlined in the 2005-2025 General Plan, and be subject to site-specific CEQA analysis where the appropriate design review, standards, conditions, and mitigation measures would be determined at that time. Therefore, the 2014-2023 Housing Element will have **No Impact**.
- II-c, d) There is not forest or timber land identified in the City of Riverbank. Therefore, the loss or conversion of forestland to non-forest uses or conflicts with existing zoning for forestland or timberland would not occur. Therefore, the 2014-2023 Housing Element will have **No Impact**.
- II-e) Adoption of the Housing Element Update would not change existing land use designations or result in any project-specific developments or physical changes in the environment that could result in conversion of farmland to non-agricultural uses. Therefore, the 2014-2023 Housing Element will have **No Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

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

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

**BACKGROUND DISCUSSION:**

The proposed project is located in east Stanislaus County, which is a portion of the San Joaquin Valley Air Basin (SJVAB). Air quality management under the federal and state Clean Air Acts is the responsibility of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

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

The SJVAB is considered non-attainment for ozone and particulate matter (PM10 and PM2.5), because the AAQS for the pollutants are sometimes exceeded. The SJVAB is Attainment/Unclassified for carbon monoxide, but select areas, not including the City of Riverbank, are required to abide by adopted carbon monoxide maintenance plans.

The California Air Resources Board (CARB) through the Air Toxics Program is responsible for the identification and control of exposure to air toxics, and notification of people that are subject to significant air toxic exposure. A principal air toxic is diesel particulate matter, which is a component of diesel engine exhaust.

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

- Regulation VIII (Fugitive Dust Rules)
- Rule 4101 (Visible Emissions)
- Rule 9510 (Indirect Source Review)

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

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

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

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

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

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

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

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

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

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

Projects that do not generate emissions in excess of these thresholds are considered to have less than significant air quality impacts. In accordance with Table 5-3(a) of GAMAQI, the proposed zoning ordinance is not considered a Small Project Analysis Level (SPAL), as it will not result in any type of development or units. Because the proposed project does not qualify as SPAL, GAMAQI notes that it has no possibility of exceeding emission thresholds.

The 2014-2023 Housing Element Update alone does not allow for or propose specific development, which could generate any new on-road traffic and associated ROG, NOx and PM emissions nor will result in any substantial air emissions.

**DISCUSSION:**

III-a-c) The City of Riverbank is located within the San Joaquin Valley Air Basin (SJVAB), which is within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAB is in non-attainment for the federal 8-hour ozone standard, the State 1-hour and 8-hour ozone standards, the PM10 and PM2.5 24-hour State standards, and the Federal PM2.5 standard. All new residential development projects in the City of Riverbank would be required to comply with the policies identified in the 2005-2025 General Plan (Policies Air-1.1 through Air-1.11, Air-2.1 through Air-2.5 and Air-3.1 through Air-3.5) that address air quality in order to minimize emissions.

Future residential development anticipated under the 2014-2023 Housing Element would generate pollutant emissions due to new vehicle trips, stationary equipment (heating, cooling, and lighting of residential units), and residential unit construction. Future residential developments could also violate air quality standards, including those that could contribute to cumulatively considerable air quality impacts. However, because the 2014-2023 Housing Element would not result in changes to any land uses within the 2005-2025 General Plan, the

level of, and emissions associated with residential development under the Housing Element is assumed and mitigated for within the 2005-2025 General Plan and EIR.

As stated previously, the 2014-2023 Housing Element does not result in any direct physical changes to the environment, including air quality. Each new residential development project would be subject to its own environmental review where project-specific impacts associated with air quality would be analyzed and if necessary, mitigated for. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

- III-d,e) The 2014-2023 Housing Element will ultimately allow new residential development that could potentially have a significant impact on sensitive receptors (i.e. hospitals, schools, nursing homes, etc.). Emissions and odors could also result from the construction emissions from construction equipment exhaust during grading and construction activities and operation of new residential development. However, because the 2014-2023 Housing Element would not result in any land use changes to the City's 2005-2025 General Plan, the level of, and emissions associated with residential development under the Housing Element are assumed and as necessary, mitigated for, under the 2005-2025 General Plan and EIR. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

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

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

**DISCUSSION:**

IV-a-d) The 2014-2023 Housing Element identifies a need for an additional 1,280 residential units during the 2014-2023 planning period. The proposed Housing Element sets forth goals and policies that support new and infill residential development throughout the City and in accordance with the land use designations set forth under the 2005-2025 General Plan. The 2005-2025 General

Plan indicates that natural habitats consist primarily of isolated wetlands, as well as wetlands and riparian habitat associated with the Stanislaus River corridor along the northernmost part of the City. The Stanislaus River corridor area is the largest and most important area for sensitive habitat and wildlife in the Riverbank planning area.

As previously stated, the 2014-2023 Housing Element does not directly result in any physical changes to the environment, and contemplates residential land uses consistent with those set forth under the 2005-2025 General Plan. Therefore, any new residential development projects developed as a result of the 2014-2023 Housing Element will be required to comply with Policies CONS-4.1 through CONS-4.3 and CONS-5.1 through CONS-5.7 of the 2005-2025 General Plan. These policies address potential impacts to biological resources, including wetlands, riparian habitat, and candidate, sensitive, or special status species, and the movement of any migratory fish or wildlife species. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

- IV-e) All new residential development projects within the City of Riverbank will be required to comply with the policies of the 2005-2025 General Plan, and address biological resources in order to minimize impacts. General Plan Goals CONS-4 and CONS-5 as well as the associated policies established requirements in which Fish and Wildlife Habitat shall be preserved and protected within the Riverbank planning area. Adoption of the Housing Element will be done in compliance with the 2005-2025 General Plan, and thus, minimize any potential impacts to local policies related to biological resources. In addition, adoption of the Housing Element will not directly create new development projects that may conflict with the City's policies related to biological resources. As new development occurs within the City, site-specific CEQA review and analysis will be prepared to address any potential impacts to these policies. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.
  
- IV-f) There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other local, regional, or state Habitat Conservation Plan within the City of Riverbank. Therefore, the 2014-2023 Housing Element will have **No Impact**.

***MITIGATION MEASURES:***

No mitigation is required for this topic.

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

**DISCUSSION:**

V-a-d) The Riverbank Branch Library, also referred to as the Riverbank Carnegie Library, located at 3237 Santa Fe Street, is the only structure within the City to be identified on the National Register for Historic Places. According to the California Office of Historic Preservation ([www.ohp.parks.ca.gov](http://www.ohp.parks.ca.gov)), there are no other properties or structures identified on either the National Register or State Register of Historic Places.

The City's 2005-2025 General Plan EIR determined that with the policies included as part of the General Plan (Policies CONS-1.1 through CONS-1.4, CONS-2.1 through CONS-2.5 and DESIGN-9.1 through DESIGN-9.4), development contemplated under the General Plan would result in a less than significant impact to historic resources. The 2014-2023 Housing Element is consistent with the policies of the 2005-2025 General Plan, as well as the residential land use designations guided by the 2005-2025 General Plan.

In addition, as discussed previously, the 2014-2023 Housing Element does not include specific development projects, and instead, provides the framework for the City's anticipated future residential growth and housing demand. Therefore, the 2014-2023 Housing Element would not cause a substantial adverse change in the significant of any cultural resources, including archeological, paleontological, and human remains. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

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

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

***DISCUSSION:***

- VI-a-d) The Housing Element Update identifies a need for 1,280 additional housing units during the 2014-2023 planning period. The Housing Element Update does not include specific development projects, and instead, only provides a framework for the City's anticipated future residential growth and housing need for all economic segments. The Housing Element would not directly result in physical changes in the City that would expose people or structures to seismic activity or landslides, result in the loss of soil or substantial erosion, or locate structures on unstable or expansive soils. Future development projects will be analyzed when applications are submitted to the City and appropriate requirements and mitigation measures will be identified at that time. Impacts related to geology and soils can generally be addressed through compliance with applicable State and/or Local policies and regulations including; California Building Code (Title 24), Riverbank Municipal Code, Alquist-Priolo Earthquake Fault Zoning Act, California Public Resources Code (Seismic Hazards Mapping Act), CEQA, and the National Pollution Discharge Elimination System (NPDES). Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.
- VI-e) All future residential development within the City of Riverbank would be required to connect to the City's Wastewater System. Therefore, no new septic tanks or on-site septic systems would be permitted and the 2014-2023 Housing Element will have **No Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

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

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

**BACKGROUND DISCUSSION:**

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

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

GHGs include carbon dioxide (CO<sub>2</sub>), the most abundant GHG, as well as methane, nitrous oxide and other gases, each of which have GHG potential that is several times that of CO<sub>2</sub>. GHG emissions result from combustion of carbon-based fuels; major GHG sources in California include transportation (40.7%), electric power generation (20.5%), industrial (20.5%), agriculture and forestry (8.3%) and others (8.3%).

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

The SJVAPCD adopted a Climate Change Action Plan in 2008, and issued guidance for development project compliance with the plan in 2009. The guidance adopted an approach that relies on the use of Best Performance Standards to reduce GHG emissions. Projects implementing Best Performance Standards would be determined to have a less than cumulatively significant impact. For projects not

implementing Best Performance Standards, demonstration of a 29% reduction in GHG emissions from business-as-usual conditions is required to determine that a project would have a less than cumulatively significant impact.

***DISCUSSION:***

VII-a-b) Over the last five (5) years, the California Legislature adopted two bills that focus on reducing greenhouse gas emissions in the State. Assembly Bill (AB) 32 (California Global Warming Solutions Act of 2006), charged the California Air Resources Board to develop regulations to address climate change. Senate Bill (SB) 375 was signed into Law in 2008 to address implementation of the Global Warming Act. AB 32 requires that statewide greenhouse gas (GHG) emissions be reduced to 1990 levels by 2020. SB 375 coordinates regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocations. Continued participation by the City with StanCOG in regional planning efforts in accordance with SB 375 will occur.

The 2014-2023 Housing Element Update assumes that future residential development would occur consistent with the levels planned for and evaluated under the 2005-2025 General Plan Land Use Element, the City's growth forecast, and StanCOG's Regional Housing Needs Allocation Plan. Without specific information regarding future residential development, it is difficult to impossible to accurately quantify GHG emissions resulting from the implementation of the Housing Element Update.

However, Goal-6 (Promote Energy Conservation) of the 2014-2023 Housing Element contains Policies and Programs (located in Section IX – Housing Goals & Policies) focused on energy conservation, that may assist in reducing GHG emissions for new residential developments. Policies 6.1 through 6.2 calls for City to include energy-efficient and energy conservation development standards for Specific Plan areas or for new Planned Development zoning districts. Furthermore, Policy 6.3 calls on the City to provide "weatherization assistance" to low-income households as part of the City's housing rehabilitation program.

Lastly, all new residential projects in the City would be required to adhere to Federal, State, and local plans, policies, and regulations that address emissions of GHG in order to minimize impacts. As stated previously, the Housing Element Update does not include specific development projects, but rather, only includes a framework for the City's anticipated future residential growth and housing demand. Additional environmental review of potential environmental effects in compliance with CEQA, including those related to GHG emissions, would be required prior to the development of future projects. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

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

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

fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				
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**DISCUSSION:**

VIII-a-c) Compliance with Federal, State, and local policies and regulations would minimize risks and potential hazards associated with the routine transport, use, or disposal of hazardous materials to the public, including school sites, and the environment. Policies contained in the 2005-2025 General Plan (Policies AIR-3.1 through AIR-3.5 and SAFE-1.9 through SAFE-1.10) related to Hazardous Materials would further ensure that new development would not result in the release of hazardous materials into the environment.

Future residential development associated with the implementation of the Housing Element Update would not be expected to introduce any unusual hazardous materials that would create a significant hazard to the public or the environment, introduce any unusual hazardous materials that would result in reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment, or pose an increased risk of hazardous materials emissions within one-quarter mile of an existing or proposed school. Additional environmental review of any future residential projects would be required which would evaluate potential impacts associated with the use, storage, and/or transportation of hazardous materials. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

VIII-d) All future residential projects would be required to comply with existing Federal, State, and local policies and regulations related to hazardous sites. All future residential sites and projects identified in the 2014-2023 Housing Element would be subject to a site-specific CEQA review in order to address whether the site is listed as a hazardous materials site in accordance with Government Code Section 65962.5. The 2014-2023 Housing Element does not include any specific development projects that could be listed on said sites. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

VIII-e) The project site is not within two miles of a public airport (or public use airport), nor is it situated within an adopted Airport Land Use Plan, Airport Clear Zone or Accident Potential Zone. As such, the 2014-2023 Housing Element will have **No Impact**.

VIII-f) The City of Riverbank is not located within the vicinity of any known or documented private airstrips. Therefore, the 2014-2023 Housing Element will have **No Impact**.

- VIII-g) The 2014-2023 Housing Element does not consist of any site-specific development projects that impair implementation of or physically interfere with an adopted emergency response plan. Rather, the Housing Element provides framework in which future residential development will occur in order to meet the City's regional housing need. As site-specific projects for residential development are submitted to the City for review and consideration, a site-specific CEQA review will be prepared. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.
- VIII-h) A majority of the City of Riverbank has been developed into urban land uses, and as such, there is minimal wildlands located throughout the City. Most of the dense brush susceptible to wildlands fires is located along the Stanislaus River, which borders the north end of the City. However, the 2014-2023 Housing Element does not propose any specific development projects, and any future site-specific residential projects will be subject to CEQA review. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

**Mitigation Measures:**

No mitigation is required for this topic.

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

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

Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

**Discussion:**

IX-a-e) All future residential development will be required to comply with the applicable Federal, State, and local policies and regulations related to water quality including; Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) program, and the Riverbank Municipal Code. Potential water quality issues related to the violation of applicable water quality standards or waste discharge requirements would be analyzed upon the submittal of a site-specific development application. The 2014-2023 Housing Element does not include site-specific development projects, rather, it provides a framework in which future residential growth will occur in order to meet the City's regional housing needs. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

IX-f-h) The 100-year flood event is primarily contained within the Stanislaus River channel, which includes the northern portion of the City of Riverbank. The City's 2005-2025 General Plan incorporated Policies PUBLIC-4.3, SAFE-1.6 through SAFE-1.7 in order to protect new development in this area from flood damage. The 2014-2023 Housing Element does not consist of any site-specific development that would be required to comply with these policies in order to minimize impacts caused by flooding. Instead, the Housing Element provides the policy framework in which future residential growth occurs in order to meet the City's regional housing need. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

IX-i) Existing Federal and State oversight and inspections render the likelihood of dam failure as remote. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**

IX-j) Inundation by a tsunami is unlikely due to the location of Riverbank and its proximity to the Pacific Ocean. And, although the topography of Riverbank is relatively flat, mudflows along the banks of the Stanislaus River could be possible. However, as noted previously, the 2014-2023

Housing Element would not directly result in any physical changes in the City. Therefore, the 2014-2023 Housing Element will have **No Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

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

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

**DISCUSSION:**

- X-a) Implementation of the 2014-2023 Housing Element will provide the policy framework for residential growth anticipated between 2014 and 2023. The residential growth, and specifically, sites identified in Table V-1 and Table V-2 of the 2014-2023 Housing Element are consistent with the type of residential growth contemplated under the City’s 2005-2025 General Plan. Therefore, the 2014-2023 Housing Element does not suggest to divide the City of Riverbank, but rather, implement the policy framework necessary to successfully comply with State Housing Law, as well as the other Elements of the 2005-2025 General Plan. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.
- X-b) The proposed 2014-2023 Housing Element is an update to the City’s 2009 Housing Element, and consists of new technical data (Riverbank demographics, household characteristics, employment, etc.) and updated policies and implementation programs necessary to comply with new State legislation. The Housing Element does not grant entitlements to future development projects. New residential development would be required to comply with all applicable plans and regulations including the City’s 2005-2025 General Plan, adopted Specific/Master Plans, and the Riverbank Municipal Code, and would be subject to site-specific environmental review in accordance with CEQA. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**
- X-c) The 2014-2023 Housing Element will not conflict with an adopted habitat conservation plan or natural community conservation plan as none is present. Therefore, the 2014-2023 Housing Element will have **No Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

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

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

**DISCUSSION:**

XI-a,b) The 2014-2023 Housing Element would not result in the loss of availability of any known mineral resources or resource recovery site as none are identified in the 2005-2025 General Plan. Therefore, the 2014-2023 Housing Element will have **No Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

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

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**DISCUSSION:**

XII-a-f) Construction noise associated with demolition, grading, and excavation activities could result in temporary or short-term noise impacts including ground-borne vibration or an increase in noise levels, while operational noise associated with vehicular traffic, outdoor activities, and stationary mechanical equipment could result in a permanent ambient increase in noise levels. Noise attenuation standards and requirements are regulated by the 2005-2025 General Plan, as well as Chapter 93 of the City's Municipal Code (Noise Ordinance). Any new residential development would be required to comply with the policies and standards contained Health and Safety Element of the 2005-2025 General Plan, Chapter 93 of the Riverbank Municipal Code, and are subject to site-specific CEQA analysis as residential development applications are submitted to the City for consideration.

The 2014-2023 Housing Element does not consist of any new site-specific residential development, but rather, provides a policy framework in which the City's regional housing need is accommodated for. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

- XII-e) As noted previously, the 2014-2023 Housing Element does not include specific development projects, and instead, provides a policy framework in which the City's regional housing needs between 2014-2023 will be accommodated for. Potential impacts related to future development would be analyzed at the time a specific development application is submitted for review and consideration. This process, along with any appropriate mitigation, will ensure that future residential development would not be located in an area that would result in exposure of people residing or working in Riverbank to excessive noise levels. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.
- XII-f) There are no documented or known private airstrips within the City of Riverbank. Therefore, the 2014-2023 Housing Element will have **No Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

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

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

**DISCUSSION:**

XIII-a-c) The 2014-2023 Housing Element provides the policy framework necessary to meet the City’s identified Regional Housing Need Allocation (RHNA) of 1,280 residential units between 2014 and 2023. These anticipated residential units are expected to occur within the City’s existing City Limits and Sphere of Influence.

Additionally, the 2014-2023 Housing Element is consistent with the 2005-2025 General Plan, and does not require the need to amend any of the site-specific land use designations provided under the General Plan in order to meet the RHNA. Because the 2014-2023 Housing Element only provides the policy framework necessary to meet the RHNA, and implement the land use and population assumptions under the 2005-2025 General Plan, it does not result in any direct increase in population growth, as it does not propose any new site-specific residential development.

Although the 2014-2023 Housing Element does not provide entitlements for the development of any site-specific residential projects, it could indirectly result in the displacement of existing housing or people, which would necessitate the construction of replacement housing in the City. Any new housing created as a result of the 2014-2023 Housing, however, will be done in accordance with the 2005-2025 General Plan, and will include a separate site-specific CEQA review and analysis. Therefore, any induction of population growth, displacement of people and/or housing, which would create the need for new housing, created as a result of the 2014-

2023 Housing is considered to be less than significant. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**XIV. PUBLIC SERVICES**

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

**DISCUSSION:**

XIV-a) The Stanislaus Consolidated Fire Protection District provides fire protection and first response services for emergencies within the City of Riverbank. All law enforcement services in the City are performed under contract by the Stanislaus County Sheriff’s Department. The Riverbank Unified School District (RUSD) provides elementary, junior high, and high school level education services to students within its District boundary. However, the Sylvan Union School District (SUSD) and Modesto City Schools provides schooling to some children within the City of Riverbank, particularly west Riverbank and the Crossroads area. The Riverbank Parks and Recreation Department is responsible for administering and operating the sixteen (16) parks located throughout the City.

As previously discussed, the 2014-2023 Housing Element would not directly result in physical changes in the City. However, any new residential development that is created as a result of the Housing Element would be expected to affect and potentially increase the demand for public services. As new residential development occurs, the City collects Public Facilities Fees on a per unit basis. These Fees, which include fees for fire protection, police protection, and parks, are intended to mitigate any potential impact created by new residential development. In addition,

RUSD and SUSD collect a school impact fee in accordance with SB 50 for each residential unit developed within its boundary. This fee also mitigates potential impacts to the RUSD and SUSD facilities created as a result of new residential development. In addition, as part of planning and application review process, all new residential development projects would be evaluated to determine the level of and demand public services that would be impacted by the project. All projects are subject to the City's 2005-2025 General Plan and any mitigation measures, as appropriate, to ensure adequate service levels would be maintained. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

**XV. RECREATION**

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

**DISCUSSION:**

XV-a,b) Implementation of the 2014-2023 Housing Element would not result in any direct physical changes to the City’s parks and recreation facilities. However, new residential development created as a result of the Housing Element would increase the use of existing parks facilities and require the expansion of, or construction of new parks and recreation facilities. As new development occurs, site-specific projects are reviewed for their consistency with the City’s 2005-2025 General Plan, and evaluated in accordance with CEQA. As such, any future impacts that may occur to the City’s parks and recreation facilities as a result of the 2014-2023 Housing Element will be mitigated, as appropriate, upon review of a specific project. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

**MITIGATION MEASURES:**

Mitigation is not required for this topic.

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

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

**DISCUSSION:**

XVI-a,b) According to the 2005-2025 General Plan, the City has adopted a Level of Service (LOS) "D" on roadways within the General Plan build-out area. The type and density of residential development assumed for the 2014-2023 Housing Element is consistent with the residential land uses contemplated under the 2005-2025 General Plan Land Use Element and the Circulation Element, and as well as the 2005-2025 General Plan EIR.

Future residential development that would be permitted as a result of implementation of the 2014-2023 Housing Element would not be expected to exceed the capacity of the circulation system contemplated under the 2005-2025 General Plan or conflict with an applicable congestion management program. Additional environmental review in accordance with CEQA will occur as future residential development and site-specific projects occur. Impacts to the City's existing circulation system and mitigation measures, as appropriate, will be analyzed and identified at that time. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

XVI-c) Implementation of the 2014-2023 Housing Element will not result in a change in air patterns. Therefore, the 2014-2023 Housing Element will have **No Impact**.

XVI-d,e) Any future residential development that is a result of the 2014-2023 Housing Element will be done in accordance with the City's 2005-2025 General Plan, Riverbank Municipal Code, and the City's Standards & Specifications (Section 3 - Streets). In addition, the Housing Element will not cause inadequate emergency access to occur. Future residential development created as a result of the Housing Element will be built in compliance with any improvement standards and specifications of the City's Public Works Department, and the Police/Sheriff and Fire District. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

XVI-f) The 2014-2023 Housing Element is a policy document that provides the framework necessary for the City to meet and achieve their RHNA, and does not conflict with any adopted policies, plans, or programs supporting alternative transportation. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

***MITIGATION MEASURES:***

Mitigation is not required for this topic.

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

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

**DISCUSSION:**

XVII-a,b,e) New residential growth and development anticipated under the 2014-2023 Housing Element would result in population growth assumed under and consistent with the City's 2005-2025 General Plan.

As noted previously, adoption of the 2014-2023 Housing Element would not directly result in any physical changes to the City that would place a higher demand on existing water or wastewater facilities and improvements. However, new residential development that occurs as

a result of the Housing Element would place a higher demand on these facilities and their capacity. As new residential development occurs, the City will prepare an additional site-specific environmental review in accordance with CEQA. This review will determine the specific project's impacts on the City's existing water and wastewater facilities, and any mitigation measures, as appropriate, will be incorporated into the project to mitigate any potential impacts to such facilities. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

XVI-c) Adoption of the 2014-2023 Housing Element does not require, or result in, the construction of new stormwater facilities. Rather, the Housing Element provides the policy framework necessary for the City to meet and achieve its regional housing need. As new site-specific residential development occurs, additional environmental review in accordance with CEQA shall be prepared. This review will evaluate the site-specific project and determine the need for new stormwater facilities and improvements. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

XVI-d) Potable water services within the City are provided by the City of Riverbank. At this time, the City relies on the Modesto Groundwater Sub-basin, which comprises an area of approximately 240,000 acres. The City presently maintains ten (10) municipal water wells, and approximately 44 miles of water lines. In addition to the ten (10) water wells, the City also has two above-ground water storage tanks (*located at 2nd Street & Saxon Way*) including a booster pump at each storage facility, which are utilized to pump additional water during high demand periods. It is anticipated that the City has sufficient groundwater supply to provide potable water services to the 1,280 residential units contemplated as part of the 2014-2023 Housing Element and the City's regional housing needs. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

XVI-f,g) Solid waste disposal in the City of Riverbank is provided via a franchise agreement with Gilton Solid Waste. Solid waste generated within the City is collected and then delivered to the Fink Road Landfill located in Crows Landing (Stanislaus County). The Fink Road Landfill has the capacity to provide solid waste services to the City of Riverbank through the 2014-2023 Housing Element time-frame.

In addition, future residential development created as a result of the 2014-2023 Housing Element will comply with all Federal, State, and local policies and regulations related to solid waste. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

#### **MITIGATION MEASURES:**

Mitigation is not required for this topic.

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

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

**DISCUSSION:**

XVIII-a) The City of Riverbank is required by State Law to prepare a Housing Element that incorporates and identifies how the City would accommodate its total identified Regional Housing Needs Allocation (RHNA), which is contained in StanCOG's Regional Housing Needs Allocation Plan. As mentioned previously, the City's total share of the RHNA is 1,280 units between 2014-2023.

The City's 2014-2023 Housing Element is a policy document that reflects and anticipates development as described in other City plans and ordinances. It does not regulate or provide entitlements for new development, and would not directly result in any physical changes to the environment. As a result, no new environmental effects that would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory are anticipated. Additional environmental review of potential environmental impacts in compliance with CEQA would be required prior to any new development that occurs as a result of the 2014-2023 Housing Element. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

XVIII-b) Under the 2014-2023 Housing Element, no specific development projects would occur. Rather, the Housing Element would update policies and implementation programs that guide future population growth and housing demand within the City. Therefore, these less than significant impacts would not combine with impacts from other projects to cause a cumulative impact. In addition, the Housing Element is guiding future anticipated residential development, and is not considered growth inducing or a document that provides entitlements to this anticipated development. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

XVIII-c) As noted previously throughout this Initial Study, the 2014-2023 Housing Element would not have an environmental effect that would cause substantial adverse effects on human beings either directly or indirectly. Therefore, the 2014-2023 Housing Element will have a **Less Than Significant Impact**.

## SECTION 4.0

## REFERENCES

In accordance with Section 15063(a)(3) of the CEQA Guidelines, the following expert opinion, technical studies, and substantial evidence has been referenced and/or cited in the discussion included in Section 3.0, Initial Study Checklist:

1. City of Riverbank 2005 – 2025 General Plan, dated April 2009.
2. City of Riverbank 2005 - 2025 General Plan Environmental Impact Report (EIR), dated April 2009.
3. City of Riverbank Zoning Ordinance.
4. City of Riverbank Noise Control Ordinance, Article IX, Chapter 93.
5. California Department of Transportation Online Database of State Scenic Highways ([www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm](http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm)).
6. California Department of Conservation Farmland Mapping and Monitoring Program, published October 2007.
7. Guide for Assessing and Mitigating Air Quality Impacts, adopted August 20, 1998, and as revised January 10, 2002, prepared by the San Joaquin Valley Air Pollution Control District.
8. Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA, dated December 17, 2009, prepared by the San Joaquin Valley Air Pollution Control District.
9. Flood Insurance Rate Map (FIRM) No. 06099C0335E, dated September 26, 2008, and No. 06099C0330E, dated September 26, 2008 prepared by the Federal Emergency Management Association (FEMA).
10. Riverbank Municipal Service Review, dated June 26, 2013
11. Stanislaus Council of Governments (StanCOG) Final Regional Housing Needs Plan for Stanislaus County 2014-2023, dated June 18, 2014



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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July 13, 2015

Mr. John B. Anderson, Director  
Community Development Department  
City of Riverbank  
6617 Third Street  
Riverbank, CA 95367

Dear Mr. Anderson:

**RE: City of Riverbank's 5<sup>th</sup> Cycle (2015-2023) Draft Housing Element**

Thank you for submitting the City of Riverbank's draft housing element update which was received for review on May 14, 2015, along with revisions received on July 7 2015. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review.

Our review was facilitated by various communications including a conversation with Mr. Mark Niskanen and Mr. David Niskanen, of J.B. Anderson Consulting, on July 1, 2015. Pursuant to GC Section 65585(c), the Department considered comments from California Rural Legal Assistance, Inc.

The revised draft housing element addresses some of the statutory requirements; however, revisions will be necessary to comply with State housing law (GC, Article 10.6). The enclosed Appendix describes the revisions needed to comply with State housing element law. Further information can be found on our Department's website at [http://www.hcd.ca.gov/hpd/hrc/plan/he/ab\\_1233\\_final\\_dt.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf)

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) Riverbank must adopt its housing element within 120 calendar days from the statutory due date of December 31, 2015 for StanCOG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For information on housing element adoption requirements, please visit our website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf)

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including commenters on the draft housing element and organizations that represent lower-income and special needs households, by making information regularly available, considering and incorporating comments where appropriate.

HCD Review of Riverbank's Housing Element  
July 13, 2015  
Page 2

The Department appreciates the dedication Mr. David Niskanen and Mr. Mark Niskanen of J.B. Anderson Land Use Planning provided in preparation of the housing element and looks forward to receiving Riverbank's adopted element. We are committed to assisting the City of Riverbank in addressing all statutory requirements of housing element law. If you have any questions or need technical assistance, please contact Greg Nickless, of our staff, at (916) 274-6244.

Sincerely,



Glen A. Campora  
Assistant Deputy Director

Enclosures

COPY

## APPENDIX CITY OF RIVERBANK

The following changes would bring the City of Riverbank's housing element into compliance with Article 10.6 of the Government Code (GC). Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at: [www.hcd.ca.gov/hpd](http://www.hcd.ca.gov/hpd). Among other resources, the Housing Element section contains the technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at: [www.hcd.ca.gov/hpd/housing\\_element2/index.php](http://www.hcd.ca.gov/hpd/housing_element2/index.php) and includes the Government Code addressing State housing element law and other resources.

### A. Housing Needs, Resources, and Constraints

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

Unaccommodated Need: Pursuant to Chapter 614, Statutes of 2005 (AB 1233), if the City of Riverbank failed to make adequate sites available to accommodate the regional housing need in the prior planning period including failure to implement rezoning, the City must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2015-2023 planning period. As you know, Program 1.1a was critical to demonstrate compliance with the adequate site requirement in the previous planning period. Since Program 1.1a was not implemented (page VIII-3), the housing element must include an analysis of programs to demonstrate compliance with these statutory requirements. Further information can be found on the Department's website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/ab\\_1233\\_final\\_dt.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf).

Sites Listing and Analysis: The housing element appears to be relying on sites in the Downtown Specific Plan and the Crossroads West Specific Plan. The element must list these sites by parcel number or unique reference, zoning, general plan, existing use for non-vacant sites and realistic residential capacity for each identified sites. For plan areas pending adoption such as the Crossroads West Specific Plan, the element may list the sites by proposed parcel numbers or other detailed site reference.

In addition, the above sites must be analyzed for suitability pursuant to GC Section 65583(a)(4) and 65583.2. Please see the Building Blocks at [http://www.hcd.ca.gov/housing-policy-development/housing-element/sia\\_home.php](http://www.hcd.ca.gov/housing-policy-development/housing-element/sia_home.php).

Zoning Appropriate to Accommodate Housing for Lower Income Households:

The element does not clearly identify which zones are being utilized to accommodate the housing needs for lower-income households. If utilizing densities less than 20 units per acre, the element must demonstrate the densities are appropriate based on factors such as market demand, financial feasibility and development experience within zones. Please see the Building Blocks at [http://www.hcd.ca.gov/housing-policy-development/housing-element/sia\\_zoning.php](http://www.hcd.ca.gov/housing-policy-development/housing-element/sia_zoning.php).

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Land Use Controls: The element identifies various residential development standards, then generally concludes the standards are not viewed as a constraint. However, the element must include an analysis of their potential impacts on the cost and supply of housing or add implementation actions to address and remove or modify the standards as constraints on development. This analysis must also demonstrate the cumulative impacts of development standards on the ability to achieve maximum densities. At a minimum, the analysis must address heights and parking requirements and the element should include programs to address and remove or modify these requirements.

In addition, the element notes zoning was amended to permit emergency shelters without discretionary review pursuant to GC Section 65583(a)(5) and continues that emergency shelters are subject to a six-person limit. This constitutes a constraint on the development of emergency shelters and special needs populations. The development standards must be analyzed and removed or modified as appropriate.

Fees and Exactions: The element lists various fees and then shows the cumulative impact of fees of development costs as exceeding 20 percent of development costs. Given the significance of this impact on development costs, the element should include a detailed discussion of the impact and add or modify programs as appropriate.

Permit Processing and Procedures: The element mentions site plan review is subject to Planning Commission approval concurrently with all other related project approvals and therefore is not a constraint. However, the element must also describe the review process, including approval findings and analyze impacts on cost and approval certainty.

3. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter (Section 65583(a)(7)).*

The identification and analysis of special needs should be expanded beyond the basic information and general description of the various groups. An analysis of special needs groups helps identify those with the most serious housing needs in order to develop and prioritize responsive programs. The element could also better utilize local officials, survey special needs service providers, representatives of special needs populations or County social and health service providers to include a complete description of special housing needs. This is particularly important given the comments received on the draft housing element. Specifically, the element should include a detailed quantification and analysis and programs as appropriate of persons with development disabilities, elderly, farmworkers and homeless.

4. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contract, mortgage prepayment, or expiration of use restrictions (Sections 65583(a)(8) through 65583(a)(9)(d)).*

The element mentions units with affordability terms through the housing authority but must still include an inventory and analysis of units at-risk of converting to market rate uses in the 10 year planning period. The housing element must also analyze their risk for conversion, particularly including an estimate of the total cost of producing new rental units compared to replacing the units and a listing of qualified entities to preserve at-risk units. Information and sample analyses are available in the Building Blocks' section on Identification and Analysis of Developments At-risk at [http://www.hcd.ca.gov/hpd/housing\\_element2/EHN\\_atrisk.php](http://www.hcd.ca.gov/hpd/housing_element2/EHN_atrisk.php).

## **B. Housing Programs**

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions (Section 65583(c)).*

To address the program requirements of Government Code Section 65583)(c) (1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

- Program 2.1b (Assist Developers): Add more discrete timing such as annually or bi-annually.
  - Program 2.2b (Non-profit Outreach): Add more discrete timing such as annually or bi-annually.
  - Program 4.1c (Housing Conditions): Add specific actions to be taken after the housing conditions survey such as expanded rehabilitation or targeted efforts.
2. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by-right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in finding A1, the element does not include a complete site listing and analysis and therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites, unaccommodated need from the prior planning period or zoning available to encourage a variety of housing types.

Specifically, if necessary, the element must include a program to provide sites with zoning that permits owner-occupied and rental multifamily uses by-right sufficient to accommodate the unaccommodated need from the prior planning period and the remaining need for lower-income households from the current 5<sup>th</sup> cycle planning period. By-right, pursuant to 65583.2(h) and (i) means (a) local government review must not require a CUP, planned unit development or other discretionary review or approval, (b) a minimum of 16 units per site, (c) a minimum density of 20 units per acre, and (d) at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only, unless otherwise meeting statutory requirements for mixed use.

In addition, the element must demonstrate zoning for a variety of housing types; as follows:

- *Farmworker/employee housing:* The element must address whether the City's zoning is consistent with the Employee Housing Act (Health and Safety Code Section 17021). Specifically, Health and Safety Code Section 17021.5 requires employee housing to be permitted by-right, without discretionary action, in single-family zones for six persons or less. The element should either include an analysis or program to revise zoning consistent with Health and Safety Codes 17021.5.
- *Transitional and Supportive Housing:* Pursuant to Government Code Section 65583(a)(6), transitional and supportive housing must be permitted as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. The housing element indicates that transitional and supportive housing are limited to the R-3 zone (page IV-19) and not permitted in other zones allowing residential uses. The element should demonstrate consistency with these requirements and include a program as appropriate.

3. *The housing element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households (Section 65583(c)(2)).*

As noted in finding A3, the element requires an analysis of special needs populations. Depending upon the results of that analysis, the City may need to revise or add programs, such as persons with developmental disabilities and farmworkers, as appropriate.

In addition, the provision of adequate housing for farmworkers is a critical issue, both seasonal and permanent. As a result, the element must add specific actions, beyond complying with the Employee Housing Act (Health and Safety Code Section 17021) to assist in the development of housing for farmworkers. For example, the element could include actions to partner with developers, assist with site identification and apply or support applications for funding including the Department's Joe Serna Jr. Farmworker Housing Grant Program. Other programs include working with growers and stakeholders to identify strategies or establishing prototype plans for employee housing.

For your information, Government Code Section 65589.7 requires water and sewer providers to establish specific procedures and grant priority water and sewer service to developments with units affordable to lower-income households. The statute also requires local governments to immediately deliver the housing element to water and sewer providers. The Department recommends including a cover memo describing the City's housing element, including the City's housing needs and share of the regional housing need (see enclosed memo).

4. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in finding A2, the element requires an analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (8) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (8) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance (Section 65583(c)(6)).*

As noted in finding A4, the element requires an analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

### **C. Public Participation**

1. *Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort (Section 65583(c)(8)).*

While the element includes a general summary of the public participation process, it does not demonstrate how the City has or will make or demonstrate a diligent effort to include all segments of the community. For example, there is little to no discussion of comments received or any further effort to obtain input. In addition, the element notes the document was made available to the public essentially at the same time as submittal to the Department; leaving little time for public review or comment. The housing element and efforts to include all segments of the community must be revised to demonstrate diligent efforts such as describing the success of outreach efforts, public comments and how the element incorporated public comments. Also, the City should make a specific effort to reach out to commenters on the housing element.

In addition, the Department has encouraged the City to consider the San Joaquin Valley Fair Housing and Equity Assessment as part of the housing element update. For more information, please see <http://www.hcd.ca.gov/housing-policy-development/docs/san-joaquin-fair-housing020915.pdf>.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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December 30, 2015

Ms. Donna Kenney, Manager  
Planning and Building Department  
City of Riverbank  
6707 Third Street  
Riverbank, CA 95367

Dear Ms. Kenney:

**RE: Review of Riverbank's 5<sup>th</sup> Cycle (2015-2023) Revised Draft Housing Element**

Thank you for submitting the City of Riverbank's revised draft housing element update which was received for review on November 10, 2015, along with additional revisions received on August 12, October 16, November 2 and December 21, 2015. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on December 18, 2015 with Mr. David Niskanen, Assistant Planner at JB Anderson Land Use Planning. In addition, the Department considered comments from California Rural Legal Assistance, Inc. pursuant to GC Section 65585(c).

The revised draft element meets the statutory requirements described in the Department's July 13, 2015 review. This finding was based on, among other reasons, various programs to promote transitional and supportive housing, farmworker housing, and strategies sufficient to accommodate the regional housing need and encourage the development of a variety of housing types, particularly multifamily. The revised element will comply with State housing element law (GC, Article 10.6) when adopted and submitted to the Department, in accordance with GC Section 65585(g).

The element now identifies adequate sites to accommodate the City's regional housing need for lower-income households demonstrated by Programs 1.1a and 1.1b. These programs commit to making sufficient zoning available to accommodate the housing need prior to the end of year 2017. In addition, these sites must permit multifamily uses without discretionary action, and require minimum densities of 20 units per acre.

Please be aware, for the element to continue to demonstrate adequate sites after December 31, 2016, the City must complete Program 1.1c actions. This program commits to rezone sites to accommodate the 17 unit carryover of housing need not met in the 4<sup>th</sup> cycle. Pursuant to GC Section 65584.09, a jurisdiction that failed to identify or make available adequate sites to accommodate all of the previous cycle's housing need must zone or rezone adequate sites to accommodate all of the previous cycle's unmet housing need within the first year of the next housing element cycle. The City must monitor and report on the results of this and other programs through the annual progress report, required pursuant to GC Section 65400. To remain on an eight year planning

Ms. Donna Kenney, Manager

Page 2

cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) Riverbank must adopt its element within 120 calendar days from the statutory due date of December 31, 2015 for StanCOG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit the Department's website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

Please note, the City of Riverbank meets housing element requirements for the Housing Related Parks Program (HRP). The HRP Program, funded by Proposition 1C, provides grant funds to eligible local governments for every qualifying lower income unit permitted since 2010. The HRP Program 2015 Notice of Funding Availability (NOFA), released October 26, 2015, announced the availability of approximately \$30 million in grant funds to eligible applicants. Applications are due **February 4, 2016**. Information about the HRP Program is available on the Department's website at <http://www.hcd.ca.gov/hpd/hrpp/>.

For your information, some other elements of the general plan must be updated on or before the next adoption of the housing element. The safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). Also, the land-use element must address disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established "legacy" communities) based on available data, including, but not limited to, data and analysis applicable to spheres of influence areas pursuant to GC Section 56430. The Department urges the City of Riverbank to consider these timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: [http://opr.ca.gov/docs/SB244\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf) and [http://opr.ca.gov/docs/Final\\_6.26.15.pdf](http://opr.ca.gov/docs/Final_6.26.15.pdf).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates the hard work and dedication Mr. David Niskanen and Mr. Mark Niskanen, of JB Anderson Land Use Planning, provided in preparation of the housing element and looks forward to receiving the City of Riverbank's adopted housing element. If you have any questions or need additional technical assistance, please contact Greg Nickless, of our staff, at (916) 274-6244.

Sincerely,



Glen A. Campora  
Assistant Deputy Director



# CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

FIGHTING FOR JUSTICE, CHANGING LIVES

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**Re: Comments to the City of Riverbank's 2014-2023 Draft Housing Element**

California Rural Legal Assistance, Inc. (CRLA) is a nonprofit legal services provider serving low-income clients and communities throughout California. CRLA clients lack access to affordable, decent housing and suffer the consequences associated with lack of housing and high housing cost burden. CRLA represents clients from Riverbank displaced because of the lack of affordable housing in Riverbank.

There are an ever increasing number of working poor, who are unable to afford housing despite working full-time jobs, thus Riverbank's existing need for affordable housing is acute and will continue to grow. Riverbank has not undertaken meaningful efforts to address the need for affordable housing. The previous housing element cycle and this draft Housing Element (draft HE) indicate that the needs of low-income households, especially extremely low-income households, farmworkers, the homeless, and large families have languished unmet and it appears that they will continue to go unaddressed or addressed at a pitiful rate compared to the needs of higher income households.

The current draft HE demonstrates that through the years covered by the 2007-2014 Housing Element (previous HE), zero housing was developed to meet the housing need for extremely low-income housing, zero housing was developed to meet the housing need for very low-income housing, and only 58% of the housing



need for low-income households was met, with the development of 85 of the 146 needed units. Even the housing needs for moderate income households were ignored, with the development of only 3 of the 172 needed units. Riverbank by comparison, met 79% of the housing need for above moderate income households, i.e., 291 of the 367 housing units.

The pattern of providing for the housing needs of higher income households at a much greater rate than for low-income households continues in the 2014-2023 draft Housing Element. Riverbank's stated objectives are to develop 140% of the moderate housing units needed, well above the identified need for moderate income housing (objective is 300 when the RHNA need is 217), to again develop almost all of the above-moderate housing units needed (500 of the needed 536), but to meet only 30% of the extremely/very low-income units needed (100 of 321) which have been combined instead of separated out as two separate requirements. There is no clear indication that the needs of extremely low income households will be met. State Housing Element Law requires Riverbank to plan to meet the housing needs for all economic segments of the community, thus the draft HE fails to comply with governing law in letter or spirit, and the failure further implicates a failure to comply with housing equity requirements in housing element law, or to affirmatively further fair housing or to comply with federal and state fair housing laws. The populations that are adversely affected by not planning to meet the needs of lower income households at the same rate as other households are the most vulnerable. They are people with disabilities, farmworkers, the homeless, large households, racial and ethnic groups and other special populations.

We submit these comments as part of the required review process in an effort to ensure that the HE complies with State Housing Element and Fair Housing laws, and to ensure that Riverbank plans to meet the affordable housing needs of all economic segments of the community, including the most disadvantaged segments of the population. The following key areas, including the lack of adequate analysis of special housing needs, the need for policies that encourage the development of affordable housing, and the need for meaningful public participation aimed at engaging residents require significant revisions if the draft HE is to comply with applicable law. The Riverbank 2014-2023 Draft Housing Element must be revised in accordance with current law to meet the housing needs of all segments of its population.

### **I. Special Housing Needs Lacking Adequate Analysis**

One requirement of Housing Element Law is that jurisdictions analyze the existing and projected housing needs for all income levels, including an analysis of special housing needs.

#### **a. Very Low and Extremely Low-income Housing**

We commend the City for planning to allow a priority for the development of extremely low-income housing when assisting developers in the grant preparation process through Program



2.1b. Given that the need for extremely low-income housing has not been addressed, it is unlikely that the draft HE will result in the development of such housing unless further incentives to develop extremely low-income housing are considered. Financial incentives, regulatory concessions, and density bonuses can be tiered, awarding more incentives for developments that include very low-income housing and even more incentives for developments that include extremely low-income housing.

Housing Element Law requires that the jurisdiction adopt, as a minimum goal, a share of the projected regional growth in lower- (80% or less of median) and moderate-income households as determined by the respective council of governments. Riverbank has failed to adopt, as a minimum goal, its share of lower-income households by failing to plan for the development of the housing need for very low- and extremely low-income households.

The City's stated objective for very low- and extremely low-income households is to meet only 30% of the Extremely/Very Low-income need (100 of 321). The information provided does not quantify how many units would be for extremely low-income and how many would be very-low-income households. The Housing Element, unlike the RHNA, clearly distinguishes extremely low-income from very low-income households, treats them as separate income categories, and lists each as a separate housing need that must be analyzed and addressed. Housing that is affordable to very low-income households is still out of reach for extremely low-income households. Programs and policies that allow incentives for low-income or even very low-income housing do not automatically address extremely low-income housing. Extremely low-income housing needs and very low-income housing needs must be addressed separately when determining policies, programs, and quantifiable objectives. Here, the draft HE continues to combine the two categories, failing to adequately address the needs of extremely low-income and very low-income households. Given that during the last Housing Element cycle Riverbank met 0% of the RHNA need for these two groups, it is clear that there is an unmet existing housing need that the draft HE does not address, and that Riverbank must plan to meet the projected needs of each category, extremely low-income households and very low-income households.

### b. Farmworker Housing

Farmworkers are a population category that might be difficult to count, especially seasonal farmworkers who often work in Riverbank and the surrounding lands for fewer than six months at a time. They also tend to be undercounted for various other reasons. Riverbank's reliance on employment reports from employers however, is misplaced and will not yield an accurate count, especially because employers tend to under report the number of workers they hire. Riverbank's reliance on the USDA Ag Census, which identifies the number of employees in a given occupation group, is not sufficient to give an accurate count of farmworkers and thus analyze their housing needs. There are other sources of data available to Riverbank, including but not limited to NAWS data, migrant child education data, EDD data, Farm Labor Survey data and local knowledge from schools, health clinics, social service agencies and others. There is a 2000



farmworker health enumeration that could provide information as well. The undercount of farmworkers should be addressed and the housing needs analyzed with that in mind.

Even using the USDA Ag Census data, the draft HE fails to analyze the housing needs of farmworkers. There are at least 14,000 farmworkers identified by the Ag Census, and only 42 farmworker housing units available in Riverbank. The draft HE fails to adequately analyze the housing needs of farmworkers and fails to provide specific programs that would result in the development of farmworker housing.

Riverbank did nothing in the previous HE cycle to provide for the housing needs of farmworkers and has even less specific plans to address farmworker housing needs during the 2014-2023 HE cycle. Program 2.1f in the previous HE was to assist in the development of housing for farmworkers, including specifically identifying a partner and development opportunity, and applying for grant funding by June 2010. The Housing Element Annual Progress Report for the 2014 year shows that no progress was made toward this goal. Additionally, in the current draft HE the City struck all the specific actions and benchmarks (identifying a partner and development opportunity, and applying for grant funding by a deadline) in Program 2.1f. There are now no concrete actions that must be taken by any certain date.

The HCD review of the previous HE required Riverbank to include specific actions to assist in the development of housing for farmworkers such as partnering with developers, assisting with site identification, applying for or supporting applications for funding, and working with growers and stakeholders to identify strategies like allowing bunkhouses for unaccompanied workers, ensuring the provision of family housing and allowing farmworker housing in agriculture zones.

Riverbank must comply with Health and Safety Code sections 17021.5 and 17021.6 and it must analyze the need for farmworker housing, identify specific sites for farmworker housing, in addition to providing specific programs with time lines, milestones, commitment, and responsible staffing, to accommodate the need for farmworker housing.

### c. Homeless Population

Riverbank identified zero homeless persons in the City in the previous housing element and again, the draft Housing Element alleges that there are no homeless persons in Riverbank. There are a number of issues with this assertion. First, the homeless population is difficult to count and routinely undercounted. Second, Riverbank relied on the “routine observations of the Riverbank Police Department” instead of attempting to count the homeless population through more traditional means. Third, among our current and former clients, we have homeless individuals that reside in Riverbank. Fourth, homeless individuals and families, also include those who are doubled and tripled up and at imminent risk of becoming homeless, who are not even contemplated in the draft HE. CRLA is well aware that there is at least one mostly vacant housing property in Riverbank that continuously deals with the issue of homeless individuals



breaking in for showers, shelter, and other necessities. Such break-ins have been reported to the Riverbank Police Services, who has responded multiple times within the last year. CRLA also is well aware that there is at least one substandard hotel in Riverbank in the process of displacing tenants who have no decent, affordable housing available to them. It is well known that the homeless population in Riverbank can frequently be found by the river.

Housing Element Law requires an analysis of special housing needs including homeless needs. Failing to account for the needs of Riverbank's homeless population is in direct violation of the law. Riverbank must identify its homeless population, analyze their needs, and plan to address those needs. A jurisdiction is required to address the needs of all segments of its population.

Emergency Shelters are now a permitted use in the Multiple Family Residential District R-3 Zone and a permitted use with a use permit in the Neighborhood Commercial District C-1 Zone, General Commercial C-2, and Commercial-Industrial C-M Zone. The draft HE states that these housing facilities are permitted by right in any residential district only if they serve 6 or fewer occupants; as such, there is no place for a larger emergency shelters by right and no discussion of whether six-bed shelters are sufficient to address the need for emergency shelters.

#### d. Large Families

One consequence of a lack of affordable housing is an increase in crowded living conditions among low-income households. The rate of overcrowding is greatest for low-income large families and those most affected by overcrowding are children, who tend to make up the greater part of large families. Affordable housing suitable for large families is a special need that must be addressed in the Housing Element.

According to the draft HE, Riverbank has traditionally provided more modest-sized homes but lacks larger, move-up homes needed by growing and large families. The approval of the Crossroads Community Specific Plan in 1998 might have helped alleviate the need for larger homes, but the housing that has been developed has tended to be unaffordable to low-income families, the families with the greatest need for larger homes. The draft HE does not provide the number of larger, move-up houses that are needed in Riverbank and thus cannot plan to meet those needs. That analysis should not be difficult given the data on overcrowding the City included in its draft HE and should be included to adequately plan for the needs of large families. The absence of this analysis and a specific program to meet the needs of these households indicates a lack of compliance with State Housing Element Law and raises significant fair housing and equity concerns.



## II. Policies to Encourage and Maintain Affordable Housing

### a. Rehabilitation Program

Affordable housing rehabilitation is an effective tool to maintain current units and is especially needed when new affordable housing development is at a standstill. Approximately 30% of housing units surveyed are in need of at least moderate repair and 291 of housing units need substantial repair or are dilapidated. The City only approved two rehabilitation projects during the last 2007-2014 HE cycle. We understand that the City was required to revise its process prior to awarding rehabilitation funds, and cited this as the reason the program was dormant from 2009 to 2013, but 5 years to revise a process when there is such need for affordable housing that is not being otherwise addressed is excessive. We are encouraged to see the City aims to rehabilitate 100 very low-income and extremely low-income housing this HE cycle. This is essential to meeting existing housing need, but will not address projected need.

### b. Inclusionary Zoning

Program 2.2a of the 2009-2014 Housing Element was to develop an inclusionary zoning ordinance for the City of Riverbank by June 2011. It was meant to assist the City to comply with State Housing Element Law. This program was not implemented and was struck from the current Housing Element citing the dissolution of Redevelopment Agencies. Without that stream of funding, the costs would be incurred by developers, which according the draft HE would hinder the development of single-family homes. While the dissolution of Redevelopment Agencies is a setback, it should not completely prevent a City from implementing an inclusionary zoning ordinance. The City is able to set its own regulations and can balance the burden on developers with the public need. Even if such an ordinance does hinder single-family housing, it will not completely eliminate the development of single-family housing, and the development of affordable housing may incentivize households to move to the affordable housing leaving single-family homes available. The City's formerly proposed inclusionary zoning ordinance could be an effective tool that can be used to make up for the lack of affordable housing, especially for a City with such a high unaddressed need.

### c. Fee Waivers

We commend Program 3.1b which waives fees for increased density General Plan amendments and defers fees for developments with lower-income housing. The cost of building new housing continues to increase, hinder the development of affordable housing especially at the lowest levels. Planning adequately to address the acute shortage of extremely low-income and very low-income housing, and counter the impact of building costs and fees, is likely to require greater incentives reserved for developments with very low-income housing and even more for developments with extremely low-income housing. This would bring the City closer to complying with law.



### d. Density Bonus

We are glad to see that the City adopted a Density Bonus Ordinance to comply with statutory amendments to State Density Bonus Law. (Government Code Section 65915, statutory amendments Chapter 1928, Statutes 2004) Additional density bonuses within the Crossroads West Specific Plan for affordable housing development projects, and more specifically, the City's commitment to rezone higher density sites within six months if the Crossroads area is not annexed is encouraging. These are significant for compliance with State Housing Element Law.

### a. Prioritizing Sewer and Water for Affordable Housing

SB 1087 establishes a process to ensure the effective implementation of Government Code Section 65589.7. This statute requires local governments to provide a copy of the adopted HE to water and sewer providers. Water and sewer providers must then grant priority for service allocations to developments that include lower-income housing. They are also required to have written policies and procedures that grant priority to developments with lower-income housing. The purpose is to facilitate the development of affordable housing. HCD recommends that local governments consult with water and sewer providers to ensure adequate water and sewer capacity is available to accommodate housing needs, especially housing needs for lower-income households. This is yet another tool that Riverbank can use and promote to comply with Housing Element Law encourage the development of affordable housing.

## **III. Public Participation**

State Housing Element Law requires jurisdictions to engage the public through a public participation strategy aimed at reaching all segments of the population. The City stated that it held one workshop and then mailed out questionnaires to certain organizations. Only 5 people and 1 organization attended or responded. It is clear that the outreach efforts need to be improved in order to comply with the State Housing Element Law public participation obligation.

### a. Improving Public Participation

The City must implement public participation efforts aimed at reaching the entire community including those most affected by the Housing Element process like low-income residents and farmworkers. HCD provides guidance on how to meaningfully engage the public. One method that is simple and more effective is to go where people congregate. Asking churches, community groups, clubs, and other established groups to be placed on their agenda to do a presentation is a more effective approach. Mailing out self-addressed postcards giving information about an upcoming meeting and requesting input may also be effective. In many



areas this can be accomplished through a partnership with water or utility providers who can agree to include the post card in their utility bill.

Allowing adequate time for comments and informing the community of the public comment period are also necessary for public participation. There is no readily accessible notice on Riverbank's website that the draft HE was released and no notice of the beginning of a public comment period on the draft HE. Further, as of May 12, 2015 all agendas, presentations, and meetings stated that the Draft HE was going to be submitted to HCD and released to the public for a 60-day review period, after which HCD would provide feedback. It was only *after* the draft HE had been submitted to HCD that we were informed that the draft HE had been submitted for the streamlined review process and consequently a shortened 30-day public review period.

### b. Language Access

Language access also is a grave concern. According to the 2010 U.S. Census, 52.1% of Riverbank's residents are Hispanic, the largest group in Riverbank followed only by White non-Hispanic which makes up 39.5% of Riverbank's population. The Hispanic population is projected to continue to increase while all other groups except Asian continue to decrease. Census data show that 46.5% of residents speak a language other than English at home. Taking this into consideration, Riverbank's failure to provide information in a language other than English or to provide interpreters for its meetings undermines nearly half of its residents' ability to participate equally in the governance of their City. The Planning Commission's notice to non-English speakers found in the Planning Commission's agendas from 2015 is reprinted below. The same notice is on the City Council agendas.

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<sup>1</sup>, notice is hereby given that all proceedings before the City of Riverbank City Planning Commission shall be in English and anyone wishing to address the Planning Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language."

The Housing Element public hearings, discussions and process are undertaken at the Riverbank local government meetings. The absence of an interpreter means that Spanish speaking Riverbank residents are excluded from full participation. An estimated 52.1% of Riverbanks

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<sup>1</sup> A city council or departmental meeting is not a "proceeding before any State Court" for the Code of Civil Procedures to apply.



## CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

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residents are Latino or Hispanic and 46.5% speak a language other than English at home. These Riverbank residents, like all others, have a right to participate in Riverbank's local government meetings and should not have to bring their own interpreter to do so.

The Riverbank City Council and Planning Commission are subject to State and Federal Laws that require local government entities to provide certain public information and interpretation of meetings in languages that are spoken by a substantial number of non-English speaking people. This includes Title VI, Government Code 11135 and the Dymally-Alatorres Bilingual Services Act which requires that public entities provide translation if more than 5% of the population served speaks a language other than English. (Cal. Gov't Code § § 7291, 7293, 7295.2, 7296.2.) Riverbank's local government meetings are also subject to the Brown Act, which requires transparency, access to information, and the right of all residents to participate in public meetings. (Brown Act, California Gov't Code § 54950, et seq.)

The City of Riverbank, which includes any Commission, as a recipient of state and federal funds, is prohibited from discriminating against meeting attendees on the basis of ethnic group identification. California law states that "no person in the State of California shall on the basis of... ethnic group identification, be unlawfully denied full equal access to the benefits of, or be unlawfully subjected to discrimination under any program that receives any financial assistance from the State. (Cal. Gov't §11135.) Title VI of the Civil Rights Act also prohibits discrimination against any individual on the ground of race, color, or national origin under any programs or activity receiving Federal financial assistance. (42USC § 2000(d)) Pursuant to these and other laws, Riverbank's local government meetings are obligated to provide language access in its meetings and to provide written translation of its meeting agendas.

The City of Riverbank must address these omissions in order to comply with State Housing Element Law, and related State and Federal laws.

Very truly yours,

CALIFORNIA RURAL LEGAL ASSISTANCE, Inc.

Marisol F. Aguilar  
Attorney, CRLA

cc: Ilene J. Jacobs, Director of Litigation Advocacy and Training, CRLA  
Christina N. Teixeira, Staff Attorney, CRLA



# CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

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Yessenia Martinez  
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## Community Equity Initiative

Marisol F. Aguilar  
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Fresno	Santa Cruz
Madera	Santa Maria
Marysville	Santa Rosa
Modesto	Stockton
Monterey	

June 17, 2015

Greg Nickless  
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**Re: Comments on Streamlined Review of Riverbank's 2014-2023 Draft Housing Element**

California Rural Legal Assistance, Inc. (CRLA) submitted comments on Riverbank's Draft Housing Element on June 8, 2015.

We supplement the comments because the draft Housing Element has been submitted for streamlined review, for which it appears that Riverbank is not eligible because public participation has not been adequate (as we noted in our earlier comments) and Riverbank would have to answer no to the following questions in the Implementation Review.

- A. Does zoning permit emergency shelters without discretionary action or has a multijurisdictional agreement pursuant to Section 65583(d) been approved?
- B. Does zoning permit transitional and supportive housing as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone?
- C. Are policies, ordinances or procedures established to allow reasonable accommodation for persons with disabilities in the application of zoning and land use policies, ordinances or procedures?



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The review addresses all three areas, however, emergency shelters are allowed by right in residential areas if the shelters serve six or less individuals, transitional and supportive housing also is permitted in the multiple-family residential zone though it is unclear whether the six-occupant restriction also applies to transitional and supportive housing, care homes and alternate housing for persons with disabilities also are limited to six-occupants to be allowed by right. These restrictions do not comply with the eligibility requirements for streamlined review.

Very truly yours,

CALIFORNIA RURAL LEGAL ASSISTANCE, Inc.

Marisol F. Aguilar  
Attorney, CRLA

cc: Ilene J. Jacobs, Director of Litigation Advocacy and Training, CRLA  
Christina N. Teixeira, Staff Attorney, CRLA



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Modesto	Stockton
Monterey	

December 18, 2015

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[Greg.nickless@hcd.ca.gov](mailto:Greg.nickless@hcd.ca.gov)

**Re: Comments to the City of Riverbank's November, 2015 Revisions to the 2014-2023 Draft Housing Element**

California Rural Legal Assistance, Inc. (CRLA) submitted comments on Riverbank's Draft Housing Element on June 8, 2015, June 17, 2015, and October 7, 2015. We submit these comments after reviewing the November 25, 2015 revisions submitted by Riverbank to HCD.

CRLA also met with the City of Riverbank and JB Anderson Land Use Planning, Riverbank's Housing Element consultants, on November 12, 2015 to review and discuss our comments. We thank them for their willingness to meet and look forward to working with them in the future.

We appreciate the substantive revisions to the Housing Element. We are aware that many cities are understaffed and must prioritize their time to meet the most pressing needs of their communities. It is essential for Riverbank to provide for the housing needs of all income segments in order to comply with state and federal fair housing laws, housing equity requirements in the housing element law, and with the requirement to affirmatively further fair housing.

We are encouraged to see a number of programs that address the need for affordable housing, farmworker housing, homeless needs, public participation, and specifically for extremely low-income housing. The programs to assist in the



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development of farmworker housing such as Program 2.1e to contact farmworker housing developers to identify the constraints to farmworker housing development within the city, is a positive approach that can help address the need for farmworker housing, but requires a commitment of staff time, program implementation and location of sites and funding. Programs such as Program 2.1b to prioritize funding for development of ELI housing and Program 3.1b to waive fees for General Plan amendments to increase housing density are good ways to encourage affordable housing and similarly require considerable work in implementation. The Table VII-2 Summary of Financial Resources for Housing is especially helpful for affordable housing developers after the dissolution of redevelopment agencies and again requires implementation in the form of applications and partnerships and actual funding and programs.

The city also can continue to consider inclusionary zoning as an additional program to help alleviate the need for affordable housing and to comply with housing element law and its obligation to affirmatively further fair housing. Given the unmet need for affordable housing in the last two housing element cycles, it is imperative that Riverbank do as much as possible to address the housing needs of low-income residents. Affordable housing will not be developed sufficiently unless it is provided in new developments. It is Riverbank's responsibility to provide for all segments of the population.

Another way to ensure that there is sufficient housing for all income groups is to maintain existing affordable housing. Program 4.1c to conduct a Housing Condition Survey and contact homeowners identified as having a home that qualifies for rehabilitation is an excellent example of the city taking the initiative to maintain housing stock. Riverbank can also ensure code enforcement is actively working to maintain current properties and any that are rehabilitated through its new program. This too requires a specific plan for program implementation in order to address deficiencies and comply with housing element law.

We and our client communities are eager to see the implementation of these programs and of the improved communication with residents, stakeholders, developers, and the agricultural community. We look forward to following Riverbank's progress through the Housing Element Annual Progress Report.

Very truly yours,

CALIFORNIA RURAL LEGAL ASSISTANCE, Inc.

Marisol F. Aguilar  
Attorney, CRLA

cc: Ilene J. Jacobs, Director of Litigation Advocacy and Training, CRLA



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October 7, 2015

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**Re: Comments to the City of Riverbank's August 12, 2015 Revisions to the 2014-2023 Draft Housing Element**

California Rural Legal Assistance, Inc. (CRLA) submitted comments on Riverbank's Draft Housing Element on June 8, 2015 and on June 17, 2015.

We submit these comments after reviewing the August 12, 2015 revisions submitted by Riverbank to HCD (August Revisions). We include by reference the concerns raised in our previous comments submitted to both the City of Riverbank and HCD which were not addressed in the August Revisions.

We continue to be concerned about the lack of analysis of the needs of homeless individuals. In the August Revisions, Table IV-16 Homeless Facilities continues to show the available facilities for the Turlock/Modesto/Stanslaus County Continuum of Care for which Fresno County is a participating member. The numbers represent the homeless facilities for the total Continuum of Care area. They are not specific to Riverbank. A homeless facility in Fresno County cannot feasible be available to homeless individuals in Riverbank. Riverbank must analyze what facilities are available in Riverbank, analyze the need for homeless facilities in Riverbank, and plan to address any shortfall.

It is not clear whether emergency shelters will no longer be subject to a six-person restriction and be allowed by right in the R-3 zone. The language in the August



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Revision is not clear. The August Revisions state that Emergency shelters, transitional housing, and supportive housing are permitted by right in any residential district and that facilities that serve 7 or more are permitted with a use permit in the R-3 zone. (V-13) Yet that same paragraph and page IV-19 state that there are no population limits and that these facilities are allowed without a conditional use permit in the R-3 zone. It seems like the issue was resolved by Ordinance No 2015-002, though further revisions must clarify exactly where emergency shelters are allowed and whether there are any permit requirements or restrictions.

For persons with development disabilities we are encouraged to see the identification by age group in Riverbank. Riverbank must now analyze the special housing needs of these individuals and include programs to address those needs.

The City of Riverbank must address these concerns and those raised in previous letters in order to comply with State Housing Element Law and related State and Federal laws. We look forward to reviewing Riverbank's next revision.

Very truly yours,

CALIFORNIA RURAL LEGAL ASSISTANCE, Inc.



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Marisol F. Aguilar  
Attorney, CRLA

cc: Ilene J. Jacobs, Director of Litigation Advocacy and Training, CRLA

**CITY OF RIVERBANK  
RESOLUTION NO. 2016-002**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF RIVERBANK, CALIFORNIA,  
RECOMMENDING THE CITY COUNCIL TO ADOPT THE  
2014-2023 HOUSING ELEMENT AND 2014-2023  
HOUSING ELEMENT NEGATIVE DECLARATION AND  
AUTHORIZATION TO SUBMIT TO THE DEPARTMENT OF  
HOUSING AND COMMUNITY DEVELOPMENT**

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**WHEREAS**, the City of Riverbank desires to maintain a General Plan that complies with the mandatory requirements of the California Government Code (Section 65300 et. seq.); and

**WHEREAS**, State law requires cities in Stanislaus County to adopt or revise their Housing Element within 120 days after December 31, 2015, to be responsive to changing conditions, new laws, State law requirements and updated regional "fair share" housing determinations; and

**WHEREAS**, the purpose of the proposed Housing Element is to assure compliance with State law by addressing the City's fair share of regional housing need through the year 2023 and to comply with other State law requirements; and

**WHEREAS**, on September 30, 2014, staff held a duly noticed public workshop to discuss the Housing Element; and

**WHEREAS**, the Planning Commission held a public meeting on April 21, 2015, and recommended that the City Council authorize staff to send the Housing Element to the State Department of Housing and Community Development ("HCD") for their mandated 60-day review; and

**WHEREAS**, on May 12, 2015, the City Council considered the draft Housing Element at a Public Meeting and authorized staff to send the document to HCD; and

**WHEREAS**, the Housing Element was sent to HCD in May 2015 for their mandated review and comments on the proposed Housing Element's consistency with State law; and

**WHEREAS**, comments were received from HCD on July 13, 2015, stating certain changes were needed for the proposed Housing Element to be considered consistent with State law; and

**WHEREAS**, Staff prepared the necessary changes to respond to HCD's comments; and

**WHEREAS**, on December 30, 2015, HCD issued a letter indicating that the draft Housing Element is in compliance with State law; and

**WHEREAS**, the Notice of Planning Commission Public Hearing to consider the draft Housing Element and provide recommendations to the City Council was posted and published on January 6, 2016; and

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

**NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK FINDS AS FOLLOWS:**

1. The proposed Housing Element is considered to be in the public interest because it provides policies and programs to promote housing for all economic segments of the City;
2. The proposed Housing Element is consistent with the goals and policies of the General Plan, and conforms to the requirements of Article 10.6 of Chapter 3 of Division 1 of Title 7 of the California Government Code (Gov. Code § 65580 *et seq.*)
3. Based on the prepared Initial Study for the Housing Element, there is sufficient evidence and evaluation to determine that the proposed Housing Element will not be detrimental to the public health, safety, or welfare;
4. Based on the Initial Study, the Housing Element will not have a significant impact on the environment and, as a result, a Negative Declaration has been prepared.
5. The proposed Housing Element is required to be reviewed and certified through the Housing and Community Development Department, and the Initial Study was prepared and submitted for public and agency review through the Office of Planning and Research (SCH# 2005122008). The proposed Housing Element has been reviewed by HCD and is ready to be submitted for formal certification.
6. 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) may be declared invalid.

**BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK, BASED ON THE FACTS AND ANALYSIS IN THE STAFF REPORT, WRITTEN AND ORAL TESTIMONY, AND EXHIBITS PRESENTED, HEREBY RECOMMENDS THE CITY COUNCIL APPROVE THE 2014-2023 HOUSING ELEMENT AND THE 2014-2023 HOUSING ELEMENT NEGATIVE DECLARATION; AND**

**BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION RECOMMENDS SUBMITTAL OF THE HOUSING ELEMENT TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR CERTIFICATION**

**PASSED AND ADOPTED** by the Planning Commission of the City of Riverbank at a regular meeting held on the 19<sup>th</sup> day of January, 2016; motioned by Commissioner Stewart, seconded by Commissioner McKinney, and upon roll call was carried by the following vote of 4-0:

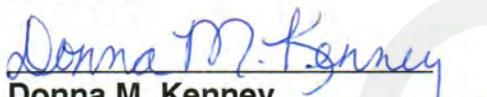
**AYES:** Chair Hughes, Commissioner's; McKinney, Stewart and Villapudua

**NAYS:** None

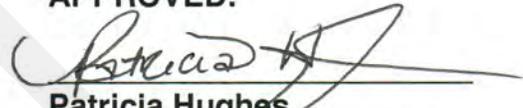
**ABSENT:** None

**ABSTAIN:** None

**ATTEST:**

  
Donna M. Kenney  
Planning and Building Manager

**APPROVED:**

  
Patricia Hughes  
Planning Commission Chair



City of Riverbank  
**Planning Commission Meeting**  
6707 Third Street • Riverbank • CA 95367

**\*DRAFT\* MINUTES**  
**Tuesday, January 19, 2016**

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

**CALL TO ORDER/ROLL CALL:**

**Present:** Chair Hughes, Commissioner McKinney, Commissioner Stewart and Commissioner Villapudua

**Absent:** None

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

*No one declared a conflict.*

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

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

*None*

**2. CONSENT CALENDAR**

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

**Item No. 2.A:** Posting of the January 19, 2016, Planning Commission Meeting.

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

*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

**Item No. 2.B:** The Agenda for the January 19, 2016, Planning Commission Meeting.

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

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*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

**Item No. 2.C:** The Minutes of the November 17, 2015 Planning Commission Meeting.

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

*Ayes: Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

### **3. PUBLIC NOTICE**

**Item 3.1:** PATTERSON ROAD PLAN LINE. PROJECT DESCRIPTION: The proposed Resolution will recommend to the City Council approval of the Interim and Ultimate Plan Lines for Patterson Road between Roselle Avenue to the west and Claus Road to the east in compliance with the City of Riverbank 2005-2025 General Plan.

- Donna M. Kenney introduced item 3.1 and John B. Anderson; consultant planner presented the staff report and PowerPoint.
- John B. Anderson asked the Planning Commission if they had any questions.
- Commissioner Villapudua asked some questions.
- Mr. Anderson responded to his questions.
- Public Hearing was opened at 6:22 p.m.
- Haskell Moore spoke on item 3.1 and had question on the number of lanes.
- Mr. Anderson responded to Mr. Moore's questions.
- Michael Monshien with Monshien Cabinets that is on the corner of Patterson and Roselle, commented on the signal light and suggested a pedestrian over pass and making the train to a quiet zone.
- Rosa Medrano stated that with the proposed new homes it will cause more traffic at Roselle and Patterson Roads. And was wondering if Roselle would become 4 lanes and concerned about no sidewalks.
- Vince Brown with Thunderbolt Wood Treating Services acknowledged the Planning Commission on their jobs and their decisions making on these difficult projects. And stated that they receive about 30 trucks a day to their business.
- Haskell Moore made additional comments on sidewalks and utility poles and that the traffic is due to the school kids.
- Mr. Anderson came up and responded to the questions asked and gave a recap of the concerns that were mentioned.

- 
- Planning Commission responded to John's recap and comments.
  - Chair Hughes asked Mr. Anderson some questions.
  - Commissioner Villapudua also asked Mr. Anderson some questions.
  - Mr. Anderson explained the process and what we need to do 1<sup>st</sup> to meet are General Plan and Downtown Specific Plan.
  - Commissioner McKinney asked Mr. Anderson some questions about the railroad right away.
  - Planning Commission discussed item and asked Mr. Anderson additional questions.
  - Mr. Anderson responded to the Commissioner's questions.
  - Public Hearing Closed at 7:06 p.m.

***ACTION:*** *By motion moved/second (Villapudua / Stewart / passed 4-0) was approved with adding special considerations to staff prior to going to City Council to examine pedestrian mobility and safety; motion carried by unanimous roll call vote.*

*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

**Item 3.2:** This was previously Item 3.4, was moved to Item 3.2 - WARD AVENUE VILLAS – GENERAL PLAN AMENDMENT 01-2015, REZONE 01-2015, AND VESTING TENTATIVE MAP 01-2015. PROJECT DESCRIPTION: Request for the development of 28 single family parcels and a storm water basin on 2.42 acres to be rezoned to Planned Development. Property is located at 2912 Ward Avenue, west of Roselle Avenue, APN 132-036-003 within an R-1 Single Family Residential Zoning District.

- Donna M. Kenney presented the staff report and PowerPoint on item 3.2.
- Public Hearing was opened at 7:37 p.m.
- Troy Wright with Windward Pacific Builders, applicant spoke on behalf of his project and the deciding factors and challenges they had with planning the project.
- Rod Hawkins with Hawkins & Associates Engineer applicants engineer spoke on behalf of the project and the storm basin.
- Commissioner Villapudua asked about the depth of the basin.
- Commissioner Stewart asked questions about the landscaping.
- Discussion on wood fencing verses vinyl fencing.
- Rosa Medrano that lives next to the project is concerned with her vinyl fence and 2 story houses looking into her yard.
- Commission and Mr. Wright discussed fencing issues.

- 
- Rosa Medrano asked additional question and concerns to her fencing if damaged.
  - Donna Kenney stated that any fencing that is damaged during construction would be replace like for like.
  - Lucrecia Castillo asked questions about the project and parking concerns.
  - Patricia Hughes read an email that was received by Judy Garcia into the public hearing comments.
  - Troy Wright continued through the amenities list of resolution 2016-006.
  - Rosa Medrano asked about utility poles.
  - Lucrecia Castillo also asked additional question to project.
  - Rosa Medrano asked what the homes would look like.
  - Public Hearing was closed at 8:42 p.m.

**ACTION:** Resolution 2016-004 - By motion moved/second (McKinney / Stewart / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.

*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

**ACTION:** Resolution 2016-005 - By motion moved/second (McKinney / Stewart / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.

*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

**ACTION:** Resolution 2016-006 – By motion moved/second (McKinney / Stewart / passed 4-0) was approved after staff made changes and recommendations; motion carried by unanimous roll call vote.

*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

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**Item 3.3:** This was previously Item 3.2, was moved to Item 3.3 - RIVERBANK 2014-2023 HOUSING ELEMENT AND INITIAL STUDY/NEGATIVE DECLARATION. PROJECT DESCRIPTION: The Planning Commission will hold a Public Hearing to review and make recommendations to the City Council regarding: 1) Initial Study/Negative Declaration on the Housing Element Update 2014-2023; and 2) an amendment to the Riverbank General Plan to adopt the Housing Element Update for the 2014-2023 Planning Period. The Proposed project is an update to the Riverbank Housing Element. In compliance with Government Code Section 65580 *et seq.*, the proposed Housing Element Update, which supports goals and policies of the City's current Housing Element, provides policies and implementation programs under which new housing development would be allowed. The proposed Housing Element includes updated policies and programs that are intended to guide the City's housing efforts through the 2014-2023 planning period.

- Donna M. Kenney introduced item 3.3 and David Niskanen; consultant planner presented the staff report and PowerPoint.
- Chair Hughes asked the Commission if they had any questions.
- Commissioner McKinney asked how confident are they.
- Mr. Niskanen responded to McKinney's question that they have done all that has been asked of them so they are very confident.
- Commissioner Villapudua asked Mr. Niskanen some questions.
- Mr. Niskanen responded to his questions.
- Public Hearing was opened at 9:00 p.m.
- Being there was no comments the Public Hearing was closed at 9:01 p.m.

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

*Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua*

*Nays: None*

*Absent: None*

*Abstained: None*

**Item 3.4:** This was previously Item 3.3, was moved to Item 3.4 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, 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. PROJECT DESCRIPTION: The proposed Ordinance Amendment will update the City's Municipal Code to make the Planning Commission the deciding body of a variance request. An appeal of the Planning Commission's decision would still be heard in public hearing by the City Council.

- Donna M. Kenney presented the staff report and PowerPoint on item 3.4.
- Planning Commission discussed item.
- Public Hearing was opened at 9:05 p.m.
- Being there was no comments the Public Hearing was closed at 9:06 p.m.

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

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

Nays: None

Absent: None

Abstained: None

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

**Item 5.1:** Planning Commissioner appointments were notified January 13<sup>th</sup>. They are Joan Stewart, Edward Tabacco and Larry King. Newly appointed Commissioners will be given the Oath of Office at the January 26<sup>th</sup> City Council meeting at 6:00 p.m. and the Council will also recognize Planning Commissioners Patricia Hughes and John Degele for their years of service on the Planning Commission Board. - Donna Kenney thanked Chair Hughes for her years of service on the Planning Commission Board.

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

**Item 6.1:** 39<sup>th</sup> Annual Stanislaus County Planning Commissioners' Workshop – Saturday, February 27, 2016. - Commissioners Villapudua, Stewart, McKinney and Hughes all stated they would want to attend this workshop.

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

**Item 7.1:** Diamond Bar West – Final Subdivision Map. Applicants are working on the plans for utilities, streets, hawk foraging land mitigation and oak tree mitigation.

**Item 7.2:** Diamond Bar West – Architecture and Site Plan Review. Application to be submitted within 2 weeks.

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

**Item 8.1:** Crossroads Shopping Center, Pad "C" Update - Panda Express (open), Chipotle, Dickey's BBQ Pit, AT&T Store (open), and Five Guys.

**Item 8.2:** Crossroads Shopping Center, Pad "G" Update – (next to Bevmo) America's Tire plans in review.

**9. ADJOURNMENT – There being no further business, Chair Hughes adjourned the meeting at 9:15 p.m.**

ATTEST:

APPROVED:

\_\_\_\_\_  
Donna M. Kenney  
Recording Secretary

\_\_\_\_\_, Chair  
Planning Commissioner

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.3

### SECTION 5: PUBLIC HEARING

<b>Meeting Date:</b>	February 23, 2016
<b>Subject/ Title:</b>	First reading and Introduction of a Proposed <b>Ordinance</b> of the City Council of the City Of Riverbank, California, to Amend Sections 52.01, 52.32, 52.34, and 52.61 of Chapter 52: Water, of Title V: Public Works, of the City of Riverbank Code of Ordinances
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Michael Riddell, Public Works Superintendent Annabelle Aguilar, CMC, Sr. Management Analyst/City Clerk

#### **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 and 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 City's efforts to increase water conservation through the reduction of water use requires the City to take immediate action by implementing changes to its policies on outdoor water use, including penalties for noncompliance of those regulations. The proposed ordinance updates the Riverbank Municipal Code (RMC) to support and provide the mechanisms to enforce the City's adopted Urban Water Management Plan in order to comply with state mandated water conservation standards during the drought conditions and, just as importantly, to comply with the recent Conservation Order issued to the City by the State Water Resources Control Board for noncompliance of the 32% water reduction mandate.

#### **BACKGROUND**

On January 17, 2014, Governor Brown issued a Proclamation declaring a State of Emergency due to severe drought conditions calling for the reduction of water use by 20%. On April 25, 2014, Governor Brown issued a proclamation extending the State of Emergency due to the ongoing drought conditions in California, and to strengthen the measures the state may take to manage water effectively. On April 1, 2015, Governor

Brown, issued Executive Order B-29-15, mandating that the State Water Resources Control Board ("Water Board") impose restrictions to achieve a statewide 25% reduction in potable urban water use through February 28, 2016 in response to the continuing drought conditions.

The Water Board adopted regulations under the Executive Order B-29-15 mandate on May 5, 2015, requiring local urban water suppliers such as the City of Riverbank ("City") to achieve conservation standards based on conservation tiers. The City's assigned tier requires it to reduce water use by 32% as compared to the same month's water production in the year 2013.

Water use in the City was reduced by 21% in June 2015, and 20% in July 2015; however, water use increased by 17% in August 2015, and then again reduced by 27.3% in September 2015 and 6.2% in October 2015. Unable to meet the required 32% water use reduction, the Water Board issued a Notice of Violation and Information Order on August 7, 2015, to the City in order to determine what actions the City had taken to comply with the mandated water conservation standard. On October 21, 2015, City staff met with the Water Board to further discuss the City's water conservation program and areas of potential water use savings.

### ***Current Water Restrictions***

The City is obligated to make strong modifications to its policies on outdoor water use, including penalties for noncompliance of those regulations. In accordance with the City's adopted Urban Water Management Plan to meet the 32% conservation standard, the City Council adopted Resolution No. 2015-096 on November 24, 2015, implementing the following outdoor water use restrictions:

- 1) Use of Landscape Irrigation Systems (Sprinklers) would be prohibited from December 1, 2015 to May 1, 2016. Only hand watering will be allowed and a person must be present to control the use of water.
- 2) Dwellings or establishments with ***even-numbered*** street addresses shall water only on ***Tuesdays***. Only hand watering is allowed and a person must be present to control the use of water. *(It is currently allowed on Tuesdays and Saturdays.)*
- 3) Dwellings or establishments with ***odd-numbered*** street addresses shall water only on ***Fridays***. Only hand watering is allowed and a person must be present to control the use of water. *(It is currently allowed on Mondays and Fridays.)*
- 4) No outdoor watering is allowed on days other than when it is expressly allowed.
- 5) No watering may occur for forty eight (48) hours after a rain event ends.
- 6) All fines are due 30 days from date of issuance of violation. If no payment is received, the fine will be added to the next utility bill.

- (a) First violation – Change from a “warning” to a \$100 fine.
- (b) Second violation – Change from a \$20 fine to a \$200 fine.
- (c) Third violation – Change from a \$50 fine to a \$300 fine.
- (d) Fourth violation – Change from a \$100 fine to \$400 fine.
- (e) Fifth violation and each violation thereafter – Change from a \$200 fine to a \$500 fine.

7) No outdoor water use will be allowed between 9:00 a.m. and 9:00 p.m.

Although these measures were immediately implemented, on December 17, 2015, the Water Board’s Office of Enforcement issued a Conservation Order directing the City of Riverbank to immediately take further action to meet the mandated water conservation target of 32% or be subject to a civil liability of up to \$500 per day for each day the violation continued.

### ***Proposed Ordinance Amendment***

There are several factors that constitute the declaration of a water drought or water shortage that requires the City to implement water conservation regulations as expeditiously as changes occur or are state mandated. The amended ordinance proposes to establish water restrictions for outdoor water use, seasonal landscape irrigation schedules, prevent water waste, establish penalties for noncompliance of the regulations, and the ability to request an appeal hearing to settle administrative citations issued to violators. The proposed ordinance will also provide the City Council with the flexibility to set water use restrictions by adoption of a resolution; thereby, promptly adapting the City’s regulations to the changing water conservation measures and mandates.

### **FINANCIAL IMPACT**

The early stages of implementing the restrictions and issued citations as part of the ordinance, may result in a cost to the City in providing an Appeal Hearing Officer or Board and staff time in preparation of a hearing; however, it is anticipated that in the long-term, costs may be offset through the collection of fines and implementation of an administrative appeals hearing fee of \$25.00.

### **ATTACHMENT**

1. Proposed Ordinance 2016-xxx

**CITY OF RIVERBANK**

**ORDINANCE NO. 2016-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,  
CALIFORNIA, TO AMEND SECTIONS 52.01, 52.32, 52.34. AND 52.61 OF CHAPTER  
52: WATER, OF TITLE V: PUBLIC WORKS, OF THE CITY OF RIVERBANK CODE  
OF ORDINANCES**

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**WHEREAS**, on April 25, 2014, Governor Brown issued a proclamation extending a state of emergency due to ongoing drought conditions in California, and strengthening the measures the state may take to manage water effectively in drought conditions; and

**WHEREAS**, on April 1, 2015, Governor Brown, issued Executive Order B-29-15, mandating that the State Water Resources Control Board (“Water Board”) impose restrictions to achieve a statewide 25% reduction in potable urban water use through February 28, 2016 in response to the continuing drought conditions; and

**WHEREAS**, the Water Board adopted regulations under the Executive Order B-29-15 mandate on May 5, 2015, requiring local urban water suppliers such as the City of Riverbank (“City”) to achieve conservation standards based on conservation tiers; and

**WHEREAS**, the City’s assigned tier requires it to reduce water use by 32% as compared to the same month’s water production in 2013; and

**WHEREAS**, on February 2, 2016, the Water Board extended the regulations adopted under Executive Order B-29-15 to October 31, 2016; and

**WHEREAS**, water use in the City was reduced by 21% in June 2015, 20% in July 2015, 27.3% in September 2015 and 6.2% in October 2015, however, water use increased by 17% in August 2015; and

**WHEREAS**, the City has not been able to meet the 32% water conservation mandate in any month with reporting data available; and

**WHEREAS**, the City received a notice of violation from the Water Board for the month of June, and by the end of the year, on December 17, 2015, the Water Board’s Office of Enforcement issued a Conservation Order directing the City to immediately take certain action to comply with the water conservation target of 32% water use reduction; and

**WHEREAS**, in its efforts to increase water conservation through the reduction of water use, the City is obligated to make drastic changes to its policies on outdoor water use, including penalties for noncompliance; and

**WHEREAS**, the City understands by implementing its water conservation policies that there may be customers or persons that may disagree with the enforcement of such policies and

therefore wants to provide the opportunity to request an appeal hearing to adjudicate citations issued to violators; and

**WHEREAS**, the City Council of the City of Riverbank hereby takes action to update the Riverbank Municipal Code to support and provide the mechanisms to enforce the City's adopted Urban Water Management Plan and comply with the Conservation Order, by establishing water conservation regulations and penalties for noncompliance, which may be changed from time to time by City Council resolution.

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

**SECTION 1: Section 52.01: Definitions, of Chapter 52: Water, of Title V: Public Works of the Riverbank Municipal Code shall be amended by adding a definition, which shall read as follows:**

**§ 52.01 DEFINITIONS.**

[...]

***ENFORCEMENT OFFICER.*** Means the City Manager, Department Director, Public Safety Officer, or any designated city personnel or other designated person that the City Manager or City Council has authorized and charged with the responsibility for the enforcement of any provision of this chapter.

[...]

***DROUGHT.*** Means a drought or water shortage as defined in the Urban Water Management Plan or as otherwise designated by federal, state, or local government.

[...]

**SECTION 2: Section 52.32: Irrigating, of Chapter 52: Water, of Title V: Public Works of the Riverbank Municipal Code shall be repealed in its entirety and amended with a new Section 52.32, which shall read as follows:**

**§ 52.32 IRRIGATING.**

No water shall be used for irrigation purposes by means of an open hose without a quick-acting positive shut-off nozzle on the hose, nor shall such use of water be wasted or used except as allowed by the Riverbank Municipal Code.

**SECTION 3: Section 52.34: Restricted Water Use During a Peak Period, of Chapter 52: Water, of Title V: Public Works of the Riverbank Municipal Code shall be repealed in its entirety and amended with a new Section 52.34, which shall read as follows:**

## § 52.34 RESTRICTED WATER USE.

In addition to all other provisions and requirements of this chapter, the following additional rules and regulations for the use of water are hereby established. These provisions shall apply to all persons using water in the city regardless of whether any person using water shall have a contract for water service with the city.

(A) *Vehicle Washing.* The washing of commercial and noncommercial privately owned automobiles, trucks, trailers, motor homes, boats, buses, and other types of vehicles is restricted to the use of a hand-held bucket and quick rinses using a hose with a quick-acting positive shut-off nozzle.

(B) *Washing Exterior Surfaces.* There shall be no washing of building exteriors, mobile home exteriors, sidewalks, patios, driveways, gutters or other exterior surfaces, unless permitted by the Public Works Director, or Superintendent, or his/her designee, and done with the use of a quick-acting positive shut-off nozzle on the hose.

(C) *Outdoor Water Use.* A drought, water shortage, or waste of water may require the city to implement regulations as expeditiously as such findings occur. The City Council by resolution shall establish water conservation regulations to address such findings, which may include but are not limited to water conservation regulations that are mandated by the state or federal government.

(D) *Violations.* It shall be unlawful for any customer or person to fail to comply with any of the provisions set forth by this section or by City Council resolution. The Enforcement Officer or designee may issue an administrative citation for failure to comply.

(E) *Penalties.* Failure to comply with any provision, requirement, rules or regulations under this chapter shall be unlawful and punishable as an infraction.

(1) In addition to the stated penalties, the city may pursue any available civil remedies and criminal penalties together with any and all costs incurred by the city as a result of violation of this section or any City Council resolution adopted pursuant to this section.

(2) At the discretion of the Enforcement Officer with the approval of the City Manager, an issued administrative citation for noncompliance of this section may be reduced to a formal written warning and the related citation fines waived or the citation may be cancelled after review of the findings. All results of a citation issued shall be entered into the record. Any further violation of the water conservation regulations provided in this section or adopted pursuant to this section shall result in the imposition of an administrative citation and its related penalties as set forth herein.

(3) Penalties for noncompliance with water conservation regulations provided in this section or adopted pursuant to this section shall be as follows and may be amended from time to time by City Council resolution:

- (a) The fine for the first violation is a one hundred dollars (\$100).
- (b) The fine for the second violation is a two hundred dollars (\$200).
- (c) The fine for the third violation is a three hundred dollars (\$300).
- (d) The fine for the fourth violation is a four hundred dollars (\$400).
- (e) The fine for the fifth violation and each subsequent violation thereafter is a five hundred dollars (\$500).

(F) *Payment of Fines.* Fines shall be placed on the customer's water bill and paid in accordance with Section 52.64 of this chapter.

(G) *Citation Appeal Hearing.* Any customer or person receiving an administrative citation for noncompliance of this section may request an appeal hearing pursuant to the administrative remedies provided in Chapter 99 of the Riverbank Municipal Code. Any customer or person seeking an appeal hearing of an issued administrative citation for noncompliance of this section shall file an appeals request form within fifteen (15) days of the citation. Failure to timely file a request form shall waive the right to appeal the violation. At the end of the fifteen (15) day period, all fines incurred for noncompliance with this section shall be placed on the customer's water bill for payment.

**SECTION 4: Section 52.61: Fees and Charges by Ordinance, of Chapter 52: Water, of Title V: Public Works of the Riverbank Municipal Code shall be amended to read as follows:**

**§ 52.61 FEE AND CHARGES ESTABLISHED BY ORDINANCE.**

Unless otherwise provided in this chapter, the amounts of all charges provided for herein, including but not limited to, water rates, connection fees, deposits, turn-on charges, penalties, and reconnection fees, shall be established from time to time by ordinance of the City Council. The failure to pay any fee or charge pursuant to this chapter shall constitute a violation of this code and shall be subject to fines and penalties set forth in the city code.

[...]

**SECTION 5:** This Ordinance shall become effective thirty (30) days from and after its final passage (\_\_\_\_), 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 23, 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. 5.4

## SECTION 5: PUBLIC HEARING

<b>Meeting Date:</b>	February 23, 2016
<b>Subject/ Title:</b>	A <b>Resolution</b> of the City Council of the City of Riverbank, California, Approving the Fiscal Year 2015-16 Mid-Year Budget Amendments
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Marisela H. Garcia, Director of Finance

### RECOMMENDATION

It is recommended that City Council consider: 1) Approval of the Fiscal Year 2015-16 Mid-Year Budget Amendment, and 2) Provide Guidance on One-Time Capital Expenditures that will impact the City Budget.

### SUMMARY

The Finance Department has performed a mid-year review of the Fiscal Year 2015-16 budget and is recommending the following: 1) budget amendments based on actual beginning reserve changes, 2) amendments based on revenue and expenditure trends, and 3) requesting guidance on one-time capital expenditures that will impact the City's budget.

### BACKGROUND

On June 23, 2015 the City Council was presented with the FY 2015-16 Annual Operating Budget. This operating budget was prepared using estimates and projections on anticipated revenues and expenditures. For the General Fund, the City Council approved a budget reflecting a structural deficit, where expenditures were projected to exceed revenues due to the funding of some one-time strategic items, and was approved as follows:

<b>Beginning Reserve</b>	<b>\$ 857,450 (9.9%)</b>
Estimated Revenues	\$8,431,700
Estimated Expenditures	\$8,654,100
<b>Anticipated Ending Reserve</b>	<b>\$ 635,050 (7.5%)</b>
Required Minimum Reserve (10%)	\$ 843,170
Reserve Deficit	\$ (208,120)
Structural Deficit	\$ (222,400)

During the course of the past few months, including during the presentation of the FY 2014-15 End of Year Budget Review, amendments were made to the Beginning Reserve as well as to budgeted expenditures based on Council action as follows:

1. Beginning Reserve was increased by \$44,166 based on actual ending reserves as of the 2014-15 Fiscal Year,
2. Increase in expenditures of \$48,700 for the purchase of the storm drain property located on Terminal & Reich and the contract for the MSR/SOI.

An important component of a mid-year budget evaluation is determining whether projections made during the final budget adoption continue to remain true as revenues are received and expenditures have been made. In addition, new information that is received from Stanislaus County and/or the State of California is reviewed for its potential impact to the City's budget and amendments are requested accordingly.

The following is a fund by fund analysis of recommended adjustments to revenues and expenditures highlighting those changes that are of significant impact to the budgets. A detailed listing of all accounts being adjusted is attached as Exhibit A.

### **General Fund (Fund 101)**

#### **Revenues**

The mid-year review of all General Fund revenues resulted in a recommended net increase of **\$75,300**. Significant adjustments were made to the following revenues:

- **Property Tax Current Secured** – Recommended Adjustment: **-\$40,700**. This adjustment is due to the fact that Stanislaus County overpaid Property Taxes to the City in FY 2014-15. This overpayment was collected from the current year revenues attributable to the City.
- **Property Transfer Tax** – An increase in the number of homes sold throughout the City has caused additional revenue to be allocated to the City. This revenue was not anticipated therefore, an amendment of **+\$20,000** is requested.
- **VLF Property Tax** – Recommended Adjustment: **+\$34,600**. These revenues are highly dependent on property tax values. The annual allocation is set by the State of California. Initial estimates were based on the prior year receipts and are being amended based on data received from the State.
- **Building Permit Fees** – Recommended Adjustment: **+\$50,000**. Increase in building permit fees due to permits issued for new construction as well as solar system installation.
- **Grants** – Recommended Adjustment: **+\$10,800**. The City was awarded a grant for the purchase of an electric golf cart for the Parks Department.
- **Plan Check Fee** – Increase in plan check fees associated with solar permits of **+\$40,000**.

- **Vehicle Code Fines** – Recommended Adjustment: **-\$60,000**. A decrease in the revenues received from the State for vehicle code fines.
- **Transfers In of Management Fees** – Recommended Adjustment **-\$24,600**. Salary savings from vacant positions and health insurance savings have caused a decrease in the amounts to be reimbursed from other funds for employee costs.

**Expenditures**

Expenditure reviews consisted of evaluating all accounts to ensure that the original budget would be sufficient to meet anticipated expenditures through the end of the fiscal year. When evaluating accounts, Finance has taken into consideration new information affecting expenditures, as well as spending trends. This mid-year evaluation (review) has resulted in a recommended net increase in expenditures for the General Fund of **+\$21,000**.

Major expenditure adjustments are being recommended for the following:

- Planning Department (405) Conferences & Meetings: **Recommended Adjustment: +\$8,100**. Attendance by the Building & Planning Manager and Planning Commissioners to the Annual Planning Commissioners Workshop.
- Administrative Services (408) Personnel Regular & Benefit Accounts: Due to the vacancy of the Human Resources Manager position, the City will experience savings this fiscal year only. Recommended Adjustment: **-\$74,200**.
- Administrative Services (408) Capital Expenditures: **Recommended Adjustment: +\$43,000**. This funding is allocated towards the purchase of a new city-wide telephone system. The current system is well over 20 years old and has begun to fail and on two occasions has left the City with no phone service to attend to our customers.
- Parks Department (414) Capital Expenditures: **Recommended Adjustment: +\$11,500**. Purchase of Golf Cart for Park Host at Jacob Myer Park.
- SR 108 Relinquishment Plan (439) – **Recommended Adjustment: +\$16,000**. This item is grant funded and reimbursed in full by the State of California for the completion of the work on the future plan for the relinquishment of State Highway 108. This amount is being funded via the Reserve as revenues were received last fiscal year for this project.

With the approved amendments, the General Fund is anticipated to end this fiscal year with a reserve of 8.24% or \$700,916.

<b>Beginning Reserve</b>	<b>\$917,716 (10%)</b>
<i>Adjusted Revenues</i>	\$8,507,000
<i>Adjusted Expenditures</i>	\$8,723,800
<b>Anticipated Ending Reserve</b>	<b>\$700,916 (8.24%)</b>
<b>Structural Deficit</b>	<b>(\$216,800)</b>
<b>Deficit to Reserve</b>	<b>(\$149,784)</b>

Of the Structural Deficit of \$216,800, approximately 90% funds several strategic one-time expenditures including:

1. Final Payment of the ED Bank Loan: \$123,600
2. Caselle Finance Software: \$23,500
3. MSR/SOI Consulting: \$38,200
4. Property Purchase: \$10,500

**Gas Tax Fund (Fund 102)**

The Gas Tax Fund receives revenues from a variety of Highway Users Taxes collected from the State of California via vehicle fuel purchases. Revenues may only be used to fund Street & Roads related projects and expenses.

Expenditures remain steady for the Gas Tax Account which funds important services such as street maintenance repairs and street sweeping, and street light utilities. Major Expenditure adjustments that are being recommended in the Gas Tax Fund include:

Account	Adjustment	Reasoning
Professional/Special Services	+\$23,900	Engineering & Traffic Study required for the enforcement of speeding tickets
Street Sweeping	+\$3,600	CPI Increase to Street Sweeping Contract with Gilton Solid Waste
Capital Expenditures	+\$3,000	Replacement of the Heat Pumps at the Corporation Yard

Overall, the health of the Gas Tax Account has been steadily improving from the significant deficits that were experienced several fiscal years ago. The Fund has been able to capture revenues for much needed improvements to some of our busier streets and to fund necessary ADA improvements to our curb, gutter, and sidewalks.

An adjustment of **+\$31,859** will be made to the beginning reserve as of July 1, 2015 as presented during the Fiscal Year 2014-15 End of Year Review. This adjustment is due to the receipt of Gas Tax Revenues over and above those anticipated. The Gas Tax Fund reserve as of June 30, 2016 will be as follows:

<b>Beginning Reserve</b>	<b>\$436,659</b>
Revenues	\$666,100
Revised Expenditures	\$875,900
<b>Revised Ending Reserve</b>	<b>\$226,859 (26%)</b>

**Sewer Fund (Fund 106)**

The Sewer Fund is a business-type account that has been established to fund the necessary maintenance and improvements to our sewer collection and sewer treatment

systems. Revenues are received from user fees from residents, commercial, and industrial entities and may only be used for sewer-related expenditures. In September 2015, the City Council adopted five-year rate increases which went into effect as of November 21, 2015 and will provide funding for operations as well as capital upgrades to our sewer service lines.

Sewer Service Charges from our residential and commercial customers are anticipated to increase based on the revised rates. A revenue adjustment of **+50,000** is requested for this revenue source.

Sewer Expenditures are overall below the anticipated budget due to the prudent spending by the division. Material amendments are requested in the following expenditure accounts:

Account	Adjustment	Reasoning
Personnel Overtime (423)	+\$1,500	Additional Overtime funds due to storm events
Standby Pay (423)	+\$3,000	Increase in Standby Overtime for Lift Stations
Equipment/Projects (423)	+\$3,000	Replacement of Heat Pumps at Corp Yard
Transfers Out (423)	-\$12,300	Decrease due to salary savings for vacant positions
Personnel Overtime (424)	+\$5,000	Increase in overtime based on actuals

The Sewer Fund beginning reserve projections is being amended from \$570,100 to \$615,847 for an actual increase of **+\$45,747**.

Overall, the Sewer Fund is anticipated to end with a reserve of 22% providing funds for future projects and addressing deferred maintenance. For this Fiscal Year the Sewer Fund continues to run a structural deficit. Future years should reflect a structurally balanced budget with the additional revenues to be received from the adopted rate increases.

In summary, the Sewer Fund is anticipated to end as follows:

<b>Beginning Reserve</b>	<b>\$615,847</b>
Estimated Revenues	\$2,198,300
Estimated Expenditures	\$2,332,700
<b>Anticipated Ending Reserve</b>	<b>\$481,447 (22%)</b>

### **Water Fund (Fund 114)**

The Water Fund is a business-type account that has been established to fund the necessary maintenance and improvements to our water distribution system. Revenues are received from user fees from residents, commercial, and industrial entities and may only be used for water-related expenditures.

The Fiscal Year 2015-16 beginning reserve will be adjusted downwards due to the actual ending reserve as of June 30, 2015. This adjustment of **-\$103,007** reflects decreased revenues that were received.

Revenue and expenditure adjustments are being proposed for the Water Fund which will result in a net increase to revenues of **+\$50,000**. This is attributable to the five-year adopted rates.

Due to the Conservation Order received by the City of Riverbank from the State Water Resources Control Board, the City is mandated to fund several positions related to Water Conservation. Currently, the City has a part-time Water Conservation Coordinator on staff and is looking to hire a second Coordinator. In the future, this position may be required to be made full-time in order to assist the City in its efforts to meet the mandated 32% reduction in water usage. Major expenditure requests for the Water Fund are as follows:

<b>Account</b>	<b>Adjustment</b>	<b>Reasoning</b>
Personnel Part-Time	+\$58,800	Part-Time Staff for Water Conservation and Water Utility Workers
Personnel Overtime	+\$6,000	Increase in Overtime for meter reading and maintenance
Capital Expenditures	+\$3,000	Replacement of Heat Pumps at Corp Yard
Transfers Out	<b>-\$12,300</b>	Decrease due to salary savings for vacant positions

Adjustments and/or budget transfers being requested for all funds are reflected on Exhibit A which is attached to this document.

**REQUEST FOR CITY COUNCIL GUIDANCE ON EXPENDITURES**

As part of the mid-year review, departments are asked to evaluate their budgets and determine whether additional funds are necessary for extraordinary items that may be upcoming in their divisions. These items are being presented for guidance from Council as to their inclusion or exclusion from the City’s budget.

- \$43,000 for the City-Wide Telephone System. This project will upgrade the City’s outdated system and will provide direct connectivity to the Public Works Corporation Yard.

Feedback on the potential of proceeding with any of the items above is requested from the City Council.

## **CONCLUSION**

The mid-year budget review is an opportunity for the City Departments to revisit their initial budgets and recommend adjustments based on actual activity that is occurring or on activity that is anticipated to occur. Therefore it is recommended that the City Council take the following action:

- 1) Approve the mid-year budget amendments as presented in Exhibit A and,
- 2) Provide Direction on the new Budget Appropriations.

## **FINANCIAL IMPACT**

<b>Fund</b>	<b>Reserve Adjustment</b>	<b>Net Revenue Adjustment</b>	<b>Net Expenditure Adjustment</b>
General Fund	\$44,166	+\$75,300	+\$21,000
Gas Tax	+\$31,859	\$0	+\$35,900
Sewer Fund	+\$45,747	+\$50,000	+\$1,400
Water Fund	-\$103,007	+\$50,000	+\$67,700
Neighborhood Impr.	\$0	+\$400	+\$300
Special Projects	\$0	+\$20,000	+\$15,000
Tow Fund	\$0	+\$23,900	+\$5,000
Recreation Fund	\$0	+\$1,800	+\$4,800
SDF: Waste Water	\$0	\$0	+\$17,250

## **ATTACHMENT**

1. Exhibit A: Recommended Mid-Year Budget Amendments
2. Resolution

**CITY OF RIVERBANK**

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,  
CALIFORNIA, APPROVING THE FISCAL YEAR 2015-2016 MID YEAR BUDGET  
ADMENDMENTS**

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**WHEREAS**, as part of the mid-year budget review, staff has projected that all reserve accounts will remain within or above the parameters as initially forecast; and,

**WHEREAS**, certain critical needs to personnel, supplies, programs, and equipment have arisen in certain operational areas; and,

**WHEREAS**, to satisfactorily meet all current needs of the City, it is recommended that the adjustments presented in Exhibit A: FY 2015-2016 Mid-Year Budget Adjustments be approved.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Riverbank hereby authorizes the budget adjustments presented in Exhibit A: FY 2015-2016 Mid-Year Budget Adjustments to satisfactorily meet the needs of our residents.

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 23<sup>rd</sup> 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:**

**APPROVED:**

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

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

Attachments: Exhibit A – Mid Year Budget Adjustments

## EXHIBIT A: FY 2015-16 Mid-Year Budget Adjustments

<u>Fund</u>	<u>Account</u>	<u>Account Name</u>	<u>Reason</u>	<u>Adjustment</u>	<u>Budget</u>	
					<u>Original</u>	<u>Amended</u>
<b><u>101: General Fund</u></b>						
<b>Revenues</b>	101-000.000-400.010	Property Tax Current Secured	Negative adjustment due to reimbursement of an overpayment by the County in FY 2014-15	(40,700)	1,226,400	1,185,700
	101-000.000-400.060	Property Transfer Tax	Increase in Transfer Tax revenues due to home sales	20,000	41,600	61,600
	101-000.000-400.070	Unitary Taxes	Annual allocation from property taxes based on actual revenues received	14,100	0	14,100
	101-000.000-400.090	Motor Vehicle in Lieu	Allocation of Excess proceeds from the State	9,500	0	9,500
	101-000.000-400.131	State Apportionment	Reimbursement of Mandated cost claims submitted to the State	8,700	0	8,700
	101-000.000-400.190	VLF Swap - Property Tax	Increase in VLF Swap revenues received from the State.	34,600	1,624,800	1,659,400
	101-000.000-450.030	Building Permit Fees	Increase in fees received from permits issued for new construction and solar system installation	50,000	150,000	200,000
	101-000.000-501.001	Grants	Grant awarded by SJVAPCD for Parks Golf Cart	10,800	0	10,800
	101-000.000-600.030	Police/Traffic Reports	Increase in police reports issued	400	500	900
	101-000.000-600.090	Plan Check Fees	Increase in plan check fees for building permits issued	40,000	20,300	60,300
	101-000.000-600.100	Planning & Zoning Fees	Increase in fees for processing of applications and work for new development	8,000	2,000	10,000
	101-000.000-600.170	Vehicle Code Fines	Decrease in revenues received from the State	(60,000)	113,900	53,900
	101-000.000-675.050	AB 939 Reimbursement	Reimbursement from Stan. County of AB 939 Fees	800	500	1,300
	101-000.000-675.340	Public Works Fees	Increase in grading permit and encroachment permit revenue	3,700	700	4,400
	101-000.000-699.000	Transfers in of Management Fees	Salary savings from vacant full-time HR Manager Position	(24,600)	1,527,000	1,502,400
		<b>Net Increase General Fund Revenues</b>		<b>75,300</b>	<b>\$8,431,700</b>	<b>\$8,507,000</b>
<b>Expenditures</b>						
<b>City Council</b>	101-401.000-706.036	Membership, Dues & Books	Annual membership for the U.S. Conference of Mayors	1,200	10,100	11,300
<b>City Manager</b>	101-402.000-704.022	Communications	Cell Phone Allowance as per employee contract	600	0	600
<b>Planning</b>	101-405.000-704.022	Communications	Cell Phone Allowance as per Union MOU	600	1,200	1,800
	101-405.000-706.037	Conferences & Meetings	Conference & Travel Costs for Planning Commissioners Academy	8,100	2,500	10,600
	101-405.000-708.008	Health, Dental, Vision Insurance	Adjustment to reflect actual costs	(2,700)	19,600	16,900

## EXHIBIT A: FY 2015-16 Mid-Year Budget Adjustments

<u>Fund</u>	<u>Account</u>	<u>Account Name</u>	<u>Reason</u>	<u>Adjustment</u>	<u>Budget</u>	
					<u>Original</u>	<u>Amended</u>
<b>Building</b>	101-406.000-701.003	Personnel Overtime	Increase in overtime for building inspections & construction inspections performed	1,000	0	1,000
	101-406.000-708.008	Health, Dental, Vision Insurance	Adjustment to reflect actual costs	500	36,600	37,100
<b>Building Maintenance</b>	101-407.000-704.022	Communications	Cell Phone Allowance as per Union MOU	200	9,500	9,700
	101-407.000-708.008	Health, Dental, Vision Insurance	Adjustment to reflect actual costs	300	12,000	12,300
<b>Administrative Services</b>	101-408.000-701.002	Personnel Regular	Salary Savings - Vacant HR Manager Position	(37,300)	281,400	244,100
	101-408.000-702.034	Other Contract Services	Data Network Cabling	5,400	5,400	10,800
	101-408.000-704.022	Communications	Cell Phone Allowance as per Union MOU	1,000	0	1,000
	101-408.000-707.002	Capital Expenditures	Allworx Telephone System	43,000	0	43,000
	101-408.000-708.005	Medicare	Benefit Savings - Vacant HR Manager Position	(600)	5,300	4,700
	101-408.000-708.006	PERS Retirement	Benefit Savings - Vacant HR Manager Position	(2,800)	50,600	47,800
	101-408.000-708.007	Payroll Expenses	Benefit Savings - Vacant HR Manager Position	(400)	2,100	1,700
	101-408.000-708.008	Health, Dental, Vision Insurance	Benefit Savings - Vacant HR Manager Position	(17,000)	52,000	35,000
	101-408.000-708.009	Union Pension	Benefit Savings - Vacant HR Manager Position	(1,500)	12,800	11,300
	101-408.000-708.010	Self Insurance	Benefit Savings - Vacant HR Manager Position	(13,000)	43,100	30,100
	101-408.000-708.012	Deferred Compensation	Benefit Savings - Vacant HR Manager Position	(1,900)	7,200	5,300
	<b>Police Services</b>	101-409.000-702.031	Rents & Leases	Temporary Generator Lease	5,500	19,500
101-409.000-706.072		SDEA Contribution	Decrease in annual contribution per SDEA Budget	(9,400)	40,000	30,600
101-409.000-708.006		PERS Retirement	Unfunded Liability for Safety Plan established by PERS	10,400	0	10,400
<b>Code Compliance</b>	101-411.000-999.000	Transfers Out	Decrease in general fund subsidy to Neighborhood Imp. Fund	(3,600)	69,700	66,100
<b>Development Services Admin</b>	101-412.000-704.022	Communications	Cell Phone Allowance as per Union MOU	600	1,300	1,900
<b>Parks</b>	101-414.000-704.022	Communications	Cell Phone Allowance as per Union MOU	600	400	1,000
	101-414.000-707.002	Capital Expenditures	Park Host Golf Cart replacement-Grant Funded	11,500	0	11,500
<b>Economic Development</b>	101-439.000-702.032	Professional/Special Services	SR 108 Relinquishment Grant Payment-Reserve Funded	16,000	0	16,000
<b>Recreation</b>						0
	101-459.000-999.000	Transfers Out	Increase in General Fund Subsidy to Recreation Fund 134 for repairs to Community Gym and additional printing costs	4,700	373,300	378,000
<b>Net Increase General Fund Expenditures</b>				<b>21,000</b>	<b>\$8,702,800</b>	<b>\$8,723,800</b>
<b>Net General Fund Revenue Adjustments</b>				<b>75,300</b>		
<b>Net General Fund Expenditure Adjustments</b>				<b>21,000</b>		
<b>Net Effect to the General Fund Reserve</b>				<b>54,300</b>		

**EXHIBIT A: FY 2015-16 Mid-Year Budget Adjustments**

Fund	Account	Account Name	Reason	Adjustment	Budget	
					Original	Amended
<b>102: Gas Tax</b>						
<b>Expenditures</b>	102-418.000-701.003	Personnel Overtime	Increase in Overtime costs due to storm activity	1,000	2,500	3,500
	102-418.000-701.004	Standby Pay	Increase in Standby Overtime due to additional staff on standby	1,500	4,000	5,500
	102-418.000-702.032	Professional/Special Services	Engineering & Traffic Study	23,900	35,900	59,800
	102-418.000-702.036	Street Sweeping	Annual CPI Increase to contract	3,600	84,500	88,100
	102-418.000-704.022	Communications	Cell Phone Allowance as per Union MOU	900	0	900
	102-418.000-707.002	Capital Expenditures	Replacement of Heat Pumps at Corp Yard	3,000	8,800	11,800
	102-418.000-708.008	Health, Dental, Vision Insurance	Adjustment to reflect actual costs	2,000	70,200	72,200
	<b>Total Gas Tax Expenditure Adjustments</b>			<b>35,900</b>		
<b>106: Sewer Fund</b>						
<b>Revenues</b>	106-000.000-600.180	Sewer Service Charge	Adjustment to reflect rate increase	50,000	1,926,200	1,976,200
	<b>Total Sewer Fund Revenue Adjustments</b>			<b>50,000</b>		
<b>Expenditures</b>	106-423.000-701.003	Personnel Overtime	Increase in overtime due to storm activity	1,500	500	2,000
	106-423.000-701.004	Standby Pay	Increase in standby overtime	3,000	8,000	11,000
	106-423.000-704.022	Communications	Cell Phone Allowance as per Union MOU	600	2,000	2,600
	106-423.000-708.008	Health, Dental, Vision Insurance	Adjustment to reflect actual costs	(2,000)	25,200	23,200
	106-423.000-707.003	Equipment/Projects	Replacement of Heat Pumps at Corp Yard	3,000	8,800	11,800
	106-423.000-999.000	Transfers Out	Decrease due to Salary Savings for Vacant HR Manager Position	(12,300)	1,124,200	1,111,900
	106-424.000-701.003	Personnel Overtime	Increase in overtime based on actuals	5,000	25,000	30,000
	106-424.000-704.022	Communications	Cell Phone Allowance as per Union MOU	800	900	1,700
	106-424.000-706.050	Safety Equipment	Purchase of AED for emergencies	1,800	3,300	5,100
	<b>Total Sewer Fund Expenditure Adjustments</b>			<b>1,400</b>		
<b>114: Water Fund</b>						
<b>Revenues</b>	114-000.000-600.140	Water Revenues	Adjustment to reflect rate increase	50,000	1,700,100	1,750,100
	<b>Total Water Fund Revenue Adjustments</b>			<b>50,000</b>		
<b>Expenditures</b>	114-433.000-701.002	Personnel Part-Time	Staffing Costs for Water Conservation & Water Utility Workers	58,800	0	58,800
	114-433.000-701.003	Personnel Overtime	Increase in overtime based on actuals	6,000	19,000	25,000
	114-433.000-701.004	Standby Overtime	Increase in overtime based on actuals	5,000	13,000	18,000
	114-433.000-707.002	Capital Expenditures	Replacement of Heat Pumps at Corp Yard	3,000	0	3,000
	114-433.000-708.005	Medicare	Benefit costs for Water Conservation & Water Utility Workers	900	2,900	3,800
	114-433.000-708.006	PERS Retirement	Benefit costs for Water Conservation Worker	800	40,700	41,500
	114-433.000-708.007	Payroll Taxes	Benefit costs for Water Conservation & Water Utility Workers	4,500	2,200	6,700
	114-433.000-708.008	Health, Dental, Vision Insurance	Adjustment to reflect actual costs	1,000	65,300	66,300
	114-433.000-999.000	Transfers Out	Decrease due to Salary Savings for Vacant HR Manager Position	(12,300)	616,300	604,000
	<b>Net Increase Water Fund Expenditures</b>			<b>67,700</b>		

## EXHIBIT A: FY 2015-16 Mid-Year Budget Adjustments

Fund	Account	Account Name	Reason	Adjustment	Budget	
					Original	Amended
<b>117: Neighborhood Improvement Fund</b>						
<b>Revenues</b>	117-000.000-655.000	Fines, Forfeitures, Penalties	Lien Payoff that was not anticipated to be received	4,000	1,000	5,000
	117-000.000-699.000	Transfers In	Decrease in General Fund Subsidy due to additional revenues being received	(3,600)	69,700	66,100
	<b>Total Neighborhood Improvement Fund Revenue Adjustments</b>			<b>400</b>		
<b>Expenditures</b>	117-411.000-704.022	Communications	Transition to Smartphone for access to e-mail and permit system while in the field	400	600	1,000
	<b>Net Increase Neighborhood Improvement Fund Expenditures</b>			<b>400</b>		
<b>119: Equipment/Motor Pool Fund</b>						
	119-442.000-708.008	Health, Dental, Vision Insurance	Adjustment to reflect actual costs	300	12,900	13,200
<b>125: Special Projects Fund</b>						
<b>Revenues</b>	125-000.000-655.010	System Administration Fees	Increase in revenues received from from building permits issued for new construction	20,000	5,000	25,000
	<b>Total Special Projects Fund Revenue Adjustments</b>			<b>20,000</b>		
<b>Expenditures</b>	125-448.000-999.000	Transfers Out	Transfer of Admin Fees to General Fund to reimburse for staff salaries	15,000	0	15,000
	<b>Net Increase Special Projects Fund Expenditures</b>			<b>15,000</b>		
<b>126: Asset Seizure/Tow Fund</b>						
	126-449.006-675.090	AB 109 Realignment Funds	AB 109 funds received from the State of CA	23,900	0	23,900
	126-449.006-702.034	Other Contract Services	Building Improvements at Sheriff's Department	5,000	13,000	18,000
<b>134: Recreation Fund</b>						
<b>Revenues</b>	134-000.000-672.003	Donations	Donations received from the community for recreational activities	300	800	1,100
	134-000.000-675.090	Miscellaneous Revenues	Revenues received for recreation classes	1,500	600	2,100
	<b>Net Increase Recreation Fund Revenues</b>			<b>1,800</b>		
<b>Expenditures</b>	134-459.000-701.003	Personnel Overtime	Overtime worked by Part-Time Employees	100	0	100
	134-459.000-706.052	Gym Expenses	Annual maintenance for Community Gym floor & alarm system repairs	3,500	16,000	19,500
	134-459.000-706.065	Printing Expenses	Additional funding for printing of summer activity guide	1,000	4,000	5,000
	134-459.000-708.008	Health, Dental, Vision Insurance	Adjustment to reflect actual costs	200	9,100	9,300
	<b>Net Increase Recreation Fund Expenditures</b>			<b>4,800</b>		
<b>207: System Dev. Fees Waste Water</b>						
	207-467.000-707.002	Capital Expenditures	Re-appropriation of funds authorized in FY 14-15 for the California Ave. Sewer Line design	17,250	6,500	23,750

**RIVERBANK LOCAL REDEVELOPMENT AUTHORITY  
AGENDA ITEM NO. 5.5**

**SECTION 5: PUBLIC HEARING**

<b>Meeting Date:</b>	February 23, 2016
<b>Subject/ Title:</b>	A <b>Resolution</b> of the Local Redevelopment Authority of the City of Riverbank, California, Approving the Fiscal Year 2015/16 Mid-Year Budget Adjustment and Accepting the Second Quarter Revenue Expenditure Report
<b>From:</b>	<b>Jill Anderson, City Manager</b>
<b>Submitted by:</b>	Debbie Olson, Executive Director Melissa Holdaway, Administrative Analyst II

**RECOMMENDATION**

It is recommended that the Local Redevelopment Authority (“LRA”) Board of Directors (“Board”) accept the second quarter revenue and expenditure report (September 1, 2015 through December 31, 2015) and adopt the attached resolution approving mid-year budget adjustments to the Fiscal Year (“FY”) 2015/16 Local Redevelopment Authority Budget.

**BUDGET OVERVIEW**

On a quarterly basis, LRA staff presents the Agency’s budget for review and acceptance. At mid-year, there is an opportunity to assess the revenues and expenditures for the first half of the fiscal year (through December 31, 2015) and identify variances between actual transactions and estimated budget amounts that might be considered material. Based on this assessment, budget adjustments are proposed for the remainder of the fiscal year. These suggested changes are presented to the LRA Board for discussion, consideration and possible amendment.

The LRA Board adopted the FY 2015/16 operating budget on June 26, 2015, per resolution 2015-002. After a mid-year review of the budget some fiscal assumptions have changed. An updated budget is provided with this report that shows proposed revisions to the financial plan for the remainder of the fiscal year.

After proposed mid-year adjustments the LRA budget will show an ending reserve projection of \$255,182 that will increase our cash on hand to approximately \$1,170,545.

LRA Reserve Balance FY 2015/16	
Beginning Reserve 7/1/15	\$ 915,363
Revenue FY 15/16	\$ 2,686,968
Expenditures FY 15/16	\$ 2,431,786
Ending Projected Balance 6/30/16	\$ 1,170,545

The revised budget shows revenues of \$2,686,968 and expenditures of \$2,431,786.

	<b><u>2014-15 Actuals</u></b>	<b><u>2015-16 Budget Approved</u></b>	<b><u>2015-16 Budget Mid-Yr Proposal</u></b>
<b>Total Revenue</b>	<b>\$4,099,172</b>	<b>\$3,250,821</b>	<b>\$2,686,968*</b>
<b>Total Expenditures</b>	<b>\$4,218,602</b>	<b>\$2,412,639</b>	<b>\$2,431,786</b>
<b>Total Ending Balance</b>	<b>\$ -119,430</b>	<b>\$ 838,182</b>	<b>\$ 255,182</b>

\*reduction to revenue due to removing personal property of \$500,000 from budget

## **Discussion**

A summary of the revenue and expenditures by category including proposed mid-year adjustments to the budget are discussed below.

### **REVENUES**

**Office of Economic Adjustment Grant** (Executed on August 12, 2015) – OEA grant funds include salaries and benefits, a portion of professional services (legal, engineering and other consultant services), a portion of administrative expenses including travel, equipment, office supplies, phones, copier costs, postage and janitorial. The OEA grant budget had not been approved before FY 15/16 numbers were due. The adjustment reflects the actual funds approved by OEA.

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$364,501	\$382,483	\$17,982

**Lease Revenue** (Rents) – Revenue from tenants is in line with the initial projected budget.

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$1,456,800	\$1,456,800	\$0

**Sale of Personal Property** – Equipment left behind by the Army is known as surplus Army personal property (“Personal Property”). The Army will transfer ownership for Personal Property to the LRA upon signing of the MOA. The LRA anticipates selling all Personal Property upon receipt of the bills-of-sale. Continued delays in the delivery and execution of the MOA has led to the request for a mid-year budget adjustment removing the anticipation of revenue from the sale of Personal Property in FY 15/16.

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$500,000	\$0	\$(500,000)

**Department of Defense Caretaker Revenue (O&M)** – This item reflects protection and maintenance payments through March 31 from the Army for protection, operations and maintenance of the facility.

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$98,685	\$98,685	\$0

**Utility Revenue** (from Tenants) – This reflects revenue received from tenants for electricity. No change is anticipated in this line item.

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$725,000	\$725,000	\$0

**Miscellaneous Revenue** – This line item covers revenue from public scales, RV storage, propane, and use of LRA equipment or other LRA services to tenants. At adoption of the budget we were closing a claim for damage to the overhead pass at Broadway. This revenue was captured in the prior year’s budget. We are therefore removing it from the current year’s revenues.

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$87,853	\$24,000	\$(63,853)

**EXPENSES**

**Salaries/Benefits** – Salaries and benefits include three FTEs and a portion of the City Manager’s salary.

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$325,123	\$325,123	\$0

**Administrative Expenses** – This line item includes travel associated with meetings and conferences, equipment, office supplies and print media associated with public notices or key public meetings, office phones, cell phone stipends, high-speed copier lease,

postage and janitorial and janitorial supplies for the LRA offices. A mid-year adjustment is needed for increased costs in travel.

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$21,013	\$23,513	\$2,500

**Marketing/Branding** – This budget item covers the cost of distribution of newsletters, costs associated with any public informational meetings and/or other events at the facility. With the MOA not expected to sign this fiscal year we reduced the line item that would have covered the celebration.

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$10,000	\$5,000	\$(5,000)

**Professional Services** – This line item covers legal expenses and other professional services such as consultant contracts. A mid-year adjustment is requested to cover contractual obligations for grant writing and engineering services.

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$219,950	\$245,950	\$26,000

**Insurance Premiums** – This line item covers premiums for insurance products required by the Army and to mitigate risk including pollution and remediation legal liability, business interruption insurance and limited general liability.

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$100,000	\$100,000	\$0

**Facility Operations & Maintenance** – This category covers the costs associated with maintenance and permitting in a variety of areas including well maintenance, storm and drinking water testing, electrical system preventative maintenance, fire suppression system maintenance, landscaping maintenance, propane for equipment, and miscellaneous site repairs. Mid-year adjustments to this category are primarily because of repairs on the fire suppression system required by the 5-year certification report.

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$233,553	\$249,200	\$15,647

**Common Area Costs** – This category includes maintenance, utility and other costs associated with leased, non-leased and public areas of the site (e.g., parking lot and walkway lighting, public restrooms maintenance and stocking, break room maintenance, water dispensers and portable toilet). A mid-year adjustment is requested to decrease the costs for electrical due to tenants instituting upgraded energy efficient equipment.

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$860,000	\$840,000	\$(20,000)

**Facility Management/Security Services Contract** – The facility management company expenses and the security staffing are paid from this line item. Facility management includes four (4) FTE plus burden, management fees, and reimbursement for parts and materials (e.g., light bulbs, Ph testing equipment, pumps, filters, tools, facility maintenance software, etc.).

FY 15/16 Adopted Budget	FY 15/16 Mid-year Budget	Change
\$643,000	\$643,000	\$0

Recap of Mid-year adjustments:

REVENUES	
Sale of Personal Property	<\$500,000>
Insurance claim pay out from previous year revenue	<\$63,853>
<b>TOTAL MID-YEAR ADJUSTMENTS</b>	<b>&lt;\$563,853&gt;</b>

EXPENDITURES	
Travel Allowance	\$2,500
Marketing/Branding	<\$5,000>
Professional Services	\$26,000
Well Maintenance	<\$500>
Water Testing	<\$4,000>
Fire Suppression System	\$19,500
Propane	<\$1,500>
Repairs	\$2,147
Common Area Costs	<\$20,000>
<b>TOTAL MID-YEAR ADJUSTMENTS</b>	<b>\$19,147</b>

The total mid-year adjustments are also detailed in Exhibit F.

**FINANCIAL IMPACT**

LRA funds are generated from grants, leasing revenue and payments from the Army for operations and maintenance of the former Riverbank Army Ammunition Plant. **No General Fund monies are used to operate the agency or for upkeep of the Riverbank Industrial Complex.** By agreement with the Army, all revenues from the site must be reinvested in the property and used for the protection, repair, operation and maintenance of the facilities.

**STRATEGIC PLANNING ALIGNMENT**

The presentation of the LRA’s quarterly budget and mid-year adjustment request supports the City’s mission and reinforces the City’s core values of transparency and fiscal responsibility.

## **ATTACHMENT**

1. Exhibit A – Resolution Approving Mid-Year Budget Adjustments and Second Quarter Revenue Expenditure Report
2. Exhibit B – LRA Reserve Balance Snapshot FY 2015/16
3. Exhibit C – Review of Fund 197 Revenue and Expenditures through December 31, 2015
4. Exhibit D – Review of Fund 198 Revenue and Expenditures through December 31, 2015
5. Exhibit E – LRA Budget Overview FY 2015/16
6. Exhibit F – Review of the Proposed Mid-Year Budget and Adjustments

**RIVERBANK LOCAL REDEVELOPMENT AUTHORITY**

**RESOLUTION**

**A RESOLUTION OF THE LOCAL REDEVELOPMENT AUTHORITY OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING THE FISCAL YEAR 2015/16 MID-YEAR BUDGET ADJUSTMENTS AND ACCEPTING THE SECOND QUARTER REVENUE EXPENDITURE REPORT**

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**WHEREAS**, the Riverbank Local Redevelopment Authority took over operation of the Riverbank Industrial Complex in April, 2010 and were required by the LRA Board to submit quarterly reports; and,

**WHEREAS**, the quarterly report for the second quarter of Fiscal Year 2015-16 is complete and shows the need for some budget amendments; and,

**WHEREAS**, the LRA Board has reviewed the quarterly report and mid-year budget adjustment request.

**NOW, THEREFORE, BE IT RESOLVED** that the Local Redevelopment Authority Board of the City of Riverbank hereby approves the mid-year budget adjustment and accepts the Second quarter revenue expenditure report.

**PASSED AND ADOPTED** by the Local Redevelopment Authority Board of the City of Riverbank at a meeting held on the 23th day of February, 2016; motioned by Authority Member \_\_\_\_\_, seconded by Authority Member \_\_\_\_\_, and upon roll call was carried by the following LRA Board vote of \_\_\_:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
**Annabelle Aguilar, CMC**  
Secretary

**APPROVED:**

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

Attachment: LRA Financial documents Exhibits B - F

**LRA Reserve Balance FY 2015/16**

Beginning Reserve 7/1/15	\$	915,363
Revenue FY 15/16	\$	2,686,968
Expenditures FY 15/16	\$	2,431,786
Ending Projected Balance 6/30/16	\$	1,170,545

	<u>2015-16 Budget</u>	<u>First Quarter Jul-Sept</u>	<u>Second Quarter Oct-Dec</u>	<u>Year to Date</u>	<u>2015-16 Balance</u>
<b>Fund 197</b>					
<i>Rents</i>	1,456,800	389,125	368,092	757,217	699,583
<i>Sale of Personal Property</i>	500,000			-	500,000
<i>DOD Caretaker Revenue</i>	98,685		74,014	74,014	24,671
<i>Utility Revenue from Tenants</i>	725,000	81,719	211,938	293,657	431,343
<i>Miscellaneous Revenue</i>	87,853	3,050	6,307	9,357	78,496
<b>Total Revenue</b>	<b>2,868,338</b>	<b>473,894</b>	<b>660,351</b>	<b>1,134,245</b>	<b>1,734,093</b>
<i>Salaries</i>	21,602	5,701	6,205	11,906	9,696
<i>Fringe</i>	11,297	2,787	3,458	6,245	5,052
<b>Administrative Expenses</b>					
<i>Travel</i>	1,605	787	1,073	1,859	-254
<i>Equipment</i>					
<i>Office Supplies/Legal Ads</i>	397	136	93	229	168
<i>Phones</i>	521	121	81	202	319
<i>Copier</i>	509	177	52	229	280
<i>Postage</i>	50	5	4	9	41
<i>Janitorial</i>	257			0	257
<i>Marketing/Branding</i>	9,370	625		625	8,745
<b>Professional Services</b>					0
<i>Legal</i>	146,000	6,936	50,567	57,503	88,497
<i>Other Services</i>	1,995		3,255	3,255	-1,260
<i>Insurance Premiums</i>	100,000			0	100,000
<b>Facility Operations &amp; Maintenance</b>					
<i>Well maintenance</i>	1,500			0	1,500
<i>Permits</i>	6,000	80		80	5,920
<i>Water Testing</i>	7,000	180	690	870	6,130
<i>Electrical PM</i>	70,000		12,962	12,962	57,038
<i>Electrical Infrastructure Upgrade/Repair</i>	0			0	0
<i>Fire Supression Maintenance</i>	5,000	7,315	17,110	24,425	-19,425
<i>Landscaping</i>	8,000	790		790	7,210
<i>Propane</i>	3,000		554	554	2,446
<i>Repairs</i>	112,853	11,914	79,391	91,305	21,548
<i>Fire Assessment Fees*</i>	200			0	200
<i>Common Area Costs (electric, water, garbage)</i>	860,000	165,446	212,366	377,812	482,188
<i>Tenant Improvements</i>	20,000			0	20,000
<b>Facility Mgmt/Security Services Contracts</b>					
<i>Security</i>	168,000	28,215	41,946	70,161	97,839
<i>Facility Management</i>	475,000	72,911	120,163	193,074	281,926
<b>Total Expenditures</b>	<b>2,030,156</b>	<b>304,125</b>	<b>549,969</b>	<b>854,095</b>	<b>1,176,061</b>
<b>Net Revenues Less Expenditures</b>	<b>838,182</b>	<b>169,769</b>	<b>110,381</b>	<b>280,150</b>	<b>558,032</b>

	<u>2015-16</u> <u>Budget</u>	<u>First Quarter</u> <u>Jul-Sept</u>	<u>Second</u> <u>Quarter Oct-</u> <u>Dec</u>
<b>Fund 198</b>			
<i>OEA Grants</i>	382,483	82,192	113,045
<b>Total Revenue</b>	<b>382,483</b>	<b>82,192</b>	<b>113,045</b>
<i>Salaries</i>	191,589	51,313	55,837
<i>Fringe</i>	100,635	25,083	31,122
<b>Administrative Expenses</b>			
<i>Travel</i>	2,702	1,851	851
<i>Office Supplies/Legal Ads</i>	3,045	1,222	755
<i>Phones</i>	4,580	1,084	814
<i>Copier</i>	4,580	1,597	455
<i>Postage</i>	450	42	38
<i>Janitorial</i>	2,317		
<i>Marketing/Branding</i>	630		
<b>Professional Services</b>			
<i>Legal</i>	54,000		23,172
<i>Other Services</i>	17,955		
<b>Total Expenditures</b>	<b>382,483</b>	<b>82,192</b>	<b>113,045</b>
<b>Net Revenues Less Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>

### LRA FY 15/16 Budget Overview

		Proposed	1st Quarter		2nd Quarter		FY 15/16
	FY 15/16 Approved Budget	FY 15/16 Mid Yr Budget	Jul-Sept	Rev/Exp	Oct-Dec	Rev/Exp	Year to Date
<b>Total Revenue</b>	\$ 3,250,821	\$ 2,686,968	\$ 556,086		\$ 773,396		\$ 1,329,482
<b>Total Expenditures</b>	\$ 2,412,639	\$ 2,431,786	\$ 386,317		\$ 663,014		\$ 1,049,331
<b>Net Revenues Less Expenditures</b>	\$ 838,182	\$ 255,182	\$ 169,769		\$ 110,382		\$ 280,151

LRA Proposed Fiscal Year 2015-2016 Budget

NOTES

	<u>2014-15</u> <i>Actuals</i>	<u>2015-16 Budget</u> <i>Approved</i>	<u>2015-16 Budget</u> <i>Mid Yr</i>	
<b>REVENUES</b>				
OEA Grants	433,777	382,483	382,483	
Rents	1,482,828	1,456,800	1,456,800	
Sale of Personal Property	5,500	500,000		No movement w/Army
DOD Caretaker Revenue	74,014	98,685	98,685	
Utility Revenue from Tenants	1,085,208	725,000	725,000	
Miscellaneous Revenue	146,632	87,853	<b>24,000</b>	Reduced insurance claim payoff captured in PFY
ESCA #1	871,213			
ESCA #2				
<b>Total Revenue</b>	<b>4,099,172</b>	<b>3,250,821</b>	<b>2,686,968</b>	
<b>EXPENDITURES</b>				
<b>Salaries and Fringe</b>				
Salaries	239,739	213,191	213,191	
Fringe	124,717	111,932	111,932	
<b>Administrative Expenses</b>				
Travel	4,660	4,307	<b>6,807</b>	Travel expenditures exceeded forecasted budget
Equipment	286	0	0	
Office Supplies/Legal Ads	4,359	3,442	3,442	
Phones	4,487	5,101	5,101	
Copier	4,221	5,089	5,089	
Postage	132	500	500	
Janitorial	1,922	2,574	2,574	
Marketing/Branding	2,253	10,000	<b>5,000</b>	Reduced no MOA expected to be signed in this FY
<b>Professional Services</b>				
Legal	358,809	200,000	200,000	
Other Services	40,074	19,950	<b>45,950</b>	Grant Writer/Engineering RFQ
Insurance Premiums	98,920	100,000	100,000	
<b>Facility Operations &amp; Maintenance</b>				
Well maintenance	35	1,500	<b>1,000</b>	reduced well closures
Permits	3,588	6,000	6,000	
Water Testing	5,590	7,000	<b>3,000</b>	extra testing not expected this FY
Electrical PM	56,729	70,000	70,000	
Electrical Infrastructure Upgrade/Repair	693,037	0	0	
Fire Supression Maintenance	71,160	5,000	<b>24,500</b>	change orders on repairs from PFY
Landscaping	6,454	8,000	8,000	
Propane	3,575	3,000	<b>1,500</b>	reduced usage
Repairs	70,564	112,853	<b>115,000</b>	tenant repairs from storm
Fire Assessment Fees*	0	200	200	
Common Area Costs (electric, water, garbage)	921,662	860,000	<b>840,000</b>	usage reduced due to improvements by tenant
Tenant Improvements	0	20,000	20,000	
<b>Facility Mgmt/Security Services Contracts</b>				
Security	166,634	168,000	168,000	
Facility Management	466,781	475,000	475,000	
<b>Total Expenditures</b>	<b>4,218,602</b>	<b>2,412,639</b>	<b>2,431,786</b>	
<b>Net Revenues Less Expenditures</b>	<b>-119,430</b>	<b>838,182</b>	<b>255,182</b>	

# RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

## SECTION 6: NEW BUSINESS

<b>Meeting Date:</b>	February 23, 2016
<b>Subject:</b>	Utility Rate Assistance Program for Water & Sewer Rates for Low-Income Seniors
<b>From:</b>	Jill Anderson, City Manager
<b>Submitted by:</b>	Marisela H. Garcia, Director of Finance

### **RECOMMENDATION**

It is recommended that the City Council receive a presentation and provide feedback regarding the development and implementation of a Utility Rate Assistance Program for Water and Sewer Rates for Low-Income Seniors.

### **SUMMARY**

At the October 15, 2015 Strategic Planning Session, the City Council included an objective to “develop a proposal for a low-income senior discount for water and/or sewer payments and present to the City Council for action”. Tonight’s presentation will discuss the preferred program and will request feedback from the City Council on the future implementation of the program.

### **BACKGROUND**

On October 13, 2016 the City Council approved Ordinance 2015-014 and 2015-015 which implemented new five-year rates for both Water & Sewer services. These new rates were adopted in order to continue providing high-quality utility services to the City’s residents and businesses, to ensure the reliability of the City’s water and wastewater systems, and to comply with federal, state, and local regulatory requirements. Although the rate increases are necessary they are difficult for low-income households, many of which are led by senior residents on fixed incomes. Because of this the City Council, as part of the Strategic Plan, requested that staff research options for a utility rate assistance program.

Over the past several months staff has researched programs that are currently available in California. The California Public Utilities Commission (CPUC) has approved several programs that provide financial benefit to ratepayers of the utilities it regulates, including the California Alternative Rates for Energy (CARE) program for electricity and natural

gas, the LifeLine program for telephone service, and programs implemented by other municipalities. Programs implemented in the surrounding cities include the following:

- Ceres – Provides a Utility Users Tax Exemption on electric, gas, cable & telephone services
- Escalon – Sewer Rate discount of \$4.18 per month

Unlike utilities regulated by the CPUC, cities such as Riverbank are prohibited by state law (Proposition 218) from funding their rate assistance programs with charges to their customers (i.e. water & sewer rates). Cities must fund their programs with discretionary (non-rate) funds, voter-approved taxes, or donations from residents and businesses.

**PROPOSED LOW-INCOME SENIOR RATE ASSISTANCE (LISRA) PROGRAM**

The proposed program developed by the Finance Department recommends that the Council consider a modest program that would provide some significant rate relief to low-income senior residents. The criteria for the proposed program is a follows:

- Senior, age 65 or older
- Applicant must be the current account holder
- Applicant must be considered “Extremely-Low Income” in Stanislaus County as established by the California Housing and Community Development (HCD) Annual Income Limits. The current limits are as follows:

<b>2015 Income Limits</b>			
<b># in Household</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>Annual Income</b>	\$11,950	\$13,650	\$15,350
<b>Monthly Income</b>	\$995.83	\$1,137.50	\$1,279.17

- Proof of Income is required
- Applicant must re-certify (re-apply) every two years
- Discount will be applied to the base rates as follows:

<b>Utility Service</b>	<b>Monthly Discount</b>
<b>Water</b>	\$9.00
<b>Sewer</b>	\$6.00
<b>Total Monthly Discount</b>	<b>\$15.00</b>

- Program will be funded via the Fines, Forfeitures, Penalties Revenue from the Water and Sewer Fund. These revenues are collected from the 10% penalty fee and Water Reconnection Fee assessed on delinquent accounts and are not related to the water & sewer rates charged to customers.
- Program will be first-come, first-serve based on funding availability.
- New applications will be accepted once per year in June for the discount to become effective July 1.

The combined discount of \$15.00 per month reflects a 24% discount for the qualifying household. A flat discount (as opposed to a % off discount) has the advantage of being easy to administrate.

Currently, the City offers low-income senior and disabled discounts on Garbage services. 130 residents currently take advantage of this program. Should these same customers be eligible for the proposed utility rate assistance program, the potential budgetary impact would be as follows:

<b>Utility Service</b>	<b>Annual Revenue Required</b>
<b>Water</b>	\$14,100
<b>Sewer</b>	\$9,400
<b>Total Revenue Required</b>	<b>\$23,500</b>

It is recommended that the City Council provide feedback regarding the proposed program guidelines and direct staff to prepare for the implementation (including preparation of any necessary Ordinance or Resolutions, consultation with legal counsel, application development, etc.) as of July 1, 2016.

### **STRATEGIC PLAN**

- On October 15, 2015, the City Council established an objective to Develop a Proposal for Low-Income Senior Discount for Water and/or Sewer Payments and present to the City Council for Action. This report addresses this matter.

### **FINANCIAL IMPACT**

The cost of the proposed Low-Income Senior Rate Assistance (LISRA) Program will be dependent upon the number of senior residents that would apply. There will be some associated staffing costs that are anticipated. An annual budget allocation will be made during the preparation of the FY 2016-17 Annual Budget for implementation of the program.

### **ATTACHMENTS**

1. Rate Assistance Program Survey

RATE ASSISTANCE PROGRAM SURVEY

<u>Agency</u>	<u>Eligibility</u>	<u>Income Verification</u>	<u>Max Customers Served</u>	<u>Recertification</u>	<u>Income Guidelines</u>	<u>Terms</u>
Davis	Owner-Occupant	Yes	250 Annually	Annual	PG&E Care	<b>\$10 discount per month</b>
Adelanto	Low Income	Yes		Annual	HUD Income	<b>50% of monthly base rate</b>
Bellflower	Low Income	Upon Request		In year 2	Care Program	<b>*Exemption from paying 50% of the rate increase</b> *Must remain in good standing, no delinquencies *2 years only
Tracy	Low Income	Provide PG&E Bill		Annual	PG&E Care	<b>*Waiver of monthly meter charge (water)</b> <b>*Sewer - \$2.55 mo. Discount</b> *Does not apply to multi-family or shared meters
Glendale	Low Income Senior-62 or older	Yes, & proof of age			Less than \$13,950 annually	<b>7% UUT Exemption on Water or \$150 one-time bill payment assistance</b>
San Jose Water Company	Low Income	Upon Request		Bi-Annually	PG&E Care	<b>*15% discount on total water bill</b> *Funded through a surcharge
California Water Service	Low Income	Upon Request		Bi-Annually	PG&E Care	<b>*50% discount of the monthly meter service charge</b>
San Francisco	Low Income	Yes		n/a	PG&E Care	<b>*15% discount on water &amp; 35% discount on sewer</b> *Must participate in a water-wise conservation evaluation
Palmdale Water District	Low Income	Yes	1st come first served based on available funds	Annual	PG&E Care	<b>*50% of monthly water service charge</b>
Sacramento	Low Income	Yes			200% of Federal Poverty Level	<b>*Up to \$13/mo on water &amp; sewer</b>
Woodland	Low & Very Low Income (owner occupied)	Proof of enrollment in Care program		Annual	PG&E Care	<b>\$75 discount for 6 months/fiscal year (37.50/mo)</b>
EBMUD	Low Income (owner occupied)	Yes		Bi-Annually	Set by EBMUD	<b>50% of bi-monthly service charge, 50% water usage charge up to 1,050 gallons per person per month, 35% sewer</b>
Valencia Water Company	Low Income	Upon Request		Bi-Annually	Set by VWC	<b>50% discount of monthly water service charge</b>
San Luis Obispo	Low Income	Proof of enrollment in other programs			n/a	<b>15% discount of monthly water &amp; sewer charges</b>

RATE ASSISTANCE PROGRAM SURVEY

<u>Agency</u>	<u>Eligibility</u>	<u>Income Verification</u>	<u>Max Customers Served</u>	<u>Recertification</u>	<u>Income Guidelines</u>	<u>Terms</u>
Port Hueneme	Low Income	Yes & Proof of enrollment in other programs		Upon Request	SCE Care Program	15% discount of monthly water & sewer charges
Azusa	Low Income	Yes		Annual	Set by Azusa	\$50 annually
South Tahoe Public Utility District	Low Income	Proof of enrollment in other programs		Bi-Annually	Care Program	20% discount
Brisbane	Low Income	Proof of enrollment in other programs		Bi-Annually	PG&E Care	40% discount, customers are not affected by rate increases
San Jacinto	Low Income Senior-65 or older	Proof of enrollment in other programs		Annual	SCE Care Program	50% discount off first 5 units billed

Neighboring Cities

Ceres	UUT Exemption on Electric, Gas, Cable, & Telephone Only
Modesto	Refers customers to CVOC Assistance Program
Patterson	No Program
Waterford	No Program
Oakdale	No Program
Newman	No Program
Turlock	No Program
Escalon	Sewer Rate Discount of \$4.18 per month