

CITY COUNCIL / LRA BOARD

Mayor/Chair:

Richard D. O'Brien

Vice Mayor/Chair (CM-D1) Luis Uribe

Council/Authority Members:

District 2 Rachel Hernandez

District 3 Cal Campbell

District 4 Darlene Barber-Martinez



CITY OF RIVERBANK REGULAR CITY COUNCIL AND LOCAL REDEVELOPMENT AUTHORITY Board Hybrid Meetings (In-Person: [Face Covering Required](#)) (Virtual via ZOOM)

Council Chambers, 6707 Third St., Suite B
Riverbank, CA 95367



AGENDA

TUESDAY, NOVEMBER 9, 2021– 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 59453, SUBDIVISION (e) OF THE RALPH M. BROWN ACT (CALIFORNIA GC § 54950, ET SEQ.), THE FEDERAL AMERICANS WITH DISABILITIES ACT AND THE RECENT STANISLAUS COUNTY HEALTH OFFICER'S MANDATORY FACE COVERING ORDER (Sept.2, 2021). WHILE THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC, GIVEN THE STATE OF EMERGENCY REGARDING THE THREAT OF COVID-19, MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE AND COMMENT VIA THE ZOOM VIRTUAL PLATFORM. REFER TO THE LAST PAGE OF THE AGENDA FOR PARTICIPATION INFORMATION.

1. CALL TO ORDER

2. FLAG SALUTE

3. INVOCATION

4. ROLL CALL

5. AGENDA CHANGES

6. 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.*

7. 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 3 minutes (or as stated by the presiding Officer)** and time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

Refer to the last page of this agenda for the Public Comment Procedures.

8. 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 requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.

Item 8.1. Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 8.2. A **Resolution** Approving the City Manager or (his/her) Designee as the Signature Authority for the 2021-22 California Budget Act Funding Allocation of \$2,000,000 from the State of California General Fund.

- Item 8.3.** A **Resolution** of the City Council of the City of Riverbank, California, Proclaiming a Local Emergency and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Riverbank Pursuant to Assembly Bill 361 and Brown Act Provisions.

9. PUBLIC HEARINGS

The Public Hearing Notice was published in the Riverbank News on 10/27/2021.

- Item 9.1.** **First Reading by Title Only and Introduction of a Proposed Ordinance Amending Title XV, Land Usage, by repealing in their entirety Section 153.003 DEFINITIONS and Section 153.325 ACCESSORY DWELLING UNITS, and substituting them with new Sections 153.003 and 153.325 and Adding New Sections 153.326 through 153.330** – It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on December 14, 2021, for consideration of its adoption.

10. WORKSHOPS

Information and educational presentation of a subject matter to receive direction and to prepare for its future consideration and decisions by the City Council.

- Item 10.1.** **Workshop - Ag Mitigation Strategy** – It is recommended that the City Council participate in a workshop on Ag Mitigation Strategies and provide feedback and direction as necessary.
- Item 10.2.** **Workshop - Project Update and Implementation Steps of Riverbank Recycle Water and Wastewater Treatment Plant Upgrade** – It is recommended that Council participate in a workshop providing an update on the implementation steps associated with the Riverbank Recycled Water and Wastewater Treatment Plant Upgrade project and provide direction as needed.

11. NEW BUSINESS

- Item 11.1.** **A Resolution to Approve the Appropriation of An Amount Not to Exceed \$50,000 from the General Fund Reserve to Fund the City of Riverbank Centennial Events, Activities and Materials** – It is recommended that the City Council approve the proposed resolution appropriating an amount not to exceed \$50,000 to fund a variety of events in celebration of the City of Riverbank centennial.
- Item 11.2.** **A Resolution Approving the Suspension of the Recruitment Process to Fill the 2021 Expired Planning Commissioner Terms Due to a**

COVID-19 State of Emergency and to Appoint the Current Commissioner's to Serve a One-Year Interim Appointment Expiring December 31, 2022 – It is recommended that the City Council consider the adoption of the proposed resolution to allow current primary Planning Commissioners Steve Link and John Dinan, and alternate Planning Commissioner Ben Reuben, whose terms are scheduled to expire on December 31, 2021, to continue serving in their capacities and thereby alleviate the need to conduct a recruitment process under the current COVID-19 state of emergency.

12. COMMENTS/REPORTS

A brief report on notable attendance of a meeting or conference or other notable topics of City business shall be made. The Brown Act does not allow for discussion or action of items by the City Council/LRA Board during this time.

Item 12.1. Staff

Item 12.2. Council/Authority Member

Item 12.3. Mayor/Chair

13. CLOSED SESSION

The public will have a limit of **3 minutes** to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing to Closed Session.

Item 13.1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

(Pursuant to Government Code § 54956.9(a))

Name of Case: Carlson Morgan, LLC v. City of Riverbank, Local
Redevelopment Authority

Stanislaus County Superior Court Case No. CV-21-001556

Item 13.2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

(Government Code Section 54956.8)

Property: 6509 Claus Rd., Riverbank, [APN 132-048-016]

Agency Negotiator: City Manager Sean Scully

Property Negotiator: Esam Khacho

Under Negotiation: Price, terms of payment, or both

14. RECONVENE – REPORT FROM CLOSED SESSION

15. ADJOURNMENT

- The regular meeting on Tuesday, November 23rd is canceled; Happy Thanksgiving!
- The next regular City Council meeting will be on Tuesday December 14th at 6:pm
- The regular City Council meeting on December 28th is canceled.

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted at the meeting location, on the North City Hall public exterior bulletin board, the Riverbank Community Center, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this Friday, November 5, 2021

/s/ Annabelle H. Aguilar, CMC, City Clerk of Riverbank

**ADA COMPLIANCE STATEMENT**

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at aaquilar@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

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.



TELECONFERENCE/VIRTUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR THE HYBRID CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT AS AMENDED BY SB 361

PUBLIC "LIVE" VIEWING

- Government Channels: Charter– 2 and AT&T U-VERSE – 99
- YouTube Live – is no longer available due to technical difficulties, which is being worked on.
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

Written comments must be received before 4:00 p.m. on the date of the meeting in order for them to be distributed to the Council prior to consideration of the matter. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 pm, please call the City Clerk's Office at (209) 863-7198 or the Administration Dept. at (209) 863-7122.

ACCEPTABLE METHODS OF SUBMITTING COMMENTS

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367.
- **Via Email:** Mail to cityclerk@riverbank.org
 - Indicate Agenda Item # in the **subject line**.
- **Oral Comments In-Person:** The Mayor will ask the audience if anyone wishes to comment, at that time you may approach the podium. (A Spanish language interpreter is available for assistance.)
- **Oral Comments Via Zoom:** The Mayor will announce when public comments may be made for a limit of 3 minutes on the agenda item being considered, at which time you will:
(please make sure the volume on your video device or any nearby device is turned down.)
 - Using a computer – click on the “raise hand” feature in the webinar controls. This will alert staff that you wish to speak, and you will be unmuted.
 - Using a Phone – press *9 to “raise the hand”. This will alert staff that you wish to speak, and you will be unmuted.

ZOOM ORAL COMMENTS - TECHNICAL DIFFICULTIES: Should technical difficulties occur while providing oral comments via ZOOM, please call the teleconference phone (209) 863-7151 immediately so that Council may receive your comments. Council will be waiting for your call. (Please do not use this line otherwise.) Thank you

JOIN THE MEETING VIA ZOOM PLATFORM

- Join by this link: <https://us02web.zoom.us/j/83835454259>
- Join by accessing website: <https://zoom.us/join>, enter **Webinar ID: 838 3545 4259**
- Join by telephone: **1 669 900 9128 or 1 346 248 7799, plus Webinar ID: 838 3545 4259**

Learn about using ZOOM - Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.

RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 8.1

SECTION 8: CONSENT CALENDAR

Meeting Date:	November 9, 2021
Subject:	Waiver of Readings
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the waiver of readings of any proposed ordinances and resolutions for consideration, except by title.

SUMMARY

In lieu of reading the entire text of a proposed ordinance or resolution that is introduced for consideration for adoption and approval, by majority vote, the City Council/LRA Board may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The full text of the proposed ordinances and resolutions, and any related documents that are part of the agenda packet, are available for review by the public on the City's website and in the City Clerk's office at City Hall (North) upon distribution to a majority of the City Council/LRA Board; typically 72 hours prior to the scheduled date and time of the meeting.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 8.2

SECTION 8: CONSENT CALENDAR

Meeting Date:	November 9, 2021
Subject:	A Resolution Approving the City Manager or (his/her) Designee as the Signature Authority for the 2021-22 California Budget Act Funding Allocation of \$2,000,000 from the State of California General Fund
From:	Sean Scully, City Manager
Submitted by:	Marisela H. Garcia, Assistant City Manager/Administrative Services Director

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution providing the City Manager, or (his/her) designee, with signature authority to complete any and all documents necessary for the 2021-22 California Budget Act funding allocation of \$2,000,000 from the State of California General Fund.

SUMMARY

This item will provide the City Manager, or their designee, with signing authority for any and all documents related to the \$2,000,000 California Budget Act Allocation awarded to the City of Riverbank for Transitional Housing Projects.

BACKGROUND

On October 14, 2021 the City was notified that it had been awarded a General Fund Allocation of \$2,000,000 from the Fiscal Year 2021-22 California Budget. These funds shall be used towards the City's efforts to provide Transitional Housing to our homeless population.

In order to accept the award and to process the necessary documentation, including the execution of a Standard Agreement, the City must designate a signatory on behalf of the City of Riverbank. As is standard with all grants, the City Manager, or their designee, is being requested for authorization to sign on behalf of the City.

STRATEGIC PLAN

On August 10, 2021, the City Council established a Strategic Plan Goal to "Ensure the City's Continued Financial Stability". This goal includes direction to "continue to seek

local, regional, and federal grant opportunities to support City projects, programs and initiatives especially those that provide funding for diversity and equity.”

FINANCIAL IMPACT

There is no financial impact associated with the designation of signature authority to the City Manager, or their designee.

ATTACHMENT

1. Resolution
2. Award Letter

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING THE CITY MANAGER OR (HIS/HER) DESIGNEE AS THE SIGNATURE AUTHORITY FOR THE 2021-22 CALIFORNIA BUDGET ACT FUNDING ALLOCATION OF \$2,000,000 FROM THE STATE OF CALIFORNIA GENERAL FUND

WHEREAS, over the past year the City of Riverbank has made tremendous strides towards implementing programs to assist our homeless population; and

WHEREAS, through the efforts of our City Council in advocating for such important projects the City was awarded \$2,000,000 through the 2021-22 California Budget Act from the State of California General Fund; and

WHEREAS, this funding is to be allocated towards the City's efforts to implement a Transitional Housing Program in the City; and

WHEREAS, the City Council hereby designates the City Manager, or their designee, as signature authority on any documents or forms required as part of this allocation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby provides signature authority for any forms related to the 2021-22 California Budget Act Funding Allocation of \$2,000,000 from the State of California General Fund to the City Manager or their designee.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of November, 2021; 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 H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
ADMINISTRATION AND MANAGEMENT DIVISION**

2020 W. El Camino Avenue, Suite 330, 95833
P. O. Box 952050, Sacramento, CA 94252-2050
www.hcd.ca.gov



October 14, 2021

Marisela Garcia

Assistant City Manager / Admin Services Director
City of Riverbank
6707 Third St.
Riverbank, CA 95367
Office (209) 863-7110 | Fax (209) 869-7100
mhgarcia@riverbank.org

Dear Ms. Garcia:

Pursuant to the 2021-22 California Budget Act, the City of Riverbank has been allocated \$2,000,000 for a transitional housing project. This award is payable from the General Fund.

Please review the attached Scope of Work. Please note it is not an executed contract and you cannot begin work yet. We have received a STD 204 from your organization. To expedite payment processing, please complete and return the attached invoice template. Sections we need you to complete are highlighted yellow.

Please contact Andrew Pecota, Budget Analyst, at (916) 820-1239 or by email at Andrew.Pecota@hcd.ca.gov for further assistance.

Sincerely,

Patrick Brown
Chief Budget Officer
Administration and Management Division

Enclosure

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 8.3

SECTION 8: CONSENT CALENDAR

Meeting Date:	November 9, 2021
Subject:	A Resolution of the City Council of the City of Riverbank, California, Proclaiming a Local Emergency and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Riverbank Pursuant to Assembly Bill 361 and Brown Act Provisions
From:	Tom Hallinan, City Attorney
Submitted by:	Tom Hallinan, City Attorney

RECOMMENDATION

Staff recommends Council adopt a Resolution authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Virtual Meeting Environment.

SUMMARY

NOTE: This report is generally the same staff report presented at the October 26th Council meeting. As the resolution only extends the allowance for teleconferenced meetings for a 30 day period it is necessary to reagendaize this item for approval at the first meeting in November as the second meeting in November is cancelled for the Thanksgiving Holiday.

On September 16, 2021 Governor Newsom signed Assembly Bill (“AB”) 361 which allows cities to continue to meet remotely during proclaimed states of emergency under modified Ralph M. Brown Act requirements that are similar but not identical to the rules and procedures established by the previous Executive Orders temporarily suspending provisions of the Brown Act. On September 20, 2021, Governor Newsom signed Executive Order N-15-21 to suspend AB 361 until October 1, 2021. Over the past year, City Council meetings have been held with virtual teleconference components.

AB 361, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Brown Act when a local legislative body holds a meeting during a declared state of emergency by the governor and when state of local health officials have imposed or recommended measures to promote social distancing.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021, for public agencies to transition back to public meetings held in full compliance with the Brown Act.

As the Delta variant has surged in California, the Legislature has taken action to extend the COVID-19 exceptions to the Brown Act's teleconference requirements, subject to some additional safeguards. AB 361 allows a local agency to use teleconferencing without complying with the Brown Act provisions in any of the following circumstances:

- The local legislative body holds a meeting during a proclaimed state of emergency by the governor, and state or local officials have imposed or recommended measures to promote social distancing.
- The local legislative body holds a meeting during a proclaimed state of emergency by the governor for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- The local legislative body holds a meeting during a proclaimed state of emergency by the governor and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

A local agency that holds a meeting under these circumstances would be required by AB 361 to do all of the following, in addition to giving notice of the meeting and posting agendas as required under the Brown act. These additional requirements are intended to protect the public's right to participate in the meetings of local agency legislative bodies.

Pursuant to AB 361 local agencies are required to do all of the following in addition to meeting notice requirements under the Brown Act:

- Allow the public to access the meeting and require that the agenda provide an opportunity for the public to directly address the legislative body pursuant to the Brown Act's other teleconferencing provisions.
- In each instance when the local agency provides notice of the teleconferenced meeting or posts its agenda, give notice for how the public can access the meeting and provide public comment.
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option; the legislative body need not provide a physical location for the public to attend or provide comments.
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public.
- Stop the meeting until public access is restored in the event of a service disruption that either prevents the local agency from broadcasting the meeting to the public using the call-in or internet-based service option or is within the local agency's control and prevents the public from submitting public comments (any actions taken during such a service disruption can be challenged under the Brown Act's existing challenge provisions).
- Not require comments be submitted in advance (though the legislative body may provide that as an option) and provide the opportunity to comment in real time.
- Provide adequate time for public comment, either by establishing a timed public comment period or by allowing a reasonable amount of time to comment.

- If the legislative body uses a third-party website or platform to host the teleconference, and the third-party service requires users to register to participate, the legislative body must provide adequate time during the comment period for users to register and may not close the registration comment period until the comment period has elapsed.

AB 361 also provides that if a local agency conducts teleconference meetings in reliance on AB 361, the local agency must make the following findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules:

- The legislative body has reconsidered the circumstances of the emergency; and
- Either of the following circumstances exist: The state of emergency continues to directly impact the ability of members to meet safely in person, or State or local officials continue to impose or recommend social distancing measures.

The goal of AB 361 is “to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options” consistent with Executive Order N-29-20. AB 361 contains an urgency clause which became effective upon signing with a sunset of January 1, 2024. However, shortly after signing AB 361, Governor Newsom signed Executive Order N-15-21 to suspend AB 361 until October 1, 2021.

At the October 12th City Council meeting, Council considered whether or not to continue with the hybrid meeting format. During that meeting difficulties were experienced in receiving a specific comment on an agenda item. As such, the Council chose to only extend the hybrid meeting allowance for 2 weeks to determine alternate options for accepting comments or dealing with technical issues. **At the October 26th Council meeting staff gave out the phone number at the dais for any member of the public that had technical issues providing comment by zoom. Two comments were received via this method, if this resolution is approved staff will continue with this measure until it is no longer needed.** Staff is currently in the process of soliciting bids for technological upgrades to the Council Chamber technology setup which will provide improved ability for hybrid and streamed meetings.

Alternatively the Council could choose to no longer allow hybrid meetings in which case Councilmembers would attend in person or would have to follow the original Brown Act requirements for a remote meeting (public posting etc). Some local communities still live stream meetings but do not allow remote public comment as an option.

If the Resolution is adopted the City Council will continue to hold in person meetings with a virtual hybrid component. The City Council will revisit the need to conduct meetings remotely within 30 days of the adoption of this Resolution, it is staff's intention to reevaluate options for hybrid meetings during that time period for future Council consideration.

FINANCIAL IMPACT:

None at this time.

Attachments:

1. Resolution 2021-XXXX
2. Letter from Stanislaus County Public Health Officer RE: Social Distancing Recommendation

CITY OF RIVERBANK

RESOLUTION NO. XXX

**A RESOLUTION OF THE CITY OF THE CITY COUNCIL OF THE CITY OF ,
CALIFORNIA, PROCLAIMING A LOCAL EMERGENCY AND AUTHORIZING
REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE
CITY OF RIVERBANK PURSUANT TO ASSEMBLY BILL 361 AND BROWN ACT
PROVISIONS**

WHEREAS, the City Council of the City of Riverbank (the “City”) is committed to preserving public access and participation in meetings of the City Council; and

WHEREAS, all meetings of the City’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the City’s legislative bodies conduct their business; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill (“AB”) 361, amending Government Code section 54953, subdivision (e) to allow for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953, subdivision (b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition for remote teleconferencing participation in meetings by members of a legislative body is that a state of emergency is declared by the Governor, pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the City’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing or the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the City, specifically, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

[WHEREAS, the Stanislaus County Public Health Officer issued an order on September 2, 2021 regarding the highly transmissible Delta Variant and recommending face coverings indoors; and

WHEREAS, there has been a significant increase in COVID-19 cases in Stanislaus County due primarily to the Delta variant of SARS-CoV-2, the virus that causes COVID-19. Emerging evidence indicates that the Delta variant is far more transmissible than prior variants of the virus, may cause more severe illness, and can be spread by fully vaccinated individuals; and

WHEREAS, as a consequence of the declared emergency, the City Council does hereby find that the legislative body of the City shall conduct their meetings without compliance with Government Code section 54953, subdivision (b)(3), as authorized by Section 54953, subdivision (e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in Section 54953, subdivision (e)(2); and

WHEREAS, pursuant to Government Code section 54953, subdivision (e)(3), in order to continue to teleconference without compliance with Government Code section 54953, subdivision (b)(3), the City Council shall, not later than 30 days after teleconferencing for the first time pursuant to this Resolution, and every 30 days thereafter, make the following findings by majority vote: The legislative body has reconsidered the circumstances of the state of emergency and any of the following conditions exist: (1) the state of emergency continues to directly impact the ability of the members to meet safely in person or (2) state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City reserves the option to hold in-person meetings, consistent with local health officer directives, or to continue a practice of remote meetings that still allow multiple options for public participation.

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

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The City Council hereby proclaims that a local emergency exists throughout the City, and that the legislative body meeting in person could present imminent risks to the health and safety of attendees due to the prevalence of COVID-19 in Stanislaus County and the state, such that the City reserves the right to continue virtual meetings or conduct in-person meetings, consistent with local health guidance or duly issued orders.

Section 3. Remote Teleconference Meetings. The legislative body and designees of the City are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953, subdivision (e), and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) October 30, 2021, or (ii) such time the City Council makes a subsequent finding by majority vote in accordance with Government Code section 54953, subdivision (e)(3), to extend the time during which the legislative bodies of the City may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the ___ day of _____, 2016; motioned by Councilmember ____, seconded by Councilmember ____, and upon roll call was carried by the following City Council vote of 5-0:

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

Attachment:



HEALTH SERVICES AGENCY

Public Health Services
917 Oakdale Road, Modesto, CA 95353

Julie Vaishampayan, MD, MPH
Public Health Officer

Phone: 209.558.8804 Fax: 209.558.7286
www.hsahealth.org

September 22, 2021

To Whom It May Concern:

I recommend that physical/social distancing measures be practiced throughout our Stanislaus County communities to minimize the spread of COVID-19, including implementation of the newly enacted AB 361 to maintain social distancing by legislative bodies of our local agencies. This recommendation is made due to the continued threat of COVID-19 to the community.

I will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation.

Julie Vaishampayan, MD, MPH
Public Health Officer
Stanislaus County

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 9.1

SECTION 9: PUBLIC HEARING

Meeting Date:	November 9, 2021
Subject:	First Reading by Title Only and Introduction of a Proposed Ordinance Amending Title XV, Land Usage, by repealing in their entirety Section 153.003 DEFINITIONS and Section 153.325 ACCESSORY DWELLING UNITS, and substituting them with new Sections 153.003 and 153.325 and Adding New Sections 153.326 through 153.330
From:	Sean Scully, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance (Attachment 1) to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on December 14, 2021, for consideration of its adoption.

SUMMARY

The proposed Zoning Ordinance Amendment is a staff-initiated proposal to modify the Riverbank Municipal Code (RMC) to be consistent with new State law related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). Specifically, the amendments include:

- Repeal Section §153.003, Definitions and Substitute it with a new Section §153.003 to include definitions for Efficiency Kitchens, Junior Accessory Dwelling Unit, Public Space, and Tandem Parking (Attachment 2).
- Repeal Section §153.325, Accessory Dwelling Units and Substitute it with a new Section §153.325 to be consistent with new State law, and include provisions for the creation of Junior Accessory Dwelling Units (Attachment 3).

The Planning Commission, at their regular meeting of October 19, 2021 and with a vote of 5-0, recommended approval of the ordinance to the City Council (Attachment 4).

BACKGROUND AND ANALYSIS

On October 24, 2017, the City Council adopted an Ordinance (Ordinance No. 2017-010) amending the RMC to regulate ADUs. These amendments to the City's Municipal Code were enacted to comply with the State legislation in effect at that time, as set forth in Government Code Sections 65852.2 and 65852.22.

In October 2019, the Governor signed into law several bills that, among other things, amended Government Code Sections 65852.2 and 65852.22 to impose additional limits on local authority to regulate ADUs and JADUs. The purpose of these laws was to streamline the approval and permitting process and to encourage the construction of ADUs.

In September 2020, the Governor signed Assembly Bill 3182 (AB 3182) that further clarified the processing time for a jurisdiction to approve of a deemed complete application for an ADU to sixty (60) days and allows the creation of an ADU and a JADU per lot, within the proposed or existing single-family dwelling, if certain conditions are met.

The new Statewide legislation took effect on January 1, 2020 and January 1, 2021, respectively, and nullified the City's current, non-compliant ADU ordinance.

The key components of the proposed Zoning Ordinance Amendment include:

- Clarify where ADUs and JADUs are permitted and to allow the construction of ADUs on lots developed with existing multifamily dwellings per State law.
- Include provisions that allow a single property with an existing or proposed primary dwelling to have an ADU (attached or detached) and a JADU (attached), if certain conditions are met.
- Reorganize the Development Standards to separate standards for ADUs and JADUs.
- Add Development Standards for JADUs including limiting the size to 500 sq. ft., require independent exterior entrance from the primary dwelling, an efficiency kitchen, and require the property to record a deed restriction to prohibit the sale of the JADU separate from the single-family residence.
- Reduce the side and rear yard setback from five (5) feet to four (4) feet for ADUs. Additionally, the Ordinance clarifies that no setback is required for an existing living space or accessory structure in the same location that is converted to an ADU.
- Add a Utilities and Impact Fees Section that includes new State law that a new ADU is not considered a new residential use for the purposes of calculating connection fees or capacity charges for sewer and water. Installation of a separate direct connection between an ADU contained within an existing structure and utility shall not be required. However, ADUs not within an existing structure shall be required to install a new or separate utility connection and be charged a connection fee and/or capacity charge proportional to the burden imposed by the ADU.
- Add provisions that the ADU or JADU may be rented separately from the primary residence but may not be sold or otherwise conveyed separately from the primary residence. No owner occupancy requirement may be imposed for ADUs through

January 1, 2025. For JADUs, the property owner must occupy either the single-family residence or the JADU.

ENVIRONMENTAL REVIEW

The proposed Zoning Ordinance Amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061(b)(3) by the “Common Sense Exemption” that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

The proposed amendments do not change the zoning designation on any individual property and does not affect existing land use. The purpose of the amendment is to amend the Municipal Code to be consistent with recent State law as it relates to Accessory Dwelling Units and Junior Accessory Dwelling Units and does not propose any specific development of a project.

FINANCIAL IMPACT

None. This project is funded by the State of California through an SB2 Grant.

2020-2025 STRATEGIC PLAN

The Strategic Plan’s purpose is to help the City prioritize its efforts, allocating both fiscal and human resources to achieve a shared Vision and Goals that also reflect community priorities and needs. Obtaining and using a REAP Grant is a strategy that supports the City’s Goal of “Ensure the City’s Continued Financial Stability.”

1.3 Continue to seek local, regional and federal grant opportunities to support City projects, programs, and initiatives.

In this case, the City was awarded a State Grant in order to implement State housing mandates concerning accessory dwelling units and junior accessory dwelling units.

PUBLIC NOTICE

The City Council public hearing notice was published in the Riverbank News on October 27, 2021, posted at City Hall North, and the Riverbank Community Center.

ATTACHMENTS

1. Draft Ordinance 2021-XXX
2. Mark-up of Section §153.003, Definitions
3. Mark-up of Section §153.325, Accessory Dwelling Units
4. Planning Commission Resolution 2021-018

CITY OF RIVERBANK

ORDINANCE NO. 2021-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING RIVERBANK MUNICIPAL CODE SECTIONS §153.003, DEFINITIONS AND §153.325, ACCESSORY DWELLING UNITS, BY REPEALING THESE SECTIONS IN THEIR ENTIRETY AND SUBSTITUTING THEM WITH NEW SECTIONS §153.003 AND §153.325

WHEREAS, the Planning Commission held a public hearing on October 19, 2021 to consider an amendment to the City of Riverbank Municipal Code and with a vote of 5-0, recommended approval of this ordinance to the City Council; and

WHEREAS, on October 6, 2021, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City and on City's website; and

WHEREAS, effective January 1, 2020, Assembly Bill 671, Senate Bill 13, Assembly Bill 68, Assembly Bill 881, and Assembly Bill 587 amended Sections 65583, 65852.2, 65852.22 and 65852.26 of the Government Code, adding Sections 17980.12 and 50504.5 to the Health and Safety Code, and Assembly Bill 670 added Section 4751 to the Civil Code, and effective January 1, 2021, Assembly Bill 3182 amended Section 65852.2 of the Government Code and Section 4740 of the Civil Code and added Section 4741 of the Civil Code, changing the requirements for local governments related to accessory dwelling units and junior accessory dwelling units; and

WHEREAS, State law provides that a local agency may adopt an ordinance that provides ministerial approval of accessory dwelling units in any zone that allows residential use, and junior accessory dwelling units in any zone that allows one-family residence, subject to applicable development standards; and

WHEREAS, the proposed amendments to the Riverbank Municipal Code implement the requirements of State law and add local policies that are within the scope of the State law; and

WHEREAS, the proposed amendment complies with the General Plan in that “the City will encourage re-use of vacant or underutilized land in the Infill Opportunity Area through policies that seek to encourage more intense infill development (Policy LAND-2.4)”, “the City will encourage “compact development,” which places origination and destination points closer together (residence, stores, schools, places of work, etc.), allowing for alternatives to vehicular travel (Policy LAND-3.3)”, and “Infill development will be given priority to remaining capacity for water supply and delivery, wastewater treatment and conveyance, stormwater collection and conveyance, and other services and infrastructure currently in place. Development impact fees shall reflect the existing capacity to serve infill development areas. Any urban development of new growth areas shall plan and finance necessary infrastructure and service expansion to serve those areas (Policy LAND-5.2)”; and

WHEREAS, the amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061(b)(3) by the “Common Sense Exemption” that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, The Riverbank Planning Commission made the following finding:

1. The proposed Zoning Ordinance Amendment is consistent with the City’s General Plan Land Use and Housing Elements, as enumerated in the General Plan Consistency section of the Staff Report.

2. The proposed Zoning Ordinance Amendment further the public interest, convenience, and general welfare of the City. The amendments would ensure consistency of the Riverbank Municipal Code with the General Plan and State law, and update zoning standards that are relevant to the current development trends and local and regional housing needs.

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

TITLE XV: LAND USAGE

Chapter 153: Zoning

General Provisions

Sections

153.003 Definitions

Accessory Dwelling Units

Section

- 153.325 Purpose
- 153.326 Permitted locations and types
- 153.327 Development standards
- 153.328 Utilities and impact fees
- 153.329 Owner occupancy
- 153.330 Process and timing

SECTION 1: Title XV: Land Usage, Chapter 153: Zoning, Section 153.003: Definitions, shall be repealed in its entirety and substituted with a new Chapter 153: Zoning, Section 153.003: Definitions, which shall read as follows:

General Provisions

§ 153.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words used in the present tense shall include the future tense; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise.

ACCESSORY. A building, part of a building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot. Where an accessory building has a wall or a portion of a wall not less than four feet in length in common with a main building, such accessory building shall be considered a part of the main building.

ALLEY. Any public thoroughfare, not exceeding 30 feet in width, for the use of pedestrians and/or vehicles which affords only a secondary means of access to abutting property.

APARTMENT. A room or suite of two or more rooms which is designed for, intended for, and/or occupied by one family doing its own cooking therein.

BOARDING HOUSE. A dwelling other than a hotel or a residential care home, wherein lodging and meals are provided for compensation for more than five but not more than ten persons other than the immediate members of the proprietor's family.

BUILDING. (Includes the word **STRUCTURE**.) Any structure having a roof supported by columns and/or walls and intended for the shelter, housing and/or enclosure of any persons, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or any other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then such portion shall be deemed to be a separate building.

BUILDING, ACCESSORY. A subordinate building, the use of which is incidental to that of a main building on the same lot. Signs and fences are not to be considered as accessory buildings. Where an accessory building does not have a common wall of at least four feet in length with the main building on the same lot, it shall be considered detached.

BUILDING, MAIN. A building in which is conducted the principal use of the lot upon which it is situated. In any R district, any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

BUILDING HEIGHT. The vertical distance measured from the average level of the highest and lowest point of that building site covered by the building to the ridge or peak of the roof.

BUILDING LINE. A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the full width of the lot.

BUSINESS or **COMMERCE.** The purchase, sale or other transaction involving the handling or disposition (other than as included in the term **INDUSTRY** as defined herein) of any article, substance or commodity for profit or livelihood, including office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs, automobile parts, automobile courts and recreational and amusement enterprises conducted for profit, but not including junk yards.

CARNIVAL. A traveling or itinerant commercial amusement enterprise consisting of sideshows, vaudeville, games, merry-go-rounds or other mechanical amusement devices temporarily located within the city. A **CARNIVAL** shall not be construed to include or mean a festival or amusement.

CIRCUS. A traveling or itinerant commercial amusement enterprise utilizing an enclosure of any kind, but usually circular or rectangular, partially surrounded by seats, used for exhibition or horsemanship, acrobatic performances, acts of clowns, feats of animal training or the like, temporarily located in the city.

CLUB. An association of persons for some common, nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

COMMUNICATIONS EQUIPMENT BUILDING. A building housing electrical and mechanical equipment necessary for the conduct of a public utility communications business, with or without personnel.

COMMUNITY DEVELOPMENT DIRECTOR. The Community Development Director of the City of Riverbank.

DAY CARE CENTER. Day care center means a dwelling or building or structure in which persons not of the immediate family are provided with care for compensation for a portion of the day not exceeding 12 hours in any 24 hour period. A day care shall not include 24 hour care and shelter.

DWELLING. A building or portion of a building designed for residential purposes, including one-family, two-family and multiple family dwelling but not including hotels, motels, boarding houses and lodging houses.

DWELLING GROUP. A group of two or more or detached or semi-detached single-family, two-family or multiple dwellings occupying a parcel of land in one ownership.

DWELLING, MULTIPLE. A building or portion thereof used or designed as a residence for three or more families living independently of each other, and doing their own cooking in the building.

DWELLING, SINGLE-FAMILY RESIDENCE. A residential building containing one dwelling unit on one 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.

DWELLING, TWO FAMILY (DUPLEX). A detached building designed for and/or occupied exclusively for two families living independently of each other, but under one roof.

DWELLING UNIT. One or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

DWELLING UNIT, ACCESSORY. An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: (A) an efficiency unit; and (B) a manufactured home.

DWELLING UNIT, JUNIOR ACCESSORY. A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

E-CIGARETTE. Any electronic or battery-operated device, the use of which may resemble smoking, that can be used to deliver an inhaled dose of vapors, including nicotine or other substances, this includes but is not limited to an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vapor cigarette or any other product name or descriptor.

EFFICIENCY KITCHEN. Means a kitchen that includes each of the following:

- (1) A cooking facility with appliances.
- (2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

EFFICIENCY UNIT. Has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

EMERGENCY SHELTERS. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

EMPLOYEE HOUSING. Defined the same as Labor Camp per CA Health and Safety Act 17021.5 and 17021.6.

FAMILY. 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.

FAMILY DAY CARE CENTER. A day care center which also serves as the residence of the licensee.

FLOOR AREA. The sum of the gross horizontal areas of several floors of the building, excluding areas used for accessory garage purposes, and such basement and cellar areas as are devoted exclusively to uses accessory to the operations of the building. All horizontal dimensions shall be taken from the exterior faces of walls including walls or other enclosures or enclosed porches. Whenever the term is used in this title as a basis of requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, **FLOOR AREA** applies not only to the ground floor area but also to any additional stories or basement of the structure.

FLOOR AREA RATIO. The ratio of gross building floor area to total lot area expressed as such. Example: two square feet of gross floor area for each three square feet of total lot area would result in a floor area ratio of .66:1.

(Ord. 87-11, passed 7-27-87)

GARAGE. An accessory building or an accessory portion of the main building, enclosed on all sides, and with a clear vertical opening not to exceed nine feet and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

(Ord. 88-14, passed 11-28-88)

GARAGE, PARKING. A building used for the parking of more than three automobiles or trucks, whether free, for compensation, or as an accommodation.

GARAGE, PUBLIC. A building other than a private garage, enclosed on all sides and used for the care, repair or equipping of automobiles, or where such vehicles are kept for hire, sale or equipping.

GARAGE SALES, YARD SALES, MOVING SALE, PATIO SALES and SIMILAR USES. The retail sale of used or secondhand goods or merchandise in connection with a lawfully existing dwelling unit on property within any zoning district provided that:

(1) No such sale shall be conducted upon the same premises for more than three consecutive days nor on more than two separate occasions within any one calendar year.

(2) No such sale shall result in the use of more than two unlighted signs not exceeding three square feet each in area. The signs to be displayed only during such times as the sale is actually being conducted.

GUEST HOUSE. Living quarters within an accessory building for temporary use by guests of the occupants of the premises. The quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

HOME OCCUPATION. Any occupation conducted primarily within a dwelling unit and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in connection with which there is no display nor stock in trade or commodities sold except those which are produced on the premises. The home occupation must meet the requirements of §§ 153.265 through 153.267 of this chapter.

HOOKAH LOUNGE. Any facility, building, structure or location, whether fixed or mobile, where customers share a pipe commonly, but not always, made

of glass, used for vaporizing and smoking tobacco, flavored tobacco, shisha, dried fruits, or other substances in which vapor or smoke is passed through a water basin before inhalation. Hookah lounge includes, but is not limited to the use of a communal hookah, waterpipe, shisha, narghile, or other such smoking device.

HOSPITAL, MENTAL. An institution licensed by the state to care for or treat persons having mental or nervous disorders.

HOTEL. Any building or portion thereof, containing six or more guest rooms used, designed or intended to be used by paying guests. A motel shall be considered a hotel.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the home and kept for company or pleasure and not for profit, such as dogs, cats and canaries, but not including a sufficient number of dogs or cats to constitute a kennel. Household pets may also include not more than a total of 12 chinchillas, hamsters, white mice or similar animals in combination.

JUNK YARD. The use of more than 200 square feet of the area of any parcel, lot, or contiguous lots or parcels for the storage or keeping of junk, including but not limited to scrap materials, surplus material, secondhand material or for the dismantling or wrecking of automobiles or other vehicles or machinery.

KENNEL. A place where four or more dogs or cats (or any combination of four or more dogs and cats) of four months of age or older are kept.

KITCHEN. Any room or space used, intended or designed to be used for cooking or for the preparation of food for one family.

LABOR CAMP. Any living quarters, dwelling, boarding house, tent, bunk house, camper, mobile home or other housing accommodation, maintained for five or more persons employed in connection with any agricultural work.

LOT. (Includes the word "plot.") Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this title, having not less than the minimum area required by this title for a building site in the district in which such lot is situated, and having its principal frontage on a street.

LOT, AREA. The total horizontal area included within the lot lines.

LOT, CORNER. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

LOT, DEPTH. The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

LOT, FRONTAGE. That portion of a lot abutting a public street.

LOT LINES. The lines bounding a lot.

LOT, WIDTH. The distance between the side lines of a lot measured at the building setback line.

MOBILE HOME. A vehicle designed and equipped for human habitation as defined by the Cal. Health & Safety Code § 18008.

MOBILE HOME PARK. A lot or parcel of land which is used exclusively for the parking thereon of ten or more mobile homes for a rental charge or for rent or lease of mobile homes, and for appurtenant facilities for the exclusive use of the occupants such as laundry, rest rooms, recreation and storage facilities, and mobile home, dwelling or office facility for the owner or manager.

MOTEL. Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by tourists or transients, with garage attached or parking space conveniently located to each unit, including auto parks, motor lodges, and tourist courts.

NONCONFORMING USE. A building or land occupied by a use that does not conform to the regulations for the district in which it is situated.

OUTDOOR ADVERTISING SIGN. Any card, cloth, paper, metal, painted glass, wooden, plaster, stone or other sign of any kind or character whatsoever placed for advertising purposes on the ground or on any tree, wall, bush, post, fence, building, structure or thing whatsoever.

OUTDOOR ADVERTISING STRUCTURE. Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including outdoor advertising statuary.

(Ord. 87-11, passed 7-27-87)

PARKING SPACE. An accessible and usable space on a building site of at least nine feet by 19 feet with access for the parking of automobiles. The length of the space may be reduced by two feet if landscaped planters of sufficient width are used as curb stops.

(Ord. 90-01, passed 1-22-90)

PLANNING COMMISSION. The City Planning Commission of the City of Riverbank.

PUBLIC TRANSIT. Means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

RECREATION VEHICLE. Either of the following:

(1) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(a) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including but not limited to wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(b) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(c) It is built on a single chassis.

(d) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(2) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(a) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(b) It is built on a single chassis.

(c) It may only be transported upon the public highways with a permit.

(Cal. Health & Safety Code § 18010)

RESIDENTIAL CARE HOME. A home operated as a boarding home and in which nursing, dietary and other personal services are furnished to convalescent, invalid or aged persons in return for compensation; but in which are performed no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals and in which no persons are kept or served who normally would be admissible to a mental hospital.

ROOMING HOUSE. A dwelling, building or structure occupied by five or more persons who have agreed to pay a specific rent for a specific space as distinguished from guests subject to innkeeper's liability.

SAWMILL. Any structure or land used for the manufacture or remanufacturing of lumber or lumber products by the use of power equipment.

SERVICE STATION. A structure or area which is provided for the servicing, washing and fueling of motor vehicles, including minor repairs, and the storage and sale of merchandise and supplies, incidental thereto, provided, however, that the washing of automobiles shall be permitted only when no chain conveyor, blower or steam cleaning device is involved.

SHALL. Is mandatory and not directory.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. A basement shall not be considered a story when computing the height of a building.

STREET. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority for a thoroughfare, not less than 30 feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including fences or walls used as fences not more than six feet in height or free-standing signs.

STRUCTURAL ALTERATIONS. Any changes in the supporting member of a building, such as bearing walls, columns, beams or girders.

SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

TANDEM PARKING. Means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

TARGET POPULATION. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Services Act (Division 4.5 (commencing with Section 4500 of the Cal. Welfare and Institutions Code)) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

TRANSITIONAL HOUSING. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

TRUCK TERMINAL. The storage of one or more commercial trucks which have a body exceeding 12 feet in length in rear of the cab, or the storage of more than one truck of any type. A truck shall not be normally construed as a

means of transportation in lieu of an automobile and not normally an accessory use to a dwelling.

USE. The purpose for which land or a building is designed, arranged, or intended or for which it is or may be occupied or maintained.

USE, ACCESSORY. A use incidental and secondary to the principal use of a lot or building located on the same lot as the accessory use.

USED CAR. Any automobile, pickup truck of no more than a one ton load rating or any van of no more than a one ton load rating.

VAPOR BAR. Any facility building, structure of location, whether fixed or mobile, where customers utilize a heating element that vaporizes liquid solution that releases nicotine or flavored vapor, including the use of e-cigarettes.

VETERINARY HOSPITAL. An establishment for the care and treatment of animals, including household pets, livestock and commercial poultry, all facilities to be within a completely enclosed building except for exercising runs and parking of automobiles.

WRECKING YARD. The use of more than 200 square feet of the area of and lot for the storage of immobile vehicles or the dismantling or wrecking of automobiles or other vehicles or machinery.

YARD. An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

YARD, FRONT. A yard extending across the front of the lot and lying between the front line and a line parallel thereto, and having a distance between such parallel lines equal to the required front yard depth as prescribed in each district.

YARD, SIDE. An area extending from the front lot line to the rear lot line, and lying parallel thereto, within the lot and having a distance between such parallel lines equal to the side yard width as prescribed in each district.

YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the buildings as prescribed for the district.

(Ord. 87-11, passed 7-27-87)

('67 Code, § 10-1-3) (Am. Ord. 2015-002, passed 2-24-15; Am. Ord. 2015-009, passed 4-14-15; Am. Ord. 2017-010, passed 10-24-17)

SECTION 2: Title XV: Land Usage, Chapter 153: Zoning, Section 153.325: Accessory Dwelling Units, shall be repealed in its entirety and substituted with a new Chapter 153: Zoning, Section 153.325: Accessory Dwelling Units, and add new Sections: 153.326 through 153.330, which shall read as follows:

Accessory Dwelling Units

§ 153.325 PURPOSE

(A) This section provides standards by which the city shall evaluate and ministerially approve an application for the siting and construction of an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) on a lot with an existing or proposed dwelling located in areas zoned to allow single-family or multifamily residential uses in compliance with California Government Code Sections 65852.2 and 65852.22, as may be amended.

§ 153.326 PERMITTED LOCATIONS AND TYPES

(A) ADUs are permitted in all zone districts allowing single-family or multifamily residential uses on lots developed with existing or proposed dwellings.

(B) An ADU may be established in the following methods:

(1) Attached to, or located within, an existing or proposed primary dwelling.

(2) A new detached structure, or located within or attached to an accessory structure, including detached garages or similar structures.

(3) Conversion of existing attached or detached accessory structures, including garages, storage areas, or similar structures.

(4) Reconstruction of an existing structure or living area that is proposed to be converted to an ADU, or a portion thereof, in the same location and to the same dimensions and setbacks as the existing structure.

(C) One ADU and one JADU may be established per lot with a proposed or existing single-family if all of the following apply:

(1) The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An

expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(2) The space has exterior access from the proposed or existing single-family dwelling.

(3) The side and rear setbacks are sufficient for fire and safety.

(D) One JADU may be established within the space of an existing or proposed single-family residence, on a lot that is zoned to allow single-family residential uses.

(E) A JADU may be established within the space of the primary dwelling in combination with the construction of one detached, new construction ADU not exceeding one thousand two hundred (1,200) square feet and a height of sixteen (16) feet with four-foot (4') side and rear yard setbacks.

(F) ADUs shall be permitted on lots developed with existing multifamily dwellings subject to the following provisions:

(1) A minimum of one ADU may be constructed, or up to twenty-five percent (25%) of the existing unit count, within non-livable space, including, but not limited to, storage rooms, passageways, attics, basements, or closets.

(2) The construction of two detached ADUs, subject to a maximum height of sixteen (16) feet, and four-foot (4') side and rear setbacks. In this case, only two detached ADUs are permitted on lots developed with existing multifamily dwellings.

§ 153.327 DEVELOPMENT STANDARDS

(A) ADUs shall comply with the following development standards:

(1) ADU Type, Location & Size:

(a) *Attached Unit.* An ADU attached to an existing primary dwelling shall not exceed fifty percent (50%) of the total existing or proposed living area of the primary dwelling.

(b) *Detached Unit.* An ADU structurally independent and detached from the existing or proposed primary dwelling shall not exceed one thousand two hundred (1,200) square feet.

(c) ADUs shall have independent exterior access from the primary dwelling. No passageway to the primary dwelling shall be required.

(d) ADUs shall not be required to provide fire sprinklers if they were not required for the primary residence.

(2) JADU Location, Size, and Standards.

(a) A JADU shall be constructed entirely within an existing or proposed primary dwelling and shall not exceed five hundred (500) square feet.

(b) JADUs shall have an independent exterior entrance from the primary dwelling but may also include shared access between two units.

(c) A JADU, at a minimum, shall include an efficiency kitchen as defined in Section 153.003.

(d) The property owner shall reside in either the principal dwelling unit or the junior accessory dwelling unit.

(e) Prior to the issuance of a building permit for the JADU, the property owner shall file with the city a deed restriction for recordation with the County Recorder, which shall run with the land and include provisions listed in Government Code Section 65852.22 and state the following:

The property contains an approved accessory dwelling unit pursuant to Chapter 153 of the Riverbank Municipal Code and is subject to the restrictions and regulations set forth in that chapter. These restrictions and regulations generally address development regulations, owner occupancy, and lease requirements, limitations on the size of the accessory dwelling unit and parking requirements. Current restrictions and regulations may be obtained from the city of Riverbank planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property.

(3) Setbacks.

(a) Have minimum interior side and rear setbacks of four (4) feet and street side setback of ten (10) feet.

(b) No setback shall be required for an existing living area or accessory structure in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an ADU, and a setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU that is not converted from an

existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(c) *Setback from Structures.* Setback from other structures on the parcel shall be consistent with the city-adopted building code.

(4) *Height.* Not to exceed one story or sixteen (16) feet in height, except that an ADU may be constructed above a garage to a maximum height of thirty-five (35) feet.

(5) *Location on Parcel.* An ADU shall be located within the side or rear yard of the parcel. An ADU shall not be located within the front yard setback.

(B) *Compatibility.* The ADU should be designed and constructed to be compatible with the existing house as to height, style, materials, and colors.

(C) *Access.* Doorway access shall be provided either to the side or the rear of the ADU. Direct doorway access to the front yard is prohibited.

(D) *Off-Street Parking.*

(1) At least one additional off-street parking space shall be provided for the ADU or per bedroom, whichever is less, unless otherwise exempt under Section 153.327(E).

(2) The parking spaces required for the ADU can be in tandem to the required off-street parking of the main dwelling unit, may be uncovered, and can be located within the front yard setback as long as all other yard requirements are met.

(3) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

(E) *Off-Street Parking Exemption.* Off-street parking shall not be imposed in any of the following instances:

(1) The ADU is located within one-half mile walking distance of public transit.

(2) The ADU is located within an architecturally and historically significant historic district.

(3) The ADU is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the ADU.

(5) When there is a car share vehicle located within one block of the ADU.

(F) *Mobile homes or Manufactured Housing.* Mobile homes or manufactured housing on permanent foundations shall be permitted as an ADU, only if they are installed on permanent foundations, the mobilehome complies with the 1974 National Manufactured Housing Construction and Safety Act, and is ten (10) years or newer. Recreational vehicles, including but not limited to motor homes, travel trailers, tent trailers, fifth wheel trailers, and house boats do not qualify as an ADU as defined in this Section.

(G) *Density.* An accessory dwelling or junior accessory dwelling unit is not considered to increase the density of the lot upon which it is located and is a residential use that is consistent with the existing general plan and zoning designation for the lot.

(H) *Zoning and Building Requirements.* The ADU shall comply with other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.

§ 153.328 UTILITIES AND IMPACT FEES

(A) *Utility Service.* Adequate roadways, public utilities and services shall be available to serve the ADU. ADUs shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for sewer and water. Installation of a separate direct connection between an ADU contained within an existing structure and the utility shall not be required. ADUs not within an existing structure shall be required to install a new or separate utility connection and be charged a connection fee and/or capacity charge. These charges shall be proportionate to the burden imposed by the ADU on the water or sewer system based on either its size or number of plumbing fixtures as determined by the city.

(B) *Impact Fees.* Impact fees charged for the construction of ADUs shall be consistent with Government Code Section 65852.2(f).

§ 153.329 OWNER OCCUPANCY

(A) *Owner Occupancy.* If the owner occupies the primary residential unit, the owner may rent the ADU to one party. If the owner occupies the ADU, the owner may rent the primary residential unit to one party. The owner may rent both the primary residential unit and the ADU together to one party who may not further sublease any unit(s) or portion(s) thereof. The owner shall be a

signatory to any lease for the rented unit, for which the city may reasonably require a copy of to verify compliance with this chapter and shall be the applicant for any permit issued under this chapter. Owner occupancy for the primary dwelling or the ADU is not required for ADUs approved between January 2020 and January 2025. The rental of the ADU shall be longer than 30 days.

(B) *Ownership.* The ADU shall not be sold or held under a different legal ownership than the primary residence; nor shall the lot containing the ADU be subdivided.

§ 153.330 PROCESS AND TIMING

(A) *Approval process.* An ADU or JADU is considered and approved ministerially, without discretionary review or hearing, if it meets the minimum standards in this chapter.

(B) *Timing.* The city must act on an application to create an ADU or JADU within sixty (60) days from the date that the city receives a completed application, unless either:

(1) The applicant requests a delay, in which case the sixty (60) day time period is tolled for the period of the requested delay; or

(2) In the case of a JADU and the application to create a JADU is submitted with a permit application to create a new single-family dwelling on a lot, the city may delay acting on the permit application for the JADU until the city acts on the permit application to create a new single-family dwelling, but the application to create a JADU will still be considered ministerially without discretionary review or a hearing.

SECTION 3. *Severability.* If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5: This Ordinance shall become effective thirty (30) days from and after its final passage (00/00/00, 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 November 9, 2021. 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 _____, 2021; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council 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

Zoning Chapter 153, Section 153.003 Definitions Mark-up

New Text is shown in underline; deleted text is shown by ~~strikethrough~~

§ 153.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words used in the present tense shall include the future tense; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise.

ACCESSORY. A building, part of a building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot. Where an accessory building has a wall or a portion of a wall not less than four feet in length in common with a main building, such accessory building shall be considered a part of the main building.

ALLEY. Any public thoroughfare, not exceeding 30 feet in width, for the use of pedestrians and/or vehicles which affords only a secondary means of access to abutting property.

APARTMENT. A room or suite of two or more rooms which is designed for, intended for, and/or occupied by one family doing its own cooking therein.

BOARDING HOUSE. A dwelling other than a hotel or a residential care home, wherein lodging and meals are provided for compensation for more than five but not more than ten persons other than the immediate members of the proprietor's family.

BUILDING. (Includes the word **STRUCTURE**.) Any structure having a roof supported by columns and/or walls and intended for the shelter, housing and/or enclosure of any persons, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or any other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then such portion shall be deemed to be a separate building.

BUILDING, ACCESSORY. A subordinate building, the use of which is incidental to that of a main building on the same lot. Signs and fences are not to be considered as accessory buildings. Where an accessory building does not have a common wall of at least four feet in length with the main building on the same lot, it shall be considered detached.

BUILDING, MAIN. A building in which is conducted the principal use of the lot upon which it is situated. In any R district, any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

BUILDING HEIGHT. The vertical distance measured from the average level of the highest and lowest point of that building site covered by the building to the ridge or peak of the roof.

BUILDING LINE. A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the full width of the lot.

BUSINESS or COMMERCE. The purchase, sale or other transaction involving the handling or disposition (other than as included in the term **INDUSTRY** as defined herein) of any article, substance or commodity for profit or livelihood, including office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs, automobile parts, automobile courts and recreational and amusement enterprises conducted for profit, but not including junk yards.

CARNIVAL. A traveling or itinerant commercial amusement enterprise consisting of sideshows, vaudeville, games, merry-go-rounds or other mechanical amusement devices temporarily located within the city. A **CARNIVAL** shall not be construed to include or mean a festival or amusement.

CIRCUS. A traveling or itinerant commercial amusement enterprise utilizing an enclosure of any kind, but usually circular or rectangular, partially surrounded by seats, used for exhibition or horsemanship, acrobatic performances, acts of clowns, feats of animal training or the like, temporarily located in the city.

CLUB. An association of persons for some common, nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

COMMUNICATIONS EQUIPMENT BUILDING. A building housing electrical and mechanical equipment necessary for the conduct of a public utility communications business, with or without personnel.

COMMUNITY DEVELOPMENT DIRECTOR. The Community Development Director of the City of Riverbank.

DAY CARE CENTER. Day care center means a dwelling or building or structure in which persons not of the immediate family are provided with care for compensation for a portion of the day not exceeding 12 hours in any 24 hour period. A day care shall not include 24 hour care and shelter.

DWELLING. A building or portion of a building designed for residential purposes, including one-family, two-family and multiple family dwelling but not including hotels, motels, boarding houses and lodging houses.

DWELLING GROUP. A group of two or more or detached or semi-detached single-family, two-family or multiple dwellings occupying a parcel of land in one ownership.

DWELLING, MULTIPLE. A building or portion thereof used or designed as a residence for three or more families living independently of each other, and doing their own cooking in the building.

DWELLING, SINGLE-FAMILY RESIDENCE. A residential building containing one dwelling unit on one 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.

DWELLING, TWO FAMILY (DUPLEX). A detached building designed for and/or occupied exclusively for two families living independently of each other, but under one roof.

DWELLING UNIT. One or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

DWELLING UNIT, ACCESSORY. An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: (A) an efficiency unit; and (B) a manufactured home.

DWELLING UNIT, JUNIOR ACCESSORY. A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

E-CIGARETTE. Any electronic or battery operated device, the use of which may resemble smoking, that can be used to deliver an inhaled dose of vapors, including nicotine or other substances, this includes but is not limited to an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vapor cigarette or any other product name or descriptor.

EFFICIENCY KITCHEN. Means a kitchen that includes each of the following:

- (1) A cooking facility with appliances.
- (2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

EFFICIENCY UNIT. Has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

EMERGENCY SHELTERS. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

EMPLOYEE HOUSING. Defined the same as Labor Camp per CA Health and Safety Act 17021.5 and 17021.6.

FAMILY. 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.

FAMILY DAY CARE CENTER. A day care center which also serves as the residence of the licensee.

FLOOR AREA. The sum of the gross horizontal areas of several floors of the building, excluding areas used for accessory garage purposes, and such basement and cellar areas as are devoted exclusively to uses accessory to the operations of the building. All horizontal dimensions shall be taken from the exterior faces of walls including walls or other enclosures or enclosed porches. Whenever the term is used in this title as a basis of requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, **FLOOR AREA** applies not only to the ground floor area but also to any additional stories or basement of the structure.

FLOOR AREA RATIO. The ratio of gross building floor area to total lot area expressed as such. Example: two square feet of gross floor area for each three square feet of total lot area would result in a floor area ratio of .66:1.

(Ord. 87-11, passed 7-27-87)

GARAGE. An accessory building or an accessory portion of the main building, enclosed on all sides, and with a clear vertical opening not to exceed nine feet and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

(Ord. 88-14, passed 11-28-88)

GARAGE, PARKING. A building used for the parking of more than three automobiles or trucks, whether free, for compensation, or as an accommodation.

GARAGE, PUBLIC. A building other than a private garage, enclosed on all sides and used for the care, repair or equipping of automobiles, or where such vehicles are kept for hire, sale or equipping.

GARAGE SALES, YARD SALES, MOVING SALE, PATIO SALES and SIMILAR USES. The retail sale of used or secondhand goods or merchandise in connection with a lawfully existing dwelling unit on property within any zoning district provided that:

(1) No such sale shall be conducted upon the same premises for more than three consecutive days nor on more than two separate occasions within any one calendar year.

(2) No such sale shall result in the use of more than two unlighted signs not exceeding three square feet each in area. The signs to be displayed only during such times as the sale is actually being conducted.

GUEST HOUSE. Living quarters within an accessory building for temporary use by guests of the occupants of the premises. The quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

HOME OCCUPATION. Any occupation conducted primarily within a dwelling unit and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in connection with which there is no display nor stock in trade or commodities sold except those which are produced on the premises. The home occupation must meet the requirements of §§ 153.265 through 153.267 of this chapter.

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

HOSPITAL, MENTAL. An institution licensed by the state to care for or treat persons having mental or nervous disorders.

HOTEL. Any building or portion thereof, containing six or more guest rooms used, designed or intended to be used by paying guests. A motel shall be considered a hotel.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the home and kept for company or pleasure and not for profit, such as dogs, cats and canaries, but not including a sufficient number of dogs or cats to constitute a kennel. Household pets may also include not more than a total of 12 chinchillas, hamsters, white mice or similar animals in combination.

JUNK YARD. The use of more than 200 square feet of the area of any parcel, lot, or contiguous lots or parcels for the storage or keeping of junk, including but not limited to scrap materials, surplus material, secondhand material or for the dismantling or wrecking of automobiles or other vehicles or machinery.

KENNEL. A place where four or more dogs or cats (or any combination of four or more dogs and cats) of four months of age or older are kept.

KITCHEN. Any room or space used, intended or designed to be used for cooking or for the preparation of food for one family.

LABOR CAMP. Any living quarters, dwelling, boarding house, tent, bunk house, camper, mobile home or other housing accommodation, maintained for five or more persons employed in connection with any agricultural work.

LOT. (Includes the word "plot.") Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this title, having not less than the minimum area required by this title for a building site in the district in which such lot is situated, and having its principal frontage on a street.

LOT, AREA. The total horizontal area included within the lot lines.

LOT, CORNER. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

LOT, DEPTH. The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

LOT, FRONTAGE. That portion of a lot abutting a public street.

LOT LINES. The lines bounding a lot.

LOT, WIDTH. The distance between the side lines of a lot measured at the building setback line.

MOBILE HOME. A vehicle designed and equipped for human habitation as defined by the Cal. Health & Safety Code § 18008.

MOBILE HOME PARK. A lot or parcel of land which is used exclusively for the parking thereon of ten or more mobile homes for a rental charge or for rent or lease of mobile homes, and for appurtenant facilities for the exclusive use of the occupants such as laundry, rest rooms,

recreation and storage facilities, and mobile home, dwelling or office facility for the owner or manager.

MOTEL. Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by tourists or transients, with garage attached or parking space conveniently located to each unit, including auto parks, motor lodges, and tourist courts.

NONCONFORMING USE. A building or land occupied by a use that does not conform to the regulations for the district in which it is situated.

OUTDOOR ADVERTISING SIGN. Any card, cloth, paper, metal, painted glass, wooden, plaster, stone or other sign of any kind or character whatsoever placed for advertising purposes on the ground or on any tree, wall, bush, post, fence, building, structure or thing whatsoever.

OUTDOOR ADVERTISING STRUCTURE. Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including outdoor advertising statuary.

(Ord. 87-11, passed 7-27-87)

PARKING SPACE. An accessible and usable space on a building site of at least nine feet by 19 feet with access for the parking of automobiles. The length of the space may be reduced by two feet if landscaped planters of sufficient width are used as curb stops.

(Ord. 90-01, passed 1-22-90)

PLANNING COMMISSION. The City Planning Commission of the City of Riverbank.

PUBLIC TRANSIT. Means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

RECREATION VEHICLE. Either of the following:

(1) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(a) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including but not limited to wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(b) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(c) It is built on a single chassis.

(d) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(2) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(a) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(b) It is built on a single chassis.

(c) It may only be transported upon the public highways with a permit.

(Cal. Health & Safety Code § 18010)

RESIDENTIAL CARE HOME. A home operated as a boarding home and in which nursing, dietary and other personal services are furnished to convalescent, invalid or aged persons in return for compensation; but in which are performed no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals and in which no persons are kept or served who normally would be admissible to a mental hospital.

ROOMING HOUSE. A dwelling, building or structure occupied by five or more persons who have agreed to pay a specific rent for a specific space as distinguished from guests subject to innkeeper's liability.

SAWMILL. Any structure or land used for the manufacture or remanufacturing of lumber or lumber products by the use of power equipment.

SERVICE STATION. A structure or area which is provided for the servicing, washing and fueling of motor vehicles, including minor repairs, and the storage and sale of merchandise and supplies, incidental thereto, provided, however, that the washing of automobiles shall be permitted only when no chain conveyor, blower or steam cleaning device is involved.

SHALL. Is mandatory and not directory.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. A basement shall not be considered a story when computing the height of a building.

STREET. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority for a thoroughfare, not less than 30 feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including fences or walls used as fences not more than six feet in height or free-standing signs.

STRUCTURAL ALTERATIONS. Any changes in the supporting member of a building, such as bearing walls, columns, beams or girders.

SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive

housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

TANDEM PARKING. Means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

TARGET POPULATION. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Services Act (Division 4.5 (commencing with Section 4500 of the Cal. Welfare and Institutions Code)) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

TRANSITIONAL HOUSING. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

TRUCK TERMINAL. The storage of one or more commercial trucks which have a body exceeding 12 feet in length in rear of the cab, or the storage of more than one truck of any type. A truck shall not be normally construed as a means of transportation in lieu of an automobile and not normally an accessory use to a dwelling.

USE. The purpose for which land or a building is designed, arranged, or intended or for which it is or may be occupied or maintained.

USE, ACCESSORY. A use incidental and secondary to the principal use of a lot or building located on the same lot as the accessory use.

USED CAR. Any automobile, pickup truck of no more than a one ton load rating or any van of no more than a one ton load rating.

VAPOR BAR. Any facility building, structure of location, whether fixed or mobile, where customers utilize a heating element that vaporizes liquid solution that releases nicotine or flavored vapor, including the use of e-cigarettes.

VETERINARY HOSPITAL. An establishment for the care and treatment of animals, including household pets, livestock and commercial poultry, all facilities to be within a completely enclosed building except for exercising runs and parking of automobiles.

WRECKING YARD. The use of more than 200 square feet of the area of and lot for the storage of immobile vehicles or the dismantling or wrecking of automobiles or other vehicles or machinery.

YARD. An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

YARD, FRONT. A yard extending across the front of the lot and lying between the front line and a line parallel thereto, and having a distance between such parallel lines equal to the required front yard depth as prescribed in each district.

YARD, SIDE. An area extending from the front lot line to the rear lot line, and lying parallel thereto, within the lot and having a distance between such parallel lines equal to the side yard width as prescribed in each district.

YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the buildings as prescribed for the district.

(Ord. 87-11, passed 7-27-87)

(^67 Code, § 10-1-3) (Am. Ord. 2015-002, passed 2-24-15; Am. Ord. 2015-009, passed 4-14-15; Am. Ord. 2017-010, passed 10-24-17)

Zoning Chapter 153, Section 153.325 Accessory Dwelling Units Mark-Up

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ACCESSORY DWELLING UNITS

~~§ 153.325 GENERAL PROVISIONS; CONDITIONS.~~

~~—(A) *Location.* Accessory dwelling units may be permitted in any residential zone where it is demonstrated through site plan review compliance the established criteria for accessory dwelling units is met. Division (B) of this section shall be submitted by the applicant and reviewed by the Development Services Department. The Community Development Director shall approve the accessory dwelling unit site plan review where the established criteria are met within 120 days of application date.~~

~~—(B) *Criteria.* The accessory dwelling unit may be established upon meeting the following criteria and approval of an accessory dwelling unit site plan application:~~

~~—(1) To submit an accessory dwelling unit site plan application, the existing single family residential unit shall be owner occupied at time of submittal.~~

~~—(2) The accessory dwelling unit is not intended for sale and may be rented.~~

~~—(3) The accessory dwelling unit shall be in compliance with applicable building, fire and other health and safety codes. Fire sprinklers shall not be required for an accessory dwelling unit if sprinklers are not required for the primary unit.~~

~~—(4) The accessory dwelling unit shall be in compliance with underlying zoning requirements and regulations, except as may be provided in this chapter. Accessory dwelling units do not count towards density requirements.~~

~~—(5) The accessory dwelling unit can be attached to the existing dwelling, located within the living area of the existing dwelling, or detached from the existing dwelling. The total living area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet. Any increase in the floor area of an attached accessory dwelling unit shall not exceed 50% of the existing living area or 1,200 square feet, whichever is less. No passageway shall be required between the primary and the detached units.~~

~~—(6) Water and sewer services must be adequate to serve the accessory dwelling unit. New detached accessory dwelling units and the expansion of existing homes to accommodate a new accessory dwelling unit shall require a new and/or separate utility connection, and may be subject to a connection fee and capacity charge.~~

~~—(7) The accessory dwelling unit shall not exceed two stories or 35 feet.~~

~~—(8) An accessory dwelling unit may be permitted on residential lots where there exists a single family residential unit and there shall be no more than one accessory dwelling unit per lot. An accessory unit shall not be constructed without a primary residential unit (i.e. on a vacant lot).~~

~~—(9) Off-street parking requirement for the accessory dwelling unit shall not exceed one parking space per unit if an efficiency or per bedroom.~~

~~—(a) Off-street parking may be enclosed, covered or uncovered.~~

~~—(b) No setback shall be required to convert (not expand) an existing garage.~~

~~—(c) Setbacks of no more than five feet from the rear and side lot lines shall be required for accessory dwelling units constructed above a garage. This requirement shall be in addition to the off-street parking spaces required for the existing zone district.~~

~~—(10) The accessory dwelling unit shall be clearly subordinate to the principle single family dwelling unit on the lot.~~

~~—(11) Addresses for accessory dwelling units shall be shown prominently on the frontage of the unit. Frontage should be located facing a street or an alleyway and/or have a well-defined entry area.~~

~~—(12) An accessory dwelling unit site plan application shall include the following:~~

~~—(a) Elevation plan of the existing and proposed unit(s) on the project property;~~

~~—(b) A vicinity map showing all existing structures on adjacent properties;~~

~~—(c) Lot coverage not to exceed 50%;~~

~~—(d) Vehicular and pedestrian access to the accessory dwelling unit and the relationship with the existing single family dwelling;~~

~~—(e) The accessory dwelling unit shall be of the same color, materials, and architectural design as the existing and shall avoid impacts to historical properties;~~

~~—(f) Payment of a site plan approval fee as established by City Council resolution;~~

~~—(g) Common open space and/private open space; and~~

~~—(h) Drought tolerant landscape plans.~~

~~—(C) *Definitions.* As used in this section, the following terms mean:~~

~~—(1) **LIVING AREA.** The interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.~~

~~—(2) **LOCAL AGENCY.** A city, county, or city and county, whether general law or chartered.~~

~~—(3) For purposes of this section, **NEIGHBORHOOD** has the same meaning as set forth in Cal. Gov't Code § 65589.5.~~

~~—(4) **ACCESSORY DWELLING UNIT.** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family dwelling is situated. For purposes of this section, a single family home or~~

~~accessory structure shall be considered “existing” if a final certificate of occupancy was issued prior to January 1, 2017. An accessory dwelling unit also includes the following:~~

- ~~— (a) An efficiency unit, as defined in Cal. Health and Safety Code § 17958.1.~~
- ~~— (b) A manufactured home, as defined in Cal. Health and Safety Code § 18007.~~
- ~~— (c) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.~~

~~(67 Code, § 10-21-01) (Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2017-010, passed 10-24-17)~~

Statutory reference:

~~—Second residential units, see Cal. Gov't Code § 65852.2~~

§ 153.325 PURPOSE

(A) This section provides standards by which the city shall evaluate and ministerially approve an application for the siting and construction of an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) on a lot with an existing or proposed dwelling located in areas zoned to allow single-family or multifamily residential uses in compliance with California Government Code Sections 65852.2 and 65852.22, as may be amended.

§ 153.326 PERMITTED LOCATIONS AND TYPES

(A) ADUs are permitted in all zone districts allowing single-family or multifamily residential uses on lots developed with existing or proposed dwellings.

(B) An ADU may be established in the following methods:

- (1) Attached to, or located within, an existing or proposed primary dwelling.
- (2) A new detached structure, or located within or attached to an accessory structure, including detached garages or similar structures.
- (3) Conversion of existing attached or detached accessory structures, including garages, storage areas, or similar structures.
- (4) Reconstruction of an existing structure or living area that is proposed to be converted to an ADU, or a portion thereof, in the same location and to the same dimensions and setbacks as the existing structure.

(C) One ADU and one JADU may be established per lot with a proposed or existing single-family if all of the following apply:

- (1) The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion

of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(2) The space has exterior access from the proposed or existing single-family dwelling.

(3) The side and rear setbacks are sufficient for fire and safety.

(D) One JADU may be established within the space of an existing or proposed single-family residence, on a lot that is zoned to allow single-family residential uses.

(E) A JADU may be established within the space of the primary dwelling in combination with the construction of one detached, new construction ADU not exceeding one thousand two hundred (1,200) square feet and a height of sixteen (16) feet with four-foot (4') side and rear yard setbacks.

(F) ADUs shall be permitted on lots developed with existing multifamily dwellings subject to the following provisions:

(1) A minimum of one ADU may be constructed, or up to twenty-five percent (25%) of the existing unit count, within non-livable space, including, but not limited to, storage rooms, passageways, attics, basements, or closets.

(2) The construction of two detached ADUs, subject to a maximum height of sixteen (16) feet, and four-foot (4') side and rear setbacks. In this case, only two detached ADUs are permitted on lots developed with existing multifamily dwellings.

§ 153.327 DEVELOPMENT STANDARDS

(A) ADUs shall comply with the following development standards:

(1) ADU Type, Location & Size:

(a) Attached Unit. An ADU attached to an existing primary dwelling shall not exceed fifty percent (50%) of the total existing or proposed living area of the primary dwelling.

(b) Detached Unit. An ADU structurally independent and detached from the existing or proposed primary dwelling shall not exceed one thousand two hundred (1,200) square feet.

(c) ADUs shall have independent exterior access from the primary dwelling. No passageway to the primary dwelling shall be required.

(d) ADUs shall not be required to provide fire sprinklers if they were not required for the primary residence.

(2) JADU Location, Size, and Standards.

(a) A JADU shall be constructed entirely within an existing or proposed primary dwelling and shall not exceed five hundred (500) square feet.

(b) JADUs shall have an independent exterior entrance from the primary dwelling but may also include shared access between two units.

(c) A JADU, at a minimum, shall include an efficiency kitchen as defined in Section 153.003.

(d) The property owner shall reside in either the principal dwelling unit or the junior accessory dwelling unit.

(e) Prior to the issuance of a building permit for the JADU, the property owner shall file with the city a deed restriction for recordation with the County Recorder, which shall run with the land and include provisions listed in Government Code Section 65852.22 and state the following:

The property contains an approved accessory dwelling unit pursuant to Chapter 153 of the Riverbank Municipal Code and is subject to the restrictions and regulations set forth in that chapter. These restrictions and regulations generally address development regulations, owner occupancy, and lease requirements, limitations on the size of the accessory dwelling unit and parking requirements. Current restrictions and regulations may be obtained from the city of Riverbank planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property.

(3) Setbacks.

(a) Have minimum interior side and rear setbacks of four (4) feet and street side setback of ten (10) feet.

(b) No setback shall be required for an existing living area or accessory structure in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an ADU, and a setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(c) Setback from Structures. Setback from other structures on the parcel shall be consistent with the city-adopted building code.

(4) Height. Not to exceed one story or sixteen (16) feet in height, except that an ADU may be constructed above a garage to a maximum height of thirty-five (35) feet.

(5) Location on Parcel. An ADU shall be located within the side or rear yard of the parcel. An ADU shall not be located within the front yard setback.

(B) Compatibility. The ADU should be designed and constructed to be compatible with the existing house as to height, style, materials, and colors.

(C) Access. Doorway access shall be provided either to the side or the rear of the ADU. Direct doorway access to the front yard is prohibited.

(D) Off-Street Parking.

(1) At least one additional off-street parking space shall be provided for the ADU or per bedroom, whichever is less, unless otherwise exempt under Section 153.327(E).

(2) The parking spaces required for the ADU can be in tandem to the required off-street parking of the main dwelling unit, may be uncovered, and can be located within the front yard setback as long as all other yard requirements are met.

(3) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

(E) Off-Street Parking Exemption. Off-street parking shall not be imposed in any of the following instances:

(1) The ADU is located within one-half mile walking distance of public transit.

(2) The ADU is located within an architecturally and historically significant historic district.

(3) The ADU is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the ADU.

(5) When there is a car share vehicle located within one block of the ADU.

(F) Mobilehomes or Manufactured Housing. Mobilehomes or manufactured housing on permanent foundations shall be permitted as an ADU, only if they are installed on permanent foundations, the mobilehome or manufactured housing complies with the 1974 National Manufactured Housing Construction and Safety Act and is ten (10) years or newer. Recreational

vehicles, including but not limited to motor homes, travel trailers, tent trailers, fifth wheel trailers, and house boats do not qualify as an ADU as defined in this Section.

(G) Density. An accessory dwelling or junior accessory dwelling unit is not considered to increase the density of the lot upon which it is located and is a residential use that is consistent with the existing general plan and zoning designation for the lot.

(H) Zoning and Building Requirements. The ADU shall comply with other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.

§ 153.328 UTILITIES AND IMPACT FEES

(A) Utility Service. Adequate roadways, public utilities and services shall be available to serve the ADU. ADUs shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for sewer and water. Installation of a separate direct connection between an ADU contained within an existing structure and the utility shall not be required. ADUs not within an existing structure shall be required to install a new or separate utility connection and be charged a connection fee and/or capacity charge. These charges shall be proportionate to the burden imposed by the ADU on the water or sewer system based on either its size or number of plumbing fixtures as determined by the city.

(B) Impact Fees. Impact fees charged for the construction of ADUs shall be consistent with Government Code Section 65852.2(f).

§ 153.329 OWNER OCCUPANCY

(A) Owner Occupancy. If the owner occupies the primary residential unit, the owner may rent the ADU to one party. If the owner occupies the ADU, the owner may rent the primary residential unit to one party. The owner may rent both the primary residential unit and the ADU together to one party who may not further sublease any unit(s) or portion(s) thereof. The owner shall be a signatory to any lease for the rented unit, for which the city may reasonably require a copy of to verify compliance with this chapter and shall be the applicant for any permit issued under this chapter. Owner occupancy for the primary dwelling or the ADU is not required for ADUs approved between January 2020 and January 2025. The rental of the ADU shall be longer than 30 days.

(B) Ownership. The ADU shall not be sold or held under a different legal ownership than the primary residence; nor shall the lot containing the ADU be subdivided.

§ 153.330 PROCESS AND TIMING

(A) Approval process. An ADU or JADU is considered and approved ministerially, without discretionary review or hearing, if it meets the minimum standards in this chapter.

(B) Timing. The city must act on an application to create an ADU or JADU within sixty (60) days from the date that the city receives a completed application, unless either:

(1) The applicant requests a delay in which case the sixty (60) day time period is tolled for the period of the requested delay; or

(2) In the case of a JADU and the application to create a JADU is submitted with a permit application to create a new single-family dwelling on a lot, the city may delay acting on the permit application for the JADU until the city acts on the permit application to create a new single-family dwelling, but the application to create a JADU will still be considered ministerially without discretionary review or a hearing.

**City of Riverbank
Planning Commission
Resolution No. 2021-018**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE
AMENDING TITLE XV: LAND USAGE, SECTION §153.003: DEFINITIONS AND
SECTION §153.325: ACCESSORY DWELLING UNITS.**

WHEREAS, effective January 1, 2020, Assembly Bill 671, Senate Bill 13, Assembly Bill 68, Assembly Bill 881, and Assembly Bill 587 amended Sections 65583, 65852.2, 65852.22 and 65852.26 of the Government Code, adding Sections 17980.12 and 50504.5 to the Health and Safety Code, and Assembly Bill 670 added Section 4751 to the Civil Code, and effective January 1, 2021, Assembly Bill 3182 amended Section 65852.2 of the Government Code and Section 4740 of the Civil Code and added Section 4741 of the Civil Code, changing the requirements for local governments related to accessory dwelling units and junior accessory dwelling units; and

WHEREAS, State law provides that a local agency may adopt an ordinance that provides ministerial approval of accessory dwelling units in any zone that allows residential use, and junior accessory dwelling units in any zone that allows single-family residences, subject to applicable development standards; and

WHEREAS, the proposed amendments to the Riverbank Municipal Code implement the requirements of State law and add local policies that are within the scope of the State law; and

WHEREAS, on October 6, 2021, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the Planning Commission held a public hearing on October 19, 2021, to consider the proposed amendments to the Riverbank Municipal Code (“RMC”) Sections §153.003 and §153.325 and with a 5-0 vote, recommended approval of the ordinance to the City Council; and

WHEREAS, the proposed amendment complies with the General Plan in that “the City will encourage re-use of vacant or underutilized land in the Infill Opportunity Area through policies that seek to encourage more intense infill development (Policy LAND-2.4)”, “the City will encourage “compact development,” which places origination and destination points closer together (residence, stores, schools, places of work, etc.), allowing for alternatives to vehicular travel (Policy LAND-3.3)”, and “Infill development will be given priority to remaining capacity for water supply and delivery, wastewater treatment and conveyance, stormwater collection and conveyance, and other services and infrastructure currently in place. Development impact fees shall reflect the existing capacity to serve infill development areas. Any urban development of new growth areas

shall plan and finance necessary infrastructure and service expansion to serve those areas (Policy LAND-5.2)”; and

WHEREAS, the amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061(b)(3) by the “Common Sense Exemption” that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, The Riverbank Planning Commission made the following findings:

1. The proposed Zoning Ordinance Amendments are consistent with the City’s General Plan Land Use and Housing Elements, as enumerated in the General Plan Consistency section of the Staff Report.
2. The proposed Zoning Ordinance Amendments further the public interest, convenience, and general welfare of the City. The amendments would ensure consistency of the Riverbank Municipal Code with the General Plan and State law, and update zoning standards that are relevant to the current development trends and local and regional housing needs.

NOW THEREFORE, BE IT RESOLVED the City of Riverbank Planning Commission forwards its recommendation to the City Council to adopt draft Ordinance No. 2021-XXX (Exhibit A).

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 19th of October 2021, motioned by Vice Chair Link, seconded by Commissioner Fenrich, and upon roll call was carried by the following vote 5-0:

AYES: Commissioners: Stewart, Link, Fenrich, Basso, and Dinan

NOES:

ABSENT:

ABSTAIN:

Attest:

Approved:

Donna M. Kenney

Joan Stewart

Donna M. Kenney,
Planning and Building Manager

Joan Stewart, Chairperson
Planning Commission

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 10.1

SECTION 10: WORKSHOPS

Meeting Date:	November 9, 2021
Subject:	Workshop - Ag Mitigation Strategy
Submitted by:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council participate in a workshop on Ag Mitigation Strategies and provide feedback and direction as necessary.

BACKGROUND:

In September of 2012 Stanislaus County LAFCO adopted "Policy 22 – Agricultural Preservation Policy". The stated goals of the policy are as follows:

- Guide development away from agricultural lands where possible and encourage efficient development of existing vacant lands and infill properties within an agency's boundaries prior to conversion of additional agricultural lands.
- Fully consider the impacts a proposal will have on existing agricultural lands.
- Minimize the conversion of agricultural land to other uses.
- Promote preservation of agricultural lands for continued agricultural uses while balancing the need for planned, orderly development and the efficient provision of services.

One of the key requirements identified within Policy 22 is for each jurisdiction to plan for the preservation of agricultural land as a component of each local governments land use planning processes. LAFCO policies provide for a variety of strategies to address this requirement including:

1. Removal of agricultural lands from the existing sphere of influence in order to offset, in whole or in part, a proposed sphere of influence expansion or redirection.
2. An adopted policy or condition requiring agricultural mitigation at a ratio of at least 1:1. This can be achieved by acquisition and dedication of agricultural land,

development rights and/or conservation easements to permanently protect agricultural land, or payment of in-lieu fees to an established, qualified, mitigation program to fully fund the acquisition and maintenance of such agricultural land, development rights or easements, consistent with Section B-2 of this Policy.

- a. In recognition of existing County policies applicable to agricultural land conversions in the unincorporated areas, as well as the goals of individual agencies to promote employment growth to meet the stated needs of their communities, an agency may select to utilize a minimum of 1:1 mitigation for conversions to residential uses.
 - b. Agricultural mitigation easements or offsets shall not be required for any annexations of land for commercial or industrial development. Stanislaus LAFCO/General Powers and Policy Guidelines—Section 4 Page 17
3. A voter-approved urban growth boundary designed to limit the extent to which urban development can occur during a specified time period.

STRATEGIES AND ADMINISTRATION:

It is the responsibility of each individual jurisdiction to ensure compliance with Policy 22 (for those projects that are subject to it) and to develop their own strategies to achieve compliance. Crossroads West is the first project within the City of Riverbank to be subject to Policy 22 as it was annexed after the adoption of Policy 22. In fact, Crossroads West will be one of the first projects countywide that will be implementing an Ag Mitigation strategy. The City and Developers proposed compliance with Policy 22 by following strategy number 2 (listed above). This requires 1:1 mitigation and is most commonly addressed through assessment of a fee which is deposited with the Central Valley Farmland Trust who then works to acquire agricultural preservation easements within Stanislaus County.

Staff has researched a variety of practical considerations as it relates to administering this program. A variety of models exist and in consultation with LAFCO it is up to the City Council to determine the most appropriate method for ensuring compliance. In some cases, jurisdictions have required developers to work directly with the Central Valley Farmland Trust to determine price and method of payment for Ag Mitigation. In other cases, some jurisdictions have assessed a fee and then transferred those fees to the Central Valley Farmland Trust.

Additionally (and perhaps most notably), there is the consideration of the fair market value of price per acre in order to adequately mitigate and ensure compliance with Policy 22.

At the time of the meeting staff will present a variety of recommendations for administration of the program in addition to an analysis of possible fee levels of Ag Mitigation to receive Council feedback. Based on that feedback, staff will craft a formal policy for Council consideration of adoption in December. This will allow the process to

be in place to accommodate the current and upcoming development within Crossroads West.

FINANCIAL IMPACT:

To the City the impact is generally neutral as ag mitigation is a mitigation measure under the Crossroads West EIR and is a developer obligation to development. There may be some minor administrative costs incurred by the City depending on the strategy agreed to but those are intended to be minimal and an administrative charge to cover those costs will be evaluated.

ATTACHMENTS:

None

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 10.2

SECTION 10: WORKSHOPS

Meeting Date:	November 9, 2021
Subject:	Workshop - Project Update and Implementation Steps of Riverbank Recycle Water and Wastewater Treatment Plant Upgrade
Submitted by:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that Council participate in a workshop providing an update on the implementation steps associated with the Riverbank Recycled Water and Wastewater Treatment Plant Upgrade project and provide direction as needed.

SUMMARY

On June 8th of 2021 the City Council reviewed, approved, and directed staff to submit for state review and approval the formulated Recycled Water Master Plan (which included a Wastewater Treatment Plant Master Plan). The plan was partially funded by two State Water Board grants. The plan is currently in review at the State level. In the meantime, staff has been working with Neal Collwell of KSN Engineering to continue to refine the implementation schedule. On September 14th Neal Collwell presented an implementation plan for Council to consider and provide feedback on. Since that time the plan has been refined with four key steps that will take place over the next 60-90 days.

Those key steps are the following:

1. Formulation and issuance of a Request for Proposals for CEQA/NEPA analysis of the project. By issuing this RFP the City will be able to receive proposals from qualified firms to provide necessary environmental analysis which is a required step to analyze environmental impacts of the project. Additionally, CEQA/NEPA review is typically required to be completed in advance of an application for any grant funds for this project. Responses to the RFP are anticipated to be received in Mid-December and the City Council may then decide whether or not to fund the environmental studies as part of the mid-year budget process.
2. Formulation and issuance of a Request for Proposals for a Wastewater (sewer) Rate Analysis. By issuing this RFP the City will be able to receive proposals from qualified firms to provide an analysis of rates based on the potential future

costs of the Wastewater Treatment Plant. Responses to the RFP are anticipated to be received in Mid-December and the City Council may then decide whether or not to fund the rate study as part of the mid-year budget process. NOTE: At this stage this is a study only, any future rates that would be considered will have to proceed through a Proposition 218 process and would not be implemented unless the project moves forward, as the rates must be reflective of the actual cost of providing the service.

3. Consideration of a proposal for preliminary design in January to further scope the upgrades contained within the Recycled Water Master Plan to fully prepare the project for initial construction documents. This step is also an important step within the grant application process as a more specific and targeted design is necessary in many grant applications.

NEXT STEPS

Per previous direction from the City Council, staff and consultants have begun the process of formulating the necessary RFP's and preparing their release (Mid November target date). Additionally, staff will research options for how to fund these studies as part of the midyear budget adjustments.

Due to the critical nature of this project as well as the size and scope of this infrastructure upgrade, staff will provide regular status and implementation updates to the City Council and the Community in an effort to keep the process transparent and clear so that these important decisions can be made with the best possible analysis and data. Staff will provide specific detail on each of the key steps at the City Council meeting.

FINANCIAL IMPACT

No currently financial impacts as a result of this update. Any potential necessary funding will be discussed at the Mid-Year budget.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 11.1

SECTION 11: NEW BUSINESS

Meeting Date:	November 9, 2021
Subject:	A Resolution to Approve the Appropriation of An Amount Not to Exceed \$50,000 from the General Fund Reserve to Fund the City of Riverbank Centennial Events, Activities and Materials
Submitted by:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council approve the proposed resolution appropriating an amount not to exceed \$50,000 to fund a variety of events in celebration of the City of Riverbank centennial.

SUMMARY:

The City will be celebrating its 100th anniversary from the date of its incorporation on August 23, 2022. The City Council proposed that a Centennial Celebration should occur in order to commemorate this grandiose, once in a lifetime event. A Centennial Committee was formed and made up of about ten members including City Staff and City Residents. The Committee has had several meetings in which brainstorming ideas, events, themes, logos, budget, community involvement and historical background have been discussed to create a memorable celebration.

On September 28th the City Council held a workshop to discuss the events developed by the Centennial Committee and provide feedback. Additionally, staff prepared a preliminary budget to fund the activities throughout two thirds of next year (culminating in August of 2022). It is anticipated that expenditures will be approximately \$50,000 which will fund promotional materials, a centennial mural, and a variety of events. Staff will make every effort to minimize cost to the City while at the same time developed exciting and memorable events for the community to celebrate the centennial. Additionally, staff will work with community partners for donations and opportunities to collaborate in an effort to minimize expense to the greatest extent possible. Staff will report back to Council on a regular basis to update on spending as well as event formation.

Staff is recommending that these funds be drawn from the General Fund reserve as this is an unbudgeted expense and the benefit of these programs cannot be funded by other funds (water, sewer etc). The current General Fund reserve is approximately \$4,300,000 and is currently in a healthy position.

FINANCIAL IMPACT

Potentially a \$50,000 decrease the Riverbank General Fund. This is a not to exceed amount so it is very possible that the actual impact is less than \$50,000. This amount does not include the staff time anticipated to be dedicated to these events. Staff will work to absorb as many of these staff costs as possible, however if additional budgetary augmentation is needed, staff will return to Council to request it.

ATTACHMENTS:

1. Resolution 2021-XXXX
2. Preliminary Budget

CITY OF RIVERBANK

RESOLUTION 2021-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, TO APPROVE THE APPROPRIATION OF AN AMOUNT NOT TO EXCEED \$50,000 FROM THE GENERAL FUND RESERVE TO FUND THE CITY OF RIVERBANK CENNTENIAL EVENTS, ACTIVITIES AND MATERIALS

WHEREAS, the City of Riverbank will celebrate its centennial on August 22, 2022; and

WHEREAS, the City Council directed the creation of a Centennial Committee who has helped define and craft a variety of events to celebrate; and

WHEREAS, the City of Riverbank staff have developed a notional budget for these activities, events and materials; and

WHEREAS, staff will work to minimize cost and solicit community and community group support for this effort; and

WHEREAS, the General Fund is the sole fund by which it is appropriate to fund this activity; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the appropriation of an amount not to exceed \$50,000 from the General Fund Reserves to fund the City of Riverbank Centennial events, activities and materials.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of November, 2021; 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 H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Centennial Celebration 2022

Preliminary Budget



Estimated

NON-SALE PROMOTIONAL MATERIALS

\$5,000

Pins, Coins, Banners, etc.

FOR SALE PROMOTIONAL MATERIALS

\$5,000

Shirts, Hats, Bags, etc.

1920's DINNER

\$5,000

Dinner, Music, Decorations

Tickets for sale

FOUNDERS DAY CARNIVAL

\$5,000

Carnival Games, Vendors,

NO DANCE, DANCE- CAR SHOW & PICNIC

\$3,000

Food, Decorations

DOWNTOWN CELEBRATION

\$10,000

Food, Music Band, Parade, Fireworks Show,

Decorations, etc.

CENTENNIAL MURAL

\$3,000

Local Artist

OTHER ASSORTED MINI EVENTS

\$6,500

Scavenger Hunt, historical booklets, historical pictures
for public buildings display, promotional video, etc.

TOTAL EXPENSES

\$42,500

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 11.2

SECTION 11: NEW BUSINESS

Meeting Date:	November 9, 2021
Subject:	A Resolution Approving the Suspension of the Recruitment Process to Fill the 2021 Expired Planning Commissioner Terms Due to a COVID-19 State of Emergency and to Appoint the Current Commissioner's to Serve a One-Year Interim Appointment Expiring December 31, 2022
From:	Sean Scully, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager Annabelle H. Aguilar, City Clerk

RECOMMENDATION

It is recommended that the City Council consider the adoption of the proposed resolution to allow current primary Planning Commissioners Steve Link and John Dinan, and alternate Planning Commissioner Ben Reuben, whose terms are scheduled to expire on December 31, 2021, to continue serving in their capacities and thereby alleviate the need to conduct a recruitment process under the current COVID-19 state of emergency.

SUMMARY

Since the beginning of the COVID-19 pandemic (early 2020), staff and the Commission have experienced significant changes to the meetings. Staff has had to cancel eight (8) Planning Commission meetings due to COVID related restrictions and/or a lack of business items by developers, due in part to the absence of their consultants and employees. This in turn has caused the monthly workload for our Commissioners to be lighter than normal. In addition, the City has found that the recruitment process to fill paid City positions or acquire a significant pool of quality applicants, has been a struggle during this time. As a result, staff foresees the recruitment process to fill the expired 2021 Planning Commission seats at this time, which are basically voluntary, to be a much more difficult task to accomplish.

The City of Riverbank's Planning Commission consists of five (5) primary voting members and one (1) alternate member. The primary Commissioners serve staggered 4-year terms ending on alternating odd years, and the alternate member serves a 2-year term ending every odd year. The new terms of the expired primary seats begin January 1, 2022 and

ends December 31, 2025. The new term for the expired alternate seat begins January 1, 2022 and ends December 31, 2023.

Staff is recommending that Council consider suspending the recruitment process to fill the scheduled December 2021 expired terms of primary Planning Commissioners Steve Link and John Dinan, and Alternate Planning Commissioner Ben Reuben, and to appoint them to serve on an interim basis for one year; ending December 31, 2022. They have been serving in their capacities with great effort and commitment, and allowing them to serve an additional year will be a significant benefit to the City and the community. Letters of Interest from each Commissioner to continue to serve on the Planning Commission have been filed with the City Clerk.

Approaching the end of 2022, the City Clerk will either agendaize the matter for Council's consideration of options to fill the unexpired terms if the pandemic continues to affect the recruitment process, or prepare to open the October recruitment.

ATTACHMENTS

1. Resolution No. 2021-XXX

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING THE SUSPENSION OF THE RECRUITMENT PROCESS TO FILL THE 2021 EXPIRED PLANNING COMMISSIONER TERMS DUE TO A COVID-19 STATE OF EMERGENCY AND TO APPOINT THE CURRENT COMMISSIONER'S TO SERVE A ONE-YEAR INTERIM APPOINTMENT EXPIRING DECEMBER 31, 2022

WHEREAS, the City of Riverbank Planning Commission was established and is regulated pursuant to Riverbank Municipal Code (RMC) Title III; Chapter 32; and

WHEREAS, the Planning Commission consists of five (5) primary voting members who serve staggered 4-year terms ending on alternating odd years, and one (1) alternate member who serves a 2-year term ending every odd year; and

WHEREAS, pursuant to the RMC, a recruitment and selection process is to be conducted (typically during October to December) for scheduled expired terms pursuant to the procedures established by City Council resolution; and

WHEREAS, two (2) primary seats held by Commissioners Steve Link and John Dinan, and the alternate seat held by Commissioner Ben Reuben are scheduled to expire December 31, 2021; and

WHEREAS, the primary seat terms begin a new 4-year term on January 1, 2022 and expire on December 31, 2025; and the alternate seat term begins a new 2-year term on January 1, 2022 and expires on December 31, 2023; and

WHEREAS, the existing COVID-19 pandemic has had a adverse effect on the conduct of the Commission's business and meetings, and is likely to adversely affect the ability of the City to acquire interest from the community to apply and serve on the Planning Commission during this time; and

WHEREAS, Commissioners Link, Dinan, and Reuben have filed letters of interest with the City to continue to serve as needed; and

WHEREAS, the Council finds that it is in the best interest of the City to retain the Planning Commissioners for an additional year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby declares and approves the following:

1. A one-year suspension of the recruitment and selection process required to fill the Planning Commissioner seats with terms scheduled to expire on December 31, 2021.

2. The interim appointment of Planning Commissioner Steve Link, to serve as a primary voting member for one year of the new 4-year term.
3. The interim appointment of Planning Commissioner John Dinan, to serve as a primary voting member for one year of the new 4-year term.
4. The interim appointment of Planning Commissioner Ben Reuben, to serve as an alternate member for one year of the new 2-year term.
5. Each Commissioner's one-year term shall expire on December 31, 2022.
6. These interim appointments will fulfill one year of each new primary 4-year term (January 2022 through December 2025) and one year of the new alternate 2-year term (January 2022 through December 2023).
7. Approaching the end of 2022, the City Clerk will either agendize the matter for Council's consideration of options to fill the unexpired terms if the pandemic continues to affect the recruitment process, or prepare to open the October recruitment.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 9th day of November, 2021; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____ :

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor