



Public Review Draft Draft Initial Study/Mitigated Negative Declaration

Summerfair Commerce Center

**General Plan Amendment 01-2022, Rezone 03-2021, and
Architectural Site Plan Review 08-2021**

prepared by
City of Riverbank
Planning & Building Department
6617 3rd Street
Riverbank, CA 95367

prepared with the assistance of
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October 2022

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NEGATIVE DECLARATION

Lead Agency:
City of Riverbank
6617 3rd Street
Riverbank, CA 95367

PROJECT NAME:

Summerfair Commerce Center – GPA 01-2022, Rezone 03-2021, and ASPR 08-2021

PROJECT PROPONENT AND LEAD AGENCY:

Project Proponent: Summerfair Commerce Center, LLC
1920 Standiford Ave., Ste. 1
Modesto, CA 95350

Lead Agency: City of Riverbank
6617 3rd Street
Riverbank, CA 95367

PROJECT LOCATION:

The Proposed Project is located at 6448 Claus Road, Riverbank, California 95367. The Project site has been assigned Assessor Parcel Number 062-020-001. The Project site is bounded by Sierra Avenue and an existing single-family residential subdivision to the north, Northern Sierra Railroad, Patterson Road and Riverbank High School to the south, Central Avenue and the Heritage Collection Subdivision to the east, and Claus Road to the west.

Figure 1 provides a Location Map of the Project site.

PROJECT DESCRIPTION:

Background

On September 14, 2021, the Riverbank City Council approved an Ordinance allowing for a 12.27-acre site to be rezoned to Planned Development (PD) to allow for the development of forty-seven (47) single-family residential units on a portion of the 12.27-acre site. In addition to adopting the Ordinance, the City Council approved a Tentative Map that subdivided the 12.27-acre site which left a 5.9-acre remainder parcel. In accordance with Section 21159.21(a-j) of the CEQA Statutes, the City Council determined the residential portion of the project to be exempt from further environmental review.

The 5.9-acre remainder parcel is the Subject Parcel for the Proposed Project.

Proposed Project

The Proposed Project consists of a General Plan Amendment, Rezone, and Architectural Site Plan Review to allow for the development of a self-storage and recreational vehicle storage facility and associated site improvements on a 5.9-acre site located in the City of Riverbank.

General Plan Amendment

The Project site is currently designated for Medium Density Residential (MDR) land uses by the City's 2005-2025 General Plan. The Proposed Project includes an amendment to the 2005-2025 General Plan to designate the Project site for Community Commercial (C/C) land uses.

Rezone

The Project site is currently zoned General Commercial (C-2), and the Proposed Project proposes to rezone the Project site to Planned Development (PD), which will allow for the development of the Proposed Project. The following provides the setbacks of the proposed PD zone designation:

Setback	Distance
Front (west and north street frontage)	15-feet
Side (southern property edge)	0-feet
Rear (eastern property edge)	5-feet

Architectural Site Plan Review

As noted previously, the Proposed Project consists of the development of a self-storage facility including boat and RV storage, climate control storage, and standard indoor storage. The Proposed Project also includes a 2,000 square foot office/administration building with a manager apartment on the second floor. At full build-out, the Proposed Project will provide the following:

Type of Storage/Building	Number of Spaces	Building Area (Square Feet)
Recreational Vehicle	27	-
Boat	35	-
Indoor Storage	623	-
Office/Apartment	1	2,000

Primary access to the Project site will be accommodated via a new driveway located off Claus Road with secondary/emergency vehicle access accommodated via a new driveway located on Sierra Street. The Proposed Project will extend Sierra Avenue westerly to connect with Claus Road. Sierra Street improvements shall be designed and installed in accordance with City standards. The Proposed Project will require frontage improvements on Claus Road, including new curb, gutter, sidewalk, school crossing across Claus Road, street lighting, and paving improvement.

Proposed Project amenities include an RV wash station, on-site parking, enhanced landscaping, and perimeter wall treatment. Perimeter wall treatment proposed includes an eight (8) foot masonry wall located on the eastern perimeter, and a seven (7) foot wrought iron fence along the Project site's northern and western perimeters. The Proposed Project consists of a zero-lot line setback on the southern perimeter with the development of the storage building located on the Project site's southern border adjacent to the Sierra Northern Railroad line located between the Project site and Patterson Road. Landscape improvements will be installed along the Project site's frontage on Claus Road and Sierra Street.

The Proposed Project will connect to existing water lines in Claus Road and connect to existing sewer lines located in Sierra Street. Stormwater will be accommodated by a series of catch basins located on the Project site with an ultimate connection to a new stormwater line located in Sierra Street and running easterly to the Diamond Bar East basin.

Upon build-out, the Proposed Project will operate Monday through Saturday between the hours of 9:00am and 5:00pm and on Sundays, 12:00pm to 5:00pm. At any given time, there will be a maximum of five (5) employees on-site.

Figures 2 and 3 provide Site Plans and Illustrated Site Plans for the Proposed Project.

ENVIRONMENTAL DETERMINATION:

The City of Riverbank, acting as the Lead Agency, has prepared an Initial Study, following, which considers the potential environmental effects of the Proposed Project. The Initial Study shows that there is no substantial evidence, in light of the whole record before the City of Riverbank, that the Proposed Project may have a potentially significant effect on the environment, provided that the following mitigation measures are included in the Proposed Project.

MITIGATION MEASURES:

All of the above measures shall be included in the contract specifications that shall be reviewed and approved by the City of Riverbank Planning and Building Department prior to the start of construction. The above measures would reduce noise generated by the construction of the Proposed Project to the extent feasible for the Project's size.

Mitigation Measure BIO-1:

The Project Proponent shall implement the following measures to avoid or minimize impacts on Swainson's Hawk:

- No more than 30 days before the commencement of construction, a qualified biologist shall perform preconstruction surveys for nesting Swainson's Hawk and other raptors during the nesting season (February 1 through August 31).

- Appropriate buffers shall be established and maintained around active nest sites during construction activities to avoid nest failure as a result of project activities. The appropriate size and shape of the buffers shall be determined by a qualified biologist, in coordination with CDFW, and may vary depending on the nest location, nest stage, and construction activity. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. Monitoring shall be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged, or the nest site is otherwise no longer in use.
- Consistent with General Plan Policy CONS-5.7, and before the commencement of construction, the Project Proponent shall provide compensatory mitigation for the permanent loss of Swainson's Hawk foraging habitat. Mitigation shall be at the CDFW specified ratios, which are based on distance to nests.

Mitigation Measure BIO-2:

The Project Proponent shall implement the following measure to avoid or minimize impacts on other protected bird species that may occur on the site:

- Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area.
- If any active nests, or behaviors indicating that active nests are present, are observed, appropriate buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from project activities. The size of the buffer shall depend on the species, nest location, nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.

Mitigation Measure CUL-1:

If potential human remains are encountered, the construction contractor shall halt work in the vicinity (within 100 feet) of the find and contact the City of Riverbank. The Project Applicant and/or contractor shall be required to contact the Stanislaus County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines the remains are Native American, the coroner would contact the Native American Heritage Commission (NAHC). As provided in Public Resources Code Section 5097.98, the NAHC would identify the person or persons believed to be most likely descended from the deceased Native American. The most likely decedent makes recommendations for means of treating or disposing of, with appropriate dignity, the human

remains, and any associated grave goods as provided in Public Resources Code Section 5097.98. Implementation of Mitigation Measure CUL-1 would reduce the potential impact on human remains to a less than significant level.

Mitigation Measure NOISE-1:

Construction equipment shall be well maintained to be as quiet as possible. The following measures, when applicable, shall be implemented to reduce noise from construction activities:

- All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
- "Quiet" models of air compressors and other stationary noise sources shall be used, where technology exists.
- Stationary noise-generating equipment shall be located as far as feasible from sensitive receptors (dwellings and Riverbank High School).
- Unnecessary idling of internal combustion engines shall be prohibited.
- Staging areas and construction material storage areas shall be located as far away as possible from adjacent sensitive land uses (dwellings and Riverbank High School).
- Construction-related traffic shall be routed along major roadways (Claus Road and Patterson Road) and as far as feasible from sensitive receptors.
- Residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. The construction contractor shall designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and shall institute reasonable measures to correct the problem. The construction contractor shall conspicuously post a telephone number for the liaison at the construction site.
- The construction contractor shall hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and construction liaison) are completed.

All of the above measures shall be included in the contract specifications that shall be reviewed and approved by the City of Riverbank Development Services Department prior to the start of construction. The above measures would reduce noise generated by the construction of the project to the extent feasible for the project's size.



Ms. Donna Kenney, AICP, MCRP
Planning and Building Manager

for

10/25/22

_____ Date

INITIAL STUDY

1. PROJECT TITLE

Summerfair Commerce Center – GPA 01-0222, Rezone 03-2021, and ASPR 08-2021

2. LEAD AGENCY NAME AND ADDRESS

City of Riverbank
6617 3rd Street
Riverbank, CA 95367

3. CONTACT PERSON AND PHONE NUMBER

Ms. Donna Kenney, AICP, MCRP
Planning and Building Manager
Email: dkenney@riverbank.org
Phone: (209) 863-7124

4. PROJECT LOCATION

The Proposed Project is located at 6448 Claus Road, Riverbank, California 95367. The Project site has an Assessor Parcel Number (APN) of 062-020-001.

5. PROJECT SPONSOR'S NAME AND ADDRESS

Summerfair Commerce Center, LLC
1920 Standiford Ave., Ste. 1
Modesto, CA 95350

6. EXISTING SETTING

The Project site is currently undeveloped, fallow land, and is generally considered an infill site within the City of Riverbank. The Project site is bounded by the future extension of Sierra Avenue to the north, Patterson Road to the south, the Heritage Collection residential subdivision to the east, and Claus Road to the west.

7. EXISTING GENERAL PLAN DESIGNATION

The City's 2005-2025 General Plan designates the Project site for Medium Density Residential (MDR) land uses.

8. EXISTING ZONING

The existing zoning of the Project site is C-2, General Commercial.

9. SURROUNDING LAND USES AND SETTING

The table below provides a depiction of the Project site’s surrounding uses and setting.

Table 1 Surrounding Land Uses and Setting

	Existing Use	2005-2025 General Plan Land Use Designation	Zoning Classification
North	Sierra Avenue, Single-Family Residential	Medium Density Residential (MDR)	Single-Family Residential (R-1)
South	Burlington Northern Santa Fe Railroad, Patterson Road, Riverbank High School	Civic (C)	Single-Family Residential (R-1)
East	Heritage Collection Single-Family Residential Subdivision	Medium Density Residential (MDR)	Planned Development (PD)
West	Claus Road, Ranchette Parcels	Medium Density Residential (MDR)	Single-Family Residential (R-1)

10. DESCRIPTION OF THE PROJECT

Background

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Upon build-out, the Proposed Project will operate Monday through Saturday between the hours of 9:00am and 5:00pm and on Sundays, 12:00pm to 5:00pm. At any given time, there will be a maximum of five (5) employees on-site.

11. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

The Proposed Project will require approval from the following Public Agencies:

- San Joaquin Valley Air Pollution Control District: Rule 9510 Compliance; and,

- Stanislaus Consolidated Fire Protection District: Review and approval of the Proposed Project's Improvement Plans and Building Plans prior to issuance of a Building Permit.

12. HAVE CALIFORNIA NATIVE AMERICAN TRIBES TRADITIONALLY AND CULTURALLY AFFILIATED WITH THE PROJECT AREA REQUESTED CONSULTATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.3.1?

None have requested consultation. However, in accordance with Public Resources Code Section 21080.3.1, consultation requests were submitted to the following Native American Tribes on June 21, 2022:

- Wuksache Indian Tribe/Eshom Valley Band;
- Wilton Rancheria;
- Tule River Indian Tribe;
- Southern Sierra Miwuk Nation;
- Northern Valley Yokuts Tribe;
- California Valley Miwok Tribe; and,
- Calaveras Band of Mi-Wuk Indians.

The City received a response from Wilton Rancheria and this response did not formally request consultation for the Proposed Project. A copy of the Wilton Rancheria response is on file at Riverbank City Hall South, 6617 3rd Street, Riverbank, CA 95367.

Figure 1 – Location Map

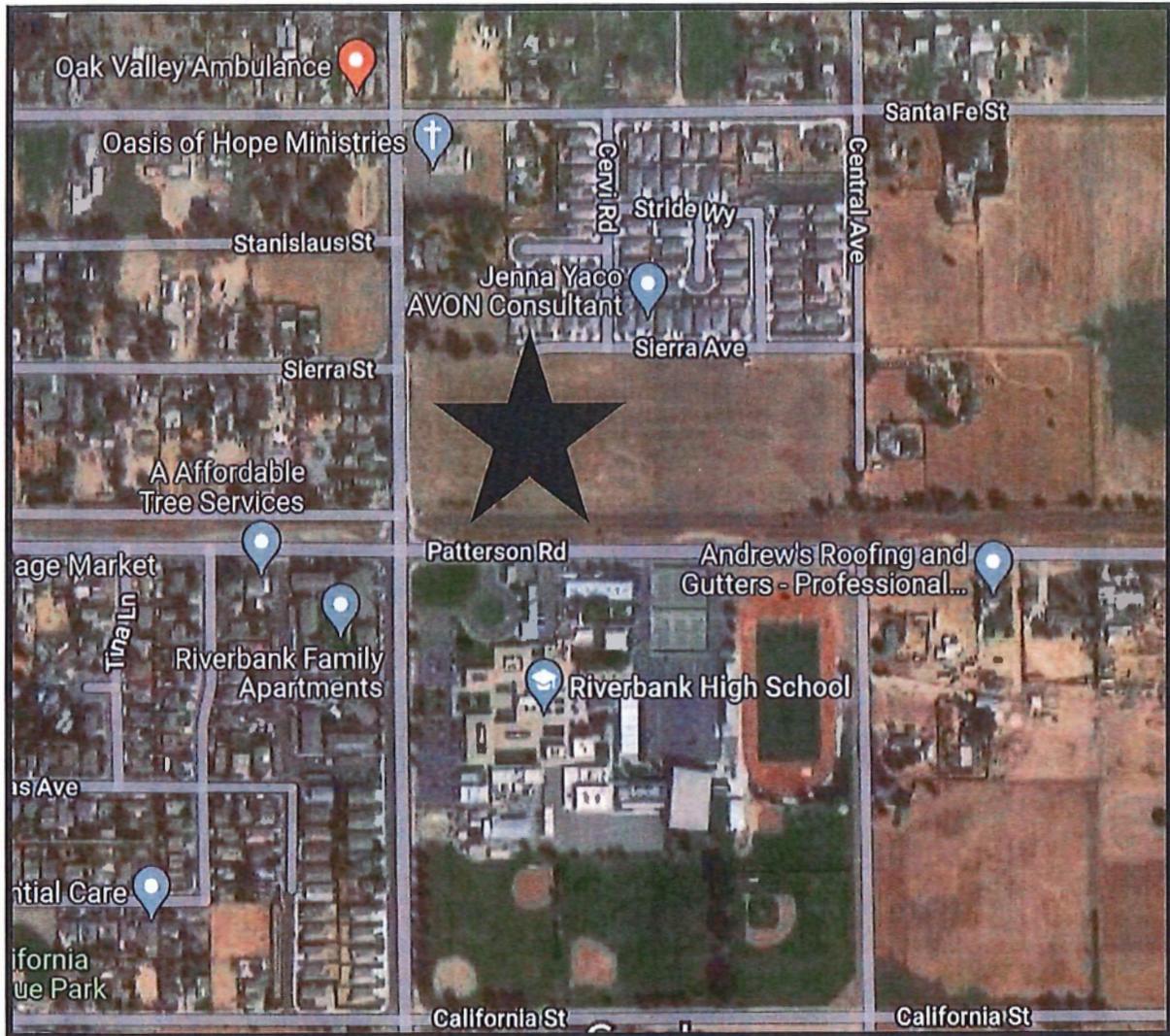
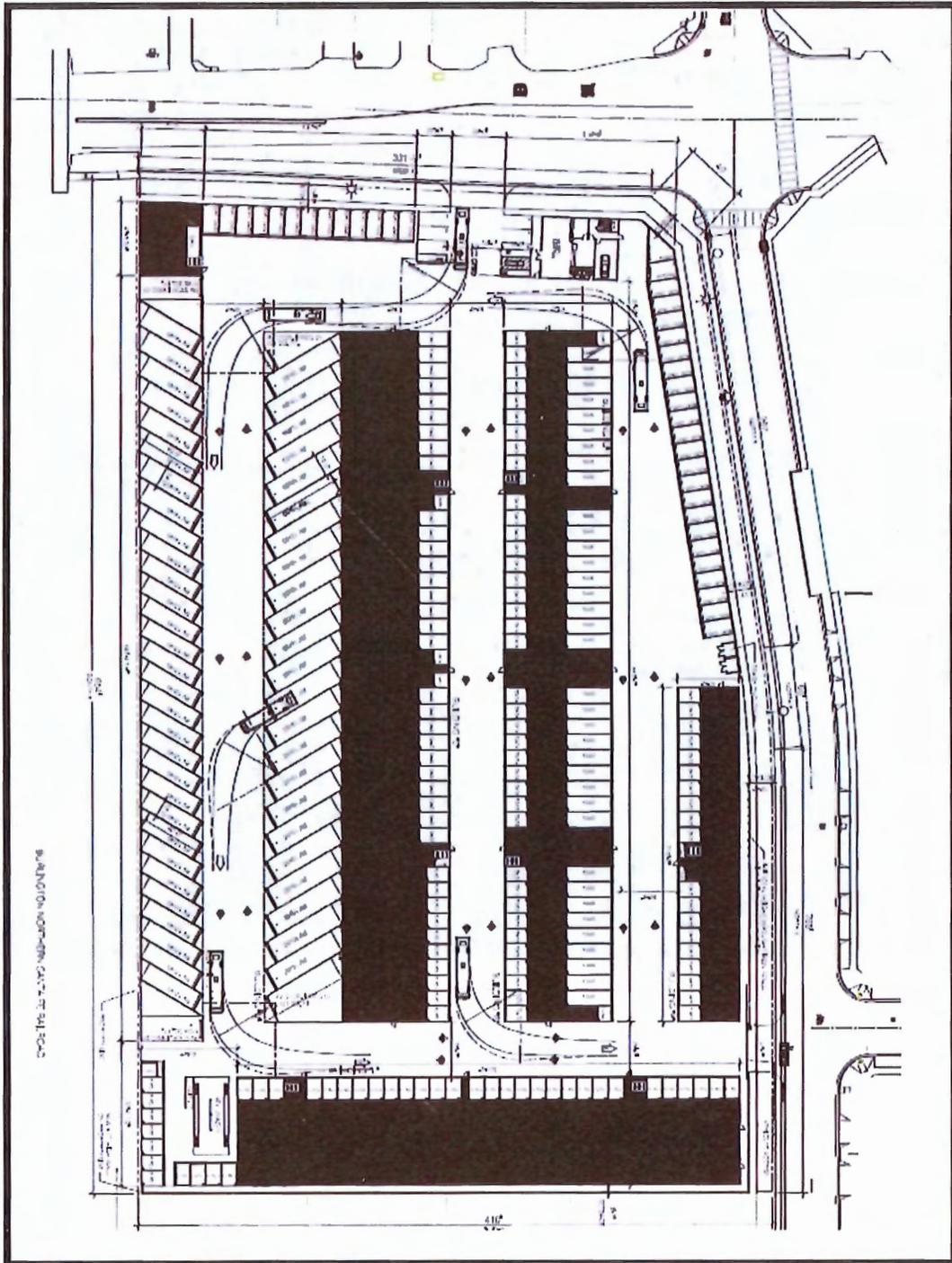
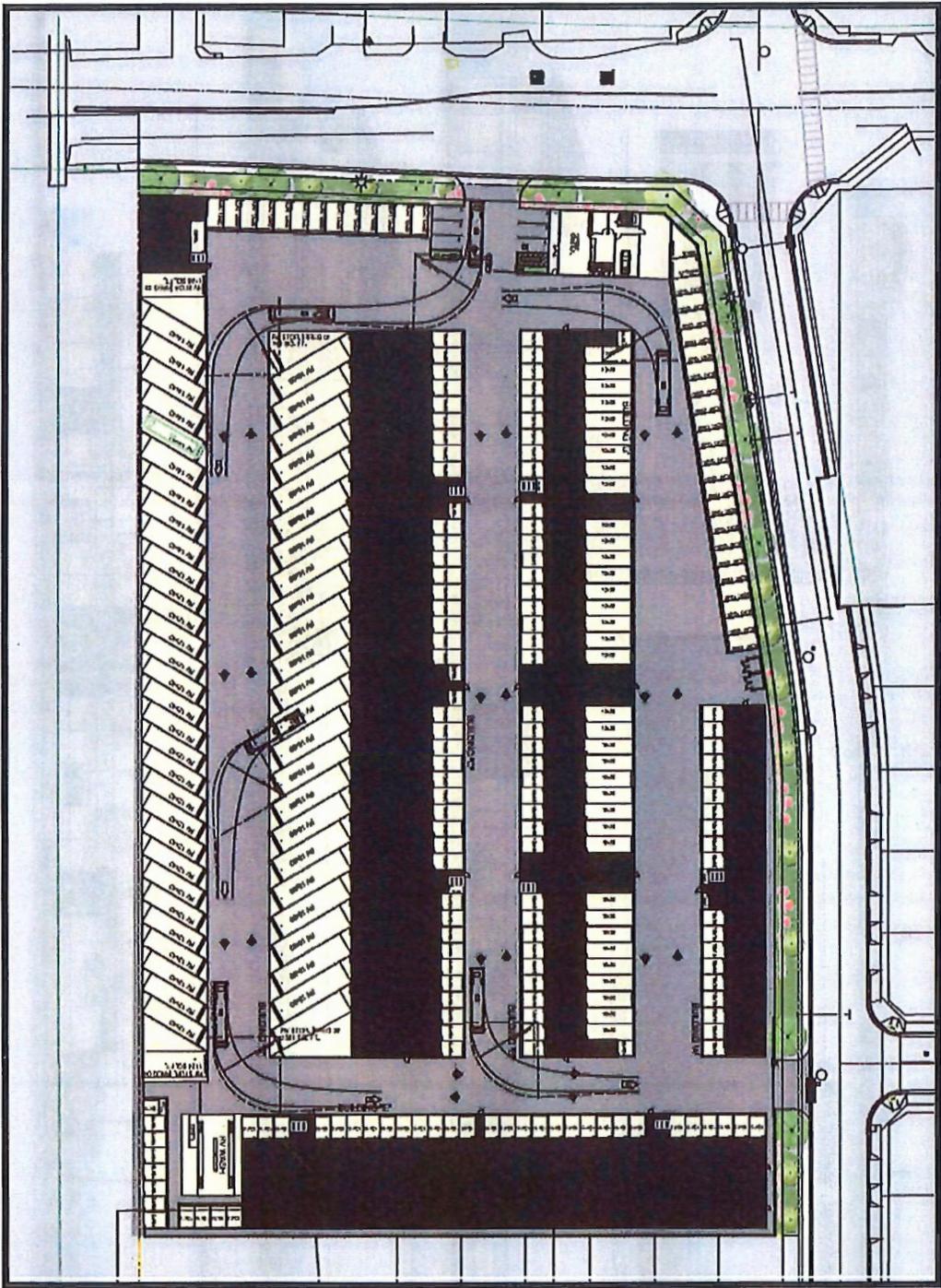


Figure 2 – Site Plan



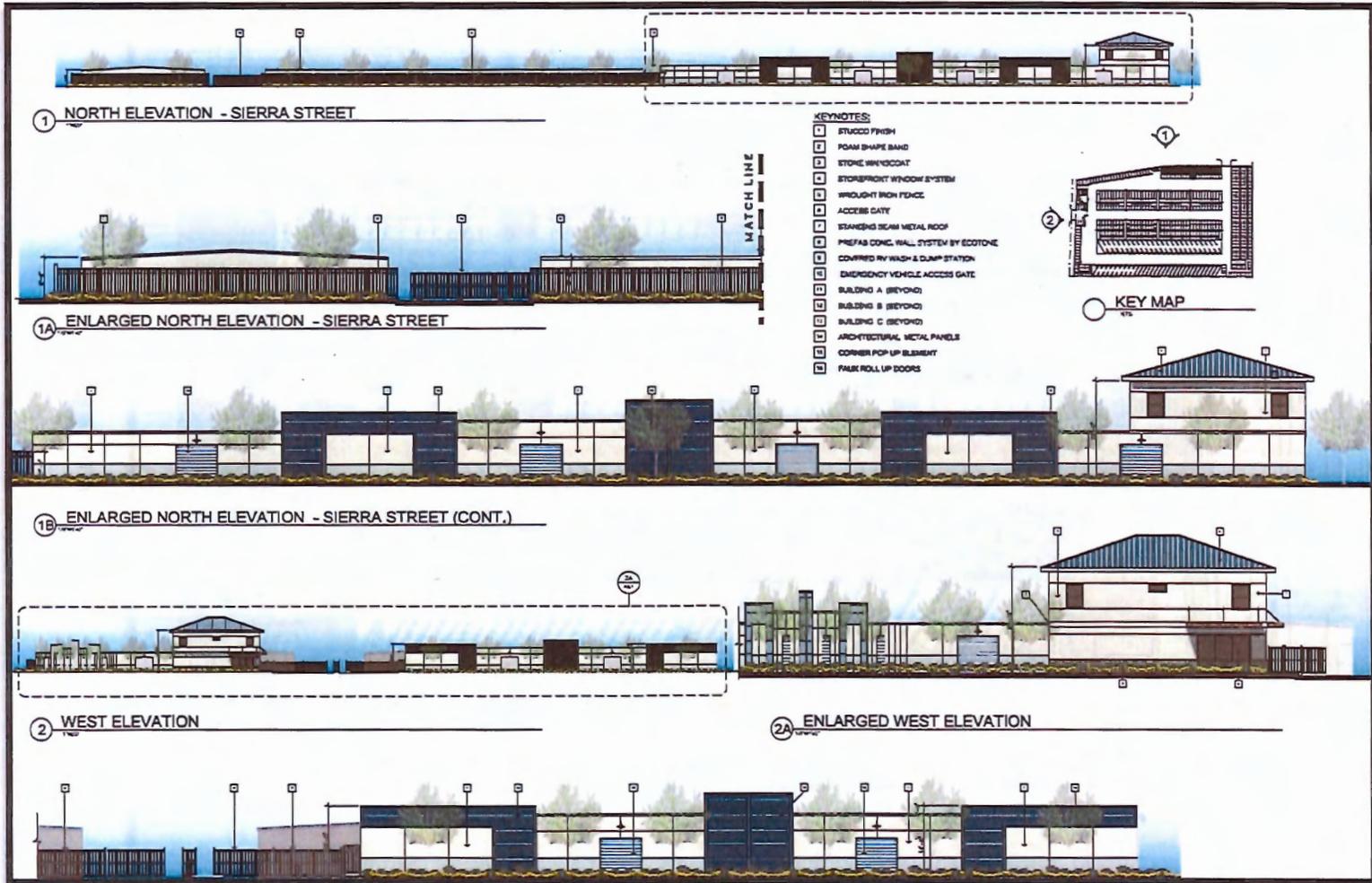
NORTH →

Figure 3- Illustrative Site Plan



NORTH →

Figure 4 – Building Elevations



13. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agriculture and Forestry Resources		Air Quality
	Biological Resources		Cultural Resources		Energy
	Geology and Soils		Greenhouse Gas Emissions Materials		Hazards and Hazardous
	Hydrology and Water Quality		Land Use and Planning		Mineral Resources
	Noise		Population and Housing		Public Services
	Recreation		Transportation/Traffic		Utilities and Service Systems
	Wildfire		Mandatory Findings of Significance		

14. LEAD AGENCY DETERMINATION:

On the basis of this initial evaluation:

	I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the Project Proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the Proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.
	
Ms. Donna Kenney, AICP, MCRP Planning and Building Manager	10/25/22 Date

SECTION 2.0 EVALUATION INSTRUCTIONS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

The analysis contained in this Initial Study is tiered from the City's 2005-2025 General Plan Environmental Impact Report. Copies of this document can be reviewed at Riverbank City Hall, 6617, 3rd Street, Riverbank, CA 95367

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

INITIAL STUDY CHECKLIST

This section of the Initial Study incorporates the most current Appendix "G" Environmental Checklist Form, contained in the CEQA Guidelines.

1. AESTHETICS -- WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

IMPACT ANALYSIS

a. *Would the project have a substantial adverse effect on a scenic vista?*

A review of the City's 2005-2025 General Plan shows the Project site and its surrounding area is not considered to be scenic vista. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

b. *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a state scenic highway?*

The Proposed Project is not located near a state scenic highway and therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The Proposed Project is located within an urbanized area of the City of Riverbank. Regulations governing scenic quality include the City's 2005-2025 General Plan and development standards contained in the City's Zoning Ordinance. The Proposed Project complies with the City's 2005-2025 General Plan and development standards including landscaping requirements, wall treatment, etc., of which avoids conflict with policies and regulations related to scenic quality. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The Proposed Project will create a new source of light and glare by the addition of lighting typical of indoor and outdoor storage facilities. As a standard Condition of Approval, the Project Proponent will be required to submit a detailed Lighting Plan, or Photometric Plan, for City review and approval. This review will prevent any new sources of light or glare from having an adverse effect on day and nighttime views in the area. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

2. AGRICULTURE AND FORESTRY RESOURCES: WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a), (b), (c), (d), and (e):

- a. *Would the project convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Based on a review of the City's 2005-2025 General Plan EIR, and specifically, Exhibit 4.3-1, the Project site is located on lands considered to be "Urban and Built Up" land. Therefore, the Proposed Project will not convert lands defined as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Based on a review of Exhibit 4.3-2 of the 2005-2025 General Plan EIR, the Project site does not contain a Williamson Act Contract. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*

The Proposed Project is not located on a site zoned forest land, timberland, or timberland zoned for Timberland Production. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

The Project site is not located on lands considered to be forest land. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- e. *Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?*

The Proposed Project is not located on a site that is actively farmed for agricultural purposes. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

3. AIR QUALITY -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

REGULATORY SETTING

The Proposed Project is located in Stanislaus County which is a portion of the San Joaquin Valley Air Basin (SJVAB). Air quality management under the Federal and State Clean Air Acts is the responsibility of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The Federal and State governments have adopted ambient air quality standards (AAQS) for the primary air pollutants of concern, known as "criteria" air pollutants. Air quality is managed by the SJVAPCD to attain these standards. Primary standards are established to protect public health; secondary standards are established to protect public welfare. The attainment statuses of the SJVAB for Stanislaus County with respect to the applicable AAQS are shown in the table below.

The SJVAB is considered non-attainment for ozone and particulate matter (PM10 and PM2.5), because the AAQS for the pollutants are sometimes exceeded. The SJVAB is Attainment/Unclassified for carbon monoxide, but select areas, not including the City of Riverbank, are required to abide by adopted carbon monoxide maintenance plans.

The California Air Resources Board (CARB) through the Air Toxics Program is responsible for the identification and control of exposure to air toxics, and notification of people that are subject to significant

air toxic exposure. A principal air toxic is diesel particulate matter, which is a component of diesel engine exhaust.

The SJVAPCD has adopted regulations establishing control over air pollutant emissions associated with land development and related activities. These regulations include:

- Regulation VIII (Fugitive Dust Rules)
- Rule 4101 (Visible Emissions)

SAN JOAQUIN VALLEY FEDERAL AND STATE AAQS ATTAINMENT STATUS

Pollutant	Designation / Classification	
	Federal Standards ^a	State Standards ^b
Ozone, 1-hour	No Federal standard ^f	Nonattainment / Severe
Ozone, 8-hour	Nonattainment / Extreme ^e	Nonattainment
PM10	Attainment ^c	Nonattainment
PM2.5	Nonattainment ^d	Nonattainment
Carbon Monoxide	Attainment / Unclassified	Attainment / Unclassified
Nitrogen Dioxide	Attainment / Unclassified	Attainment
Sulfur Dioxide	Attainment / Unclassified	Attainment
Lead (particulate)	No designation/Classification	Attainment
Hydrogen Sulfide	No Federal standard	Unclassified
Sulfates	No Federal standard	Attainment
Visibility-Reducing Particles	No Federal standard	Unclassified
Vinyl Chloride	No Federal standard	Attainment

^aSee 40 CFR Part 81

^bSee CCR Title 17 Sections 60200-60210

^cOn September 25, 2008, EPA redesignated the San Joaquin Valley to Attainment for the PM10 National AAQS and approved the PM10 Maintenance Plan

^dThe Valley is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 on November 13, 2009 (effective December 14, 2009).

^eThough the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved reclassification of the Valley to extreme nonattainment in the Federal Register on May 2010 (effective June 4, 2010).

^fEffective June 15, 2005, the EPA revoked the Federal 1-hour ozone standard, including associated designations and classifications. EPA has previously classified the SJV as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.

The SJVAPCD has adopted a CEQA impact analysis guideline titled *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). The GAMAQI is utilized in the following air quality impact analysis where applicable. The GAMAQI establishes impact significance thresholds for the non-attainment pollutant PM10 and precursors to the non-attainment pollutant ozone: reactive organic gases (ROG) and oxides of nitrogen (NOx).

Pollutant/Precursor	Construction Emissions	Operational Emissions	
		Permitted Equipment and Activities	Non-Permitted Equipment and Activities
	<i>Emissions (tpy)</i>	<i>Emissions (tpy)</i>	<i>Emissions (tpy)</i>
CO	100	100	100
NO _x	10	10	10
ROG	10	10	10
SO _x	27	27	27
PM ₁₀	15	15	15
PM _{2.5}	15	15	15

Projects that do not generate emissions in excess of these thresholds are considered to have less than significant air quality impacts. Furthermore, within the GAMAQI, the SJVAPCD has established and outlined a three-tiered approach to determining significance related to a project's quantified ozone precursor emissions. Each tier or level requires a different degree of complexity of emissions calculation and modeling to determine air quality significance. The three-tiers established to date (from least significant to most significant) are: *Small Project Analysis Level (SPAL)*, *Cursory Analysis Level (CAL)*, and *Full Analysis Level (FAL)*. In each of the tiers, the SJVAPCD has pre-calculated the emissions on a large number and types of projects to identify the level at which they have no possibility of exceeding the emissions thresholds. Table 2 of the GAMAQI, dated November 13, 2020, includes the threshold for government office building projects as resulting in less than 40,000 square feet, less than 1000 Average Daily One-Way Trips for all fleet types (except Heavy-Heavy Duty Trucks (HHDT), and less than 15 Average Daily One-Way Trips for HHDT only. Table 4b includes the threshold for unrefrigerated warehouse – no rail projects as resulting in less than 190,000 square feet, less than 140 Average Daily One-Way Trips for all fleet types (except HHDT), and less than 15 Average Daily One-Way Trips for HHDT only.

IMPACT ANALYSIS

- a. *Would the project conflict with or obstruct implementation of the applicable air quality plan?*
- b. *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?*
- c. *Would the project expose sensitive receptors to substantial pollutant concentrations?*

The Proposed Project will result in air emissions during its construction phase and during its operational phase. Construction emissions would be generated by construction equipment used during the site preparation and infrastructure/home construction processes. Operational emissions would be generated primarily by resident vehicles and indirectly by use of electricity. The City of Riverbank is located within the San Joaquin Valley Air Pollution Control District.

Specific emissions anticipated to be generated by the Proposed Project are summarized below for both construction and operations:

Table 2 – Summary of Annual Emissions in Tons Per Year

	Construction Phase	Operational (Occupancy Phase)
Oxides in Nitrogen (NOx)	0.2786	0.1478
Particulate Matter (PM10)	0.0735	0.1772

For construction and operations, the Proposed Project is anticipated to be well below the thresholds identified by the SJVPACD. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

The Proposed Project is not anticipated to result in adversely affecting a substantial number of people through emissions. The Proposed Project is a typical storage facility located within an urban setting. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

4. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

IMPACT ANALYSIS

a. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?*

- b. *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*
- c. *Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
- d. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*
- e. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*
- f. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The following analysis is based upon the Biological Study prepared for the Heritage Collection at Sierra Street Project, dated March 12, 2021, as prepared by Walter Tordorff, Ph.D. The Biological Study referenced herein included the Project site, as confirmed with Dr. Tordorff in June 2022. For reference, the Biological Study is included herein as Appendix A.

Consultation with the California Natural Diversity Database (CNDDDB) indicated that there are sixteen (16) animal species of concern and no plant species of concern recorded in the Riverbank area (Riverbank topographic quadrangle). While most of these species are associated with the Stanislaus River or with vernal pools, a few are found in terrestrial habitats. The 16 species are as follows:

Found in rivers and streams:

- Sacramento Hitch;
- Hardhead;
- Sacramento Slittail;
- Sacramento-San Joaquin Tule Perch;
- Chum Salmon;
- Steelhead; and,
- Chinook Salmon.

Found in vernal pools:

- Vernal Pool Fairy Shrimp; and,
- Vernal Pool Tadpole Shrimp.

Found in terrestrial habitats:

- Swainson's Hawk;
- Burrowing Owl;
- Northern California Legless Lizard;

- Valley Elderberry Longhorn Beetle;
- Moestan Blister Beetle;
- Obscure Bumble Bee; and,
- Crotch's Bumble Bee.

Dr. Tordorff conducted a site visit on February 28, 2021 and again on March 5, 2021. The site visit concluded that there is a large Oak Tree located at the northwest border of the site where Sierra Street will be extended to connect to Claus Road. There are elderberry bushes and oak trees located just beyond the Project site and within the right-of-way of the Burlington Northern Railroad. In addition, the Project site is continuously plowed for weed control and there are no streams or vernal pools located on the site.

The Biological Study concluded the following:

- There are no streams or vernal pools located on the Project site and therefore, the Proposed Project will have no impact on the first nine (9) species listed above.
- There is no indication that terrestrial habitat or species are located on the Project site.
- The Elderberry Shrubs located within the railroad right-of-way shall be avoided as part of the Proposed Project.
- There are no ground squirrels or burrows on the Project site and therefore, Burrowing Owls will not be identified on the site.
- The Biological Study noted that the Project site contains foraging habitat for Swainson's Hawk.

As a result of the Biological Study, the Project Proponent will be required to adhere to 2005-2025 General Plan Policy CONS-5.7, which states:

"A mitigation plan shall be prepared and reviewed and approved by the appropriate regulatory agencies for projects where avoidance of adverse effects to special-status species is not feasible, and authorization for take of listed species shall be obtained, if necessary. The mitigation plan shall include measures to minimize potential for effects during project construction (e.g. pre-construction surveys and timing of construction) and measures to compensate for loss of special-status species habitat. Loss of Swainson's Hawk foraging habitat shall be compensated for by preservation and management of foraging habitat of at least a similar quality at an appropriate location. Mitigation plans shall identify an appropriate mitigation site, compensation acreage, performance criteria, and monitoring and management requirements to ensure the site provides suitable habitat for the applicable species. Long-term protection of mitigation lands shall be ensured by establishing a management endowment or other suitable funding source. Alternatively, it may be appropriate to contribute funds to existing mitigation programs. Use of such a program shall be approved by the appropriate regulatory agencies."

In addition, there is not an adopted Habitat Conservation Plan within the City of Riverbank.

Based on the analysis above, and as contained in the Biological Study, the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporation**, specifically as it relates to potential impacts to Swainson's Hawk and Swainson's Hawk foraging habitat. Mitigation measures are presented below.

MITIGATION MEASURES:

The following mitigation measures shall apply to the Proposed Project:

Mitigation Measure BIO-1:

The Project Proponent shall implement the following measures to avoid or minimize impacts on Swainson's Hawk:

- No more than 30 days before the commencement of construction, a qualified biologist shall perform preconstruction surveys for nesting Swainson's Hawk and other raptors during the nesting season (February 1 through August 31).
- Appropriate buffers shall be established and maintained around active nest sites during construction activities to avoid nest failure as a result of project activities. The appropriate size and shape of the buffers shall be determined by a qualified biologist, in coordination with CDFW, and may vary depending on the nest location, nest stage, and construction activity. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. Monitoring shall be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged, or the nest site is otherwise no longer in use.
- Consistent with General Plan Policy CONS-5.7, and before the commencement of construction, the Project Proponent shall provide compensatory mitigation for the permanent loss of Swainson's Hawk foraging habitat. Mitigation shall be at the CDFW specified ratios, which are based on distance to nests.

Mitigation Measure BIO-2:

The Project Proponent shall implement the following measure to avoid or minimize impacts on other protected bird species that may occur on the site:

- Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area.
- If any active nests, or behaviors indicating that active nests are present, are observed, appropriate buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from project activities. The size of the buffer shall depend on the species, nest location,

nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.

5. CULTURAL RESOURCES -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

IMPACT ANALYSIS

- a. *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

The Riverbank Branch Library, also referred to as the Riverbank Carnegie Library, located at 3237 Santa Fe Street, is the only structure within the City to be identified on the National Register for Historic Places. According to the California Office of Historic Preservation (www.ohp.parks.ca.gov), there are no other properties or structures identified on either the National Register or State Register of Historic Places. In accordance with State Law and Policy CONS-2.5 of the City's 2005-2025 General Plan, in the event of the inadvertent discovery of previously unknown archaeological sites during excavation or construction, all construction affecting the site shall cease and the contractor shall contact the appropriate City agency. If Native American human remains are discovered, the City shall work with local Native American representatives to ensure that the remains and associated artifacts are treated in a respectful and dignified manner. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?*

Paleontological resources are not expected to exist at the Project site because the underlying soil type and the age of the soils would generally preclude their presence. Therefore, the Proposed Project will have **No Impact**.

- c. *Would the project disturb any human remains, including those interred outside of dedicated cemeteries?*

It is not anticipated that the Proposed Project will disturb any human remains. However, through development and construction of the Proposed Project, human remains may be identified, particularly during activities requiring ground disturbance (i.e. grading, trench digging, etc.). As such, the Proposed Project shall incorporate Mitigation Measure CUL-1, specified below, in accordance with Section 15064(e) of the CEQA Guidelines, to reduce any potentially significant impacts to a level of less than significant. Therefore, the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporation**.

MITIGATION MEASURES:

The following mitigation measure(s) shall be incorporated into the Proposed Project to mitigate any potential impacts to a less than significant level:

Mitigation Measure CUL-1:

If potential human remains are encountered, the construction contractor shall halt work in the vicinity (within 100 feet) of the find and contact the City of Riverbank. The Project Applicant and/or contractor shall be required to contact the Stanislaus County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5, If the coroner determines the remains are Native American, the coroner would contact the Native American Heritage Commission (NAHC). As provided in Public Resources Code Section 5097.98, the NAHC would identify the person or persons believed to be most likely descended from the deceased Native American. The most likely decedent makes recommendations for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98. Implementation of Mitigation Measure CUL-1 would reduce the potential impact on human remains to a less than significant level.

6. ENERGY -- Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
- b. *Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?*

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California’s energy consumption. Title 24 is updated approximately every three (3) years, and the 2019 Title 24 went into effect on January 1, 2020.

The California Green Buildings Standards Code (CALGreen) establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce Greenhouse Gas (GHG) emission from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to environmental directives. The most recent update to CALGreen went into effect January 1, 2020 and covers five (5) categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

The Proposed Project will be required to comply with all California Green Building Code Standards, including Energy Efficient standards for nonresidential buildings.

The Proposed Project will require site preparation, grading, paving, architectural coating, and trenching. The site is vacant and will not require the demolition of any existing structures, except for a fenced storage yard. Implementation of applicable 2030 General Plan Goals, Policies, and Implementation Measures as it relates to Air Quality, Energy, Utilities, etc. would reduce energy waste from construction. In addition, as noted in Section 8 of this Initial Study, the Proposed Project complies with the City’s adopted Climate Action Plan. Therefore, the Proposed Project would not

consume energy in a manner that is wasteful, inefficient, or unnecessary. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

7. GEOLOGY AND SOILS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

IMPACT ANALYSIS

- a.1. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*
- a.2. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*
- a.3. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*
- a.4. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

Based on a review of the City's 2005-2025 General Plan EIR, the City is not located within an earthquake fault zone as designated by the Alquist-Priolo Earthquake Fault Zone Act (California Geological Survey 2007). The nearest active fault is the San Joaquin Fault, which is located approximately 22 miles southwest of the City and is a potential source of risk for seismic events. Because no known faults are located in the City, the potential for surface rupture (cracking or breaking of the ground during an earthquake) would be **Less Than Significant**.

- b. *Would the project result in substantial soil erosion or the loss of topsoil?*

The potential for grading and earthmoving during project construction to result in erosion is a potentially significant impact. Exposed soils entrained in stormwater runoff and transported off the Project site can be potentially significant. This impact would be mitigated to a less than significant level by the City's Standard Conditions (adopted by Resolution No. 2013-014) Number F-2 and F-3, requiring implementation of a Stormwater Pollution Prevention Plan (SWPPP) as well as implementation of Best Management Practices relating to stormwater runoff. As a result, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project be located on a geologic unit or soil that is unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

Liquefaction is a phenomenon primarily associated with saturated, cohesion less soil layers located close to the ground surface. During liquefaction, soils lose strength and ground failure may occur. Soils must be saturated to be at risk of liquefaction, the areas in Riverbank most susceptible to liquefaction include areas along the Stanislaus River and where there are high groundwater levels. The Proposed Project is located south of the Stanislaus River, outside of the area considered to be susceptible to liquefaction. In addition, Riverbank requires all new development or substantial renovations to comply with adopted Building codes and engineering requirements, which include seismic design, foundations, and drainage. As a result, no mitigation measures are required for this area and the level of impact is **Less Than Significant**.

- d. *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?*

According to the City's 2005-2025 General Plan EIR, four (4) soil types found in Riverbank have been identified as expansive soils (moderate to high shrink-swell potential) which can cause damage to buildings, roads, and other structures. The Project site is located within San Joaquin soils (SaA) and has a high potential of shrink-well at a depth of 13-24 inches. However, the General Plan includes policies which reduce the possible exposure of people and structures to hazards involving expansive soils, including Policy SAFE-1.2 and Policy SAFE-1.11. Policy SAFE-1.2 involves the enforcement of the State of California Buildings Standards Commission Uniform Codes, such as the Uniform Building Code and Fire Code. Policy SAFE-1.11 requires the proposed developments within river bluff areas and other areas prone to geologic and soil limitations complete a detailed geotechnical study prepared by an independent qualified geologist and approved by the City. The mitigation measure listed below as "GEO-1" will ensure that the project adheres to the General Plan Policy SAFE-1.11 and a Geotechnical Study is prepared for the project. The Project Proponent has prepared and submitted a Geotechnical Study. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- e. *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The Proposed Project will connect to City services related to sewer. Therefore, the Proposed Project will have **No Impact**.

- f. *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Based on review of the 2005-2025 General Plan EIR, there are no paleontological resources or unique geologic features located within the Project site. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

8. GREENHOUSE GAS EMISSIONS == WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

BACKGROUND DISCUSSION:

Human-generated emissions greenhouse gases (GHGs) are understood to be an important cause of global climate change, which is a subject of increasing scientific, public concern, and government action. Atmospheric concentrations of GHGs that trap heat in the earth’s atmosphere and lead to a variety of effects, including increasing temperature, changes in patterns and intensity of weather and various secondary effects resulting from those changes, including potential effects on public health and safety.

California AB 32 identifies global climate change as a “serious threat to the economic well-being, public health, natural resources and the environment of California.” As a result, global climate change is an issue that needs to be considered under CEQA.

GHGs include carbon dioxide (CO2), the most abundant GHG, as well as methane, nitrous oxide and other gases, each of which have GHG potential that is several times that of CO2. GHG emissions result from combustion of carbon-based fuels; major GHG sources in California include transportation (40.7%), electric power generation (20.5%), industrial (20.5%), agriculture and forestry (8.3%) and others (8.3%).

The State of California is actively engaged in developing and implementing strategies for reducing GHG emissions. State programs for GHG reduction include a regional cap-and-trade program, new industrial and emission control technologies, alternative energy generation technologies, advanced energy conservation in lighting, heating, cooling and ventilation, reduced-carbon fuels, hybrid and electric vehicles, and other methods of improving vehicle mileage reduction programs. Using these and other strategies, the State’s Global Climate Change Scoping Plan, adopted in December 2008, proposes to achieve a 29% reduction in projected business-as-usual emission levels for 2020.

The SJVAPICD adopted a Climate Change Action Plan in 2008 and issued guidance for development project compliance with the plan in 2009. The guidance adopted an approach that relies on the use of Best Performance Standards to reduce GHG emissions. Projects implementing Best Performance Standards would be determined to have a less than cumulatively significant impact. For projects not implementing Best Performance Standards, demonstration of a 29% reduction in GHG emissions from business-as-usual conditions is required to determine that a project would have a less than cumulatively significant impact.

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b. *Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Although not originally intended to reduce GHGs, California Code of Regulations (CCR) Title 24, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. Since then, Title 24 has been amended with recognition that energy efficient buildings require less electricity and reduce fuel consumption, which in turn decreases GHG emissions. The current Title 24 standards were adopted in response to the requirements of AB 32. Specifically, new development projects within California, after January 1, 2011, are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). As such, it is anticipated that the Proposed Project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with any plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

9. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?			X	

IMPACT ANALYSIS

- a. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The Proposed Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. In addition, the Proposed Project will be developed in compliance with all City standards and policies in relation to site improvements, compliance with building codes, and the like. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

The Proposed Project is located within 0.25 miles of Riverbank High School, which is located just south of the Project site. However, storage facilities do not typically emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project be located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Based upon a limited Phase I/Environmental Assessment, dated October 18, 2004, prepared by Construction Testing & Engineering, Inc., the Project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. For review and reference, the Phase I/ESA is included in this Initial Study as Appendix B.

Therefore, the Proposed Project will have **No Impact**.

- e. *For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

On October 6, 2016, the Stanislaus County Airport Land Use Commission adopted the County's Airport Land Use Commission Plan. Based on a review of the Airport Land Use Commission Plan, the Proposed Project is not located within 2-miles of a public airport or public use airport. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- f. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Page 4.9-18 of the 2005-2025 General Plan Draft Environmental Impact Report (EIR) concluded that, "development within the Planning Area would add additional traffic and residences requiring evacuation in case of an emergency. Implementation of the 2005-2025 General Plan Policies would ensure conformance with local emergency response programs and continued cooperation with emergency response service providers. This impact would be less than significant."

The Proposed Project will comply with 2005-2025 General Plan Policies including SAFE-2.1 and SAFE 2.5. Furthermore, the Proposed Project, while requesting a General Plan Amendment, will be consistent with the 2005-2025 General Plan. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- g. Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Based on a review of the 2005-2025 General Plan EIR, the CDF Fire Resource Assessment Program identifies the General Plan's Planning Area as a "developed" zone for wildland fires. No areas or zones in the Planning Area are defined as Very High Fire Hazard Severity. The Proposed Project is located within the Riverbank city limits and within the General Plan's Planning Area. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

10. HYDROLOGY AND WATER QUALITY -- Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
i) Result in substantial on- or offsite erosion or siltation;			X	
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X	
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv) Impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

IMPACT ANALYSIS

- a. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

Construction activities associated with the Proposed Project would cause disturbance of soil during excavation work, which could adversely affect water quality. Contaminants from construction vehicles and equipment and sediment from soil erosion could increase the pollutant load in runoff being transported to receiving waters during development. Any construction activities, including grading, that would result in the disturbance of 1 acre or more would require compliance with the Regional Water Quality Control Board (Regional Water Board) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity (Construction General Permit). The Project site is 5.9-acres and will be subject to the provisions of a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period.

Operation of the Proposed Project could be source of various stormwater pollutants. Pollutants associated with the proposed residential development may include those associated with vehicle parking and landscaping, including oil and grease, organic compounds such as pesticides, and trash and debris. Such pollutants may also be present in non-stormwater discharges, such as runoff from landscape irrigation. Operation of the project would be subject to the Regional Water Board's Municipal Regional Permit (MRP), implemented in October 2009 by Order R2-2009-0074. Provision C.3 of the MRP addresses new development and redevelopment projects. The entire Project site, consisting of all new impervious surfaces, must be included in the treatment system design (i.e. stormwater treatment systems must be designed and sized to treat stormwater runoff from the entire project). In this regard, North Star Engineering Group, Inc. has prepared a stormwater analysis and design memorandum: *Potential Storm Drainage System Analysis and Design* for the Proposed Project. Proposed improvements involving stormwater include installation of catch basins within the Project site and discharging stormwater into a new stormwater line located in Sierra Street and ultimately discharging into the Diamond Bar East Subdivision stormwater basin.

A Stormwater Control Plan (SCP) must be prepared and submitted for the Project site and must detail design elements and implementation measures to meet MRP requirements. The project would be required to include Low Impact Development (LID) design measures and a Stormwater Facility Operation and Maintenance Plan must be prepared to ensure that stormwater control measures are inspected, maintained, and funded for the life of the project. In order to mitigate any potential impacts as a result of this project, mitigation measure HYDRO-1 has been incorporated to address the potential of degradation of runoff water quality from project construction and operation.

In addition, the Proposed Project shall comply with the City's 2005-2025 General Plan policies and the City's Standard Conditions, which include SWPPP requirements (Condition F2 and F3).

Therefore, any potential impacts as a result of the Proposed Project are mitigated through the proposed storm system analysis and design, General Plan policies and the Standard Conditions of Approval and the Proposed Project will not violate any water quality standards or waste discharge requirements and the project would have a **Less Than Significant Impact**.

- b. *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The Proposed Project will connect to the City of Riverbank's water system and will not use groundwater during construction or operation. According to the City's 2005-2025 General Plan EIR, Riverbank has two (2) monitoring wells that are maintained by the Department of Water Resources (DWR). The latest available data (1993) indicates a depth to groundwater of 71.1 feet below ground surface for the eastern well. Based on these two (2) results, groundwater will not be encountered in excavations during installation of underground utilities or other construction activities. Should groundwater dewatering be required during construction, groundwater would be managed in accordance with the SWPPP for the project, and permits would be required prior to discharge of the dewatered groundwater to the storm or sanitary sewer. The project would also not result in a net increase in impervious surfaces that could adversely affect infiltration precipitation and recharge of groundwater. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- i. *Result in substantial on- or offsite erosion or siltation;*
- ii. *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*
- iii. *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;*
or
- iv. *Impede or redirect flood flows?*

The Proposed Project will not alter the course of a stream or a river. The Project site is in a rural/urban area and although development of the site would affect local drainage patterns, compliance with construction- and operation-phase stormwater requirements (SWPPP and SCP) would ensure that development of the project would not result in substantial erosion or siltation on- or off-site. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project be located in flood hazard, tsunami, or seiche zones, or risk release of pollutants due to project inundation?*

The Proposed Project is not located within a 100-year flood hazard area as shown by the Federal Emergency Management Agency (FEMA), and therefore the Proposed Project would not place housing within such an area, nor would the development of the Proposed Project impede or redirect potential flood flows.

No significant risk to people or structures is anticipated as a result of levee or dam failure in the Project site/area. No enclosed surface water bodies, which might be subject to potential impacts from seiches, are located in the Project site vicinity. Based on its location, inland from coastal areas, the Project site would not be subject to tsunami effects. The Project site is not located in an area susceptible to mudflows.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- e. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The Proposed Project will comply with all Federal, State, and local policies and regulations related to water quality. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

11. LAND USE AND PLANNING - Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

IMPACT ANALYSIS

a. Would the project physically divide an established community?

The Proposed Project is located within the Riverbank city limits and is generally surrounded by urban development. The Proposed Project will not divide the established community (City of Riverbank). Therefore, the Proposed Project will have a **Less Than Significant Impact**.

b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

As noted previously, the Proposed Project consists of a General Plan Amendment (GPA), Rezone to PD, and Architectural Site Plan Review. The GPA is necessary to amend the 2005-2025 General Plan Land Use Element to designate the Project site for commercial land uses, and the Rezone is necessary to establish the commercial zoning for the Project site. The 2005-2025 General Plan currently designates the Project site for Medium Density Residential (MDR) land uses. Based on a review of the City’s 2005-2025 General Plan and General Plan EIR, there were no significant environmental affects identified as a result of designating the Project site for MDR land uses. As such, mitigation is not applicable. Therefore, while the Proposed Project proposes to amend the City’s General Plan and Rezone the Project site, the Proposed Project will have a **Less Than Significant Impact** as the current General Plan land use and zoning designations were not created to avoid or mitigate a potentially significant impact.

MITIGATION MEASURES:

Mitigation is not required for this topic.

12. MINERAL RESOURCES -- WOULD THE PROJECT RESULT IN:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

Based on a review of the City's 2005-2025 General Plan, the Project site is located outside of any area designed by the California Department of Conservation - State Mining and Geology Board (SMGB) as containing known mineral resources. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

13. NOISE -- WOULD THE PROJECT RESULT IN:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or other applicable standards of other agencies?			X	
b) Generation of excessive ground-borne vibration or ground-borne noise levels?		X		
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

IMPACT ANALYSIS

- a. *Would the project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Various types of equipment would be used for construction of the Proposed Project. Noise impacts resulting from construction activities would depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-sensitive receptors. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), when the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time. The loudest expected phase of construction is grading and earthwork, which would likely include the use of dozers, backhoes, and graders. Rural residences are located on the majority of sides of the Project site and the City's high school is located immediately to the south. Use of construction equipment could be short-term source of impact on these noise-sensitive uses. However, the City's Municipal Code regulates the hours of construction, stating that such activities cannot take place between 6:30 p.m. and 6:00 a.m. on weekdays or 5:00 p.m. and 8:00 a.m. on weekends and legal holidays. Therefore, temporary construction would not occur within the hours prohibited by the Riverbank Municipal Code and, as a result, would not occur during the more noise-sensitive times of the day. The impact of project construction noise as it relates to local noise standards would, therefore, be considered **Less Than Significant**.

- b. *Would the project result in generation of excessive ground-borne vibration or ground-borne noise levels?*

As discussed under item (a) above, temporary construction work could result in a temporary increase in noise levels in the Project site's vicinity, including ground-borne vibration and ground-borne noise levels. In order to ensure that Proposed Project construction noise and vibration levels remain at a level as to not become a nuisance, Mitigation Measure NOISE-1 will be incorporated in addition to the City's restrictions on the hours of operation. Given the relatively short construction period and limited scope of the Proposed Project, construction activities, with mitigation incorporated, will result in a **Less Than Significant Impact with Mitigation Incorporated**.

- c. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The Proposed Project is not located within two (2) miles of a public airport or public use airport. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

The following mitigation measures shall be incorporated into the Proposed Project:

Mitigation Measure NOISE-1:

Construction equipment shall be well maintained to be as quiet as possible. The following measures, when applicable, shall be implemented to reduce noise from construction activities:

- All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
- "Quiet" models of air compressors and other stationary noise sources shall be used, where technology exists.
- Stationary noise-generating equipment shall be located as far as feasible from sensitive receptors (dwelling and Riverbank High School).
- Unnecessary idling of internal combustion engines shall be prohibited.
- Staging areas and construction material storage areas shall be located as far away as possible from adjacent sensitive land uses (dwellings and Riverbank High School).
- Construction-related traffic shall be routed along major roadways (Claus Road and Patterson Road) and as far as feasible from sensitive receptors.
- Residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. The construction contractor shall designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of the noise complaints (e.g., starting too early, bad muffler,

etc.) and shall institute reasonable measures to correct the problem. The construction contractor shall conspicuously post a telephone number for the liaison at the construction site.

- The construction contractor shall hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and construction liaison) are completed.

All of the above measures shall be included in the contract specifications that shall be reviewed and approved by the City of Riverbank Development Services Department prior to the start of construction. The above measures would reduce noise generated by the construction of the project to the extent feasible for the project's size.

14. POPULATION AND HOUSING -- Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

IMPACT ANALYSIS

- a. *Would the project induce substantial population in one area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The Proposed Project consists of a commercial development intended to serve the residents of the City of Riverbank. Storage facilities typically do not induce population growth but rather, provides a retail service to the surrounding area. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The Project site does not contain any structures that would need to be demolished and thus, displace substantial numbers of existing people or housing. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

15. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?			X	

IMPACT ANALYSIS

- a. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection?*
- b. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection?*
- c. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?*
- d. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?*
- e. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental*

facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?

Public services are available and can be extended to serve future development. With regard to K-12 schools, the Project Proponent will be required to pay the standard School Impact Fees at the time of building permit issuance.

Stanislaus Consolidated Fire Protection District (SCFPD) provides fire protection and first response to emergencies for the City of Riverbank, as well as the unincorporated area within its Sphere of Influence. SCFPD has eleven (11) fire stations throughout Stanislaus County and currently has 81 paid employees and approximately 25 volunteers. Station 36 is centrally located in downtown Riverbank at 3324 Topeka Street and is staffed 24-hours a day. The Proposed Project will be required to pay the City's Fire Capital Facilities Fees to fund the construction of fire protection facilities required to service new growth areas. In addition, the SCFPD has reviewed the Proposed Project and have provided comments, of which will be incorporated as Conditions of Approval. These comments are as follows:

- An automatic fire sprinkler system will be required.
- Fire extinguishers shall be installed no more than seventy-five (75) feet apart.
- A fire alarm system shall be installed and have the ability to monitor the fire sprinkler system.
- A minimum of four (4) fire hydrants shall be installed within the walls of the buildings.
- A knock box shall be installed at the Proposed Project entries to allow for emergency access.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

The 2005-2025 Riverbank General Plan Policy PUBLIC 8.1 states "new developments shall fund and/or construct adequate law enforcement facilities to serve new growth areas, as required, in coordination with law enforcement service providers". In addition, General Plan Policy PUBLIC 8.2 states "the City goal is to provide 1.25 sworn officers per 1,000 residents". Riverbank's police station is located at 6727 Third Street in downtown Riverbank. According to the City's Municipal Service Review, dated February 2016, staffing includes one (1) Lieutenant (Chief of Police), two (2) Sergeants, fifteen (15) Deputy Sheriffs/Detectives, one (1) supervising Legal Clerk, two (2) Legal Clerks and one (1) Community Service Officer. Currently, the calculated ratio of police officers per 1,000 is 73.14 per 1,000 population, using the Department of Finance population estimate for the City of 24,610 (January 1, 2017). The Riverbank City Council, in adopting Resolutions 2006-115 and 116 on October 23, 2006, set policy that requires all new development to annex into Community Facilities District No. 2016-01 for police protection. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

16. RECREATION

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or accelerated?

The Proposed Project consists of a commercial development allowing for self-storage and the storage of boats and recreational vehicles (RV). These types of projects do not typically cause the increase of use for existing parks, regional parks, or other recreational facilities in the manner a residential subdivision would. It is not anticipated that the Proposed Project would increase the use of existing parks and recreational facilities based on its land use. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

As noted under item (a) above, the recreational needs are expected to be met with the existing recreational facilities in the area, and the Proposed Project would not require construction or expansion of other recreational facilities. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

17. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

The impact analysis provided below is based upon the Traffic Impact Assessment for the Riverbank Self-Storage Project, dated August 16, 2022, prepared by KD Anderson & Associates, Inc. A copy of this Traffic Impact Assessment is provided in Appendix C of this Initial Study.

IMPACT ANALYSIS

- a. *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

The Proposed Project borders Claus Road and the future extension of Sierra Street, which will intersect with Claus Road. The City's 2005-2025 General Plan classifies Claus Road as an Arterial Street and Sierra Street is designated as an Access Street. In addition, the 2005-2025 General Plan allows for the installation of an eight (8) to ten (10) foot wide sidewalk. Based on a review of the Traffic Impact Assessment, the Proposed Project will generate less traffic than what is currently contemplated in the City's 2005-2025 General Plan. In comparison to the previous site development assumptions using General Plan land use designations, the Proposed Project will generate 136 daily vehicle trips, compared to 557 dally trips using the current land use designation of Medium Density Residential. This represents a seventy-five percent (75%) reduction in daily vehicle trips.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

The Traffic Impact Assessment evaluated the Proposed Project in accordance with Section 15064.3(b) of the CEQA Guidelines. The Proposed Project is considered to be "locally serving retail" as it is

intended to serve the surrounding and developed Riverbank community. The Proposed Project will provide another storage option for residents of Riverbank. Customers typically select a storage site based on proximity and the Traffic Impact Assessment concluded the Proposed Project will reduce Vehicle Miles Traveled (VMT) by providing residents a new storage option.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The Traffic Impact Assessment evaluated internal site circulation associated with the Proposed Project. The available plan for access includes a rolling gate across a sixteen (16) foot opening on both Claus Road and Sierra Street. The length of time estimated for customers to access the gate and for the gate to open is five (5) to ten (10) seconds. The total time spent in a vehicle at the rolling gate is estimated to range from thirteen (13) to twenty-nine (29) seconds. The northbound travel lane on Claus Road will be approximately twenty-five (25) feet wide at the Proposed Project driveway. This width provides room for through traffic to pass a right turning vehicle that may queue momentarily on Claus Road.

Because the volume of traffic generated by the Proposed Project is low, congestion at the entrance can typically be avoided if a high efficiency gate is implemented. This involves minimizing the time spent activating the gate and waiting for the gate to open. The final design for access should provide a high-speed gate and should minimize the need to exit a vehicle to activate the gate. Because the northbound travel lane would allow through traffic to pass a vehicle waiting to enter the site, future tenants of the Proposed Project should be directed to approach the driveway from the south.

Some delay for outbound traffic may occur waiting to turn left on to Claus Road during peak traffic hours. However, congestion will be minimal due to low traffic volumes. It is likely that Recreational Vehicle (RV) owners will determine that turning right at the driveway is preferable for that type of vehicle. The City of Riverbank will need to monitor traffic conditions at the Claus Road access, but no immediate improvements were recommended in the Traffic Impact Assessment.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project result in inadequate emergency access?*

A review of the Traffic Impact Assessment concludes that emergency access to and from the Project site will be adequate. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

18. TRIBAL CULTURAL RESOURCES -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k)?			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?			X	

Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to mandate consultation with California Native American tribes during the CEQA process to determine whether or not the Proposed Project may have a significant impact on a Tribal Cultural Resource. Section 21073 of the Public Resources Code defines California Native American tribes as "a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004." This includes both federally and non-federally recognized tribes. Section 21074(a) of the Public Resource Code defines Tribal Cultural Resources for the purpose of CEQA as:

1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
- b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
- c. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria A and B also meet the definition of a Historical Resource under CEQA (see Section 5 of this document), a Tribal Cultural Resource may also require additional (and separate) consideration as a Historical Resource. Tribal Cultural Resources may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their Tribal Cultural Resources and heritage, AB 52 requires that CEQA lead agencies carry out consultation with tribes at the commencement of the CEQA process to identify Tribal Cultural Resources. Furthermore, because a significant effect on a Tribal Cultural Resource is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures. Consultation is concluded when either the lead agency and tribes agree to appropriate mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, or when a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached, whereby the lead agency uses its best judgement in requiring mitigation measures that avoid or minimize impact to the greatest extent feasible.

IMPACT ANALYSIS

- a. *Would the project cause a significant adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
 1. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*
 2. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

Based on a review of the City's 2005-2025 General Plan, the Project site is not listed or eligible in the California Register of Historical Resources or a local register of historical resources.

Assembly Bill 52 (AB 52) was approved in September 2014 and created a formal role for California Native American tribes by creating a formal consultation process and establishing that a substantial adverse change to a tribal resource has a significant effect on the environment. AB 52 requires a lead agency, prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the Proposed Project if: 1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of Proposed Projects in the geographic area that is traditionally affiliated with the tribe, and 2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. With respect to

AB 52, no California Native American tribes have requested consultation with the City of Riverbank or to be informed of Projects in the geographic area.

However, in accordance with AB 52, the City distributed tribal consultation letters on June 21, 2022. On July 25, 2022, the City received a response from the Wilton Rancheria Native American Tribe. In their response, the Wilton Rancheria Native American Tribe stated they did not wish to initiate AB52 consultation but did request to be notified and provide copies of any Proposed Project environmental documents for review and comment. A copy of this Initial Study will be provided to the Wilton Rancheria Native American Tribe to allow for review and comment.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

19. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?			X	

IMPACT ANALYSIS

a. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?*

As noted previously, the Proposed Project will be served water and wastewater services by the City of Riverbank. The Proposed Project will connect to lines located in Claus Road and Sierra Street.

The sewer lines in the vicinity of the Project site have adequate capacity to serve the Proposed Project, and the City's wastewater treatment plant has adequate capacity to treat wastewater generated by the Proposed Project. The plant is currently operating below permitted capacity (7.9 million gallons per day) and the project-related increases in wastewater flows to the plant could be accommodated within the plant's existing capacity. Improvements to correct the downstream deficiencies that would result from cumulative impacts within the City's service area are or will be included in the Riverbank's Capital Improvement Plan. Any future improvements to the City's existing facilities that are required as a result of new development will be funded from applicable fees and charges collected as a result of new construction. The Project Proponent will be required to pay these fees and charges at the time that the proposed residences connect to the sewer system.

The Proposed Project would not require or result in the construction of new water supply or off-site distribution facilities or expansion of existing facilities.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

It is anticipated that the City of Riverbank will have sufficient water supplies available to serve the project from existing entitlements and resources, without the need for new or expanded entitlements. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?*

It is anticipated that the City of Riverbank will have sufficient wastewater supplies and capacity available to serve the Proposed Project, without the need for new or expanded entitlements. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

The following discussion is an analysis for criteria (d) and (e):

- d. *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*
- e. *Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?*

The Fink Road Landfill, located within Stanislaus County, has sufficient permitted capacity to accommodate the project's solid waste disposal needs, and the addition of project waste would not diminish the anticipated life span of the landfill. The Proposed Project, therefore, would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and the project's impact in relation to this would be less than significant. The project would comply with federal, State, and local statutes related to solid waste and would not cause solid waste providers

to be out of compliance with applicable statutes and regulations. Therefore, the Proposed Project will have a **Less Than Significant**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

20. WILDFIRE -- Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a), (b), (c), and (d):

- a. *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*
- b. *Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- c. *Would the project require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*
- d. *Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The Proposed Project is located within the City of Riverbank. According to the 2005-2025 General Plan, the adopted emergency response plan and/or emergency evacuation plan is the Stanislaus

County Multi-Jurisdictional Hazard Mitigation Plan, managed by Stanislaus County Office of Emergency Services. The Proposed Project will comply with the adopted Hazard Mitigation Plan.

In addition, the Proposed Project is located within an urban area of the City of Riverbank, on a site that is relatively flat with little to no slope. Although the Proposed Project does include the installation of improvements (i.e. roadways, utilities, etc.), these improvements are typical in an urban setting and environment.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

21. MANDATORY FINDINGS OF SIGNIFICANCE --

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

IMPACT ANALYSIS

- a. *Does the project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

Finding (a) is checked as "Less Than Significant with Mitigation Incorporated" on the basis of the Proposed Project's potential impacts on biological resources, as described in Section 3.0-IV of this Initial Study. Potential impacts were identified in this issue area, but they were identified to be **Less Than Significant with Mitigation Incorporated**.

- b. *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in the connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

As described in this Initial Study, the potential environmental effects of the Proposed Project will either be less than significant or will have no impact at all. Where the Proposed Project involves potentially significant impacts, these impacts would have a **Less Than Significant Impact with Mitigation Incorporated**.

- c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

This Initial Study has considered the potential environmental impacts of the Proposed Project in the discrete issue areas outlined in the CEQA Environmental Checklist. During the environmental analysis, the potential for the Proposed Project to result in substantial impacts on human beings in these issue areas, as well as the potential for substantial impacts on human beings to occur outside of these issue areas, was considered, and no such impacts were identified. Therefore, finding (c) is checked as **Less Than Significant Impact**.

REFERENCES

In accordance with Section 15063(a)(3) of the CEQA Guidelines, the following expert opinion, technical studies, and substantial evidence has been referenced and/or cited in the discussion included in the Initial Study Checklist:

1. City of Riverbank 2005 – 2025 General Plan, dated April 2009.
2. City of Riverbank 2005 - 2025 General Plan Environmental Impact Report (EIR), dated April 2009.
3. City of Riverbank Zoning Ordinance.
4. City of Riverbank Noise Control Ordinance, Article IX, Chapter 93.
5. City of Riverbank Municipal Service Review, February 2016
6. City of Riverbank Standard Conditions of Approval, Adopted PC Resolution No. 2013-014
7. California Department of Transportation Online Database of State Scenic Highways (www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm).
8. California Department of Conservation Farmland Mapping and Monitoring Program, published October 2007.
9. Guide for Assessing and Mitigating Air Quality Impacts, adopted August 20, 1998, and as revised March 19, 2015, prepared by the San Joaquin Valley Air Pollution Control District.
10. Small Project Analysis Level (SPAL), dated March 1, 2017, prepared by the San Joaquin Valley Air Pollution Control District
11. Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA, dated December 17, 2009, prepared by the San Joaquin Valley Air Pollution Control District.
12. Biological Study (Riverbank Residential Project, The Heritage Collection at Sierra Street), dated March 12, 2021, prepared by Walter Tordorff, Ph.D.
13. Draft Technical Memorandum, dated August 19, 2022, prepared by Environmental Permitting Specialists.
14. Limited Phase 1 Environmental Site Assessment, dated October 18, 2004, prepared by Construction Testing & Engineering, Inc.
15. Traffic Impact Assessment, dated August 18, 2022, prepared by KD Anderson & Associates, Inc.

Appendix A
Biological Study, dated March 12, 2021, prepared by Walter Tordorff, Ph.D.

BIOLOGICAL STUDY
Riverbank Residential Project
THE HERITAGE COLLECTION AT SIERRA STREET
A.P.N. 062-020-001
RIVERBANK, CALIFORNIA

PREPARED FOR
JIM FREITAS
ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4
MODESTO, CA 95356

PREPARED BY
WALTER TORDOFF, Ph.D.
PROFESSOR EMERITUS OF BIOLOGY
CALIFORNIA STATE UNIVERSITY, STANISLAUS
2891 CASE WAY
TURLOCK, CA 95382
(Curriculum Vitae attached)

MARCH 12, 2021

OVERVIEW

The Riverbank Residential Project will encompass 12.27 acres of land bounded by Claus Road to the west, Central Avenue (not completed) to the east, the Burlington Northern Santa Fe Railroad and Patterson Road to the south and Sierra Street (not completed) to the north in the City of Riverbank, California. The Heritage Collection at Sierra Street to the west includes 8.6 acres and will be divided into 73 single family house lots. The 3.6-acre remainder at the western end is intended to eventually be developed as mini storage units. The land is currently unused pasture with no structures on it although it previously had a house and barn. The City of Riverbank is requiring a biological study to be done to assure that there are no significant biological resources on the property that would be adversely affected by this project.

POTENTIAL BIOLOGICAL ISSUES

Consultation with the California Natural Diversity Database (CNDDDB), the main resource for the presence of protected plants and animals, indicates that there are 16 animal species of concern and no plant species of concern which have been recorded in the Riverbank area (Riverbank topographic quadrangle). While most of these species are associated with the Stanislaus River or with vernal pools, a few are found in terrestrial habitats.

The sixteen species are the following:

Fish found in rivers and streams:

- Sacramento Hitch – *Lavinia exilicauda exilicauda*
- Hardhead – *Mylopharodon conocephalus*
- Sacramento Splittail – *Pogonichthys macrolepidotis*
- Sacramento – San Joaquin Tule Perch – *Hysterocarpus traskii traskii*
- Chum Salmon – *Oncorhynchus keta*
- Steelhead – *Oncorhynchus mykiss*
- Chinook Salmon – *Oncorhynchus tshawytscha*

Found in vernal pools:

- Vernal Pool Fairy Shrimp – *Branchinecta lynchi*
- Vernal Pool Tadpole Shrimp – *Lepidurus packardii*

Found in terrestrial habitats:

- Swainson's Hawk – *Buteo swainsoni*
- Burrowing Owl – *Athene canicularia*
- Northern California Legless Lizard – *Anniella pulchra*
- Valley Elderberry Longhorn Beetle – *Desmocerus californicus dimorphus*
- Moestan Blister Beetle – *Lytte moesta*
- Obscure Bumble Bee – *Bombus caliginosus*
- Crotch's Bumble Bee – *Bombus crotchii*

FIELDWORK

In order to determine if any of the above species were present on the property or if the property is potential habitat for any of them, I visited the site on February 28 and on March 5, 2021. On the first visit, I observed the land from the periphery noting major features only. On the second visit, I walked over the entire site looking for signs of the presence of the species and of features which would provide suitable habitat for them.

RESULTS – DESCRIPTION OF THE SITE

The land is almost flat with a higher portion in the south-central portion and slight depressions in the eastern and western central areas. Elevation ranges from 140 to 150 feet above mean sea level. There is only one tree on the property, a large oak along the northwest border in the area that is designated to be developed as part of Sierra Street. There are a few small trees and bushes, including eight elderberry bushes, *Sambucus sp.*, just south of the property in the southwest portion. This land is in the railroad right-of-way. There are also three oaks just south of the property in the railroad right-of-way on the western portion.

The site has been recently plowed to keep weeds in check and there are nonnative grasses and forbes growing at the present time. There are gopher burrows near Sierra Street at the northeast and two coyote burrows in the elevated portion although they appear to be deserted. One western fence lizard, *Sceloporus occidentalis*, was observed in the elevated area.

There are no streams or vernal pools on the land.

RESULTS – BIOLOGICAL RESOURCES

Because there are no streams or vernal pools on the property, this project will have no impact on the first nine species listed above, which are all fish.

Of the other seven species, three of the insects (obscure and Crotch's bumble bees and moestan blister beetle) are not protected although the Crotch's bumble bee is a candidate for Federal endangered status. In any case, there is no indication that any of them are present on this property.

The Valley Elderberry Longhorn Beetle is Federally protected as a threatened species. This species is strongly associated with elderberry bushes. The adults lay eggs on the plant stems and the larvae burrow into the stems only emerging when they transform into adults. The adults, in turn, spend their lives on or near the elderberry bushes. The presence of the beetles is indicated by the unique holes which are left in the stems when the adults emerge. Although there are no elderberry bushes on the property there are some just south of the remainder

portion of the land. Even though there are no holes in the stems to indicate the presence of the beetles, when that site is developed, special care must be taken to make sure that these bushes are not disturbed.

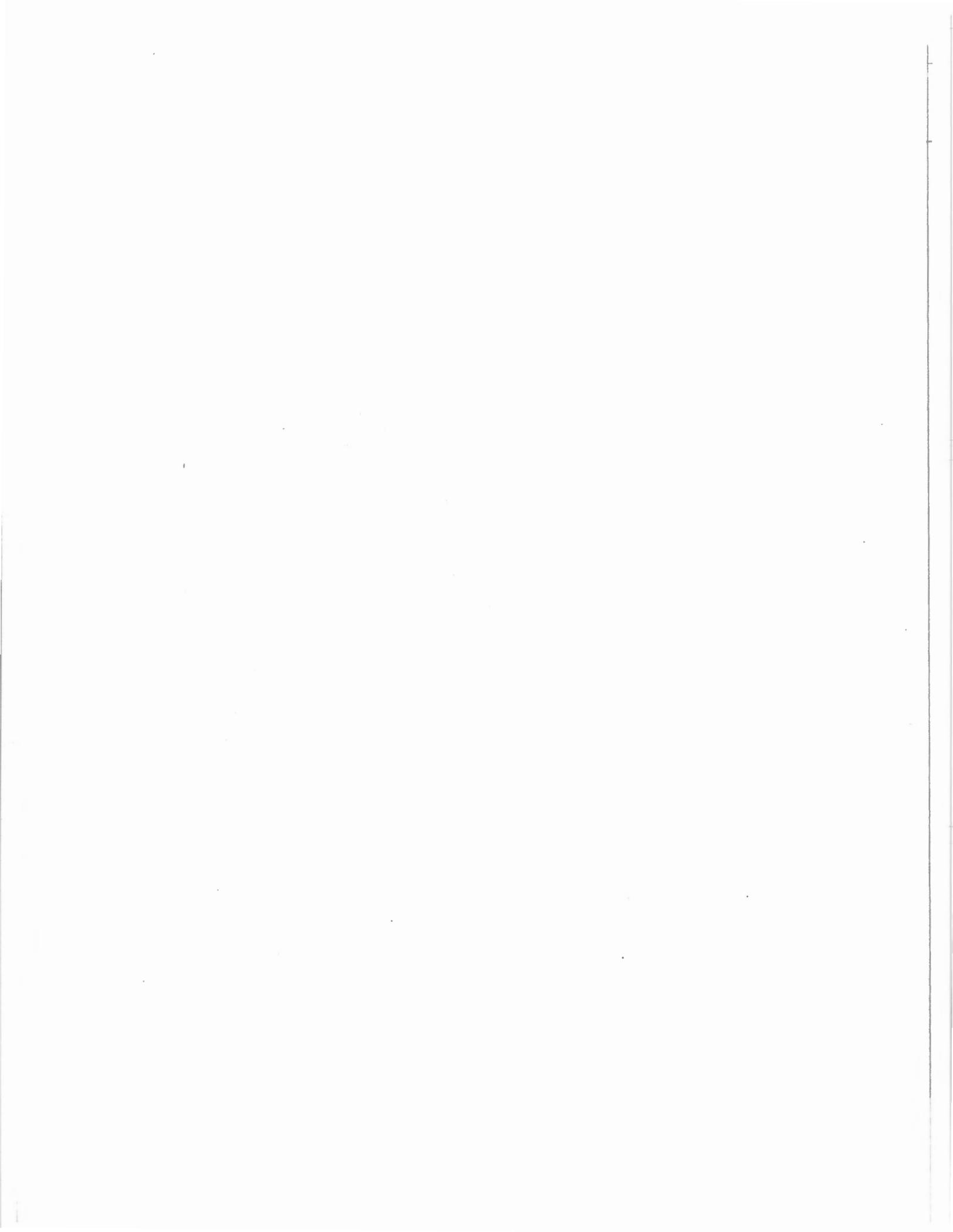
The Northern California Legless Lizard is not federally, or state protected, although it is listed by the California Department of Fish and Wildlife as a “species of special concern”. It is found in loose sandy soils usually with leaf litter and/or surface objects such as logs or rocks. Although the surface of the property is loose soil, it is only such because it has been plowed. There are essentially no leaf litter, logs, or rocks and thus it is highly unlikely that this species would be found here.

Swainson’s Hawk is currently not federally, or state protected although it was in the past due to declining population numbers. However, in the past fifty years, populations in Central California have increased and, at present, it is common in the area. It nests in tall trees near rivers and feeds mainly on insects for which it hunts in grassland areas adjacent to the rivers. While this property site is foraging habitat for this species, this project will not reduce the foraging areas available to it.

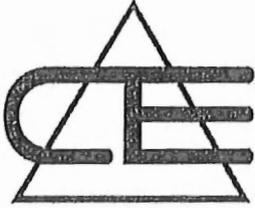
Like the Swainson’s Hawk, the Burrowing Owl is not currently protected although it is listed by the California Department of Fish and Wildlife as a “species of special concern” because of decreasing habitat. This species is active during the day and it lives in burrows. Although it can make its own burrows, it usually uses rodent burrows when they are available. In this area, the California ground squirrel, *Spermophilus beecheyi*, provides those burrows. There are no ground squirrels or burrows on this property so Burrowing Owls are not going to be found on it.

ASSESSMENT

There are no protected species present on this property nor does it provide suitable habitat for any. Thus, development of **The Heritage Collection at Sierra Street will have NO SIGNIFICANT ADVERSE EFFECTS on any BIOLOGICAL RESOURCES.** From my perspective there is no reason not to approve the project.



Appendix B
Limited Phase 1/Environmental Site Assessment, dated October 18, 2004, prepared by Construction
Testing & Engineering



CONSTRUCTION TESTING & ENGINEERING, INC.

SAN DIEGO, CA 2414 Vineyard Ave. Suite B Escondido, CA 92029 (760) 746-4955 (760) 746-9806 FAX	RIVERSIDE, CA 12155 Magnolia Ave. Suite B-C Riverside, CA 92503 (909) 352-8701 (909) 352-8705 FAX	VENTURA, CA 1846 Pacific Ave. Suite 107 Orland, CA 93033 (805) 488-8475 (805) 488-8016 FAX	TRACY, CA 242 W. Larch Suite F Tracy, CA 95378 (209) 839-2890 (209) 839-2805 FAX	LANCASTER, CA 42168 10th St. W. Unit K Lancaster, CA 93534 (681) 728-9678 (681) 728-9678 FAX	SACRAMENTO, CA 3628 Madison Ave. Suite 22 Sacramento, CA 95680 (916) 331-6030 (916) 331-6037 FAX	N. PALM SPRINGS, CA 19020 N. Indian Ave. Suite 2-K N. Palm Springs, CA 92258 (760) 329-4677 (760) 328-4886 FAX
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LIMITED PHASE I ENVIRONMENTAL SITE ASSESSMENT
6448 CLAUS ROAD
RIVERBANK, CALIFORNIA 95367

PREPARED FOR:
SCM CAPITAL COMPANY, LLC
1920 STANDIFORD AVENUE
SUITE 1
MODESTO, CA 95350

PREPARED BY:
CONSTRUCTION TESTING & ENGINEERING, INC.
2414 VINEYARD AVENUE
ESCONDIDO, CALIFORNIA 92029

CTE JOB NO. 20-1538

OCTOBER 18, 2004

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EXECUTIVE SUMMARY

In the professional opinion of CTE, an appropriate level of inquiry has been made into the previous ownership and uses of the property consistent with good commercial and customary practice. No evidence or indication of releases of petroleum hydrocarbons, heavy metals, hazardous chemicals, or other "recognized environmental conditions" has been revealed at the subject site in its present or previous conditions. Additionally, no evidence of similar conditions at the adjacent and nearby sites has been revealed by our investigations. Therefore, it is the opinion of this firm that no additional work is required at this site.

1.0 INTRODUCTION

1.1 Purpose

Construction Testing and Engineering, Incorporated ("CTE") has prepared this Phase I environmental site assessment (ESA) report for the SCM Capital Company, LLC in Modesto, California. Figure 1 is an index map showing the general location of the site.

Data on the past and present uses of the site and surrounding area was reviewed to assess the site for potential environmental concerns or "recognized environmental conditions" as defined by ASTM standard E 1527.

1.2 Scope of Work

The scope of work used generally follows the ASTM scope of work for Phase I Environmental Site Assessments (ASTM E 1527). The report was prepared in conformance with the guidelines set forth by SCM Capital Company of Modesto, CA. Specifically, our scope of services included:

- A search of public records and database files, using the services of a subcontractor (as allowed by ASTM). In particular, environmental records searched included Federal NPL, CERCLIS, RCRA TSD, RCRA Generator, and ERNs. Also searched were State and local records for hazardous waste sites identified for investigation or remediation, open and closed landfills, solid waste disposal sites, leaking USTs, registered USTs, and registered Hazardous Waste generators.
- Reviews of readily available aerial photographs
- Reconnaissance environmental assessments of the site and surrounding area were performed. The site visit included visual examination of the nearby buildings and tenant operations, and surrounding land uses to identify possible environmental concerns related to past and present uses of the subject property and immediately adjacent parcels.
- Representative reconnaissance was taken of the site and surrounding properties, to document current physical conditions and setting.

2.0 SITE OVERVIEW

2.1 Site Location and Description

The Stanislaus County Assessor's Parcel as shown in Appendix B.

The site is within the City of Riverbank, CA and is located on Claus Road, north of Patterson Road in Riverbank, CA.

Bordering the property on the east is Central Avenue. No tanks, drums, oil, pipes, or distressed vegetation were found within the site or around the exterior of the site.

2.2 Adjacent and Nearby Properties

The properties surrounding the subject site are residential on the east, west, and north.

To the south is Riverbank High School.

3.0 RESULTS OF INVESTIGATION

3.1 Site Inspection Observations

During the week of October 4, 2004, the subject site was visited by Mr. Kirt Lamb, a representative of CTE, for the purpose of conducting a visual inspection of the subject property and immediately surrounding developments and land uses to identify potential environmental hazards or liabilities related to past and present uses of the site and adjoining properties. During our inspections the following observations were noted:

- No unnatural staining was observed in the areas of surface water runoff discharges from the subject property.
- Distressed vegetation was not observed at the site.
- There was no indication of onsite dumping or disposal of liquid or solid hazardous wastes.
- No evidence of cisterns, cesspools or dry wells on-site was observed.
- Potable water supply or groundwater monitoring wells were not observed at the site.
- No abnormal odors were noted on or about the property.

- No evidence of the commercial application of pesticides, herbicides, or agricultural chemicals was observed at the site.
- No evidence of potentially hazardous air emissions was observed at the site.

No evidence of any environmental hazard or potential environmental liability was observed during the site visit. In particular, no stressed vegetation, hydrocarbon sheen, stained soil, suspicious odors, unmarked drums, electrical transformers or capacitors, or other indication of the existence, storage, or release of chemical or petroleum product or residue was noted at any location on the property or immediately adjacent public roadways or adjoining properties.

3.2 Adjacent Site and Site Vicinity Observations

The site is in an area of land used predominantly for residential use. As noted above, the properties to the north, west, and east are residential. To the south of the site is Riverbank High School. No observed signs of contamination were associated with these sites. Furthermore, no drums or similar canisters potentially containing hazardous wastes were observed during our reconnaissance of this area near the site.

3.3 Results of Regulatory Agency List Review and File Research

Environmental FirstSearch Technology Corporation (FirstSearch) was retained to conduct a review of selected regulatory agency databases for documented environmental concerns on the site or within a half mile radius of the site. A copy of the FirstSearch report is presented in Appendix E.

3.3.1 Regulatory Status of Site

The subject site First Search report is included in Appendix E.

3.3.2 Nearby Sites' Regulatory Status

There are no sites within ¼ mile of the subject site listed on the FirstSearch report. There are two properties with leaking underground storage tanks listed within ½ mile of the subject site. In the opinion of this firm, it is unlikely that releases from these sites have resulted in "recognized environmental conditions" to affect the subject property.

3.4 Results of Site History/Land Use Review

Information regarding site history and land use was collected from reviews of topographic maps, aerial photographs, title documents, fire insurance maps, and previous geologic reports.

3.4.1 Aerial Photograph Review

Aerial photographs were reviewed for this site. The following are specific notes from the aerial photograph review:

- 1950. The site is undeveloped. There are no developments surrounding the subject property.

- 1963. The site is undeveloped. There are no developments surrounding the property.
- 1980: The site is undeveloped. South of the property the Riverbank High School has been developed.

3.4.2 Review of Title Documents

Chicago Title Company provided the Preliminary Title. A review of the title documents shows that there are some exclusive easements on the property for utility purposes. Based on our review of these documents, there are no indications of historical property ownership or liens for uses that may cause "recognized environmental conditions." Appendix C contains a copy of the reviewed title documents.

4.0 CONCLUSIONS

4.1 Site and Vicinity Observations

Potential environmental concerns related to the release of hazardous chemicals or heavy metals at the site are not expected to be a source of concern. CTE did not observe any current evidence of spills or emissions of hazardous chemicals, heavy metals, or petroleum hydrocarbons at adjacent sites that could affect the project site.

Selected site photographs are presented in Appendix D. No evidence of stressed vegetation (from other than insufficient water) was identified. No electrical or hydraulic equipment that would likely contain PCBs was observed. Summarized below are observations relative to specific physical features identified in Section 2.3.2 of the PEA Guidance manual.

Table 1 - Physical Features of the Site	
Physical Feature	Observations
Property boundaries:	North – residential; East – residential; West – residential; South – Riverbank High School
Locations and boundaries of all onsite operations (present and past):	None noted.
Foundations of former structures:	None noted
Storage tanks and storage areas:	None noted
Odors:	None noted
Pools of liquid:	None noted
Electrical or hydraulic equipment known or likely to contain PCBs:	None noted
Identified and Unidentified substance containers (including empty drum storage):	None noted
Stained soil and pavement, corrosion, and degradation of floors and walls:	None noted
Drains and Sumps:	None noted
Pits, ponds, and lagoons:	None noted
Surface drainage pathways:	None noted.
Stressed vegetation (from other than insufficient water):	None noted
Solid waste and waste water:	None noted
Wells (including dry wells, irrigation wells, injection wells):	One water well on southwest corner
Septic systems:	None noted

As noted earlier, based on our visual observations we do not believe that "recognized environmental conditions" exist at the adjacent properties that would be expected to affect the study site.

4.2 Operating Permits and Adjacent Environmental Investigations

As stated earlier, FirstSearch was retained to review governmental agency environmental site and operating permits databases. This review was undertaken to examine the possibility that publicly available information exists regarding environmental conditions at the site or nearby sites. There are no listings of any environmental liens against the study site.

FirstSearch identified up to two sites with current operating permits and/or environmental problems within 1/2 mile of the site. We have reviewed the information presented to determine the locations of the identified sites in relation to the study site, the nature of the listing, and the currency of the listing to determine the relevancy of the listing. As an example, a closed LUST (Leaking Underground Storage Tank) site on the opposite side of drainage divide would not be considered a site of potential concern (because it is unlikely that contamination would flow across the divide and uphill) whereas an open LUST case in active remediation adjacent to the site would be identified as a potential concern.

Although there are LUST cases noted at two sites within 1/2 mile of the subject property, these sites are far away to have reasonably been expected to impact the study site. Contamination would have to be transported via groundwater without undergoing natural attenuation, an unlikely scenario.

Due to the distance from the site, we feel that it is unlikely that groundwater contamination from those sites has impacted the site in question.

Finally, based on our review of the information compiled by FirstSearch we do not believe that any of the listed sites have contributed to any "recognized environmental conditions" at the site.

4.3 Other Environmental Considerations

Hazardous air emissions are not documented to have occurred nor were observed to be occurring near the site. Local collection of trash and garbage in the area is made by commercial services.

Local municipal sewer, water, and utility providers serve the site area. No information was located regarding the presence of septic systems or other onsite waste disposal systems at the site. In addition, no evidence of such systems was observed during our site visits.

4.4 Summary Conclusion and Recommendations

We have performed this Phase I environmental site assessment in overall conformance with scope and limitations of ASTM Practice E 1527. This assessment has revealed no evidence of recognized contamination of soil or groundwater by hazardous chemicals, petroleum compounds, or heavy

metals at this site. This conclusion is based on environmental database reports and visual observations at the site. Actual conditions can only be verified by chemical analysis.

In the professional opinion of CTE, an appropriate level of inquiry has been made into the previous ownerships and uses of the property consistent with good commercial and customary practice in an effort to minimize liability, and no evidence or indication of Recognized Environmental Conditions has been revealed. No further investigation is deemed necessary at this time.

There is the pre-existing structure, an old rectangular concrete structure foundation and apparent related steel pipes. There is no record of this being any type of underground storage tank.

5.0 INVESTIGATION LIMITATIONS AND RELIANCE STATEMENT

An Environmental Site Assessment is limited by the availability and quality of site documentation. Undocumented, unauthorized releases of hazardous materials, the remains of which are not readily identifiable by visual inspection, are very difficult and often impossible to detect within the scope of such an investigation. If contamination of the soil and groundwater from an unidentified release is of

concern, definitive information concerning the presence of contamination can only be obtained through direct testing of the soil or groundwater at the site.

The findings of this report are valid as of this date. Changes in the condition of a property can occur with the passage of time, whether due to natural processes or the works of man on this or adjacent properties. In addition, changes in the state-of-the-art and/or governmental codes may occur. Due to such changes, the findings of this report may be invalidated wholly, or in part, by changes beyond our control.

The final assessment of the potential for the existence of hazardous materials at the site should be considered a professional opinion. This opinion is based on the data obtained during investigations and should not be considered a definitive statement that hazardous material is or is not present in the area of study. These opinions have been derived according to current standards of practices.

Respectfully submitted,
CONSTRUCTION TESTING & ENGINEERING, INC.



Nathan Chew, RCE #45565
Project Environmental Engineer



APPENDIX A
VICINITY MAP

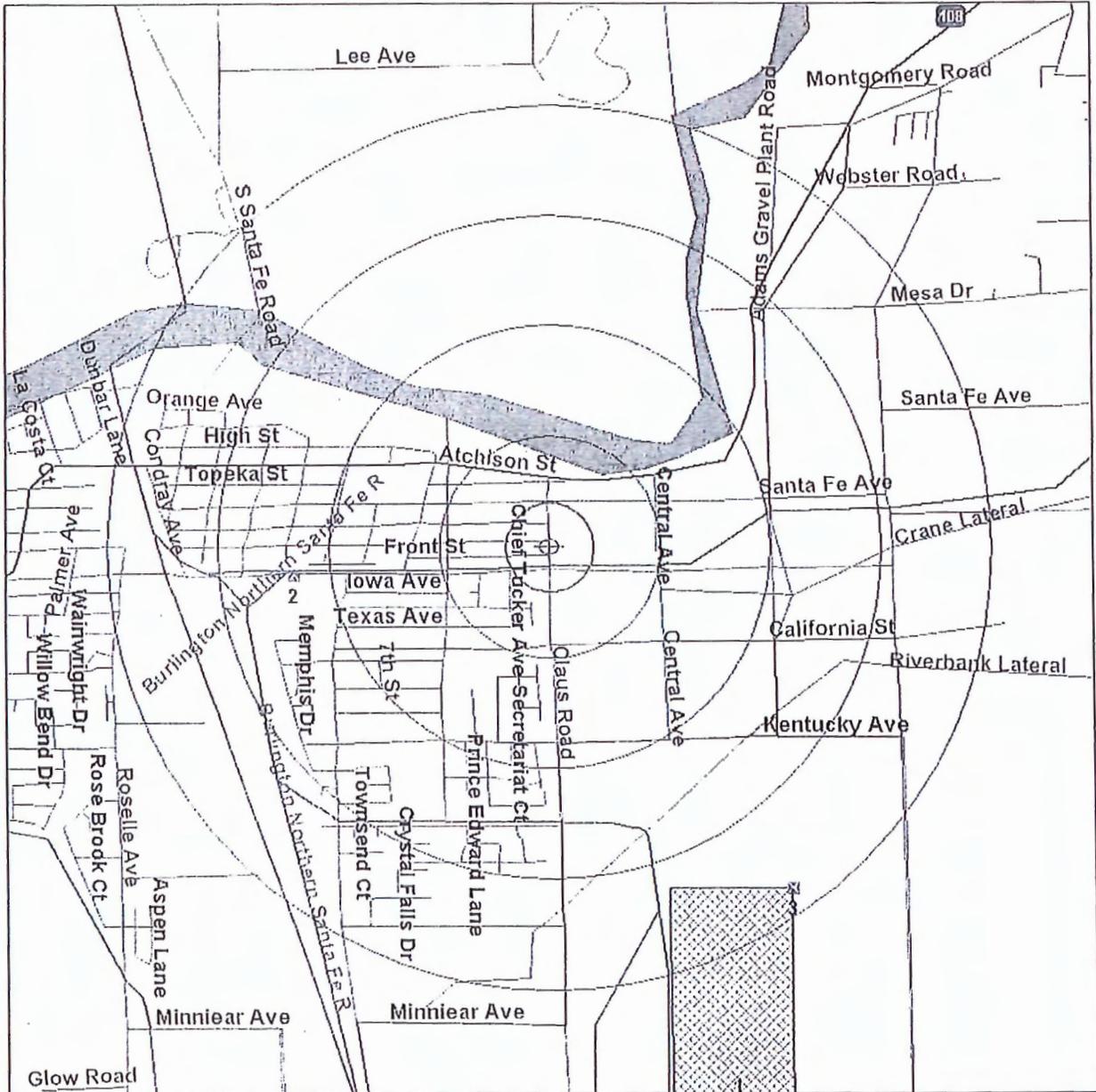


Environmental FirstSearch

1 Mile Radius
ASTM Map: NPL, RCRACOR, STATE Sites



6448 CLAUS ROAD, RIVERBANK CA 95367



Source: 1999 U.S. Census TRIGER Files

- Target Site (Latitude: 37.73456 Longitude: -120.927328)
 - Identified Site, Multiple Sites, Receptor
 - NPL, Solid Waste Landfill (SWL) or Hazardous Waste
 - Railroads
- Black Rings Represent 1/4 Mile Radii: F: 1/4 Mile, P: 500 ft Radius

APPENDIX B

COUNTY ASSESSOR'S PARCEL MAP

T-631 P002/002 U-391

2095757597

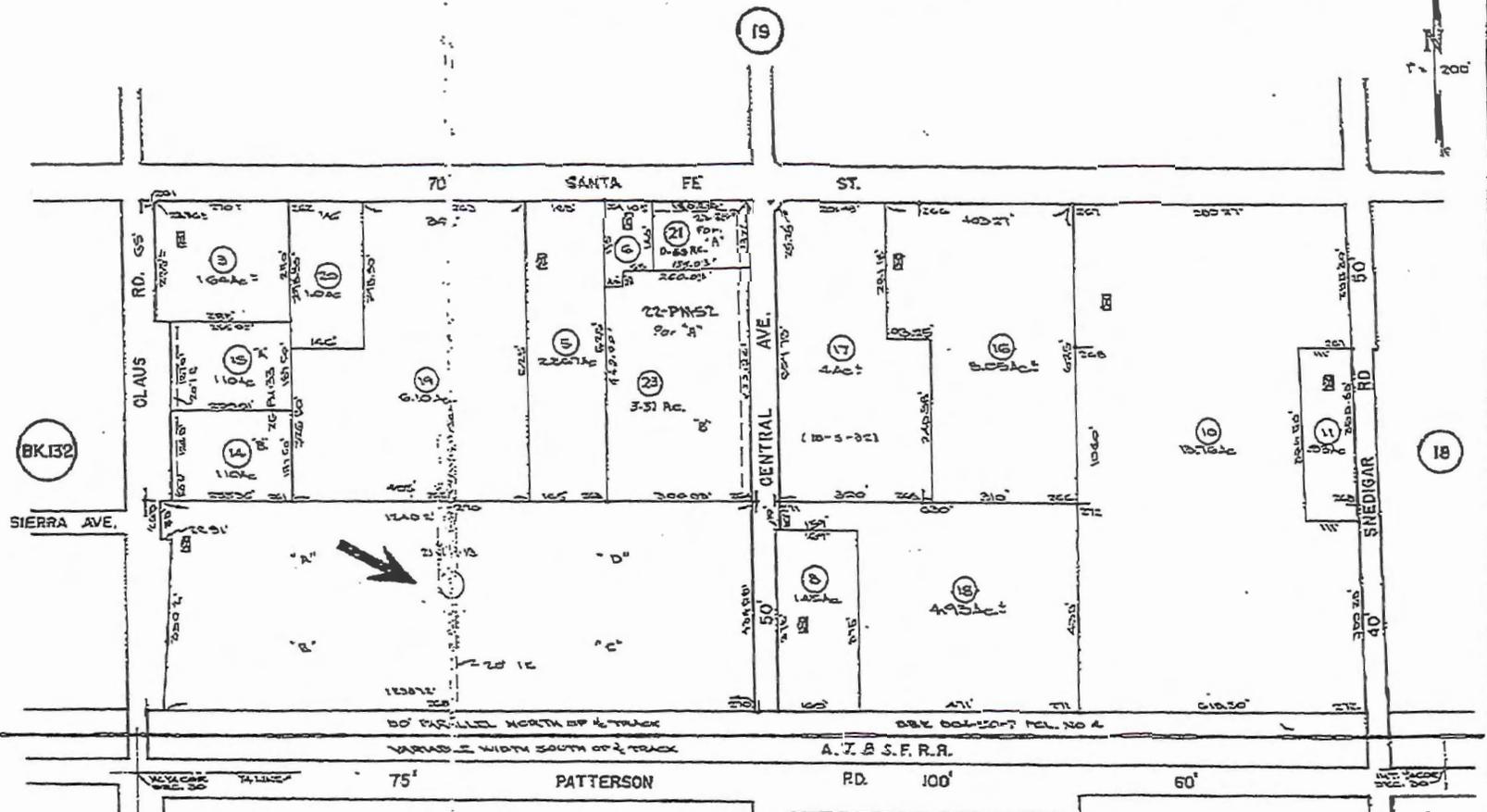
08-23-'04 12:08 FROM-SCM HOMES

8257961

PORTION NW 1/4 SECTION 30 T.2S.R.10E.M.D.B.&M.
FOR RIVERBANK IRR FARMS - LOTS 261 thru 272

006 054 62-20

THIS MAP FOR
ASSESSMENT PURPOSES ONLY



FROM 0-23
PLAN 7-23
0-25-13
UPDATED 11-4-07, 1-14-08



75.00 JUN 9 3 2000
62-20

THIS PLAT IS FOR YOUR AID IN LOCATING YOUR LAND
WITH REFERENCE TO STREET AND OTHER PARCELS.
WHILE THIS PLAT IS BELIEVED TO BE CORRECT, THE
COMPANY ASSUMES NO LIABILITY FOR ANY LOSS
OCCURRING BY REASON OF RELIANCE THEREON.
CHICAGO TITLE COMPANY

SHEET 182

APPENDIX C
TITLE REPORT



CHICAGO TITLE COMPANY

PRELIMINARY REPORT

FIRST AMENDED

Dated as of: September 3, 2004 at 7:30 AM

Order No.: 1764528 - DH

Regarding: APN: 062-020-001-000
RIVERBANK, California

CHICAGO TITLE COMPANY hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception in Schedule B or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in the attached list. Copies of the Policy forms are available upon request.

Please read the exceptions shown or referred to in Schedule B and the exceptions and exclusions set forth in the attached list of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered. It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

THIS REPORT (AND ANY SUPPLEMENTS OR AMENDMENTS HERETO) IS ISSUED SOLELY FOR THE PURPOSE OF FACILITATING THE ISSUANCE OF A POLICY OF TITLE INSURANCE AND NO LIABILITY IS ASSUMED HEREBY. IF IT IS DESIRED THAT LIABILITY BE ASSUMED PRIOR TO THE ISSUANCE OF A POLICY OF TITLE INSURANCE, A BINDER OR COMMITMENT SHOULD BE REQUESTED.

The form of policy of title insurance contemplated by this report is:

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY 1990

Visit Us On The Web: westerndivision.ctt.com

Title Department:



Escrow Department:

CHICAGO TITLE COMPANY

3663 Arch Road, Suite F
Stockton, CA 95215
PHONE: (209) 476-4370
FAX: (209) 476-4354

David C. Hughes
TITLE OFFICER

CHICAGO TITLE COMPANY

1700 Standiford Avenue, Suite 110
P.O. Box 1009
Modesto, California 95350
(209) 571-6300 fax: (209) 569-7255
Escrow No.: 001764528

Sharilyn Borrelli
ESCROW OFFICER

SCHEDULE A

Order No: 1764528 DH

Your Ref:

1. The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

2. Title to said estate or interest at the date hereof is vested in:

Henry W. Proctor and Joyce E. Proctor, husband and wife, as Joint Tenants, as to an undivided one-half interest, and John W. Findarle and Darlene Findarle, husband and wife, as Joint Tenants, as to an undivided one-half interest

3. The land referred to in this report is situated in the State of California, County of Stanislaus and is described as follows:

Parcels A, B, C and D, as shown on that certain Parcel Map filed April 18, 1975, in Book 21 of Parcel Maps, at Page 13, Stanislaus County Records, being a portion of Lots 269 and 270 of Riverbank Irrigated Farms in the Northwest quarter of Section 30, Township 2 South, Range 10 East, Mount Diablo Base and Meridian.

APN: 062 020 001

SCHEDULE B

Page 1

Order No: 1764528 DH

Your Ref:

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in the policy form designated on the face page of this Report would be as follows:

- A 1. PROPERTY TAXES, INCLUDING ANY ASSESSMENTS COLLECTED WITH TAXES, TO BE LEVIED FOR THE FISCAL YEAR 2004-2005 WHICH ARE A LIEN NOT YET DUE OR PAYABLE.
ASSESSMENT NO.: 062-020-001
- B 2. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO THE PROVISIONS OF CHAPTER 3.5 (COMMENCING WITH SECTION 75) OF THE REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA.
- C 3. Rights of way for existing roads, ditches, canals, drains or for other purposes and a right of way for the purpose of hereafter constructing, maintaining and/or operating an irrigation or drainage ditch or pipeline as may now be located and established by reason of the rural nature of the herein described lands.
- D 4. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS RESERVED IN A DOCUMENT

PURPOSE: Irrigation easement for the benefit of the adjoining properties
RECORDED: April 11, 1975, Instrument No. 39390, Book 2696, Page 259, Official Records
AFFECTS: 20.00 feet, the center line of which is described
- E MODIFICATION(S) OF SAID COVENANTS, CONDITIONS AND RESTRICTIONS

RECORDED: September 5, 2001, as Document No. 0104057-00, Official Records
- F Which recites this deed is to relinquish any interest of grantor, Lee S Fong, trustee of the Lee S Fong Family Trust u/d/t September 6, 2000.
- G 5. Annexation Agreement executed by City of Riverbank and Danny A. Monterosso, on the terms and conditions contained therein, recorded December 12, 1977 in Book 2996, at Page 828 of Official Records, as Instrument No. 37556.
- H 6. Agreement for sewer service dated December 10, 1984, executed by the City of Riverbank and John W. Findarle, et al on the terms and conditions contained therein, recorded February 7, 1985, in Book 31 at Page 1328 of Official Records, as Instrument No. 36379.
- I REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SCHEDULE B
(continued)

Order No: 1764528 DH

Your Ref:

J 7. The effect of: Cost and maintenance agreement. Affects Parcel B.

K REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

L AMONG OTHER THINGS, SAID DOCUMENT PROVIDES FOR:

Pertains to: Claus Road widening of railroad crossing. Affects Parcel B.

County of Stanislaus Board Resolution dated February 11, 1986, as Document No. 86-2206, disclosed by document recorded February 19, 1987, as Document No. 87-059985.

M 8. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS ARE SHOWN BY THE PUBLIC RECORDS.

N 9. ANY EASEMENTS NOT DISCLOSED BY THOSE PUBLIC RECORDS WHICH IMPART CONSTRUCTIVE NOTICE AND WHICH ARE NOT VISIBLE AND APPARENT FROM AN INSPECTION OF THE SURFACE OF SAID LAND.

O 10. ANY RIGHTS OF THE PARTIES IN POSSESSION OF SAID LAND, BASED ON AN UNRECORDED LEASE, OR LEASES, AS DISCLOSED BY AN INSPECTION. THE COMPANY WILL REQUIRE THAT A FULL COPY OF ANY UNRECORDED LEASE BE SUBMITTED TO US, TOGETHER WITH ALL SUPPLEMENTS, ASSIGNMENTS AND AMENDMENTS, BEFORE ISSUING ANY POLICY OF TITLE INSURANCE.

P END OF SCHEDULE B

R NOTE NO. 1: THE FOLLOWING BUYERS/BORROWERS HAVE BEEN RUN TO THE DATE OF THIS REPORT. PLEASE CHECK SPELLING AND ADVISE PRIOR TO CLOSE OF ANY DISCREPANCY.

BUYERS/BORROWERS: SCM HEARTHSTONE, LLC A CALIFORNIA LIMITED LIABILITY COMPANY

NOTE: WE FIND NO JUDGMENTS AGAINST THE ABOVE BUYERS/BORROWERS.

AB NOTE NO. 2: Prior to the issuance of any policy of title insurance the following must be furnished to the Company with respect to SCM HEARTHSTONE, LLC, a limited liability company:

a. (For Domestic LLC)

This Company will require a copy of the articles of organization, filed with the Secretary of State, and copies of any management agreements or operating agreements, together with a current list of all members of said limited liability company.

b. (For Foreign LLC)

**SCHEDULE B
(continued)**

Order No: 1764528 DH

Your Ref:

This company will require a copy of the certificate of registration to transact business in the State of California, a copy of the articles of organization certified by authorities of the state of origin, and copies of any management agreements or operating agreements, together with a current list of all members of said limited liability company.

- c. This Company will require either certification by the proper manager(s) or by one of the current members that a written operating agreement has not been adopted.

OR

- d. This company will require certification by the proper manager(s) or by one of the current members that the operating agreement and amendments thereto, if any, is currently in full force and effect and has not been revoked or terminated.
- e. Any instrument executed by the limited liability company and presented for recordation by the Company or upon which the Company is asked to rely, must be executed as follows:
 - (a) If the LLC operates through officers appointed or elected pursuant to its operating agreement, such instruments must be executed by at least two elected or appointed officers, as follows:
the chairperson, the president, or any vice president and any secretary, assistant secretary, or chief financial officer.
 - (b) If the LLC operates through a manager or managers pursuant to its operating agreement, such instruments must be executed by at least two managers or by one manager if the LLC operates with the existence of only one manager.
 - (c) If the LLC operates through its members and has not elected or appointed officers/managers pursuant to an operating agreement, such instruments must be executed by members holding a majority of the economic interest of the LLC.
- f. The Company reserves the right to make additional exceptions and/or requirements upon examination of all instruments submitted in satisfaction of the foregoing requirements.

T NOTE NO. 3: THE CHARGE FOR A POLICY OF TITLE INSURANCE, WHEN ISSUED THROUGH THIS TITLE ORDER, WILL BE BASED ON THE BASIC (NOT SHORT-TERM) TITLE INSURANCE RATE.

U NOTE NO. 4: IF THIS COMPANY IS REQUESTED TO DISBURSE FUNDS IN CONNECTION WITH THIS TRANSACTION, CHAPTER 598, STATUTES OF 1989 MANDATES HOLD PERIODS FOR CHECKS DEPOSITED TO ESCROW OR SUB-ESCROW ACCOUNTS.

SCHEDULE B
(continued)

Order No: 1764528 DH

Your Ref:

v NOTE NO. 5: IF A 1970 ALTA OWNER'S OR LENDER'S OR 1975 ALTA LEASEHOLD OWNER'S OR LENDER'S POLICY FORM HAS BEEN REQUESTED, THE POLICY, WHEN APPROVED FOR ISSUANCE, WILL BE ENDORSED TO ADD THE FOLLOWING TO THE EXCLUSIONS FROM COVERAGE CONTAINED THEREIN:

LOAN POLICY EXCLUSION:

ANY CLAIM, WHICH ARISES OUT OF THE TRANSACTION CREATING THE INTEREST OF THE MORTGAGEE INSURED BY THIS POLICY, BY REASON OF THE OPERATION OF FEDERAL BANKRUPTCY, STATE INSOLVENCY, OR SIMILAR CREDITORS' RIGHTS LAWS, THAT IS BASED ON:

- (i) THE TRANSACTION CREATING THE INTEREST OF THE INSURED MORTGAGEE BEING DEEMED A FRAUDULENT CONVEYANCE OR FRAUDULENT TRANSFER; OR
- (ii) THE SUBORDINATION OF THE INTEREST OF THE INSURED MORTGAGEE AS A RESULT OF THE APPLICATION OF THE DOCTRINE OF EQUITABLE SUBORDINATION; OR
- (iii) THE TRANSACTION CREATING THE INTEREST OF THE INSURED MORTGAGEE BEING DEEMED A PREFERENTIAL TRANSFER EXCEPT WHERE THE PREFERENTIAL TRANSFER RESULTS FROM THE FAILURE TO:
 - (a) TO TIMELY RECORD THE INSTRUMENT OF TRANSFER; OR
 - (b) OF SUCH RECORDATION TO IMPART NOTICE TO A PURCHASER FOR VALUE OR A JUDGMENT OR LIEN CREDITOR.

OWNER'S POLICY EXCLUSION:

ANY CLAIM, WHICH ARISES OUT OF THE TRANSACTION VESTING IN THE INSURED, THE ESTATE OR INTEREST INSURED BY THIS POLICY, BY REASON OF THE OPERATION OF FEDERAL BANKRUPTCY, STATE INSOLVENCY OR SIMILAR CREDITORS' RIGHTS LAWS, THAT IS BASED ON:

- (i) THE TRANSACTION CREATING THE ESTATE OR INTEREST INSURED BY THIS POLICY BEING DEEMED A FRAUDULENT CONVEYANCE OR FRAUDULENT TRANSFER; OR
- (ii) THE TRANSACTION CREATING THE ESTATE OR INTEREST INSURED BY THIS POLICY BEING DEEMED A PREFERENTIAL TRANSFER EXCEPT WHERE THE PREFERENTIAL TRANSFER RESULTS FROM THE FAILURE:
 - (a) TO TIMELY RECORD THE INSTRUMENT OF TRANSFER; OR
 - (b) OF SUCH RECORDATION TO IMPART NOTICE TO A PURCHASER FOR VALUE OR A JUDGMENT OR LIEN CREDITOR.

SCHEDULE B
(continued)

Order No: 1764528 DH

Your Ref:

W NOTE NO. 6: "THE LAND REFERRED TO IN THIS PRELIMINARY REPORT WAS IDENTIFIED IN THE ORDER APPLICATION ONLY BY STREET ADDRESS OR ASSESSOR'S PARCEL NUMBER. THIS LAND HAS BEEN LOCATED ON THE ATTACHED MAP. THE USE OF A STREET ADDRESS OR ASSESSOR'S PARCEL NUMBER CREATES AN UNCERTAINTY AS TO THE CORRECT LEGAL DESCRIPTION FOR THE LAND INVOLVED IN YOUR TRANSACTION. PLEASE REVIEW THE MAP. IS THE CORRECT LAND LOCATED ON THE MAP? IF YOUR TRANSACTION INVOLVES OTHER LAND OR MORE LAND OR LESS LAND THAN THAT LOCATED ON THE MAP YOU SHOULD IMMEDIATELY ADVISE YOUR TITLE OFFICER OR ESCROW OFFICER."

X NOTE NO. 7: There are NO conveyances affecting said land, recorded within twenty-four (24) months of the date of this report.

Y NOTE NO. 8: PROPERTY TAXES FOR THE FISCAL YEAR SHOWN BELOW ARE PAID. FOR PRORATION PURPOSES THE AMOUNTS ARE:

FISCAL YEAR 2003-2004

1ST INSTALLMENT: \$605.13
2ND INSTALLMENT: \$605.13

EXEMPTION: \$0
LAND: \$93,990
IMPROVEMENTS: \$16,823
PERSONAL PROPERTY: \$0

CODE AREA: 006-054
ASSESSMENT NO: 062-020-001-000
BILL NO.: none shown

Z NOTE NO. 9: No open deeds of trust, please confirm.

AA DD/ct/CC/cc

CHICAGO TITLE INSURANCE COMPANY
Fidelity National Financial Group of Companies' Privacy Statement
July 1, 2001

We recognize and respect the privacy expectation of today's consumers and the requirements of applicable federal and state privacy laws. We believe that making you aware of how we use your non-public personal information ("Personal Information"), and to whom it is disclosed, will form the basis for a relationship of trust between us and the public that we serve. This Privacy Statement provides that explanation. We reserve the right to change this Privacy Statement from time to time consistent with applicable privacy laws.

In the course of our business, we may collect Personal Information about you from the following sources:

- * From applications or other forms we receive from you or your authorized representative;
- * From your transactions with, or from the services being performed by, us, our affiliates, or others;
- * From our Internet web sites;
- * From the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others; and
- * From consumer or other reporting agencies.

Our Policies Regarding The Protection Of The Confidentiality And Security Of Your Personal Information

We maintain physical, electronic and procedural safeguards to protect your Personal Information from unauthorized access or intrusion. We limit access to the Personal Information only to those employees who need such access in connection with providing products or services to you or for other legitimate business purposes.

Our Policies and Practices Regarding the Sharing of Your Personal Information

We may share your Personal Information with our affiliates, such as insurance companies, agents, and other real estate settlement service providers. We may also disclose your Personal Information:

- * to agents, brokers or representatives to provide you with services you have requested;
- * to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf; and
- * to others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest.

In addition, we will disclose your Personal Information when you direct or give us permission, when we are required by law to do so, or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

One of the important responsibilities of some of our affiliated companies is to record documents in the public domain. Such documents may contain your Personal Information.

Right To Access Your Personal Information And Ability To Correct Errors Or Request Change Or Deletion

Certain states afford you the right to access your Personal Information and, under certain circumstances, to find out to whom your Personal Information has been disclosed. Also, certain states afford you the right to request correction, amendment or deletion of your Personal Information. We reserve the right, where permitted by law, to charge a reasonable fee to cover the costs incurred in responding to such requests.

All requests must be made in writing to the following address:

Privacy Compliance Officer
Fidelity National Financial, Inc.
601 Riverside Drive
Jacksonville, FL 32204

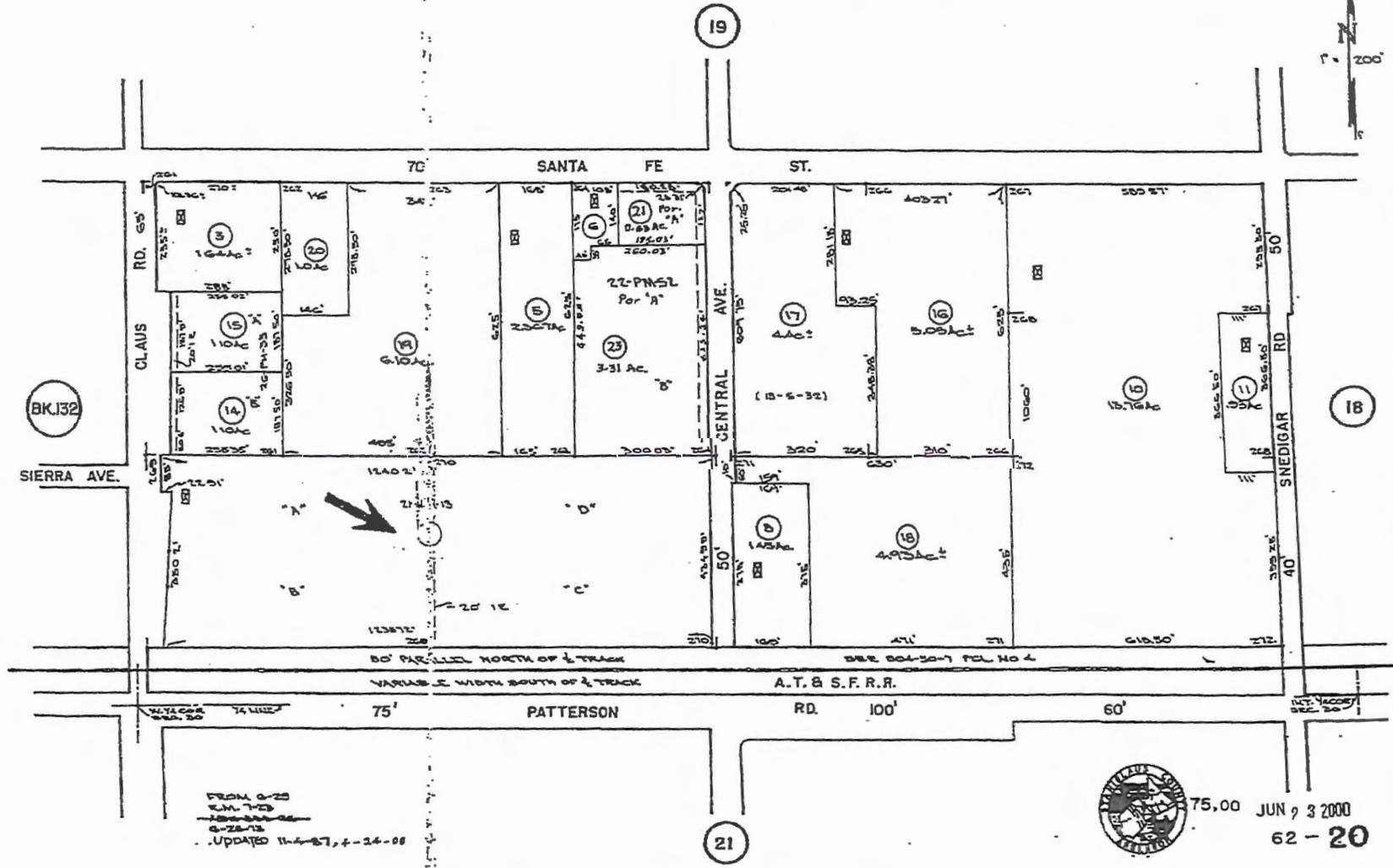
Multiple Products or Services:

If we provide you with more than one financial product or service, you may receive more than one privacy notice from us. We apologize for any inconvenience this may cause you.

PORTION NW 1/4 SECTION 30 T.2S. R.10E. M.D.B. & M.
 POR. RIVERBANK IRR. FARMS - LOTS 261 thru 272

006 D54 62 - 20

THIS MAP FOR
 ASSESSMENT PURPOSES ONLY



1764578

BK.132

FROM 0-23
 E.M. 7-23
 0-23-13
 Updated 11-4-87, 4-24-88



75.00 JUN 3 2000
 62 - 20

THIS PLAT IS FOR YOUR AID IN LOCATING YOUR LAND WITH REFERENCE TO STREET AND OTHER PARCELS. WHILE THIS PLAT IS BELIEVED TO BE CORRECT, THE COMPANY ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE THEREON.
 CHICAGO TITLE COMPANY

SHEET 182

CHICAGO TITLE INSURANCE COMPANY
Fidelity National Financial Group of Companies' Privacy Statement
July 1, 2001

We recognize and respect the privacy expectation of today's consumers and the requirements of applicable federal and state privacy laws. We believe that making you aware of how we use your non-public personal information ("Personal Information"), and to whom it is disclosed, will form the basis for a relationship of trust between us and the public that we serve. This Privacy Statement provides that explanation. We reserve the right to change this Privacy Statement from time to time consistent with applicable privacy laws.

In the course of our business, we may collect Personal Information about you from the following sources:

- * From applications or other forms we receive from you or your authorized representative;
- * From your transactions with, or from the services being performed by, us, our affiliates, or others;
- * From our internet web sites;
- * From the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others; and
- * From consumer or other reporting agencies.

Our Policies Regarding The Protection Of The Confidentiality And Security Of Your Personal Information

We maintain physical, electronic and procedural safeguards to protect your Personal Information from unauthorized access or intrusion. We limit access to the Personal Information only to those employees who need such access in connection with providing products or services to you or for other legitimate business purposes.

Our Policies and Practices Regarding the Sharing of Your Personal Information

We may share your Personal Information with our affiliates, such as Insurance companies, agents, and other real estate settlement service providers. We may also disclose your Personal Information:

- * to agents, brokers or representatives to provide you with services you have requested;
- * to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf; and
- * to others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest.

In addition, we will disclose your Personal Information when you direct or give us permission, when we are required by law to do so, or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

One of the important responsibilities of some of our affiliated companies is to record documents in the public domain. Such documents may contain your Personal Information.

Right To Access Your Personal Information And Ability To Correct Errors Or Request Change Or Deletion

Certain states afford you the right to access your Personal Information and, under certain circumstances, to find out to whom your Personal Information has been disclosed. Also, certain states afford you the right to request correction, amendment or deletion of your Personal Information. We reserve the right, where permitted by law, to charge a reasonable fee to cover the costs incurred in responding to such requests.

All requests must be made in writing to the following address:

Privacy Compliance Officer
Fidelity National Financial, Inc.
601 Riverside Drive
Jacksonville, FL 32204

Multiple Products or Services:

If we provide you with more than one financial product or service, you may receive more than one privacy notice from us. We apologize for any inconvenience this may cause you.

LIST OF PRINTED EXCEPTIONS AND EXCLUSIONS

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the ability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

**AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)
EXCLUSIONS**

In addition to the exceptions in Schedule B, you are not insured against loss, costs, attorney's fees and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or governmental regulation. This includes building and zoning ordinances and also laws and regulations concerning:

land use	land division
improvement on the land	environmental protection

This exclusion does not apply to the violations or the enforcement of these matters which appear in the public records at Policy Date. This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.

2. The right to take the land by condemning it, unless:
 - a. a notice of exercising the right appears in the public records on the Policy Date
 - b. the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking
3. Title Risks:
 - a. that are created, allowed, or agreed to by you
 - b. that are known to you, but not to us, on the Policy Date - unless they appeared in the public records
 - c. that result in no loss to you
 - d. that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
4. Failure to pay value for your title.
5. Lack of a right:
 - a. to any land outside the area specially described and referred to in Item 3 of Schedule A, or
 - b. in streets, alleys, or waterways that touch your land

This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

EXCEPTIONS FROM COVERAGE

In addition to the Exceptions, you are not insured against loss, costs, attorneys' fees and expenses resulting from:

1. Someone claiming an interest in your land by reason of:
 - A. Easements not shown in the public records
 - B. Boundary disputes not shown in the public records
 - C. Improvements owned by your neighbor placed on your land
2. If, in addition to a single family residence, your existing structure consists of one or more Additional Dwelling Unit, Item 12 of Covered Title Risks does not insure you against loss, costs, attorneys' fees, and expenses resulting from:
 - A. The forced removal of any Additional Dwelling Unit, or,
 - B. The forced conversion of any Additional Dwelling Unit back to its original use,

If said Additional Dwelling Unit was either constructed or converted to use as a dwelling unit in violation of any law or government regulation.

**AMERICAN LAND TITLE ASSOCIATION HOMEOWNER'S POLICY OF TITLE INSURANCE (10-17-98)
EXCLUSIONS**

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorney's fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:

a. building	c. Land use	e. Land division
b. zoning	d. Improvements on the Land	f. environmental protection

This Exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date.

This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17, or 24.

2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
3. The right to take the Land by condemning it, unless:
 - a. a notice of exercising the right appears in the Public Records at the Policy Date; or
 - b. the taking happened before the Policy Date and is binding on You if You bought the Land without Knowing of the taking.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8, d, 22, 23, 24 or 25.
5. Failure to pay value of Your Title.
6. Lack of a right:
 - a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 18.

AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92)
WITH ALTA ENDORSEMENT - FORM 1 COVERAGE
and
AMERICAN LAND TITLE ASSOCIATION LEASEHOLD LOAN POLICY (10-17-92)
WITH ALTA ENDORSEMENT - FORM 1 COVERAGE

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violations of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy); or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim or priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
 - (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impair notice to purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following General Exceptions:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92)
and
AMERICAN LAND TITLE ASSOCIATION LEASEHOLD OWNER'S POLICY (10-17-92)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violations of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
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 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following General Exceptions:

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Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

APPENDIX D

SELECTED SITE PHOTOGRAPHS

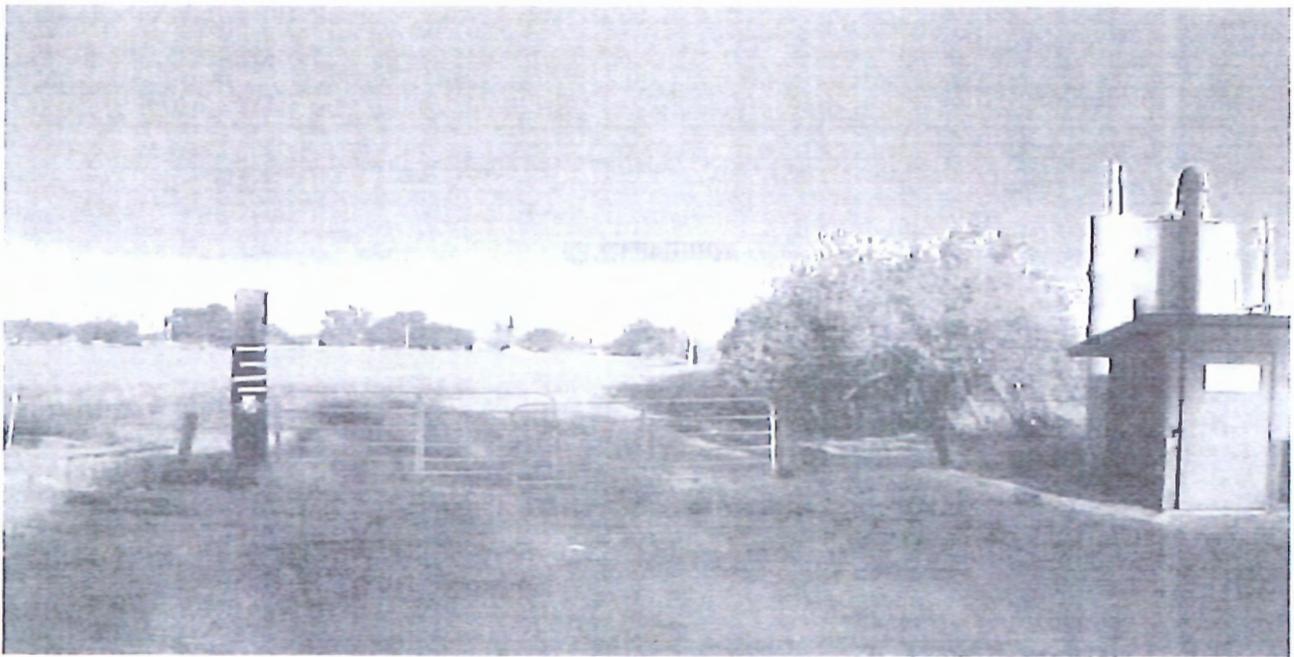


PHOTO #1



PHOTO #2



CONSTRUCTION TESTING & ENGINEERING, INC.

GEO TECHNICAL AND CONSTRUCTION ENGINEERING TESTING AND INSPECTION
 2414 VINEYARD AVENUE, STE G ESCONDIDO CA. 92029 (760) 746-4955

SITE PHOTOS
 CLAUSE ROAD
 6448 CLAUSE ROAD
 RIVERBANK, CALIFORNIA

CTE JOB NO:
 20-1538

SCALE:
 NO SCALE

DATE: 10/04 FIGURE: 1

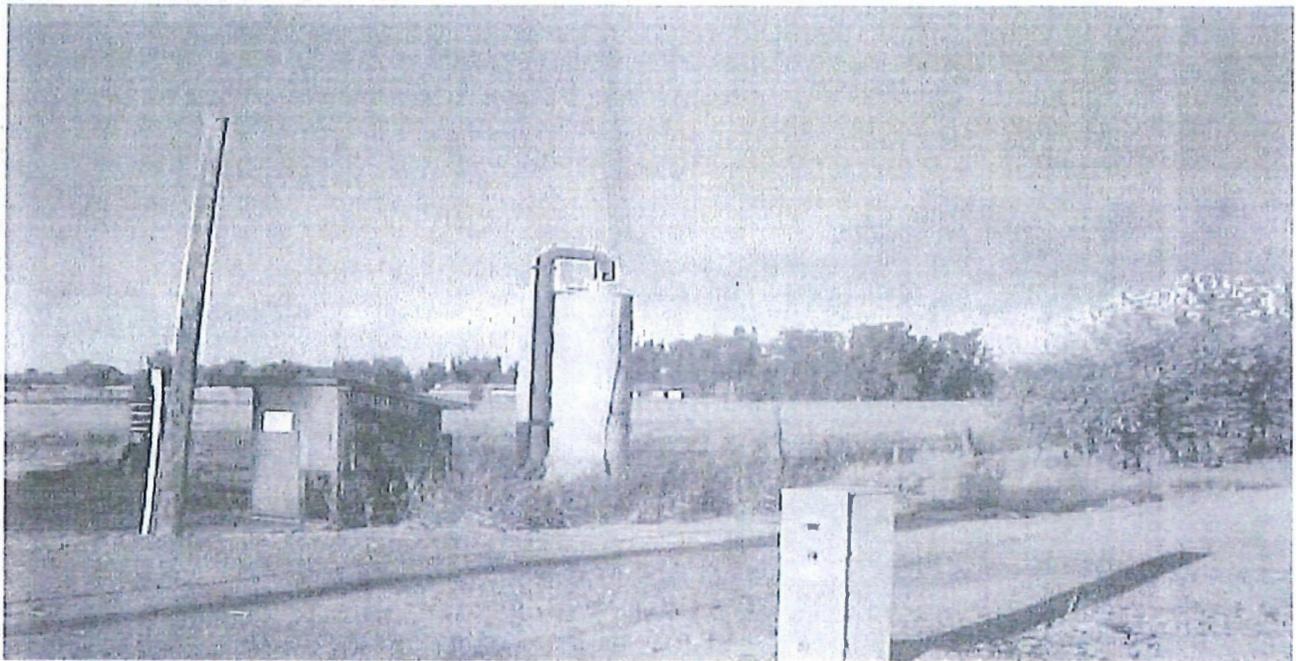


PHOTO #3



PHOTO #4



CONSTRUCTION TESTING & ENGINEERING, INC.

GEOTECHNICAL AND CONSTRUCTION ENGINEERING TESTING AND INSPECTION
2414 VINEYARD AVENUE, STE G ESCONDIDO CA. 92039 (760) 746-4955

SITE PHOTOS
CLAUSE ROAD
6448 CLAUSE ROAD
RIVERBANK, CALIFORNIA

CTE JOB NO: 20-1538

SCALE: NO SCALE

DATE: 10/04 | FIGURE: 2



PHOTO #5



PHOTO #6



CONSTRUCTION TESTING & ENGINEERING, INC.

GEOTECHNICAL AND CONSTRUCTION ENGINEERING TESTING AND INSPECTION
 2414 VINEYARD AVENUE, STE G ESCONDIDO CA. 92029 (760) 746-4955

SITE PHOTOS

CLAUSE ROAD
 6448 CLAUSE ROAD
 RIVERBANK, CALIFORNIA

CTE JOB NO. 20-1538

SCALE: NO SCALE

DATE: 10/04

FIGURE 3

APPENDIX E
FIRSTSEARCH REPORT

TRACK ► INFO SERVICES, LLC

Environmental FirstSearch™ Report

TARGET PROPERTY:

6448 CLAUS ROAD

RIVERBANK CA 95367

Job Number: 20-1538

PREPARED FOR:

Construction Testing & Engineering, Inc.

2414 Vineyard Ave., Suite G

Escondido, CA 92029

10-20-04



Tel: (619) 562-4842

Fax: (619) 562-4844

Environmental FirstSearch is a registered trademark of FirstSearch Technology Corporation. All rights reserved.

Environmental FirstSearch Search Summary Report

Target Site: 6448 CLAUS ROAD
RIVERBANK CA 95367

FirstSearch Summary

Database	Sel	Updated	Radius	Site	1/8	1/4	1/2	1/2>	ZIP	TOTALS
NPL	Y	09-13-04	1.00	0	0	0	0	1	0	1
CERCLIS	Y	09-13-04	0.50	0	0	0	0	-	0	0
NFRAP	Y	06-23-04	0.15	0	0	0	-	-	0	0
RCRA TSD	Y	07-12-04	0.50	0	0	0	0	-	0	0
RCRA COR	Y	07-12-04	1.00	0	0	0	0	1	0	1
RCRA GEN	Y	07-12-04	0.15	0	0	0	-	-	0	0
RCRA NLR	N	07-12-04	0.25	-	-	-	-	-	-	-
ERNS	Y	12-31-03	0.15	0	0	0	-	-	9	9
NPDES	N	07-17-04	0.25	-	-	-	-	-	-	-
FINDS	N	07-16-98	0.25	-	-	-	-	-	-	-
TRIS	N	08-02-04	0.25	-	-	-	-	-	-	-
State Sites	Y	03-02-04	1.00	0	0	0	0	1	2	3
Spills-1990	Y	07-01-03	0.15	0	0	0	-	-	0	0
Spills-1980	N	NA	0.25	-	-	-	-	-	-	-
SWL	Y	10-11-04	0.50	0	0	0	0	-	2	2
Permits	N	02-11-04	0.25	-	-	-	-	-	-	-
Other	N	03-02-04	0.25	-	-	-	-	-	-	-
REG UST/AST	Y	06-02-04	0.15	0	0	0	-	-	6	6
Leaking UST	Y	05-26-04	0.50	0	0	0	2	-	2	4
State Wells	N	NA	0.50	-	-	-	-	-	-	-
Aquifers	N	NA	0.50	-	-	-	-	-	-	-
ACEC	N	NA	0.50	-	-	-	-	-	-	-
Wetlands	N	11-20-00	0.50	-	-	-	-	-	-	-
Floodplains	N	09-01-98	0.50	-	-	-	-	-	-	-
Nuclear Permits	N	04-30-99	0.50	-	-	-	-	-	-	-
Historic/Landmark	N	09-01-02	0.50	-	-	-	-	-	-	-
Federal Land Use	N	10-07-03	0.50	-	-	-	-	-	-	-
Federal Wells	N	05-19-03	0.50	-	-	-	-	-	-	-
Releases(Air/Water)	N	12-31-03	0.25	-	-	-	-	-	-	-
HMIRS	N	03-31-03	0.25	-	-	-	-	-	-	-
NCDB	N	08-30-04	0.25	-	-	-	-	-	-	-
PADS	N	03-01-04	0.25	-	-	-	-	-	-	-
Federal Other	N	12-31-02	0.25	-	-	-	-	-	-	-
Misc	N	NA	0.25	-	-	-	-	-	-	-
Towers	N	08-16-01	0.25	-	-	-	-	-	-	-
Soils	N	03-18-97	0.25	-	-	-	-	-	-	-
Receptors	N	01-01-95	0.50	-	-	-	-	-	-	-
- TOTALS -				0	0	0	2	3	21	26

Notice of Disclaimer

Due to the limitations, constraints, inaccuracies and incompleteness of government information and computer mapping data currently available to TRACK Info Services, certain conventions have been utilized in preparing the locations of all federal, state and local agency sites residing in TRACK Info Services's databases. All EPA NPL and state landfill sites are depicted by a rectangle approximating their location and size. The boundaries of the rectangles represent the eastern and western most longitudes; the northern and southern most latitudes. As such, the mapped areas may exceed the actual areas and do not represent the actual boundaries of these properties. All other sites are depicted by a point representing their approximate address location and make no attempt to represent the actual areas of the associated property. Actual boundaries and locations of individual properties can be found in the files residing at the agency responsible for such information.

Waiver of Liability

Although TRACK Info Services uses its best efforts to research the actual location of each site, TRACK Info Services does not and can not warrant the accuracy of these sites with regard to exact location and size. All authorized users of TRACK Info Services's services proceeding are signifying an understanding of TRACK Info Services's searching and mapping conventions, and agree to waive any and all liability claims associated with search and map results showing incomplete and or inaccurate site locations.

*Environmental FirstSearch
Site Information Report*

Request Date: 10-20-04
Requestor Name: nathan chew
Standard: ASTM

Search Type: COORD
Job Number: 20-1538

TARGET ADDRESS: 6448 CLAUS ROAD
RIVERBANK CA 95367

Demographics

Sites: 26	Non-Geocoded: 21	Population: NA
Radon: NA		

Site Location

	<u>Degrees (Decimal)</u>	<u>Degrees (Min/Sec)</u>	<u>UTMs</u>
Longitude:	-120.927328	-120:55:38	Easting: 682643.652
Latitude:	37.73456	37:44:4	Northing: 4178181.827
			Zone: 10

Comment

Comment:

Additional Requests/Services

Adjacent ZIP Codes: 0 Mile(s)	Services:																																		
<table border="1"> <thead> <tr> <th>ZIP Code</th> <th>City Name</th> <th>ST</th> <th>Dist/Dir</th> <th>Sel</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	ZIP Code	City Name	ST	Dist/Dir	Sel						<table border="1"> <thead> <tr> <th></th> <th>Requested?</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Sanborns</td> <td>No</td> <td></td> </tr> <tr> <td>Aerial Photographs</td> <td>No</td> <td></td> </tr> <tr> <td>Topographical Maps</td> <td>No</td> <td></td> </tr> <tr> <td>City Directories</td> <td>No</td> <td></td> </tr> <tr> <td>Title Search</td> <td>No</td> <td></td> </tr> <tr> <td>Municipal Reports</td> <td>No</td> <td></td> </tr> <tr> <td>Online Topos</td> <td>No</td> <td></td> </tr> </tbody> </table>		Requested?	Date	Sanborns	No		Aerial Photographs	No		Topographical Maps	No		City Directories	No		Title Search	No		Municipal Reports	No		Online Topos	No	
ZIP Code	City Name	ST	Dist/Dir	Sel																															
	Requested?	Date																																	
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Aerial Photographs	No																																		
Topographical Maps	No																																		
City Directories	No																																		
Title Search	No																																		
Municipal Reports	No																																		
Online Topos	No																																		

*Environmental FirstSearch
Sites Summary Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

TOTAL: 26 GEOCODED: 5 NON GEOCODED: 21 SELECTED: 0

ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	Map ID
4	LUST	STOP N SAVE # 5 T0609900189/POLLUTION CHARACTERI	3702 ATCHISON RIVERBANK CA 95367	0.31 NW	4
5	LUST	U GAS T0609900398/PRELIM. SITE ASSES.	3701 ATCHISON RIVERBANK CA 95367	0.32 NW	5
3	STATE	THUNDERBOLT WOOD PRESERVING CA150240002/PROPERTY/SITE REFERR	3400 PATTERSON ROAD RIVERBANK CA 95367	0.58 SW	2
1	NPL	RIVERBANK ARMY AMMUNITION PLANT CA7210020759/FINAL	5300 CLAUS RD RIVERBANK CA 95367	0.82 SE	1
2	RCRACOR	RIVERBANK ARMY AMMUNITION PLANT CA7210020759/CA	5300 CLAUS RD RIVERBANK CA 95367	0.95 SE	3

*Environmental FirstSearch
Sites Summary Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

TOTAL: 26 GEOCODED: 5 NON GEOCODED: 21 SELECTED: 0

ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	Map ID
6	ERNS	ARMY- RIVERBANK AMMO 238862/FIXED FACILITY	5300 CLAUS ROAD RIVERBANK CA	NON GC	
8	ERNS	ARMY- RIVERBANK AMMO 466898/FIXED FACILITY	BLDG 7 HOTLINE RIVERBANK CA	NON GC	
7	ERNS	ARMY- RIVERBANK AMMO 225324/FIXED FACILITY	BLDG 7 HOTLINE RIVERBANK CA	NON GC	
17	SWL	BILL LANE SWIS39-CR-0001/CLOSED	23201 SANTA FE ROAD, ESCALON, ESCALON CA 95367	NON GC	
9	ERNS	BNSF RAILROAD MILE POST 1095.6 NRC-589998/RAILROAD	BNSF RAIL YARD RIVERBANK CA	NON GC	
20	UST	CORPORATION YARD TISID-STATE48789/ACTIVE	2900 HIGH RIVERBANK CA	NON GC	
19	UST	CORPORATION YARD TISID-STATE10759/INACTIVE	2900 HIGH RIVERBANK CA	NON GC	
21	UST	RANCH MARKET TISID-STATE8731/INACTIVE	23569 SANTA FE RIVERBANK CA	NON GC	
25	LUST	RANCH MARKET T0607700477/REMEDIAL ACTION	23569 SANTA FE RD S RIVERBANK CA 95367	NON GC	
26	LUST	RIVERBANK AAP T0609969469	5300 CLAUS ROAD RIVERBANK CA 95367	NON GC	
22	UST	RIVERBANK ARMY AMMUNITION TISID-STATE48594/ACTIVE	5300 CLAUS RIVERBANK CA 95367	NON GC	
15	STATE	RIVERBANK ARMY AMMUNITION DEPOT CAL50340001/ANNUAL WORKPLAN - AC	5300 CLAUS ROAD RIVERBANK CA 95367	NON GC	
23	UST	RIVERBANK CORP YARD STANINSLAUSCO_131/CERTIFICATE NUMBE	2900 HIGH RIVERBANK CA	NON GC	
16	STATE	RIVERBANK DUMP SITE CAL50490001/PROPERTY/SITE REFERR	TERMINAL AVE RIVERBANK CA 95367	NON GC	
10	ERNS	SANTA FE 449998/RAILROAD	RIVERBANK CA	NON GC	
11	ERNS	SILGAN CONTAINERS CORP *87 57076/UNKNOWN	SILGAN CONTAINERS CORP *87 RIVERBANK CA	NON GC	
24	UST	TRAWICK S EXXON TISID-STATE10479/INACTIVE	6702 003RD RIVERBANK CA 95367	NON GC	
13	ERNS	UNKNOWN 178886/HIGHWAY RELATED	SANTA FE RD AND HENRY RD, ESCALON CA 95367	NON GC	
12	ERNS	UNKNOWN 173417/FIXED FACILITY	7185 RICHARDSON RD REMOTE AREA RIVERBANK CA 95367	NON GC	
14	ERNS	US ARMY- RIVERBANK AMMO 467701/FIXED FACILITY	RIVERBANK AMMO 5300 CLAUS RD RIVERBANK CA 95367	NON GC	

*Environmental FirstSearch
Sites Summary Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

TOTAL: 26 GEOCODED: 5 NON GEOCODED: 21 SELECTED: 0

<u>ID</u>	<u>DB Type</u>	<u>Site Name/ID/Status</u>	<u>Address</u>	<u>Dist/Dir</u>	<u>Map ID</u>
18	SWL	WESTLEY TRIANGLE TRUCK STOP SWIS50-TI-0988/ACTIVE	7051 S MCCRACKEN ROAD EXIT 5 WESTLEY CA 95367	NON GC	

*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

STATE SITE	
SEARCH ID: 3	DIST/DIR: 0.58 SW
MAP ID: 2	
NAME: THUNDERBOLT WOOD PRESERVING	REV: 07/03/00
ADDRESS: 3400 PATTERSON ROAD	ID1: CAL50240002
RIVERBANK CA 95367	ID2:
Stanislaus	STATUS: PROPERTY/SITE REFERRED TO RWQCB
CONTACT:	PHONE:
<u>OTHER SITE NAMES (blank below = not reported by agency)</u>	
<u>OTHER SITE NAMES (blank below = not reported by agency)</u> THUNDERBOLT WOOD TREATING COMPANY	
<u>GENERAL SITE INFORMATION</u>	
File Name (if different than site name):	
Status:	PROPERTY SITE REFERRED TO RWQCB (REFRW)
AWP Site Type:	N/A
NPL Site:	
Fund:	
Status Date:	11/8/1993
Lead:	
Staff:	
Senior Supervisor:	
DTSC Region & RWQCB #:	1 / SACRAMENTO
Branch:	CENTRAL CALIFORNIA
RWQCB:	CENTRAL VALLEY
Site Access:	
On Cortese List:	
Groundwater Contamination:	
Haz Ranking Score:	
Haz Ranking Score:	
Number of Sources Contributing to Contamination at the Site:	0
<u>PROJECTED ACTIVITIES (blank below = not reported by agency)</u>	
<u>PROJECTED ACTIVITIES (blank below = not reported by agency)</u>	
<u>PROJECTED ACTIVITIES (blank below = not reported by agency)</u>	
<u>PROJECTED ACTIVITIES (blank below = not reported by agency)</u>	
<u>PROJECTED ACTIVITIES (blank below = not reported by agency)</u>	
<u>PROJECTED ACTIVITIES (blank below = not reported by agency)</u>	
Activity:	DISCOVERY (DISC)
Activity Status:	PROPERTY SITE REFERRED TO RWQCB
Completion Due Date:	
Revised Completion Due Date:	
Date Activity Actually Completed:	11/17/1983
Yards of Solids Removed:	0
Yards of Solids Treated:	0
Gallons of Liquid Removed:	0

- Continued on next page -

*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

STATE SITE	
SEARCH ID: 3	DIST/DIR: 0.58 SW
	MAP ID: 2
NAME: THUNDERBOLT WOOD PRESERVING	REV: 07/03/00
ADDRESS: 3400 PATTERSON ROAD	ID1: CAL50240002
RIVERBANK CA 95367	ID2:
Stanislaus	STATUS: PROPERTY/SITE REFERRED TO RWQC
CONTACT:	PHONE:
Gallons of Liquid Treated:	0
Activity:	(SS)
Activity Status:	PROPERTY SITE REFERRED TO RIWQCB
Completion Due Date:	
Revised Completion Due Date:	
Date Activity Actually Completed:	03101987
Yards of Solids Removed:	0
Yards of Solids Treated:	0
Gallons of Liquid Removed:	0
Gallons of Liquid Treated:	0
Activity:	(PA)
Activity Status:	PROPERTY SITE REFERRED TO RWQCB
Completion Due Date:	
Revised Completion Due Date:	
Date Activity Actually Completed:	01311988
Yards of Solids Removed:	0
Yards of Solids Treated:	0
Gallons of Liquid Removed:	0
Gallons of Liquid Treated:	0
Activity:	(SS)
Activity Status:	PROPERTY SITE REFERRED TO RIWQCB
Completion Due Date:	
Revised Completion Due Date:	
Date Activity Actually Completed:	03281988
Yards of Solids Removed:	0
Yards of Solids Treated:	0
Gallons of Liquid Removed:	0
Gallons of Liquid Treated:	0
Activity:	(SS)
Activity Status:	PROPERTY SITE REFERRED TO RIWQCB
Completion Due Date:	
Revised Completion Due Date:	
Date Activity Actually Completed:	12081989
Yards of Solids Removed:	0
Yards of Solids Treated:	0
Gallons of Liquid Removed:	0
Gallons of Liquid Treated:	0
Activity:	(SS)
Activity Status:	PROPERTY SITE REFERRED TO RIWQCB
Completion Due Date:	
Revised Completion Due Date:	
Date Activity Actually Completed:	11181993
Yards of Solids Removed:	0

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*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

STATE SITE			
SEARCH ID: 3	DIST/DIR: 0.58 SW	MAP ID: 2	
NAME: THUNDERBOLT WOOD PRESERVING	REV: 07/03/00		
ADDRESS: 3400 PATTERSON ROAD	ID1: CAL50240002		
RIVERBANK CA 95367	ID2:		
Stanislaus	STATUS: PROPERTY/SITE REFERRED TO RWQC		
CONTACT:	PHONE:		
Yards of Solids Treated:	0		
Gallons of Liquid Removed:	0		
Gallons of Liquid Treated:	0		
<u>DTSC COMMENTS REGARDING THIS SITE (blank below = not reported by agency)</u>			
DATE	COMMENT		
03191979	INSPECTION(STATE) RWQCB SOIL SAMPLING-CHROMIUM: 33 PPM.		
DATE	COMMENT		
03191979	ARSENIC: 2.6 PPM		
DATE	COMMENT		
10011980	SELF MONITORING 6 MONIT WELLS INSTALLED OVER 5 YR PERIOD		
DATE	COMMENT		
11171982	FACILITY IDENTIFIED IN FROM DOHS DMH LIST		
DATE	COMMENT		
11231982	FACILITY DRIVE-BY SEVERAL STACKS OF GREEN COLORED STAKES		
DATE	COMMENT		
11231982	NO PONDS OR CREASOTE TANKS SEEN.		
DATE	COMMENT		
11301982	HWMB ENF SOLUTION USED TO TREAT WOOD U		
DATE	COMMENT		
11301982	A COPPER SOLUTION		
DATE	COMMENT		
12021982	Q SEVT		
DATE	COMMENT		
03011983	FINAL STRATEGY SITE REFERRED TO HWMB ENF		
DATE	COMMENT		
03101987	SITE SCREENING DONE RWQCB NOTED LOCATION OF CHEMICAL DUMPING		
DATE	COMMENT		
03101987	DURING INSPECTION		
DATE	COMMENT		
01311988	PRELIM ASSESS DONE. ZONE CONTRACTED PA METCALF & EDDY		
DATE	COMMENT		
03281988	SITE SCREENING DONE SIRH RECOM BASED ON SOIL CONTM		
DATE	COMMENT		
12081989	SITE SCREENING DONE DHS WILL NOT COMPLETE HRS PACKAGE:		

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*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

STATE SITE	
SEARCH ID: 3	DIST/DIR: 0.58 SW
MAP ID: 2	
NAME: THUNDERBOLT WOOD PRESERVING ADDRESS: 3400 PATTERSON ROAD RIVERBANK CA 95367 Statistlaus	REV: 07/03/00 ID1: CAL50240002 ID2: STATUS: PROPERTY/SITE REFERRED TO RWQC PHONE:
CONTACT:	
DATE	COMMENT
12081989	CENTRAL VALLEY RWQCB IS LEAD AGENCY.
DATE	COMMENT
12081989	THEREFORE PENDING STATUS.
DATE	COMMENT
11181993	The Thunderbolt Wood Treating Co. consists of 22 acres
DATE	COMMENT
11181993	of property with 10 acres being the production area
DATE	COMMENT
11181993	The RWQCB is requiring quarterly monitoring from on-site
DATE	COMMENT
11181993	wells which have detected chromium as high as 7.0 ug/l.
DATE	COMMENT
11181993	In April of 1992, a pipe burst spilling approximately
DATE	COMMENT
11181993	5,500 gallons of chromated copper arsenate. Approximately
DATE	COMMENT
11181993	100 cubic yards of contaminated soil was removed within
DATE	COMMENT
11181993	48 hours of the spill and stored on site. According to
DATE	COMMENT
11181993	the RWQCB this soil has been disposed. A report dated April
DATE	COMMENT
11181993	12, 1993, by Bechtel detailed historical activities on site.
DATE	COMMENT
11181993	The RWQCB will continue to require quarterly monitoring.

*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

NPL SITE			
SEARCH ID: 1	DIST/DIR: 0.82 SE	MAP ID: 1	
NAME: RIVERBANK ARMY AMMUNITION PLANT	REV: 9/13/04	ID1: CA7210020759	
ADDRESS: 5300 CLAUS RD	ID2: 0902785	STATUS: FINAL	
RIVERBANK CA 95367	PHONE: 4157442411		
CONTACT: RICHARD SERAYDARIAN			
<u>SITE INFORMATION</u>			
<u>EVENT TYPE</u>			
SITE DISCOVERY BY: FEDFUN	DISCOVERY DATE: 10-01-85		
SITE PROPOSED BY: EPA	PROPOSED DATE: 06-24-88		
FINAL LIST BY: EPA	FINAL LIST DATE: 02-21-90		
ACTIVITIES:			
CONTAMINANTS:			
SOURCE OF CONTAMINATION: LANDFILL; WASTE PILE; MANUFACTURING PROCESS AGRICULTURAL;			
INDUSTRIAL; RCRA FACILITY; ACTIVE: NONE			
CONTAMINATED: AGRICULTURAL; COMMERCIAL; RESIDENTIAL; RECREATIONAL; EDUCATIO			
THREATENED:			
 <u>EVENT TYPE</u>			
SITE DISCOVERY BY: FEDFUN	DISCOVERY DATE: 10-01-85		
SITE PROPOSED BY: EPA	PROPOSED DATE: 06-24-88		
FINAL LIST BY: EPA	FINAL LIST DATE: 02-21-90		
ACTIVITIES:			
CONTAMINANTS:			
SOURCE OF CONTAMINATION: LANDFILL; WASTE PILE; MANUFACTURING PROCESS AGRICULTURAL;			
INDUSTRIAL; RCRA FACILITY; ACTIVE: NONE			
CONTAMINATED: AGRICULTURAL; COMMERCIAL; RESIDENTIAL; RECREATIONAL; EDUCATIO			
THREATENED:			
 <u>SITE DESCRIPTION</u>			
<p>Conditions at proposal (June 24, 1988): The Riverbank Army Ammunition Plant (RBAAP) covers approximately 173 acres about 10 miles northeast of Modesto, California, on the northern border of Stanislaus County. The main facility comprises 145 acres. Four unlined industrial waste treatment ponds in the floodplain of the Stanislaus River approximately 1.5 miles north of the main facility account for the remaining 28 acres.</p> <p>In 1942, the Aluminum Co. of America constructed RBAAP as an aluminum reduction plant to supply the military. It closed in 1944. Since reopening in 1951, the facility, with Norris Industries, Inc., as the operating contractor, has manufactured materials such as cartridge cases, grenades, and projectiles. As a result of industrial activities, RBAAP has generated varying quantities of corrosive wastes (phosphoric acid, sulfuric acid, and caustic cleaners), solvents, spent pickle liquids, and waste water containing metals.</p>			
- Continued on next page -			

*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

RCRA COR SITE			
SEARCH ID: 2	DIST/DIR: 0.95 SE	MAP ID: 3	
NAME: RIVERBANK ARMY AMMUNITION PLANT	ADDRESS: 5300 CLAUS RD RIVERBANK CA 95367 STANISLAUS	REV: 7/12/04	ID1: CA7210020739
CONTACT: LUTHER STOBER		ID2:	STATUS: CA
		PHONE: 2098697237	
<u>SITE INFORMATION</u>			
CONTACT INFORMATION:	ENVIRONMENTAL MANAGER ENVIRO MANAGER 5300 CLAUS RD RIVERBANK CA 95367		
PHONE:	2095298100		
<u>UNIVERSE NAME:</u>			
SUBJECT TO CORRECTIVE ACTION INCINERATOR TSDS SUBJECT TO CORRECTIVE ACT ST: STORAGE AND TREATMENT SUBJECT TO CEI DF: LAND DISPOSAL FACILITY			
<u>SIC INFORMATION:</u>			
3483 - MANUFACTURING - AMMUNITION, EXCEPT FOR SMALL ARMS. 3482 - MANUFACTURING - SMALL ARMS AMMUNITION 9711 - PUBLIC ADMIN. - NATIONAL SECURITY 3483 - MANUFACTURING - AMMUNITION, EXCEPT FOR SMALL ARMS. 3482 - MANUFACTURING - SMALL ARMS AMMUNITION			
<u>ENFORCEMENT INFORMATION:</u>			
AGENCY:	S - STATE	DATE:	09-MAR-91
TYPE:	120 - WRITTEN INFORMAL		
AGENCY:	S - STATE	DATE:	25-JUL-91
TYPE:	120 - WRITTEN INFORMAL		
AGENCY:	S - STATE	DATE:	30-AUG-90
TYPE:	120 - WRITTEN INFORMAL		
AGENCY:	E - EPA	DATE:	23-JUN-89
TYPE:	120 - WRITTEN INFORMAL		
AGENCY:	E - EPA	DATE:	21-JUL-89
TYPE:	120 - WRITTEN INFORMAL		
AGENCY:	S - STATE	DATE:	24-NOV-93
TYPE:	120 - WRITTEN INFORMAL		
<i>- Continued on next page -</i>			

*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

RCRA COR SITE			
SEARCH ID: 2	DIST/DIR: 0.95 SE	MAP ID: 3	
NAME: RIVERBANK ARMY AMMUNITION PLANT	REY: 7/12/04		
ADDRESS: 5300 CLAUS RD	ID1: CA7210020759		
RIVERBANK CA 95367	ID2:		
STANISLAUS	STATUS: CA		
CONTACT: LUTHER STOBER	PHONE: 2098697237		
AGENCY: E - EPA	DATE: 19-JAN-88		
TYPE: 120 - WRITTEN INFORMAL			
AGENCY: S - STATE	DATE: 18-APR-01		
TYPE: 120 - WRITTEN INFORMAL			
AGENCY: S - STATE	DATE: 24-MAR-92		
TYPE: 210 - INITIAL 3008(A) COMPLIANCE ORDER			
AGENCY: E - EPA	DATE: 22-APR-88		
TYPE: 820 - EPA TO STATE ADMINISTRATIVE REFERRAL			
AGENCY: E - EPA	DATE: 27-APR-89		
TYPE: 120 - WRITTEN INFORMAL			
AGENCY: E - EPA	DATE: 21-JUL-89		
TYPE: 820 - EPA TO STATE ADMINISTRATIVE REFERRAL			
<u>VIOLATION INFORMATION:</u>			
VIOLATION NUMBER: 0001	RESPONSIBLE: S - STATE		
DETERMINED: 16-JUL-90	DETERMINED BY: S - STATE		
CITATION: 270	RESOLVED: 12-SEP-90		
TYPE: DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)			
VIOLATION NUMBER: 0001	RESPONSIBLE: E - EPA		
DETERMINED: 03-APR-87	DETERMINED BY: E - EPA		
CITATION: 270	RESOLVED: 23-FEB-88		
TYPE: DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)			
VIOLATION NUMBER: 0002	RESPONSIBLE: E - EPA		
DETERMINED: 03-APR-87	DETERMINED BY: E - EPA		
CITATION: 268 ALL	RESOLVED: 23-FEB-88		
TYPE: DLB - TSD LAND BAN REQUIREMENTS			
VIOLATION NUMBER: 0002	RESPONSIBLE: S - STATE		
DETERMINED: 10-JUN-91	DETERMINED BY: S - STATE		
CITATION: 270	RESOLVED: 23-SEP-91		
TYPE: DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)			
VIOLATION NUMBER: 0003	RESPONSIBLE: S - STATE		
DETERMINED: 29-JAN-92	DETERMINED BY: S - STATE		
CITATION: 264.190-201.J	RESOLVED: 11-MAY-92		
TYPE: DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)			
VIOLATION NUMBER: 0003	RESPONSIBLE: E - EPA		
DETERMINED: 03-APR-87	DETERMINED BY: E - EPA		

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*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

RCRA COR SITE			
SEARCH ID: 2	DIST/DIR: 0.95 SE	MAP ID: 3	
NAME: RIVERBANK ARMY AMMUNITION PLANT	REV: 7/12/04		
ADDRESS: 5300 CLAUS RD	IDI: CA7210020759		
RIVERBANK CA 95367	ID2:		
STANISLAUS	STATUS: CA		
CONTACT: LUTHER STOBER	PHONE: 2098697237		
CITATION: 268.7	RESOLVED: 23-FEB-88		
TYPE: GLB - GENERATOR LAND BAN REQUIREMENTS			
VIOLATION NUMBER: 0004	RESPONSIBLE: S - STATE		
DETERMINED: 06-JAN-93	DETERMINED BY: S - STATE		
CITATION: 264.170-177.1	RESOLVED: 26-JAN-93		
TYPE: DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)			
VIOLATION NUMBER: 0004	RESPONSIBLE: E - EPA		
DETERMINED: 23-FEB-88	DETERMINED BY: E - EPA		
CITATION: 268 ALL	RESOLVED: 25-MAY-89		
TYPE: DLB - TSD LAND BAN REQUIREMENTS			
VIOLATION NUMBER: 0005	RESPONSIBLE: S - STATE		
DETERMINED: 24-NOV-93	DETERMINED BY: S - STATE		
CITATION: 262.30-34.C	RESOLVED: 24-JAN-94		
TYPE: GER - GENERATOR ALL REQUIREMENTS			
VIOLATION NUMBER: 0005	RESPONSIBLE: E - EPA		
DETERMINED: 23-FEB-88	DETERMINED BY: E - EPA		
CITATION: 268.7	RESOLVED: 25-MAY-89		
TYPE: GLB - GENERATOR LAND BAN REQUIREMENTS			
VIOLATION NUMBER: 0006	RESPONSIBLE: E - EPA		
DETERMINED: 23-FEB-88	DETERMINED BY: E - EPA		
CITATION: 270	RESOLVED: 25-MAY-89		
TYPE: DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)			
VIOLATION NUMBER: 0006	RESPONSIBLE: S - STATE		
DETERMINED: 24-NOV-93	DETERMINED BY: S - STATE		
CITATION: 264.170-177.1	RESOLVED: 24-JAN-94		
TYPE: DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)			
VIOLATION NUMBER: 0007	RESPONSIBLE: E - EPA		
DETERMINED: 23-FEB-88	DETERMINED BY: E - EPA		
CITATION: 264.110-120.G	RESOLVED: 25-MAY-89		
TYPE: DCI - TSD CLOSURE/POST CLOSURE REQUIREMENTS			
VIOLATION NUMBER: 0007	RESPONSIBLE: S - STATE		
DETERMINED: 24-NOV-93	DETERMINED BY: S - STATE		
CITATION: 264.30-37.C	RESOLVED: 24-JAN-94		
TYPE: DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)			
VIOLATION NUMBER: 0008	RESPONSIBLE: S - STATE		
DETERMINED: 31-MAY-00	DETERMINED BY: S - STATE		
CITATION: 262.40-43.D	RESOLVED:		
TYPE: GER - GENERATOR ALL REQUIREMENTS			

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*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

RCRA COR SITE			
SEARCH ID: 2	DIST/DIR: 0.95 SE	MAP ID: 3	
NAME: RIVERBANK ARMY AMMUNITION PLANT	REV: 7/12/04		
ADDRESS: 5300 CLAUS RD	ID1: CA7210020759		
RIVERBANK CA 95367	ID2:		
STANISLAUS	STATUS: CA		
CONTACT: LUTHER STOBER	PHONE: 2098697237		
VIOLATION NUMBER:	0008	RESPONSIBLE:	E - EPA
DETERMINED:	25-MAY-89	DETERMINED BY:	E - EPA
CITATION:	268 ALL	RESOLVED:	06-DEC-89
TYPE:	DLB - TSD LAND BAN REQUIREMENTS		
VIOLATION NUMBER:	0009	RESPONSIBLE:	S - STATE
DETERMINED:	18-APR-01	DETERMINED BY:	S - STATE
CITATION:	264.50-56.D	RESOLVED:	27-JUN-01
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		
VIOLATION NUMBER:	0009	RESPONSIBLE:	E - EPA
DETERMINED:	25-MAY-89	DETERMINED BY:	E - EPA
CITATION:	268.7	RESOLVED:	06-DEC-89
TYPE:	GLB - GENERATOR LAND BAN REQUIREMENTS		
VIOLATION NUMBER:	0010	RESPONSIBLE:	E - EPA
DETERMINED:	25-MAY-89	DETERMINED BY:	E - EPA
CITATION:	270	RESOLVED:	06-DEC-89
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		
VIOLATION NUMBER:	0010	RESPONSIBLE:	S - STATE
DETERMINED:	18-APR-01	DETERMINED BY:	S - STATE
CITATION:	264.10-18.B	RESOLVED:	27-JUN-01
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		
VIOLATION NUMBER:	0011	RESPONSIBLE:	E - EPA
DETERMINED:	25-MAY-89	DETERMINED BY:	E - EPA
CITATION:	264.70-77.E	RESOLVED:	06-DEC-89
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		

Environmental FirstSearch
Federal Databases and Sources

ASTM Databases:

CERCLIS: *Comprehensive Environmental Response Compensation and Liability Information System.* The EPA's database of current and potential Superfund sites currently or previously under investigation. Source: Environmental Protection Agency.

Updated quarterly.

ERNS: *Emergency Response Notification System.* The EPA's database of emergency response actions. Source: Environmental Protection Agency. Data since January, 2001 has been received from the National Response Center as the EPA no longer maintains this data.

Updated quarterly.

FINDS: *The Facility Index System.* The EPA's Index of identification numbers associated with a property or facility which the EPA has investigated or has been made aware of in conjunction with various regulatory programs. Each record indicates the EPA office that may have files on the site or facility. Source: Environmental Protection Agency.

Updated semi-annually.

NPL: *National Priority List.* The EPA's list of confirmed or proposed Superfund sites. Source: Environmental Protection Agency.

Updated quarterly.

RCRIS: *Resource Conservation and Recovery Information System.* The EPA's database of registered hazardous waste generators and treatment, storage and disposal facilities. Included are RAATS (RCRA Administrative Action Tracking System) and CMEL (Compliance Monitoring & Enforcement List). Source: Environmental Protection Agency.

RCRA TSD: *Resource Conservation and Recovery Information System Treatment, Storage, and Disposal Facilities.* The EPA's database of RCRIS sites which treat, store, dispose, or incinerate hazardous waste. This information is also reported in the standard RCRIS detailed data.

RCRA COR: *Resource Conservation and Recovery Information System Corrective Action Sites.* The EPA's database of RCRIS sites with reported corrective action. This information is also reported in the standard RCRIS detailed data.

RCRA GEN: *Resource Conservation and Recovery Information System Large and Small Quantity Generators.* The EPA's database of RCRIS sites that create more than 100kg of hazardous waste per month or meet other RCRA requirements. Included are RAATS (RCRA Administrative Action Tracking System) and CMEL (Compliance Monitoring & Enforcement List).

RCRA NLR: *Resource Conservation and Recovery Information System sites No Longer Regulated.* The EPA's database of RCRIS sites that create less than 100kg of hazardous waste per month or do not meet other RCRA requirements.

All RCRA databases are Updated quarterly

Non-ASTM Databases:

HMIRS: Hazardous Materials Incident Response System: This database contains information from the US Department of Transportation regarding materials, packaging, and a description of events for tracked incidents.

Updated quarterly.

NCDB: National Compliance Database. This EPA database contains information relating to TSCA (Toxic Substances Control Act) and FTTS which provides support for the national pesticides and toxics program.

Updated quarterly

NPDES: National Pollution Discharge Elimination System. The EPA's database of all permitted facilities receiving and discharging effluents. Source: Environmental Protection Agency.

Updated semi-annually.

NRDB: National Radon Database. The NRDB was created by the EPA to distribute information regarding the EPA/State Residential Radon Surveys and the National Residential Radon Survey. The data is presented by zipcode in Environmental FirstSearch Reports. Source: National Technical Information Service (NTIS)

Updated Periodically

Nuclear: The Nuclear Regulatory Commission's (NRC) list of permitted nuclear facilities.

Updated Periodically

PADS: PCB Activity Database System

The EPA's database PCB handlers (generators, transporters, storers and/or disposers) that are required to notify the EPA, the rules being similar to RCRA. This database indicates the type of handler and registration number. Also included is the PCB Transformer Registration Database.

Updated semi-annually.

Receptors: 1995 TIGER census listing of schools and hospitals that may house individuals deemed sensitive to environmental discharges due to their fragile immune systems.

Updated Periodically

RELEASES: Air and Surface Water Releases. A subset of the EPA's ERNS database which have impacted only air or surface water.

Updated semi-annually.

Soils: This database includes the State Soil Geographic (STATSGO) data for the conterminous United States. It contains information regarding soil characteristics such as water capacity, percent clay, organic material, permeability, thickness of layers, hydrological characteristics, quality of drainage, surface slope, liquid limit, and

the annual frequency of flooding. Source: United States Geographical Survey (USGS)

Updated quarterly

TRIS: *Toxic Release Inventory System*. The EPA's database of all facilities that have had or may be prone to toxic material releases. Source: Environmental Protection Agency.

Updated semi-annually.

ENVIRONMENTAL FIRST SEARCH
CALIFORNIA DATABASES (DB) AND SOURCES

CAL SITES: DB TYPE = ST (STATE SITES)

Source: The CAL EPA, Depart. Of Toxic Substances Control
Phone: (916) 323-3400

The CAL EPA Department of Toxic Substances Control (DTSC) maintains a database of information on properties (or sites) in California where hazardous substances have been released, or where the potential for such release exists. The types of properties in the CALSITES database are categorized as: Annual Work Plan, Backlogged Properties, Certified / De-listed Sites, No Further Action, Preliminary Endangerment Assessment in Progress, Preliminary Endangerment Assessment Required, Removal Action Required, Expedited Remedial Action Program, Voluntary Cleanup Program, Deed Restricted Properties, and Referred Properties. For more information on individual sites call the number listed above.

CORTESE: DB TYPE = ST (STATE SITES)

Source: The CAL EPA, Department of Toxic Substances Control
Phone: (916) 445-6532

Pursuant to Government Code Section 65962.5, the Hazardous Waste and Substances Sites List has been compiled by Cal/EPA, Hazardous Materials Data Management Program. The CAL EPA Dept. of Toxic Substances Control compiles information from subsets of the following databases to make up the CORTESE list:

1. The Dept. of Toxic Substances Control; contaminated or potentially contaminated hazardous waste sites listed in the CAL Sites database. Formerly known as ASPIS are included (CALSITES formerly known as ASPIS).
2. The California State Water Resources Control Board; listing of Leaking Underground Storage Tanks are included (LTANK)
3. The California Integrated Waste Management Board; Sanitary Landfills which have evidence of groundwater contamination or known migration of hazardous materials (formerly WB-LF, now AB 3750).

Note: Track Info Services collects each of the above data sets individually and lists them separately in the following First Search categories in order to provide more current and comprehensive information: CALSITES: SPL, LTANK: LUST, WB-LF: SWL

**SWIS SOLID WASTE INFORMATION SYSTEM: DB TYPE = SW
(SOLID WASTE RELATED SITES)**

Source: The Integrated Waste Management Board
Phone: (916) 255-2331

The California Integrated Waste Management Board maintains a database on solid waste facilities, operations, and disposal sites throughout the state of California. The types of facilities found in this database include landfills, transfer stations, material recovery facilities, composting sites, transformation facilities, waste tire sites, and closed disposal sites. For more information on individual sites call the number listed above.

Note: This database contains poor site location information for many sites in the First Search reports; therefore, it may not be possible to locate or plot some sites in First Search reports.

WMUDS: DB TYPE = SW (SOLID WASTE RELATED SITES)
Source: The State Water Resources Control Board
Phone: (916) 227-4365

The State Water Resources Control Board maintained the Waste Management Unit Database System (WMUDS). It is no longer updated. It tracked management units for several regulatory programs related to waste management and its potential impact on groundwater. Two of these programs (SWAT & TPCA) are no longer on-going regulatory programs as described below. Chapter 15 (SC15) is still an on-going regulatory program and information is updated periodically but not to the WMUDS database. The WMUDS System contains information from the following agency databases: Facility, Waste Management Unit (WMU), Waste Discharger System (WDS), SWAT, Chapter 15, TPCA, RCRA, Inspections, Violations, and Enforcement's.

Note: This database contains poor site location information for many sites in the First Search reports; therefore, it may not be possible to locate or plot some sites in First Search reports.

ORANGE COUNTY LANDFILLS: DB TYPE = SW (SOLID WASTE RELATED SITES)
Source: Orange County Health Dept.
Phone: (714) 834-3536

LUSTIS: DB TYPE = LU (LEAKING UNDERGROUND STORAGE TANKS)
Source: The State Water Resources Control Board
Phone: (916) 227-4416

The State Water Resources Control Board maintains a database of sites with confirmed or unconfirmed leaking underground storage tanks. Information for this database is collected from the states regional boards quarterly and integrated with this database.

SAN DIEGO COUNTY LEAKING TANKS: DB TYPE = LU
(LEAKING UNDERGROUND STORAGE TANKS)
Source: San Diego County Dept. of Environmental Health
Phone: (619) 338-2242

Maintains a database of sites with confirmed or unconfirmed leaking underground storage tanks within its HE17/58 database. For more information on a specific file call the HazMat Duty Specialist at phone number listed above.

SLIC REGIONS 1 - 9: DB TYPE = SP (SPILLS-90)
Source: The CAL EPA Regional Water Quality Control Boards 1 - 9

The California Regional Water Quality Control Boards maintain report of sites that have records of spills, leaks, investigation, and cleanups. For phone number listings of departments within each region visit their web sites at: <http://www.swrcb.ca.gov/regions.html>

SAN DIEGO COUNTY HE17 PERMITS: DB TYPE = PE (PERMITS)
Source: The San Diego County Depart. Of Environmental Health
Phone: (619) 338-2211

The HE17/58 database tracks establishments issued permits and the status of their permits in relation to compliance with federal, state, and local regulations that the County oversees. It tracks if a site is a hazardous waste generator, TSD, gas station, has underground tanks, violations, or unauthorized releases. For more information on a specific file call the HazMat Duty Specialist at the phone number listed above.

SAN BERNARDINO COUNTY HAZARDOUS MATERIALS PERMITS: DB TYPE = PE
(PERMITS)

Source: San Bernardino County Fire Dept.
Phone: (909) 387-3080

Handlers and Generators Permit Information Maintained by the Hazardous
Materials Div.

LA COUNTY SITE MITIGATION COMPLAINT CONTROL LOG: DB TYPE = OT
(OTHER UNIQUE DATABASES)

Source: The Los Angeles County Hazardous Materials Division
Phone: (323) 890-7806

The County of Los Angeles Public Health Investigation Compliant Control
Log

ORANGE COUNTY INDUSTRIAL SITE CLEANUPS: DB TYPE = OT
(OTHER UNIQUE DATABASES)

Source: Orange County Environmental Health Agency
Phone: (714) 834-3536

AST ABOVEGROUND STORAGE TANKS: DB TYPE = US (UNDERGROUND STORAGE TANKS)

Source: The State Water Resources Control Board
Phone: (916) 227-4364

The Above Ground Petroleum Storage Act became State Law effective
January 1, 1990. In general, the law requires owners or operators of
AST's with petroleum products to file a storage statement and pay a fee
by July 1, 1990 and every two years thereafter, take specific action to
prevent spills, and in certain instances implement a groundwater
monitoring program. This law does not apply to that portion of a tank
facility associated with the production oil and regulated by the State
Division of Oil and Gas of the Dept. of Conservation.

SWEEPS / FIDS STATE REGISTERED UNDERGROUND STORAGE TANKS: DB TYPE = US

Source: CAL EPA Dept of Toxic Substances Control
Phone: (916) 227-4404

Until 1994 the State Water Resources Control Board maintained a database
of registered underground storage tanks statewide referred to as the
SWEEPS System. The SWEEPS UST information was integrated with the CAL
EPA's Facility Index System database (FIDS) which is a master index of
information from numerous California agency environmental databases.
That was last updated in 1994. Track Info Services included the UST
information from the FIDS database in its First Search reports for
historical purposes to help its clients identify where tanks may
possibly have existed. For more information on specific sites from
individual paper files archived at the State Water Resources Control
Board call the number listed above.

CUPA DATABASES & SOURCES
(DB TYPE = US (UNDERGROUND STORAGE TANKS))

DEFINITION OF A CUPA: A Certified Unified Program Agency (CUPA) is a local agency that has been certified by the CAL EPA to implement six state environmental programs within the local agency's jurisdiction. These can be a county, city, or JPA (Joint Powers Authority). This program was established under the amendments to the California Health and Safety Code made by SB 1082 in 1994.

A Participating Agency (PA) is a local agency that has been designated by the local CUPA to administer one or more Unified Programs within their jurisdiction on behalf of the CUPA. A Designated Agency (DA) is an agency that has not been certified by the CUPA but is the responsible local agency that would implement the six unified programs until they are certified.

Please Note: Track Info Services, LLC collects and maintains information regarding Underground Storage Tanks from majority of the CUPAS and Participating Agencies in the State of California. These agencies typically do not maintain nor release such information on a uniform or consistent schedule; therefore, currency of the data may vary. Please look at the details on a specific site with a UST record in the First Search Report to determine the actual currency date of the record as provided by the relevant agency. Numerous efforts are made on a regular basis to obtain updated records.

ALAMEDA COUNTY CUPA'S

- * County of Alameda Department of Environmental Health
- * Cities of Berkeley, Fremont, Hayward, Livermore / Pleasanton, Newark, Oakland, San Leandro, Union

ALPINE COUNTY CUPA

- * Health Department (Only updated by agency annually)

AMADOR COUNTY CUPA

- * County of Amador Environmental Health Department

BUTTE COUNTY CUPA

- * County of Butte Environmental Health Division (Only updated by agency biannually)

CALAVERAS COUNTY CUPA

- * County of Calaveras Environmental Health Department

COLUSA COUNTY CUPA

- * Environmental Health Dept.

CONTRA COSTA COUNTY CUPA

- * Hazardous Materials Program

DEL NORTE COUNTY CUPA (US)

- * Department of Health and Social Services

EL DORADO COUNTY CUPA'S

- * County of El Dorado Environmental Health - Solid Waste Div (Only updated by agency annually)
- * County of El Dorado EMD Tahoe Division (Only updated by agency annually)

FRESNO COUNTY CUPA

- * Haz. Mat and Solid Waste Programs

GLENN COUNTY CUPA

- * Air Pollution Control District

HUMBOLDT COUNTY CUPA (US)

- * Environmental Health Division

IMPERIAL COUNTY CUPA (US)

- * Department of Planning and Building

INYO COUNTY CUPA (US)

- * Environmental Health Department

KERN COUNTY CUPA (US)

- * County of Kern Environmental Health Department
- * City of Bakersfield Fire Department

KINGS COUNTY CUPA (US)

- * Environmental Health Services

LAKE COUNTY CUPA (US)

- * Division of Environmental Health

LASSEN COUNTY CUPA (US)

- * Department of Agriculture

LOS ANGELES COUNTY CUPA'S (US)

- * County of Los Angeles Fire Department
- * County of Los Angeles Environmental Programs Division
- * Cities of Burbank, El Segundo, Glendale, Long Beach/Signal Hill, Los Angeles, Pasadena, Santa Fe Springs, Santa Monica, Torrance, Vernon

MADERA COUNTY CUPA (US)

- * Environmental Health Department

MARIN COUNTY CUPA (US)

- * County of Marin Office of Waste Management
- * City of San Rafael Fire Department

MARIPOSA COUNTY CUPA (US)

- * Health Department

MENDOCINO COUNTY CUPA (US)

- * Environmental Health Department

MERCED COUNTY CUPA (US)

- * Division of Environmental Health

MODOC COUNTY CUPA (US)

- * Department of Agriculture

MONO COUNTY CUPA (US)

- * Health Department

MONTEREY COUNTY CUPA (US)

- * Environmental Health Division

NAPA COUNTY CUPA (US)

- * Hazardous Materials Section

NEVADA COUNTY CUPA (UST)

- * Environmental Health Department

ORANGE COUNTY CUPA'S (US)

- * County of Orange Environmental Health Department
- * Cities of Anaheim, Fullerton, Orange, Santa Ana
- * County of Orange Environmental Health Department

PLACER COUNTY CUPA (US)

- * County of Placer Division of Environmental Health Field Office
- * Tahoe City

- * City of Roseville Roseville Fire Department

PLUMAS COUNTY CUPA (UST)

- * Environmental Health Department

RIVERSIDE COUNTY CUPA (US)

- * Environmental Health Department

SACRAMENTO COUNTY (US)

- * County Environmental Mgmt Dept, Haz. Mat. Div.

SAN BENITO COUNTY CUPA (US)

- * City of Hollister Environmental Service Department

SAN BERNARDINO COUNTY CUPA'S (US)

- * County of San Bernardino Fire Department, Haz. Mat. Div.
- * City of Hesperia Hesperia Fire Prevention Department
- City of Victorville Victorville Fire Department

SAN DIEGO COUNTY CUPA (US)

- * The San Diego County Dept. of Environmental Health HE 17/58

SAN FRANCISCO COUNTY CUPA (US)

- * Department of Public Health

SAN JOAQUIN COUNTY CUPA (US)

- * Environmental Health Division

SAN LUIS OBISPO COUNTY CUPA'S (US)
* County of San Luis Obispo Environmental Health Division
* City of San Luis Obispo City Fire Department
SAN MATEO COUNTY CUPA (US)
* Environmental Health Department
SANTA BARBARA COUNTY CUPA (US)
* Co Fire Dept Protective Services Div
SANTA CLARA COUNTY CUPA'S (US)
* County of Santa Clara Hazardous Materials Compliance Division
* Santa Clara Co Central Fire Prot. Dist. (Covers Campbell, Cupertino,
Los Gatos, & Morgan Hill)
* Cities of Gilroy, Milpitas, Mountain View, Palo Alto, San Jose Fire,
Santa Clara, Sunnyvale
SANTA CRUZ COUNTY CUPA (US)
* Environmental Health Department
SHASTA COUNTY CUPA (US)
* Environmental Health Department
SIERRA COUNTY CUPA (US)
* Health Department
SISKIYOU COUNTY CUPA (US)
* Environmental Health Department
SONOMA COUNTY CUPA'S (US)
* County of Sonoma Department Of Environmental Health
* Cities of Healdsburg / Sebastapol, Petaluma, Santa Rosa
STANISLAUS COUNTY CUPA (US)
* Dept. of Env. Rsrchs. Haz. Mat. Div.
SUTTER COUNTY CUPA (US)
* Department of Agriculture
TEHAMA COUNTY CUPA (US)
* Department of Environmental Health
TRINITY COUNTY CUPA (US)
* Department of Health
TULARE COUNTY CUPA (US)
* Environmental Health Department
TUOLUMNE COUNTY CUPA (US)
* Environmental Health
VENTURA COUNTY CUPA'S (BWT UST'S & CERTIFIED UST'S)
* County of Ventura Environmental Health Division
* Cities of Oxnard, Ventura
YOLO COUNTY CUPA (US)
* Environmental Health Department
YUBA COUNTY CUPA (US)
* Yuba County of Emergency Services

Environmental FirstSearch
Street Name Report for Streets within .25 Mile(s) of Target Property

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

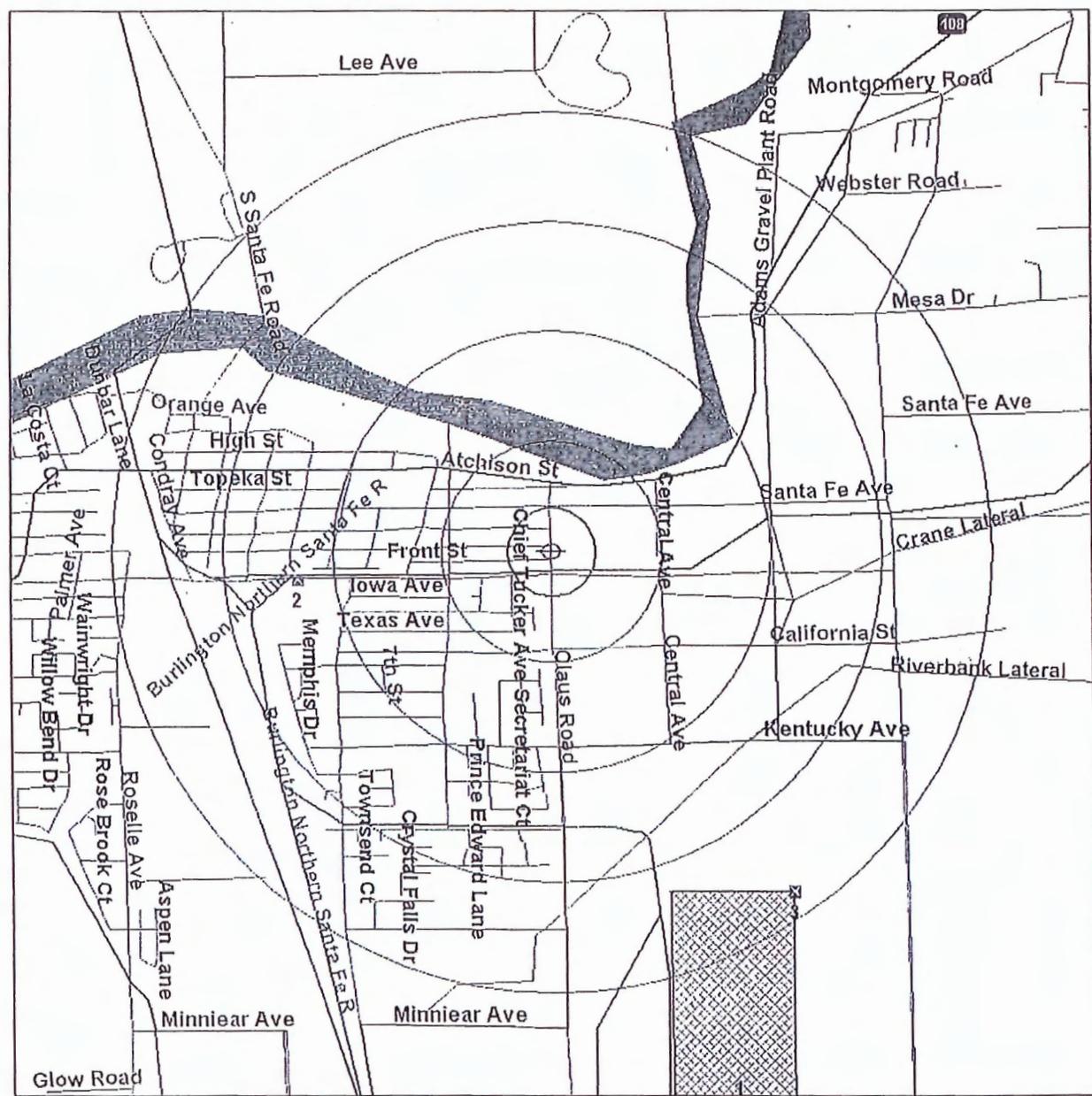
<u>Street Name</u>	<u>Dist/Dir</u>	<u>Street Name</u>	<u>Dist/Dir</u>
8th St	0.23 NW		
Atchison St	0.16 NE		
California Ave	0.22 SE		
Central Ave	0.24 NE		
Chief Tucker Ave	0.10 SW		
Claus Rd	0.00 --		
Front St	0.02 SE		
Iowa Ave	0.25 SW		
Kansas Ave	0.14 SW		
Kimberly Ct	0.19 SW		
Mathew Ln	0.13 SW		
Patterson Rd	0.05 SE		
Santa Fe St	0.10 NW		
Sierra St	0.01 NW		
Stanislaus St	0.05 NW		
State Highway 108	0.19 NE		
Texas Ave	0.20 SW		
Tina Ln	0.17 SW		
Topeka St	0.15 NW		



Environmental FirstSearch
 1 Mile Radius
 ASTM Map: NPL, RCRACOR, STATE Sites



6448 CLAUS ROAD, RIVERBANK CA 95367



Source: 1999 U.S. Census TIGER Files

- Target Site (Latitude: 37.73456 Longitude: -120.927328)
 - Identified Site, Multiple Sites, Receptor
 - NPL, Solid Waste Landfill (SWL) or Hazardous Waste
 - Railroads
- Black Rings Represent 1/4 Mile Radii. Red Ring Represents 500 ft Radius



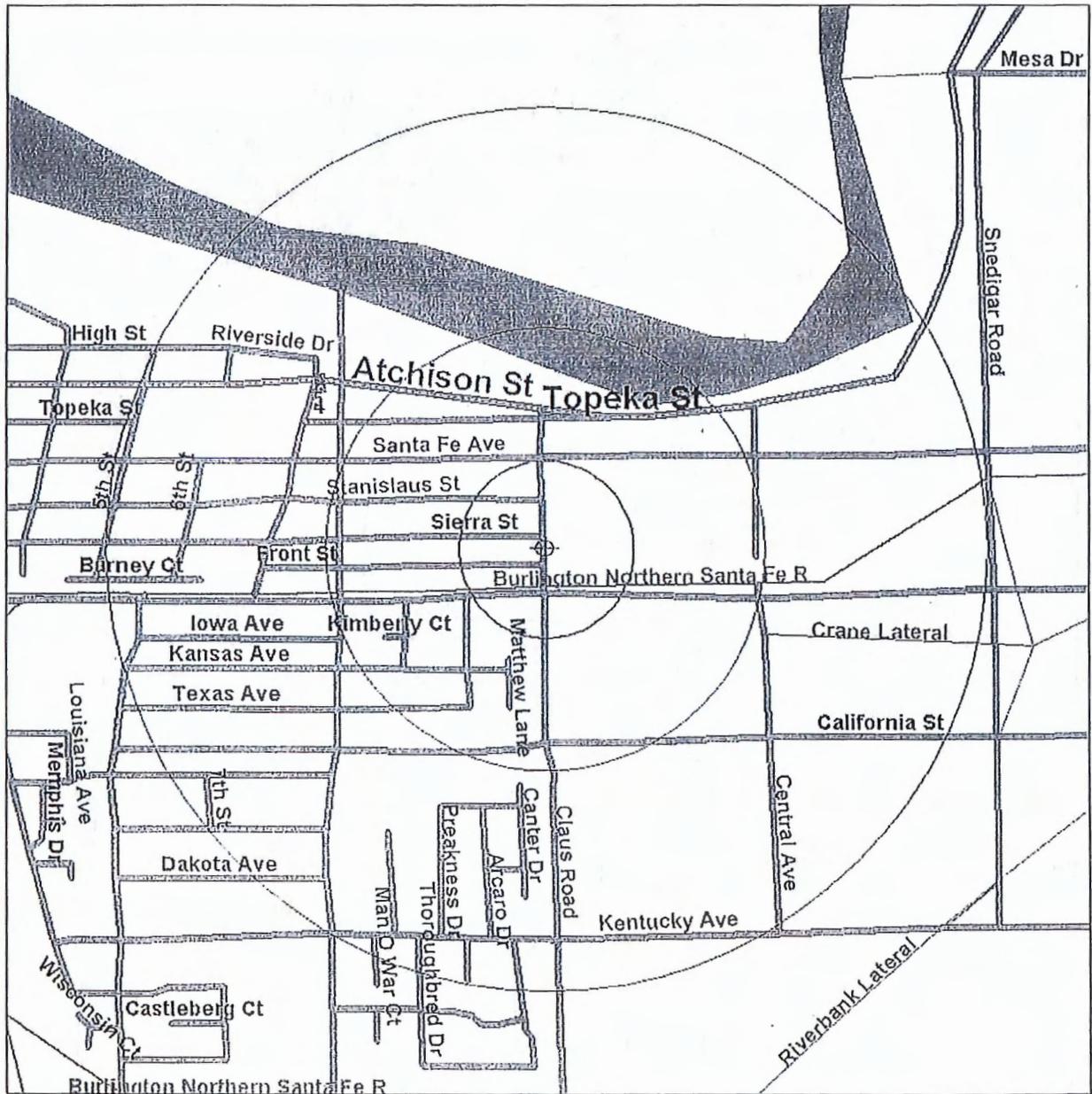
Environmental FirstSearch

.5 Mile Radius

ASTM Map: CERCLIS, RCRATSD, LUST, SWL



6448 CLAUS ROAD, RIVERBANK CA 95367



Source: 1999 U.S. Census TIGER Files

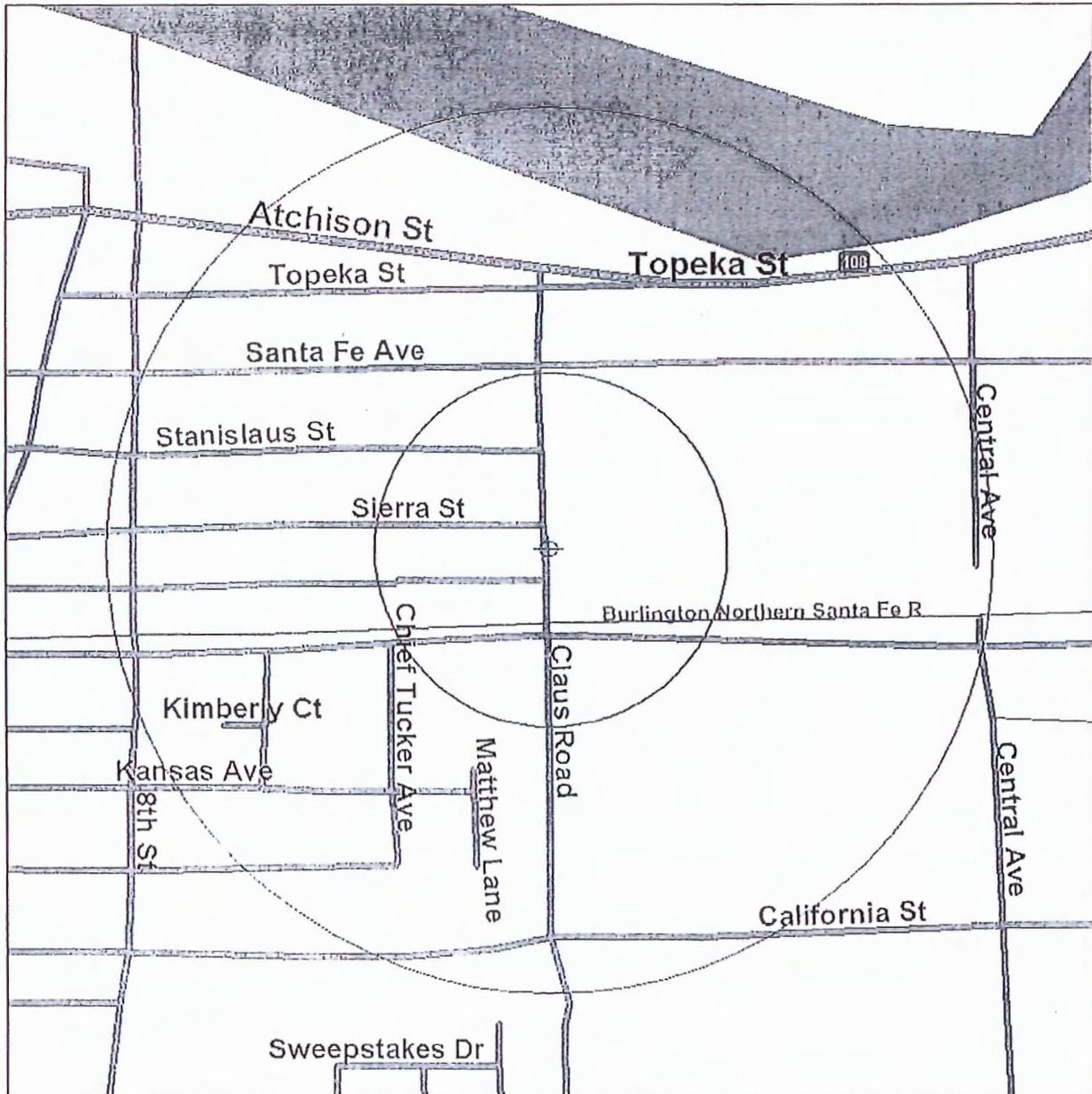
- Target Site (Latitude 37.73456 Longitude -120.927328)
 - Identified Site, Multiple Sites, Receptor
 - NPL, Solid Waste Landfill (SWL) or Hazardous Waste
 - Railroads
- Black Rings Represent 1.4 Mile Radii; Red Ring Represents 0.501 Mile Radius



Environmental FirstSearch
.25 Mile Radius
ASTM Map: RCRA GEN, ERNS, UST



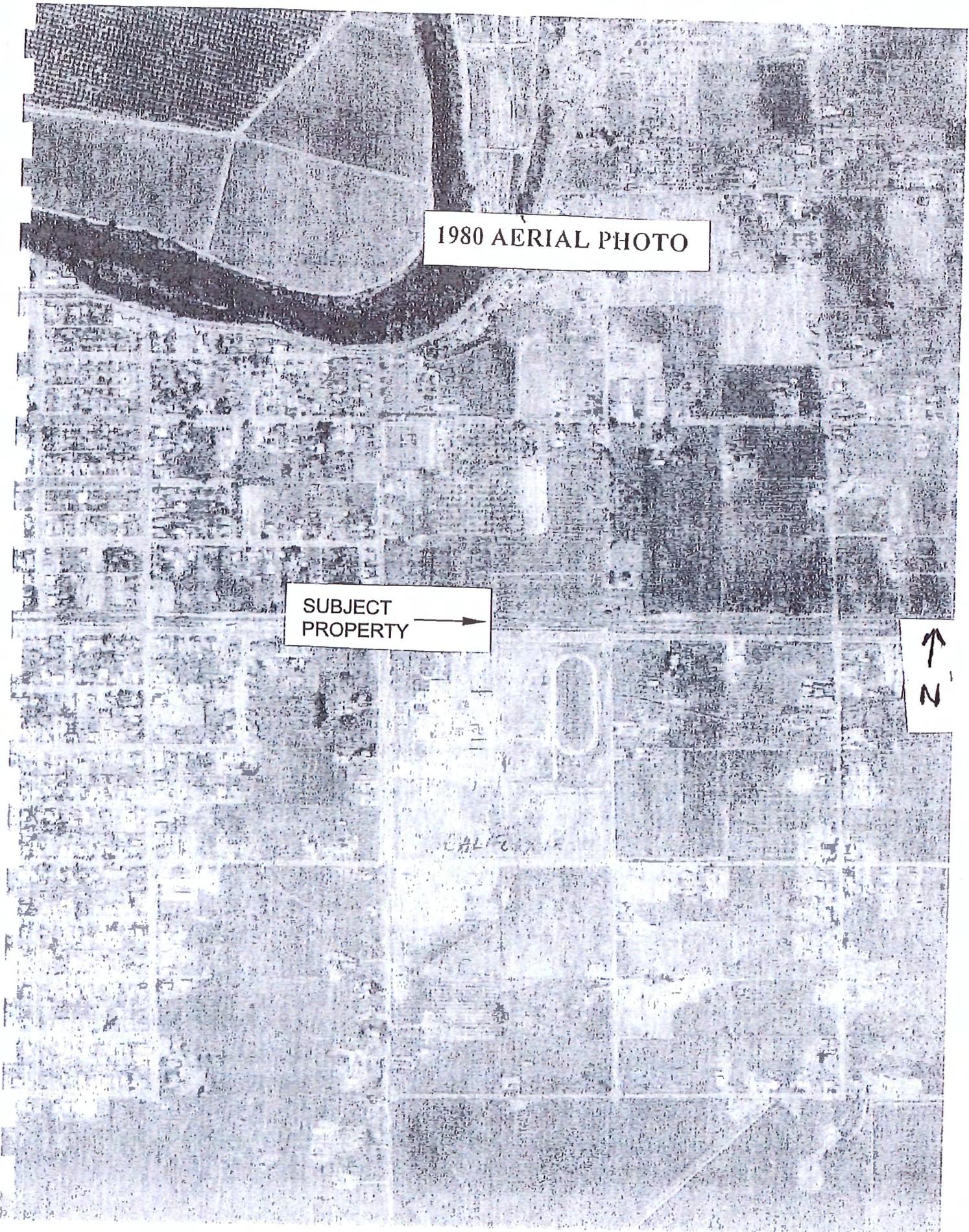
6448 CLAUS ROAD, RIVERBANK CA 95367



Source: 1999 U.S. Census TIGER Files

- Target Site (Latitude 37.73456 Longitude -120.9273281) 
- Identified Site, Multiple Sites, Receptor   
- NPL, Solid Waste Landfill (SWL) or Hazardous Waste 
- Railroads 
- Black Rings Represent 1/4 Mile Radii. Dotted Rings Represent 500 ft. Radius.

APPENDIX F
AERIAL PHOTOS



1980 AERIAL PHOTO

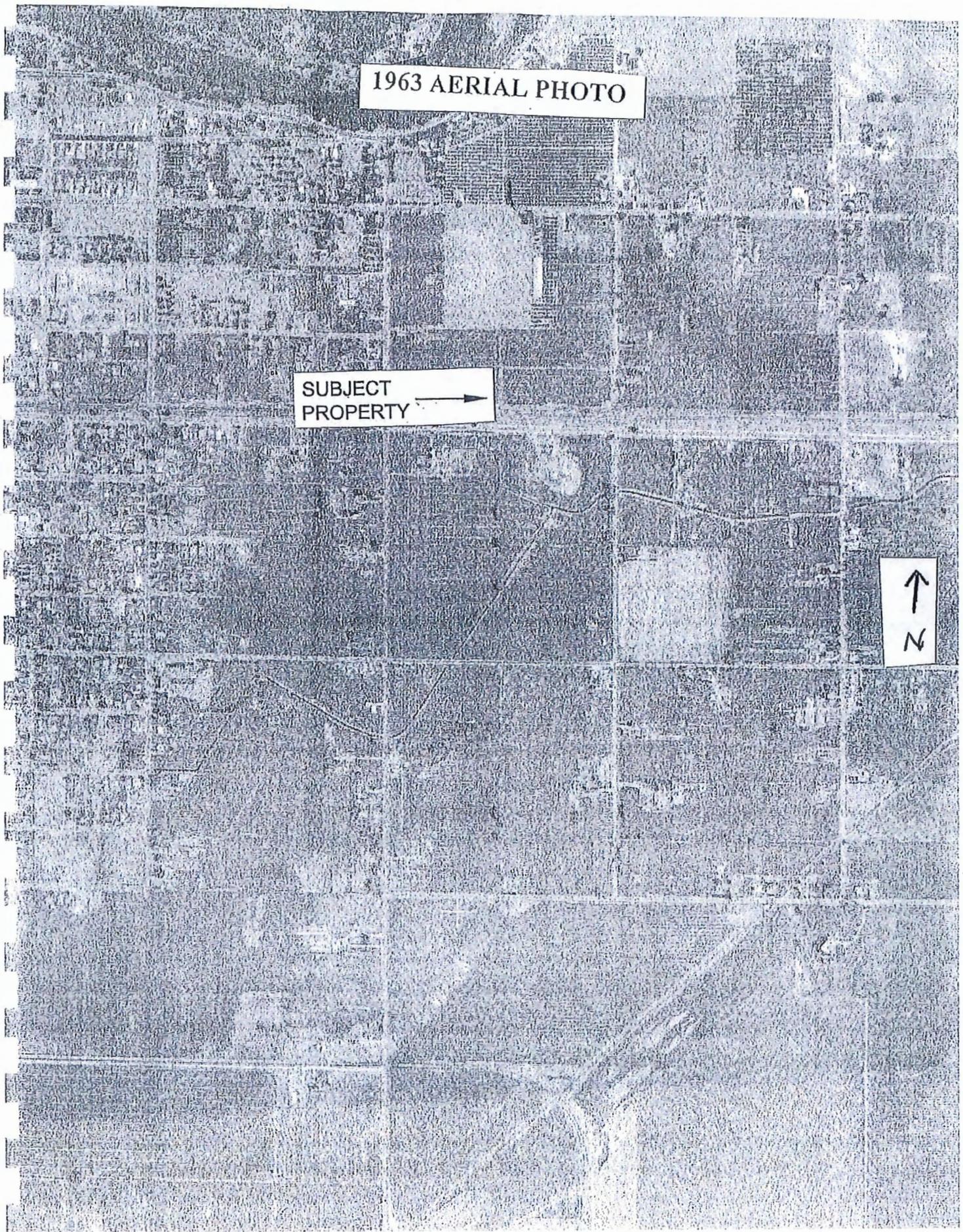
SUBJECT
PROPERTY →

↑
N

1963 AERIAL PHOTO

SUBJECT
PROPERTY →

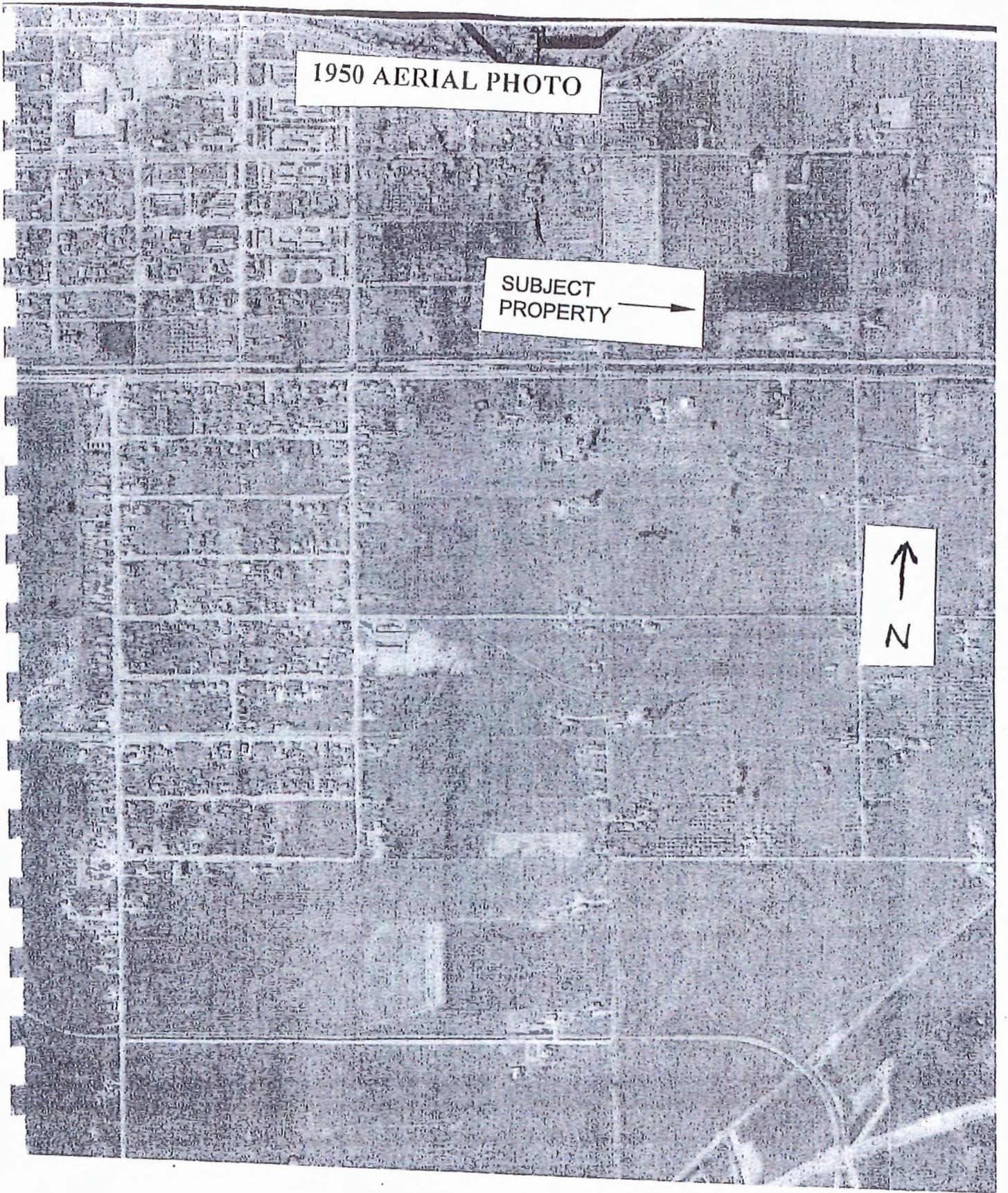
↑
N



1950 AERIAL PHOTO

SUBJECT
PROPERTY →

↑
N



Appendix C

Traffic Impact Assessment, dated August 18, 2022, prepared by KD Anderson & Associates, Inc.

Appendix C

Traffic Impact Assessment, dated August 18, 2022, prepared by KD Anderson & Associates, Inc.

August 18, 2022

Mr. Cody Mothersell, Chief Operating Officer
SCM HOMES
1920 Standiford Avenue, Suite 1
Modesto, CA 95356

RE: TRAFFIC IMPACT ASSESSMENT FOR THE RIVERBANK SELF-STORAGE PROJECT, RIVERBANK, CA

Dear Mr. Mothersell:

Thank you for contacting our firm regarding the **Riverbank Self-Storage project** in Riverbank. As we are aware, this project will create a combination of climate controlled and non-climate controlled storage units and RV parking spaces on a 5.9 acre site located on the east side of Claus Road north of Patterson Road. The project lies between the planned extension of Sierra Street and the BN&SF railroad, as noted in the attached site plan. The Heritage Collection subdivision is immediately to the east, as shown in the second attachment.

City of Riverbank staff has suggested that the transportation impacts of a project this size at this location that is consistent with or less intensive than the assumptions of the City of Riverbank General Plan and General Plan Update EIR (GPEIR) are unlikely to be significant. However, to confirm that conclusion a limited traffic assessment has been requested.

Key Issues

Our investigation considers these key issues:

- Review of identification and comparison of site land use and trip generation as proposed and as assumed in the City of Riverbank GPEIR.
- Opinion as to the immediate transportation effects of the project.
- Opinion as to the relative effect of any change to vehicle trip generation on the GP EIR's conclusions/recommendations or City Traffic Impact Fee (TIF) projects.
- Opinion regarding the adequacy of site access.
- VMT Impacts

Project Description

Land Use. We compared the proposed project to previous assumptions. The GP identifies the project site as Medium-Density Residential (MDR) with a minimum of 8 du/acre and up to 16 dwelling units (du) per acre. In 2013 our firm prepared a traffic assessment in support of the City TIF program update, and at that time MDR development was assumed to occur at an average rate of 10 du per acre. As noted in Table 1, the 5.9-acre project site could be developed with 94 residences under the GP's maximum density, and 59 dwellings would result at the density assumed in the TIF update assessment. In comparison, the project proposes 745 storage units.

Trip Generation. Table 1 also compares the daily trip generation associated with the project with estimates assuming site development under the GP and TIF update assumptions. As shown the project estimate of 136 daily trips (i.e., ½ inbound and ½ outbound) is appreciably lower than the forecast for site development under maximum GP density (i.e., 688 trips) or under the assumptions made for the TIF update (i.e., 557 daily trips).

TABLE 1 SITE DEVELOPMENT LAND USE COMPARISON AND TRIP GENERATION ESTIMATES			
Parameter	General Plan	Traffic Impact Fee Update	Riverbank Self-Storage
Land Use	MDR	MDR	Self-storage
Density (du/acre)	Up to 16 du/acre	10	
Project Area	5.9 acres	5.9 acres	5.9 acres
Yield	94 du	59 du	745 storage units
Daily Trips per unit	7.32 ¹	9.44 ²	17.96 ³
Daily Trips	688	557	136
¹ ITE rate for low-rise multi-family residential dwellings. ² ITE rate for detached single-family residential dwellings. ³ ITE rate for mini storage per 100 units. Project is projected to generate 9 trips in the a.m. peak hour (5 in and 4 out), 13 trips in the p.m. peak hour and 20 trips (11 in and 9 out) during the busiest hour on a Saturday.			

Traffic Operational Assessment

We have considered the immediate and long-term transportation effects of the proposed project.

Immediate Traffic Operational Effects. The project proposes frontage improvements to Sierra Street and Claus Road that are consistent with those required by the City of Riverbank for other recent development. The project will complete a link for Central Avenue to Claus Road as construction of interim Sierra Street improvements easterly to Central Avenue has been accomplished with the subdivision on the north side of that street, and southside improvements will accompany The Heritage Collection subdivision. Completing the link will improve overall access to the area east of Claus Road and potentially divert some traffic from Santa Fe Street but resulting traffic volumes would not be so large as to create appreciable traffic issues at the Claus Road / Sierra Street intersection.

Vehicular Access. The project proposes two access points, one of which is for Emergency Vehicles Only (EVA). The project’s regular access is on Claus Road about 250 feet north of the BN&SF and about 125 below Sierra Street. The leasing office is near this gate, and all traffic would enter and exit at this location. An EVA is also provided on Sierra Street about 500 feet east of Claus Road opposite Cervi Road.

The entrance is designed to provide space for entering traffic waiting between the gate and Claus Road. Roughly 40 feet is available between the location of sidewalks along Claus Road and the gate. This area

KSA

could accommodate a single 40' RV, a passenger vehicle pulling a trailer or 1-2 automobiles. The gate's entry mechanism has not been identified, and the project proponent has indicated that tenants of the facility will have a card key or card reader system of some sort to have access to the facility.

Criteria. The adequacy of gated site access on Claus Road was consider within the context of factors such as:

- the background traffic volume on Claus Road
- the project trip generation
- distance to adjoining intersections
- sight distance
- the efficiency of the gate operation

Traffic Volume counts included in the GPEIR indicated a daily traffic volume of 8,300 vehicles per day north of Patterson Road in 2005. That volume is indicative of a moderately busy two-lane arterial (i.e., LOS B) under the criteria included in the General Plan. However, peak hour traffic conditions on Claus Road are very busy due to traffic associated with Riverbank HS and travel along this commuter route.

The long-term traffic volume for this portion of Claus Road is dependent on continuing growth in Stanislaus County as a whole and the City of Riverbank in particular, as well as the implementation of new circulation routes like the *North County Corridor (NCC)*. The NCC is a major project intended to improve east-west circulation across northern Stanislaus County from SR 99 to SR 120 east of Oakdale. The ultimate NCC project is an 18-mile realignment of State Route 108 around the Modesto, Riverbank and Oakdale communities. For increased flexibility related to the timing of available funding, the corridor was segmented into four phases. Phase 2 would extend the new alignment to Albers Road and reduce through traffic on Claus Road. Phase 2 could occur within 10 years. The NCC EIR indicated that when NCC is completed in 2042 the traffic volumes on SR 108 east of Riverbank would be similar to those occurring today, and the volume on this portion of Claus Road could also be similar.

The Riverbank Self-Storage project is expected to generate 136 daily trips, and based on the number of storage units and ITE rates the forecast is for *9 trips in the weekday a.m. commute hour* (5 in and 4 out), *11 trips in the p.m. peak hour* (5 in and 6 out) and *20 trips on busiest hour on Saturday*.

Location. The access is located about 300 feet north of the limit line on the southbound approach to the Patterson Road intersection and 80 feet beyond the raised median at the railroad crossing. This location is within the striped taper into the turn lane and is marked with advance RR XING indications. Private residence driveways exist on the other side of Claus Road, and the current double yellow centerline stripe does not legally restrict limit access to those homes.

The posted speed limit is 40 mph, but a 25-mph school zone exists along this section of Claus Road. The *sight distance* looking left and right from the driveway would satisfy minimum stopping sight distance requirements (i.e., 300 feet @ 40 mph).

Design. The available plan for access includes a rolling gate across a 16-foot opening. The length of time required for customers to activate the gate and for the gate to open has been estimated from a review of available literature. Drivers exiting a vehicle would take 5 to 10 seconds to activate the gate depending on their familiarity with the system and the type of vehicle. A rolling metal gate moves at about 10" to 24" per second depending on the size of the mechanism, so from 8 to 19 seconds would be

KDA

required for the gate to fully open. In pavement magnetic loop detectors typically installed prior to and after the gate ensure that the gate remains open for following any vehicles. *The total time a vehicle spent at the rolling gate could therefore range from 13 to 29 seconds.*

The northbound travel lane on Claus Road will be about 25 feet wide at the project driveway. This width provides room for through traffic to pass a right turning vehicle that might queue momentarily onto Claus Road.

Evaluation. The major question to be answered regarding gated site access is whether its operation could result in congestion behind the gate that could extend back onto Claus Road and cause a safety problem for through traffic. A secondary consideration is whether delays to exiting traffic would be so extreme so as to require that exiting traffic be limited to right turns only.

Because the volume of traffic entering a self-storage use is low, congestion at the entrance can typically be avoided if a high efficiency gate operation is implemented. This would involve minimizing the time spent activating the gate and time spent waiting for the gate to open. The final design for access should provide a high-speed gate and should minimize the need to exit a vehicle to activate the gate. Because the northbound travel lane would allow through traffic to pass a vehicle waiting to enter the site, tenants should be directed to approach the driveway from the south, but no additional improvements are recommended.

Some delay may occur for outbound traffic waiting to turn left onto Claus Road during peak traffic hours, but because the project's trip generation is low on-site congestion should not be appreciable. It is likely that RV owners will determine that turning right at the driveway is preferable for that type of vehicle. While the City of Riverbank should monitor future traffic conditions at the Claus Road access, immediate implementation of a left turn prohibition is not recommended.

Pedestrian Access. The project site and other developments east of Claus Road were the subject of a comprehensive traffic impact analysis completed in 2005¹. That report indicated that residential development in this area would create the need for pedestrian facilities linking the new and established areas of Riverbank. This has been accomplished with the construction of sidewalks along the east side of Claus Road and the south side of Santa Fe Street, as well as with implementation of pedestrian facilities at the Claus Road / Patterson Road intersection. To continue the City's efforts the adjoining subdivision has been conditioned to create a safe path of pedestrian travel across Sierra Street and Claus Road to the sidewalks west of Claus Road by installing crosswalks, accessible ramps on the corners of the intersection and a flashing beacon. The Riverbank Self Storage project does not create the need for any other improvements.

Future Improvements. The previous traffic impact analysis noted that development in this area would contribute to the need to improve the SR 108 / Claus Road intersection and install a traffic signal. This improvement is included in the City's traffic impact fee program, and the Riverbank Self Storage would contribute to the cost of these improvements by paying adopted fees.

¹ Traffic Impact Analysis for Willow Equities Projects, KDA, 2005

KDA

Previous traffic studies have also considered applicable traffic controls for the Claus Road / Sierra Street intersection. In the early 2000's the Original East Area Plan's traffic analysis suggested a traffic signal might be considered under long term conditions, but the East Area Plan's land use assumptions were based on the previous General Plan and had assumed retail commercial development on a twelve-acre site along Sierra Street, including the proposed project's location. In 2005 the Willow Equites Projects traffic study addressed residential uses on this site and concluded that a traffic signal was not applicable based on traffic volumes and proximity to Patterson Road. The subsequent work for the General Plan Update and TIF program update did not suggest signalization would be needed or appropriate at this location.

General Plan Consistency

The relative effects of the proposed project in comparison to previous site development assumptions has been determined based on daily vehicle trip generation derived from rates published by the Institute of Transportation Engineers (ITE). As noted previously, under the GP's maximum permitted MDR density, the 94 dwellings constructed on the site could generate 688 daily trips. At the density assumed in the GPEIR and TIF program, the site would have generated 557 daily trips. Based on standard ITE trip generation rates, the project would generate 136 daily vehicle trips. This total represents a 75% reduction from the TIF program assumptions.

Conclusion. The project would generate fewer vehicle trip trips than had been previously assumed in both documents. While this change may be inconsequential within the context of the 11,000 residences that had been anticipated over the life of the General Plan and mitigated by the TIF program improvements, development of the Riverbank Self Storage as proposed would not change the General Plan EIR's conclusions and/or mitigation requirements, and its cumulative transportation impact will be mitigated by paying adopted TIF fees.

Vehicle Miles Traveled (VMT)

Level of Service (LOS) has been used in the past in California Environmental Quality Act (CEQA) documents to identify the significance of a project's impact on traffic operating conditions. As noted in the California Governor's Office of Planning and Research (OPR) document *Technical Advisory on Evaluating Transportation Impacts in CEQA* (California Governor's Office of Planning and Research 2018),

"Senate Bill 743 (Steinberg, 2013); which was codified in Public Resources Code section 21099, required changes to the guidelines implementing CEQA (CEQA Guidelines) (Cal. Code Regs., Title 14, Div. 6, Ch. 3, § 15000 et seq.) regarding the analysis of transportation impacts. . . OPR has proposed, and the California Natural Resources Agency (Agency) has certified and adopted, changes to the CEQA Guidelines that identify vehicle miles traveled (VMT) as the most appropriate metric to evaluate a project's transportation impacts. With the California Natural Resources Agency's certification and adoption of the changes to the CEQA Guidelines, automobile delay, as measured by "level of service" and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA. (Pub. Resources Code, § 21099, subd. (b)(3).)"

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VMT Methods and Significance Criteria. The OPR *Technical Advisory* provides general direction regarding the methods to be employed and significance criteria to evaluate VMT impacts, absent policies adopted by local agencies. The directive addresses several aspects of VMT impact analysis, and is organized as follows:

- **Screening Criteria:** Screening criteria are intended to quickly identify when a project should be expected to cause a less-than-significant VMT impact without conducting a detailed study.
- **Significance Thresholds:** Significance thresholds define what constitutes an acceptable level of VMT and what could be considered a significant level of VMT requiring mitigation.
- **Analysis Methodology:** These are the potential procedures and tools for producing VMT forecasts to use in the VMT impact assessment.
- **Mitigation:** Projects that are found to have a significant VMT impact based on the adopted significance thresholds are required to implement mitigation measures to reduce impacts to a less than significant level (or to the extent feasible).

Screening Criteria. Screening criteria can be used to quickly identify whether sufficient evidence exists to presume a project will have a less than significant VMT impact without conducting a detailed study. However, each project should be evaluated against the evidence supporting that screening criteria to determine if it applies. Projects meeting at least one of the criteria below can be presumed to have a less than significant VMT impact, absent substantial evidence that the project will lead to a significant impact.

- **Small Projects:** Defined as a project that generates 110 or fewer average daily vehicle trips.
- **Affordable Housing:** Defined as a project consisting of deed-restricted affordable housing.
- **Local Serving Retail:** Defined as retail uses of 50,000 square feet or less can be presumed to have a less than significant impact.
- **Projects in Low VMT-Generating Area:** Defined as a residential or office project that is in a VMT efficient area based on an available VMT Estimation Tool. The project must be consistent in size and land use type (i.e., density, mix of uses, transit accessibility, etc.) as the surrounding built environment.
- **Proximity to High Quality Transit.** The directive notes that employment and residential development located within ½ mile of a high-quality transit corridor offering 15 minute headways can be presumed to have a less than significant impact.

VMT Screenline Evaluation. The extent to which the proposed project's VMT impacts can be presumed to be less than significant has been determined based on review of the OPR directive's screening criteria and general guidance.

The OPR *Small Project* criteria is not applicable to this project. Table 1 noted that the project will generate 136 daily vehicle trips. As the 110 ADT threshold for automobiles is exceeded, the project's VMT impacts cannot be presumed to be less than significant based on this criterion.

OPR guidance regarding the effects of "*Locally Serving Retail*" projects is applicable. The proposed project is intended to serve the surrounding developed Riverbank community. While not a retail use, the project will provide another storage option for residents. As customers generally choose a storage site based on proximity the Riverbank Self-Storage will reduce VMT by providing residents with a new option

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Mr. Cody Mothersell, COO
SCM Homes
August 18, 2022
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that many will find is closer. By providing additional choices the VMT impacts of this locally serving use can be presumed to be less than significant.

Please feel free to contact me if you have any questions.

Sincerely,

KD Anderson & Associates, Inc.

A handwritten signature in black ink, appearing to read 'K D Anderson', with a long horizontal flourish extending to the right.

Kenneth D. Anderson, P.E.
President

Attachment: site plan, subdivision plan

Riverbanks Self Storage on Sierra St. It

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