

**CITY OF RIVERBANK**  
**ORDINANCE NO. 2018-002**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,  
CALIFORNIA, FOR ZONING ORDINANCE AMENDMENT NO. 01-2016 APPROVING  
REZONING OF 9.1± ACRES TO PLANNED DEVELOPMENT, LOCATED AT 6272  
CENTRAL AVENUE (APN 062-021-008) – A PROJECT KNOWN AS RIVER RUN**

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**WHEREAS**, an application has been received from R&K Lowe 1997 Revocable Trust, with a proposal to subdivide approximately 9.1± acres into fifty-one (51) single family lots which allows for a net density of zero to eight (0-8) dwelling units per acre; and

**WHEREAS**, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, November 21, 2017 to consider the proposed Zoning Ordinance Amendment in Riverbank; and

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

1. An application has been received from R&K Lowe 1997 Revocable Trust with a proposal to subdivide approximately 9.1± acres into fifty-one (51) single-family residential lots, which allows for a net density of 0-8 dwelling units per acre; and
2. The project site is currently zoned Single Family Residential (R-1) with a General Plan Land Use Designation of Medium Density Residential (MDR); and
3. The applicant is proposing to rezone the subject property to Planned Development (PD) as well as re-designate the property to a General Plan Land Use Designation of Low Density Residential (LDR); and
4. Notice of the public hearing on the proposed Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on December 6, 2017; and,
5. Notices of the public hearing on the proposed Zoning Ordinance Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on November 29, 2017; and
6. The City finds that Pursuant to the California Environmental Quality Act, an Initial Study and Mitigated Negative Declaration has been prepared by the Lead Agency (City of Riverbank). This Initial Study (IS) has been circulated to the Governor's Office of Planning and Research for consultation with other Responsible Agencies as SCH# 2017102058. The review period for the Initial Study closed on November 20, 2017 and all comments were incorporated into the IS.

Based on the IS it has been determined that although the proposed Project could have a significant effect on the environment, certain modifications to the project have been agreed to by

the applicant to reduce these identified impacts to a level which is considered less than significant. A Mitigated Negative Declaration has been prepared for this project, with Mitigation Measures incorporated into the project to lessen the impact on the environment where indicated. The property owners have been given a Mitigation Agreement for execution and this agreement will be recorded against the property as notice to subsequent owners of the mitigation obligations created as a result of this entitlement action.

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

**Section 1:** The City Council of the City of Riverbank approves Rezoning 9.1± acres to the Planned Development zone district, located at APN 062-021-008.

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

**Section 3:** This Ordinance shall become effective thirty (30) days from and after its final passage and adoption (on 08/09/2018), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on December 12, 2017. Said ordinance was given a second reading by title only and adopted.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting on the 9<sup>th</sup> day of January, 2018; motioned by Vice Mayor Leanne Jones Cruz, seconded by Councilmember District 4 Darlene Barber-Martinez; moved said ordinance by a City Council roll call vote of 5-0:

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

**ATTEST:**

**APPROVED:**

**ORIGINAL SIGNED DOCUMENT ON FILE WITH THE CITY CLERK**

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Annabelle H. Aguilar, CMC  
City Clerk

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Richard D. O'Brien  
Mayor

**APPROVED AS TO FORM:**

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Tom P. Hallinan, City Attorney