

CITY OF RIVERBANK

ORDINANCE NO. 2019-001

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA,
APPROVING A REZONE OF 1.1± ACRES TO PLANNED DEVELOPMENT, LOCATED AT
SEVENTH AND SIERRA STREETS (APN 132-015-023) – A PROJECT KNOWN AS
RIVERBANK COMMONS**

WHEREAS, an application has been received from Edmund Shamass, with a proposal to subdivide approximately 1.1± acres into thirteen (13) single family lots, which allows for a net density of 16+ dwelling units per acre; and

WHEREAS, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, October 16, 2018 to consider the proposed Zoning Ordinance Amendment and with a vote of 5-0 recommended its approval to the City Council; and

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

1. An application has been received from Edmund Shamass with a proposal to subdivide approximately 1.1± acres into thirteen (13) single-family residential lots, and Lot A, which allows for a net density of 16+ dwelling units per acre; and
2. The project site is currently zoned Planned Development (PD) with a General Plan Land Use Designation of High Density Residential (HDR); and
3. The applicant is proposing to rezone the subject property to a new Planned Development (PD); 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 26, 2018; and,
5. Notices of the public hearings 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 December 13, 2018; and
6. The City finds that Pursuant to the California Environmental Quality Act, the proposed project will not have a significant effect on the environment.

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

Section 1: The City Council of the City of Riverbank approves Rezoning 1.1± acres to the Planned Development zone district, located at APN 132-015-023.

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 (02/22/2019), 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 January 8, 2019. 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 22nd day of January, 2019; motioned by Councilmember District 3 Cal Campbell; seconded by Councilmember District 2 Cindy Fosi, and moved said ordinance by a City Council roll call vote of 5-0:

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

ATTEST:

APPROVED:

(ORIGINAL DOCUMENT ON FILE WITH THE CITY CLERK)

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

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Tom P. Hallinan, City Attorney