

**CITY OF RIVERBANK**

**ORDINANCE NO. 2020-012**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT NO. 02-2020 FOR the WARD VILLAS AFFORDABLE HOUSING PROJECT TO EXTEND THE LIFE OF THE APPROVED WARD VILLAS TENTATIVE MAP 01-2015 TO REAL PROPERTY AT 2912 WARD AVENUE (APN 132-036-003)**

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**WHEREAS**, Cary Pope, who proposes to develop 28 residential lots in the City of Riverbank (“City”) and related public improvements, is requesting to extend by Development Agreement the life of Tentative Map 01-2015, a subdivision known as Ward Villas (the “Project”); and

**WHEREAS**, in order to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the California Legislature adopted Government Code section 65864 *et. seq.* (“Development Agreement Statute”), which authorizes the City and property owner to enter into a development agreement that establishes certain development rights in real property that is the subject of a development project application; and

**WHEREAS**, consistent with the requirements of the Development Agreement Statute, the City has adopted Resolution No. 99-39 establishing rules, regulations, and limitations for Development Agreements; and

**WHEREAS**, On February 9, 2016, the City Council adopted Resolution No. 2016-008, approving a general plan amendment redesignating 2.4 acres to medium-density residential (MDR) which allows for a net density of eight to sixteen (8-16) dwelling units per net acre; and

**WHEREAS**, On February 9, 2016, the City Council adopted Resolution No. 2016-009, approving Tentative Map 01-2015 and related conditions of approval, which set forth the infrastructure obligations and conditions related to the development and build out of approximately 28 residential lots on 2.4 acres; and

**WHEREAS**, On February 9, 2016, the City Council adopted Ordinance No. 2016-010, approving a rezone of 2.4 acres to Planned Development and allowing for a net density of eight to sixteen (8-16) dwelling units per acre; and

**WHEREAS**, the City of Riverbank Planning Commission held a duly noticed public hearing on Tuesday, August 18, 2020 to consider the Ward Villas Development Agreement and provide their recommendation of approval to the City Council with a vote of 4-1(absence); and

**WHEREAS**, the City and Cary Pope intend to enter into a Development Agreement concerning the Project pursuant to California Government Code section 65864 and Resolution No. 99-39; and

**WHEREAS**, the City Council of the City of Riverbank held a duly noticed public hearing on September 22, 2020 to consider the introduction of the Ward Villas Development Agreement for first reading; and

**WHEREAS**, the City Council of the City of Riverbank held a duly noticed public hearing on September 22, 2020 to consider the approval of the Ward Villas Development Agreement; and

**WHEREAS**, the City Council for City of Riverbank, based on its independent review and analysis, the staff analysis, oral and written testimony, and the record as a whole, finds, after due study, deliberation and public hearing, and based on its independent judgment, the following:

1. The Project is consistent with the goals, policies, and standards of the City of Riverbank General Plan and all other applicable standards and ordinances of the City of Riverbank; and

2. The City Council finds that the Ward Villas Development Agreement:

1. Is consistent with the objectives, policies, and programs and residential land uses established by the 2005 Riverbank General Plan; and

2. Is consistent with the provisions of Government Code Section 65864 through 65869.5; and

3. Is in conformity with the public convenience and general welfare and good land use practices because the terms of the Development Agreement establish appropriate and adequate mechanisms to fund and install infrastructure needed to support public services relating to the Project and General Plan planning area; and

4. Will provide funding and infrastructure to support the Project, and will not adversely affect the orderly development of property or the preservation of property values; and

5. Will provide funding and infrastructure to ensure that adequate public services are available to serve the Project without being detrimental to the health, safety, and general welfare of the City of Riverbank; and

6. Provides sufficient benefit to the City to justify entering into the Development Agreement.

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

**Section 1:** The City Council of the City of Riverbank approves a Development Agreement by and between Cary Pope and the City of Riverbank relating to the development known as “Ward Villas” located on the following APN: 132-036-003.

**Section 2:** The City shall review the Development Agreement for compliance with its terms and conditions not less than once every twelve (12) months from the effective date of the Development Agreement.

**Section 3:** Notice of the City Council public hearing on the proposed Development Agreement Ordinance was published in the Riverbank News, a newspaper of general circulation, on September 9, 2020; and Notices of the public hearing on the proposed Development Agreement were mailed to all interested parties and property owners within 300 feet of the property, according to the most recent assessor’s roll, on September 10, 2020.

**Section 4:** Pursuant to the California Environmental Quality Act (CEQA) environmental impacts relating to the Project were evaluated and Tentative Map 01-2015 was exempt pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the State CEQA Guidelines. The adopted tentative map meets the conditions prescribed by CEQA Section 15332 (a-e). Pursuant to CEQA Guidelines Section 15378, the Development Agreement is within the purview of the Ward Villas Project, for which environmental impacts have already been reviewed. Thus, approval of the Development Agreement does not require further environmental review.

**Section 5:** If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of the City of Riverbank hereby declares that it would have passed this ordinance 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 6:** This Ordinance shall become effective thirty (30) days from and after its final passage (11/13/2020), 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 09/22/2020. 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 13<sup>th</sup> day of October, 2020; motioned by Vice Mayor (CM-D1) Luis Uribe, seconded by Councilmember District 4 Darlene Barber-Martinez, and moved said ordinance by a City Council roll call vote of 5-0:

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

**ATTEST:**

**APPROVED:**

**(THE ORIGINAL DOCUMENT IS 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**