



City of Riverbank

Office of the City Clerk / Elections

CERTIFICATION OF ORDINANCE 2026-003

STATE OF CALIFORNIA
COUNTY OF STANISLAUS
CITY OF RIVERBANK

} ss:

I, Gabriela Hernandez, duly appointed City Clerk of the City of Riverbank, California, **DO HEREBY CERTIFY** that the foregoing **Ordinance 2026-003** (consisting of 9 pages) was introduced at a regular meeting of the City Council of the City of Riverbank, held on 06/23/2026 and thereafter was adopted at a regular meeting of the City Council of the City of Riverbank on 07/28/2026, by the following City Council vote of 5-0, to wit:

AYES:

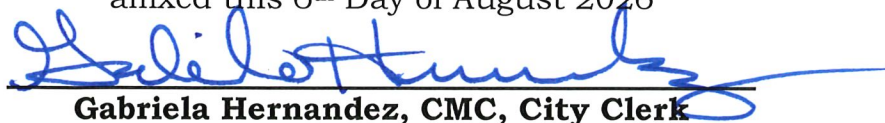
COUNCILMEMBER DISTRICT 1 LUIS URIBE
COUNCILMEMBER DISTRICT 2 CINDY FOSI
COUNCILMEMBER DISTRICT 4 STACY CALL
VICE MAYOR (CM-D3) JOHN PIMENTEL
MAYOR RACHEL HERNANDEZ

NAYS: NONE
ABSENT: NONE
ABSTAINED: NONE

I FURTHER CERTIFY that the foregoing **Ordinance 2026-003** was published pursuant to GC § 36933 as follows:

- First Summary published on 06/10/2026 in the Riverbank News by City Clerk Office; and
- Second Summary published on 08/05/2026 the Riverbank News.
- Notices were also posted on the exterior Bulletin Boards of City Hall North and the Community Center.

WITNESS my hand and the Seal of the City of Riverbank,
affixed this 6th Day of August 2026


Gabriela Hernandez, CMC, City Clerk

CITY OF RIVERBANK

ORDINANCE 2026-003

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING THE RIVERBANK MUNICIPAL CODE BY AMENDING
SECTIONS §153.067 AND §153.071 AND ADDING SECTIONS §153.166 THROUGH
§153.169 ENTITLED “REGIONAL HOUSING NEEDS ASSESSMENT OVERLAY”
(ZOA 01-2025)**

WHEREAS, Government Code Section 65585 requires that the City Council receive input and a recommendation from the Planning Commission on a Zoning Ordinance Amendment that imposes any regulations listed in Section 65850; and

WHEREAS, State Housing Element Law (Government Code Section 65580 et. seq.) requires that the City of Riverbank City Council adopt a Housing Element for the eight-year period 2023 – 2031 to accommodate the City’s Regional Housing Need Allocation (RHNA) of 3,591 units, comprised of 970 very low-income units, 672 low-income units, 594 moderate-income units, and 1,355 above moderate-income units; and

WHEREAS, the City of Riverbank 6th Cycle Housing Element identifies goals, policies, and programs for enabling the production of housing by reducing regulatory barriers, providing incentives, and supporting programs that create or preserve housing, especially for vulnerable populations; and

WHEREAS, Program 1.1a, *Adequate Sites for RHNA and Rezone Program*, directs the City to allow developments by-right pursuant to Government Code Section 65583.2(h) when 20% or more of the residential units are affordable to low- and very low-income households for sites requiring rezoning; and

WHEREAS, Program 1.1a, *Adequate Sites for RHNA and Rezone Program*, directs the City to amend the Mixed Use CX-1 Zone (Sections 153.066 through 153.072) of the Riverbank Municipal Code to allow 100 percent residential uses and require that residential uses occupy at least 50 percent of the floor area in a mixed-use project; and

WHEREAS, Program 1.1d, *By-Right Approval* directs the City to allow developments by-right pursuant to Government Code Section 65583.2(c) when 20 percent or more of the residential units are affordable to low- and very low-income households for sites identified on previous Housing Element sites inventory; and

WHEREAS, to comply with Government Section 65583.2(c), the City is establishing by Ordinance the Regional Housing Needs Assessment Overlay District covering those sites rezoned and covering those 4th and 5th Cycle reused sites to allow development by-right when 20 percent or more of the residential units are affordable to lower-income households; and

WHEREAS, Program 1.1h, *Religious Institution Sites* directs the City to develop an overlay zone to allow by-right approval and incentivize development of housing on land owned by religious institutions at default densities in support of the Housing Element Sites Inventory pursuant to Senate Bill 4; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on March 31, 2026 to consider an amendment to the City of Riverbank Municipal Code and with a vote of 5-0, recommended approval of this Ordinance to the City Council; and

WHEREAS, the City of Riverbank Planning Commission conducted a Public Meeting on May 19, 2026, to consider the proposed Ordinance and adopted Resolution No. 2026-008, recommending approval of the proposed Ordinance; and

WHEREAS, the proposed amendments to the Riverbank Municipal Code would amend a Section of Title XV: Land Usage, Chapter 153: Zoning to clarify that 100 percent residential uses are allowed in the Mixed Use District CX-1 Zone and to require that residential uses occupy at least 50 percent of the floor area in a mixed-use project; and

WHEREAS, the proposed amendments to the Riverbank Municipal Code would amend Sections of Title XV: Land Usage, Chapter 153: Zoning to create the Regional Housing Needs Assessment Overlay District by creating new Sections 153.166 through 153.168 entitled "Regional Housing Needs Assessment Overlay"; and

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

WHEREAS, the City Council for the City of Riverbank made the following Findings:

1. Pursuant to California Government Code Section 65854, the recommendation to City Council shall include the relationship to the applicable general or specific plan.
 - a. The Ordinance is compatible with the General Plan and each of its elements. Specifically, the Ordinance is compatible with the following Goals and Policies of the General Plan:

- i. Policy LAND 2.4 – The City will encourage re-use of vacant or underutilized land in the Infill Opportunity Area through policies that seek to encourage more intense infill development.
 - ii. Policy LAND 3.3 – The City will encourage “compact development,” which places origination and destination points closer together (residences, stores, schools, places of work, etc.), allowing for alternatives to vehicular travel.
 - iii. Program 1.1a – Adequate Sites for RHNA and Rezone Program.
 - iv. Program 1.1d – By-Right Approval.
 - v. Program 1.1h – Religious Institution Sites
2. The Ordinance furthers the public interest, convenience, and general welfare of the City. The amendments would ensure that the City is consistent with State Housing Element Law and the City's share of the Regional Housing Needs Allocation.
3. The finds and determines with certainty that the amendments described in the Ordinance are exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which is the “Common Sense Exemption” that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Draft Ordinance implements the goals and programs of the 6th Cycle Housing Element and does not grant any development entitlements or authorize development beyond what is allowed under the current General Plan and Zoning Code (Chapter 153). All future housing development pursuant to the 6th Cycle Housing Element would be subject to formal development applications and further evaluation under CEQA, which may require supporting technical reports. No physical improvements are proposed or approved as part of this Ordinance which only implement the goals and programs of the Housing Element; therefore, it can be seen with certainty that there is no possibility that approving the proposed Ordinance would result in a significant effect on the environment. Thus, the City of Riverbank finds that the proposed Ordinance is exempt from CEQA under the common sense exemption. Analysis of the CEQA determination is provided in the CEQA Technical Memorandum, as illustrated and incorporated by reference.
4. The Ordinance is compatible with the uses authorized in, and the regulations prescribed for, the land use districts for which it is proposed and with the regulations for each land use district.

WHEREAS, on June 10, 2026, notice of the City Council Public Hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City and on the City's website; and

WHEREAS, a Public Hearing was held on June 23, 2026, and all comments were heard and considered by the City Council.

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

SECTION 1: Title XV: Land Usage, Chapter 153: Zoning, Section 153.067: Uses Permitted and Section 153.071: Development Standards shall be amended as follows (removed language is represented in ~~strikethrough~~ and added language is represented in underline text):

§ 153.067 USES PERMITTED.

(A) All attached single-family and multi-family residential uses, including duplexes, apartments, condominiums, townhouses, and live-work units provided that the living units are located above the ground floor of a commercial uses or adjacent to commercial on the same property.

(B) Detached residential uses with a minimum net density of eight units per acre, including single family homes, caretaker units, and manufactured homes.

(C) Attached Higher Density Residential in a vertical and/or horizontal mixed use setting of 4620 or more dwelling units per net acre. ~~This residential use must be above (on upper stories of buildings) or adjacent to commercial operations on the same property.~~

(D) Office uses including administrative, professional, creative, telecommunications, flex, research, and similar office uses that are primarily worker-occupied.

(E) (1) Retail sales of goods that can generally be carried out by the customer including food and specialty foods, open air markets, small household goods, pharmaceuticals and sundries, apparel, art and supplies, antiques, furniture, appliances, electronics, books, flowers, hardware, toys, bicycles and sporting goods, music, and similar goods.

(2) Sales of alcoholic beverages require a conditional use permit in accordance with § 153.361.

(F) Service uses including personal and business services with walk-in customer service, such as beauty parlors, spas, cleaners, repair services, banks, travel or real estate agents, medical clinics, child or adult care, photocopiers, mailing services, Laundromats, and similar uses. Rental uses of items such as party supplies, wedding apparel or tuxedos are allowed as services uses.

(G) (1) General commercial uses including entertainment uses including bars, full service restaurants, quick service restaurants (not drive through fast food), dance and exercise studios, gyms, sports facilities, game arcades, and similar uses.

(2) Sales of alcoholic beverages require a conditional use permit in accordance with § [153.361](#).

(H) (1) Civic uses including government offices and services, libraries, community centers, conference facilities, and similar uses.

(2) Public infrastructure including support uses include water, storm water, sewer, and utility infrastructure, streets, sidewalks, bicycle paths, parking garages, transit stops, parks, plazas, streetscape improvements, and other public facilities.

(I) Institutional uses including colleges, trade schools, places of worship, museums, and similar uses.

(J) Tiny house villages, as defined in § [153.003](#) and as allowed in § [153.170](#) through [153.177](#).

(Ord. 2014-006, passed 7-8-14; Am. Ord. 2023-003, passed 1-24-23)

§ 153.071 DEVELOPMENT STANDARDS.

Applicability. District development standards in this section apply, unless altered or superseded through the use of a Planned Development Zoning District (§§ [153.160](#) through [153.164](#)) or adoption by the city of a Specific Plan or similar plan. Other City Code development standards apply if not addressed in this section.

(A) *Nuisances.* No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration or electrical interference detectable off the site.

(B) *Landscaping.* A landscaping plan for all uses (except single-family dwellings, duplexes and triplexes) including plant species, initial size, location, growth characteristics and method of irrigation shall be approved by the Community Development Director prior to issuance of any permit. Such required landscaping shall be installed prior to final inspection and shall be maintained by the property owner. Approval shall be based on the degree of compliance with landscaping standards as adopted from time to time by the City Council.

(C) *Trash storage area.* Trash bins (except single-family dwellings, duplexes, or dwelling groups) shall be provided in a fully enclosed trash storage area. This area or areas shall be provided at locations that are readily accessible to residents and sanitation collectors.

(D) *Off-Street parking.*

(1) *Non-residential uses.* Not less than 2¼ spaces per 1,000 square feet of building area.

(2) Shared parking between uses with different peak demand days or times is encouraged to reduce total area used for parking. When the viability of shared parking is demonstrated by the applicant, the minimum parking ratio may be reduced by one space per 1,000 square feet of building area. Commercial parking spaces shall be provided within 600 feet of the site.

(3) *Residential uses.* Not less than one space per unit.

(4) *Assisted living facilities.* Not less than ¼ space per unit.

(5) *Transient occupancy uses.* Not less than ½ space per room.

(6) Parking lots shall be located to sides and rears of buildings. No more than 50% of a site's street frontage may consist of parking lot or driveway.

(7) Uses not listed shall provide parking as required in § [153.184](#).

(E) *Open space requirements.* All multiple residential uses of two or more dwelling units on one lot shall provide open space of at least 50 square feet per unit with a minimum area of 300 square feet provided regardless of the number of units. This area shall not be a lineal open space, but should have a width and depth ratio not exceeding one to two (1:2). In very large complexes (more than 50 units) this required open space can be in multiple locations and all amenities approved by the Community Development Director.

(F) Pursuant to Government Code Section 65582.2, Higher Density Residential uses are permitted to have 100 percent residential uses in the Mixed Use District CX-1 Zone. A minimum of 50 percent of the total floor area shall consist of residential uses in a mixed-use project in the Mixed Use District CX-1 Zone. Floor area is defined in Section 153.003 of this Chapter.

(Ord. 2014-006, passed 7-8-14)

SECTION 2: Title XV: Land Usage, Chapter 153: Zoning is amended to add new Sections: 153.166 through 153.169, which shall read as follows (added language is represented in underline text):

Regional Housing Needs Assessment Overlay

Section

153.166 Purpose

153.167 Eligibility for By-Right Approval

153.168 Eligibility for Religious Institution Sites

153.169 Permit Requirements

§ 153.166 PURPOSE

This Section specifies the process for reviewing uses entitled to review as a “use by right” as defined in Government Code Section 65583.2. In enacting this Section, it is the intent of the City of Riverbank to implement State law as well as the goals, objectives, and policies of the General Plan.

This Section also creates opportunities for future affordable housing development on existing religious institutional land within the City of Riverbank and seeks to utilize State of California Senate Bill 4, signed into law on October 11, 2023, which permits housing as a use by right on lands owned by an independent institution of higher education or religious institution.

For the purposes of this Section, the following definition shall apply:

“By-right” shall mean that the review of the project may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” under the California Environmental Quality Act as defined in Government Code Section 65583.2.

§ 153.167 ELIGIBILITY FOR BY-RIGHT APPROVAL

The following residential uses are eligible for by-right approval provided site qualifies based on the following criteria:

(A) Are located on sites listed as lower-income sites in the adopted housing element site inventory pursuant to Government Code Section 65583.2(c) that are shown to have been either:

(1) Vacant and listed in two prior housing element site inventories; or

(2) Non-vacant and listed in a previous housing element site inventory.

The sites listed as lower-income sites in the adopted housing element pursuant to Government Code Section 65583.2(c) are shown in Table VI-10 of the 6th Cycle Housing Element.

(B) Are located on sites subject to rezoning in the adopted housing element site inventory pursuant to Government Code Section 65583.2(c).

(C) At least twenty (20) percent of the total number of housing units in the project are proposed affordable to lower-income households at affordable rent or affordable housing cost, as applicable.

§ 153.168 ELIGIBILITY FOR RELIGIOUS INSTITUTION SITES

The following residential uses are eligible for by-right approval provided site qualifies based on the following criteria:

(A) Are located on sites listed as religious institution sites in the adopted housing element site inventory pursuant to Government Code Section 65913.16.

(B) Are located on sites that meet the eligibility criteria pursuant to Government Code Section 65913.16.

The religious institution sites in the adopted housing element are shown in Table VI-15 of the 6th Cycle Housing Element.

§ 153.169 PERMIT REQUIREMENTS

(A) Permit requirements. An applicant for a project eligible for by-right approval shall submit a ministerial plan permit for approval of the design. No discretionary permit or approval is required.

(B) Review of application.

(1) For ministerial plan permit applications listed in this Section, the Community Development Director, or designee, without notice or hearing, shall consider the application ministerially without discretionary review. When the application is in compliance with the relevant standards, the permit shall be issued. The decision may be appealed to the Planning Commission pursuant Section 153.219.

(2) The application for the ministerial plan permit shall be reviewed for conformance with objective standards established by the General Plan, applicable Specific Plans, Zoning Code, design standards, and other adopted standards.

(3) As provided by Government Code Section 65583.2(i), an eligible project is exempt from the California Environmental Quality Act.

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall become effective thirty (30) days from and after its final passage, provided it is published pursuant to Government Code section 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 June 23, 2026. 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 28th day of July 2026; motioned by Councilmember Luis Uribe, seconded by Councilmember Cindy Fosi, and upon roll call was carried by the following vote 5/0.

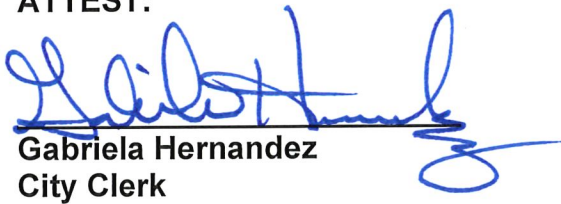
AYES: Councilmember, District 1 Luis Uribe
Councilmember, District 2 Cindy Fosi
Councilmember, District 4 Stacy Call
Vice Mayor, (CM-D3) John Pimentel
Mayor, Rachel Hernandez

NAYS: None

ABSENT: None

ABSTAINED: None

ATTEST:



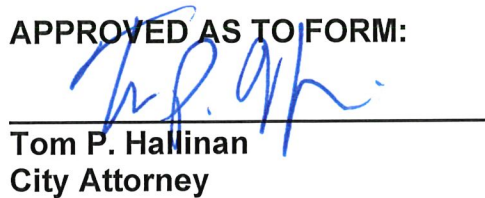
Gabriela Hernandez
City Clerk

APPROVED:



Rachel Hernandez
Mayor

APPROVED AS TO FORM:



Tom P. Hallinan
City Attorney