

**ORDINANCE O2024-XX**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 1501, THE ZONING ORDINANCE, AS AMENDED, A ZONING MAP CHANGE FOR THE AGS APARTMENTS PROJECT (REZ 23-67 and PD 23-69)**

WHEREAS, the Manteca City Council at their duly noticed public hearing of February 20, 2024, considered Site Plan Design Review Application No. SPA 23-70, Rezone Application No. REZ 23-67, General Plan Amendment Application No. GPA 23-68, and Planned Development Application No. PD 23-69 for AGS Apartments, filed by AGS Family Holdings, LLC,; and

WHEREAS, the current zoning for the project site is Neighborhood Commercial (CN) which requires a rezone for consistency with the project proposal; and

WHEREAS, the applicant has requested a Rezone (REZ 23-67) to change the base zoning district to Commercial Mixed-Use (CMU) and to establish the Planned Development Overlay Zone designation to implement the requested Planned Development (PD 23-69); and

WHEREAS, the project is deemed categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Article 19, 15332, Class 32, "In-Fill Development Projects" because the project is consistent with the General Plan; the site is smaller than five acres; the site has no value as habitat for endangered, rare or threatened species; and the project would not result in an significant effects related to traffic, noise, air quality, or water quality; and

WHEREAS, the Manteca Planning Commission at their duly noticed public hearing of January 18, 2024 approved Resolution No. 1644 recommending to the City Council approval of the Site Plan and Design Review, General Plan Amendment, Rezone and Planned Development for the AGS Apartments project; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

**SECTION 1: Amendment.** The Zoning Map of the City of Manteca, Zoning Ordinance No. 1501, as amended, is hereby amended as designated on the Zoning Map relating to the AGS Apartments project, Rezone No. REZ 23-69 (APN # 217-600-05), attached hereto as Exhibit "A" and made a part hereof.

**SECTION 2: Severability.** If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 3: Effective Date.** This Ordinance shall become effective thirty (30) days following adoption.

City of Manteca, a municipal corporation

MAYOR: \_\_\_\_\_  
GARY SINGH

ATTEST: \_\_\_\_\_  
CASSANDRA CANDINI-TILTON  
CITY CLERK

STATE OF CALIFORNIA }  
COUNTY OF SAN JOAQUIN } SS:  
CITY OF MANTECA }

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 20<sup>th</sup> day of February, 2024, and had its second reading and was adopted and passed during the public meeting of the City Council on the 5<sup>th</sup> day of March, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
CASSANDRA CANDINI-TILTON  
City Clerk

**Exhibits:**  
Exhibit "A": Rezone Map