

**ORDINANCE NO.**

**ORDINANCE APPROVING AMENDMENTS TO THE STOCKTON CITYWIDE ZONING MAP FOR AMENDMENTS TO THE PREVIOUSLY APPROVED CANNERY PARK SUBDIVISION PROJECT LOCATED ON MULTIPLE PARCELS AT 3827 PFC JESSE MIZENER STREET (APNs 122-020-32, -33, -38 and -60)(P21-0435)**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:

**SECTION I. FINDINGS AND INTENT**

Amendments to Zoning Map

- A. Pursuant to SMC section 16.116.050(B) "Mandatory Findings of Fact," an amendment to the Stockton Zoning Map may be approved only if all of the findings of fact listed below, can be made.
- I. The project site is currently zoned CG (Commercial, General) for 88.61 acres and RH (Residential, High Density) for 11.27 acres. The proposed rezoning would reclassify to 19.76 acres of CG, 12.34 acres of RH and 67.78 acres of RL (Residential, Low Density As the Project areas are surrounded by development, would be physically suitable to accommodate the change, is needed to comply with the General Plan amendment request, the rezone complies with City standards.
  - II. The design of the proposed development will not cause serious public health or safety problems. The proposed commercial and high density residential was previously approved on the subject property. The layout is being requested to be revised. The proposed low density residential uses are compatible with the adjacent residential uses to the south and west surrounding the subject site and will not cause serious public health or safety problems. All on-site and off-site improvements to serve the development will be constructed as part of the Project, which provides a public benefit. Any potential health risks have been evaluated in the Addendum to the Cannery Park EIR and are as necessary, addressed.
  - III. The proposed project site was previously certified for an EIR by the Cannery Park EIR [SCH # 2003042022]. The EIR Addendum was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA) section 15164, since the project is requesting a change of a previously certified EIR, and the proposal does not result in substantial changes or create new significant environmental effects beyond what was anticipated in the original EIR.
  - IV. (Additional Finding for Zoning Map Amendments). The Project will install

on-site and off-site improvements, including public streets, sidewalks, curbs, gutters, sidewalk, landscaping, and street lighting. All proposed utilities (e.g., water, sewer, storm drainage) will be extended to the subject site from the existing subdivision to the southwest and comply with the City's Standard Plans and Specifications.

### Residential Density

B. Pursuant to Government Code section 65863, the City may not reduce the residential density for any parcel to a lower residential density unless it makes written findings supported by substantial evidence of both of the following:

- I. The reduction is consistent with the adopted General Plan, including the housing element.

Evidence: The City of Stockton 2015-2023 Housing Element included the Cannery Park project high- and low-density units but did not anticipate residential uses in the commercial zoned designations. Since the proposed amendment will maintain the high-density housing units and add 331 new low-density units, the map amendments will add residential capacity beyond what was anticipated in the Housing Element.

- II. The remaining sites identified in the housing element are adequate to meet the requirements of section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

Evidence: In addition, the "no net loss" provision of Government Code section 65683 requires that specific findings be made if the City reduces residential density on any property to a lower residential density. As indicated above, the proposed amendment to convert the regional commercial zones to new housing will add housing to the project and city in addition to maintaining neighborhood services retail uses along Eight Mile Road and a new 4-acre neighborhood park.

## **SECTION II. AMENDMENT CITYWIDE ZONING MAP**

The Stockton Citywide Zoning Map pursuant to SMC section 16.16.030 (Zoning Map Adopted) is hereby amended as described in Section I (Finding and Intent) and illustrated in (Exhibit 1a), based on the above findings.

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**SECTION III. SEVERABILITY**

If any part of this Ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

**SECTION IV. EFFECTIVE DATE**

This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

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KEVIN J. LINCOLN II  
Mayor of the City of Stockton

ATTEST:

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ELIZA R. GARZA, CMC  
City Clerk of the City of Stockton