

ORDINANCE NO.

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT FOR THE PREVIOUSLY APPROVED CANNERY PARK MIXED USE PROJECT LOCATED ON MULTIPLE PARCELS AT 3827 PFC JESSE MIZENER STREET (APNs 122-020-32, -33, -38 and -60)(P21-0435)

On September 14, 2004, the Development Agreement (DA-2-03) between the City of Stockton and Holman Investors, LLC, was authorized by the City of Stockton Ordinance No. 022-4, effective October 14, 2004; and

On March 28, 2006, the Stockton City Council approved a First Amended and Restated Development Agreement (DA2-03) between the City of Stockton and Holman Investors, LLC to address the timing of development, more specifically, to not require the Developer to initiate or complete any portion of the project within any particular period of time within the allowed twenty (20) year agreement period; and

Holman Investors, LLC (Applicant) is requesting, amongst other requests, a second amendment to the Development Agreement for the Cannery Park Mixed Use Project to extend the time allowance an additional ten (10) years; and

On February 8, 2024, the Planning Commission held a duly noticed public hear, pursuant to Stockton Municipal Code (SMC) section 16.116.040(D), to consider the request for a second amendment to the Development Agreement and approved a recommendation that the City Council approve the amendment.

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

SECTION I. FINDINGS

Pursuant to SMC section 16.128.080 "Findings and decision," an amendment to the Development Agreement may be approved only if all of the findings of fact listed below, can be made.

- A. The Development Agreement is in the best interest of the City, as it would promote commercial and residential development and employment opportunities associated with those uses.
- B. The Development Agreement complies with the City Development Code and other applicable ordinances and regulations, particularly the regulations of Chapter 16.128 pertaining to development agreements.
- C. The Development Agreement is consistent with the general land uses, objectives, policies, and programs of the General Plan, any applicable specific plan or master development plan. The Development Agreement provides commercial and

housing development opportunities in Stockton, consistent with the General Plan goals and policies, including the creation of new housing and jobs.

- D. The Development Agreement will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare in that projects constructed pursuant to it are required to comply with all health and safety regulations, zoning requirements, infrastructure provision, and General Plan policies.
- E. The Development Agreement complies with the conditions, requirements, restrictions, and terms of section 16.128.060(B) (Preparation and Content - Proposed Development Agreement).
- F. The Development Agreement complies with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines in that evaluation of potential impacts have been completed and mitigation measures have been maintained to mitigate all identified impacts to a less-than-significant level.

SECTION II. DEVELOPMENT AGREEMENT

Pursuant to SMC section 16.128.070, the Stockton City Council has conducted a public hearing, and hereby approves the Development Agreement for the Delta Cove Project, attached as (Exhibit 1a), to be executed, based on the above findings.

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 III. EFFECTIVE DATE

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

ADOPTED: _____

EFFECTIVE: _____

ATTEST:

KEVIN J. LINCOLN II
Mayor of the City of Stockton

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