

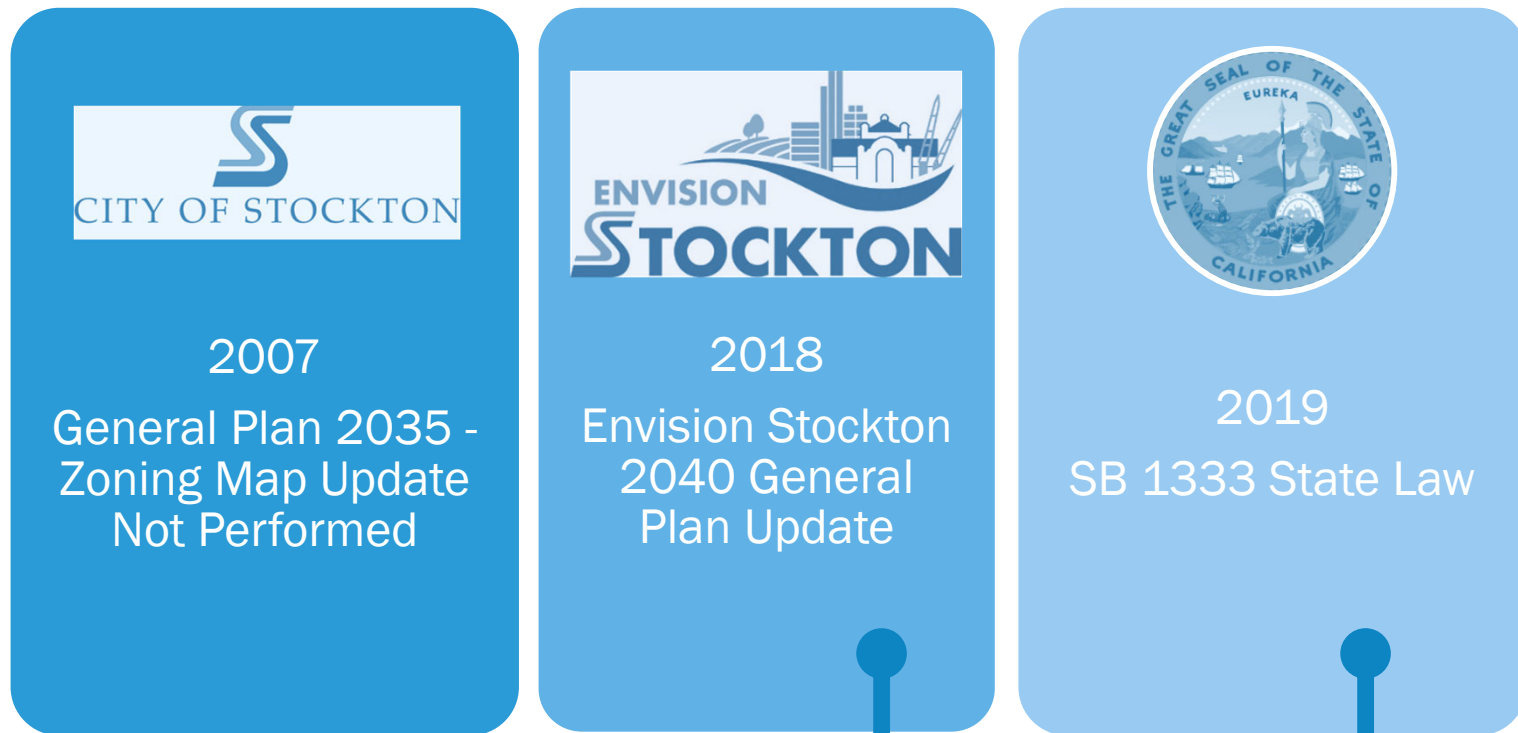
All reports related Item 16.3 from the April 5, 2022, City Council Meeting can be downloaded at:

<https://stockton.legistar.com/LegislationDetail.aspx?ID=5538222&GUID=3BA1C719-FF1A-4C62-9DCF-28FF8A1B12F4>

LAND USE INCONSISTENCY EFFORT:
SERIES 3 MAP UPDATES
and
PHASE 3 CODE TEXT AMENDMENTS

Stockton City Council
Agenda Item 16.3
April 5, 2022

Background



To Implement the General Plan, Zoning...

must now be consistent

What is “Consistency”?

<i>“THE VISION”</i>		<i>“THE TOOL”</i>	
General Plan Land Use (GPLU)		Implementing Zoning Designation	
LDR (Low Density Residential)		RL (Residential, Low Density)	
MDR (Medium Density Residential)		RM (Residential, Medium Density)	
HDR (High Density Residential)		RH (Residential, High Density)	
C (Commercial)		CN (Commercial, Neighborhood)	
		CG (Commercial, General)	
		CD (Commercial, Downtown)	
		CL (Commercial, Large-Scale)	
		CA (Commercial, Auto)	
		RH (Residential, High Density)	
PR (Parks and Recreation)		PF (Public Facilities)	

Source: General Plan Table 2-1



Series of Amendments

Spring 2020

Fall 2021

Spring 2022

First Series

Straightforward
Changes



City Council Approved
3/9/2021

Second Series

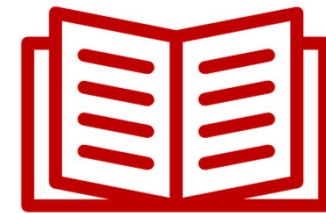
Additional Analysis
& Outreach



City Council Approved
11/16/2021

Third Series

Additional Analysis & Outreach
Paired with Title 16
Development Code Updates



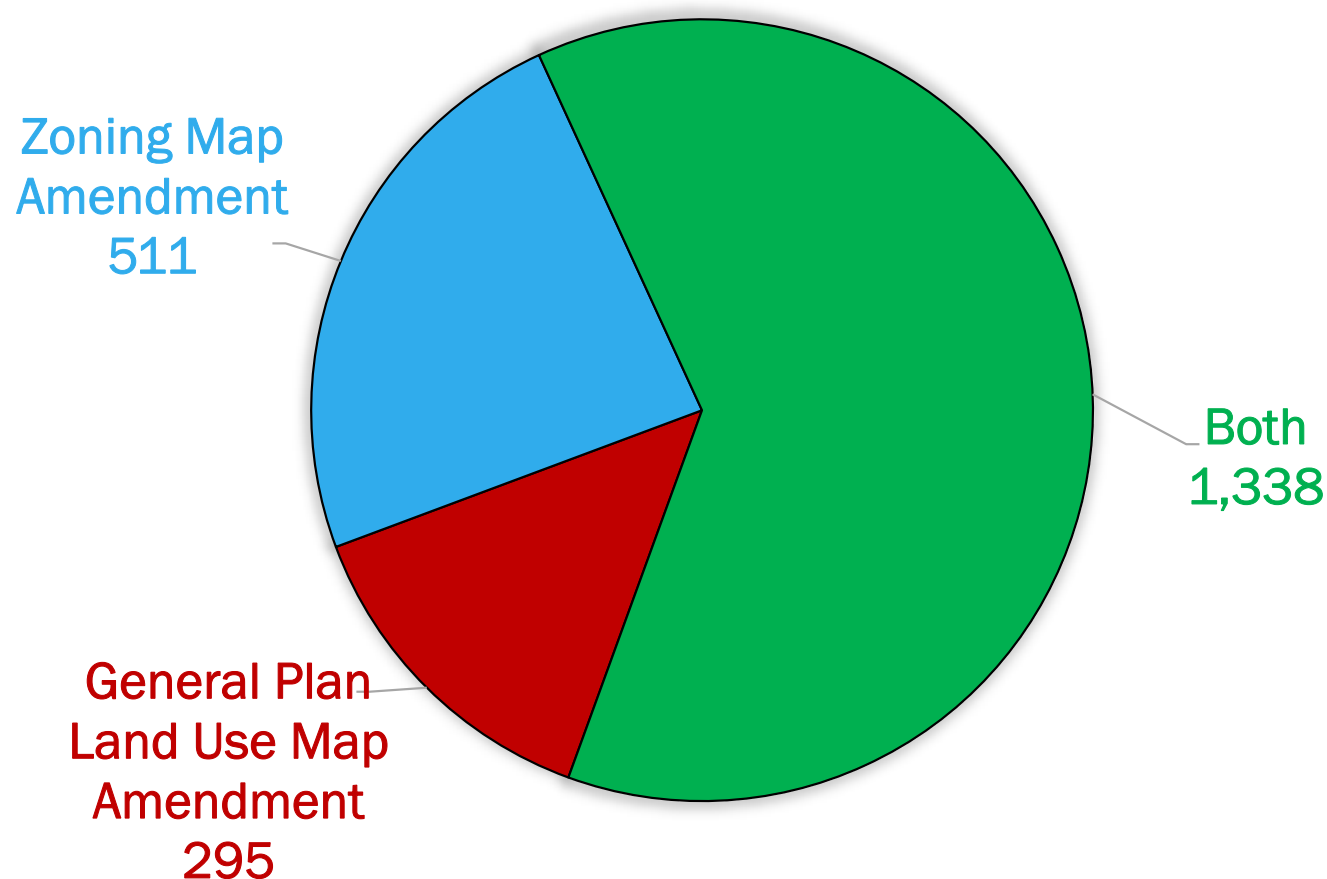
Current Series

Planning Commission
Recommended Approval*
1/27/22

*with modification



Series 3: By-the-Numbers



2,144 total properties



Overall Outreach

- Multiple Mailers sent to all recorded owners
- Two (2) Citywide virtual workshops
- Dedicated webpage, email, and phone line
- Press releases, social media/email blasts
- Online Citywide and neighborhood search tools
- Direct conversations with property owners
- Presentations to stakeholders
- Seven (7) Pop-up workshops
- Public Hearings + Study Sessions

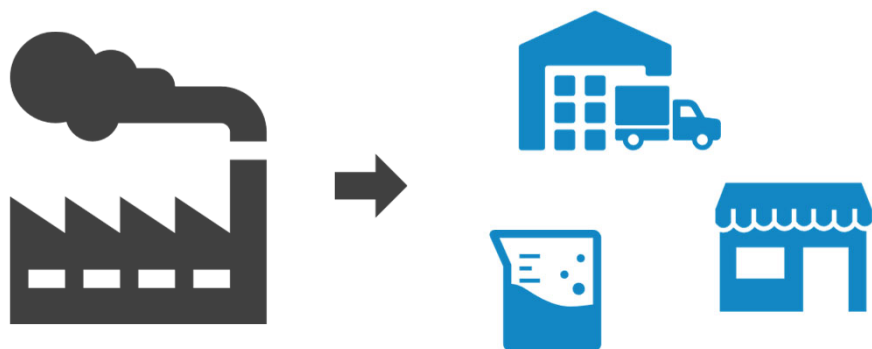


Map Amendments

- Implementation of various General Plan Policies ("Guiding Principals")
- Aligning land uses with surrounding urban environment/compatibility.
- Transitioning noxious uses; reduce potential for conflicting uses (e.g. industrial near residential).
- Ensuring housing capacity and Property Rights.
- Overlays and allowable uses are proposed for updates in the [Code Amendment](#) to better implement the vision of the General Plan.



Series 3 – Examples



Transition centrally-located **industrial to commercial**, with an overlay to allow “extra-light” industrial



Liberty Square shifted to **medium density residential**



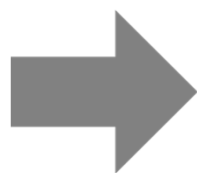
Transition to **Commercial, Downtown (CD) at edges** of Downtown Core



How Does It All Tie Together?



Envision Stockton 2040
General Plan Policies



Map Changes
(Zoning, General Plan)



Development Code
Updates



Map-Related Code Updates

- Clarifications/expansion of zoning designations.
- Amend Table 2-2 uses for flexibility.
- Modify definitions and standards for land uses.
- Expand housing typology definitions and standards.
- Allow limited multifamily development in CL zone.
- Modified Channel-Area Overlay.
- New Commercial-Industrial Overlay.
- Implement State housing law updates.
- Precursor to Development Code Overhaul (*estimated 2023 completion*).

Summary

- Series 3 Map changes would make **General Plan & Zoning consistent** throughout the City.
- Phase 3 Code changes will **improve permitting processes and streamline development** while the Overhaul is underway.
- January 27, 2022: Planning Commission recommended **approval**, with modification to include one 14-acre parcel.
 - Property owner has since rescinded request for this parcel to be included in Series 3.

Recommendation

Staff recommends the City Council adopt:

- A Resolution certifying an Addendum to the Envision Stockton 2040 General Plan EIR; and
- A Resolution approving General Plan Land Use Map Amendments; and
- An Ordinance approving Stockton Citywide Zoning Map Amendments; and
- An Ordinance approving Title 16 of the Stockton Development Code.

[City Home Page](#)[Legislation](#)[Calendar](#)[City Council](#)[Meeting Body](#)[Archived Media](#)

Details

File #: 22-0166 Version: 1

Type: Public Hearing

In control: [City Council/Successor Agency to the Redevelopment Agency/Public Financing Authority/Parking Authority Concurrent](#)

Final action:

Title: ADOPT A RESOLUTION APPROVING AN ADDENDUM TO THE STOCKTON GENERAL PLAN ENVIRONMENTAL IMPACT REPORT AND AMENDMENTS TO THE GENERAL PLAN LAND USE MAP, AND AN ORDINANCE AMENDING THE STOCKTON CITYWIDE ZONING MAP AND TITLE 16 OF THE STOCKTON MUNICIPAL CODE TO COMPLY WITH THE STOCKTON 2040 GENERAL PLAN AND CHANGES TO STATE LAW

Attachments: 1. [Attachment A - Guiding Principles](#), 2. [Attachment B - Summary of Outreach Efforts](#), 3. [Attachment C - Proposed GPLU Maps](#), 4. [Attachment D - Proposed Zoning Maps](#), 5. [Attachment E - Proposed Property Amendment List](#), 6. [Attachment F - Proposed Code Amendments](#), 7. [Attachment G - Approved PC Resolution](#), 8. [Proposed Resolution - GPLU Map](#), 9. [Exhibit1 - GPLU Map](#), 10. [Proposed Resolution - GPEIR Addendum](#), 11. [Exhibit 1 - GPEIR Addendum](#), 12. [Ordinance - Proposed Zoning Map Amendments](#), 13. [Exhibit 1 - Proposed Zoning Map](#), 14. [Exhibit 2 - Proposed Property List](#), 15. [Ordinance - Proposed Development Code Amendments](#), 16. [16.3 - PPT - Land Use Inconsistency Effort](#)

History (1) Text

title

ADOPT A RESOLUTION APPROVING AN ADDENDUM TO THE STOCKTON GENERAL PLAN ENVIRONMENTAL IMPACT REPORT AND AMENDMENTS TO THE GENERAL PLAN LAND USE MAP, AND AN ORDINANCE AMENDING THE STOCKTON CITYWIDE ZONING MAP AND TITLE 16 OF THE STOCKTON MUNICIPAL CODE TO COMPLY WITH THE STOCKTON 2040 GENERAL PLAN AND CHANGES TO STATE LAW

recommended action
RECOMMENDATION

It is recommended that City Council:

1. Adopt a Resolution to Certify an Addendum to the General Plan Environmental Impact Report (SCH# 2017052062) consistent with the California Environmental Quality Act (CEQA) Section 15164 (Addendum); and

2. Adopt a Resolution to amend the Stockton General Plan Land Use Map; and
3. Adopt an Ordinance amending the Stockton Citywide Zoning Map to ensure consistency with the Envision Stockton 2040 General Plan; and
4. Adopt an Ordinance Amending Title 16 (Development Code) of the Stockton Municipal Code (SMC) Sections 16.08.020 (Rules of interpretation), 16.12.020 (Requirements for development and new land uses), 16.16.020 (Zoning districts established), 16.16.030 (Zoning Map adopted), 16.20.020 (Allowable land uses and permit requirements), 16.24.040 (RL (residential, low density) zoning district standards), 16.24.110 (CL (commercial-large-scale) zoning district standards), 16.24.200 (Table 2-3 Zoning District Development Standards), 16.28.040 (Channel area (-CHA) overlay district), 16.28.060 (Magnolia historic (-MHD) overlay district), 16.28.070 (Commercial-Industrial (-CI) overlay district), 16.36.080 (Hazardous materials), 16.36.110 (Setback regulations and exceptions), 16.40.030 (Definitions), 16.40.040 (Types of density bonuses), 16.40.050 (Concessions or incentives, waivers or reductions, and eligibility points), 16.52 (Infill Development Standards), 16.64.040 (Number of parking spaces required), 16.76.030 (Prohibited signs), 16.76.040 (Sign permits), 16.76.090 (Illegal signs), 16.80.020 (Accessory uses and structures), 16.80.165 (Funeral facilities and services), 16.80.210 (Mobilehome parks and subdivisions), 16.80.215 (Multi-unit Residential), 16.80.250 (Outdoor dining and seating areas), 16.80.310 (Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs)), 16.84.020 (Review Authority for land use and zoning decisions), 16.92.170 (Runs with the land), 16.120.040 (Applicable Review Authority), 16.162.030 (Applicability), 16.228.040 (Provisions for nonconforming uses, structures, and parcels), and 16.240.020 (Definitions of specialized terms and phrases).

It is also recommended that City Council authorize the City Manager to take necessary and appropriate actions to carry out the purpose and the intent of these resolutions and ordinances.

body

Summary.

The Envision Stockton 2040 General Plan is one of the most important policy documents for the City, establishing how residents, business owners, property owners, and other stakeholders would like to see the City develop. Zoning is a tool used to implement the General Plan by applying standards to each property based on the established General Plan Land Use ("GPLU") Designation, such as Commercial or Residential. State law (California Government Code Section 65860) requires that these two documents be consistent with each other in order to realize the community vision. Since 2020, the City has been pursuing incremental amendments to the Zoning and General Plan maps (Series) and Development Code (Phases) to ensure consistency.

At the onset, staff determined approximately 6,000 properties may have a potential zoning inconsistency with the General Plan. Upon further research and analysis, staff found some of those properties did not actually have an inconsistency. On March 9, 2021, City Council approved the first Series ("Series 1") of amendments to the Zoning Map for 724 properties to create consistency. On November 16, 2021, City Council approved the Series 2 amendments for 1,385 properties. The current request amends either the GPLU Designation, Zoning Map, or both for 2,114 properties (approximately 2.5% of all properties in the City limits).

For consideration of General Plan and/or Zoning Map changes, Staff relied on existing General Plan policies and historical growth patterns to determine an appropriate solution for consistency. To ensure the proposed solutions maintain sufficient property rights while incentivizing owners to transition potentially conflicting land uses (e.g., industrial businesses in residential neighborhoods), staff is proposing an amendment to Title 16 of the Stockton Municipal Code (Development Code).

The proposed changes (Map and Code) are intended to maintain property rights, incentivize the transition of conflicting land uses, ensure development regulation predictability, and better implement the General Plan vision. The proposed amendments will not impact the current use of properties, or remove any legally established use or structure. In most cases, it will add value to private properties by increasing the site's usability by allowing additional permitted land uses and increased development intensities. An Addendum to the General Plan Environmental Impact Report (GPEIR) was prepared and found the proposed amendments will not result in any new or significant impacts beyond what was analyzed in the original GPEIR.

DISCUSSION

Background

In 2016, the Stockton City Council directed Staff to overhaul the 2035 General Plan to align the community vision with expected growth patterns for the next twenty years. After years of community outreach and analysis, the City Council adopted the Envision Stockton 2040 General Plan ("General Plan") on December 4, 2018. The new General Plan focused on infill development by creating authentic neighborhoods, restored communities, and orderly, well-planned, balanced growth. To better implement the new General Plan, the City needs to update the Zoning Code and Zoning Map to reflect the updated perspective on the City's future growth.

In 2020, City Staff identified over 6,000 parcels as potentially "inconsistent," generally meaning the GPLU Designation and Zoning did not match. To implement the General Plan, changes to the GPLU and/or Zoning need to occur. These changes are made through two maps: the Stockton Citywide Zoning Map ("Zoning Map") and the General Plan Land Use Map ("GPLU Map"). Existing homes and businesses will not be impacted, though future allowable uses or development standards may shift. In addition to updating the maps, which were broken up into a set of "series" for ease of implementation, Staff has been working in "phases" to update the Title 16 Development Code ("Development Code").

The Council approved the Phase 1 code amendments on June 9, 2020 (Ordinance #2020-06-09-1501) and the Phase 2 code amendments on December 1, 2020 (Ordinance #2020-12-1502). The City Council also approved the Series 1 map amendments on March 9, 2021 (Ordinance #2021-03-09-1601) and Series 2 map amendments on November 16, 2021 (Resolution #2021-11-16-1601, Ordinance #2021-11-16-1601).

The current proposal joins the Series 3 Map (Zoning and GPLU) amendments and Phase 3 Development Code amendments into a consolidated effort. As many of the properties included in Series 3 are in more historic and urban areas of the City, they often require more complex changes due to decades of irregular growth patterns created because of inconsistencies.

Due to the volume of properties requiring amendments and the complexity of solutions, Staff crafted a list of Guiding Principles for the overall effort based on General Plan policies and possible solutions. These principles include sustainable growth, strengthening property rights, and streamlining development. Attachment A includes an outline of the Guiding Principles with corresponding General

Plan policies and solutions. The Guiding Principles also includes a list of resources used by Staff to review past growth patterns, vested rights, and past community preferences.

The combined map and code amendments intend to bring about the predictability of development regulations and implement the vision of the 2040 General Plan while supporting development opportunities. Development Code updates are intended to address Map inconsistencies and incorporate selective updates for permit streamlining clarity, and compliance with State law. Development Code updates that implement map changes will result in flexibility for property owners and thoughtful land-use transitions by allowing innovative uses that are more compatible with the community and comply with General Plan policies.

Public Outreach

While Staff spent significant time researching and conducting technical analysis, recommendations were developed with feedback from property owners, stakeholders, and the community at large. Attachment B outlines the various "traditional" and "non-traditional" outreach methods employed throughout the Map and Development Code updates. Both methods included multiple public notices to thousands of property owners, dozens of workshops and meetings, numerous social media and website updates, and hundreds of e-mails and phone calls with interested owners.

Present Situation

The current request includes amendments to the GPLU Map, Zoning Map, and Development Code.

The Series 3 amendments propose changing either the GPLU Designation, Zoning, or both, for 2,144 properties. These amendments are necessary to align the Zoning Map and Development Code with the General Plan for approximately 2.6% of all properties currently within Stockton city limits (83,326 properties). These changes are shown in track changes and reflected in Attachment C (General Plan Land Use Map) and Attachment D (Stockton Citywide Zoning Map). Attachment E (Proposed Property Amendment List), outlines changes for each property.

To ensure the proposed solutions maintain sufficient property rights while incentivizing owners to transition potentially conflicting land uses (e.g., industrial businesses in residential neighborhoods), Staff is proposing an amendment to Title 16 of the Stockton Municipal Code (Development Code). The proposed Development Code amendments include a new Commercial-Industrial Overlay, additional allowable uses, performance standards, and enhanced definitions to allow future land use and development proposals more flexibility, especially for Series 3 properties. The Development Code updates also include amendments needed to meet State Law, implement industry best practices, and provide clarifications to better assist residents with understanding City policies and standards. Other Development Code changes not included in this Phase 3 effort will be included in the City's Development Code Overhaul, a separate effort that has recently begun and is expected to conclude in 2023.

Below is an overview of the reasons for the code changes:

Required for Map Consistency Effort (Series 3)

- Established a Commercial-Industrial Overlay, intended to preserve urban industrial land as viable sites of production and employment, and buffer heavy industrial activities from existing residential uses in transitioning neighborhoods.

- More permitted uses in zoning designations and enhanced performance standards to minimize potential impacts from those new uses.
- Administrative clarifications for interpreting standards, mapping, and definitions.
- Increased development flexibility in the Magnolia historic overlay district.

Required for State Law

- Modification to Density Bonus Law
- Refined definitions
- Junior Accessory Dwelling Units (JADU)

Clarification and Best Practices

- Creation of Multi-unit residential housing typologies, including development standards for Cottage Courts, Fourplexes, Triplexes, and Duplexes
- Refined definitions for "Handcraft Industries, Small-Scale Manufacturing" and "Artisan Food and Beverage"

The proposed Map and Development Code changes are intended to maintain property rights, incentivize the transition of conflicting land uses, ensure development regulation predictability, and better implement the General Plan vision. The proposed amendments will not impact the current use of properties or remove any legally established use or structure. In most cases, it will add value to private properties by increasing the site's usability by allowing additional permitted land uses and increased development intensities consistent with anticipated General Plan growth projections.

Although Staff expects the proposed Series 3 Map and Phase 3 Development Code amendments will address the balance of parcels determined to be inconsistent with the GPLU Map and Zoning Map, there remains a possibility that additional changes may be needed in the future.

STAFF ANALYSIS

The City Council is asked to approve amendments to the GPLU Map, Zoning Map, and Development Code (SMC Title 16), and to certify the Addendum to the General Plan Environmental Impact Report (EIR) based on the following analysis:

Amendment to the General Plan Land Use Map

The proposed amendments are consistent with the General Plan because GPLU Map changes are needed to align existing uses (home, business), identify housing capacity (i.e., Regional Housing Needs Allocation (RHNA)) sites, and ensure sustainable and orderly growth consistent with General Plan policies. This alignment occurs mostly in historic neighborhoods near the downtown core, where many structures and land uses were established in the early 20th century. The proposed map changes specifically implement the following General Plan policies:

- Policy LU-2.2 Facilitate the development of at least 4,400 new housing units in the Greater Downtown by 2040.
- Policy LU-3.3 Maintain or expand the currently available public park and open space area in each neighborhood.

- Policy LU-6.1 Carefully plan for future development and proactively mitigate potential impacts.
- Policy LU-6.2 Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.
- Policies LU-6.6C and LU-6.6D require consistency between the Development Code and Zoning Map.

The proposed amendments will further direct growth toward the Greater Downtown through additional commercial zoning (which allows residential development at up to 72-108 units/gross acre and floor area ratios of 3.0 - 5.0). Also, the proposed amendments will protect existing parks by designating them as parks instead of residential zoning and amend map designations resulting in more sustainable and equitable growth patterns by increasing compatible land uses (i.e., industrial away from housing).

The map amendments will not result in a physical change to the environment but will instead align the GPLU Map with the Zoning Map and zoning standards outlined in the Development Code. Future development will need to comply with all applicable development standards, including environmental, Zoning, building, and fire regulations for health and safety. Therefore, the proposed amendments will not endanger, jeopardize, or otherwise constitute a hazard to public health and safety. The Proposed GPLU Map Resolution Exhibit 1 includes the revised GPLU Map.

Housing Element and State Law

The City of Stockton 2015-2023 Housing Element includes a list of vacant or underutilized property sites that provide opportunities for meeting the City's fair share of RHNA. The identified RHNA sites were based on Zoning. The proposed amendments would align GPLU Map Designations with the densities and intensities identified in the State-certified Housing Element. The densities of the housing capacity sites will either be maintained or slightly increased due to the alignment. An example of the increase would be a land zone for medium-density residential being upzoned to a commercial or high-density residential to align with the General Plan vision for the area. In addition, many of the housing sites included are currently developed with residential, civic, or nonresidential uses.

In addition, the "no net loss" provision of Government Code 65683 requires that specific findings be made if the City reduces residential density on any property to a lower residential density. The Series changed align zones with their civic use (right-of-way, parks, schools, etc.), transitioned noxious services away from sensitive receptors (industrial uses adjacent to residential), and intensified areas of the City intended to support high-density housing. The intensification occurred mainly in the Greater Downtown Area and Downtown Core as identified in the City's General Plan, where densities can reach 108 units/gross acre. This intensification leads to an overall increase in housing units by almost 1,000 units compared to the General Plan EIR projection.

The proposed amendments will not decrease the number of properties available to provide new housing and will result in a slight increase in housing capacity due to the intensification in urban areas. While some public uses (e.g., parks, schools, rights-of-way) are being corrected to match their intended function, these areas were never meant to provide housing. The proposed map amendments do not reduce the intensities or preclude residential development on the housing capacity sites (i.e., RHNA). They will result in a slight increase of housing unit capacity beyond the General Plan EIR. Therefore, the map changes will not impact the City's Housing Element or overall housing capacity.

Amendment to the Zoning Map

The proposed amendments are consistent with the General Plan because they are needed to align the existing Stockton Citywide Zoning Map with the proposed changes to the General Plan Land Use Map. No physical changes are presented with this Zoning amendment as future development will need to comply with all applicable Zoning and development standards and building regulations for health and safety. Because of this, the proposed amendments will not endanger, jeopardize, or otherwise constitute a hazard to public health and safety. The Proposed Map Ordinance Exhibit 1 includes the proposed map itself, while Exhibit 2 includes the Proposed Property List.

Amendment to the Title 16 of the Stockton Municipal Code (SMC)

The Phase 3 Development Code amendment changes include a new industrial-commercial overlay, more allowable uses, and performance standards. In contrast, other changes include administrative changes to definitions, clarifications, refinement of existing processes or standards, and minor grammatical fixes. Proposed Development Code amendments include administrative changes to clarify existing standards and processes or to codify existing land use (i.e., homes, businesses). The code amendment also includes additional allowable land uses; however, most of those new land uses require discretionary review, specific performance standards to minimize impacts and be reviewed on a case-by-case basis. Attachment F includes the Development Code amendments in Redline Track-Changes, while the Proposed Development Code Ordinance consists of a clean version of the proposed Development Code amendments embedded within the ordinance.

The Development Code amendments will not result in a physical change to the environment or change the intensities proposed in the General Plan and will be internally consistent with other applicable provisions of this Development Code. Future development will still need to comply with all appropriate environmental, Zoning and development standards, and all building and fire regulations for health and safety. Because of this, the proposed Development Code amendments are consistent with the General Plan and Development Code and will not endanger, jeopardize, or otherwise constitute a hazard to public health and safety.

Environmental Analysis

The proposed amendments are considered a discretionary "project" under the California Environmental Quality Act ("CEQA") and require analysis. An Addendum to the General Plan Environmental Impact Report ("GPEIR") is proposed pursuant to the CEQA Guidelines Section 15164 to address the proposed amendments to the GPLU Map, Zoning Map, and Development Code (See Proposed Addendum Resolution, Exhibit 1). The GPEIR was prepared and certified the City Council as part of the Envision Stockton 2040 General Plan process (SCH# 2017052062). The GPEIR provides a programmatic review of the potential impacts associated with the implementation of the General Plan and General Plan Land Uses and includes Mitigation Measures based on those land uses.

The Addendum to the GPEIR analyzes amendments to the GPLU Map and Zoning Map, and is necessary to bring the General Plan, Zoning Map, and Housing Element into alignment with each other. The addendum concluded that none of the potential changes being considered by the City Council will impact the analysis or conclusions of the GPEIR or the Housing Element Negative Declaration (ND) as to the extent of the potential impacts and allowed density considered. Future development proposals, for properties with amended designations, will be reviewed on a case-by-case basis for consistency with this analysis and will be subject to the appropriate Mitigation Measures contained in the GPEIR. Pursuant to CEQA Guidelines, Section 15164, the amendments are consistent with the conditions under which an Addendum to the Certified EIR is appropriate. Therefore, the addendum to the GEIR is sufficient for the proposed map amendments and no further environmental review or mitigation is needed.

Planning Commission

On January 27, 2022, a Planning Commission hearing was held on the Phase 3 and Series 3 updates. Four (4) public comments were received, two (2) of which were specific to the inclusion of an unincorporated parcel into the effort (APN 16-013-05). After a robust discussion on the proposed changes and methodology utilized by staff, the Planning Commission voted 6-0 (Commissioner Jones Absent) to approve the modified motion, which included language to amend the GPLU Map from Institutional to Industrial for an additional parcel (APN 162-013-05) located outside of City limits, but within the City's Sphere of Influence. Additionally, the Planning Commission's motion directed staff to amend the proposed Addendum to the GPEIR to include an environmental analysis of the map amendment proposed with the inclusion of APN 162-013-05. The approved resolution is included as Attachment G.

After the Planning Commission Hearing, the Property Owner for the subject site (APN 162-130-05) requested to remove his parcel from City Council's ("Series 3") consideration, to avoid additional delay in analyzing the potential environmental effects of the request. City Staff continues to support the amendment and will continue to work with the Property Owner to bring the item before the City Council for consideration, either as a property owner initiated General Plan amendment or through a future City initiated General Plan update.

Public Notice

Notice for the City Council public hearing for this request was published in *The Record* on March 25, 2022. The mailed notice was sent to all property owners potentially affected by the proposed amendments at least ten days before the hearing. As of the publication of this report, no written comments have been received.

FINANCIAL SUMMARY

The requested action will have no immediate financial impact.

Attachment A - Guiding Principles

Attachment B - Summary of Amendment Outreach Efforts

Attachment C - Proposed General Plan Land Use Maps of Series 3 Properties

Attachment D - Proposed Zoning Maps of Series 3 Properties

Attachment E - Proposed Property Amendment List

Attachment F - Proposed Code Amendments in Track-Change

Attachment G - Approved Planning Commission Resolution