

ORDINANCE NO.

ORDINANCE APPROVING AMENDMENTS TO THE STOCKTON CITYWIDE ZONING MAP TO COMPLY WITH THE STOCKTON 2040 GENERAL PLAN AND CHANGES TO STATE LAW

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

SECTION I. FINDINGS AND INTENT

Pursuant to SMC Section 16.116.050(B), the City Council makes the following Mandatory Findings of Fact for All Amendments and Additional Findings for Zoning Map Amendments:

a) The proposed Amendments ensure and maintain internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and will not create any inconsistencies with this Development Code.

Evidence: 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., RHNA) sites, and ensure sustainable and orderly growth consistent with the 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 units/gross acre). 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 Stockton Citywide 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.

- b) The proposed amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City.

Evidence: The proposed Amendments are consistent with the General Plan because the City is required by State law to align Zoning and other regulatory tools with the General Plan. Alignment includes land use, community vision, programmatic use, and housing capacity defined by the Housing Element. General Plan Action items LU-6.6C and LU-6.6D even require consistency between the Development Code and Zoning Map. Future development will need to comply with all applicable Zoning and development standards and all building and fire regulations for health and safety. Therefore, the proposed amendments are consistent with the General Plan and will not endanger, jeopardize, or otherwise constitute a hazard to public health and safety.

- c) The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Evidence: 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 General Plan Land Use ("GPLU") Map and Stockton Citywide Zoning Map ("Zoning Map"). The GPEIR was prepared and certified by 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, Zoning Map, and Development Code. These amendments are necessary to align the Zoning Map and Development Code with the General Plan for approximately 2,144 properties, about 2.6% of all properties currently within Stockton city limits (83,326 properties).

There are 512 Zoning-only changes, 294 GPLU-only changes, and 1,338 changes to both Zoning and GPLU. The proposed project includes Zoning and GPLU updates for parcels throughout the extents of the city boundaries. Most changes occur in developed infill areas to align Zoning and GPLU with one another. These changes are needed to transition noxious industrial uses away from residential uses by converting them to commercial and in other areas increase development intensity for properties in urban downtown areas to align with General Plan development intensities. Designation changes to commercial zones allow the option of commercial development, residential units, or a combination of both. Many industrial

sites in the core of the city are proposed to change to commercial zones, increasing the allowable uses for these sites, while the Commercial-Industrial Overlay recognizes the industrial past of these areas, allowing some light industrial uses to initiate in these same areas. Generally, these changes provide the same level of, if not slightly more, development flexibility for property owners. Other recommendations include changes to accurately categorize some rights-of-way and open space areas that, to date, have been mapped as within adjacent zoning districts with standards that are not applicable for rights-of-way or open space.

The proposed amendments will not impact the current use of the properties or remove any legally established use or structure. In most cases, it will add flexibility to private properties by increasing the site's usability, allowing additional permitted land uses, and increasing development intensities consistent with the anticipated General Plan growth projections.

The General Plan contains land use, circulation, housing, noise, safety, conservation, open space, urban design, economic development, air quality, historic and cultural resources, infrastructure, services, and finance. The GPEIR addresses potentially significant impacts involving growth consistent with those policies and directs what development standards should apply to all development within the General Plan Planning Area. The General Plan EIR envisions the buildout of the City and includes analysis from urban areas for densities up to 108 units per gross acre and floor area ratios of 5.0.

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. The Housing Element relies on a Certified ND that assessed impacts of the Regional Housing Needs Allocation ("RHNA") established capacity sites. Since the proposed amendments are not changing development intensities set in the GPEIR or Housing Element ND, there are no new impacts beyond what was previously analyzed. Future development proposals based on the amended designations would be reviewed on a case-by-case basis for consistency with this review. That development will be subject to the appropriate Mitigation Measures contained in the GPEIR. According to CEQA Guidelines, Section 15164, the amendments are consistent with the conditions under which an Addendum to the Certified EIR is appropriate.

- d) The site(s) would be physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations(s) and anticipated land use development(s).

Evidence: The proposed amendments are consistent with the General Plan because they are needed to align the existing Zoning Map with the proposed changes to the GPLU 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. The includes the proposed

Citywide Zoning Map.

- e) Pursuant to Government Code section 65863, the City cannot amend land uses that could result in a residential density reduction or allow the development of any parcel at a lower residential density unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:
1. The reduction is consistent with the adopted General Plan, including the housing element.

Evidence: 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 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.

2. 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 65683 requires that specific findings be made if the City reduces residential density on any property to a lower residential density. The proposed amendments will not decrease the number of properties available to provide new housing and 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. Other areas of the City are aligning GPLU Designation with Zoning that allows greater densities (e.g., low-density GPLU Designation amendment to align with medium density Zoning).

The Series 3 changes 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 and infill housing in the City's more urbanized areas. 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 GPEIR and Housing Element projections. The proposed map amendments do not reduce the intensities or preclude residential development on the housing capacity sites (i.e., RHNA) and will result in a slight increase of housing unit capacity beyond the GPEIR. Therefore, the map changes will not impact the City's Housing Element or overall housing capacity.

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 1 and Exhibit 2.

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: _____

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

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