

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AMENDING THE GENERAL PLAN LAND USE MAP TO COMPLY WITH THE STOCKTON 2040 GENERAL PLAN AND CHANGES TO STATE LAW

In 2016, the Stockton City Council directed City staff to overhaul the 2035 General Plan to better 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; and

As required by State Law (Gov. Code § 65860), the City must amend its Zoning Code (Title 16 Development Code), development standards, and Zoning Map to be consistent with the General Plan; and

In 2020, City staff identified thousands of properties with inconsistencies between the General Plan or Zoning. Due to the significant level of analysis and outreach necessary to make informed recommendations on the inconsistency, Staff proposed a series of amendments to correct these inconsistencies; and

The City Council approved the first Series ("Series 1") on March 9, 2021, and the second series ("Series 2") on November 16, 2021; and

There are 2,144 properties included within the "Series 3" proposed amendments, approximately 2.6% of all properties currently within Stockton city limits (83,326 properties). Series 3 changes encourage distancing of industrial uses from residential areas, the creation of walkable, mixed-use areas in existing neighborhoods, and the creation of housing throughout the City; and

Series 3 proposed amendments will help meet policies and goals of the 2040 General Plan, the Housing Element, environmental justice goals, and other policy objectives through amendments to General Plan Land Uses Zoning Map, and the Development Code; and

The proposed amendments are consistent with the General Plan because they are needed to align the General Plan Land Use (GPLU) Map, Zoning Map, and Development Code with the General Plan policies, community vision, and Housing Element. 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 the public health and safety; and

On January 27, 2022, the Planning Commission held a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) Section 16.116.040(D), to consider the

proposed amendments all times all interested parties had the opportunity to be heard. The Stockton Planning Commission voted to recommend the Stockton City Council adopt a Resolution to approve a General Plan Land Use Map amendment from Institutional to Industrial for a 14-acre parcel located at 3401 W State Route 4 (APN 162-130-05) at the northwest corner of State Route 4 and S Roberts Road; and

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; and

On April 5, 2022, the City Council held a duly noticed public hearing to consider the proposed Amendments and certify the Addendum to the General Plan EIR. After discussion, the Council voiced concerns on the proposed amendments, directed staff to conduct additional outreach, and then voted to continue the item to a date uncertain; and

On July 12, 2022, the City Council held a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) Section 16.116.040(D), to consider the proposed Amendments and certify the Addendum to the General Plan EIR, at which all times all interested parties had the opportunity to be heard; now, therefore,

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

1. Pursuant to SMC Section 16.116.050(B), the City Council makes the following Mandatory Findings of Fact for General Plan Land Use Map, Zoning Map, and Development Code Amendments:

- a) The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would 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 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 and 108 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. Still, they 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 further refined by the General Plan because the City is required by State law to align Zoning and other regulatory tools with the General Plan. 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 GPLU Map, Zoning Map, and Development Code. 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).

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. 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 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. At the same time, the Industrial-Commercial 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 properties' current use 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. Proposed Development Code amendments include administrative changes to clarify existing standards and processes or codify existing land use (i.e., homes, businesses). The code amendment also has additional allowable land uses; however, most new land uses require discretionary review, and specific performance standards to minimize impacts and will be reviewed on a case-by-case basis.

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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 72 and 108 units per gross acre and floor area ratios of 3.0 – 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 assesses 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. In addition, tribal consultation was conducted per Senate Bill 19 due to the General Plan amendment as no comments have been provided for or against the proposed changes. Future development proposals will be reviewed on a case-by-case basis for consistency with State law and all applicable development standards. 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.

2. 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:

- a) 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 zoned 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.

- b) *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. The Series 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 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 and Housing Element projections.

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. 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.

3. The City Council hereby adopts a Resolution approving amendments to the Stockton General Plan Land Use Map (Exhibit 1).

4. The City Manager is hereby authorized to take whatever actions are appropriate and necessary to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED _____ July 12, 2022 _____.

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

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