

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.16, SECTION 16.16.030 OF THE STOCKTON MUNICIPAL CODE RELATED TO THE "ZONING MAP," TO RECLASSIFY A PROPERTY LOCATED AT 6343 TAM O'SHANTER DRIVE FROM INDUSTRIAL, GENERAL TO INDUSTRIAL, LIMITED (P16-0633)

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

SECTION 1. FINDINGS AND INTENT

The City Council of the City of Stockton finds that:

A. The proposed Rezoning ensures and maintains internal consistency with the general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with the Development Code. The requested Rezoning will be consistent with the following General Plan policies:

- i. Land Use Policy No. LU-5.5, Compatible Land Use - The City shall ensure an adequate separation between sensitive land uses (residential, educational, healthcare) and industrial land uses to minimize land use incompatibility associated noise, odors, and air pollutant emissions from industrial uses; and
- ii. Land Use Policy No. LU-7, Maintaining a Current General Plan - The City shall maintain the General Plan to ensure that it reflects the needs and desires of those who live, work, and vacation in San Joaquin County.

Approval of the Rezoning will allow a planned religious facility on the site and the use will create a land use buffer between adjacent CO and IG zoned parcels. It will generate less intensive environmental impacts, including noise, traffic, air pollution, and odors than other existing and permitted uses that would otherwise be permitted in the IG zone. The Rezoning of the subject site from IG to IL will be consistent with the site's current Industrial General Plan designation, because the planned use is permitted as a by-right use in the IL zone and would provide religious, counseling, and educational services to serve the community.

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, because the planned re-use of the site's existing building would improve public health and safety by installing additional exterior lighting around the building and in the parking lot. Reusing the building would deter the potential

vandalism, graffiti, and other illegal activities in the area.

C. The proposed action is a Categorically Exempt use, in accordance with the provisions of Section 15301, Class 1, of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because the planned use of the subject site is not expected to result in any significant adverse impacts related to traffic, noise, air quality, or water quality and the site will be adequately served by all required utilities and public services.

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 designation(s) and anticipated land use development(s), because the area is already supplied with the required infrastructure and has access to a public right-of-way. Approval of the Rezoning will allow the planned re-use of the existing building, and there are no known physical constraints associated with the subject site and planned use.

SECTION II. AMENDMENT OF CODE

Title 16, Chapter 16.16, Section 16.16.030 of the Stockton Municipal Code, is hereby amended as follows:

The subject property, which is in the City of Stockton, County of San Joaquin, State of California, is hereby reclassified in accordance with the rezoning description contained in the Legal Description and Zoning Map, attached hereto as Exhibits A and B and incorporated by this reference.

SECTION III. SEVERABILITY

If any of this ordinance or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end, the provisions of this act are severable.

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SECTION IV. EFFECTIVE DATE

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

ADOPTED: _____
EFFECTIVE: _____

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton

March 17, 2017
Project No. 16108

EXHIBIT "A"
LEGAL DESCRIPTION
REZONE FROM I-G TO I-L

ALL THAT REAL PROPERTY SITUATE IN THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, CITY OF STOCKTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 13, AS SHOWN UPON MAP ENTITLED, "TRACT NO. 1506, HAMMERTOWN, UNIT NO. 1", FILED FOR RECORD MARCH 16, 1979, IN VOLUME 24 OF MAPS AND PLATS, PAGE 39, SAN JOAQUIN COUNTY RECORDS.



Zoning Map

