

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 FROM RM (RESIDENTIAL, MEDIUM-DENSITY) TO RL (RESIDENTIAL, LOW-DENSITY) LOCATED AT THE SOUTH SIDE OF THE CALAVERAS RIVER BETWEEN ALVARADO AVENUE AND THE UNION PACIFIC RAILROAD (P17-0356)

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 zoning change 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, because approving Rezoning will allow the subject residential development to comply with applicable provisions of the Development Code. The Rezoning maintains consistency with the General Plan goals and policies. The requested Rezoning will be consistent with the following General Plan policy:

- i. Housing 1.5, Infill Development – The City shall encourage construction of new homes on vacant lots in existing developed areas of the city where public improvements have already been installed, because the subject site will be served by City sewer, water and storm drainage lines. All utilities will be extended to the subdivision from existing utilities located in Alvarado Avenue. The development will provide homeownership opportunities for moderate-income households.

B. The proposed Rezoning 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 request of zoning change will be a logical extension of the existing RL zoning to the south and west of the project site. The single-family residential development will be compatible with the surrounding land uses and does not have the potential to constitute a hazard to the public health, safety or welfare of persons residing or working in the area.

C. The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because an Initial Study/Final Mitigated Negative Declaration (P17-0356) has been prepared and is intended to provide environmental clearance under CEQA for the Calaveras Estate IV Residential Project.

D. The site would be physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation and anticipated land use development, because the area is already supplied with the required infrastructure, utilities and accesses. Approval of the Rezoning will allow the single-family residences nearby an existing residential neighborhood.

SECTION II. AMENDMENT OF ZONING MAP

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 Zoning Map and Legal description, attached hereto as Exhibit 1 incorporated by this reference.

SECTION III. CONDITIONS OF APPROVAL

Concurrent with the recordation of the Final Map, the owners, developers, and/or successors-in-interest (ODS) shall do one of the following, subject to the approval of the Chief Financial Officer:

a. Master Services and Maintenance Communities Facilities District (CFD). The ODS shall enter into an agreement with the City, which shall be recorded against the property, that stipulates that the ODS will annex into and otherwise comply with all requirements of the new citywide Master Services and Maintenance, once formed; or establish another lawful funding mechanism, other than direct funding, acceptable to the City for funding the on-going operational costs of providing Police services, Fire services, Public Works services, and other City services to serve the Project area. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; or

b. Direct funding. The ODS shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that the ODS will fund a fiscal impact study to be conducted and approved by the City to determine the long term on-going operational costs of providing Police services, Fire services, Public Works services and other City services to serve the Project area, and deposit with the City an amount necessary, as reasonably determined by the City, to fund the full costs in perpetuity as identified by the approved study.

SECTION IV. 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.

SECTION V. 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:

BRET HUNTER, CMC
City Clerk of the City of Stockton