

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.16, SECTION 16.16.030 OF THE STOCKTON MUNICIPAL "ZONING MAP," TO RECLASSIFY APPROXIMATELY 391.23 ACRES FROM RL (RESIDENTIAL, LOW-DENSITY), RM (RESIDENTIAL, MEDIUM-DESITY), RH (RESIDENTIAL, HIGH-DENSITY), AND PF (PUBLIC FACILITIES) TO IL (INDUSTRIAL, LIMITED), LOCATED SOUTH OF ARCH AIRPORT-SPERRY ROAD BETWEEN TIDEWATER SOUTHERN RAILROAD TRACK AND FRENCH CAMP ROAD (P18-0046, TIDEWATER CROSSING PROJECT)

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:

1. The proposed rezoning Map Amendment 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 proposed Zoning Map Amendments are consistent with the 2040 General Plan Land Use Map, as referenced by General Plan Table 2-1 (General Plan Relationship to Development Code). Removing the General Plan and Zoning Map inconsistencies also enables the ability to advance the General Plan policies below:

- a. Policy LU- 4.1 Encourage large-scale development proposals in appropriate locations that include significant number of higher-wage jobs and local revenue generation.
- b. Policy LU-4.2. Attract employment – and tax-generating businesses that support the economic diversity of the city.

The proposed amendment also would not result in any inconsistencies with the Development Code since it concerns the Zoning Map and not the code text.

2. 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.

As an application intended to align the Zoning Map with the General Plan Land Use Map, protection of the public is demonstrated by the City Council Resolution No. 2018-12-04-1503-02 adopting the General Plan. Future development within the project area is subject to all applicable rules and regulations whose purpose is to protect the public's health, safety and general welfare.

3. The project 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).

As demonstrated by the General Plan Land Use Map and General Plan EIR, the area subject to this request is physically suitable for industrial development.

Floodplain Management Finding

4. Compliance with SMC section 16.90.020 is demonstrated by a “Technical Memorandum” related to a 200-Year Flood Protection for the rezoning site, prepared by VVH Consulting Engineers, dated January 28, 2019. The report states that a portion of the rezoning area may experience flood depths greater than three (3) feet during the 200-year flood event including Parcel Nos. 177-050-05 and 09 (3 to >10-foot depths) and Parcel Nos. 177-050-25, 177-100-35 and 07 (3 to 5-foot depths). The technical memo identifies that flood protection will be met by elevating habitable structure finish floor elevations to within three (3) feet of the 200-year water surface elevation. Therefore, the Zoning Map Amendment may be approved since it will facilitate development able to accommodate flood protection in conformance with SMC section 16.90.020 (A)(5).

California Environmental Quality Act

5. The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines.

In accordance with CEQA Guidelines section 15183, the Project qualifies for an exemption because the following findings can be made in the affirmative:

- a. The Project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.

The proposed Project consists of a 391.23-acre site that would include Industrial Limited (IL), Commercial, General (CG), and Parks and Recreation (PF). These designations are consistent with the land use designations shown on the 2040 General Plan Land Use Map. The Industrial land use designation will allow for a wide variety of industrial uses, including construction contractors, light manufacturing offices, retail sales, service and similar compatible uses. The maximum Floor Area Ratio (FAR) permitted for industrial use under this designation is 0.6. The commercial land uses will allow for a wide variety of office, retail, service and commercial recreational uses. A maximum FAR permitted for Commercial uses outside of the Greater Downtown area is 0.3. The Parks and Recreation land use allows for city parks, and other similar and compatible uses. The maximum FAR for this land use is 0.2. The development intensity for each proposed zoning district is consistent with the 2040 General Plan Land Use Map designations.

- b. There are no project specific effects which are peculiar to the project or its site, and which the general plan update EIR failed to analyze as significant impacts.

The proposed Project consists of zoning map amendment. No physical development plan is proposed. Therefore, there are no project specific effects, which are peculiar to the Project or its site. The Project could result in significant impacts associated with conversion of existing agricultural land to non-agricultural land, biological resources, traffic impacts, and air quality/greenhouse gas emission impacts; however, mitigation measures specified within the 2040 General Plan EIR have been identified to mitigate such impacts.

- c. There are no environmental effects related to the Project that result in potentially significant off-site and/or cumulative impacts, which the general plan update EIR failed to evaluate.

The proposed Project would be consistent with the land use and zoning designations and classifications that were considered in the 2040 General Plan and 2040 General Plan EIR. The 2040 General Plan EIR has considered the incremental impacts of the proposed Project and the Project would apply the 2040 General Plan EIR policies and mitigations measures as applicable. With the implementation of the 2040 General Plan EIR policies and mitigation measures, the proposed Project would not generate potentially significant off-site or cumulative impacts that have not been previously identified and analyzed in the 2040 General Plan EIR.

- d. There is no substantial new information which was not known at the time the 2040 General Plan EIR was certified that indicates more severe impacts than discussed in the prior EIR.

No new information has been identified which would result in a determination of a more severe impact than had had been anticipated by the 2040 GP EIR. The potential impacts associated with the proposed Project have been fully analyzed and disclosed within the 2040 General Plan EIR. Where impacts have been identified, the 2040 General Plan EIR incorporates policies and mitigation measures to reduce such impacts.

- e. The project will undertake feasible mitigation measures specified in the general plan update EIR.

When applicable, subsequent development after Project approval would implement feasible mitigation measures and policies as specified in the 2040 General Plan EIR. These mitigation measures and policies would be implemented by the Project through project design, compliance with regulations and ordinances.

SECTION II. REZONING CLASSIFICATION

That the "Zoning Map," particularly referred to in section 16.16.030 of the Stockton

Municipal Code, and by reference made a part hereof, said 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 Maps (Exhibit 1), attached hereto and incorporated by this reference.

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:_____

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

CHRISTIAN CLEGG
Deputy City Manager and
Interim City Clerk of the City of Stockton