

## **ORDINANCE NO.**

### **ORDINANCE AMENDING THE STOCKTON CITYWIDE ZONING MAP FOR MULTIPLE PROPERTIES THROUGHOUT THE CITY TO ENSURE CONSISTENCY WITH THE ENVISION STOCKTON 2040 GENERAL PLAN**

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

#### **SECTION 1. FINDINGS AND INTENT**

Pursuant to Stockton Municipal Code (SMC) section 16.116.050(B), the City Council makes the following mandatory Findings of Fact:

- 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 purpose of the proposed City initiated amendments to the General Plan Land Use Map and Zoning Map is to maintain consistency between both maps. The proposed amendments include rezones to create consistency with the General Plan Land Use Map and changes to the General Plan Land Use Map to create consistency with the Zoning Map where staff determined it was more appropriate to support the existing underlying use of a parcel. None of the proposed amendments to the General Plan Land Use Map and Zoning Map will create inconsistencies with the Development Code, and will in fact the proposed changes will make it easier to apply the Development Code by aligning the General Plan and zoning land use designation of parcels. Future development will need to comply with all applicable zoning and development standards as well as all building and fire regulations for health and safety.

The proposed amendments to the General Plan Land Use Map and Zoning Map maintain consistency and are supported by the following General Plan policies:

- Action LU-6.6D Review and update the Zoning District Map to ensure consistency with the updated General Plan.
  - Policy LU-6.2 Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.
  - Policy LU-1.1 Encourage retail businesses and housing development in mixed-use developments along the region.
- 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 purpose of the proposed City initiated amendments to the General Plan Land Use Map and Zoning Map is to maintain consistency between both maps. The proposed amendments include rezones to create consistency with the General Plan Land Use Map and changes to the General Plan Land Use Map to create consistency with the Zoning Map where staff determined it was more appropriate to support the existing underlying use of a parcel and surrounding properties. The proposed map consistency changes to 116 parcels are intended to support and strengthen the existing underlying uses of these parcels and make it easier to apply the Development Code standards and all building and fire regulations on future development uses of these parcels, and as a result 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 do not require further environmental analysis under the California Environmental Quality Act (CEQA) per section 15183 for projects which are consistent with the development impacts established by a Community Plan, General Plan, or zoning for which an environmental impact report ("EIR") has been certified. The GPEIR was prepared and certified by the City Council as part of the Envision Stockton 2040 General Plan process (SCH# 2017052062).

There are approximately 83,327 total properties within the City Limits and the amendments account for only 0.15% of all properties within the City Limits programmatically analyzed in the General Plan EIR. The proposed amendments will not result in a physical change to the properties nor decrease the number of properties designated towards meeting the City's RHNA. None of the potential changes being considered by the Commission will impact the analysis or conclusions of the GPEIR as the proposed amendments will correct zoning inconsistencies and align designations with the existing and/or surround land uses. In addition, tribal consultation was completed consistent with State law for proposed General Plan amendments. Future development proposals based on the amendments would be reviewed case-by-case for consistency with this review and the GPEIR.

- d) Additional Finding for Zoning Map Amendments. 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).

Evidence: The proposed Zoning Map Amendments and General Plan Map Amendments create land use consistencies for 116 properties and improve the physical suitability of properties that have existing land uses. This proposed Zoning Map and General Plan Map amendment will provide greater certainty for applying the Development Code standards and building and fire regulations as

future land development occurs on the identified properties contained in the amendment.

- e) 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:
  1. The reduction is consistent with the adopted General Plan, including the housing element.

Evidence: None of the proposed amendment sites in listed in the 2015-2023 Housing Element as a property needed to meet the City's fair share of Regional Housing Needs Allocation ("RHNA").

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: The "no net loss" provision of Government Code section 65683 requires that certain 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 as many are existing residential and nonresidential uses, or amended to reflect the current or surrounding uses on the property.

**SECTION II. PREZONE CLASSIFICATION**

That the Zoning Map, particularly referred to in SMC section 16.16.030, and by reference made a part hereof, said Code is hereby amended as shown on Exhibit 1 and described in Exhibit 2, attached and incorporated herein by 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.

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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: \_\_\_\_\_

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KEVIN J. LINCOLN II  
Mayor of the City of Stockton

ATTEST:

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