EXHIBIT 1 - Proposed Ordinance

ORDINANCE NO.

AN ORDINANCE APPROVING AN AMENDMENT TO A DEVELOPMENT AGREEMENT AND DENSITY TRANSFER AGREEMENT BETWEEN A.G. SPANOS CONSTRUCTION INC. AND THE CITY OF STOCKTON FOR THE SPANOS PARK WEST MASTER DEVELOPMENT PLAN

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

SECTION I. FINDINGS

Pursuant to Stockton Municipal Code section 16.128.080, the City Council of the City of Stockton hereby finds:

A. The Development Agreement and Density Transfer Agreement amendment is in the City's best interests, as it would directly promote housing and economic opportunities associated with new housing units. The amendment would have the applicant develop 627 new high-density residential units or pay a fee of two thousand dollars ($2,000.00) per unit to the City or a non-profit organization for an estimated total of $1,254,000. The community will benefit created from the completion of the project is the new housing construction, increase in housing variety, new infrastructure, new construction jobs, and new residents to utilize surrounding civic amenities (trails, parks, and schools).

B. The Development Agreement and Density Transfer Agreement amendment complies with the City Development Code and other applicable ordinances and regulations, particularly the regulations of Chapter 16.128 pertaining to development agreements. The amendment will not impact the approved project nor result in a physical environmental change. The Master Development Plan for the area will remain.

C. The Development Agreement and Density Transfer Agreement amendment is consistent with the land uses, objectives, policies, and programs of the General Plan, and original DA/DTA approval. General Plan compliance includes providing housing towards meeting the City Regional Housing Needs Allocation, providing infrastructure to greenfield areas
(LU-6.1E), and providing civic amenities likes open space and parks (LU-3.3E). The amended Development Agreement would permit the applicant more time to establish the housing or fee payment opportunities in Stockton, consistent with the General Plan goals and policies.

D. The Development Agreement and Density Transfer Agreement amendment will not endanger, jeopardize, or otherwise constitute a hazard

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to the public convenience, health, interest, safety, or general welfare in that projects constructed pursuant to it are required to comply with all health and safety regulations, zoning requirements, infrastructure provisions, and General Plan policies. Future construction to implement the project would include enhanced flood protection measures, new open space and trail connections, and new streets that would include lighting and pedestrian access throughout the project.

E. The Development Agreement and Density Transfer Agreement amendment complies with the conditions, requirements, restrictions, and terms of Stockton Municipal Code section 16.128.060(B) (Preparation and Content - Proposed Development Agreement).

F. While the Development Agreement and Density Transfer Agreement amendment itself is exempt from the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines per section 15061(b)(3) (General Rule), the Project EIR anticipated potential impacts and proposed mitigation measures that have been incorporated to mitigate all identified impacts to a less-than-significant level. The EIR is also referenced in the DA to ensure compliance by the Applicant.

SECTION II. DEVELOPMENT AGREEMENT

Pursuant to Stockton Municipal Code section 16.128.070, the Stockton City Council has conducted a public hearing and hereby approves the amendment to the Development Agreement and Density Transfer Agreement for the Spanos Park West Master Development Plan Project, attached as Exhibit 1.A, to be executed, based on the above findings.

SECTION III. EFFECTIVE DATE

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

ADOPTED: _____

EFFECTIVE: _____

_____
KEVIN J. LINCOLN II
ATTEST: Mayor of the City of Stockton

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