

**ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 16 OF THE STOCKTON MUNICIPAL CODE RELATED TO THE “ZONING MAP,” IN SECTION 16.16.030 OF THE STOCKTON MUNICIPAL CODE, TO PREZONE AND ZONE PROPERTIES TO RESIDENTIAL, LOW (RL), PUBLIC FACILITIES (PF), AND OPEN SPACE (OS) ZONING LOCATED AT APNS 120-020-26; -27; -31; -32; and a portion of -30; 120-030-06; -07; -09; and -10; 122-010-05; portion of -02; -04; 124-010-01; -03; -07; 120-020-11 and -12 (APPLICATION NO. P23-0137)**

On February 16, 2022, the applicant, Bear Creek Ventures, submitted a request to Prezone Assessor’s Parcel Numbers (APNs) 120-020-26; -27; -31; -32; and a portion of -30; 120-030-06; -07; -09; and -10; 122-010-05; portion of -02; -04; 124-010-01; -03; -07; 120-020-11 and -12 to include a combination of Residential, Low (RL), Public Facilities (PF), and Open Space (OS) zoning for the purposes of future residential development with parks and open space, and right-of-way; and

On \_\_\_\_\_ 2026, the City Council held a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) chapter 16.88, to consider the proposed Prezoning, at which all times all interested parties had the opportunity to be heard; and

At the \_\_\_\_\_ 2026, public hearing, and prior to acting on this request, the City Council considered and approved the Prezoning; now, therefore,

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, pursuant to SMC Section 16.116.050(B), that:

The attached Ordinance for a Zoning Map Amendment and Proposed Ordinance, attached hereto as Exhibit 1 to Prezoning of Assessor’s Parcel Numbers 120-020-26; -27; -31; -32; and a portion of -30; 120-030-06; -07; -09; and -10; 122-010-05; portion of -02; -04; 124-010-01; -03; -07; 120-020-11 and -12 presently located in the County of San Joaquin, State of California, which will be hereby reclassified, upon annexation to the City of Stockton, to a mix of Residential, Low (RL), Public Facilities (PF), and Open Space (OS) zoning.

Pursuant to SMC Section 16.116.050(B), Mandatory Findings of Fact for All Amendments, all of the following findings of fact, as applicable to this type of amendment, shall be made to approve an amendment:

- A. The proposed Prezoning action ensures and maintains internal consistency with the general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance. The 2040 General Plan Land Use Map

designates the subject site Residential. Pursuant to Table 2-1 (General Plan Relationship to Development Code) of the General Plan, the RL Zone is compatible with the General Plan Land Use Map designation of Residential. PF and OS zoning is compatible with residential projects and is used for park and open space.

The proposed Rezoning action would not create any inconsistencies with SMC Title 16 (Development Code) since it pertains to the Zoning Map only. The text of Title 16 (Development Code) would remain unchanged under this action.

The Project is consistent with the 2040 General Plan Land Use Map designation of Low Density Residential applicable to the site. The project also furthers General Plan policies such as: Goal LU-6: Provide for orderly, well-planned and balanced development. With the adoption of a companion Zoning Map Amendment, the Project would not create any inconsistencies with the Development Code; Policy LU-6.3: Ensure that all neighborhoods have access to well-maintained public facilities and utilities that meet community service needs; Goal, HE-2: Provide a range of housing types, densities, designs, and meet existing and projected housing needs for all economic segments of Stockton; and Policy HE-2.3: The City shall encourage and provide opportunities for a variety of housing types that provide market rate opportunities and promote balanced mixed-income neighborhoods. All of this is accomplished in a development proposal that is compliant with applicable development standards within SMC Title 16 (Development Code).

- B. The proposed Rezoning action 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 RL, PF, and OS Zoning designations will, as noted above, be compatible with General Plan Land Use Map designation applicable to the site.
- C. Pursuant to Public Resources Codes Section 21083.3(b) and California Environmental Quality Act (CEQA) Guidelines Section 15183, Projects which are consistent with the development density established by existing zoning,... or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

Under CEQA Guidelines section 15183(b), for such projects, a public agency's examination of environmental effects shall be limited to effects that: (1) are peculiar to the project or the parcel on which the project would be located, (2) were not analyzed as significant effects in a prior EIR on the zoning action or general plan with which the project is consistent, (3) are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR, and (4) are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

CEQA Guidelines Section 15183(c) specifies that impacts which are not peculiar to the project site, and which have been addressed as a significant effect in the prior EIR or can be substantially mitigated by applying uniformly applied development standards and policies shall not require preparation of an additional EIR on the basis of that impact.

Here, the proposed Project is consistent with the adopted Envision Stockton 2040 General Plan and its certified EIR (SCH# 2017052062), with City Council action taken on December 4, 2018. The Project is also consistent with the applicable general plan designation, density and all applicable general plan policies. Finally, an Initial Study/Section 15183 Consistency Checklist was prepared, and the Project would not result in new or more severe significant impacts beyond those previously evaluated. In particular, the Section 15183 Consistency Checklist provides substantial evidence that the Project is consistent with the General Plan and the Project meets the requirements of the statutory exemption defined under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

Based on specific examination of the Project and its site, the Section 15183 Consistency Checklist analysis demonstrates that the Project would not result in any significant impacts that: (1) were peculiar to the project or the project site; (2) were not identified as a significant effect in the General Plan EIR; or (3) were previously identified significant effects, and which as a result of substantial new information that was not known at the time that the General Plan EIR was certified, were determined to have a more severe adverse impact than discussed in the General Plan EIR. Further, the Section 15183 Consistency Checklist shows that any potential impacts of the Project or the site can and will be adequately addressed through uniformly applied development policies, standards, and existing legal and regulatory requirements (e.g., General Plan policies and actions, along with Federal, State, and local regulations), consistent with CEQA Guidelines Section 15183(c). Thus, the statutory exemption provided by Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 applies here and no further environmental review under CEQA is required. ,

- D. Based on the information included Project plans and staff evaluation of the Project, the subject 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.

## **SECTION II. PREZONING AND ZONING CLASSIFICATION**

- E. 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 to provide the following zoning designations:

1. APN 120-020-27 to Residential, Low (RL) Open Space (OS) Public Facilities (PF);
2. APN 120-020-31 to Residential, Low (RL) Open Space (OS) Public Facilities (PF);
3. APN 120-020-32 to Residential, Low (RL) Open Space (OS) Public Facilities (PF);
4. APN 120-030-06 to Residential, Low (RL) Open Space (OS) Public Facilities (PF);
5. APN 120-020-30 to Residential, Low (RL) Open Space (OS) Public Facilities (PF);
6. APN 120-030-10 to Residential, Low (RL) Open Space (OS) Public Facilities (PF);
7. APN 120-020-26 to Public Facilities (PF);
8. APN 120-030-07 to Public Facilities (PF);
9. APN 120-030-09 to Public Facilities (PF);
10. APN 122-010-05 to Public Facilities (PF);
11. APN 124-010-01 to Public Facilities (PF);
12. APN 124-010-03 to Public Facilities (PF);
13. APN 124-010-07 to Public Facilities (PF);
14. APN 120-020-11 to Open Space (OS)
15. APN 120-020-12 to Open Space (OS)

**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: \_\_\_\_\_

\_\_\_\_\_  
CHRISTINA FUGAZI  
Mayor of the City of Stockton

ATTEST:

\_\_\_\_\_  
KATHERINE ROLAND, CMC, CPMC

City Clerk of the City of Stockton