

ORDINANCE NO.

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT FOR THE PREVIOUSLY APPROVED CANNERY PARK MIXED USE PROJECT LOCATED ON MULTIPLE PARCELS AT 3827 PFC JESSE MIZENER STREET (APNs 122-020-32, -33, -38 and -60)(P21-0435)

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

SECTION I. FINDINGS

Pursuant to SMC section 16.128.080 "Findings and decision," an amendment to the Development Agreement may be approved only if all of the findings of fact listed below, can be made.

- A. The Development Agreement is in the best interest of the City, as it would promote commercial and residential development and employment opportunities associated with those uses.
- B. The Development Agreement complies with the City Development Code and other applicable ordinances and regulations, particularly the regulations of Chapter 16.128 pertaining to development agreements.
- C. The Development Agreement is consistent with the general land uses, objectives, policies, and programs of the General Plan, any applicable specific plan or master development plan. The Development Agreement provides commercial and housing development opportunities in Stockton, consistent with the General Plan goals and policies, including the creation of new housing and jobs.
- D. The Development Agreement will not endanger, jeopardize, or otherwise constitute a hazard 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 provision, and General Plan policies.
- E. The Development Agreement complies with the conditions, requirements, restrictions, and terms of section 16.128.060(B) (Preparation and Content - Proposed Development Agreement).
- F. The Development Agreement complies with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines in that evaluation of potential impacts have been completed and mitigation measures have been maintained to mitigate all identified impacts to a less-than-significant level.

SECTION II. DEVELOPMENT AGREEMENT

Pursuant to SMC section 16.128.070, the Stockton City Council has conducted a public hearing, and hereby approves the Development Agreement for the Delta Cove Project, attached as (Exhibit 1), to be executed, based on the above findings.

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 III. EFFECTIVE DATE

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

ADOPTED: _____

EFFECTIVE: _____

ATTEST:

KEVIN J. LINCOLN II
Mayor of the City of Stockton

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