

ORDINANCE NO.

AN ORDINANCE AMENDING THE STOCKTON ZONING MAP TO REZONE ASSESSOR'S PARCEL NUMBER 137-180-30 BY ASSIGNING RESIDENTIAL, HIGH DENSITY (RH) ZONING DESIGNATION IN PLACE OF THE CURRENT COMMERCIAL, NEIGHBORHOOD (CN) ZONING DESIGNATION (P23-0251)

BE IT ORDAINED BY THE 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)(1) and (3), that:

- a. Finding #1: 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.

The proposed Rezone is consistent with the General Plan land use designation of Commercial as the RH zoning district is allowed within the Commercial Designation. The proposed rezone will not result in any inconsistencies, endanger the public health and safety, or result in an unforeseen environmental impact beyond what was previously envisioned for the area.

The project further supports General Plan Policies and Goals that promote the creation of more housing in the City including but not limited to:

- GP Policy LU.2-2: Facilitate the development of at least 4,400 new housing units in the Greater Downtown by 2040.

- b. Finding #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.

The proposed Rezone will bring the zoning designation of the proposed project parcel into compliance with the existing surrounding parcels. This amendment will not result in a physical change to the site and any development would have to comply with all applicable RH zoning standards as well as all building and fire regulations for health and safety. Therefore, the proposed rezone 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.

- c. Finding #3: The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Evidence: The proposed rezone is a discretionary “project” under CEQA, and therefore requires analysis. CEQA Guidelines section 15183, provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an EIR has been certified require no further analysis. An EIR was prepared and certified by the City Council as part of the Stockton 2040 General Plan (SCH# 2017052062). The project site is on a city block primarily zoned RH. Commercially zoned parcels are located across the street on Park Street and Center Street. Thus, the proposed rezone from CN to RH would not create any inconsistencies with the existing zoning of the surrounding vicinity.

- d. Finding #4: The 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(s) and anticipated land use development(s).

Evidence: Based on the information provided by the applicant and each departments analysis, the subject site is 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. REZONE CLASSIFICATION

Based on its review of the entire record herein, including the accompanying staff report, all supporting, referenced, and incorporated documents, and all comments received, the City Council hereby approves an Amendment for the boundary modification to the Zoning Map for APN 137-180-30, changing the existing designation of Commercial, Neighborhood (CN) zoning to Residential, High Density (RH) zoning as shown in Exhibit 1a, attached 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.

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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: _____

ATTEST:

KEVIN J. LINCOLN II
Mayor of the City of Stockton

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