

Resolution No.

# STOCKTON CITY COUNCIL

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## **RESOLUTION AMENDING THE GENERAL PLAN LAND USE MAP AMENDMENT FOR MULTIPLE PARCELS (APNs 122-020-32, -33, -38 and -60) TO MODIFY THE BOUNDARY OF THE EXISTING COMMERCIAL, HIGH-DENSITY RESIDENTIAL AND LOW DENSITY LAND USES, LOCATED AT 3827 PFC JESSE MIZENER STREET (P21-0435)**

The applicant Holman Investors, LLC (hereafter “Applicant”), is proposing the subdivision of a 99.87-acre site into 350 total parcels including: 16 commercial lots, 331 single family residential lots, one high-density residential lot, and two common area lots at 3827 PFC Jesse Mizener Street (APNs 122-020-32, -33, -38, and -60); and

The Project includes a Tentative Map, a General Plan Amendment, Rezoning, Development Agreement Amendment, and adoption of an Addendum to the previously certified Cannery Park Environmental Impact Report (SCH # 2003042022) [EIR Addendum]; and

On January 29, 2024, The City of Stockton provided public notice for the subject application was published in the local newspaper in accordance with Stockton Municipal Code (SMC) section 16.88.030; and

On February 8, 2024, the Planning Commission held a duly noticed public hearing, pursuant to SMC section 16.116.040(D), to consider the proposed Amendments and addendum, at which all times all interested parties had the opportunity to be heard. After discussion, the Planning Commission recommended the City Council certify the EIR Addendum and approve the General Plan Amendment, Rezone, and Development Agreement amendment; and

On April 2, 2024, the City Council held a duly noticed public hearing, pursuant to SMC section 16.116.040(D), to consider the proposed Amendments and certify the Addendum to the Cannery Park EIR, at which all times all interested parties had the opportunity to be heard; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:**

1. Pursuant to SMC Section 16.116.050(B), Based on its review of the entire record herein, the City Council makes the following Mandatory Findings of Fact for General Plan Land Use Map, Zoning Map, and Development Code Amendments:

- 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.*

The project site is currently designated by the Envision Stockton 2040 General Plan as Commercial for 88.61 acres and High Density Residential for 11.26 acres. The proposed General Plan Land Use Map Amendment requests to redesignate the land uses of the subject parcels to Commercial for 19.76 acres, Low Density Residential for 67.78 acres and High Density Residential for 12.34 acres. The proposed commercial parcels north of Bear Creek are consistent with the Commercial designation on the General Plan Land Use Map and will continue to provide future retail and office options for the city and surrounding area. The proposed High-Density parcel maintains a similar size as the currently zoned parcel and will result in a similar unit yield for a future high density residential development. The new low density residential land use area will provide opportunity for more housing and fill in vacant project land area that have remained vacant for almost 20 years. Per City standards (SMC Section 16.72.060) a new  $\pm 4$ -acre neighborhood park is required and is included within the tentative map to serve the surrounding development area. Although two of the original parks planned for the Cannery Park Project are part of the City's Capital Improvement Plan (CIP) project list, due to funding shortages they remain undeveloped. To avoid adding a third undeveloped park, the Applicant has agreed to construct the neighborhood park as part of the proposed DA amendment and Tentative Map conditions of approval.

As the proposed project would still provide options for commercial and residential uses and propose to construct a new park for the area, the proposed Project is consistent with General Plan policies.

New housing and the development of vacant properties complies with complies with the following General Plan policies:

-LU-6.2: Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.

-HE-2: Provide a range of housing types, densities, designs, and meet existing and projected housing needs for all economic segments of Stockton.

- 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.*

The design of the proposed development will not cause serious public health or safety problems. The proposed commercial and high density residential was previously approved on the subject property. The layout is being requested to be revised. The proposed low density residential uses are compatible with the adjacent residential uses to the south and west surrounding the subject site and will not cause serious public health or safety problems. All on-site and off-site improvements to

serve the development will be constructed as part of the Project, which provides a public benefit. Any potential health risks have been evaluated in the Addendum to the Cannery Park EIR and are as necessary, addressed.

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

The proposed project site was previously certified for an Environmental Impact Statement (EIR) by the Cannery Park EIR [SCH # 2003042022]. The EIR Addendum was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA) section 15164, since the project is requesting a change of a previously certified EIR, and the proposal does not result in substantial changes or create new significant environmental effects beyond what was anticipated in the original EIR.

2. 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:

- a) *The reduction is consistent with the adopted General Plan, including the housing element.*

The City of Stockton 2015-2023 Housing Element includes a list of vacant or underutilized property sites that provide opportunities for meeting the City's fair share of RHNA. The identified RHNA sites were based on Zoning. The proposed amendments would align GPLU Map Designations with the densities and intensities identified in the State-certified Housing Element. The densities of the housing capacity sites will either be maintained or slightly increased due to the alignment. An example of the increase would be land zoned for medium-density residential being upzoned to a commercial or high-density residential to align with the General Plan vision for the area. In addition, many of the housing sites included are currently developed with residential, civic, or nonresidential uses.

- b) *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.*

In addition, the "no net loss" provision of Government Code section 65863 requires that specific findings be made if the City reduces residential density on any property to a lower residential density. The Series changes align zones with their civic use (right-of-way, parks, schools, etc.), transitioned noxious services away from sensitive receptors (industrial uses adjacent to residential), and intensified areas of the City intended to support high-density housing. The intensification occurred mainly in the

Greater Downtown Area and Downtown Core as identified in the City's General Plan, where densities can reach 108 units/gross acre. This intensification leads to an overall increase in housing units by almost 1,000 units compared to the General Plan EIR and Housing Element projections.

The proposed amendments will not decrease the number of properties available to provide new housing and result in a slight increase in housing capacity due to the intensification in urban areas. While some public uses (e.g., parks, schools, rights-of-way) are being corrected to match their intended function, these areas were never meant to provide housing. The proposed map amendments do not reduce the intensities or preclude residential development on the housing capacity sites (i.e., RHNA). They will result in a slight increase of housing unit capacity beyond the General Plan EIR. Therefore, the map changes will not impact the City's Housing Element or overall housing capacity.

The City Council hereby adopts a Resolution approving amendments to the Stockton General Plan Land Use Map, attached as Exhibit 1 and Exhibit 2, incorporated by reference.

3. The City Manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED April 2, 2024.

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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