ORDINANCE NO. 020-04

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT FOR THE CANNERY PARK PROJECT BOUNDED BY EIGHT MILE ROAD ON THE NORTH, UPRR TRACKS ON THE WEST, LOW-MEDIUM DENSITY RESIDENTIAL ON THE SOUTH, AND STATE ROUTE (SR) 99 ON THE EAST (HOLMAN INVESTORS, LLC, DA2-03)

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

SECTION 1. Findings.

Pursuant to Stockton Municipal Code section 16-525.080, the City Council of the City of Stockton hereby finds:

A. The proposed Development Agreement is in the best interests of the City, complies with the Development Code, and contains the mandatory elements as required by Section 16-525.060(B) of the Stockton Municipal Code (SMC).

B. The proposed Development Agreement is consistent with and necessary for the consideration and approval of the related discretionary General Plan Amendment, prezoning, and Specific Plan applications (GPA2-03, Z-1-03, and SPA1-03).

C. On balance, the proposal conforms to the existing City of Stockton General Plan Policies and zoning regulations for the location and suitability of the proposed land uses, subject to approval of GPA2-03, Z-1-03, DA2-03, and SPA1-03.

D. The land uses allowed under the proposed Commercial, Low-Medium-Density Residential, High Density Residential, and Open Space General Plan designations, prezoning, Specific Plan, and Development Agreement, will be compatible with existing and proposed land uses in the immediate vicinity of the overall project site, subject to the approval and implementation of the mitigation measures identified in EIR1-03 and mitigation monitoring/reporting provisions of the “Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program for the Cannery Park Mixed Use Project,” dated July 2004.

E. The proposed General Plan Amendment, prezoning, Specific Plan, and Development Agreement, would 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.

City Atty:
Review
Date August 25, 2004

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F. The uses permitted in the proposed General Plan Amendment, prezoning, Specific Plan, and Development Agreement are similar to and/or compatible with the existing uses to the north, south, east and west of the site.

G. The environmental consequences of this proposed General Plan Amendment, prezoning, Specific Plan, and Development Agreement have been examined in EIR1-03, which was considered and certified prior to approval of this General Plan Amendment, prezoning, Specific Plan, and Development Agreement. In addition, all applicable mitigation measures identified in EIR1-03, and the related "Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program for the Cannery Park Mixed Use Project", have been adopted in conjunction with this General Plan Amendment, prezoning, Specific Plan, and Development Agreement approval. EIR1-03 and related environmental documents have been prepared in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City of Stockton Guidelines for the Implementation of CEQA.

H. The anticipated benefits of these proposals outweigh the unavoidable or unresolved adverse environmental effects for the project as supported by the "Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program for the Cannery Park Mixed Use Project," dated July 2004.

I. Pursuant to Sections 15091 and 15093 of the State CEQA Guidelines, these approvals are subject to the adopted findings and mitigation monitoring and reporting program, respectively, as specified in the "Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program for the Cannery Park Mixed Use Project," dated July 2004.

SECTION 2. Development Agreement.

Pursuant to Stockton Municipal Code section 16-525.070, the City Council of the City of Stockton has conducted a public hearing on August 31, 2004, which was continued to September 14, 2004, and hereby approves the Cannery Park Development Agreement (DA 2-03), based on the above findings and subject to the following condition:

A. DA2-03 shall be subject to all applicable mitigation measures identified in EIR1-03.
SECTION 3. Effective Date.

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

ADOPTED: SEP 14 2004

EFFECTIVE: OCT 14 2004

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

GARY A. Podesto
Mayor of the City of Stockton