

**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 A PROPERTY TO COMMERCIAL GENERAL (CG) LOCATED AT 9147 THORNTON ROAD AT ASSESSOR’S PARCEL NUMBER 080-290-39 (APPLICATION NO. P20-0793)**

On August 31, 2020, the applicant, O’Reilly Auto Enterprises, LLC, submitted a request to, amongst other requests, Prezone Assessor’s Parcel Number 080-290-39 to General, Commercial (CG) Zone; and

On November 18, 2021, the Planning commission held a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) Section 16.116.040(D), to consider the proposed Prezoning, at which all times all interested parties had the opportunity to be heard; and

On November 18, 2021, and prior to acting on this request, the Planning Commission considered and recommended exemption from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15183; and

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:

A. The proposed Prezone 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 Commercial. Pursuant to Table 2-1 (General Plan Relationship to Development Code) of the General Plan, the CG Zone is compatible with the Commercial General Plan Land Use Map designation of Commercial.

B. The proposed Prezone 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.

C. The proposed Prezone action would further the following General Plan policies:

- i. Goal LU-4: Attract and retain companies that offer high-quality jobs with wages that are competitive with the region and state.
- ii. Policy LU-4.2: Attract employment- and tax-generating businesses that support the economic diversity of the city.
- iii. Policy LU-6.2: Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.

D. The proposed Prezone 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 CG Zone designation will, as noted above, be compatible with General Plan Land Use Map designation applicable to the site.

E. The proposed Prezone action complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because the project satisfies the requirements of CEQA Guidelines Section 15183, demonstrating no significant environmental effects would result from either the Prezone action or other related actions constituting the project.

F. Based on the information included in the General Plan EIR, 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. PREZONE CLASSIFICATION**

G. 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 a Commercial, General (CG) Zone designation for Assessor's Parcel Number 080-290-39 upon annexation to the City of Stockton.

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

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KEVIN J. LINCOLN II  
Mayor of the City of Stockton

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