

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE PREZONING OF ASSESSOR'S PARCEL NUMBER 072-450-26 TO COMMERCIAL, GENERAL (CG), AND APPROVE DESIGN REVIEW FOR A DRIVE THROUGH QUICK-SERVE RESTAURANT AT 9324 THORNTON ROAD (P23-0295)

On November 19, 2023, the applicant, Anil Yadav, submitted a request for Prezoning Assessor's Parcel Number APN 072-450-26 to Commercial, General (CG) Zone and Design Review; and

On July 10, 2025, 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 and Design Review requests, at which all times all interested parties had the opportunity to be heard; and

On July 10, 2025, and prior to acting on this request, the Planning Commission considered each request and recommends the City Council approve the Prezoning of the parcel to Commercial, General (CG), and approve the Design Review request; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. PREZONE CLASSIFICATION

The Planning Commission hereby recommends the City Council adopt the attached Ordinance for a Zoning Map Amendment and Proposed Ordinance, attached hereto as Exhibits 1 and 1a, to Prezone Assessor's Parcel Number 072-450-26, presently located in the County of San Joaquin, State of California, is hereby reclassified, upon annexation to the City of Stockton, to Commercial, General (CG) Zone.

Pursuant to SMC Section 16.116.050(B), Mandatory Findings of Fact for All Amendments, all of the following findings of fact, as applicable to this type of amendment, shall be made to approve an amendment:

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 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.* The Project proposes a retail establishment that will provide jobs to the community, not only during construction of the site, but during operations of the business.
- ii. *Policy LU-4.2: Attract employment- and tax-generating businesses that support the economic diversity of the city.* The Project is a retail establishment that will provide employment opportunities to the community, and the business will provide tax-generation to the City of Stockton.
- iii. *Policy LU-6.2: Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.* The Project is located on a vacant and prominent corner parcel in an urbanized area of Stockton. Implementation of the Project will provide for an attractively designed building and fully landscaped site.

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, and impacts from the rezoning action have been considered and would be mitigated to a less than significant impact. The Commercial, General zoning designation is compatible with the Commercial land use 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 proposed Project is Categorically Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15303(c), New Construction or Conversion of Small Structure, since it includes the construction of a store, motel, office, restaurant or similar structure, not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four (4) commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

Additionally, the proposed Project is Categorically Exempt from the California

Environmental Quality Act (CEQA) under CEQA Guidelines section 15332, In-Fill Development Projects as 1) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; 2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and 5) the site can be adequately served by all required utilities and public services.

F. Based on the information included in the accompanying project plans, 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. The Project site abuts roadways that are developed to current City standards, and the site has direct access to the existing utilities within those roadways. There would be one driveway access to Thornton Road and an additional driveway access to Wagner Heights Road, providing adequate ingress and egress. The area is also urbanized and has a mix of commercial and residential uses, which the Project is compatible with.

SECTION II. DESIGN REVIEW

Per SMC 16.120.060, the Planning Commission has determined that the Project adequately meets adopted City standards and guidelines, based upon consistency with the following findings:

1. The proposed development is consistent with all applicable provisions of this Development Code, including general development standards for all development and specific development in the Commercial, General (CG) zone.
2. The general design considerations, including the character, quality, and scale of design are consistent with the purpose/intent of this chapter and the Citywide Design Guidelines for commercial development.
3. The proposed structure was designed to complement the architectural design of the existing commercial buildings. The proposed structure is visually compatible with surrounding commercial type developments.
4. The location and configuration of the proposed structure is compatible with its sites and with surrounding sites as it was designed to complement the existing commercial type developments in the area and does not unnecessarily block view from other structures or dominate their surroundings. It is a single-story building with a small footprint of 2,440 square feet.
5. The proposed preliminary landscape plan is consistent with the State Mandated MWELo Program. The project proposes an attractive landscaped frontage to

ensure visual relief and to complement structures and provides for an attractive environment.

6. The design and layout of the proposed project does not interfere with the use and enjoyment of neighboring existing or future development as it has its own points of ingress and egress, with specific areas for pedestrian flow to the existing sidewalks on the adjacent rights-of-way, reducing any pedestrian or vehicular hazards.

7. The building design and related site plan, including on-site parking and the drive-through, has been designed and integrated to ensure the intended use will best serve patrons of the site. The drive isle allows for the efficient movement of vehicles in and out of the site for employees and visitors.

SECTION III: CONDITIONS OF APPROVAL

Based on its review of the entire record herein, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves the Design Review request, subject to the following conditions of approval.

1. The Design Review approval, attached as Exhibit 2, shall become effective following the annexation approval into the City of Stockton by LAFCo. The Design Review approval shall become void unless the required building permit is submitted within 12 months of the annexation certificate being issued (SMC Section 16.96.020(A)(1)).

2. The Project approved by this action shall conform to the Conceptual Project Plans included as Exhibit 3, attached and incorporated by reference.

3. A Building Permit shall be required prior to any grading or site work.

4. The project shall comply with all applicable requirements of the current version of the California Building Code.

5. A Stormwater Quality Control Plan shall be submitted as part of the Building Permit application.

6. A Water Discharge I.D. number for the State approved Stormwater Pollution Prevention Plan shall be submitted prior to Building Permit approval.

7. Show and label any recorded easements on building permit plans. Note: Easements are to be clear of any structures.

8. On building permit plans note all property pins to be protected in place.

9. The Project shall conform and comply with all applicable Fire Code requirements.

Conditions of Approval: Project Specific

10. The parking area shall be developed in conformance with Chapter 16.64 of the Stockton Municipal Code (Off-Street Parking and Loading Standards).
11. All exterior illumination shall conform to SMC Section 16.32.070 (Light and Glare).
12. Fences and walls shall comply with SMC Chapter 16.48 (Fences, Hedges, and Walls).
13. The proposed monument sign shall comply with SMC 16.76.100(E)(1).
14. Loading and unloading areas and ground-mounted equipment, that are visible from any adjacent public streets shall be screened by a solid, decorative masonry wall or landscaped berm and wall that has a minimum height of eight feet above the adjacent street grade per SMC Section 16.28.070(D)(2)(b).
15. The minimum Traffic Sight Area shall be maintained free from obstructions that could block the sight distance of motorists entering or leaving the site per SMC Section 16.36.140.
16. The applicant or ODS shall implement security systems and onsite monitoring plan, per SMC Section 16.28.040(D)(3)(a).
17. Off-site frontage improvement plans will be required to be submitted at the time of building permit submittal. Improvement plans shall include, but not be limited to:
 - a. Curb, gutter, sidewalk, driveway approaches, streetlighting on City standard poles, and any striping /signage plans, and any required public fire hydrants.
 - b. Catch basins to be updated to current City Standard Type 2 Basin.
 - c. The pavement along Commerce Street and Scotts Avenue is in poor shape and will need to be repaired where impacted by this new construction (form work and any conformance work impacts).
 - d. Show any existing property pins and note to protect in place.
 - e. Any existing driveway access that is not shown on the approved Site Plan shall be removed and replaced with vertical curb, gutter, & sidewalk.
18. A complete set of Landscape Construction Drawings shall be submitted with the building plans for compliance with the State Mandated MWELO Program, including the requirements of water calculations for the entire project.

19. Building shall include address numbers in conformance with SMC Section 15.08.090.

SECTION IV: PLANNING COMMISSION ACTION

Based on its review of the entire record herein, including the July 10, 2025, Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves the requested Design Review requests and recommends approval to the City Council for the Rezoning of the site.

PASSED, APPROVED, and ADOPTED July 10, 2025.

JEFF SANGUINETTI, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission