

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION DENYING PREZONING OF ASSESSOR'S PARCEL NUMBER 072-450-26 TO COMMERCIAL, GENERAL (CG), AND ANNEXATION OF APN 072-450-26 INTO THE CITY OF STOCKTON (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 directed staff to return back to the Planning Commission with a new resolution denying the Design Review request and recommending that the City Council deny the Prezoning of the parcel to Commercial, General (CG) based on an inability to make the required findings; and

On August 13, 2025, the Planning Commission voted 6-0 to deny the Design Review request and provided a denial recommendation to the City Council for prezoning of the parcel and annexation into the City of Stockton; and

On November 4, 2025, the City Council held a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) Section 16.116.040(D), to consider the proposed Prezoning and Annexation requests, and affirm the Planning Commission's denial of the Design Review request and recommendation for denial of Prezoning, at which all interested parties had the opportunity to be heard; and

On November 4, 2025, and prior to acting on this request, the City Council considered each request and denied the Prezoning of the parcel to Commercial, General (CG), denied the request for annexation into the City of Stockton; and affirmed the denial of the Design Review Request; now, therefore,

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

SECTION I. PREZONE CLASSIFICATION

The City Council denies the request for a Zoning Map Amendment to Prezone

Assessor's Parcel Number 072-450-26, presently located in the County of San Joaquin, State of California, and deny the annexation request to the City of Stockton.

Pursuant to SMC Section 16.116.050(B), Mandatory Findings of Fact for All Amendments, Planning Commission and staff are unable to make all of the following findings of fact, as applicable to this type of amendment, which are required in order 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 Commercial, General (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 the proposed Prezone pertains to the Zoning Map only, the text of Title 16 (Development Code) would remain unchanged.

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 operation 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 will generate tax revenue for the City.
- 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 the City. Implementation of the Project will provide for an attractively designed building and a fully landscaped site.

D. The proposed Prezone action will 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 of the following: the anticipated traffic impacts from the Project to the already heavily impacted intersection of Thornton Road and Wagner Heights Road, especially the proximity of the driveway on Wagner Heights to the traffic light at Thornton; the impacts to the adjacent residences from the Project's odor, light, and noise, vehicle headlights into adjacent residences, and impacts from the

operation of the drive through 24 hours a day and the limited height of the wall separating the Project from the neighboring residence.

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. The subject site would not 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 based on the information included in the conceptual project plans. The Project site abuts roadways that, while developed to current City standards, have a history of high traffic volumes and traffic incidents. Adding additional driveways onto these thoroughfares would exacerbate the problem. The adjoining land uses to the east are residential and the intensity of the Project would cause noise, odor, and light pollution into the adjacent residences.

//
//
//
//
//
//
//
//
//
//

SECTION II: CITY COUNCIL ACTION

Based on its review of the entire record herein, including the November 4, 2025, City Council staff report, all supporting, referenced, and incorporated documents, and all comments received, the City Council hereby denies rezoning of the site and annexation into the City of Stockton and affirms the Planning Commission's denial of the Design Review request.

PASSED, APPROVED, and ADOPTED November 4, 2025.

CHRISTINA FUGAZI
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC, CPMC
City Clerk of the City of Stockton