

ORDINANCE NO. 2025-11-04-1501

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 PROPERTY TO COMMERCIAL, GENERAL (CG) LOCATED AT 9324 THORNTON ROAD (APN 072-450-26) (APPLICATION NO. P23-0295)

On November 19, 2023, the applicant, Anil Yadav, submitted a request for Design Review and to Prezone Assessor's Parcel Number APN 072-450-26 to Commercial, General (CG) Zone for the purposes of future commercial development. The legal parcel is approximately .68 acres and would be developed with a quick-serve drive through restaurant; 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 November 04, 2025, the City Council held a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) chapter 16.88, to consider the proposed Prezoning for annexation, at which time all interested parties had the opportunity to be heard; and

At the November 04, 2025, public hearing, the City Council approved a motion to overturn Staff and Planning Commission's recommendation and approve the Prezoning of APN 072-450-26 to Commercial, General (CG) zoning and authorized the City Manager filing of an application request for annexation of the Project parcel with the San Joaquin Local Agency Formation Commission now, therefore,

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 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 based on mandated conditions of approval to construct a 10' height masonry block wall along easterly property line, right in/right out only vehicular access at both proposed driveways, site lighting design to not impact adjacent residential uses, and on-site security for monitoring the site. 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

SECTION IV. EFFECTIVE DATE

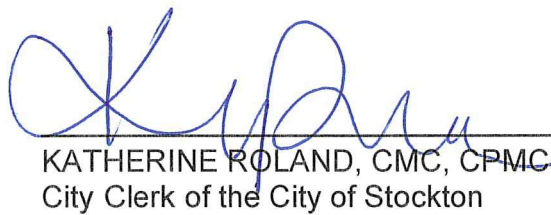
This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: 11-04-2025

EFFECTIVE: 12-04-2025


CHRISTINA FUGAZI
Mayor of the City of Stockton

ATTEST:


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

