

**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 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 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) Chapter 16.88, to consider the proposed Prezoning, at which all times all interested parties had the opportunity to be heard; and

At the July 10, 2025, public hearing, and prior to acting on this request, the Planning Commission considered and recommended approval of the Prezoning by the City Council; and

On \_\_\_\_\_, the City Council held a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) chapter 16.88, to consider the proposed Prezoning, at which all times all interested parties had the opportunity to be heard; and

At the \_\_\_\_\_, public hearing, the City Council approved the Prezoning of APN 072-450-26 to Commercial, General (CG) zoning; 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. 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. PREZONING AND ZONING 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 072-450-26 immediately.

## **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.

## **SECTION IV. EFFECTIVE DATE**

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

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

\_\_\_\_\_  
CHRISTINA FUGAZI  
Mayor of the City of Stockton

ATTEST:

\_\_\_\_\_

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