

Resolution No. **2025-11-04-1501**

## **STOCKTON CITY COUNCIL**

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### **RESOLUTION APPROVING 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 Design Review for a proposed drive through quick serve restaurant at 9324 Thornton Road and rezoning of Assessor's Parcel Number 072-450-26; 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 Rezoning 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 Rezoning 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 rezoning 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 affirmation of the Planning Commission's denial of the Design Review request, 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 the request and approved a motion to overturn Staff and Planning Commission's recommendation and approved the Design Review request based on mandated conditions of approval to construct a 10' height masonry block wall, right in/right out only access at both proposed driveways, and on-site security for monitoring the site; now, therefore,

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

#### **SECTION I. DESIGN REVIEW**

Per SMC 16.120.060, the City Council 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 views and will provide on-site lighting that does not cast onto adjacent residential uses.

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 proposes two points of right-in/right-out only 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. Further, the project as conditioned will have on-site security to monitor and discourage loitering and undue public nuisance on the site premises.

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 II: CONDITIONS OF APPROVAL**

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

1. The Design Review approval of Conceptual Project Plans, attached as Exhibit 1, shall become effective following the San Joaquin Local Agency Formation Commission's approval of annexation into the City of Stockton. 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. A Building Permit shall be required prior to any grading or site work.
3. The project shall comply with all applicable requirements of the current version of the California Building Code.
4. A Stormwater Quality Control Plan shall be submitted as part of the Building Permit application.
5. A Water Discharge I.D. number for the State approved Stormwater Pollution Prevention Plan shall be submitted prior to Building Permit approval.
6. Show and label any recorded easements on building permit plans. Note: Easements are to be clear of any structures.
7. On building permit plans note all property pins to be protected in place.
8. The Project shall conform and comply with all applicable Fire Code requirements.

Conditions of Approval: Project Specific

9. Site vehicular driveway access on Thornton Road and Wagner Heights Road shall be designed and constructed to provide for right-turn ingress and egress only.
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) to ensure adjacent residential uses are not impacted.
12. Fences and walls shall comply with SMC Chapter 16.48 (Fences, Hedges, and Walls). A 10-foot height masonry wall shall be constructed along the eastern property line adjacent to residential uses.
13. On-site security shall be provided to monitor and discourage loitering and undue public nuisance on the site premises.
14. The proposed monument sign shall comply with SMC 16.76.100(E)(1).
15. 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.

16. 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.

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. Show any existing property pins and note to protect in place.
- d. Any existing driveway access that is not shown on the approved Site Plan shall be removed and replaced with vertical curb, gutter, & sidewalk.

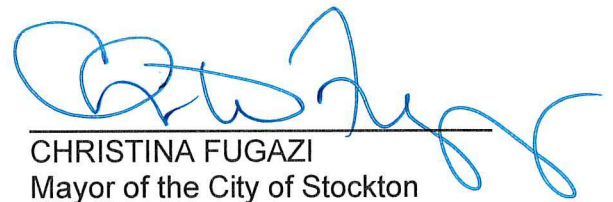
18. A complete set of Landscape Construction Drawings shall be submitted with the building plans for compliance with the State Mandated MWELO Program, including the requirements of water calculations for the entire project.

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

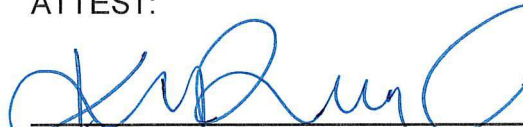
**SECTION III: CITY COUNCIL ACTION**

Based on its review of the entire record herein, including the November 4, 2025, City Council staff report, all supporting, referenced, and incorporated documents, all comments received, and the Planning Commission's recommendation for denial, the City Council hereby approves a motion to overturn Staff and Planning Commission's recommendation and approves 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

