

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION DENYING THE APPEAL AND UPHOLDING THE DIRECTOR'S DETERMINATION TO DISAPPROVE A TIME EXTENSION REQUEST FOR TEMPORARY ACTIVITY PERMIT P20-0824 FOR A FOOD TRUCK PARK USE AT 2107 WEST LANE (APN 117-090-11)

Temporary Activity Permit P20-0824 was issued on October 20, 2020 to allow the temporary operation of a food truck park (i.e. 6-month trial) at 2107 West Lane, also known as Stocklandia. The Temporary Activity Permit (TAP) with an expiration date of April 30, 2021; and the project site is currently licensed as a Podcast Studio (business license approval received on September 9, 2020); and

Veronica Martinez, on behalf of Stocklandia, submitted an application for a Time Extension on April 19, 2021, said application was deemed complete on April 26, 2021; and

On May 25, 2021, based on observations regarding business operations during the initial 6-month TAP, existing Code standards, and submitted documentation, it was determined by the Director that the time extension request would not be granted; and

An appeal of the determination was received on June 3, 2021 contesting the findings made for time extension denial; and

The evidentiary record and subsequent analysis fail to support a time extension for TAP P20-0824; and

Not all findings of fact as required by the Stockton Municipal Code (SMC) Section 16.164.050 for a Temporary Activity Permit can be made to approve the Time Extension Request; now, therefore,

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

A. The foregoing recitals are true and correct and incorporated by reference.

B. Based on the staff report, staff presentation, comments received, and the public hearing, the Planning Commission makes the following findings:

Temporary Activity Permit: Findings

Finding 1: The proposed temporary activity would not be consistent with the general land uses, objectives, policies, and programs of the General Plan and any applicable specific plan, precise road plan, or master development plan. (SMC 16.164.050.A)

A podcast studio is allowed in the Industrial, Limited (IL) Zoning District per SMC 16.164.010.B. However, a Food Truck Park is not an identified land use in the Code. In this case, unless specific food wagon (truck) park regulations are adopted via Ordinance, the Food Truck Park Use is not a permitted use in the IL zoning district or in any zone, notwithstanding the failed six-month trial period under the TAP.

Finding 2: The establishment, maintenance, or operation of the proposed temporary activity at the location proposed and within the time period(s) identified may endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed activity. (SMC 16.164.050.B).

As proposed, Stocklandia's Day-to-Day Operations including five (5) food wagons (trucks), one-way vehicle access that directs traffic to existing residential, and 17 off-site parking spaces, may endanger, jeopardize, or otherwise constitute a hazard due to the following:

- Insufficient parking
- Lack of two-way ingress/egress
- Impacts to neighboring properties (increased traffic, decreased street parking, noise, etc.)
- Site configuration and Accessibility concerns

Finding 3: The proposed site would not be adequate in terms of location, shape, and size to accommodate the temporary activity. (SMC 16.164.050.C)

Based upon observations regarding business operations during the initial six-month TAP, updated floor plan, and land uses on site, staff determined that the site cannot accommodate five (5) food wagons (trucks). To support all proposed uses of the site, twenty-two (22) parking spaces are required per the SMC. The site's proposed one-way circulation is also insufficient for current business traffic demands. The site is appropriate for the podcast studio and office uses only.

Further, it is the applicant and business owner's responsibility to comply with all applicable provisions of the Americans with Disabilities Act, Title III for the public accommodations associated with this proposed use. Current configuration does not provide all necessary accommodations.

Finding 4: The proposed site would not be adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of

traffic that the temporary activity would reasonably generate. (SMC 16.164.050.D)

The site is a through lot and accessed via West Lane on the east side of the parcel, and Berkeley Avenue on the west side of the parcel. During the Day-to-Day Operation of Stocklandia, the site as currently configured, cannot accommodate the kind and quantity of traffic expected on-site as it is proposing one-way access from West Lane through to Berkeley Avenue. Berkeley Avenue is a residential street and not designed to accommodate the traffic generated by the food truck park use.

Finding 5: Adequate temporary parking to accommodate vehicular traffic to be generated by the temporary activity would not be available either on-site or at an alternate location(s) which is acceptable to the Director. (SMC 16.164.050.E)

For the Day-to-Day Operation of the Stocklandia podcast business and “food truck park,” parking is available on-site. The submitted site plan identifies seventeen (17) available parking stalls (stalls identified on any part of the City right-of-way cannot be considered off-street parking, nor can space no. 6 which extends into the required fire lane) and, per the information below, has a required parking amount of twenty-two (22) spaces; fifteen (15) spaces for the building and seven (7) spaces allocated for the food wagons (trucks).

In its analysis, staff has identified three (3) land uses on the site: Broadcast Studio, Business Office, and Take Out Restaurant; each have their own parking ratio. Per SMC chapter 16.64 (Off-Street Parking) the following parking ratios apply:

Land Use	Parking Ratio	Square Footage of Use on Site	Required Number of Spaces
Broadcasting Studios	1 space for every 200 SF of indoor floor area	132	1
Business/Professional (offices)	1 space for every 200 SF of indoor floor area	548	3
Restaurants – Fast Food/Take Out (food trucks)	1 space for every 100 SF of indoor floor area	680 (five trucks)	7
		1,116 (shop area)	11
Total Required Parking Spaces			22*

**Of the 22 spaces, 1 must be ADA van accessible).*

The shop area is being considered a part of Stocklandia’s overall food truck park facility and therefore included in the parking calculation above.

While food wagons (trucks) vary in size, each food truck is estimated to be approximately 16’ long by 8.5’ wide, or approximately 136 SF each. Per SMC chapter

16.64 (Off-Street Parking and Loading), fast food/take out shall be parked at 1 space for every 100 SF of gross floor area. Five (5) food wagons (trucks) have a combined estimated square footage of 680 SF and requires 6.8 parking stalls. Per SMC section 16.08.020 (Rules of Interpretation), staff is required to round the fractional/decimal results to the next highest whole number when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5. Therefore, the required amount of parking for the food trucks is seven (7) spaces.

The parking ratio identifies a minimum of twenty-two (22) spaces, while the site plan identifies seventeen (17) spaces. Per the submitted site plan, there is insufficient parking to accommodate vehicular traffic generated by Stocklandia. At the time of Time Extension request, no off-site parking at an alternate location was proposed by the applicant (parking in the right of way does not constitute off-site parking).

Finding 6: The design, location, size, and operating characteristics of the proposed temporary activity would not be compatible with the existing and future land uses in the vicinity (SMC 16.164.050.F).

The proposed Day-to-Day Operations of the “food truck park” have occurred on a developed site that was previously utilized for a used car dealership/auto parts/auto service. The project site is in a predominantly industrial portion of the City where all parcels have an underlying zoning classification of Industrial, Limited (IL) and a General Plan designation of Commercial. The podcast and office uses are currently allowed on site; however a food truck park is not. A single incidental food wagon (truck) is permissible per SMC 16.80.020.B.4.a.i. Please note that more than one food wagon (truck) on the site could potentially become a destination use (as opposed to an accessory use) that may result in additional traffic at the site and potentially unsafe on-site traffic circulation.

Finding 7: Approved measures for removal of the temporary activity and site restoration were required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Development Code. (SMC 16.164.050.G)

Finding 8: The proposed permit would be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines. (SMC 16.164.050.H)

The project site concerns an existing private structure, involving negligible or no expansion of an existing or former use. Given these facts, the proposed temporary activities are Categorical Exempt pursuant to CEQA Guidelines §15301 (Existing Facilities).

Planning Commission Action

Based on its review of the entire record herein, including the July 22, 2021 Planning Commission staff report and all supporting, referenced, and incorporated documents, all findings above, and all comments received at the public hearing, the Planning Commission denies the Appeal and upholds the Director's Determination to disapprove a time extension request for Temporary Activity Permit P20-0824 for a food truck park use at 2107 West Lane (APN 117-090-11).

PASSED, APPROVED, and ADOPTED: July 22, 2021.

ANNE MALLETT, CHAIR
City of Stockton Planning Commission

ATTEST:

WILLIAM CREW, SECRETARY
City of Stockton Community Development