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COMMUNITY DEVELOPMENT DEPARTMENT

Permit Center • 345 N. El Dorado Street • Stockton, CA 95202 • (209) 937-8444 • Fax (209) 937-8893  
[www.stocktonca.gov](http://www.stocktonca.gov)

May 25, 2021

Stocklandia  
Attn: Veronica Martinez  
2107 West Lane  
Stockton, CA 95205

RE: Temporary Activity Permit Time Extension Request #P21-0383  
2107 West Lane; APN# 117-090-11

Ms. Martinez:

This letter provides the City of Stockton's determination in response to your Time Extension request for Temporary Activity Permit (TAP) P20-0824 at 2107 West Lane for a "food truck park" use. The Temporary Activity Permit time extension application has been reviewed by all applicable City departments.

Based on observations regarding business operations during the initial 6-month TAP, existing Code standards, and submitted documentation, the City of Stockton has determined that the time extension request for TAP P20-0824 will not be granted.

**Findings**

Per SMC 16.164.050 [Temporary Activity Permits – Findings and Decision], a TAP shall only be approved if all of the eight (8) findings of fact can be made. The same findings are being utilized in regard to your submitted Time Extension Request. It is the responsibility of the applicant to establish evidence in support of the required findings. Further, per SMC 16.96.030 [Extensions of time] "The burden of proof is on the permittee to establish, with substantial evidence, why the permit or entitlement should be extended."

1. **Finding:** 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)

**Evidence:** A podcast studio is allowed in the IL (Industrial, Limited) Zoning District per Stockton Municipal Code section 16.164.010.B. However, a Food Truck Park is not identified 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, notwithstanding the failed 6-month trial period under the TAP.

2. Finding: 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).

Evidence: 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

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

Evidence: Based upon observations regarding business operations during the initial 6-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.

4. Finding: 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)

Evidence: 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. Berkeley Avenue is not designed to accommodate the traffic generated by the food truck park use.

5. Finding: 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)

Evidence: 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 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. 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).

6. Finding: 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).

Evidence: The proposed Day-to-Day Operations of the “food truck park” will occur on a developed site that was previously utilized for a used car dealership/auto parts/auto service and 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 any more than one food wagon (truck) on the site would 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.

7. Finding: Approved measures for removal of the temporary activity and site restoration have been 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)

Evidence: See Conclusion below.

8. Finding: 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)

Evidence: 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).

### **Noncompliance with Conditions of Approval**

Original conditions of approval for TAP 20-0824 required the applicant to obtain a Commercial Rental Business License as the food wagons (trucks) would be renting a space from Stocklandia. This condition was never met, the current approved business license for the podcast studio makes no mention of the food trucks and is unable to claim income under that license. The property owner also failed to obtain a Commercial Rental Business License to claim income from Stocklandia on the subject parcel. Additionally, other conditions of approval such as the total number of food wagons, the use of tables and chairs, and use of a commissary for overnight parking were not adhered to.

The original TAP made clear that compliance with the conditions of approval was mandatory. Consistent with SMC 16.164.070, said conditions were found to be reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 16.164.050.

## **Conclusion**

The TAP expired on April 30, 2021. You were permitted to continue operating in the interim pending the determination of your time extension request. Per the findings above, a time extension will not be granted. The project site at 2107 West Lane shall be completely free of all evidence of the activity within seven (7) days of the date of this letter (SMC 16.164.080). Temporary activities that do not comply shall be subject to code enforcement action, in compliance with SMC chapter 16.224 (Enforcement).

In accordance with SMC section 16.164.080.A and chapter 16.100, this determination may be appealed to the Planning Commission and is subject to a ten (10) day appeal period (from the date of this letter). An appeal shall be in writing, state the grounds for appeal, include a fee of \$567.50, and be submitted to the Community Development Department at 345 North El Dorado Street before 4:30 p.m., on June 7, 2021.

For your convenience, you can download the:

- Instructions at: [ElectronicPlanningApplicationSub.pdf \(stocktongov.com\)](https://stocktongov.com/ElectronicPlanningApplicationSub.pdf)
- Application form at: [PlanningApplication.pdf \(stocktongov.com\)](https://stocktongov.com/PlanningApplication.pdf).

On the application form, please check the "Appeal to Planning Commission" box. The application can be submitted in person at the Permit Center or via e-mail to [planning@stocktonca.gov](mailto:planning@stocktonca.gov) as follows:

- A. SUBJECT LINE: In ALL CAPS enter "NEW PLANNING APPLICATION" along with the project site's address(es).
- B. E-MAIL BODY: Include, at minimum, the applicant's name and contact info, property owner (if different) name and contact info, and brief project description.
- C. FILE TRANSFER: All files shall be in PDF format. Combined file sizes over 20 MB shall be submitted via a cloud-based download service (e.g., Box, Google Drive, Dropbox). NOTE: no link shall require the creation of an account, download of software, subscription, fee payment, etc.

If you elect to submit in person, all appeal documentation must also be provided in a digital format (usb drive is acceptable). If no appeal is filed within that time, the decision shall be final.

Should you have any questions regarding this matter, please contact Stephanie Ocasio, Assistant Director of CDD at [stephanie.ocasio@stocktonca.gov](mailto:stephanie.ocasio@stocktonca.gov) or (209) 937-8544.

Thank You,

A handwritten signature in blue ink, appearing to read 'W. Crew', with a long horizontal stroke extending to the right.

WILLIAM CREW, DIRECTOR  
COMMUNITY DEVELOPMENT DEPARTMENT