

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION TO APPROVE A COMMISSION USE PERMIT AND DESIGN REVIEW TO ALLOW A FOOD TRUCK PARK/COMMISSARY CO-LOCATION AT 3646 TELSTAR PLACE (P24-0158) (APN 130-020-11)

On August 21, 2024, the applicants, Mike Smith Engineering, on behalf of Paul and Janice Umdenstock, submitted an application to the Community Development Department for Commission Use Permit No. P24-0158, to develop a Food Truck Park/ Commissary Co-location for 40 motorized food wagons with seating for outdoor dining on a ±4.4 acre parcel; and

On April 28, 2025, public notice for the subject application was published in the local newspaper in accordance with Stockton Municipal Code (SMC) Section 16.88.030; and

On May 8, 2025, the Planning Commission conducted a public hearing on the application, in compliance with SMC Section 16.116.040(D), at which point all persons wishing to be heard were provided such opportunity; 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 herein reference.

B. Based on its review of the entire record herein, the Planning Commission makes the following findings:

California Environmental Quality Act

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15301(a) - Existing Facilities since it includes interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The interior of one of the existing buildings is being modified to include space dedicated to permanent restroom facilities for owners, vendors, and patrons. No exterior modifications are proposed to the existing building.

SECTION I: USE PERMIT

Per SMC Section 16.168.050, the following findings listed below can be made in the affirmative:

1. The proposed use is allowed within the subject zoning district with the approval of a use permit and complies with all other applicable provisions of this Development Code and the Municipal Code.

The proposed use is allowed in the Commercial, General (CG) zoning districts, subject to approval of a Use Permit by the Planning Commission. Pursuant to Stockton Municipal Code (SMC) Section 16.20.020, Table 2-2, the use, as proposed, is allowed with the approval of a Commission Use Permit and meets all applicable development standards of SMC Title 16 (Development Code). There are no applicable overlays or specific plans for this site.

2. The proposed use, as conditioned, will maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located.

The proposed food truck plaza and commissary co-location will provide a safe and secure environment, featuring ample lighting for patrons to assemble and a safety plan consistent with the California Health and Safety Code. Further, it will provide additional neighborhood-service retail and convenience services to the local neighborhood.

3. The proposed use will be consistent with the general land uses, objectives, policies, and programs of the General Plan and any applicable specific plan or master development plan.

The proposed use is consistent with the Commercial General Plan land use designation of the site. The objectives, policies, and programs of the General Plan are supported by the project, particularly Goal LU-1 to become more of a regional destination that attracts visitors and invites residents to enjoy a diverse array of events and art, entertainment, and dining options. Additionally, the Project is supported by General Plan Goal CH-3: Skilled workforce, in which we are facilitating projects that expand opportunities for local enterprise, entrepreneurship, and gainful employment.

4. The subject site will be physically suitable for the type and density/intensity of the use being proposed, including the provision of services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth movement, flooding, etc.).

The Project and development site currently has adequate utility services and site access. There are no known physical constraints for the food truck park and commissary use at this site. For all these reasons, the proposed use is of an appropriate intensity and would be carried out on a suitable site.

5. The establishment, maintenance, or operation of the subject use, at the location proposed and for the time period(s) identified, is not expected to 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

subject use.

Public health and safety were considered in the establishment of the subject use by evaluating the provision of pedestrian pathways, crosswalks, landscaped scenery, ensuring proper sanitation of each motorized food wagon and proper permitting for food handlers, and safe ingress and egress of the site within standard operating hours as well as in the event of an emergency. The operation hours for the use are conditioned as 7:00 a.m. to 10:00 p.m. The proposed use is subject to conditions of approval that address property maintenance operating procedures. Trash receptacles and enclosures will be located on-site for patrons and motorized food wagon operators to properly dispose of garbage and refuse waste. Similarly, sanitary disposal of liquid wastewater will be facilitated by on-site grease interceptors. The Project is conditioned to provide a safe and secure space for the storage of all motorized food wagons, food, utensils, and supplies.

6. The design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property.

The planned food truck park and commissary co-location is classified as a commercial use that is compatible with the Commercial General Plan designation of the subject site. The anticipated customer base, traffic patterns, noise levels, and general operational characteristics of the proposed food truck park and commissary co-location are compatible with nearby commercial and auto-related uses.

7. The proposed action would be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

The Project is Categorically Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines, in accordance with the provisions of section 15301(a) – Existing Facilities because it includes interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The interior of the store is being modified to include space dedicated to alcohol sales, display, and store. No exterior modifications are proposed to the existing building.

SECTION II: DESIGN REVIEW

Per SMC Section 16.120.060, the following findings listed below can be made in the affirmative:

A. The proposed development is consistent with all applicable provisions of the Development Code, including general development standards for all development and specific development in the Commercial, General (CG) zone.

A Food Truck Park/Commissary Co-location is allowed in the CG (Commercial General) zoning district provided the project is granted the Use Permit approval. The

Project is consistent with the standards included for Food Truck Parks and Commissaries per SMC Section 16.80.380 (Food Truck Parks) and Section 16.80.385 (Commissary).

B. Special requirements or standards have been adequately incorporated, when applicable, into the building and/or site design (e.g., American Disabilities Act regulations, historic preservation, mitigation measures, open space, utilities, etc.). 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.

The site was designed with ample consideration for safe pedestrian and vehicular access to and from the assembled food trucks, which have been arranged for efficient functionality of the site. The general design considerations, including character, quality, and scale of design are consistent with the Citywide Design Guidelines such as maintaining a strong sense of continuity along street frontages provided the various food trucks will not dominate surrounding development and instead ensure the project creates a positive impact for surrounding uses with the addition of local business to the area.

C. The proposed food truck park was designed to complement the architectural design of the existing buildings in the area. The proposed structure is visually compatible with surrounding developments.

The architectural design of the project was reviewed by the Architectural Review Committee against the Citywide Design Guidelines and recommended approval of the design. Elements that support this determination are the implementation of a vibrant color palette in which the roof of each building will be composed of primary and secondary colors. Additionally, the project includes permanent, durable seating for customers to dine outdoors below contemporary shade structures, composed of good quality materials in blue. The project proposes a well-lit Food Truck Park to safely congregate and circulate from destination to destination. Trash collector bins are proposed throughout the site for customers to dispose of their trash and maintain a clean Food Truck Park and Commissary.

D. The location and configuration of the proposed structures are compatible with surrounding sites as it was designed to complement the existing developments in the area and does not unnecessarily block views from other structures or dominate their surroundings.

The Food Truck Park/Commissary Co-location will maintain an appropriate scale consistent with surrounding development along Telstar Place. The project does not include structures greater than one single-story. Each food truck is provided with ten-foot minimum separation between every truck and adjacent buildings on-site. Existing buildings will be repainted to create visually interesting wall planes and roof designs which will complement each of the 40 unique food truck designs.

E. The proposed preliminary landscape concepts are consistent with the State Mandated MWELO Program. The project landscaped frontages to ensure visual relief and to complement structures and provides for an attractive environment.

Landscape elements are provided along parking areas and pedestrian pathways to enhance views of the site. Fresh landscape along the front setback area and entrance will be provided to facilitate a welcoming environment. Trough planters are strategically arranged throughout the site for further visual appeal and to complement adjacent structures. A final comprehensive landscape plan will be reviewed as part of the building permit submittal to ensure compliance with applicable landscape standards in SMC Chapter 15.56 (Landscaping).

F. The design and layout of the proposed project does not interfere with the use and enjoyment of neighboring existing or future development as it alleviates the need to use the public right-of-way or adject parcels for the operations and as a benefit improves the right-of-way, reducing any pedestrian or vehicular hazards.

The project does not interfere with the use and enjoyment of the neighboring development; rather, it will create a vibrant community gathering area where City of Stockton residents can savor cuisine from a variety of diverse cultures. Parking is provided for food truck vendors and patrons in order to reduce parking on the public right-of-way; each truck will have a designated space to remain while operating

G. The building design and related site plan, including on-site parking and loading, has been designed and integrated to ensure the intended use will best serve patrons of the site. The dedicated drive isles allow for the efficient movement of vehicles in and out of the site and separate it from the parking lot for employees and visitors to the site.

The building design was reviewed by the Public Works Department and Engineering Division for evaluation of efficient movement of vehicles and patrons at each access point. Pedestrian paths of travel are identified for the project and parking is proportionally located in every direction of the site. The curbs located at the Food Truck Park/Commissary entrance will be designated as "No Parking" areas to prevent vehicles from blocking traffic in this area.

H. The project has been conditioned to accommodate special requirements or standards, when applicable, into the building and/or site design (e.g., American Disabilities Act regulations, historic preservation, mitigation measures, open space, utilities, etc.).

Special requirements or standards applicable to the site design were considered in the review of this application and have resulted in conditions of approval. An in-depth analysis of ADA (Americans with Disabilities) accommodations and requirements will be finalized during the building permit submittal to ensure compliance and consistency with the current California Building Code and supplementary laws pertaining to these

measures. The Use Permit is conditioned to include but is not limited to including the requirement of accessible restrooms, accessible handwashing stations, accessible routes throughout, accessible parking, etc.

SECTION III: CONDITIONS OF APPROVAL

Based on its review of the entire record herein, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves the requested Use Permit, subject to the following conditions of approval.

Conditions of Approval: Standard

This Use Permit approval authorizes the operation of a food truck park and commissary co-location as identified in Exhibit 1.

1. The Owners, Developers, and/or Successors in Interest (ODS) shall comply with all applicable Federal, State, County, and City codes, regulations, laws, and other adopted standards and pay all applicable fees.

2. Compliance with these Conditions of Approval is mandatory. Failure to comply with these Conditions of Approval is unlawful and may constitute a public nuisance subject to the remedies and penalties identified in the SMC including, but not limited to, monetary fines and revocation of this Permit.

3. This Use Permit shall be maintained on site and shall be immediately made available to City personnel upon inspection of the facility.

4. Any future building signage shall be subject to approval by the Community Development Department.

5. Separate building permits will be required for alterations to the site or building(s) at the project location.

Conditions of Approval: Project Specific

This Use Permit and Design Review incorporates the following conditions of approval.

6. **Project Approval.** The Project approved by this action shall conform to the plans, elevations, and color/material board included as Exhibit 1. Project approval encompasses Design Review aspects and evaluation of site development standards.

7. **Easements.** No portion of any structure shall encroach into a public or private easement, inclusive of architectural projections such as eaves and signage. No construction shall be allowed in the 10-foot (10') public utility easement along the north property line.

8. **Surfacing.** Parking spaces, driveways, maneuvering aisles and turnaround areas shall be paved in accordance with SMC Section 16.64.030(D). Pursuant to Government Code section 35863.2 ((AB) 2097) the Project is permitted to have a reduction in off-street parking due to its nearby orientation to a high frequency public transit stop.

9. **Off-Street Parking Requirements.** The Project shall be permitted to provide reduced parking due its compliance with Government Code section 35863.2 (Commonly referred to as Assembly Bill (AB) 2097 approved in 2022) which provides that the City cannot enforce a minimum off-street parking requirement for qualified land uses operating at properties located within ½ mile of a high frequency public transit stop (Holman Road and Hammer Lane). However, Food Truck Park/ Commissary Co-location off-street parking standards, in compliance with SMC Chapter 16.64 (Off-Street Parking and Loading Standards), shall be required if modifications to existing parking are proposed.

10. **LP-Gas (Liquid Petroleum).** The use and storage of LP-Gas is regulated pursuant to the California Fire Code (CFC), Chapter 61, and the National Fire Protection Association—Standard 58. The establishment of permanent propane services on-site is an optional function of the Commissary land use as defined in SMC Section 16.80.385 and was not evaluated under this entitlement.

11. **Fencing.** Future modifications to the fence otherwise specified shall require compliance with SMC Chapter 16.48. Gates for motorized food wagons and for pedestrian access shall be unlocked during operating hours.

12. **Screening.** The existing transformer shall be screened with a CMU wall to obscure view from the public right-of-way. The CMU must match the proposed color selection of the existing buildings on-site.

13. **Access.** Ingress and egress are required pursuant to SMC Section 16.36.030. Adequate vehicular and pedestrian circulation is required. The 90-degree curbs located along the entry of the Food Truck Park/Commissary shall be painted red for no parking.

14. **Landscaping.** Landscaping is required pursuant to SMC Chapter 16.56 (Landscaping Standards) and Chapter 16.64 (Off-Street Parking and Loading Standards). The proposed landscaping design must comply with the State Model Water Efficient Landscape Ordinance (MWELO). Complete landscape plans from a California licensed landscape architect shall be required as part of the building permit submittal.

15. **Solid waste/recyclable materials.** A solid waste/recyclable materials storage shall be required pursuant to SMC Section 16.36.130. The size of the solid waste/recyclable storage shall be determined by Table 3-2 in Section 16.36.130, based upon the gross square footage of the commissary property. A trash receptacle shall be

provided to collect any on-site trash. The site shall be clean and free of any trash and debris at the start and conclusion of operating hours.

16. **Discharge of Wastewater, Gray Water and Fats, Oils, and Grease (FOG).** The commissary and motorized food wagons shall be prohibited from draining or spilling of wastewater, gray water and/or fats, oils, and grease into the storm drain system or on the ground pursuant to SMC Section 16.80.380.

17. **Grease Interceptors.** Installation of a grease interceptor with regular maintenance and pumping shall be required pursuant to SMC Section 13.40.100. Yellow grease receptacles and routine hauling shall be required at project site.

18. **Property Maintenance/Cleanup.** Property maintenance shall be provided pursuant to SMC Chapter 8.36 (Property Maintenance).

19. **Lighting.** Adequate lighting shall be installed to ensure user safety. Lighting fixtures shall be permanent and shall be consistent with SMC Section 16.32.070.

20. **Utilities.** Permanent electric outlet hookups and potable water connections shall be installed for each motorized food wagon parking space. Generators shall not be utilized at the food truck park/commissary co-location pursuant to SMC Section 16.80.380.

21. **Noise.** Commissary noise shall comply with SMC Chapter 16.60 (Noise Standards).

22. **Separation.** Motorized food wagons shall be set back a minimum of 10 feet from all property lines. Motorized food wagons shall be located a minimum of 10 feet from any other motorized food wagon. Motorized food wagons shall be located a minimum of 10 feet from any other structures on the site pursuant to SMC Section 16.80.380.

23. **Signage.** No signage shall encroach into the City right-of-way. All future modifications to the existing on-premises pole signs shall comply with Chapter 16.76 (sign Standards) and will require additional Planning entitlements.

24. **SWQCP.** A Stormwater Quality Control Plan (SWQCP) shall be provided at time of building permit submittal. The proposed use shall require a SWQCP trash capture device at minimum, in addition to a complete report and maintenance agreement.

25. **Propane.** The establishment of permanent propane services on-site for the purposes of refueling is an optional function of the Commissary land use as defined in SMC§16.80.385 and was not evaluated under this entitlement.

26. **Materials.** Any site feature that includes a fabric material sail, inclusive of outdoor shade structures, shall require SFM credentials for flame treatment and an SFM tag shall be affixed to the sail.

27. **Operational Fire Permit.** Food Trucks that provide a cooking operation will require an operational fire permit. An inspection is required for each food truck prior to issuing the operational fire permit.

28. **Access.** The secondary access shall be maintained into the project site from the driveway entrance from Holman Road and remain open during business hours. The installation of any gates at this location shall be subject to providing a fire key switch (if automated), or a KNOX box on the gate if it is key operated (manually openable).

29. **Fire Lane.** The ring road shall be maintained and dedicated as a fire lane. The design team shall demonstrate on the exhibit that the ring road can accommodate the turning radius of fire apparatus with parking of vehicles on each side of the road.

30. **Addressing.** New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. A 12-inch address number will be required on the building or perimeter security fencing.

31. **Seating.** Seating (eating area) shall be required for food truck hubs, food truck plazas, and food truck park/commissary co-locations at the rate of three seats per motorized food wagon. A minimum of four feet of clearance must be provided around any tree, newsstand, bike rack, planter, trash receptacle, etc.

32. **Restroom Facilities.** All food truck parks and food truck park/commissary co-locations shall provide permanent on-site restrooms for both the food truck park vendors and patrons. A minimum of one restroom facility shall be provided which is ADA accessible for food truck parks up to 10 trucks. At least one additional restroom facility shall be provided for food truck parks with 11 or more trucks pursuant to SMC Section 16.80.380.

33. **Business License.** All food truck owner and vendor(s) shall obtain all applicable City of Stockton business licenses and permits prior to operation.

34. **Environmental Health.** All applicable approvals and permits shall be obtained from the San Joaquin County Environmental Health Department prior to operation of the food truck commissary and food handling within each motorized food wagon.

35. **Operating Hours.** The food truck park/commissary co-location hours of operation shall not be earlier than 7:00 a.m. and no later than 10:00 p.m. pursuant to SMC Section 16.80.380.

36. **Operator Responsibility for Motorized Food Wagon Compliance.** The property owner or property owner's authorized agent is responsible to ensure that all

motorized food wagons and vendors operating at the food truck park have obtained the necessary San Joaquin County Environmental Health Permit, and Stockton Business Licenses for the motorized food wagons and their staff.

37. **ADA.** The applicant shall comply with the Americans with Disabilities Act (ADA) requirements related to providing accessibility to the public accommodations associated with this Use Permit; including but not limited to accessible restrooms, accessible handwashing stations, accessible routes throughout, accessible parking, etc.

38. **Commissary Services.** All food truck park/commissary co-locations shall provide commissary services (per Section 16.80.385) to motorized food wagons that permanently reside at the site. Non-resident motorized food wagons shall not receive commissary services from the food truck park/commissary co-location pursuant to SMC Section 16.80.385 (Commissary).

39. **Building Permits.** Building permit(s) are required from the City of Stockton Building & Life Safety Division for new construction or any alterations to the existing building(s) or site, including but not limited to, new structures, changes to the layout or use of the building(s), changes to the layout or use of the site, and any changes to the building systems (mechanical, electrical, and plumbing). A Planning entitlement approval does not authorize construction or the use of the building/site until the appropriate building permits have been obtained, if applicable.

40. **Construction Plans.** Construction plans and supporting documents for the building permit submission shall be prepared by, and stamped and signed by, a California licensed architect or engineer. Stamping requirements apply to all disciplines including, but not limited to, civil, architectural, structural, mechanical, electrical, plumbing, and landscaping.

41. **Effective Date.** The Use Permit shall become effective following the completion of a ten (10) day appeal period following approval of the application.

42. **Expiration.** If a permit or entitlement has not been initiated in compliance with subsection (A)(1)(a) of this section (Initiation), and a time extension has not been filed in compliance with Section 16.96.030 (Extensions of time), the permit or entitlement shall be void without further action by the Review Authority.

The applicable Review Authority has the discretion to impose additional condition(s) of approval as warranted by the application under consideration.

//
//
//
//
//

SECTION IV: PLANNING COMMISSION ACTION

Based on its review of the entire record herein, including the May 8, 2025, Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves the Use Permit and Design Review application as shown in Exhibit 1.

The Use Permit shall become void unless the required building permit is submitted within 12 months of this Permit being issued (SMC Section 16.120.080(D)).

PASSED, APPROVED, and ADOPTED May 8, 2025.

JEFF SANGUINETTI, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission