

Wednesday, September 14, 2022, 7:00 P.M.

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

**THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION PURSUANT TO GOVERNMENT CODE SECTION 54953(e).**

**IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH GUIDELINES, UNIVERSAL MASKING INDOORS IS RECOMMENDED FOR ALL PERSONS REGARDLESS OF VACCINATION STATUS.**

**MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:**

*As always, the public may view the Planning Commission meetings live on the City of Tracy's website at [CityofTracy.org](http://CityofTracy.org) or on Comcast Channel 26/AT&T U-verse Channel 99. To view from the City's website, open the "Government" menu at the top of the City's homepage and select "Planning Commission", then select "[Planning Commission Meeting Videos](#)" under the "Boards and Commissions" section.*

*If you only wish to watch the meeting and do not wish to address the Council, the City requests that you stream the meeting through the City's website or watch on Channel 26.*

**Remote Public Comment:**

*During the upcoming Planning Commission meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:*

- *Comments via:*
  - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following
  - **Event Number:** 2551 958 0882 and **Event Password:** Planning
  - **If you would like to participate in the public comment anonymously**, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting [Anonymous@example.com](mailto:Anonymous@example.com) when prompted to provide an email address.
  - Join by phone by dialing +1-408-418-9388, enter 25519580882#75266464# Press \*3 to raise the hand icon to speak on an item.
  
- *Protocols for commenting via WebEx:*
  - *If you wish to comment on the "New Business" or "Items from the Audience" portions of the agenda:*
    - *Listen for the Chair to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
    - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
  - *Comments for the "New Business" or "Items from the Audience" portions of the agenda will be accepted until the public comment for that item is closed.*

*Comments received on Webex outside of the comment periods outlined above will not be included in the record.*

**Americans With Disabilities Act** – The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

**Addressing the Council on Items on the Agenda** – The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. To facilitate the orderly process of public comment and to assist the Council to conduct its business as efficiently as possible, members of the public wishing to address the Council are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the City Council begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the Council. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the "Items from the Audience/Public Comment" portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

**Addressing the Council on Items not on the Agenda** – The Brown Act prohibits discussion or action on items not on the posted agenda. The City Council's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Council to have adequate time to address the agenda items of business, "Items from the Audience/Public Comment" following the Consent Calendar will be limited to 15-minutes maximum period. "Items from the Audience/Public Comment" listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

**Notice** – A 90-day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

Full copies of the agenda are available on the City's website: [www.cityoftracy.org](http://www.cityoftracy.org).

## MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Council Meeting Protocols and Rules of Procedure*, adopted by Resolution No. 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to the Planning Commission.

1. CONTINUED BUSINESS

A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION 1) ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP22-0001) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 104 W. TENTH STREET, APN 235-054-06, 2) ALLOW THE CONDITIONAL USE PERMIT TO BE VALID FOR ONE YEAR, AS DESCRIBED IN THE CONDITIONS OF APPROVAL, AND 3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT GUIDELINES SECTION 15301. THE APPLICANT IS MOM TR, INC. AND THE PROPERTY OWNER IS PETER MAGLARAS.

2. NEW BUSINESS

A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION (1) ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP22-0006) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) LOCATED AT 85 E. TENTH STREET (ASSESSOR'S PARCEL NUMBER 235-171-10), (2) ALLOW THE CONDITIONAL USE PERMIT ONE YEAR TO BE ESTABLISHED, AS DESCRIBED IN CONDITION OF APPROVAL A.9, AND (3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GUIDELINES SECTION 15301 PERTAINING TO EXISTING FACILITIES. THE APPLICANT IS C.H.C.C. INC. AND THE PROPERTY OWNER IS J.T. STORAGE.

- B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION 1) ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP22-0003) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) LOCATED AT 951 N. CENTRAL AVENUE (ASSESSOR'S PARCEL NUMBER 235-056-07), 2) ALLOW THE CONDITIONAL USE PERMIT ONE YEAR TO BE ESTABLISHED, AS DESCRIBED IN CONDITION OF APPROVAL A.9, AND 3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GUIDELINE SECTION 15301 PERTAINING TO EXISTING FACILITIES. THE APPLICANT IS JIVA TCY LLC AND THE PROPERTY OWNER IS STOCKTON GATEWAY, LLC
  
3. ITEMS FROM THE AUDIENCE
  
4. DIRECTOR'S REPORT
  
5. ITEMS FROM THE COMMISSION
  
6. ADJOURNMENT

Posted: September 8, 2022

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection via the City of Tracy website at [www.cityoftracy.org](http://www.cityoftracy.org).

Agenda Item 1.A

RECOMMENDATION

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION 1) ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP22-0001) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 104 W. TENTH STREET, APN 235-054-06, 2) ALLOW THE CONDITIONAL USE PERMIT TO BE VALID FOR ONE YEAR, AS DESCRIBED IN THE CONDITIONS OF APPROVAL, AND 3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT GUIDELINES SECTION 15301. THE APPLICANT IS MOM TR, INC. AND THE PROPERTY OWNER IS PETER MAGLARAS.**

EXECUTIVE SUMMARY

This item is a continued public hearing from August 24, 2022 to consider the granting of a conditional use permit to Megan's Organic Market to operate a cannabis dispensary in the existing building at 104 W. Tenth Street.

BACKGROUND

On August 24, 2022, the Planning Commission held a public hearing to discuss and consider a conditional use permit application for the Megan's Organic Market cannabis dispensary proposed to be located at 104 W. Tenth Street. The staff report is provided as Attachment D for reference. After discussion and receiving public comment (further described below), the Planning Commission continued the agenda item to the September 14, 2022 Planning Commission meeting allow the public additional time to approach the City Council with their concerns regarding the allowance and/or regulations of commercial cannabis activity in Downtown Tracy.

ANALYSIS

At the meeting, public comments were made relating to the allowance of commercial cannabis businesses in Downtown Tracy, concern on overconcentration of such businesses downtown, and the proximity of the proposed dispensary to a nearby eating and drinking establishment frequented by minors (T4 Tracy), an instructional dance studio for children (Academy of Performing Arts), a music store that offers music lessons for all ages (Main Street Music), and a Montessori school (Montessori on the Prairie). A number of people spoke in opposition of the proposed cannabis dispensary, many citing the reasons above.

Commercial cannabis activities are regulated by the commercial cannabis ordinances (Tracy Municipal Code Chapter 6.36 and Section 10.08.3196) adopted by the City Council on December 3, 2019. The ordinance permits cannabis dispensaries in Downtown Tracy and does not establish any density or overconcentration regulations.

The ordinance does require that commercial cannabis uses be located at least 600 feet away from any parcel containing a sensitive use as of the date the conditional use permit is issued, where sensitive uses are defined in the Tracy Municipal Code as:

- **Day care center**, meaning a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers, as well as child care centers pursuant to Section 1596.951 of the California Health and Safety Code. This definition shall have the same meaning as set forth in Section 1596.76 of the California Health and Safety Code, as the same may be amended from time to time.
- **School**, meaning those sites upon which full-time instruction in any of the grades K through 12 is provided where the primary purpose is education, as determined in the sole discretion of the Planning Commission. "School" includes public schools, private schools, and charter schools, but does not include any private site upon which education is primarily conducted in private homes.
- **Youth center**, meaning any public or private facility that is primarily used to host recreational or social activities for minors, including but not limited to: private youth membership organizations or clubs, social service teenage club facilities, video arcades where ten (10) or more video games or game machines or devices are operated, and where minors are legally permitted to accept services, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or in City, county, or state parks. This definition shall not include any private gym, martial arts, yoga, ballet, music, art studio or similar studio of this nature, nor shall it include any athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

The ordinance further states that if located on separate parcels, the distance between the commercial cannabis use and the sensitive use property shall be measured from the outer boundaries of the sensitive use parcel to the closest structure containing a cannabis use.

While the adjacent boba tea shop and the nearby dance studio and music lessons are patronized by minors, they do not meet the definition of "sensitive use" from which a cannabis business must be located at least 600 feet away and would not prohibit the proposed dispensary from locating nearby.

The Montessori school located at 89 W. Seventh Street is a sensitive use under this definition; however, it is located on a parcel that is over 600 feet away from the structure in which the dispensary is proposed to operate. Using the City's GIS maps, the distance measures 608 feet, using printed Assessor's Parcel Maps, the distance measures 615 feet, and using Google Earth, the distance measures 616 feet (Attachment E). Though this measurement is close to the required minimum, it meets the distance requirement, and the Montessori school would not prohibit the dispensary from locating at 104 W. Tenth Street.

In response to the community feedback, the applicant submitted a revision to their project on September 7, 2022, which is provided as Attachment A to this staff report. The applicant now

proposes to divide the building into three tenant spaces, with two roughly 2,400 sf speculative retail tenant spaces on the ground floor facing Tenth Street with approximately 1,200 sf of storage on the second floor and an approximately 14,400 sf dispensary on the rear of the building comprised of the first and second floors and a storage basement. The entrance to the retail spaces would be on Tenth Street while the entrance to the dispensary would be on B Street. According to the applicant, this proposal is made to provide a greater distance between the entry of the dispensary and the nearby businesses mentioned above, as well as offers a visual separation between the uses so that the dispensary is not as readily visible from Tenth Street. This also allows for retail uses to occupy the portion of the building fronting Tenth Street, which has large, windowed display areas desirable in downtown settings. Staff has performed a cursory review of the revised materials and finds it to comply with City standards and cannabis requirements. Staff recommends the Planning Commission discuss and consider approval of the project for the reasons outlined in the Planning Commission resolution (Attachment B).

#### *Project Expiration*

Per the Tracy Municipal Code (TMC) Section 10.08.4350, conditional use permit approvals are valid for six months following fifteen days from the date of approval unless a building permit is issued, and construction is commenced. The TMC also permits Planning Commission to grant a greater time limit for conditional use permit approvals (TMC Section 10.08.4360). Aside from the conditional use permit, the applicant must also obtain a State license for the operation of the cannabis business and comply with the conditions of their provisional cannabis business permit, which may take longer than six months to complete. Therefore, staff recommends that the Planning Commission grant the conditional use permit for one year as described in the project condition of approval A.9.

#### FISCAL IMPACT

This agenda item will not require any expenditure of funds. The applicant paid the application processing fees established by the City Council for the conditional use permit application. The applicant will also pay all appropriate building permit upon the commencement of project improvements.

#### PUBLIC OUTREACH/ INTEREST

This agenda item was duly noticed in the local newspaper and public hearing notices were mailed to all property owners of property within 300 feet of the subject site that it would be heard at the August 24, 2022 Planning Commission public hearing. At the hearing, the Planning Commission continued the item to the September 14, 2022 public hearing.

#### COORDINATION

This staff report was prepared by the Development Services Planning Division.

#### CEQA DETERMINATION

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations and additions to existing facilities in an area where all public services and facilities are available,

and which is not environmentally sensitive. In accordance with CEQA Guidelines, no further environmental assessment is required.

### STRATEGIC PLAN

This item implements the City Council's Economic Development Strategic Priority Goal 5, Policy 2: Complete conditional use permit processes for cannabis business permit holders.

### ACTION REQUESTED OF THE PLANNING COMMISSION

1) Adopt a resolution approving conditional use permit CUP22-0001 for a cannabis storefront retailer (dispensary) at 104 W. Tenth Street, APN 235-054-06, 2) allow the conditional use permit to be valid for one (1) year, as described in the Conditions of Approval, and 3) determine that this project is categorically exempt from the California Environmental Quality Act pursuant to Guidelines Section 15301.

Prepared by: Kimberly Matlock, Associate Planner  
Reviewed by: Bill Dean, Assistant Development Services Director  
Approved by: Kris Balaji, Development Services Director

#### Attachments:

- Attachment A – Vicinity Map and Plans received on September 7, 2022
- Attachment B – Planning Commission Resolution
- Attachment C – Conditions of Approval
- Attachment D – Planning Commission Staff Report dated August 24, 2022
- Attachment E – GIS and Google Earth Maps of Measurement to Montessori School





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# MEGAN'S ORGANIC MARKET CANNABIS DISPENSARY

104 W. 10TH STREET TRACY, CA 95376

CONDITIONAL USE PERMIT

Table of abbreviations and symbols. Columns include symbol, description, and symbol. Includes items like ANCHOR BOLT, ABOVE, ASPHALT CONCRETE, ACCESSIBLE, AIR CONDITIONING, etc.

Table of symbols and their meanings. Includes symbols for REF NORTH, BUILDING SECTION, WALL SECTION, DETAIL OR ENLARGED PLAN, WALL TYPE, ROOM NAME AND NUMBER, DOOR NUMBER, WINDOW NUMBER, KEYNOTE, REVISION NUMBER, ACCESSORY OR EQUIPMENT, INTERIOR ELEVATION.

## 41 SYMBOLS

- 1. DO NOT SCALE PLANS.
- 2. ALL CONSTRUCTION SHALL CONFORM WITH TITLE 24 AND THE 2019 CBC, CMC, CPC, AND 2019 CEC AMENDMENTS AND CITY OF TRACY.
- 3. ALL DIMENSIONS ARE TO BE VERIFIED IN THE FIELD. ANY DISCREPANCIES ARE TO BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT. DO NOT PROCEED WITHOUT RESOLVING DISCREPANCIES.
- 4. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER DRAWINGS SCALE OR PROPORTION. LARGER SCALE DRAWINGS TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS.
- 5. REQUIRED SANITARY FACILITIES SHALL BE PROVIDED ON THE JOB.
- 6. OMISSIONS AND/OR CONFLICTS IN THE DRAWINGS SHALL NOT RELIEVE THE CONTRACTOR FROM COMPLETING WORK WHICH IS NECESSARY TO CARRY OUT THE INTENT OF THE DRAWING AND/OR COMPLETE WORK TO STANDARDS REQUIRED BY CODE.
- 7. THESE NOTES INDICATE CONSTRUCTION FOR PROPOSED TENANT IMPROVEMENT UNLESS OTHERWISE NOTED OR SHOWN. FEATURES OF CONSTRUCTION SHOWN ARE TYPICAL AND SHALL APPLY TO ALL DRAWINGS UNLESS OTHERWISE NOTED OR SHOWN. FEATURES OF CONSTRUCTION SHOWN ARE TYPICAL AND SHALL APPLY GENERALLY THROUGHOUT TO SIMILAR CONDITIONS, UNLESS NOTED OTHERWISE ALL VESTIBULES, CLOSETS, COLUMNS PROJECTIONS, RECESSES, OR OTHER ADJACENT AREAS WITHIN SCHEDULED AREAS SHALL HAVE FINISHES AS SCHEDULED FOR THE RESPECTIVE SPACES IN WHICH THEY OCCUR. ALL OMISSIONS OR CONFLICTS BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND/OR GENERAL NOTES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER BEFORE PROCEEDING WITH ANY WORK SO INVOLVED.
- 8. ALL WORK, AND ALL CONSTRUCTION METHODS AND MATERIALS SHALL COMPLY WITH ALL PROVISIONS OF THE BUILDING CODES AND OTHER RULES, REGULATIONS AND ORDINANCES GOVERNING THE PLACE OF THE BUILDING. BUILDING CODE REQUIREMENTS IN ALL CASES TAKE PRECEDENCE OVER THE DRAWING. IT SHALL BE THE RESPONSIBILITY OF ANYONE SUPPLYING LABOR OR MATERIALS OR BOTH TO BRING TO THE ATTENTION OF THE ARCHITECT ANY DISCREPANCIES OR CONFLICTS BETWEEN THE REQUIREMENTS OF THE CODE AND THE DRAWINGS.
- 9. UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE TO FACE OF FINISH.
- 10. CONTRACTOR SHALL ARRANGE AND PAY FOR ALL TEMPORARY UTILITY SERVICES AND CONNECTIONS DURING CONSTRUCTION.
- 11. ANY CHANGES IN CONSTRUCTION SHALL BE ACCOMPANIED BY A CHANGE ORDER ISSUED BY THE GENERAL CONTRACTOR AND APPROVED BY THE OWNER.
- 12. THE CONTRACT DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED IMPROVEMENTS. UNLESS OTHERWISE SHOWN, THEY DO NOT INDICATE METHOD OF CONSTRUCTION. CONTRACTOR SHALL SUPERVISE AND DIRECT WORK AND SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES. OBSERVATION VISITS TO THE SITE SHALL NOT INCLUDE INSPECTIONS FOR THE PROTECTIVE MEASURES OR THE CONSTRUCTION PROCEDURES REQUIRED FOR SAME, WHICH ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- 13. CONTRACTOR HEREBY GUARANTEES TO THE OWNER THAT ALL MATERIALS, FIXTURES, AND EQUIPMENT FURNISHED TO THE PROJECT ARE NEW UNLESS OTHERWISE SPECIFIED.
- 14. ANYONE SUPPLYING LABOR AND/OR MATERIALS TO THE PROJECT SHALL CAREFULLY EXAMINE ALL SUBSURFACES TO RECEIVE WORK. ANY CONDITIONS DETRIMENTAL TO WORK SHALL BE REPORTED TO THE ARCHITECT/OWNER. COMMENCEMENT OF WORK SHALL IMPLY ACCEPTANCE OF ALL SUBSURFACES.
- 15. ANY MATERIAL STORED AT THE SITE SHALL BE COMPLETELY SUPPORTED FREE OF THE GROUND, COVERED AND OTHERWISE PROTECTED TO AVOID DAMAGE.
- 16. PRIOR TO FINAL INSPECTION AS A DEFERRED SUBMITTAL ITEM, PROVIDE A FINAL COPY OF BUILDING OPERATION AND MAINTENANCE MANUAL TO BUILDING INSPECTOR. CALGREEN 5.408, 5.410, 5.504.5.1.
- 17. ANY DAMAGE, AS A RESULT OF CONSTRUCTION OPERATIONS FOR THIS PROJECT, TO CITY FACILITIES, I.E. CURB/BERM, STREET, SEWER LINE, WATER LINE, OR ANY PUBLIC IMPROVEMENTS SHALL BE REPAIRED AT NO COST TO THE CITY OF TRACY.

## 44 GENERAL NOTES



## 31 STREET EXTERIOR RENDER

THIS PROJECT MUST COMPLY WITH THE LATEST APPLICABLE CODE WHICH HAVE BEEN ADOPTED BY THE GOVERNING AGENCIES HAVING JURISDICTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

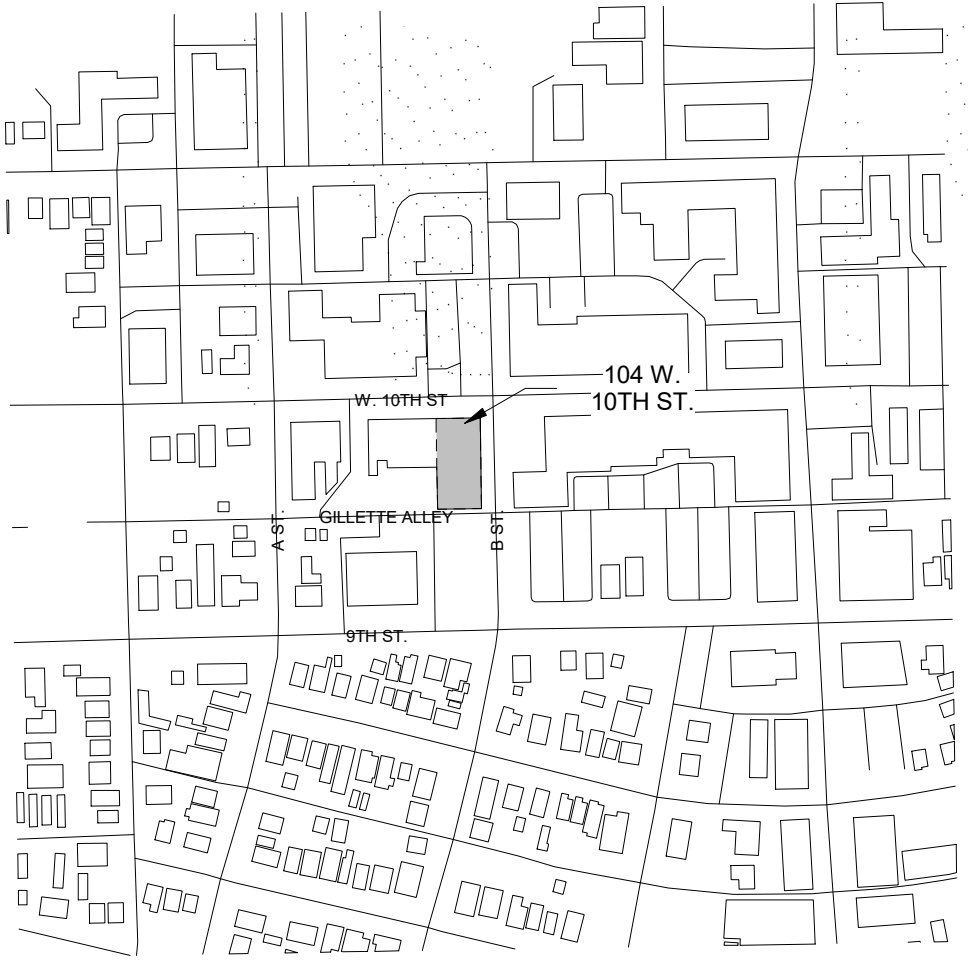
- 2019 CALIFORNIA BUILDING CODE, VOLS 1 & 2 (2015 IBC)
- 2019 CALIFORNIA ELECTRICAL CODE (2015 NEC)
- 2019 CALIFORNIA MECHANICAL CODE (2015 UMC)
- 2019 CALIFORNIA PLUMBING CODE (2015 UPC)
- 2019 CALIFORNIA ENERGY CODE
- 2019 CALIFORNIA FIRE CODE (2015 IFC)
- 2019 CALIFORNIA GREEN BUILDING CODE (2015 IBC)
- 2019 CALIFORNIA REFERENCE STANDARDS CODE

THESE CODES SHALL BE CONSIDERED AN INTEGRAL PART OF THESE DRAWINGS AS IF THEY WERE PRINTED HERE ON THIS SHEET IN THEIR ENTIRETY.

## 32 APPLICABLE CODES

- 1. CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AT THE PROJECT SITE AS DESCRIBED IN THE CONTRACT DOCUMENTS PRIOR TO STARTING WORK. IF THERE IS ANY DISCREPANCY BETWEEN THE DRAWINGS AND THE EXISTING CONDITIONS, THE ARCHITECT SHALL BE NOTIFIED IMMEDIATELY.
- 2. PREVENT DEBRIS FROM BEING DEPOSITED ON ADJACENT AREAS, WALKWAYS, AND STREETS.
- 3. CAP ALL ABANDONED UTILITIES BELOW FLOOR, ABOVE CEILING OR AS INDICATED ON DRAWINGS.
- 4. ALL EQUIPMENT TO BE REMOVED WILL BE SAVED FOR THE OWNERS INSPECTION TO DETERMINE IF NEEDED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSAL OF ALL ITEMS NOT USABLE.
- 5. PROVIDE SEISMIC RESTRAINTS FOR ALL PLUMBING, ELECTRICAL, MECHANICAL, AND FIRE SUPPRESSION SYSTEMS.
- 6. CONTRACTOR SHALL FURNISH MATERIAL, EQUIPMENT AND LABOR TO PATCH THE FLOOR AND REPAIR THE WALL AND CEILING TO MATCH THE ADJACENT EXISTING SURFACES AFTER INSTALLATION AND INSPECTION AS APPROVED.
- 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTINUOUS CLEAN UP OF THE SITE OF ALL DEBRIS, WHETHER CREATED BY HIS WORK OR THE FAILURE OF HIS SUBCONTRACTOR TO CLEAN UP THEIR WORK.
- 8. ALL LIFE/SAFETY EQUIPMENT DISTURBED BY NEW CONSTRUCTION SHALL BE REINSTALLED.
- 9. CONTRACTOR TO PATCH ALL DISTURBED SURFACES TO MATCH EXISTING ADJACENT SURFACES.
- 10. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK RELATED TO AND REQUIRED BY THE INSTALLATION OF NEW CONSTRUCTION. CONTRACTOR TO DETERMINE SIZE AND INSTALLATION METHOD OF NEW SYSTEMS. ALL WORK TO BE OF TOP QUALITY.
- 11. EXISTING UTILITIES SHALL BE MAINTAINED IN SERVICE THROUGHOUT THE WORK. ANY UTILITY SHUT-DOWN SHALL BE SCHEDULED A MINIMUM OF 48 HRS IN ADVANCE IN WRITING. ANY UTILITY SERVICE THAT IS DAMAGED SHALL BE PUT BACK IN SERVICE IMMEDIATELY AT NO ADDITIONAL COST TO THE OWNER.
- 12. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT NO EMERGENCY EXIT IS BLOCKED AT ANY TIME.
- 13. CONTRACTOR SHALL MINIMIZE NOISE AND CONGESTION AS MUCH AS POSSIBLE DURING DEMOLITION.
- 14. DISCONNECTION OF AND/OR RELOCATION OF EXISTING PLUMBING, ELECTRICAL, MECHANICAL, AND FIRE SUPPRESSION EQUIPMENT SHALL BE DONE AT SUCH TIMES THAT OPERATIONS OF THE EXISTING FACILITY WILL BE UNAFFECTED.

## 34 DEMO NOTES



## 23 AREA MAP



## 24 VICINITY MAP

SHEET INDEX table with columns: Sheet Number, Sheet Name, Sheet Issue Date, Current Rev, Current Rev Date. Lists sheets G0.0 through A2.5.

## 11 SHEET INDEX

ARCHITECT: ANDREW GOODWIN DESIGNS  
2050 PARKER STREET  
SAN LUIS OBISPO, CA 93401  
PHONE: (805) 439-1611  
CONTACT: ANDREW GOODWIN, AIA LEED AP

OWNER: MEGAN'S ORGANIC MARKET  
MOM EC LLC dbA  
179 PISMO STREET  
SAN LUIS OBISPO, CA 93401  
PHONE: (805) 707-0662  
CONTACT: NICK ANDRE

## 12 PROJECT DIRECTORY

OVERALL PROJECT: THE PROJECT CONSISTS OF THE TENANT IMPROVEMENT OF AN EXISTING COMMERCIAL BUILDING ON 104 W. 10TH STREET IN TRACY, CA. THE EXISTING BUILDING IS A TYPE III-B MASONRY BUILDING WITH WOOD TRUSS ROOF FRAMING AND NON-STRUCTURAL WOOD FRAMING.

THE NEW WORK ON THE INTERIOR IS TO INCLUDE THE DEMOLITION OF INTERIOR PARTITION WALLS (NON-STRUCTURAL) AND THE ADDITION OF NEW FULL HEIGHT WALLS FOR COMMERCIAL BUSINESS SPACES FOR THE CANNABIS TENANT. THE FIRST FLOOR WILL BE MOSTLY OPEN RETAIL SPACE AND THE SECOND FLOOR MEZZANINE WILL BE THE SAME OPEN RETAIL SPACE. THE SECOND FLOOR OFFICE SPACES WILL STAY OFFICE SPACE. THE BASEMENT WILL HAVE NO STRUCTURAL WORK AND WILL MAINTAIN AS A SECURE STORAGE AREA FOR THE TENANT.

THE HVAC WILL BE ALTERED ON THE GROUND FLOOR TO FEED THE NEW ROOMS. CARBON SCRUBBING FILTERS WILL BE INSTALLED ON THE EXISTING AND NEW HVAC EQUIPMENT.

THE EXISTING RESTROOMS WILL REMAIN. NEW FINISHES AND FIXTURES WILL BE INSTALLED.

EXISTING LIGHTING TO BE UPGRADED BUT EXISTING POWER TO REMAIN.

PROJECT: MEGAN'S ORGANIC MARKET CANNABIS DISPENSARY

104 W. 10TH STREET TRACY, CA 95376

CLIENT: MOM EC LLC dba MEGAN'S ORGANIC MARKET

## 13 PROJECT DESCRIPTION

PARCEL INFORMATION

ADDRESS: 104 W. 10TH STREET TRACY, CA 95376

APN: 235-054-06

ZONING: C2D - CENTRAL BUSINESS DISTRICT

(E) OCCUPANCY: MERCANTILE (M)

(N) OCCUPANCY: MERCANTILE (M)

PARCEL AREA: 0.28 ACRES/ 12,187 SF

SETBACKS: 0' FRONT, 0' SIDE

CONSTRUCTION TYPE: TYPE III - MASONRY

STORIES: 2 - BASEMENT

(E) BUILDING HEIGHT: 25' - 0" (APPROXIMATE)

(E) BLDG. SF: 21,337 SF (ALL FLOORS AND MEZZANINE)

RETAIL: 3680 SF (NET) RETAIL 2: 14,386 SF (NET)

2444 SF (NET) M.O.M. SPACE: 14,386 SF (NET)

PARKING REQUIREMENTS: 1,250 SF RETAIL DUE TO PROJECT LOCATION IN DOWNTOWN INCENTIVE AREA AND EXISTING BUILDING USE NOT CHANGING, THE PROPOSED PROJECT DOES NOT REQUIRE ADDITIONAL PARKING THAN PROVIDED. CITY OF TRACY MUNICIPAL CODE: 10.08.3470(d)

PARKING PROVIDED: 11 STANDARD SPACES 1-ADA SPACE (VAN ACCESSIBLE)

AUTOMATIC FIRE SPRINKLER: EXISTING TO REMAIN.

## 14 PROJECT INFORMATION

DATE: 12/22/2021

TECHNICIAN: GLW

PROJECT MANAGER: AMM

JOB NUMBER: 560

SHEET NUMBER: G0.0

## 54 ABBREVIATIONS

## 44 GENERAL NOTES

## 34 DEMO NOTES

## 24 VICINITY MAP

## 14 PROJECT INFORMATION

NOT FOR CONSTRUCTION

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**REVISIONS**

REV #	REV DATE	REV DESCRIPTION
1	03/31/2022	CUP REVIEW #1
2	06/15/2022	CUP REVIEW #2
3	09/07/2022	CUP REVIEW #3

**SEAL**

NOT FOR CONSTRUCTION

**PROJECT**

MEGAN'S ORGANIC MARKET CANNABIS DISPENSARY  
 104 W. 10TH STREET  
 TRACY, CA 95376

**CLIENT**

MOM EC LLC dba  
 MEGAN'S ORGANIC MARKET

**GENERAL NOTES: ELEVATION**

- CONTRACTOR TO VERIFY LOCATION OF ELECTRICAL, PLUMBING, AND MECHANICAL EQUIPMENT WITH OWNER/AGENT BEFORE INSTALLATION.
- STRUCTURE IS ONLY DIAGRAMMED FOR ARCHITECTURAL PURPOSES.
- EXISTING EXTERIOR STRUCTURE AND ROOFING TO REMAIN. ALL HEIGHTS AND SIZES OF FRAME TO BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.
- IN BUILDINGS USES FOR OTHER THAN RESIDENTIAL OCCUPANCIES, DRAFT STOPS MUST BE INSTALLED IN WOOD FRAMED FLOOR CONSTRUCTION CONTAINING CONCEALED SPACE. SUCH DRAFT STOPS MUST BE INSTALLED SO THAT THE AREA OF THE CONCEALED SPACE DOES NOT EXCEED 1,000 SQUARE FEET. (CBC 718.3.3)
- IN BUILDINGS USED FOR OTHER THAN RESIDENTIAL OCCUPANCIES, DRAFT STOPS MUST BE INSTALLED IN THE ATTIC FORMED BY COMBUSTIBLE CONSTRUCTION. SUCH DRAFT STOPS MUST BE INSTALLED SO THAT THE AREA OF THE CONCEALED SPACE DOES NOT EXCEED 3,000 SF. (CBC 718.4.3)

**KEYNOTES: ELEVATION**

- (E) EXTERIOR WALL TO BE REPAINTED WHITE.
- (E) EXTERIOR WALL TO BE REPAINTED WITH MURAL.
- (E) BRICK MASONRY TO REMAIN
- (E) GLAZING TO REMAIN
- (E) CANNED LIGHTING TO REMAIN
- (N) AWNING
- (N) SIGNAGE
- (N) EXTERIOR DOOR TO BE PAINTED RED TO MATCH NEW AWNINGS.
- (E) EXTERIOR WALL BASE TO BE REPAINTED GREEN.

**SHEET TITLE**

3D VIEWS

**DATE:** 12/22/2021

**TECHNICIAN:** NB

**PROJECT MANAGER:** AMS

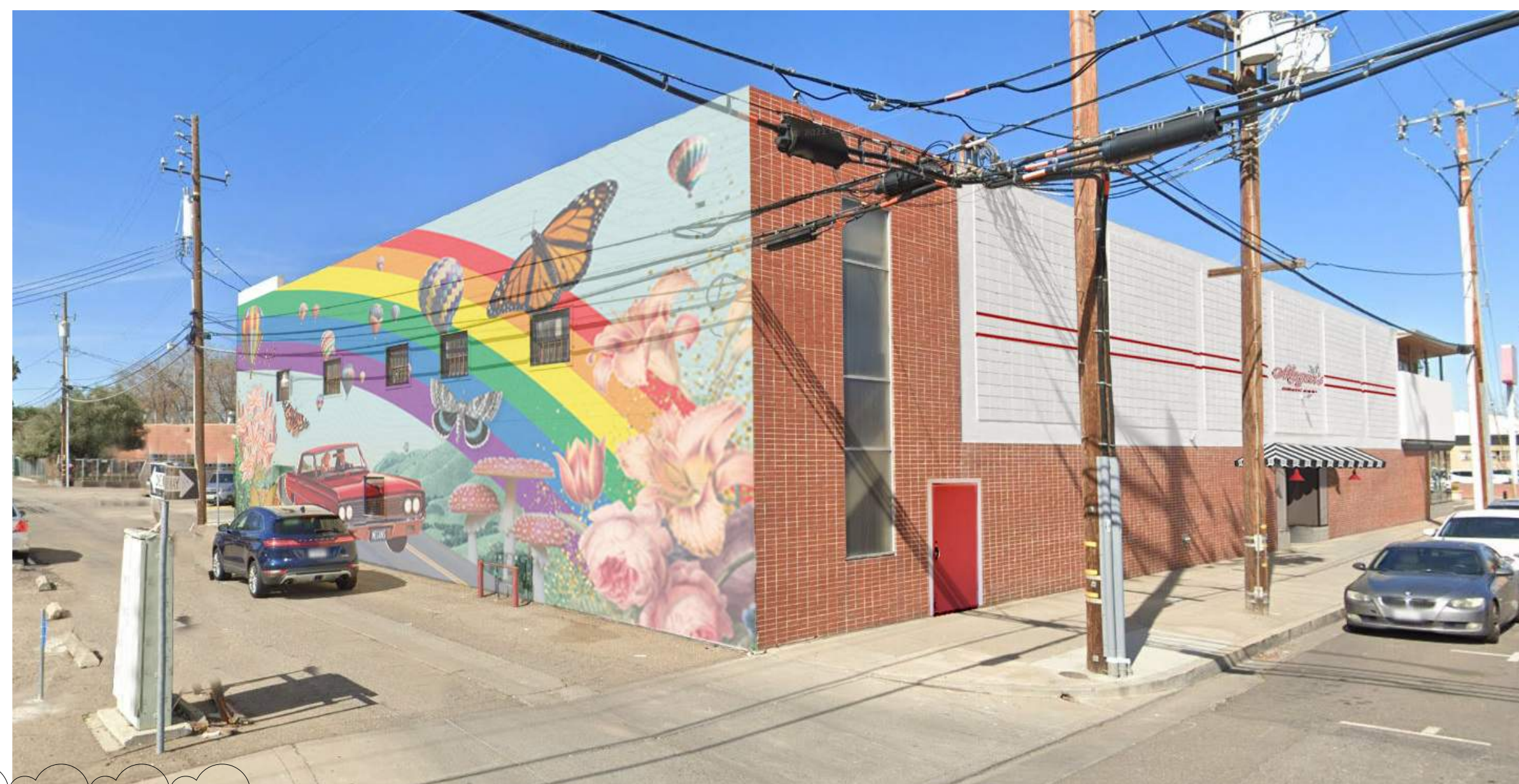
**JOB NUMBER:** 560

**SHEET NUMBER**

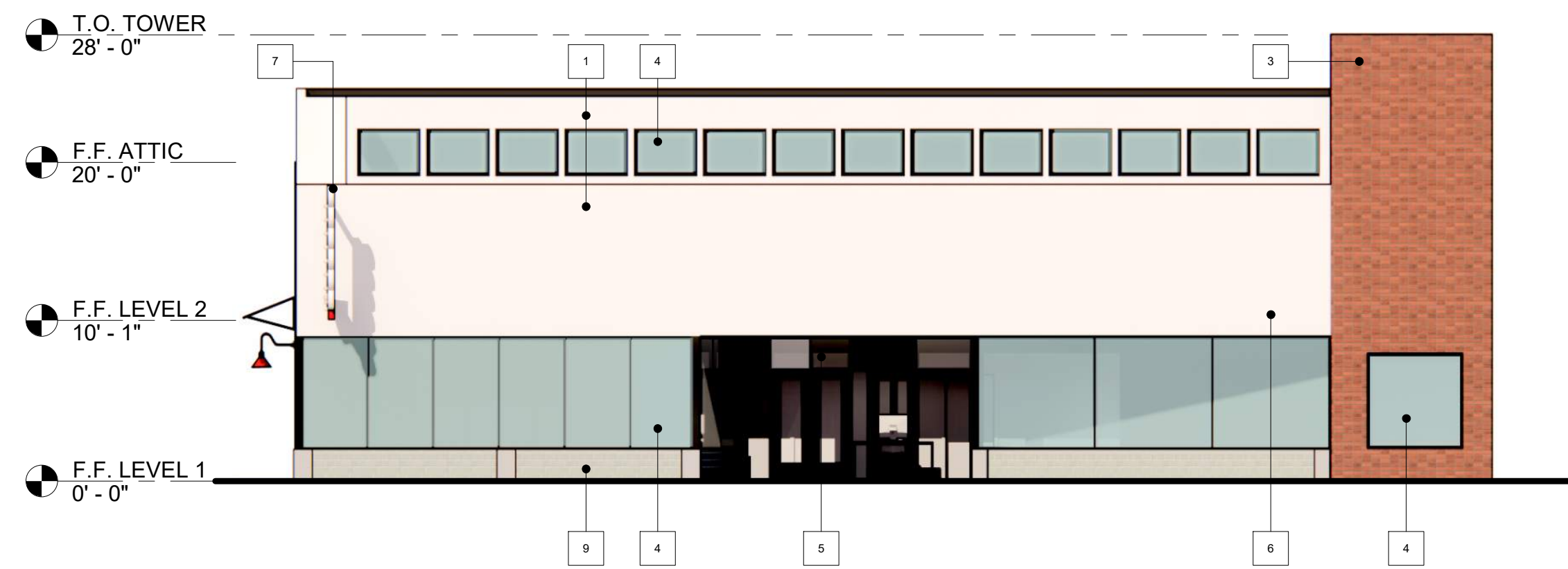
**G0.5**



**41** RENDER - FRONT FACADE



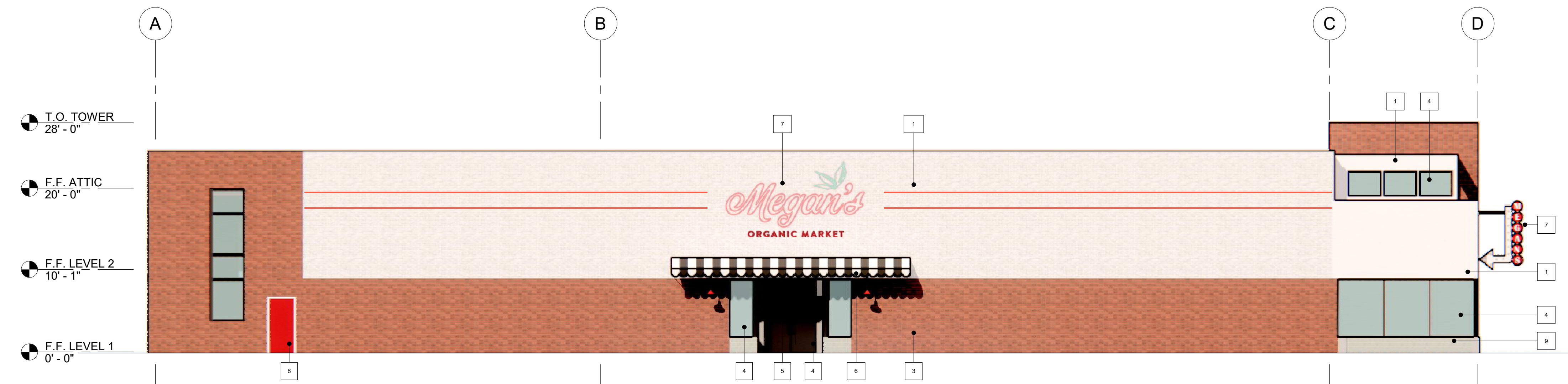
**21** RENDER - SE CORNER



**43** PROPOSED NORTH ELEVATION - RENDERED  
 1/8" = 1'-0"



**23** PROPOSED SOUTH ELEVATION - RENDERED  
 1/8" = 1'-0"



**44** PROPOSED EAST ELEVATION - RENDERED  
 1/8" = 1'-0"

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**REVISIONS**

REV # | REV DATE | REV DESCRIPTION

**SEAL**

**NOT FOR CONSTRUCTION**

**PROJECT**

MEGAN'S ORGANIC MARKET CANNABIS DISPENSARY  
104 W. 10TH STREET  
TRACY, CA 95376

**CLIENT**

MOM EC LLC dba  
MEGAN'S ORGANIC MARKET

**SHEET TITLE**

SITE PHOTOS

**DATE:** 12/22/2021

**TECHNICIAN:** GLW

**PROJECT MANAGER:** ACG

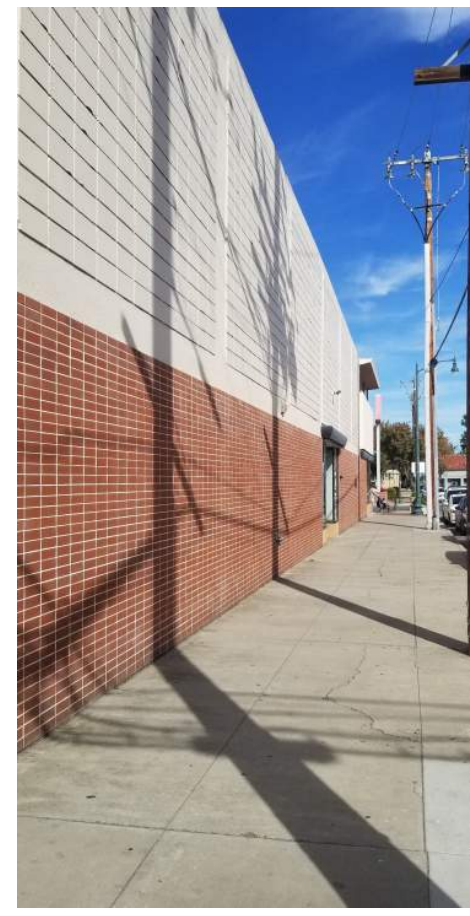
**JOB NUMBER:** 560

SHEET NUMBER

G0.6



**1** SOUTH ELEVATION FROM ALLEY



**2** EAST ELEVATION



**3** EAST ENTRANCE



**4** NORTH ELEVATION FROM 10TH STREET



**5** NORTH ELEVATION ENTRY



**6** VIEW EAST DOWN 10TH STREET, BUILDING ON RIGHT



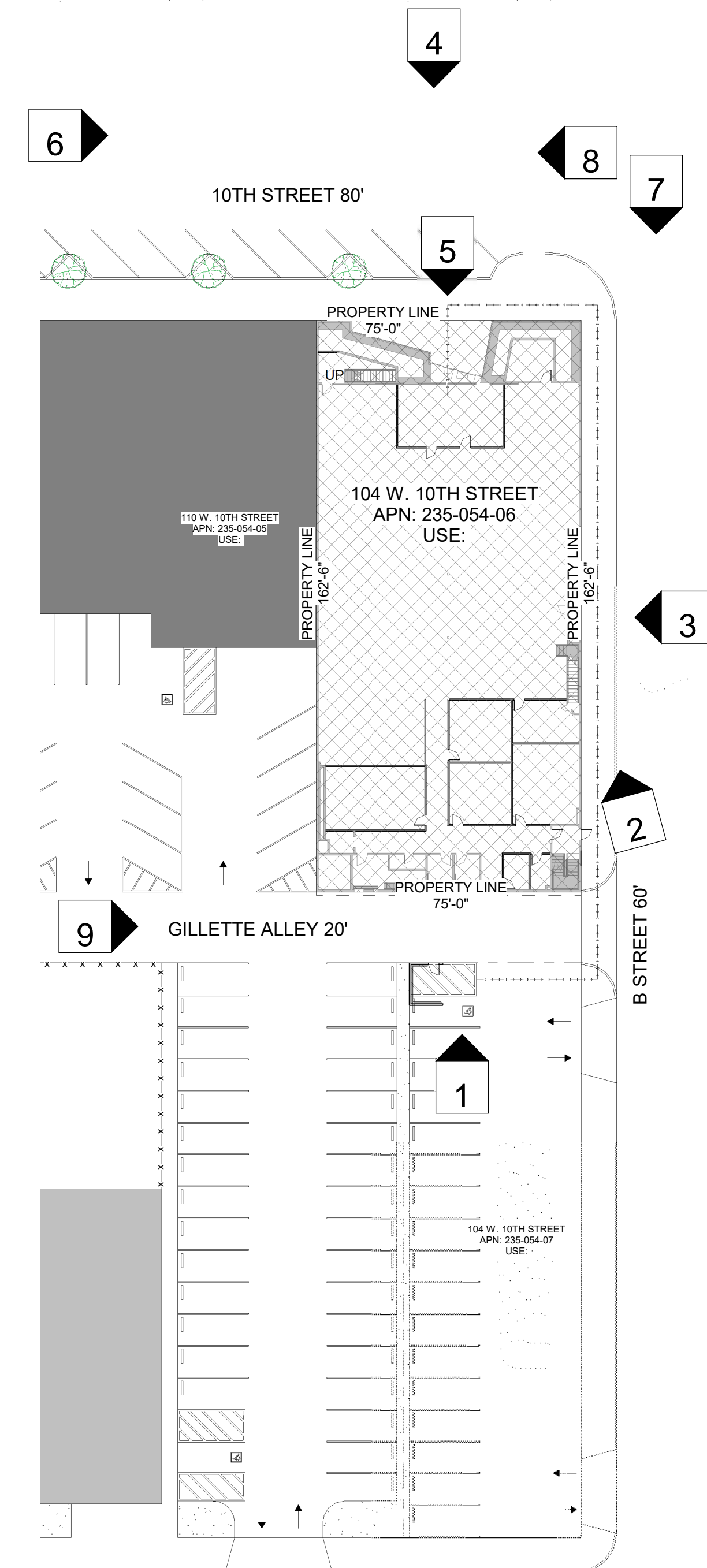
**7** VIEW SOUTH DOWN B STREET, BUILDING ON RIGHT



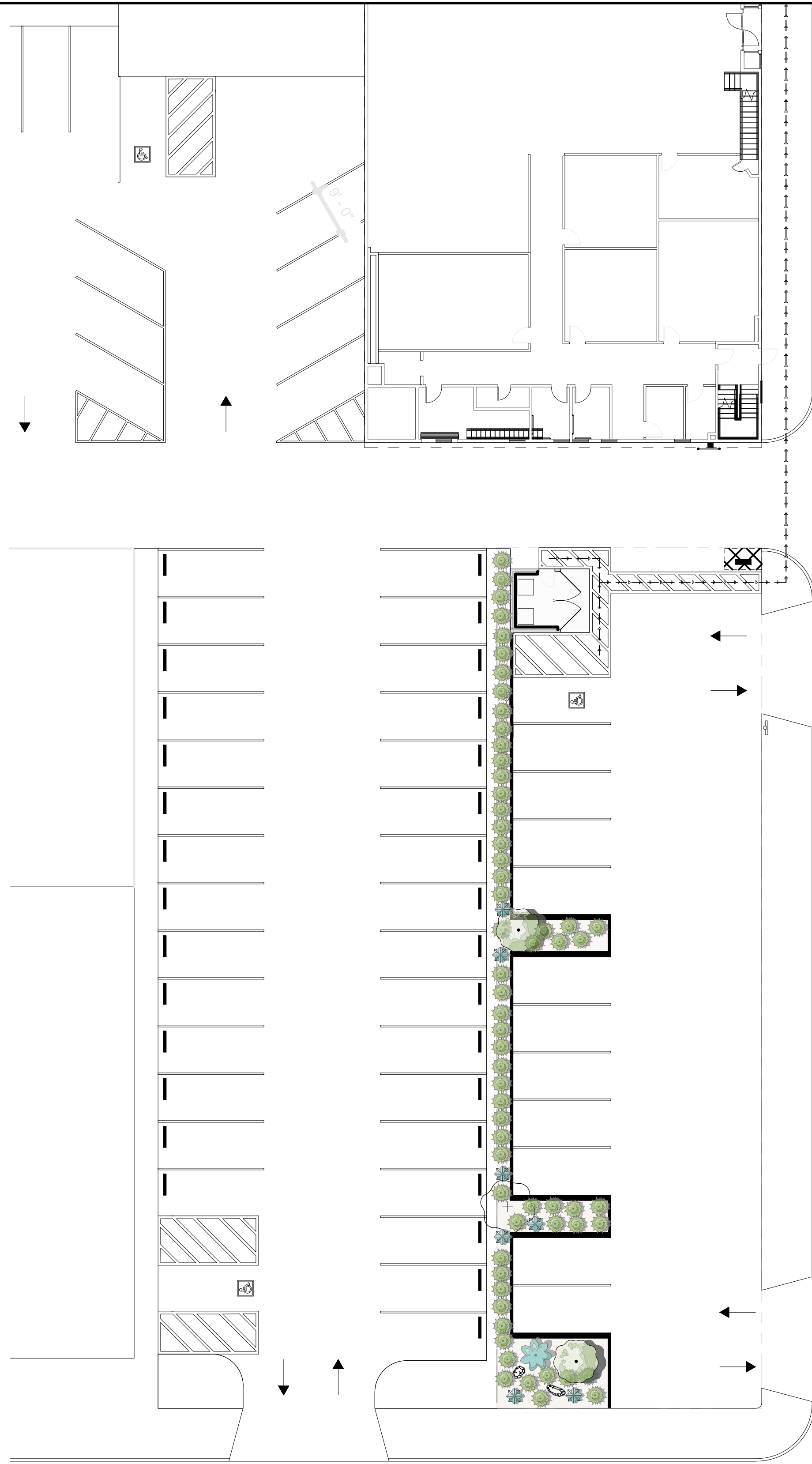
**8** VIEW WEST DOWN 10TH STREET, BUILDING ON LEFT



**9** VIEW EAST DOWN GILLETTE ALLEY, BUILDING ON LEFT (MIDDLE OF IMAGE)



**11** SITE PHOTO KEY PLAN  
1" = 30'-0"



**CONCEPT PLANT SCHEDULE**

	ALMOND TREE Prunus dulcis / Almond	2
	SMALL GRASS Carex divulca / European Grey Sedge	62
	AGAVE Agave attenuata / Foxtail Agave Agave ovatifolia / Whale's Tongue Agave	8
	LARGE AGAVE Agave americana / Century Plant	1



725 Buckley Rd. Suite A  
San Luis Obispo, Ca 93401  
www.purlieulandscapes.com  
805.439.1757

**DESIGNED BY**

Landscape Designer  
Michael H. Vogt



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**Megan's Organic Market**  
104 W 10th St // Tracy, CA

**REVISIONS**

DATE	SUBMITTAL

**PLANTING PLAN**

**CLIENT**

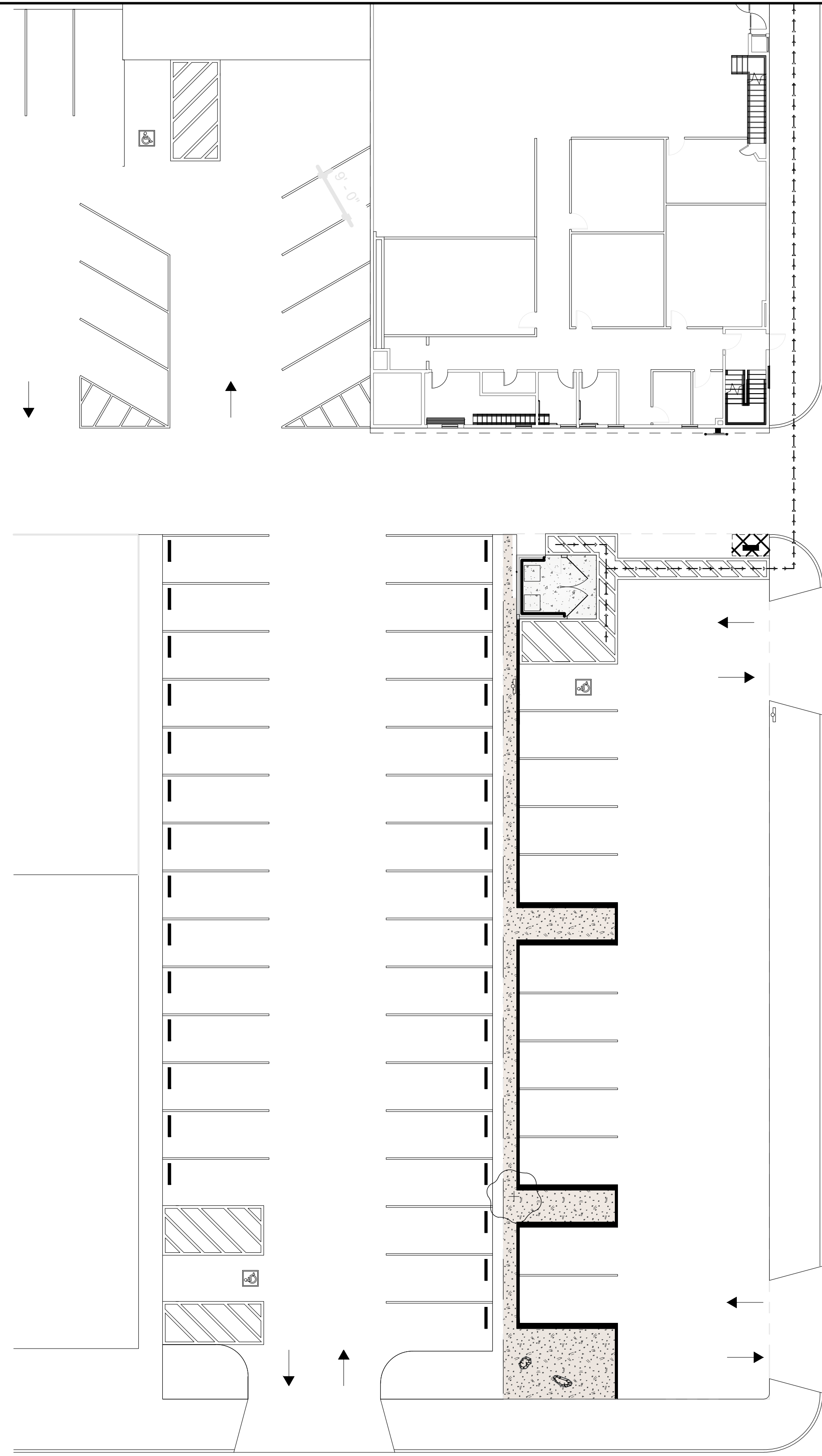
Megan's Organic Market  
104 W 10th St  
San Luis Obispo, California  
95376  
05/19/22

PLANTING PLAN



Two days before you dig,  
call toll free: 1.800.422.4133  
(Under Ground Service Alert)

**L3.0**



**GENERAL NOTES:**

**DESCRIPTION**

1. Work performed shall comply with the following:
  - A. These General Notes, and Construction Documents and Specifications.
  - B. All applicable local, state, and federal codes, ordinances and regulations. All codes listed in Specifications and Drawings shall be inclusive of all codes, regulations and requirements adopted by the State of California, including all Amendments.
2. Source of base information is Purlieu Landscape Design + Build and is assumed to be correct. Report any discrepancies immediately to the Owner's representative.
3. Verify locations of pertinent site improvements installed under other contracts. If any part of this plan cannot be followed due to site conditions, contact owner's representative for instructions prior to commencing work.
4. Contact local underground utility services for utility location and identification, prior to commencing work.
5. If a Contractor other than Purlieu Landscape Design + Build, constructs these plans, Purlieu is not liable for any damage or plan discrepancies.
6. Location, number, and size of existing trees are not exact. Existing trees on plan are placed to approximate locations. Exact location, number, and size of trees to be determined on site.

**LEGEND:**

SYMBOL	DESCRIPTION	QTY
	Concrete Flatwork - Broom finish	153 sq. ft.
	Mulch	1,605 sq. ft.



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**DESIGNED BY**

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 Michael H. Vogt

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**Megan's Organic Market**  
 104 W. 10th St // Tracy, CA

**REVISIONS**

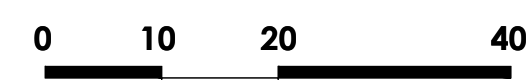
DATE	SUBMITTAL

**HARDSCAPE PLAN**

**CLIENT**

Megan's Organic Market  
 104 W. 10th St  
 Tracy, California  
 95376  
 05/19/22

**HARDSCAPE PLAN**



SCALE: 1/16" = 1'-0"



Two days before you dig,  
 call toll free: 1.800.422.4133  
 (Under Ground Service Alert)

**L2.0**



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**REVISIONS**

REV #	REV DATE	REV DESCRIPTION
1	03/31/2022	CUP REVIEW #1

**SEAL**

**PROJECT**

MEGAN'S ORGANIC  
MARKET CANNABIS  
DISPENSARY  
104 W. 10TH STREET  
TRACY, CA 95376

**CLIENT**

MOM EC LLC dba  
MEGAN'S ORGANIC  
MARKET

**SHEET TITLE**

SITE DETAILS

**DATE:** 04/18/22

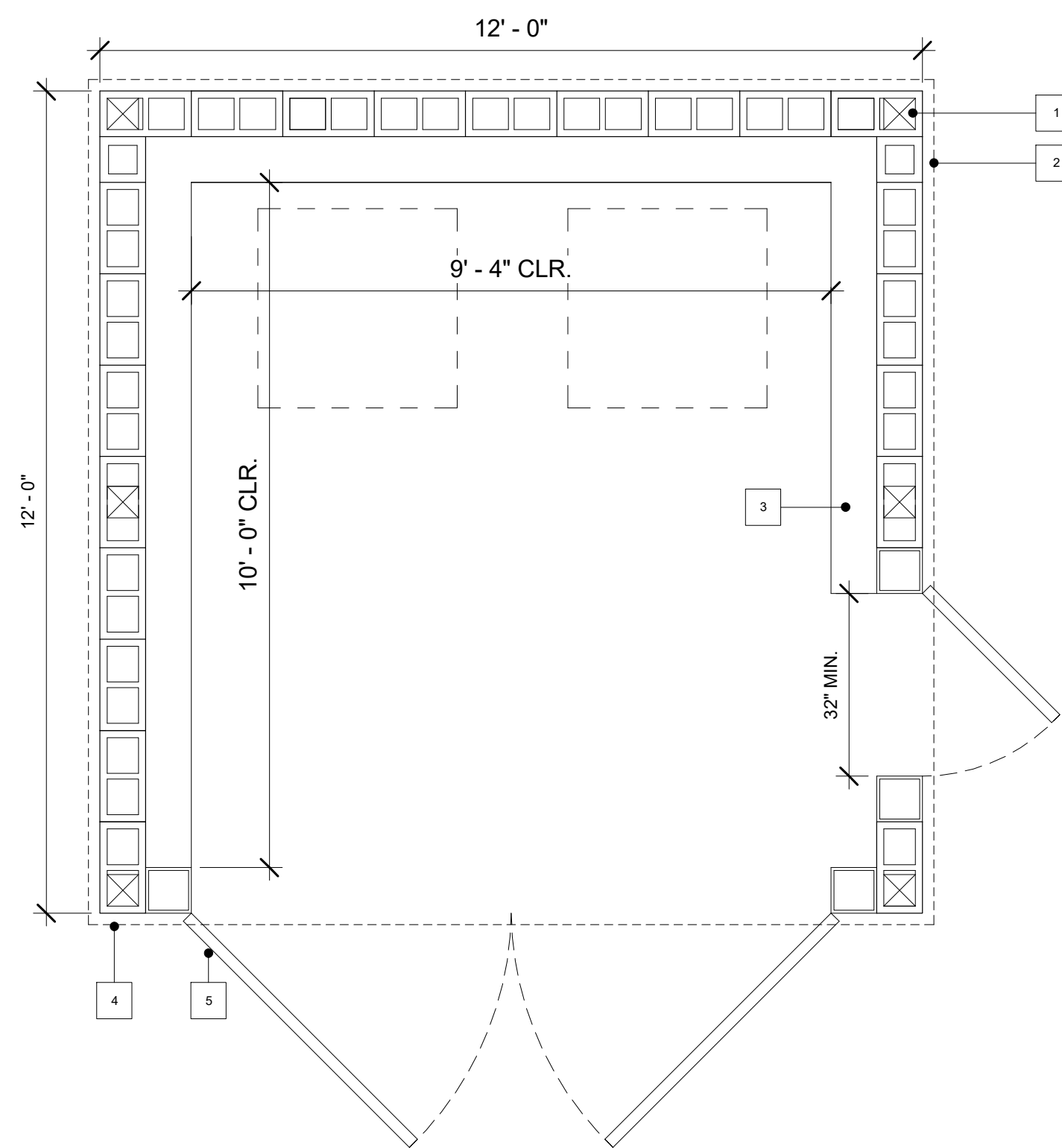
**TECHNICIAN:** GLW

**PROJECT MANAGER:** AMM

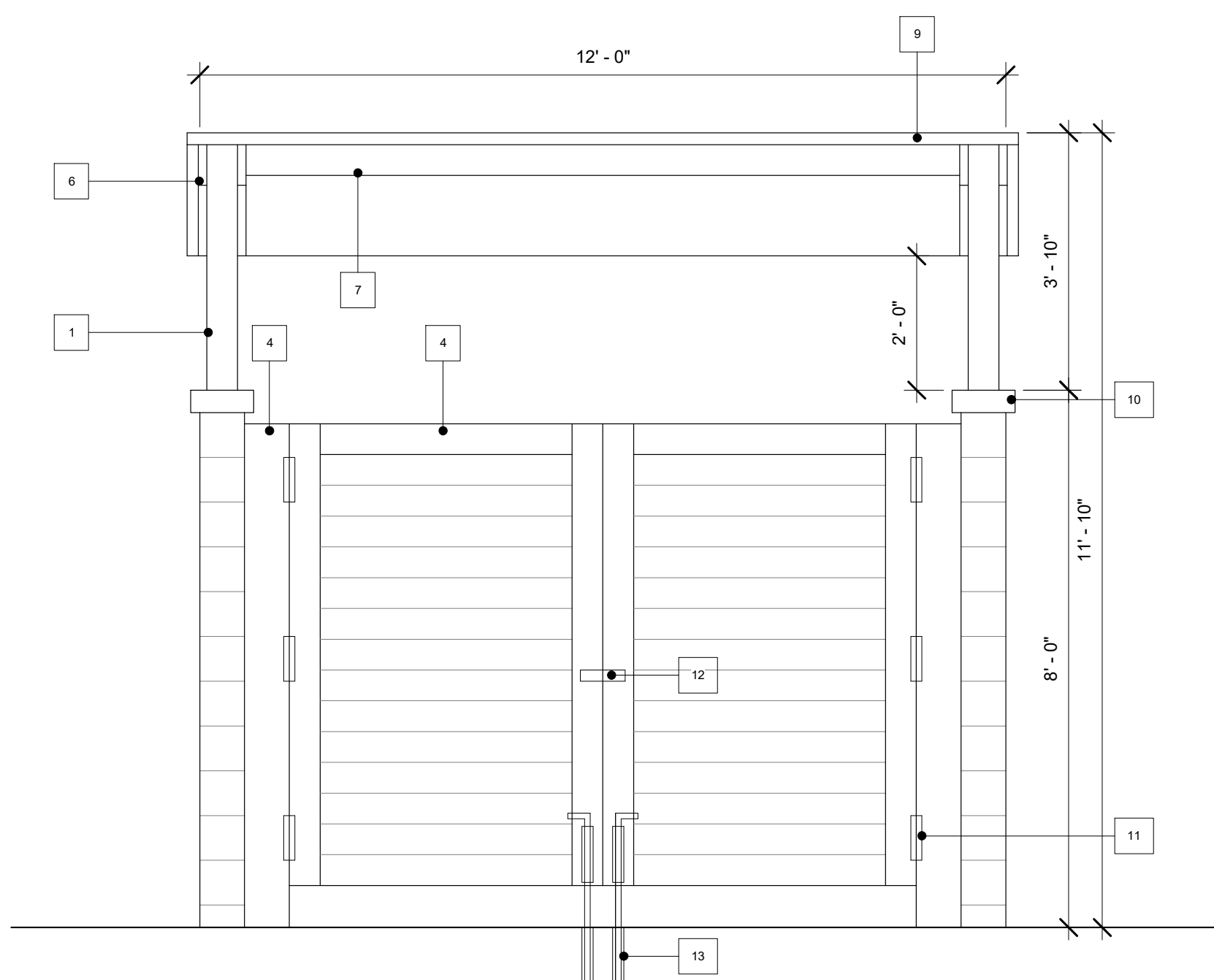
**JOB NUMBER:** 560

**SHEET NUMBER**

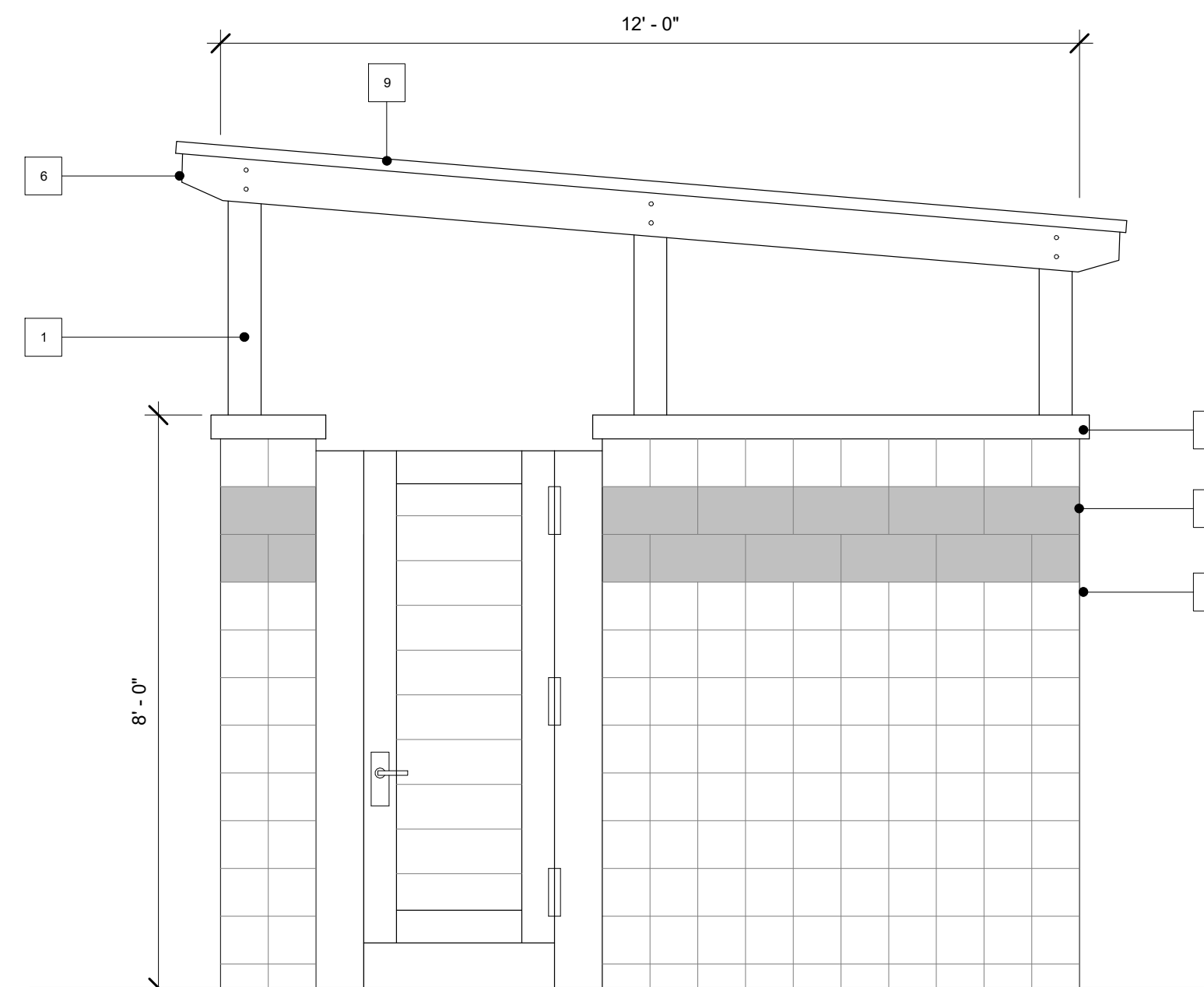
A1.1



**42 TRASH ENCLOSURE ENLARGED PLAN**  
1/2" = 1'-0"



**44 TRASH ENCLOSURE FRONT ELEVATION**  
1/2" = 1'-0"



**24 TRASH ENCLOSURE SIDE ELEVATION**  
1/2" = 1'-0"

**KEYNOTES: TRASH ENCLOSURE**

1. 6X8 ROOF POST
2. ROOF OUTLINE
3. 8" CONCRETE CURB
4. PAINTED TUBE STEEL GATE POST
5. PAINTED STEEL DOUBLE SWING GATE
6. 2X8 RAFTERS
7. 2X6 PURLINS
8. PAINTED STEEL GATE FRAME
9. STANDING SEAM METAL ROOF COLOR TO MATCH BUILDINGS
10. PRECAST CONCRETE CAP
11. (3) BARREL HINGE
12. SLIDE BOLT AND SLEEVE
13. DROP BOLT AND SLEEVE
14. BURNISHED FACE CMU 8X8X16 MATTE HALF-SCORE FINISH. COLOR: PAINTED WHITE
15. BURNISHED FACE CMU 8X8X16 MATTE. FINISH. COLOR: PAINTED RED TO MATCH BUILDING. TBD BY OWNER
16. BURNISHED FACE CMU 8X8X16 MATTE. FINISH. COLOR: PAINTED RED TO MATCH BUILDING. TBD BY OWNER



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 andrew@andrewgoodwin.us

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**REVISIONS**  
 REV # | REV DATE | REV DESCRIPTION

SEAL

**NOT FOR CONSTRUCTION**

**PROJECT**  
 MEGAN'S ORGANIC MARKET CANNABIS DISPENSARY  
 104 W. 10TH STREET  
 TRACY, CA 95376

**CLIENT**  
 MOM EC LLC dba  
 MEGAN'S ORGANIC MARKET

**GENERAL NOTES: FLOOR PLAN**

- FURNITURE IN PLAN IS ONLY DIAGRAMMATIC. NOT FOR CONSTRUCTION. CONTRACTOR TO VERIFY FURNITURE W/ OWNER PRIOR TO CONSTRUCTION.
- PROVIDE RATED 2A:10B:C FIRE EXTINGUISHERS SUCH THAT AN EXTINGUISHER IS LOCATED WITHIN A 75-FOOT TRAVEL DISTANCE TO ANY POINT IN THE BUILDING. EXTINGUISHERS SHALL BE MOUNTED ON THE WALL OR IN CABINETS, SUCH THAT THE TOP OF THE EXTINGUISHER IS NO HIGHER THAN 48 INCHES ABOVE THE FLOOR.
- GENERAL CONTRACTOR TO PROVIDE NEW SIGNAGE AS REQUIRED TO COMPLY WITH APPLICABLE BUILDING CODES. ALL SIGNAGE SHALL COMPLY WITH ACCESSIBILITY GUIDELINES, AND CBC INCLUDING BUT NOT LIMITED TO PROPORTION, COLOR, CONTRAST AND RELIEF. FONT STYLE AND GRADE 2 BRAILLE REQUIREMENTS. AFFIX AN INTERNATIONAL ACCESSIBILITY SYMBOL ON ALL ACCESSIBLE ENTRANCES PER APPLICABLE CODE. RE: A-0.2
- ALL DOOR HARDWARE TO BE FALCON LEVER ACTION.
- ALL WORK SHALL BE IN COMPLIANCE TO LOCAL BUILDING CODES. CONTRACTOR TO SUBMIT ON RFI (REQUEST FOR INFORMATION) TO THE ARCHITECT ON RECORD FOR CLARIFICATION OF CONSTRUCTION METHODS, DETAILS OR SPECIFICATIONS AS NEEDED.

**WALL TYPES**

	(E) EXT. MASONRY WALL. EXT. FINISH PER ELEVATION.
	(E) INT. WALL TO REMAIN.
	(E) WALL TO BE REMOVED.
	(N) 2x4 D.F. WOOD STUD WALL @ 16" O.C. W/ PLASTER FINISH.

**SHEET TITLE**  
 FIRST FLOOR PLAN

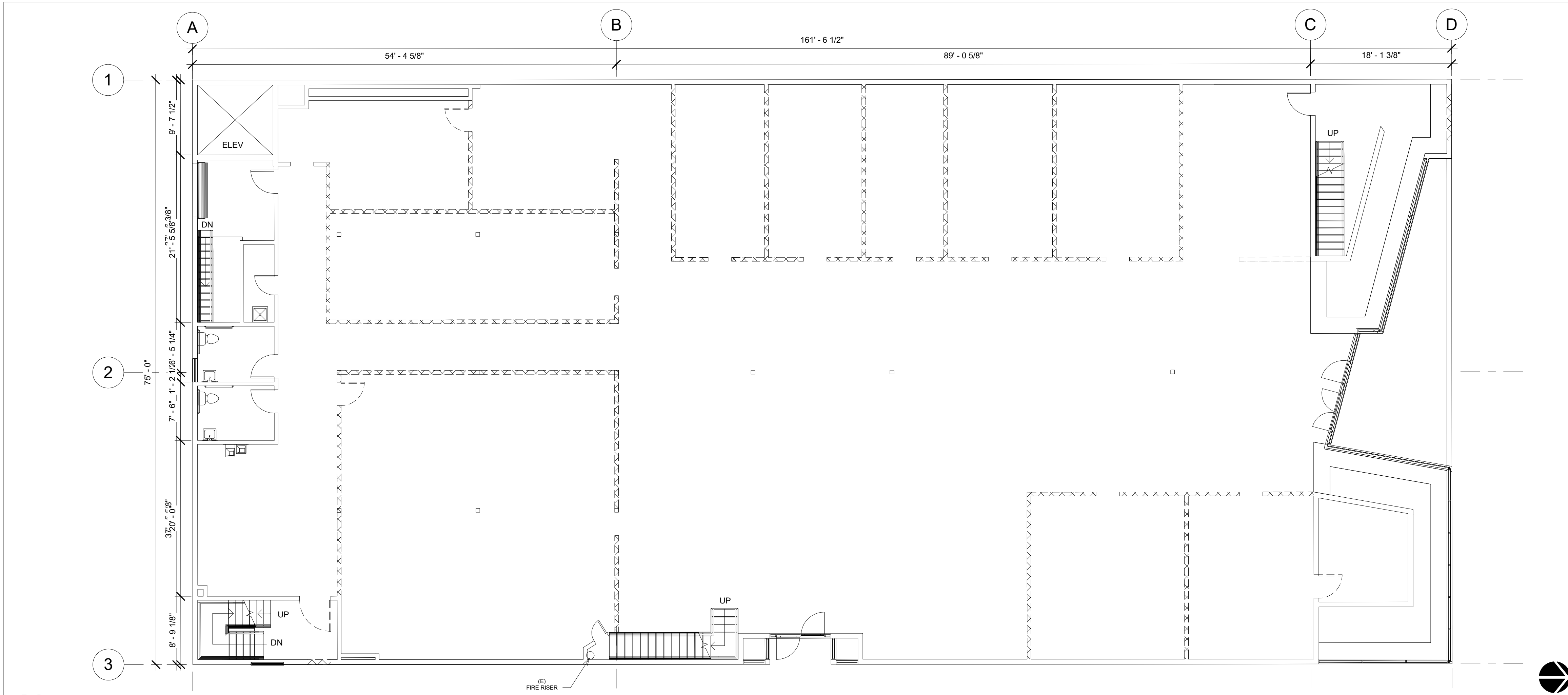
**DATE:** 12/22/2021

**TECHNICIAN:** GLW

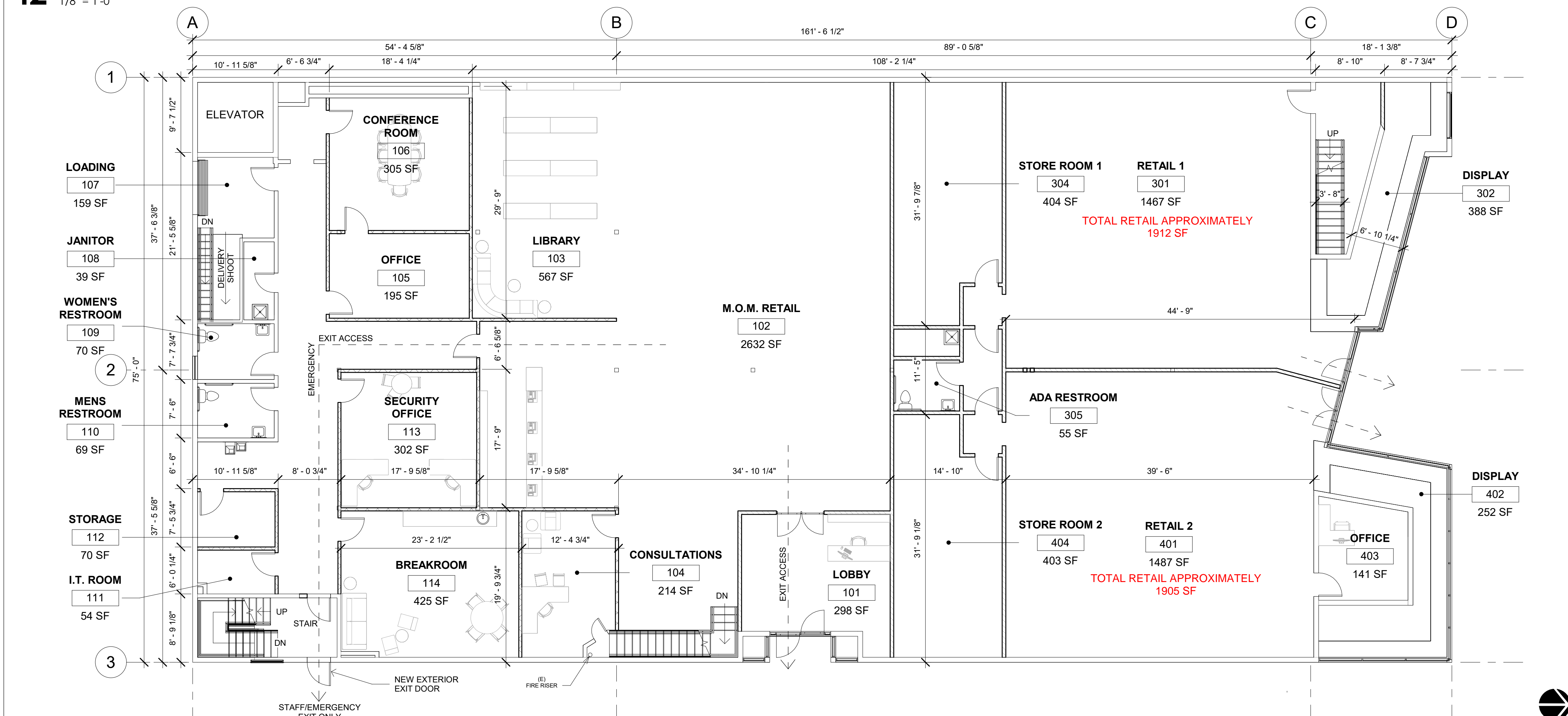
**PROJECT MANAGER:** ACG

**JOB NUMBER:** 560  
 SHEET NUMBER

A2.1



**42 DEMO FLOOR PLAN - LEVEL 1**  
 1/8" = 1'-0"



**44 PROPOSED FLOOR PLAN - LEVEL 1**  
 1/8" = 1'-0"



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**REVISIONS**

REV #	REV DATE	REV DESCRIPTION
1	03/31/2022	CUP REVIEW #1

SEAL

NOT FOR CONSTRUCTION

**PROJECT**

MEGAN'S ORGANIC MARKET CANNABIS DISPENSARY  
104 W. 10TH STREET  
TRACY, CA 95376

**CLIENT**

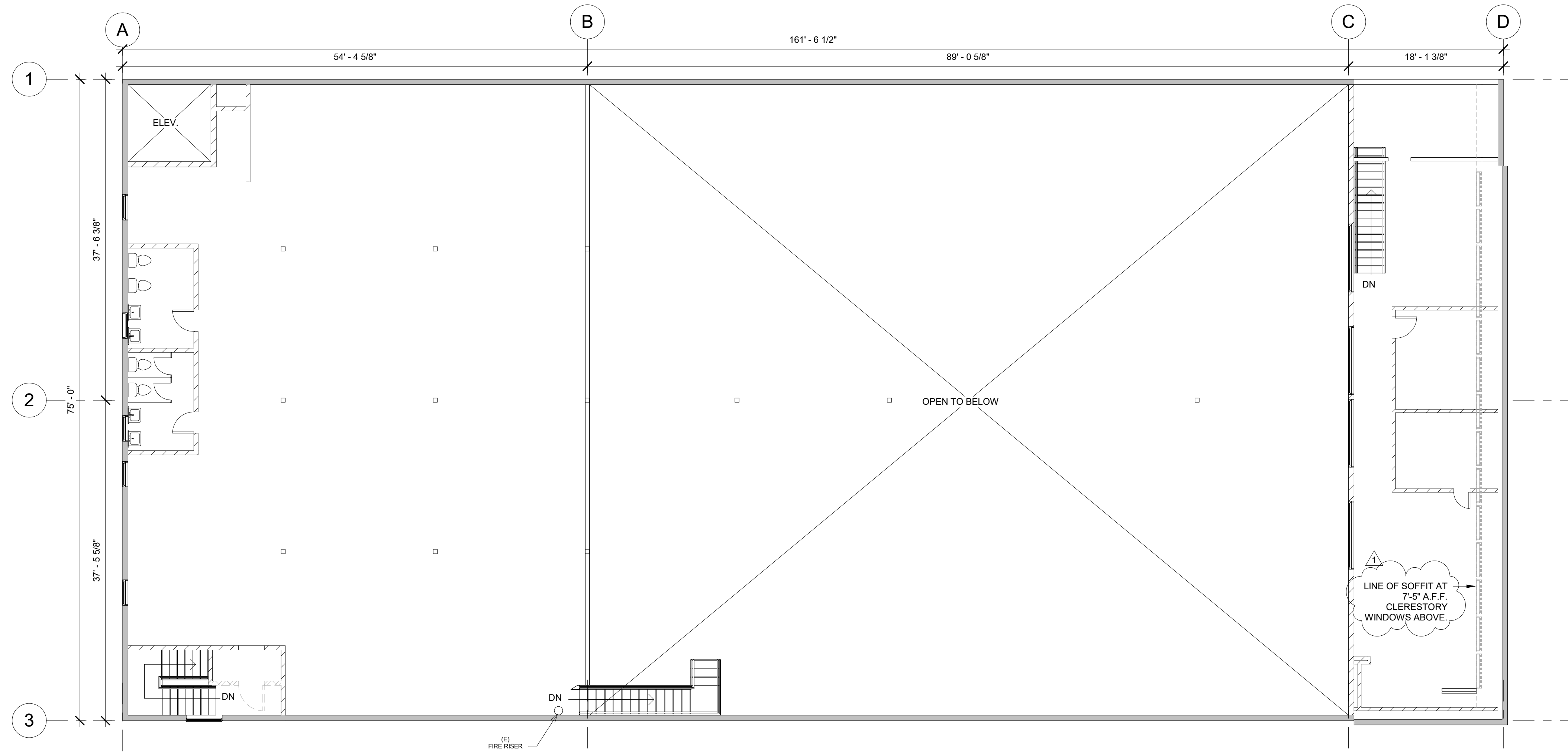
MOM EC LLC dba  
MEGAN'S ORGANIC MARKET

**GENERAL NOTES: FLOOR PLAN**

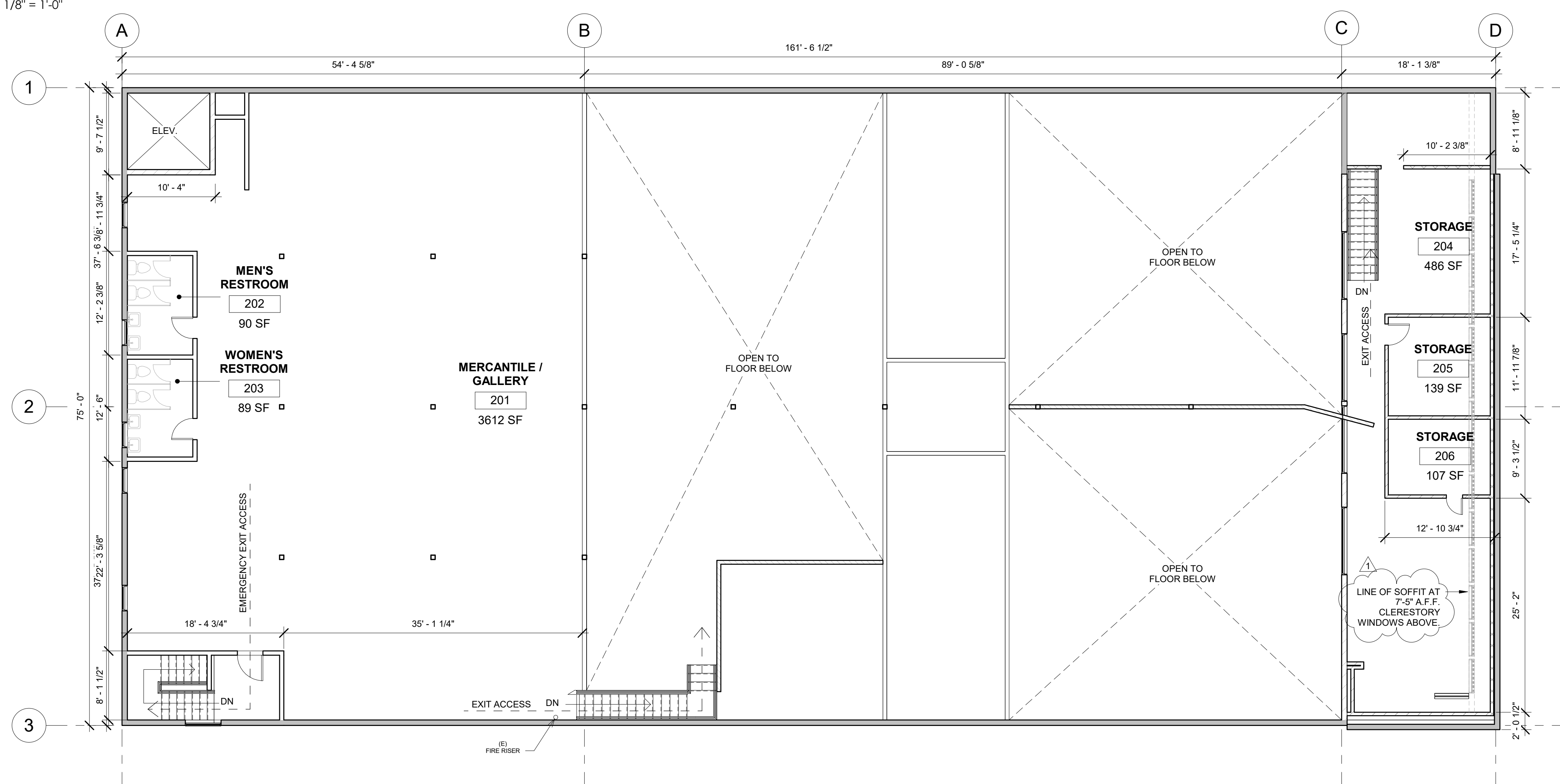
- FURNITURE IN PLAN IS ONLY DIAGRAMMATIC. NOT FOR CONSTRUCTION. CONTRACTOR TO VERIFY FURNITURE W/ OWNER PRIOR TO CONSTRUCTION.
- PROVIDE RATED 2A-10B:C FIRE EXTINGUISHERS SUCH THAT AN EXTINGUISHER IS LOCATED WITHIN A 75-FOOT TRAVEL DISTANCE TO ANY POINT IN THE BUILDING. EXTINGUISHERS SHALL BE MOUNTED ON THE WALL OR IN CABINETS, SUCH THAT THE TOP OF THE EXTINGUISHER IS NO HIGHER THAN 48 INCHES ABOVE THE FLOOR.
- GENERAL CONTRACTOR TO PROVIDE NEW SIGNAGE AS REQUIRED TO COMPLY WITH APPLICABLE BUILDING CODES. ALL SIGNAGE SHALL COMPLY WITH ACCESSIBILITY GUIDELINES, AND CBC INCLUDING BUT NOT LIMITED TO PROPORTION, COLOR, CONTRAST AND RELIEF, FONT STYLE AND GRADE 2 BRAILLE REQUIREMENTS. AFFIX AN INTERNATIONAL ACCESSIBILITY SYMBOL ON ALL ACCESSIBLE ENTRANCES PER APPLICABLE CODE. RE: A-0.2
- ALL DOOR HARDWARE TO BE FALCON LEVER ACTION.
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**WALL TYPES**

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	(E) INT. WALL TO REMAIN.
	(E) WALL TO BE REMOVED.
	(N) 2X4 D.F. WOOD STUD WALL @ 16" O.C. W/ PLASTER FINISH.



**42 DEMO FLOOR PLAN - LEVEL 2**  
1/8" = 1'-0"



**44 PROPOSED FLOOR PLAN - LEVEL 2**  
1/8" = 1'-0"

**SHEET TITLE**

SECOND FLOOR PLAN

**DATE:** 12/22/2021

**TECHNICIAN:** AMM

**PROJECT MANAGER:** ACG

**JOB NUMBER:** 560  
SHEET NUMBER

**A2.3**



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**REVISIONS**  
 REV # | REV DATE | REV DESCRIPTION

SEAL

**NOT FOR CONSTRUCTION**

**PROJECT**  
 MEGAN'S ORGANIC MARKET CANNABIS DISPENSARY  
 104 W. 10TH STREET TRACY, CA 95376

**CLIENT**  
 MOM EC LLC dba MEGAN'S ORGANIC MARKET

**GENERAL NOTES: FLOOR PLAN**

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	(E) INT. WALL TO REMAIN.
	(E) WALL TO BE REMOVED.
	(N) 2X4 D.F. WOOD STUD WALL @ 16" O.C. W/ PLASTER FINISH.

**SHEET TITLE**  
 BASEMENT FLOOR PLAN

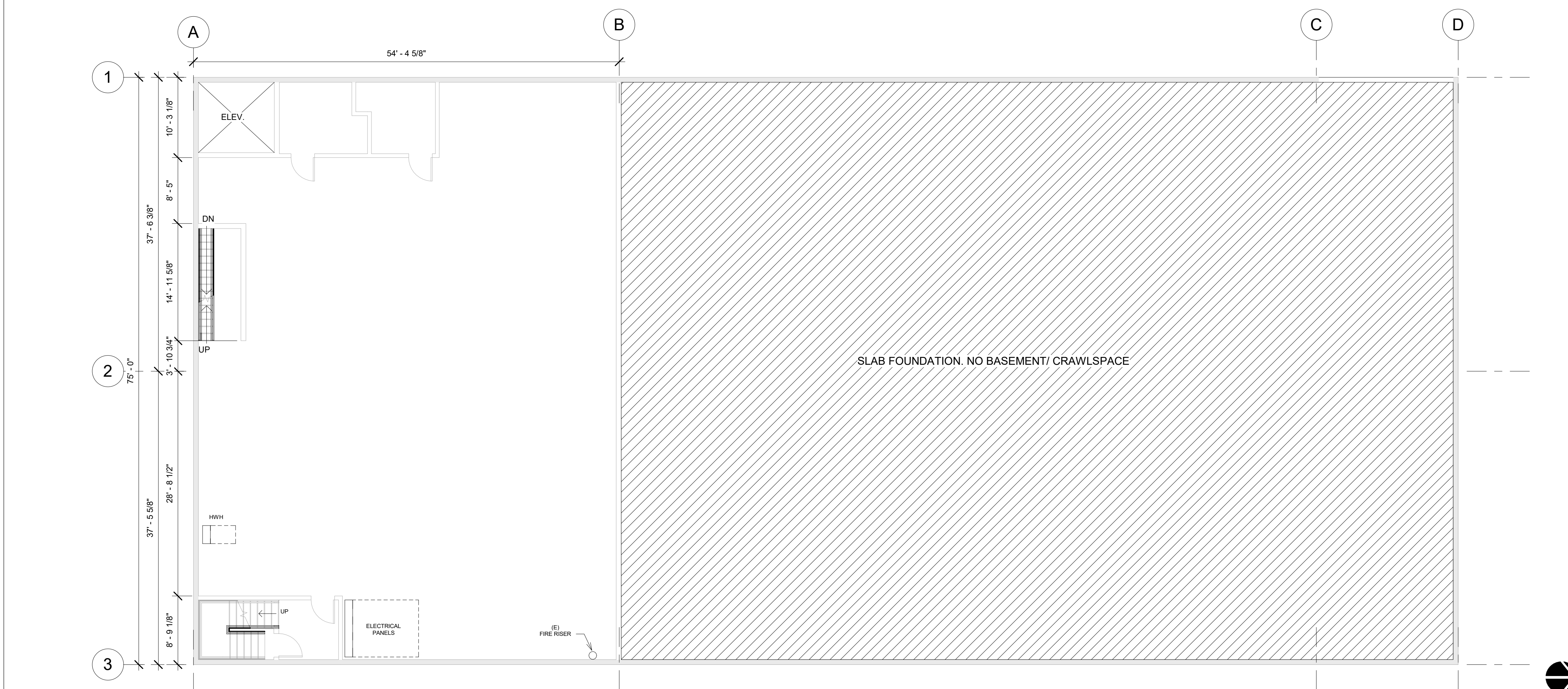
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**TECHNICIAN:** AMM

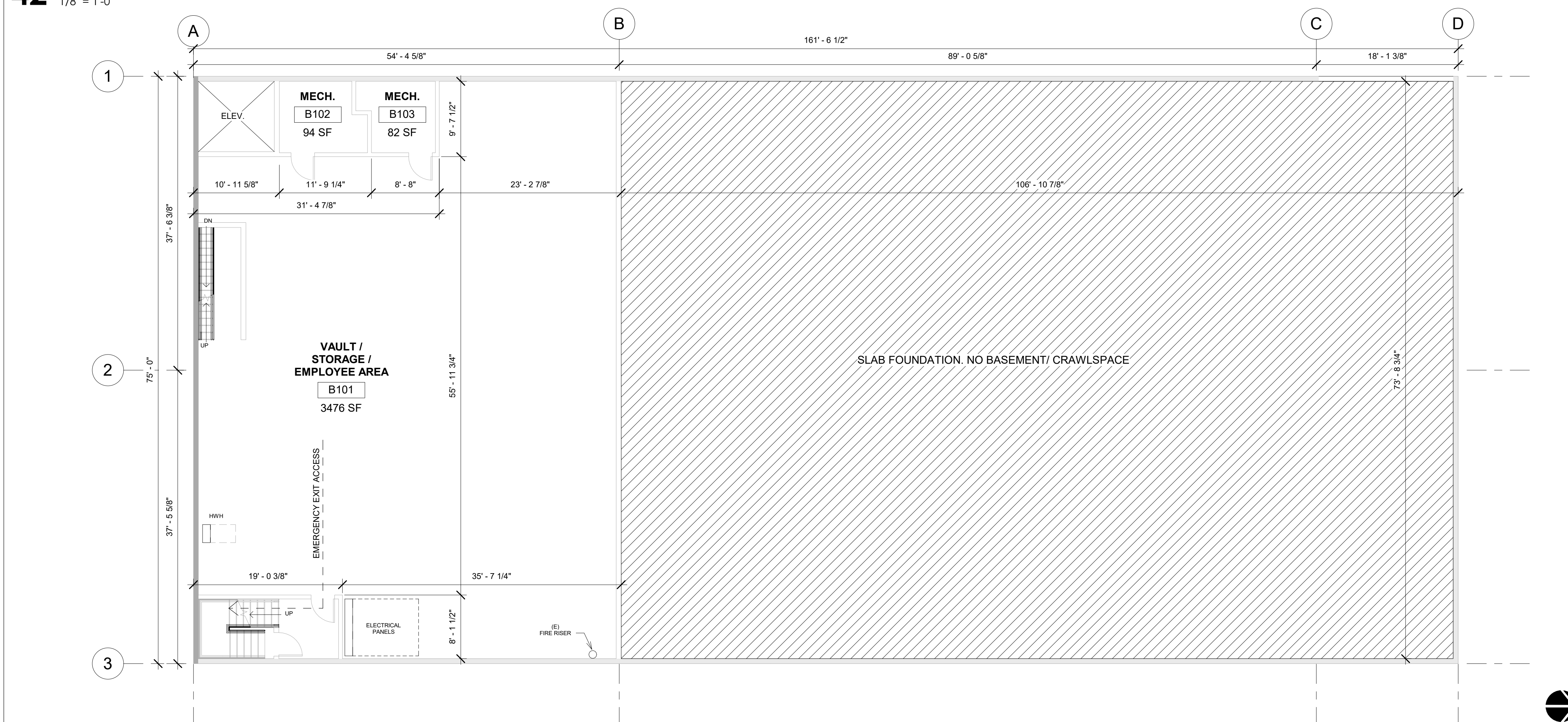
**PROJECT MANAGER:** ACG

**JOB NUMBER:** 560  
 SHEET NUMBER

**A2.5**



**42 DEMO FLOOR PLAN - BASEMENT**  
 1/8" = 1'-0"



**44 PROPOSED FLOOR PLAN - BASEMENT**  
 1/8" = 1'-0"

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**TRACY PLANNING COMMISSION**

**RESOLUTION NO. \_\_\_\_\_**

- 
- 1. APPROVAL OF A CONDITIONAL USE PERMIT (CUP22-0001) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 104 W. Tenth STREET, APN 235-054-06. THE APPLICANT IS MOM TR, INC. AND THE PROPERTY OWNER IS PETER MAGLARAS;**
  - 2. ALLOW THE CONDITIONAL USE PERMIT TO BE VALID FOR ONE (1) YEAR, AS DESCRIBED IN THE CONDITIONS OF APPROVAL, AND**
  - 3. DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT GUIDELINES SECTION 15301.**

**WHEREAS,** California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions; and

**WHEREAS,** Commercial cannabis activities require a cannabis business permit to operate in Tracy and a conditional use permit to operate cannabis businesses at specific locations; and

**WHEREAS,** Megan's Organic Market was awarded a cannabis business permit (application number CBPA20-0032) by the Tracy Police Chief on June 21, 2021; and

**WHEREAS,** The applicant submitted a conditional use permit application to operate a cannabis storefront retailers (dispensary) in an existing building at 104 W. Tenth Street, on March 1, 2022; and

**WHEREAS,** The subject site is designated Downtown in the Tracy General Plan and zoned Central Business District (CBD), wherein cannabis dispensaries are a conditionally permitted use; and

**WHEREAS,** Conditional use permits are valid for six (6) months, under Tracy Municipal Code (TMC) section 10.08.4350; and

**WHEREAS,** The applicant must also obtain a State license for the operation of the cannabis business and comply with the conditions of their approved cannabis business permit, which may take longer than six (6) months granted under the conditional use permit; and

**WHEREAS,** Under TMC 10.08.4360 the Planning Commission may grant a greater time limit for conditional use permit approvals, of which shall be one year for this project; and

**WHEREAS,** The Planning Commission conducted a public hearing to review and consider the applications on August 24, 2022; and

**WHEREAS,** Concerns regarding the use and its location were raised by the public at the August 24, 2022 hearing; and

**WHEREAS,** The Planning Commission continued the public hearing to September 14, 2022 to allow the public to address the City Council with their concerns; and

**WHEREAS,** The applicant submitted revised plans on September 7, 2022 in response to the community feedback heard at the August 24<sup>th</sup> meeting; and

**WHEREAS,** The Planning Commission conducted a public hearing to review and consider the applications on September 14, 2022; now, therefore, be it

**RESOLVED:** That the Planning Commission adopts a resolution approving a conditional use permit (CUP22-0001) for a cannabis storefront retailer (dispensary) at 104 W. Tenth Street, APN 235-054-06, subject to the Conditions of Approval contained in Attachment C to the staff report and based on the findings below.

1. There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a conditional use permit is necessary for the operation of a cannabis dispensary in the CBD Zone as required by the Tracy Municipal Code.
2. The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of the Tracy Municipal Code Chapter 6.36 and Chapter 10.08. Additionally, the project site is located at least 600 feet away from a parcel containing a school, day care center, or youth center as defined in Chapter 10.08, and the use will be operated wholly indoors. The use will operate similarly to a retail store, which is complementary of the surrounding commercial area.
3. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City because the project, as conditioned, is consistent with the zoning, commercial cannabis activity regulations, and other elements of the Tracy Municipal Code the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, California Fire Codes, and California cannabis regulations. There will be no odors or similar objectionable impacts to other businesses in the vicinity as all cannabis products will be entirely packaged and stored in accordance with the requirements of Chapter 6.36; and be it

**FURTHER RESOLVED:** That the Planning Commission allow the conditional use permit to be valid for one (1) year, as described in the Conditions of Approval; and be it

**FURTHER RESOLVED:** That the Planning Commission determines that this project is categorically exempt from the California Environmental Quality Act pursuant Guidelines Section 15301.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was adopted by the Planning Commission on September 14, 2022, by the following vote:

AYES: COMMISSION MEMBERS:  
NOES: COMMISSION MEMBERS:  
ABSENT: COMMISSION MEMBERS:  
ABSTENTION: COMMISSION MEMBERS:

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CHAIR

ATTEST:

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STAFF LIAISON

**City of Tracy**  
**Conditions of Approval**  
Megan's Organic Market Cannabis Dispensary  
Application Number CUP22-0001

**A. General Provisions and Definitions.**

A.1. General. These Conditions of Approval apply to:

The Project: Megan's Organic Market Cannabis Dispensary, conditional use permit number CUP22-0001

The Property: 104 W. Tenth Street (Assessor's Parcel Number 235-054-06)

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, applying for a conditional use permit.
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project located at the Property. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
- g. "Police Chief" means the Chief of Police of the City of Tracy, or any other person designated by the City Manager or the Police Chief to perform duties set forth herein.

A.3. Compliance with submitted plans. Prior to the establishment of the use, the project shall be established in substantial compliance with the plans received by the Development Services Department on September 7, 2022 to the satisfaction of the Development Services Director.

- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all federal, state and local laws, as amended from time to time, related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
  - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
  - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
  - The Medicinal and Adult-Use Cannabis Regulation and Safety Act;
  - Regulations of the Bureau of Cannabis Control;
  - Tracy Municipal Code (TMC) Chapter 6.36 (Commercial Cannabis Activity); and
  - City of Tracy Procedures and Guidelines for a cannabis business permit adopted by City Council Resolution 2020-137
- A.6. Compliance with applicable regulations. Unless specifically modified by these Conditions of Approval, the use shall comply with all City and State Regulations and the approved cannabis business permit No. CBPA20-0032, which includes business operations requirements, the safety and security plan, and the odor control plan.
- A.7. Prior to construction, the applicant shall submit construction documents which meet the requirements of the California Building and Fire Codes and the Tracy Municipal Code to the City of Tracy and the South San Joaquin County Fire Authority for review, approval and inspections.
- A.8. At all times, applicant (or its successor) shall maintain all necessary permits to operate a cannabis business pursuant to Municipal Code Chapter 6.36. Neither the applicant, nor any other entity, shall have an entitlement or other property right to operate a cannabis business at the property without holding such a cannabis business permit, which may be approved, denied, renewed, or revoked in accordance with the requirements of Chapter 6.36.
- A.9. This the conditional use permit shall expire one year following the date on which the use permit became effective unless, prior to the expiration of one year, the use is established in accordance with this use permit, or a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application.

**B. Development Services Department, Planning Division Conditions**

Contact: Kimberly Matlock

(209) 831-6430

[kimberly.matlock@cityoftracy.org](mailto:kimberly.matlock@cityoftracy.org)

- B.1. Prior to approval of a building permit, the applicant shall provide detailed plans that demonstrate compliance with TMC Section 6.36.380(k).
- B.2. Prior to final inspection, the applicant shall demonstrate compliance with TMC Section 6.36.380(l).
- B.3. Community Benefit Agreement. Prior to commencing any cannabis operation, the applicant shall execute a Community Benefit Agreement with the City in accordance with the requirements of their cannabis business permit.
- B.4. Wholly indoors. The use shall be conducted wholly indoors. The use may not be conducted outside the building, including in the outdoor patio or parking lot.
- B.5. Hours of operation. The hours of operation shall be limited to 6:00 am to 10:00 pm in accordance with State law. Should the hours of operation established in the State law become more restrictive, the use shall comply with the more restrictive regulations.

### **C. Development Services Department, Building Division Conditions**

Contact: Phillip Rainone (209) 831-6413 [phillip.rainone@cityoftracy.org](mailto:phillip.rainone@cityoftracy.org)

- C.1. Prior to the commencement of interior improvements, applicant shall submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable. The plans shall include, and not be limited to, the following:
  - 1. Demo Plan
  - 2. Existing Floor Plan
  - 3. Proposed Floor Plan
  - 4. Electrical Plans
  - 5. T-24 Energy Documentation (as applicable)
  - 6. Mechanical Plans
  - 7. Plumbing Plans
  - 8. Egress plan complying with CBC Chapter 10
  - 9. ABC form

### **D. Tracy Police Department Conditions**

Contact: Lieutenant Miguel Contreras (209) 831-6618 [miguel.contreras@tracypd.com](mailto:miguel.contreras@tracypd.com)

- D.1. A minimum of 2 on-site security guards shall be maintained on site during business hours and 1 on-site security guard during closed hours. The name of the company shall be provided to the Tracy Police Department at the time of Building Permit application submittal. The establishment shall remain closed for business if the minimum of 2 certified security guards are not present during business hours on any given day. Once the minimum-security staffing is met, the establishment may re-open for business.



- D.1.1. Overnight (nonbusiness hours) security shall be a minimum of 1 certified guard solely responsible for the security of this establishment and not multiple locations.
- D.1.2. All contracted or employed guards shall be certified and have sole responsibilities as a security guard focused on safety and security. The security guards will be readily identifiable.
- D.2. Applicant shall cooperate with all legal requests from Tracy Police Department and any crimes shall be reported without delay.
- D.3. Prior to establishment of the use, the applicant shall establish and maintain an updated on-call list of responders with their alarm service provider and current alarm permit with the City of Tracy, to include the on-site security manager. This shall be provided prior to the establishment of the use.
- D.4. Trash containers and enclosures shall be locked and not accessible by the public at all times.
- D.5. Prior to issuance of a building permit, the applicant shall submit an updated security plan to the Tracy Police Department that reflects the conditions of approval above and the modified floor plan and demonstrates that the dispensary entrance will have security camera(s) to the satisfaction of the Police Chief.

## **E. South San Joaquin County Fire Authority Conditions**

Contact: Raymond Boyle

(209) 831-6737

[raymond.boyle@sicfire.org](mailto:raymond.boyle@sicfire.org)

- E.1. A construction permit is required to alter the existing tenant space. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
  - E.1.1. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code. Construction plans shall include, but not limited to:
    - a. Plans shall be designed, stamped and signed by a licensed design professional.
    - b. Construction type, occupancy classification, occupant load calculation
    - c. If fire sprinklers and/or fire alarm system is existing or proposed.
    - d. Details of locking mechanisms to ensure the secured areas do not violate the emergency egress requirements of the Building Code. [TMC §6.36.380]
  - E.1.2 Any modifications to the fire sprinkler and/or fire alarm system shall be submitted directly to the South San Joaquin County Fire prior to the installation or modification.
- E.2. Engineering and building permit applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority. Contact our offices for additional information.
  - E.2.1. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.

- E.2.2. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
- E.2.3. Permit holder is responsible for any additional inspection fees incurred, and shall be paid prior to final inspection.
- E.3. Prior to occupancy of each new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.
- E.4. Knox boxes shall be required. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.
- E.5. Building and each tenant space shall be provided with approved address identification in accordance with CFC §505.

August 24, 2022

Agenda Item 1.D

RECOMMENDATION

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION 1) ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP22-0001) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 104 W. TENTH STREET, APN 235-054-06, 2) ALLOW THE CONDITIONAL USE PERMIT TO BE VALID FOR ONE YEAR, AS DESCRIBED IN THE CONDITIONS OF APPROVAL, AND 3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT GUIDELINES SECTION 15301. THE APPLICANT IS MOM TR, INC. AND THE PROPERTY OWNER IS PETER MAGLARAS.**

EXECUTIVE SUMMARY

This item asks the Planning Commission to consider granting a conditional use permit to Megan's Organic Market to operate a cannabis dispensary in the existing building at 104 W. Tenth Street.

BACKGROUND AND LEGISLATIVE HISTORY

California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions. On December 3, 2019, the City Council of the City of Tracy adopted Ordinance 1277 (Tracy Municipal Code (TMC) Chapter 6.36) establishing permitting regulations for commercial cannabis activity in the City of Tracy and Ordinance 1278 (TMC Section 10.08.3196) establishing zoning and locational requirements for commercial cannabis activity in Tracy. The primary regulatory framework governing the location of such uses is the City's zoning ordinance (Title 10 of the Tracy Municipal Code). TMC Title 10 Article 34, which was adopted by Ordinance 449 on January 17, 1978, and amended by Ordinance 1177 on January 15, 2013, describes the purpose, process, and requirements for the granting of conditional use permits, stating that the Planning Commission is the authority for such permits.

On September 30, 2020, Megan's Organic Market submitted an application for a cannabis business permit, pursuant to Chapter 6.36 of the TMC. The application was comprehensively reviewed by an internal cannabis business permit Review Committee comprised of the Finance Department, Development Services Department, and the South San Joaquin County Fire Authority. Following review and deeming the application eligible, the Committee forwarded this application to the Police Department for final review and determination. On June 21, 2021, the Tracy Police Chief awarded a provisional cannabis business permit (CBPA20-0032) to Megan's Organic Market. The cannabis business permit approves the permittee's business operations and odor control plan, community relations plan, safety and security plan, social equity plan, and community benefits proposal. In addition to the requirements of the cannabis business permit, the proposed use must also meet the zoning requirements applicable to cannabis dispensaries, including obtaining a conditional use permit to operate their business at a specific location.

On March 1, 2022, a conditional use permit application was submitted to establish the Megan's Organic Market cannabis dispensary at 104 W. Tenth Street. The subject property is designated Downtown in the General Plan and zoned Central Business District, in which cannabis dispensaries are conditionally permitted.

## ANALYSIS

### *Project Proposal*

The applicant proposes to operate a cannabis dispensary consisting of packaged cannabis products and accessories in accordance with local and State cannabis law. Local regulations include locational requirements, site requirements, and operating hours to be established by the conditional use permit. According to City records as of the date of publication of this staff report, the subject site is over 600 feet away from a school, day care center, or youth center, as required by the TMC Section 10.08.3196. The use will be wholly indoors, and no portion of the use will take place outdoors. As shown in Attachment A, the proposed use will have a lobby wherein age verification will be conducted prior to permitting the customer into the retail area and a vault where cannabis products are stored, as required by TMC Chapter 6.36. The applicant proposes to operate daily from 8:00 am to 10:00 pm as permitted by State law, with deliveries taking place between 9:00 am to 7:30 pm and inventory deliveries taking place Monday through Friday from 9:00 am to 6:00 pm.

The cannabis dispensary will operate in a similar manner as a retail store, which is complementary of the commercial area encompassing project vicinity. Project Conditions of Approval (Attachment C) D.1 through D.4 recommended by the Police Department identify means to ensure the business will operate safely and securely. According to the applicant, because all cannabis products are entirely packaged, no noticeable odors or smells are expected to emanate from the dispensary; however, customers will be permitted to smell cannabis products through small openable and closable holes. The dispensary will also follow the odor control plan that was approved as part of the applicant's cannabis business permit. No onsite cultivation or alcohol sales are a part of this use. The applicant proposes some interior tenant improvements as shown in the floor plan, fresh paint on the building exterior consistent with existing building colors, and a mural on the rear of the building as permitted by TMC Title 10 Article 35 *Signs*. The applicant also proposes to restripe the existing parking area located to the south across Gillette Alley (Assessor's Parcel Number 235-054-07), and improve it with landscaping and a trash and recycling enclosure designed to match the building, as shown in Attachment A.

### *Project Expiration*

Per the Tracy Municipal Code (TMC) Section 10.08.4350, conditional use permit approvals are valid for six months following fifteen days from the date of approval unless a building permit is issued and construction is commenced. The TMC also permits Planning Commission to grant a greater time limit for conditional use permit approvals (TMC Section 10.08.4360). Aside from the conditional use permit, the applicant must also obtain a State license for the operation of the cannabis business and comply with the conditions of their provisional cannabis business permit, which may take longer than six months to complete. Therefore, staff recommends that the Planning Commission grant the conditional use permit for one year as described in the project condition of approval A.9.

## FISCAL IMPACT

This agenda item will not require any expenditure of funds. The applicant paid the application processing fees established by the City Council for the conditional use permit application. The applicant will also pay all appropriate building permit upon the commencement of project improvements.

PUBLIC OUTREACH/ INTEREST

This item was duly noticed in the local newspaper and public hearing notices were mailed to all property owners of property within 300 feet of the subject site.

COORDINATION

This staff report was prepared by the Development Services Planning Division.

CEQA DETERMINATION

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations and additions to existing facilities in an area where all public services and facilities are available and which is not environmentally sensitive. In accordance with CEQA Guidelines, no further environmental assessment is required.

STRATEGIC PLAN

This item implements the City Council's Economic Development Strategic Priority Goal 5, Policy 2: Complete conditional use permit processes for cannabis business permit holders.

ACTION REQUESTED OF THE PLANNING COMMISSION

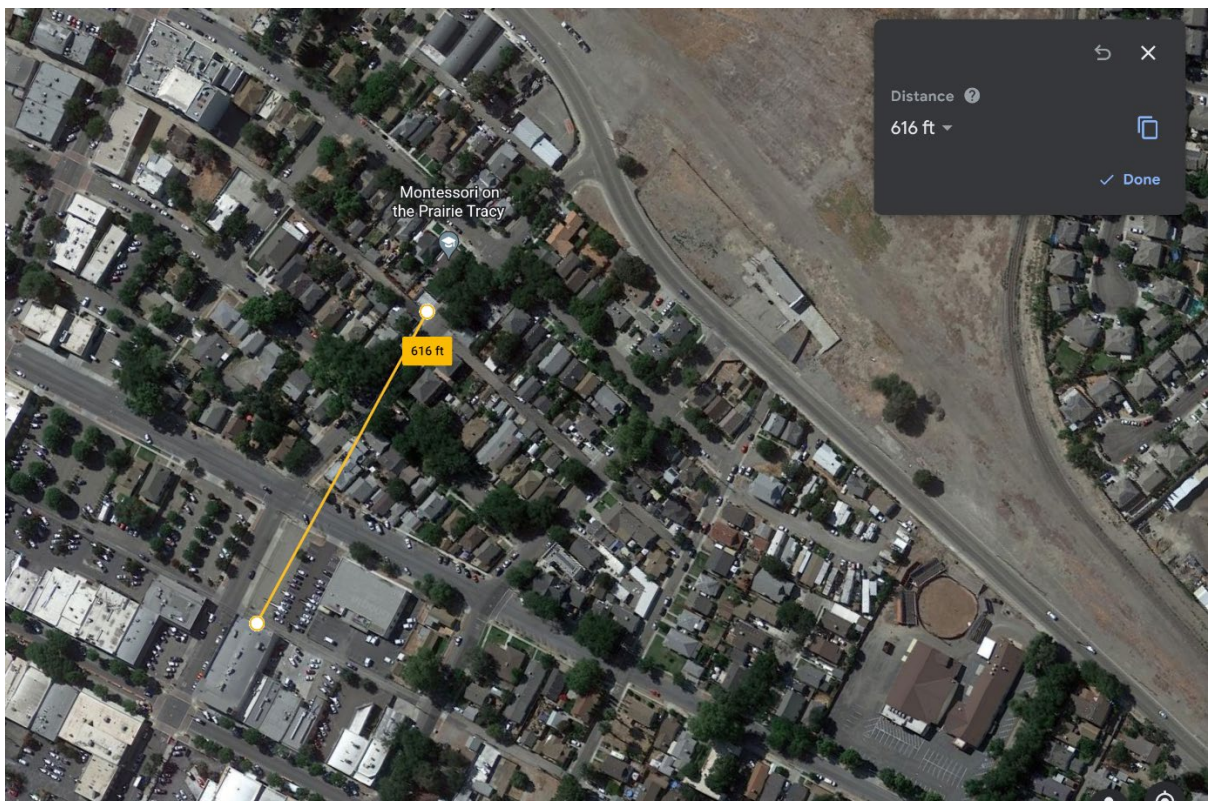
1) Adopt a resolution approving conditional use permit CUP22-0001 for a cannabis storefront retailer (dispensary) at 104 W. Tenth Street, APN 235-054-06, 2) allow the conditional use permit to be valid for one (1) year, as described in the Conditions of Approval, and 3) determine that this project is categorically exempt from the California Environmental Quality Act pursuant Guidelines Section 15301.

Prepared by: Kimberly Matlock, Associate Planner  
Reviewed by: Bill Dean, Assistant Development Services Director  
Approved by: Kris Balaji, Development Services Director

Attachments:

Attachment A – Vicinity Map and Plans received on July 6, 2022  
Attachment B – Planning Commission Resolution  
Attachment C – Conditions of Approval

# GIS and Google Earth Maps of Measurement to Montessori School



AGENDA ITEM 2.A

RECOMMENDATION

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION (1) ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP22-0006) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) LOCATED AT 85 E. TENTH STREET (ASSESSOR'S PARCEL NUMBER 235-171-10), (2) ALLOW THE CONDITIONAL USE PERMIT ONE YEAR TO BE ESTABLISHED, AS DESCRIBED IN CONDITION OF APPROVAL A.9, AND (3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GUIDELINES SECTION 15301 PERTAINING TO EXISTING FACILITIES. THE APPLICANT IS C.H.C.C. INC. AND THE PROPERTY OWNER IS J.T. STORAGE.**

EXECUTIVE SUMMARY

A request for the Planning Commission to grant a Conditional Use Permit for Tracy Cannabis Collective to operate a cannabis dispensary in the existing building located at 85 E. Tenth Street.

BACKGROUND AND LEGISLATIVE HISTORY

California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions. On December 3, 2019, the City Council of the City of Tracy adopted Ordinance 1277 (Tracy Municipal Code (TMC) Chapter 6.36) establishing permitting regulations for commercial cannabis activity in the City of Tracy and Ordinance 1278 (TMC Section 10.08.3196) establishing zoning and locational requirements for commercial cannabis activity in Tracy. The primary regulatory framework governing the location of such uses is the City's zoning ordinance (Title 10 of the Tracy Municipal Code). TMC Title 10 Article 34, which was adopted by Ordinance 449 on January 17, 1978, and amended by Ordinance 1177 on January 15, 2013, describes the purpose, process, and requirements for the granting of Conditional Use Permits, stating that the Planning Commission is the authority for such permits.

On September 30, 2020, C.H.C.C. Inc. submitted an application for a Cannabis Business Permit, pursuant to TMC Chapter 6.36. The application was comprehensively reviewed by an internal Cannabis Business Permit Review Committee comprised of the Finance Department, Development Services Department, and the South San Joaquin County Fire Authority personnel. Following review and deeming the application eligible, the Committee forwarded this application to the Police Department for final review and determination. On March 3, 2022, the Tracy Police Chief awarded a Cannabis Business Permit (application number CBPA20-0021) to C.H.C.C. Inc. The Cannabis Business Permit approves the permittee's business and operations plan, community relations plan, safety and security plan, social equity plan, and community benefits proposal, as required by the City's Ordinance. In addition to the requirements of the Cannabis Business Permit, the proposed use must also meet the zoning requirements applicable to cannabis dispensaries, including obtaining a Conditional Use Permit to operate their business at a specific location.

On March 25, 2022, the permit awardee submitted a Conditional Use Permit application to establish a cannabis storefront retailer (dispensary) at 85 E. Tenth Street, a site designated Downtown in the General Plan and zoned Central Business District and wherein cannabis dispensaries are a conditionally permitted use. The proposed project for C.H.C.C. Dispensary has met all Cannabis Business Permit standards and applicable zoning regulations.

## ANALYSIS

### Project Description

The proposed project is located on the northwest corner of East Street and Tenth Street. The building was previously a consignment store and has been vacant for several years. The project site has a parking lot with 13 parking spaces provided for their customers as well as street parking on both East Street and Tenth Street adjacent to the project site. The applicant is proposing to replace the landscaping in the existing landscape planters located in the parking lot. The retail area of the store will be located on the first floor and the second floor will remain as a meeting space and offices for staff use. The use will be conducted wholly indoors. The site plan, proposed floor plans, and landscape plan can be located in Attachment A.

The applicant proposes to operate a cannabis dispensary consisting of pre-packaged cannabis products and accessories in accordance with local and State cannabis law. City regulations include locational requirements, site requirements, and operating hours are established by the TMC Section 10.08.3196, and the conditions of approval placed on the Conditional Use Permit. According to City records as of the date of publication of this staff report, the subject site is over 600 feet away from any school, day care center, or youth center, as required by the TMC Section 10.08.3196(d). The 600-foot radius map is included as Attachment B.

The cannabis dispensary will operate in the same manner as a retail store, which is complementary of the commercial area encompassing the project vicinity. Because all cannabis products are pre-packaged and there is no onsite cultivation, it is anticipated that no odors or smells will emanate from the dispensary which is a requirement of TMC Section 6.26.320.(d). The proposed use will have a lobby wherein age verification will be conducted prior to permitting the customer into the retail area and additionally, all customers entering the store will be logged. All cannabis products will be located within a secured and locked storage area, as required by TMC Chapter 6.36.180.

The applicant proposes to operate from 12:00 pm to 7:00 pm initially and expand the business hours to 9:00 am to 9:00 pm as the business grows. The proposed hours of operation are in conformance with State law. As described in the recommended conditions of approval, onsite security will include two security guards during business hours and one security guard during closed hours as well as a video surveillance system.



### Project Expiration

Per the Tracy Municipal Code (TMC) Section 10.08.4350, Conditional Use Permit approvals are valid for six months following fifteen days from the date of approval unless the use is established, or a building permit is issued, and construction is commenced. The TMC also permits Planning Commission to grant a greater time limit for Conditional Use Permit approvals (TMC Section 10.08.4360). Aside from the Conditional Use Permit, the applicant must also obtain a State license for the operation of the cannabis business and comply with the conditions of their provisional Cannabis Business Permit, which may take longer than six months to complete. Therefore, staff recommends that the Planning Commission grant the Conditional Use Permit for one year as described in the project Condition of Approval A.9.

### FISCAL IMPACT

This agenda item will not require any expenditure of funds. The applicant paid the application processing fees established by the City Council for the conditional use permit application. The applicant will also pay all appropriate building permit fees upon the commencement of project improvements.

### PUBLIC OUTREACH/ INTEREST

A public hearing notice for the project was mailed to all property owners within a 300-foot radius of the project site, posted on the City website, and also published in the Tracy Press on September 2, 2022. The Planning Commission agenda packet was posted on the City website and can be accessed at City Hall and the Tracy Branch Library as of September 8, 2022.

### COORDINATION

The project was reviewed by various City departments and other agencies, including the City's Development Services Department, Police Department, and South San Joaquin County Fire Authority. All comments received were incorporated into the project plans, conditions of approval, or otherwise addressed. This staff report was prepared by the Development Services Planning Division.

### CEQA DETERMINATION

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations and additions to existing facilities in an area where all public services and facilities are available, and which is not environmentally sensitive. In accordance with CEQA Guidelines, no further environmental assessment is required.

## STRATEGIC PLAN

This item implements the City Council's Economic Development Strategic Priority Goal 5, Policy 2: Complete Conditional Use Permit processes for Cannabis Business Permit holders.

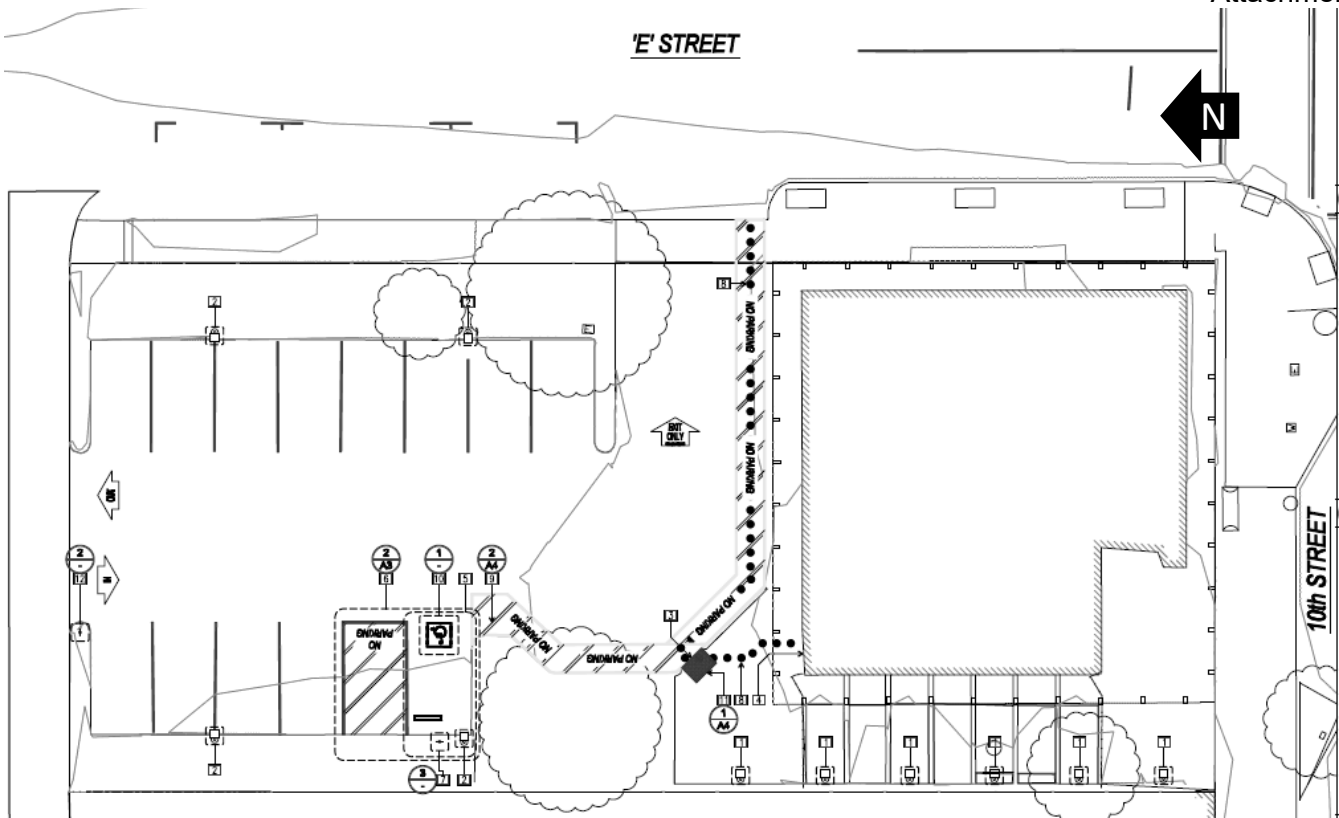
## ACTION REQUESTED OF THE PLANNING COMMISSION

(1) Adopt a resolution approving a Conditional Use Permit (CUP22-0006) for a cannabis storefront retailer (dispensary) located at 85 E. Tenth Street (Assessor's Parcel Number 235-171-10), (2) Allow the Conditional Use Permit one year to be established, as described in Condition of Approval A.9, and (3) Determine that this project is categorically exempt from the California Environmental Quality Act pursuant to Guideline Section 15301 pertaining to existing facilities

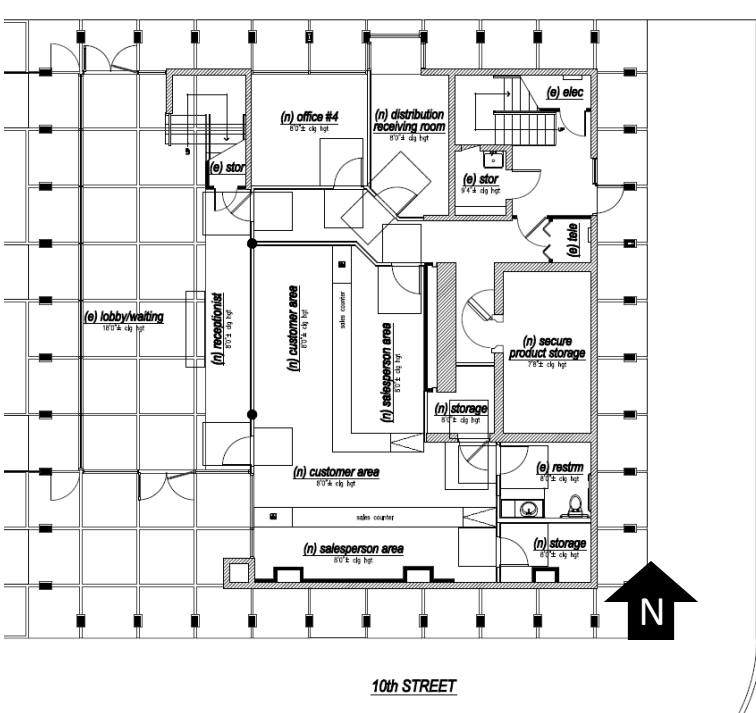
Prepared by: Genevieve Federighi, Associate Planner  
Reviewed by: Bill Dean, Assistant Development Services Director  
Approved by: Kris Balaji, Development Services Director

### Attachments:

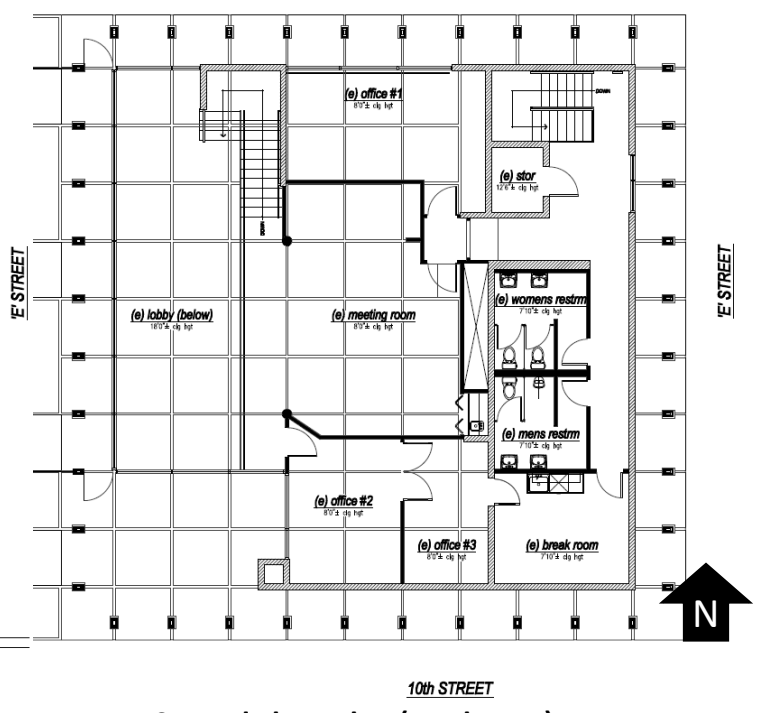
Attachment A – Site Plan, Floor Plan, and Landscape Plan  
Attachment B – 600-Foot Sensitive Uses Map  
Attachment C – Planning Commission Resolution including Exhibit 1 Conditions of Approval



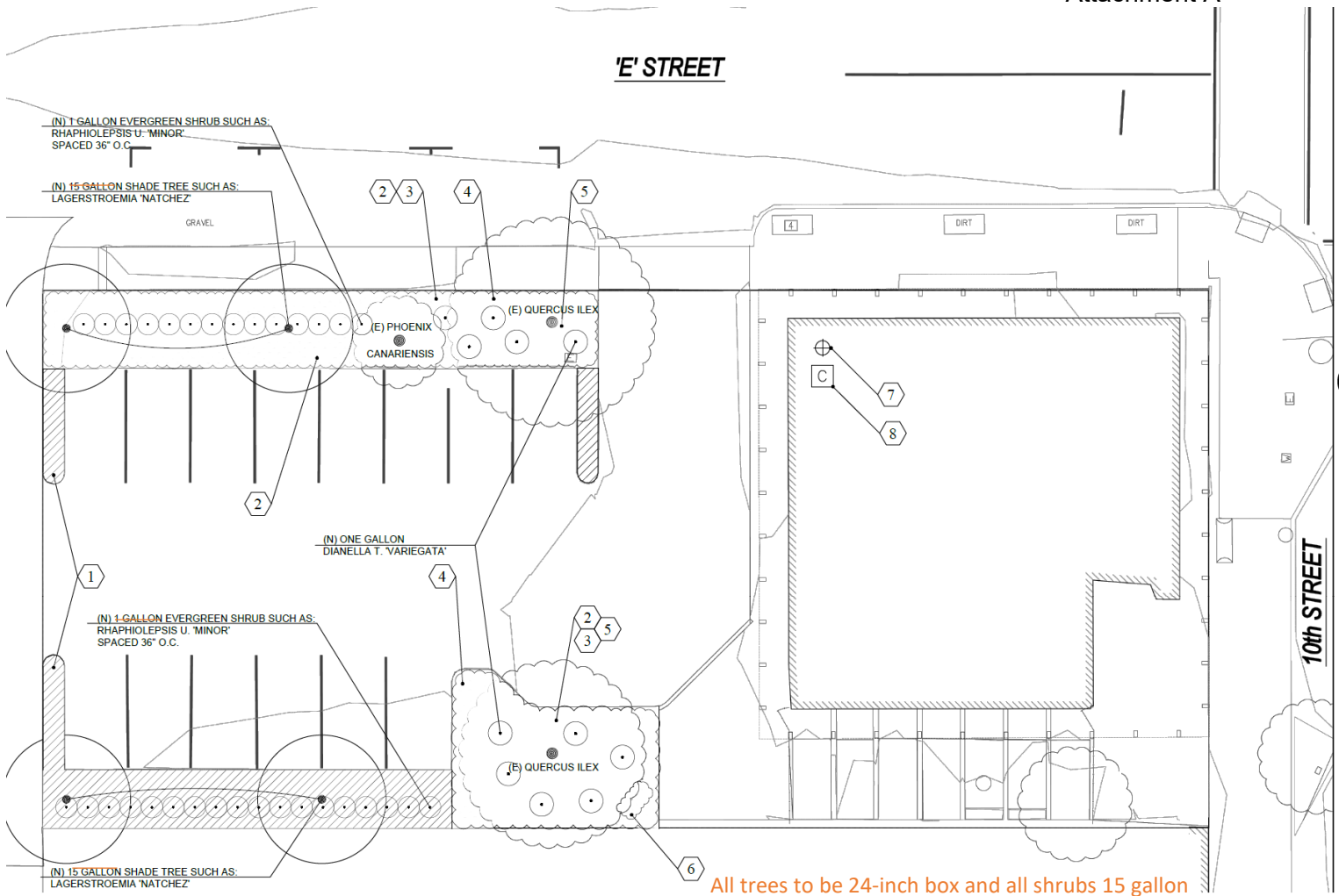
Site Plan (no change)



First Floor Plan



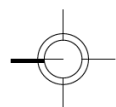
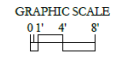
Second Floor Plan (no change)

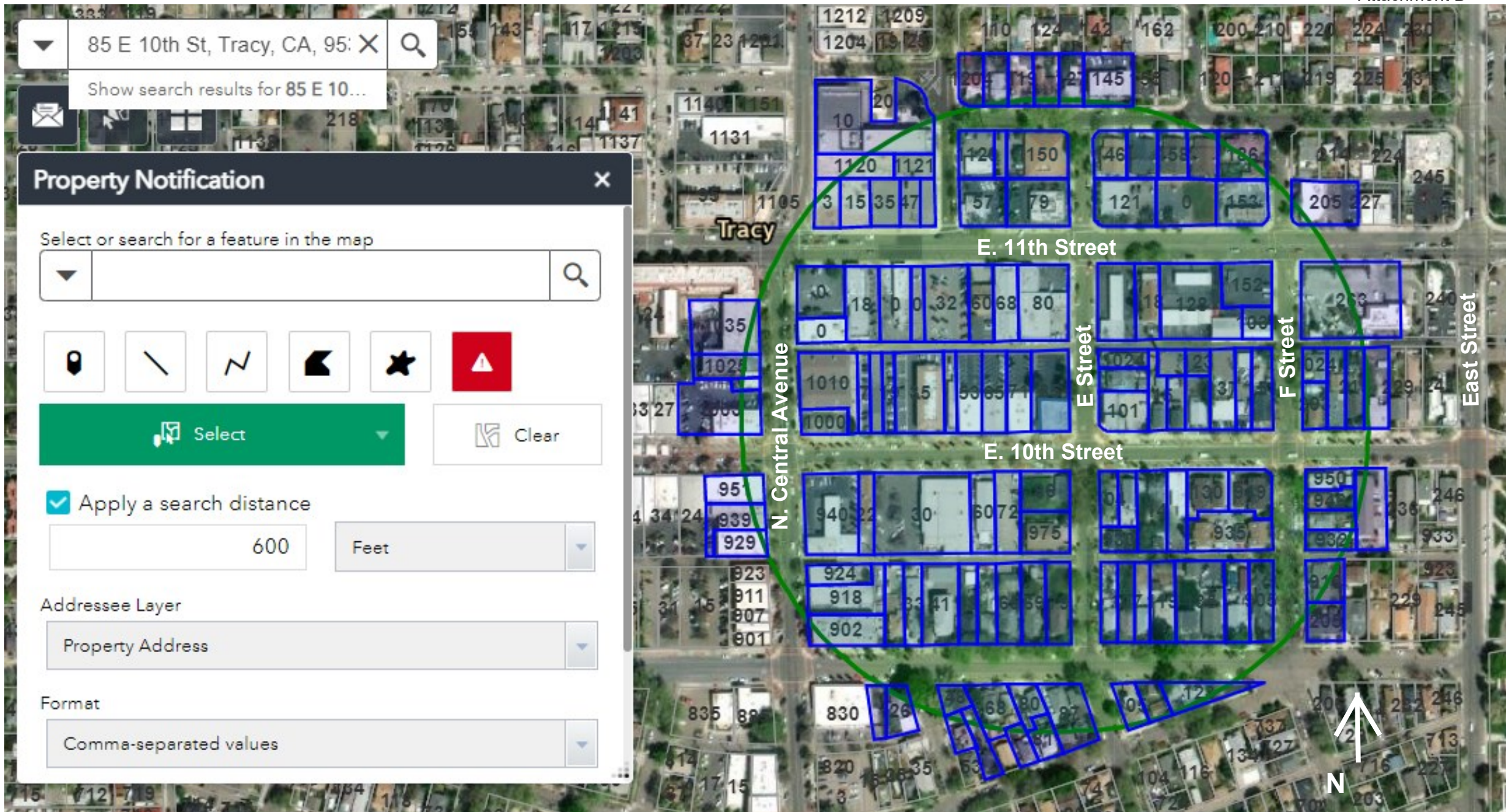


- NOTES**
- 1 (E) Multi-colored lava rock to remain in these areas only
  - 2 Install up to 6" of amended soil over exposed roots, transition at back of curb and at tree trunks
  - 3 Install 3" of mulch and keep 2" from trunks of trees and shrubs
  - 4 Remove (E) lawn
  - 5 Place no soil against tree trunks
  - 6 (E) Nandina to remain
  - 7 (E) Irrigation remote control valve in basement
  - 8 (E) Irrigation controller in basement

**LANDSCAPE PLAN**

SCALE: 1/8" = 1' - 0"





600-foot Radius Map: 85 E. 10th Street

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**TRACY PLANNING COMMISSION**

**RESOLUTION 2022-\_\_\_\_\_**

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1. **APPROVING A CONDITIONAL USE PERMIT (CUP22-0006) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 85 E. TENTH STREET, APN 235-171-10. THE APPLICANT IS C.H.C.C. INC. AND THE PROPERTY OWNER IS J.T. STORAGE; AND**
2. **ALLOWING THE CONDITIONAL USE PERMIT ONE YEAR TO BE ESTABLISHED, AS DESCRIBED IN THE CONDITIONS OF APPROVAL, AND**
3. **DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT GUIDELINES SECTION 15301.**

**WHEREAS**, California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions; and

**WHEREAS**, Commercial cannabis activities require a cannabis business permit to operate in Tracy and a conditional use permit to operate cannabis businesses at specific locations; and

**WHEREAS**, Tracy Cannabis Collective was awarded a cannabis business permit (Application Number CBPA20-0021) by the Tracy Police Chief on March 3, 2022; and

**WHEREAS**, The applicant submitted a Conditional Use Permit application to operate a cannabis storefront retailers (dispensary) in an existing building at 85 E. Tenth Street, on March 25, 2022; and

**WHEREAS**, The subject site is designated Downtown in the Tracy General Plan and has a zoning designation of Central Business District (CBD) wherein cannabis dispensaries are a conditionally permitted use; and

**WHEREAS**, Conditional use permits are valid for six (6) months, under Tracy Municipal Code (TMC) section 10.08.4350; and

**WHEREAS**, The applicant must also obtain a State license for the operation of the cannabis business and comply with the conditions of their approved cannabis business permit, which may take longer than six (6) months granted under the conditional use permit; and

**WHEREAS**, Under TMC 10.08.4360 the Planning Commission may grant a greater time limit for conditional use permit approvals and that the recommended time extension for this project is one year; and

**WHEREAS**, The Planning Commission conducted a public hearing to review and consider the application on September 14, 2022; now, therefore, be it

**RESOLVED:** That the Planning Commission adopts a resolution approving a conditional use permit (CUP22-0006) for a cannabis storefront retailer (dispensary) at 85 E. Tenth Street, APN 235-171-10, subject to the Conditions of Approval contained in Exhibit 1 and based on the findings below.

1. There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a conditional use permit is necessary for the operation of a cannabis dispensary in the CBD Zone as required by the Tracy Municipal Code.
2. The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of the Tracy Municipal Code Chapter 6.36 and Chapter 10.08. Additionally, the project site is located at least 600 feet away from a parcel containing a school, day care center, or youth center, and the use will be operated wholly indoors. The use will operate the same as a retail store, which is complementary of the surrounding commercial area.
3. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City because the project, as conditioned, is consistent with the zoning, commercial cannabis activity regulations, and other elements of the Tracy Municipal Code the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, California Fire Codes, and California cannabis regulations. There will be no odors or similar objectionable impacts to other businesses in the vicinity as all cannabis products will be entirely packaged and stored in accordance with the requirements of Chapter 6.36; and be it

**FURTHER RESOLVED:** That the Planning Commission allow the Conditional Use Permit one year to be established, as described in the Conditions of Approval; and be it

**FURTHER RESOLVED:** That the Planning Commission determines that this project is categorically exempt from the California Environmental Quality Act pursuant Guidelines Section 15301.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was adopted by the Planning Commission on the 14<sup>th</sup> day of September by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTENTION:	COMMISSION MEMBERS:

\_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
STAFF LIAISON

**City of Tracy**  
**Conditions of Approval**  
Tracy Cannabis Collective Dispensary  
Application Number CUP22-0006

**A. General Provisions and Definitions.**

A.1. General. These Conditions of Approval apply to:

The Project: Tracy Cannabis Collective Dispensary, Conditional Use Permit number  
CUP22-0006

The Property: 85 E. Tenth Street (Assessor's Parcel Number 235-171-10)

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, applying for a conditional use permit.
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project located at the Property. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
- g. "Police Chief" means the Chief of Police of the City of Tracy, or any other person designated by the City Manager or the Police Chief to perform duties set forth herein.

A.3. Compliance with submitted plans. Prior to the establishment of the use, the project shall be established in substantial compliance with the plans received by the Development Services Department on March 25, 2022 and the landscape plans received on July 8, 2022 to the satisfaction of the Development Services Director.



- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all federal, state and local laws, as amended from time to time, related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
  - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
  - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
  - The Medicinal and Adult-Use Cannabis Regulation and Safety Act;
  - Regulations of the Bureau of Cannabis Control;
  - Tracy Municipal Code (TMC) Chapter 6.36 (Commercial Cannabis Activity); and
  - City of Tracy Procedures and Guidelines for a cannabis business permit adopted by City Council Resolution 2020-137
- A.6. Compliance with applicable regulations. Unless specifically modified by these Conditions of Approval, the use shall comply with all City and State Regulations and the approved cannabis business permit No. CBPA20-0021, which includes business operations requirements, the safety and security plan, and the odor control plan.
- A.7. Prior to construction, the applicant shall submit construction documents which meet the requirements of the California Building and Fire Codes and the Tracy Municipal Code to the City of Tracy and the South San Joaquin County Fire Authority for review, approval and inspections.
- A.8. At all times, applicant (or its successor) shall maintain all necessary permits to operate a cannabis business pursuant to Municipal Code Chapter 6.36. Neither the applicant, nor any other entity, shall have an entitlement or other property right to operate a cannabis business at the property without holding such a Cannabis Business Permit, which may be approved, denied, renewed, or revoked in accordance with the requirements of Chapter 6.36.
- A.9. This conditional use permit shall expire one year following the date on which the use permit became effective unless, prior to the expiration of one year, the use is established in accordance with this use permit, or a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application.

## **B. Development Services Department, Planning Division Conditions**

Contact: Genevieve Federighi

(209) 831-6435

[genevieve.federighi@cityoftracy.org](mailto:genevieve.federighi@cityoftracy.org)

- B.1. Prior to approval of a building permit, the applicant shall provide detailed plans that demonstrate compliance with TMC Section 6.36.380(k) regarding floor plan and storage requirements.
- B.2. Prior to final inspection, the applicant shall demonstrate compliance with TMC Section 6.36.380(l) regarding signage.
- B.3. Community Benefit Agreement. Prior to commencing any cannabis operation, the applicant shall execute a Community Benefit Agreement with the City in accordance with the requirements of their Cannabis Business Permit.
- B.4. The use shall be conducted wholly indoors.
- B.5. Hours of operation. The hours of operation shall be limited to 6:00 am to 10:00 pm in accordance with State law. Should the hours of operation established in the State law become more restrictive, the use shall comply with the more restrictive regulations.

### **C. Development Services Department, Building Division Conditions**

Contact: Phillip Rainone (209) 831-6413 [phillip.rainone@cityoftracy.org](mailto:phillip.rainone@cityoftracy.org)

- C.1. Prior to the commencement of interior improvements, applicant shall submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable. The plans shall include, and not be limited to, the following:

- Demo Plan
- Existing Floor Plan
- Proposed Floor Plan
- Electrical Plans
- T-24 Energy Documentation (as applicable)
- Mechanical Plans
- Plumbing Plans
- Egress plan complying with CBC Chapter 10

### **D. Tracy Police Department Conditions**

Contact: Lieutenant Miguel Contreras (209) 831-6618 [miguel.contreras@tracypd.com](mailto:miguel.contreras@tracypd.com)

- D.1. The permitted cannabis establishment shall comply with the Tracy Municipal Code 6.36.180 – Security Measures.

- D.2. Prior to establishment of the use, the applicant shall submit to the Police Department a copy of the actual detailed security plan, including the full names and current contact information for onsite security, to the satisfaction of the Police Chief or his designee. The security and emergency response plan will include the actual security measures and procedures.
- D.3. As an on-going condition of use, the applicant shall maintain a minimum of 2 on-site security guards during business hours and 1 on-site security guard during closed hours. The establishment shall remain closed for business if the minimum of 2 certified security guards are not present during business hours on any given day. Once the minimum-security staffing is met, the establishment may re-open for business.
- D.4. Overnight (nonbusiness hours) security shall be a minimum of 1 certified guard solely responsible for the security of this establishment and not multiple locations.
- D.5. All contracted or employed guards shall be certified and have sole responsibilities as a security guard focused on safety and security. The security guards will be readily identifiable.
- D.6. All cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault, provided that such secured areas meet the emergency egress requirements in the Building Code. All cannabis and cannabis products that are being sold for retail purposes shall be kept in a manner as to prevent diversion, theft, and loss.
- D.7. Installing security surveillance cameras of sufficient resolution to allow the identification of persons and objects to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. The commercial cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the Police Chief or designee(s), and that it is compatible with the City's software and hardware. In addition, remote access to the video footage from the cameras shall be provided to the Police Chief or designee(s). Video recordings shall be maintained for a minimum of ninety (90) days, or as required under state law, and shall be made available to the Police Chief or designee(s) upon request without unreasonable delay. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business. In addition, prior to establishment of use the security video surveillance will also provide 360-degree coverage of the business and parking lot areas. Also provide the video surveillance plan.
- D.8. Applicant shall cooperate with all legal requests from Tracy PD and any crimes shall be reported without delay.

- D.9. Prior to establishment of use, the applicant shall establish and maintain an updated on-call list of responders with their alarm service provider and current alarm permit with the City of Tracy. To include the on-site security manager.
- D.10. Prior to establishment of use ensure trash containers and enclosures are locked and not accessible by the public.

#### **E. Tracy Police Department Conditions**

Contact: Daniel Stowe (209) 831-6707 [fire.planchek@sjcfire.org](mailto:fire.planchek@sjcfire.org)

- E.1. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
  - a. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code.
  - b. Deferred submittals shall be listed on the coversheet of each page. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.
- E.2. Engineering and building permit applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority. Contact our offices for additional information.
  - a. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
  - b. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
  - c. Permit holder is responsible for any additional inspection fees incurred, and shall be paid prior to final inspection.
- E.3. Prior to occupancy of each new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.
- E.4. Knox boxes shall be required. Each tenant shall have keys placed in the key box. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.
- E.5. Building and each tenant space shall be provided with approved address identification in accordance with CFC §505.
- E.6. Additional comments may occur upon submittal of construction documents.

AGENDA ITEM 2.B

RECOMMENDATION

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION 1) ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP22-0003) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) LOCATED AT 951 N. CENTRAL AVENUE (ASSESSOR'S PARCEL NUMBER 235-056-07), 2) ALLOW THE CONDITIONAL USE PERMIT ONE YEAR TO BE ESTABLISHED, AS DESCRIBED IN CONDITION OF APPROVAL A.9, AND 3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GUIDELINE SECTION 15301 PERTAINING TO EXISTING FACILITIES. THE APPLICANT IS JIVA TCY LLC AND THE PROPERTY OWNER IS STOCKTON GATEWAY, LLC**

EXECUTIVE SUMMARY

A request for the Planning Commission to grant a Conditional Use Permit for Dr Greenthumb's (Jiva TCY LLC) to operate a cannabis dispensary in the existing building located at 951 N. Central Avenue.

BACKGROUND AND LEGISLATIVE HISTORY

California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions. On December 3, 2019, the City Council of the City of Tracy adopted Ordinance 1277 (Tracy Municipal Code (TMC) Chapter 6.36) establishing permitting regulations for commercial cannabis activity in the City of Tracy and Ordinance 1278 (TMC Section 10.08.3196) establishing zoning and locational requirements for commercial cannabis activity in Tracy. The primary regulatory framework governing the location of such uses is the City's zoning ordinance (Title 10 of the Tracy Municipal Code). TMC Title 10 Article 34, which was adopted by Ordinance 449 on January 17, 1978, and amended by Ordinance 1177 on January 15, 2013, describes the purpose, process, and requirements for the granting of Conditional Use Permits, stating that the Planning Commission is the authority for such permits.

On September 29, 2020, Jiva TCY, LLC submitted an application for a Cannabis Business Permit, pursuant to TMC Chapter 6.36. The application was comprehensively reviewed by an internal Cannabis Business Permit Review Committee comprised of the Finance Department, Development Services Department, and the South San Joaquin County Fire Authority personnel. Following review and deeming the application eligible, the Committee forwarded this application to the Police Department for final review and determination. On March 3, 2022, the Tracy Police Chief awarded a Cannabis Business Permit (application number CBPA20-0017) to Jiva TCY, LLC. The Cannabis Business Permit approves the permittee's business and operations plan, community relations plan, safety and security plan, social equity plan, and community benefits proposal. In addition to the requirements of the Cannabis Business Permit, the proposed use must also meet the zoning requirements applicable to cannabis dispensaries, including obtaining a Conditional Use Permit to operate their business at a specific location.

On March 8, 2022, the permit awardee submitted a Conditional Use Permit application to establish a cannabis storefront retailer (dispensary) at 951 N. Central Avenue, a site designated Downtown in the General Plan and zoned Central Business District and wherein cannabis dispensaries are a conditionally permitted use. The proposed project for Dr Greenthumb's Dispensary has met all Cannabis Business Permit standards and applicable zoning regulations.

## ANALYSIS

### Project Description

The proposed project is located on the southwest corner of Central Avenue and Tenth Street. The building was previously a bank and has been vacant for several years. The applicant proposes to operate a cannabis dispensary consisting of pre-packaged cannabis products and accessories in accordance with local and State cannabis law. City regulations include locational requirements, site requirements, and operating hours are established by the TMC Section 10.08.3196 and the conditions of approval placed on the Conditional Use Permit. According to City records as of the date of publication of this staff report, the subject site is over 600 feet away from any school, day care center, or youth center, as required by the TMC Section 10.08.3196(d). The 600 foot radius map is included as Attachment A.

The cannabis dispensary will operate in the same manner as a retail store, which is complementary of the commercial area encompassing the project vicinity. Additionally, the project applicant and owner met with the Tracy City Center Association (TCCA) on January 13, 2022 and TCCA provided a letter of support of the project (Attachment B). Because all cannabis products are pre-packaged and there is no onsite cultivation, it is anticipated that no odors or smells will emanate from the dispensary which is a regulation of TMC Section 6.26.320.d. The applicant proposes some interior tenant improvements as shown in the attached floor plan, and no exterior modifications are proposed as part of the project. The use will be wholly indoors and any windows that would allow cannabis products to be seen from the exterior will have an opaque film for screening. The proposed use will have a lobby wherein age verification will be conducted prior to permitting the customer into the retail area and additionally, all customers entering the store will be logged. All cannabis products will be located within a secured and locked storage area, as required by TMC Chapter 6.36.180. The proposed site plan, rendering, and floor plan can be viewed in Attachment C.

The applicant proposes to operate from 10:00 am to 10:00 pm, which is in conformance with State law. As described in the recommended conditions of approval, onsite security will include two armed guards during business hours and one armed guard during closed hours as well as a video surveillance system.

### Project Expiration

Per the Tracy Municipal Code (TMC) Section 10.08.4350, Conditional Use Permit approvals are valid for six months following fifteen days from the date of approval unless the use is established or a building permit is issued and construction is commenced. The

TMC also permits Planning Commission to grant a greater time limit for Conditional Use Permit approvals (TMC Section 10.08.4360). Aside from the Conditional Use Permit, the applicant must also obtain a State license for the operation of the cannabis business and comply with the conditions of their provisional Cannabis Business Permit, which may take longer than six months to complete. Therefore, staff recommends that the Planning Commission grant the Conditional Use Permit for one year as described in the project Condition of Approval A.9.

#### FISCAL IMPACT

This agenda item will not require any expenditure of funds. The applicant paid the application processing fees established by the City Council for the conditional use permit application. The applicant will also pay all appropriate building permit upon the commencement of project improvements.

#### PUBLIC OUTREACH/ INTEREST

A public hearing notice for the project was mailed to all property owners within a 300-foot radius of the project site, posted on the City website, and also published in the Tracy Press on September 2, 2022. The Planning Commission agenda packet was posted on the City website and can be accessed at City Hall and the Tracy Branch Library as of September 8, 2022.

#### COORDINATION

The project was reviewed by various City departments and other agencies, including the City's Development Services Department, Police Department, and South San Joaquin County Fire Authority. All comments received were incorporated into the project plans, conditions of approval, or otherwise addressed. This staff report was prepared by the Development Services Planning Division.

#### CEQA DETERMINATION

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations and additions to existing facilities in an area where all public services and facilities are available and which is not environmentally sensitive. In accordance with CEQA Guidelines, no further environmental assessment is required.

#### STRATEGIC PLAN

This item implements the City Council's Economic Development Strategic Priority Goal 5, Policy 2: Complete Conditional Use Permit processes for Cannabis Business Permit holders.

ACTION REQUESTED OF THE PLANNING COMMISSION

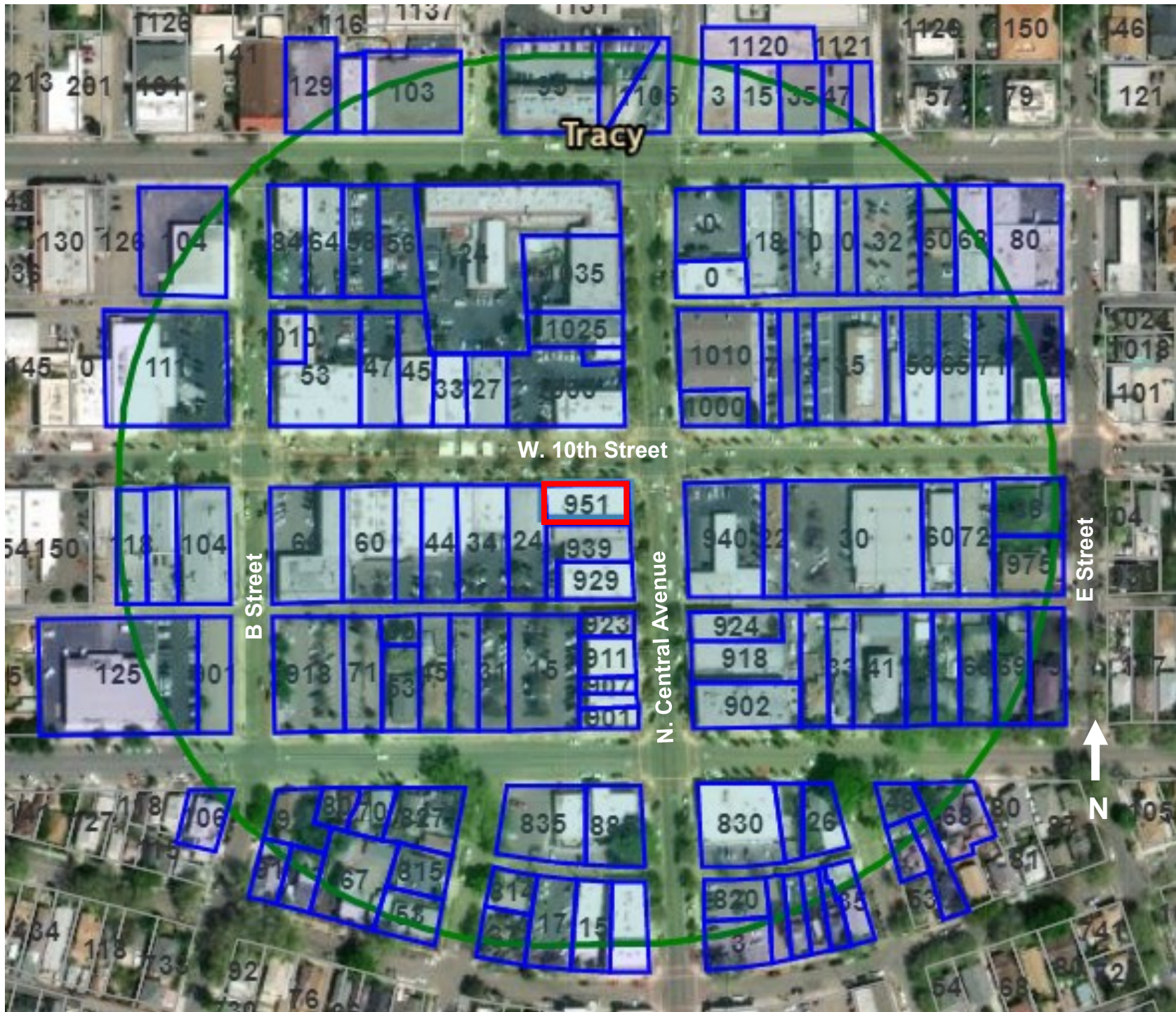
1) Adopt a resolution approving a Conditional Use Permit (CUP22-0003) for a cannabis storefront retailer (dispensary) located at 951 N. Central Avenue (Assessor's Parcel Number 235-056-07), 2) Allow the Conditional Use Permit one year to be established, as described in Condition of Approval A.9, and 3) Determine that this project is categorically exempt from the California Environmental Quality Act pursuant to Guideline Section 15301 pertaining to existing facilities

Prepared by: Genevieve Federighi, Associate Planner  
Reviewed by: Bill Dean, Assistant Development Services Director  
Approved by: Kris Balaji, Development Services Director

Attachments:

Attachment A – 600 Foot Sensitive Uses Map  
Attachment B – Tracy City Center Association Letter of Support  
Attachment C – Site Plan, Rendering and Floor Plan received on March 8, 2022  
Attachment D – Planning Commission Resolution including Exhibit 1 Conditions of Approval





600-foot Radius Map: 951 N. Central Avenue



DOWNTOWN  
TRACY  
TRACY CITY CENTER  
ASSOCIATION



January 25, 2022

City of Tracy  
Development Services Department  
333 Civic Center Plaza  
Tracy, CA 95376  
PlanningAdmin@CityofTracy.org  
Peggy.Beeuwsaert@cityoftracy.org

Re: Jiva TCY LLC [CBPA20-0017]

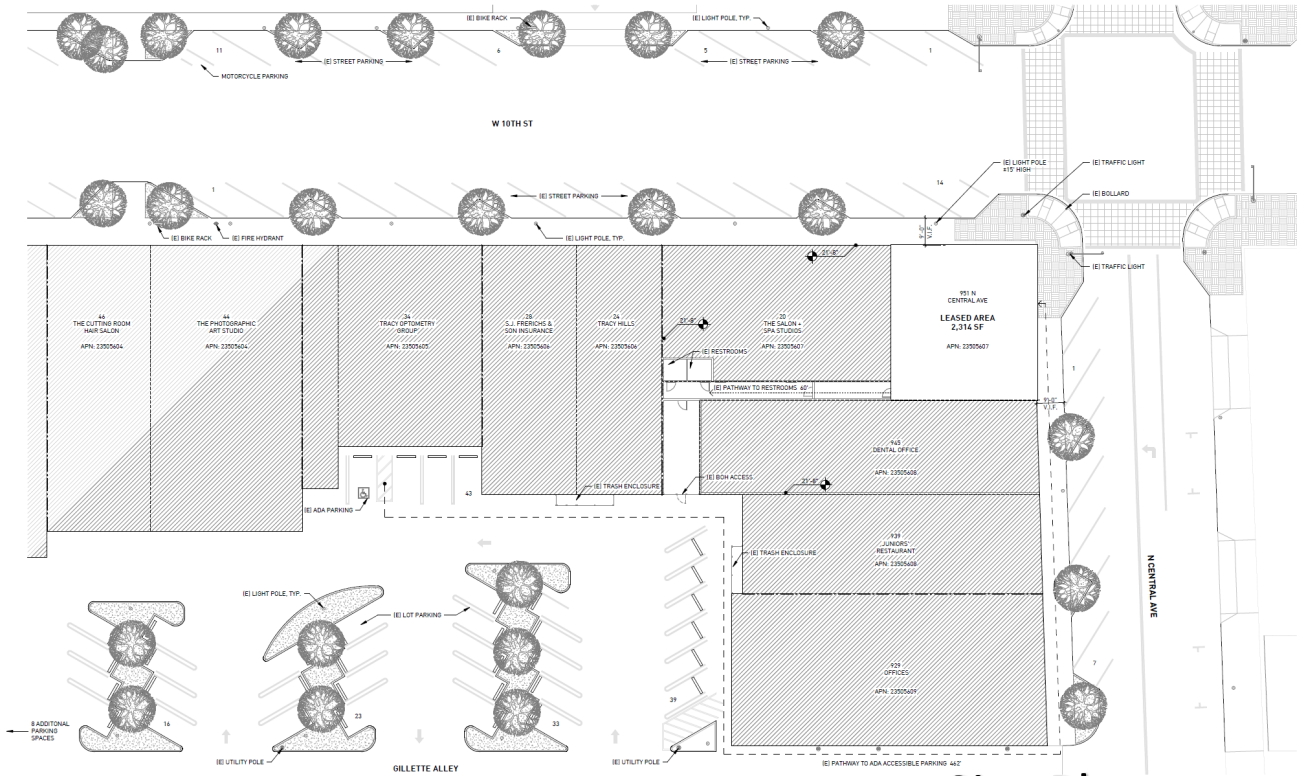
On behalf of the Tracy City Center Association (TCCA), I am writing to express this letter of support for Jiva TCY LLC as their organization looks to expand its commercial cannabis operations into the City of Tracy and specifically our downtown.

Managing Director Raj Pottabathni and downtown property owner Kevin Dougherty made a presentation to our board at our meeting on January 13<sup>th</sup>, 2022 with respect to plans for the property at 951 N. Central Avenue. The presentation was described by several of our board members as the model we would like to see moving forward with high expectations for design and operational standards for a new cannabis retailer in the city of Tracy.

We appreciate Jiva's approach to the industry, the professionalism their team has demonstrated during our discussions, and look forward to working together collaboratively to better our community.

Sincerely,

Dino Margaros  
Executive Director



# Site Plan

SITE PLAN 1  
1/8" = 1'-0"

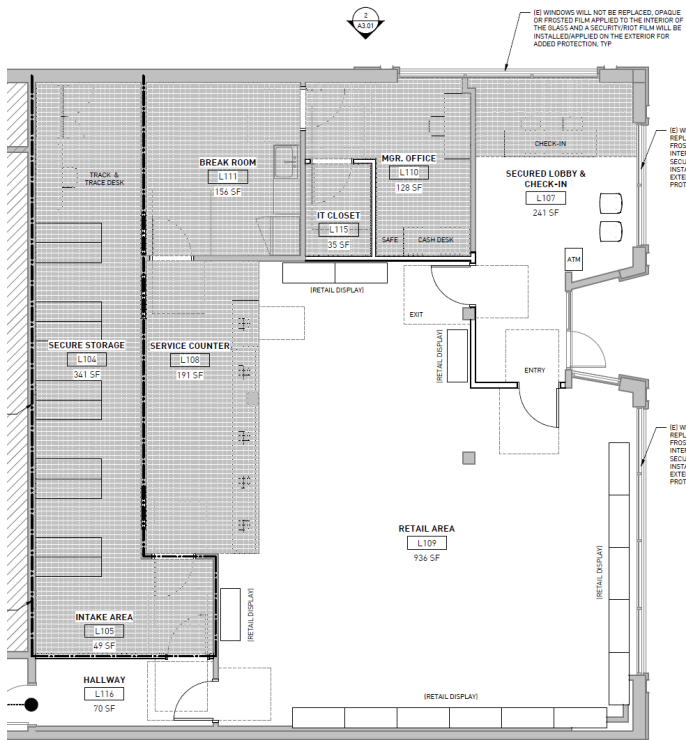
### SHEET NOTES

**LAND USE/ZONING**  
ALL PROPERTIES SHOWN ON THIS SHEET (PARCELS/BUILDINGS) HAVE THE FOLLOWING DESIGNATIONS:  
• GENERAL PLAN: DOWNTOWN  
• ZONING: CENTRAL BUSINESS DISTRICT (CBD)

**PARKING SUMMARY**  
PER TRACY, CALIFORNIA - CODE OF ORDINANCES, CHAPTER 10.08, ZONING REGULATIONS, ARTICLE 24 - OFF-STREET PARKING REQUIREMENTS, 10.08.3482 PARKING SPACES REQUIRED.

### GRAPHICS LEGEND

- PROPERTY LINE
- ▨ EXISTING BUILDING (I.C.I.)
- ▨ LANDSCAPE (I.C.I.)
- UTILITY POLE
- STREET LIGHT
- TRAFFIC LIGHT
- ESTIMATED BUILDING HEIGHT



Floor Plan



Rendering

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**TRACY CITY COUNCIL**  
**RESOLUTION 2022-\_\_\_\_\_**

---

- 1. APPROVING A CONDITIONAL USE PERMIT (CUP22-0003) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 951 N. CENTRAL AVENUE, APN 235-056-07. THE APPLICANT IS JIVA TCY LLC AND THE PROPERTY OWNER IS STOCKTON GATEWAY, LLC;**
- 2. ALLOWING THE CONDITIONAL USE PERMIT ONE YEAR TO BE ESTABLISHED, AS DESCRIBED IN THE CONDITIONS OF APPROVAL, AND**
- 3. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT GUIDELINES SECTION 15301.**

**WHEREAS,** California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions; and

**WHEREAS,** Commercial cannabis activities require a cannabis business permit to operate in Tracy and a conditional use permit to operate cannabis businesses at specific locations; and

**WHEREAS,** Dr. Greenthumb's was awarded a cannabis business permit (Application Number CBPA20-0017) by the Tracy Police Chief on March 3, 2022; and

**WHEREAS,** The applicant submitted a conditional use permit application to operate a cannabis storefront retailers (dispensary) in an existing building at 951 N. Central Avenue, on March 8, 2022; and

**WHEREAS,** The subject site is designated Downtown in the Tracy General Plan and has a zoning designation of Central Business District (CBD) wherein cannabis dispensaries are a conditionally permitted use; and

**WHEREAS,** Conditional use permits are valid for six (6) months, under Tracy Municipal Code (TMC) section 10.08.4350; and

**WHEREAS,** The applicant must also obtain a State license for the operation of the cannabis business and comply with the conditions of their approved cannabis business permit, which may take longer than six (6) months granted under the conditional use permit; and

**WHEREAS,** Under TMC 10.08.4360 the Planning Commission may grant a greater time limit for conditional use permit approvals and that the recommended time extension for this project is one year; and

**WHEREAS**, The Planning Commission conducted a public hearing to review and consider the application on September 14, 2022; now, therefore, be it

**RESOLVED:** That the Planning Commission adopts a resolution approving a conditional use permit (CUP22-0003) for a cannabis storefront retailer (dispensary) at 951 N. Central Avenue, APN 235-056-07, subject to the Conditions of Approval contained in Exhibit 1 and based on the findings below.

1. There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a conditional use permit is necessary for the operation of a cannabis dispensary in the CBD Zone as required by the Tracy Municipal Code.
2. The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of the Tracy Municipal Code Chapter 6.36 and Chapter 10.08. Additionally, the project site is located at least 600 feet away from a parcel containing a school, day care center, or youth center, and the use will be operated wholly indoors. The use will operate the same as a retail store, which is complementary of the surrounding commercial area.
3. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City because the project, as conditioned, is consistent with the zoning, commercial cannabis activity regulations, and other elements of the Tracy Municipal Code the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, California Fire Codes, and California cannabis regulations. There will be no odors or similar objectionable impacts to other businesses in the vicinity as all cannabis products will be entirely packaged and stored in accordance with the requirements of Chapter 6.36; and be it

**FURTHER RESOLVED:** That the Planning Commission allow the conditional use permit one year to be established, as described in the Conditions of Approval; and be it

**FURTHER RESOLVED:** That the Planning Commission determines that this project is categorically exempt from the California Environmental Quality Act pursuant Guidelines Section 15301.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was adopted by the Planning Commission on the 14th day of September 2022, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTENTION:	COMMISSION MEMBERS:

\_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
STAFF LIAISON

**City of Tracy**  
**Conditions of Approval**  
Dr. Greenthumb's Cannabis Dispensary  
Application Number CUP22-0003

**A. General Provisions and Definitions.**

A.1. General. These Conditions of Approval apply to:

The Project: Dr Greenthumb's Cannabis Dispensary, Conditional Use Permit number CUP22-0003

The Property: 951 N. Central Avenue (Assessor's Parcel Number 235-056-07)

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, applying for a conditional use permit.
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project located at the Property. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
- g. "Police Chief" means the Chief of Police of the City of Tracy, or any other person designated by the City Manager or the Police Chief to perform duties set forth herein.

A.3. Compliance with submitted plans. Prior to the establishment of the use, the project shall be established in substantial compliance with the plans received by the Development Services Department on March 8, 2022 and the security plan received

by the Development Services Department on July 20, 2022 to the satisfaction of the Development Services Director.

- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all federal, state and local laws, as amended from time to time, related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
  - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
  - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
  - The Medicinal and Adult-Use Cannabis Regulation and Safety Act;
  - Regulations of the Bureau of Cannabis Control;
  - Tracy Municipal Code (TMC) Chapter 6.36 (Commercial Cannabis Activity); and
  - City of Tracy Procedures and Guidelines for a cannabis business permit adopted by City Council Resolution No. 2020-137.
- A.6. Compliance with applicable regulations. Unless specifically modified by these Conditions of Approval, the use shall comply with all City and State Regulations and the approved cannabis business permit No. CBPA20-0017, which includes business operations requirements, the safety and security plan, and the odor control plan.
- A.7. Prior to construction, the applicant shall submit construction documents which meet the requirements of the California Building and Fire Codes and the Tracy Municipal Code to the City of Tracy and the South San Joaquin County Fire Authority for review, approval and inspections.
- A.8. At all times, applicant (or its successor) shall maintain all necessary permits to operate a cannabis business pursuant to Municipal Code Chapter 6.36. Neither the applicant, nor any other entity, shall have an entitlement or other property right to operate a cannabis business at the property without holding such a Cannabis Business Permit, which may be approved, denied, renewed, or revoked in accordance with the requirements of Chapter 6.36.
- A.9. This the conditional use permit shall expire one year following the date on which the use permit became effective unless, prior to the expiration of one year, the use is established in accordance with this use permit, or a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application.

## **B. Development Services Department, Planning Division Conditions**

Contact: Genevieve Federighi

(209) 831-6435

[genevieve.federighi@cityoftracy.org](mailto:genevieve.federighi@cityoftracy.org)

- B.1. Prior to approval of a building permit, the applicant shall provide detailed plans that demonstrate compliance with TMC Section 6.36.380(k) regarding floor plan and storage requirements.
- B.2. Prior to final inspection, the applicant shall demonstrate compliance with TMC Section 6.36.380(l) regarding signage.
- B.3. Community Benefit Agreement. Prior to commencing any cannabis operation, the applicant shall execute a Community Benefit Agreement with the City in accordance with the requirements of their Cannabis Business Permit.
- B.4. The use shall be conducted wholly indoors.
- B.5. Hours of operation. The hours of operation shall be limited to 6:00 am to 10:00 pm in accordance with State law. Should the hours of operation established in the State law become more restrictive, the use shall comply with the more restrictive regulations.

#### **C. Development Services Department, Building Division Conditions**

Contact: Danis Isho                      (209) 831-6484                      [danis.isho@cityoftracy.org](mailto:danis.isho@cityoftracy.org)

- C.1. Prior to the construction of any structures, applicant shall submit construction plans and details that demonstrate conformance with parking spaces and accessible routes requirements per California Building Code.
- C.2. Prior to the construction of any structures, applicant shall submit construction documents that demonstrate compliance with plumbing fixture requirements for all occupants served based on California Plumbing Code chapter 4, compliance with accessible route clear width requirements per California Building Code 11B-403.5, compliance with minimum clearance requirements between doors in series per California Building Code 11B-404.2.6, compliance with path of travel requirements in alterations, additions and structural repairs per California Building Code 11B-202.4, and compliance with egress door hardware and operation conforming to California Building Code section 1010.1.
- C.3. Prior to the construction of any structures, applicant shall submit construction documents prepared and sealed by a licensed professional per B&P Code.
- C.4. Prior to the construction of any structures, applicant shall submit construction documents, engineering analysis and calculation, specifications etc. that conform with the current Title 24 California Code of Regulations at time of application.

#### **D. Tracy Police Department Conditions**

Contact: Lieutenant Miguel Contreras                      (209) 831-6618                      [miguel.contreras@tracypd.com](mailto:miguel.contreras@tracypd.com)

- D.1. A minimum of two on-site security guards shall be maintained on site during business hours and 1 on-site security guard during closed hours. The name of the company shall be provided to the Police Department at the time of Building Permit application



submittal. The establishment shall remain closed for business if the minimum of 2 certified security guards are not present during business hours on any given day. Once the minimum-security staffing is met, the establishment may re-open for business.

D.1.1. Overnight (nonbusiness hours) security shall be a minimum of 1 certified guard solely responsible for the security of this establishment and not multiple locations.

D.1.2. All contracted or employed guards shall be certified and have sole responsibilities as a security guard focused on safety and security. The security guards will be readily identifiable.

D.2. Applicant shall cooperate with all legal requests from Tracy PD and any crimes shall be reported without delay.

D.3. Prior to establishment of the use, the applicant shall establish and maintain an updated on-call list of responders with their alarm service provider and current alarm permit with the City of Tracy, to include the on-site security manager. This shall be provided prior to the establishment of the use.

D.4. Trash containers and enclosures shall be locked and not accessible by the public at all times.