

**MINUTES
TRACY CITY PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 28, 2022, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

Due to the COVID-19 emergency, the regular meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20, which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via email, and WebEx during the meeting.

CALL TO ORDER

Chair Hudson called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Chair Hudson led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner Augustus, Commissioner Boakye-Boateng, and Chair Hudson present. Vice Chair Orcutt was not present at time of roll call. Also present were: Bill Dean, Assistant Director of Development Services; Alan Bell, Senior Planner; Kimberly Matlock, Associate Planner; Al Gali, Associate Engineer; Bijal Patel, City Attorney; Miguel Contreras, Police Lieutenant; and Gina Peace, Executive Assistant.

MINUTES

Chair Hudson introduced the Regular Meeting Minutes from the September 14, 2022 meeting.

ACTION: It was moved by Commissioner Augustus and seconded by Commissioner Atwal to approve the September 14, 2022 Planning Commission Regular meeting minutes. A voice vote found all in favor; Vice Chair Orcutt absent. Passed and so ordered; 4-0-1-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean, Assistant Director of the Development Services Department, announced that the Recording Secretary has Speaker Cards available for anyone who wishes to speak on any items this evening. Speaker Cards are not required to speak, but highly encouraged. Those who complete Speaker Cards will be invited to speak first.

Chair Hudson requested to take a moment of silence for the people in Florida, and all those in the path of Hurricane Ian.

A moment of silence was observed.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1) GRANTING A CONDITIONAL USE PERMIT (CUP22-0012) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2706 PAVILION PARKWAY SUITE 110, APN 212-290-47, 2) EXTENDING THE TIME PERIOD TO ESTABLISH THE DISPENSARY SITE UNDER THE CONDITIONAL USE PERMIT FROM SIX MONTHS TO TWELVE MONTHS AND 3) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT THE APPLICANT IS RESPONSIBLE AND COMPLIANT RETAIL TRACY, LLC AND THE PROPERTY OWNER IS HTT INVESTMENT, LLC**

Kimberly Matlock, Associate Planner, presented the staff report and addressed questions from the Commission.

Vice Chair Orcutt joined the meeting via WebEx.

Eric Lightman, General Compliance, and John Ngu, with embark Tracy (Applicant), addressed the Commission and presented a PowerPoint presentation.

Chair Hudson opened the Public Hearing at 7:24 p.m., seeing as no one came forward, the public hearing was closed.

ACTION: It was moved by Vice Chair Orcutt and seconded by Commissioner Boakye-Boateng that the Planning Commission adopt a resolution:

- 1) Granting a Conditional Use Permit (CUP22-0012) for a cannabis storefront retailer (dispensary) at 2706 Pavilion Parkway, Suite 110, APN 212-290-47; and
- 2) Extending the time period to establish the dispensary site under the conditional use permit from six months to twelve months; and
- 3) Determining that this project is categorically exempt from the California Environmental Quality Act.

A roll call vote found all in favor. Passed and so ordered; 5-0-0-0.

- B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1) APPROVING A CONDITIONAL USE PERMIT (CUP22-0011) FOR A MEAT PROCESSING FACILITY INCLUDING WHOLESALE AND LIMITED RETAIL SALES OF PACKAGED MEATS AT 4220 COMMERCIAL DRIVE, SUITE 16 (APN 212-210-05) AND 2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS HANFORD QUALITY MEATS, LLC AND THE PROPERTY OWNER IS KT INVESTMENTS, LLC.**

Kimberly Matlock, Associate Planner, presented the staff report and addressed questions from the Commission.

Chair Hudson opened the Public Hearing at 7:35 p.m., seeing as no one came forward, the public hearing was closed.

ACTION: It was moved by Commissioner Atwal and seconded by Commissioner Augustus that the Planning Commission adopt a resolution 1) approving Conditional Use Permit CUP22-0011 for a meat processing facility including wholesale and limited retail sales of packaged meats at 4220 Commercial Drive, Suite 16, APN 212-210-05, and 2) determining that this project is categorically exempt from the California Environmental Quality Act.

A roll call vote found all in favor. Passed and so ordered; 5-0-0-0.

C. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT:

(1) A RESOLUTION (A) APPROVING A CEQA NEGATIVE DECLARATION FOR THE EXPANSION OF THE VALPICO GLENBRIAR APARTMENT PARKING LOT A TO INCLUDE A PORTION OF THE REAR YARD AT 2625 S. MACARTHUR DRIVE (PARKING SITE) AND (B) DETERMINE THE ADDITION OF A PERIMETER FENCE/GATE TO THE VALPICO GLENBRIAR APARTMENTS PROJECT LOCATED AT 351 E. VALPICO ROAD (APARTMENTS SITE) IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15303(E);

(2) AN ORDINANCE APPROVING A GENERAL PLAN AMENDMENT REDESIGNATING THE PARKING SITE FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA22-0003);

(3) AN ORDINANCE AMENDING THE ZONE DISTRICT OF THE PARKING SITE FROM COMMUNITY SHOPPING CENTER TO HIGH DENSITY RESIDENTIAL (R22-0002);

(4) A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT FOR THE ADDITION OF A PERIMETER FENCE AND GATES TO THE APARTMENTS SITE (D22-0005); AND

(5) A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT EXPANDING THE VALPICO GLENBRIAR APARTMENT PARKING LOT TO INCLUDE A PORTION OF THE REAR YARD AT 2625 S. MACARTHUR DRIVE (D22-0013).

Alan Bell, Senior Planner, presented the staff report and addressed questions from the Commission.

Al Gali, Associate Engineer, answered questions from the Commission.

Chair Hudson opened the Public Hearing at 8:18 p.m., seeing as no one came forward, the public hearing was closed.

ACTION: It was moved by Vice Chair Orcutt and seconded by Commissioner Atwal that the Planning Commission adopt a resolution recommending that the City Council adopt:

(1) A resolution (A) approving a CEQA Negative Declaration for the expansion of the Valpico Glenbriar apartment parking lot to include a portion of the rear yard at 2625 S. MacArthur Drive (Parking Site); and

(2) An ordinance approving a General Plan Amendment redesignating the parking site from commercial to residential high (GPA22-0003); and

(3) An ordinance amending the zone district of the parking site from Community Shopping Center to High Density Residential (R22-0002); and

(4) A resolution approving a Development Review Permit expanding the Valpico Glenbriar apartment parking lot to include a portion of the rear yard at 2625 S. MacArthur Drive (D22-0013).

Alex Glick, Development Manager with Guardian Capital, Applicant, answered questions from the Commission.

A roll call vote found Commissioner Atwal, Commissioner Augustus, and Vice Chair Orcutt in favor; Commissioner Boakye-Boateng, and Chair Hudson, opposed. Passed and so ordered; 3-2-0-0.

ACTION: It was moved by Vice Chair Orcutt and seconded by Commissioner Atwal the Planning Commission adopt a resolution recommending that the City Council adopt a resolution:

(1) determining the addition of a perimeter fence/gate to the Valpico Glenbriar apartments project located at 351 E. Valpico Road (Apartment Site) is exempt from CEQA pursuant to CEQA guidelines section 15303(E); and

(2) approving a Development Review Permit for the addition of a perimeter fence and gates to the apartments site (D22-0005).

A roll call vote found Commissioner Boakye-Boateng, and Chair Hudson in favor; Commissioner Atwal, Commissioner Augustus, and Vice Chair Orcutt opposed. Motion failed; 2-3-0-0.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

Bill Dean, Assistant Director of Development Services encouraged those commissioners that are attending the APA Conference to take advantage of the sessions presented, as it is a great learning opportunity. Several city staff members will be in attendance, but Mr. Dean announced he will be attending virtually, but looks forward to hearing about it when the commissioners return.

4. ITEMS FROM THE COMMISSION

Commissioner Atwal questioned about the Planning Commission inquiry at the last Planning Commission meeting that an amendment to the cannabis ordinance be brought before the Planning Commission. Commissioner Atwal asked if this is still under consideration. Bill Dean, Assistant Director of Development Services, confirmed that city staff will be working on bringing the amendment before the Planning Commission, tentatively scheduled for the end of October 2022.

Vice Chair Orcutt thanked staff for the opportunity to learn more by attending the APA Conference, but unfortunately, he will not be able to attend. Vice Chair Orcutt announced his military duty in Hawai'i has been extended 45 more days, but he will continue to participate virtually in Planning Commission meetings.

Chair Hudson also thanked staff for the opportunity to attend APA Conference and encouraged other Commissioners to take every opportunity to absorb all of the information at the Conference. Chair Hudson is regretful he cannot attend this year.

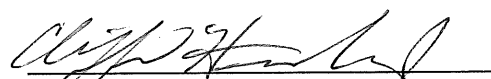
5. ADJOURNMENT

ACTION: It was moved by Commissioner Augustus and seconded by Commissioner Boakye-Boateng to adjourn.

A voice vote found all in favor. Passed and so ordered; 5-0-0-0.

Time: 8:36 p.m.


STAFF LIAISON


CHAIR

Tracy Planning Commission Members and Chair,

As a local neighboring business owner, I appreciate the opportunity to share my support for Embarc Tracy and their location at 2706 Pavilion Pkwy, Suite #110, Tracy, CA 95304. As a new business, Good Vibes Studio, we are pleased to see our goals of ensuring a safe, clean and welcoming environment are aligned. In getting to know the Embarc team, I believe they have developed a plan that will ensure the arrival of legal cannabis in my direct business community will be a net positive for the Tracy Pavilion and the many neighboring businesses that reside within it.

I hope our Planning Commissioners will support Embarc Tracy and their efforts to bring access to safe, legal and responsible adult use cannabis to the residents of Tracy.

Thank you.

Sincerely,

Owners
Good Vibes Studios
2706 Pavilion Pkwy, Suite #109, Tracy, CA 95304.

Public Comment -- Received 09.28.2022

Re: **Item 1.A** -- CONDITIONAL USE PERMIT
(CUP22-0012) FOR A CANNABIS STOREFRONT
RETAILER (DISPENSARY) AT 2706 PAVILION PKWY.

September 21st, 2022

Tracy Planning Commissioners,

Thank you for this opportunity to express our input to support Embarc Tracy and their location at 2706 Pavillion Pkwy. I have been a small business owner in the Tracy Pavillion for years and I welcome Embarc as a neighbor and local business leader to the Tracy community.

As a Business owner and resident, I believe access to legal, safe and compliant cannabis is important and in getting to know the Embarc team, I am confident that they are the right team with the right location to deliver community-centric cannabis to the Tracy community. As adjacent business owners, we support Embarc Tracy to be our neighbor. Embarc has chosen an appropriate location that will complement the surrounding businesses, bringing more customers and visibility for neighboring businesses.

I look forward to being a neighbor to Embarc Tracy and seeing the external benefits that responsible cannabis can provide to customers, residents and the businesses within the Tracy Pavillion.

I respectfully urge Commissioners to support Embarc Tracy and approve their Conditional Use Permit.

Sincerely,

Goniture
2706 Pavillion Pkwy
Tracy, CA 95304

Tracy Planning Commission,

As a longtime resident of Tracy, I am excited to support Benny Sanchez and the Embarc Tracy team in their proposed cannabis dispensary at 2706 Pavilion Pkwy, Suite #110, Tracy, CA 95304.

I have worked, lived and raised my family in this community and believe access to safe, responsible cannabis is an important step for our community and that Embarc Tracy is the right team to do it.

As our City leaders bring retail cannabis and the operators that support it to Tracy, I believe it is critical that we have operators that share our values and will create tangible benefits for the community they serve. I am confident that with Benny Sanchez and Embarc Tracy, our city leaders have found that partner that will not only be accessible, engaged and responsive, but will work with the community to set the standard of what true community benefits can do for our community.

I hope you will take my comments into consideration and support Embarc Tracy.

Thank you for your time and efforts on this important topic.

Sincerely,

Public Comment -- Received 09.28.2022

Re: **Item 1.A** -- CONDITIONAL USE PERMIT
(CUP22-0012) FOR A CANNABIS STOREFRONT
RETAILER (DISPENSARY) AT 2706 PAVILION PKWY.

Dear Tracy Planning Commission,

I am writing to express my full support for Benny Sanchez' Embarc Tracy and their proposed cannabis retail storefront at 2706 Pavilion Pkwy, Suite #110, Tracy, CA 95304. As a longtime resident and local artist, I believe in the importance of shopping local and am confident that Embarc Tracy will serve as trusted community leaders in Tracy's emerging cannabis industry, setting the bar for engaged locally owned cannabis operations.

As our City integrates retail cannabis, it is important to have operators that understand our community and share our vision for a local cannabis industry. With Embarc Tracy, our City has found the right partner to ensure retail cannabis in our community delivers positive benefits to the community they seek to serve. Benny's commitment to this community combined with Embarc's stellar track record of operating compliant, community-centric cannabis operations, ensures that Embarc Tracy will be a true partner to our City and residents alike.

I look forward to shopping with Embarc Tracy and supporting my local cannabis industry. I hope this Commission will consider my feedback and support Benny Sanchez and Embarc Tracy's efforts to open a cannabis retail storefront in the Tracy Pavillion.

Thank you for your time and efforts.

Sincerely,

Public Comment -- Received 09.28.2022

Re: **Item 1.A** -- CONDITIONAL USE PERMIT
(CUP22-0012) FOR A CANNABIS STOREFRONT
RETAILER (DISPENSARY) AT 2706 PAVILION PKWY.

Chair and Esteemed Commissioners,

Thank you for this opportunity to express my support for Benny Sanchez and Embarc Tracy's retail cannabis storefront at 2706 Pavilion Pkwy, Suite #110, Tracy, CA 95304. I have watched our City leaders debate legal cannabis for years and am excited to see the fruits of their efforts in the selection of Benny Sanchez and Embarc Tracy.

As a longtime Tracy resident, I know our community is ready for and deserves access to responsible, safe, legal cannabis. As many of our neighboring cities have already adopted legal retail cannabis, Tracy residents have been travelling out our community to purchase their legal cannabis.

Embarc's proposed location at the Tracy Pavilion, is perfect site for retail cannabis as it will compliment existing uses in the Pavilion while bringing new customers and additional revenue to the Pavillion and the businesses within it. Embarc's location will ensure Tracy residents have convenient access to legal cannabis while not oversaturating one specific area of our community.

I look forward to the opportunity to shop locally for cannabis and support Benny Sanchez and the Embarc Tracy team.

Thank you and I respectfully urge this Commission to support Embarc Tracy.

Sincerely,

Chair and Commissioners,

I am writing in support of Benny Sanchez and Embarc Tracy's effort to bring retail cannabis to the Tracy community at 2706 Pavilion Pkwy, Suite #110, Tracy, CA 95304. With Benny Sanchez at the helm, Embarc Tracy will serve as one of our communities' foundational leaders in our emerging cannabis industry and will set the standard for successful and meaningful community benefits in the retail cannabis industry of Tracy can do for our community.

As a longtime Tracy resident, I have known Benny for many years and can attest to his true commitment to this community and to the residents within it. Benny has spent his lifetime building his career and raising his family in Tracy. He understands this community and has an invested interest in the long-term success of our community. Benny is known as a trusted and engaged community member and I have all the confidence that as a leader of Embarc Tracy, he will ensure that the benefits of legal cannabis are invested in the needs of our community.

As our City leaders work to bring access to legal cannabis to Tracy residents, I cannot think of a better team to do so then Benny Sanchez and the Embarc team.

Thank you and I hope you will take my comments into consideration and support Embarc Tracy and their retail cannabis storefront at 2706 Pavilion Pkwy, Suite #110, Tracy, CA 95304.

Chair and Planning Commissioners,

Thank you for the opportunity to express my full support for Embarc Tracy and their cannabis retail storefront at 2706 Pavilion Pkwy, Suite #110, Tracy, CA 95304.

As a longtime member of this community, I have a vested interest in ensuring that retail cannabis in my community is done right. Tracy is my home. It is where I work and have raised my family. It is important to me that the operators that are selected to serve our community do so with integrity and with a commitment to ensuring their operations create positive benefits for the community as a whole. In learning about Embarc's operations and how they work with communities across Northern California, I believe their track record speaks for itself. The work they have done to support youth drug prevention and education is the type of leadership our community needs and deserves.

With Embarc Tracy's stellar track record combined with Benny Sanchez' deep local roots, I am confident that Embarc will deliver on their commitments and be an engaged and responsive leader in Tracy's nascent cannabis industry.

Thank you for your diligence in bringing retail cannabis to Tracy and I hope you will support Embarc Tracy and support their efforts to bring responsible retail cannabis to Tracy.

Best,