

**MINUTES
TRACY CITY PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 14, 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 7:01 p.m.

PLEDGE OF ALLEGIANCE

Chair Hudson led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner Augustus, Commissioner Boakye-Boateng, Vice Chair Orcutt and Chair Hudson present. Also present were: Bill Dean, Assistant Director of Development Services; Kimberly Matlock, Associate Planner; Genevieve Federighi, Associate Planner; Bijal Patel, City Attorney; Miguel Contreras, Police Lieutenant; and Kellie Jones, Planning Technician.

MINUTES

None.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

Randy Sasser, Tracy resident, addressed the Commission regarding a storm drainage structure. Chair Hudson requested staff to look into issue.

Alice English, Tracy resident, addressed the Commission regarding Coral Hollow/Valpico traffic issues. Also mentioned upcoming Celebration of Culture event.

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.

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

Megan Souza, Applicant, addressed the Commission and presented a PowerPoint presentation.

Nick Andre, partner of Applicant, addressed the Commission and answered questions from the Commission.

Chair Hudson opened the Public Hearing at 7:37 p.m.

Debra Skinner addressed the Commission.
No Name addressed the Commission.
Robert Tanner addressed the Commission.
No Name addressed the Commission.
No Name addressed the Commission.
Karen Moore addressed the Commission.
Carlos addressed the Commission.
Cherise Bradley addressed the Commission.
Megan Rowe addressed the Commission.
Lindsey Rowe addressed the Commission.
Tony addressed the Commission.
Cheryl Hays addressed the Commission.
Linda Ramirez addressed the Commission.
Elizabeth Valerio addressed the Commission.
Alice English addressed the Commission.
Dale Cose addressed the Commission.
Cecelie Hymes addressed the Commission.
Arveth addressed the Commission.
Dan Evans addressed the Commission.
Susan addressed the Commission.
Dottie Nygard addressed the Commission.

Chair Hudson closed the Public Hearing at 8:20 p.m.

The Commission asked staff for clarifications and discussed the item amongst themselves.

ACTION: It was moved by Vice Chair Orcutt and seconded by Commissioner Boakye-Boateng 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 one (1) year for the conditional use permit to be established, 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.

A roll call vote found Commissioner Boakye-Boateng in favor; Commissioner Atwal, Commissioner Augustus, Chair Hudson, and Vice Chair Orcutt opposed. Motion failed; 1-4-0-0

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.**

Genevieve Federighi, Associate Planner, presented the staff report and addressed questions from the Commission.

Kimberly Cargile, Applicant, addressed the Commission and presented a PowerPoint presentation answered questions from the Commission.

Chair Hudson opened the Public Hearing at 9:06 p.m..

Karen Moore addressed the Commission.
Robert Tanner addressed the Commission.
Alice English addressed the Commission.
Haley Andrew addressed the Commission.
Dan Evans addressed the Commission.
Greg Cose addressed the Commission.
Michelle True addressed the Commission.
Cecelie Hymes addressed the Commission.

Chair Hudson closed the Public Hearing at 9:19 p.m.

The Commission asked staff for clarifications and discussed the item amongst themselves.

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

A roll call vote found Commissioner Augustus, Commissioner Boakye-Boateng, Chair Hudson, and Vice Chair Orcutt in favor; Commissioner Atwal, opposed. Passed and so ordered; 4-1-0-0.

- 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**

Genevieve Federighi, Associate Planner, presented the staff report and addressed questions from the Commission.

Raj Pottabathni, Applicant, addressed the Commission and presented a PowerPoint presentation answered questions from the Commission.

Kevin Dougherty, Property Owner, addressed the Commission.

Chair Hudson opened the Public Hearing at 9:58 p.m.

Karen Moore addressed the Commission.

Aziz addressed the Commission.

Dan Evans addressed the Commission.

Cecelie Hymes addressed the Commission.

Alice English addressed the Commission.

Chair Hudson closed the Public Hearing at 10:05 p.m.

ACTION: It was moved by Commissioner Augustus and seconded by Vice Chair Orcutt 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

A roll call vote found Commissioner Augustus, Commissioner Boakye-Boateng, Chair Hudson, and Vice Chair Orcutt in favor; Commissioner Atwal, opposed. Passed and so ordered; 4-1-0-0.

3. ITEMS FROM THE AUDIENCE

None.

4. DIRECTOR'S REPORT

None.

5. ITEMS FROM THE COMMISSION

Chair Hudson questioned staff regarding what actions can be taken regarding density & sensitive use downtown. Staff responded with options.

It was moved by Chair Hudson and seconded by Commissioner Augustus to ask city staff for an ordinance to evaluate downtown area regarding cannabis density and sensitive use.

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

6. ADJOURNMENT

ACTION: It was moved by Vice Chair Orcutt and seconded by Commissioner Augustus to adjourn.

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

Time: 10:25 p.m.

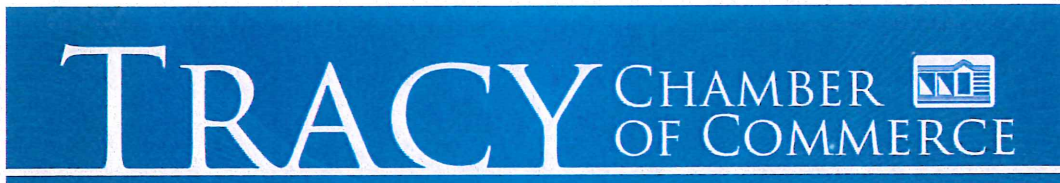


STAFF LIAISON



CHAIR

Public Comment -- Received 09.14.2022
Re: Item 2.B - CONDITIONAL USE PERMIT
(CUP22-0003) FOR A CANNABIS
STOREFRONT RETAILER (DISPENSARY)
AT 951 N. CENTRAL AVENUE



March 21, 2021

Tracy City Hall
333 Civic Center Plaza
Tracy, CA 95376
Development Services Department
Planning Division

RE: Tracy Chamber of Commerce Receipt of Donation for "Relief Across Tracy Fund"

City of Tracy,

Jiva Life LLC, on behalf of Jiva TCY LLC (Jiva) has made a donation of \$500 to the Tracy Chamber of Commerce (Chamber) for our "Relief Across Tracy Fund" that we are currently in the process of fundraising to be able to launch this program. We appreciate the contribution and look forward to a continued relationship between Jiva and the Chamber.

Thank you,

A handwritten signature in black ink, appearing to read "Tamra Spade".

Tamra Spade, MBA, IOM, ACE
President/CEO
Tracy Chamber of Commerce
tspade@tracychamber.org



March 21, 2021

Tracy City Hall
333 Civic Center Plaza
Tracy, CA 95376
Development Services Department
Planning Division

Madame Mayor, Council Members, Chief of Police, City Manager's Office, & City Staff.

I am writing this letter of support in regard to the application submitted on behalf of Jiva TCY LLC for an opportunity to secure a Cannabis Business permit to operate a Commercial Cannabis Business (CCB) retail storefront with delivery services in Tracy.

The Tracy Chamber of Commerce is pleased to have Jiva TCY LLC as a new member of the Chamber, in large part, because it is an organization with a reputation for professionalism in the industry with expertise in staff training, quality control, safety, and security. After meeting with Raj, Managing Director of Jiva, he has shown interest in working with the community and has made multiple donations supporting a few of Tracy's non-profit organizations, including the Relief across Tracy program we are currently in the process of fundraising to be able to launch the program.

As the City of Tracy moves forward with its cannabis permitting application process, it is vital to ensure we continue having the right businesses that provide the outstanding representation we currently have. I believe Jiva will be a responsible CCB operator and valuable member of the Tracy business leaders while continuing appropriate community support. Jiva has shown a history of operational prowess, compliance, and experience within the industry, operating over twenty (20) CCB retail locations, and will be ideal for Tracy.

I want to recommend this applicant for consideration of a CBP and believe if selected, they will strive to maintain a harmonious relationship with the City and continue to support local non-profits, community-based, civic, and social service organizations.

Thank you,

A handwritten signature in black ink, appearing to read "Tamra Spade".

Tamra Spade, MBA, IOM, ACE
President/CEO
Tracy Chamber of Commerce

Public Comment -- Received 09.14.2022
Re: Item 2.B - CONDITIONAL USE PERMIT
(CUP22-0003) FOR A CANNABIS
STOREFRONT RETAILER (DISPENSARY)
AT 951 N. CENTRAL AVENUE



A 501c3 Charitable Organization
793 South Tracy Blvd., FMB 133, Tracy CA 95376
Ph: 209.642.4324 | AnimalRescueTracy.org

Someone once said, "whatever we possess becomes of double value when we share it with others".

March 20, 2021

Principal & Managing Director
JIVA TCY LLC & JIVA LIFE, LLC
436 Clementina Street, Suite 303
San Francisco, CA. 94103

Dear]

On behalf of Animal Rescue of Tracy (ART), I would like to thank JIVA TCY, LLC for the generous donation of **\$250** to our Rescue. As an all-volunteer organization we rely solely on our amazing supporters and sponsors to accomplish our Mission of finding safe adoptive homes for homeless cats and dogs and your donation will help us in those efforts.

In 2019, Animal Rescue of Tracy spent over \$150K on the animals in our Rescue, resulting in over 400 being adopted into their "fur"ever homes. For 2020 and despite COVID-19 limitations, we adopted out over 650 deserving cats/kittens and dogs/puppies -- the largest number in one year in the history of Animal Rescue of Tracy, which has adopted in excess of 5,000 cats and dogs since becoming a 501c3 non-profit rescue in 2003.

We look forward to working with JIVA in the future and would like to "Thank You for Lending A Paw!"

President
Animal Rescue of Tracy
Federal I.D. #77-0613737