

**MINUTES  
TRACY CITY PLANNING COMMISSION  
REGULAR MEETING  
OCTOBER 12, 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 Augustus, Commissioner Boakye-Boateng, Vice Chair Orcutt and Chair Hudson present. Commissioner Atwal was not present at time of roll call. Also present were: Bill Dean, Assistant Director of Development Services; Kimberly Matlock, Associate Planner; Genevieve Federighi, Associate Planner; Al Gali, Associate Engineer; Bijal Patel, City Attorney; Gina Peace, Executive Assistant; and Miranda Aguilar, Administrative Assistant.

**MINUTES**

Chair Hudson introduced the Regular Meeting Minutes from the August 24, 2022, and the September 28, 2022, meetings.

**ACTION:** It was moved by Commissioner Augustus and seconded by Commissioner Boakye-Boateng to approve the August 24, 2022, and the September 28, 2022 Planning Commission Regular meeting minutes. A voice vote found all in favor. Passed and so ordered; 5-0-0-0.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

None.

**ITEMS FROM THE AUDIENCE**

None.

**1. NEW BUSINESS**

**DEVIATION**

- B. STAFF RECOMMENDS PLANNING COMMISSION ADOPT A RESOLUTION 1) GRANTING A CONDITIONAL USE PERMIT (CUP22-0004) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2420 W. GRANT LINE ROAD,**

**APNS 238-600-37 & 238-190-22 AND 2) APPROVING A DEVELOPMENT REVIEW PERMIT (D22-0009) FOR EXTERIOR MODIFICATIONS TO THE BUILDING; 3) EXTENDING THE TIME PERIOD TO ESTABLISH THE DISPENSARY SITE UNDER THE CONDITIONAL USE PERMIT FROM SIX MONTHS TO TWELVE MONTHS; AND 4) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS MIKE SOUZA AND THE PROPERTY OWNERS ARE RT & JT, LLC AND J T STORAGE, LP.**

Kimberly Matlock, Associate Planner, presented the staff report.

Mike Souza and Zoe Schreiber, Applicant, addressed the Commission and presented a PowerPoint presentation.

Chair Hudson opened the Public Hearing at 7:36 p.m.

Alice English addressed the Commission.

Chair Hudson closed the Public Hearing at 7:39 p.m.

**ACTION:** It was moved by Commissioner Augustus and seconded by Commissioner Boakye-Boateng that the Planning Commission adopt a resolution:

1. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT;
2. GRANTING A CONDITIONAL USE PERMIT (CUP22-0004) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2420 W. GRANT LINE ROAD, APNS 238-600-37 & 238-190-22;
3. APPROVING A DEVELOPMENT REVIEW PERMIT (D22-0009) FOR EXTERIOR MODIFICATIONS TO THE BUILDING;
4. EXTENDING THE TIME PERIOD TO ESTABLISH THE DISPENSARY SITE UNDER THE CONDITIONAL USE PERMIT FROM SIX MONTHS TO TWELVE MONTHS;
5. ENSURING THAT ALL BALLARDS ARE REPAIRED; AND
6. STRIKING OUT CONDITION G1 AND MOVING G2 TO G1.

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

- A. **STAFF RECOMMENDS THAT THE THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1) APPROVING A DEVELOPMENT REVIEW PERMIT (D21-0034) FOR A 3,400 SF BUILDING AND ASSOCIATED SITE IMPROVEMENTS AT 316 & 320 W. ELEVENTH STREET, APNS 235-040-05 & 06 AND 2) GRANTING A CONDITIONAL USE PERMIT (CUP21-0009) TO OPERATE A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT THIS SITE; 3) EXTENDING THE**

**TIME PERIOD TO ESTABLISH THE DISPENSARY SITE UNDER THE CONDITIONAL USE PERMIT FROM SIX MONTHS TO TWELVE MONTHS; AND 4) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS COMMUNITY VETERANS OF TRACY, LLC AND THE PROPERTY OWNERS ARE SAAD PATTAH AND REO CAPITAL INVESTMENTS & ASSET MANAGEMENT.**

Kimberly Matlock, Associate Planner, presented the staff report.

Cane Berry, Applicant, addressed the Commission.

Chair Hudson opened the Public Hearing at 8:06 p.m.

Alice English addressed the Commission in opposition of the Project.

Charlena Berry, Applicant, addressed the public via Webex.

Chair Hudson closed the Public Hearing at 8:15 p.m.

Chair Hudson re-opened the Public Hearing at 8:21 p.m.

Charlena Berry, Applicant, addressed the public via Webex.

Alice English addressed the Commission in opposition of the Project.

Chair Hudson closed the Public Hearing at 8:29 p.m.

**ACTION:** It was moved by Commissioner Atwal and seconded by Commissioner Orcutt that the Planning Commission adopt a resolution:

1. POSTPONING THIS PROJECT UNTIL WE HAVE CERTIFIED THAT THE SURROUNDING RESIDENTS HAVE BEEN NOTIFIED OF THE NEW BUSINESS;
2. RE-NOTICING PROJECT USING CERTIFIED MAIL; AND
3. EXTENDING THE NOTIFICATION RADIUS FROM 300 FEET TO 600 FEET.

A roll call vote found Commissioners Atwal and Orcutt in favor, Commissioners Hudson, Augustus, and Boakye-Boateng opposed. Motion fails; 2-3-0-0.

**ACTION:** It was moved by Commissioner Augustus and seconded by Commissioner Boakye-Boateng that the Planning Commission adopt a resolution:

1. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT;

2. APPROVING A DEVELOPMENT REVIEW PERMIT (D21-0034) FOR AN APPROXIMATELY 3,400 SF BUILDING AND ASSOCIATED SITE IMPROVEMENTS AT 316 & 320 W. ELEVENTH STREET, APNS 235-040-05 & 06;
3. GRANTING A CONDITIONAL USE PERMIT (CUP21-0009) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT THIS SITE; AND
4. EXTENDING THE TIME PERIOD TO ESTABLISH THE DISPENSARY SITE UNDER THE CONDITIONAL USE PERMIT FROM SIX MONTHS TO TWELVE MONTHS.

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

**C. PUBLIC HEARING TO SOLICIT COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE TRACY COSTCO DEPOT ANNEX PROJECT LOCATED AT 16000 WEST SCHULTE ROAD IN UNINCORPORATED SAN JOAQUIN COUNTY**

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

Chair Hudson opened the Public Hearing at 8:47 p.m.

Abe Luna with the Sheet Metal Workers commented requesting Costco utilize local workers.

Chair Hudson closed the Public Hearing at 8:50 p.m.

No action was taken.

**D. ITEMS FROM THE AUDIENCE**

None.

**E. DIRECTOR'S REPORT**

William Dean thanked the Planning Commissioners for attending the APA Planning Conference, as it is a great educational and networking opportunity. Mr. Dean announced the promotion of Kellie Jones from Administrative Assistant to Planning Technician and introduced Miranda Aguilar as the new Administrative Assistant.

**F. ITEMS FROM THE COMMISSION**

Each of the commissioners congratulated Ms. Jones on her promotion and welcomed Ms. Aguilar.

Commissioner Atwal inquired about the Ordinance discussed a couple of meetings ago, when it would be expected, and what efforts are being made with regards to the Ordinance.

Bill Dean responded that the team is developing presentation materials and we hope to bring these to the October 26<sup>th</sup> meeting as the first session regarding the Ordinance.

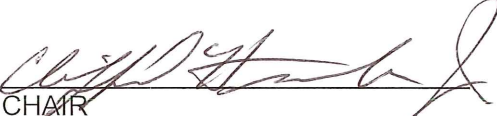
**G. ADJOURNMENT**

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

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

Time: 8:58 p.m.

  
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STAFF LIAISON

  
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CHAIR