

**MINUTES  
TRACY CITY PLANNING COMMISSION  
REGULAR MEETING  
OCTOBER 26, 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. Also present were: Alan Bell, Senior Planner; Victoria Lombardo, Senior Planner; Kris Balaji, Director of Development Services; Bijal Patel, City Attorney; Gina Peace, Executive Assistant, and Miranda Aguilar, Administrative Assistant.

**MINUTES**

Chair Hudson introduced the Regular Meeting Minutes from the October 12, 2022 meeting.

**ACTION:** It was moved by Commissioner Augustus and seconded by Commissioner Atwal to approve the October 12, 2022 Planning Commission Regular meeting minutes. A voice vote found Commissioner Atwal, Commissioner Augustus, Commissioner Boakye-Boateng, and Chair Hudson in favor; Vice Chair Orcutt absent. Passed and so ordered; 4-0-1-0.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

None.

**ITEMS FROM THE AUDIENCE**

Dotty Nygard expressed disappointment in the discrepancy in the Planning Commission treatment regarding Cannabis Conditional Use Permits.

**1. NEW BUSINESS**

- A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1) APPROVING A DEVELOPMENT REVIEW PERMIT (D19-0021) FOR A NEW 25,000 SQUARE FOOT MULTI-TENANT BUILDING AND**

RELATED SITE IMPROVEMENTS LOCATED AT APN 212-270-21 (DIRECTLY WEST OF THE DEPARTMENT OF MOTOR VEHICLES, 2785 AUTO PLAZA DRIVE AND APPROXIMATELY 170 FEET EAST OF POWER ROAD); AND 2) GRANTING A CONDITIONAL USE PERMIT (CUP21-0003) FOR VEHICLE SERVICE USES ON A VACANT SITE LOCATED AT APN 212-270-21 (DIRECTLY WEST OF THE DEPARTMENT OF MOTOR VEHICLES, 2785 AUTO PLAZA DRIVE AND APPROXIMATELY 170 FEET EAST OF POWER ROAD); 3) EXTENDING THE TIME PERIOD TO ESTABLISH THE CONDITIONAL USE PERMIT FROM SIX MONTHS TO 2 YEARS TO BE CONSISTENT WITH THE DEVELOPMENT REVIEW PERMIT APPROVAL TIME PERIOD; AND 4) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANTS ARE BARYALAI AND MASOOD FERAZ AND THE PROPERTY OWNER IS TRACY AUTO PLAZA INVESTORS PTP

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

Masood Feroz, Applicant, addressed the Commission.

Chair Hudson opened the Public Hearing at 7:15 p.m., seeing as no one came forward, the public hearing was closed.

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

- 1) Approving a Development Review Permit (D19-0021) for a new multi-tenant building and related site improvements located at APN 212-270-21 (directly west of the department of motor vehicles, 2785 Auto Plaza Drive and approximately 170 feet east of Power Road);
- 2) Granting a Conditional Use Permit (CUP21-0003) for vehicle service uses on a vacant site located at located at APN 212-270-21 (directly west of the Department of Motor Vehicles, 2785 Auto Plaza Drive and approximately 170 feet east of Power Road);
- 3) Extending the time period to establish the conditional use permit from six months to two years; and
- 4) Determining that this project is categorically exempt from the California Environmental Quality Act.

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

**B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECEIVE AN INFORMATIONAL REPORT REGARDING STATE LAW CHANGES TO THE PERMITTING OF ACCESSORY DWELLING UNITS AND PROVIDE DIRECTION REGARDING PROPOSED AMENDMENTS TO THE CITY'S**

**ACCESSORY DWELLING UNIT REGULATIONS TO BETTER ALIGN WITH STATE LAW CHANGES**

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

Chair Hudson opened the Public Hearing at 7:27 p.m., seeing as no one came forward, the public hearing was closed.

No action required.

**C. CONDUCT A WORKSHOP TO DISCUSS EXISTING ZONING REGULATIONS APPLICABLE TO CANNABIS DISPENSARIES IN THE CITY, AS SET FORTH IN TRACY MUNICIPAL CODE SECTION 10.08.3196, AND POTENTIAL AMENDMENTS TO SUCH REGULATIONS**

Victoria Lombardo, Senior Planner, presented the staff report and addressed questions from the Commission.

Chair Hudson opened the Public Hearing at 8:26 p.m.

Dotty Nygard addressed the Commission and expressed her disappointment that this conversation did not happen two years ago when the Ordinance was adopted and recommended using this as an educational opportunity.

Karen Moore addressed the Commission and expressed her experience with dispensaries. She also suggested instead of placing a buffer between businesses let the market decide who survives and she is glad these questions are being discussed.

Chair Hudson closed the Public Hearing at 8:36 p.m.

The consensus of the Planning Commission was for city staff to do research on 20 other cities of various sizes; small, (population of 50,000<), medium (population of 50,000 – 100,000), and large (population of 100,000>). Research should include:

- (1) What other cities are doing regarding buffers between cannabis businesses and sensitive uses, and between multiple cannabis businesses;
- (2) What other cities do with sensitive (youth) uses and defining youth centers;
- (3) How they handle proximity of cannabis businesses to non-conforming residential units; and
- (4) Whether other cities treat some zones differently (i.e. downtown commercial versus other more common commercial zones).

No action required.

**2. ITEMS FROM THE AUDIENCE**

None.

**3. DIRECTOR'S REPORT**

None.

**4. ITEMS FROM THE COMMISSION**

Commissioner Atwal wanted to verify whether there was a Planning Commission Meeting scheduled for next Wednesday, November 02, 2022. Chair Hudson confirmed.

Chair Hudson inquired about how to agendize cancelling the December 21, 2022 meeting. Victoria suggest we put it on the agenda for the next meeting to discuss cancelling the meeting in advance.

**5. ADJOURNMENT**

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

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

Time: 8:46 p.m.

  
\_\_\_\_\_  
STAFF LIAISON

  
\_\_\_\_\_  
CHAIR