

**MINUTES
TRACY CITY PLANNING COMMISSION
REGULAR MEETING
MAY 24, 2023, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

Vice Chair Orcutt called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE

Vice Chair Orcutt led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner Augustus, Commissioner Boakye-Boateng, and Vice Chair Orcutt present. Chair Hudson was not present at the time of roll call. Also present were: Jaylen French, Director of Development Services; Bill Dean, Assistant Director of Development Services; Victoria Lombardo, Senior Planner; Kenneth Lipich, Associate Planner; Kimberly Matlock, Associate Planner; Bijal M. Patel, City Attorney; Koosun Kim, City Engineer; Al Gali, Associate Engineer; Veronica Child, Management Analyst; Ana Contreras, Community Preservation Manager; Lacy Starling, Code Enforcement Officer; and Miranda Aguilar, Administrative Assistant.

MINUTES

Vice Chair Orcutt introduced the Regular Meeting Minutes from the April 26, 2023 meeting.

ACTION: It was moved by Commissioner Augustus and seconded by Commissioner Atwal to approve the April 26, 2023 Planning Commission Regular meeting minutes. A voice vote found Commissioner Atwal, Commissioner Augustus, Commissioner Boakye-Boateng and Vice Chair Orcutt in favor; Chair Hudson absent. Passed and so ordered; 4-0-1-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean, Assistant Director of Development Services reported that Item 1.A from tonight's agenda would be removed and re-noticed for a later date and reported that the Planning department received a call from the property owner of Item 1.B requesting the item to be removed and is recommending removing Item 1.B and re-notice for a later date until.

ITEMS FROM THE AUDIENCE

Dinesh, property owner for Item 1.B, via Webex, requested to move forward and hear Item 1.B for tonight's Agenda.

Gabriela Rodriguez-Machuca, business owner, stated her business was on tonight's Agenda and was removed and would like to know why.

Alice English, Tracy Resident, expressed support for Gabriela Machuca.

Richard Rollins, local business owner, expressed support for local businesses.

Alexis Roberts, Tracy resident, expressed support for Machuca's business.

1. NEW BUSINESS

A. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA AND WILL BE RE-NOTICED FOR A LATER DATE.

STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: 1. APPROVING A DEVELOPMENT REVIEW PERMIT FOR A NEW OUTDOOR EATERY CONSISTING OF TWO SHIPPING CONTAINERS AT APPROXIMATELY 240 SQ. FT. AND 160 SQ. FT. AND A 152 SQ. FT. MOBILE FOOD TRAILER AT 22 E. 9TH STREET; AND 2. DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15303. THE APPLICANT AND OWNER ARE CANDIDO & GABRIELA MACHUCA, APPLICATION NUMBER D23-0003.

B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: 1. APPROVING A SIX-MONTH RENEWAL (EXT23-0001) OF THE CONDITIONAL USE PERMIT FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2179 W. GRANT LINE ROAD (ASSESSOR'S PARCEL NUMBERS 214-560-02 & 214-560-03), APPLICATION NUMBER CUP21-0008; AND 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS DOCTOR'S CHOICE MODESTO, LLC AND THE PROPERTY OWNER IS KM REALTY, LLC, APPLICATION NUMBER EXT23-0001.

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

Vice Chair Orcutt opened the Public Hearing at 7:40 p.m.

Alex Montso, Tracy resident, expressed support for cannabis businesses.

Shan Bal, business owner, expressed he would answer any questions.

Seeing as no one else came forward, Vice Chair Orcutt closed the Public Hearing at 8:43 p.m.

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

- 1) approving a six-month renewal (EXT23-0001) of the conditional use permit for a cannabis storefront retailer (dispensary) at 2179 W. Grant Line Road (assessor's parcel numbers 214-560-02 & 214-560-03), application number CUP21-0008; and

- 2) 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 Vice Chair Orcutt, in favor; Chair Hudson absent. Passed and so ordered; 4-0-1-0.

C. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0017) FOR A CANNABIS DISPENSARY AT 775 W. CLOVER RD.; AND 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15301. THE APPLICANT IS CYRUS PAI REPRESENTING STIIIZY'S (AUTHENTIC TRACY, LLC) AND THE PROPERTY OWNER IS UNITED HOLDING GROUP, LLC.

Kenny Lipich, Associate Planner, presented the staff report and addressed questions from the Commission.

Cyrus Pai, applicant, addressed the Commission.

Vice Chair Orcutt opened the Public Hearing at 7:54 p.m., seeing as no one came forward, Vice Chair Orcutt closed the Public hearing at 7:55 p.m.

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

- 1) Granting a conditional use permit (CUP22-0017) for a cannabis dispensary at 775 W. Clover RD.; and
- 2) 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 Vice Chair Orcutt, in favor; Chair Hudson absent. Passed and so ordered; 4-0-1-0.

D. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0007) FOR A CANNABIS DISPENSARY AT 22 E. TENTH STREET, APN 235-170-20; AND 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS INSIDE THE CULTURE TRIANGLE, INC. AND THE PROPERTY OWNER IS ALHUSUN, LLC.

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

Vice Chair Orcutt opened the Public Hearing at 8:00 p.m.

Alex Montso, Tracy resident, expressed support for the Project.

Devon Julian, Applicant, addressed the Commission.

Vice Chair Orcutt closed the Public Hearing at 8:03 p.m.

Victoria Lombardo, Senior Planner, addressed questions from the Commission.

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

- 1) Granting a conditional use permit (CUP22-0007) for a cannabis dispensary at 22 E. Tenth Street, APN 235-170-20; and
- 2) 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 Vice Chair Orcutt, in favor; Chair Hudson absent. Passed and so ordered; 4-0-1-0.

E. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0013) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 60 & 72 E. TENTH STREET, APNS 235-172-04 & 05; 2. APPROVING A DEVELOPMENT REVIEW PERMIT (D22-0030) FOR MODIFICATIONS TO THE BUILDING FAÇADE AND PARKING AREA; AND 3. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT THE APPLICANT IS MANZANITA OF TRACY, LLC AND THE PROPERTY OWNERS ARE RICHARD AND SUSAN MOE.

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

Vice Chair Orcutt opened the Public Hearing at 8:12 p.m.

Jeff Linden, Applicant, addressed the Commission

Seeing as no one but the applicant came forward, Vice Chair Orcutt closed the Public Hearing at 8:15 p.m.

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

- 1) Granting a conditional use permit (CUP22-0013) for a cannabis storefront retailer (dispensary) at 60 & 72 E. Tenth Street, APNs 235-172-04 & 05;
- 2) Approving a development review permit (D22-0030) for modifications to the building façade and parking area; and
- 3) 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 Vice Chair Orcutt, in favor; Chair Hudson absent. Passed and so ordered; 4-0-1-0.

F. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION FINDING, PURSUANT TO GOVERNMENT CODE SECTIONS 65103(C) AND 65401, THAT THE CITY OF TRACY'S CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2023/2024 THROUGH FISCAL YEAR 2027/2028 IS CONSISTENT WITH THE GENERAL PLAN.

Al Gali, Associate Engineer, presented the staff report and addressed questions from the Commission.

Koosun Kim, City Engineer, addressed the Commission.

Vice Chair Orcutt opened the Public Hearing at 8:21 p.m., seeing as no one came forward, Vice Chair Orcutt closed the Public Hearing at 8:21 p.m.

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

- 1) Adopting a resolution finding, pursuant to Government code sections 65103(C) and 65401, that the City of Tracy's Capital Improvement Program for fiscal year 2023/2024 through fiscal year 2027/2028 is consistent with the General Plan.

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

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

None.

4. ITEMS FROM THE COMMISSION

Commissioner Atwal would like to confirm if the Title 10 discussion will continue.

Bill Dean, Assistant Director of Development Services, reported that the item was seen at City council and will be continued to December City Council Meeting.

Vice Chair Orcutt inquired about the annual Planning Conference dates.

5. ADJOURNMENT


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

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

Time: 8:25 p.m.



STAFF LIAISON


CHAIR