

**MINUTES
TRACY CITY PLANNING COMMISSION
REGULAR MEETING
OCTOBER 25, 2023, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

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

Miranda Aguilar, Administrative Assistant, notified Vice Chair Atwal of an action required pursuant to Assembly Bill 2449 and that Chair Orcutt is present via Webex Video.

Vice Chair Atwal requested Chair Orcutt state his request and description of circumstances giving rise to the need under 'Just Cause' or 'Emergency Circumstances' exception.

Chair Orcutt requested to participate via Webex Video due to his service in the Military requiring him to travel.

ACTION: It was moved by Vice Chair Atwal and seconded by Commissioner English to approve Chair Orcutt's request to participate via Webex. A voice vote found Vice Chair Atwal, Commissioner Boakye-Boateng, Commissioner English, and Commissioner Penning in favor. Passed and so ordered; 4-0-0.

PLEDGE OF ALLEGIANCE

Vice Chair Atwal led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Boakye-Boateng, Commissioner English, Commissioner Penning, Vice Chair Atwal, and Chair Orcutt present. Also present: Victoria Lombardo, Senior Planner; Kimberly Matlock, Associate Planner; Jeffrey Crosswhite, Assistant City Attorney; and Miranda Aguilar, Administrative Assistant.

MINUTES

Vice Chair Atwal introduced the Regular Meeting Minutes from the September 27, 2023 Planning Commission Regular Meeting.

ACTION: It was moved by Commissioner English and seconded by Commissioner Penning to approve the September 27, 2023 Planning Commission Regular Meeting Minutes. A voice vote found Chair Orcutt, Vice Chair Atwal, Commissioner Boakye-Boateng, Commissioner English, and Commissioner Penning in favor. Passed and so ordered; 5-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Victoria Lombardo, Senior Planner, introduced City of Tracy's new Assistant City Attorney, Jeffrey Crosswhite.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: (1) APPROVING A SIX-MONTH RENEWAL (EXT23-0002) OF 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) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS MIKE SOUZA AND THE PROPERTY OWNERS ARE TOSTE FAMILY ENTERPRISES AND J T STORAGE, LP., APPLICATION NUMBER EXT23-0002.**

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

Vice Chair Atwal opened the Public Hearing at 7:10 p.m.

Mike Souza, partner of Garden of Eden, introduced himself, Zoe Schreiber, and Jivtresh Gill from Garden of Eden and expressed thanks to Kimberly Matlock for the report and advised he is here for any questions they may have.

Seeing as no one else came forward, Vice Chair Atwal closed the Public Hearing at 7:12 p.m.

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

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

1. Approving of 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 Development Review Permit D22-0009 for exterior modifications to the of the building and extending the time period to establish the dispensary site under the conditional use permit from six-months to 12-months; and
3. Determining that this Project is categorically exempt from the California Environmental Quality Act.

A roll call vote found Commissioner Vice Chair Atwal, and Chair Orcutt in favor; Commissioner Boakye-Boateng, Commissioner English, and Commissioner Penning opposed. Motion denied: 2-0-3-0.

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

1. Approving a six-month renewal (EXT23-0002) of 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. Determining that this Project is categorically exempt from the California Environmental Quality Act.

A roll call vote found Commissioner Boakye-Boateng, Commissioner English, Commissioner Penning, Vice Chair Atwal, and Chair Orcutt in favor. Passed and so ordered: 5-0-0-0.

B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: (1) APPROVING A SIX-MONTH RENEWAL (EXT23-0004) OF CONDITIONAL USE PERMIT CUP22-0003 FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) 951 N. CENTRAL AVENUE, APN 235-056-07; AND (2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS STOCKTON GATEWAY, LLC AND THE PROPERTY OWNER IS JIVA TCY, LLC, APPLICATION NUMBER EXT23-0004.

Kimberly Matlock, Associate Planner, made a verbal correction to the staff report stating the applicant is JIVA TCY and the property owner is Stockton Gateway.

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

Vice Chair Atwal opened the Public Hearing at 7:39 p.m.

Raj Pottabathni, Managing Director at JIVA TCY, spoke via Webex and thanked city staff for their work and stated he is available for questions.

Ana Mendoza, Community Relations Director at JIVA TCY, expressed excitement for the renewal.

Kevin Dougherty, property owner for 951 N. Central Avenue, expressed support for Raj and his team and looks forward to the opening of the business.

Talwinder Singh, Tracy resident, expressed appreciation to City Staff and suggested the City of Tracy be involved in activities for children.

Vice Chair Atwal explained public comment is for item 1B currently and he may speak on items not on the agenda at the end during items from the audience.

Seeing as no one else came forward, Vice Chair Atwal closed the Public Hearing at 7:44 p.m.

Kimberly Matlock, Associate Planner, addressed questions from the Commission.

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

1. Approving a six-month renewal (EXT23-0004) of conditional use permit CUP22-0003 for a cannabis storefront retailer (Dispensary) AT 951 N. Central Avenue, APN 235-056-07; and
2. Determining that this project is categorically exempt from the California Environmental Quality Act.

A roll call vote found Commissioner Boakye-Boateng, Commissioner English, Commissioner Penning, Vice Chair Atwal, and Chair Orcutt in favor. Passed and so ordered: 5-0-0-0.

2. ITEMS FROM THE AUDIENCE

Talwinder Singh, Tracy resident, suggested the City of Tracy be more active in creating more indoor/outdoor activities for the kids and future generations.

3. DIRECTOR'S REPORT

None.

4. ITEMS FROM THE COMMISSION

Chair Orcutt thanked the Commission for attending the October 24, 2023 concurrent meeting with City Council regarding the Housing Element.

Vice Chair Atwal thanked Chair Orcutt for his service to the country and welcomed Jeffrey Crosswhite, Assistant City Attorney.

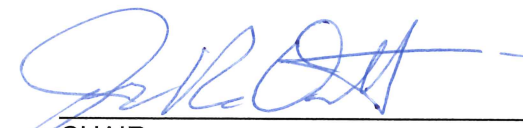
5. ADJOURNMENT

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

A voice vote found Commissioner Boakye-Boateng, Commissioner English, Commissioner Penning, Vice Chair Atwal, and Chair Orcutt, in favor. Passed and so ordered: 5-0-0-0.

Time: 7:49 p.m.


STAFF LIAISON


CHAIR