

**Wednesday, January 10, 2024, 7:00 P.M.**

A quorum of Planning Commission will be in attendance at  
Tracy City Hall Chambers, 333 Civic Center Plaza, Tracy  
Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

**THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION PURSUANT TO GOVERNMENT CODE SECTION 54953(e).**

**MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:**

*As always, the public may view the Planning Commission meetings live on the City of Tracy's website at [CityofTracy.org](http://CityofTracy.org) or on Comcast Channel 26/AT&T U-verse Channel 99. To view from the City's website, open the "Government" menu at the top of the City's homepage and select "Planning Commission", then select "[Planning Commission Meeting Videos](#)" under the "Boards and Commissions" section.*

*If you only wish to watch the meeting and do not wish to address the Council, the City requests that you stream the meeting through the City's website or watch on Channel 26.*

**Remote Public Comment:**

*During the upcoming Planning Commission meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:*

- *Comments via:*
  - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following
  - **Event Number: 2551 398 2634** and **Event Password:** Planning
  - ***If you would like to participate in the public comment anonymously***, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting [Anonymous@example.com](mailto:Anonymous@example.com) when prompted to provide an email address.
  - Join by phone by dialing +1-408-418-9388, 2551 398 2634#75266464# Press \*3 to raise the hand icon to speak on an item.
  
- *Protocols for commenting via WebEx:*
  - *If you wish to comment on the "New Business" or "Items from the Audience" portions of the agenda:*
    - *Listen for the Chair to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
    - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
  - *Comments for the "New Business" or "Items from the Audience" portions of the agenda will be accepted until the public comment for that item is closed.*

*Comments received on Webex outside of the comment periods outlined above will not be included in the record.*

**Americans With Disabilities Act** – The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

**Addressing the Council on Items on the Agenda** – The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. To facilitate the orderly process of public comment and to assist the Council to conduct its business as efficiently as possible, members of the public wishing to address the Council are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the City Council begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the Council. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the "Items from the Audience/Public Comment" portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

**Addressing the Council on Items not on the Agenda** – The Brown Act prohibits discussion or action on items not on the posted agenda. The City Council's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Council to have adequate time to address the agenda items of business, "Items from the Audience/Public Comment" following the Consent Calendar will be limited to 15-minutes maximum period. "Items from the Audience/Public Comment" listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

**Notice** – A 90-day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but

not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

Full copies of the agenda are available on the City's website: [www.cityoftracy.org](http://www.cityoftracy.org).

## MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACTIONS, BY MOTION, OF CITY COUNCIL PURSUANT TO AB 2449, IF ANY

ROLL CALL

MINUTES – 12/20/23 Regular Meeting

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Council Meeting Protocols and Rules of Procedure, adopted by Resolution No. 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to the Planning Commission.*

1. NEW BUSINESS

- 1.A STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION (1) FINDING GOOD CAUSE UNDER TMC SECTION 10.08.4360 FOR APPLICANT'S RENEWAL OF CONDITIONAL USE PERMIT; (2) APPROVING RENEWAL (EXT23-0006) OF CONDITIONAL USE PERMIT CUP22-0007 FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 22 E. TENTH STREET (ASSESSOR'S PARCEL NUMBER 235-170-20) TO MARCH 3, 2024; AND (3) 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 ALHUSAN LLC, APPLICATION NUMBER EXT23-0006.

2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: January 5, 2024

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection via the City of Tracy website at [www.cityoftracy.org](http://www.cityoftracy.org).

**MINUTES  
TRACY CITY PLANNING COMMISSION  
REGULAR MEETING  
DECEMBER 20, 2023, 7:00 P.M.  
CITY OF TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Chair Orcutt led the pledge of allegiance.

**ROLL CALL**

Roll Call found Commissioner English, Commissioner Penning, Vice Chair Atwal and Chair Orcutt present. Commissioner Boakye-Boateng present via Webex. Also present: Alan Bell, Senior Planner; Kimberly Matlock, Associate Planner; Al Gali, Associate Civil Engineer; Jeffrey Crosswhite, Assistant City Attorney present via Webex; and Miranda Aguilar, Administrative Assistant.

**MINUTES**

Chair Orcutt introduced the Regular Meeting Minutes from the November 15, 2023 Planning Commission Regular Meeting.

**ACTION:** It was moved by Vice Chair Atwal and seconded by Commissioner Penning to approve the November 15, 2023 Planning Commission Regular Meeting Minutes. A voice vote found Chair Orcutt, Vice Chair Atwal, Commissioner English, and Commissioner Penning in favor. Commissioner Boakye-Boateng abstained. Passed and so ordered; 4-0-0-1.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

Senior Planner, Alan Bell announced that our Assistant City Attorney will be joining us via Webex.

**ITEMS FROM THE AUDIENCE**

None.

**1. NEW BUSINESS**

- A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION: (A) ADOPT A RESOLUTION TO (1) RESCIND PLANNING COMMISSION RESOLUTION 2023-013 AND (2) GRANTING A RENEWED EXPIRATION DATE OF CONDITIONAL USE PERMIT CUP22-0004 (EXT23-0002) FOR A CANNABIS DISPENSARY AT 2420 W. GRANT LINE ROAD, APNS 238-600-37 & 238-190-22, TO MARCH 3, 2024; (B) ADOPT A RESOLUTION TO (1) RESCIND PLANNING COMMISSION RESOLUTION 2023-014 AND (2) GRANTING A RENEWED EXPIRATION DATE OF CONDITIONAL USE PERMIT CUP22-0003**

**(EXT23-0004) FOR A CANNABIS DISPENSARY 951 N. CENTRAL AVENUE, APN 235-056-07, TO MARCH 3, 2024; (C) DETERMINE THAT THE PROJECTS ARE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS THE CITY OF TRACY, AND THE PROPERTY OWNERS ARE TOSTE FAMILY ENTERPRISES AND J T STORAGE, LP. FOR EXT23-0002 AND JIVA TCY, LLC FOR EXT23-0004.**

Miranda Aguilar, Administrative Assistant, announced that Jeffrey Crosswhite, Assistant City Attorney has joined the meeting via Webex.

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

Chair Orcutt opened the Public Hearing at 7:07 p.m.

Zoe Schrieber, representing GOV Tracy addressed the Commission and stated they have also submitted their cannabis business permit renewal.

Gabriela Machuca, Via Webex, had questions about the listed applicant on the Item.

Kimberly Matlock, Associate Planner, explained that the City of Tracy is listed as the applicant due to the City being the ones bringing this item back to Planning Commission.

Seeing as no one else came forward Chair Orcutt closed the Public Hearing at 7:11 p.m.

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

Alan Bell, Senior Planner, addressed questions from the Commission.

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

1. Rescinding Planning Commission Resolution 2023-013;
2. Granting a renewed expiration date of conditional use permit CUP22-0004 (EXT23-0002) for a cannabis dispensary at 2420 W. Grant Line Road, APNS 238-600-37 & 238-190-22, to March 3, 2024; and
3. Rescinding Planning Commission Resolution 2023-014;
4. Granting a renewed expiration date of conditional use permit CUP22-0003 (EXT23-0004) for a cannabis dispensary at 951 N. Central Avenue, APN 235-056-07, to March 3, 2024; and

5. Determining that these projects are categorically exempt from the California Environmental Quality Act.

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

**B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION (1) FINDING GOOD CAUSE UNDER TMC SECTION 10.08.4360 FOR APPLICANT'S RENEWAL OF CONDITIONAL USE PERMIT; (2) APPROVING RENEWAL (EXT23-0005) OF CONDITIONAL USE PERMIT CUP21-0009 FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 316 & 320 W. ELEVENTH STREET (ASSESSOR'S PARCEL NUMBERS 235-040-05 & 06) TO MARCH 3, 2024; AND (3) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS SAAD PATTAH AND THE PROPERTY OWNERS ARE SAAD PATTAH AND REO CAPITAL INVESTMENTS & ASSET MANAGEMENT, APPLICATION NUMBER EXT23-0005.**

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

Chair Orcutt opened the Public Hearing at 7:19 p.m.

Alysia Gordy, Project Manager for Cakehouse, addressed the Commission and explained the company's situation and advised she is present for any questions.

Seeing as no one else came forward, Chair Orcutt closed the Public Hearing at 7:23 p.m.

Alice English had questions about the applicant of the Project.

Kimberly Matlock, Associate Planner, Addressed questions from the Commission. She clarified that this is the first time they are asking for an extension. She advised the applicant's representative has changed due to change in staff. The owner of the property is now acting as the applicant. We have the property owner's authorization.

Alan Bell, Senior Planner, addressed questions from the Commission.

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

Jeffrey Crosswhite, Assistant City Attorney, addressed the Commission and advised we may have to table the Item.

Kimberly Matlock, Associate Planner, advised the business permit was issued to Community Veterans of Tracy, LLC. There has been no ownership change for the property.

Vice Chair Atwal advised that the applicant can change as there are situations that engineers are sometimes acting as the applicant of a project.

Jeffrey Crosswhite, Assistant City Attorney advised to continue this item to a future hearing or take a recess.

Miranda Aguilar, Administrative Assistant, announced that Bijal Patel, City Attorney has joined the meeting Via Webex and would like to speak as well as the Project Manager for Cakehouse, Alysia Gordy.

Bijal Patel, City Attorney, advised the attorneys may need more time to speak with Planning staff on the matter.

Alysia Gordy, Project Manager, wanted to clarify that the application itself had been submitted by Community Veterans of Tracy and the entity itself has not changed. The only change was the original contact person who has since resigned. The new contact changed to Saad Pattah who is a part of the original ownership team of Community Veterans of Tracy. She stated that she is here if there are any further questions.

Kimberly Matlock, Associate Planner, stated that Alysia Gordy's explanation is consistent with her memory of the change that happened.

Bijal Patel, City Attorney, advised if the Commission would prefer to move forward on this Item that they can add an additional condition that it is still subject to validation and that the operator or occupant of the CUP location would still be the original business permit holder.

Commissioner English has expressed opposition to approving this item.

Commissioner Penning had general questions about the project.

Kimberly Matlock, Associate Planner addressed questions from the Commission.

Alan Bell, Senior Planner, addressed the Commission and wanted to clarify the Planning Commission can either move to continue this item to the next regularly scheduled Planning Commission Meeting on January 10, 2024, and bring back clarification regarding ownership of the property and business and to make sure it is the same as the cannabis business permit application or the Commission can move to adopt the resolution and add a condition of approval stating that prior to the issuance of a building permit the applicant shall demonstrate that the applicant of the CUP is the same party as the one which received cannabis business permit approval in accordance with City standards to the satisfaction of the City Attorney.

Commission discussion followed.



**ACTION:** It was moved by Commissioner English and seconded by Commissioner Boakye-Boateng that the Planning Commission continue this item to the next regularly scheduled Planning Commission Meeting on January 10, 2024

A roll call vote found Chair Orcutt, Commissioner English, and Commissioner Boakye-Boateng in favor. Vice Chair Atwal and Commissioner Penning against. Passed and so ordered; 3-2-0-0.

**2. ITEMS FROM THE AUDIENCE**

None.

**3. DIRECTOR'S REPORT**

None.

**4. ITEMS FROM THE COMMISSION**

Commissioner English is requesting an update on the Food Truck Ordinance.

Alan Bell, Senior Planner, advised that the Food Truck Ordinance has been drafted and is currently under Staff review, earliest it could come to Planning Commission could be February but may be further out.

Chair Orcutt reminded the Commission to respond to the email regarding the Commissioner Academy and the APA conference. Chair Orcutt requested from staff that questions brought up during meetings to be agenized for future meetings.

Alan Bell, Senior Planner, offered to have a regular follow up email regarding questions during the meetings.

Chair Orcutt would like an update on the Housing Element Update.

Alan Bell, Senior Planner, advised that the Draft Housing Element is currently with State HCD for their 90-day review.

Vice Chair Atwal requested to add the Commission questions to the meeting Minutes.

Alan Bell, Senior Planner, advised he will look into adding questions to the meeting Minutes and get back to the Commissioners.

**5. ADJOURNMENT**

**ACTION:** It was moved by Chair Orcutt and seconded by Vice Chair Atwal to adjourn.

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

Time: 8:01 p.m.

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CHAIR

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STAFF LIAISON

**From:** Anderson Chen  
**To:** Public Comment  
**Subject:** Regarding EXT23-0005: A renewal of CUP21-0009  
**Date:** Tuesday, December 19, 2023 8:43:28 PM

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Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

Dear City of Tracy Planning Commission:

I am the property owner of 312 W. Eleventh St and I object to this permit. I did not receive a notice regarding the original conditional use permit for a cannabis dispensary right next to my property. If I had known about the original permit, I would have immediately objected. This is my rental property. The tenants include the elderly and children. They will certainly move out if a cannabis dispensary opens next door because of the health and safety risks associated with such a business. It will then be impossible to find new tenants as nobody wants to live next to a cannabis dispensary. I am also concerned about the proposed cannabis dispensary reducing the property value. Please do not renew this permit. It will very negatively affect my property and all nearby properties.

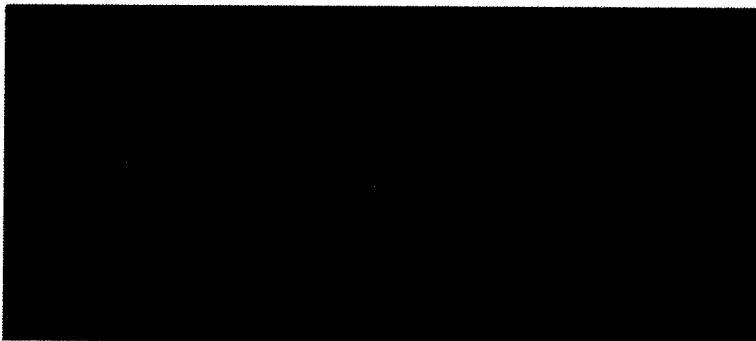
In addition, there are a lot of single family residences on this block and a cannabis dispensary does not fit with the character of the neighborhood. In addition to crime, a cannabis dispensary will increase noise, traffic, and pollution, which will negatively affect the current residents and businesses in the area.

See article regarding the threat to public health from second hand cannabis smoke:

<https://publichealth.berkeley.edu/news-media/research-highlights/first-of-its-kind-research-shows-dangers-of-secondhand-cannabis-smoke/>

See article regarding increased crime at cannabis dispensaries:

[A spike in crime at cannabis dispensaries](#)



**A spike in crime at cannabis dispensaries**

Cash and cannabis make for tempting targets...

Again, please do not renew this permit. Thank you for your time and consideration. Sincerely,

Anderson Chen

Agenda Item 1.A

RECOMMENDATION

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION (1) FINDING GOOD CAUSE UNDER TMC SECTION 10.08.4360 FOR APPLICANT'S RENEWAL OF CONDITIONAL USE PERMIT; (2) APPROVING RENEWAL (EXT23-0006) OF CONDITIONAL USE PERMIT CUP22-0007 FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 22 E. TENTH STREET (ASSESSOR'S PARCEL NUMBER 235-170-20) TO MARCH 3, 2024; AND (3) 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 ALHUSAN LLC, APPLICATION NUMBER EXT23-0006.**

EXECUTIVE SUMMARY

On May 24, 2023, the Planning Commission granted a Cannabis Conditional Use Permit (CUP) to Inside the Culture Triangle, Inc. (Applicant) for a six-month term expiring on December 8, 2023. Because the applicant is still working on applying for building permits to construct the improvements and establish the use, Applicant has requested a renewal of the CUP to allow more time to complete the project. Staff recommends finding good cause and granting a renewal of the CUP to March 3, 2024, to align with the current expiration date of all pending Cannabis Business Permits.

BACKGROUND, LEGISLATIVE HISTORY AND ANALYSIS

On May 24, 2023, the Planning Commission approved Conditional Use Permit CUP22-0007 for a cannabis dispensary at 22 E. Tenth Street. Attachment A contains the May 24, 2023 Planning Commission meeting staff report, plans, resolution and conditions of approval. The Applicant has submitted a building permit application with for tenant improvements to the building. The CUP expired on December 8, 2023.

Pursuant to TMC Section 10.08.4350, CUPs allow applicants a period of six months to obtain a building permit and commence and diligently pursue construction on the site. Under TMC Section 10.08.4350, the CUP expires and is deemed void if the applicant fails to so comply. Under TMC Section 10.08.4360, the CUP may be extended by the Planning Commission provided (1) the new time limit is "reasonable, based on size, nature, and complexity of the proposed development," and (2) the Planning Commission finds "good cause, such as proof of an unusual hardship not of the applicant's own making."

Here, the Applicant's CUP, CUP22-0007, took effect on June 8, 2023, and was granted six months for the use to be established or for a building permit to be secured and construction commenced. Prior to expiration of the CUP, on December 5, 2023, the Applicant submitted an application requesting additional time to establish the use.

The Applicant has demonstrated good cause for an extension based on hardships derived from an unexpected potential sale of the property by the property owner and lease negotiations. The Applicant has submitted a building permit application to the City of Tracy. Attachment B is the

Applicant's renewal request with summary of the good cause for time extension. The Commission has the authority to grant or deny an application for the renewal of a CUP. The Applicant proposes no changes to the project from what was approved under CUP22-0007 on March 24, 2023.

As for the date of the CUP extension, staff recommends the Planning Commission grant the CUP a renewal to March 3, 2024, to align with the expiration date of the associated Cannabis Business Permit, and carry over the conditions of approval from CUP22-0007 in accordance with TMC Section 10.08.4350. Under TMC Section 6.36.080, the applicant's Cannabis Business Permit (CBPA20-0014) expires on March 3, 2024. As with the term initially granted at issuance of the CUP, extensions thereto cannot exceed known dates of noncompliance, such as expiration of a required Cannabis Business Permit. Moreover, TMC Section 10.08.4420 prohibits issuance of any license or use permit in conflict with another license or permit.

Cannabis Business Permits may be renewed by application pursuant to TMC 6.36.100 so long as the City Police Chief finds that the applicant meets the criteria set forth in TMC Section 6.36100(c) and those additional criteria set forth in TMC Section 6.36.070. Here, the subject Applicant has not submitted Cannabis Business Permit renewal application, there are no findings meeting the required criteria, and the Planning Commission lacks subject matter jurisdiction to grant Cannabis Business Permit Renewals.

#### PUBLIC OUTREACH / INTEREST

A public hearing notice for the project was mailed to all property owners within a 300-foot radius of the project site, posted on the City website, and also published in the Tracy Press, and the Planning Commission agenda packet was posted on the City website, City Hall, and the Tracy Branch Library.

#### CEQA DETERMINATION

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations of existing structures or facilities. In accordance with CEQA Guidelines, no further environmental assessment is required.

#### ACTION REQUESTED OF THE PLANNING COMMISSION

Staff recommends that the Planning Commission adopt a Resolution (1) finding good cause under TMC Section 10.08.4360 for applicant's extension of Conditional Use Permit; (2) approving renewal (EXT23-0006) of Conditional Use Permit CUP22-0007 for a Cannabis Storefront Retailer (Dispensary) at 22 E. Tenth Street (Assessor's Parcel Number 235-170-20) to March 3, 2024; and (3) Determining that this Project is categorically exempt from the California Environmental Quality Act.

Agenda Item 1.A  
Planning Commission  
January 10, 2024  
Page 3

Prepared by: Kimberly Matlock, Associate Planner

Reviewed by: Alan Bell, Senior Planner  
Bill Dean, Assistant Development Services Director  
Jeffrey J. Crosswhite, Assistant City Attorney

Approved by: Karin Schnaider, Assistant City Manager / Interim Development Services Director

#### ATTACHMENTS

Attachment A – CUP22-0007 (May 24, 2023 Planning Commission Staff Report, Plans, Resolution, Findings, and Conditions of Approval)

Attachment B – December 5, 2023 Applicant Renewal Request

Attachment C – Proposed Planning Commission Resolution

Exhibit 1 – Findings

Exhibit 2 – Conditions of Approval

May 24, 2023

Agenda Item 1.D

RECOMMENDATION

**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.**

EXECUTIVE SUMMARY

Through this item, staff recommends that the Planning Commission grant a cannabis conditional use permit (CUP) for the operation of a cannabis dispensary business for Inside the Culture Triangle, Inc. in an existing building at 22 E. Tenth Street and make requisite findings under the California Environmental Quality Act (CEQA).

BACKGROUND AND LEGISLATIVE HISTORY

California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions. On December 3, 2019, the City Council adopted Ordinance 1277 (codified as Tracy Municipal Code (TMC) Chapter 6.36) establishing permitting regulations for commercial cannabis activity in the City of Tracy (City), which regulations require applicants to obtain a Cannabis Business Permit. In addition, the City Council adopted Ordinance 1278 (codified as TMC Section 10.08.3196) establishing zoning and locational requirements for commercial cannabis activity in Tracy and requiring applicants to obtain a CUP.

Applicants must obtain both a Cannabis Business Permit under Chapter 6.36 and a Cannabis CUP under Chapter 10.08.3196, in order to establish a retail site (dispensary) in the City. The consideration and approval of Cannabis Business Permits are outside of the purview of the Planning Commission, while Cannabis CUPs can solely be granted by the Planning Commission. Planning Commission decisions on Cannabis CUPs are appealable to the City Council. Attachment C is an exhibit showing the location and status of the Cannabis CUP applications received to date.

On September 29, 2020, Devon Julian, on behalf of Inside the Culture Triangle, Inc. (DBA Culture Cannabis Club), submitted an application for a Cannabis Business Permit, pursuant to Chapter 6.36 of the TMC. The application was comprehensively reviewed by an internal Cannabis Business Permit Review Committee comprised of the Finance Department, Development Services Department, and the South San Joaquin County Fire Authority. Following review and determination that the application was eligible, the Committee forwarded this application to the Police Department for final review and determination. On June 21, 2021, the Tracy Police Chief awarded a provisional Cannabis Business Permit (CBPA20-0014) to Inside the Culture Triangle, Inc. (DBA Culture Cannabis Club). The Cannabis Business Permit approves the permittee's business operations and odor control plan, community relations plan, safety and security plan, social

equity plan, and community benefits proposal.

As noted above, in addition to procuring a Cannabis Business Permit, the proposed use must also meet the zoning requirements applicable to cannabis dispensaries, including obtaining a Cannabis CUP to operate their business at a specific location. Per TMC Section 10.08.4350, CUP approvals are valid for six months following fifteen days from the date of approval.

On May 4, 2022, Inside the Culture Triangle, Inc. submitted a conditional use permit application to establish a cannabis retail storefront with delivery in an existing building at 22 E. Tenth Street (Attachment A). The subject property is designated Downtown in the Tracy General Plan and zoned Central Business District (CBD), in which cannabis dispensaries are conditionally permitted.

## ANALYSIS

### *Project Proposal*

The applicant proposes to operate a cannabis dispensary consisting of storefront retail and delivery of packaged cannabis products in accordance with local and State cannabis law. Local regulations include locational requirements, site requirements, and operating hours to be established by the CUP. The proposed dispensary is located in an approximately 1,325 square foot tenant space within an existing 3,012 square foot building. The adjacent tenant space is currently occupied by a tattoo parlor. The applicant proposes some interior tenant improvements as required TMC Chapter 6.36 (Attachment A), but no changes are proposed to the building's exterior.

The TMC allows dispensaries to locate in all commercial and industrial zones of the City, subject to the additional condition that such uses are "located at least 600 feet from any parcel containing any of the following sensitive uses as of the date the conditional use permit is issued: school, day care center, or youth center." Section 10.08.3196(b) of the TMC provides specific definitions of schools, day care centers and youth centers. According to City records, as of the date of publication of this staff report, the subject building is over 600 feet away from a school, day care center, or youth center, as required by TMC Section 10.08.3196 (Attachment B).

The cannabis dispensary proposed in Tracy's downtown will operate in a similar manner as a retail store, which is complementary of the commercial area encompassing project vicinity. The applicant proposes to operate daily from 8:00 am to 10:00 pm and delivery hours are proposed from 9:00 am to 5:00 pm, as permitted by State law. According to the applicant, because all cannabis products are entirely packaged, no noticeable odors or smells are expected to emanate from the dispensary. Per the odor control plan, the applicant will be installing an activated carbon filtration system and air recirculation system such that odors generated inside the dispensary are not detectable outside. The use will implement the safety and security plan approved as a part of their cannabis business permit as well as project Conditions of Approval recommended by the Police Department (Attachment D).

### *Findings*

Cannabis CUPs must meet the requirements set forth in TMC Section 10.08.4250, and those requirements apply to conditional uses in all zoning districts in the City. Under these requirements, the Planning Commission can grant a CUP on the basis of the



application and evidence submitted, subject to making all of the following findings:

- (a) That there are circumstances or conditions applicable to the land, structure, or use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right;
- (b) That the proposed location of the conditional use is in accordance with the objectives of this [Chapter 10.08 – Zoning Regulations] and the purposes of the zone in which the site is located;
- (c) That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity; and
- (d) That the proposed use will comply with each of the applicable provisions of this [Chapter 10.08 – Zoning Regulations].

Staff recommends that the Planning Commission make the requisite findings for this project based on the evidence in the record, including, without limitation, the following:

- (a) There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a conditional use permit is necessary for the operation of a cannabis dispensary in the Downtown land use designation of the Tracy General Plan and the CBD zoning as required by the Tracy Municipal Code. The proposed location complies with City design guidelines and development regulations.
- (b) The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of Tracy Municipal Code Chapter 10.08. The cannabis storefront retail use is complementary to the surrounding retail area, and the project site is located at least 600 feet away from a parcel containing a school, day care center, or youth center as defined in Chapter 10.08, and the use will be operated wholly indoors.
- (c) The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City, because the proposed land use is harmonious with the surrounding retail area. Furthermore, the site is already improved and no changes to the site are necessary for the operation of this use permit.
- (d) The project is consistent with the zoning, commercial cannabis activity regulations, and other elements of the Tracy Municipal Code the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, California Fire Codes, and California cannabis regulations. There will be no odors or similar objectionable impacts to other businesses in the vicinity as all cannabis products will be entirely packaged and stored in accordance with the requirements of TMC Chapter 6.36.

PUBLIC OUTREACH/ INTEREST

A public hearing notice for the project was mailed to all property owners within a 300-foot radius of the project site, posted on the City website, and also published in the Tracy Press, and the Planning Commission agenda packet was posted on the City website, City Hall, and the Tracy Branch Library.

COORDINATION

This development application was reviewed by multiple City Departments and the South San Joaquin County Fire Authority as part of the City's normal application review process. This staff report was prepared by the Development Services Planning Division.

CEQA DETERMINATION

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations and additions to existing facilities in an area where all public services and facilities are available, and which is not environmentally sensitive. In accordance with CEQA Guidelines, no further environmental assessment is required.

ACTION REQUESTED OF THE PLANNING COMMISSION

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION PROVIDED AS ATTACHMENT D:**

- 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.**

Prepared by: Kimberly Matlock, Associate Planner

Reviewed by: Alan Bell, Senior Planner

William Dean, Assistant Director of the Development Services Department

Approved by: Jaylen French, Director of the Development Services Department

Attachments:

Attachment A – Vicinity Map, Site Plan, Radius Maps, Site Photos, Floor Plan, and Security Diagram

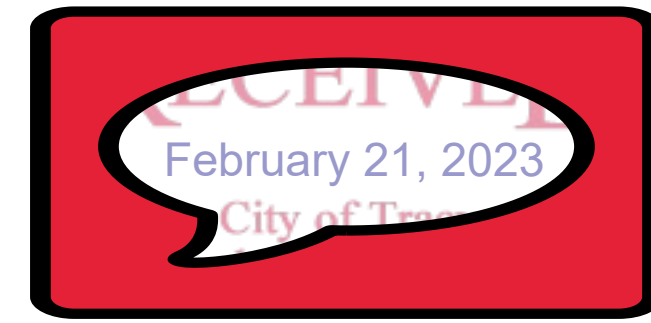
Attachment B – 600-foot Radius Map

Attachment C – Locations of other approved and pending dispensaries

Attachment D – Planning Commission Resolution

Exhibit 1 – Findings

Attachment 1 – Conditions of Approval



**PROJECT INFORMATION**

ADDRESS: 22 10TH ST, TRACY, CA 95376  
 APN: 235-172-02  
 ZONING: GENERAL COMMERCIAL (CBD)  
 CONSTRUCTION TYPE: TYPE V-B  
 TOTAL LOT SF: 4,792 S.F. TOTAL BUILDING SF: 3,012 S.F.  
 BUILDING COVERAGE: 63% EXISTING COVERAGE  
 OPEN SPACE COVERAGE: 63% EXISTING COVERAGE  
 PROJECT SUITE SF: 1,325 S.F.  
 OCCUPANCY GROUP: M OCCUPANCY  
 OCCUPANCY LOAD: 22 OCCUPANTS  
 PARKING REQUIREMENTS: ONE SPACE PER 250 SF OF GROSS AREA  
 REQUIRED: 6 PARKING SPACES  
 PROVIDED: 6 STREET PARKING SPACES  
 NO CHANGE PROPOSED TO EXISTING UTILITIES

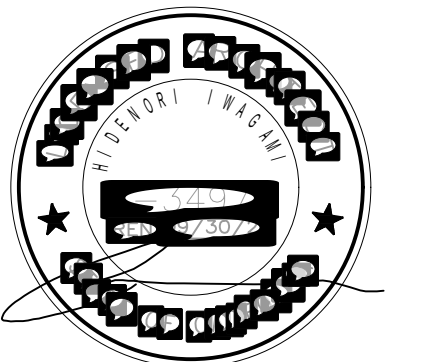
**KEYNOTES**

- |                             |  |                               |
|-----------------------------|--|-------------------------------|
| 1 EXISTING PROPERTY LINE    | 11 EXISTING DUMPSTER                     | 21 EXISTING UTILITY TO REMAIN |
| 2 EXISTING PARKING          | 12 EXISTING ELECTRICAL METER             | 22 EXISTING ASPHALT           |
| 3 EXISTING ADA PARKING      | 13 EXISTING WATER METER                  | 23 EXISTING CONCRETE PAD      |
| 4 EXISTING ADA LOADING ZONE | 14 EXISTING BACKFLOW PREVENTOR           | 24 EXISTING BOLLARD           |
| 5 EXISTING LANDSCAPING      | 15 EXISTING POWER POLE                   |                               |
| 6 EXISTING SIDEWALK         | 16 EXISTING CHAIN LINK FENCE             |                               |
| 7 EXISTING SIDEWALK         | 17 EXISTING WHEEL STOP                   |                               |
| 8 EXISTING STREET LIGHT     | 18 EXISTING DRIVEWAY                     |                               |
| 9 EXISTING PARKING LIGHT    | 19 EXISTING STREET PARKING               |                               |
| 10 EXISTING SEWER           | 20 EXISTING GRADE AND DRAINAGE TO REMAIN |                               |

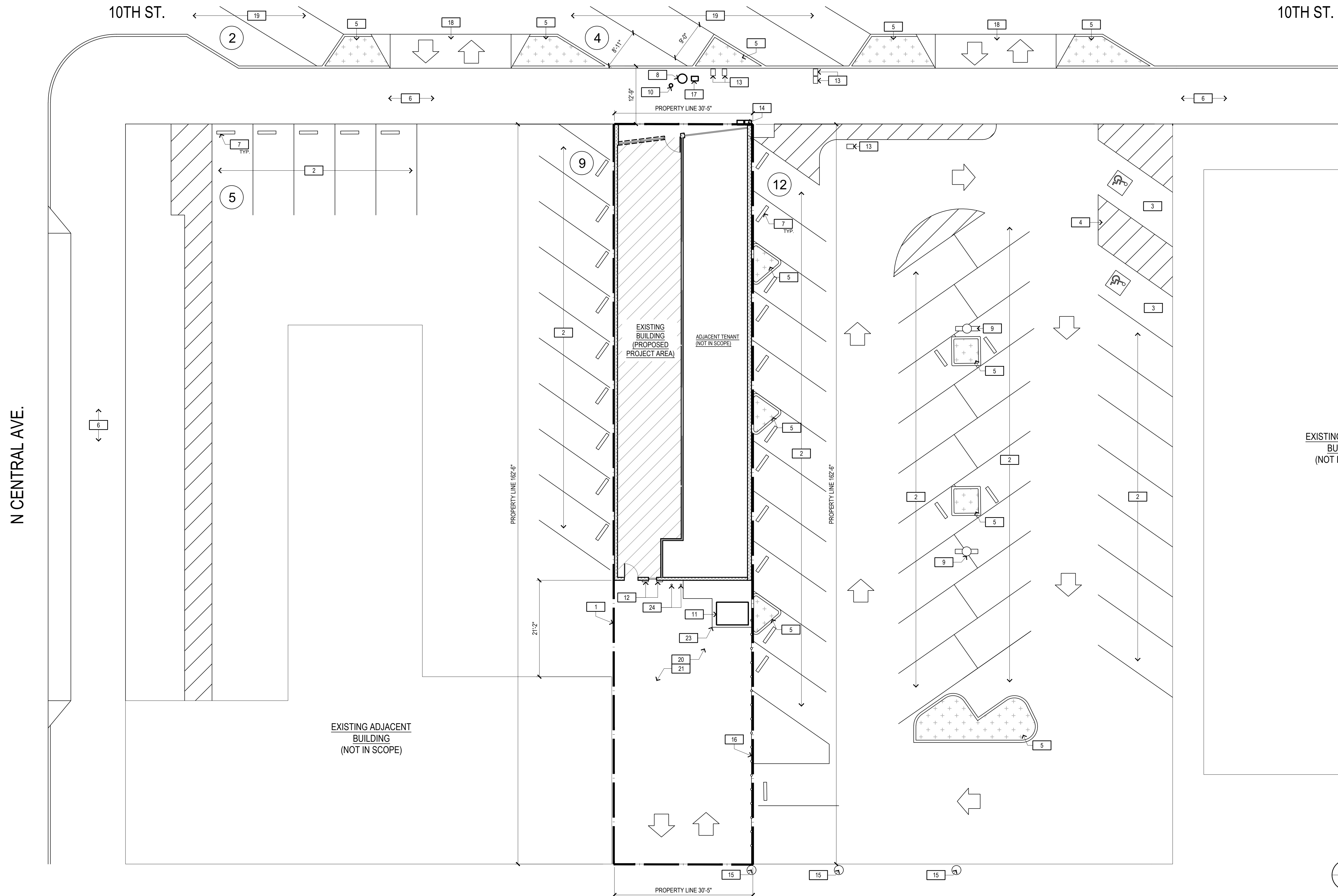
**VICINITY MAP**



3 PETERS CANYON RD. STE 110  
 IRVINE, CA. 92606



Consultant

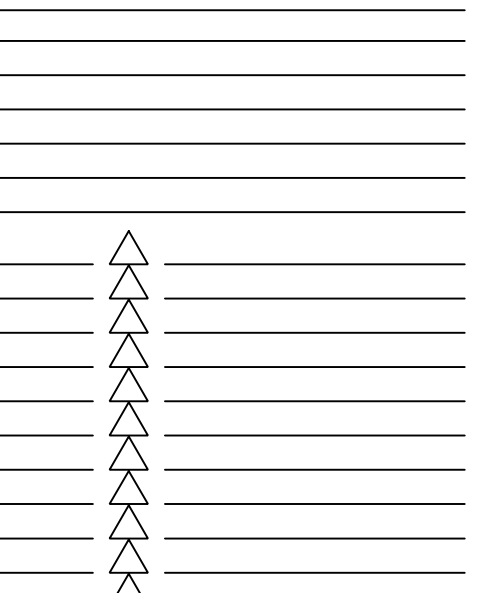


CULTURE CANNABIS CLUB  
 22 10TH ST  
 TRACY, CA 95376

**SITE PLAN**

EXISTING ADJACENT BUILDING (NOT IN SCOPE)

CUP NUMBER:  
 Plan Check Number:



S H E E T

**A1.0**

**SITE PLAN**

3/32"=1'-0"

1

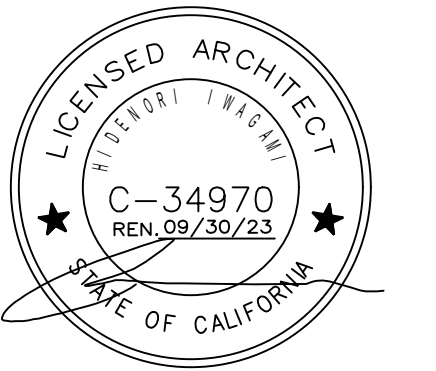


LAND USE DESIGNATIONS

- DOWNTOWN
- RESIDENTIAL MEDIUM



3 PETERS CANYON RD. STE 110  
IRVINE, CA. 92606

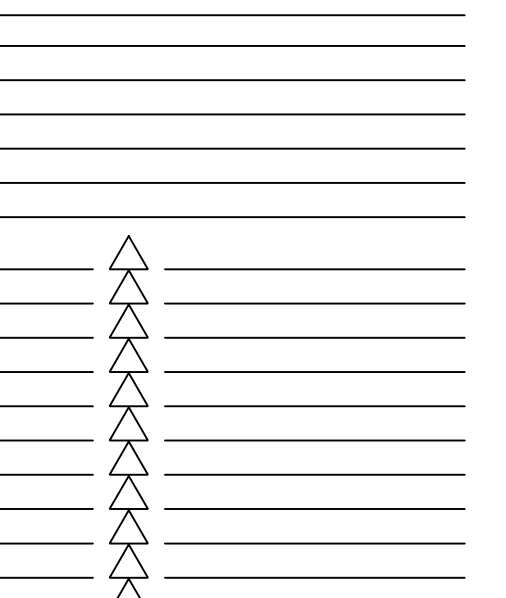


Consultant

CULTURE CANNABIS CLUB  
22 10TH ST  
TRACY, CA 95376

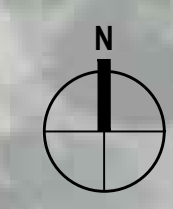
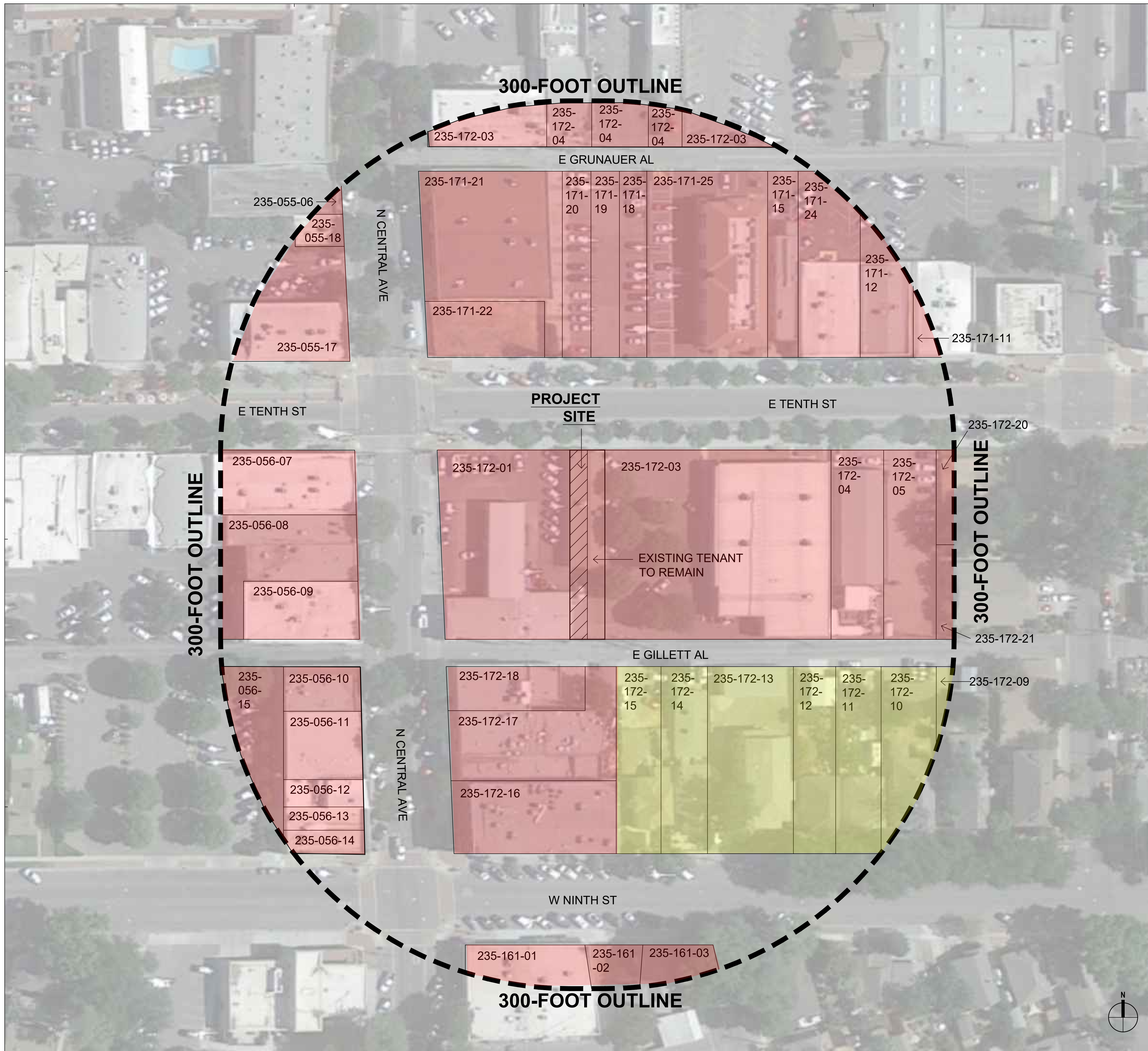
300' FOOT LOCATION MAP

CUP NUMBER:  
Plan Check Number:



S H E E T

A1.2



dwg last saved: Mon 16/03/2022 9:25 AM by Raquel Hernandez  
 sheet plotted: Mon 16/03/2022 9:25 AM by Raquel Hernandez  
 drawing file name: package1\_3\_300' radius map.dwg







3 PETERS CANYON RD. STE 110  
IRVINE, CA. 92606

Seal

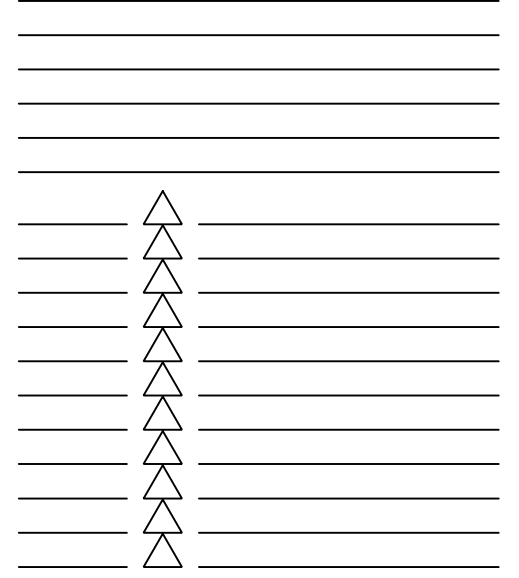


Consultant

CULTURE CANNABIS CLUB  
22 10TH ST  
TRACY, CA 95376

PREMISES & SECURITY  
DIAGRAM

CUP NUMBER:  
Plan Check Number:



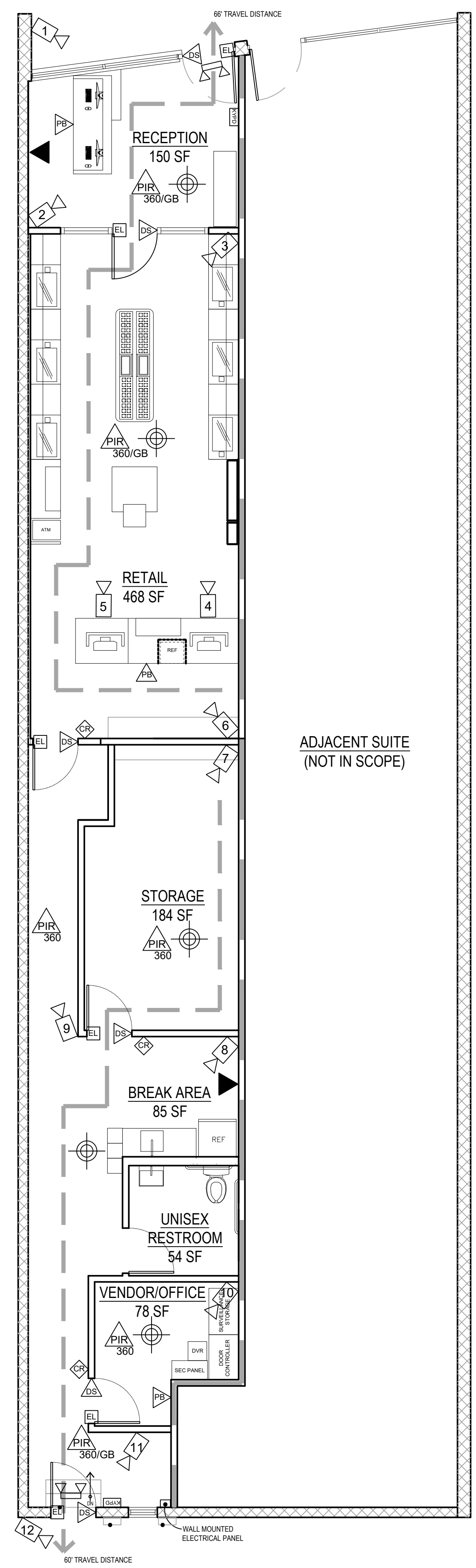
SHEET  
**A2.1**

- ### KEYNOTES
- 1 CARD READER/FOB LOCK
  - 2 ALARM CONTACT
  - 3 MAGNETIC LOCK
  - 4 ALARM KEYPAD
  - 5 HOLD UP (PANIC BUTTON)
  - 6 ALARM CONTROL PANEL
  - 7 EMERGENCY LIGHTING
  - 8 SAFE
  - 9 RECORD STORAGE
  - 10 DIGITAL VIDEO RECORDING DEVICES
  - 11 SURVEILLANCE STORAGE
  - 12 OPEN GRILL (TITUS 50F OR EQUAL)
  - 13 CAN-LITE FILTER MINI 6" x 16" 420 CFM
  - 14 CAN-FAN Q MAX 6: 400 CFM MAX SET TO 271 CFM (SPEED 3)
  - 15 CAN-FAN Q MAX 6: 400 CFM MAX SET TO 400 CFM (SPEED 1)

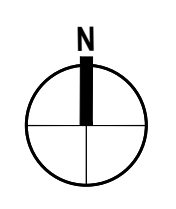
- ### LEGEND
- EXISTING WALL TO REMAIN
  - EXISTING DEMISING WALL TO REMAIN
  - PROPOSED NEW WALL
  - PATH OF EGRESS
  - SECURITY CAMERA (12 TOTAL)
  - CEILING MOUNT PIR MOTION DETECTOR
  - CEILING MOUNT PIR MOTION DETECTOR W/ BUILT IN GLASS BREAK DETECTOR
  - EMERGENCY LIGHT
  - ILLUMINATED EXIT SIGN WITH EMERGENCY LIGHT
  - FIRE EXTINGUISHER (MIN. RATING: 3A:40B:C)
  - PROXIMITY CARD READER
  - ELECTRONIC LOCKING DEVICE
  - PANIC/HOLD-UP BUTTON
  - DOOR CONTACT/SENSOR

### ODOR CONTROL

| Air Changes Reception     |                      |                                  |              |
|---------------------------|----------------------|----------------------------------|--------------|
| Room Area                 | 150 FT <sup>2</sup>  |                                  |              |
| Height                    | 10 FT                | CFM Proposed                     | 271 CFM      |
| Room Volume               | 1500 FT <sup>3</sup> | Complete Room Change Over Every: | 5.5 Minutes  |
| Air Changes Retail Floor  |                      |                                  |              |
| Room Area                 | 468 FT <sup>2</sup>  |                                  |              |
| Height                    | 10 FT                | CFM Proposed                     | 400 CFM      |
| Room Volume               | 4680 FT <sup>3</sup> | Complete Room Change Over Every: | 11.7 Minutes |
| Air Changes Hallway       |                      |                                  |              |
| Room Area                 | 212 FT <sup>2</sup>  |                                  |              |
| Height                    | 10 FT                | CFM Proposed                     | 271 CFM      |
| Room Volume               | 2120 FT <sup>3</sup> | Complete Room Change Over Every: | 7.8 Minutes  |
| Air Changes Storage Floor |                      |                                  |              |
| Room Area                 | 184 FT <sup>2</sup>  |                                  |              |
| Height                    | 10 FT                | CFM Proposed                     | 400 CFM      |
| Room Volume               | 1840 FT <sup>3</sup> | Complete Room Change Over Every: | 4.6 Minutes  |



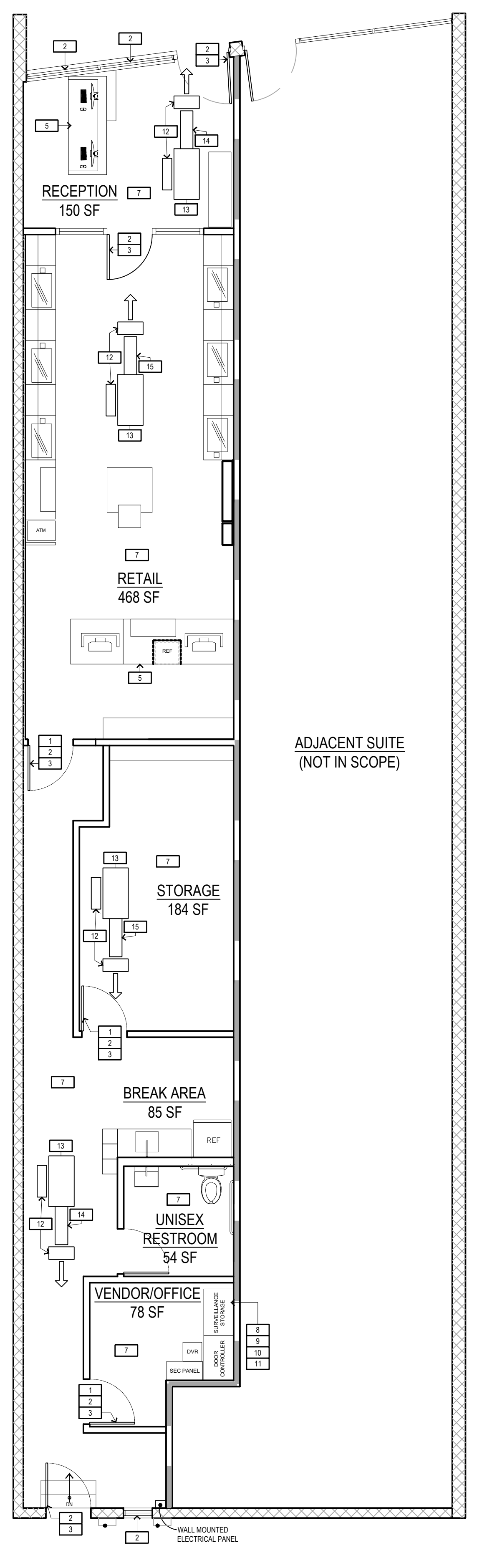
ADJACENT SUITE  
(NOT IN SCOPE)



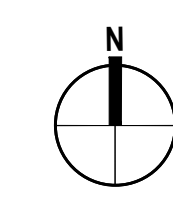
SECURITY DIAGRAM

3/16"=1'-0"

1



ADJACENT SUITE  
(NOT IN SCOPE)



PREMISES DIAGRAM

3/16"=1'-0"

2

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sheet plotted: 02/28/2022 10:52 AM Package: s2.1 premises and security  
drawing file name: plans.dwg



  
CITY ATTORNEY'S OFFICE

**TRACY PLANNING COMMISSION**

**RESOLUTION NO. 2023- 007**

- 
- 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.**

**WHEREAS**, California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions; and

**WHEREAS**, Both a Cannabis Business Permit under Chapter 6.36 of the Tracy Municipal Code (TMC) and a Cannabis Conditional Use Permit (CUP) under Chapter 10.08.3196 under the TMC, are required in order to establish a retail site (dispensary) in the City; and

**WHEREAS**, Inside the Culture Triangle, Inc. (DBA Culture Cannabis Club) was awarded a Cannabis Business Permit (application number CBPA20-0014) by the Tracy Police Chief on June 21, 2021, pursuant to the requirements set forth in Chapter 6.36; and

**WHEREAS**, The applicant submitted a Cannabis Conditional Use Permit application to operate as a storefront cannabis dispensary in an existing building located at 22 E. Tenth Street, Suite E (APN 235-170-20) on May 4, 2022; and

**WHEREAS**, The subject site is designated Downtown in the Tracy General Plan and zoned Central Business District (CBD), wherein cannabis dispensaries are a conditionally permitted use; and

**WHEREAS**, Cannabis Conditional Use Permits must meet the requirements set forth in TMC Section 10.08.4250, which requirements apply to conditional uses in all zoning districts in the City; and

**WHEREAS**, The Planning Commission can grant a Conditional Use Permit, on the basis of the application and evidence submitted, subject to making all of the requisite findings set forth in TMC Section 10.08.4250; and

**WHEREAS**, Conditional Use Permits allow applicants a period of six (6) months to establish the use pursuant TMC Section 10.08.4350; and

**WHEREAS**, The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations and additions to existing facilities in an area where all public services and facilities are available and which is not environmentally sensitive; and

**WHEREAS**, The Planning Commission conducted a public hearing to review and consider the applications on May 24, 2023; now, therefore, be it

**RESOLVED**: That the Planning Commission of the City of Tracy hereby determines, based on the evidence in the record and its own independent judgment, that the proposed project is categorically exempt from the California Environmental Quality Act pursuant to Guidelines Section 15301 (minor alterations to existing facilities); and be it

**FURTHER RESOLVED**: That the Planning Commission hereby adopts the findings set forth in Exhibit 1, supporting the granting of a Conditional Use Permit (CUP22-0007) for a cannabis dispensary at 22 E. Tenth Street, APN 235-170-20); and be it

**FURTHER RESOLVED**: That the Planning Commission, based upon the CEQA determination of exemption and the adoption of requisite findings, hereby grants a Conditional Use Permit (CUP22-0007) for a cannabis dispensary at 22 E. Tenth Street, APN 235-170-20), subject to the Conditions of Approval contained in Attachment 1.

\*\*\*\*\*

The foregoing Resolution 2023-007 was adopted by the Planning Commission on May 24, 2023, by the following vote:

AYES: COMMISSION MEMBERS: ATWAL, AUGUSTUS, BOAKYE-BOATENG, ORCUTT  
NOES: COMMISSION MEMBERS: NONE  
ABSENT: COMMISSION MEMBERS: HUDSON  
ABSTAIN: COMMISSION MEMBERS: NONE

ATTEST:

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

  
\_\_\_\_\_  
CHAIR

**City of Tracy  
Conditional Use Permit Findings  
Application Number CUP22-0007**

1. There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a conditional use permit is necessary for the operation of a cannabis dispensary in the Downtown land use designation of the Tracy General Plan and the CBD zoning as required by the Tracy Municipal Code. The proposed location complies with City design guidelines and development regulations.
2. The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of Tracy Municipal Code Chapter 10.08. The cannabis storefront retail use is complementary to the surrounding retail area, and the project site is located at least 600 feet away from a parcel containing a school, day care center, or youth center as defined in Chapter 10.08, and the use will be operated wholly indoors.
3. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City, because the proposed land use is harmonious with the surrounding retail area. Furthermore, the site is already improved and no changes to the site are necessary for the operation of this use permit.
4. The project is consistent with the zoning, commercial cannabis activity regulations, and other elements of the Tracy Municipal Code the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, California Fire Codes, and California cannabis regulations. There will be no odors or similar objectionable impacts to other businesses in the vicinity as all cannabis products will be entirely packaged and stored in accordance with the requirements of TMC Chapter 6.36.

**City of Tracy**  
**Conditions of Approval**  
Inside the Culture Triangle, Inc. Cannabis Dispensary  
Application Number CUP22-0007

**A. General Provisions and Definitions.**

A.1. General. These Conditions of Approval apply to:

The Project: Inside the Culture Triangle, Inc. Cannabis Dispensary, Conditional Use Permit Application Number CUP22-0007

The Property: 22 E. Tenth Street, APN 235-170-20

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, applying for a conditional use permit.
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project located at the Property. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
- g. "Police Chief" means the Chief of Police of the City of Tracy, or any other person designated by the City Manager or the Police Chief to perform duties set forth herein.

- A.3. Compliance with submitted plans. Prior to the establishment of the use, the project shall be established in substantial compliance with the plans received by the Development Services Department on February 21, 2023 to the satisfaction of the Development Services Director.

- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all federal, state and local laws, as amended from time to time, related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
  - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
  - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
  - The Medicinal and Adult-Use Cannabis Regulation and Safety Act;
  - Regulations of the Bureau of Cannabis Control;
  - Tracy Municipal Code (TMC) Chapter 6.36 (Commercial Cannabis Activity); and
  - City of Tracy Procedures and Guidelines for a Cannabis Business Permit adopted by City Council Resolution 2020-137.
- A.6. Compliance with applicable regulations. Unless specifically modified by these Conditions of Approval, the use shall comply with all City and State Regulations and the approved Cannabis Business Permit No. CBPA20-0014, which includes business operations requirements, the safety and security plan, and the odor control plan.
- A.7. Prior to construction (if needed), the applicant shall submit construction documents which meet the requirements of the California Building and Fire Codes and the Tracy Municipal Code to the City of Tracy and the South San Joaquin County Fire Authority for review, approval and inspections.
- A.8. At all times, applicant (or its successor) shall maintain all necessary permits to operate a cannabis business pursuant to Municipal Code Chapter 6.36. Neither the applicant, nor any other entity, shall have an entitlement or other property right to operate a cannabis business at the property without holding such a cannabis business permit, which may be approved, denied, renewed, or revoked in accordance with the requirements of Chapter 6.36.

**B. Development Services Department, Planning Division Conditions**

Contact: Kimberly Matlock                      (209) 831-6430                      [kimberly.matlock@cityoftracy.org](mailto:kimberly.matlock@cityoftracy.org)

- B.1. Prior to approval of a building permit, the applicant shall provide detailed plans that demonstrate compliance with TMC Section 6.36.380(k).
- B.2. Prior to final inspection, the applicant shall demonstrate compliance with TMC Section 6.36.380(l).
- B.3. Prior to commencing any cannabis operation, the applicant shall execute a Community Benefit Agreement with the City in accordance with the requirements of their Cannabis

Business Permit.

- B.4. Aside from deliveries, the use shall be conducted wholly indoors. The use may not be conducted outside the building, with the exception of loading and dispensing deliveries.
- B.5. The hours of operation shall be limited to 6:00 am to 10:00 pm in accordance with State law. Should the hours of operation established in the State law become more restrictive, the use shall comply with the more restrictive regulations.

**C. Tracy Police Department Conditions**

Contact: Lieutenant Miguel Contreras (209) 831-6618 [miguel.contreras@tracypd.com](mailto:miguel.contreras@tracypd.com)

- C.1. The permitted cannabis establishment shall comply with the Tracy Municipal Code 6.36.180 – Security Measures.
- C.2. A minimum of 2 on-site security guards shall be maintained on site during business hours and 1 on-site security guard during closed hours. The name of the company shall be provided to the Police Department at the time of Building Permit application submittal. The establishment shall remain closed for business if the minimum of 2 certified security guards are not present during business hours on any given day. Once the minimum-security staffing is met, the establishment may re-open for business. Overnight (nonbusiness hours) security shall be a minimum of 1 certified guard solely responsible for the security of this establishment and not multiple locations.
  - C.1.1. Overnight (nonbusiness hours) security shall be a minimum of 1 certified guard solely responsible for the security of this establishment and not multiple locations.
  - C.1.2. All contracted or employed guards shall be certified and have sole responsibilities as a security guard focused on safety and security. The security guards will be readily identifiable.
- C.3. The applicant shall establish and maintain an updated on-call list of responders with their alarm service provider and current alarm permit with the City of Tracy, to include the on-site security manager. The list shall be provided to the Tracy Police Department prior to establishment of the use.
- C.4. The applicant shall cooperate with all legal requests from Tracy PD and any crimes shall be reported without delay.
- C.5. The applicant shall ensure trash containers and/or enclosures are locked and not accessible by the public.
- C.6. Prior to establishment of the use, the applicant shall provide a list, with description and location of advisory signs restricting underage customers to the Tracy Police Department.
- C.7. Prior to establishment of the use, the applicant shall provide a list, with description and location of advisory signs restricting loitering on the premises to the Tracy Police Department.

**D. South San Joaquin County Fire Authority Conditions**

Contact: Daniel Stowe, Fire Plans Examiner (209) 831-6707 [daniel.stowe@sicfire.org](mailto:daniel.stowe@sicfire.org)

- D.1. A construction permit is required to alter the existing tenant space. Prior to the start of any construction or demolition, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
- a. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code.
    - i. Plans shall be designed, stamped and signed by a licensed design professional.
    - ii. Construction type, occupancy classification, occupant load calculation
    - iii. If fire sprinklers and/or fire alarm system is existing or proposed.
    - iv. Details of locking mechanisms to ensure the secured areas do not violate the emergency egress requirements of the Building Code. [TMC §6.36.380]
- D.2. Any modifications to the fire sprinkler and/or fire alarm system shall be submitted directly to the South San Joaquin County Fire prior to the installation or modification.
- a. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
  - b. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
  - c. Permit holder is responsible for any additional inspection fees incurred and shall be paid prior to final inspection.
- D.3. Prior to occupancy of each new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.
- D.4. Knox boxes shall be required. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.
- D.5. Building and each tenant space shall be provided with approved address identification in accordance with CFC §505.

**E. Development Services Department, Building Division Conditions**

Contact: Phillip Rainone (209) 831-6413 [phillip.rainone@cityoftracy.org](mailto:phillip.rainone@cityoftracy.org)

- E.1. At the time of building permit application, the applicant shall submit construction documents that demonstrate compliance with CBC Table 1006.2.1 for egress from the cannabis storage area in conjunction with the limitations for egress to intervening spaces per CBC 1016.2.
- E.2. At time of building permit application, the applicant shall submit construction documents that demonstrate compliance with egress door hardware and operation conforming to California Building Code section 1010, as applicable.

## Attachment B

From: Christina D <[christina@bloomstoneco.com](mailto:christina@bloomstoneco.com)>  
Sent: Tuesday, December 5, 2023 12:59 PM  
To: Planning Admin <[PlanningAdmin@cityoftracy.org](mailto:PlanningAdmin@cityoftracy.org)>; Kimberly Matlock <[Kimberly.Matlock@cityoftracy.org](mailto:Kimberly.Matlock@cityoftracy.org)>  
Cc: Devon Julian <[devon@culturecannabisclub.com](mailto:devon@culturecannabisclub.com)>; Chris Francy <[chris@culturecannabisclub.com](mailto:chris@culturecannabisclub.com)>; L M. <[ltmedia@yahoo.com](mailto:ltmedia@yahoo.com)>  
Subject: Inside the Culture Triangle - CUP renewal request

Hello Planning Department,

I write this email on behalf of Inside the Culture Triangle, regarding CUP #CUP22-0007 for a cannabis dispensary at 22 E. TENTH STREET, APN 235-170-20. We would like to request a renewal of this conditional use permit, set to expire on December 8, 2023.

On October 9, 2023 Culture submitted to plan-check under Permit #COM23-0319. This submission was delayed a few months post Culture's CUP approval, because we received information that the property owner was planning to sell the building. The property owner's contemplated sale caused us to unwillingly pause our project until we could ensure that our location at 22 E. Tenth Street was available for our use. When the sale of the property did not continue, we confirmed we could move forward at this location, and negotiated our lease extension with the property owner. This took time for legal parties to prepare and complete the necessary contracts.

Then, once the contracts were signed, Culture was able to continue its engagement with its architect and engineers for preparation of building plans. As soon as these were ready, we submitted to the City (on October 9, 2023). We remitted payment for the building plan review, including expedited fees, on December 4, 2023.

Culture is hopeful and confident to be able to timely continue with its dispensary retail store. We ask that the City grant a renewal or extension to continue.

Property Owner Information:

Alhusun LLC / co Hanna Ibrahim  
1928 Golden Leaf Lane, Tracy CA 95376  
[c21funding@gmail.com](mailto:c21funding@gmail.com)

Thank you for your consideration.

Christina D' Angelo

cc: Devon Julian, Owner, Main contact: [devon@culturecannabisclub.com](mailto:devon@culturecannabisclub.com)

Letty Moran, Owner

Chris Francy, Owner

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Christina D' Angelo

Founder

Director of Expansion | [Bloomstone Co](https://www.bloomstoneco.com)

1 Corporate Park, Suite 112

Irvine, CA 92606

Phone: 347-351-8309

Email: [christina@bloomstoneco.com](mailto:christina@bloomstoneco.com)



APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**TRACY PLANNING COMMISSION**

**RESOLUTION 2024-\_\_\_\_\_**

- 
- 1. FINDING GOOD CAUSE UNDER TMC SECTION 10.08.4360 FOR APPLICANT INSIDE THE CULTURE TRIANGLE, INC.'S RENEWAL OF CONDITIONAL USE PERMIT (CUP22-0007);**
  - 2. APPROVING A RENEWAL (EXT23-0006) OF CONDITIONAL USE PERMIT CUP22-0007 FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 22 E. TENTH STREET, APN 235-170-20 TO MARCH 3, 2024; AND**
  - 3. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, Inside The Culture Triangle, Inc., (the Applicant) was awarded a Cannabis Business Permit (Application Number CBPA20-0014) on June 21, 2021, by the Tracy Police Chief, which is valid until March 3, 2024; and

**WHEREAS**, the Applicant was granted a Conditional Use Permit (CUP) (Application Number CUP22-0007) to establish a cannabis dispensary at 22 E. Tenth Street on May 24, 2023; and

**WHEREAS**, the CUP, which took effect on June 8, 2023, was granted six months for the use to be established in accordance with TMC Section 10.08.4360; and

**WHEREAS**, the use has not yet been established nor has a building permit been issued and construction diligently pursued to completion, and the CUP expired on December 8, 2023; and

**WHEREAS**, in accordance with TMC Section 10.08.4350, a CUP may be renewed, provided that an application for the renewal of the CUP is filed prior to the expiration of the time period granted; and

**WHEREAS**, under TMC Section 10.08.4360, the CUP may be extended by the Planning Commission provided (1) the new time limit is "reasonable, based on size, nature, and complexity of the proposed development," and (2) the Planning Commission finds "good cause, such as proof of an unusual hardship not of the applicant's own making;" and

**WHEREAS**, on December 8, 2023, the Applicant submitted an application requesting additional time to establish the use; and

**WHEREAS**, the subject property is designated Downtown in the Tracy General Plan and zoned Central Business District, wherein cannabis dispensaries are conditionally permitted; and

**WHEREAS**, the Applicant proposes no changes to the project from that which was approved under CUP22-0007; and

**WHEREAS**, the Applicant has demonstrated good cause for an extension of the CUP based on hardships derived from an unexpected potential sale of the property by the property owner and resulting protracted lease negotiations; and progress toward occupancy has resumed as a building permit application for tenant improvements was submitted and is now being processed by the City of Tracy; and

**WHEREAS**, staff found March 3, 2024, to be a reasonable expiration date of the renewed CUP, aligned with the expiration of the Applicant's Cannabis Business Permit; and

**WHEREAS**, the Planning Commission conducted a public hearing to review and consider the project on January 10, 2024; now, therefore, be it

**RESOLVED:** That the Planning Commission finds good cause for granting Applicant's request for renewal of Conditional Use Permit CUP22-0007 (Application Number EXT23-0006) pursuant to Tracy Municipal Code Section 10.08.4360, subject to the reincorporated findings contained in Exhibit 1 and the conditions of approval in Exhibit 2; and be it

**FURTHER RESOLVED:** That the Planning Commission approves the expiration date of March 3, 2024 for the renewed Conditional Use Permit CUP22-0007 (Application Number EXT23-0006) pursuant to Tracy Municipal Code Section 10.08.4360 and the finding that such expiration date is reasonable; and be it

**FURTHER RESOLVED:** That the Planning Commission finds that the project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations of existing structures and facilities.

\* \* \* \* \*

The foregoing Resolution 2024-\_\_\_\_\_ was adopted by the Planning Commission on January 10, 2024, by the following vote:

|             |                     |
|-------------|---------------------|
| AYES:       | COMMISSION MEMBERS: |
| NOES:       | COMMISSION MEMBERS: |
| ABSENT:     | COMMISSION MEMBERS: |
| ABSTENTION: | COMMISSION MEMBERS: |

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CHAIR

ATTEST:

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STAFF LIAISON

Exhibit 1 – Project Findings  
Exhibit 2 – Project Conditions of Approval

**City of Tracy**  
**Inside the Culture Triangle CUP22-0007**  
**Conditional Use Permit Findings**  
**Application Number EXT23-0006**  
**Planning Commission – January 10, 2024**

- (a) There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a conditional use permit is necessary for the operation of a cannabis dispensary in the Central Business District Zone as required by the Tracy Municipal Code. The proposed project meets the intent of the Central Business District Zone and otherwise complies with development regulations of the Zone.
- (b) The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of the Tracy Municipal Code Chapter 6.36 and Chapter 10.08. Additionally, the project site is located at least 600 feet away from a parcel containing a school, day care center, or youth center as defined in Chapter 10.08, and the use will be operated wholly indoors. The use is a retail store, which is complementary to the surrounding commercial area.
- (c) The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City. The proposed use of a cannabis dispensary will function in a complementary manner to the surrounding retail uses in the vicinity and will comply with City standards. The dispensary will implement all safety and security conditions of approval prepared by the Tracy Police Department.
- (d) The project is consistent with the zoning, commercial cannabis activity regulations, and other elements of the Tracy Municipal Code, the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, California Fire Codes, and California cannabis regulations. There will be no odors or similar objectionable impacts to other businesses in the vicinity as all cannabis products will be entirely packaged and stored in accordance with the requirements of Chapter 6.36. The dispensary will implement odor control to prevent odors from emanating outside the dispensary as outlined in the business's odor control plan.
- (e) The applicant applied for a renewal to the conditional use permit prior to expiration of the original time period granted. Pursuant to Tracy Municipal Code Sections 10.08.4350 and 10.08.4360, the applicant has demonstrated good cause for the extension including unusual hardship, not of the applicant's own making, derived from an unexpected potential sale of the property by the property owner and protracted lease negotiations. The applicant has now submitted construction documents and a building permit application, which is under City review. The applicant therefore requires additional time to obtain building permits and diligently pursue construction or occupy the site with the approved cannabis business. For these reasons, the Commission finds good cause for the extension of the conditional use permit.

**City of Tracy**  
**Conditions of Approval**

Inside the Culture Triangle, Inc. Cannabis Dispensary  
Application Number CUP22-0007/EXT23-0006  
Planning Commission – January 10, 2024

**A. General Provisions and Definitions.**

A.1. General. These Conditions of Approval apply to:

The Project: Inside the Culture Triangle, Inc. Cannabis Dispensary, Conditional Use  
Permit Application Number CUP22-0007

The Property: 22 E. Tenth Street, APN 235-170-20

A.2. Definitions.

- a. “Applicant” means any person, or other legal entity, applying for a conditional use permit.
- b. “City Engineer” means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. “City Regulations” means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City’s Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. “Development Services Director” means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. “Conditions of Approval” shall mean the conditions of approval applicable to the Project located at the Property. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. “Developer” means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term “Developer” shall include all successors in interest.
- g. “Police Chief” means the Chief of Police of the City of Tracy, or any other person designated by the City Manager or the Police Chief to perform duties set forth herein.

A.3. Compliance with submitted plans. Prior to the establishment of the use, the project shall be established in substantial compliance with the plans received by the Development Services Department on February 21, 2023 to the satisfaction of the Development Services Director.

- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all federal, state and local laws, as amended from time to time, related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
  - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
  - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
  - The Medicinal and Adult-Use Cannabis Regulation and Safety Act;
  - Regulations of the Bureau of Cannabis Control;
  - Tracy Municipal Code (TMC) Chapter 6.36 (Commercial Cannabis Activity); and
  - City of Tracy Procedures and Guidelines for a Cannabis Business Permit adopted by City Council Resolution No. 2020-137.
- A.6. Compliance with applicable regulations. Unless specifically modified by these Conditions of Approval, the use shall comply with all City and State Regulations and the approved Cannabis Business Permit No. CBPA20-0014, which includes business operations requirements, the safety and security plan, and the odor control plan.
- A.7. Prior to construction (if needed), the applicant shall submit construction documents which meet the requirements of the California Building and Fire Codes and the Tracy Municipal Code to the City of Tracy and the South San Joaquin County Fire Authority for review, approval and inspections.
- A.8. At all times, applicant (or its successor) shall maintain all necessary permits to operate a cannabis business pursuant to Municipal Code Chapter 6.36. Neither the applicant, nor any other entity, shall have an entitlement or other property right to operate a cannabis business at the property without holding such a cannabis business permit, which may be approved, denied, renewed, or revoked in accordance with the requirements of Chapter 6.36.

## **B. Development Services Department, Planning Division Conditions**

Contact: Kimberly Matlock                      (209) 831-6430                      [kimberly.matlock@cityoftracy.org](mailto:kimberly.matlock@cityoftracy.org)

- B.1. Prior to approval of a building permit, the applicant shall provide detailed plans that demonstrate compliance with TMC Section 6.36.380(k).
- B.2. Prior to final inspection, the applicant shall demonstrate compliance with TMC Section 6.36.380(l).

- B.3. Prior to commencing any cannabis operation, the applicant shall execute a Community Benefit Agreement with the City in accordance with the requirements of their Cannabis Business Permit.
- B.4. Aside from deliveries, the use shall be conducted wholly indoors. The use may not be conducted outside the building, with the exception of loading and dispensing deliveries.
- B.5. The hours of operation shall be limited to 6:00 am to 10:00 pm in accordance with State law. Should the hours of operation established in the State law become more restrictive, the use shall comply with the more restrictive regulations.

### **C. Tracy Police Department Conditions**

Contact: Lieutenant Miguel Contreras (209) 831-6618 [miguel.contreras@tracypd.com](mailto:miguel.contreras@tracypd.com)

- C.1. The permitted cannabis establishment shall comply with the Tracy Municipal Code 6.36.180 – Security Measures.
- C.2. A minimum of 2 on-site security guards shall be maintained on site during business hours and 1 on-site security guard during closed hours. The name of the company shall be provided to the Police Department at the time of Building Permit application submittal. The establishment shall remain closed for business if the minimum of 2 certified security guards are not present during business hours on any given day. Once the minimum-security staffing is met, the establishment may re-open for business. Overnight (nonbusiness hours) security shall be a minimum of 1 certified guard solely responsible for the security of this establishment and not multiple locations.
  - C.1.1. Overnight (nonbusiness hours) security shall be a minimum of 1 certified guard solely responsible for the security of this establishment and not multiple locations.
  - C.1.2. All contracted or employed guards shall be certified and have sole responsibilities as a security guard focused on safety and security. The security guards will be readily identifiable.
- C.3. The applicant shall establish and maintain an updated on-call list of responders with their alarm service provider and current alarm permit with the City of Tracy, to include the on-site security manager. The list shall be provided to the Tracy Police Department prior to establishment of the use.
- C.4. The applicant shall cooperate with all legal requests from Tracy PD and any crimes shall be reported without delay.
- C.5. The applicant shall ensure trash containers and/or enclosures are locked and not accessible by the public.
- C.6. Prior to establishment of the use, the applicant shall provide a list, with description and location of advisory signs restricting underage customers to the Tracy Police Department.

- C.7. Prior to establishment of the use, the applicant shall provide a list, with description and location of advisory signs restricting loitering on the premises to the Tracy Police Department.

**D. South San Joaquin County Fire Authority Conditions**

Contact: Daniel Stowe, Fire Plans Examiner (209) 831-6707 [daniel.stowe@sjcfire.org](mailto:daniel.stowe@sjcfire.org)

- D.1. A construction permit is required to alter the existing tenant space. Prior to the start of any construction or demolition, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
- a. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code.
    - i. Plans shall be designed, stamped and signed by a licensed design professional.
    - ii. Construction type, occupancy classification, occupant load calculation
    - iii. If fire sprinklers and/or fire alarm system is existing or proposed.
    - iv. Details of locking mechanisms to ensure the secured areas do not violate the emergency egress requirements of the Building Code. [TMC §6.36.380]
- D.2. Any modifications to the fire sprinkler and/or fire alarm system shall be submitted directly to the South San Joaquin County Fire prior to the installation or modification.
- a. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
  - b. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
  - c. Permit holder is responsible for any additional inspection fees incurred and shall be paid prior to final inspection.
- D.3. Prior to occupancy of each new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.
- D.4. Knox boxes shall be required. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.
- D.5. Building and each tenant space shall be provided with approved address identification in accordance with CFC §505.

**E. Development Services Department, Building Division Conditions**

Contact: Phillip Rainone (209) 831-6413 [phillip.rainone@cityoftracy.org](mailto:phillip.rainone@cityoftracy.org)

- E.1. At the time of building permit application, the applicant shall submit construction documents that demonstrate compliance with CBC Table 1006.2.1 for egress from the cannabis storage area in conjunction with the limitations for egress to intervening



spaces per CBC 1016.2.

- E.2. At time of building permit application, the applicant shall submit construction documents that demonstrate compliance with egress door hardware and operation conforming to California Building Code section 1010, as applicable.