

**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 ajenized 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.

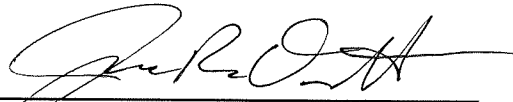
5. ADJOURNMENT

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.


STAFF LIAISON


CHAIR

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

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