

**Wednesday, March 27, 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 Planning Commission, 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 206 9251** 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 206 9251, #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 Planning Commission meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

**Addressing the Planning Commission on Items on the Agenda** – The Brown Act provides that every regular Planning Commission meeting shall provide an opportunity for the public to address the Planning Commission on any item within its jurisdiction before or during the Planning Commission'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 Planning Commission to conduct its business as efficiently as possible, members of the public wishing to address the Planning Commission 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 Planning Commission 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 Planning Commission. 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 Planning Commission 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 Planning Commission 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, 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 Planning Commission. When members of the public address the Planning Commission, 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 Planning Commission 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 Planning Commission 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 PLANNING COMMISSION PURSUANT TO AB 2449, IF ANY

ROLL CALL

MINUTES – 03/13/24 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 (EXT23-0007) OF CONDITIONAL USE PERMIT CUP22-0017 FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 775 W. CLOVER RD. (ASSESSOR'S PARCEL NUMBER 214-180-16) TO DECEMBER 8, 2024; AND

(3) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

THE APPLICANT IS AUTHENTIC TRACY, LLC AND THE PROPERTY OWNER IS UNITED HOLDING GROUP, LLC / RAJWINDER KAUR, APPLICATION NUMBER EXT23-0007.

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: March 21, 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  
MARCH 13, 2024, 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 Boakye-Boateng, Commissioner English, Commissioner Penning, Vice Chair Atwal and Chair Orcutt present. Also present were Jeffrey Crosswhite, Assistant City Attorney; Scott Claar, Senior Planner; Alan Bell, Senior Planner; Kenny Lipich, Associate Planner; Genevieve Federighi, Associate Planner, Al Gali, Associate Engineer; and Miranda Aguilar, Administrative Assistant.

**MINUTES**

Chair Orcutt introduced the Regular Meeting Minutes from the February 14, 2024 and from February 28, 2024 Planning Commission Regular Meetings.

**ACTION:** It was moved by Vice Chair Atwal and seconded by Commissioner Penning to approve the February 14, 2024 and the February 28, 2024 Planning Commission Regular Meeting Minutes. A voice vote found Chair Orcutt, Vice Chair Atwal, Commissioner Boakye-Boateng, Commissioner English, and Commissioner Penning in favor. Passed and so ordered; 5-0-0-0.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

Scott Claar informed the Commission that this will be the last meeting for Alan Bell, Senior Planner, as he will be retiring.

The Commission congratulated Alan Bell and wished him well.

**ITEMS FROM THE AUDIENCE**

None.

**1. NEW BUSINESS**

**A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECOMMEND THAT THE CITY COUNCIL:**

**(1) ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE APPROVAL OF THE GENERAL PLAN AMENDMENT, REZONING, AND DEVELOPMENT REVIEW**

**PERMIT FOR CONSTRUCTION OF 110 UNITS OF VERY LOW-INCOME SENIOR HOUSING CONSISTING OF TWO BUILDINGS AND SITE IMPROVEMENTS ON A 1.94-ACRE PORTION OF AN OVERALL 6.85-ACRE SITE, LOCATED AT 301 WEST STREET, APN 235-420-16 (PROJECT), IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, BASED ON THE FINDINGS, PURSUANT TO PUBLIC RESOURCES CODE SECTIONS § 21064.5 AND 21080(C);**

**(2) ADOPT A RESOLUTION APPROVING A GENERAL PLAN MAP AMENDMENT FROM RESIDENTIAL MEDIUM TO RESIDENTIAL HIGH FOR A 1.94-ACRE PORTION OF AN OVERALL 6.85-ACRE SITE, LOCATED AT 301 WEST STREET, ASSESSOR'S PARCEL NUMBER 235-420-16 (APPLICATION NUMBER GPA22-0008);**

**(3) INTRODUCE AN ORDINANCE APPROVING A REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE TO HIGH DENSITY RESIDENTIAL ZONE FOR A 1.94- ACRE PORTION OF AN OVERALL 6.85-ACRE SITE, LOCATED AT 301 WEST STREET, ASSESSOR'S PARCEL NUMBER 235-420-16 (APPLICATION NUMBER R22-0005); AND**

**(4) ADOPT A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT AND A DENSITY BONUS FOR THE PROJECT (APPLICATION NUMBER D22-0043).**

**THE APPLICANT IS ARTIFEXT WEST, INC. FOR THE HOUSING AUTHORITY COUNTY OF SAN JOAQUIN.**

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

Peter Ragsdale, Executive Director of Housing Authority, County of San Joaquin, addressed questions from the Commission.

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

Chair Orcutt opened the Public Hearing at 8:05 p.m.

Andrew Christensen, via WebEx, stated parking for the project is a concern but the fact that the housing is close to the downtown area is a positive, especially regarding access.

Seeing as no one else came forward, Chair Orcutt closed the Public Hearing at 8:07 p.m.

Commission discussion continued.

Kenny Lipich, Associate Planner, addressed questions from the Commission.

Jeffrey Crosswhite, Assistant City Attorney, advised that the Commission can request staff to discuss suggestions with the applicant as part of their recommendations to City Council.

Commission discussion Continued.

**ACTION:** It was moved by Vice Chair Atwal and seconded by Commissioner Penning that the Planning Commission recommend that the City Council:

- (1) Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the approval of the General Plan Amendment, rezoning, and development review permit for construction of 110 units of very low-income senior housing consisting of two buildings and site improvements on a 1.94-acre portion of an overall 6.85-acre site, located at 301 West Street, Assessor's Parcel Number 235-420-16 (project), in accordance with the California Environmental quality act, based on the findings, pursuant to Public Resources Code Sections § 21064.5 and 21080(c);
- (2) Adopt a resolution approving a General Plan Map Amendment from Residential Medium to Residential High for a 1.94-acre portion of an overall 6.85-acre site, located at 301 West Street, Assessor's Parcel Number 235-420-16 (application number GPA22-0008);
- (3) Introduce an Ordinance approving a Rezone from Medium Density Residential Zone to High Density Residential Zone for a 1.94-acre portion of an overall 6.85-acre site, located at 301 West Street, Assessor's Parcel Number 235-420-16 (Application number R22-0005); and
- (4) Adopt a Resolution approving a Development Review Permit and a density bonus for the project (Application number D22-0043).

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

**B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION REVIEW AND RECOMMEND THAT THE CITY COUNCIL RECEIVE THE 2023 ANNUAL PROGRESS REPORT FOR THE GENERAL PLAN AND HOUSING ELEMENT PRIOR TO SUBMISSION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT ON OR BEFORE APRIL 1, 2024, AS REQUIRED BY CALIFORNIA GOVERNMENT CODE SECTIONS 65700 AND 65400).**

Genevieve Federighi, Associate Planner, presented the staff report and addressed questions from the Commission.

Scott Claar, Senior Planner, addressed questions from the Commission.

Chair Orcutt opened the Public Hearing at 8:28 p.m.

Andrew Christensen, via WebEx, had questions regarding possible building sites near the bowtie area in Tracy.

Seeing as no one else came forward, Chair Orcutt closed the Public Hearing at 8:34 p.m.

**ACTION:** It was moved by Vice Chair Atwal and seconded by Commissioner Penning that the Planning Commission recommend that the City Council:

Receive the 2023 Annual Progress Report for the General Plan and Housing Element prior to submission to the California Department of Housing and Community Development on or before April 1, 2024, as required by California Government Code Sections 65700 and 65400.

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

## 2. ITEMS FROM THE AUDIENCE

None.

## 3. DIRECTOR'S REPORT

None.

## 4. ITEMS FROM THE COMMISSION

Chair Orcutt inquired about Commissioners not being able to speak with Planning Staff about items on the agenda.

Jeffrey Crosswhite, Assistant City Attorney, advised that the Development Services Director would be the Staff Liaison for when Commissioners have questions to avoid the perception of influence during a pending project.

Chair Orcutt has informed Staff he will continue to reach out to City Staff when he has questions.

## 5. ADJOURNMENT

**ACTION:** It was moved by Chair Orcutt and seconded by Commissioner English to adjourn. A voice vote found all in favor. Passed and so ordered; 5-0-0-0.

Time: 8:43 p.m.

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CHAIR

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STAFF LIAISON

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 (EXT23-0007) OF CONDITIONAL USE PERMIT CUP22-0017 FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 775 W. CLOVER RD. (ASSESSOR'S PARCEL NUMBER 214-180-16) TO DECEMBER 8, 2024; AND**

**(3) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**THE APPLICANT IS AUTHENTIC TRACY, LLC AND THE PROPERTY OWNER IS UNITED HOLDING GROUP, LLC / RAJWINDER KAUR, APPLICATION NUMBER EXT23-0007.**

EXECUTIVE SUMMARY

On May 24, 2023, the Planning Commission granted a Cannabis Conditional Use Permit (CUP) Authentic Tracy, LLC (Applicant) for a six-month term expiring on December 8, 2023. Because the applicant is still working on issuance of building permit to construct the improvements and establish the use with only minor comments left from the City, 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 for one year to December 8, 2024, to provide Applicant with the time to obtain a building permit and diligently pursue construction for improvements and establishing of use.

BACKGROUND, LEGISLATIVE HISTORY AND ANALYSIS

On May 24, 2023, the Planning Commission approved Conditional Use Permit CUP22-0017 for a cannabis dispensary at 775 W. Clover Road. 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 minor exterior modifications and 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, CUP22-0017, 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 7, 2023, the Applicant submitted an application requesting additional time of one year to establish the use.

The Applicant has demonstrated good cause for an extension of one year based on hardships derived from receiving City correction comments on Building Permit COM23-0246 on December 6, 2023, two months after building permit review was sent out for comments. The Applicant has now addressed the remaining corrections and the Building Permit is ready to be issued pending CUP renewal. Attachment B is the Applicant's application/renewal request with summary of the good cause for time extension. The Planning 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 CUP22-0017 on March 24, 2023.

As for the date of the CUP extension, staff recommends the Planning Commission grant the CUP a one-year renewal to December 8, 2024, to extend expiration date of the CUP and carry over the conditions of approval from CUP22-0017 in accordance with TMC Section 10.08.4350.

Ordinance 1343 was introduced on December 5, 2023, adopted on December 19, 2023, and became effective on January 18, 2024. The Ordinance 1343 amends Tracy Municipal Code Section 10.08.3196 to establish buffers between cannabis businesses and sensitive uses and residential uses, reduce density by setting minimum territorial radiuses between two cannabis businesses and expand the definition of "youth center" to include additional public and private facilities within the definition. The project location at 775 W. Clover Road meets the amended buffers between cannabis businesses, sensitive uses, and residential uses.

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. Under TMC Section 6.36.080, the applicant's Cannabis Business Permit (CBPA20-0001) was renewed on February 28, 2024, by the City of Tracy Police Chief and will expire on March 3, 2025.

#### 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's website, at City Hall, and at 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 (EXT23-0007) of Conditional Use Permit CUP22-0017 for a Cannabis

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Storefront Retailer (Dispensary) at 775 W. Clover Road (Assessor's Parcel Number 214-180-16) to December 8, 2024; and (3) determining that this Project is categorically exempt from the California Environmental Quality Act.

Prepared by: Kenny Lipich, Associate Planner

Reviewed by: Alan Bell, Senior Planner

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

ATTACHMENTS

Attachment A – CUP22-0017 (May 24, 2023 Planning Commission Staff Report, Plans, Resolution, Findings, and Conditions of Approval)

Attachment B – December 7, 2023 Applicant Application/Renewal Request

Attachment C – Proposed Planning Commission Resolution

Exhibit 1 – Findings

Exhibit 2 – Conditions of Approval



May 24, 2023

Agenda Item 1.C

RECOMMENDATION

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION:**

- 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0017) FOR A CANNABIS DISPENSARY AT 775 W. CLOVER RD.; AND**
- 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15301.**

**THE APPLICANT IS CYRUS PAI REPRESENTING STIIIZY'S (AUTHENTIC TRACY LLC) AND THE PROPERTY OWNER IS UNITED HOLDING GROUP LLC.**

EXECUTIVE SUMMARY

Through this item, staff recommends that the Planning Commission grant a Cannabis Conditional Use Permit for the operation of a cannabis dispensary business (Authentic Tracy LLC DBA STIIIZY's) in an existing building at 775 W. Clover Rd. and make requisite findings under the California Environmental Quality Act.

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 Cannabis Conditional Use Permit (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.

On September 21, 2020, Brian Mitchell of Authentic Tracy LLC 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 March 3, 2022, the Tracy Police Chief awarded a provisional Cannabis Business Permit (CBPA20-0001) to Authentic Tracy LLC. 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.

On November 3, 2022, Cyrus Pai, on behalf of Authentic Tracy LLC (DBA STIIIZY's), submitted a CUP application to establish a cannabis retail storefront with delivery in an existing building at 775 W. Clover Rd. (Attachment A). The subject property is designated Commercial in the Tracy General Plan and zoned General Highway Commercial (GHC), 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 conditional use permit. The proposed dispensary is located in an approximately 5,622 square foot building. The applicant is proposing paint color changes that are consistent with the previous approval and does not require a Development Review Permit; however, the existing landscaping is not consistent with what was previously approved. The applicant is proposing to bring landscaping back to what was previously approved with the addition of 15 trees and various shrubs. In addition to minor exterior changes, there are some interior tenant improvements as required per TMC Chapter 6.36 (Attachment A).

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 on Clover Rd. will operate in a similar manner as a retail store, which is complementary of the commercial area encompassing the project vicinity. The applicant proposes to operate daily from 9:00 am to 10:00 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; regardless, 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 C).

### *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 Commercial land use designation of the Tracy General Plan and the GHC 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

This item was duly noticed in the local newspaper and public hearing notices were mailed to all property owners of property within 300 feet of the subject site.

#### 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 (CUP22-0017) FOR A CANNABIS DISPENSARY AT 775 W. CLOVER RD.; AND**
- 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15301.**

Prepared by: Kenny Lipich, 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 – Location Map, Site Plan, Landscaping Plan, Site Photos, Floor Plan, Security Diagram, and Exterior Perspective Rendering

Attachment B – 600-foot Radius Map

Attachment C – Planning Commission Resolution

Exhibit 1 – Findings

Attachment 1 – Conditions of Approval



INTERSTATE 205

Subject  
Property

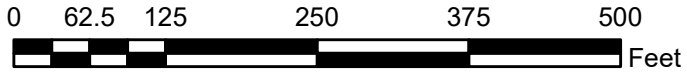


CLOVER RD.

N. TRACY BLVD.



Think Inside the Triangle™





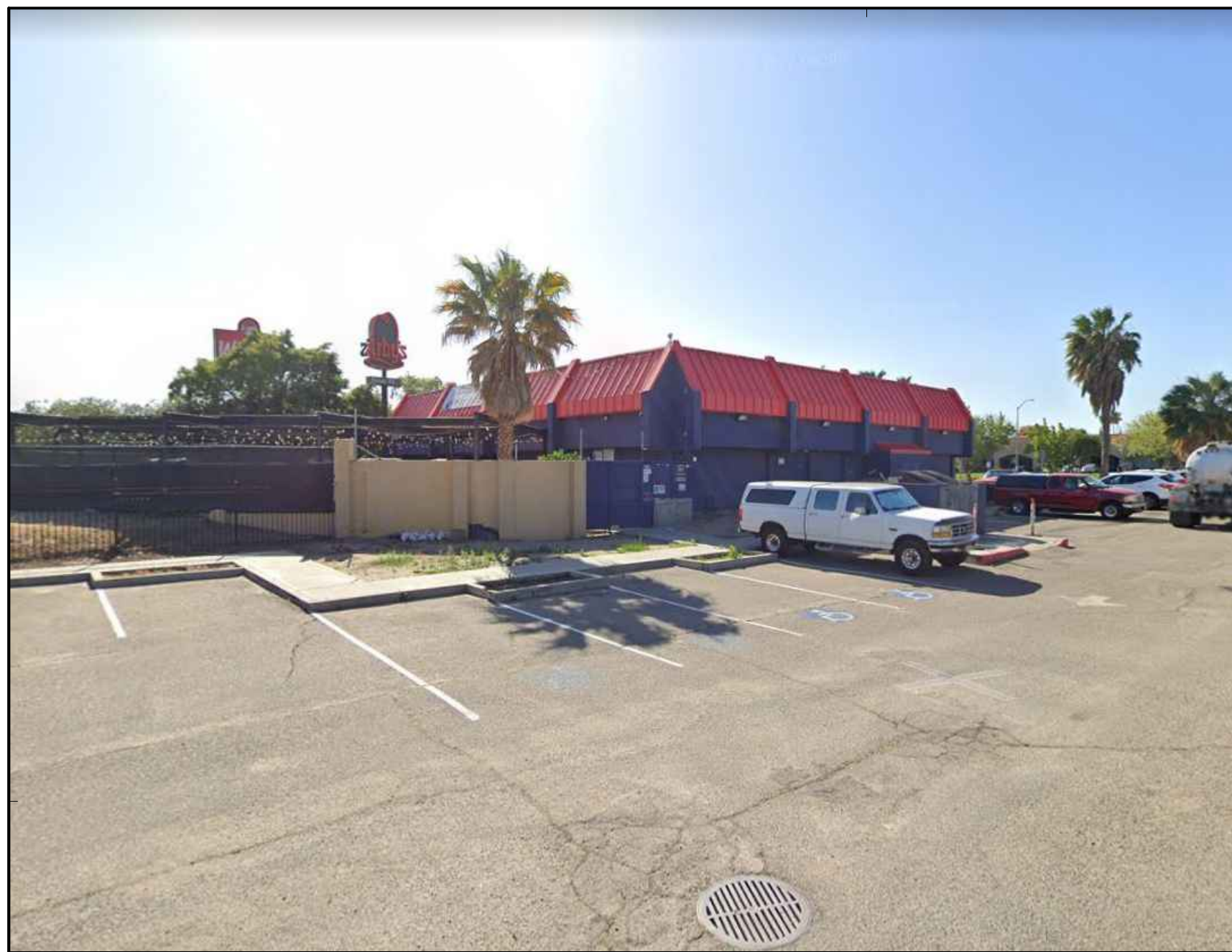


PHOTO 6



PHOTO 3

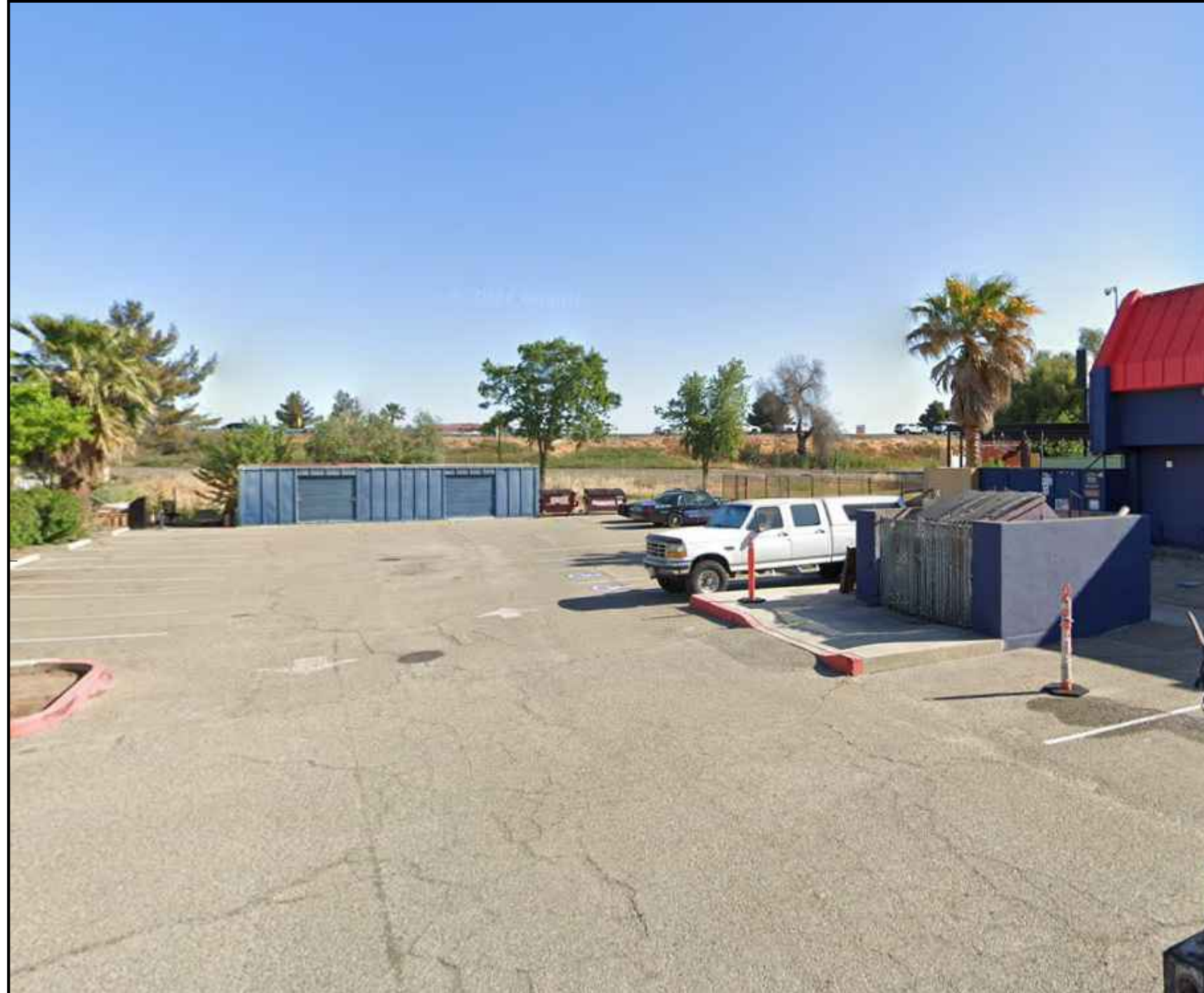


PHOTO 5



PHOTO 2



PHOTO 4

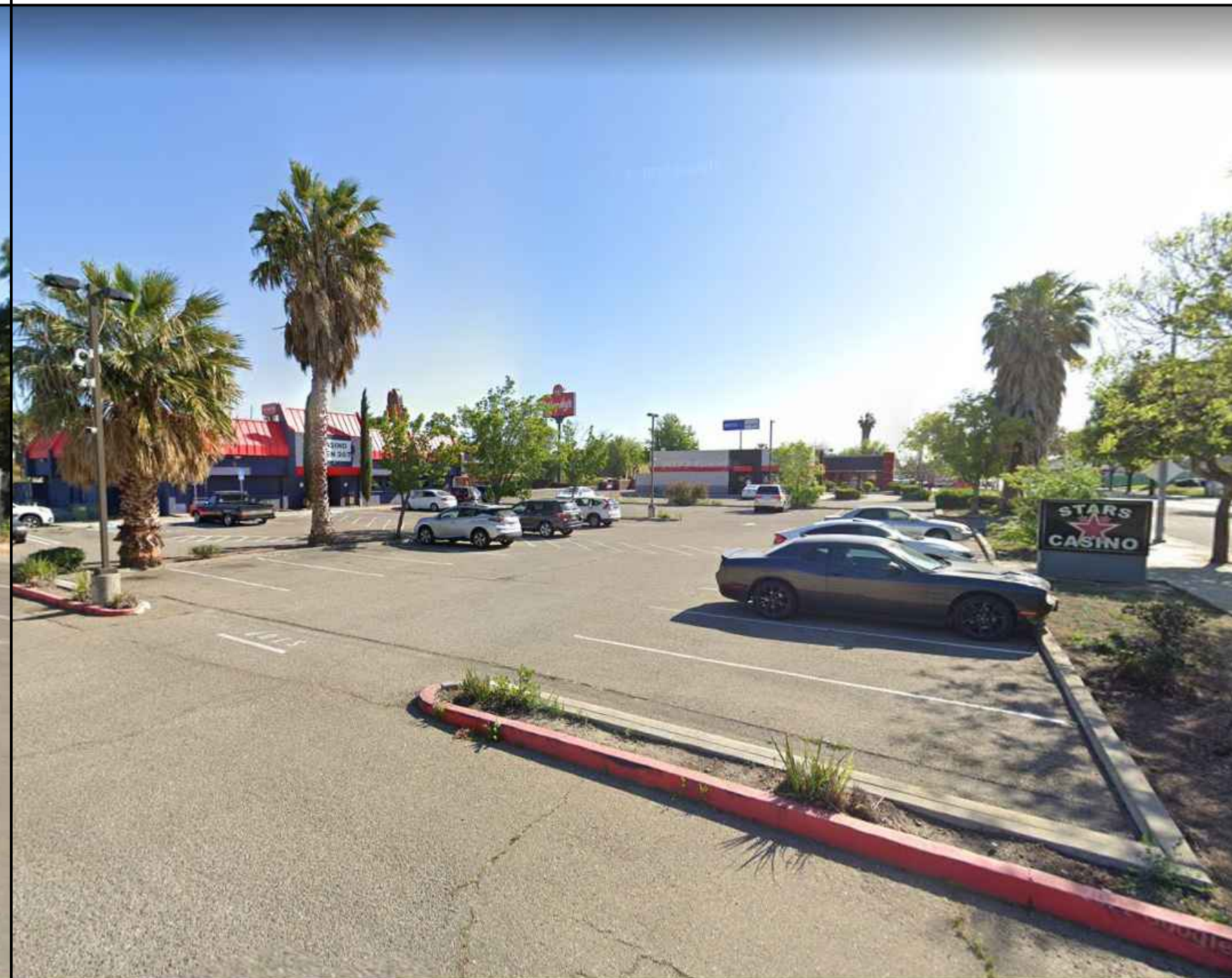
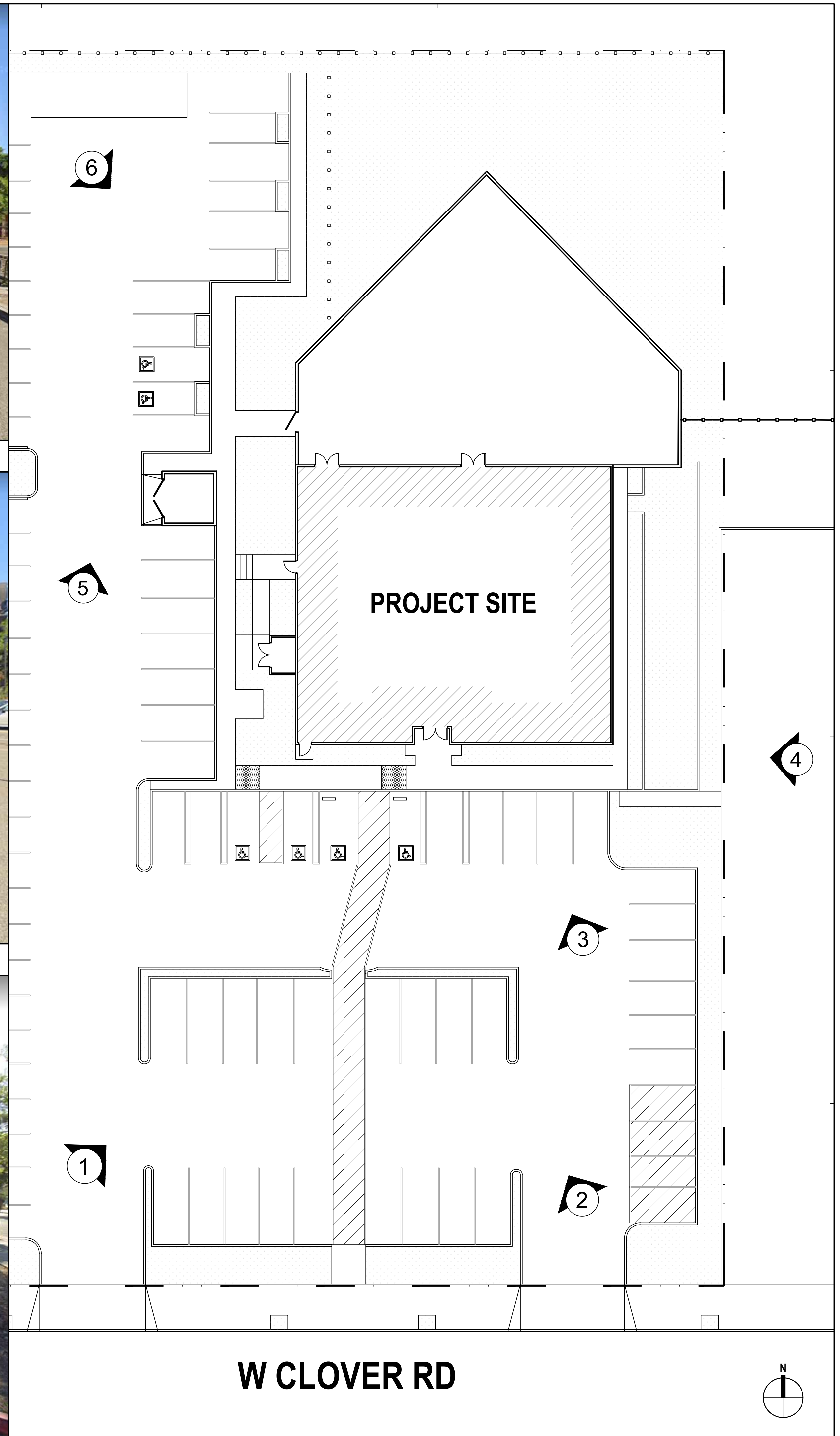
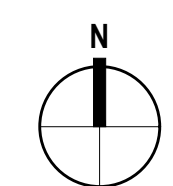


PHOTO 1



W CLOVER RD



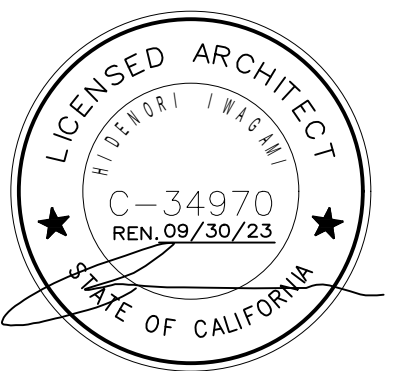
EXISTING SITE PHOTOS

1/16" = 1'-0"

1



3 PETERS CANYON RD.  
IRVINE, CA. 92606

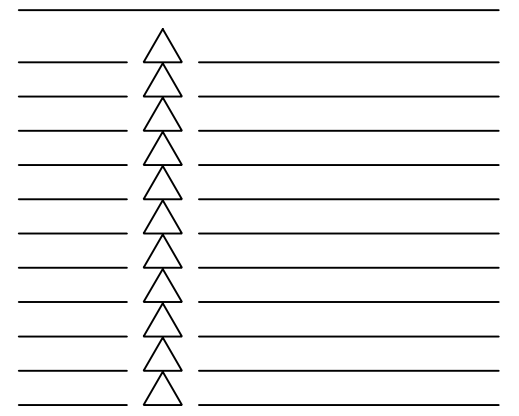


Consultant

**STIIZY**  
775 W CLOVER RD.  
TRACY, CA 95376

EXISTING SITE PHOTOS

CUP NUMBER:  
Plan Check Number:  
CUP PLANS 08-25-2022



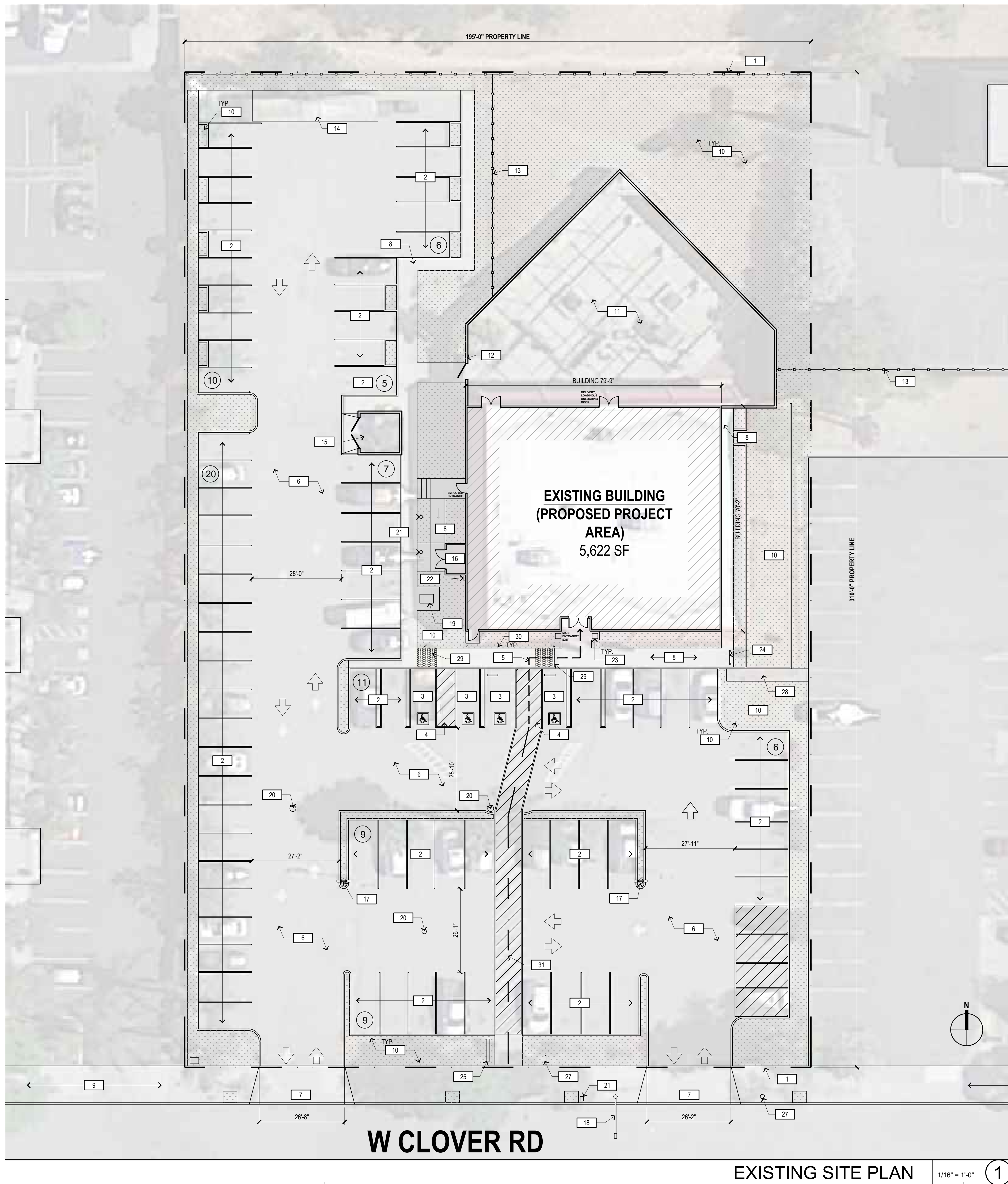
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**FIRE DEPARTMENT NOTES**

- Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
  - 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.
  - Deferred submittals for any fire alarm or fire sprinkler system modifications shall be listed on the coversheet. Each deferred submittal shall be submitted, reviewed and approved by SSJCA prior to installation.
- Knox box, if not already on this building, shall be required. The tenant shall have keys placed in the Knox box. 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 shall be secured in the key box. (Knox boxes can be tied into a security system via a tamper device that can be installed inside the Knox Box.)

**POLICE DEPARTMENT NOTES**

- The permitted cannabis establishment shall comply with the Tracy Municipal Code 6.36.180 - Security Measures.
- As an on-going condition of use, the applicant shall maintain a minimum of 2 on-site security guards during business hours and 1 on-site security guard during closed hours. 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.
- Installing security surveillance cameras of sufficient resolution to allow the identification of persons and objects to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. The commercial cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the Police Chief or designee(s), and that it is compatible with the City's software and hardware. In addition, remote access to the video footage from the cameras shall be provided to the Police Chief or designee(s). Video recordings shall be maintained for a minimum of ninety (90) days, or as required under state law, and shall be made available to the Police Chief or designee(s) upon request without unreasonable delay. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business. Prior to establishment of use the security video surveillance will also provide 360-degree coverage of the business and parking lot areas.
- Applicant shall cooperate with all legal requests from Tracy PD and any crimes shall be reported without delay.
- Prior to establishment of use, 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.
- Provide a list, with description and location of advisory signs to prevent underage people from entering the establishment.
- Provide updated list of customer parking only signage. Also provide signage for the parking lot to prevent loitering and storage of vehicles.
- Prior to establishment of use ensure trash containers and enclosures are locked and not accessible by the public.

**PROJECT INFORMATION**

ADDRESS: 775 W CLOVER RD, TRACY CA 95376  
 APN: 28418016  
 ZONING: GENERAL HIGHWAY COMMERCIAL (GHC)  
 CONSTRUCTION TYPE: TYPE V-B

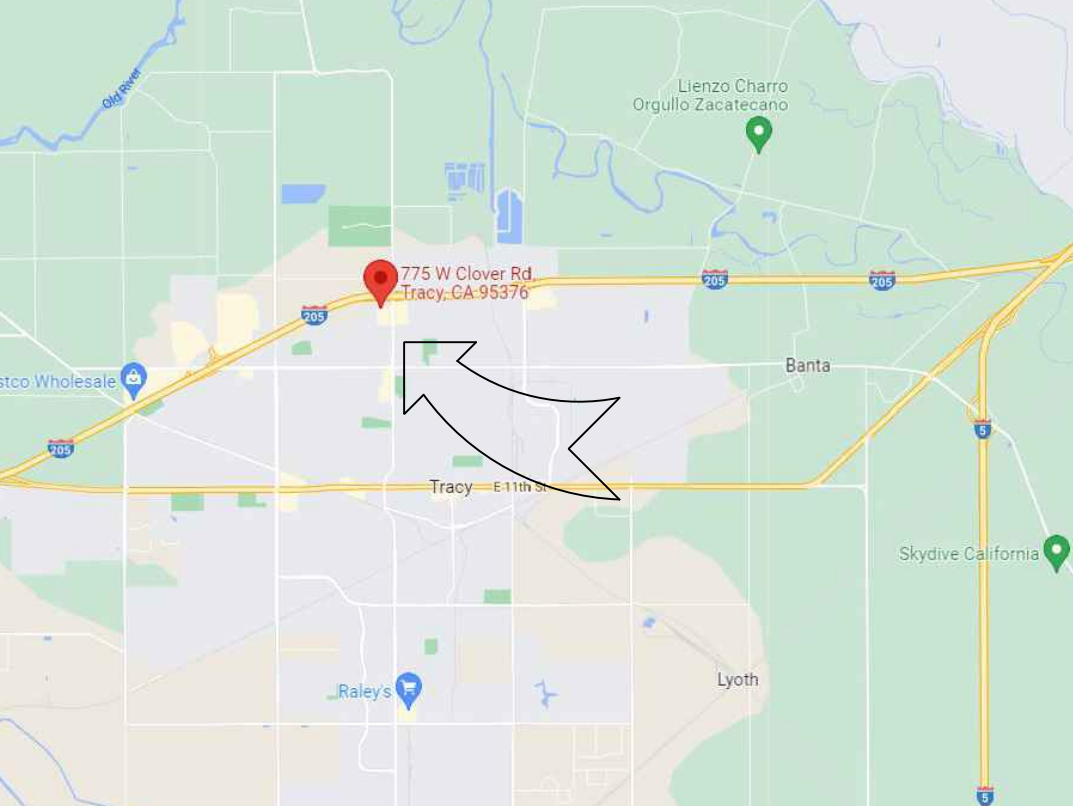
TOTAL BUILDING SF: 5,622 SF  
 TOTAL LOT SF: 60,450 SF (1.08 ACRES)  
 BUILDING COVERAGE: 9% EXISTING COVERAGE  
 HARDSCAPE COVERAGE: 30,899 (77%) EXISTING COVERAGE  
 LANDSCAPE COVERAGE: 14,053 (23%) EXISTING COVERAGE

PARKING: 1 SPACES / 250 SQF  
 TOTAL REQUIRED: 25 STALLS  
 TOTAL PROVIDED: 80 STALLS (INCLUDING 4 ACCESSIBLE)

**KEYNOTES**

- EXISTING PROPERTY LINE TO REMAIN
- EXISTING PARKING STALL TO REMAIN
- EXISTING ACCESSIBLE PARKING STALL TO REMAIN
- EXISTING ACCESSIBLE LOADING ZONE TO REMAIN
- EXISTING ACCESSIBLE PATH OF TRAVEL TO REMAIN
- EXISTING DRIVE AISLE TO REMAIN
- EXISTING DRIVEWAY TO REMAIN
- EXISTING BUILDING SIDEWALK TO REMAIN
- EXISTING PUBLIC SIDEWALK TO REMAIN
- EXISTING LANDSCAPE TO REMAIN
- EXISTING OUTDOOR PATIO AREA TO REMAIN
- EXISTING PATIO FENCE & GATE TO REMAIN
- EXISTING CHAIN LINK FENCE TO REMAIN
- EXISTING 8' X 40' STORAGE SHIPPING CONTAINER TO BE REMOVED
- EXISTING TRASH ENCLOSURE TO REMAIN
- EXISTING STORAGE ROOM TO REMAIN
- EXISTING PARKING LIGHT TO REMAIN
- EXISTING STREET LIGHT TO REMAIN
- EXISTING TRANSFORMER BOX TO REMAIN
- EXISTING STORM WATER DRAIN TO REMAIN
- EXISTING WATER METER TO REMAIN (V.I.F)
- EXISTING GAS METER TO REMAIN
- EXISTING TRASH CANS TO REMAIN
- EXISTING BIKE RACK TO REMAIN
- EXISTING MONUMENT SIGN TO REMAIN
- EXISTING FIRE HYDRANT TO REMAIN
- EXISTING BACKFLOW PREVENTOR TO REMAIN
- EXISTING WOODEN DECK TO REMAIN
- EXISTING ACCESSIBLE RAMP TO REMAIN
- EXISTING ACCESSIBLE SIGN POST TO REMAIN
- EXISTING PUBLIC RIGHT OF WAY FROM SIDEWALK TO REMAIN

**VICINITY MAP**

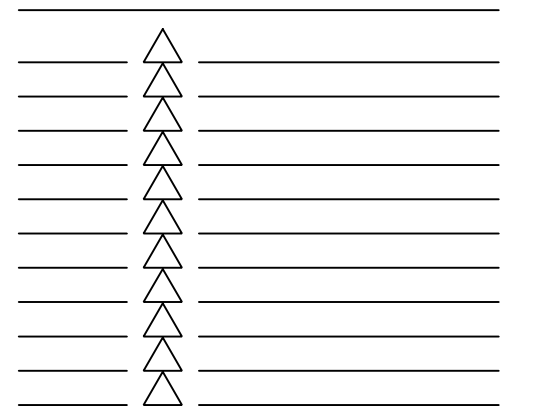


Consultant

**STIIZY**  
 775 W CLOVER RD,  
 TRACY, CA 95376

**EXISTING SITE PLAN**

CUP NUMBER:  
 Plan Check Number:



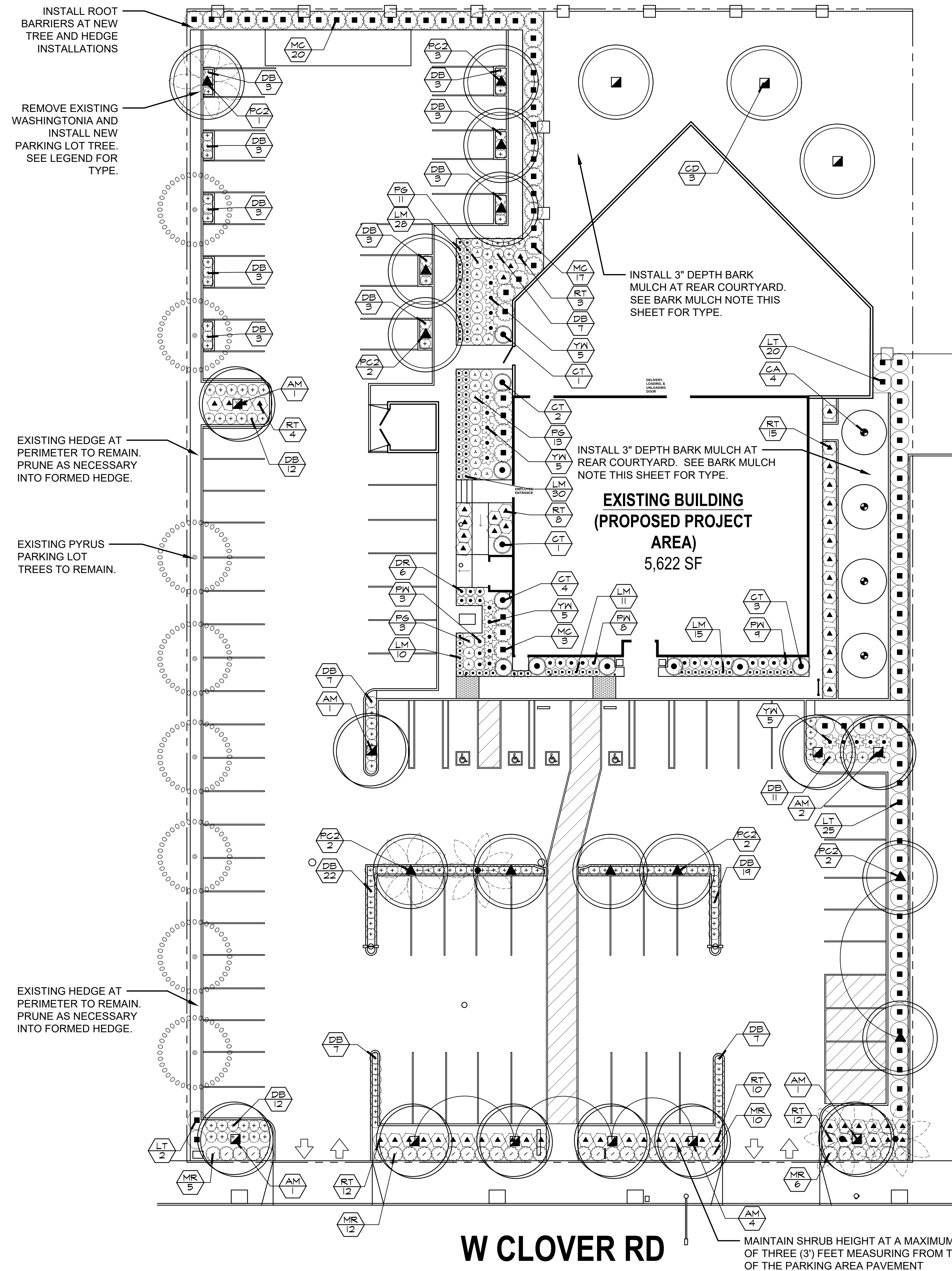
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**PLANT SCHEDULE**

| TREES  | CODE | BOTANICAL / COMMON NAME  | CONT     | CAL | PF  | QTY | REMARKS  |
|--------|------|--|----------|-----|-----|-----|--|
|        | AM   | Arbutus x 'Marina' / Marina Strawberry Tree Standard               | 24" Box  |     | L   | 10  |  |
|        | CD   | Cercidium x 'Desert Museum' / Desert Museum Palo Verde             | 36" Box  |     | VL  | 3   |  |
|        | CA   | Cotinus coggygia 'Atropurpurea' / Purple Smoke Tree                | 15 Gal.  |     | L   | 4   | Standard / High branching  |
|        | PC2  | Pyrus calleryana / Callery Pear                                    | 24" Box  |     | M   | 12  | Std. / High Branching - Species to match Existing Parking Lot Tree at Perimeter. |
|        | PC   | Pyrus Sp / Existing  | EXISTING |     |     | 8   | Existing Pyrus To remain.  |
|        | EX-P | Washingtonia robusta / Mexican Fan Palm                            | EXISTING |     |     | 5   | Existing Fan Palm to be Removed  |
| SHRUBS | CODE | BOTANICAL / COMMON NAME  | CONT     | PF  | QTY |     |  |
|        | CT   | Cupressus sempervirens 'Monshel' / Tiny Tower® Italian Cypress     | 15 Gal.  | M   |     | 11  |  |
|        | DR   | Dianella revoluta / Spreading Flax Lily                            | 1 Gal.   | L   |     | 6   |  |
|        | DB   | Diets bicolor 'African Gold' / Pure Gold Fortnight Lily            | 1 Gal.   | L   |     | 134 |  |
|        | LM   | Lavandula angustifolia 'Munstead' / Munstead English Lavender      | 1 Gal.   | L   |     | 95  |  |
|        | LT   | Ligustrum japonicum 'Texanum' / Texas Japanese Privet              | 15 Gal.  | L   |     | 47  |  |
|        | MR   | Muhlenbergia rigens / Deer Grass                                   | 1 Gal.   | L   |     | 33  |  |
|        | MC   | Myrtus communis / Common Myrtle                                    | 5 Gal.   | L   |     | 44  |  |
|        | YW   | Phormium x 'Yellow Wave' / Yellow Wave New Zealand Flax            | 5 Gal.   |     |     | 20  |  |
|        | PG   | Pittosporum tenuifolium 'Golf Ball' / Golf Ball Tawhiwhi           | 1 Gal.   | M   |     | 27  |  |
|        | PW   | Pittosporum tobira 'Wheeler's Dwarf' / Wheeler's Dwarf Pittosporum | 1 Gal.   | M   |     | 17  |  |
|        | RT   | Rosmarinus officinalis 'Tuscan Blue' / Tuscan Blue Rosemary        | 5 Gal.   | L   |     | 64  |  |



**ROOT BARRIER NOTE:**

ALL TREES AND HEDGES SHALL HAVE A ROOT BARRIER DEVICE INSTALLED ADJACENT TO HARDSCAPE AREAS. TREES WITH INVASIVE ROOT SYSTEMS AND SHOULD NOT BE INSTALLED.

**MULCH NOTE:**

ALL SHRUB AREAS TO RECEIVE BARK MULCH:  
1/2" - 1" FOREST FLOOR BARK MULCH (3" THICK)  
AVAILABLE THROUGH **AGUINAGA FERTILIZER COMPANY**.  
OR APPROVED EQUAL APPROVAL PRIOR TO INSTALLATION.

**PLANTING HEIGHT AT R.O.W. NOTE:**

SCREENING OF THE PARKING AREA FROM PUBLIC RIGHTS-OF-WAY SHALL BE PROVIDED AT A MINIMUM HEIGHT OF TWO AND ONE-HALF (2½) FEET AND A MAXIMUM HEIGHT OF THREE (3) FEET MEASURING FROM THE TOP OF THE PARKING AREA PAVEMENT

**PARKING LOT TREE REQUIREMENT CALCULATION:**

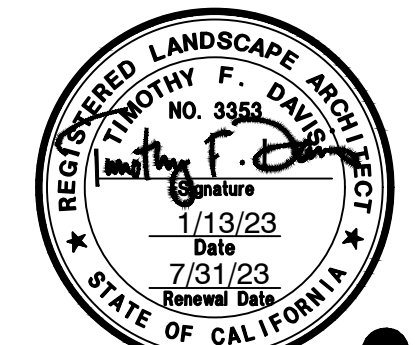
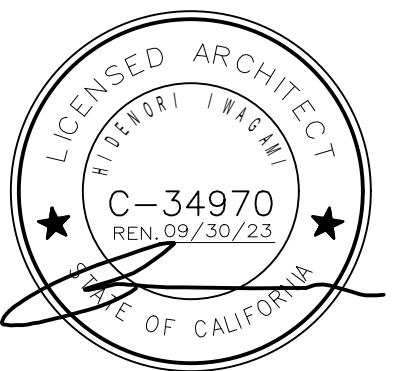
TREES PLANTED AT A MINIMUM RATE OF ONE TREE PER EACH FIVE (5) REQUIRED AUTO PARKING SPACES.  
87 STALLS / 5 = 18 TREES REQUIRED  
23 PARKING LOT TREES PROVIDED (8 EXISTING)

**TREES SHALL BE PLANTED NOT LESS THAN:**

20 FEET BACK OF BEGINNING OF CURB RETURNS AT INTERSECTIONS.  
20 FEET FROM LAMP STANDARDS.  
10 FEET FROM FIRE HYDRANTS.  
5 FEET FROM SERVICE WALKS AND DRIVEWAYS.



3 PETERS CANYON RD.  
IRVINE, CA. 92606

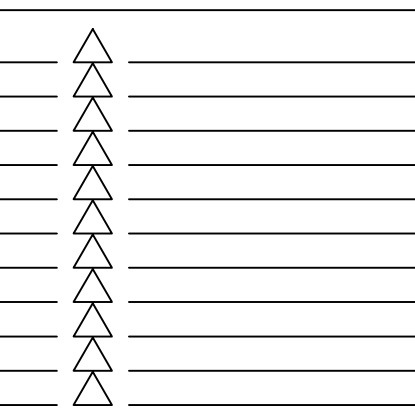


**Wda!**  
Wilson Davis Associates  
Landscape Architecture  
2825 Litchfield Dr.  
Riverside, CA 92503  
Ph.(951) 353-2436

**STILIZY**  
775 W CLOVER RD.  
TRACY, CA 95376

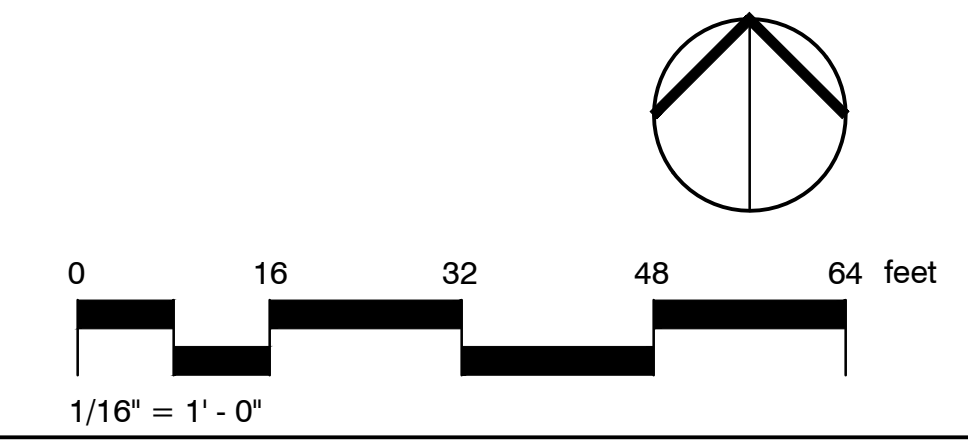
**PLANTING PLAN**

CUP NUMBER:  
Plan Check Number:  
1/13/23



S H E E T

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3 PETERS CANYON RD.  
IRVINE, CA. 92606

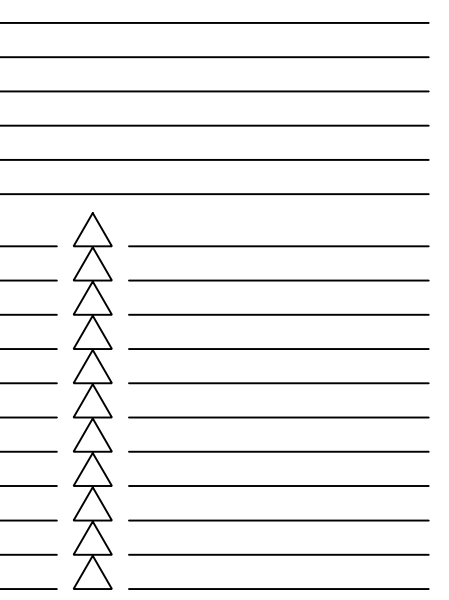


Consultant

**STIIZY**  
775 W CLOVER RD.  
TRACY, CA 95376

# SECURITY FIRE LIFE & SAFETY PLAN

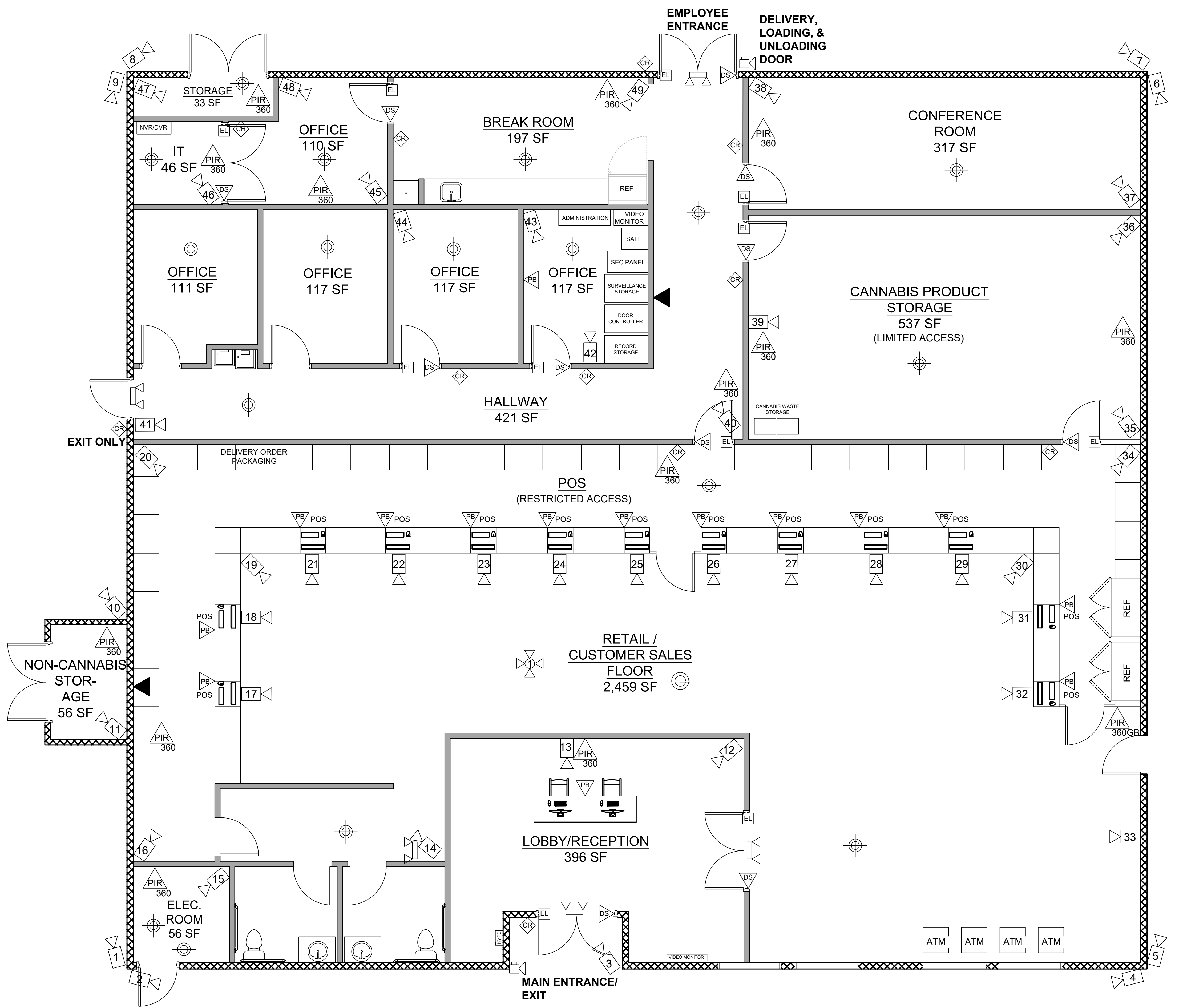
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Plan Check Number:



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## LEGEND

- EXISTING EXTERIOR WALL TO REMAIN
- PROPOSED NEW WALL
- 360 DEGREE SECURITY CAMERA FC-30 (1 TOTAL)
- SECURITY CAMERA (49 TOTAL)
- CEILING MOUNT PIR MOTION DETECTOR (13 TOTAL)
- CEILING MOUNT PIR MOTION DETECTOR W/ BUILT IN GLASS BREAK DETECTOR (1 TOTAL)
- EMERGENCY LIGHT
- ILLUMINATED EXIT SIGN WITH EMERGENCY LIGHT
- FIRE EXTINGUISHER (MIN. RATING: 3A:40B:C)
- PROXIMITY CARD READER (10 TOTAL)
- ELECTRONIC LOCKING DEVICE/ DOOR CONTACT/SENSOR (11 TOTAL)
- PANIC/HOLD-UP BUTTON (17 TOTAL)
- ALARM KEYPAD (1 TOTAL)
- 2-WAY MEGA SPEAKER (2 TOTAL)
- AUDIBLE ALARM (1 TOTAL)



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3 PETERS CANYON RD.  
IRVINE, CA. 92606

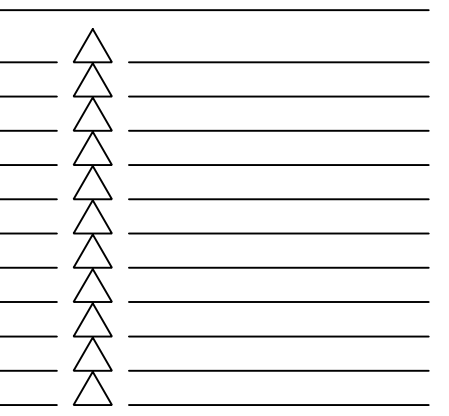


Consultant

**STIIZY**  
775 W CLOVER RD.  
TRACY, CA 95376

**EXTERIOR ELEVATIONS**

CUP NUMBER:  
Plan Check Number:  
CUP PLANS 08-25-2022



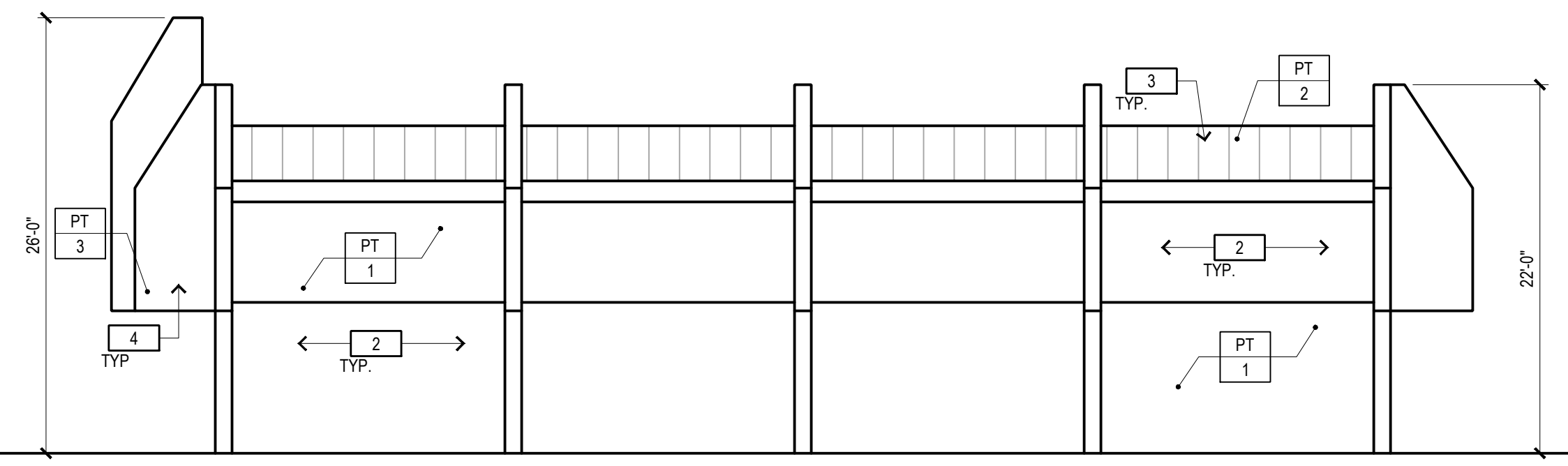
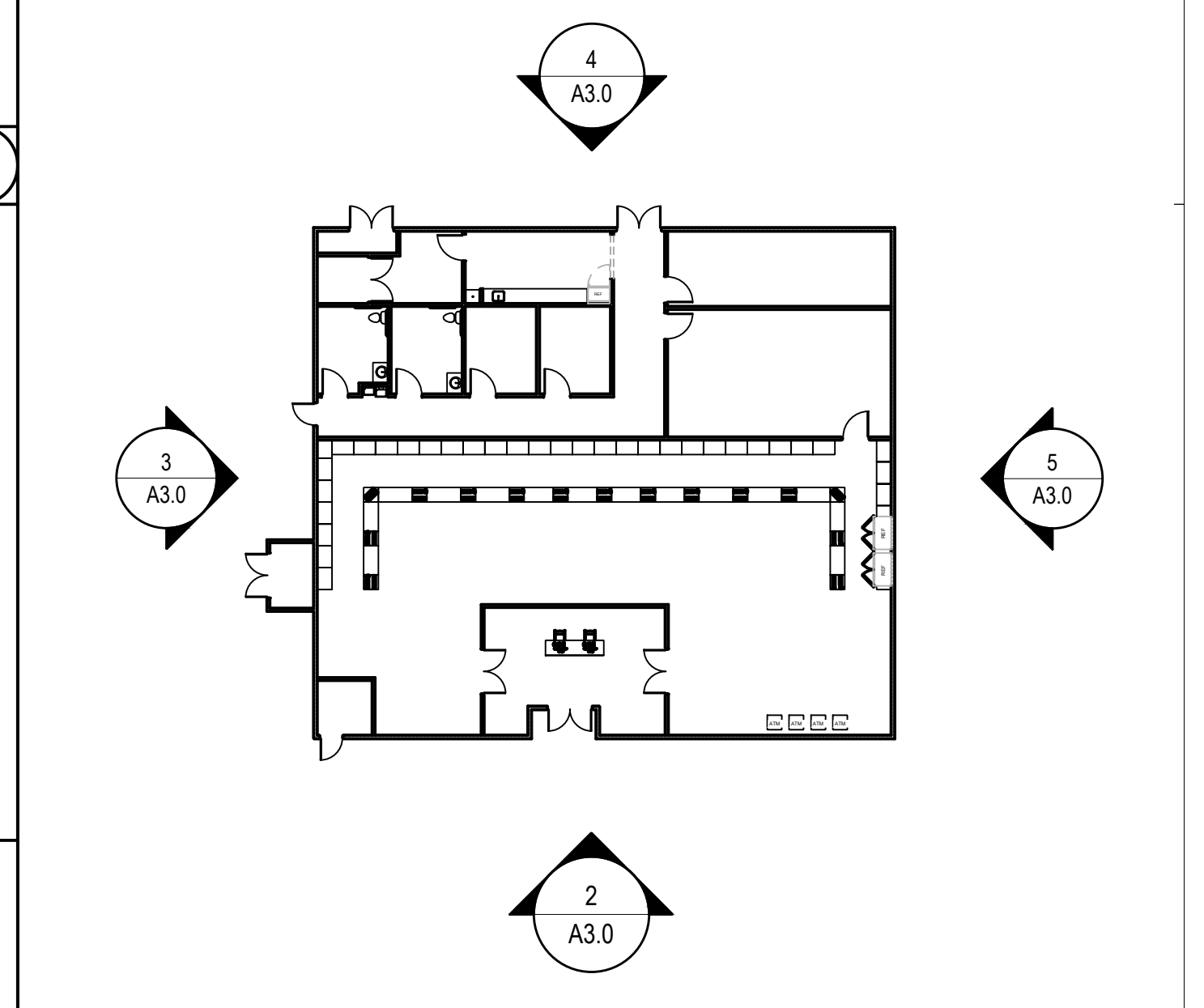
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**KEYNOTES**

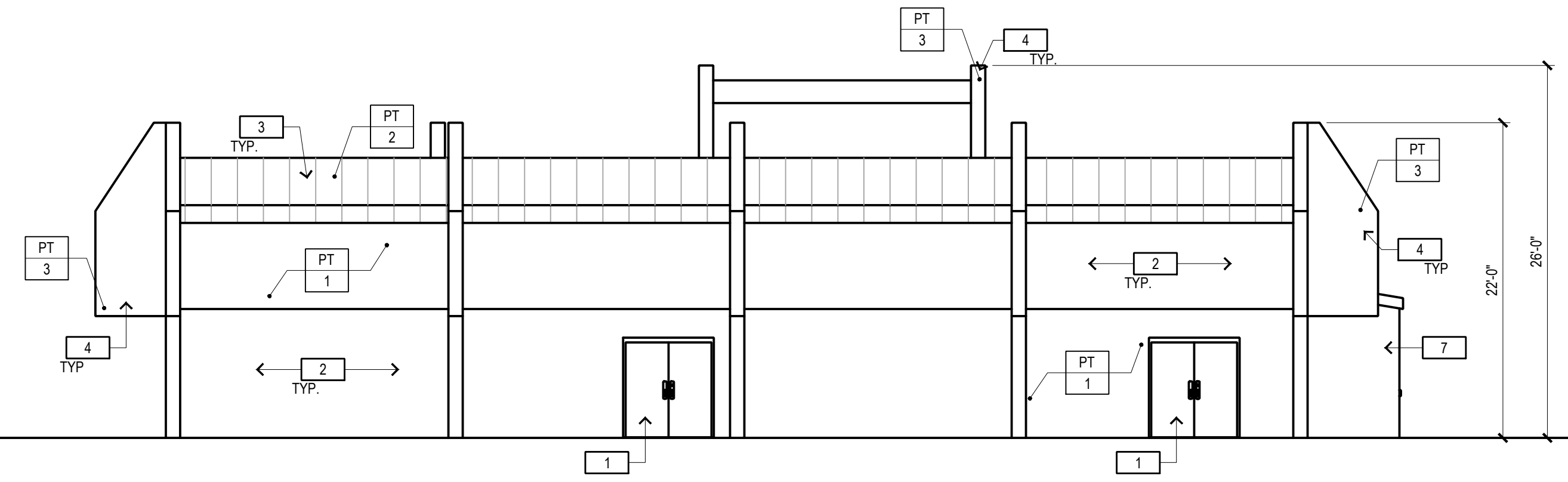
- 1 EXISTING DOOR TO REMAIN. PRIVACY FILM TO BE APPLIED. SEE MATERIALS SCHEDULE
- 2 EXISTING STUCCO TO BE REPAINTED. SEE MATERIALS SCHEDULE
- 3 EXISTING STANDING SEAM METAL ROOF TO BE PAINTED. SEE MATERIALS SCHEDULE
- 4 EXISTING RAISED PARAPET WITH METAL SIDING TO BE PAINTED. SEE MATERIALS SCHEDULE
- 5 EXISTING WALL SCONCE TO REMAIN
- 6 EXISTING GAS METER TO REMAIN
- 7 EXISTING STORAGE ROOM TO REMAIN
- 8 NEW SIGNAGE. UNDER SEPARATE PERMIT
- 9 NEW WINDOWS TO REMAIN. PRIVACY FILM TO BE APPLIED. SEE MATERIALS SCHEDULE

**MATERIALS SCHEDULE**

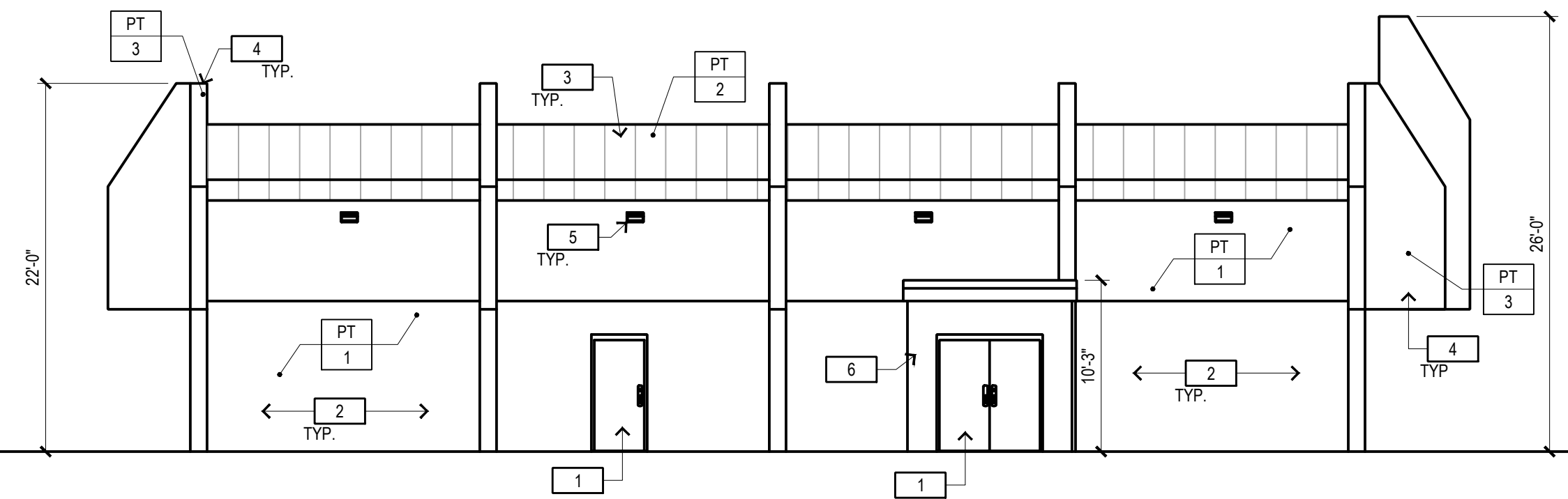
| Item # | Room     | Image | Description/Location            | Item                                  | FINISH      |
|--------|----------|-------|---------------------------------|---------------------------------------|-------------|
| PT-1   | Exterior |       | Paint @ EXTERIOR BUILDING WALLS | DUNN EDWARDS DEC791 CLOUD             | Eggshell    |
| PT-2   | Exterior |       | Paint @ RASIED PARAPET SIDING   | DUNN EDWARDS DE6385 BLACK DEAN        | Eggshell    |
| PT-3   | Exterior |       | Paint @ METAL ROOF              | DUNN EDWARDS DE6385 TRICORN BLACK     | Eggshell    |
| FM-01  | Exterior |       | WINDOW FILM                     | 3M FASARA GLASS MILKY MILKY DARK GRAY | FROST/MATTE |



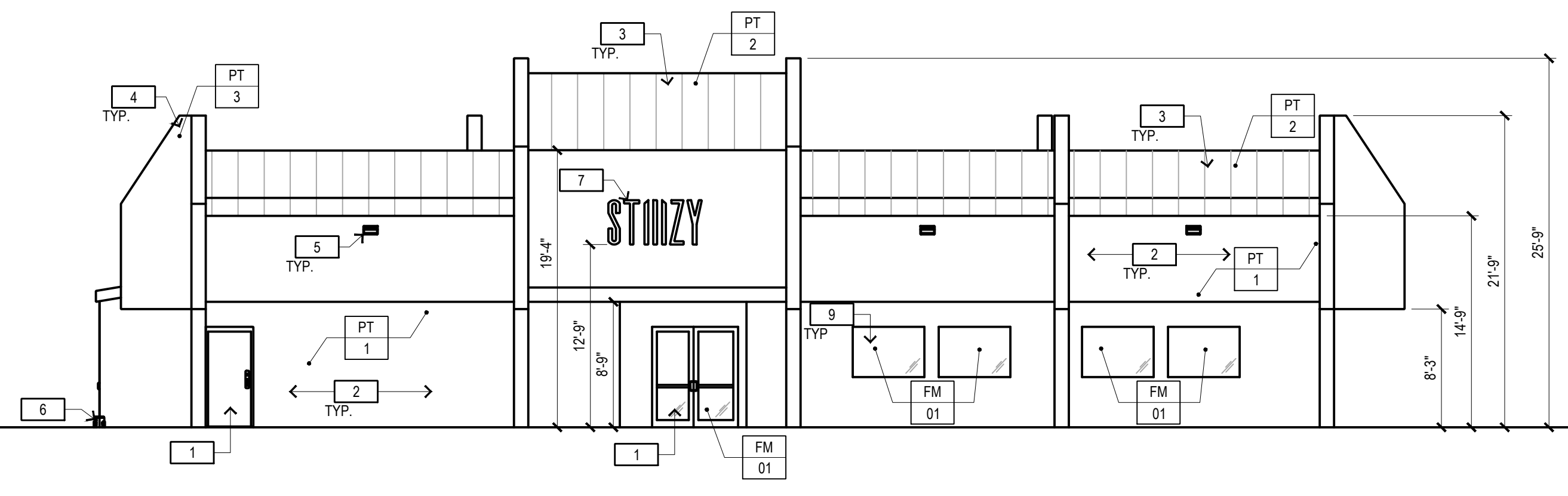
**EAST EXTERIOR ELEVATION** 1/8"=1'-0" 5



**SOUTH EXTERIOR ELEVATION** 1/8"=1'-0" 4



**WEST EXTERIOR ELEVATION** 1/8"=1'-0" 3



**SOUTH EXTERIOR ELEVATION** 1/8"=1'-0" 2

**ELEVATION KEY PLAN** 3/64" = 1'-0" 1

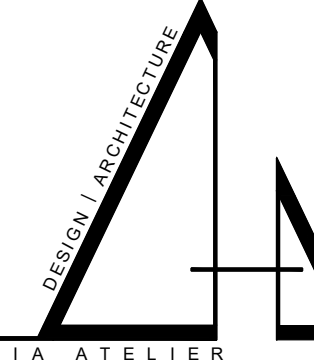
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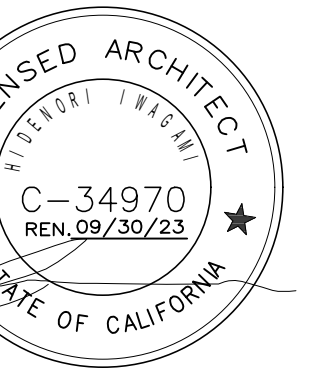






3 PETERS CANYON RD.  
IRVINE, CA. 92606

Seal

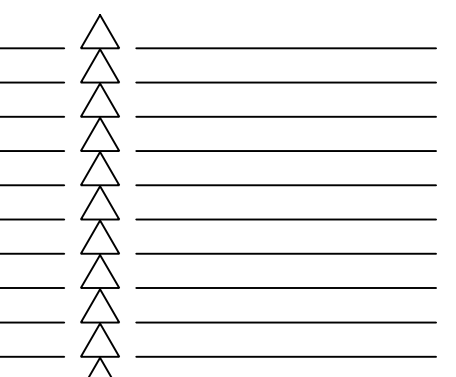


Consultant

**STIIZY**  
775 W CLOVER RD.  
TRACY, CA 95376

**RADIUS MAP (600')**

CUP NUMBER:  
Plan Check Number:  
CUP PLANS 08-25-2022

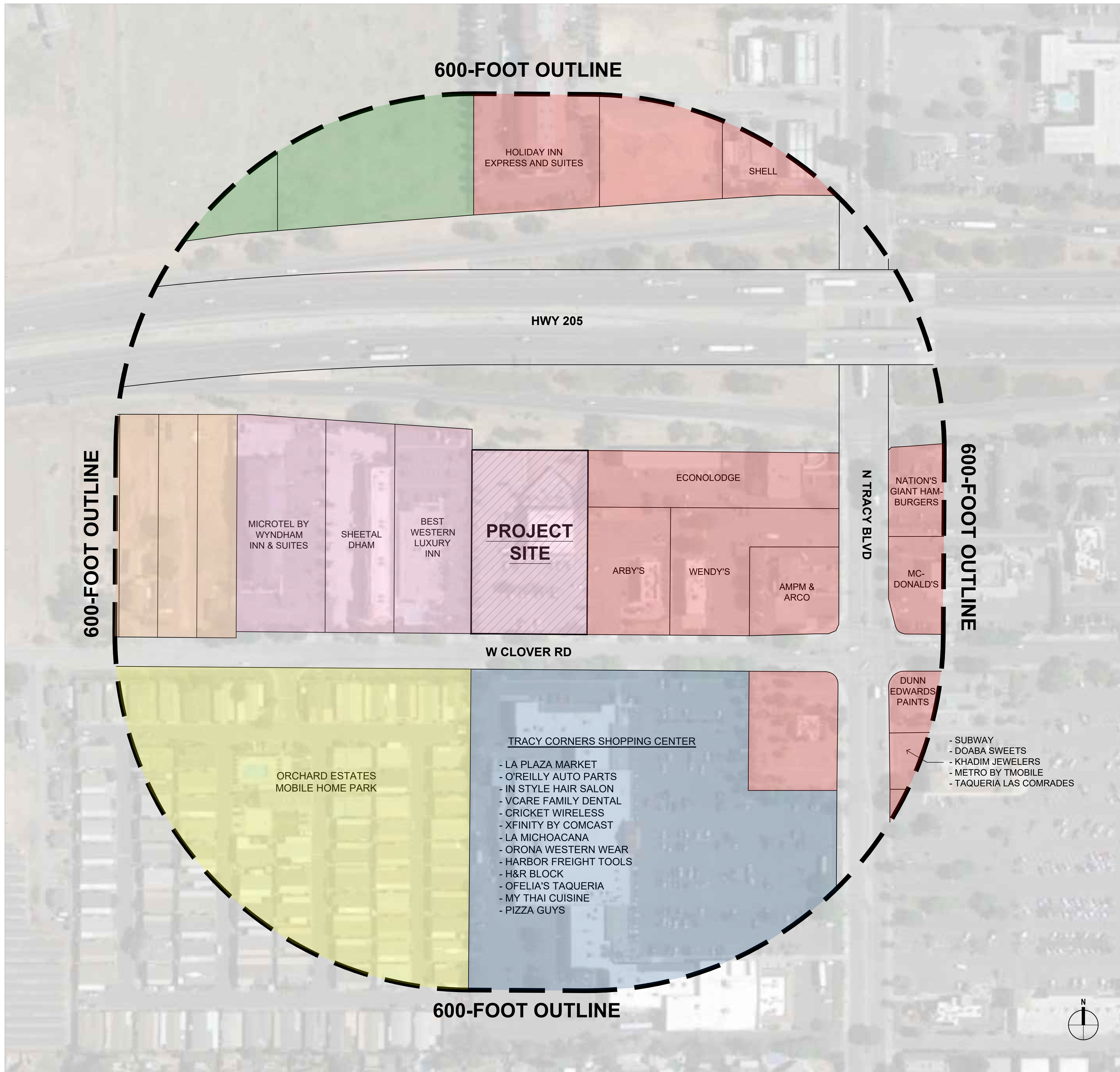


SHEET

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**ZONING**

- RMH (RESIDENTIAL MOBILE HOME)
- GHC (GENERAL HIGHWAY COMMERCIAL)
- HS (HIGHWAY SERVICE)
- CRS (COMMUNITY RECREATIONAL SUPPORT SERVICES)
- CS (COMMUNITY SHOPPING CENTER)
- R-1 (LOW DENSITY RESIDENTIAL)



**600-FOOT OUTLINE**

**HWY 205**

**600-FOOT OUTLINE**

**PROJECT SITE**

**W CLOVER RD**

**N TRACY BLVD**

**600-FOOT OUTLINE**

**600-FOOT OUTLINE**

TRACY CORNERS SHOPPING CENTER

- LA PLAZA MARKET
- O'REILLY AUTO PARTS
- IN STYLE HAIR SALON
- VCARE FAMILY DENTAL
- CRICKET WIRELESS
- XFINITY BY COMCAST
- LA MICHOCANA
- ORONA WESTERN WEAR
- HARBOR FREIGHT TOOLS
- H&R BLOCK
- OFELIA'S TAQUERIA
- MY THAI CUISINE
- PIZZA GUYS

- SUBWAY
- DOABA SWEETS
- KHADIM JEWELERS
- METRO BY TMOBILE
- TAQUERIA LAS COMRADES



**RADIUS MAP (600')**

1" = 80' - 0"

**1**

APPROVED AS TO FORM AND LEGALITY

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

**TRACY PLANNING COMMISSION**

**RESOLUTION NO. \_\_\_\_\_**

---

- 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0017) FOR A CANNABIS DISPENSARY AT 775 W. CLOVER RD.; AND**
- 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15301.**

**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**, Authentic Tracy LLC, Inc. (STIIIZY) was awarded a Cannabis Business Permit (application number CBPA20-0001) by the Tracy Police Chief on March 3, 2022, pursuant to the requirements set forth in Chapter 6.36; and

**WHEREAS**, The applicant submitted a Cannabis Conditional Use Permit application to operate a storefront cannabis dispensary in an existing building located at 775 W. Clover Rd. on November 3, 2022; and

**WHEREAS**, The subject site is designated Commercial in the Tracy General Plan and zoned General Highway Commercial (GHC), 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**, 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 (CUP22-0017) for a cannabis dispensary at 775 W. Clover Rd.; 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 (CUP22-0017) for a cannabis dispensary at 775 W. Clover Rd., subject to the Conditions of Approval contained in Attachment 1.

\*\*\*\*\*

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

AYES: COMMISSION MEMBERS:  
NOES: COMMISSION MEMBERS:  
ABSENT: COMMISSION MEMBERS:  
ABSTAIN: COMMISSION MEMBERS:

\_\_\_\_\_  
CHAIR

ATTEST:

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

**City of Tracy  
Conditional Use Permit Findings  
Application Number CUP22-0017**

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 Commercial land use designation of the Tracy General Plan and the GHC 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**  
Authentic Tracy LLC Storefront Cannabis Dispensary  
Application Number CUP22-0017

**A. General Provisions and Definitions.**

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

The Project: Authentic Tracy LLC Storefront Cannabis Dispensary, Conditional Use Permit Application Number CUP22-0017

The Property: 775 W. Clover Rd., APN 214-180-16

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 January 19, 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. CBPA20-0001, 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: Kenny Lipich (209) 831-6443 [kenneth.lipich@cityoftracy.org](mailto:kenneth.lipich@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.
- B.6. Prior to the approval of a building permit, the applicant shall submit detailed landscape and irrigation plans consistent with the Department of Water Resources' Water Efficient Landscape Ordinance to the satisfaction of the Development Services Director.
- B.7. Prior to the issuance of a building permit, the Developer shall execute a two-year landscape and irrigation maintenance agreement and submit financial security, such as a performance bond, to ensure the success of all on-site landscaping for the term of the agreement. The security amount shall be equal to \$2.50 per square foot of the landscaped area or equal to the actual labor and material installation cost of all on-site landscaping and irrigation.

**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.2.1. 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.2.2. 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. Applicant shall install security surveillance cameras of sufficient resolution to allow the identification of persons and objects to monitor all entrances and exits to and from the

premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur.

- C.3.1. Applicant shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the Police Chief or designee(s), and that it is compatible with the City's software and hardware.
- C.3.2. Applicant shall provide remote access to the video footage from the cameras to the Police Chief or designee(s). Video recordings shall be maintained for a minimum of ninety (90) days, or as required under state law, and shall be made available to the Police Chief or designee(s) upon request without unreasonable delay. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business.
- C.3.3. Prior to establishment of use applicant shall have security video surveillance will also provide 360-degree coverage of the business and parking lot areas.
- C.4. 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.5. The applicant shall cooperate with all legal requests from Tracy PD and any crimes shall be reported without delay.
- C.6. The applicant shall ensure trash containers and/or enclosures are locked and not accessible by the public.
- C.7. 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.8. 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. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
- C.2.3. 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.

C.2.4. Deferred submittals for any fire alarm or fire sprinkler system modifications shall be listed on the coversheet. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.

D.2. Knox box, if not already on this building, shall be required. The tenant shall have keys placed in the Knox box. 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 shall be secured in the key box. (Knox boxes can be tied into a security system via a tamper device that can be installed inside the Knox Box.)

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

Contact: Jesse Canright (209) 831-6412 [jesse.canright@cityoftracy.org](mailto:jesse.canright@cityoftracy.org)

E.1. At time of building permit application, applicant shall address any fire and life safety items per CBC chapter 9 due to an occupancy change.

E.2. At time of building application, the applicant shall provide a completed City of Tracy Accessibility Budget Calculation Form.

E.3. At time of building permit application, applicant shall provide a complete egress plan per CBC chapter 10.

E.4. Prior to construction of any structures, applicant must submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable.

PAID  
\$2,969.00

Attachment B

RECEIVED  
December 7, 2023  
City of Tracy  
Development Services



EXT23-0007

DEVELOPMENT APPLICATION

City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

DEVELOPMENT &  
ENGINEERING SERVICES

MAIN 209.831.6400  
FAX 209.831.6439  
www.ci.tracy.ca.us

PROPERTY OWNER INFORMATION

| Property Owners                           | Address             | City         | Zip        |
|---|---------------------|--------------|------------|
| United Holding Group LLC / Rajwinder Kaur | 1852 W 11th ST #101 | Tracy        | 95376      |
| Email                                     |                     | Phone Number | Fax Number |

| Applicant (If different than above) | Address             | City         | Zip        |
|-------------------------------------|---------------------|--------------|------------|
| Authentic Tracy LLC/ Cyrus Pai      | 728 E Commercial St | Los Angeles  | 90012      |
| Email                               |                     | Phone Number | Fax Number |

PROJECT INFORMATION

Street Address & Location (Be specific)  
775 W Clover Rd, Tracy, CA

Assessors Parcel Number(s)  
21418016

Existing Use of Property  
Existing 5,622 SF Building previously used as a Casino and now Vacant.

Provide a Brief Description of Project/Proposal  
Authentic Tracy LLC is requesting an extension to the previously approved Conditional Use Permit for a storefront cannabis dispensary. Authentic Tracy LLC has been dilligently pursuing building permits and anticipates permit being issued shortly after addressing minor comments from the police department that were just received on 12/6/23.

The City wants this review process to be successful for you. On page 2 of this form, please describe specific requests or suggestions to help us meet your needs as we work together on your project.

PROPERTY OWNER STATEMENT:

I hereby authorize Authentic Tracy LLC, and any authorized representative thereof, to act as my agent in all matters related to the subject application(s) and recognize that the City of Tracy will rely in good faith upon assurances and commitments made by the above referenced agent in the course of reviewing requests for entitlements submitted on my behalf.

Property Owner Signatures:

1. [Signature] 2. \_\_\_\_\_  
 3. \_\_\_\_\_ 4. \_\_\_\_\_

APPLICANT STATEMENT:

I, Cyrus Pai, hereby certify that to the best of my knowledge the foregoing application contains information which is accurate and truthful and that my failure to supply such information as requested may jeopardize the validity of any entitlements granted or may result in the inability of the City to complete review requested herein.

Applicant Signature: [Signature] Date: 12/7/23

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 AUTHENTIC TRACY LLC'S RENEWAL OF CONDITIONAL USE PERMIT (CUP22-0017);**
  - 2. APPROVING A RENEWAL (EXT23-0007) OF CONDITIONAL USE PERMIT CUP22-0017 FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 775 W. CLOVER RD., APN: 214-180-16 TO DECEMBER 8, 2024; AND**
  - 3. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, Authentic Tracy, LLC (Applicant) was awarded a Cannabis Business Permit (Application Number CBPA20-0001) on June 21, 2021, by the Tracy Police Chief, which is valid until March 3, 2024 and on February 28, 2024, the Tracy Police Chief extended the Cannabis Business Permit to March 3, 2025; and

**WHEREAS**, the Applicant was granted a Conditional Use Permit (CUP) (Application Number CUP22-0017) to establish a cannabis dispensary at 775 W. Clover Road 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 7, 2023, the Applicant submitted an application requesting additional time to establish the use; and

**WHEREAS**, the subject property is designated Commercial in the Tracy General Plan and zoned General Highway Commercial, wherein cannabis dispensaries are conditionally permitted; and

**WHEREAS**, the Applicant proposes no changes to the project from that which was approved under CUP22-0017; and

**WHEREAS**, the Applicant has demonstrated good cause for an extension based on hardships derived from receiving corrections from the City on Building Permit COM23-0246 on December 6, 2023, two months after building permit review was sent out for comments; and the Applicant has addressed the remaining corrections and Building Permit is ready to be issued pending CUP renewal; and

**WHEREAS**, December 8, 2024 is a reasonable date for the CUP renewal because it gives them sufficient time to obtain a Building Permit and diligently pursue construction until completion; and

**WHEREAS**, the Planning Commission conducted a public hearing to review and consider the project on March 27, 2024; now, therefore, be it

**RESOLVED:** That the Planning Commission for the City of Tracy 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, and be it further

**RESOLVED:** That the Planning Commission finds good cause for granting Applicant's request for renewal of Conditional Use Permit CUP22-0017 (Application Number EXT23-0007) 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 December 8, 2024 for the renewed Conditional Use Permit CUP22-0017 (Application Number EXT23-0007) pursuant to Tracy Municipal Code Section 10.08.4360 and the finding that such expiration date is reasonable.

\*\*\*\*\*



The foregoing Resolution 2024-\_\_\_\_\_ was adopted by the Planning Commission on March 27, 2024, by the following vote:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTENTION: COMMISSION MEMBERS:

\_\_\_\_\_  
CHAIR

ATTEST:

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

Exhibit 1 – Project Findings

Exhibit 2 – Project Conditions of Approval

**City of Tracy**  
**Authentic Tracy LLC (STIIIZY) CUP22-0017**  
**Conditional Use Permit Findings**  
**Application Number EXT23-0007**  
**Planning Commission – March 27, 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 General Highway Commercial Zone as required by the Tracy Municipal Code. The proposed project meets the intent of the General Highway Commercial 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 receiving corrections from Police Department on Building Permit COM23-0246 on December 6, 2023, two months after building permit review was sent out for comments. The applicant has addressed the remaining Police Department corrections and Building Permit is ready to be issued pending CUP renewal. 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**  
Authentic Tracy LLC Storefront Cannabis Dispensary  
Application Number CUP22-0017/EXT23-0007  
Planning Commission – March 27, 2024

**A. General Provisions and Definitions.**

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

The Project: Authentic Tracy LLC Storefront Cannabis Dispensary, Conditional Use Permit Application Number CUP22-0017

The Property: 775 W. Clover Rd., APN 214-180-16

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, applying for a conditional use permit.
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- 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 January 19, 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.
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## **B. Development Services Department, Planning Division Conditions**

Contact: Kenny Lipich (209) 831-6443 [kenneth.lipich@cityoftracy.org](mailto:kenneth.lipich@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).
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**C. Tracy Police Department Conditions**

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

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- C.3. Applicant shall install security surveillance cameras of sufficient resolution to allow the identification of persons and objects to monitor all entrances and exits to and from the

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E.1. At time of building permit application, applicant shall address any fire and life safety items per CBC chapter 9 due to an occupancy change.

E.2. At time of building application, the applicant shall provide a completed City of Tracy Accessibility Budget Calculation Form.

E.3. At time of building permit application, applicant shall provide a complete egress plan per CBC chapter 10.

E.4. Prior to construction of any structures, applicant must submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable.