

Wednesday, May 24, 2023, 7:00 P.M.

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

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

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

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

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

**Remote Public Comment:**

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

- *Comments via:*
  - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following
  - **Event Number: 2552 387 5749** 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,, 25523875749#75266464# **Press \*3** to raise the hand icon to speak on an item.
  
- *Protocols for commenting via WebEx:*
  - *If you wish to comment on the "New Business" or "Items from the Audience" portions of the agenda:*
    - *Listen for the Chair to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
    - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
  - *Comments for the "New Business" or "Items from the Audience" portions of the agenda will be accepted until the public comment for that item is closed.*

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

**Americans With Disabilities Act** – The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate

in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

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

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

**Notice** – A 90-day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

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

MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

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

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

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

- 1.C STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0017) FOR A CANNABIS DISPENSARY AT 775 W. CLOVER RD.; AND 2.

DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15301. THE APPLICANT IS CYRUS PAI REPRESENTING STIIIZY'S (AUTHENTIC TRACY, LLC) AND THE PROPERTY OWNER IS UNITED HOLDING GROUP, LLC.

- 1.D STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0007) FOR A CANNABIS DISPENSARY AT 22 E. TENTH STREET, APN 235-170-20; AND 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS INSIDE THE CULTURE TRIANGLE, INC. AND THE PROPERTY OWNER IS ALHUSUN, LLC.
  
- 1.E STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0013) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 60 & 72 E. TENTH STREET, APNS 235-172-04 & 05; 2. APPROVING A DEVELOPMENT REVIEW PERMIT (D22-0030) FOR MODIFICATIONS TO THE BUILDING FAÇADE AND PARKING AREA; AND 3. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT THE APPLICANT IS MANZANITA OF TRACY, LLC AND THE PROPERTY OWNERS ARE RICHARD AND SUSAN MOE.
  
- 1.F STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION FINDING, PURSUANT TO GOVERNMENT CODE SECTIONS 65103(C) AND 65401, THAT THE CITY OF TRACY'S CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2023/2024 THROUGH FISCAL YEAR 2027/2028 IS CONSISTENT WITH THE GENERAL PLAN.

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

Posted: May 18, 2023

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  
APRIL 26, 2023, 7:00 P.M.  
CITY OF TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

Commissioner Atwal, Acting Chair, called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Commissioner Atwal, Acting Chair, led the pledge of allegiance.

**ROLL CALL**

Roll Call found Commissioner Atwal, Acting Chair, Commissioner Augustus, and Commissioner Boakye-Boateng present. Vice Chair Orcutt and Chair Hudson were not present at the time of roll call. Also present were: Victoria Lombardo, Senior Planner; Kimberly Matlock, Associate Planner; Nancy Ashjian, Assistant City Attorney; Al Gali, Associate Engineer; and Miranda Aguilar, Administrative Assistant.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

None.

**MINUTES**

Commissioner Atwal, Acting Chair, introduced the Regular Meeting Minutes from the April 12, 2023 meeting.

**ACTION:** It was moved by Commissioner Augustus and seconded by Commissioner Boakye-Boateng to approve the April 12, 2023 Planning Commission Regular meeting minutes. A voice vote found Commissioner Atwal, Acting Chair, Commissioner Augustus, and Commissioner Boakye-Boateng in favor; Vice Chair Orcutt and Chair Hudson absent. Passed and so ordered; 3-0-2-0.

**ITEMS FROM THE AUDIENCE**

Karen Moore, via Webex, wanted to remind everyone that Tracy Earth Day is this Saturday in Downtown Tracy on 9<sup>th</sup> and Central.

**1. NEW BUSINESS**

- A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: 1) APPROVING A DEVELOPMENT REVIEW PERMIT FOR A NEW HOTEL DEVELOPMENT (EXTENDED STAY AMERICA TRACY) SOUTH OF I-205 AND NORTH OF THE INTERSECTION OF GRANT LINE ROAD AND JOE POMBO PARKWAY ON APN 214-020-40; AND 2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS STACIE QUOI AND**

**THE PROPERTY OWNER IS TRACY ORCHARD PLAZA L.P., APPLICATION NUMBER D22-0020.**

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

Derek Karimoto, Civil Engineer for the Project, addressed the commission.

Commissioner Atwal, Acting Chair, opened Public Hearing at 7:10 p.m.

Karen Moore, via Webex, inquired about whether the Project would be 100% electrical and whether it would be using solar.

Commissioner Boakye-Boateng inquired of any concerns regarding the Project's proximity to the freeway.

Kimberly Matlock, Associate Planner, clarified that there is no specific concern regarding the proximity, but it is Commission's request to review projects that are within a certain proximity of the freeway.

Commissioner Augustus expressed that he would also like to know the answer to the questions regarding electricity and solar.

Derek Karimoto, Civil Engineer, advised the Project will use gas for the water boilers and dryers and will have solar on the roof.

Commissioner Atwal, Acting Chair, closed Public Hearing at 7:14 p.m.

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

- 1) Approving a development review permit for a new hotel development (Extended Stay America Tracy) South of I-205 and North of the intersection of Grant Line Road and Joe Pombo Parkway on APN 214-020-40; and
- 2) Determining that this project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332.

A roll call vote found Commissioner Atwal, Acting Chair, Commissioner Augustus, and Commissioner Boakye-Boateng in favor; Vice Chair Orcutt and Chair Hudson absent. Passed and so ordered; 3-0-2-0.

**2. ITEMS FROM THE AUDIENCE**

None.

**3. DIRECTOR'S REPORT**

None.

**4. ITEMS FROM THE COMMISSION**

None.

**5. ADJOURNMENT**

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

A voice vote found Commissioner Atwal, Acting Chair, Commissioner Augustus, and Commissioner Boakye-Boateng in favor; Vice Chair Orcutt and Chair Hudson absent. Passed and so ordered; 3-0-2-0.

Time: 7:16 p.m.

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ACTING CHAIR

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STAFF LIAISON

May 24, 2023

Agenda Item 1.A

**THIS ITEM IS REMOVED FROM THE AGENDA AND WILL BE RE-NOTICED FOR ANOTHER DATE**

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

Agenda Item 1.B

RECOMMENDATION

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

- 1. APPROVING A SIX-MONTH RENEWAL (EXT23-0001) OF THE CONDITIONAL USE PERMIT FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2179 W. GRANT LINE ROAD (ASSESSOR'S PARCEL NUMBERS 214-560-02 & 214-560-03), APPLICATION NUMBER CUP21-0008; AND**
- 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**THE APPLICANT IS DOCTOR'S CHOICE MODESTO, LLC AND THE PROPERTY OWNER IS KM REALTY, LLC, APPLICATION NUMBER EXT23-0001.**

EXECUTIVE SUMMARY

On April 13, 2022, the Planning Commission granted a Cannabis Conditional Use Permit (CUP) to operate the Doctor's Choice Cannabis Dispensary, which was set to expire on April 28, 2023. The applicant has requested a renewal of the CUP to establish the use.

BACKGROUND, LEGISLATIVE HISTORY AND ANALYSIS

On April 13, 2022, the Planning Commission approved Conditional Use Permit CUP21-0008 for a cannabis dispensary at 2179 W. Grant Line Road (Attachment A). Pursuant Tracy Municipal Code Section 10.08.4350, conditional use permits allow applicants a period of six months to establish the use; however, CUP21-0008, which took effect on April 28, 2022, was granted a time limit of one year for the use to be established in accordance with TMC Section 10.08.4360 to allow the applicant additional time needed to secure other requirements for their cannabis business, such as State licensing, background checks, and a community benefit agreement.

The use has not since been established, with the applicant stating the reasons for the delay being related to State cannabis application processes and other regulatory applications. The CUP was set to expire on April 28, 2023; however, on April 6, 2023, the applicant submitted an application requesting an additional year to establish the use in accordance with Tracy Municipal Code (TMC) Section 10.08.4350, which states that a conditional use permit may be renewed for an additional period of six (6) months or for a greater period, as prescribed in Section 10.08.4360, provided that, prior to the expiration of the time period granted, an application for the renewal of the use permit is filed with the Commission.

The Commission has the authority to grant or deny an application for the renewal of a use permit. If granted, the CUP would not set to expire until October 28, 2023.

The applicant has indicated that he has been working on completing the remaining requirements of his Cannabis Business Permit and State licensing. The applicant proposes no changes to the project from what was approved under CUP21-0008 on April 13, 2023. Staff recommends the Planning Commission grant the CUP a six-month renewal and carry over the

conditions of approval from CUP21-0008 as described in Attachment B in accordance with TMC Section 10.08.4350.

### PUBLIC OUTREACH/ INTEREST

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

### CEQA DETERMINATION

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations 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:**

- 1. APPROVING A SIX-MONTH RENEWAL (EXT23-0001) OF THE CONDITIONAL USE PERMIT FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2179 W. GRANT LINE ROAD (ASSESSOR'S PARCEL NUMBERS 214-560-02 & 214-560-03), APPLICATION NUMBER CUP21-0008; AND**
- 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

Prepared by: Kimberly Matlock, Associate Planner

Reviewed by: Alan Bell, Senior Planner  
Bill Dean, Assistant Development Services Director

Approved by: Jaylen French, Development Services Director

### ATTACHMENTS

Attachment A – CUP21-0008 (Plans, Staff Report, Resolution and Conditions of Approval)

Attachment B -- Planning Commission Resolution

Exhibit 1 – Findings

Attachment 1 – Conditions of Approval

April 13, 2022

## AGENDA ITEM 1.B

REQUEST

**PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2179 W. GRANT LINE ROAD (ASSESSOR'S PARCEL NUMBERS 214-560-02 & 214-560-03) - APPLICANT IS DOCTOR'S CHOICE MODESTO, LLC AND THE PROPERTY OWNER IS KM REALTY, LLC - APPLICATION NUMBER CUP21-0008.**

DISCUSSIONBackground

California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions. On December 3, 2019, the City Council of the City of Tracy adopted Ordinance 1277 (Tracy Municipal Code (TMC) Chapter 6.36) establishing regulations for commercial cannabis activity in the City of Tracy and Ordinance 1278 (TMC Section 10.08.3196) establishing zoning and locational requirements on commercial cannabis activity in Tracy.

On September 30, 2020, Doctor's Choice Modesto, LLC submitted an application for a Cannabis Business Permit. 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 personnel. Following review and deeming the application eligible, the Committee forwarded this application to the Police Department for final review and determination. On June 21, 2021, the Tracy Police Chief awarded a Cannabis Business Permit (application number CBPA20-0020) to Doctor's Choice Modesto, LLC. The Cannabis Business Permit approves the permittee's business and operations plan, community relations plan, safety and security plan, social equity plan, and community benefits proposal. In addition to the requirements of the Cannabis Business Permit established in, the proposed use must also meet the zoning requirements applicable to cannabis dispensaries, including obtaining a conditional use permit. On October 11, 2021, the permit awardee submitted a conditional use permit application to establish a cannabis storefront retailer (dispensary) at 2179 W. Grant Line Road, a site zoned General Highway Commercial and wherein cannabis dispensaries are a conditionally permitted use.

Project Description

The applicant proposes to operate a cannabis dispensary consisting of packaged cannabis products and accessories 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. According to City records as of the date of publication of this staff report, the subject site is over 600 feet away from a school, day care center, or youth center, as required by the TMC Section 10.08.3196. The use will be wholly indoors, and no portion of the use will take place outdoors, including the adjacent outdoor patio. As shown in Attachment A, the proposed use will

have a lobby wherein age verification will be conducted prior to permitting the customer into the retail area and a vault where cannabis products are stored, as required by TMC Chapter 6.36. The applicant proposes to operate from 6:00 am to 10:00 pm, as permitted by State law. As described in the recommended conditions of approval, onsite security will include two armed guards during business hours and one armed guard during closed hours as well as a video surveillance system.

The cannabis dispensary will operate in a similar manner as a retail store, which is complementary of the commercial area encompassing project vicinity. Because all cannabis products are packaged, no odors or smells will emanate from the dispensary. The applicant proposes some interior tenant improvements as shown in the floor plan, and no exterior modifications are proposed as part of the project. No onsite cultivation or alcohol sales are a part of this use.

#### Environmental Document

The proposed project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, pertaining 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.

#### RECOMMENDATION

Staff recommends the Planning Commission approve a conditional use permit for a cannabis storefront retailer (dispensary) at 2179 W. Grant Line Road, based on the findings contained in the Planning Commission Resolution dated April 13, 2022.

#### SUGGESTED MOTION

Move that the Planning Commission approve a conditional use permit for a cannabis storefront retailer (dispensary) at 2179 W. Grant Line Road, based on the findings contained in the Planning Commission Resolution dated April 13, 2022.

Prepared by: Kimberly Matlock, Associate Planner

Reviewed by: Scott Claar, Senior Planner

Approved by: Bill Dean, Assistant Development Services Director

#### ATTACHMENTS

Attachment A – Vicinity Map, Site Plan, and Floor Plan received on October 11, 2021  
Attachment B – Planning Commission Resolution  
Exhibit 1 – Conditions of Approval

# doctors choice modesto, llc

**CONCEPTUAL LAYOUT**  
**2179 GRANTLINE ROAD**  
**TRACY, CA, 95376**  
**A.P.N. 214-560-02 & 03**



## PROJECT DATA

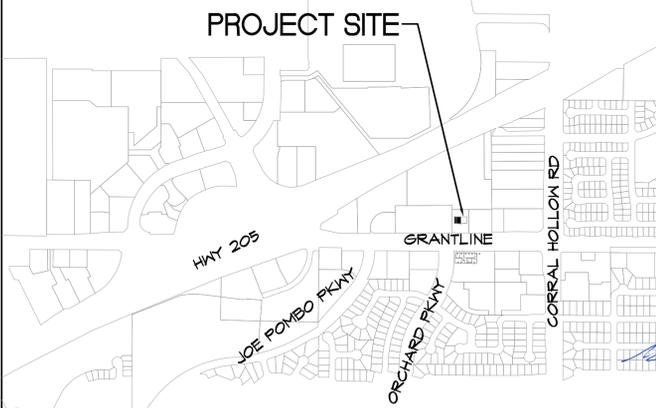
PROJECT SIZE & TYPE	
LOT SIZE	16,087 S.F.
EXISTING LAND USE	MARKET / GRILL
PROPOSED LAND USE	CANNABIS DISPENSARY
1ST FLOOR BUILDING AREA	APPROX. 3,600 S.F.

ZONING: **GHC(GENERAL HIGHWAY COMMERCIAL)**

## SUMMARY OF WORK

INTERIOR TENANT IMPROVEMENT FOR A CANNABIS DISPENSARY. NO REMOVAL OF STRUCTURAL WALLS OR EXTERIOR WORK TO BE PERFORMED

## VICINITY MAP



## PROJECT DIRECTORY

**OWNER:**  
 DOCTOR'S CHOICE MODESTO, LLC.  
 2039 YOSEMITE BLVD  
 MODESTO, CA. 95354  
 209-380-0843

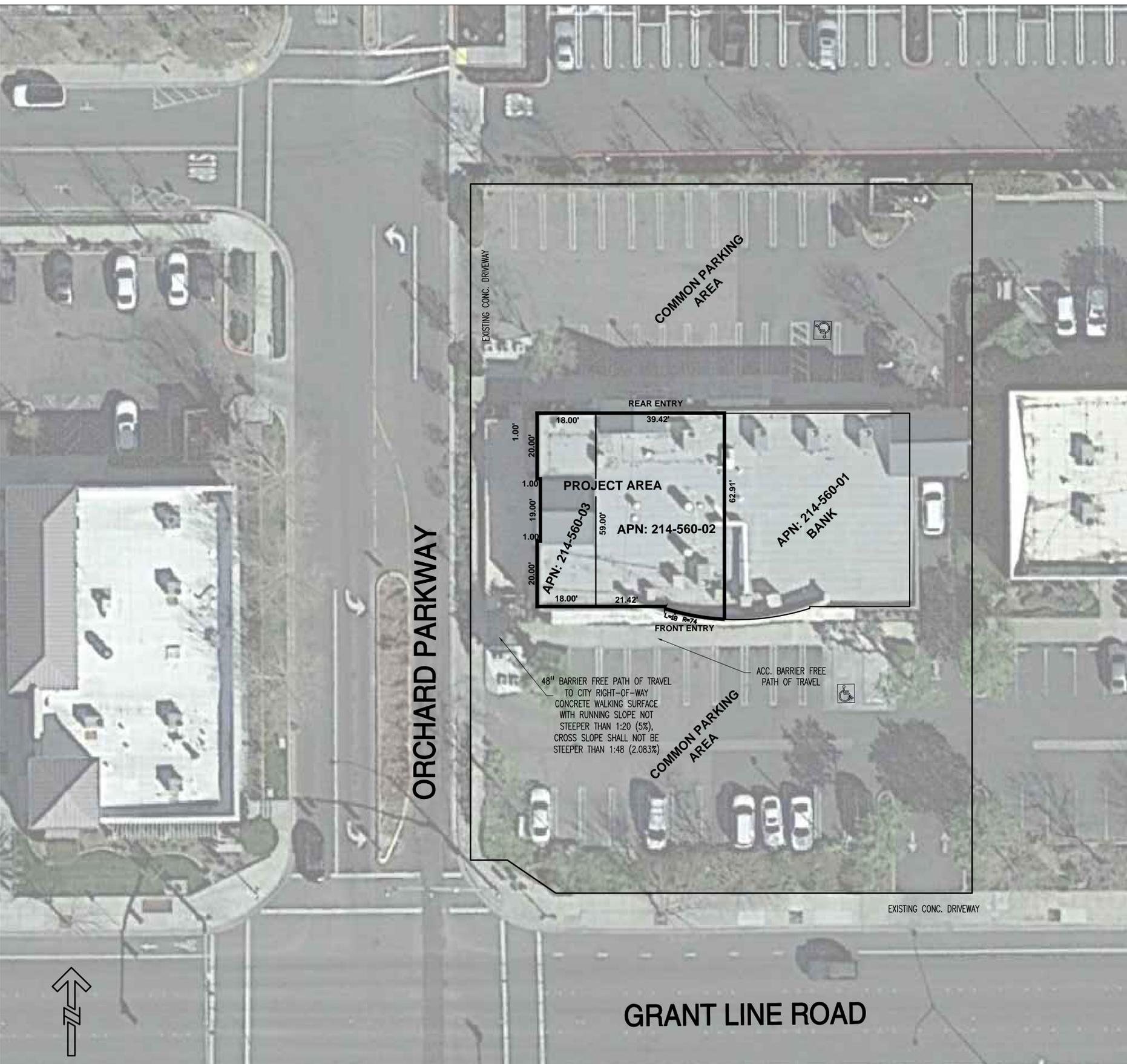
**DRAFTSMAN/DESIGNER**  
 ELEVATION DESIGN + CONSULTING  
 POBOX 1159  
 CERES, CA 95307  
 209-872-2099 (SABINO URRUTIA)

Job#: 20-061  
 Scale: AS NOTED  
 Date: 10/1/21  
 Drawn By: SCU  
 Checked By: JIM

## SHEET INDEX

SHEET	DESCRIPTION
A1.0	COVER SHEET AND SITE PLAN
A2.0	EXISTING ELEVATION PLAN
A3.0	EXISTING FLOOR PLAN AND DEMO / ELEVATIONS
A4.0	FLOOR PLAN

Documents prepared by Elevation Design + Consulting are to be used only for the specific project and intended. Any extension of use to other projects, by owner or any other party, without the written consent of Elevation Design + Consulting is done at the user's own risk. In use in a way other than intended by Elevation Design + Consulting, Elevation Design + Consulting is not liable for any claims and losses.



**SITE PLAN: 1" = 15'**

SHEET:  
**A1.0**

DOCTOR'S CHOICE MODESTO, LLC  
 2179 GRANTLINE ROAD  
 TRACY, CA. 95376

COVER SHEET AND SITE PLAN



SABINO URRUTIA  
 PO BOX 1159 CERES, CA 95307  
 PH) 209. 872. 2099



RESOLUTION 2022-\_\_\_\_\_

APPROVAL OF A CONDITIONAL USE PERMIT FOR CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2179 W. GRANT LINE ROAD (ASSESSOR'S PARCEL NUMBERS 214-560-02 & 214-560-03) - APPLICANT IS DOCTOR'S CHOICE MODESTO, LLC AND THE PROPERTY OWNER IS KM REALTY, LLC - APPLICATION NUMBER CUP21-0008

WHEREAS, The subject site is designated Commercial in the Tracy General Plan and zoned General Highway Commercial (GHC), and

WHEREAS, The GHC zone conditionally permits cannabis storefront retailers (dispensary), and

WHEREAS, The applicant submitted an application to establish a cannabis dispensary at the subject site, and

WHEREAS, The applicant was awarded a Cannabis Business Permit (application number CBPA20-0020) on June 21, 2021 by the Tracy Police Chief, and

WHEREAS, The site has the existing improvements necessary for the proposed use, and no exterior changes to the building or site are proposed with this application, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, pertaining 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 application on April 13, 2022;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission does hereby approve a conditional use permit for a cannabis storefront retailer (dispensary) at 2179 W. Grant Line Road, Application Number CUP21-0008, subject to the conditions contained in Exhibit 1 to this Resolution and based on the findings below.

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 GHC Zone as required by the Tracy Municipal Code.
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 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, and the use will be operated wholly indoors. The use will operate similarly to a retail store, which is complementary of the surrounding commercial area.
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 project, as conditioned, 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 foregoing Resolution 2022-\_\_\_\_\_ was adopted by the Planning Commission on the 13<sup>th</sup> day of April, 2022, by the following vote:

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

\_\_\_\_\_  
CHAIR

ATTEST:

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

RESOLUTION 2022-010

APPROVAL OF A CONDITIONAL USE PERMIT FOR CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2179 W. GRANT LINE ROAD (ASSESSOR'S PARCEL NUMBERS 214-560-02 & 214-560-03) - APPLICANT IS DOCTOR'S CHOICE MODESTO, LLC AND THE PROPERTY OWNER IS KM REALTY, LLC - APPLICATION NUMBER CUP21-0008

WHEREAS, The subject site is designated Commercial in the Tracy General Plan and zoned General Highway Commercial (GHC), and

WHEREAS, The GHC zone conditionally permits cannabis storefront retailers (dispensary), and

WHEREAS, The applicant submitted an application to establish a cannabis dispensary at the subject site, and

WHEREAS, The applicant was awarded a Cannabis Business Permit (application number CBPA20-0020) on June 21, 2021 by the Tracy Police Chief, and

WHEREAS, The site has the existing improvements necessary for the proposed use, and no exterior changes to the building or site are proposed with this application, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, pertaining 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 application on April 13, 2022;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission does hereby approve a conditional use permit for a cannabis storefront retailer (dispensary) at 2179 W. Grant Line Road, Application Number CUP21-0008, subject to the conditions contained in Exhibit 1 to this Resolution and based on the findings below.

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 GHC Zone as required by the Tracy Municipal Code.
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 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, and the use will be operated wholly indoors. The use will operate similarly to a retail store, which is complementary of the surrounding commercial area.
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 project, as

conditioned, 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.

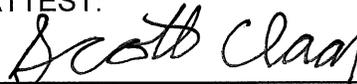
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The foregoing Resolution 2022-010 was adopted by the Planning Commission on the 13<sup>th</sup> day of April, 2022, by the following vote:

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

  
CHAIR

ATTEST:

  
STAFF LIAISON

**City of Tracy**  
**Conditions of Approval**  
Doctor's Choice Cannabis Dispensary  
Application Number CUP21-0008

**A. General Provisions and Definitions.**

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

The Project: Doctor's Choice Cannabis Dispensary, Application No. CUP21-0008

The Property: 2179 W. Grant Line Road (Assessor's Parcel Numbers 214-560-02 & 214-560-03)

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 October 11, 2021 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 Developer shall comply with all City and State Regulations.
- A.7. Prior to construction, the applicant shall submit construction documents which meets 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.
- A.9. This conditional use permit shall expire twelve months following the date on which the use permit became effective unless, prior to the expiration of twelve months, the use is established in accordance with this use permit, or a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application.

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

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

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

- B.2. Prior to final inspection, the applicant shall demonstrate compliance with TMC Section 6.36.380(I).
- B.3. Community Benefit Agreement. 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. Wholly indoors. The use shall be conducted wholly indoors. The use may not be conducted outside the building, including in the outdoor patio or parking lot.
- B.5. Hours of operation. The hours of operation shall be limited to 6:00 am to 10:00 pm in accordance with State law. Should the hours of operation established in the State law become more restrictive, the use shall comply with the more restrictive regulations.

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

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

- C.1. At time of building permit application submittal, the applicant shall provide a detailed business plan in order to correctly identify the occupancy classification per CBC Chapter 3.
- C.2. At time of the building permit application submittal, the applicant shall provide a list of all hazardous materials, and their quantities per Chapter 3 of the CBC.
- C.3. At time of building permit application submittal, applicant shall provide plans prepared by a registered design professional per California Building Code (CBC) 107.1.
- C.4. Prior to the issuance of demolition permits, applicant must submit the Demolition Permit Release Form, receive approval and pay all appropriate fees per San Joaquin County Air Pollution District.
- C.5. At the time of building permit application submittal, the applicant shall provide proper maneuvering clearances for doors per CBC 11B-404, as the width in between the display case and the new wall may be too narrow.
- C.6. At time of building permit application, the applicant shall demonstrate that Bathrooms will need to be made available to both employees and customers per CPC.
- C.7. At time of permit application submittal, applicant shall 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. The plans shall include, and not be limited to, the following:
  - a. Demo Plan
  - b. Existing Floor Plan
  - c. Proposed Floor Plan
  - d. Electrical Plans

- e. T-24 Energy Documentation (as applicable)
  - f. Mechanical Plans
  - g. Plumbing Plans
- C.8. At time of building permit application submittal, applicant shall submit plans that demonstrate compliance with (CBC) Ch. 10 for Means of egress. As submitted, the current plans do not show a clear exiting system or plan in case of emergency, location of exit signs or exit illumination among other requirements found in Ch. 10.
- C.9. At time of building permit application submittal, the applicant shall detail how EACH self-locking door complies with CBC 1010.1.9.8.
- C.10. At time of building permit application submittal, applicant must submit an Accessibility Budget Calculation (ABC) form to demonstrate that a minimum 20% of the cost of the project is allocated for accessibility upgrades to the facility per CBC 11B-202.4. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access in the following order:
- a. An accessible entrance;
  - b. An accessible route to the altered area;
  - c. At least one accessible restroom for each sex or one accessible unisex (single-user or family) restroom;
  - d. Accessible telephones;
  - e. Accessible drinking fountains;
  - f. When possible, additional accessible elements such as parking, signs, storage and alarms.

#### **D. Tracy Police Department Conditions**

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

- D.1. Prior to establishment of the use, the applicant shall submit to the Police Department a copy of the detailed security plan, including the full names and current contact information for onsite security, to the satisfaction of the Police Chief or his designee.
- D.2. As an on-going condition of use, the applicant shall maintain a minimum of 2 security guards during business hours and 1 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.
- D.3. Overnight (nonbusiness hours) security shall be a minimum of 1 certified guard solely responsible for the security of this establishment and not multiple locations.
- D.4. All contracted or employed guards shall be certified and have sole responsibilities as a security guard focused on safety and security.

- D.5. Applicant shall cooperate with all legal requests from Tracy PD and any crimes shall be reported without delay.
- D.6. Prior to establishment of the use, the applicant shall install and maintain a functional high resolution security surveillance system with a minimum video retention capacity of 90 days.
- D.7. Prior to establishment of the 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.

### **E. South San Joaquin County Fire Authority Conditions**

Contact: Tim Spears, Fire Marshal (209) 831-6700 [tim.spears@sjcfire.org](mailto:tim.spears@sjcfire.org)

- E.1. A construction permit is required to alter the existing tenant space. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
  - E.1.1. 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. Construction plans shall include, but not limited to:
    - a. Plans shall be designed, stamped and signed by a licensed design professional.
    - b. Construction type, occupancy classification, occupant load calculation
    - c. If fire sprinklers and/or fire alarm system is existing or proposed.
    - d. Details of locking mechanisms to ensure the secured areas do not violate the emergency egress requirements of the Building Code. [TMC §6.36.380]
    - e. Any modifications to the fire sprinkler and/or fire alarm system shall be submitted directly to the South San Joaquin County Fire prior to the installation or modification.
- E.2. Engineering and building permit applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority. Contact our offices for additional information.
  - E.2.1. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
  - E.2.2. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
  - E.2.3. Permit holder is responsible for any additional inspection fees incurred, and shall be paid prior to final inspection.
- E.3. Prior to occupancy of each new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.
- E.4. Knox boxes shall be required. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to

such shall be secured in the key box.

- E.5. Building and each tenant space shall be provided with approved address identification in accordance with CFC §505.

APPROVED AS TO FORM AND LEGALITY

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

**TRACY PLANNING COMMISSION**

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

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**1. APPROVING A SIX-MONTH RENEWAL (EXT23-0001) OF THE CONDITIONAL USE PERMIT FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2179 W. GRANT LINE ROAD (ASSESSOR'S PARCEL NUMBERS 214-560-02 & 214-560-03), APPLICATION NUMBER CUP21-0008; AND**

**2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, The applicant was awarded a Cannabis Business Permit (application number CBPA20-0020) on June 21, 2021 by the Tracy Police Chief; and

**WHEREAS**, The applicant was granted a conditional use permit (application number CUP21-0008) to establish a cannabis dispensary at 2179 W. Grant Line Road; and

**WHEREAS**, The conditional use permit, which took effect on April 28, 2022, was granted a time limit of one year for the use to be established in accordance with TMC Section 10.08.4360; and

**WHEREAS**, The use has not yet been established and the conditional use permit was set to expire on April 28, 2023; and

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

**WHEREAS**, On April 6, 2023, the applicant submitted an application requesting an additional year to establish the use; and

**WHEREAS**, Conditional use permit renewals are subject to the authority of the Planning Commission; and

**WHEREAS**, Pursuant Tracy Municipal Code Section 10.08.4350, conditional use permits may be renewed for an additional period of six (6) months or greater; and

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

**WHEREAS**, The applicant proposes no changes to the project from that which was approved under CUP21-0008; and

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

**RESOLVED:** That the Planning Commission approves a six-month renewal of Conditional Use Permit CUP21-0008 (Application Number EXT23-0001), based on the findings contained in Exhibit 1 and subject to the conditions of approval in Attachment 1; and

**FURTHER RESOLVED:** That the Planning Commission finds that the project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, pertaining existing facilities in an area where all public services and facilities are available and which is not environmentally sensitive.

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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:
ABSTENTION:	COMMISSION MEMBERS:

\_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
STAFF LIAISON

**City of Tracy**  
**Conditional Use Permit Findings**  
**Application Number EXT23-0001**

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 GHC Zone as required by the Tracy Municipal Code.
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 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, and the use will be operated wholly indoors. The use will operate similarly to a retail store, which is complementary of the surrounding commercial area.
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 project, as conditioned, 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.

**City of Tracy**  
**Conditions of Approval**  
Doctor's Choice Cannabis Dispensary CUP Renewal  
Application Number EXT23-0001

**A. General Provisions and Definitions.**

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

The Project: Six-month renewal of the Doctor's Choice Cannabis Dispensary Cannabis Conditional Use Permit (CUP21-0008)

The Property: 2179 W. Grant Line Road (Assessor's Parcel Numbers 214-560-02 & 214-560-03)

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 October 11, 2021 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. CBPA20-0020, 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 meets the requirements of the California Building and Fire Codes and the Tracy Municipal Code to the City of Tracy and the South San Joaquin County Fire Authority for review, approval and inspections.
- A.8. At all times, applicant (or its successor) shall maintain all necessary permits to operate a cannabis business pursuant to Municipal Code Chapter 6.36. Neither the applicant, nor any other entity, shall have an entitlement or other property right to operate a cannabis business at the property without holding such a cannabis business permit, which may be approved, denied, renewed, or revoked in accordance with the requirements of Chapter 6.36.

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

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

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

- B.2. Prior to final inspection, the applicant shall demonstrate compliance with TMC Section 6.36.380(I).
- 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. Wholly indoors. The use shall be conducted wholly indoors. The use may not be conducted outside the building, including in the outdoor patio or parking lot.
- B.5. Hours of operation. The hours of operation shall be limited to 6:00 am to 10:00 pm in accordance with State law. Should the hours of operation established in the State law become more restrictive, the use shall comply with the more restrictive regulations.

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

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

- C.1. At time of building permit application submittal, the applicant shall provide a detailed business plan in order to correctly identify the occupancy classification per CBC Chapter 3.
- C.2. At time of the building permit application submittal, the applicant shall provide a list of all hazardous materials, and their quantities per Chapter 3 of the CBC.
- C.3. At time of building permit application submittal, applicant shall provide plans prepared by a registered design professional per California Building Code (CBC) 107.1.
- C.4. Prior to the issuance of demolition permits, applicant must submit the Demolition Permit Release Form, receive approval and pay all appropriate fees per San Joaquin County Air Pollution District.
- C.5. At the time of building permit application submittal, the applicant shall provide proper maneuvering clearances for doors per CBC 11B-404, as the width in between the display case and the new wall may be too narrow.
- C.6. At time of building permit application, the applicant shall demonstrate that Bathrooms will need to be made available to both employees and customers per CPC.
- C.7. At time of permit application submittal, applicant shall 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. The plans shall include, and not be limited to, the following:
  - a. Demo Plan
  - b. Existing Floor Plan
  - c. Proposed Floor Plan
  - d. Electrical Plans

- e. T-24 Energy Documentation (as applicable)
  - f. Mechanical Plans
  - g. Plumbing Plans
- C.8. At time of building permit application submittal, applicant shall submit plans that demonstrate compliance with (CBC) Ch. 10 for Means of egress. As submitted, the current plans do not show a clear exiting system or plan in case of emergency, location of exit signs or exit illumination among other requirements found in Ch. 10.
- C.9. At time of building permit application submittal, the applicant shall detail how EACH self-locking door complies with CBC 1010.1.9.8.
- C.10. At time of building permit application submittal, applicant must submit an Accessibility Budget Calculation (ABC) form to demonstrate that a minimum 20% of the cost of the project is allocated for accessibility upgrades to the facility per CBC 11B-202.4. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access in the following order:
- a. An accessible entrance;
  - b. An accessible route to the altered area;
  - c. At least one accessible restroom for each sex or one accessible unisex (single-user or family) restroom;
  - d. Accessible telephones;
  - e. Accessible drinking fountains;
  - f. When possible, additional accessible elements such as parking, signs, storage and alarms.

#### **D. Tracy Police Department Conditions**

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

- D.1. Prior to establishment of the use, the applicant shall submit to the Police Department a copy of the detailed security plan, including the full names and current contact information for onsite security, to the satisfaction of the Police Chief or his designee.
- D.2. As an on-going condition of use, the applicant shall maintain a minimum of 2 security guards during business hours and 1 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.
- D.3. Overnight (nonbusiness hours) security shall be a minimum of 1 certified guard solely responsible for the security of this establishment and not multiple locations.
- D.4. All contracted or employed guards shall be certified and have sole responsibilities as a security guard focused on safety and security.

- D.5. Applicant shall cooperate with all legal requests from Tracy PD and any crimes shall be reported without delay.
- D.6. Prior to establishment of the use, the applicant shall install and maintain a functional high resolution security surveillance system with a minimum video retention capacity of 90 days.
- D.7. Prior to establishment of the 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.

### **E. South San Joaquin County Fire Authority Conditions**

Contact: Tim Spears, Fire Marshal (209) 831-6700 [tim.spears@sjcfire.org](mailto:tim.spears@sjcfire.org)

- E.1. A construction permit is required to alter the existing tenant space. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
  - E.1.1. 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. Construction plans shall include, but not limited to:
    - a. Plans shall be designed, stamped and signed by a licensed design professional.
    - b. Construction type, occupancy classification, occupant load calculation
    - c. If fire sprinklers and/or fire alarm system is existing or proposed.
    - d. Details of locking mechanisms to ensure the secured areas do not violate the emergency egress requirements of the Building Code. [TMC §6.36.380]
    - e. Any modifications to the fire sprinkler and/or fire alarm system shall be submitted directly to the South San Joaquin County Fire prior to the installation or modification.
- E.2. Engineering and building permit applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority. Contact our offices for additional information.
  - E.2.1. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
  - E.2.2. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
  - E.2.3. Permit holder is responsible for any additional inspection fees incurred, and shall be paid prior to final inspection.
- E.3. Prior to occupancy of each new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.
- E.4. Knox boxes shall be required. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to

such shall be secured in the key box.

- E.5. Building and each tenant space shall be provided with approved address identification in accordance with CFC §505.

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.

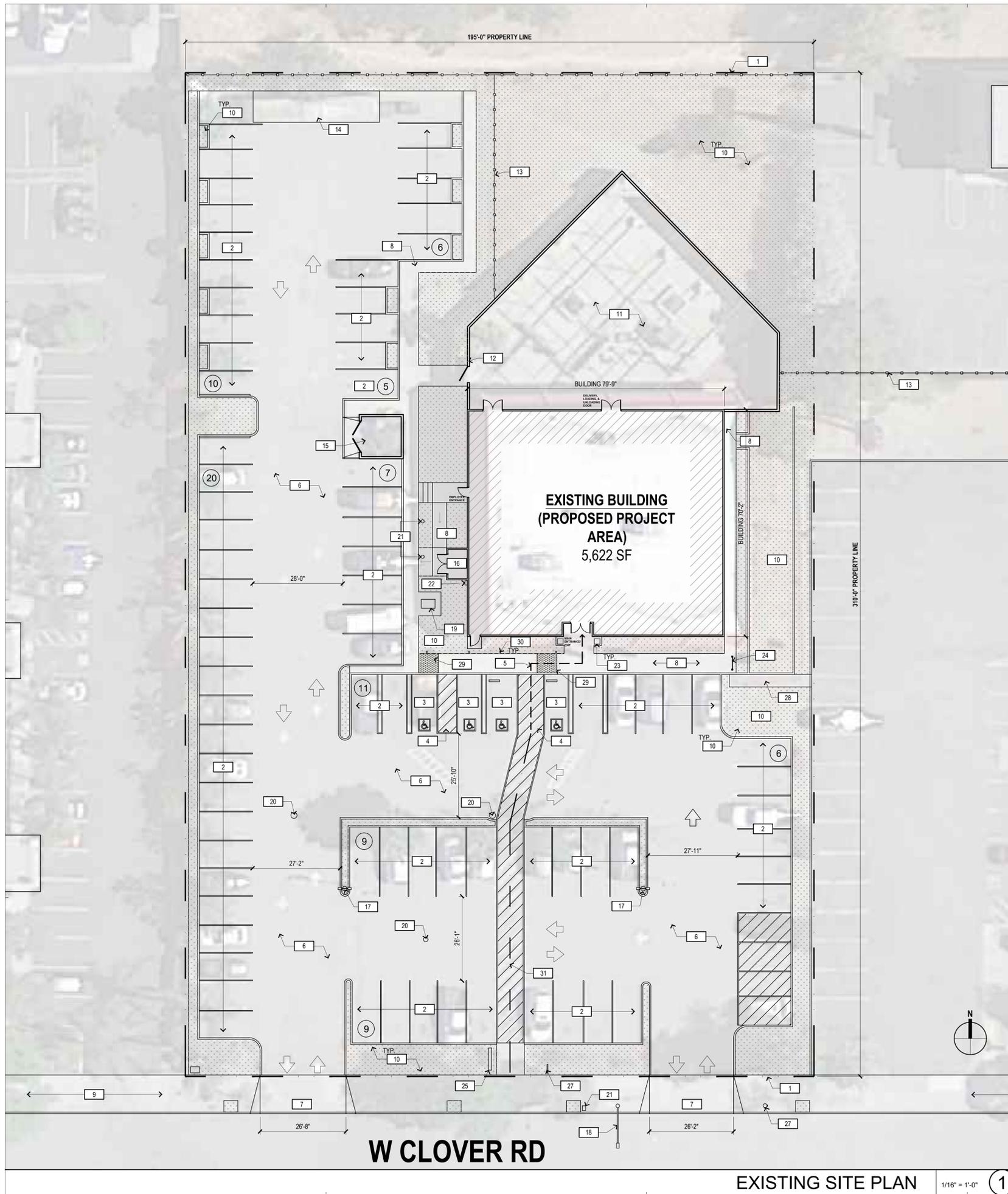
N. TRACY BLVD.



Think Inside the Triangle™







### 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

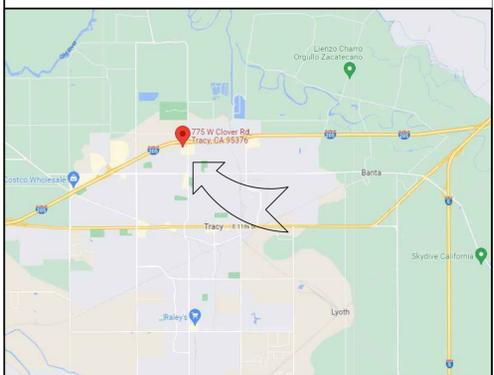
TOTAL BUILDING SF: 5,622 SF  
 TOTAL LOT SF: 60,450 SF (1.08 ACRES)  
 BUILDING COVERAGE: 9% EXISTING COVERAGE  
 HARDSCAPE COVERAGE: 30,899 (77%) EXISTING COVERAGE  
 LANDSCAPE COVERAGE: 14,053 (23%) EXISTING COVERAGE

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

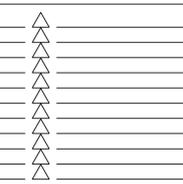


Consultant

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

### EXISTING SITE PLAN

CUP NUMBER:  
 Plan Check Number:

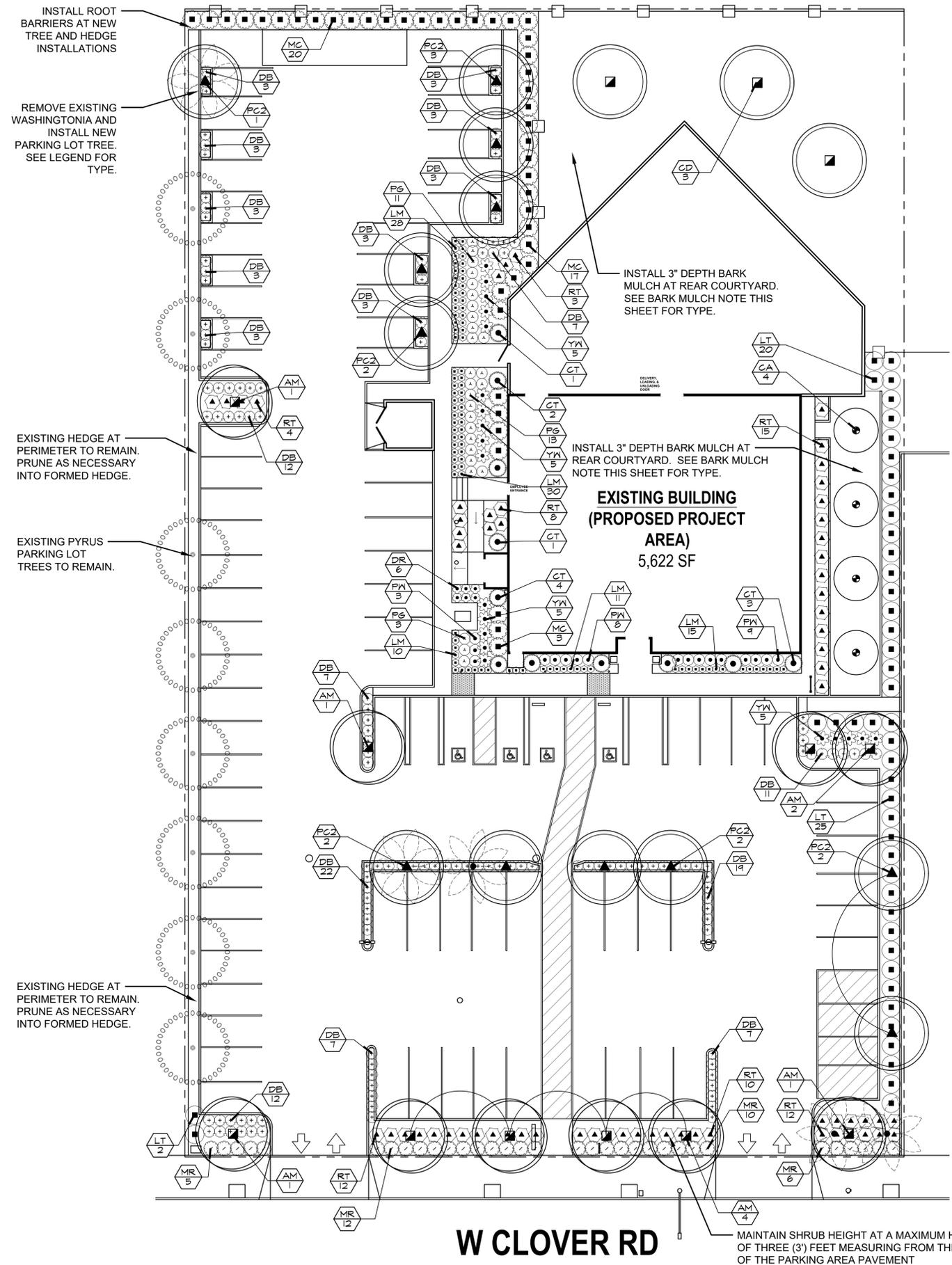


S H E E T  
**A1.0**

sheet posted: Dec 22 2022 10:07 AM by hest  
 drawing file name: plan.dwg  
 drawing file path: \\w:\clover\design\cup\A1.0 - site

**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	



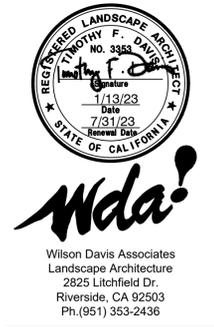
**ROOT BARRIER NOTE:**  
ALL TREES AND HEDGES SHALL HAVE A ROOT BARRIER DEVICE INSTALLED ADJACENT TO HARDSCAPE AREAS. TREES WITH INVASIVE ROOT SYSTEMS AND SHOULD NOT BE INSTALLED.

**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)

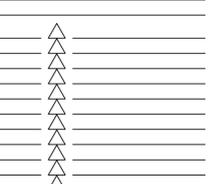
**TREES SHALL BE PLANTED NOT LESS THAN:**  
20 FEET BACK OF BEGINNING OF CURB RETURNS AT INTERSECTIONS.  
20 FEET FROM LAMP STANDARDS.  
10 FEET FROM FIRE HYDRANTS.  
5 FEET FROM SERVICE WALKS AND DRIVEWAYS.



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

**PLANTING PLAN**

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



**SHEET**  
**L2.0**









3 PETERS CANYON RD.  
IRVINE, CA. 92606

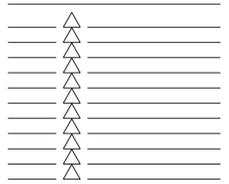


Consultant

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

**EXTERIOR  
PERSPECTIVE RENDERING**

CUP NUMBER:  
Plan Check Number:  
CUP PLANS 08-15-2022



S H E E T

**A3.1**



3 PETERS CANYON RD.  
IRVINE, CA. 92606

Seal

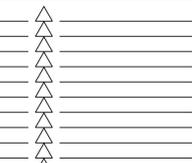


Consultant

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

**RADIUS MAP (600')**

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

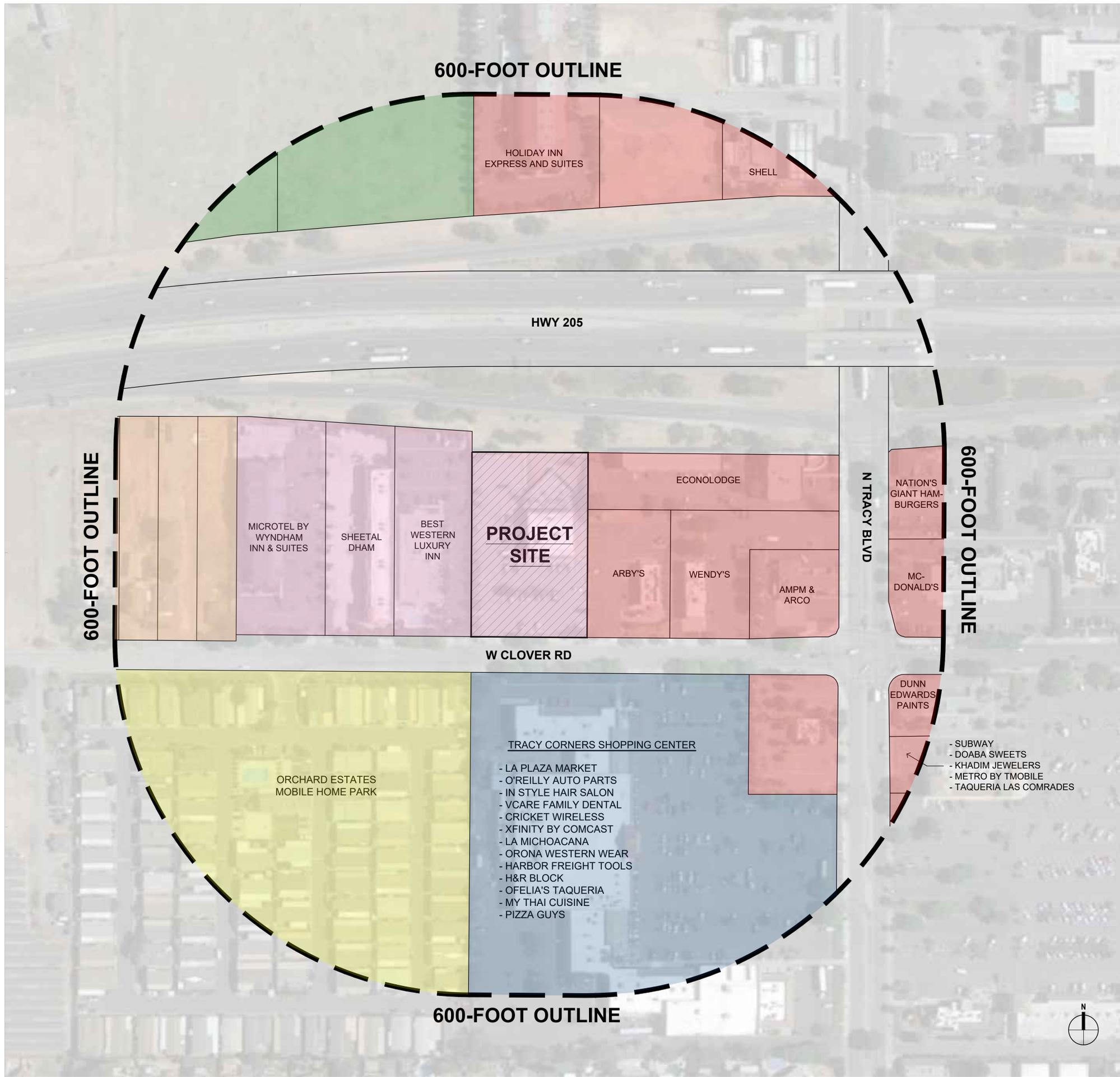


SHEET

**A0.1**

**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**



**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.

Agenda Item 1.D

RECOMMENDATION

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

- 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0007) FOR A CANNABIS DISPENSARY AT 22 E. TENTH STREET, APN 235-170-20; AND**
- 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**THE APPLICANT IS INSIDE THE CULTURE TRIANGLE, INC. AND THE PROPERTY OWNER IS ALHUSUN, LLC.**

EXECUTIVE SUMMARY

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

BACKGROUND AND LEGISLATIVE HISTORY

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

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

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

equity plan, and community benefits proposal.

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

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

## ANALYSIS

### *Project Proposal*

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

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

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

### *Findings*

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

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

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

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

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

PUBLIC OUTREACH/ INTEREST

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

COORDINATION

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

CEQA DETERMINATION

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

ACTION REQUESTED OF THE PLANNING COMMISSION

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

- 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0007) FOR A CANNABIS DISPENSARY AT 22 E. TENTH STREET, APN 235-170-20; AND**
- 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

Prepared by: Kimberly Matlock, Associate Planner

Reviewed by: Alan Bell, Senior Planner

William Dean, Assistant Director of the Development Services Department

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

Attachments:

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

Attachment B – 600-foot Radius Map

Attachment C – Locations of other approved and pending dispensaries

Attachment D – Planning Commission Resolution

Exhibit 1 – Findings

Attachment 1 – Conditions of Approval



**PROJECT INFORMATION**

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

**KEYNOTES**

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

**VICINITY MAP**



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

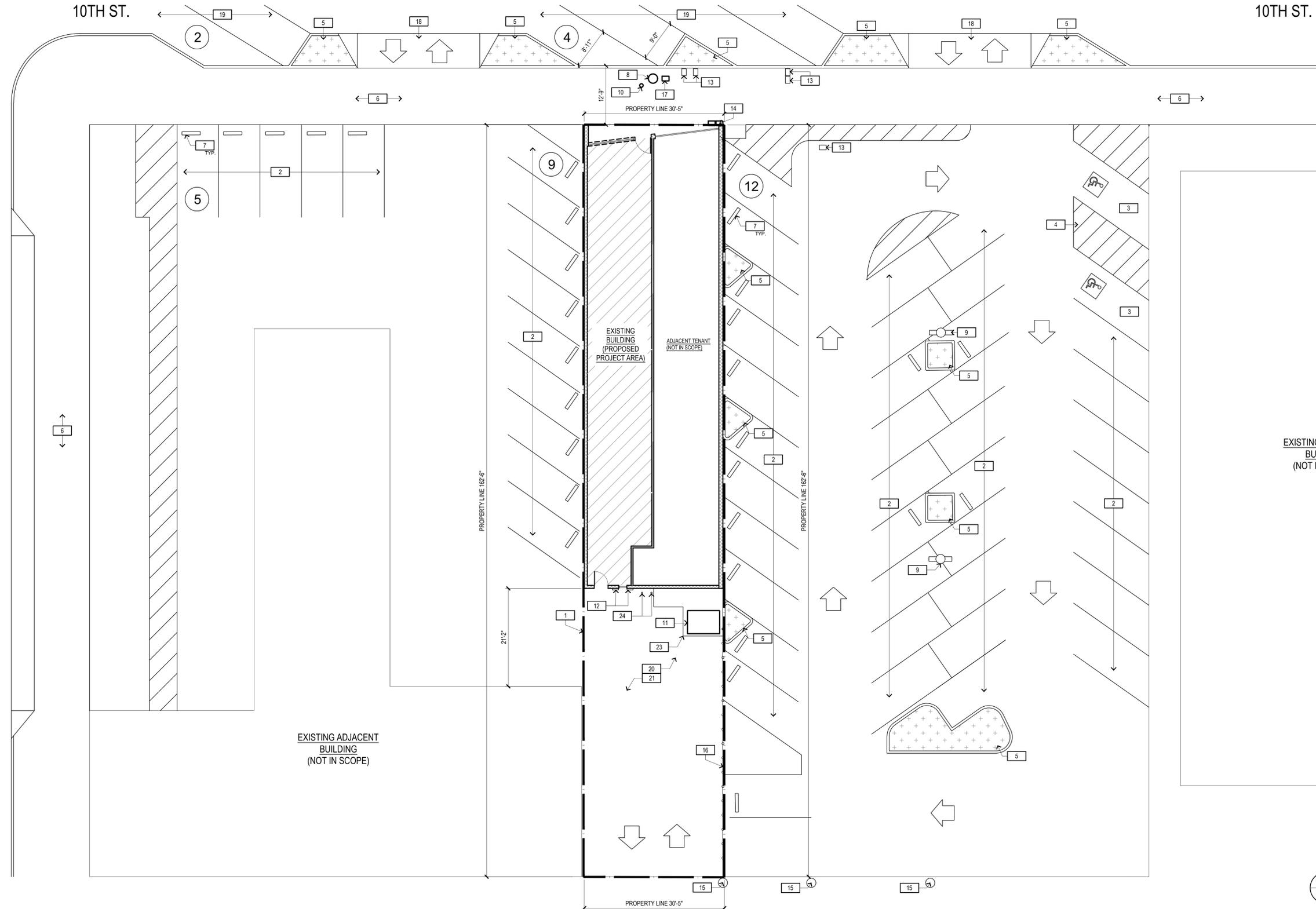


Consultant

10TH ST.

10TH ST.

N CENTRAL AVE.



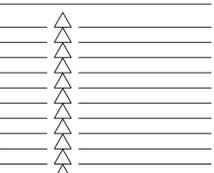
CULTURE CANNABIS CLUB  
 22 10TH ST  
 TRACY, CA 95376

SITE PLAN

EXISTING ADJACENT BUILDING (NOT IN SCOPE)

EXISTING ADJACENT BUILDING (NOT IN SCOPE)

CUP NUMBER:  
 Plan Check Number:



SHEET

A1.0

SITE PLAN

3/32"=1'-0"

1

sheet posted: 06/28/2022 4:37 PM by: hest  
 drawing file name: package1.0 - site plan.dwg



LAND USE DESIGNATIONS

- DOWNTOWN
- RESIDENTIAL MEDIUM



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

Seal

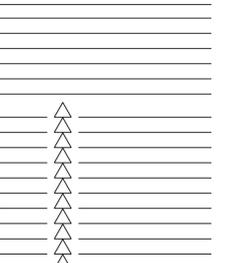


Consultant

CULTURE CANNABIS CLUB  
22 10TH ST  
TRACY, CA 95376

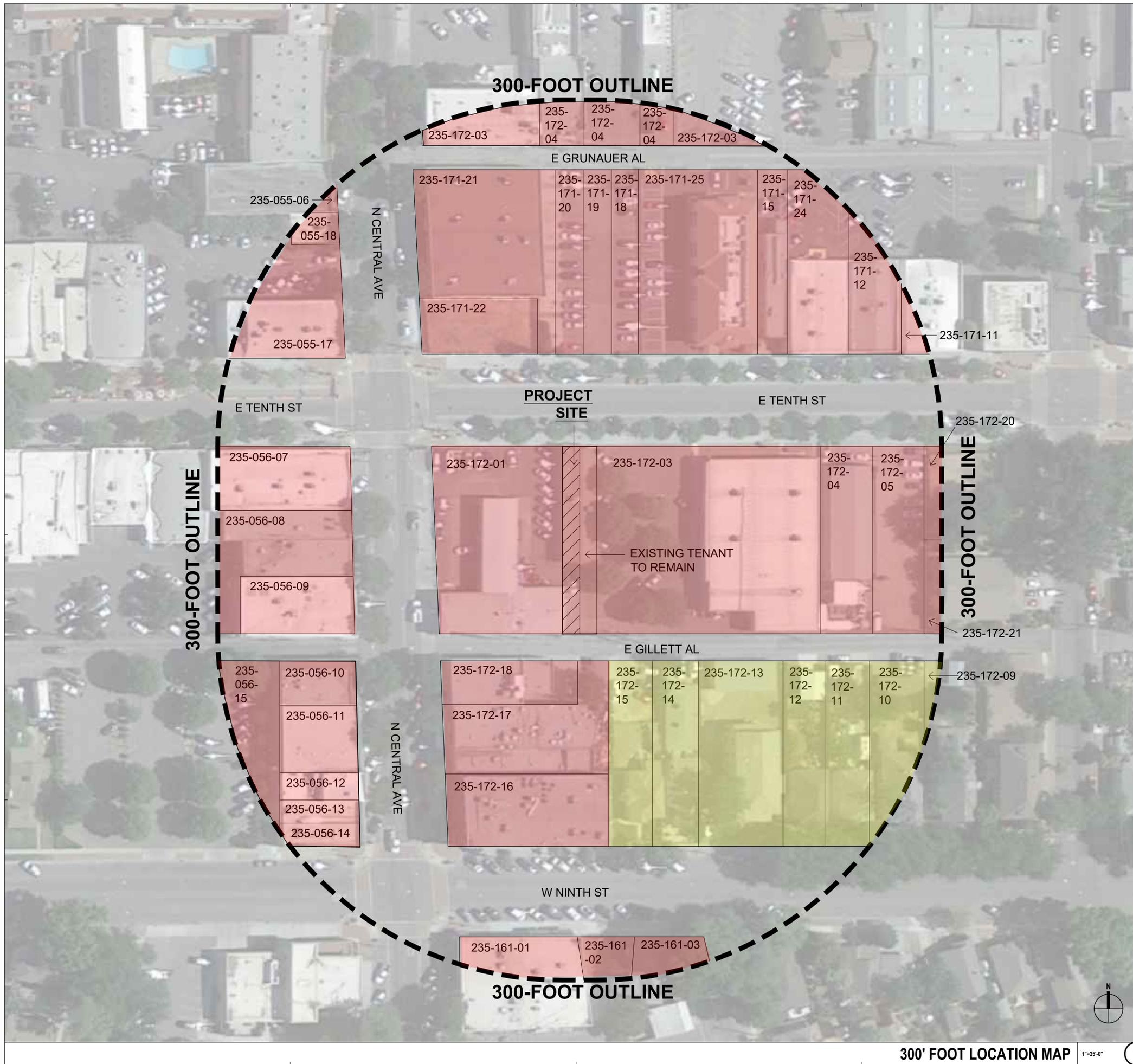
300' FOOT LOCATION MAP

CUP NUMBER:  
Plan Check Number:



S H E E T

# A1.2

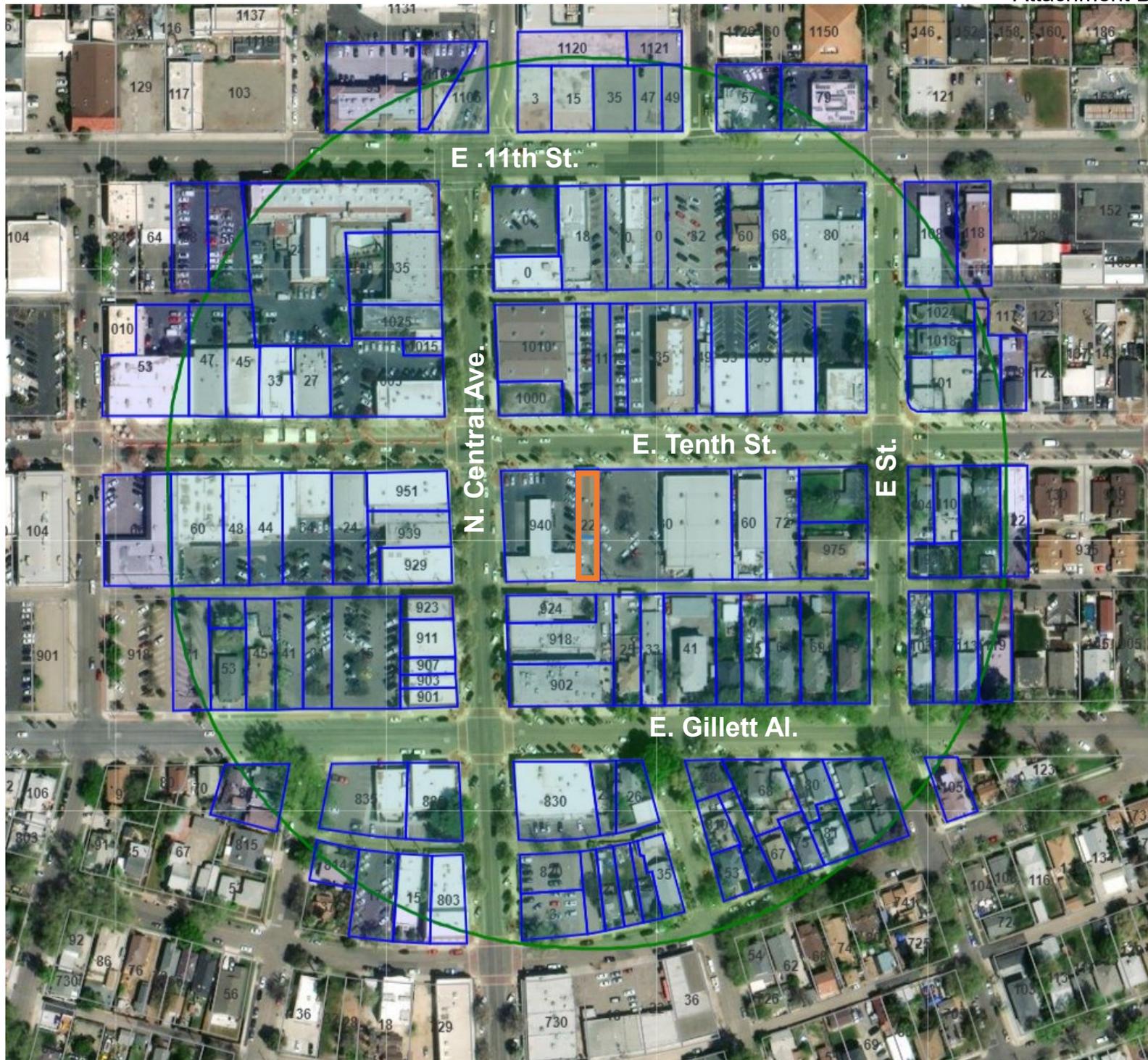


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 drawing file name: package1\_3\_300' radius map.dwg



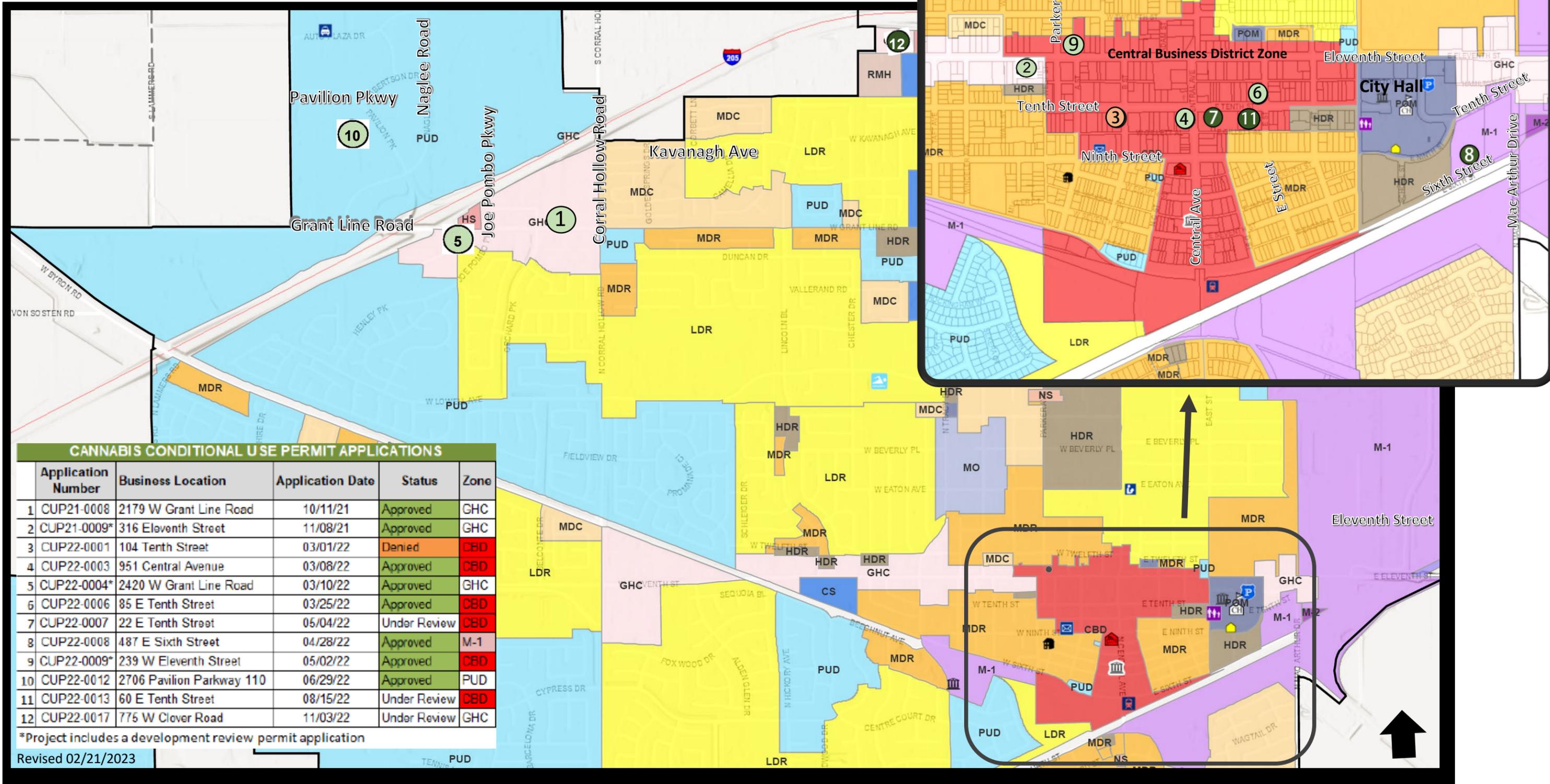






600-Foot Radius Map for CUP22-0007 (Inside the Culture Triangle, Inc. Dispensary)

### TRACY CANNABIS CONDITIONAL USE PERMIT APPLICATIONS



CANNABIS CONDITIONAL USE PERMIT APPLICATIONS					
Application Number	Business Location	Application Date	Status	Zone	
1	CUP21-0008	2179 W Grant Line Road	10/11/21	Approved	GHC
2	CUP21-0009*	316 Eleventh Street	11/08/21	Approved	GHC
3	CUP22-0001	104 Tenth Street	03/01/22	Denied	CBD
4	CUP22-0003	951 Central Avenue	03/08/22	Approved	CBD
5	CUP22-0004*	2420 W Grant Line Road	03/10/22	Approved	GHC
6	CUP22-0006	85 E Tenth Street	03/25/22	Approved	CBD
7	CUP22-0007	22 E Tenth Street	05/04/22	Under Review	CBD
8	CUP22-0008	487 E Sixth Street	04/28/22	Approved	M-1
9	CUP22-0009*	239 W Eleventh Street	05/02/22	Approved	CBD
10	CUP22-0012	2706 Pavilion Parkway 110	06/29/22	Approved	PUD
11	CUP22-0013	60 E Tenth Street	08/15/22	Under Review	CBD
12	CUP22-0017	775 W Clover Road	11/03/22	Under Review	GHC

\*Project includes a development review permit application

Revised 02/21/2023

APPROVED AS TO FORM AND LEGALITY

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

**TRACY PLANNING COMMISSION**

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

- 
- 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0007) FOR A CANNABIS DISPENSARY AT 22 E. TENTH STREET, APN 235-170-20; AND**
  - 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

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

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

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

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

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

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

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

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

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

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

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

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

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

\*\*\*\*\*

The foregoing Resolution 2023-\_\_\_\_\_ 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 CUP22-0007**

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

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

**A. General Provisions and Definitions.**

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

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

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

A.2. Definitions.

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

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

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

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

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

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

Business Permit.

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

**C. Tracy Police Department Conditions**

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

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

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

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

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

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

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

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

Agenda Item 1.E

RECOMMENDATION

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

- 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0013) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 60 & 72 E. TENTH STREET, APNS 235-172-04 & 05;**
- 2. APPROVING A DEVELOPMENT REVIEW PERMIT (D22-0030) FOR MODIFICATIONS TO THE BUILDING FAÇADE AND PARKING AREA; AND**
- 3. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**THE APPLICANT IS MANZANITA OF TRACY, LLC AND THE PROPERTY OWNERS ARE RICHARD AND SUSAN MOE.**

EXECUTIVE SUMMARY

Through this item, staff recommends that the Planning Commission approve a conditional use permit application to operate a cannabis dispensary and a development review permit application for building façade modifications and updated parking area improvements and make the requisite findings under the California Environmental Quality Act for the property located at 60 & 72 E. Tenth Street, APNs 235-172-04 & 05.

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

On September 29, 2020, Manzanita of Tracy, LLC (Manzanita) 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 (CBPA20-0008) to Manzanita. 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.

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

On August 15, 2022, Manzanita submitted a CUP application to establish a cannabis dispensary at 60 & 72 E. Tenth Street, APNs 235-172-04 & 05 and a Development Review Permit application for modifications to the building façade and parking area. The subject properties are designated Commercial in the Tracy General Plan and zoned Central Business District (CBD), in which cannabis dispensaries are conditionally permitted. Development review is regulated by TMC Title 10 Article 30, adopted by Ordinance 1236 on July 18, 2017. Because the Development Review Permit is paired with a CUP subject to the Planning Commission, the Development Review Permit is a Tier 2 application subject to Planning Commission review in accordance with TMC Section 10.08.3950.

## ANALYSIS

### *Project Proposal*

The project site is located in a CBD-zoned area in Downtown Tracy that currently contains a mixture of commercial development and nonconforming residential uses that were built prior to the City's commercial zoning designation taking place. The project site is bordered to the north by Tenth Street, a retail building to the west, and nonconforming residential to the east, all of which are zoned CBD, and Gillett Alley and a residential neighborhood zoned Medium Density Residential (MDR) to the south.

The project site is currently comprised of four lots totaling 15,940 square feet. The site contains a 4,000 square foot concrete building with a gravel parking lot that was previously used for automotive repair. The applicant proposes to modernize the building façade and renovate the parking area to City standards with new pavement, striping, and landscaping (Attachment A) and to eliminate the internal property lines via a lot merger to be submitted under a separate application.

The proposed building façade improvements consists of removing an existing shade structure and modifying the blue concrete walls with gray paint, brown wood siding, and a decorative metal privacy screen. The roll-up doors currently fronting Tenth Street will be replaced with glazing and murals, and a covered storefront entry will be constructed on the east elevation. Utility equipment typically found on the rooftop will be concealed within an equipment screen clad in wood siding to match. These design components of the proposed development meet the City's objectives for high-quality commercial development.

The site will be served by an ingress driveway on Tenth Street and an egress driveway

onto Gillett Alley. An existing driveway on Tenth Street in front of the building is no longer needed and will be removed with this project. The use requires 16 parking spaces for customers and employees and three spaces for storage of delivery vehicles. Though most Downtown uses utilize public parking by paying the CBD parking in-lieu fee pursuant TMC Section 10.08.3470(c), the project proposes to stripe 13 parking spaces on site and pay the in-lieu fee for the remaining required parking spaces. The project will provide a six-foot masonry wall to buffer the parking area from the residences to the east in accordance with the TMC.

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 at the site. Local regulations include locational requirements, site requirements, and operating hours to be established by the CUP. 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 will operate in a similar manner as a retail store, which is complementary of the commercial area on Eleventh Street. The applicant proposes to operate retail services daily from 9:00 am to 9:00 pm Monday through Saturday and from 9:00 am to 8:00 pm on Sunday, as permitted by State law. The storefront retail use will be wholly indoors, and no portion of the retail use, aside from deliveries, will take place outdoors. The proposed dispensary will have a separate and secure lobby wherein age verification will be conducted prior to permitting the customer into the retail area and a vault where cannabis products are stored, as required by TMC Chapter 6.36. Cannabis products will be packaged and loaded into delivery vehicles through a designated delivery room in the rear of the building. The applicant intends to start with three delivery vehicles and may increase this number as the business grows in the future.

Because the cannabis products are packaged, no significant odors or smells are expected to emanate from the dispensary; regardless, the applicant will be implementing an odor control plan consisting of special HVAC systems, activated carbon filtration, and monitoring the air pressure to ensure air quality and odors are not detectable outside of the facility. The use will implement the safety and security plan approved as a part of The Cake House's cannabis business permit, and project Conditions of Approval (Attachment D) recommended by the Police Department identify additional means to ensure the business will operate safely and securely.

### *Findings*

Cannabis CUPs 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. 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].

Development Review Permits must meet the requirements set forth in TMC Section 10.08.3920. Before approving a Development Review Permit, the Planning Commission must make the following findings:

- (a) That the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy; and
- (b) That the proposal conforms to this chapter, the general plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City 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:

*CUP Findings*

- (a) There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a conditional use permit is necessary for the operation of a cannabis dispensary in the Central Business District zone as required by the Tracy Municipal Code. The proposed project meets the intent of the Central Business District zone and otherwise complies with development regulations of the zone.
- (b) The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of the Tracy Municipal Code Chapter 6.36 and Chapter 10.08. Additionally, the project site is located at least 600 feet away from a parcel containing a school, day care center, or youth center as defined in Chapter 10.08, and the use will be operated wholly indoors. The use is a retail store, which is complementary to the surrounding commercial area.
- (c) The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City. The proposed use of a cannabis dispensary will function in a complementary manner to the surrounding retail uses in the vicinity, will comply with City standards, and 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 the dispensary will implement odor control to prevent odors from emanating outside the dispensary as outlined in the business's odor control plan and because cannabis products will be entirely packaged and stored in accordance with the requirements of Chapter 6.36.

#### *Development Review Permit Findings*

- (e) The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy, because the proposed project will improve the aesthetic quality of the site. The project consists of updating the existing blue concrete building to a new façade that incorporates brown wood siding, gray exposed CMU brick, metal accents, and a decorative metal privacy screen. Utility equipment typically found on the rooftop will be concealed within an equipment screen clad in wood siding to match. The roll-up doors currently fronting Tenth Street will be replaced with glazing and murals, and a covered storefront entry will be constructed on the east elevation.
- (f) The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, because the proposed development converts the dated concrete building with roll-up doors and gravel parking lot to a high quality commercial building with a paved and landscaped parking area that brings the site into conformity with applicable zoning standards as well as comply with all applicable City and state regulations for construction.

#### PUBLIC OUTREACH/ INTEREST

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

#### COORDINATION

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

#### CEQA DETERMINATION

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

CEQA Guidelines, no further environmental assessment is required.

ACTION REQUESTED OF THE PLANNING COMMISSION

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

- 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0013) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 60 & 72 E. TENTH STREET, APNS 235-172-04 & 05;**
- 2. APPROVING A DEVELOPMENT REVIEW PERMIT (D22-0030) FOR MODIFICATIONS TO THE BUILDING FAÇADE AND PARKING AREA; AND**
- 3. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Prepared by: Kimberly Matlock, Associate Planner

Reviewed by: Alan Bell, Senior Planner

William Dean, Assistant Director of the Development Services Department

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

Attachments:

Attachment A – Vicinity Map, Site Plans, Floor Plans, Civil Plans, Landscape Plans, Photometric Plan, Building Elevations, and Line of Sight Diagram

Attachment B – 600-foot Radius Map

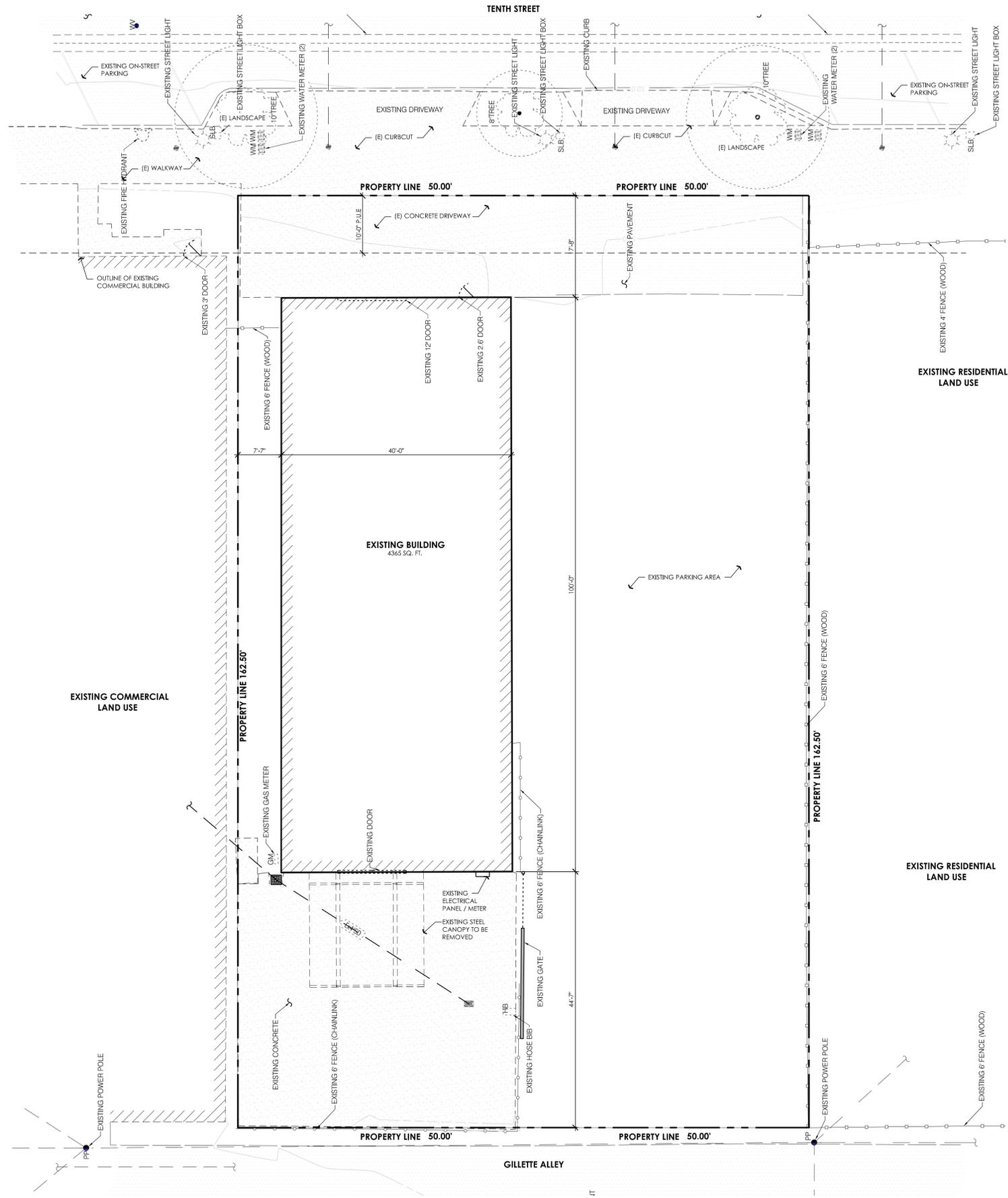
Attachment C – Locations of other approved and pending dispensaries

Attachment D – Planning Commission Resolution

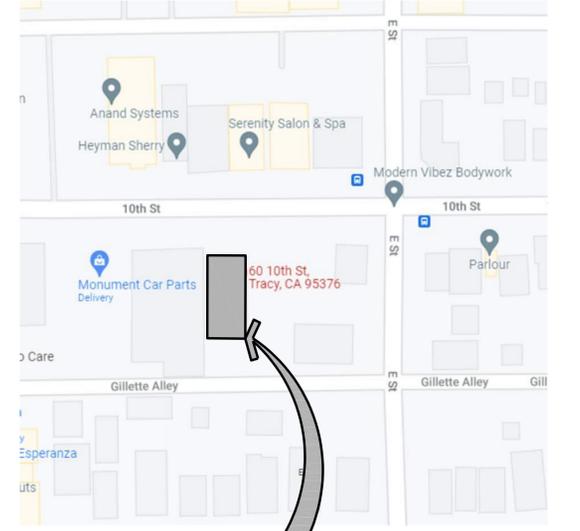
Exhibit 1 – Findings

Attachment 1 – Conditions of Approval

**RECEIVED**  
January 03, 2022  
City of Tracy  
Development Services



**EXISTING SITE PLAN**  
SCALE: 1" = 10'-0"

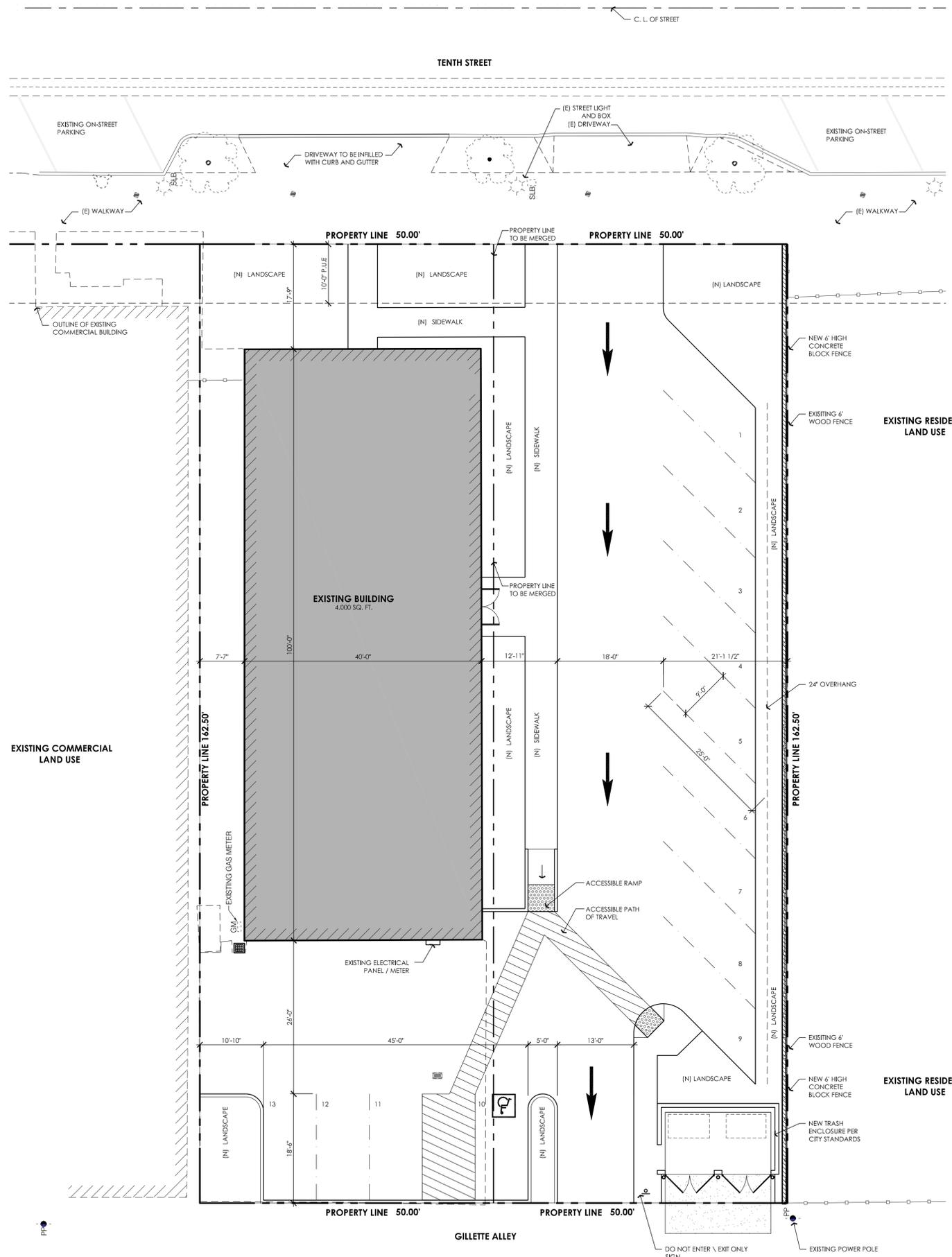


**VICINITY MAP**  
60 EAST TENTH STREET  
TRACY, CA 95376

**PROPOSED TENANT IMPROVEMENT:**  
**MANZANITA**  
60 EAST TENTH STREET  
TRACY, CA 95376

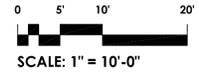


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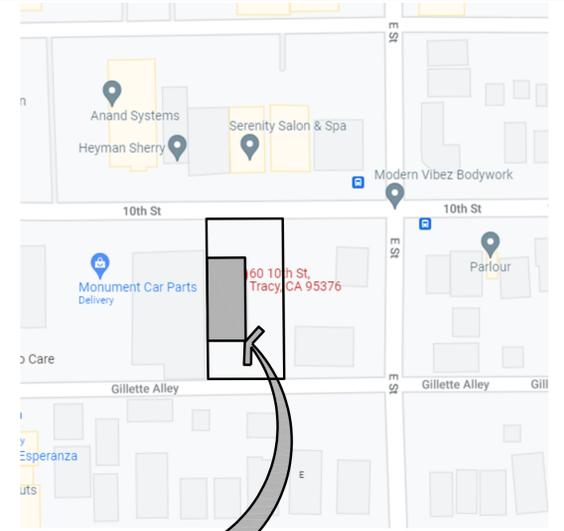


**PROPOSED SITE PLAN**

SCALE: 1" = 10'-0"



SCALE: 1" = 10'-0"



**VICINITY MAP**

**PROJECT LOCATION**

60 10th STREET  
TRACY, CA 95376

**PROJECT TEAM**

**PROJECT CONTACT:**  
MANZANITA  
CONTACT: JEFF LINDEN  
jlinden@herbjoy.com

**ARCHITECT:**  
API  
4335-B NORTH STAR WAY  
MODESTO, CA 95356  
(209) 577-4661  
CONTACT: ROD ALONZO  
rod@apiarc.com

**SITE DATA**

ASSESSOR'S PARCEL NUMBER:	235-172-04/235-172-05
PROPERTY AREA: APN 235-172-04	8,100 SQ. FT. / .19 AC
PROPERTY AREA: APN 235-172-05	7,840 SQ. FT. / .17 AC
<b>TOTAL AREA:</b>	<b>15,940 SQ. FT. / .36 AC</b>
BUILDING COVERAGE (OF PROJECT AREA):	4,000 SQ. FT. (27.38%)
CURRENT ZONE:	CBD - CENTRAL BUSINESS DISTRICT
GENERAL PLAN:	DOWNTOWN

**BUILDING DATA**

BUILDING AREA:	
TOTAL FLOOR AREA:	4,000 S.F.
BUILDING USE:	RECREATIONAL/ MEDICAL DISPENSARY
MAXIMUM BUILDING HEIGHT:	NO HEIGHT REQUIREMENTS IN CBD ZONE PER TRACY MUNICIPAL CODE 10.08.2420
ACTUAL BUILDING HEIGHT:	20'-0"

**PARKING DATA**

<b>PARKING REQUIRED</b>	
BUILDING AREA:	4,000 SQ. FT.
PARKING RATIO:	1:250
TOTAL PARKING REQUIRED:	16 STALLS
<b>PARKING PROVIDED</b>	
STANDARD:	12 STALLS
ACCESSIBLE:	1 STALL
TOTAL PARKING PROVIDED:	13 STALLS

**NOTE:** PER SECTION 10.08.3470(c) OF THE TRACY MUNICIPAL CODE BUILDINGS ENLARGED, RECONSTRUCTED, REMODELED, OR STRUCTURALLY ALTERED IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONE SHALL EITHER PROVIDE PARKING, OR PAY AN IN-LIEU FEE AS SET BY CITY COUNCIL RESOLUTION FOR THE PURPOSE OF PROVIDING PARKING IN THE CBD ZONE

SEE RESOLUTION 2019-160 PASSED BY THE CITY COUNCIL FOR THE IN-LIEU PARKING FEE

**SCOPE OF WORK**

- CONVERT EXISTING VACANT AUTOMOTIVE REPAIR FACILITY INTO A RETAIL DISPENSARY TO INCLUDE THE FOLLOWING: OFFICE SPACE, SECURITY VAULT, SECURED DELIVERY ACCESS, RETAIL SALES AREA, RESTROOMS.
- EXTERIOR FACADE RENOVATION TO INCLUDE WOOD SIDING, LASER CUT METAL SIGNAGE ( UNDER SEPARATE PERMIT), DECORATIVE LASER CUT METAL SCREENS, PAINTED CMU BLOCK, NEW ALUMINUM STOREFRONT ASSEMBLIES, ROOFTOP MECHANICAL SCREEN WALL
- NEW 6'-0" HIGH CONCRETE BLOCK FENCE PAINTED TO MATCH BUILDING.
- NEW PARKING LOT WITH ACCESSIBLE AND STANDARD STALLS.
- NEW SIDEWALKS AND ACCESSIBLE PATH OF TRAVEL AND REQUIRED SIGNAGE.
- NEW DROUGHT TOLERANT LANDSCAPING.
- NEW CMU BLOCK TRASH ENCLOSURE PAINTED TO MATCH BUILDING.

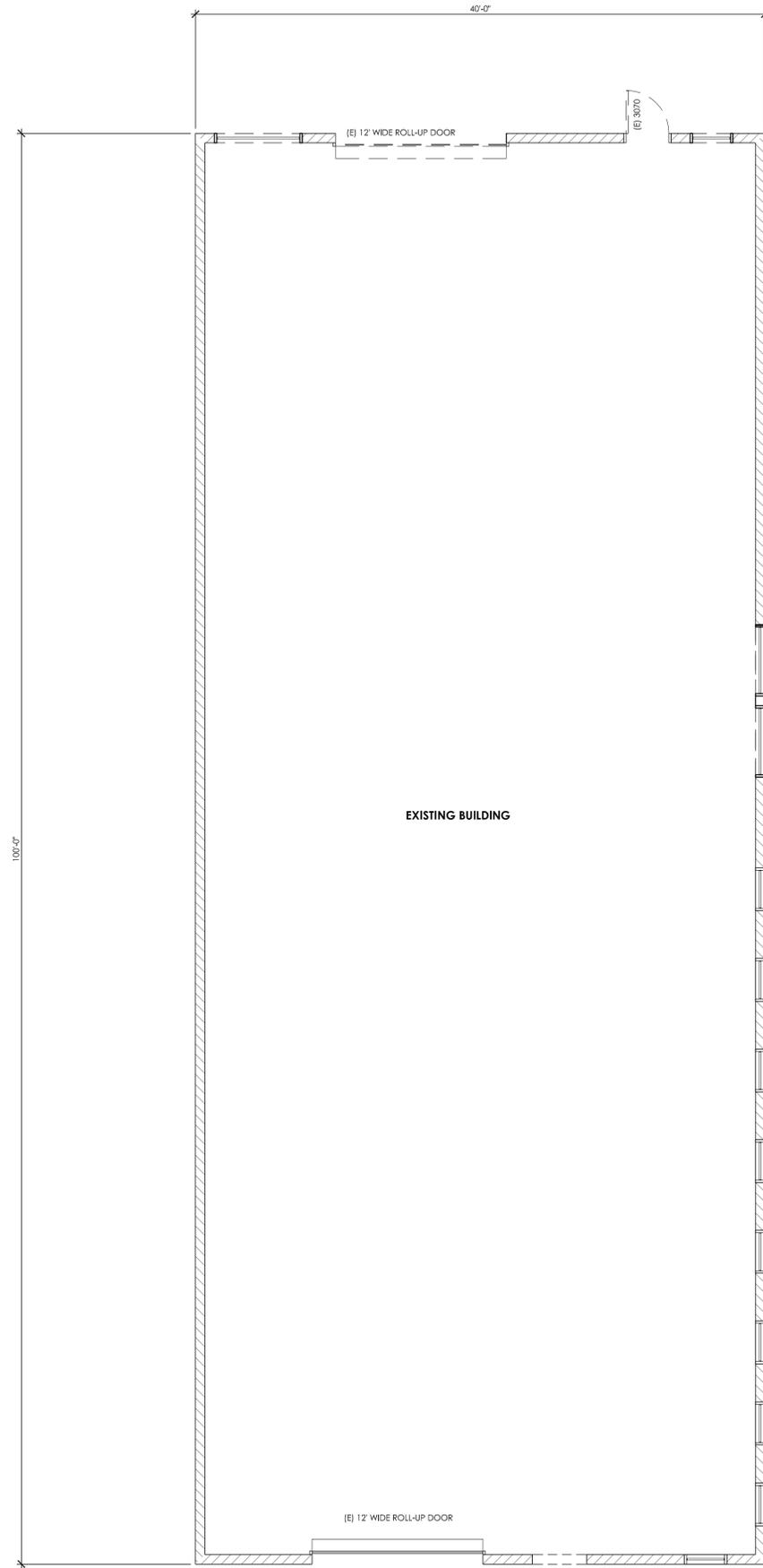
**PROPOSED TENANT IMPROVEMENT:**  
**MANZANITA**  
60 EAST TENTH STREET  
TRACY, CA 95376



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MODESTO, CA 95356

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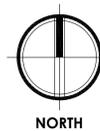
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**EXISTING FLOOR PLAN**

SCALE: 3/16" = 1'-0"

FLOOR AREA: 4000 SQ. FT.



PROPOSED TENANT  
IMPROVEMENT:  
**MANZANITA**  
60 EAST TENTH STREET  
TRACY, CA 95376

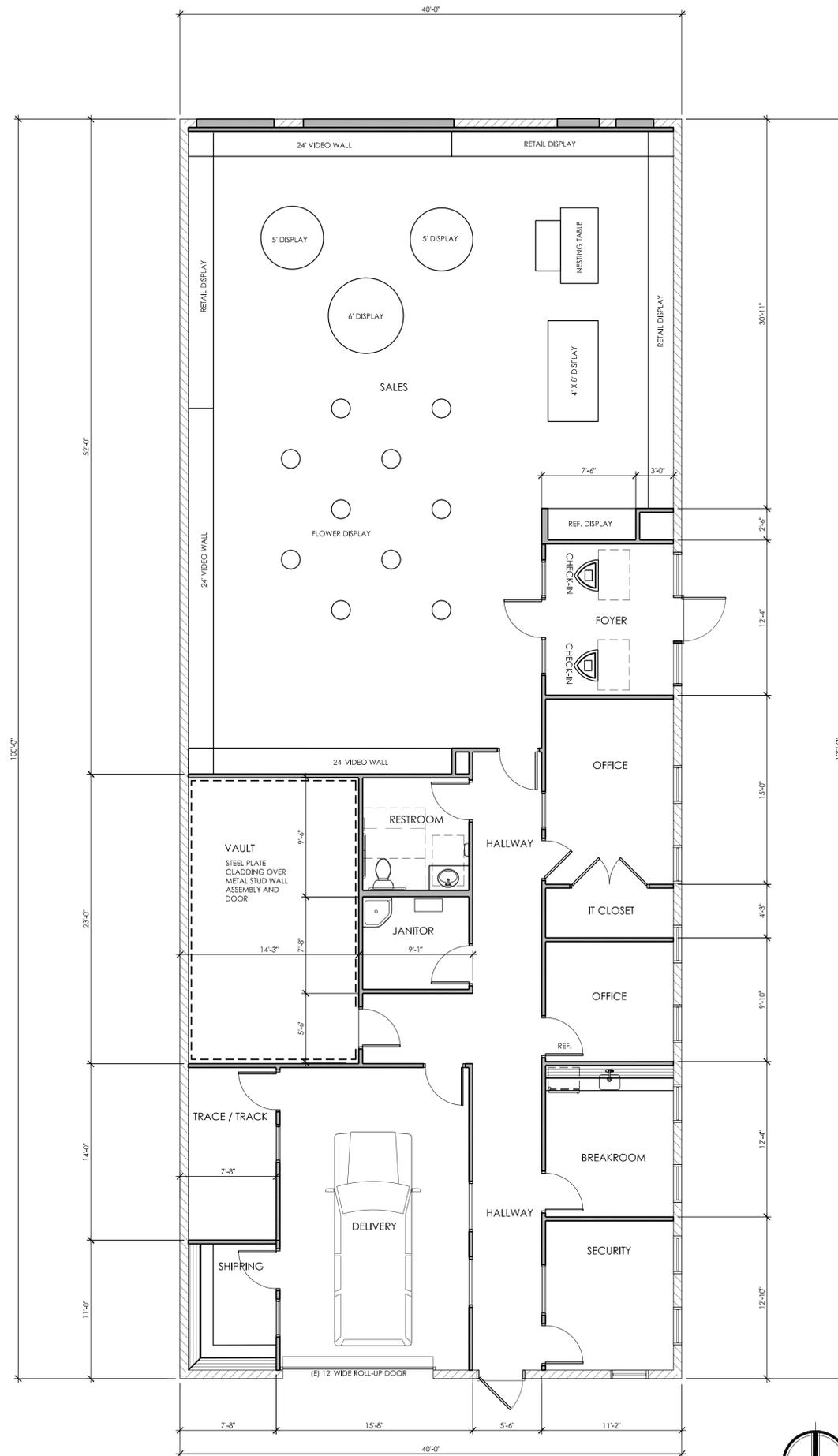
PLANNING ■■■  
ARCHITECTURE ■■■

**api**

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MODESTO, CA 95356

ph. 209.577.4661  
fx. 209.577.0213

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**PROPOSED FLOOR PLAN**

SCALE: 3/16" = 1'-0"

FLOOR AREA: 4,000 SQ. FT.



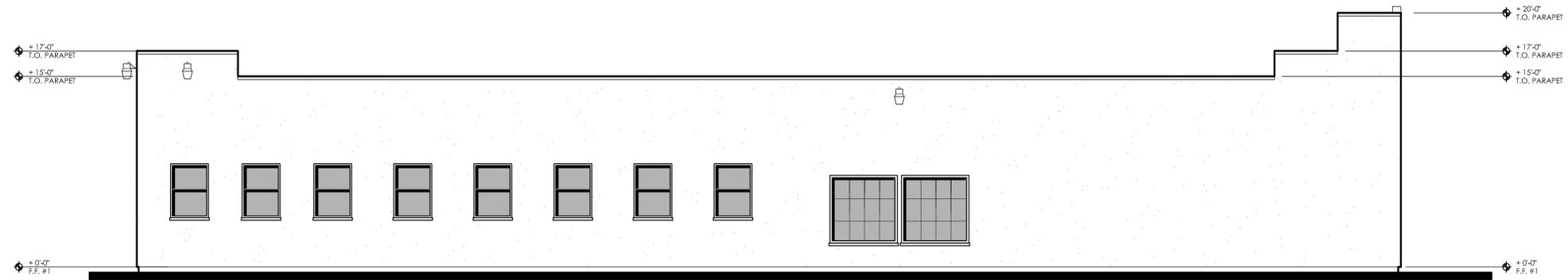
**PROPOSED TENANT IMPROVEMENT:**  
**MANZANITA**  
 60 EAST TENTH STREET  
 TRACY, CA 95376



ARCHITECTURE PLUS INC.  
 4335-B NORTH STAR WAY  
 MODESTO, CA 95356

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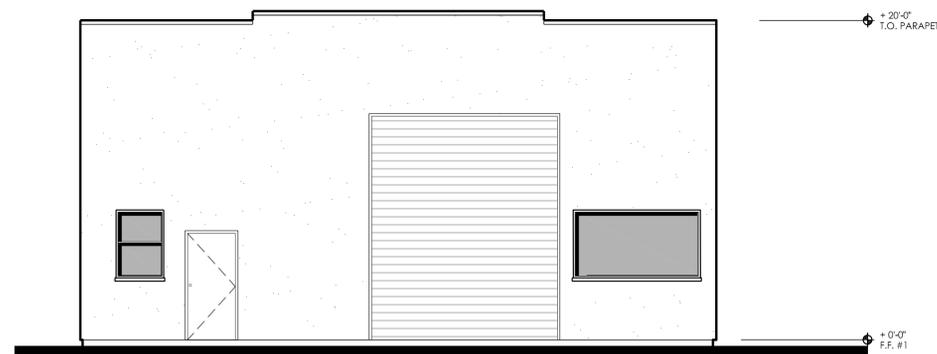
**EXISTING EAST ELEVATION**

SCALE: 3/16" = 1'-0"



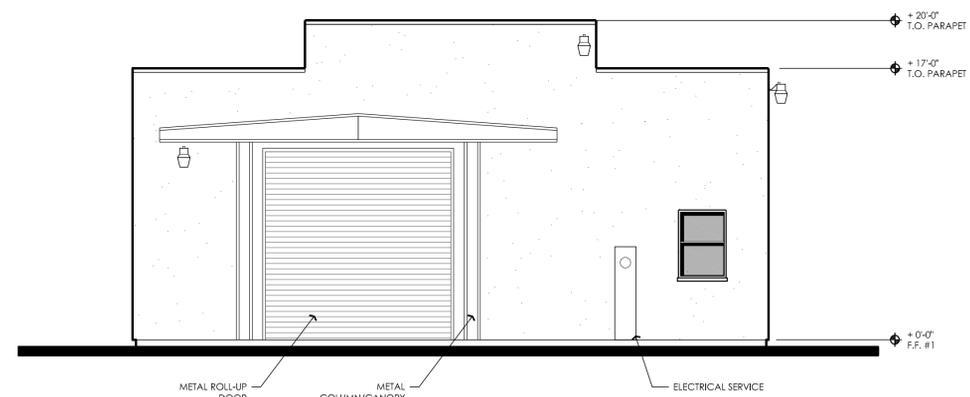
**EXISTING WEST ELEVATION**

SCALE: 3/16" = 1'-0"



**EXISTING NORTH ELEVATION**

SCALE: 3/16" = 1'-0"



**EXISTING SOUTH ELEVATION**

SCALE: 3/16" = 1'-0"

**PROPOSED TENANT IMPROVEMENT:**

**MANZANITA**

**60 EAST TENTH STREET  
TRACY, CA 95376**

PLANNING  
ARCHITECTURE

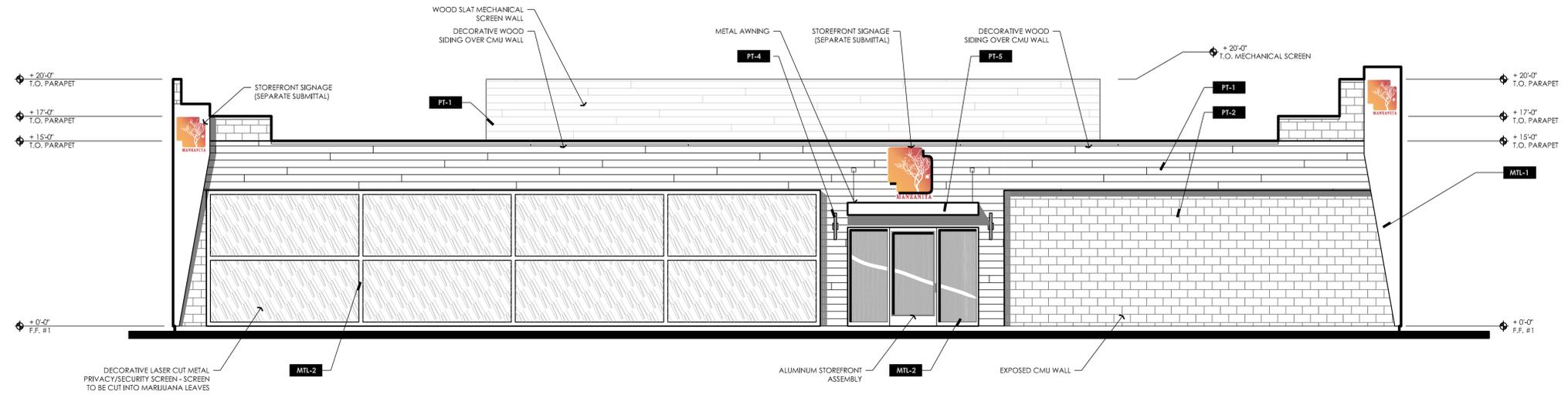
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fx. 209.577.0213

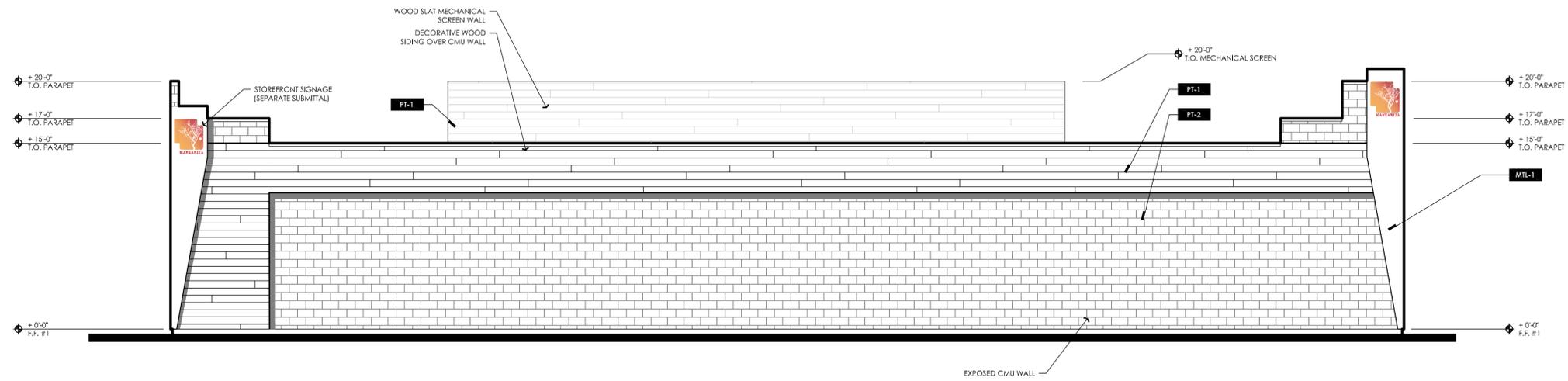
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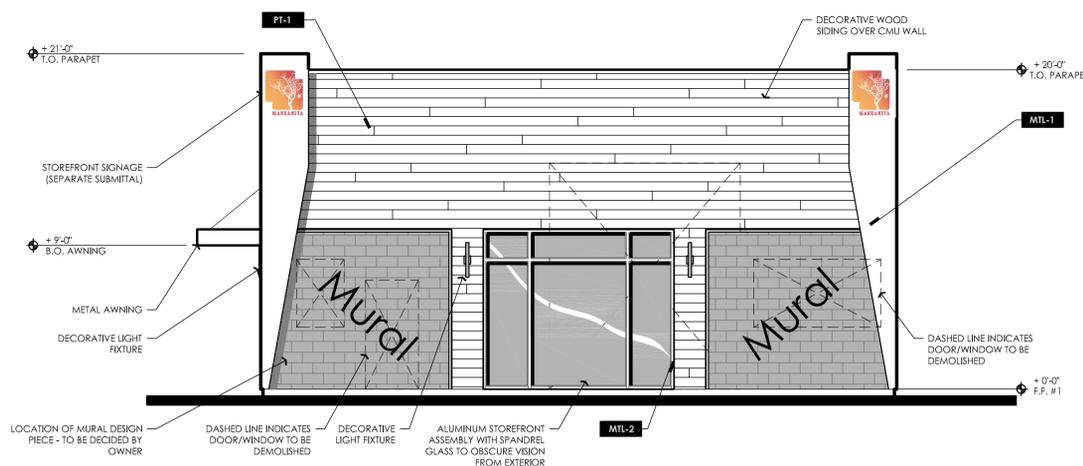
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SCALE: 3/16" = 1'-0"



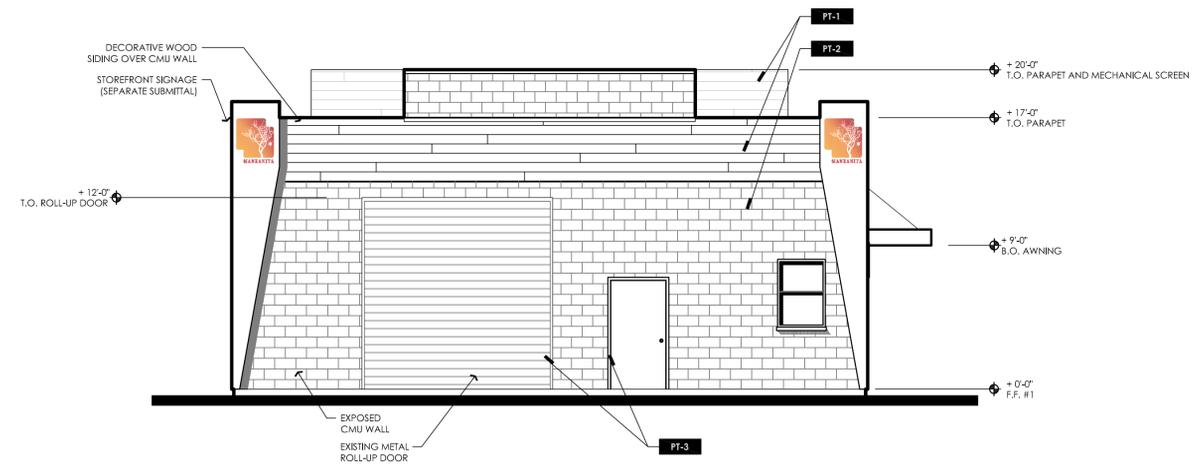
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SCALE: 3/16" = 1'-0"



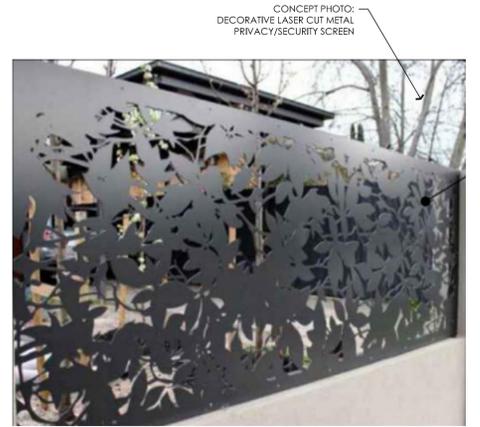
**PROPOSED NORTH ELEVATION**

SCALE: 3/16" = 1'-0"



**PROPOSED SOUTH ELEVATION**

SCALE: 3/16" = 1'-0"



CONCEPT PHOTO: DECORATIVE LASER CUT METAL PRIVACY/SECURITY SCREEN

**FINISH LEGEND**

- PT-1** WOOD SIDING - ARCHITECTURAL WEATHERED STAIN
- PT-2** PAINTED CMU WALL - SHERWIN WILLIAMS: LIGHT FRENCH GRAY #0055
- PT-3** SHERWIN WILLIAMS: STEELY GRAY #7664
- PT-4** LIGHT FIXTURES - ARCHITECTURAL BRONZE FINISH
- PT-5** TRIM/AWNING - SHERWIN WILLIAMS: TRICORN BLACK #6258
- MTL-1** LASER CUT STEEL SIGNAGE - RUSTED CORTEN STEEL
- MTL-2** LASER CUT STEEL SECURITY SCREEN/STOREFRONT - SHERWIN WILLIAMS: TRICORN BLACK #6258

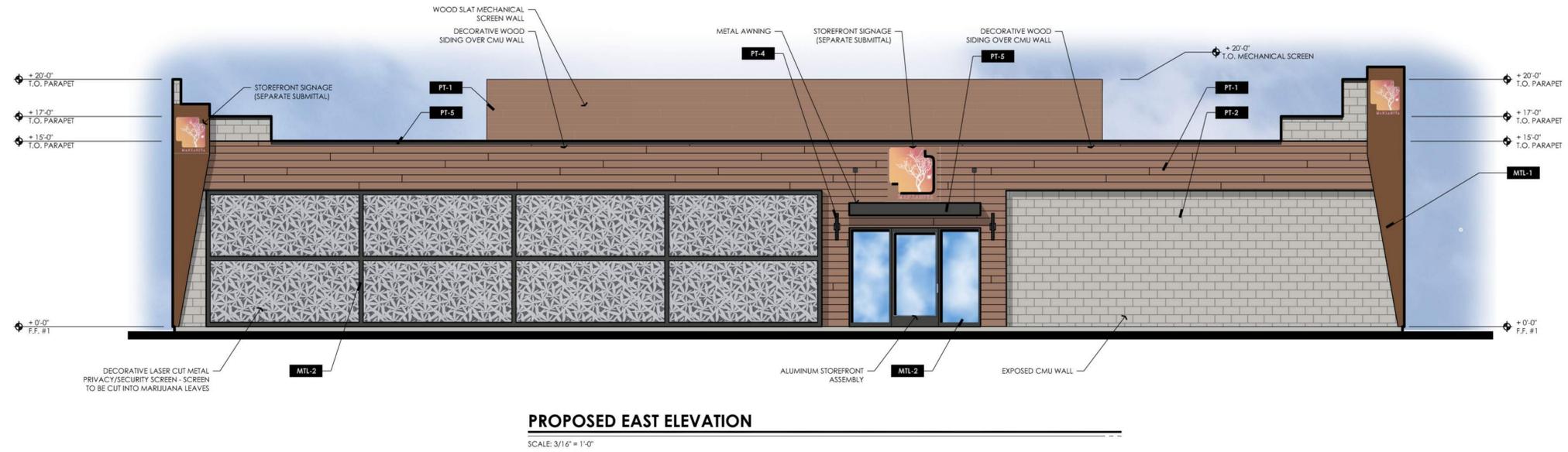
**PROPOSED TENANT IMPROVEMENT:**  
**MANZANITA**  
 60 EAST TENTH STREET  
 TRACY, CA 95376



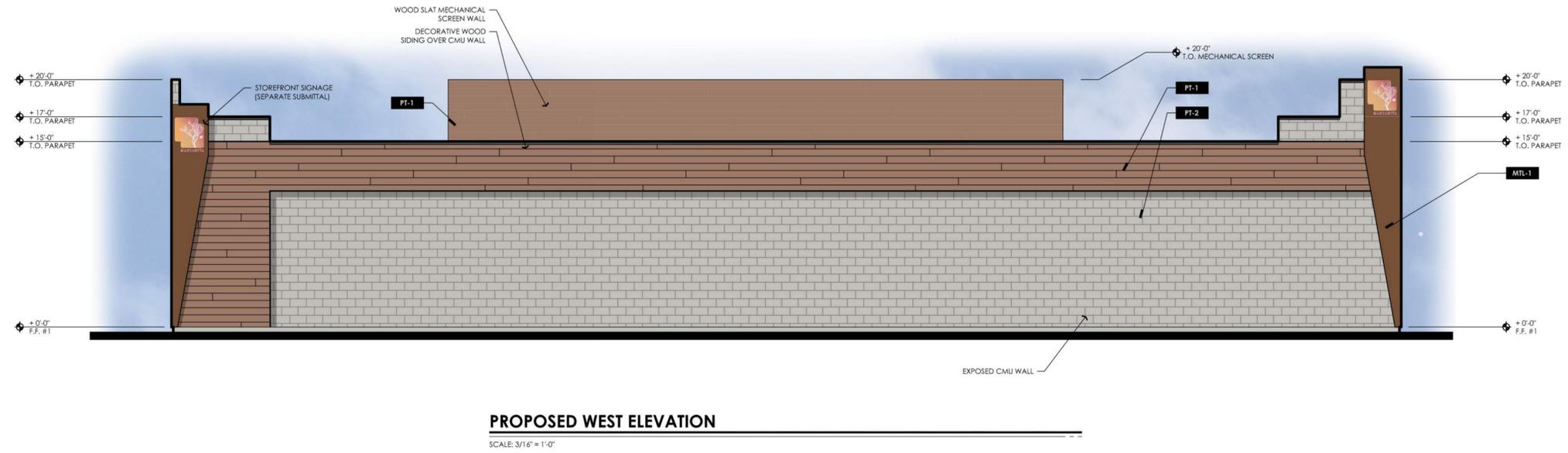
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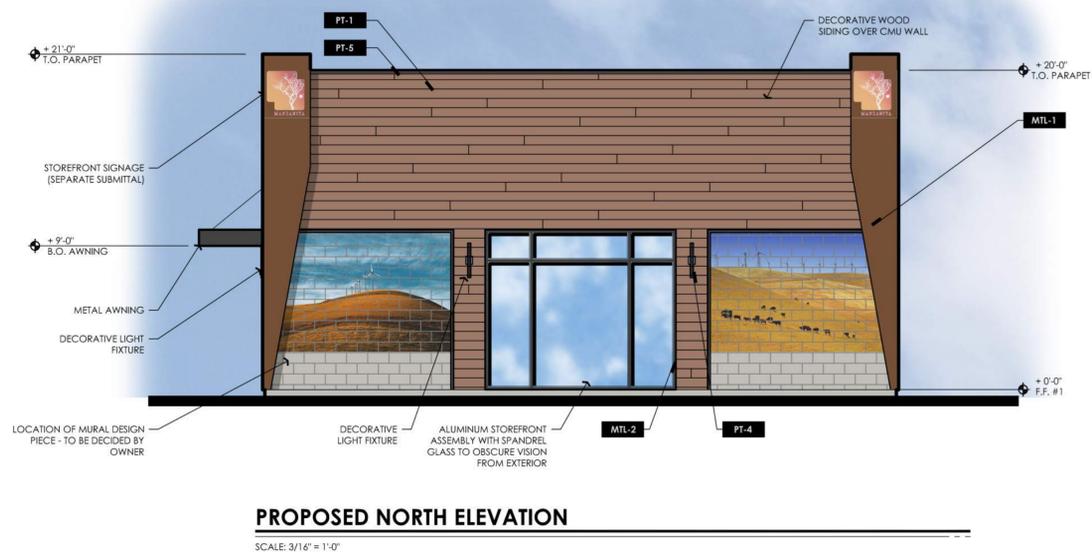
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**PROPOSED EAST ELEVATION**  
SCALE: 3/16" = 1'-0"



**PROPOSED WEST ELEVATION**  
SCALE: 3/16" = 1'-0"

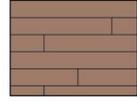
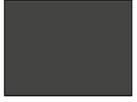


**PROPOSED NORTH ELEVATION**  
SCALE: 3/16" = 1'-0"



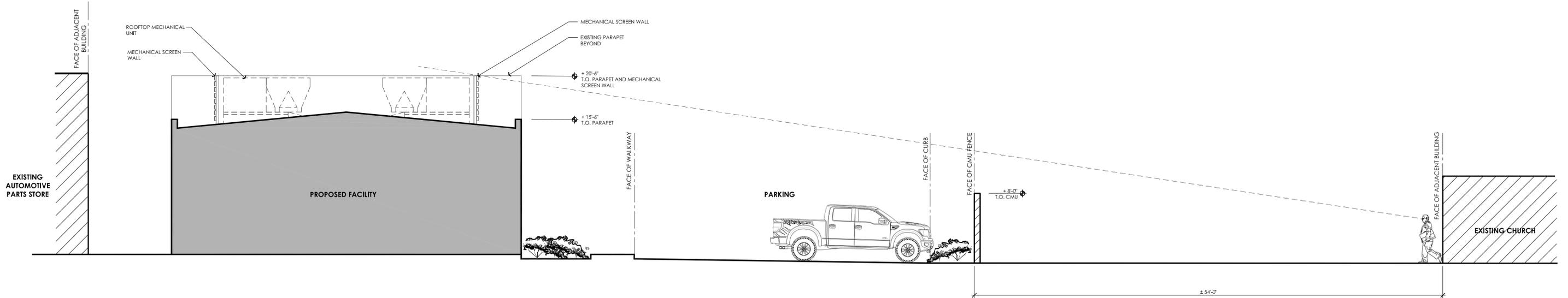
**PROPOSED SOUTH ELEVATION**  
SCALE: 3/16" = 1'-0"

**FINISH LEGEND**

	
WOOD SIDING: ARCHITECTURAL WEATHERED STAIN PT-1	TRIM/AWNING COLOR: SHERWIN WILLIAMS: #6258 TRICORN BLACK PT-5
	
CMU WALL: SHERWIN WILLIAMS: #0055 LIGHT FRENCH GRAY PT-2	LASER CUT SIGNAGE: RUSTED CORTEN STEEL MTL-1
	
DOOR/GARAGE: SHERWIN WILLIAMS: #7664 STEELY GRAY PT-3	LASER CUT SECURITY SCREEN/ STOREFRONT COLOR: SHERWIN WILLIAMS: #6258 TRICORN BLACK MTL-2
	
LIGHT FIXTURES: ARCHITECTURAL BRONZE FINISH PT-4	

**PROPOSED TENANT  
IMPROVEMENT:  
MANZANITA**  
60 EAST TENTH STREET  
TRACY, CA 95376

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**LINE OF SIGHT DIAGRAM - EAST / WEST**

SCALE: 3/16" = 1'-0"

PROPOSED TENANT  
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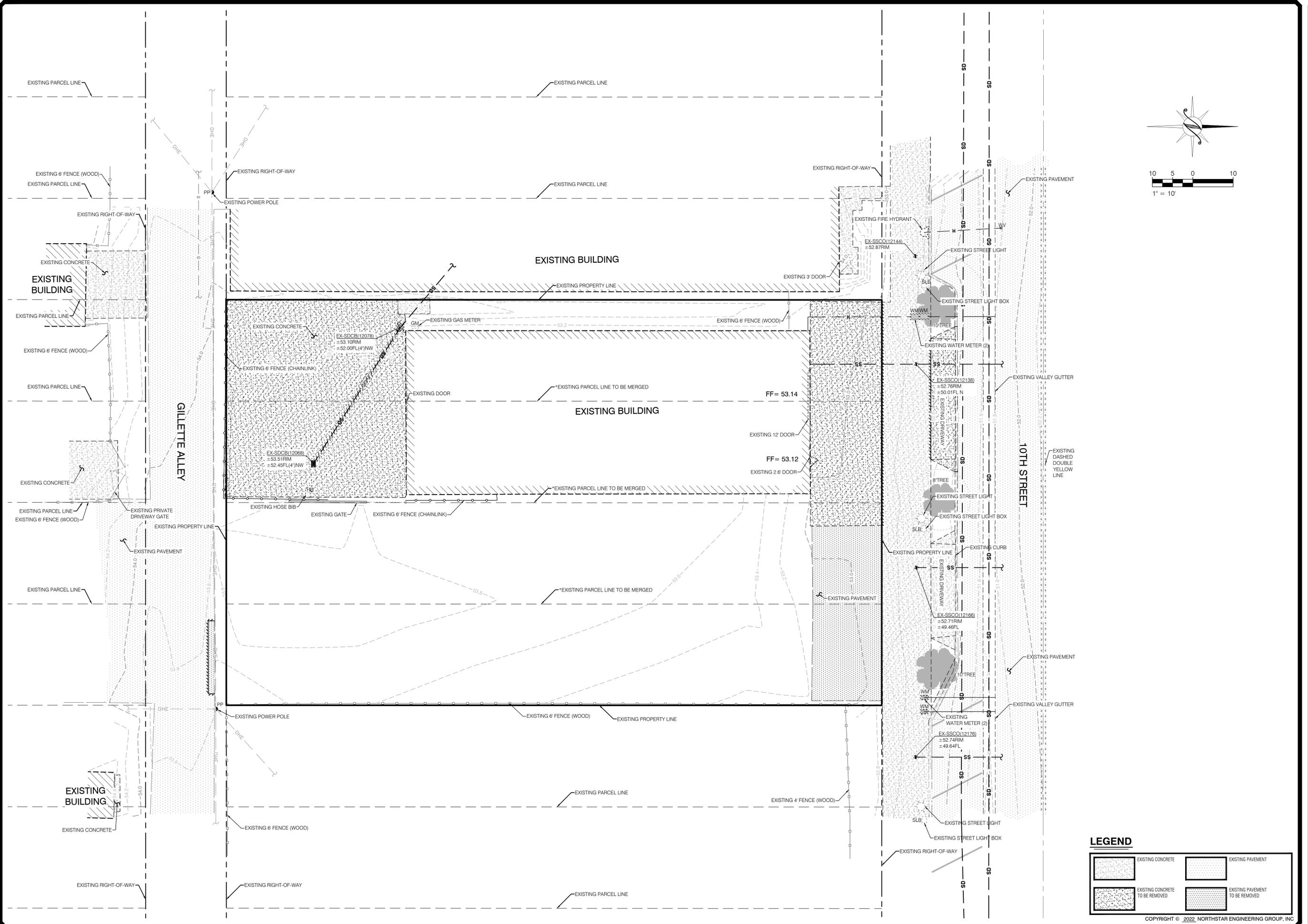


**LEGEND**

	EXISTING	PROPOSED		EXISTING	PROPOSED
BOUNDARY LINE			WATER WELL		
CENTERLINE			WATER (DOMESTIC)		
RIGHT-OF-WAY			WATER (NON-POTABLE WATER)		
LOT LINE			WATER (FIRE SERVICE)		
SECTION LINE		N/A	WATER STRUCTURE ID	N/A	
EASEMENT			IRRIGATION MANHOLE		
RIGHT-OF-WAY EASEMENT			IRRIGATION METER		
SETBACK LINE	N/A		BACKFLOW PREVENTER		
RESTRICTED ACCESS			IRRIGATION CONTROL BOX		
CENTERLINE STATION POINT			IRRIGATION CONTROL VALVE		
MONUMENT			IRRIGATION LINE		
PROPERTY CORNER			GAS VALVE		
BENCHMARK			GAS METER		
TREE			GAS LINE		
BOULDER		N/A	ELECTROLIER		
STUMP		N/A	SITE LIGHTING		
CONCRETE			TRAFFIC SIGNAL	N/A	
CURB + GUTTER			TRAFFIC SIGNAL WITH STREET LIGHT	N/A	
ACCESSIBLE RAMP			UTILITY POLE		
DETECTABLE WARNING SURFACE			UTILITY POLE WITH LIGHT		
EDGE OF PAVEMENT			WIRE ANCHOR		
BUILDING OVERHEAD			UTILITY BOX		
RAILROAD			TELEPHONE MAINTENANCE HOLE		
BUILDING			ELECTRIC MAINTENANCE HOLE		
WHEEL STOP			CABLE MAINTENANCE HOLE		
HANDRAIL			TRANSFORMER		
BOLLARD			OUTLET		
DOOR			UTILITY VALVE		
VALLEY GUTTER			JOINT TRENCH		
WALL			OVERHEAD ELECTRICAL		
WALL			TELEVISION/CABLE		
RETAINING WALL			UNDERGROUND ELECTRICAL		
FENCE - CHAINLINK/VINY/CABLE			TELEPHONE		
FENCE - WOOD/METAL/STEEL			ELECTRICAL		
FENCE - BARBED WIRE			MISCELLANEOUS UTILITY		
FENCE - PICKET			SEWER MANHOLE		
FENCE - SPLIT RAIL		N/A	ECCENTRIC SEWER MANHOLE		
FENCE - HOGWIRE			SEWER CLEAN OUT		
BARRICADE			SEPTIC TANK		
GUARDRAIL		N/A	SEWER STRUCTURE ID	N/A	
ROLLING GATE			SEWER (MAIN)		
SWING GATE			SEWER (LATERAL)	N/A	
TRENCH		N/A	SEWER (FORCE MAIN)		
SAWCUT		N/A	STORM DRAIN MANHOLE		
UTILITY REMOVAL		N/A	DEWATERING MANHOLE		
CONTOUR - MAJOR			ECCENTRIC MANHOLE		
CONTOUR - MINOR			STORM DRAIN CLEAN OUT		
DAYLIGHT CUT	N/A		CURB INLET		
DAYLIGHT FILL	N/A		DRAIN INLET		
GRADE BREAK			DRAIN INLET ON MANHOLE		
PAD ELEVATION			STORM DRAIN STRUCTURE ID	N/A	
SLOPE			RAINWATER LEADER		
ELEVATION TAG			RIPRAP (ROCK DISCHARGE PAD)		
TOE OF SLOPE			STORM DRAIN		
HIGH POINT			STORM DRAIN TRENCH DRAIN		
SIGN			SWALE		
SINGLE LINE			STORM DRAIN (LANDSCAPE SERVICES)	N/A	
DOUBLE LINE			ROCK TRENCH		
STOP BAR/CROSSWALK			FRENCH DRAIN		
DASHED LINE			CULVERT		
DOUBLE DASHED LINE					
MANHOLE					
MAILBOX					
UTILITY STRUCTURE					
WATER VALVE					
WATER METER					
BLOW OFF VALVE					
BACKFLOW PREVENTER					
DOUBLE CHECK DETECTOR ASSEMBLY					
FIRE HYDRANT					
MONITORING WELL					
AIR RELEASE VALVE					

**ABBREVIATIONS**

@	PLUS OR MINUS (NOT EXACT)	JB	JUNCTION BOX	USA-G	SEWER/STORM DRAIN (GREEN)
Ø	DIAMETER	JP	JUNCTION POLE	USA-M	TEMPORARY SURVEY MARKINGS (MAGENTA)
ABDN	ABANDONED	JT	JOINT TRENCH	USA-O	COMMUNICATION CATV (ORANGE)
AC	AGGREGATE BASE	LT	LEFT	USA-P	RECLAIMED WATER IRR. SLURRY (PURPLE)
A/C	ACRE, ASPHALT CONCRETE	LF	LENGTH (CURVE)	USA-W	ELECTRICAL (RED)
ACP	AIR CONDITIONING	LN	LINE	USA-Y	PROPOSED EXCAVATION (WHITE)
ACM	ASBESTOS CEMENT PIPE	LAT	LATERAL	VC	GAS, OIL, STEAM (YELLOW)
AD	ASBESTOS CONTAINING MATERIAL	LIP	LIP OF GUTTER	VCP	VERTICAL CURVE
ADA	AREA DRAIN	LN	LINE	VERT	VITRIFIED CLAY PIPE
AG	AMERICANS W/ DISABILITIES ACT	LP	LIGHT POLE, LOW POINT	W	WEST, WATER
AGG	AGGREGATE	PH	FIRE HYDRANT	W/	WITH
ALGN	ALIGNMENT	LS	LANDSCAPE	WA	WALL
ALT	ALTERNATE	LSA	LANDSCAPE ARCHITECT	WB	WATER BOX
APN	ASSESSORS PARCEL NUMBER	MA	MEDICAL AIR	WM	WATER METER
ARV	AIR RELEASE VALVE	MAX	MAXIMUM	WMB	WATER METER BOX
ASB	AGGREGATE SUBBASE	MEP	MECHANICAL/ELECTRICAL/PLUMBING	WOA	WASHOUT AREA
ASPH	ASPHALT	MH	MAN/MAINTENANCE HOLE	WS	WATER SERVICE
ASR	AUTOMATIC SPRINKLER RISER	MIN	MINIMUM	WW	WATER VALVE
BC	BEGIN CURVE	MPT	MECHANICAL JOINT	WWF	WATER WELL
BDRY	BOUNDARY	MJ	MIDPOINT OF VERTICAL CURVE	WY	WELDED WIRE FABRIC
BFP	BACK FLOW PREVENTOR	MPVC	MONUMENT	YD	YARD
BK	BOOK	MON	MOW STRIP		
B/DC	BUILDING CORNER	MS	MONITORING WELL		
BLDG	BUILDING	MW	NORTH, NORTHING COORDINATE		
BMP	BEST MANAGEMENT PRACTICES	N	NEW		
BM	BENCHMARK	(N)	NDS INC. (MANUFACTURER)		
BOD	BOTTOM OF DOCK	NIC	NOT INCLUDED/IN CONTRACT		
BOL	BOLLARD	NO	NUMBER		
BOW	BACK OF WALK	NSE	NORTHSTAR ENGINEERING		
BSW	BACK OF SIDEWALK	NTS	NOT TO SCALE		
BS	BEGIN STRIPING	OC	ON CENTER		
B/S	BUILDING SETBACK LINE	OG	ORIGINAL GROUND / GRADE		
BVC	BEGIN VERTICAL CURVE	OHE	OVERHEAD ELECTRICAL		
BW	FINISHED GRADE AT BOTTOM OF WALL	OIR	OFFICIAL RECORDS		
C	CIVIL	(P)	PROPOSED		
CC	CONCRETE	P. PAV	PAVEMENT		
CB	CATCH BASIN	PB	PULL BOX		
CBL	CABLE	PCC	POINT OF COMPOUND/CONVERSE CURVATURE		
CDS	CONTINUOUS DEFLECTION	POC	PORTLAND CEMENT CONCRETE		
CG/C&G	CURB AND GUTTER	PE	PLAIN END		
CGAS	CURB, GUTTER & SIDEWALK	PERF	PEDESTRIAN		
CJ	CAST IRON CURB INLET	PERF	PERFORATED		
CIP	CAST IRON PIPE	PG	PAGE		
CL	CENTERLINE	PG&E	PACIFIC GAS AND ELECTRIC		
CLR	CLEAR	PH	POT HOLE		
CMH	CABLE MAINTENANCE HOLE	PID	POINT ID		
CMN	COMMUNICATION	PIV	POST/PRESSURE INDICATOR VALVE		
CMP	CORRUGATED METAL PIPE	PL	PROPERTY LINE		
CO	CLEAN OUT	PM	PARKING METER, PARCEL MAP		
COT OR C.O.T	CITY OF TRACY	PMH	POWER MANHOLE		
COMP	COMPACTION	PO	PUSH-ON		
CONC OR CC	CONCRETE	POC	POINT ON CURVE/POINT OF CONNECTION		
CONST	CONSTRUCTION OR CONSTRUCT	POI	POINT OF INTERSECTION		
CONF	CONFORM TO EXISTING	PP	POWER POLE		
CR	CURB/CROWN	PRC	POINT OF REVERSE CURVATURE		
CT	COURT/CUBIC	PROF	PROFILE		
CJ	CULVERT	PRV	PRESSURE REDUCING VALVE		
CY	CHECK VALVE	PRUE	PRIVATE UTILITY EASEMENT		
CY	CUBIC YARD	PT	POINT		
D=	DELTA (CURVE)	PT&T	PACIFIC TELEPHONE & TELEGRAPH		
DCDA	DOUBLE CHECK DETECTOR ASSEMBLY	PUE	PUBLIC UTILITY EASEMENT		
DEMO	DEMOLISH	PVC	POLYVINYL CHLORIDE PIPE		
DEPT	DEPARTMENT	R	RADIUS		
DI	DROP/DRAIN INLET/DUCTILE IRON	R=	RADIUS		
DIA	DIAMETER	RC	RELATIVE COMPACTION		
DIP	DUCTILE IRON PIPE	RCP	REINFORCED CONCRETE PIPE		
DOM, (DOM)	DOMESTIC	RD	ROAD, RELATIVE DENSITY		
DR	DRAIN	RJ	RESTRAINED JOINT		
DS	DOWNSPOUT	RP	RADIUS POINT		
DTL	DETAIL	RPPA	REDUCED PRESSURE PRINCIPLE ASSEMBLY		
DW	DOMESTIC WATER/DRYWELL/DEWATERING	RSC	RECEIVING AND SUPPORT CENTER		
DWG	DRAWING	RV	RESISTANCE VALVE		
DWY	DRIVEWAY	RW	RECYCLED WATER		
DYL	DOUBLE YELLOW LINE	RW, RW, ROW	RIGHT-OF-WAY		
E	EAST/EASTING COORDINATE/ELECTRIC	RWL	RAINWATER LEADER		
(E)	EXISTING	S	SOUTH, SLOPE		
EC	END CURVE	S.A.D.	SEE ARCHITECTURAL DRAWINGS		
EG	EXISTING GRADE	SBL	SETBACK LINE, SOLID BLACK LINE		
EL, ELEV	ELEVATION	SCD	SEWER CLEANOUT		
ELB	ELECTRIC BOX	SD	STORM DRAIN		
ELC/ELEC	ELECTRICAL	SDB	STORM DRAIN BASIN		
ELV	ELECTRIC VAULT	SDCB	STORM DRAIN CATCH BASIN		
EM	ELECTRIC METER	SDDO	STORM DRAIN CLEAN OUT		
EMH	ELECTRIC MAINTENANCE HOLE	SDDW	STORM DRAIN DEWATERING		
EP	EDGE OF PAVEMENT	SDI	STORM DRAIN INLET		
ES	END STRIPING	SDFM	STORM DRAIN FORCE MAIN		
ESMT OR EASE	EASEMENT	SDMH	STORM DRAIN MAINTENANCE HOLE		
EX OR EXIST	END OF VERTICAL CURVE	S.E.D.	SEE ELECTRICAL DRAWINGS		
EVA	EMERGENCY VEHICLE ACCESS	SG	SUB-GRADE		
(F)	FUTURE	SF	SILT FENCE SG SUBGRADE		
FA	FIRE ALARM	SHT	SHEET		
FAB	FIRE ALARM BOX	SIM	SIMILAR		
FC, F/C	FACE OF CURB	SL	SEE LANDSCAPE DRAWINGS		
FD	FOUND/FRENCH DRAIN	S.L.D.	SEE LANDSCAPE DRAWINGS		
FDC	FIRE DEPARTMENT CONNECTION	SLB	STREET LIGHT BOX		
FE	FENCE	SMH	SIGNAL MANHOLE		
FES	FLARED END SECTION	S.M.D.	SEE MECHANICAL DRAWINGS		
FF	FINISH FLOOR	SNS	STREET NAME SIGN		
FFG	FINISH FLOOR ELEVATION	SJC	SAN JOAQUIN COUNTY		
FG	FINISH GRADE	SP	SERVICE POLE		
FH	FIRE HYDRANT	S.P.D	SEE PLUMBING DRAWINGS		
FIP	FEMALE IRON PIPE THREAD	SRL	SOLID RED LINE		
FL	FLOW LINE/FLANGE	SS	SANITARY SEWER		
FLG	FLANGE	SSCO	SANITARY SEWER CLEAN OUT		
FM	FLOWMETER/FORCE MAIN	SSFM	SANITARY SEWER FORCE MAIN		
FOUND	FOUNDATION	SSMH	SANITARY SEWER MAINTENANCE HOLE		
FS	FINISHED SURFACE, FIRE SERVICE	SSPS	SANITARY SEWER PUMP STATION		
FSR	FIRE SPRINKLER RISER	ST	STREET, SEPTIC TANK		
FT	FOOT, FEET	STA	STATION		
FW	FIRE WATER	STD	STANDARD		
GA	GAS, GROUND	STL	STEEL		
GB	GRADE BREAK	S/W, SW	SIDEWALK		
GE	GROUND ELEVATION	SWL	SOLID WHITE LINE, SWALE		
GI	GALVANIZED IRON	T	TELEPHONE		
GM	GAS METER	TC	TOP OF CURB		
GR	GRAB	TBC	TOP BACK OF CURB		
GRD	GROUND	TOP	TEMPORARY CONTROL POINT		
GS	GROUND SHOT ELEVATION	TD	TRENCH DRAIN		
GUY	GUY/GUIDE LINE	TEL	TELEPHONE		
GV	GAS VALVE	TELB	TELEPHONE BOX		
H2O	WATER	TELV	TELEPHONE VAULT		
HMB	HOSE BIB	TEMP	TEMPORARY		
HORIZ	HORIZONTAL	TRC	TOP FACE OF GRATE		
HT	HEIGHT	TG	TOP OF GRATE		
HIP	HIGH POINT	TH	THRESHOLD		
HPS	HIGH PRESSURE SODIUM/SYSTEM	THK	THICK		
HT	HEIGHT	TI	TRAFFIC INDEX		
HWY	HIGHWAY	TMH	TELEPHONE MAINTENANCE HOLE		
HWL	HIGH WATER LINE	TOD	TOP OF DOCK		
IBX	IRRIGATION BOX				



**LEGEND**

	EXISTING CONCRETE		EXISTING PAVEMENT
	EXISTING CONCRETE TO BE REMOVED		EXISTING PAVEMENT TO BE REMOVED



NO.	REVISIONS	DATE	APPROVED

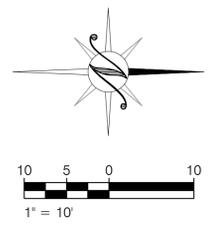
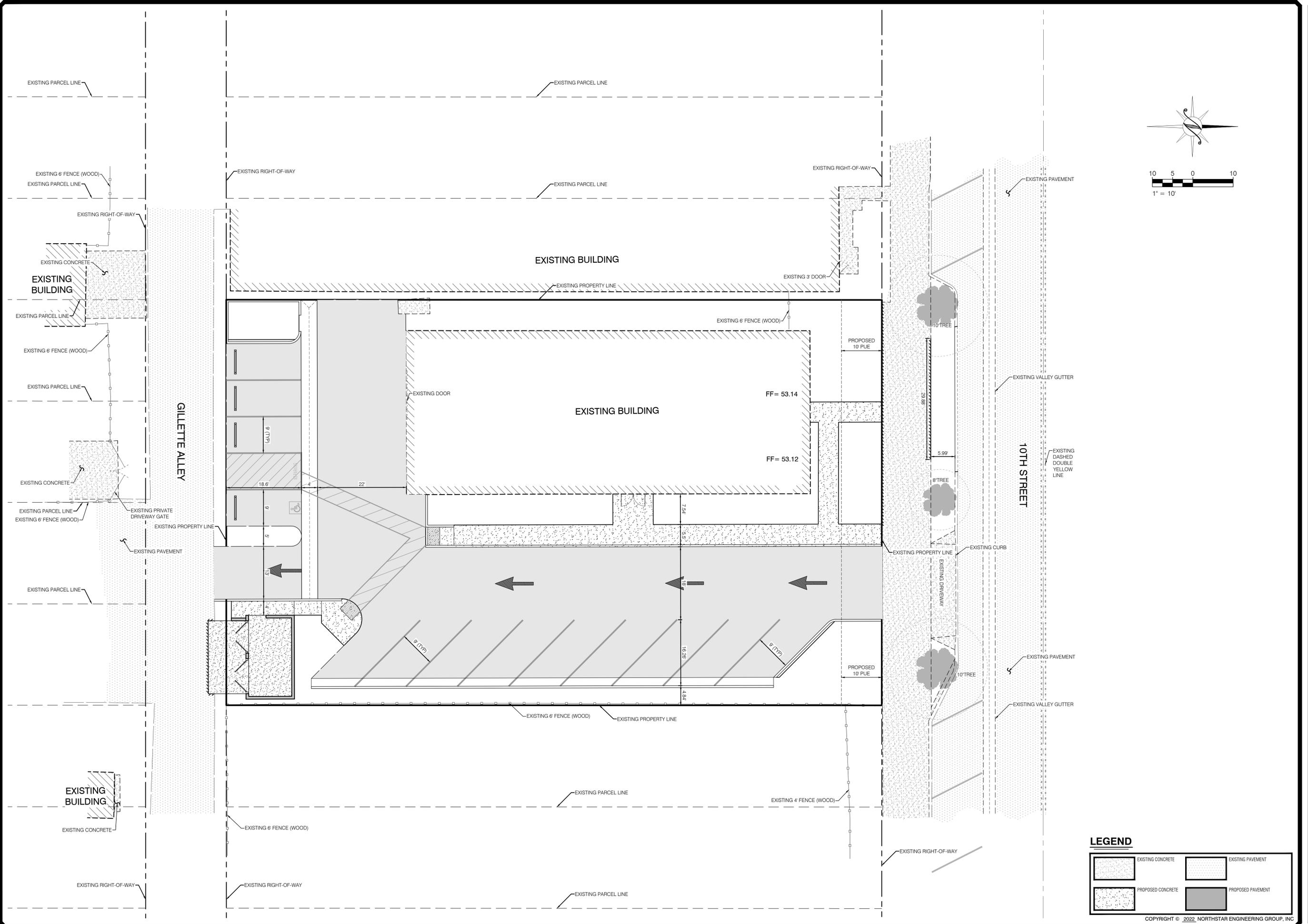
**TOPOGRAPHIC AND DEMOLITION PLAN**  
**PRELIMINARY CIVIL IMPROVEMENT PLANS FOR**  
**MANZANITA**  
 TRACY CALIFORNIA

**NorthStar Engineering Group, Inc.**  
 • CIVIL ENGINEERING • SURVEYING • PLANNING •  
 620 12th Street  
 Modesto, CA 95354  
 (209) 524-3225 Phone (209) 524-3226 Fax

JOB #:	22-3063
DATE:	12/09/2022
SCALE:	AS SHOWN
DRAWN:	FSE
DESIGN:	CRW
CHKD:	CRW

SHEET NUMBER  
**C2.1**

P:\0000\122308\122308.dwg 12/09/2022 10:45:00 AM  
 DIVISION: 122308 - Manzanita Laydown Planning - Final C2.1 1/09/2022



NO.	REVISIONS	DATE	APPROVED

**DIMENSION AND PAVING PLAN**  
**PRELIMINARY CIVIL IMPROVEMENT PLANS FOR**  
**MANZANITA**  
 TRACY CALIFORNIA

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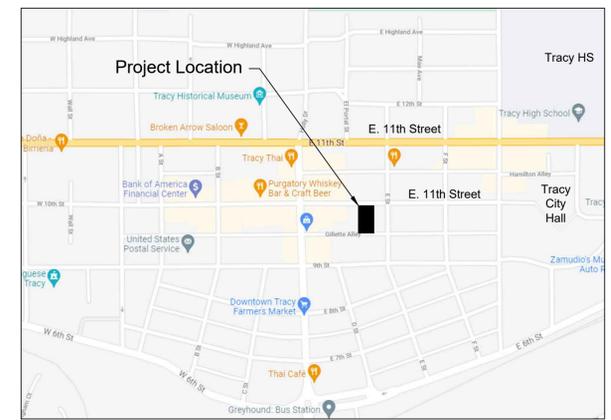
**C3.1**

**LEGEND**

	EXISTING CONCRETE		EXISTING PAVEMENT
	PROPOSED CONCRETE		PROPOSED PAVEMENT





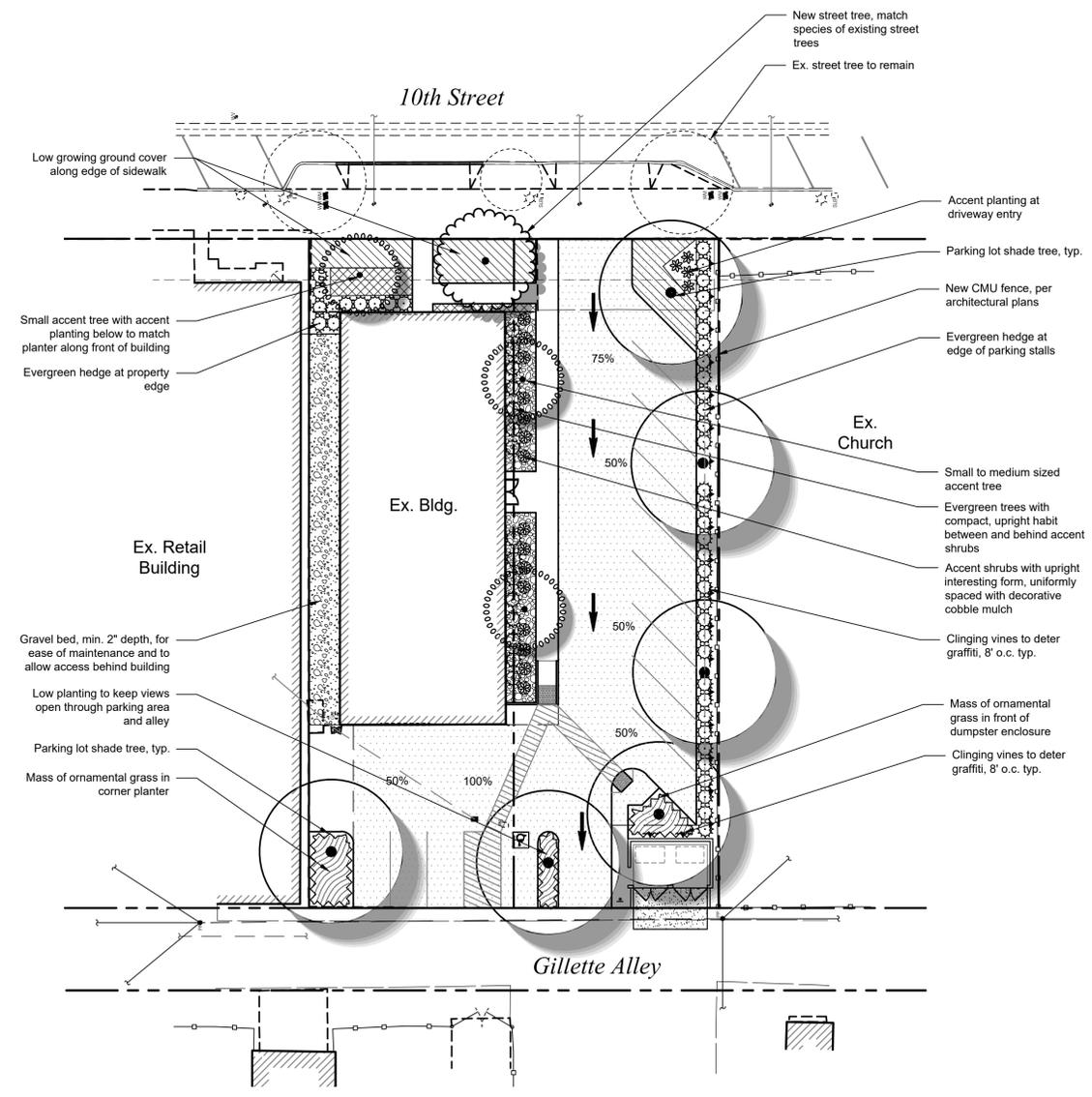


VICINITY MAP

**PRELIMINARY PLANT PALETTE**

The Preliminary Plant Palette represents the types of plants selected for this project that are suitable for the location and design concept. Plants in the final plan will be selected from this list. Not all plants in the list below will be used and additional plants may be incorporated with the final plans, but the overall design concept represented will be maintained.

	<b>PARKING LOT SHADE TREE</b> Deciduous shade tree for parking lot shade Pistacia chinensis 'Keith Davey' / Keith Davey Chinese Pistache Ulmus parvifolia 'Allee' TM / Allee Lacebark Elm	6	Mature H x W	24" box 24" box	45' x 35' 45' x 35'
	<b>STREET TREE</b> Deciduous shade tree to match species of existing trees Acer buergerianum / Trident Maple	1		15' Ht.	45' x 25'
	<b>ACCENT TREE</b> Small to medium tree with interesting branch structure or flowers. Acer palmatum / Japanese Maple Lagerstroemia indica x fauriei 'Natchez' / Natchez Crape Myrtle	3		15 gal. 15 gal.	20' x 15' 25' x 15'
	<b>ACCENT PLANT</b> Shrub with interesting form, texture or flowers, 30-42" tall. Diets iridioides / Fortnight Lily Hesperaloe parviflora / Red Yucca Kniphofia uvaria / Red Hot Poker	19		5 gal. 5 gal. 5 gal.	3'x3' 3'X3' 4'x3'
	<b>VINE</b> Climbing vine on CMU walls to deter graffiti Ficus pumila / Creeping Fig Parthenocissus tricuspidata / Boston Ivy	20		5 gal. 5 gal.	Spreading Spreading
	<b>EVERGREEN SHRUBS/ HEDGE</b> Small to medium hedge, 30"-42" high Buxus microphylla japonica 'Winter Gem' / Winter Gem Japanese Boxwood Callistemon viminalis 'Little John' / Little John Weeping Bottlebrush Euonymus japonicus 'Microphyllus Variegatus' / Variegated Boxleaf Euonymus Nandina domestica 'Gulf Stream' TM / Gulf Stream Heavenly Bamboo Rhapiolepis umbellata 'Minor' / Yedda Hawthorn	60		5 gal. 5 gal. 5 gal. 5 gal. 5 gal.	4'x2' 4'X3" 2'x1' 4'X3" 4'X3"
	<b>ORNAMENTAL GRASS</b> Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass Muhlenbergia capillaris / Pink Muhly Grass Muhlenbergia dubia / Pine Muhly	307 sf		5 gal. 5 gal. 5 gal.	42" oc 60" oc 36" oc
	<b>ACCENT GROUND COVER</b> Low ground cover with flowers or interesting texture Dianella revoluta 'Variegated' / Variegated Flax Lily Hemerocallis x 'Dwarf Yellow' / Dwarf Yellow Evergreen Daylily Lomandra longifolia 'Breeze' TM / Breeze Mat Rush	184 sf		48 1 gal. 31 1 gal. 22 1 gal.	24" oc 30" oc 36" oc
	<b>LOW GROWING GROUND COVER</b> Low evergreen ground cover, 6"-24" tall Cotoneaster dammeri 'Lowfast' / Lowfast Bearberry Cotoneaster Juniperus horizontalis 'Andorra' / Andorra Juniper Myoporum x 'Putah Creek' / Putah Creek Myoporum	690 sf		45 1 gal. 80 1 gal. 45 1 gal.	48" oc 36" oc 48" oc
	<b>DECORATIVE COBBLE</b> Decorative cobble, 1" rounded cobble with various shades of grays, installed over weed barrier fabric, min. 3" depth.	523 sf			
	<b>GRAVEL</b> Aggregate over weed barrier fabric at rear of building, min. 2" depth	722 sf			



**PRELIMINARY WELO CALCULATIONS**

The calculations provided below are an initial estimate of water usage for the planting and irrigation design being proposed with this plan. Hydrozones are approximated and may change with the final design, but the overall intent will remain and compliance with WELO will be achieved.

City (ETo): Tracy (48.5)

Plant Type	Water Use (per WUCOLS)	Type of Irrigation (IE)	Plant Factor	Hydrozone Area (sf)	ETWU (gal.)
Shrubs	Moderate	Drip (0.81)	0.5	680 sf	12,622
Shrubs	Low	Drip (0.81)	0.3	2,191 sf	24,401
				<b>Total:</b>	<b>37,023</b>

Estimated Total Water Use (ETWU): 37,023 gal.  
 Maximum Applied Water Allowance (MAWA): 38,849 gal.  
 Estimated Average ETAF: 0.43  
 Maximum Allowable ETAF: 0.45

**PARKING LOT SHADE CALCULATIONS**

Tree diameters per species based on published City documentation or the Sunset Western Garden Book. Shade area on plans is identified with the hatch symbol to the left.

Tree Type	Area at 100%	100%	75%	50%	25%	Subtotal (sf)
35' diameter Parking Lot Shade Tree	962 sf	962 (1)	722 (1)	1,924 (4)	0	3,608
						<b>Total shade provided:</b> 3,608 sf
						<b>Parking area:</b> 7,287 sf
						<b>Percentage of shade provided (min. 40% req'd):</b> 50%

**PARKING LOT TREE REQUIREMENTS**

Number parking spaces:	13
Req'd trees (1 tree per 5 parking space):	3
Trees Provided:	6

**WELO COMPLIANCE**

This project has been designed to conform with the State's Model Water Efficient Landscape Ordinance (MWELO).

**IRRIGATION DESIGN**

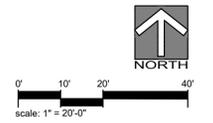
The irrigation on the site will use drip irrigation, will meet the City's requirements, and will comply with the requirements of WELO. Equipment will include dedicated irrigation meter, smart controller, weather sensor, and efficient irrigation emitters, nozzles, and other equipment.

**PLANTING DESIGN**

The landscape design uses water-wise plant species suitable for this region and that are low maintenance and durable, uses trees to shade paved areas, and plants have been grouped into hydro-zones. References used for the landscape design include published information from the local jurisdiction, Sunset Western Garden Book and WUCOLS.

**LANDSCAPE AREA CALCULATIONS**

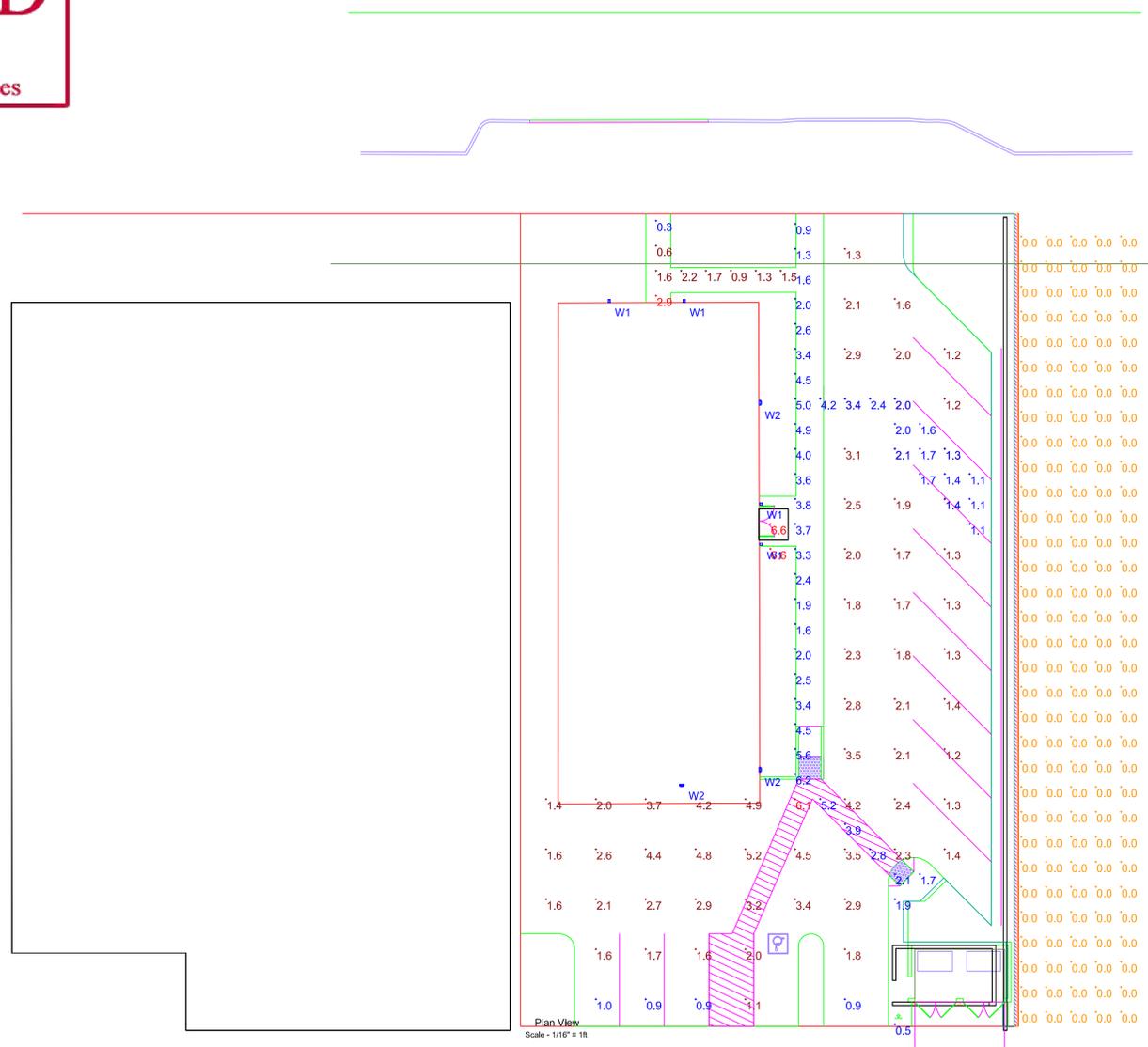
Total Site Area:	15,940 sf.
Total Landscape Area:	3,593 sf.
Irrigated landscape:	2,871 sf (80%)
Inert (gravel behind bldg.):	722 sf (20%)
Percentage of Total Site as Landscape:	23%



**Preliminary Landscape Plan**

13 Dec 2022 | Manzanita - Tracy, CA

**RECEIVED**  
 January 03, 2022  
 City of Tracy  
 Development Services



Symbol	Label	Image	Quantity	Manufacturer	Catalog Number	Description	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage	Plot
	W1		4	TLI	PTR-L16,0-120/277V-ORB-30K	Wall Sconces	1	1559	0.9	17.54	 Max: 272cd
	W2		3	Lithonia Lighting	DSXW2 LED 30C 1000 40K TFTM MVOLT	DSXW2 LED WITH 3 LIGHT ENGINES, 30 LED's, 1000mA DRIVER, 4000K LED, TYPE FORWARD THROW MEDIUM OPTIC	1	11120	0.9	109	 Max: 7284cd

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
25' PERIMETER	+	0.0 fc	0.0 fc	0.0 fc	N/A	N/A
DRIVE / PARKING	+	2.3 fc	6.1 fc	0.9 fc	6.8:1	2.6:1
SIDEWALK	+	2.9 fc	6.6 fc	0.5 fc	13.2:1	5.8:1
ADDED SIDEWALK	+	1.4 fc	2.9 fc	0.3 fc	9.7:1	4.7:1

Luminaire Locations	
Label	MH
W1	7.00
W2	18.00

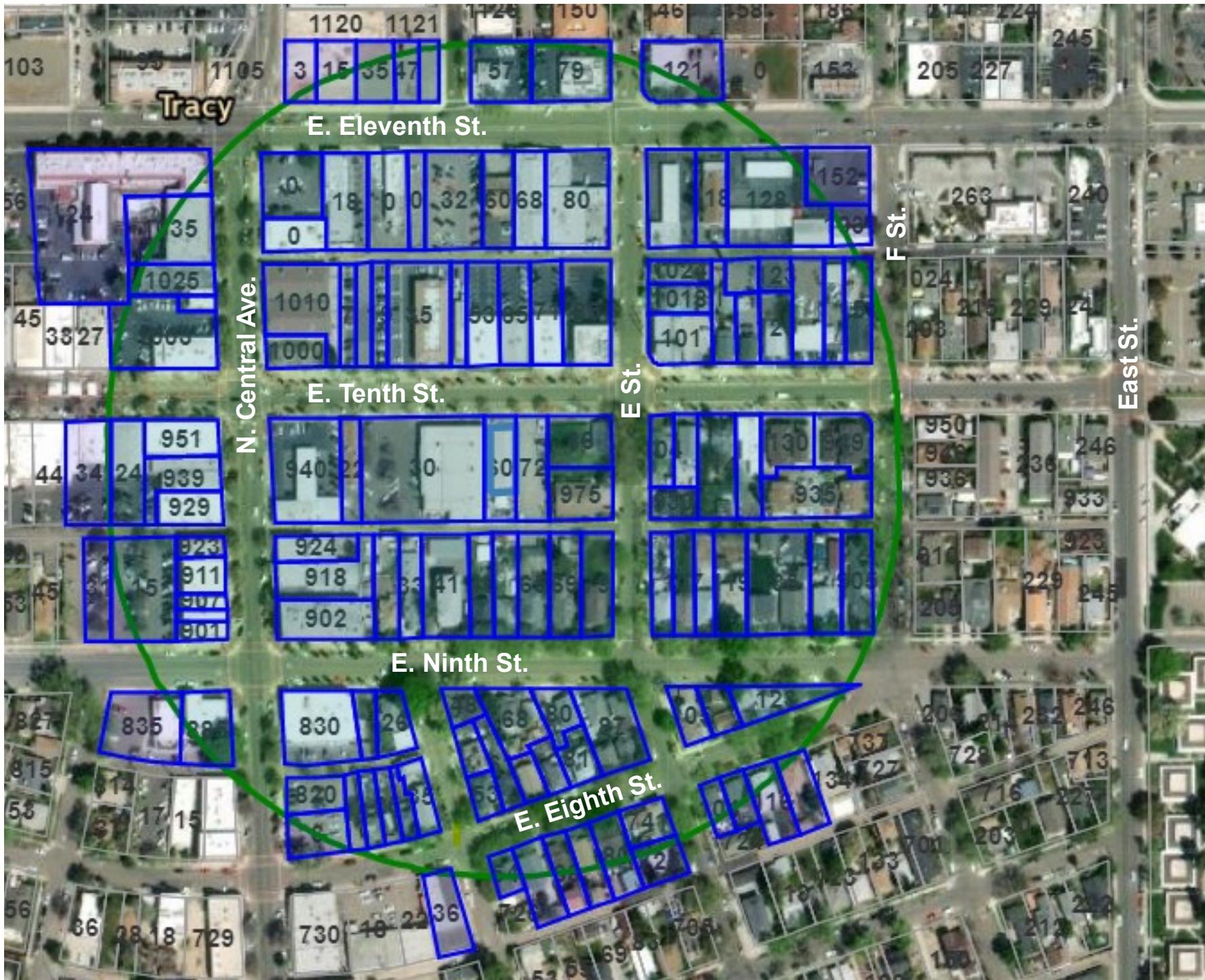
**PROPOSED TENANT IMPROVEMENT:**  
**MANZANITA**  
 60 EAST TENTH STREET  
 TRACY, CA 95376



ARCHITECTURE PLUS INC.  
 4335-B NORTH STAR WAY  
 MODESTO, CA 95356

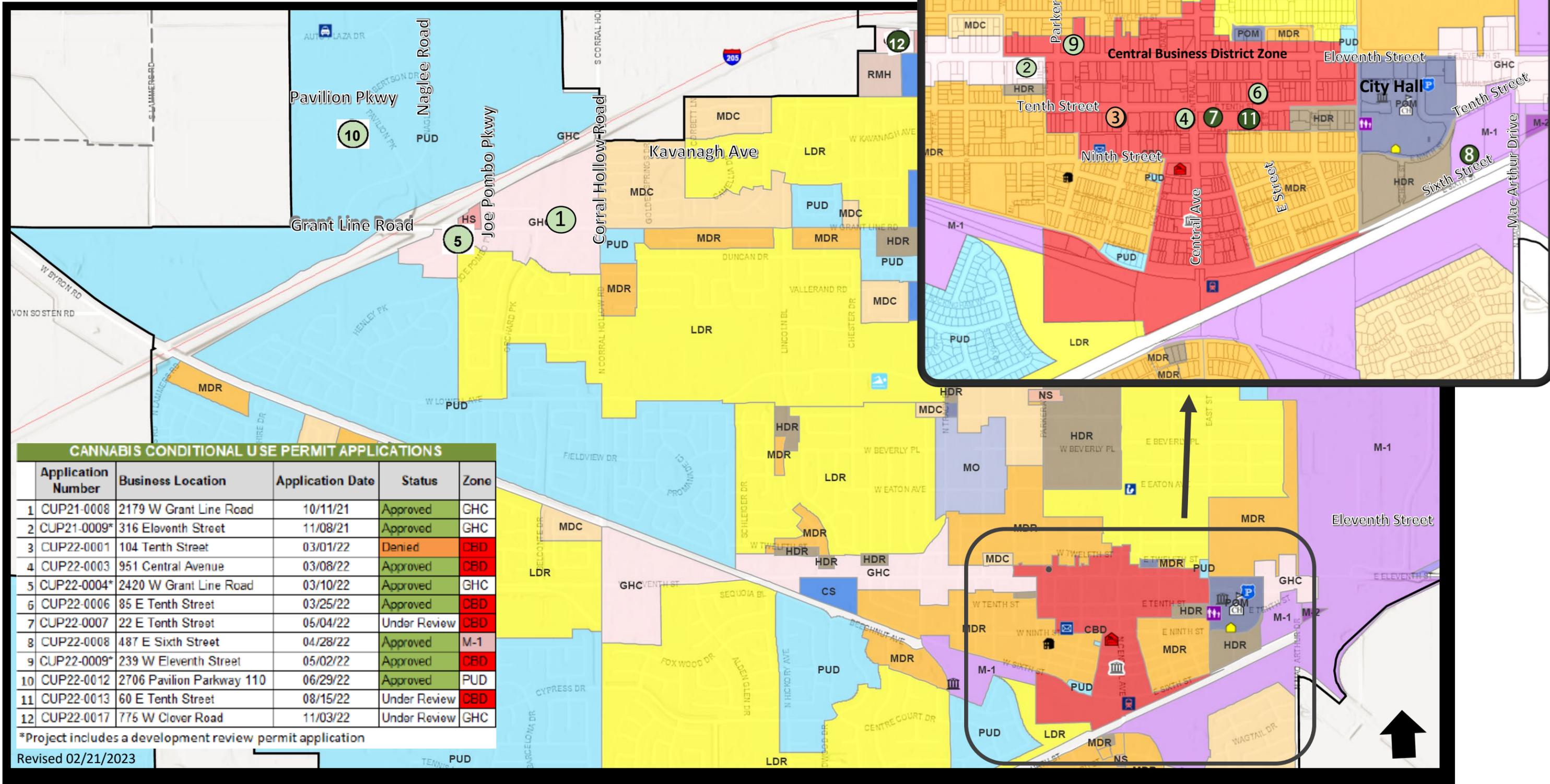
ph. 209.577.4661  
 fx. 209.577.0213

www.apiarc.com



600-Foot Radius Map: CUP22-0013, D22-0030 (Manzanita Cannabis Dispensary)

### TRACY CANNABIS CONDITIONAL USE PERMIT APPLICATIONS



CANNABIS CONDITIONAL USE PERMIT APPLICATIONS					
Application Number	Business Location	Application Date	Status	Zone	
1	CUP21-0008	2179 W Grant Line Road	10/11/21	Approved	GHC
2	CUP21-0009*	316 Eleventh Street	11/08/21	Approved	GHC
3	CUP22-0001	104 Tenth Street	03/01/22	Denied	CBD
4	CUP22-0003	951 Central Avenue	03/08/22	Approved	CBD
5	CUP22-0004*	2420 W Grant Line Road	03/10/22	Approved	GHC
6	CUP22-0006	85 E Tenth Street	03/25/22	Approved	CBD
7	CUP22-0007	22 E Tenth Street	05/04/22	Under Review	CBD
8	CUP22-0008	487 E Sixth Street	04/28/22	Approved	M-1
9	CUP22-0009*	239 W Eleventh Street	05/02/22	Approved	CBD
10	CUP22-0012	2706 Pavilion Parkway 110	06/29/22	Approved	PUD
11	CUP22-0013	60 E Tenth Street	08/15/22	Under Review	CBD
12	CUP22-0017	775 W Clover Road	11/03/22	Under Review	GHC

\*Project includes a development review permit application

Revised 02/21/2023

APPROVED AS TO FORM AND LEGALITY

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

**TRACY PLANNING COMMISSION**

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

- 
- 1. GRANTING A CONDITIONAL USE PERMIT (CUP22-0013) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 60 & 72 E. TENTH STREET, APNS 235-172-04 & 05;**
  - 2. APPROVING A DEVELOPMENT REVIEW PERMIT (D22-0030) FOR MODIFICATIONS TO THE BUILDING FAÇADE AND PARKING AREA; AND**
  - 3. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**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, in order to establish a retail site (dispensary) in the City; and

**WHEREAS**, Manzanita of Tracy, LLC (DBA Manzanita) was awarded a Cannabis Business Permit (application number CBPA20-0008) by the Tracy Police Chief on March 3, 2022, pursuant to the requirements set forth in Chapter 6.36; and

**WHEREAS**, On August 15, 2022, the applicant submitted a conditional use permit application to operate a cannabis dispensary and a development review permit application for building façade modifications and updated parking area improvements at 60 & 72 E. Tenth Street, APNs 235-172-04 & 05; and

**WHEREAS**, The subject site is designated Commercial in the Tracy General Plan and zoned Central Business District, 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 Planning Commission can approve a Development Review Permit on the basis of the application and evidence submitted, subject to making all of the requisite findings set forth in TMC Section 10.08.3920; and

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

**WHEREAS**, The 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 hereby adopts the findings set forth in Exhibit 1 and subject to the conditions of approval in Attachment 1, supporting the granting of a conditional use permit (CUP22-0013) for a cannabis storefront retailer (dispensary) at 60 & 72 E. Tenth Street, APNs 235-172-04 & 05; and be it

**FURTHER RESOLVED**: That the Planning Commission hereby adopts the findings set forth in Exhibit 1 and subject to the conditions of approval in Attachment 1, supporting the approval of a development review permit for modifications to the building façade and parking area at 60 & 72 E. Tenth Street, APNs 235-172-04 & 05; and be it

**FURTHER RESOLVED**: That the Planning Commission finds that the project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, pertaining existing facilities in an area where all public services and facilities are available and which is not environmentally sensitive.

\*\*\*\*\*

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:
ABSTENTION:	COMMISSION MEMBERS:

\_\_\_\_\_  
CHAIR

ATTEST:

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

**City of Tracy**  
**Conditional Use Permit Findings**  
**Application Number CUP22-0013**

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 Central Business District zone as required by the Tracy Municipal Code. The proposed project meets the intent of the Central Business District zone and otherwise complies with development regulations of the zone.

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 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.

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. The proposed use of a cannabis dispensary will function in a complementary manner to the surrounding retail uses in the vicinity, will comply with City standards, and will implement all safety and security conditions of approval prepared by the Tracy Police Department.

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 the dispensary will implement odor control to prevent odors from emanating outside the dispensary as outlined in the business's odor control plan and because cannabis products will be entirely packaged and stored in accordance with the requirements of Chapter 6.36.

**City of Tracy**  
**Development Review Permit Findings**  
**Application Number (D22-0030)**

1. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy, because the proposed project will improve the aesthetic quality of the site. The project consists of updating the existing blue concrete building to a new façade that incorporates brown wood siding, gray exposed CMU brick, metal accents, and a decorative metal privacy screen. Utility equipment typically found on the rooftop will be concealed within an equipment screen clad in wood siding to match. The roll-up doors currently fronting Tenth Street will be replaced with glazing and murals, and a covered storefront entry will be constructed on the east elevation.

2. The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, applicable City Standards, California

Building Codes, and California Fire Codes, because the proposed development converts the dated concrete building with roll-up doors and gravel parking lot to a high quality commercial building with a paved and landscaped parking area that brings the site into conformity with applicable zoning standards as well as comply with all applicable City and state regulations for construction.

**City of Tracy**  
**Conditions of Approval**  
Manzanita Cannabis Dispensary  
Application Numbers CUP22-0013 & D22-0030

**A. General Provisions and Definitions.**

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

The Project: The Manzanita cannabis dispensary, building façade modifications, and parking area improvements

The Property: A site totaling 15,940 square feet located at 60 & 72 E. Tenth Street, APNs 235-172-04 & 05

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 3, 2023, to the satisfaction of the Development Services Director. The mural locations shall only display murals as

defined by the Tracy Municipal Code, and no signage shall be placed within the mural spaces.

- 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. CBPA20-0008, which includes business operations requirements, the safety and security plan, and the odor control plan.
- A.7. Prior to construction, the applicant shall submit construction documents which meet the requirements of the California Building and Fire Codes and the Tracy Municipal Code to the City of Tracy and the South San Joaquin County Fire Authority for review, approval and inspections.
- A.8. At all times, applicant (or its successor) shall maintain all necessary permits to operate a cannabis business pursuant to Municipal Code Chapter 6.36. Neither the applicant, nor any other entity, shall have an entitlement or other property right to operate a cannabis business at the property without holding such a cannabis business permit, which may be approved, denied, renewed, or revoked in accordance with the requirements of Chapter 6.36.

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

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

- B.1. Prior to approval of a building permit, the applicant shall provide detailed plans that demonstrate the following:
- B.1.1. Compliance with TMC Section 6.36.380(k).
  - B.1.2. A parking area designed in accordance with TMC Title 10 Article 26 (off-street parking and landscaping design) and Standard Plan 141 (parking stall striping).

Said plans shall include a planting legend indicating, at minimum, the quantity, planting size, and height and width at maturity and calculations for landscape and canopy tree shading areas.

- i. Details that demonstrate 12-inch wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.
  - ii. Details that demonstrate any sidewalk, landscape planters, and bio-retention areas perpendicular to parking stalls overhang up to 24 inches into the parking stall in place of wheel stops where feasible. Any landscape planter overhang may not be double-counted toward the required amount of parking area landscaping.
  - iii. All planters be comprised of trees, shrubs, and groundcover. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon.
  - iv. Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.
  - v. A photometric plan showing a minimum of one foot candle per Standard Plan 141 throughout the parking area as defined in TMC Section 10.08.3450.
- B.1.3. All roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, are not visible from any public right-of-way to the satisfaction of the Development Services Director.
- B.1.4. All vents, gutters, downspouts, flashing, and electrical conduits are internal to the structures and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
- B.1.5. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures, walls, or landscaping, to the satisfaction of the Development Services Director.
- B.1.6. The trash and recycling enclosure designed to architecturally match the main building to the satisfaction of the Development Services Director. The enclosure shall be large enough to accommodate the enclosed equipment and trash and recycling bins. The trash and recycling enclosure walls shall be tall enough to fully screen the height of the bins, and the door shall be constructed of a solid metal door attached to posts which are attached to the walls.
- B.2. Before installation of exterior business identification signs, the applicant shall secure sign and building permits for such signs.
- B.3. Prior to issuance of a building permit, the applicant shall do the following:
- B.3.1. Provide a copy of the recorded document that eliminates the internal property line to the Planning Division of the Development Services Department.
  - B.3.2. Execute an Agreement for Maintenance of Landscape and Irrigation Improvements and submit financial security to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be

equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements or \$2.50 per square foot of on-site landscape area.

- B.4. Prior to final inspection, the applicant shall demonstrate the following:
  - B.4.1. Compliance with TMC Section 6.36.380(l).
  - B.4.2. All landscaping and irrigation shown in the approved building permit construction plans installed to the satisfaction of the Development Services Director.
  - B.4.3. All exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way and onto any adjacent private property to the satisfaction of the Development Services Director.
- B.5. 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.6. Aside from deliveries, the use shall be conducted wholly indoors. The use may not be conducted outside the building, including in the parking lot.
- B.7. 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.8. No pipe bollards, chain link fencing, or similar improvements that are industrial in nature shall be used such that they are readily visible to the public.

**C. Development Services Department, Engineering Conditions of Approval**

Contact: Al Gali (209) 831-6436 [al.gali@cityoftracy.org](mailto:al.gali@cityoftracy.org)

**C. Engineering Division Conditions of Approval**

C.1. General Conditions

Developer shall comply with the applicable sections of approved documents and/or recommendations of the technical analyses/reports prepared for the Project listed as follows:

- 1) Not Applicable.

C.2. RESERVED

C.3. RESERVED

C.4. Grading Permit

All grading work (on-site and off-site) shall require a Grading Plan. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Geotechnical Engineer. Prior to release of a Grading Permit, Developer shall provide all documents related to said Grading Permit required by the applicable City

Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.4.1 Developer has completed all requirements set forth in this section.
- C.4.2 Developer has obtained the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and/or private entities with jurisdiction over the required public and/or private facilities and/or property. Written permission from affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit.
- C.4.3 Developer has obtained a demolition permit to remove any existing structure located within the Project's limits.
- C.4.4 All existing on-site water well(s), septic system(s), and leech field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s), septic system(s), and leech field(s) including the cost of permit(s) and inspection. Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- C.4.5 The Improvement Plans for all improvements to serve the Project (on-site and off-site) including the Grading and Drainage Plans shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code (TMC) Chapter 12.36), City Design Documents as defined in Title 12 of the TMC, and these Conditions of Approval.
- C.4.6 On-site Grading/Drainage Plans and Improvement Plans shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick polyester film (mylar). These plans shall use the City's Title Block. Improvement Plans shall be prepared under the supervision of, stamped and signed by a Registered Civil Engineer and Registered Geotechnical Engineer. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by the Fire Marshal prior to submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Improvement Plans approved by the City Engineer for all grading work. All grading work not completed before October 15 may be subject to additional requirements as applicable. Improvement Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction.
- C.4.7 Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
- C.4.8 For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Developer shall submit to the Utilities Department

([stephanie.hiestand@cityoftracy.org](mailto:stephanie.hiestand@cityoftracy.org)) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID) or a copy of the receipt for the NOI. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. Developer shall comply with all the requirements of the SWPPP, applicable Best Management Practices (BMPs) and the Stormwater Post-Construction Standards adopted by the City in 2015 and any subsequent amendment(s).

For Projects on property smaller than one (1) acre: Prior to the issuance of the Grading Permit, the Developer shall submit to the Utilities Department ([stephanie.hiestand@cityoftracy.org](mailto:stephanie.hiestand@cityoftracy.org)) one (1) electronic copy and 1 hard copy of the City of Tracy Erosion and Sediment Control Plan (ESCP) for approval. Cost of preparing the ESCP including any annual storm drainage fees shall be paid by the Developer. Developer shall comply with all the requirements of the ESCP, applicable BMPs and the Post-Construction Stormwater Standards adopted by the City in 2015 and any subsequent amendment(s).

- C.4.9 Developer shall provide a PDF copy of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, compaction recommendations, retaining wall recommendations, if necessary, paving recommendations, paving calculations such as gravel factors, gravel equivalence, etc., slope recommendations, and elevation of the highest observed groundwater level.
- C.4.10 Minor Retaining – Developer shall use reinforced or engineered masonry blocks for retaining soil at property lines when the grade differential among the in-tract lots exceeds twelve (12) inches. Developer will include construction details of these minor retaining walls with the on-site Grading and Drainage Plan. Developer may use slopes among the lots to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical) unless a California licensed geotechnical engineer signs and stamps a geotechnical report letter that supports a steeper slope gradient. Slope easements may be required and will be subject to approval by the City Engineer.

Minor Retaining along Project Perimeter – Developer shall use reinforced or engineered masonry blocks for retaining soil along the Project boundary and adjacent property(s) when the grade differential exceeds 12-inches. Developer will include construction details for these minor retaining walls with the on-site Grading and Drainage Plan. Developer may use slopes to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical). Slope easements may be subject to approval by the City Engineer and if adjacent and affected property(s) owner(s) grants said easements.

Slopes are an acceptable option as a substitute to engineered retaining walls, where cuts or fills do not match existing ground or final grade with the adjacent property or public right of way, up to a maximum grade differential of two (2) feet, subject to approval by the City Engineer.

Slope easements will be recorded, prior to the issuance of the Grading Permit. The Developer shall be responsible to obtain and record slope easement(s) on private properties, where it is needed to protect private improvements constructed within and outside the Project, and a copy of the recorded easement document must be provided to the City, prior to the issuance of the Grading Permit.

Walls - Developer shall show proposed retaining walls and masonry walls on the on-site Grading and Drainage Plan. The Developer is required to submit improvement plans, construction details, and structural calculations for retaining walls and masonry walls to Building and Safety. Retaining wall and masonry wall design parameters will be included in the geotechnical report.

- C.4.11 Developer shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOG).
- C.4.12 Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).
- C.4.13 Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Developer will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.
- C.4.14 If the Project contains overhead utilities, the Developer shall underground existing overhead utilities such as electric, TV cable, telephone, and others. Each dry utility shall be installed at the location approved by the respective owner(s) of dry utility and the Developer shall coordinate such activities with each utility owner. All costs associated with the undergrounding shall be the sole responsibility of the Developer and no reimbursement will be due from the City. Developer shall submit undergrounding plans.
- C.4.15 If at any point during grading that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other

paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.5. Improvement Agreement(s)

All construction activity involving public improvements will require a fully executed improvement agreement (Off-site, Subdivision, and/or Inspection). Any construction activity involving public improvements without a fully executed improvement agreement is prohibited. All public improvements shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Civil Engineer. Prior to the consideration of City Council's approval of said improvement agreement, the Developer shall provide all documents related to said improvements required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.5.1. Off-site and/or Public Infrastructure Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
- C.5.1.a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
  - C.5.1.b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks.
  - C.5.1.c. A PDF copy of the Project's approved Geotechnical/Soils Report that was prepared for the grading permit submittal.
  - C.5.1.d. Storm Water - The Project's on-site storm water drainage connection to the City's storm water system shall be approved by the City Engineer. Drainage calculations for the sizing of the on-

site storm drainage system. Improvement Plans to be submitted with the hydrology and storm water.

Storm drainage release point is a location at the boundary of the Project adjacent public right-of-way where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to an adjacent public street with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2012 and any subsequent amendments.

The storm water treatment system shall be located on private property and shall be at least off-set from the right-of-way by one (1) foot.

- C.5.1.e. Sanitary Sewer - It is the Developer's responsibility to design and construct the Project's permanent on-site sanitary sewer (sewer) improvements including the Project's sewer connection in accordance with the City's Design Standards, City Regulations and Standard Specifications. Sewer improvements shall include but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sewer connection. Developer shall submit improvement plans that include the design of the sewer line from the Property to the point of connection.

Developer is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plans. The City's responsibility to maintain on the sewer lateral is from the wye/onsite sewer manhole at the right-of-way line/property line/wye fitting to the point of connection with the sewer main.

Developer shall abandon the existing sewer lateral to each existing structure and replace it with a 6-inch diameter sewer lateral.

- C.5.1.f. Water Distribution - Developer shall design and construct domestic and irrigation water service that comply with the City Regulations. Water line sizing, layout and looping requirements for this Project shall comply with City Regulations. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the Fire Marshal.

Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least seventy-two (72) hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the off-site water mains and connections.

The Project's water service connections shall use a remote-read (radio-read) master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the inspection of the building. The location of the meters shall be approved by the City Engineer.

After final inspection of the improvements constructed via an encroachment permit, repair and maintenance of the water service from the water meter to the point of connection with the water distribution main in the street shall be the responsibility of the City. Water service repairs after the water meter is the responsibility of the Developer or individual lot owner(s).

Prior to improvement acceptance, repair and maintenance of all on-site water lines, laterals, sub-water meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer or the individual lot owner(s).

All costs associated with the installation of the Project's water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.

- C.5.1.g. Streets – The Developer shall construct frontage improvements. Frontage improvements include but are not limited to the following: curb, gutter, sidewalk, street widening, landscaping, street lighting, undergrounding of overhead utilities and other improvements. All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design Standards including the City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City.

Tenth Street

Prior to release of the Building Permit, Developer shall submit to the City ready for immediate recordation, a grant deed to dedicate a ten (10) foot wide Public Utility Easement (P.U.E.) immediately behind the property line.

Developer shall remove existing driveways not proposed to be used.

Along the Project frontage, if applicable, Developer shall landscape and irrigate the existing parkways per current adopted City landscape standards. Landscape and irrigation plans shall be prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block. Said landscape and irrigation plan shall be prepared by a California licensed landscape architect. Developer can either protect-in-place the existing sidewalk and repair any cracked, settled, and/or damaged sidewalk or remove and replace the sidewalk so long as the replacement sidewalk is similar to the current sidewalk, i.e. similar width, meanders, etc.

Street cuts and trenching related to utility installation on Tenth Street shall be subject to Condition C.8.1

- C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the twenty-four (24) feet wide to forty-six (46) feet wide [the width varies) PUE to be installed to serve the Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to the building(s). If necessary, the Developer shall dedicate ten (10) feet wide PUE for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.

- C.5.3. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans. The cost estimate shall show the cost of designing the public improvements.

Payment of applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees. The engineering review fees will be calculated based on the fee rate adopted by the City Council on September 2, 2014, per Resolution 2014-141 and on May 16, 2017, per Resolution 2017-098. Developer shall submit payment in the form of a check for the aforementioned fees.

- C.5.4. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

Access and Traffic Circulation to Existing Businesses/Residents - Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

- C.5.5. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.
- C.5.6. If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.
- C.5.7. Improvement Security - Developer shall provide improvement security for all public facilities, as required by the Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with the

Government Code, and the TMC. The amount of the improvement security shall be in accordance with Title 12 of the TMC.

Insurance – Developer shall provide written evidence of insurance coverage that meets the terms of the Improvement Agreement.

#### C.6. Building Permit

Prior to the release of a building permit within Project boundaries, the Developer shall demonstrate, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

C.6.1 Developer has completed all requirements set forth in Condition C.1, through C.5, above.

C.6.2 Developer pays the applicable development impact fees as required in the TMC, these Conditions of Approval, and City Regulations.

C.6.2.a. Water. The Developer shall pay the water impact fees prior to pulling the first building permit for the Project.

C.6.2.b. Wastewater. The Developer shall pay the wastewater treatment capacity development Impact fees prior to pulling the first building permit for the Project.

C.6.3 Developer shall submit a separate building permit for the demolition of any existing structures.

C.6.4 Developer has completed all requirements set forth in Condition C.8

C.6.5 Developer shall pave the parking area with asphalt concrete.

C.6.6 Developer shall record a lot merger with the San Joaquin County Recorder.

#### C.7 Acceptance of Public Improvements

Prior to the consideration of City Council's acceptance of public improvements, the Developer shall demonstrate to the reasonable satisfaction of the City Engineer, completion of the following:

C.7.1 Developer has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2 Developer submitted the Storm water Treatment Facilities Maintenance Agreement (STFMA) to the Utilities Department.

C.7.3 Developer has satisfactory completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public

facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

- C.7.4 Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City, at its sole discretion, temporarily release the original mylars of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As-Built" configuration of all improvements.
- C.7.5 Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.
- C.7.6 Developer has completed the ninety (90) day public landscaping maintenance period.
- C.7.7 Per Section 21107.5 of the California Vehicle Code, Developer shall install signs at all entrance(s) of the Project stating that the streets are privately owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet.
- C.7.8 Survey Monuments – Any altered, damaged, or destroyed survey monuments and/or benchmarks shall be re-established. Developer shall submit centerline tie sheets or a record of survey for the following: new public streets; re-established survey monuments, and/or benchmarks. If the Developer destroyed, altered, and/or reconstructed any existing curb returns, Developer shall also submit corner records. Any survey document will be submitted the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer's sole expense.

#### C.8 Special Conditions

- C.8.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2020 Design Standards and is required install a two (2) inch thick asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. A two (2) inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.
- C.8.2 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public

agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, and prior to issuance of Grading Permit, Encroachment Permit, Building Permit, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

- C.8.3 Prior to the release of the Building Permit, if water is required for the Project, the Developer shall obtain an account for the water service and register the water meter with the Finance Department. Developer shall pay all fees associated with obtaining the account number for the water service.
- C.8.4 Prior to the release of the Building Permit, Developer shall record with San Joaquin County Recorder a document to merge the two parcels.

#### **D. Tracy Police Department Conditions**

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

- D.1. The permitted cannabis establishment shall comply with the Tracy Municipal Code 6.36.180 – Security Measures.
- D.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.
  - D.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.
  - D.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.
  - D.2.3. Prior to issuance of a building permit, the applicant shall submit an updated security plan to the Tracy Police Department that reflects the conditions of approval above to the satisfaction of the Police Chief.
- D.3. Applicant shall cooperate with all legal requests from Tracy PD and any crimes shall be reported without delay.
- D.4. Prior to establishment of the 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. This shall be provided prior to the establishment of the use.

- D.5. Trash containers and enclosures shall be locked and not accessible by the public at all times.
- D.6. Prior to establishment of the use, the applicant shall provide a list, with description and location of advisory signs restricting underage customers to the Tracy Police Department.
- D.7. Prior to establishment of the use, the applicant shall provide a list, with description and location of advisory signs restricting loitering on the premises to the Tracy Police Department.

### **E. South San Joaquin County Fire Authority Conditions**

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

- E.1. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
  - E.1.1. 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.
  - E.1.2. Deferred submittals shall be listed on the coversheet of each page for any fire protection system - fire service underground, fire sprinkler system, fire standpipe system, or the fire alarm system. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.

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

Contact: Danis Isho (209) 831- 6484 [Danis.Isho@cityoftracy.org](mailto:Danis.Isho@cityoftracy.org)

- F.1. Prior to the commencement of alterations, applicant shall submit construction documents, engineering analysis and calculation, specifications etc. that conform with the current Title 24 California Code of Regulations at time of application.
- F.2. Prior to the construction of onsite improvement including but not limited to walks, sidewalks, utilities, signs, lights, retaining walls, sound walls, underground vaults, transformer, trellis, trash enclosures, etc., applicant shall submit to the Building Safety Division construction drawings and supporting documents that conform to the current Title 24 California Code of Regulations at time of application.
- F.3. Prior to commencement of alterations, applicant shall submit construction documents that demonstrate compliance with California Building Code section 1016.2 egress through intervening spaces.

Agenda Item 1.F

RECOMMENDATION

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

EXECUTIVE SUMMARY

Through this item, staff recommends that the Planning Commission find, pursuant to Government Code Sections 65103(c) and 65401, that the City of Tracy's Capital Improvement Program for fiscal year 2023/2024 through fiscal year 2027/2028 is consistent with the City's General Plan.

BACKGROUND

Government Code Section 65103(c) requires the City's planning agency to annually review its Capital Improvement Program (CIP) for its consistency with the City's General Plan. In addition, Government Code Section 65401 requires the City's planning agency to make a similar determination of General Plan consistency for any proposed public works projects. Such projects are included in the City's CIP. The City adopts a CIP, which is a comprehensive multi-year plan for the development of the City's capital facilities and improvements. The plan identifies all capital maintenance, facilities, and improvements needed within the next several years.

ANALYSIS

The City's CIP is a list of proposed expenditures from construction, maintenance, and improvements to capital facilities including streets, buildings, infrastructure, parks, the airport, and other public facilities. The proposed CIP for fiscal year (FY) 2023/2024 through 2027/2028 are divided into the following categories:

- General Government and Public Safety Facilities
- Traffic Safety
- Streets and Highways
- Wastewater Improvements
- Water Improvements
- Drainage Improvements
- Airport and Transit Improvements
- Parks and Recreation Improvements

The following analysis provides a brief description of each CIP project category, the types of projects contained therein, and the description of consistency with the City's General Plan

goals, policies and actions. A project is considered to be consistent with the General Plan if it furthers the Plan's objectives and policies and does not obstruct from their attainment.

### **General Government and Public Safety Facilities (CIP Group 71)**

This category includes new construction, maintenance, and rehabilitation of City facilities, such as fire station renovations, roof replacement, HVAC system replacement, and facility expansions. It also encompasses other general capital projects, such as police equipment replacement, Public Safety and Facilities master plan updates, and vehicle and equipment replacement. The funding source for General Government and Public Safety Facilities projects comes primarily from the General Capital Projects (Fund 301) or Internal Service Funds. These funds are supported almost exclusively from transfers from the City's General Fund.

#### *Report of General Plan Consistency:*

Goal ED-5                      Support for Tracy's key economic assets.  
Objective ED-5.2            Manage capital improvements to ensure sufficient infrastructure and services.  
Policy ED-5.2.P1            The City shall manage its fiscal resources and capital improvements to promote economic sustainability.  
Goal PF-2                      A safe environment in Tracy through the enforcement of law.  
Objective PF-2.1            Plan for on-going management and development of law enforcement services.  
Policy PF-2.1.P1            Maintain adequate police staffing, performance levels, and facilities to serve Tracy's existing population as well as any future growth.  
Goal PF-4                      Public buildings that are a source of civic pride for all residents.  
Objective PF-4.1            Support the needs of the community through the construction and maintenance of public buildings, such as City Hall, community centers, libraries and the public works facility.

### **Traffic Safety (CIP Group 72)**

This category involves maintenance and upgrading of the City's existing roadways as it relates to traffic safety. Common projects include design and installation of new roadway, intersection, and traffic signal improvements to ensure adequate, safe, and efficient movement of traffic throughout the city. Funding for these projects comes from Special Revenues (Gas Tax), Grant Funding, and developer impact fees, when applicable.

#### *Report of General Plan Consistency:*

Goal CIR-1                      A roadway system that provides access and mobility for all of Tracy's residents and businesses while maintaining the quality of life in the community.  
Objective CIR-1.2            Provide a high level of street connectivity.  
Policy CIR-1.2.P1            The City shall ensure that the street system results in a high level of connectivity, especially between residences and common local destinations such as schools, Village Centers, retail areas and parks. The standard for roadway (vehicular) connectivity is defined as appropriate spacing of arterials and collectors and local roads as detailed above in Section B of this Element "Roadway Classifications and Standards."  
Objective CIR-1.6            Maximize traffic safety for automobile, transit, bicycle users, and pedestrians.  
Policy CIR-1.6.P1            The City shall design streets using context-sensitive design principles that enhance safety for all modes of travel.

### **Streets and Highways (CIP Group 73)**

Streets & Highways: The Streets and Highways category of projects encompasses the maintenance/replacement or construction of new/existing sidewalks, street, and roadways. Examples include the new I-205 freeway interchanges, Corral Hollow Widening, various roadway reconstructions, rehabilitations, extensions, and widening, as well as sidewalk improvements. Funding for these projects comes from Special Revenues (Gas Tax), Grant Funding, and developer impact fees, when applicable.

#### *Report of General Plan Consistency:*

- Goal CIR-1            A roadway system that provides access and mobility for all Tracy's residents and businesses while maintaining the quality of life in the community.
- Objective CIR-1.2    Provide a high level of street connectivity.
- Policy CIR-1.2.P1.    The City shall ensure that the street system results in a high level of connectivity, especially between residences and common local destinations such as schools, Village Centers, retail areas and parks. The standard for roadway (vehicular) connectivity is defined as appropriate spacing of arterials and collectors and local roads as detailed above in Section B of this Element "Roadway Classifications and Standards."
- Objective CIR-1.6    Maximize traffic safety for automobile, transit, bicycle users, and pedestrians.
- Policy CIR-1.6.P2    New development shall implement traffic calming measures where necessary so long as connectivity is not diminished.
- Objective CIR-1.7    Minimize traffic-related impacts such as noise and emissions on adjacent land uses.
- Objective CIR-1.8    Minimize transportation-related energy use and impacts on the environment.
- Policy CIR-1.8.P2    When possible, road construction and repair projects shall use sustainable materials.
- Goal CIR-2            Adequate interregional access.
- Objective CIR-2.1    Support regional planning and implementation efforts to improve interregional highways and interregional travel efficiency.
- Policy CIR-2.1.P1    The City shall continue to cooperate with regional and State agencies, including Caltrans and San Joaquin Council of Governments (SJCOG) to study, plan, and fund improvements to the regional transportation system. These regional transportation improvements may include freeway widening, the construction of regional roadways, regional passenger rail expansions, additions to the existing commuter bus system and provision of park-and-ride lots near facilities heavily used by commuters.
- Policy CIR-2.1.P3    The City shall work with other local jurisdictions, SJCOG, and Caltrans to identify and develop alternative routes to allow locally-generated traffic to bypass congestion on I-205 and I-580 without impacting city streets.
- Goal AQ-1            Improved air quality and reduced greenhouse gas emissions through land use planning decisions.
- Objective AQ-1.3    Provide a diverse and efficient transportation system that minimizes air pollutant and greenhouse gas emissions.
- Policy AQ-1.3.P1    The City shall continue to work with the San Joaquin Council of Governments on regional transportation solutions.

### **Wastewater Improvements (CIP Group 74)**

Maintenance and improvements to the City's wastewater infrastructure and treatment facility are included in this category. Typical projects in this category include upgrades, extensions, and replacements to wastewater treatment lines and equipment, and expansion of the

wastewater treatment plant. The primary sources of funding for these projects comes from customer service rates and developer impact fees, when applicable.

*Report of General Plan Consistency:*

Goal PF-7 Meet all wastewater treatment demands and federal and State regulations.

Objective PF-7.1 Collect, transmit, treat and dispose of wastewater in ways that are safe, sanitary and environmentally acceptable.

Policy PF-7.1.P1 The City shall maintain wastewater conveyance, treatment and disposal infrastructure in good working condition in order to supply municipal sewer service to the City's residents and businesses.

Objective PF-7.3 Promote coordination between land use planning and wastewater conveyance, treatment and disposal.

Policy PF-7.2.P1 Wastewater collection and treatment facilities shall be designed to serve expected buildout of the areas served by these facilities but constructed in phases to reduce initial and overall costs.

**Water Improvements (CIP Group 75)**

Water projects include the purchase of water supply, installation of new water infrastructure (pipeline, pump stations, water tanks, etc.), and rehabilitation/replacement of water infrastructure throughout the city. The primary source of funding comes from customer service rates, developer impact fees, and occasionally grants, when applicable.

*Report of General Plan Consistency:*

Goal PF-6 Adequate supplies of water for all types of users.

Objective PF-6.2 Provide adequate water infrastructure facilities to meet current and future populations.

Policy PF-6.2.P1 The City shall maintain water storage, conveyance and treatment infrastructure in good working condition in order to supply domestic water to all users with adequate quantities, flows, and pressures.

Goal SA-1 A reduction in risks to the community from earthquakes and other geologic hazards.

Objective SA-1.1 Minimize the impacts of geologic hazards on land development.

Policies SA-1.1.P1 Underground utilities, particularly water and natural gas mains, shall be designed to withstand seismic forces.

**Drainage Improvements (CIP Group 76)**

This category of projects includes storm drain line replacements, installation of new storm drain lines, channel improvements and pump station upgrades. The primary source of funding comes from customer service rates and developer impact fees, when applicable.

*Report of General Plan Consistency:*

Goal PF-8 Protect property from flooding.

Objective PF-8.1 Collect, convey, store, and dispose of stormwater in ways that provide an appropriate level of protection against flooding, account for future development and address applicable environmental concerns.

Policy PF-8.1.P1 Stormwater infrastructure shall be maintained in good condition.

Policy PF-8.1.P2 Stormwater infrastructure shall minimize local flooding by attaining capacity that conforms with the Storm Drainage Master Plan and City Design Standards.

Policy PF-8.1.P5 The City shall ensure a fair and equitable distribution of costs for

stormwater system upgrades, expansion and maintenance.

Policy PF-8.1.P6 Design of storm drainage facilities shall be consistent with State and federal requirements, including NPDES requirements.

Objective PF-8.2 Provide effective storm drainage facilities for development projects.

Policy PF-8.2.P2 New storm drainage facilities shall meet adopted City standards, including the standards and policies contained in the Storm Water Management Plan, the Storm Drainage Master Plan and the Parkways Design Manual.

### **Airport and Transit Improvements (CIP Group 77)**

The maintenance and upgrades to the Tracy Municipal Airport, transit system improvements, and bus replacements are included in this category. The primary source of funding for this group comes in the form of grant funding from Transportation Development Act (TDA), Federal Transit Administration (FTA), and other grants.

#### *Report of General Plan Consistency:*

Goal CIR-4 A balanced transportation system that encourages the use of public transit and high occupancy vehicles.

Objective CIR-4.1 Promote public transit as an alternative to the automobile.

Policy CIR-4.1.P1 The City shall promote efficient and affordable public transportation that serves all users.

Objective CIR-1.6 Maximize traffic safety for automobile, transit, bicycle users, and pedestrians.

Goal ED-5 Support for Tracy's key economic assets.

Objective ED-5.1 Support the City's Airport Master Plan.

Policy ED-5.1.P1 The City shall support the Airport Master Plan to establish long-term viability and increased business services.

### **Parks and Recreation Improvements (CIP Group 78)**

This category consists of park and civic amenity construction, improvements, and maintenance. This category includes park improvements, bikeway improvements, playground equipment replacement, aquatics center, etc.

#### *Report of General Plan Consistency:*

Goal LU-1 A balanced and orderly pattern of growth in the city.

Objective LU-1.3 Ensure that public facilities such as schools, parks, and other community facilities are accessible and distributed evenly and efficiently throughout the City.

Policy LU-1.3.P1 Schools and parks should be located and designed to serve as focal points of neighborhood and community life and should be distributed in response to user populations.

Goal ED-5 Support for Tracy's key economic assets.

Objective ED-5.4 Support the continued maintenance of community facilities and programming.

Policy ED-5.4.P1 The City shall support the continued maintenance of community facilities.

Goal OSC-4 Provision of parks, open space, and recreation facilities and services that maintain and improve the quality of life for Tracy residents.

Objective OSC-4.1 Provide and maintain a diversity of parks and recreational facilities in the City of Tracy.

Objective PF-4.2 Provide sufficient library service to meet the informational, cultural, and educational needs of the City of Tracy.

### COORDINATION

The Engineering Division Coordinated with the Finance Department to complete the list of Capital Improvement Projects.

### CEQA DETERMINATION

This report of consistency with the City's General Plan is a State mandated administrative action and not a "project" under the California Environmental Quality Act and the Public Resources Code Section 21065. Any project listed on the CIP will go through separate and independent analysis under CEQA prior to implementation.

### ACTION REQUESTED OF THE PLANNING COMMISSION

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

Prepared by: Veronica Child, Management Analyst II

Reviewed by: Koosun Kim, City Engineer

Bill Dean, Assistant Development Services Director

Approved by: Jaylen French, Development Services Director

Attachments:

Attachment A – Capital Improvement Projects List for FY 2023/2024 through FY 2027/2028

Attachment B – Planning Commission Resolution

Exhibit A – General Plan Consistency Findings



# City of Tracy FY2023/2024 Budget Draft



**Proposed Version - 5/01/2023**

Last updated 05/01/23



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# CAPITAL IMPROVEMENTS

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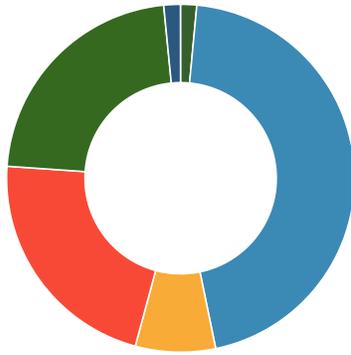


## Capital Improvements: One-year Plan

Total Capital Requested  
**\$222,596,041**

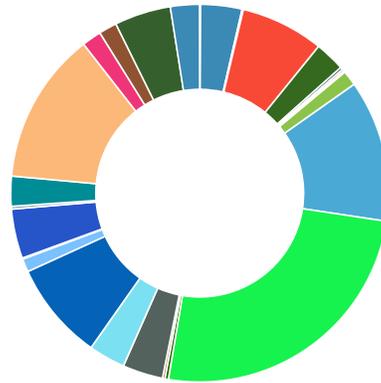
105 Capital Improvement Projects

### Total Funding Requested by Department



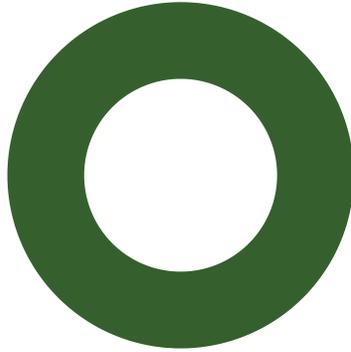
● Cultural Arts (1%)	\$3,306,341.00
● Development Services (45%)	\$100,818,022.00
● Mobility & Housing (7%)	\$16,528,269.00
● Operations & Utilities (22%)	\$48,750,808.00
● Park & Recreation (22%)	\$49,744,464.00
● Police Department (2%)	\$3,448,137.00
<b>TOTAL</b>	<b>\$222,596,041.00</b>

### Total Funding Requested by Source



● Airport Capital (0%)	\$183,133.00
● American Rescue Plan Act (4%)	\$7,842,815.00
● Asset Forfeiture (0%)	\$250,000.00
● Core Development Impact Fees (7%)	\$15,838,638.00
● Developer Contribution (3%)	\$5,754,880.00
● Ellis Area Impact Fees (0%)	\$466,969.00
● Equipment Acquisition (0%)	\$415,635.00
● FAA Grant (0%)	\$282,150.00
● Gas Tax (1%)	\$2,869,947.00
● General Projects (12%)	\$27,058,376.00
● Grant (25%)	\$56,266,716.00
● Housing Successor (0%)	\$650,317.00
● Landscape Maintenance District (0%)	\$475,000.00
● Measure K - Transportation Sales Tax (3%)	\$7,685,754.00
● Measure V (3%)	\$6,979,158.00
● Measure V - Debt Financing (8%)	\$18,791,166.00
● NEI Storm Drain Impact Fees (1%)	\$2,500,000.00
● Program Management (0%)	\$227,686.00
● Regional Transportation Impact Fee (4%)	\$9,410,050.00
● San Joaquin County (0%)	\$540,330.00
● SBI RMRA (Gas Tax) (3%)	\$5,696,893.00
● Tracy Infrastructure Master Plan Impact Fees (13%)	\$28,999,000.00
● Transit Capital (2%)	\$3,724,379.00
● Transportation Development Act (2%)	\$3,430,000.00
● Wastewater Capital (5%)	\$10,734,056.00
● Water Capital (2%)	\$5,531,117.00
<b>TOTAL</b>	<b>\$222,596,041.00</b>

### Capital Costs Breakdown



● Capital Costs (100%) \$222,596,041.00  
**TOTAL \$222,596,041.00**

### Cost Savings & Revenue Breakdown

There's no data for building chart

## Cultural Arts Requests

### Itemized Requests for 2024

**Grand Theater Repair \$2,506,341**

The Grand Theater/ Center of the Arts is the crown jewel of the entertainment hub of the downtown district. The theatre building was built in 1923, subject to an Art Deco refurbishment between 1939 -1941 and subject to a major structural remodel...

**Grand Theatre Audio Visual Upgrades \$800,000**

This project will replace outdated audio and lighting equipment, including replacement of existing older audio systems with modern line array speakers, and change the stage lighting in the Eleni Kounalakis Theatre to energy-efficient LED stage...

**Total: \$3,306,341**

## Police Department Requests

### Itemized Requests for 2024

**Multipurpose Reality Based Training Facility \$3,448,137**

The City of Tracy established the Tracy Police Firearms Training Facility in the 1950's in its current location at a former rock quarry, south of the Tracy Municipal Airport. The City has supported the facility's improvements over the...

**Total: \$3,448,137**

# Mobility & Housing Requests

## Itemized Requests for 2024

**Airport Slurry Seal & Pavement Patching Entrance Road and Parking Lot** **\$176,500**

The City of Tracy has prepared and submits herewith a Preapplication for Federal Assistance for a grant under the Airport Infrastructure Grant (AIG) program for the engineering design and construction of the slurry seal and minor pavement patching...

**ITS infrastructure Planning & Construction** **\$1,400,000**

This project will create a plan for the Tracer bus system to implement Intelligent Transportation System (ITS) technology within the City of Tracy.

**Master Plan Update for New Jerusalem Airport** **\$250,000**

This project consists of a master plan update that will encompass both Tracy Municipal Airport and New Jerusalem.

**Short Range Transit Plan** **\$150,000**

The Short Range Transit Plan (SRTP) is an action plan developed to guide the implementation of transit service improvements, and requires updating every 5 years. The last plan was adopted in 2019.

**Slurry Seal of the Tee Hangar Taxi Lanes** **\$137,000**

The City of Tracy has prepared and submits herewith a Preapplication for Federal Assistance for a grant under the Airport Improvement Grant (AIP) program for the engineering design and construction of the crack seal and slurry seal of the Tee...

**Temporary Emergency Housing** **\$8,488,961**

On September 1, 2020, the Council gave direction to move forward with the development of plans for the design and construction of a temporary emergency housing facility. Subsequently, on March 2, 2021, the Council allocated funding for design and...

**Tracer Bus Stop Improvements** **\$156,399**

Various improvements to bus stops throughout the City, including but not limited to the installation of concrete pads, benches, shelters, trash cans, signs, pullouts, etc.

**Transit Buses** **\$2,000,000**

New Transit Buses

**Transit Maintenance & Storage Yard (Land Acquisition)** **\$2,447,980**

Land Acquisition - Development of storage and maintenance facility for the Tracer bus system.

**Transit Station Generator** **\$1,000,000**

Emergency Back Up Generator for Transit Station.

**Transit Station Security Cameras** **\$138,296**

Installation of additional cameras at the Tracy Transit Station.

**Update Airport Master Plan Study** **\$183,133**

The Airport Layout Plan shows in detail all proposed changes to the airport over the next ten years.

**Total: \$16,528,269**



# Operations & Utilities Requests

## Itemized Requests for 2024

<b>Annual Water Service/Line Replacement</b>	<b>\$100,000</b>
We have approximately 2100 water services that are made of polybutylene (plastic). Polybutylene and cold chlorinated water do not get along and shortens the life expectancy from 30 yrs. to 10-15 yrs. They are the main feed to the houses so they..	
<b>Annual Water Valve Replacement</b>	<b>\$100,000</b>
Annual - Replace Water Distribution Valves in various parts of the City.	
<b>BF Sisk Dam</b>	<b>\$300,000</b>
BF Sisk Dam raise project that would provide water storage capabilities for the City of Tracy in wet years and drought relief during dry with the City's participation in the project.	
<b>Central Garage Carport Enclosure</b>	<b>\$100,000</b>
Enclose the carport area that is located to the north of the central garage.	
<b>Eastside Channel Lining from Grant Line Road to MacArthur</b>	<b>\$2,500,000</b>
Concrete line the bottom and sides 2500 feet of the Eastside Channel from from 400 feet north of Pescadero (downstream end of CHP channel improvements) to MacArthur	
<b>Filter Valves Replacement at JJWTP</b>	<b>\$100,000</b>
Replace 48 filter valves at JJWTP.	
<b>HACH WIMS eSMT Report Auto Generator</b>	<b>\$120,000</b>
Upgrade HACH Water Information Management Solution (WIMS) system to automatically generate state-required Self-Monitoring and Reports (eSMR). Currently, data is semi-manually compiled to create reports.	
<b>HVAC Replacement (s) - Citywide Facilities</b>	<b>\$500,000</b>
To address facilities deferred maintenance to address large equipment failures/repairs, City hall HVAC, Boiler and other city buildings.	
<b>Joe Wilson Pool</b>	<b>\$200,000</b>
The Joe Wilson Pool plaster recently had repairs completed to the plaster in several areas due to failure of the plaster. The estimate is to replaster the entire pool surface and replace associated fixtures and tile in the pool.	
<b>Larch Rd 12" Water Line Replacement</b>	<b>\$1,250,000</b>
Replace 5400 LF of 12" water line and 58 services on Larch Rd. between Tracy Blvd. and Corral Hollow.	
<b>Lincoln Avenue Sewer Connection</b>	<b>\$200,000</b>
Connect the Lincoln Ave sanitary sewer to the citywide collection system, remove the underground holding tank at 11th and Lincoln.	
<b>Los Vaqueros Reservoir</b>	<b>\$300,000</b>
This project would provide water storage capabilities for the City of Tracy in wet years and drought relief during dry with the City's participation in the project.	
<b>Primary Clarifier Effluent Pumping System</b>	<b>\$408,478</b>
Replace existing dysfunctional pumping system electronics.	
<b>Recycled Water System Expansion</b>	<b>\$21,873,553</b>
The California Department of Water Resources (DWR) has awarded an Urban and Multibenefit Drought Relief Grant to the City in the amount of \$20 million for a Recycled Water System Expansion Project. Proposed improvements under the project include...	



<b>Replace SCADA System</b>	<b>\$345,785</b>
Upgrades of Supervisor Control and Data Acquisition (SCADA) System - software and hardware which monitors and controls plant equipment and processes to maintain regulatory compliance, including necessary modifications and integration with Plant...	
<b>Security System Implementation for City's Water Facilities</b>	<b>\$98,952</b>
Security System Implementation for City's Water Facilities	
<b>Tracy Hills Zone 5 Water Booster Station</b>	<b>\$1,073,167</b>
In order to serve the development of Vesting Tentative Subdivision Map, completion of the Tracy Hills Zone 5 Booster Pump Station at John Jones Water Treatment Plant is required. This pump station and associated work are depicted in the...	
<b>Trash Capture devices for storm water conveyance system</b>	<b>\$500,000</b>
The State Regional Water Quality Control Board implemented regulations in 2019 that require NPEDS MS4 storm water permit agencies to begin the implementation of trash capture systems in all storm water conveyance systems. The period of time to...	
<b>Up Flow Clarifier Rehab</b>	<b>\$792,510</b>
The Up flow clarifier is an important component of the water treatment process. Coagulation, flocculation and sedimentation are achieved through the up flow clarifier. The project involves rehab of the existing concrete structure, replacement of...	
<b>Wastewater Treatment Plant Expansion - Phase 2</b>	<b>\$10,005,578</b>
Expansion of treatment capacity to handle the additional inflow resulting from new development in the city. (Funded with Impact Fees)	
<b>Water Facilities Asset Management System - CMMS</b>	<b>\$200,000</b>
To expand or replace the current asset management system.	
<b>Water Lines Lammers Rd</b>	<b>\$5,738,915</b>
Construction of a new water transmission main along Lammers Road to enable a connection from City-side Zone 3 in the Ellis Subdivision to the Cordes Ranch Specific Plan area.	
<b>Water Plant HVAC Repair</b>	<b>\$613,564</b>
Water Plant HVAC Repair	
<b>Well Improvements</b>	<b>\$1,225,971</b>
Well Improvement Project: In order to meet the additional water demand during the peak periods and drought conditions- This funding needs to come out of development funds. We can supply the current rate payers without this funding. This is an...	
<b>WTP UV Upgrade</b>	<b>\$104,335</b>
The UV system needs a complete upgrade to achieve State Validation for disinfection credit.	
<b>Total: \$48,750,808</b>	

# Development Services Requests

## Itemized Requests for 2024

<b>South MacArthur, Ph 2-From Northern Boundary of Elissagaray Ranch to Connection at Eastside Channel</b>	<b>\$500,630</b>
Improve capacity of 6800 LF of existing V-ditch channel completed under CIP 7634.	
<b>Storm Drain Master Plan</b>	<b>\$157,073</b>
Description needed.	
<b>Wastewater Master Plan</b>	<b>\$248,995</b>
The Tracy Wastewater Master Plan is a planning level document that outlines existing wastewater collection system facilities and upgrades needed to accommodate wastewater system demand within the City's Sphere of Influence under a fully...	
<b>ADA Space Downtown</b>	<b>\$41,627</b>
ADA Space Downtown	
<b>Adaptive Traffic Signal System - Grant Line Road</b>	<b>\$1,015,000</b>
This project will install the adaptive traffic signal system on Grant Line Road, between Byron Road and Naglee Road.	
<b>Adaptive Traffic System</b>	<b>\$730,224</b>
Upgrade existing traffic signal controllers and provide a high speed communication system for the corridor and provide system components to implement an adaptive signal corridor system.	
<b>Adaptive Traffic System - CHR</b>	<b>\$864,291</b>
Upgrade existing traffic signal controllers & provide a high speed communication system for the corridor & provide system components to implement adaptive signal corridor system.	
<b>Annual Pavement Management Plan</b>	<b>\$4,000,000</b>
Annual Project to fund pavement management plan, deferred street maintenance.	
<b>Annual Pavement Rehabilitation Project</b>	<b>\$1,975,000</b>
Annual Pavement Rehabilitation Project	
<b>Annual Sidewalk, Curb, and Gutter Repair</b>	<b>\$250,000</b>
Annual Program	
<b>Annual Slurry Seal Project</b>	<b>\$600,000</b>
Performing Slurry Sealing of various street segments as preventative maintenance.	
<b>Annual Traffic Calming Program</b>	<b>\$50,000</b>
This annual program or project will be used for performing required traffic calming studies as needed to address resident concerns about traffic.	
<b>AW: Cor Hol Rd, Linne to Old Schult</b>	<b>\$1,128,614</b>
Widen an existing road from a 2 lane rural road to a 4 lane major arterial between Old Schulte Road and Linne Road.	
<b>AWid: CHR, 11th to Schulte</b>	<b>\$549,314</b>
Widening from a 4-lane arterial to a 6-lane major arterial which includes modification of the existing 40' median to accommodate 2 traffic lanes. Median modifications include new landscaping, irrigation systems and installation of new railroad...	
<b>Bridge Widening Over CA Aqueduct and International Parkway</b>	<b>\$90,858</b>
Widen Bridge on Mountain House Parkway over the California Aqueduct.	



<b>Bridge Widening Over Delta Mendota Canal on Old Schulte Rd</b>	<b>\$95,761</b>
Widen bridge on Old Schulte Road over the Delta Mendota Canal.	
<b>Crosswalk Safety Enhancement on 11th St at F St</b>	<b>\$329,272</b>
This project will install Overhead Flashing Beacons at the uncontrolled crosswalk on 11th Street at F Street intersection	
<b>Design Standards and Specification Updates</b>	<b>\$50,000</b>
City Design Standards and Specifications require updating every 2 years to reflect changes in approved materials and standard details. Standards need to be revised to correct inconsistencies that have carried over from previous versions to provide...	
<b>Fire Training Tower Site</b>	<b>\$812,194</b>
A fire department training tower site for site improvements at NEI reservoir.	
<b>FY2021 Pavement Rehabilitation Project</b>	<b>\$4,150,001</b>
Annual Maintenance program to keep streets in driving condition.	
<b>FY2022 Slurry Seal</b>	<b>\$579,391</b>
Performing Slurry Sealing of various street segments as preventative maintenance.	
<b>FY2023 Annual Pavement Rehabilitation Project</b>	<b>\$1,959,163</b>
Description Needed	
<b>FY2023 Annual Slurry Seal Project</b>	<b>\$600,000</b>
Description Needed	
<b>FY2023 Sidewalk, Curb, and Gutter Repair</b>	<b>\$98,057</b>
Construct curb ramps throughout the City: Madison Avenue and Beverly Place (2), Lowell Avenue and Henley Parkway (4), Madison Avenue and Beverly Place (4), Cherry Blossom Lane and English Oaks Avenue (4), Cypress Drive and Alden Glen Drive (3),...	
<b>General Plan Update</b>	<b>\$3,500,000</b>
The City is initiating a comprehensive update to the Tracy General Plan, including the Housing Element and Programmatic Environmental Impact Report (EIR), to address changes in regional and state policy, market trends, and community preferences,...	
<b>Holly Drive Pedestrian &amp; Bikeway Improvements</b>	<b>\$1,830,000</b>
On Holly Drive between 11th Street and Clover Road, install Class 3 bike route, Class 2 bicycle lanes, sidewalk, pavement patching, slurry seal, signage, striping, and pavement markings.	
<b>I-205/Mountain House Overcrossing</b>	<b>\$3,372,958</b>
Includes widening of the Mountain House Parkway overpass, construction of a westbound loop on-ramp and construction of a new intersection, relocation and widening of the westbound off-ramp, restriping of the eastbound off-ramp, widening of the...	
<b>I-580/Mountain House Overcrossing</b>	<b>\$46,255,592</b>
Includes converting the existing tight-diamond interchange to a diverging diamond interchange. This will require minor realignment to the existing on-off ramps. The proposed diverging diamond interchange will divert traffic in both directions to...	
<b>IC Impvts:I205 &amp; Lammers</b>	<b>\$172,871</b>
Construction of new interchange to accommodate new development and improve traffic.	
<b>IC: I205 &amp; Paradise</b>	<b>\$1,447,472</b>
The construction of this new interchange is to accommodate new industrial development and northeast developments.	

<b>International Parkway Bridge Replacement &amp; Expansion Project at DMC</b>	<b>\$76,199</b>
Widen bridge on Mountain House Parkway over the Delta Mendota Canal.	
<b>Intersection Improvements - Corral Hollow &amp; Linne</b>	<b>\$464,157</b>
Installation of fully activated pedestrian and vehicular traffic signals. Intersection improvements include railroad crossing improvements.	
<b>IS Imp Grant Line &amp; MacArthur</b>	<b>\$145,919</b>
This project will install a fence on the concrete median on Grant Line Road, west of MacArthur Drive.	
<b>New Radio Tower - Station 96</b>	<b>\$40,650</b>
There are existing gaps in radio transmission coverage within the city. The two new radio towers will improve communications between Fire facilities and provide improved service area radio coverage.	
<b>Police Headquarters Cooling System Study</b>	<b>\$80,000</b>
Engineering study of the existing closed loop water system that is experiencing frequent failures. (Funded for Design Only)	
<b>Public Facilities Master Plan</b>	<b>\$95,047</b>
The Public Facilities Master Plan is a planning level document that outlines existing Public facilities and upgrades needed to accommodate population growth within the City's Sphere of Influence under a fully developed condition. The...	
<b>Public Safety Master Plan Update</b>	<b>\$60,660</b>
The Public Safety Master Plan Update is a planning level document that outlines the current and future public safety needs in the City of Tracy and the City's sphere of influence. The existing Public Safety Master Plan was adopted...	
<b>Reconstruction Bessie Avenue Between Lowell Avenue and Grant Line Road</b>	<b>\$3,414,767</b>
Bessie Avenue Rehabilitation from Lowell to Grant Line: Replace water, sewer and storm drain mains, water and sewer laterals, remove and replace pavement, sidewalks, curbs and curb ramps, and street trees (as necessary)	
<b>Reconstruction Bessie Avenue Between Lowell Avenue and Grant Line Road - Wastewater Improvements</b>	<b>\$1,824,769</b>
Bessie Avenue Rehabilitation from Lowell to Grant Line: Replace water, sewer and storm drain mains, water and sewer laterals, remove and replace pavement, sidewalks, curbs and curb ramps, and street trees (as necessary)	
<b>Reconstruction Bessie Avenue Between Lowell Avenue and Grant Line Road - Water Improvements</b>	<b>\$1,678,105</b>
Bessie Avenue Rehabilitation from Lowell to Grant Line: Replace water, sewer and storm drain mains, water and sewer laterals, remove and replace pavement, sidewalks, curbs and curb ramps, and street trees (as necessary).	
<b>Sewer Capacity Upgrade - Corral Hollow between Schulte &amp; 11th</b>	<b>\$2,998,740</b>
Sewer capacity upgrade in Corral Hollow between Schulte and Field View (Phase 2 choke points on corral hollow)	
<b>Station 91 Renovations</b>	<b>\$268,008</b>
The project entails the design of modifications to the City of Tracy (City) Fire Station No. 91. Specifically, these modifications include a remodel of the second floor of the fire station to create five (5) separate sleeping rooms where current...	
<b>Street Light Installation Project</b>	<b>\$493,849</b>
This project will install new street lights on residential, collector and arterial streets which are lacking sufficient street lighting.	
<b>Temporary TS at CH &amp; Valpico</b>	<b>\$89,197</b>
Installation of Temporary Traffic Signal at Corral Hollow and Valpico Road intersection.	
<b>Tracy Boulevard Sidewalk</b>	<b>\$852,465</b>
This project will close the missing sidewalk gap to the ACE Train Station parking lot immediately south of the project area.	

<b>Transportation Master Plan</b>	<b>\$114,730</b>
The City of Tracy Citywide Roadway and Transportation Master Plan was updated in November 2012. The Citywide Road and Transportation and Bikeways Master Plan update will outline existing Master Plan facilities and upgrades needed to accommodate...	
<b>TS: CHR &amp; Valpico</b>	<b>\$2,179,937</b>
Installation of fully activated vehicular and pedestrian traffic signals at the intersection.	
<b>Upgrade &amp; Main of Traffic Management Center Software</b>	<b>\$139,277</b>
This project will upgrade the existing Traffic Management Center Software to the current version.	
<b>Valpico Road Widening - Tracy Blvd to MacArthur Drive</b>	<b>\$6,053,140</b>
This project will involve the roadway widening of Valpico Road from Tracy Blvd to MacArthur Drive, with two lanes in each direction, complete with all necessary improvements like curb, gutter, sidewalk, median, irrigation facilities, landscaping,...	
<b>Water Master Plan</b>	<b>\$189,122</b>
The Water System Master Plan evaluates the required backbone potable and recycled water system facilities required to serve the buildout of the City's General Plan. Buildout of the City's Sphere of Influence includes existing developed...	
<b>Widening - Corral Hollow I580/Linne</b>	<b>\$1,383,913</b>
Widen 2L to 4L arterial - Corral Hollow Road from Linne Road to I-580	
<b>WW Lines Upgrade, East Side Sewer mains on Grant Line Rd</b>	<b>\$721,013</b>
Fix the existing bottleneck on the East Side Sewer mains south of Grant Line Road and MacArthur intersection. Install 4,000 LF of parallel 24 inch line or replace the existing line with a 30 inch line south of Grant Line Rd.	
<b>Total: \$100,818,022</b>	

## Park & Recreation Requests

### Itemized Requests for 2024

**A.R. Glover Park Improvement** **\$725,000**

This project would include renovation of the playground, a new picnic area, renovation of the sport court, pathway lighting, ADA barrier removal, landscaping, and site furnishing replacements.

**Aquatics Center** **\$3,612,710**

The project will include the following City Council approved program elements in priority order: 1. 50-meter pool, 2. Recreation/warm-up pool, 3. Lazy river, 4. Water slides, 5. Toddler area, 6. Indoor pool (optional), and 7. Fitness center...

**Arterial Landscaping, Tree Maintenance & Removal (LMD)** **\$730,000**

Arterial Landscaping, Tree Maintenance & Removal (LMD), Pursuant to Prop 218, revenue generated from the assessed zones in the LMD should not be utilized to support efforts which are considered a general benefit to the public. Per the...

**Clyde Bland Park BMX Pump Track** **\$999,416**

Construct a new 1/2 acre BMX pump track (bike park) in an existing City park. The project would create a looped asphalt track with a sequence of rollers and berms for bike riders. Associated improvements would include: earthwork, drainage,...

**Edgar Thoming Park & McDonald Park Sport Court Rehabilitation** **\$600,000**

This project would include the renovation of surfacing and fencing at two (2) tennis courts and one (1) basketball court at Edgar Thoming Park, and renovation of one (1) basketball court and two (2) handball courts at McDonald Park. The project...

**Flag Poles City Hall Memorial** **\$148,916**

This project will install six (6) new flag poles at the Tracy War Memorial in Civic Center Plaza to represent the six (6) branches of the United States Military.

**Florence Stevens Park & Greenway Improvement** **\$550,000**

Renovation of the playground, rehab of the sports court includes replacement of equipment and addition of lighting, pathway lighting throughout the greenway, replacement of site furnishings, landscape enhancements, and drought tolerant...

**Gretchen Tally Park Phase III** **\$4,844,178**

This project is a 4.7-acre expansion of Gretchen Talley Park. The scope of work will include: a new park restroom, new small & large dog park, tennis/pickleball courts, a 2nd basketball court, fitness area, nature play area, pollinator garden,...

**Hoyt Park - Per Capita Improvements** **\$348,835**

The City of Tracy has the opportunity to rehabilitate existing infrastructure at Hoyt Park through the Proposition 68, Per Capita Program.

**Legacy Field Site Phase 1E** **\$18,791,166**

Improvements would include: paving parking lots, slurry sealing existing asphalt, an alternative exit south of the complex, building-out of the Eastern Wagon Wheel to closely resemble the Western Wagon Wheel, and wayfinding & signage.

**Multi-Generational Rec Center** **\$14,023,243**

Design and construction of the multi-generational recreation center.

**Nature Park Phase 1** **\$1,371,000**

Based on the Council-approved Master Plan, Phase 1 of this project will include: site preparation and earthmoving to create various habitats, over 2 miles of hiking paths including a walking loop with bridget and ADA accessible trails with seating...

**Ritter Family Ball Park Renovation** **\$3,000,000**

The first step in updating this dated facility is a master planning process, including public outreach, to establish a modern vision for this much needed infill project.



Total: \$49,744,464



APPROVED AS TO FORM AND LEGALITY

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

**TRACY PLANNING COMMISSION**

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

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**FINDING, PURSUANT TO GOVERNMENT CODE SECTIONS 65103(C) AND 65401,  
THAT THE CITY OF TRACY'S CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR  
2023/2024 THROUGH FISCAL YEAR 2027/2028 IS CONSISTENT WITH THE GENERAL  
PLAN**

**WHEREAS**, Government Code Section 65103(c) requires the City's planning agency to annually review its Capital Improvement Program (CIP) for its consistency with the City's General Plan; and

**WHEREAS**, Government Code Section 65401 requires the City's planning agency to make a similar determination of General Plan consistency for any proposed public works projects; and

**WHEREAS**, City staff is providing a proposed Capital Improvement Program to City Council in 2023 for budget adoption for Fiscal Year 2022/2023 through Fiscal Year 2026/2027; and

**WHEREAS**, City staff has analyzed the Capital Improvement Program to ensure the consistency of the proposed projects within the Capital Improvement Program with the goals, policies, and actions of the City of Tracy's current General Plan; and

**WHEREAS**, The report analyzing the General Plan consistency for each project on the CIP is attached hereto as **Exhibit A**; and

**WHEREAS**, The Planning Commission conducted a public meeting to review and consider the Capital Improvement Program on May 24, 2023; and therefore be it

**RESOLVED:** That the Planning Commission of the City of Tracy hereby adopts the General Plan consistency analysis set forth in **Exhibit A** for the CIP; and be it

**FURTHER RESOLVED:** Based on the analysis set forth in **Exhibit A** and pursuant to Government Code Sections 65103(c) and 65401, the Planning Commission hereby finds that the Capital Improvement Program for Fiscal Year 2023/2024 through Fiscal Year 2027/2028 is consistent with the City's General Plan; and be it

**FURTHER RESOLVED:** This action is a State mandated administrative action and not a "project" under the California Environmental Quality Act (CEQA) and the Public Resources Code Section 21065. Any project listed on the CIP will go through separate and independent analysis under CEQA prior to implementation.

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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:
ABSTENTION:	COMMISSION MEMBERS:

\_\_\_\_\_  
CHAIR

ATTEST:

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

## Findings in support of General Plan Consistency

### General Government and Public Safety Facilities (CIP Group 71)

This category includes new construction, maintenance, and rehabilitation of City facilities, such as fire station renovations, roof replacement, HVAC system replacement, and facility expansions. It also encompasses other general capital projects, such as police equipment replacement, Public Safety and Facilities master plan updates, and vehicle and equipment replacement. The funding source for General Government and Public Safety Facilities projects comes primarily from the General Capital Projects (Fund 301) or Internal Service Funds. These funds are supported almost exclusively from transfers from the City's General Fund.

#### *Report of General Plan Consistency:*

Goal ED-5                      Support for Tracy's key economic assets.  
 Objective ED-5.2            Manage capital improvements to ensure sufficient infrastructure and services.  
 Policy ED-5.2.P1            The City shall manage its fiscal resources and capital improvements to promote economic sustainability.  
 Goal PF-2                      A safe environment in Tracy through the enforcement of law.  
 Objective PF-2.1            Plan for on-going management and development of law enforcement services.  
 Policy PF-2.1.P1            Maintain adequate police staffing, performance levels, and facilities to serve Tracy's existing population as well as any future growth.  
 Goal PF-4                      Public buildings that are a source of civic pride for all residents.  
 Objective PF-4.1            Support the needs of the community through the construction and maintenance of public buildings, such as City Hall, community centers, libraries, and the public works facility.

### Traffic Safety (CIP Group 72)

This category involves maintenance and upgrading of the City's existing roadways as it relates to traffic safety. Common projects include design and installation of new roadway, intersection, and traffic signal improvements to ensure adequate, safe, and efficient movement of traffic throughout the city. Funding for these projects comes from Special Revenues (Gas Tax), Grant Funding, and developer impact fees, when applicable.

#### *Report of General Plan Consistency:*

Goal CIR-1                      A roadway system that provides access and mobility for all of Tracy's residents and businesses while maintaining the quality of life in the community.  
 Objective CIR-1.2            Provide a high level of street connectivity.  
 Policy CIR-1.2.P1.            The City shall ensure that the street system results in a high level of connectivity, especially between residences and common local destinations such as schools, Village Centers, retail areas and parks. The standard for roadway (vehicular) connectivity is defined as appropriate spacing of arterials and collectors and local roads as detailed above in Section B of this Element "Roadway Classifications and Standards."  
 Objective CIR-1.6            Maximize traffic safety for automobile, transit, bicycle users, and pedestrians.  
 Policy CIR-1.6.P1            The City shall design streets using context-sensitive design principles that enhance safety for all modes of travel.

### **Streets and Highways (CIP Group 73)**

Streets & Highways: The Streets and Highways category of projects encompasses the maintenance/replacement or construction of new/existing sidewalks, street, and roadways. Examples include the new I-205 freeway interchanges, Corral Hollow Widening, various roadway reconstructions, rehabilitations, extensions, and widening, as well as sidewalk improvements. Funding for these projects comes from Special Revenues (Gas Tax), Grant Funding, and developer impact fees, when applicable.

#### *Report of General Plan Consistency:*

- Goal CIR-1                    A roadway system that provides access and mobility for all Tracy's residents and businesses while maintaining the quality of life in the community.
- Objective CIR-1.2        Provide a high level of street connectivity.
- Policy CIR-1.2.P1.        The City shall ensure that the street system results in a high level of connectivity, especially between residences and common local destinations such as schools, Village Centers, retail areas and parks. The standard for roadway (vehicular) connectivity is defined as appropriate spacing of arterials and collectors and local roads as detailed above in Section B of this Element "Roadway Classifications and Standards."
- Objective CIR-1.6        Maximize traffic safety for automobile, transit, bicycle users, and pedestrians.
- Policy CIR-1.6.P2        New development shall implement traffic calming measures where necessary so long as connectivity is not diminished.
- Objective CIR-1.7        Minimize traffic-related impacts such as noise and emissions on adjacent land uses.
- Objective CIR-1.8        Minimize transportation-related energy use and impacts on the environment.
- Policy CIR-1.8.P2        When possible, road construction and repair projects shall use sustainable materials.
- Goal CIR-2                    Adequate interregional access.
- Objective CIR-2.1        Support regional planning and implementation efforts to improve interregional highways and interregional travel efficiency.
- Policy CIR-2.1.P1        The City shall continue to cooperate with regional and State agencies, including Caltrans and San Joaquin Council of Governments (SJCOG) to study, plan, and fund improvements to the regional transportation system. These regional transportation improvements may include freeway widening, the construction of regional roadways, regional passenger rail expansions, additions to the existing commuter bus system and provision of park-and-ride lots near facilities heavily used by commuters.
- Policy CIR-2.1.P3        The City shall work with other local jurisdictions, SJCOG, and Caltrans to identify and develop alternative routes to allow locally-generated traffic to bypass congestion on I-205 and I-580 without impacting city streets.
- Goal AQ-1                    Improved air quality and reduced greenhouse gas emissions through land use planning decisions.
- Objective AQ-1.3        Provide a diverse and efficient transportation system that minimizes air pollutant and greenhouse gas emissions.
- Policy AQ-1.3.P1        The City shall continue to work with the San Joaquin Council of Governments on regional transportation solutions.

### **Wastewater Improvements (CIP Group 74)**

Maintenance and improvements to the City's wastewater infrastructure and treatment facility are included in this category. Typical projects in this category include upgrades, extensions, and replacements to wastewater treatment lines and equipment, and expansion of the

wastewater treatment plant. The primary sources of funding for these projects comes from customer service rates and developer impact fees, when applicable.

*Report of General Plan Consistency:*

Goal PF-7                    Meet all wastewater treatment demands and federal and State regulations.

Objective PF-7.1        Collect, transmit, treat and dispose of wastewater in ways that are safe, sanitary and environmentally acceptable.

Policy PF-7.1.P1        The City shall maintain wastewater conveyance, treatment and disposal infrastructure in good working condition in order to supply municipal sewer service to the City's residents and businesses.

Objective PF-7.3        Promote coordination between land use planning and wastewater conveyance, treatment, and disposal.

Policy PF-7.2.P1        Wastewater collection and treatment facilities shall be designed to serve expected buildout of the areas served by these facilities but constructed in phases to reduce initial and overall costs.

**Water Improvements (CIP Group 75)**

Water projects include the purchase of water supply, installation of new water infrastructure (pipeline, pump stations, water tanks, etc.), and rehabilitation/replacement of water infrastructure throughout the City. The primary source of funding comes from customer service rates, developer impact fees, and occasionally grants, when applicable.

*Report of General Plan Consistency:*

Goal PF-6                    Adequate supplies of water for all types of users.

Objective PF-6.2        Provide adequate water infrastructure facilities to meet current and future populations.

Policy PF-6.2.P1        The City shall maintain water storage, conveyance and treatment infrastructure in good working condition in order to supply domestic water to all users with adequate quantities, flows, and pressures.

Goal SA-1                    A reduction in risks to the community from earthquakes and other geologic hazards.

Objective SA-1.1        Minimize the impacts of geologic hazards on land development.

Policies SA-1.1.P1      Underground utilities, particularly water and natural gas mains, shall be designed to withstand seismic forces.

**Drainage Improvements (CIP Group 76)**

This category of projects includes storm drain line replacements, installation of new storm drain lines, channel improvements and pump station upgrades. The primary source of funding comes from customer service rates and developer impact fees, when applicable.

*Report of General Plan Consistency:*

Goal PF-8                    Protect property from flooding.

Objective PF-8.1        Collect, convey, store, and dispose of stormwater in ways that provide an appropriate level of protection against flooding, account for future development and address applicable environmental concerns.

Policy PF-8.1.P1        Stormwater infrastructure shall be maintained in good condition.

Policy PF-8.1.P2        Stormwater infrastructure shall minimize local flooding by attaining capacity that conforms with the Storm Drainage Master Plan and City Design Standards.

Policy PF-8.1.P5        The City shall ensure a fair and equitable distribution of costs for

stormwater system upgrades, expansion and maintenance.

Policy PF-8.1.P6 Design of storm drainage facilities shall be consistent with State and federal requirements, including NPDES requirements.

Objective PF-8.2 Provide effective storm drainage facilities for development projects.

Policy PF-8.2.P2 New storm drainage facilities shall meet adopted City standards, including the standards and policies contained in the Storm Water Management Plan, the Storm Drainage Master Plan and the Parkways Design Manual.

### **Airport and Transit Improvements (CIP Group 77)**

The maintenance and upgrades to the Tracy Municipal Airport, transit system improvements, and bus replacements are included in this category. The primary source of funding for this group comes in the form of grant funding from Transportation Development Act (TDA), Federal Transit Administration (FTA), and other grants.

#### *Report of General Plan Consistency:*

Goal CIR-4 A balanced transportation system that encourages the use of public transit and high occupancy vehicles.

Objective CIR-4.1 Promote public transit as an alternative to the automobile.

Policy CIR-4.1.P1 The City shall promote efficient and affordable public transportation that serves all users.

Objective CIR-1.6 Maximize traffic safety for automobile, transit, bicycle users, and pedestrians.

Goal ED-5 Support for Tracy's key economic assets.

Objective ED-5.1 Support the City's Airport Master Plan.

Policy ED-5.1.P1 The City shall support the Airport Master Plan to establish long-term viability and increased business services.

### **Parks and Recreation Improvements (CIP Group 78)**

This category consists of park and civic amenity construction, improvements, and maintenance. This category includes park improvements, bikeway improvements, playground equipment replacement, aquatics center, etc.

#### *Report of General Plan Consistency:*

Goal LU-1 A balanced and orderly pattern of growth in the city.

Objective LU-1.3 Ensure that public facilities such as schools, parks, and other community facilities are accessible and distributed evenly and efficiently throughout the City.

Policy LU-1.3.P1 Schools and parks should be located and designed to serve as focal points of neighborhood and community life and should be distributed in response to user populations.

Goal ED-5 Support for Tracy's key economic assets.

Objective ED-5.4 Support the continued maintenance of community facilities and programming.

Policy ED-5.4.P1 The City shall support the continued maintenance of community facilities.

Goal OSC-4 Provision of parks, open space, and recreation facilities and services that maintain and improve the quality of life for Tracy residents.

Objective OSC-4.1 Provide and maintain a diversity of parks and recreational facilities in the City of Tracy.

Objective PF-4.2 Provide sufficient library service to meet the informational, cultural, and educational needs of the City of Tracy.