

PLANNING COMMISSION

REGULAR MEETING AGENDA

Wednesday, September 10, 2025, 7:00 P.M.

A quorum of Planning Commission will be in attendance at

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: 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 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 Meeting Videos](#)" under the "Boards and Commissions" section.

If you only wish to watch the meeting and do not wish to address the Planning Commission, you may 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 2559-018-8191** 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 when prompted to provide an email address.
 - Join by phone by dialing +1-408-418-9388, 2559-018-8191, #75266464# Press *3 to raise the hand icon to speak on an item.
- *Protocols for commenting via WebEx:*
 - *If you wish to comment on the "New Business" or "Items from the Audience" portions of the agenda:*
 - *Listen for the Chair to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
 - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
 - *Comments for the "New Business" or "Items from the Audience" portions of the agenda will be accepted until the public comment for that item is closed.*

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

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

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

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

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

Full copies of the agenda are available on the City’s website: www.cityoftracy.org.

MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACTIONS, BY MOTION, OF PLANNING COMMISSION PURSUANT TO AB 2449, IF ANY

ROLL CALL

MINUTES – 08.13.25 Regular Meeting 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 STAFF RECOMMENDS THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, ADOPT A RESOLUTION (1) GRANTING A CONDITIONAL USE PERMIT, APPLICATION NUMBER CUP25-0002, FOR THE OPERATION OF AN EATING AND/OR DRINKING ESTABLISHMENT THAT SERVES ALCOHOL AND PROVIDES ENTERTAINMENT PAST 11:00 P.M. LOCATED AT 1005 E. PESCADERO AVENUE, SUITE 111, ASSESSOR'S PARCEL NUMBER 213-060-52 (2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15301, PERTAINING TO EXISTING FACILITIES. THE APPLICANT IS BAY BOYS BREWING LLC, AND THE PROPERTY OWNER IS 51 NEWCO LLC ETAL.

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: September 4, 2025

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.

**MINUTES
TRACY CITY PLANNING COMMISSION
REGULAR MEETING
AUGUST 13, 2025, 7:00 P.M.
TRACY CITY HALL. ROOM 203
333 CIVIC CENTER PLAZA**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chair Penning led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner English, Commissioner Orcutt, Vice Chair Boakye-Boateng and Chair Penning present. Also present were: Scott Claar, Planning Manager; Majeed Mohamed, Associate Engineer; Gina Peace, Executive Assistant; and Jennifer Lucero, Administrative Assistant.

MINUTES

Chair Penning introduced the Regular Meeting Minutes from the July 23, 2025 Planning Commission Regular Meeting.

ACTION: It was moved by Commissioner Atwal and seconded by Vice Chair Boakye-Boateng to approve the July 23, 2025 Planning Commission Regular Meeting Minutes. A voice vote found Commissioner Atwal, Commissioner Orcutt, Vice Chair Boakye-Boateng and Chair Penning in favor. Commissioner English abstained, as she was not present at the July 23, 2025 Planning Commission Meeting. Passed and so ordered; 4-0-0-1.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, take the following actions (1) adopt a resolution approving a tentative subdivision map (TSM23-0004) for the creation of five lots at 10722 and 10792 W. Larch Road, Assessor Parcel Numbers: 212-170-33 and 212-170-34; and (2) determine that this project is covered by the common sense exemption and is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA guidelines section 15061(b)(3).

Scott Claar, Planning Manager, presented staff report.

Mike Souza, representing Byron Alvarez, addressed the Commission.

Byron Alvarez, Project Manager, addressed the Commission.

Chair Penning opened the Public Hearing at 7:38 p.m., but seeing as no one came forward, the public hearing was closed.

ACTION: It was moved by Commissioner Atwal and seconded by Commissioner English that the Planning Commission adopts a resolution that:

- (1) ADOPT A RESOLUTION APPROVING A TENTATIVE SUBDIVISION MAP (TSM23-0004) FOR THE CREATION OF FIVE LOTS ON A 10-ACRE SITE AT 10722 AND 10792 W. LARCH ROAD, ASSESSOR'S PARCEL NUMBERS: 212-170-33 AND 212-170-34; AND
- (2) DETERMINE THAT THIS PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3).

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

2. ITEMS FROM THE AUDIENCE

Cliff Hudson, 1295 Cornucopia Place, addressed the Commission, requesting an update about a blinking stop sign on the corner of Valpico Road and Corrow Hollow Road.

Scott Claar, Planning Manager, advised that he will follow up at a later date.

3. DIRECTOR'S REPORT

None.

4. ITEMS FROM THE COMMISSION

Commissioner English asked about Planning Commission approving Conditions of Approval (COAs) for "smaller" Projects, requiring the applicant to provide EV parking stalls and/or charging stations at their site, if we don't require EV parking stalls and/or charging stations for "larger" projects like BJ's or Trader Joe's, etc.?

Scott Claar, Planning Manager, advised the Conditions of Approval only apply to new development. Mr. Claar also advised that the City requires nothing more than what is required by the State Building Code for EV charging.

5. ADJOURNMENT

ACTION: It was moved by Commissioner Orcutt and seconded by Chair Penning to adjourn.

Time: 7:46 p.m.

CHAIR

STAFF LIAISON

This meeting's agenda was posted at the Tracy City Hall on August 7, 2025. The above are action minutes. A recording is available on the City's website.



PLANNING COMMISSION STAFF REPORT

Item No. 1.A

DATE	September 10, 2025
TITLE	Bay Boys Brewing
LOCATION	1005 E. Pescadero Ave Suite 111 (APN: 213-060-52)
APPLICATION TYPE	Conditional Use Permit (CUP25-0002)
CEQA STATUS	Categorically Exempt CEQA Guidelines Section 15301
PROJECT PLANNER	Christina Delgadillo (209) 831-6433 christina.delgadillo@cityoftracy.org

RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, adopt a Resolution:

- (1) Granting a Conditional Use Permit, Application Number CUP25-0002, for the operation of an eating and/or drinking establishment that serves alcohol and provides entertainment past 11:00 p.m. located at 1005 E. Pescadero Avenue, Suite 111, Assessor's Parcel Number 213-060-52;
- (2) Determining that this project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, pertaining to existing facilities.

The applicant is Bay Boys Brewing LLC, and the property owner is 51 NEWCO LLC ETAL.

PROJECT DESCRIPTION

Background

The project site is located at 1005 E. Pescadero Avenue in Suite 111. The subject property is an existing 8,998 square foot tenant space inside the Northgate Village Shopping Center, located near the intersection of N. MacArthur Drive and E. Pescadero Avenue. (Attachment A: Location Map). The project site is designated Commercial in the General Plan and is a part of the I-205 Specific Plan. The specific plan land use designation is General Commercial 2 (GC2).

Bay Boys Brewing received their business license for a brewery with a taproom in November of 2021. It is currently open every evening with varying operating hours. Bay Boys Brewing has been operating as an eating and drinking establishment that provides live entertainment ending before 11:00 p.m. since they have opened, which is a permitted by-right use in the General Commercial 2 designation.

In April of 2024, a complaint was received by the Code Enforcement Division that the business had begun providing live entertainment past 11:00 p.m. This type of use requires a conditional use permit within the General Commercial 2 designation. In response to the complaint, the Code Enforcement Division notified the business that they need to obtain a conditional use permit before continuing the live entertainment past 11:00 p.m.

Proposed Project

On June 5, 2025, the City received an application for a Conditional Use Permit (CUP25-0002) to allow the operation of an eating and/or drinking establishment that serves alcohol and provides entertainment past 11:00 p.m. The proposed entertainment would include live music, DJs, and performances. Bay Boys Brewing offers an open floor plan consisting of a full bar, game areas, tables and chairs, and an open area where live music is performed (Attachment B: Site Plan and Floor Plan).

Analysis

The project site is designated as General Commercial 2 by the I-205 Specific Plan, which permits uses such as retail, restaurants, offices, and personal services. The I-205 Specific Plan requires a conditional use permit for an eating and/or drinking establishment that serves alcohol and provides live entertainment after 11:00 p.m.

The properties to the north, west and east are also part of the I-205 Specific Plan. The properties to the south are a part of the Industrial Areas Specific Plan. The proposal would be compatible with the surrounding area, as the site is in close proximity to existing restaurants, hotels, and commercial buildings, including the La Huacana nightclub, which was approved by the Planning Commission on November 4, 2015, and is located in the same shopping center. The proposed use is also consistent with the I-205 Specific Plan and General Plan designation of Commercial. A recommended condition of approval requires that all live entertainment uses will be solely indoors to be compatible with the residential zoning across Mac Arthur Drive to the west and minimize undesirable noise.

The existing drinking establishment's request to serve alcohol and provide entertainment after 11:00 p.m. does not increase the amount of parking required. The Bay Boys Brewing's existing parking is provided by the parking lot for the Northgate Village Shopping Center.

As stated in Condition D.3.1 of the conditions of approval and required by the Police Department, all patrons shall vacate between 12:45 and 1:00 a.m., for a 1:30 a.m. nightly closure of the business. This is being required to stagger the closure time with the nearby La Huacana nightclub. Police stated that staggering the closure times will avoid having both nightclubs emptying at the same time, which should help minimize potential issues in the parking area after closing time.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, pertaining to existing facilities because the

project involves no major exterior or interior changes to the existing structure that would require further environmental analysis.

SUMMARY

The requested Conditional Use Permit (CUP25-0002) would allow for the operation of an eating and/or drinking establishment that serves alcohol and provides live entertainment past 11:00 p.m. located at 1005 E. Pescadero Avenue, Suite 111. Staff recommends approval of the project.

ATTACHMENTS

- A – Location Map
- B – Site Plan and Floor Plan
- C – Planning Commission Resolution:
 - Exhibit 1 – Conditions of Approval
 - Exhibit 2 – Findings

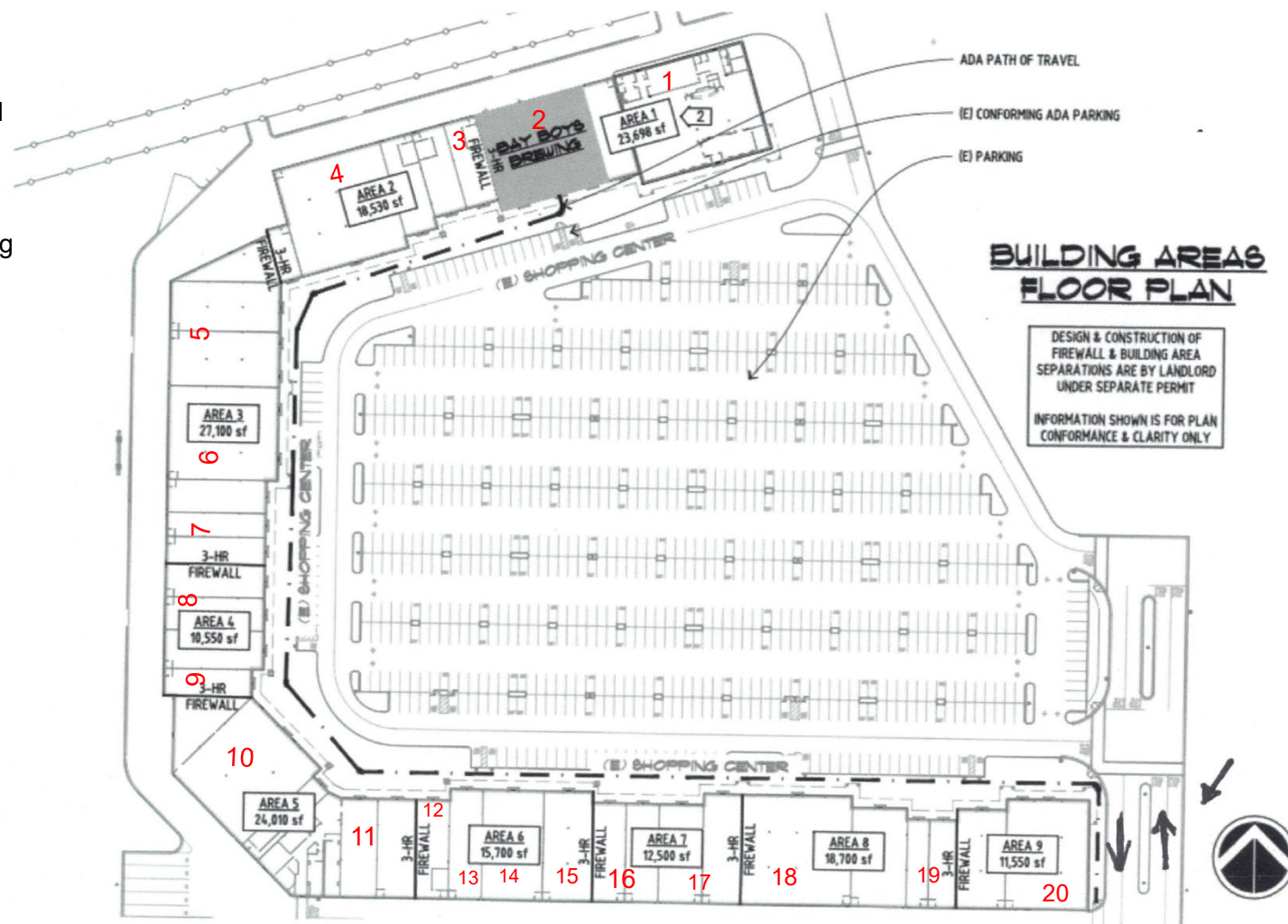
Project Location
1005 E Pescadero Ave
Suite 111
APN 213-060-52



Bay Boys Brewing

1005 PESCADERO AVENUE, SUITE 111
TRACY, CALIFORNIA 95376

1. White Lotus Banquet Hall
2. Bay Boys Brewing
3. El Patio
4. Bid RL
5. American Style Furnishing
6. Gathering Place
7. Gracie Jiu-Jitsu
8. TWC Wrestling
9. King Life
10. WorkVine 209
11. TAP Athletics
12. ReMax
13. ATL
14. Power House
15. Home Furnishings
16. BELM Designs
17. The Gym
18. Satellite Health Care
19. All City Gym
20. La Huacana Night Club



CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION 2025-_____

-
- 1. GRANTING A CONDITIONAL USE PERMIT, APPLICATION NUMBER CUP25-0002, TO OPERATE AN EATING AND/OR DRINKING ESTABLISHMENT THAT SERVES ALCOHOL AND PROVIDES ENTERTAINMENT PAST 11:00 P.M., LOCATED AT 1005 E. PESCADERO AVENUE, SUITE 111, ASSESSOR'S PARCEL NUMBER 213-060-52;**
 - 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTION 15301, PERTAINING TO EXISTING FACILITIES.**

WHEREAS, on June 5, 2025, the City received an application for a Conditional Use Permit (CUP25-0002) to allow the operation of an eating and/or drinking establishment that serves alcohol and provides entertainment past 11:00 p.m., located at 1005 E. Pescadero Avenue, Suite 111; and

WHEREAS, the subject site is designated Commercial in the Tracy General Plan and is a part of the I-205 Specific Plan with a designation of General Commercial 2, where eating and/or drinking establishments that serve alcohol and provide entertainment past 11:00 p.m. are a conditionally permitted use; and

WHEREAS, the Planning Commission may 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 Statement of Findings attached hereto as Exhibit 1 articulates the requisite findings and the evidentiary support for those findings; and

WHEREAS, the proposed project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, which pertains to existing facilities because the project involves no major exterior or interior changes to the existing structure that would require further environmental analysis; and

WHEREAS, the Planning Commission conducted a public hearing to review and consider the applications on September 10, 2025; 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 judgement, that the proposed project is categorically exempt from the California Environmental Quality Act pursuant to Guidelines Section 15301 (Existing Facilities) as the project involves no major exterior or interior changes to the existing structure that would require further environmental analysis; and be it

FURTHER RESOLVED: That the Planning Commission hereby grants a Conditional Use Permit (CUP25-0002) allowing the operation of an eating and/or drinking establishment that serves alcohol and provides entertainment past 11:00 p.m. at 1005 E. Pescadero Avenue, Suite 111, based on the findings set forth in Exhibit 1 and subject to the Conditions of Approval contained in Exhibit 2, Assessor's Parcel Number 213-060-52.

* * * * *

The foregoing Resolution 2025-_____ was adopted by the Planning Commission on September 10, 2025, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTENTION:	COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

Exhibit 1—Findings

Exhibit 2—Conditions of Approval

**CITY OF TRACY
CONDITIONAL USE PERMIT FINDINGS
APPLICATION NUMBER CUP25-0002**

Conditional Use Permits (CUPs) must meet the requirements set forth in TMC Sections 10.08.4250-10.08.4330. Pursuant to TMC Section 10.08.4290, the Planning Commission shall conduct a noticed public hearing to consider the application materials, pertinent evidence and testimony in support of the findings required for approval provided in TMC Section 10.08.4310. Upon conclusion of the public hearing and consideration of the entire record, the Planning Commission may approve the CUP if the record supports 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 TMC 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 TMC Chapter 10.08 – Zoning Regulations.

Therefore, the Planning Commission conducted a noticed public hearing on September 10, 2025, and upon its conclusion, makes the following requisite findings for a conditional use permit based on consideration of the entire record of evidence, 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 the proposed use is not permitted unless the Planning Commission grants approval of a conditional use permit as provided in Tracy Municipal Code, Chapter 10.08.2380 (b).
- (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, and the purposes of the zone in which the site is located because an eating and/or drinking establishment that serves alcohol and offers entertainment after 11:00 p.m. is allowed in the General Commercial 2 land use designation of the I-205 Specific Plan if a conditional use permit is approved by the Planning Commission. The proposed use is compatible with other permitted uses in the General Commercial 2 land use designation, such as retail, restaurants, and offices, including the La Huacana nightclub, which was approved by the Planning Commission on November 4, 2015, and is located in the same shopping center. The use is consistent with the requirements and policies of the General Plan designation of Commercial, and the I-205 Specific Plan, in which it is located.
- (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

eating and drinking establishment that serves alcohol and provides entertainment will comply with the City of Tracy General Plan, the I-205 Specific Plan and any applicable requirements of Chapter 10.08 of the Tracy Municipal Code. The establishment will comply with all applicable Alcoholic Beverage Control (ABC) requirements, and on-site security will be provided during all hours of operation. All entertainment uses will be solely indoors, and visual and audio projection will not be permitted to the exterior of the building to minimize the undesirable noise and light impacts to neighboring businesses.

- (d) The project will comply with each of the applicable provisions of Chapter 10.08 of the Tracy Municipal Code because subject to approval by the Planning Commission for a conditional use permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the I-205 Specific Plan, the California Building Code, the City of Tracy Standards Plans, and the California Fire Code.

**CITY OF TRACY
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
CONDITIONS OF APPROVAL**

Bay Boys Brewing
Conditional Use Permit, Application Number CUP25-0002
September 10, 2025

A. General Provisions and Definitions

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

The Project: A Conditional Use Permit to allow the operation of an eating and/or drinking establishment that serves alcohol and provides entertainment past 11:00 p.m. located at 1005 E Pescadero Avenue, Suite 111, Assessor's Parcel Number 213-060-52.

The Property: The real property located at 1005 E Pescadero Avenue, Suite 111 (APN: 213-060-52).

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer".
- 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 Community and Economic Development 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 I-205 Specific Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).
- d. "Community and Economic Development Director" means the Community and Economic Development Director of the City of Tracy Community and Economic Development Department, or any other person designated by the City Manager or the Community and Economic Development 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, Application Number CUP25-0003. 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. "Project" means the proposed eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00pm at 1005 E Pescadero Avenue, Suite 111, Application Number CUP25-0003.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be

constructed in substantial compliance with the project plans received by the Community and Economic Development Department on June 5, 2025, to the satisfaction of the Community and Economic Development 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 laws (federal, state, and local) 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"),
 - The Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines"),
 - California Building Code, and
 - California Fire Code
- A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), I-205 Specific Plan, Standard Plans, and the City's Design Goals and Standards.
- A.7. Pursuant to Government Code Section 66020, including Section 66020(d)(1), the City hereby notifies the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations, or other exactions.
- A.8. Indemnification. The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. Accordingly, to the fullest extent permitted by law and as a condition of this approval, the applicant and property owner, and its representative(s), or its successors shall defend, indemnify and hold harmless the City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. The applicant and property owner, and its representative(s), or its successors shall pay such obligations as they are incurred by City, its employees, agents and

officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

B. Planning Division Conditions

- B.1. The Project shall be operated in substantial conformance with the project description and site plan/floor plan received by the Community and Economic Development Department on June 5, 2025, except as modified herein, to the satisfaction of the Community and Economic Development Director.
- B.2. Entertainment indoors. All entertainment activities shall be conducted solely within the building.
- B.3. Amplifications of sounds. There shall be no exterior amplification of sound, noise, or music. All audio projects shall comply with Noise Control requirements contained in Article 9, Section 4.12 of the Tracy Municipal Code.
- B.4. Visual Projections. There shall be no exterior visual projections, including, but not limited to televisions and screens.
- B.5. No Signs are approved as a part of this application. All signs for the intended use shall be reviewed under a separate sign permit application in accordance with Tracy Municipal Code standards.

C. South San Joaquin County Fire Authority (SSJFA) Conditions

- C.1. Obtain Operational Fire Permit from South San Joaquin County Fire Authority for Places of Assembly. Other Operational Fire Permits may be added during fire inspection depending on how the business operates. Call 209-831-6707 to talk with Operational Fire Permit Inspector Pauline Keener.
- C.2. All fire protection systems must be maintained at all times
- C.3. Fire protection systems shall have their annual certification. Any deficiencies shall be immediately repaired by a licensed fire protection contactor.
- C.4. Occupancy limit of business shall not be exceeded at any time. Occupancy limit will be verified during Operational Fire Permit Inspection.

D. Police Department Conditions

D.1. SECURITY

- D.1.1. Two security guards plus an additional guard for every 50 patrons shall be on-site during operating hours.
- D.1.2. Security guards shall carry proof of valid registration through the California Department of Consumer Affairs, Bureau of Security and Investigative Services (BSIS) in the form of a Security Guard Card.

- D.1.3. Security Guards shall not consume any alcohol while on duty.
- D.1.4. Security shall not be provided by persons performing dual roles, such as bartending, bussing, waiting, hosting or any role other than security.
- D.1.5. A security plan must be provided to the Chief of Police or designee(s) before the use is established. Any corrections and/or modifications to said security plans must receive prior Chief of Police or designee(s) approval.
- D.1.6. Before the use is established, security video surveillance must be installed to provide 360-degree coverage of both the interior and exterior of the business, as well as the parking lot. Surveillance footage, including live streams and recordings, shall be accessible in person or remotely by the Chief of Police or designee(s). This footage must be compatible with City software and hardware. The video quality should be to the satisfaction of the Chief of Police or designee(s) to effectively prosecute any crimes that occur on the premises of the commercial business.
- D.1.7. The business shall be responsible for ensuring that the security surveillance camera's footage is kept for a minimum of 90 days and shall be made available to the Chief of Police or designee(s) upon request.
- D.1.8. Surveillance cameras must be registered with the Tracy Police Department's Camera Registry. Registration can be performed in person at the Tracy Police Department or online at https://docs.google.com/forms/d/e/1FAIpQLScKAcYbQ9al74xyAreC0WXb_sfuFEcaA1XUq_sDVqSiaSX5PA/viewform?pli=1
- D.1.9. No persons under the age of 21 shall be allowed entry into the establishment. Signs stating "21 or older only" or similar language must be displaced both outside and inside the facility, near the entrance and exit doors. A sample proof of the signage will be submitted to the Tracy Police Department for approval before installation. All signage must comply with ABC and City sign standards.

D.2. CRIME PREVENTION

- D.2.1. The applicant shall cooperate with all legal requests from the Tracy Police Department. Crimes not reported to the Tracy Police Department are grounds for consideration of revocation of this Conditional Use Permit.
- D.2.2. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
- D.2.3. The responsible person(s) shall deter loitering and/or public drinking outside the facility and in the parking lot. Signs depicting "No loitering or Public Drinking" shall be posted inside and outside of the subject facility adjacent to all entrance and exit doors. A sample proof of the signage will be submitted to the Tracy Police Department prior to installation. Signage shall comply with ABC and City sign standards.
- D.2.4. The responsible persons(s) shall control the conduct of patrons to prevent or minimize disorderly or unlawful conduct upon the establishment and within a one-hundred-foot

(100') line-of-sight of the establishment. The one-hundred-foot (100') line-of-sight distance shall be measured from the exterior of all entrances of the licensed establishment. If compliance is refused, applicant shall contact the Tracy Police Department.

- D.2.5. The responsible person(s) shall cause orderly dispersal of individuals from the vicinity of the establishment at closing time.
- D.2.6. All responsible person(s) shall ensure that the entertainment establishment follows all City codes and any applicable permit conditions governing window coverage and obstruction.
- D.2.7. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be utilized at the entrance of the business. This device shall be maintained in operational condition, and all employees shall be instructed in its use.

D.3. OPERATIONAL CONDITIONS

- D.3.1. Entertainment establishments shall be closed, and all patrons shall vacate between 12:45 and 1:00 a.m., for a 1:30 a.m. closure of the business. Additional hours of closure may be imposed by the Chief of Police or designee(s) for the public's health, safety, and welfare.
- D.3.2. After-hours use of the building is prohibited, except for routine maintenance.
- D.3.3. Outdoor alcohol consumption is prohibited. Signage stating "No alcohol beyond this point" or similar language must be posted at all exists of the building. According to Business and Professions Code section 25620(a), any person possessing an opened can, bottle, or other receptacle containing an alcoholic beverage, or from which the seal has been broken or the contents partially removed, in any city, county, or city and county owned park or public place, or any recreation and park district, or regional park or open space district, shall be guilty of an infraction if the relevant city, county, or city and county has enacted an ordinance prohibiting such possession or consumption of alcoholic beverages in those areas.

Furthermore, Penal Code section 647(f) states that a person found in a public place under the influence of intoxicating liquor, drugs, controlled substances, toluene, or a combination of these substances, and is unable to care for their own safety or the safety of others, is committing an offense. Additionally, if a person, due to being under the influence of these substances, interferes with or obstructs the free use of a street, sidewalk, or other public way, they may be found guilty of a violation as well. Outdoor entertainment and/or other activities are prohibited without prior City approval.

- D.3.4. Diagram of Interior Configuration. The applicant shall submit a scaled diagram showing the existing and proposed interior configuration of the building or the live entertainment business including:
 - The total floor area and maximum occupancy rating for the building must comply with Fire Marshal occupancy standards
 - The floor areas open to the public and the floor areas restricted to entertainers

- and employees;
- The location of all entrances and exits;
- The location of the performance area for live entertainment;
- The location and configuration of all seats and tables for the live entertainment business;
- The location of all existing and proposed entrances, windows including size, exits, hallways, offices, rooms, restrooms, cooking areas, storage areas, table areas, stages, booths, seating areas, manager stations, dressing rooms, and other tenant improvements;
- All dividing structures, including but not limited, walls, fences, rails, and partitions, and for each dividing structure, identify its height, material, and whether it is fully opaque or partly or fully transparent;
- The floor area and location of any and all accessory and ancillary uses to be conducted in the same building as the entertainment business.

D.3.5 Noise disturbances shall be restricted to within the walls of the business. "Noise disturbances" shall mean any sound which (1) endangers or injures the safety or health of human beings or animals, or (2) annoys or disturbs reasonable persons of normal sensitivities, or (3) endangers or injures personal or real property, or (4) violates the general sound limits set forth in section 4.12.750 of the Tracy Municipal Code. Compliance with the quantitative standards as listed therein shall constitute elimination of a noise disturbance.

D.3.6. The responsible person(s) shall control the conduct of patrons so as to prevent or minimize disorderly or unlawful conduct described in Article 13 of the Tracy Municipal Code, Penal Code Section 415 (fighting, loud noise, offensive words in public places) or, Penal Code Section 647 (disorderly conduct) upon the establishment and within a one-hundred-foot (100') line-of-sight of the establishment. The one-hundred-foot (100') line-of-sight distance shall be measured from the property line of the licensed establishment. A failure to comply with these permit conditions shall be considered a violation of this condition.

D.3.7 The responsible person(s) shall cause the orderly dispersal of individuals from the vicinity of the establishment at closing time and shall be responsible for clearing patrons lingering up to one hundred feet (100') of the establishment. The one-hundred-foot (100') distance shall be measured in a straight line from the property line of the licensed establishment.

D.4. BUILDING, MAINTENANCE AND PROPERTY CONDITIONS

- D.4.1. The applicant shall be responsible for maintain the premises and adjoining sidewalk and parking lot (within 100 feet of the business) free of debris or litter.
- D.4.2. The applicant shall comply with 6404.5(b) of the Labor Code, and the Tracy Municipal Code section 5.36.100, Prohibition of smoking in places accessible to the general public.
- D.4.3. All Exterior portions of the site within a one-hundred-foot (100') line-of-site shall be adequately illuminated in the evening to make discernible the faces and clothing of persons using the space.
- D.4.4. Prohibited Signage. The business shall be prohibited from including off-site signs, digital

signs, banner signs, or any signage visible from the freeway.

- D.4.5. Changes in the security plan, interior floor plan, parking area, or construction/improvements, or any other type of building modification must receive prior City approval. Proposed modifications or changes may require additional review and/or action by the appropriate decision-making authority, including the Community and Economic Development Director or designee, and/or the Tracy City Planning Commission.

D.5. LICENSING AND COMPLIANCE

- D.5.1. The business must follow regulations established by the California Department of Alcoholic Beverage Control (ABC) Board. The owner must maintain a current ABC liquor license and a City of Tracy business license.
- D.5.2. Any changes to the type of ABC license must be reported to the Chief of Police or designee(s) prior to the change.
- D.5.3. All employees shall comply with applicable local, state, and federal laws.
- D.5.4. If the ownership or operation of the business changes, the current property and business owners must give the new owner or operator a copy of these conditions before they legally take over. The new owner or operator must then send a letter to the Chief of Police or designee(s) within 30 days, confirming they received these conditions, providing the date they started managing the business, and attesting to their understanding. Along with this letter, they must also submit a floor plan showing the layout, seating arrangement, and number of seats in the new operation.
- D.5.5. Once the Conditional Use Permit is approved, both the permit and conditions of approval shall be recorded with the San Joaquin County Recorder's Office. This filing will be binding on the property and will apply to any future owners, heirs, or assigns. After recording, a copy that shows the Recorder's number and date must be sent to the Planning Division to be added to the file.

D.6. RESTRICTIONS

- D.6.1. Any entertainment as defined in Chapter 10.28 of the Tracy Municipal Code, Adult Businesses, is not allowed under this Conditional Use Permit. Changes to the entertainment permit to include adult entertainment must be applied for under a separate application to the City of Tracy Community and Economic Development Department.
- D.6.2. Limits on occupancy and attendance are restricted to fire and building code limits. Lower limits may be imposed as necessary.

D.7. INSPECTION AND ENFORCEMENT

- D.7.1. The Chief of Police or designee(s) charged with enforcing the provisions of these conditions and the Tracy Municipal Code may enter the business during normal business hours, without notice, to inspect any and all rooms within the facility and outside the facility, as well as any recordings and records required to be maintained pursuant to this

chapter or under applicable provisions of State Law. The right of inspection includes the right to require identification from the responsible person(s) or employees of the business. Refusal to allow inspection upon reasonable demand or the refusal to show identification by the responsible person(s) or employees is grounds for the suspension, revocation, or other regulatory action against the conditional use permit.

- D.7.2. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation within the timeline provided by the Chief of Police or designee(s). Multiple or continued documented violations issued by the Chief of Police or designee(s) which are not addressed within the period prescribed, may result in additional corrective conditions imposed or will be grounds for the suspension, revocation, or other regulatory action against the conditional use permit.
- D.7.3. The Chief of Police or designee(s) may require operations to close at any time and patrons to disperse if disorderly conduct presents an immediate threat to public safety.
- D.7.4. The Chief of Police or designee(s) may impose additional corrective conditions for repeated violations.
- D.7.5. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Chief of Police or designee(s), in accordance with any stated laws or regulations, Tracy Municipal Code, or any amendments thereto.