

**MINUTES**  
**TRACY CITY PLANNING COMMISSION**  
**REGULAR MEETING**  
**JANUARY 22, 2025, 7:00 P.M.**  
**CITY OF TRACY COUNCIL CHAMBERS**  
**333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Chair Orcutt led the pledge of allegiance.

**ROLL CALL**

Roll Call found Commissioner Boakye-Boateng, Commissioner English, Vice Chair Penning, and Chair Orcutt present. Commissioner Atwal absent. Also present were Matthew Summers, Interim Assistant City Attorney; Scott Claar, Planning Manager; Victoria Lombardo, Senior Planner; Kenny Lipich, Associate Planner; Kellie Jones, Assistant Planner; Al Gali, Associate Engineer; and Gina Peace, Executive Assistant.

**MINUTES**

Chair Orcutt introduced the Regular Meeting Minutes from the December 4, 2024, Planning Commission Regular Meeting.

**ACTION:** It was moved by Commissioner Boakye-Boateng and seconded by Vice Chair Penning to approve the December 4, 2024 Planning Commission Regular Meeting Minutes. A voice vote found all in favor. Commissioner Atwal absent. Passed and so ordered; 4-0-1-0.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

None.

**ITEMS FROM THE AUDIENCE**

None.

**1. NEW BUSINESS**

**A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION:  
ADOPT A RESOLUTION APPROVING THE EXTENSION OF CONDITIONAL USE  
PERMIT (CUP21-0007) AND DEVELOPMENT REVIEW PERMIT (D21-0023) FOR  
A RENEWABLE NATURAL GAS (RNG) FUELING FACILITY AT 2200 N.  
CHRISMAN ROAD (ASSESSOR'S PARCEL NUMBER 250-030-32) FOR TWO-  
YEARS FROM THE ORIGINAL EXPIRATION DATE.**

Kellie Jones, Assistant Planner, presented the staff report.

Chair Orcutt opened the Public Hearing at 7:07 p.m., but seeing as no one came forward, the Public Hearing was closed.

**ACTION:** It was moved by Commissioner Boakye-Boateng and seconded by Vice Chair Penning that the Planning Commission adopt a Resolution:

- (1) APPROVING AN EXTENSION (EXT24-0003) OF CONDITIONAL USE PERMIT (CUP21-0007) AND DEVELOPMENT REVIEW PERMIT (D21-0023) FOR AN RNG FUELING FACILITY AT 2200 N. CHRISMAN ROAD (ASSESSOR'S PARCEL NUMBER 250-030-32) FOR TWO-YEARS;
- (2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTION 15183.

A roll call vote found Chair Orcutt, Vice Chair Penning, Commissioner Boakye-Boateng, and Commissioner English all in favor. Commissioner Atwal absent. Passed and so ordered; 4-0-1-0.

**B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION: CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, ADOPT A RESOLUTION: (1) APPROVING A DEVELOPMENT REVIEW PERMIT, APPLICATION NUMBER D22-0029, FOR THE CONSTRUCTION OF 36 CONDOMINIUM UNITS IN THE FORM OF NINE FOURPLEXES AND RELATED SITE IMPROVEMENTS, ON A 3.39-ACRE UNDEVELOPED SITE LOCATED AT THE SOUTHWEST CORNER OF W. MT. DIABLO AVENUE AND S. C STREET, ASSESSOR'S PARCEL NUMBER 235-100-77; (2) GRANTING A CONDITIONAL USE PERMIT, APPLICATION NUMBER CUP23-0003, TO ALLOW THE USE OF CONDOMINIUMS IN THE MEDIUM DENSITY RESIDENTIAL ZONE, ON A 3.39-ACRE UNDEVELOPED SITE LOCATED AT ASSESSOR'S PARCEL NUMBER 235-100-77; (3) APPROVING A TENTATIVE SUBDIVISION MAP, APPLICATION NUMBER TSM23-0003, TO CREATE 36 CONDOMINIUM UNITS AND COMMON AREAS; AND (4) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15332, WHICH PERTAINS TO CERTAIN IN-FILL DEVELOPMENT PROJECTS. THE APPLICANT AND PROPERTY OWNER IS DAN BYRUM OF BYRUM INVESTMENT, LLC.**

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

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

Gina Peace, Recording Secretary, confirmed that two e-mail comments were received, one from the California Housing Defense Fund, and one from Aramon Bartholomew. The e-mails were not read into the record; however, the Commission was provided with copies of the e-mails, and redacted copies were provided to the public at the meeting and will be attached to the record online.

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Sean Sanchez, via WebEx, had questions about traffic, in which Al Gali, Associate Engineer, responded.

Dan McManus, owner of 48 W. Mt. Diablo Avenue, since 2000, addressed the Commission, in opposition of the Project.

Jay, resident at 48 W. Mt. Oso Avenue, addressed the Commission, in opposition of the Project.

Aramon Bartholomew, who lives on S. C Street, addressed the Commission, in opposition of the Project.

Chair Orcutt closed the Public Hearing at 7:32 p.m.

Commission questions and discussion continued.

**ACTION:** It was moved by Commissioner Chair Orcutt and seconded by Commissioner Boakye-Boateng that the Planning Commission adopt a Resolution:

- (1) APPROVING A DEVELOPMENT REVIEW PERMIT (D22-0009) FOR THE CONSTRUCTION OF 36 CONDOMINIUM UNITS IN THE FORM OF NINE FOURPLEXES AND RELATED SITE IMPROVEMENTS ON A 3.39-ACRE UNDEVELOPED SITE LOCATED AT THE SOUTHWEST CORNER OF W. MT. DIABLO AVENUE AND S. C STREET, ASSESSOR'S PARCEL NUMBER 235-100-77;
- (2) GRANTING A CONDITIONAL USE PERMIT (CUP23-0003) TO ALLOW THE USE OF CONDOMINIUMS IN THE MEDIUM DENSITY RESIDENTIAL ZONE ON A 3.39-ACRE UNDEVELOPED SITE LOCATED AT ASSESSOR'S PARCEL NUMBER 235-100-77;
- (3) APPROVING A TENTATIVE SUBDIVISION MAP, APPLICATION NUMBER (TSM23-0003) TO CREATE 36 CONDOMINIUM UNITS AND COMMON AREAS; AND
- (4) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTION 15332, PERTAINING TO CERTAIN IN-FILL DEVELOPMENT PROJECTS.

A roll call vote found Chair Orcutt, Vice Chair Penning, and Commissioner Boakye-Boateng in favor, Commissioner English opposed. Commissioner Atwal absent. Passed and so ordered; 3-1-1-0.

**C. STAFF RECOMMENDS THAT THE PLANNING COMMISSION: RECEIVE INPUT FROM ANY INTERESTED PARTIES REGARDING INFORMATION THAT SHOULD BE INCLUDED IN THE TRACY NORTHEAST BUSINESS PARK ENVIRONMENTAL IMPACT REPORT (EIR).**

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Victoria Lombardo, Senior Planner, presented the staff report.

Chair Orcutt opened the Public Hearing at 8:10 p.m.

Frank Marty, addressed the Commission in opposition to the Project, and provided a handout to the Commission.

Mitchell Vinciguerra, field representative of the Northern California Carpenters Union, had questions for the developer, who was not present at the meeting.

Adriana Castro, Banta resident, addressed the Commission in opposition to the Project.

Dan McManus, Banta resident, addressed the Commission in opposition to the Project.

Patty Silva-Marty, 70-year Banta resident, addressed the Commission in opposition to the Project.

Danielle, resident at Forest Hills Drive, addressed the Commission, in opposition to the Project, and asked for clarification on the difference between this Project and the previously submitted project that was not approved. Victoria Lombardo, Senior Planner, gave further clarification.

Chair Orcutt closed the Public Hearing at 8:34 p.m.

Commission discussion continued.

No action needed.

## **2. ITEMS FROM THE AUDIENCE**

Danielle, resident at Forest Hills Drive, inquired about the Beechnut Maintenance Facility Project that was brought before Commission in December. Scott Claar, Planning Manager, provided and update and shared that other alternatives to the site are currently being proposed, and this item is not going forward to City Council.

## **3. DIRECTOR'S REPORT**

Scott Claar, Planning Manager, clarified about a question brought up for Item 1.B, regarding streetlights, and Al Gali, Associate Engineer, informed Mr. Claar that the Conditions of Approval does address streetlights, and the developer would be required to put them in, if deemed necessary.

## **4. ITEMS FROM THE COMMISSION**

Commissioner English asked for the dates of the Planning Commissioners' Academy. Vice Chair Penning responded that the Academy will be held March 5, 6 and 7, 2025.

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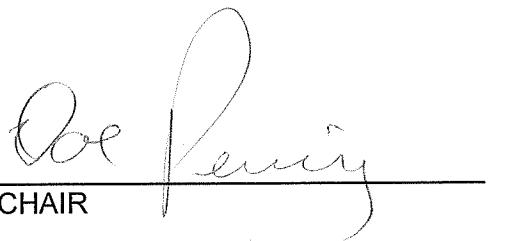
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**5. ADJOURNMENT**

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

Time: 8:57 p.m.

  
\_\_\_\_\_  
Bob Penning  
CHAIR

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

**From:** Aramon Bartholomew  
**Sent:** Wednesday, January 22, 2025 5:14 PM  
**To:** Public Comment  
**Cc:** Aramon Bartholomew  
**Subject:** Questions for Planning Commission TONIGHT 1/22/25

**Public Comment -- Received 01.22.2025**  
**Re: Planning Commission Meeting 01.22.2025**  
**(CUP23-0003, TSM23-0003)**  
**Item 1.B Mt. Oso Condominiums**

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

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

Good evening, my name is Aramon Bartholomew and I live right at the corner of where this development is planned. I have a list of questions that I would like to ask tonight in regards to the upcoming hearing. I do understand that there may be others that have questions as well and that all of my questions may not be able to be responded to but I am going to list my questions out anyway below.

1.

**How does this project align with the Tracy's long-term development plan for this neighborhood?**

2.

**What studies have been conducted to determine the impact of this development on the neighborhood's infrastructure, such as roads, utilities, and schools?**

3.

**Has an environmental impact assessment been completed for this project, and what were the results?**

4.

**What measures are being put in place to ensure the safety and security of both current and future residents in the area?**

5.

**Are there plans to increase street lighting or implement other safety measures in light of the neighborhood already being dark?**

6.

**What data or studies does the commission have on the correlation between low-income housing and crime rates in similar neighborhoods?**

7.

**Will there be an increase in police patrols or other law enforcement resources to address potential safety concerns?**

8.

**What impact is this development expected to have on the property values of existing homes in the area?**

9.

**How does the commission plan to preserve the character of the neighborhood with the introduction of these condominiums?**

10.

**Will there be rules or agreements in place to ensure the upkeep and maintenance of these units to prevent the neighborhood from deteriorating over time?**

11.

**How was the community engaged in the planning process for this development, and what percentage of community feedback supported this project?**

12.

**Are there opportunities for continued community input as this project moves forward?**

13.

**Is tonight's meeting the final vote, or will there be additional hearings before a decision is made?**

14.

**What type of low-income housing will these units be—rental or ownership-based?**

15.

**Will there be a management company or oversight in place to ensure compliance with community standards?**

16.

**What are the occupancy limits per unit, and how will these limits be enforced?**

17.

**Will there be amenities or services provided to residents, such as recreational spaces, childcare, or job training programs?**

18.

**Has the commission considered alternative locations or designs for this development that might better fit the neighborhood?**

19.

**What plans are in place to support the integration of new residents into the existing community?**

20.

**Could the city explore mixed-income housing rather than solely low-income housing to maintain a balanced neighborhood demographic?**

There is always, always something to be thankful for.

- Anonymous



**Public Comment -- Received 01.21.2025**  
**Re: Planning Commission Meeting 01.22.2025**  
**(CUP23-0003, TSM23-0003)**  
**Item 1.B Mt. Oso Condominiums**

**Jan 21, 2025**

**City of Tracy**  
**333 Civic Center Plaza**  
**Tracy, CA 95376**

**Re: Proposed Housing Development Project "Mt. Oso Condominiums"**

**By email: [forrest.ebbs@cityoftracy.org](mailto:forrest.ebbs@cityoftracy.org)**

**Cc: [cm@cityoftracy.org](mailto:cm@cityoftracy.org); [attorney@cityoftracy.org](mailto:attorney@cityoftracy.org); [cityclerk@cityoftracy.org](mailto:cityclerk@cityoftracy.org)**

Dear Tracy Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 37-unit housing development project "Mt. Oso Condominiums" at the southwest corner of W. Mt. Diablo Avenue and S. C Street, Assessor's Parcel Number 235-100-77. These laws include the Housing Accountability Act ("HAA") and California Environmental Quality Act ("CEQA") guidelines.

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development subdivisions unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would reduce the project's density unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA's ambit, and it complies with local zoning code and the City's general plan. The City must therefore approve the project unless it makes written findings regarding health and safety as mentioned above – which it cannot do since the preponderance of the evidence in the record does not support such findings. (*Ibid.*)

As stated in the staff report, the project is exempt from environmental review under § 15332 (In-Fill Development Projects) of the CEQA Guidelines as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban

uses; the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. Recent caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

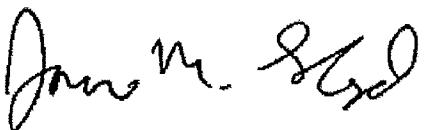
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: it will bring new customers to local businesses; it will grow the City's tax base; and it will reduce displacement of existing residents by reducing competition for existing housing. While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the Council to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at [www.calhdf.org](http://www.calhdf.org).

Sincerely,



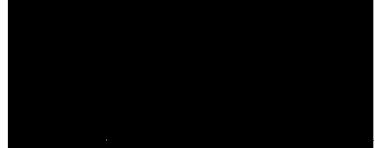
Dylan Casey  
CalHDF Executive Director



James M. Lloyd  
CalHDF Director of Planning and Investigations

## Tracy Northeast Industrial Business Park Project

Frank Marty



Victoria Lombardo  
Senior Planner  
[viatoria.Lombardo@cityoftracy.org](mailto:viatoria.Lombardo@cityoftracy.org)

Dear Victoria

**The City of Tracy and SJ County approval of warehouses in and around the Banta community has had a very negative effect on the traffic flows.**

**There are too many vehicles trying to enter and exiting Grant Line Road from 11th St (roundabout) at the same time, which backs up the traffic from 11 st. to Paradise Road in both directions and/or its one car after another. The aforementioned, makes it dangerous for vehicles trying to enter Grant Line Road from Berry Ave, Bird Road, W. Stone Ridge Road, G st., and the numerous homes on Grant Line Road. The current roundabout is not able to handle the current traffic let alone any additional traffic from more warehouses.**

**I believe the City of Tracy or county was suppose to build a freeway on ramp to I-205 via Paradise Ave. But, can't do that now because of a new law requiring a distance of three miles between freeway on ramps. Currently the S Macarthur Drive freeway on ramp is the only one available for all the warehouses trucks to use.**

**The part of Grant Line Road where the current warehouses are is a four/six lane road. Which then funnels down to a county two lane road that is designated as a NO Truck road. The problem is that the trucks coming from north bound I-5 and/or want to go south on I-5 can't get to I-5 south via I-205. Therefore, trucks illegally use Grant Line Road which makes it even more dangerous for locals. Other problems are vehicles running the red light in Banta, passing on double yellow line, etc.**

**The country has indicated they will build a new road around Banta when funds become available. May be in 2027. Which will most likely take years to acquire and then several more years to build.**

## Tracy Northeast Industrial Business Park Project

**The Rail Road Trains that go through Banta cross over Grant Line road, more backed up traffic. There is also, the possibility the ACE will build tracks that will cross Grant Line Road and connect with the tracks running through Banta. So they can have a Station at River Island homes.**

**It appears to me that the past Environmental Impact Reports for the warehouses were either grossly inadequate and/or only dealt with the area inside the annexation.**

**The City of Tracy and SJ County should place a moratorium on new construction and annexation of land for warehouses in the Banta area until they have build proper roads, overpasses, freeway on ramps, etc. to handle the current and future traffic load created by the warehouses.**



Frank Marty

