

CITY OF  
**ANTIOCH**  
CALIFORNIA

**ANNOTATED**

**AGENDA**

**CITY OF ANTIOCH PLANNING COMMISSION**

**WEDNESDAY, JANUARY 20, 2021**

**6:30 P.M.**

**PURSUANT TO GOVERNOR GAVIN NEWSOM'S EXECUTIVE ORDER N-29-20 THIS MEETING WILL BE HELD AS A TELECONFERENCE MEETING.**

Observers may view the meeting livestreamed via the Planning Division's website at: <https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings-sp/>

**APPEAL**

All items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on **WEDNESDAY, JANUARY 27, 2021.**

**ROLL CALL**

**6:30 P.M.**

***(all present)***

Commissioners

Schneiderman, Chair  
Martin, Vice Chair  
Barrow  
Motts  
Parsons  
Soliz

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

**CONSENT CALENDAR**

All matters listed under consent calendar are considered routine and are recommended for approval by the staff. There will be one motion approving the items listed. There will be no separate discussion of these items unless members of the Commission, staff or the public request specific items to be removed from the consent calendar for separate action.

**1. APPROVAL OF MINUTES:**

A. November 4, 2020

***APPROVED***

B. November 18, 2020

***APPROVED***

## **CONTINUED PUBLIC HEARING**

## **NEW PUBLIC HEARING**

2. **GP-19-06, PD-19-02 – Creekside Vineyards at Sand Creek** – The applicant, GBN Partners, LLC, is requesting approval of the proposed single-family development of 220 single-family residential units and associated improvements on approximately 58.9 acres of the 158.2-acre project site, as well as 1.8 acres of off-site improvements. The proposed residential units would consist of either non-age restricted units, senior/active adult units, or a combination of both. The project improvements would include, but would not be limited to, parks, trails, landscaping, circulation improvements, and utility installation. The remainder of the site, including Sand Creek and the associated buffer area, would be retained as open space. Necessary entitlements from the City include certification of an Environmental Impact Report, General Plan Amendment, Rezone to Planned Development District (PD), Vesting Tentative Subdivision Map, Resource Management Plan, and Design Review. The project site is bordered by the Contra Costa County line to the south and the City of Brentwood city limit to the east. Sand Creek is located to the north of the site, and State Route (SR) 4 is located approximately 0.38-mile east of the site. The project site is situated within the Sand Creek Focus Area of the General Plan, which contains lands designated by the City of Antioch General Plan for open space, residential, commercial, and mixed-use development (**APN: 057-050-024**).

### **RECOMMENDED ACTION:**

Continue the item to the Planning Commission Meeting scheduled for February 17, 2021.

***CONTINUED TO FEBRUARY 12, 2021***

3. **UP-18-23, AR-18-24, V-19-03 – Contra Costa Farms Cannabis Facility Lot Merger**– Contra Costa Farms Cannabis Facility requests an approval of a lot merger to remove a lot line and merge parcels located at 3400 Wilbur Avenue (APN: 051-051-021). This project has been found to be Categorical Exempt from the requirements of the California Environmental Quality Act.

### **RECOMMENDED ACTION:**

Staff recommends that the Planning Commission approve the variance and design review request subject to the conditions contained in the attached resolution.

***RESOLUTION NO. 2021-01***

## **ORAL COMMUNICATIONS**

## **WRITTEN COMMUNICATIONS**

## **COMMITTEE REPORTS**

## **ADJOURNMENT**

### **Notice of Availability of Reports**

Copies of the documents relating to this proposal are available for review at <https://www.antiochca.gov/fc/community-development/planning/Project-Pipeline.pdf>.

The staff report and agenda packet will be posted on Friday, January 15, 2021, at <https://www.antiochca.gov/government/agendas-and-minutes/planning-commission/>

### **Notice of Opportunity to Address the Planning Commission**

There are two ways to submit public comments to the Planning Commission:

- Prior to 3:00 the day of the meeting: Written comments may be submitted electronically to the Secretary to the Planning Commission at the following email address: [planning@ci.antioch.ca.us](mailto:planning@ci.antioch.ca.us). All comments received before 3:00 pm the day of the meeting will be provided to the Planning Commissioners before the meeting. **Please indicate the agenda item and title in your email subject line.**
- After 3:00 the day of the meeting and during the meeting: Please refer to the Planning Division's website for instructions on how to comment after 3:00 the day of the meeting and during the Planning Commission meeting: <https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/>.

Written comments submitted during the meeting will be read into the record by staff (not to exceed three minutes at staff's cadence) when the chair of the Planning Commission opens the public comment period for the relevant agenda item.

### **Accessibility**

In accordance with the Americans with Disabilities Act and California law, the City of Antioch offers its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or email address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950 and e-mail: [publicworks@ci.antioch.ca.us](mailto:publicworks@ci.antioch.ca.us).

**CITY OF ANTIOCH  
PLANNING COMMISSION  
REGULAR MEETING**

**Regular Meeting  
6:30 p.m.**

**November 4, 2020  
Meeting Conducted Remotely**

***The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held Planning Commission meetings live stream (at <https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/>). The Planning Commission meeting was conducted utilizing Zoom Audio/Video Technology.***

Vice-Char Martin called the meeting to order at 6:40 P.M. on Wednesday, November 4, 2020 in the City Council Chambers. He stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Thursday, November 12, 2020.

**ROLL CALL**

Present: Commissioners Parsons, Soliz, Barrow and Vice-Char Martin  
Absent: Commissioner Motts and Chairperson Schneiderman

Staff: City Attorney, Thomas Lloyd Smith  
Director of Community Development, Forrest Ebbs  
Associate Planner, Zoe Merideth  
Minutes Clerk, Kitty Eiden

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS - None**

**CONSENT CALENDAR**

**1. Approval of Minutes: None**

Vice Vice-Char Martin stated anyone wishing to make a public comment, may do so by submitting their comments using the online public comment form at [www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/](https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/).

**NEW PUBLIC HEARING**

2. **V-20-01, AR-20-09– 76 Gas Station Propane Tank** - Barghausen Consulting Engineers Inc. requests a variance and design review to make improvements to the existing 76 Gas Station. The request is to install a new above-ground propane tank for retail sales, relocate the air/water unit, install a new ADA accessible van parking stall, and install landscaping around the proposed improvements. A variance is requested because the proposed improvements will be located within in the required 30-foot front setback from Fitzuren Road. This project has been found to be Categorically Exempt for the requirements of the California Environmental Quality Act. The project site is located at 2701 Contra Loma Blvd (APN 071-011-036).

Associate Planner Merideth presented the staff report dated November 4, 2020 recommending the Planning Commission approve the variance and design review request subject to the conditions contained in the staff reports attached resolution.

In response to Vice-Chair Martin, Associate Planner Merideth explained that the propane tank would be setback from the road and a landscape buffer would be installed. She clarified that the air/water unit would be relocated and there would be an underground storage tank.

In response to Commissioner Barrow, Associate Planner Merideth explained that the propane tank would be screened from view by landscaping and bollards would be installed. She stated it would also be closer to the existing convenience store and much further back than the existing air/water unit. She commented that there were no requirements in the City's codes regarding the distance for a propane tank from a multifamily structure; however, when the project was submitted for a building permit, staff would ensure it met building code requirements.

Commissioner Barrow stated he had concerns regarding the proximity of the propane tank to a multifamily residential structure and a high visibility intersection.

In response to Commissioner Barrow, Associate Planner Merideth explained that they routed the plans to the Contra Costa County Fire District (CCFD), and they did not have any concerns. She noted that their comments were listed as conditions of approval in the resolution. She further noted the applicant would be required to meet the Fire District's conditions and the building code. She responded that a representative from CCFD was not present this evening and it was not typical that they attend Planning Commission meetings. She stated they had not provided response times and it was not a typical response in their request for comments. She explained that this site was an existing gas station and propane tanks were a normal feature of gas stations, and she reiterated that CCFD had no concerns regarding locating a propane tank at the site.

Commissioner Barrow commented that there was a lot of activity at the intersection and reiterated his concern for the multifamily being in close proximity to a propane tank.

Director of Community Development Ebbs stated that he had experience in working on an EIR for a large propane farm where he had learned that propane was very stable and safe. He noted the proposed tank had check valves in place. He added that propane tanks were not placed

next to buildings due to carbon monoxide issues and propane was only flammable when under pressure. He commented that CCFD would permit the project according to fire code.

Commissioner Barrow stated if the tank did not pose a health and safety risk it may change his mind regarding the application. He reiterated that he would like verification from CCFD that their concerns were addressed and response times would be sufficient, should something occur with the propane tank.

Associate Planner Merideth reiterated that CCFD responded to their request for comments about this project and did not have any concerns regarding safety, the use or response times. She noted their comments were standard comments about meeting the fire code and the applicant would be submitting it to fire for review and approval. She noted if CCFD had concerns regarding the location of the propane tank, they would have included it in their letter.

Director of Community Development Ebbs added that the Planning Commission was here to consider the land use impacts and they deferred judgement on safety to CCFD and their codes.

In response to Commissioner Barrow, Associate Planner Merideth explained that normally the Planning Commission would not be seeing an application for a propane tank; however, because it involved a variance, it was being brought to the Commission to consider design review and the variance.

Commissioner Barrow stated his concerns related to the life and safety of residents.

Commissioner Parsons commented that the service station at 18<sup>th</sup> Street and Hillcrest Avenue had a similar traffic situation and was closer to houses without the benefit of a wall and there had been no incidents even though there had been several accidents in the area.

Commissioner Soliz added that a fire station was located within 1/2 a mile from this location so it was reasonable to assume a short response time should there be an incident.

Vice-Chair Martin opened the public hearing.

The following public comment was made by an individual utilizing Zoom Audio/Video Technology.

Caitlin Hepworth representing Barghausen Consulting Engineers, Inc. gave a PowerPoint presentation of the 76 Gas Station Propane Tank and Parking Addition which included the existing site, project details, existing site photos, proposed equipment location, as well as their need for the variance.

In response to Commissioner Soliz, the applicant explained that the purpose of the large propane tank was to refill portable tanks.

Vice-Chair Martin closed the public hearing.

Commissioner Barrow stated he would be voting against the motion based on the proximity of the propane tank to a multifamily residential structure and public right-of-way as well as the lack of bollards or protective devices along Fitzuren Road to address potential life and safety issues. He also noted he had questions for CCFD that were not addressed by the Planning Department.

***A motion made by Commissioner Soliz, seconded by Commissioner Parsons to approve the variance and design review request subject to the conditions contained in the staff reports attached resolution failed by the following vote:***

<b>AYES:</b>	<b>Parsons, Soliz and Martin</b>
<b>NOES:</b>	<b>Barrow</b>
<b>ABSTAIN:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Motts and Chairperson Schneiderman</b>

Director of Community Development Ebbs explained that the motion failed; however, the Planning Commission had the option to continue the item to the next meeting when a more complete Commission was present. He noted they may be able to have CCFD in attendance at a continued meeting to answer any questions related to fire code.

Commissioner Barrow stated it was wise to consult the CCFD on projects that dealt with life and safety. He recognized the applicant for their efforts to improve the property.

A motion was made by Commissioner Parsons and seconded by Commissioner Barrow to continue the item to the next scheduled Planning Commission meeting.

Commissioner Soliz, speaking to the previous motion, commented that Commissioner Barrow suggested having a representative from CCFD be present at the next meeting and questioned if that direction should be added to the motion.

City Attorney Smith responded that direction could be given in the motion; however, the Planning Commission could motion to rescind the previous action and then move to continue so this decision was not final, and the applicant did not have to file an appeal.

Commissioner Barrow stated he would like to rescind the vote and carry this item to the next Planning Commission meeting and have representatives from CCFD present to give a detailed explanation for life and safety.

Commissioner Parsons withdrew her motion to continue the item to the next meeting. Commissioner Barrow withdrew the second.

***On motion by Commissioner Barrow, seconded by Commissioner Soliz the Planning Commission members present unanimously rescinded the previous motion and continued V-20-01, AR-20-09– 76 Gas Station Propane Tank to the next Planning Commission meeting with direction to staff to have a representative from CCFD present. The motion carried the following vote:***

**AYES:** *Parsons, Soliz, Barrow and Martin*  
**NOES:** *None*  
**ABSTAIN:** *None*  
**ABSENT:** *Motts and Chairperson Schneiderman*

Director of Community Development Ebbs commented that he would do everything in his power to have a representative from CCFD present at the next Planning Commission meeting.

**ORAL COMMUNICATIONS** - None

**WRITTEN COMMUNICATIONS** – None

**COMMITTEE REPORTS** – None

**ADJOURNMENT**

*On motion by Commissioner Soliz, seconded by Commissioner Parsons the Planning Commission unanimously adjourned the meeting at 7:33 P.M. The motion carried the following vote:*

**AYES:** *Parsons, Soliz, Barrow and Martin*  
**NOES:** *None*  
**ABSTAIN:** *None*  
**ABSENT:** *Motts and Chairperson Schneiderman*

Respectfully submitted:

Kitty Eiden  
KITTY EIDEN, Minutes Clerk



**CITY OF ANTIOCH  
PLANNING COMMISSION  
REGULAR MEETING**

**Regular Meeting  
6:30 p.m.**

**November 18, 2020  
Meeting Conducted Remotely**

***The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held Planning Commission meetings live stream (at <https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/>). The Planning Commission meeting was conducted utilizing Zoom Audio/Video Technology.***

Chairperson Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, November 18, 2020 in the City Council Chambers. She announced that because of the shelter-in-place rules issued as a result of the coronavirus crisis, tonight's meeting was being held in accordance with the Brown Act as currently in effect under the Governor's Executive Order N-29-20, which allowed members of the Planning Commission, City staff, and the public to participate and conduct the meeting by electronic conference. She stated anyone wishing to make a public comment, may do so by submitting their comments using the online public comment form at [www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/](http://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/). Public comments that were previously submitted by email have been provided to the Planning Commissioners. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, November 25, 2020.

**ROLL CALL**

Present:	Commissioners Parsons, Soliz, Barrow, Vice-Chair Martin and Chairperson Schneiderman
Absent:	Commissioner Motts
Staff:	City Attorney, Thomas Lloyd Smith Director of Community Development, Forrest Ebbs Captain, Tony Morefield Planning Manager, Alexis Morris Associate Planner, Zoe Merideth Associate Planner, Jose Cortez Minutes Clerk, Kitty Eiden

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS** - None

**CONSENT CALENDAR**

1. Approval of Minutes: October 21, 2020

*On motion by Commissioner Soliz, seconded by Commissioner Barrow the Planning Commission approved the minutes of October 21, 2020, as presented. The motion carried the following vote:*

**AYES:** Parsons, Soliz, Barrow, Martin and Schneiderman  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Motts

**CONTINUED PUBLIC HEARING**

2. **V-20-01, AR-20-09– 76 Gas Station Propane Tank** - Barghausen Consulting Engineers Inc. requests a variance and design review to make improvements to the existing 76 Gas Station. The request is to install a new above-ground propane tank for retail sales, relocate the air/water unit, install a new ADA accessible van parking stall, and install landscaping around the proposed improvements. A variance is requested because the proposed improvements will be located within in the required 30-foot front setback from Fitzuren Road. This project has been found to be Categorically Exempt for the requirements of the California Environmental Quality Act. The project site is located at 2701 Contra Loma Blvd (APN 071-011-036).

Associate Planner Merideth presented the staff report dated November 18, 2020 recommending the Planning Commission approve the variance and design review request subject to the conditions contained in the attached resolution.

Chairperson Schneiderman, who was absent from the November 4, 2020 meeting, reported that she had watched the recording of that meeting.

Commissioner Barrow stated he appreciated that they received further clarification from the Fire Department.

In response to Commissioner Barrow, Associate Planner Merideth stated that a representative from the Fire Department was not present this evening. She explained that they conducted a separate review process, so they provided a statement.

Commissioner Barrow thanked staff for getting verification from the Fire Department that the life/safety concerns would be addressed.

Chairperson Schneiderman opened and closed the public hearing with no members of the public requesting to speak.

**RESOLUTION NO. 2020-27**

***On motion by Vice-Chair Martin, seconded by Commissioner Parsons the Planning Commission approved the variance and design review request subject to the conditions contained in the attached resolution. The motion carried the following vote:***

**AYES:** Parsons, Soliz, Barrow, Martin and Schneiderman  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Motts

**NEW PUBLIC HEARING**

3. **UP-20-04 – Culture Club Cannabis Dispensary** – The applicant, High Horizons Group requests a use permit in order to operate and open a cannabis dispensary located at 1925 Verne Roberts Circle. The Applicant proposes to apply with the State of California Bureau of Cannabis Control to obtain a Type-10 Store-Front Retail License for Medical and Adult-Use activity. The project site is located on the west side of Auto Center Drive, south of Verne Roberts Circle and the east side of Crow Court north of the Union Pacific Railroad (APN 074-052-015).

Associate Planner Cortez presented the staff report dated November 18, 2020 recommending the Planning Commission approve the use permit contained in the attached resolution.

In response to Vice-Chair Martin, Associate Planner Cortez explained that loading and unloading of products would take place behind the security gate within the storage area. He stated that he believed the retail parcel was owned by one owner. He noted staff could not dictate the type of vehicle that the business used for delivery.

Planning Manager Morris added that the applicant could clarify how they plan to secure their product in transit.

In response to Chairperson Schneiderman, Associate Planner Cortez reported that staff analyzed the parking and believed it would be sufficient for this use and surrounding businesses.

In response to Commissioner Soliz, Associate Planner Cortez stated he believed the other cannabis resolutions may have limited paraphernalia to the vape pens, cartridges and chargers. He noted the reason other items were mentioned in this report was because they were identified in the project description.

Commissioner Soliz stated if other products were approved for this business, they should be allowed for all cannabis businesses.

In response to Commissioner Soliz, Planning Manager Morris clarified that the reason the Culture Club report began on page 30 was because the security plan was prior to that page and being kept confidential.

In response to Commissioner Parsons, Associate Planner Cortez explained that guidelines stated that paraphernalia in general was prohibited but it allowed for the request through the Use Permit.

Devin Julian, Project Applicant, thanked everyone for taking their time to review the project. He explained that they would agree to add a condition to restrict paraphernalia with the exception of vaporizers and their accessories. Regarding parking, he noted there were 26 spaces in the parking lot, and they had an agreement with the owner of the entire facility to lease parking behind the secured gate for the self-storage facility. Speaking to loading and unloading of product, he clarified that it would be done behind the secured gate. He added that the rollup door would not be accessible, and they would be utilizing the standard commercial door. He stated it would be more secure since in addition to their security/camera system they would also have the self-storage security/camera system. He noted it was red curb in front of the location; however, there was nearby street parking available. He explained that they would be using a hybrid energy efficient vehicle that would have legal tinted windows and a storage safe bolted to the chassis for product and cash. He noted the goal was to be as inconspicuous as possible.

Vice-Char Martin thanked the applicant for his explanation.

In response to Vice-Char Martin, Mr. Julian displayed the floorplan depicting the secured limited access storage area and reported that they had met with the Antioch Police Department who recommended installing a DEA cage or additional secure area to protect the product and cash.

In response to Commissioner Soliz, Mr. Julian stated they were submitting applications in Concord, San Francisco, Fairfield and Contra Costa County and they had 10 locations mostly centered in southern California. He noted delivery service had increased since COVID-19; however, in-person sales were popular, and they had COVID requirements in place. He explained that part of their business model was to become good corporate community member and part of that was their Culture Cares program consisting of 2-6 members of the community to give guidance on their social equity commitment to non-profits and City functions. In addition, they had a bank of hours devoted to the community and they participated in can food drives, One Warm Coat and Toys for Tots for local charities.

In response to Commissioner Parsons, Captain Morefield stated the Antioch Police Department met with the applicant who was very receptive to including the requirement for a DEA cage and security guards. He further noted it was a small facility and he believed parking would be adequate. He added that there would be the opportunity to make sure all security requirements had been implemented.

Commissioner Barrow thanked the applicant for the clarifications.

In response to Commissioner Barrow, City Attorney Smith stated they would be required to choose a non-profit to donate to and make the minimum standard donations through an Operating Agreement that would be negotiated with them after the Use Permit was approved.

In response to Commissioner Soliz, Mr. Julian stated they planned to open within 4-6 months of CUP approval.

Chairperson Schneiderman opened and closed the public hearing with no members of the public requesting to speak.

City Attorney Smith stated he did not recall seeing any other cannabis businesses being approved for bongs so the Commission may want to consider whether to restrict them

Chairperson Schneiderman stated she believed all cannabis businesses should be treated the same.

Director of Community Development Ebbs added that drug paraphernalia was prohibited to be sold; however, the only exception was within a licensed dispensary.

In response to Commissioner Parsons, City Attorney Smith stated if the Commission wanted to allow for the same restrictions for all cannabis business as it related to paraphernalia they could include language stating, "that they exclude any paraphernalia that is not yet been approved for other similar cannabis businesses" and then the burden would be on staff to determine what those were or they could specifically name bongs and any other paraphernalia not yet approved by other cannabis dispensaries.

Planning Manager Morris added that project specific condition #22 could be modified to state "the only paraphernalia allowed to be sold shall be those consistent with previous cannabis approvals".

City Attorney Smith stated once staff identified those items they could be included in the condition of approval.

A motion was made by Commissioner Barrow, second by Commissioner Parsons to approve the use permit. The motion was then amended to read:

#### **RESOLUTION NO. 2020-28**

***On motion by Commissioner Barrow, seconded by Commissioner Parsons the Planning Commission approved the use permit contained in the attached resolution and amending project specific condition F. #22 to read:***

***F. #22. The only cannabis paraphernalia allowed to be sold at the site shall be those consistent with previous cannabis approvals which include vape pens, vape batteries, and chargers.***

*The motion carried the following vote:*

**AYES:** *Parsons, Soliz, Barrow, Martin and Schneiderman*  
**NOES:** *None*  
**ABSTAIN:** *None*  
**ABSENT:** *Motts*

Chairperson Schneiderman congratulated the applicant on the approval of their use permit.

Mr. Julian thanked the Commission and staff for their time and stated he looked forward to working with the City.

### **ORAL COMMUNICATIONS**

Commissioner Barrow announced he was appointed by the Contra Costa County Board of Supervisors to the Airport Land Use Commission and asked City Attorney Smith if there would be a conflict of interest by serving on both Commissions.

City Attorney Smith requested Commissioner Barrow provide him with the scope of responsibilities for the Airport Land Use Commission so he could determine if there would be a conflict of interest.

Chairperson Schneiderman congratulated Commissioner Barrow on his appointment.

### **WRITTEN COMMUNICATIONS** – None

### **COMMITTEE REPORTS** – None

### **ADJOURNMENT**

*On motion by Commissioner Soliz, seconded by Vice-Chair Martin the Planning Commission unanimously adjourned the meeting at 7:32 P.M. The motion carried the following vote:*

**AYES:** *Parsons, Soliz, Barrow, Martin and Schneiderman*  
**NOES:** *None*  
**ABSTAIN:** *None*  
**ABSENT:** *Motts*


Respectfully submitted:

Kitty Eiden  
KITTY EIDEN, Minutes Clerk

# Memorandum

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**TO:** City of Antioch Planning Commission

**FROM:** Alexis Morris, Planning Manager 

**DATE:** January 15, 2021

**SUBJECT:** Agenda Item No. 2 – Creekside Vineyards at Sand Creek

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Staff requests that this item be continued to the regularly scheduled Planning Commission meeting of February 17, 2021 in order to have additional time to prepare the staff report and exhibits.



**STAFF REPORT TO THE PLANNING COMMISSION**

**DATE:** Regular Meeting of January 20, 2021

**SUBMITTED BY:** Vicky Lau, Junior Engineer

**APPROVED BY:** John Samuelson, City Engineer/Public Works Director  on behalf of

**SUBJECT:** **Contra Costa Farms Cannabis Facility Lot Merger  
(UP-18-23, AR-18-24, V-19-03)**

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**RECOMMENDED ACTION**

It is recommended that the Planning Commission adopt the resolution recommending that the City Council approve a lot merger for Contra Costa Farms Cannabis Facility, located at 3400 Wilbur Avenue (APN: 051-051-021).

**DISCUSSION**

**Requested Approvals**

Contra Costa Farms Cannabis Facility requests for the approval of a lot merger of two parcels residing on 3400 Wilbur Avenue (APN: 051-051-021).

**Environmental**

This lot merger has been determined to be Exempt from the provisions of the California Environmental Quality Act (CEQA) under Article 5, Section §15061(b)(3). This section exempts projects where it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment.

**Background**

On September 10, 2019, the Planning Commission approved a cannabis business use permit, a variance, and a design review for the development of a cannabis operation, known as Contra Costa Farms Cannabis Facility, located at 3400 Wilbur Ave (APN: 051-051-021).

Contra Costa Farms Cannabis Facility is partially developing the second phase of their project, which includes the installation of wet utilities onsite. The full scope of work for the second phase of the project will eventually include the construction of new buildings and



structures. Due to the wet utilities crossing over property lines, a lot merger was recommended to be performed on the two parcels. Lot merger is to remove a lot line on parcel number 051-051-021. This will relieve any barriers preventing the future construction of structures and utilities over property lines.

The Subdivision Map Act 66499.20.3 authorizes a City Ordinance to approve the merger of contiguous parcels under common ownership. Antioch Municipal Code § 9-4.1302 does require that the parcels are contiguous and are under common ownership for the Commission to approve a lot merger.

### **ATTACHMENTS**

- A. Resolution
- B. Vicinity Map
- C. Lot Merger Plat

# ATTACHMENT A

## PLANNING COMMISSION RESOLUTION NO. 2021-\*\*

### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH APPROVING A LOT MERGER FOR CONTRA COSTA FARMS CANNABIS FACILITY AT 3400 WILBUR AVENUE (APN: 051-051-021)

**WHEREAS**, Contra Costa Farms Cannabis Facility requests approval of lot merger of two contiguous parcels located at 3400 Wilbur Avenue (APN: 074-051-005);

**WHEREAS**, this project is Exempt from the provisions of CEQA, pursuant to section 15061(b)(3);

**WHEREAS**, the Planning Commission finds that the parcels are under common ownership and are contiguous parcels;

**WHEREAS**, the Planning Commission specifically finds that the merger will not result in a violation of the City of Antioch Municipal Code, and that the merger will be consistent with the purposes and intent of Title 9, Chapter 4 of said code and the Subdivision Map Act.

**WHEREAS**, the Planning Commission duly gave notice of public hearing as required by law; and

**WHEREAS**, the Planning Commission on January 20, 2021, duly held a public hearing, received and considered evidence, both oral and documentary.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission does hereby approve of a lot merger for two contiguous parcels under the ownership of Contra Costa Farms Cannabis Facility located at 3400 Wilbur Avenue (APN: 074-051-005).

\* \* \* \* \*

**I HEREBY CERTIFY** the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 20th day of January 2021.

**AYES:**

**NOES:**

**ABSTAIN:**

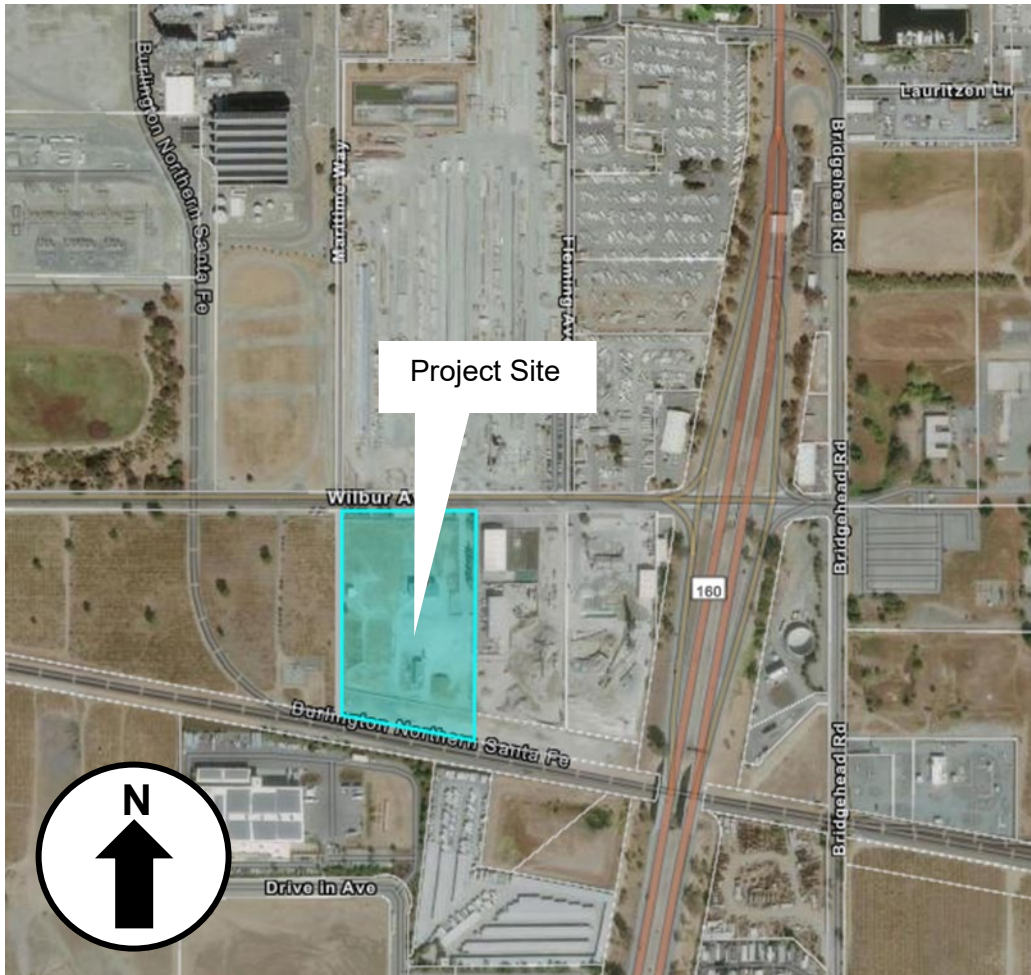
**ABSENT:**

---

**Forrest Ebbs**  
**Secretary to the Planning Commission**

# ATTACHMENT B

## VICINITY MAP



# ATTACHMENT C

## LOT MERGER

BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21,  
TOWNSHIP 2 NORTH, RANGE 2 EAST, MOUNT DIABLE BASE AND MERIDIAN,  
CONTRA COSTA COUNTY, STATE OF CALIFORNIA  
DECEMBER, 2020 SCALE: 1"=150'

APN 051-051-021  
RFE ENGINEERING, INC.

**OWNER:**  
CONTRA COSTA FARMS  
L.L.C., A CALIFORNIA  
LIMITED LIABILITY  
COMPANY.

**BASIS OF BEARINGS:**  
EAST LINE OF PARCEL  
SHOWN ON 88 LSM 8

WEST LINE OF  
745 O.R. 189

EAST LINE OF  
1654 O.R. 386

### LEGEND:

- RESULTANT  
BOUNDARY
- LOT LINES  
BEING REMOVED



**WILBUR AVENUE**

S.E. CORNER OF  
30 ACRE TRACT  
PER 99 DEEDS 92

**P.O.B.**

**LOT LINE TO  
BE REMOVED**

**RESULTANT  
MERGED  
PARCEL  
9.110 AC.±  
APN: 051-051-021**

