

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**January 19, 2022
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.

Chair Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, January 19, 2022. 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/. Public comments that were previously submitted by email have been provided to the Planning Commissioners.

ROLL CALL

Present: Commissioners Motts, Parsons, Barrow, Gutilla, Vice Chair Martin and Chair Schneiderman
Absent: Commissioner Riley (arrived at 6:34 P.M.)
Staff: Director of Community Development, Forrest Ebbs
Planning Manager, Anne Hersch
Outside Legal Counsel, Ruthann Ziegler
Community Development Technician, Hilary Brown
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: November 17, 2021
December 1, 2021
December 15, 2021

On motion by Vice Chair Martin, seconded by Commissioner Motts, the Planning Commission approved the minutes of November 17, 2021, as presented. The motion carried the following vote:

AYES: Motts, Parsons, Barrow, Gutilla, Martin and Schneiderman
NOES: None
ABSTAIN: None
ABSENT: Riley

Commissioner Riley arrived at 6:34 P.M.

On motion by Vice Chair Martin, seconded by Commissioner Barrow, the Planning Commission approved the minutes of December 1, 2021, as presented. The motion carried the following vote:

AYES: Motts, Barrow, Riley, Gutilla, Martin and Schneiderman
NOES: None
ABSTAIN: Parsons
ABSENT: None

On motion by Vice Chair Martin, seconded by Commissioner Barrow, the Planning Commission unanimously approved the minutes of December 15, 2021, as presented. The motion carried the following vote:

AYES: Motts, Parsons, Barrow, Riley, Gutilla, Martin and Schneiderman
NOES: None
ABSTAIN: None
ABSENT: None

NEW PUBLIC HEARINGS

2. Amending Section 9-5.3843 E of the Antioch Municipal Code to modify the distance between a new tobacco retailer and specified uses and to limit the number of new tobacco retailers. The proposed ordinance increases the distance between new tobacco retailers and certain uses, such as schools and limits the number of new tobacco retailers in the City and is beneficial to City residents.

Outside Legal Counsel Ziegler clarified that there was a slight disconnect between the agenda description and the title of the ordinance. She noted the ordinance was both to modify the distance between new tobacco retailers and specified uses, as well as to clarify the existing limit on new tobacco businesses. She further noted that she did not believe this issue to be a problem. She presented the staff report dated January 19, 2022, recommending the Planning Commission adopt the resolution recommending the City Council adopt the proposed ordinance amending the Antioch Municipal Code §9-5.3843. In response to Commissioner Barrow, Outside Legal Counsel Ziegler explained that the Ordinance would place a prohibition on new tobacco retailers and the increase in distance for sensitive uses would apply to all tobacco businesses.

In response to Vice Chair Martin, Outside Legal Counsel Ziegler confirmed that this ordinance would not apply to cannabis businesses or businesses selling vaping products.

Vice Chair Martin expressed concern that the vaping industry was heavily marketing to youth.

Director of Community Development Ebbs responded that the Planning Commission had the ability to recommend to Council the expansion of the definition of tobacco products to include vaping devices.

In response to Commissioner Barrow, Outside Legal Counsel Ziegler defined tobacco retailers and tobacco businesses. Director of Community Development Ebbs confirmed the ordinance would result in a prohibition on new smoke shops/tobacco retailers.

Outside Legal Counsel Ziegler stated the 1000-foot separation requirement would apply to any school, public park, playground, recreational center, or childcare center.

Chair Schneiderman opened and closed the comment period with no members of the public requesting to speak.

Commissioner Gutilla spoke in support of the ordinance amendments; however, she felt it was hypocritical that cannabis businesses were required to be 600-feet from sensitive uses, which gave them a 400-foot preference.

Vice Chair Martin requested vaping products be included in the definition of tobacco products because of their negative impact on youth.

Chair Schneiderman agreed with Vice Chair Martin and closed the public hearing.

Commissioner Riley also agreed with Vice Chair Martin and suggested adding vaping shops to the recommendation or defining vaping shops as tobacco retailers.

Director of Community Development Ebbs explained that paraphernalia as defined did not include vaping products. He noted looking at the definition to make sure it was broad

enough to include nicotine derived products may pull everything vape related into the discussion. He further noted he believed that that would be consistent with Council's intent.

Chair Schneiderman suggested including vaping products as paraphernalia.

RESOLUTION NO. 2022-01

On motion by Vice Chair Martin, seconded by Commissioner Parsons, the Planning Commission unanimously adopted the resolution recommending the City Council adopt the proposed ordinance amending the Antioch Municipal Code §9-5.3843 with the addition of the following:

E(1)(d) – To include vaping products as paraphernalia.

The motion carried the following vote:

AYES:	<i>Motts, Parsons, Barrow, Riley, Gutilla, Martin and Schneiderman</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>None</i>

ORAL COMMUNICATIONS

Director of Community Development Ebbs introduced Planning Manager Hersch who thanked Director of Community Development Ebbs for the introduction and stated she looked forward to working in Antioch.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts reported that the TRANSPLAN meeting had been cancelled.

ADJOURNMENT

On motion by Vice Chair Martin, seconded by Commissioner Parsons, the Planning Commission unanimously adjourned the meeting at 6:58 P.M. The motion carried the following vote:

AYES: *Motts, Parsons, Barrow, Riley, Gutilla, Martin and
Schneiderman*

NOES: *None*

ABSTAIN: *None*

ABSENT: *None*

Respectfully submitted:
KITTY EIDEN, Minutes Clerk