

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**April 18, 2018
City Council Chambers**

Chair Zacharatos called the meeting to order at 6:30 P.M. on Wednesday, April 18, 2018 in the City Council Chambers. 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, April 25, 2018.

ROLL CALL

Present: Commissioners Schneiderman, Motts, Martin, Turnage, Conley
Vice Chair Parsons and Chair Zacharatos
Staff: Director of Community Development, Forrest Ebbs
Planning Manager, Alexis Morris
Assistant City Engineer, Lynne Filson
Associate Planner, Kevin Scudero
Associate Planner, Zoe Merideth
Interim City Attorney, Derek Cole
Economic Development Program Manager, Lizeht Zepeda
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Approval of Minutes:** **March 7, 2018**
March 21, 2018

At the request of Commissioner Motts, the Planning Commission separated the Minutes for separate action.

On motion by Commissioner Conley, seconded by Vice Chair Parsons, the Planning Commission approved the minutes of March 7, 2018, as presented. The motion carried the following vote:

AYES: **Schneiderman, Parsons, Motts, Turnage and Conley**
NOES: **None**
ABSTAIN: **Martin and Zacharatos**
ABSENT: **None**

On motion by Commissioner Conley, seconded by Vice Chair Parsons, the Planning Commission approved the minutes of March 21, 2018, as presented. The motion carried the following vote:

AYES: *Schneiderman, Parsons, Turnage, Conley and Zacharatos*
NOES: *None*
ABSTAIN: *Motts and Martin*
ABSENT: *None*

PRESENTATION

2. Cannabis Regulations

Jeff Kolin, MuniServices Special Technical Cannabis Advisor, gave a Commercial Cannabis Industry Economic Evaluation PowerPoint presentation which included the following information:

- Regional Commercial Cannabis Activities
- Other City Activities
- State and Local Taxes and Fees
- Do you have the team you will need?
- Cost recovery
- Business Regulatory Fee Structure
- Common Tax Structures
- Tax Revenue Considerations
- Industry Sales Information
- Dispensary Sales Estimates
- Planning for Large Cash Payments
- Risk Factors
- What do Businesses Want?
- Cannabis Industry Employment Opportunities
- Evaluate, Revisit and Refine

In response to Commissioner Schneiderman, Mr. Kolin explained that weed maps list existing delivery businesses and it was not uncommon even if those uses were banned or the City had not taken action. He noted the City may decide to ban, allow with permits or permit delivery only service. He clarified there would be different tax implications for each.

Commissioner Schneiderman reported that the weed map for Antioch showed that there were business uses in residential areas.

Mr. Kolin responded that it was not uncommon; however, they were not permitted in residential areas. He explained that under prop 64, individual cultivation in home or in green house structures were permitted.

Interim City Attorney Cole added that Code Enforcement was aware of weed maps and took action when necessary. He noted it was illegal for commercial activity including delivery services to occur in a residence. He further noted if anyone was aware of this type of occurrence, it should be reported to Code Enforcement. He clarified that every person had a right to grow up to six plants indoors for their personal use.

Commissioner Schneiderman suggested Code Enforcement look into weed maps.

Interim City Attorney Cole stated Code Enforcement looked at that resource.

Commissioner Motts questioned if there was a difference in delivery for personal or medicinal use.

Mr. Kolin stated they could separate the two uses and decide whether to allow medicinal use delivery service only.

Commissioner Turnage questioned if there was an increase in police activities associated with licensed commercial uses.

Mr. Kolin responded that there was a minimal increase in crime associated with licensed cannabis activity. He noted there would be continued crime associated with black market activity and DUI infractions; however, they were somewhat offset by reductions in driving under the influence of alcohol. He noted the data was still coming in.

NEW ITEMS

- 3. AR-17-17 – Kaiser Solar - Ameresco, Inc.**, requests design review approval of proposed parking canopies with photovoltaic modules attached to the roofs of the structures over a portion of the existing parking lot at Kaiser Permanente Antioch Medical Center. The proposal would require removing existing trees and light poles and replacing the removed landscaping (APNs 057-022-020, 057-022-021, 057-022-194).

Associate Planner Merideth presented the staff report dated April 13, 2018 recommending the Planning Commission approve the design review request subject to the conditions contained in the resolution attached to the staff report.

In response to Commissioner Martin, Associate Planner Merideth confirmed that canopies would not extend into the drive aisles and with the proposed changes Kaiser would still be well under the City's parking requirements for compact spaces. Commissioner Conley suggested the applicant consider fulfilling tree replacement requirements at City parks rather than onsite.

In response to Commissioner Motts, Associate Planner Merideth explained that since space was limited under the canopy, the project was conditioned to replace the trees with small shrubs that were already in Kaiser's plant pallet.

In response to Chair Zacharatos, Associate Planner Merideth stated a recommended condition of approval required lighting under the canopies at a minimum illumination of two foot-candles, as required by the Municipal Code.

Tyge Nason, Project Manager for Ameresco, reported he was developing 40 sites for Kaiser Permanente and he was available to answer any questions this evening.

Seth Baruck, National Director for Energy and Utilities for Kaiser Permanente, announced he was managing the program across California.

Mr. Nason clarified the 9-foot canopy elevation was to the bottom of the steel with another 1.5-feet on top and all canopies would be at a 5-degree tilt. He noted the underside of the steel on the higher side would be approximately 14 feet.

Commissioner Martin stated his truck was almost 9 feet tall which would limit him as he would not feel comfortable using parking stalls under the lower sections.

Mr. Nason explained that a typical standard was 9 feet and anything taller added to the costs.

Commissioners Motts, Turnage, Conley and Chair Zacharatos stated they were in support of the solar panel installation project.

Commissioner Conley suggested the Planning Commission recommend to the City that requests such as these do not pay the full structure of fees to encourage more companies to bring projects forward. He suggested the City work with the applicant to determine if the replacement trees could be planted offsite.

RESOLUTION NO. 2018-12

On motion by Commissioner Conley, seconded by Commissioner Motts, the Planning Commission unanimously approved the design review request subject to the conditions contained in the resolution attached to the staff report. The motion carried the following vote:

AYES: *Parsons, Motts, Martin, Turnage, Conley, Schneiderman and Zacharatos*
NOES: *None*
ABSTAIN: *None*
ABSENT: *None*

4. **AR-18-04 – Mesa Billboard** - Mesa Outdoor is requesting design review approval to upgrade the west facing portion of their existing billboard from a static display to a digital display. The project site is located on the northeast corner of Delta Fair Boulevard and Century Way (APN 074-080-029).

Associate Planner Scudero presented the staff report dated April 13, 2018 recommending the Planning Commission approve AR-18-04 for the upgrade of the west facing section of the existing billboard at Delta Fair Boulevard and Century Boulevard from a static display to a digital display.

Commissioner Martin reported that as he was driving east on Highway 4 and the line of site for this billboard decreased due to other billboards in the area. He questioned if there were safety issues related to the length of time people would be able to view the messages displayed. He also questioned if the City had any control over ensuring the lights would be dimmed at night. Additionally, he asked if Mesa would allow for the advertisement of City events or non-profits in their rental agreement.

Associate Planner Scudero responded that he would defer to applicant with regards to the line of site issue; however, CALTRANS had been included in the approval process. In speaking to the requirement to dim the lights at night, he noted if the project was not complying with the use permit the City would be able to take action.

Economic Development Program Manager Zepeda added that they were amending the current lease and one of the components was a potential place holder on the 8-second slide for City related items.

Mike McCoy representing Mesa Outdoor, reported they had a similar project in the City of Pittsburg and they had not received any complaints regarding light spillover. He noted at night the sign would be operating at half the brightness of an iPhone and would be regulated by an astro clock and photocell. He reported they were planning on having one of the slides available for local events directed by the City's Economic Development Department. He noted they were in support of having local actionable events on their signage.

Commissioner Martin questioned if there had been studies on potential distracted driving related to the length of time of a digital display.

Mr. McCoy responded that they met the state's 500-foot spacing criteria. He noted he was not aware of a study that has found a linkage between billboards and increased traffic accidents.

In response to Commissioner Motts, Mr. McCoy clarified that there were eight second slides and eight slides per side. He noted they also worked with private groups to display their messages. He reported Best Buy had decided to advertise their Antioch store relocation on the digital Pittsburg sign rather than Antioch's static display sign.

Vice Chair Parsons and Chair Zacharatos stated the digital display was an improvement and they supported the project.

RESOLUTION NO. 2018-13

On motion by Commissioner Martin, seconded by Vice Chair Parsons, the Planning Commission unanimously approved AR-18-04 for the upgrade of the west facing section of the existing billboard at Delta Fair Boulevard and Century Boulevard from a static display to a digital display. The motion carried the following vote:

AYES: Parsons, Motts, Martin, Turnage, Conley, Schneiderman and Zacharatos
NOES: None
ABSTAIN: None
ABSENT: None

Chair Zacharatos declared a recess at 7:31 P.M. The meeting reconvened at 7:42 P.M. with all Commissioners present.

- 5. The Ranch DEIR** - Staff recommends that the Planning Commission receive public comments on the Draft Environmental Report (EIR) for The Ranch Project. The meeting is not to debate or discuss the merits of the project, but to receive verbal comments that will be responded to in the Final EIR. An action from the Planning Commission is not needed at this time, but just the receiving of public comments.

Contract Planner Gnos presented the staff report dated April 18, 2018 recommending that the Planning Commission receive public comment on the Draft Environmental Report (EIR) for The Ranch Project.

Jeffrey Clark, Antioch resident, thanked the Commissioner for allowing him to speak and for their service to the community. He submitted in writing and read his questions regarding the Draft Environmental Impact Report – Ranch Project.

Tom Jenkins, Antioch resident, requested the Planning Commission consider delaying the review of DEIR to allow the citizens to gather enough signatures to place the issue on the ballot before any new houses were built in the area.

Dwaine Eubanks, Antioch resident, requested the City extend the comment period on the DEIR for The Ranch project to allow for adequate time for the public to review the document.

Lucas Stewart-Chilcote, Antioch resident, stated he was opposed to the project and suggested the City extend the comment period. He noted the Ranch area across from

Kaiser was part of his family's history and he suggested the City keep the property in its natural state.

Patricia Campbell, Antioch resident, spoke in support of keeping the project area open space and letting the voters decide on whether to develop the area.

Kristina Gutilla, Antioch resident, requested the City extend the comment period for the DEIR to allow a fair amount of time to review the document.

Michael Amorosa, Antioch resident, spoke in favor of extending the comment period 45-days for the DEIR.

Will Swanson, Antioch resident, spoke in support of open areas, trails and park land.

John Dalayaple, representing 300 Antioch households who belonged to the IBEW UA Sheet Metal Workers and Sprinkler Fitters, gave a history of the Urban Limit Line. He stated the project was well thought out and environmentally sensitive. He urged the City to move forward with the approval process.

Michael Manogotroa, Antioch resident, spoke in support of the project.

Matthew Malyemezian, Antioch resident and Contractor, spoke in support of the DEIR and the project's benefits to the community.

Steve Smith, Antioch resident, spoke in support of extending the comment period for the DEIR. He stated he was opposed to building into the City's open space and expressed concern regarding the impacts of the project on open space, Highway 4, Antioch Police Department, Code Enforcement, and BART.

Wendi Agluly, Antioch resident, stated she was not opposed to housing being built in Antioch; however, she did not support developing on the hills. She stated there were many items mentioned in the DEIR as significant and unavoidable such as long term changes to pollutions emissions, noise, intersections, and traffic. She noted those things were avoidable and there were other options such as trading spaces, build in other places, and concentrating on high destiny projects in other areas. She questioned whether Tri Delta Transit and Republic Waste Services were aware that they were considering adding bus stops and free/discounted tickets, as well as curb side food waste service. She noted there was also conflict with the City's existing policies. She further noted that the DEIR discussed replanting and removing and rehoming animals; she questioned who would monitor the success of those programs. She also questioned why there was no mitigation for fire protection. She expressed concern that Antioch did not have a conflict of interest policy and Planning Commissioners would not have sufficient time to review the DEIR.

Donald Griebing, Antioch resident, discussed the importance of smart development and he requested the City think about the planning. He submitted written comment on the DEIR and stated he had also drafted a letter to Planning Manager Morris regarding this item.

Marie Durkin, Antioch resident, voiced her support for extending the comment period for the DEIR. She expressed concern regarding the availability of water to service these homes. She encouraged the Commission to read the DEIR and address the impacts the project would have on the City.

Erwin Mendoza, Antioch resident, requested the City extend the comment period on the DEIR. He noted the document stated the project would preserve hills and ridgelines; however, the project extended into those areas. He questioned why the summary on impact and mitigation table indicated that the impact on school capacity was not applicable.

Juan Pablo Galvan, Land Use Manager Save Mt Diablo, encouraged the City to extend the official comment period for the DEIR for The Ranch project, another 45 days beyond the original deadline. He noted the project proposed houses in an area with many rare and listed animal and plant species; however, the DEIR reached the conclusion that biological impacts would not be significant or unavoidable. He stated those items needed to be thoroughly reviewed so he was requesting a 30 day extension on top of the two week extension.

Christina Wilcox, Antioch resident, stated she agreed with the previous speakers concerns that the review period for the DEIR as not sufficient to adequately review, reflect and discern all the variables in the DEIR. She asked the City to extend the review time, comment and signature gathering time so that there would be a citizen vote on this issue. She noted the project was not well thought out, smart, or needed in Antioch.

Craig Cristina, Senior Vice President Land Entitlement for Richland, stated they had a great relationship with City staff and he welcomed the public input. He noted this community had been proposed in an area that was within the ULL and Sand Creek Focus area. He further noted there was a two week extension of the review time. He stated they were committed to bringing forth a community that everyone could be proud of and they would consider public input. He commented that this project had been designed to be consistent and thoughtful of the natural terrains by concentrating development in the flat areas to have the least amount of impacts.

6. Election of Chair and Vice-Chair

Chair Zacharatos stated that there was no formal process; however, past practice had been to move the Vice Chair into the Chair position.

Planning Manager Morris presented the staff report dated April 13, 2018 recommending the Planning Commission nominate and elect a Chair and Vice Chair.

Commissioner Conley nominated Vice Chair Parsons as Chair.

On motion by Commissioner Conley, seconded by Commissioner Schneiderman, the Planning Commission elected Vice Chair Parsons to serve as Chair of the Planning Commission. The motion carried the following vote:

AYES: Parsons, Motts, Martin, Turnage, Conley, Schneiderman and Zacharatos

NOES: None

ABSTAIN: None

ABSENT: None

Vice Chair Parsons nominated Commissioner Turnage as the new Vice Chair.

On motion by Commissioner Parsons, seconded by Commissioner Conley, the Planning Commission elected Commissioner Turnage to serve as Vice Chair of the Planning Commission. The motion carried the following vote:

AYES: Parsons, Motts, Martin, Conley, Schneiderman and Zacharatos

NOES: None

ABSTAIN: Turnage

ABSENT: None

Chair Zacharatos clarified the transition would take place at the next Planning Commission meeting.

ORAL COMMUNICATIONS

Commissioner Motts reported on his attendance at the Planning Conference and suggested the Planning Commission agendaize a Study Session on the topics that were covered.

Planning Manager Morris suggested Commissioners who attended the conference email to her the materials provided at the conference so that she could forward it to all Commissioners.

Commissioner Martin reported on his attendance at the Planning Commission Academy and he encouraged Commissioners to attend future events. He stated it was wonderful to network with other Commissioners and it was a very informative event.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts reported there had been no TRANSPLAN meeting held.

ADJOURNMENT

Chair Zacharatos adjourned the Planning Commission at 8:31 P.M. to the next regularly scheduled meeting to be held on May 2, 2018.

Respectfully Submitted,
Kitty Eiden