

**CITY OF ANTIOCH  
PLANNING COMMISSION**

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

**May 2, 2018  
City Council Chambers**

In the absence of the Chair and Vice Chair, Elizabeth Perez recommended the Planning Commission select an Acting Chair to preside over the meeting this evening.

Acting Chair Zacharatos called the meeting to order at 6:33 P.M. on Wednesday, May 2, 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, May 9, 2018.

**ROLL CALL**

Present: Commissioners Schneiderman, Motts, Martin, Zacharatos and Conley  
Absent: Vice Chair Turnage and Chair Parsons  
Staff: Director of Community Development, Forrest Ebbs  
Assistant City Engineer, Lynne Filson  
Interim City Attorney, Elizabeth Perez  
Economic Development Program Manager, Lizeht Zepeda  
Police Captain, Tony Morefield  
Minutes Clerk, Kitty Eiden

**PLEDGE OF ALLEGIANCE**

Commissioner Martin announced that in the absence of the Chair and Vice Chair the Commission had selected Commissioner Zacharatos as Acting Chair to preside of the meeting this evening.

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. **Approval of Minutes:** None

**NEW ITEM**

2. **PW-150-18 – THE CITY OF ANTIOCH** is requesting a determination that the 2018-2023 Capital Improvement Program is consistent with the Antioch General Plan, which includes a determination that any acquisition or disposition of property identified in the project description for each project in the Capital Improvement Program is consistent with the General Plan.

Assistant City Engineer Filson presented the staff report recommending the Planning Commission determine that the 2018-2023 Capital Improvement Program is consistent with the Antioch General Plan, which includes that any acquisition or disposition of property identified in the project description for each project in the Capital Improvement Program is consistent with the General Plan.

In response to Commissioner Martin, Assistant City Engineer Filson explained that there was no grant funding under the highway bridge repair and replacement category. She reported the City forfeited their ability to apply for some grants because CCTA applied for it on their behalf for the Highway 4 widening. She noted they would be eligible to apply for grants next year.

Commissioner Martin questioned if the Antioch Creek between 10<sup>th</sup> and 4<sup>th</sup> streets would be opened up so flooding would not occur in that area.

Assistant City Engineer Filson responded that it would not occur with the immediate project because of the permitting process; however, they were aware of the need and would work hard to accomplish a phase II of the project.

Commissioner Martin questioned if the City would need access to the Antioch Historical Museum property when they proceeded with their project.

Assistant City Engineer Filson responded that if they did need access, it would not be for several years.

Commissioner Martin spoke in support of the protected left turn lane at 10th and L Streets.

Assistant City Engineer Filson stated for safety reasons, the protected left turn may only be allowed in the commute direction.

Commissioner Martin commented that in Mexico when the signals were turning, the green light flashed prior to the yellow light. He suggested a possible signal at 6<sup>th</sup> and A Streets at the blind curve.

Assistant City Engineer Filson stated she would add this request to the list of potential projects.

In response to Commissioner Martin, Assistant City Engineer Filson stated the City received funds to help disperse information to the public and that was the source of funding for the Council Chambers interior remodel project, which would include reconfiguring the dais, updating colors and Information Systems improvements. She clarified that the money allocated for the project in the draft was times \$1000.00 and that information would be updated prior to the CIP going to Council.

Director of Community Development Ebbs added that the money for the Council Chambers remodel was through a specific funding source and not General Fund monies.

In response to Commissioner Martin, Assistant City Engineer Filson stated she would send Commissioners the list of roadway improvements/maintenance projects that would be funded by the SB1 Gas Tax money. She noted streets would be brought up to ADA standards, bad sections replaced, and if grading was deteriorated they would do a leveling course and then a rubberized cape seal.

In response to Commissioner Martin, Assistant City Engineer Filson confirmed that the signal at Contra Loma Boulevard and Longview would be coordinated with signals already existing in the area. She commented that if there were long groups of traffic signals with a four way stop in the middle, it affected the progression; therefore, they used that to warrant signaling this intersection. She noted it was not in the CIP because it was not up to the minimum dollar standard needed. She further noted they were in the process of replacing the City's server that had the traffic signal hardware/software and they were getting new software to integrate signals more efficiently.

In response to Commissioner Martin, Assistant City Engineer Filson explained that the City was awarded grant money last year; however, they would not receive the money until 2020 to improve L Street from the freeway to the Marina. She noted the fairground frontage would be improved along with the sidewalks and they would also be providing one lane and bike lanes in each direction, as well as parking in front of the residences. She commented that they were continuing to work on getting other grant money to address landscaping and the City owned vacant lots. She noted improvements done recently were completed by the City's maintenance crew.

Commissioner Martin encouraged the maintenance crews to continue working in the area.

In response to Commissioner Conley, Assistant City Engineer Filson stated there were two large projects occurring at the Water Treatment Plant Water which included switching water treatment from gas to liquid and electrical upgrades. She noted a future project was adding the desalination plant.

Commissioner Conley stated if the tunnels were approved to divert water from the Sacramento River, the water would be brackish and the State would need to compensate the City for desalinization.

Assistant City Engineer Filson responded that this was a major issue and a legal team was assisting the City to maintain their water rights.

In response to Commissioner Conley, Assistant City Engineer Filson explained that all of the houses in the Hillcrest area were in an assessment district that would pay for the improvements in that area. She also reported that they had had discussions with Amtrak and Southern Pacific to remove part of the train station structure that was making it too inviting for people not using the train and design it similar to a bus stop.

In response to Acting Chair Zacharatos, Assistant City Engineer Filson explained that the signals on James Donlon Boulevard were in the 5-year timeframe. She noted that when Seeno built the Black Diamond Ranch project; they paid into the traffic signal fund for future signals on the far side of Somersville Road so the money was kept there so that it was not spent on other projects. She further noted the money would not be needed until the James Donlon Boulevard/Buchanan Road bypass was built.

Acting Chair Zacharatos expressed concern regarding speeding traffic and safety of James Donlon Boulevard and requested the City conduct a traffic study in the area to determine if a signal was warranted in the Silverado Drive and James Donlon Boulevard areas.

Assistant City Engineer Filson stated she would add those areas to the list to study. She noted that with the speed bump program, they have been conducting studies and they could have them do the data collection to see what areas qualify.

Commissioner Schneiderman stated she had been told that the City of Brentwood had traffic cameras to catch red light runners near Home Depot and questioned if Antioch would be adding them in the future.

Assistant City Engineer Filson explained that Antioch had a couple of cameras within the City.

Commissioner Schneiderman stated she agreed with previous statements regarding safety issues on James Donlon Boulevard.

Commissioner Motts reported that the previous Amtrak station had burned down and he supported improvements and enhancements for potential transit-oriented development (TOD).

Assistant City Engineer Filson stated there had been efforts to clean up the area.

Commissioner Motts reported he had noticed that many of the Amtrak stations had restaurants.

In response to Commissioner Motts, Assistant City Engineer Filson explained that any time a grant opportunity presented itself, they attempted to find a project that fit and applied.

Commissioner Motts stated he was interested in getting wording in place for projects so that they could access funds as they came up.

Acting Chair Zacharatos opened and then closed the floor to public comment with no speakers requesting to speak.

#### RESOLUTION NO. 2018-14

***On motion by Commissioner Motts, seconded by Commissioner Martin, the Planning Commission determined that the 2018-2023 Capital Improvement Program is consistent with the Antioch General Plan, which includes that any acquisition or disposition of property identified in the project description for each project in the Capital Improvement Program is consistent with the General Plan. The motion carried the following vote:***

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

#### **NEW PUBLIC HEARING**

- 3. Cannabis Ordinance** – The Community Development Department has recommended amendments to Chapter 5 of Title 9 of the Antioch Municipal Code (Zoning Ordinance) to create a Cannabis Business (CB) Overlay District within the City of Antioch. The amendments would establish an overlay zoning district wherein an applicant could apply for a Use Permit from the City Council to operate a cannabis business. The amendment will also include applicable definitions, setback requirements, and procedures.

Community Development Director Ebbs presented the staff report dated April 24, 2018, recommending that the Planning Commission adopt the resolution recommending that the City Council approve the proposed amendments to the Zoning Ordinance.

Community Development Director Ebbs explained that there was some limitation on the law that required the City to act and if they did not by July 31, 2018, the City's ability to regulate was somewhat limited.

Interim City Attorney Perez asked the City to act at this time because they would be limited as to regulating in the future, and it had been recommended universally to act before July 31, 2018.

Director of Community Development Ebbs stated that in the future he would like the City to develop guidelines and policy.

Community Development Director Ebbs recommended that the Planning Commission recommend the City Council adopt the text and table changes, as well as make a recommendation on which map was the most appropriate. He noted in the future the maps and zoning ordinance could be amended at will.

Interim City Attorney Perez stated that if the City failed to adopt an ordinance, they would still be able to regulate past July 31, 2018; however, there may be limitations that are unknown at this time. She noted if the City could act by July 31, 2018, it was the recommended action.

Commissioner Schneiderman expressed concern that weed maps indicated that there were approximately 20 people in residential areas that were delivering marijuana.

Community Development Director Ebbs responded that this issue had been discussed with the City Attorney and that regulation would be outside of the zoning ordinance. He noted as written today, no cannabis business could occur in a residential district.

In response to Commissioner Martin, Director of Community Development Ebbs speaking to the definitions explained that Cannabis Business was the broader term and aspects of the business such as retail, production, and cultivation fell under that category. He clarified that they did not plan to separate the retail in the maps because they had not received guidance from the City Council on that matter. He explained the Cannabis definition as written was an industry standard definition.

Interim City Attorney Perez added that the definition of Cannabis in the resolution was fairly universal.

In response to Commissioner Martin, Director of Community Development Ebbs explained that he could not speak to the email attachments from the Consultant because they had not been agendaized. He encouraged the Commission to discuss those items with the Economic Development Commission and/or the City Council when it was presented to them.

Speaking to exhibit A2 and A3, Commissioner Martin questioned if the areas listed equate to a 500-600 foot buffer as part of the ordinance.

Director of Community Development Ebbs clarified that some parcels would be eliminated and some of the larger parcels may have to be located further from the property line. He noted it would be looked at on a case by case basis.

In response to Commissioner Martin, Interim City Attorney Perez stated that the City could amend the ordinance after July 31, 2018.

In response to Commissioner Motts, Director of Community Development Ebbs explained greenhouses could be utilized for agricultural use in the Sand Creek area.

Interim City Attorney Perez added that plants could be grown outdoors; however, the bulk of cultivation would be indoors for climate control and security.

Commissioner Motts reported there was a greenhouse in the Wilbur corridor that used water and heat from the paper plant and he believed the building was still on the site. He questioned if the City of Pittsburg had adopted their Cannabis Ordinance.

Economic Development Program Manager Zepeda reported the City of Pittsburg approved a 10% sales tax and objected to every use until they found an existing chemical plant within their City limits that they determined had enough space and could provide enough jobs to produce a chemical component of cannabis. She noted once Council toured the facility and was provided with a report on job projections, they reconsidered and amended their ordinance to allow for lab use within the City limits.

Commissioner Motts thanked Economic Development Program Manager Zepeda for sending the email attachments and stated that he agreed with most of the recommendations.

Economic Development Program Manager Zepeda stated she had sent the email to provide the Commission with the information and at the request of the Economic Development Commission. She noted it had also been sent to the City Council. She further noted the Economic Development Commission had completed their research and recommendations.

Commissioner Motts discussed the possibility of allowing for cannabis use in the Wilbur corridor.

Director of Community Development Ebbs stated that the Planning Commission had a limited scope for this discussion which did not include economic benefits. He noted if there was a greater regulatory scheme, it would be in addition to this ordinance.

In response to Acting Chair Zacharatos, Captain Morefield reported the Antioch Police Department looked at cannabis businesses from the police services standpoint and a testing facility or R&D type of business would be the least impactful and retail sales would be the most impactful. He stated the presence of high quality marijuana and

cash was guaranteed at those sites which would be an enticing target to someone with ill intent and the means to commit that ill intent. He commented that they were not very supportive of retail sales and anything further away from that, they would have less objection. He noted if it was decided that this type of business would be permitted in Antioch, the permitting process, as well as the calls for service would add to a burden on the Antioch Police Department.

In response to Commissioner Martin, Captain Morefield speaking to the map 1 option stated it would likely be the least impactful because it was concentrated in one area and by virtue of what existed in that area. He noted indoor cultivation was preferred by those in the business because it allowed for a year round grow. He further noted that the area would not be adequate for retail because it was problematic due to being a remote site and there was direct access to a freeway and a bridge that would take someone out of the area quickly that committed a crime at the business.

Commissioner Martin questioned if the Wilbur Avenue area was appropriate for any cannabis business.

Captain Morefield explained that given the three options before the Planning Commission, they would prefer cannabis businesses be in one specific area that would cause the least amount of problems.

Director of Community Development Ebbs stated that if the Planning Commission decided to support option 1, it would be appropriate to add the caveat that they would suggest that cannabis retail not be allowed there, if they were so inclined.

Captain Morefield clarified that he would not presume any area of Antioch to be an appropriate location or site for this type of business.

Commissioner Motts spoke in support of option 1 and of adding the Verne Roberts Circle area.

Acting Chair Zacharatos agreed with Commissioner Motts.

Commissioner Conley stated that Cannabis Businesses are against federal law and spoke in support of not allowing the businesses in Antioch.

In response to Acting Chair Zacharatos, Interim City Attorney Perez stated the Planning Commission could recommend the City not allow cannabis businesses; however, if it goes to City Council and they decided to regulate marijuana, it would be problematic and come back to the Planning Commission.

Director of Community Development Ebbs stated the Planning Commission could forward the ordinance with the table indentifying and defining the uses and regulate it by prohibiting it.



Acting Chair Zacharatos opened and closed the public hearing with no members of the public requesting to speak.

Commissioner Martin stated that he attempted to do what the people of the City requested and reported that in Contra Costa County 60.7% of the people voted yes on Prop 64 and in Antioch 60.1% voted yes; however, they may not have known the implications of legalizing cannabis. He stated his thought process was that if he should follow the voters or do what he believed was right. He noted it was difficult to proceed when Council had not made their legislative decision. He expressed concern of what the result would be at the Council level if they said no and Council voted to approve.

Director of Community Development Ebbs stated Council would take action prior to July 31, 2018, and that this item would be part of the input they received. He noted the ordinance was enough for the City to build off of and refine over time.

Acting Chair Zacharatos mentioned that Prop 64 passed which allowed cannabis users to have under an ounce of marijuana and six plants and from that it had been broadened into retail and other uses.

In response to Commissioner Motts, Director of Community Development Ebbs stated that if the City wanted to be more restrictive in the future, they could change the ordinance.

Commissioner Schneiderman suggested taking a conservative approach and approving option 1 because it was a small area on the edge of town. She stated she shared the Antioch Police Department's concerns regarding the increase in criminal activity.

Acting Chair Zacharatos suggested the Commission consider that Antioch was a family community and they were trying to build a brand to protect.

Commissioner Motts stated that he understood Commissioner Conley's concerns; however, U.S. Congress did not do their job in deciding if this was a State's rights issue or a Federal issue. He spoke in support of option 1 with the addition of Verne Roberts Circle.

Acting Chair Zacharatos stated that in looking at the City's infrastructure, she questioned if this was the right time to approve cannabis uses in Antioch.

#### **RESOLUTION NO. 2018-15**

***On motion by Commissioner Motts, seconded by Commissioner Schneiderman, the Planning Commission adopted the resolution recommending that the City Council approved the proposed amendments to the Zoning Ordinance approving map option 1 with the addition of Verne Roberts Circle. The motion carried the following vote:***

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

Interim City Attorney Perez stated that with five Commissioners present, there needed to be a majority so three voting affirmative approved the motion.

Director of Community Development Ebbs stated he would modify the maps and this item would go before the City Council on May 22, 2018.

### **ORAL COMMUNICATIONS**

Following discussion, Commissioner Martin stated that he would provide his Planning Commissioner binder to staff to duplicate for other Commissioners who had not received one.

### **WRITTEN COMMUNICATIONS**

None.

### **COMMITTEE REPORTS**

Commissioner Motts reported that he would be attending the TRANSPLAN meeting next week.

### **ADJOURNMENT**

***Acting Chair Zacharatos adjourned the Planning Commission at 8:32 P.M. to the next regularly scheduled meeting to be held on May 16, 2018.***

Respectfully Submitted,  
Kitty Eiden