

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**May 17, 2017
City Council Chambers**

Chair Zacharatos called the meeting to order at 6:30 P.M. on Wednesday, May 17, 2017 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 24, 2017.

ROLL CALL

Present: Commissioners Husary, Motts, Mason, Turnage, Conley and Chair Zacharatos
Absent: Vice Chair Parsons
Staff: Director of Community Development, Forrest Ebbs
Assistant City Engineer, Lynne Filson
Associate Planner, Kevin Scudero
Interim City Attorney, Samantha Chen
Acting Captain, Tony Morefield
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: April 5, 2017

On motion by Commissioner Conley, seconded by Commissioner Turnage, the Planning Commission approved the minutes of April 5, 2017, as presented. The motion carried the following vote:

AYES: Mason, Turnage, Conley and Zacharatos
NOES: None
ABSTAIN: Husary, Motts
ABSENT: Parsons

CONTINUED PUBLIC HEARING

- 2. Z-17-01 – Tobacco Ordinance Amendment** – The City of Antioch is proposing text amendments to Chapter 16: Drug Paraphernalia, Section 6-8.14-Tobacco Retailer License, Section 9-5.203-Definitions and Section 9-5.3843 Tobacco and Paraphernalia Retailers of the Antioch Municipal Code. The amendments include, but are not limited to, changes to definitions related to tobacco and paraphernalia retailers, the display of tobacco paraphernalia, licenses required for retail tobacco sales, and the prohibition of tobacco and paraphernalia retailers. The proposed ordinance would be applicable city-wide. This project is exempt from the California Environmental Quality Act.

Director of Community Development Ebbs presented the staff report dated May 12, 2017, recommending that the Planning Commission approve the attached resolution recommending that the City Council adopt the ordinance amending City regulations regarding tobacco and paraphernalia retailers by prohibiting new tobacco and paraphernalia retailer businesses, subject to certain exceptions, and establishing legal non-conforming use procedures for established Tobacco and Paraphernalia Retailer businesses.

Commissioner Turnage questioned if an individual would be prohibited from selling their business after 2023 even if they owned it prior to the ordinance being passed and if so would that create an ex post facto issue.

In response to Commissioner Turnage, Director of Community Development Ebbs stated the ordinance would prevent owners from selling their business after 2023 and explained the entire ordinance was developed in partnership with a land use attorney who was careful it would not expose the City to litigation.

Commissioner Turnage expressed concern for applying an ordinance to an existing business noting that their intent may be to sell the business as part of their retirement.

In response to Commissioner Conley, Director of Community Development Ebbs added that if the intent was for the business owner to pass the business to successors, they had 5 years to add them to the corporation or create a trust.

In response to Commissioner Mason, Director of Community Development Ebbs reported notification of this evening's meeting was sent to all the current Tobacco and Paraphernalia Retail operators in the City.

In response to Chair Zacharatos, Director of Community Development Ebbs explained Council directed staff to develop an ordinance that addressed existing tobacco retailers and they felt the ordinance before the Planning Commission this evening was a reasonable solution.

Chair Zacharatos opened the closed the public hearing with no speakers requesting to speak.

RESOLUTION NO. 2017-11

On motion by Commissioner Conley, seconded by Commissioner Motts, the Planning Commission members present unanimously approved the resolution recommending that the City Council adopt the ordinance amending tobacco and paraphernalia retailer regulations by repealing Antioch City Code Sections 5-16.01 and 6-8.14 and repealing and replacing sections 9-5.203 and 9-5.3843. The motion carried the following vote:

AYES: *Husary, Motts, Mason, Conley and Zacharatos*
NOES: *Turnage*
ABSTAIN: *None*
ABSENT: *Parsons*

NEW ITEMS

- 3. AR-16-15, AUP-16-26 - Tri-Delta** - Tri Delta Transit is requesting approval of an administrative use permit and design review for the design and construction of a new park and ride lot. The project is located at the northeast corner of Auto Center Drive and West Sixth Street (APN 074-130-081).

Associate Planner Scudero presented the staff report dated May 12, 2017, recommending the Planning Commission approve the design review and administrative use permit request subject to the conditions contained in the staff report's attached resolution.

Chair Zacharatos opened the public hearing.

Steve Ponte, Eastern Contra Costa Transit Authority, clarified they did not own the parcel to the south. He stated this project would assist BART, the City of Antioch and commuters. He requested project specific condition A4 be amended to extend the approval to three years which would allow additional time to seek federal and/or state funding. He stated they were agreeable to all other conditions of approval. He reported they would poll users to determine the preferred design for bicycle racks.

In response to Commissioner Motts, Mr. Ponte stated with the minimal amount of parking spaces at BART, they expected this lot would be full.

Commissioner Motts stated that historically he had felt this location would be optimal for high density housing.

In response to Commissioner Mason, Shawn O'Keefe Project Architect/Engineer reported handicapped parking for the project was calculated based on ADA guidelines.

In response to Chair Zacharatos, Director of Community Development Ebbs explained that the approval for 2 years was the code requirement unless modified by the Planning Commission.

In response to Commissioner Conley, Mr. Ponte stated the cost to complete the project was \$3.2M and they were looking at funding from the state and federal governments. He clarified that they would not be seeking funding from the City. He noted their goal was to make the project shovel ready for grant consideration.

In response to Commissioner Motts, Mr. Ponte stated there would be no charge for parking at the lot.

In response to Chair Zacharatos, Mr. Ponte stated they would have no issue with extended parking.

Chair Zacharatos closed the public hearing.

Commissioner Turnage stated he would support the extension of approval to 3 years.

Commissioner Motts agreed and stated he supported the additional condition regarding security camera requirements.

Commissioner Husary stated with the growing amount of commuters, she felt this lot would be helpful.

Chair Zacharatos stated she felt the project would be a nice addition to Antioch.

RESOLUTION NO. 2017-12

On motion by Commissioner Conley, seconded by Commissioner Turnage, the Planning Commission members present unanimously approved the design review and administrative use permit request subject to the conditions contained in the staff report's attached resolution.

Amending project specific condition #A4 to read:

A4 – This approval expires three years from the date of approval (expires May 17, 2020), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one one-year extension shall be granted.

And with the addition of project specific condition J17 to read:

J17 - Security cameras shall be installed on site and the footage from the security cameras shall be made available to the Antioch Police Department. The location, number of cameras, and other details shall be provided concurrent with the Building Permit submittal and shall be subject to the review and approval by the Antioch Police Department.

The motion carried the following vote:

AYES: Husary, Motts, Mason, Turnage, Conley and Zacharatos
NOES: None
ABSTAIN: None
ABSENT: Parsons

- 4. Planning Commission Rules, Bylaws, and Handbooks** – Staff will present options for developing rules for the Planning Commission, pursuant to Antioch Municipal Code Section 2-5.301.

Director of Community Development Ebbs presented the staff report dated May 12, 2017, recommending the Planning Commission review the examples of rules, bylaws, and handbooks and provide direction to staff.

Following discussion, the Commission directed staff to bring back for Planning Commission consideration, a draft document similar but not as extensive as the Planning Commission Handbook for the City of San Mateo, that included a practice to rotate Chair and Vice Chair based on seniority.

Commissioner Turnage suggested training be included in the handbook.

Commissioner Mason suggested absentees and terms be defined in the handbook. He recommended the Planning Commission hold periodic informational community meetings for upcoming projects.

Commissioner Conley suggested the handbook be required reading for applicants prior to their interviews.

Commissioner Motts stated he would support additional Planning Commissioner training sessions in a meeting format.

In response to Commissioner Motts, Director of Community Development Ebbs explained City's Municipal Code dictated the requirements for attendance and to change that would require Council action.

Chair Zacharatos stated she felt it would be advantageous to have a conversation regarding considerations for excused absences.

Director of Community Development Ebbs stated based on the Planning Commission's direction this evening; he would work on an Antioch Specific Handbook, similar to but a lighter version of, the City of San Mateo model.

ORAL COMMUNICATIONS

In response to Commissioner Conley, Director of Community Development Ebbs stated that he was not part of closed session items regarding Humphreys; however, he was aware that there were discussions occurring regarding a new tenant.

In response to Chair Zacharatos, Director of Community Development Ebbs reported the City Clerk or City Attorney would schedule Brown Act Training.

Director of Community Development Ebbs gave a brief update on the status of the Downtown Specific Plan, General Plan Land Use Element Update, Sand Creek Focus Area and Zoning Ordinance Update.

In response to Commissioner Mason, Associate Planner Kevin Scudero stated staff had received one application for an accessory dwelling unit that would not have qualified under the previous code. With regards to existing studios not permitted, he noted many factors would determine if the unit could be legalized.

In response to Commissioner Mason, Director of Community Development Ebbs stated he would be happy to discuss the hillside grading restrictions for the Sand Creek Focus Area with him.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts reported the last TRANSPLAN meeting had been cancelled.

ADJOURNMENT

Chair Zacharatos adjourned the Planning Commission at 7:30 P.M. to the next regularly scheduled meeting to be held on June 7, 2017.

Respectfully Submitted,
Kitty Eiden