

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**June 1, 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.

1. CALL TO ORDER

Chair Gutilla called the meeting to order at 6:30 P.M. on Wednesday, June 1, 2022. She announced that tonight's meeting was being held in accordance with the Brown Act as currently in effect under AB 361, which allowed members of the Planning Commission, City staff, and the public to participate and conduct the meeting by teleconference. She stated anyone wishing to make a public comment, may do so by using the raise your hand tool or 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 mail or email have been provided to Planning Commissioners.

2. ROLL CALL

Present: Commissioners Schneiderman, Martin, Motts, Lutz and Chair Gutilla
Absent: Commissioner Hills and Vice Chair Riley
Staff: City Attorney, Thomas Lloyd Smith
Director of Community Development, Forrest Ebbs
Lieutenant, Desmond Bittner
Planning Manager, Anne Hersch
Senior Planner, Kevin Scudero
Community Development Technician, Hilary Brown
Minutes Clerk, Kitty Eiden

3. PLEDGE OF ALLEGIANCE

Commissioner Schneiderman led the Pledge of Allegiance.

4. EX-PARTE COMMUNICATIONS - None

5. PUBLIC COMMENT – None

6. CONSENT CALENDAR – None

7. PUBLIC HEARING

- 7.1 UP-22-02, V-22-02 T-Mobile El Campanil Wireless Facility** - The applicant is seeking approval of a Use Permit, Variance and Design Review for a new roof-mounted wireless facility at 602 W 2nd St. (El Campanil Theater). The subject site is .28 acres with an existing 10,936 sq. ft. theater built in 1928. The project scope includes two new 98 sq. ft. roof enclosures with a total of six (6) new panel antennas. The enclosures are proposed to face east and west and are 10 ft. in height. The enclosures have been designed to match the existing building. Supporting equipment is proposed to be ground mounted at the rear of the building and screened. A Variance is required to allow an exception to the height limit for the Mixed-Use Zoning Classification in the Downtown Specific Plan.

Planning Manager Hersch presented the staff report dated June 1, 2022, recommending the Planning Commission adopt the Resolution approving the Use Permit, Variance and Design Review for a new wireless facility at 602 W. 2nd St. (El Campanil Theater).

Cara Todd, Site Acquisition and Leasing Manager of CBR Group on behalf of T-Mobile, reported the Antioch historic district had a need for additional support for mobile capacity. She stated the theater was an outstanding candidate due to height requirements. She explained that they did their best to conceal the proposed project as much as possible by matching the esthetic of the building. She explained that T-Mobile had preference in working with small and local establishments to support the surrounding community. She thanked the Theater Board Members for their support of this project and staff for their review. She stated she had no knowledge of opposition to the project, and she requested Commission approval as recommended by Planning staff.

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

In response to Commissioner Martin, Ms. Todd explained view 2 of the proposed design diagram and noted the structure would be a setback and smaller than the existing base.

Christy Belltran CBR Group, explained coaxial cable in a chase way would connect the antennas to the equipment cabinet. He noted it would run down the back side of the theater and be painted to match the exterior of the building.

In response to Commissioner Motts, Planning Manager Hersch explained that this Wi-Fi project was separate from the CIP item.

In response to Chair Gutilla, Ms. Todd explained that FRP was a material for the radio frequency, and it would match the texture on the exterior of the existing structure. She noted this project would serve T-Mobile users.

RESOLUTION NO. 2022-15

On motion by Commissioner Martin, seconded by Commissioner Motts, the Planning Commission members present unanimously adopted the Resolution approving the Use Permit, Variance and Design Review for a new mobile wireless facility at 602 W. 2nd St. (El Campanil Theater). The motion carried the following vote:

AYES: *Schneiderman, Martin, Motts, Lutz, Gutilla*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Hills, Riley*

- 7-2. UP-21-17, One Plant Distribution** - The applicant is seeking Use Permit approval to conduct a Type-11 “Cannabis Distribution” operation at 2701 W. 10th St. The existing building includes a retail cannabis dispensary (UP-18-15) that was approved in 2019. The current operator is proposing to expand the business operation to include distribution services in an 8,482 sq. ft. unused portion of the existing building. Distribution is proposed to operate from 8am-8pm, seven days a week. There will be eight (8) employees associated with the distribution operation.

Senior Planner Scudero presented the staff report dated June 1, 2022, recommending the Planning Commission adopt the Resolution recommending that City Council approve a Use Permit for cannabis distribution services for One Plant Distribution, 2701 W. 10th St.

Matthew Emory, representing One Plant, stated he appreciated the report and recommendation from staff. He stated they operated their current business at this location, and they were looking to expand and continue to partner with the City of Antioch.

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

In response from Commissioner Schneiderman, Lieutenant Bittner stated he reviewed the security plan, and it was adequate for the expansion of this business.

In response to Commissioner Martin, Mr. Emory explained that this application was for wholesale distribution; however, they currently operated a retail facility at the location. He noted they would be adding eight additional employees to operate the wholesale distribution business. He explained the pre-rolled packaging production process.

Commissioner Lutz encouraged the applicant to do more marketing as he was unaware of the business.

In response to Commissioner Lutz, Lieutenant Bittner stated he reviewed the calls for service at this location and there had not been any significant incidences of criminal activity. He noted there had been some issues at other locations; however, they were related to disruptive customers.

In response to Commissioner Lutz, Mr. Emory stated he believed having two armed guards during operational hours was excessive because they also had a 24-hour guard. He explained that guards were instructed to refrain from engaging anyone. He noted they also had panic buttons, doors were secure, and the property was surrounded by an 8-foot wall. He further noted when the alarm was triggered, the Antioch Police Department response time had been exemplary.

RESOLUTION NO. 2022-16

On motion by Commissioner Martin, seconded by Commissioner Schneiderman, the Planning Commission members present unanimously adopted the Resolution recommending that City Council approve a Use Permit for cannabis distribution services for One Plant Distribution, 2701 W. 10th St. The motion carried the following vote:

AYES: *Schneiderman, Martin, Motts, Lutz, Gutilla*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Hills, Riley*

- 7-3. UP-22-01, 300 G St. Retail Cannabis Dispensary** - The applicant is seeking approval of a Use Permit to operate a retail cannabis dispensary at 300 G St. The business will occupy an existing 6,500 sq. ft. commercial building at the southwest corner of G St. and W. 3rd St. The business is proposed to operate from 9am-8pm, seven days a week. There will be up to twenty-five (25) full time staff including security and management personnel. An operator is expected to be selected at a future date.

Senior Planner Scudero presented the staff report dated June 1, 2022, recommending the Planning Commission adopt the resolution recommending that City Council approve a Use Permit for retail cannabis dispensary at 300 G St.

Vinayak Shastry, Project Applicant, introduced their Executive Management Team, Sean McCauley, Co-Founder and Ryan Hawxhurst, Vice President of Retail, and gave a brief overview of their professional history and a PowerPoint presentation of their project.

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

In response to Commissioner Martin, Mr. Shastry explained the corporate entity that was formally applying was owned by Sean McCauley and he noted he was attempting to partner with Mr. McCauley to operate the dispensary. He stated they intended to install security bollards on the sidewalk and there were retractable security gates they could install on the inside of the building.

Senior Planner Scudero added from the windows you could see into the lobby; however, a wall blocked the view into the retail sales area so there was no direct access. He noted this was in line with all other dispensaries in Antioch. He stated the way the columns were set up they did not anticipate a problem with someone driving through the corner section. He noted during inspections if the Antioch Police Department felt additional security was needed, they had the discretion to require it from the applicant. Speaking to the fence at the entrance of the alley, Senior Planner Scudero explained that the alley was not very long, and he did not anticipate the Fire Department having to access it with a truck. He noted the alley was on the applicant's property and he believed they were the only ones who had access.

Lieutenant Bitner added that he spoke with the applicant during the pre-application period and the 7-foot fence would be adequate to secure the area during deliveries.

Commissioner Motts welcomed Mr. McCauley and acknowledged his improvements to downtown Antioch.

In response to Commissioner Motts, Senior Planner Scudero stated he did not believe there was a cap on the number of cannabis businesses; however, there were separation requirements that would limit them in the area. City Attorney Smith added that the Cannabis Standing Committee would be discussing a Cannabis Strategic Plan and considering the concentration of cannabis businesses.

In response to Commissioner Lutz, Senior Planner Scudero stated there were no onsite parking requirements in the downtown mixed-use core so anyone would be able to use city streets and public lots. He noted they did not anticipate parking being an issue.

In response to Chair Gutilla, Senior Planner Scudero explained the operating hours in the conditions of approval stated 8:00 A.M. – 8:00 P.M. which was standard for retail dispensaries; however, it would be up to the applicant to determine what hours within that timeframe they would operate.

Lieutenant Bittner clarified that the armed guards were only required to be onsite during business hours.

RESOLUTION NO. 2022-17

On motion by Commissioner Motts, seconded by Commissioner Lutz, the Planning Commission members present unanimously adopted the Resolution recommending that City Council approve a Use Permit for retail cannabis dispensary at 300 G St. The motion carried the following vote:

AYES: *Schneiderman, Martin, Motts, Lutz, Gutilla*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Hills, Riley*

8. UNFINISHED BUSINESS

- 8-1. 2023-2031 Housing Element Study Session** - The Planning Commission will review and provide preliminary feedback on the 6th Cycle Housing Element for the City of Antioch.

Planning Manager Hersch presented the staff report dated May 18, 2022, recommending the Planning Commission receive the draft presentation & report and provide feedback to staff and the consultant.

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

Commissioner Martin thanked Chair Gutilla for requesting this item come back for further review and comment. He stated water restrictions were not addressed in the constraints.

Curtis Banks, Urban Planning Partners, stated with respect to water, there would be a thorough analysis as part of the EIR. He noted this item would go to Council for their review and then to the Department of Housing and Development so if something changed, they could add comments.

Commissioner Martin reported the State of California required all new construction to have solar and he questioned if more information needed to be added discussing the advantage of solar for multifamily buildings.

Mr. Banks stated it could be added if Commissioner Martin wanted that item enhanced.

Commissioner Martin stated he did not believe site 162 at Slatten Ranch between the three retail buildings was suitable for R-35 designation.

Mr. Banks responded that the purpose of this item was to get feedback such as this. He commented that multifamily sites could do well in commercial areas and uses changed over time. He noted if it was the desire of the Planning Commission to eliminate site 162, they could look at the buffers.

Commissioner Martin reiterated that he did not believe the site was appropriate because it was located within a very active commercial retail center. He noted he felt this location was more appropriate for business.

Commissioner Lutz reiterated his support for staff investigating rent control/rent stabilization and just cause eviction regulation policies as well as other options to help families remain in their homes.

Commissioner Motts agreed with Commissioner Lutz.

Commissioner Schneiderman thanked the consultant for their outreach to First Five, Contra Costa Health Services and Shelter Inc.

Chair Gutilla thanked staff and the consultant for the additional time to provide feedback on this item. She questioned why fair housing complaints dropped off significantly in 2020.

Mr. Banks stated that it could be pandemic related since evictions were not permitted during that timeframe. He noted they did not have specific insight on why there was a decline.

Chair Gutilla thanked Mr. Banks for taking under consideration the City's desire to preserve undeveloped areas on the southern border of Antioch and favoring infill development. She stated she supported mixed income projects; however, she was more concerned for improving the quality of life in the environmental justice neighborhoods. She noted she viewed a lot of these neighborhoods as rich cultural centers for specific ethnic or cultural communities, and she was concerned that they were not considering how dispersing these communities throughout the City may be disregarding the cultural benefits of them remaining. She further noted everybody deserved to live in great housing surrounded by the people who made them feel most at home. She spoke in support of preserving their ability to remain in a community with those they connected with most and noted there was a benefit to having cultural centers that build their neighborhood together. She clarified that the intent was not to be racially or ethnically motivated.

Mr. Banks stated it was a good opportunity to discuss some of the challenges of the housing element and the provisions encouraging affordable housing to be spread throughout the community. He noted there may be people who value what they have in those communities and may not want to leave for affordable opportunities. He further noted nothing precluded new housing going into those neighborhoods, they just did not identify those housing sites to address some of the other items in housing element law.

Chair Gutilla stated there were other sections in the housing element where there seemed to be an intentional effort to improve environmental justice neighborhoods. She noted it may be good to ensure the City was not dividing communities who chose to work together but give them the right to live where they wanted, in better housing. She discussed the benefits of providing mixed income housing throughout the community and noted there should also be an effort to focus on improving environmental justice neighborhoods.

Mr. Banks stated when the environmental justice element comes forward, they would be looking at ways to address some of the concerns and improve the quality of life in those areas.

Chair Gutilla questioned why Antioch fees were so low compared to other jurisdictions.

Mr. Banks explained fees were used to help offset the various costs associated with housing. He noted lower fees helped keep the costs of housing more affordable and staff could revisit the fees if they felt it was appropriate to do so.

Chair Gutilla stated Antioch was the only City who put liens on homes when they accepted grants and loans for certain renovation projects, and one of the goals was to reduce that program. She questioned why the program was in place.

Mr. Banks stated one of the reasons for liens was to ensure someone who obtained funds would keep the house. He stated it was a different provision than other communities and there was discussion to see if there were ways to address that concern that may not be a constraint for people wanting to use that money to improve their homes.

Chair Gutilla questioned why construction costs were less expensive for single family dwellings.

Mr. Banks responded it was more economical to build dwellings that were lower in height.

Chair Gutilla suggested the City consider first right of purchase and rental deposit alternative programs for tenants as well as a basic income program for environmental justice and lower income communities.

Commissioner Lutz suggested the City consider a down payment assistant program.

Mr. Banks questioned if other Commissioners had concerns that needed to be raised to Council related to site 162.

Chair Gutilla stated that she believed there could be a benefit for residential development within walking distance of retail and dining options. She noted if the space was thoughtfully designed with a buffer around the development it could work. She further noted she understood Commissioner Martin's concerns.

Commissioner Motts stated multiuse development could possibly work if designed appropriately.

In response to Chair Gutilla, Mr. Banks clarified that any project coming forward would go through the standard approval process.

Chair Gutilla thanked staff and Mr. Banks again for bringing this item back and noted she appreciated the additional time to review the Housing Element Update.

9. ORAL/WRITTEN COMMUNICATIONS

Commissioner Martin thanked Planning Manager Hersch for sending him the zoom link for the meeting and noted he was still not receiving them from the City.

Commissioner Schneiderman stated she received the zoom link within a communication.

Commissioner Martin stated he was approached by an individual who had suggested the City add a condition to homes and multifamily dwellings requiring them to provide EV Charging stations.

City Attorney Smith stated it was a great suggestion and the City Council had been interested in transitioning the City's vehicle fleet to zero emission vehicles and he was asked to prepare an ordinance for the City. He noted it would be helpful for those with electric vehicles to have charging stations available.

Planning Manager Hersch added that there was nothing locally on the horizon for requiring EV charging for single family homes, but she would not be surprised if there were new requirements by the state when the next CALGreen code cycle changed.

9-1. Planning Commission Meeting Canceled: July 6, 2022

Planning Manager Hersch announced that the July 6, 2022, Planning Commission meeting would be cancelled.

10. COMMITTEE REPORTS

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

11. NEXT MEETING: June 15, 2022

Chair Gutilla announced the next Planning Commission meeting would be held on June 15, 2022.

12. ADJOURNMENT

On motion by Commissioner Lutz, seconded by Commissioner Motts, the Planning Commission members present unanimously adjourned the meeting at 8:06 P.M. The motion carried the following vote:

AYES: *Schneiderman, Martin, Motts, Lutz, Gutilla*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Hills, Riley*

Respectfully submitted:
KITTY EIDEN, Minutes Clerk