

**CITY OF ANTIOCH
PLANNING COMMISSION
REGULAR MEETING**

Regular Meeting
6:30 p.m.

June 16, 2021
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.

Chairperson Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, June 16, 2021. 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, Riley, Gutilla, Vice Chairperson Martin and Chairperson Schneiderman

Absent: Commissioner Barrow (arrived at 6:38 P.M.)

Staff: City Attorney, Thomas Lloyd Smith
Associate Planner, Kevin Scudero
Associate Planner, Zoe Merideth
Associate Planner, Jose Cortez
Community Development Technician, Hilary Brown
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS - None

CONTINUED PUBLIC HEARING

2. **Deer Valley Estates Project Deer Valley Estates Project (PD-19-03, UP-19-12, AR-19-19)** -- The applicant, Blue Mountain Communities, requests certification of an Environmental Impact Report and approval of the following entitlements: Vesting Tentative Map, Final Development Plan, Use Permit, and Design Review for the Deer Valley Estates Project. The project would subdivide two undeveloped parcels totaling 37.56 acres to construct 121 new single family homes along with new infrastructure, parking, detention basins, lighting, landscaping, and a private park. The Project is located at 6100 Deer Valley Road (APNs 055-071-026 and 057-022-013). An Environmental Impact Report (EIR) has been prepared pursuant to the California Environmental Quality Act (CEQA).

Associate Planner Merideth presented the staff report dated June 16, 2021 recommending 1) Adopt the resolution in Attachment A recommending certification of the Deer Valley Estates Project Environmental Impact Report, adopting findings of fact and statement of overriding considerations, and adopting the mitigation monitoring and reporting program. 2) Approve the resolution recommending that the City Council approve a Vesting Tentative Subdivision Map, Final Development Plan, Use Permit, and Design Review subject to conditions of approval (PD-19-03, UP-19-12, AR-19-19).

In response to Vice Chair Martin Associate Planner Merideth stated that the applicant may be able to describe what was in the pipelines and noted easements were called out on the project plans. She commented when this item was before Council previously, it was noted in the minutes that they were working to relocate the pipelines; however, there were no entitlements or conditions for this project that would require the pipeline to be moved. She explained that there were conditions of approval that Wellness Way would be used as the construction route for this project as opposed to the neighborhood streets. Additionally, there was a condition of approval that improvements to Wellness Way needed to be completed prior to the first building permit for this project. She confirmed the applicant would be installing a wood fence because it was on a property line with existing fences.

Commissioner Barrow arrived at 6:38 P.M.

In response to Commissioner Parsons, Associate Planner Merideth explained the main entrance to the project was on Wellness Way.

In response to Commissioner Gutilla, Associate Planner Merideth explained the alternate planning process was a twostep process where the applicant goes through the master development plan/planned development rezone and then they come back for the final development plan. She added the General Plan designation for this site was low density housing and this application maintained that zoning.

Commissioner Gutilla mentioned if the density did not change maybe the City should have addressed some of the affordability goals by keeping the density and requiring a certain percentage of the homes to be duplexes or zero lots and she believed an HOA community was a good opportunity to implement some of these types of homes.

In response to Commissioner Gutilla, Theresa Wallace, LSA, confirmed there was a bike lane on the east bound direction of Wellness Way. Ambarish Mukherjee, LSA, Traffic Consultant, added that this project would be constructing a bike lane on their side. He noted they looked at the queues for the driveways for Kaiser and the project and determined they would operate satisfactorily. He further noted that 90% of traffic would use Wellness Way onto Deer Valley Road for access to the project and the remaining 10% would use the residential streets to travel to the school. He stated bicyclist would be able to maneuver safely into the development. He explained that traffic at Lone Tree Way and Deer Valley Road would operate at an unsatisfactory level even if the project were not built and the only thing that could improve the situation would be improving the signal timing. He agreed that traffic calming measures could be utilized to deter the use of the residential streets for access to this neighborhood; however, it would require a collaborative effort between the applicant, City, and residents in the area.

Commissioner Gutilla believed there should be a congruent naming system for the streets with the existing neighborhood and questioned why they were changed from the Native American theme previously proposed.

In response to Commissioner Gutilla, Associate Planner Merideth explained the applicant proposed the names and they were reviewed by engineering staff who sent it to outside agencies for review to ensure they are not duplicated and easy to understand for emergency radio traffic. She noted this was a separate neighborhood from the one to the north and they were independent names. She reported the previous project for this site had the pipeline running through in backyards and the plan now had a trail over the pipeline. She explained that there was not an entitlement that stated the pipeline must be removed and the past meeting minutes, which was the record they have for the previous project, indicated that the applicant was in discussions with removing the pipeline; however, it did not indicate that an agreement had been made. She added that a CEQA document reviewed environmental concerns for the project and there were safety measures in place from a state and federal level regarding the pipelines. She noted the gate at the park was added to increase privacy for the neighborhood. She further noted there were conditions of approval regarding the maintenance of the common areas owned by the HOA.

In response to Commissioner Motts, Associate Planner Merideth confirmed that all of the streets to the north connect through to the proposed site and the majority of the traffic would be on Wellness Way. She noted they looked at access and street design as part of the review of this project.

Commissioner Motts suggested speed tables for the neighborhood to the north to prevent traffic from filtering through the existing neighborhood.

Chairperson Schneiderman opened the public hearing.

Mike Harlan, Deer Valley Estates, gave a PowerPoint presentation which included; Deer Valley Estates Area Map, Site Plan, Setback Program, Architectural Overview, Proposed Park Redesign, Park Design Comparison, Response to Neighbor Comments and Traffic Study.

In response to Chairperson Schneiderman, Mr. Harlan stated that he believed these houses would be attractive to 60% mature buyers and 40% being mid-thirties to mid-forties. He noted their target would be hospital employees and currently they projected the price starting just under \$700k.

Chairperson Schneiderman stated she liked the larger lots and layout of the project.

In response to Commissioner Gutilla, Mr. Harlan explained that the park design was revised after the Parks and Recreation Commission provided their review and prior to his involvement in the project. He noted the people previously involved did not understand the City ordinance and he felt there was an opportunity to improve the park design by bringing elements that would qualify it for fee credits and make it more valuable to the community. He confirmed the new design eliminated the trail. He stated if the City wanted a gate installed it could be explored with staff.

Commissioner Gutilla stated that she preferred that there be no gate to eliminate foot traffic in the area.

In response to Commissioner Gutilla, Associate Planner Merideth confirmed that Wellness Way dead ends at the Kaiser property, which was why there was one entrance to the property. She noted there was an easement so the Oneida Way option was available should it become necessary in the future. She further noted the project on the backside of Kaiser would not connect through to Wellness Way.

Commissioner Gutilla expressed concern regarding plants proposed in the landscaping plan because they were listed as invasive species or had a high potential for being invasive.

Mr. Harlan explained that they were at the conceptual stage of the project and would be open to suggestions for the landscape plan. He reported homeowners could purchase or rent solar systems and they would be included and would be orientated to capture as much of the sun as possible. He stated they do not install gray water diversion due to warranty issues and potential contamination. He noted they typically offered EV charging as an option. He further noted they did not plan the project to be electric only and they preferred not to revise their plans to eliminate gas. He commented that these homes would not have fireplaces.

Commissioner Parsons stated she believed there should be another access point to the project from Wellness Way.

David Yatabe, Consultant Traffic Engineer, explained that the Oneida Way easement was the potential option for the second connection to Wellness Way.

Jon Crawford, Consultant Traffic Engineer, reported there was a concern that if they opened access from Oneida Way to Sand Creek, people would use it and cut-through the Kaiser project. He noted there was no safety concerns related to one access to the project from Wellness Way since there would be areas to the north to exit in the event of an emergency.

In response to Commissioner Parsons, Mr. Harlan stated he believed natural gas was flowing through the pipelines.

Commissioner Parsons expressed concern that the pipeline had not been moved.

Mr. Harlan responded that they designed the site so it would not be impactful to people immediately adjacent to the pipeline.

Vice Chair Martin expressed concern that the pipeline belonged to Kinder Morgan who had a reputation for not maintaining pipelines in neighboring cities. He stated he was not happy they had an easement through this project and there was natural gas in the pipeline. He noted there was a potential for a catastrophic failure within the area. He questioned if the applicant was willing to work with them to relocate the pipeline. He reported part of the consideration of this project related to the health and safety of the community and this issue was a concern.

Mr. Harlan explained that typically the pipelines were owned by the company, and they were happy with their location so if the Planning Commission wanted them relocated, Blue Mountain Communities would be financially responsible, and it would probably require tearing up Deer Valley Way, Wellness Way and could potentially impact Kaiser property. He stated he believed they designed a project to mitigate the situation and he understood the Commission's concerns and noted they would be careful. He offered to discuss relocating the pipeline with the owners and noted that he could not commit to relocating the pipelines.

Vice Chair Martin commented that lot #96 had a pipeline that terminated halfway through the lot so a house would be located on an easement.

In response to Vice Chair Martin, Mr. Harlan stated that they would inform perspective homeowners that ambulances utilized Wellness Way and Kaiser had a heliport. He responded that the easement on lot 96 was to be quitclaimed and go away.

Associate Planner Merideth agreed that the easement would be quitclaimed, and it would not exist when the homes were developed.

In response to Commissioner Riley, Associate Planner Merideth confirmed that Kaiser owned the property where Wellness Way ended.

Commissioner Parsons stated if the City wanted a subdivision behind Kaiser, staff needed to request Kaiser extend Wellness Way. She noted she could not vote to approve the project because she believed there were not enough access points to be safe.

Mr. Harlan responded there was also a 25-foot easement and a 60-foot-wide offer of dedication for Oneida Way to go through should Kaiser continue Wellness Way and there were four connections to the north and one connection to the south. He noted there were many ways to get into the project in the event of an emergency and staff had looked at that in detail and it was their conclusion as well.

The following public comment was made by an individual utilizing Zoom Audio/Video Technology.

Bree Simonsen stated that if Piute Way was opened up, she believed speed bumps would be necessary to deter traffic. She voiced her support with having no homes or walking paths behind her residence. She reported many residents in her neighborhood attended a community meeting in 2019 and they voted in support of a soundwall to be built and noted they had concerns regarding the wall height because their homes stand taller than the current ground level behind their houses. She questioned who was responsible for installing the fence/soundwall and noted the majority of concerns were related to security and durability. She noted they were concerned these homes would block their current views decreasing their property values. She expressed concern that they would be constructing homes adjacent to the pipeline which could be hit during the process.

Kathy read her email asking the Planning Commission to vote no in regard to approving the EIR conducted during a pandemic, noting the results were inaccurate due to individuals required to stay home with their children.

Chairperson Schneiderman closed the public hearing.

In response to Commissioner Gutilla, Associate Planner Merideth reported staff had not changed the mitigation measures for the biological resources requested by the applicant in their letter dated May 20, 2021.

On motion by Vice Chair Martin, seconded by Commissioner Motts the Planning Commission adopted the resolution recommending certification of the Deer Valley Estates Project Environmental Impact Report, adopting findings of fact and statement of overriding considerations, and adopting the mitigation monitoring and reporting program. The motion carried the following vote:

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

Commissioner Motts stated that he believed removal of the pipeline was a bigger discussion for cities and regions and not an issue that could be addressed by the developer. He noted they could recommend Council look at this issue within purview of this project.

Vice Chair Martin expressed concern that the pipeline issue was brought forward in 2007 and nothing had resulted. He stated he believed this project with a pipeline running it through had the potential to be a detriment to the health and welfare of the City of Antioch and houses should never be built around pipelines. He noted that he believed a second access point for this project was necessary and the potential future access off Oneida Way was problematic. He stated he liked the design and variety of the houses being proposed. He noted this area was zoned for

single family residential so views for the existing neighborhood would be impacted. He further noted the City was required by the State to produce a certain number of units.

Commissioner Motts stated he believed the City needed to address the location of pipelines in Antioch and noted with the movement to renewable energy the pipelines would not need to carry natural gas. He reiterated that he would support recommending the City Council review where the transmission lines were located and how they could be changed going forward. He noted traffic calming measures may slow emergency response; however, he felt they may be necessary to prevent sideshow and speeding through the neighborhoods.

Commissioner Parsons stated there were concerns in 2003 regarding the pipelines and something should have been done to better protect residents. She noted that she did not want the pipeline built on and it needed to be revisited. She reiterated that the project needed two access points from Wellness Way for the safety of the residents.

Chairperson Schneiderman stated she did not know how to evaluate the safety of the pipelines and suggested staff research and assess the risk.

Mr. Harlan commented that he had looked into the pipelines and it looked like it was not natural gas but an oil pipeline.

Chairperson Schneiderman stated she believed the subdivision was well laid out and the designs were beautiful and there were large lots. She suggested the Parks and Recreation Commission, or staff review the revised park design proposed this evening.

Commissioner Gutilla stated she wanted to know what the pipelines were for and whether they were active.

City Attorney Smith explained that the Planning Commission could motion to table and then describe the information they wanted staff to bring back to the Commission.

A motion was made by Commissioner Gutilla and Commissioner Parsons seconded the motion to table the Deer Valley Estates Project until staff returned with a report on the following items:

- Make certain the Maidenhair Trees are male only ginkgo trees
- Remove and replace Dwarf fountain grass, red fountain grass, Berkley sedge and cotoneaster plants
- Remove and replace Chinese Elm, Chinese pistache and London plane trees
- Traffic Calming Measures to discourage through traffic for the existing subdivision
- The addition of a condition of approval addressing Solar
- Move the homes to electric and solar only
- Park amenities included in the final plans for the project

Discussion ensued regarding the previous motion with Associate Planner Scudero responding that solar on homes was a California building code requirement.

Commissioner Gutilla responded that Sacramento was finding ways for developers to work around that by providing community-based solar which did not save homeowners as much money.

Associate Planner Scudero responded that if a developer proposed community solar it would have to be approved by the Planning Commission and he did not believe this applicant was proposing that option. Secondly, traffic calming in the new development could be looked at by the engineering staff; however, the City had a traffic calming policy so he did not believe it could be required through this process because it required consent of homeowners.

Commissioner Gutilla suggested looking at traffic calming at the connection points on the new development side of Piute Way, Mojave Way and Oneida Way.

Associate Planner Scudero responded staff could look into that option. With regards to landscaping, he noted the Planning Commission had the discretion to revise the landscape plan.

Associate Planner Merideth commented that the park plan proposed this evening by the applicant was not part of the project plans. She noted the project plans as proposed went through the process outlined in the Municipal Code and were included in the staff report this evening. Furthermore, there were recommended conditions of approval that the design of the park and the park in-lieu fee return to the Parks and Recreation Commission prior to obtaining a building permit.

Commissioner Gutilla withdrew her motion and Commissioner Parsons withdrew her second.

On motion by Commissioner Gutilla, seconded by Commissioner Parsons the Planning Commission unanimously tabled the matter and directed staff to return to the Commission with reports on the following:

- ***Pipeline concerns***
- ***Traffic calming measures***
- ***Landscape revisions – to include only male ginkgo Maidenhair Trees and eliminate dwarf fountain grass, red fountain grass, Berkley sedge or cotoneaster, Chinese elm, Chinese pistache and London plane trees***
- ***Solar requirement as a condition of approval***
- ***Switching the project from natural gas to electric***
- ***Requiring two entrances to the project from Wellness Way***

The motion carried the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

NEW PUBLIC HEARING

2. **UP-20-01, AR-20-01 – Natural Supplements** – The Applicant, JKC3H8 requests approval of an Initial Study/Mitigated Negative Declaration, a Use Permit, and a Design Review for the development of a new cannabis operations facility. The proposed project would be developed on a 3.96-acre site that is currently undeveloped and is primarily a dirt lot with trees and other foliage. The subject property is located at 2100-2300 Wilbur Avenue (APN 051-100-028).

Associate Planner Cortez presented the staff report dated June 16, 2021 recommending the Planning Commission take the following actions: 1. Adopt the resolution approving the Natural Supplements Initial Study/Mitigated Negative Declaration (IS/MND) and adopting the Mitigation Monitoring and Reporting Program (MMRP); 2. Adopt the resolution approving a Use Permit, and Design Review (UP-20-01, AR-20-01) for a cannabis operations facility, subject to conditions of approval.

In response to Vice Chair Martin, Associate Planner Cortez explained the approval process for the septic system.

Associate Planner Scudero added that Contra Costa County Environmental Health regulated and approved all septic tanks in Antioch.

Vice Chair Martin commented the zoning for this site was planned business center which indicated no raw materials processing or bulk handling. He questioned how bulk cannabis processing was allowed.

Associate Planner Cortez explained that overlay zones were outlined by City Council as being appropriate for these types of uses. He confirmed the overlay zone was overriding from the standard baseline zoning.

Vice Chair Martin expressed concern that project specific condition #17 did not require 24-hour on-site security, which was a typical condition for all cannabis businesses.

Associate Planner Cortez responded that the condition could be modified to have wording that has been applied to all other cannabis projects.

Vice Chair Martin stated he was interested in hearing why the project specific condition had been changed and noted his recommendation would be to modify the condition to be consistent with other approvals.

Associate Planner Scudero stated that the Antioch Police Department was not present this evening to respond; however, it may have been copied from a previous template of conditions.

Brett Jolley, Land Use Counsel for Natural Supplements, 3031 W. March Lane, Stockton, stated he was presenting the project this evening. He commented that there had been extensive work on project design, security, environmental review, mitigation measures, neighborhood responsibility plan and ensuring this was a project for the City of Antioch. He highlighted the

project overview as detailed in the staff report. He clarified the septic had been engineered for the site and required approval from the Contra Costa County Environmental Health. He noted it was only for standard septic and sewer waste. He further noted it would not include waste from irrigation or processing, which would be contained in a separate containment. He stated they would agree to having one (1) security guard stationed afterhours and two (2) during business hours. He highlighted the following benefits of the project: first, improvements to Wilbur Avenue and an architectural appealing facility to encourage further development, secondly, economic growth and employment opportunities and lastly, increased security and desirability in the surrounding area as well as increased revenue through the Operating Agreement. He requested the Planning Commission adopt the staff recommendation.

In response to Chairperson Schneiderman, Mr. Jolley responded if it were cost effective and beneficial, they would install solar. He noted this was their first cannabis business.

In response to Commissioner Motts, Mr. Jolley explained that the focus was recreational, medical and health related cannabis products.

In response to Commissioner Gutilla, Associate Planner Scudero clarified that the City did not have an Ordinance requiring solar for commercial projects.

In response to Commissioner Gutilla, Mr. Jolley stated delivery drivers carried a limited amount of cash and it was kept in a lockbox compartment in the rear of the vehicle. He commented the bike racks would be included as part of the retail location. He confirmed that there was a typographical error on page 13 of the report and it should state the facility is geared toward the production of flowering plants. He explained that whatever was required of OSHA would be incorporated into the facility. He noted they would be using all organic fertilizers. He confirmed there were typographical errors in the staff report page D14, and there were actually five (5) 4x40 square foot rolling tables and thirty-six (36) lights per room.

Commissioner Gutilla agreed with Chairperson Schneiderman regarding her support for solar being installed for this project.

Mr. Jolley responded that they intended to investigate solar.

In response to Commissioner Gutilla, Associate Planner Scudero explained that solar requirements were a City Council policy issue.

City Attorney Smith added that a solar requirement for commercial businesses would require an ordinance and the process would be getting a Councilmember interested in bringing the item forward to the City Council who could provide direction to City Attorney Smith to research the item.

In response to Commissioner Riley, Mr. Jolley stated they estimated return on investment in approximately 3-5 years.

Commissioner Riley commented that the return on investment for solar panels was in the 3–5-year range. He encouraged the applicant to move forward.

Mr. Jolley agreed that solar was preferable and they wanted to have a project that was beneficial both economically and environmentally. He noted there would be serious consideration to how much and what type of energy conservation measures and solar were put into the project.

In response to Vice Chair Martin, Mr. Jolley stated they anticipated 75-100 customers per day for retail which was minimal from a traffic standpoint. He noted there would be 36 full-time employees with staggered schedules. He explained that this business was intended primarily to be a vertically integrated system with cultivation processing and sales to customers on site.

Chairperson Schneiderman opened and closed the public hearing with no members of the public requesting to speak.

Commissioner Motts spoke in support of the project and suggested that City Council consider expansion of the overlay district. He stated he hoped that the Wilbur Avenue corridor would be developed with heavy industry.

City Attorney Smith responded that expansion of the overlay had been discussed by staff and the Cannabis Standing Committee and it would be coming to Council for consideration in the near future.

Chairperson Schneiderman spoke in support of the project and discussed the issue of saturation in Antioch. She suggested the applicant benefit the Antioch Youth Sports Complex. She also spoke in support of the applicant moving forward with solar for the project.

On motion by Vice Chair Martin, seconded by Commissioner Barrow the Planning Commission unanimously adopted the resolution approving the Natural Supplements Initial Study/Mitigated Negative Declaration (IS/MND) and adopting the Mitigation Monitoring and Reporting Program (MMRP). The motion carried the following vote:

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

On motion by Vice Chair Martin, seconded by Commissioner Gutilla the Planning Commission unanimously adopted the resolution approving a Use Permit, and Design Review (UP-20-01, AR-20-01) for a cannabis operations facility, subject to conditions of approval with project specific condition #17 revised to require 24-hour onsite security with two (2) security on site during business hours and one (1) security on site afterhours. The motion carried the following vote:

AYES: Motts, Barrow, Riley, Gutilla, Martin and Chairperson Schneiderman
NOES: None

ABSTAIN: *None*
ABSENT: *Parsons*

ORAL COMMUNICATIONS

In response to Commissioner Motts, City Attorney Smith confirmed that the City was not opening to in-person meetings at this time; however, they it may occur in the September timeframe.

WRITTEN COMMUNICATIONS – None

COMMITTEE REPORTS

Commissioner Motts reported on his attendance at the TRANSPLAN meeting.

ADJOURNMENT

On motion by Commissioner Motts, seconded by Commissioner Barrow the Planning Commission adjourned the meeting at 9:33 P.M. The motion carried the following vote:

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

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk