

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**August 21, 2019
Antioch Community Center**

Chair Turnage called the meeting to order at 6:30 P.M. on Wednesday, August 21, 2019 in the Antioch Community Center. He 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, August 28, 2019.

ROLL CALL

Present: Commissioners Parsons, Martin, Soliz, Vice Chair Schneiderman and Chair Turnage
Absent: Commissioners Motts and Zacharatos
Staff: Planning Manager, Alexis Morris
Associate Planner, Zoe Merideth
City Attorney, Thomas Smith
Captain, Tony Morefield
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Approval of Minutes: July 17, 2019**

On motion by Commissioner Martin, seconded by Commissioner Soliz the Planning Commission approved the July 17, 2019 Minutes as presented. The motion carried the following vote:

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

2. **PW 357-301-17– Extension of Almond Knolls’ Tentative Parcel Map for Condominium Purposes–** The Grupe Company requests approval of an extension of a tentative parcel map for condominium purposes for Almond Knolls, a gated community comprised of five multi-story buildings, to allow for potential future sale of the 58 proposed residential units. The subject project is located on Worrell Road, southeast of the intersection of Worrell Road and Lone Tree Way (APN 071-072-015).

RESOLUTION NO. 2019-22

On motion by Commissioner Martin, seconded by Commissioner Soliz, the Planning Commission recommended to the City Council approval of a one-year extension of the existing tentative parcel map for condominium purposes for Almond Knolls (PW 357-301-17), which would expire on July 25, 2020 if not acted upon. The motion carried the following vote:

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

NEW PUBLIC HEARING

- 3. Contra Costa Farms Cannabis Business – UP-18-23, AR-18-24, V-19-03 –** Contra Costa Farms, LLC, requests approval of an Initial Study / Mitigated Negative Declaration, Use Permit, and Design Review for a cannabis business consisting of cultivation, manufacturing, distribution, and a retail dispensary with delivery. The project would consist of the demolition of one existing building, renovations to two existing buildings, and the construction of four new buildings, new parking areas, and other associated improvements. A variance is also requested for a fence in the required front landscaped setback. The project site is located at 3400 Wilbur Avenue (APNs 051-051-021).

Associate Planner Merideth presented the staff report dated August 16, 2019 recommending the Planning Commission 1) Approve the resolution recommending that the City Council approve the Contra Costa Farms Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program; 2) Approve the resolution recommending that the City Council approve a Use Permit, Design Review and Variance request subject to the conditions of approval (UP-18-23, V-19-03, AR-18-24).

In response to Commissioner Martin, Associate Planner Merideth explained that project specific condition #39 was grammatically incorrect and would be modified to only include the name of the business, prior to the project going before the City Council.

Commissioner Soliz questioned if the Planning Commission would be able to review the project detailed description of the business.

Associate Planner Merideth responded that the Commission was provided with the main points of the plan; however, the entire packet was not provided due to security concerns. She noted the City Attorney had allowed the security plans to remain private given their sensitive nature.

Planning Manager Morris added that the bulk of the plan was security information that they were keeping confidential and the relevant points were attached to the staff report.

Martin and Chuck Wesley, Managing Members, gave a PowerPoint presentation which included the following:

- Mission Statement
- Managing Members
- Experience
- Accomplishments and Contributions
- Proposal/Site Plan
- Overview of CoCo Farms
- Positive Community Impact
- Benefits for Antioch
- Addressing Concerns
- Risks

They requested the following items be clarified:

- Pertaining to the Development Agreement (DA) - request that a Certificate of Occupancy (CO) be granted without a DA and that the eventual DA be applied retroactive to the CO date
- Septic – Request to use the existing septic tanks until new construction is complete
- Remodel – Confirm that “construction” does not include remodeling activities
- Existing Pavement – Confirm that “ground disturbing activities” do not include the repair or replacement of existing pavement
- Engineer’s Report – Confirm that it applies

In response to Chair Turnage, Martin Wesley clarified that employees would go through a California State DOJ background check and then proceed to work; however, if it was determined at a later time that they did not pass the background check, they would be put on administrative leave until the Chief of Police and City Manager could consider approval of their employment.

In response to Commissioner Soliz, Martin Wesley stated he believed their project would enhance the City’s image by providing taxes, fees and good paying jobs with benefits for employees, and their families.

In response to Commissioner Schneiderman, Martin Wesley explained that once the facility was fully online, they would produce approximately one-thousand pounds of cannabis every nine days, which would be distributed to dispensaries throughout California. He noted 1-2% of the product would be sold in Antioch.

Chris Churchill, Marketing Director for Rio Vista Farms, reported that they were the lead sponsor for on the Bass Derby and Hot August Bites. Additionally, they support and encourage participation with all other businesses throughout the community.

In response to Chair Turnage, Captain Morefield reported that he had met with the applicant who was responsive to all security requests from the Antioch Police Department (APD). He noted APD would inspect the business prior to allowing them to operate and they would have access to inspect the facility whenever needed. Additionally, the business was required to have

annual security audits by an outside agency who was required to report back to APD to insure they were meeting all standards set forth.

In speaking to the applicant's previous request for clarification, Planning Manager Morris explained that the remodel of the existing structure would not be considered new construction. Additionally, she noted the pavement improvements could be considered ground disturbance if they were deconstructing the pavement, stripping it out down to the dirt to put in new fill and applying asphalt. She noted repair, patching or replacing a small segment of pavement in the overall area would not be considered ground disturbing. She further noted ground disturbing activities would be determined when their paving plan was submitted with their building permit. She added that etching the asphalt and applying a slurry coat with restriping would not be considered ground disturbing.

Public Works Director/City Engineer Blank stated that if the County and City codes allowed for the septic system to be used, then it would be allowed for the remodeling phase of the project. He noted new lines were being laid in the area and they were not functioning yet.

City Attorney Smith explained that prior cannabis project applicants were aware the DA was coming and it would not apply to them because their applications were vested; however, they had all volunteered to participate. He noted it was unclear whether this applicant was volunteering to participate and if that was the case, he stated the Commission had the ability to put a condition on the permit that required a DA in protection of the health, safety and welfare of the people and it would be because they believed that without it, there was no tool to insure they would be acting in conformity with the conduct that was expected. He stated the Commission may like clarification that they would voluntarily participate in the DA and if that was not the case, they could add a condition requiring them to do so.

Mr. Wesley volunteered to participate in the DA; however, since they were deemed complete before the change they were asking for the latitude to allow to open and once the DA was approved, apply it retroactively to the Certificate of Occupancy.

City Attorney Smith responded that Mr. Wesley's request had not been granted to the other candidates. He reported that the City Council Ad Hoc Committee had been meeting to determine how to streamline the process so some of the concerns may soon be addressed by the City Council. In terms of conformity with past practice, he noted to let them open the business without a DA would take away a measure of protection and he further noted the retroactive piece had not been agreed to by prior applicants.

Chuck Wesley asked if language could be included in the conditional use permit, that at whatever time the DA was approved, it was applied retroactively.

City Attorney Smith reiterated that it would be out of conformity of what was done for other applicants and the City Council Ad Hoc Committee was looking at options to streamline the process, so it may not be necessary. He noted a recommendation could be made by the Planning Commission; however, the final decision would be made by the City Council. He explained that there was no obligation for the previous applicants to agree to a DA; however,

they had volunteered to do so and this being the fourth cannabis project, was asking for something different.

In response to Commissioner Parsons, City Attorney Smith stated that the fact that the City did not have a DA in place had not stopped any applicants from opening.

Commissioner Soliz questioned if it was possible to include a restriction on the applicant from contributing to local political campaigns.

City Attorney Smith responded that the DA negotiated was a two part effort, one part being the City and the other part being the applicant. He stated he did not believe anyone from the City would be looking at this restriction because it was focused on what the contribution would be to the City in terms of benefits; therefore, he did not believe it would occur and he did not believe it was necessary.

In response to Chair Turnage, Associate Planner Merideth explained that the front fence would have been limited to 3-feet so the variance was required to extend it to 8-feet. She noted it would be located 17-feet from the property line and would add security. She confirmed that it would be constructed of wrought iron, attractive, and would not cause safety concerns.

A motion was made by Commission Martin to approve the resolution recommending that the City Council approve the Contra Costa Farms Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program; and, approve the resolution recommending that the City Council approve a Use Permit, Design Review and Variance request subject to the conditions of approval (UP-18-23, V-19-03, AR-18-24).

Discussion ensued regarding the motion with Commissioner Parsons requesting the motion be amended to recommend that the City Council allow the applicant to apply the DA retroactively to the date of the Certificate of Occupancy.

Commissioner Martin agreed to the amendment.

RESOLUTION NO. 2019-23

On motion by Commissioner Martin, seconded by Commissioner Parsons, the Planning Commission approved the resolution recommending that the City Council approve the Contra Costa Farms Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program. The motion carried the following vote:

AYES:	<i>Schneiderman, Parsons, Martin and Turnage</i>
NOES:	<i>Soliz</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Motts and Zacharatos</i>

RESOLUTION NO. 2019-24

On motion by Commissioner Martin, seconded by Commissioner Parsons, the Planning Commission approved the resolution recommending that the City Council approve a Use Permit, Design Review and Variance request subject to the additional language added to Condition 34 that the applicant shall be allowed to open for business if the DA has not been approved and once approved, it shall be made retroactive from the date of occupancy (UP-18-23, V-19-03, AR-18-24). The motion carried the following vote:

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

ORAL COMMUNICATIONS

Commission Martin questioned what an RGM ordinance was to which Planning Manager Morris explained that it was the Residential Growth Management Program.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

On motion by Chair Turnage, seconded by Commissioner Parsons, the Planning Commission unanimously adjourned the meeting at 7:21 P.M. The motion carried the following vote:

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

Respectfully submitted:
KITTY EIDEN, Minutes Clerk