

**CITY OF ANTIOCH
PLANNING COMMISSION
REGULAR MEETING**

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

**September 15, 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, September 15, 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, Barrow, Gutilla, Vice Chairperson Martin and Chairperson Schneiderman

Absent: Commissioner Riley

Staff: City Attorney, Thomas Lloyd Smith
Director of Community Development, Forrest Ebbs
Director of Public Works/City Engineer, John Samuelson
Director of Economic Development, Kwame Reed
Captain, Tony Morefield
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS - None

PUBLIC HEARING

1. **Cannabis Zoning Overlay Expansion** – The City of Antioch proposes amendment to the Zoning Map, Chapter 5 of Title 9 of the Antioch Municipal Code, and the Downtown

Specific Plan to allow the expansion of the Cannabis Zoning Overlay and re-classification of cannabis uses. Specifically, the Cannabis Zoning Overlay would be expanded to include portions of downtown Antioch and the Somersville / Buchanan area

Director of Economic Development Reed presented the staff report dated September 15, 2021, recommending the Planning Commission adopt the resolution recommending the City Council adopt the proposed ordinance (Exhibit 1 to Attachment A) amending the Antioch Municipal Code §§9-5.203, 9-5.3801, 9-5.3845 and the Downtown Specific Plan relating to cannabis businesses.

In response to Chairperson Schneiderman, Director of Economic Development Reed stated that Antioch currently had 7 dispensaries. Director of Community Development Ebbs added that the City Council was intentional about not setting a numerical cap for cannabis businesses and noted that the buffers would naturally create a carrying capacity. He further noted what was before the Planning Commission were the options Council would be considering and staff was seeking a recommendation from the Planning Commission on the item. He confirmed the City had a study underway for redeveloping the Delta Fair area for residential uses.

In response to Vice Chair Martin, Director of Community Development Ebbs commented that he had never seen an instance where a land use impact burden was placed on the sensitive party. He clarified that CB2 followed the same boundaries of the mixed-use district in the downtown specific plan. He explained that at most two cannabis businesses could be on the same block; however, they would have to be on the extreme far ends. Director of Economic Development Reed clarified that the downtown roads would not be considered natural barriers. In speaking to CB3, he explained the 600-foot buffer for residential would still be applied property line to property line.

Vice Chair Martin questioned if “sensitive use” as described in the ordinance would include private parks located within Antioch such as the Antioch Sports Complex or Babe Ruth Fields.

Director of Community Development Ebbs responded that his reading of the definition would indicate that those types of facilities would be included as sensitive use under the ordinance.

Commissioner Barrow stated he was anticipating a PowerPoint presentation or map showing activities in neighboring jurisdictions. He stated that because he didn't receive that information, he was confused about their cannabis requirements. He noted he did not support a cannabis overlay because of the negative impact it would have on Antioch's historic redevelopment district and residential neighborhoods. He further noted he believed it would be a distraction to possible future development. He clarified that he does support the current overlay districts for the Wilbur Avenue and Verne Roberts Circle because they are in low profile areas. He stated he was opposed to approving the resolution this evening.

In response to Commissioner Gutilla, Director of Community Development Ebbs stated public libraries would not be considered a sensitive use as described within the ordinance. He noted the focus was directed toward minors. He further noted the City's definition was derived from the state's definition of youth center.

Commissioner Gutilla suggested libraries, drug treatment centers and religious institutions be included in the definition of sensitive uses. She voiced her support for a cannabis overlay district for these areas noting increased foot and vehicle traffic would have a positive economic impact.

In response to Commissioner Gutilla, Director of Economic Development Reed explained the 200-foot residential buffer in CB2 was related to residential uses that could be located upstairs.

Commissioner Gutilla commented that for that area, residential was excluded as a sensitive use so she did not know why the buffer needed to change.

City Attorney Smith clarified that the downtown area was unique because there was a closer clustering of all uses and the area was more compact. He noted it provided an opportunity for more densely populated cannabis uses; however, those businesses would be market driven.

Director of Community Development Ebbs added that the downtown was a pedestrian district so there were different standards.

In response to Commissioner Motts, Director of Economic Development Reed confirmed that all existing cannabis businesses in Antioch had a retail aspect.

Commissioner Motts expressed concern that parameters in CB2 may create an over saturation of cannabis businesses in the area. He noted it was a historic district that was currently being revitalized and there was opportunity for many different types of businesses. He stated he supported the overlays.

Director of Economic Development Reed reported that the market would restrict the number of uses in every cannabis district. He noted that the City Council would also have to approve the use. He further noted these areas were brought forward for consideration from the Cannabis Standing Committee.

Commissioner Motts commented that the Planning Commission may want to add stipulations for consideration.

Director of Community Development Ebbs explained the intent was to have the Planning Commission make a recommendation that would then be forwarded to the City Council.

In response to Commissioner Parsons, City Attorney Smith stated Councilmember Wilson and Councilmember Torres-Walker were the members of the Cannabis Standing Committee.

Commissioner Parsons stated that after listening to the City Council meeting, it seemed that because the Commission wanted to focus and make a good recommendation, they were taking too long and if they took too long, it would be pulled from them for consideration. She stated she was affronted by that discussion and felt their thoughts would not matter.

Commissioner Barrow reiterated that he needed how neighboring jurisdictions were addressing cannabis businesses in their downtown and historic districts, near residential zones. He

explained that once something was approved and the business opened, they would be there in perpetuity. He noted it could affect developers coming into the area and he was concerned with over saturation.

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

Captain Morefield stated the Antioch Police Department's position had not changed in terms of security requirements for cannabis businesses. He noted whatever was decided this evening and by Council the Antioch Police Department would continue to ensure that all cannabis businesses remain in compliance and security requirements were monitored.

Chairperson Schneiderman stated she believed the number of cannabis businesses should be limited to avoid over saturation and noted she would like to preserve the historic downtown area.

Commissioner Motts reiterated that he supported the overlays and suggested adding to the recommendation that Council consider quantifying the number of businesses allowed in each district.

Chairperson Schneiderman commented that other cities had no more than twelve cannabis businesses and Antioch was approaching that number.

City Attorney Smith explained that Antioch was first to allow cannabis businesses so there had been more time for applications to have been brought forward to the City.

Chairperson Schneiderman suggested proceeding with caution by approving one overlay district and limiting the number of businesses in the area to 2-3.

Commissioner Gutilla commented that Council could slow down the pace of the businesses coming to Antioch by limiting approvals within a calendar year or within a year from another one opening. Additionally, she suggested a larger buffer and expanding the definition of sensitive uses to include libraries, drug treatment facilities and religious institution. She stated by market demand or buffer standards she did not anticipate double digit cannabis retail businesses in any overlay district. She clarified that slowing down the pace of businesses coming to Antioch would allow for a thoughtful process and not create a scarcity mentality that could limit the city's opportunity for quality establishments. She noted that by increasing the buffer in CB2 to 600-feet and expanding the definition of sensitive uses, it would not be necessary to limit the amount of cannabis businesses to a specific number.

Vice Chair Martin expressed concern for the potential of becoming over saturated with cannabis businesses. He noted that under the recommended action, every other block could have two cannabis facilities. He stated he believed the downtown area had more potential and it may improve foot traffic in the area. He spoke in support of increasing the buffer in CB2 and adding the above-mentioned items as well as youth sports facilities to sensitive uses, to slow the process.

Commissioner Barrow agreed with Vice Chair Martin and spoke in support of looking at each district separately. He questioned if residents and commercial businesses had been consulted regarding the proposed ordinance.

City Attorney Smith responded that the Cannabis Standing Committee meetings were public meetings and there had been public participation.

Commissioner Barrow stated he would be willing to revisit this item if they were to look at each proposed overlay district independently. He noted he was concerned for this operation spreading throughout the entire city and there were areas of Antioch that needed the historical element preserved. He restated that he was unaware of what other jurisdictions were doing in their major corridors.

Commissioner Gutilla stated that CB2 was more concerning than CB3 due to the historical value and potential for downtown Antioch.

Chairperson Schneiderman expressed concern for Somersville Towne Center in CB3 because there were children's activities in the area.

Vice Chair Martin stated it was likely that the 600-foot buffer and sensitive uses would limit the amount of cannabis businesses that would be able to go into the mall area. He noted the City was also looking at redeveloping the area with residential.

Chairperson Schneiderman commented that there was a playground inside the mall.

In response to Commissioner Gutilla, Director of Economic Development Reed confirmed that the west side of Somersville including Somersville Towne Center would not be eligible for cannabis businesses because of the residential areas within the buffer. He displayed the downtown map which indicated that with the 200-foot buffer, the downtown core would be the only area within CB2, that would allow for cannabis businesses.

City Attorney Smith clarified the 200-foot buffer would apply to businesses within the downtown area of CB2 and outside of that it would increase to a 600-foot buffer. He confirmed there was a school in CB2 that would have a 200-foot sensitive use buffer.

Director of Economic Development Reed added the amount of available space would also limit the number of cannabis businesses within the downtown core. He noted approval of the overlay would only allow for businesses in this area.

Director of Community Development Ebbs explained that the City could not limit the content of signage and it was reasonable to expect some references to cannabis.

Chairperson Schneiderman stated she believed the senior center should be included as a sensitive use.

Commissioner Gutilla stated assuming City blocks in downtown were approximately 500-feet, she believed the area would be very limited on how many cannabis retail businesses could be approved for the area. She noted increasing the buffer to 600-feet in CB2 was prudent to preserve sensitive uses. She believed they could get a reasonable amount of foot traffic without flooding the area with cannabis. She proposed a 300-foot buffer between sensitive uses.

Commissioner Parsons reported there was a dance studio located at 3rd and G Streets that would remove the City Hall area from being eligible for cannabis businesses.

Director of Community Development Ebbs clarified city blocks downtown were approximately 350-feet east to west and 250-feet north to south.

City Attorney Smith recommended the maker of the motion name the changes they wanted and then the Planning Commission could adopt the resolution with the changes identified.

Director of Community Development Ebbs added that when this item returned with the recommendations for all cannabis overlay zones, there would be a summary resolution with the recommendations.

Commissioner Gutilla stated she would like the recommendations to include:

- Expanding of the definition of sensitive uses to include community centers operated by the City of Antioch, libraries, drug treatment facilities and religious institutions
- Increasing the buffer to 300-feet between cannabis uses in CB2
- Increasing the buffer to 600-feet from sensitive use and cannabis facilities in CB2

Vice Chair Martin requested the recommendations include youth sports facilities as a sensitive use.

Director of Community Development Ebbs stated that dance and martial arts studios would have to be looked at on an individual basis to determine if they qualified since sensitive uses addressed activities for minors.

Chairperson Schneiderman reiterated that she believed the senior center should be included as a sensitive use because the patrons were typically disabled and increased traffic in the area may be detrimental. She noted the senior center was part of the Nick Rodrigues Community Center that hosted children's activities.

City Attorney Smith responded that seniors were adults and giving them different treatment than other adults may be discriminatory. He stated he would want to look at this issue from a legal perspective.

Chairperson Schneiderman encouraged City employees to visit the Senior Center.

Commissioner Motts mentioned there were children's activities that took place within the Nick Rodrigues Community Center.

Vice Chair Martin agreed with Chairperson Schneiderman and noted many activities involving youth occurred within the facility.

On motion by Commissioner Gutilla, seconded by Commissioner Parsons the Planning Commission adopted the resolution recommending the City Council adopt the proposed ordinance (Exhibit 1 to Attachment A) amending the Antioch Municipal Code §§9-5.203, 9-5.3801, 9-5.3845 and the Downtown Specific Plan relating to cannabis businesses subject to and incorporating the following amendments:

- ***Include public libraries, drug treatment centers, religious institutions, youth sports facilities and community centers owned and operated by the City of Antioch, as sensitive uses***
- ***Increasing buffer to 300-feet between retail cannabis businesses in CB2***
- ***Increasing the buffer to 600-feet between retail cannabis businesses and sensitive use areas in CB2***

The motion carried the following vote:

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

ORAL COMMUNICATIONS

Commissioner Parsons requested staff provide the Commission with the requirements for Planning Commissioners including meeting attendance.

Director of Community Development Ebbs stated he would provide the information to the Planning Commission at their next meeting.

Vice Chair Martin questioned what the markings were on major arterials within Antioch.

Director of Public Works/City Engineer Samuelson responded that the work on those roadways were related to the Brackish Water Desalination Plant project.

Commissioner Gutilla stated she was aware that Council was considering an ordinance amendment regarding Planning Commission procedures, and she questioned when they would be notified of how and when that would impact their procedures.

City Attorney Smith reported the item discussed would be an Ordinance that would be introduced on September 28, 2021, and the second reading would take place at the following meeting. He stated it would go into effect 30-days afterward. He noted it would set a 60-day window for items coming to the Planning Commission to be forwarded to the City Council. He further noted there would be some exceptions such as developers requesting additional time.

In response to Chairperson Schneiderman, City Attorney Smith reported the current Brown Act exception provided the opportunity for the City to hold Zoom meetings until the end of September; however, he believed there would be an extension soon. Director of Public Works/City Engineer Samuelson reported renovations were still occurring on the first floor at City Hall and once the floors and bathrooms were completed, staff would discuss utilizing Council Chambers.

WRITTEN COMMUNICATIONS – None

COMMITTEE REPORTS

Commissioner Motts reported on his attendance at the TRANSPLAN meeting.

ADJOURNMENT

On motion by Vice Chair Martin, seconded by Commissioner Motts the Planning Commission unanimously adjourned the meeting at 8:24 P.M. The motion carried the following vote:

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

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk