

**CITY OF ANTIOCH  
PLANNING COMMISSION**

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

**October 21, 2020  
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.*

Chair Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, October 21, 2020 in the City Council Chambers. 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/](http://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. 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, October 28, 2020.

**ROLL CALL**

Present: Commissioners Motts, Parsons, Soliz, Barrow, Vice Chair Martin, and Chair Schneiderman

Staff: Director of Community Development, Forrest Ebbs  
Planning Manager, Alexis Morris  
Associate Planner, Kevin Scudero  
Contract Planner, Kevin Valente  
Associate Community Development Technician, Hilary Brown  
City Attorney, Thomas Lloyd Smith  
Captain, Tony Morefield  
Minutes Clerk, Kitty Eiden

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. Approval of Minutes:                   A. July 1, 2020  
  B. July 15, 2020  
  C. August 5, 2020  
  D. August 19, 2020

*On motion by Commissioner Soliz, seconded by Vice Chair Martin the Planning Commission unanimously approved the minutes of July 1, 2020, as presented. The motion carried the following vote:*

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

*On motion by Vice Chair Martin, seconded by Commissioner Soliz the Planning Commission unanimously approved the minutes of July 15, 2020, as presented. The motion carried the following vote:*

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

*On motion by Commissioner Barrow, seconded by Commissioner Motts the Planning Commission unanimously approved the minutes of August 5, 2020, as presented. The motion carried the following vote:*

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

*On motion by Vice Chair Martin, seconded by Commissioner Soliz the Planning Commission approved the minutes of August 19, 2020, as presented. The motion carried the following vote:*

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

### **NEW PUBLIC HEARING**

3. **UP-19-14– Cookies Cannabis Dispensary** – Bakery Antioch, Inc. (Cookies Dispensary) requests approval of a Use Permit to operate a cannabis dispensary with delivery. The project site is located at 2515 West Tenth Street (APN 074-051-018).

Contract Planner Valente presented the staff report dated October 21, 2020 recommending the Planning Commission adopt the resolution recommending that the City Council approve a Use Permit (UP-19-14) for a cannabis dispensary with delivery.

In response to Vice Chair Martin, staff clarified that if approved this would be the fourth dispensary in the Verne Roberts Circle section of the cannabis overlay district and there was an additional dispensary operating on Wilbur Avenue. They explained that they would be removing the vehicle gate to allow customer parking in the rear of the building. They commented that Crystal Clear Logo was not classified as a traditional retail because they typically served businesses.

Commissioner Parsons added that she patronized Crystal Clear Logo and the only time she visited the property was to pick up her orders.

In response to Vice Chair Martin, Contract Planner Valente explained that the tinted windows were not in the retail area.

In response to the Commission, Captain Morefield reported that there had been a relatively small number of calls for service at dispensaries currently operating in Antioch which he attributed to the strong security measures the City had created. He stated the site was a tight area; however, there were not many vehicles in the area. He verified that there were no outstanding issues regarding this application and noted that he met with and provided feedback to the applicant who was very receptive.

In response to Commissioner Barrow, Contract Planner Valente clarified that the project was routed to the Fire Department and he was not aware of any outstanding concerns. Associate Planner Scudero added that when the business obtained their building permits, they would be submitting to the Fire Department and should they require sprinklers, it would be addressed at that time. He added that the Fire Department would have to sign off on the project.

In response to Commissioner Barrow, Captain Morefield stated that two-armed security guards were more than adequate for a business of this size.

In response to Commissioner Barrow, Planning Manager Morris explained that if they had not pulled a building permit within 2-years, they could request a one-year extension. She noted if the use permit was approved, it was into perpetuity as long as they were in compliance with all the conditions of approval.

## PROPONENT

Jesse Feldman thanked everyone for hearing their application this evening and introduced their development team. Ryan Johnson and Jesse Feldman gave a Power Point presentation of their brand, products, outreach efforts, circulation/parking plan and social equity program.

In response to Commissioner Motts, Mr. Johnson clarified that their product packaging was compliant with California laws and standard disclaimers were on all packaging.

In response to Chair Schneiderman, Mr. Johnson announced they had developed standard operating procedures to prevent or limit the spread of COVID-19. He stated they would work closely with the City to impose necessary limits.

Commissioner Barrow congratulated the applicant.

In response to Commissioner Barrow, Mr. Johnson stated the percentages of gross revenue for donations in the first year was .25%, the second year .37% and the third year was .5%. He explained that they looked to the City for guidance as to which programs to support for the Social Equity component. He noted they had not looked at vocational programs; however, they would not be opposed to considering them. He further noted they wanted to complete the process within the next three weeks so Council could consider the Operating Agreement with their application.

City Attorney Smith stated they were working with Mr. Feldman and Mr. Johnson on the Operating Agreement which would have a social equity component and Youth Services Network Manager Johnson was working with the applicant to identify programs that would have the greatest impact on the community. He explained that the Social Equity Program would be included in the Operating Agreement that would be approved by the City Council. He reported that Cookies had demonstrated complete willingness to make contributions.

Commissioner Parsons thanked the applicant for their outreach efforts.

In response to Vice Chair Martin, Mr. Johnson explained that the products in their lobby were only displays filled with rice and all of their products were in secure storage, behind locked doors, only accessible to authorized employees. Mr. Feldman explained that the interior tandem parking space #4 was intended for the manager.

In response to Commissioner Soliz, Mr. Johnson explained that the business was a corporate operation, and the licensing fee was for intellectual property and marketing related to the brand. He clarified they should turn a profit based on revenue and operating expenses; however, if they figured in capital expenditures, it may decrease the profit for the first few years.

Commissioner Soliz mentioned other operators in Antioch had been quite successful and he was concerned for parking posing a problem on 10<sup>th</sup> Street. He explained that he had generally been opposed to other cannabis businesses; however, since he had been in to see them, he

understood their business model. He encouraged all Commissioners visit existing cannabis businesses. He stated he wanted to know what their contribution would be to the City.

City Attorney Smith explained that the details of the community benefits would become very specific in the Operating Agreement.

Chair Schneiderman thanked the applicant for responding to all their questions and commended them on their outreach efforts.

Chair Schneiderman opened the public hearing.

The following public comments were made by an individual utilizing Zoom Audio/Video Technology.

Martin representing Contra Costa Farms expressed concern that Cookies was not contributing an equitable amount to their Social Equity Program and they felt it would be disingenuous to franchise this business. He also felt parking would be insufficient for the business.

Joseph Lawton, Property Manager, spoke in support of Mr. Feldman and expressed concern regarding the lack of parking for the business.

Chair Schneiderman closed the public hearing.

Chair Schneiderman stated she had reservations regarding the parking; however, she felt the applicant and staff had mitigated those issues.

Commissioner Parsons thanked Martin from Contra Costa Farms and recognized their charitable contributions to the Antioch Rotary.

In response to Commissioner Parsons, Contract Planner Valente explained that the Use Permit included delivery service and all loading of product would be done internally, which could potentially help with the parking issue. He noted that they would begin with one delivery vehicle with the potential to add more based on demand.

Commissioner Soliz reiterated his concerns regarding parking. He stated he believed current operators were influential and generous providers in Antioch and the City should nurture those existing businesses.

In response to Commissioner Parsons, Contract Planner Valente stated that the applicant revised their plans to address staff's concerns regarding parking. He explained that there was no specific parking calculation for Cannabis dispensaries, so they were using the City's retail parking requirements which they exceeded. He noted there could be issues, but they hoped they could be mitigated with the operation of the business.

Planning Manager Morris stated that parking calculations were based on all employees and customers being there at the same time. She reiterated that they met the retail requirement,

which was the best equivalent they had and there were conditions of approval that security guards had to enforce those requirements. She noted in the future if they found that it was insufficiently parked and the security guard were not complying with the conditions of approval, the Use Permit could go through the revocation process. She further noted if they were complying with the conditions of approval and they did not have enough parking, those customers would have to leave the site, until parking was available. She added if there was a problem it would be because the conditions of approval were not being enforced. She noted at that time they would work with the applicant or consider initiating a revocation.

Vice Chair Martin questioned if they could condition the project to come back in 6 months to re-evaluate parking.

Planning Manager Morris responded that conditional Use Permits on a 6-month timeframe were problematic because once the business opened, it was not appropriate to re-evaluate the requirements placed on them. She stated that requirements should be based on the project description with conditions that could be enforce. She noted the parking requirements were baseline and the Planning Commission and Council had the authority to establish different requirements.

Commissioner Motts reminded the Commissioners that the Planning Commission and City Council placed the overlay in a business park area.

In response to Commissioner Motts, City Attorney Smith explained that the Operating Agreement would be negotiated with Cookies and it was separate from this process. He commented that they had created mandatory minimums based on expectations of the business. He stated he was comfortable that what they would be contributing to their Social Equity Program was going to be aligned with the other cannabis businesses. He noted the Operating Agreement was very specific and contractually based with a monitoring component.

Commissioner Barrow congratulated staff for their explanation of parking requirements and he commended the applicant for their due diligence and exceeding those requirements. He noted the conditional use permit addressed the parking issue and the applicant was aware that it was a contentious issue. In addition, he noted the issue had been addressed by the Antioch Police Department and Fire Department and would soon be addressed by the Building Department. He stated he would be voting for fairness and if issues came up there could be modifications pertaining to parking.

Vice Chair Martin suggested the possibility of requiring an additional staff member or security guard to monitor parking during hours of operation.

Planning Manager Morris responded that the Planning Commission could consider that option. She cautioned that adding additional employees would impact parking. She noted two security guards were the minimum and they were meeting that requirement.

Vice Chair Martin stated if they could resolve the issue regarding parking, he would be more inclined to approve the project.

Commissioner Soliz stated he did not believe there was an adequate solution to the parking situation. He moved to deny Use Permit (UP-19-14). The motion died for the lack of a second. Commissioner Barrow stated he believed the applicant had met the necessary parking requirements and if issues came up in the future they could be addressed.

In response to Commissioner Parsons, Captain Morefield reiterated that he drove thru proposed and approved cannabis businesses, and this parking area is tight; however, he had not witnessed significant parking issues. He noted this was a smaller business and he could not speak to the amount of traffic they would generate; however, he had not seen any parking issues at Delta Dispensary.

Planning Manager Morris reiterated that if there becomes a problem with the parking there was a condition of approval addressing violations of the Use Permit.

#### **RESOLUTION NO. 2020-26**

***On motion by Commissioner Barrow, seconded by Commissioner Motts the Planning Commission adopted the resolution recommending that the City Council approve a Use Permit (UP-19-14) for a cannabis dispensary with delivery. The motion carried the following vote:***

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

Chair Schneiderman thanked the applicant for investing in Antioch and the public speakers for voicing their opinion.

#### **ORAL COMMUNICATIONS**

Planning Manager Morris introduced Community Development Technician, Hilary Brown.

Chair Schneiderman welcomed Community Development Technician Brown to the City.

Commissioner Soliz suggested the City look at parking requirements for cannabis businesses because he felt traditional retail requirements did not apply to these types of businesses.

Commissioner Barrow stated it was difficult to compare cannabis businesses that were vastly different in their business model. He noted that the City should consider whether the business meets current regulations. He further noted that the Planning Commission should be part of any review of violations of a Use Permit.

Director of Community Development Ebbs cautioned the Commission about creating a conversation that was not agenzized for discussion this evening.

**WRITTEN COMMUNICATIONS**

None.

**COMMITTEE REPORTS**

Commissioner Motts reported that the TRANSPLAN meeting had been cancelled.

**ADJOURNMENT**

*On motion by Vice Chair Martin, seconded by Commissioner Soliz the Planning Commission unanimously adjourned the meeting at 8:22 P.M. The motion carried the following vote:*

**AYES:** *Motts, Parsons, Soliz, Martin, and Chair Schneiderman*  
**NOES:** *None*  
**ABSTAIN:** *None*  
**ABSENT:** *Barrow (lost audio/video connection)*

Respectfully submitted:  
KITTY EIDEN, Minutes Clerk