

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**November 17, 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.

Chair Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, November 17, 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, Riley, Gutilla, Vice Chair Martin and Chair Schneiderman
Staff: City Attorney, Thomas Lloyd Smith
Outside Legal Counsel, Ruthann Ziegler
Director of Community Development, Forrest Ebbs
Lieutenant, Desmond Bittner
Senior Planner, Zoe Merideth
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

NEW PUBLIC HEARINGS

- KWMA Collective (UP-21-16)** – The Applicant, KWMA Collective LLC, requests approval of a Use Permit to operate a commercial cannabis cultivation facility in a 5,000 square foot tenant space identified as Suites E and F at 2101 W 10th Street (APN 074-051-005). This project has been determined to be Categorically Exempt from the provisions of

CEQA, pursuant to Section 15301 – Class 1 (Existing Facilities), because the cannabis business will occupy space within an existing commercial building and involves negligible expansion of the use.

Senior Planner Merideth presented the staff report dated November 17, 2021, recommending the Planning Commission adopt the resolution recommending that the City Council approve a Use Permit (UP-21-16) for a commercial cannabis cultivation facility, subject to conditions of approval.

In response to Vice Chair Martin, Senior Planner Merideth explained if they received a complaint regarding odor from one of the cultivation businesses in the area, they would determine which of the businesses was in violation during a site inspection. She noted odor mitigation plans were reviewed ahead of time to insure they were adequate. She clarified that the costs for lighting at this site would be determined within the landlord and tenant agreement.

In response to Commissioner Barrow, Lieutenant Bittner stated he had reviewed the security plan and it was adequate for the project.

In response to Chair Schneiderman, Senior Planner Merideth stated staff would ensure the business meets all electrical building codes.

Alex Yao Chen, Project Architect on behalf of the applicant, gave a PowerPoint presentation of the KWMA Collective LLC. project including circulation equipment, tenant improvements, estimated initial investment, projected annual revenue, employment opportunities and security measures as well as noise, and odor mitigation. He thanked staff for assisting with their application.

In response to Commissioner Barrow, Mr. Chen clarified that they would be constructing interior walls according to building code and once they were constructed, they would be adjusting the fire sprinkler layout which would then be reviewed and approved by the fire department. He noted they received comments from the fire district at the initial review and there were no major issues. He confirmed that there would be no retail business at this location.

In response to Vice Chair Martin, Mr. Chen stated once the product was ready, they would send it to the lab for testing and once it passed it would be distributed to dispensaries. He noted they were opened to testing their product at Delta Lab and further noted he had an arrangement with Mr. Hoke that at the time of transferring of goods they would have a guard on duty for loading of the products. He stated they would coordinate the use of the guard with other businesses in the complex.

In response to Commissioner Gutilla, Mr. Chen explained that this business was a 24-hour operation because the facility needed to be continuously monitored. He added that part-time employees were scheduled for harvesting and trimming and full-time employees would run the operation. He noted it may be feasible to have the same part-time employees as their Oakland business since many could carpool to this facility.

In response to Vice Chair Martin, Lieutenant Bittner explained that after speaking with staff and the applicant, he believed the three businesses in this area would be able to coordinate the guard to be present for deliveries.

Vice Chair Martin suggested adding a condition of approval to require the businesses to coordinate the use of the security guard.

In response to Chair Schneiderman, Lieutenant Bittner explained that the security plan required a security guard on site 24/7. He stated he was not aware of any security concerns related to the existing businesses in the complex.

Commissioner Gutilla stated that the applicant had indicated that the transferring of product would only take 5-10 minutes and she was concerned that placing an additional condition of approval related to the security guard, would create the need for more oversight by the City.

Senior Planner Merideth responded that it would depend on how the condition was worded; however, there could be an additional general condition that the businesses would need to coordinate deliveries with the security guard. She noted upon site inspection by the City it could be addressed, and they would not need to review their communications. She explained that there were written security plans that the City kept confidential.

Lieutenant Bittner reported there would be one armed security guard on the interior and one armed security guard on the exterior during business hours. He noted one armed guard on the exterior was sufficient for the businesses in the complex. He further noted it was his understanding that an armed security guard needed to be present during the loading and unloading of cannabis products for all businesses within the complex.

Commissioner Barrow stated he was satisfied with what was presented this evening.

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

In response to Commissioner Motts, Director of Community Development Ebbs reported that the Planning Commission's previous recommendation for a numerical cap on cannabis businesses was not acted on by the City Council, so the City continued to use separation standards as the limiting factor.

Chair Schneiderman spoke in support of the project and noted her only concern was regarding whether there would be adequate power for the businesses.

RESOLUTION NO. 2021-24

On motion by Vice Chair Martin, seconded by Commissioner Parsons, the Planning Commission unanimously adopted the resolution recommending that the City Council APPROVE a Use Permit (UP-21-16) for a commercial cannabis cultivation facility, subject to conditions of approval. With the addition of a project specific condition to read:

- ***That the businesses in this complex will coordinate the use of the security guard during the transfer of cannabis products***

The motion carried the following vote:

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

2. Amendment of Antioch Municipal Code to Remove Oil and Gas Drilling, Production, and Exploratory Operations as Permitted Uses in the M-2 and S Zones

City Attorney Smith presented the staff report dated November 17, 2021, recommending that the Planning Commission recommend that the City Council adopt an ordinance amending the Antioch Municipal Code to remove oil and gas drilling, production, and exploratory operations as permitted uses in the “heavy industrial” (M-2) zone and in the designated portion of the Sand Creek Focus Area of the “S” Study District.

In response to Vice Chair Martin, City Attorney Smith explained that the “S” Study District was by the Sand Creek Focus Area. He noted this ordinance would be consistent with state regulations.

Director of Community Development Ebbs displayed a map of the “S” Study District. He noted Roddy Ranch was unique because zoning for the property came into place by ballot initiative and it was not something the city could readily amend. He further noted it was owned by the parks district. He explained that the WSCD area was part of The Ranch project, and the zoning was memorialized through the development agreement, and oil and gas was part of their approval. He added that this ordinance would prohibit oil and gas drilling.

Commissioner Barrow stated he had read the public comments submitted and supported the amendment of the Antioch Municipal Code.

Commissioner Riley agreed and stated he was moved by the public comments this evening.

Chair Schneiderman opened the public hearing.

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

Harry Thurston, Antioch resident, Shoshana W. representing the Sunflower Alliance and Jeffrey Mann spoke in support of the Planning Commission adopting an ordinance.

Chair Schneiderman closed the public hearing.

Commissioner Motts stated he agreed with the speakers and in favor of moving forward with the ordinance this evening.

Commissioner Gutilla stated she agreed with the speakers this evening and suggested Antioch go further with initiatives such as a ban on using gas in new construction built in Antioch.

Commissioner Martin stated he would have preferred the ordinance stipulate that Antioch would not have oil and gas drilling in the entire City. He thanked the speakers for their comments this evening. He noted this was a positive step for the City and would provide an example to the County and State.

Commissioner Barrow agreed that this was long overdue and discussed the importance of moving away from fossil fuels. He also agreed with Vice Chair Martin for a permanent ban on oil and gas drilling for the entire city.

RESOLUTION NO. 2021-25

On motion by Commissioner Barrow, seconded by Commissioner Riley, the Planning Commission unanimously recommended that the City Council adopt an ordinance amending the Antioch Municipal Code to remove oil and gas drilling, production, and exploratory operations as permitted uses in the “heavy industrial” (M-2) zone and in the designated portion of the Sand Creek Focus Area of the “S” Study District. The motion carried the following vote:

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

NEW ITEMS

- 3. Environmental Justice Presentation** -- As a follow up to the Housing Element, Environmental Hazard Element, and Environmental Justice Requirements Presentation item from the October 6, 2021, Planning Commission meeting, the City’s consultant, Urban Planning Partners, will give a follow-up presentation focused on Environmental Justice. There will be an opportunity to ask questions at the end of the presentation.

Senior Planner Merideth introduced Carla Violet, Urban Planning Partners who gave the Environmental Justice PowerPoint presentation.

Chair Schneiderman questioned how the consultants would be reaching out to immigrants and seniors in section 8 housing in downtown Antioch.

Ms. Violet explained that they would be working with InterEthnica who could create marketing and public engagement campaigns designed to reach across all cultures. Additionally, she noted they would work with local community health organizations within their communities.

Commissioner Parsons questioned how designating properties as EJ neighborhoods would affect property values.

Ms. Violet clarified they were looking at larger areas that had already been designated by CAL EPA as having certain pollutants that were above average. She noted the goal was to improve the situation and implement better policies to mitigate hazards.

Senior Planner Merideth added state law had requirements and this area of town met those requirements. She noted they were trying to improve the situation and look for community engagement and solutions that would be actionable.

Commissioner Parsons stated she felt the EJ neighborhood designation would increase the residents' disadvantages by making it more difficult for them to sell their homes.

In response to Vice Chair Martin, Ms. Violet explained that food access was related to grocery stores, community gardens and farmers markets within close proximity to neighborhoods. She noted that zoning and land use tools could help address these items; however, it would need further exploration.

Curtis Banks, Principal Planner added that they would look for goals and policies in this element to encourage and establish local opportunities.

Vice Chair Martin encouraged the consultants to be very aware that Antioch was a commute city and they should direct community outreach outside of commute hours.

Director of Community Development Ebbs announced that the PowerPoint presentation would be posted on the city's website.

In response to Commissioner Gutilla, Ms. Violet explained that the CalEnviroScreen was a mapping tool with indicators on how environmental health was measured.

Commissioner Barrow thanked Urban Planning Partners for their work on this item. He stated if there were programs provided for landlords, they could improve their properties and increase property values. He noted those types of programs should require homeowners to retain their residents at a reasonable rate. He spoke to the importance of finding solutions to the environmental hazards and expressed interest in providing input at these meetings.

Commissioner Parsons encouraged Commissioners to review the information on OEHH.ca.gov

Chair Schneiderman requested the consultants talked to Antioch Unified School District particularly related to the downtown area and the student population on the free and reduced lunch program.

In response to Vice Chair Martin, Director of Community Development Ebbs stated that all presentations would be placed on the City's website.

Mr. Banks explained what determined the designation of the Environmental Justice neighborhood. He further noted there may be other neighborhoods or portions of other

neighborhoods that should be considered and that was the feedback they were looking to receive.

Director of Community Development Ebbs thanked Urban Planning Partners for the presentation and noted that a formal scoping session would follow. He commented that there had been a stronger emphasis on environmental justice and equity issues throughout the community. He further noted it was important to place affordable housing so that everyone had access to clean air and this tool gave them the ability to do so.

Senior Planner Merideth stated any suggestions could be emailed to her directly and she would forward them to Urban Planning Partners. She noted they could also use the contact information form on the housing element website on the City's planning page.

Director of Community Development Ebbs stated all comments would be tracked and become part of the record.

4. **City of Antioch 6th Cycle Housing Element Update** - The City of Antioch will hold a scoping meeting to receive verbal comments on the Notice of Preparation to prepare an Environmental Impact Report (EIR) for the proposed City of Antioch 6th Cycle Housing Element Update project. This is a Citywide project.

Senior Planner Merideth presented the staff report dated November 17, 2021, recommending the Planning Commission receive public comments on the Notice of Preparation of the Environmental Impact Report for the City of Antioch 6th Cycle Housing Element Update

Curtis Banks, Urban Planning Partners, gave a City of Antioch 6th Cycle Housing Element Update PowerPoint presentation.

In response to Chair Schneiderman, Mr. Banks confirmed they had developed project alternatives such as changes in densities, zoning, and unit counts. He noted several sites would be identified for consideration of rezoning.

In response to Commissioner Gutilla, Mr. Banks clarified the EIR would evaluate the impacts of the elements that were updated. He noted the primary analysis would take place on what was being proposed and alternatives would not be looked at in as great of detail.

Director of Community Development Ebbs explained the process for the preparation of the EIR for the proposed project. He noted this process would solicit public input to be considered for future discussions.

In response to Vice Chair Martin, Mr. Banks stated that the jobs/housing balance would be discussed under population.

Vice Chair Martin suggested a discussion on the jobs/housing balance be included in the EIR.

Chair Schneiderman spoke to the high cost of construction negatively impacting projects.

Commissioner Barrow commented that housing facilitated economic vitality.

Chair Schneiderman opened the floor to public comment with no speakers requesting to speak.

ORAL COMMUNICATIONS

Director of Community Development Ebbs announced that Council would be holding their first in-person meeting since the pandemic on November 23, 2021, in the newly renovated Council Chambers. He noted a ribbon-cutting for that event would take place on November 22, 2021. He further noted at the next meeting the Planning Commission would discuss if they wanted to move forward with virtual or in-person meetings. He confirmed the December 1, 2021, Planning Commission meeting would be held via zoom and there would be a Planning Commission meeting on December 15, 2021.

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 Parsons, the Planning Commission unanimously adjourned the meeting at 8:56 P.M. The motion carried the following vote:

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

Respectfully submitted:
KITTY EIDEN, Minutes Clerk