

**CITY OF ANTIOCH
PLANNING COMMISSION
REGULAR MEETING**

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

**November 18, 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.

Chairperson Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, November 18, 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/. 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, November 25, 2020.

ROLL CALL

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

Absent: Commissioner Motts

Staff: City Attorney, Thomas Lloyd Smith
Director of Community Development, Forrest Ebbs
Captain, Tony Morefield
Planning Manager, Alexis Morris
Associate Planner, Zoe Merideth
Associate Planner, Jose Cortez
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS - None

CONSENT CALENDAR

1. Approval of Minutes: October 21, 2020

On motion by Commissioner Soliz, seconded by Commissioner Barrow the Planning Commission approved the minutes of October 21, 2020, as presented. The motion carried the following vote:

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

CONTINUED PUBLIC HEARING

2. **V-20-01, AR-20-09– 76 Gas Station Propane Tank** - Barghausen Consulting Engineers Inc. requests a variance and design review to make improvements to the existing 76 Gas Station. The request is to install a new above-ground propane tank for retail sales, relocate the air/water unit, install a new ADA accessible van parking stall, and install landscaping around the proposed improvements. A variance is requested because the proposed improvements will be located within in the required 30-foot front setback from Fitzuren Road. This project has been found to be Categorically Exempt for the requirements of the California Environmental Quality Act. The project site is located at 2701 Contra Loma Blvd (APN 071-011-036).

Associate Planner Merideth presented the staff report dated November 18, 2020 recommending the Planning Commission approve the variance and design review request subject to the conditions contained in the attached resolution.

Chairperson Schneiderman, who was absent from the November 4, 2020 meeting, reported that she had watched the recording of that meeting.

Commissioner Barrow stated he appreciated that they received further clarification from the Fire Department.

In response to Commissioner Barrow, Associate Planner Merideth stated that a representative from the Fire Department was not present this evening. She explained that they conducted a separate review process, so they provided a statement.

Commissioner Barrow thanked staff for getting verification from the Fire Department that the life/safety concerns would be addressed.

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

RESOLUTION NO. 2020-27

On motion by Vice-Chair Martin, seconded by Commissioner Parsons the Planning Commission approved the variance and design review request subject to the conditions contained in the attached resolution. The motion carried the following vote:

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

NEW PUBLIC HEARING

- 3. UP-20-04 – Culture Club Cannabis Dispensary** – The applicant, High Horizons Group requests a use permit in order to operate and open a cannabis dispensary located at 1925 Verne Roberts Circle. The Applicant proposes to apply with the State of California Bureau of Cannabis Control to obtain a Type-10 Store-Front Retail License for Medical and Adult-Use activity. The project site is located on the west side of Auto Center Drive, south of Verne Roberts Circle and the east side of Crow Court north of the Union Pacific Railroad (APN 074-052-015).

Associate Planner Cortez presented the staff report dated November 18, 2020 recommending the Planning Commission approve the use permit contained in the attached resolution.

In response to Vice-Chair Martin, Associate Planner Cortez explained that loading and unloading of products would take place behind the security gate within the storage area. He stated that he believed the retail parcel was owned by one owner. He noted staff could not dictate the type of vehicle that the business used for delivery.

Planning Manager Morris added that the applicant could clarify how they plan to secure their product in transit.

In response to Chairperson Schneiderman, Associate Planner Cortez reported that staff analyzed the parking and believed it would be sufficient for this use and surrounding businesses.

In response to Commissioner Soliz, Associate Planner Cortez stated he believed the other cannabis resolutions may have limited paraphernalia to the vape pens, cartridges and chargers. He noted the reason other items were mentioned in this report was because they were identified in the project description.

Commissioner Soliz stated if other products were approved for this business, they should be allowed for all cannabis businesses.

In response to Commissioner Soliz, Planning Manager Morris clarified that the reason the Culture Club report began on page 30 was because the security plan was prior to that page and being kept confidential.

In response to Commissioner Parsons, Associate Planner Cortez explained that guidelines stated that paraphernalia in general was prohibited but it allowed for the request through the Use Permit.

Devin Julian, Project Applicant, thanked everyone for taking their time to review the project. He explained that they would agree to add a condition to restrict paraphernalia with the exception of vaporizers and their accessories. Regarding parking, he noted there were 26 spaces in the parking lot, and they had an agreement with the owner of the entire facility to lease parking behind the secured gate for the self-storage facility. Speaking to loading and unloading of product, he clarified that it would be done behind the secured gate. He added that the rollup door would not be accessible, and they would be utilizing the standard commercial door. He stated it would be more secure since in addition to their security/camera system they would also have the self-storage security/camera system. He noted it was red curb in front of the location; however, there was nearby street parking available. He explained that they would be using a hybrid energy efficient vehicle that would have legal tinted windows and a storage safe bolted to the chassis for product and cash. He noted the goal was to be as inconspicuous as possible.

Vice-Char Martin thanked the applicant for his explanation.

In response to Vice-Char Martin, Mr. Julian displayed the floorplan depicting the secured limited access storage area and reported that they had met with the Antioch Police Department who recommended installing a DEA cage or additional secure area to protect the product and cash.

In response to Commissioner Soliz, Mr. Julian stated they were submitting applications in Concord, San Francisco, Fairfield and Contra Costa County and they had 10 locations mostly centered in southern California. He noted delivery service had increased since COVID-19; however, in-person sales were popular, and they had COVID requirements in place. He explained that part of their business model was to become good corporate community member and part of that was their Culture Cares program consisting of 2-6 members of the community to give guidance on their social equity commitment to non-profits and City functions. In addition, they had a bank of hours devoted to the community and they participated in can food drives, One Warm Coat and Toys for Tots for local charities.

In response to Commissioner Parsons, Captain Morefield stated the Antioch Police Department met with the applicant who was very receptive to including the requirement for a DEA cage and security guards. He further noted it was a small facility and he believed parking would be adequate. He added that there would be the opportunity to make sure all security requirements had been implemented.

Commissioner Barrow thanked the applicant for the clarifications.

In response to Commissioner Barrow, City Attorney Smith stated they would be required to choose a non-profit to donate to and make the minimum standard donations through an Operating Agreement that would be negotiated with them after the Use Permit was approved.

In response to Commissioner Soliz, Mr. Julian stated they planned to open within 4-6 months of CUP approval.

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

City Attorney Smith stated he did not recall seeing any other cannabis businesses being approved for bongs so the Commission may want to consider whether to restrict them

Chairperson Schneiderman stated she believed all cannabis businesses should be treated the same.

Director of Community Development Ebbs added that drug paraphernalia was prohibited to be sold; however, the only exception was within a licensed dispensary.

In response to Commissioner Parsons, City Attorney Smith stated if the Commission wanted to allow for the same restrictions for all cannabis business as it related to paraphernalia they could include language stating, "that they exclude any paraphernalia that is not yet been approved for other similar cannabis businesses" and then the burden would be on staff to determine what those were or they could specifically name bongs and any other paraphernalia not yet approved by other cannabis dispensaries.

Planning Manager Morris added that project specific condition #22 could be modified to state "the only paraphernalia allowed to be sold shall be those consistent with previous cannabis approvals".

City Attorney Smith stated once staff identified those items they could be included in the condition of approval.

A motion was made by Commissioner Barrow, second by Commissioner Parsons to approve the use permit. The motion was then amended to read:

RESOLUTION NO. 2020-28

On motion by Commissioner Barrow, seconded by Commissioner Parsons the Planning Commission approved the use permit contained in the attached resolution and amending project specific condition F. #22 to read:

F. #22. The only cannabis paraphernalia allowed to be sold at the site shall be those consistent with previous cannabis approvals which include vape pens, vape batteries, and chargers.

The motion carried the following vote:

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

Chairperson Schneiderman congratulated the applicant on the approval of their use permit.

Mr. Julian thanked the Commission and staff for their time and stated he looked forward to working with the City.

ORAL COMMUNICATIONS

Commissioner Barrow announced he was appointed by the Contra Costa County Board of Supervisors to the Airport Land Use Commission and asked City Attorney Smith if there would be a conflict of interest by serving on both Commissions.

City Attorney Smith requested Commissioner Barrow provide him with the scope of responsibilities for the Airport Land Use Commission so he could determine if there would be a conflict of interest.

Chairperson Schneiderman congratulated Commissioner Barrow on his appointment.

WRITTEN COMMUNICATIONS – None

COMMITTEE REPORTS – None

ADJOURNMENT

On motion by Commissioner Soliz, seconded by Vice-Chair Martin the Planning Commission unanimously adjourned the meeting at 7:32 P.M. The motion carried the following vote:

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

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk