

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**November 16, 2022
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.

1. CALL TO ORDER

Chair Gutilla called the meeting to order at 6:30 P.M. on Wednesday, November 16, 2022. She announced that tonight's meeting was being held in accordance with the Brown Act as currently in effect under AB 361, which allowed members of the Planning Commission, City staff, and the public to participate and conduct the meeting by teleconference. She stated anyone wishing to make a public comment, may do so by using the raise your hand tool or 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 mail or email have been provided to Planning Commissioners.

2. ROLL CALL

Present: Commissioners Schneiderman, Martin, Motts, Lutz and Chair Gutilla
Absent: Commissioner Hills (arrived at 6:35 P.M.) and Vice Chair Riley
Staff: Outside Legal Counsel, Ruthann Ziegler
Director of Economic Development, Kwame Reed
Planning Manager, Anne Hersch
Associate Planner, Jose Cortez
Senior Planner, Zoe Merideth
Community Development Technician, Hilary Brown
Minutes Clerk, Kitty Eiden

3. PLEDGE OF ALLEGIANCE

Commissioner Motts led the Pledge of Allegiance.

4. EX-PARTE COMMUNICATIONS - None

5. PUBLIC COMMENT – None

6. CONSENT CALENDAR

Commissioner Motts requested Consent Calendar Item 6-1 be pulled from the Consent Calendar for separate action noting that he was absent for the September 7, 2022, meeting.

6-1. Planning Commission Meeting Minutes September 7, 2022

Commissioner Hills arrived at 6:35 P.M.

On motion by Commissioner Martin, seconded by Commissioner Schneiderman, the Planning Commission members present unanimously approved the Minutes of September 7, 2022. The motion carried the following vote:

AYES: Schneiderman, Martin, Lutz, Gutilla
NOES: None
ABSTAIN: Motts, Hills
ABSENT: Riley

6-2. Planning Commission Meeting Minutes October 5, 2022

On motion by Commissioner Martin, seconded by Commissioner Motts, the Planning Commission members present unanimously approved Consent Calendar Item #6-2. The motion carried the following vote:

AYES: Schneiderman, Martin, Motts, Hills, Lutz, Gutilla
NOES: None
ABSTAIN: None
ABSENT: Riley

- 6-3. Renewal of VTSM 9501 & Design Review Creekside Vineyards at Sand Creek-** The applicant is seeking renewal of a previously approved Vesting Tentative Subdivision Map (VTSM 9501) and Design Review for 220 residential lots for the Creekside Vineyards project. The project was approved on March 21, 2021. Pursuant to Section 9-4.314, the applicant is requesting a one-year extension of approvals.

RESOLUTION NO. 2022-29

On motion by Commissioner Martin, seconded by Commissioner Motts, the Planning Commission members present unanimously approved Consent Calendar Item 6-3. The motion carried the following vote:

AYES: **Schneiderman, Martin, Motts, Hills, Lutz, Gutilla**
NOES: **None**
ABSTAIN: **None**
ABSENT: **Riley**

7. PUBLIC HEARING

7-1. UP-22-15 Delta Distribution- The applicant is seeking Use Permit approval for cannabis distribution business at 2101 W. 10th St. Suite D. The subject site is 1.95 acres with an existing 25,380 sq. ft. building built in 2005. There are existing dispensary, cultivation, and manufacturing uses within the building. The applicant is proposing to use Suite D for whole- sale and distribution of finished products manufacturer to retailers. The distribution business will serve existing businesses within the building and offer wholesale products to other re- tailers. Hours of operation are proposed to be 8:00 a.m. until 8:00 p.m., seven (7) days a week. There will be five employees total with two per shift.

Associate Planner Cortez presented the staff report dated November 16, 2022, recommending the Planning Commission adopt the Resolution recommending City Council approve the cannabis distribution business at 2101 W. 10th Street subject to the findings and Conditions of Approval.

Rick Hoke, applicant, thanked staff for the comprehensive report. He noted that currently they did not have the ability to move their product around on their property, so this request was mainly to address that matter.

Chair Gutilla opened and closed the public comment period with no members of the public requesting to speak.

In response to Commissioner Martin, Mr. Hoke stated that his cannabis businesses would occupy the entire building with the exception of Suite B which would house a plumbing company. He clarified that his cannabis businesses operated independently and did not share employees. He noted when all the businesses were operational, he would employ approximately 40 employees. He reported that his businesses were doing well.

In response to Commissioner Martin, Planning Manager Hersch stated staff and the Antioch Police Department recently performed a walk-through of this business and the APD had not indicated there were any issues related to safety and security.

RESOLUTION NO. 2022-30

On motion by Commissioner Martin, seconded by Commissioner Schneiderman, the Planning Commission members present unanimously adopted the resolution recommending City Council approve the cannabis distribution business at 2101 W. 10th Street subject to the findings and Conditions of Approval. The motion carried the following vote:

AYES: *Schneiderman, Martin, Motts, Hills, Lutz, Gutilla*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Riley*

Chair Gutilla thanked Mr. Hoke for investing in Antioch.

7-2. Z-22-04 Billboard Ordinance Amendments- The applicant is seeking a Zoning Text Amendment to Antioch Municipal Code section “Sign Regulations” (Chapter 5, Article 5). The proposal includes: An update to the definition of a “billboard” in § 9-5.515, Establish orientation and spacing requirements for billboards; and, Expansion of allowable zoning districts for billboards.

Senior Planner Merideth presented the staff report dated November 16, 2022, recommending the Planning Commission adopt the Resolution recommending City Council approve the proposed billboard amendments.

Chair Gutilla opened and closed the public comment period with no members of the public requesting to speak.

In response to Commissioner Martin, Senior Planner Merideth explained that existing billboards that were non-compliant with this ordinance would become legal non-conforming and there were provisions in the sign code for non-conforming signs. Speaking to the potential for LED lighting impacting residents, she reported this ordinance amendment increased the distance between billboards and residential development. Additionally, she noted there would be a separate review process and the intensity of lighting would be reviewed at that time.

Commissioner Lutz stated he appreciated the work that goes into the information provided and noted the slide analysis presented this evening was very helpful.

In response to Commissioner Lutz, Senior Planner Merideth explained that the City was the applicant because staff was requesting the Planning Commission approve the changes to the ordinances. She noted they had been receiving applications for additional billboards so this would allow more of them along the freeway and limit/restrict them in areas that were inappropriate. She explained that based on city and Caltrans spacing

requirements, there would not be many billboards allowed. She reported each new billboard would require a use permit and public hearing as well as Planning Commission or Zoning Administrator approval.

Commissioner Lutz stated he believes billboards especially digital would be distracting if there were too many.

Senior Planner Merideth stated C2 areas fronting the freeway were not that significant. She reported that one application received was from a billboard company and the other was on Delta Bowl property, so she believed they were involved.

RESOLUTION NO. 2022-31

On motion by Commissioner Motts, seconded by Commissioner Martin, the Planning Commission members present unanimously adopted the resolution recommending City Council approve the proposed billboard amendments. The motion carried the following vote:

AYES: **Schneiderman, Martin, Motts, Hills, Lutz, Gutilla**
NOES: **None**
ABSTAIN: **None**
ABSENT: **Riley**

7-3. Cannabis Policy Amendments- The Cannabis Committee recommends the Planning Commission review and recommend approval of the following:

1. **Zoning Ordinance Amendments** to Section 9-5.3801 “Summary of Zoning Districts” and Section 9-5.3845 “Cannabis Businesses.”
2. **Zoning Map Amendments** establishing the CB 4, CB 5, and CB 6 Overlay Districts.
3. **Downtown Specific Plan Amendment**
4. **East Lone Tree Specific Plan Amendment**

Planning Manager Hersch presented the staff report dated November 16, 2022, recommending the Planning Commission adopt the Resolutions recommending City Council approve the cannabis amendments.

Chair Gutilla opened and closed the public comment period with no members of the public requesting to speak.

Commissioner Martin reported that attachment A to the Zoning Map Amendment resolution was incorrect in identifying CB2 as CB4.

Planning Manager Hersch confirmed that the map was mislabeled and would be revised prior to the item going to Council.

Director of Economic Development Reed clarified that the west end of CB4 exceeded past the creek and included the light industrial building and Antioch Historical Society building.

Planning Manager Hersch explained areas were selected to be located within existing commercial and industrial areas. She noted retail was the only permissible cannabis use in the downtown area.

In response to Commissioner Lutz, Director of Economic Development Reed stated staff could not make a determination on the potential economic impacts because an overlay zone would not indicate if or when new projects would come forward. He reported that they had not needed to do any active promotion efforts to attract the cannabis industry other than being cannabis friendly. He noted they had been receiving regular inquiries from potential businesses. He explained Antioch was one of the first cities in East Contra Costa County to allow all types of cannabis uses and they were looking to capitalize on other facets of the cannabis industry.

In response to Commissioner Schneiderman, Director of Economic Development Reed commented that a lot of the buildings surrounding the Antioch Police Department were vacant and unusable.

Outside Legal Counsel Ziegler explained that only manufacturing, cultivation, and distribution would be allowed in CB4.

Commissioner Schneiderman questioned if Economic Development had reached out to Amazon to discuss using some of the industrial buildings in Antioch.

Director of Economic Development Reed responded that they had not been in discussions with Amazon.

In response to Commissioner Motts, Director of Economic Development Reed confirmed that Economic Development was a department of one.

Commissioner Motts commented that it would be great to expand the Economic Development Department. He stated he was an original proponent; however, he worried about it becoming the only viable industry in Antioch. He noted after review of the ordinance amendments, he was in favor of the changes proposed because only one area allowed for retail. He stated he would like to see language regarding restrictions for retail downtown.

Chair Gutilla questioned why cannabis type 9 was forbidden in CB4 and 5.

Outside Legal Counsel Ziegler responded staff felt type 9 was not a productive use because it would not promote foot traffic or employ many employees.

In response to Chair Gutilla, Director of Economic Development Reed explained that the original intent of the buffer for sensitive uses was to keep foot traffic away from the sensitive use.

In response to Chair Gutilla, Outside Legal Counsel Ziegler explained cannabis businesses needed an Operating Agreement and the process was for the draft use permit to go to the Planning Commission and then City Council. She noted the applicant could only seek an Operating Agreement if the City Council approved the Use Permit. She further noted the Operating Agreement and Social Equity Program first went to the Cannabis Committee for review and then to Council. She stated those businesses listed in the staff report without Operating Agreements were still in the process of obtaining one and could not open without it.

Chair Gutilla stated she liked expanding the CB districts into the industrial areas of Antioch and spreading the retail cannabis businesses throughout the City.

Commissioner Martin questioned if expanding cannabis retail throughout Antioch would cause an issue for the Antioch Police Department. Additionally, he noted there were smoke shops in Antioch selling CBD products and he questioned if those businesses were being monitored.

Chair Gutilla questioned if the cannabis retail expansion was occurring in existing retail locations that were already addressed by security and law enforcement.

Outside Legal Counsel Ziegler commented Operating Agreements required a security plan approved by the Antioch Police Department and the APD had the discretion to modify the security plan at any time at the operator's expense.

Director of Economic Development Reed reported staff was very careful on where they proposed to expand cannabis areas, as well as the uses allowed within those areas. He clarified that CBD could be purchased at various retail establishments and did not equate to THC or cannabis.

Planning Manager Hersch added that THC was not regulated through the Department of Cannabis Control and all businesses part of this code update were regulated through the State.

Commissioner Lutz, for the record, commented that it was a shame that a City the size of Antioch with so much potential in terms of relatively low land cost and vacant properties, had an Economic Development staff of one. He stated he believed it was horrible and a missed opportunity. He noted he saw other cities such as Vacaville and Livermore had been able to draw pharmaceutical companies, technology firms and sciences. He further noted he believed it was a missed opportunity. He thanked Director of Economic Development Reed for his work on behalf of the City.

RESOLUTION NO. 2022-32

On motion by Commissioner Martin, seconded by Commissioner Lutz, the Planning Commission members present unanimously adopted the resolution recommending that the City Council adopt the ordinance amending sections 9-5.3801 and 9-5.3845 of the Antioch Municipal Code regarding cannabis businesses. The motion carried the following vote:

AYES: Schneiderman, Martin, Motts, Hills, Lutz, Gutilla
NOES: None
ABSTAIN: None
ABSENT: Riley

RESOLUTION NO. 2022-33

On motion by Commissioner Martin, seconded by Commissioner Lutz, the Planning Commission members present unanimously adopted the resolution recommending that the City Council the adopt the ordinance amending the zoning map to include the CB4, CB5 and CB6 Cannabis Overlay by District and directed staff to modify exhibit A to provide the correct map identifying CB2 and CB4. The motion carried the following vote:

AYES: Schneiderman, Martin, Motts, Hills, Lutz, Gutilla
NOES: None
ABSTAIN: None
ABSENT: Riley

RESOLUTION NO. 2022-34

On motion by Commissioner Motts, seconded by Commissioner Hills, the Planning Commission members present unanimously adopted the resolution recommending the City Council adopt the ordinance amending the downtown specific plan to allow cannabis businesses. The motion carried the following vote:

AYES: Schneiderman, Martin, Motts, Hills, Lutz, Gutilla
NOES: None
ABSTAIN: None
ABSENT: Riley

RESOLUTION NO. 2022-35

On motion by Commissioner Hills, seconded by Commissioner Lutz, the Planning Commission members present unanimously adopted the resolution recommending the City Council adopt the ordinance amending the East Lone Tree Specific Plan to allow cannabis businesses. The motion carried the following vote:

AYES: **Schneiderman, Martin, Motts, Hills, Lutz, Gutilla**
NOES: **None**
ABSTAIN: **None**
ABSENT: **Riley**

7. ORAL/WRITTEN COMMUNICATIONS

8-1. December 7, 2022 Meeting Canceled

Planning Manager Hersch announced the December 7, 2022, Planning Commission meeting would be canceled and questioned if there would be a quorum of members to attend the December 21, 2022, Planning Commission meeting.

With the exception of Commissioner Hills who reported she would be out of town for the holidays, the Planning Commission members present stated they would be available on December 21, 2022, for a Planning Commission meeting.

Commissioner Martin requested an update on the City's Housing Plan and funding for the Executive Inn Project.

In response to Commissioner Martin, Planning Manager Hersch reported the City's Housing Plan was submitted for initial review and they received their comment letter so currently staff was in the process of making revisions based on the State's comments. She announced that item would be coming to the Planning Commission on December 21, 2022. She reported the Executive Inn project had been dialed back because of funding issues from the State. She noted it was a project through the City Manager's office, so she did not have direct involvement. She commented that she did not anticipate it coming back to the Commission since they had already approved the Use Permit; and if further action was needed it would be at the City Council level and related specifically to funding.

In response to Commissioner Motts, Planning Manager Hersch stated that Planning Commission meetings would continue to be virtual, and there were anticipated changes that would go into effect January 1, 2023, that would allow virtual meetings to carry forward. She noted from then on it would be up to the Commission to decide how they wished to move forward.

9. COMMITTEE REPORTS

Commissioner Motts reported that the TRANSPLAN meeting had been cancelled.

10. NEXT MEETING: December 21, 2022

Chair Gutilla reiterated that the next Planning Commission meeting was scheduled for December 21, 2022.

11. ADJOURNMENT

On motion by Commissioner Schneiderman, seconded by Commissioner Motts, the Planning Commission members present unanimously adjourned the meeting at 7:46 P.M. The motion carried the following vote:

AYES:	Schneiderman, Martin, Motts, Hills, Lutz, Gutilla
NOES:	None
ABSTAIN:	None
ABSENT:	Riley

Respectfully submitted:
KITTY EIDEN, Minutes Clerk