

**CITY OF ANTIOCH
PLANNING COMMISSION
REGULAR MEETING**

Regular Meeting
6:30 p.m.

May 19, 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, May 19, 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, Barrow, Riley, Gutilla, Vice Chairperson Martin and Chairperson Schneiderman

Absent: Commissioner Parsons

Staff: City Attorney, Thomas Lloyd Smith
Director of Community Development, Forrest Ebbs
Captain, Tony Morefield
Associate Planner, Kevin Scudero
Associate Planner, Zoe Merideth
Project Manager, Scott Buenting
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS - None

CONSENT CALENDAR

1. Approval of Minutes: February 17, 2021
April 7, 2021

On motion by Vice Chair Martin, seconded by Commissioner Motts the Planning Commission approved the minutes of February 17, 2021 and April 7, 2021, as presented. The motion carried the following vote:

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

NEW PUBLIC HEARINGS

2. **Deer Valley Estates Project (PD-19-03, UP-19-12, AR-19-19)** -- The applicant, Blue Mountain Communities, requests certification of an Environmental Impact Report and approval of the following entitlements: Vesting Tentative Map, Final Development Plan, Use Permit, and Design Review for the Deer Valley Estates Project. The project would subdivide two undeveloped parcels totaling 37.56 acres to construct 121 new single family homes along with new infrastructure, parking, detention basins, lighting, landscaping, and a private park. The Project is located at 6100 Deer Valley Road (APNs 055-071-026 and 057-022-013). An Environmental Impact Report (EIR) has been prepared pursuant to the California Environmental Quality Act (CEQA).

Associate Planner Merideth presented the staff report dated May 19, 2021. She explained that staff and the Commission had received an email from the project applicant with several complex issues so therefore staff was recommending the Planning Commission open the public hearing, receive public comment and continue the public hearing to June 16, 2021 to allow staff the opportunity to respond to the applicant and republish the staff reports.

Chairperson Schneiderman opened the public hearing.

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

Mike Harlan, Project Applicant, thanked staff and spoke in support of continuing the public hearing in anticipation of resolving the outstanding issues with staff.

Chairperson Schneiderman commented that she believed the homes were well laid out and she was pleased to see the larger lots.

James, Antioch resident, stated his backyard was adjacent to the project. He noted that due to grading in the area a 6-foot wall behind the homes would not be sufficient and he proposed the wall be extended to 6-feet above the property line.

Bree, Antioch resident, stated that her backyard would be directly affected by this construction site. She commented that current police services were insufficient to protect the City and these homes would intensify that issue. She noted there were neighbors who were concerned regarding the pipeline in the area and the proposal to open Piute Way to through traffic. She agreed with the previous speaker regarding extending the wall to 6-feet above the property line. The following public comment was read into the record by Community Development Technician Brown.

Kathleen Jakabcin provided written comment asking for the following items to be addressed prior to the approval of the EIR: relocation of the gas pipeline, permanent closure of Piute Way, why was the City not moving forward with the previous approvals for this project, traffic and school impacts and why was the EIR being rushed without adequate time for the community to respond. She requested the City revert back to the original agreement and that the Planning Commission not approve an EIR that was conducted during a pandemic.

The following public comment was made by an individual utilizing Zoom Audio/Video Technology.

James reported that helicopters flew over this area when landing at Kaiser Hospital and he felt they would negatively impact the residents in the project area.

Chairperson Schneiderman closed the public hearing.

In response to Vice Chair Martin, Associate Planner Merideth stated staff would be updating the staff report. Director of Community Development Ebbs explained that some of the issues brought up this evening would be addressed; however, he explained that the 2007 proceedings expired because it was not acted on, so the City lost their right to impose those conditions. He encouraged the speakers to contact staff before the item comes back to the Commission so more information could be provided.

A motion was made by Vice Chair Martin to continue Deer Valley Estates Project (PD-19-03, UP-19-12, AR-19-19) to June 16, 2021.

In response to Commissioner Barrow, Chairperson Schneiderman suggested the Planning Commission postpone discussion of this item until it returned to the Planning Commission with the updated staff report.

Commissioner Motts seconded the motion to continue the public hearing to June 16, 2021.

Commissioner Gutilla stated she believed several of the conditions of approval listed in the correspondence from Blue Mountain Communities were identified incorrectly. She requested those items be clarified when the item returned to the Commission.

Director of Community Development Ebbs stated staff would respond to that request.

In response to Commissioner Barrow, Director of Community Development Ebbs clarified that it was his recommendation to continue the public hearing to allow additional time for staff to respond to the applicant.

A vote on the previous motion to continue the Deer Valley Estates Project (PD-19-03, UP-19-12, AR-19-19) to June 16, 2021 carried the following vote:

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

- 3. UP-20-10, AR-20-12, V-20-02 – Radix Growth** – Hans Benson requests approval of a use permit, design review and variance to operate a cannabis facility that consists of indoor cultivation, distribution, non-volatile manufacturing, and retail dispensary at 3625 East 18th Street (APN: 051-052-094). This project has been found to be Categorically Exempt from the requirements of the California Environmental Quality Act.

Associate Planner Scudero presented the staff report dated May 19, 2021 recommending the Planning Commission adopt the resolution recommending that the City Council approve a Use Permit, Variance and Design Review application (UP-20-10, V-20-02, AR-20-16) for a cannabis facility with indoor cultivation, distribution, non-volatile manufacturing, and retail dispensary with delivery.

Commissioner Barrow spoke in support of tabling this matter until the minor design review study was completed and reviewed by staff. He commented that he expected exterior improvements to be attractive and discussed the current blighted condition of the property.

In response to Commissioner Motts, Associate Planner Scudero explained the parking area was more than sufficient for the proposed use and their expectation was that it be restored or replaced prior to any operation. He noted he did not know the feasibility of taking out parking for additional landscaping because there were vacant parcels in the center that could be impacted once developed.

Commissioner Motts recommended additional parking lot landscaping be considered wherever feasible.

Director of Community Development Ebbs commented that if the Planning Commission wanted to, they could add a condition of approval recommending additional landscaping in lieu of some of the surplus parking, wherever feasible.

In response to Chairperson Schneiderman, Associate Planner Scudero explained when the city adopted the Ordinance for the Cannabis Overlay District, this area allowed for all cannabis uses.

Chairperson Schneiderman expressed concern regarding the close proximity of the residential area from a cannabis business.

Associate Planner Scudero explained the business met the City's 600-foot separation requirement; however, the property boundary did not which was why the variance was being requested. He reiterated that this was an area the City Council chose to place the overlay district.

Commissioner Gutilla stated she was pleased the applicant had worked with Antioch Police Department to develop a security plan for the site. She agreed that it would be appropriate for the Planning Commission to review their landscape and renovation plans prior to moving the item forward.

In response to Commissioner Gutilla, Director of Community Development Ebbs explained that the City did not have a condition regarding solar requirements; however, that item may be able to be addressed in their Operating Agreement.

City Attorney Smith added that if this matter were tabled staff could research and provide more information on the legality of a condition requiring solar.

Associate Planner Scudero explained that if the Commission wanted to see the landscape plans and building façade improvements, they could add a condition that those items must come back to the Planning Commission for consideration while still allowing the use permit to move forward.

Commissioner Barrow commented that solar could be extremely expensive and he did not want to put that burden on the applicant. He reiterated his request that the applicant's submittal of the design review be subject to the review and approval of the Planning Commission.

In response to the Commission, Captain Morefield reported that the Antioch Police Department had reviewed the application and the applicant had been fully cooperative in meeting all the standards requested. He noted with respect to equity, he would not require anything more of this project than any other project along Wilbur Avenue. He further noted the average response time for priority 1 calls was just below 8-minutes.

In response to Commissioner Riley, Associate Planner Scudero reported the applicant had provided a waste management plan.

Chairperson Schneiderman opened the public hearing.

Sufyan Hamouda, Compliance Consultant, thanked Planning staff for their assistance with the application and the Planning Commission for their review of the project.

Hans Benson, President of Radix Growth, thanked the City for the allowing them the opportunity to apply for their cannabis business license and operate in the community. He provided a brief background of his experience in the cannabis industry. He reported they had every intention of making this project the most beautiful property and cannabis space.

Sufyan Hamouda, Compliance Consultant, commented that their plan included landscaping improvements prior to the business opening. He reported that they intended to transition to solar in the future; however, due to upfront costs it was not included in the initial project. He commented that they had worked closely with the Antioch Police Department to create a security plan.

In response to Commissioner Barrow, Mr. Hamouda explained that some of the landscaping and lighting was addressed in the site plans provided in the staff report. He noted they had not yet planned for the exterior paint; however, they could submit those plans within 2-weeks. He clarified that they planned to restripe the entire parking lot, which was outlined on the final landscaping sheet provided. He commented that the parking stalls would be common use.

Mr. Benson added that they were completely independent of other operations in Antioch, and they were based out of San Francisco.

Commissioner Motts stated he understood the constraints on landscaping but encouraged the applicant to work with the owners of adjacent parcels to include additional trees into the landscaping plan.

In response to Vice Chair Martin, Mr. Hamouda explained their two-tiered growth system.

Outside Legal Counsel Ziegler explained the cannabis license types proposed for this project.

Mr. Benson explained that they would like to sell most of their product through their own retail; however, there were opportunities to develop brands to distribute to other retail businesses.

In response to Commissioner Riley, Mr. Hamouda explained a large portion of their organic waste would be transported offsite and there would be no hazardous waste. He clarified that they would be utilizing drip irrigation.

Mr. Bensen added that all their cultivation practices were organic and with filters and reverse osmosis they recycled a lot of the water.

In response to Commissioner Gutilla, Mr. Hamouda commented there was an area designated for organic waste for composting and they would be reutilizing the soil.

In response to Commissioner Riley, Mr. Hamouda explained their spill containment mitigation plan.

Chairperson Schneiderman closed the public hearing.

Commissioner Motts stated that he believed the findings supported the variance and voiced his support for the design review and landscape plan to return to the Planning Commission for review and approval. He stated he was also interested in the solar plan for this project.

City Attorney Smith stated there were two options for solar, one being condition of approval and the other being a stipulation in the operating agreement. He noted if the Planning Commission wanted it as a condition of approval, staff would investigate the legality of the issue.

Commissioner Motts commented that he would like the City to move forward in a more general direction towards solar requirements.

Commissioner Gutilla mentioned that the project applicant had commented that it was their intention to add solar and she questioned what their milestones would be to move that direction. She noted with the applicant's input it may be feasible to frame a project specific condition to address this issue.

Outside Legal Counsel Ziegler responded with the flexibility of the Conditional Use Permit, it could be included; however, the challenge may be enforcement if there was non-compliance. She noted it could be included in the terms of an Operating Agreement.

Commissioner Barrow made a motion to table the resolution recommending that the City Council approve a Use Permit, Variance (UP-20-10, V-20-02, AR-20-16) until the minor design review was completed, reviewed by staff, and brought back to the Planning Commission for consideration. The motion died for the lack of a second.

On motion by Commissioner Gutilla, seconded by Vice Chair Martin the Planning Commission adopted the resolution recommending that the City Council APPROVE a Use Permit, Variance (UP-20-10, V-20-02, AR-20-16) for a cannabis facility with indoor cultivation, distribution, non-volatile manufacturing, and retail dispensary with delivery and requiring staff to bring back the Design Review and landscape plan to the Planning Commission for approval. The motion carried the following vote:

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

- 4. Antioch Municipal Code Amendment to Section 9-5.901, Home Occupations** – The City of Antioch proposes the repeal and replacement of Section 9-5.901 regarding home occupations. Specifically, the City proposes to eliminate existing permit requirements and other changes to streamline and clarify the approval process and ensure the acceptable operation of home-based businesses (home occupations).

Director of Community Development Ebbs presented the staff report dated May 19, 2021 recommending the Planning Commission adopt the resolution recommending that the City Council adopt the ordinance repealing and replacing Section 9-5.901 of the Antioch Municipal Code regarding Home Occupation Use Permits (HOUP).

In response to Commission Motts, Director of Community Development Ebbs explained that this process involved a simple affidavit that went along with the business license. He noted problem businesses would be addressed through Code Enforcement efforts.

In response to Vice Chair Martin, Director of Community Development Ebbs clarified that they streamlined the review process and tightened and clarified standards.

In response to Commissioner Gutilla, Director of Community Development Ebbs explained that the application fee reflected costs for noticing neighbors, maintaining, and logging permits as well as staff time associated with the permitting process. He stated the rules that applied to backyards basically addressed converting the area into storage or a manufacturing facility.

In response to Chairperson Schneiderman, Director of Community Development Ebbs stated upon receiving a complaint Code Enforcement visited the property, determined if there was a business license and if the operation were noncompliant, it would be documented, and they would advise the businessowner/homeowner/tenant of the violations and instruct them on how to correct the violations.

On motion by Commissioner Gutilla, seconded by Commissioner Motts the Planning Commission adopted the resolution recommending that the City Council adopt the ordinance repealing and replacing Section 9-5.901 of the Antioch Municipal Code regarding Home Occupation Use Permits (HOUP). The motion carried the following vote:

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

- 5. Determination of the 2021-2026 Capital Improvement Program Consistency with the Antioch General Plan, P.W. 150-21** – The Capital Improvement Program (CIP) outlines the 2021-2026 expenditure and revenue projections provided for planning purposes only. Any California Environmental Quality Act (CEQA) requirements will be determined on a project-by-project basis prior to final approval and construction of each project. As required by Section 65401 of the California Government Code, the Planning Commission is asked to determine whether the projects included in the Five-Year Capital Improvement Program (CIP) are consistent with the current Antioch General Plan.

Project Manager Buenting presented the staff report dated May 19, 2021 recommending the Planning Commission determine the 2021-2026 Capital Improvement Program to be consistent with the Antioch General Plan, which includes a determination that any acquisition or disposition of property identified in the project description is consistent with the General Plan.

In response to Commissioner Gutilla, Project Manager Buenting explained the “L” Street widening may require purchase of right of way from the State Agriculture District for the fairground’s property and there would be no disposition of property.

In response to Commissioner Barrow, Director of Community Development Ebbs stated that he concurred with the findings.

Chairperson Schneiderman expressed concern regarding traffic congestion on Contra Loma Blvd at the freeway exit.

Director of Public Works/City Engineer Samuelson stated he was familiar with the intersection at Contra Loma Blvd and St. Francis Drive. He stated he would ask the traffic engineering to look at the issue.

Vice Chair Martin agreed with Chairperson Schneiderman noting that the state changed the intersection and created an issue with circulation in the area. He encouraged the traffic engineer to investigate the issues. He commended staff on organizing the CIP in a way that enhanced reading of the document.

In response to Vice Chair Martin, Project Manager Buenting reported the removal of the Amtrak station was funded by the San Joaquin Transportation Authority. He noted the Amtrak Station Improvement Project 7928 was related to cleaning up, landscape and hardscape in the area. With regards to Project 7937, Project Manager Buenting stated City funds were paying for the Pittsburg/Antioch Water Intertie Project because if there was an issue Antioch would have to install a pump station to adequately move water from Pittsburg into the City of Antioch. He explained the project was to improve the ability for Antioch to share water with neighbors. Speaking to Project 7958 Overhead Utility Undergrounding, Project Manager Buenting commented that they planned to utilize Rule 20 A funds to complete the project.

Chairperson Schneiderman stated that she appreciated how well the CIP was outlined.

On motion by Commissioner Motts, seconded by Commissioner Barrow the Planning Commission determined the 2021-2026 Capital Improvement Program to be consistent with the Antioch General Plan, which includes a determination that any acquisition or disposition of property identified in the project description for each project in the Capital Improvement Program is consistent with the General Plan. The motion carried the following vote:

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

ORAL COMMUNICATIONS

Commissioner Motts welcomed the new Commissioners. He questioned if there was an estimated timeline for returning to in-person meetings and asked for an update on the Council Chambers renovation project.

City Attorney Smith explained that there were no plans at this time for returning to in-person meetings.

Director of Community Development Ebbs added that staff was waiting for an announcement from the Governor regarding in-person meetings.

Director of Public Works/City Engineer Samuelson announced the Council Chambers project was completed.

WRITTEN COMMUNICATIONS – None

COMMITTEE REPORTS

Commissioner Motts reported that the TRANSPLAN meeting had been cancelled.

ADJOURNMENT

On motion by Martin, seconded by Riley the Planning Commission unanimously adjourned the meeting at 8:37 P.M. The motion carried the following vote:

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

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk