

**CITY OF ANTIOCH
PLANNING COMMISSION
REGULAR MEETING**

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

**August 4, 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, August 4, 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, Gutilla, Vice Chairperson Martin and Chairperson Schneiderman
Absent: Commissioner Riley
Staff: City Attorney, Thomas Lloyd Smith
Special Counsel, Ruthann Ziegler
Director of Community Development, Forrest Ebbs
Captain, Tony Morefield
Director of Economic Development, Kwame Reed
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS - None

NEW PUBLIC HEARINGS

1. **Cannabis Zoning Overlay Expansion** – The City of Antioch proposes amendment to the Zoning Map, Chapter 5 of Title 9 of the Antioch Municipal Code, and the Downtown

Specific Plan to allow the expansion of the Cannabis Zoning Overlay and re-classification of cannabis uses. Specifically, the Cannabis Zoning Overlay would be expanded to include portions of downtown Antioch, the Somersville/Buchanan area, and the Slatten Ranch area.

City Attorney Smith, Outside Legal Counsel Ziegler and Director of Economic Development Reed presented the staff report dated August 4, 2021 recommending the Planning Commission adopt the resolution recommending that the that City Council adopt the proposed ordinance (Exhibit 1 to Attachment A) amending the Antioch Municipal Code §§9-5.203, 9-5.3801, 9-5.3845 and the Downtown Specific Plan relating to cannabis businesses.

Chairperson Schneiderman expressed concern that the proposal was asking to expand into six different areas at once and questioned if there had been discussions with regards to rolling out one area at a time.

City Attorney Smith responded a thorough conversation occurred at the City Council level regarding expanding cannabis throughout the City and instead they had selected looking at targeted areas where the cannabis industry might be well positioned. He noted they strategically thought about foot traffic benefiting neighboring businesses. He stated the number of businesses would depend on demand and qualified applicants.

In response to Chairperson Schneiderman, City Attorney Smith stated if he was to choose one area, he believed the downtown area (CB2) would be most successful because those businesses would benefit from more foot traffic.

Director of Economic Development Reed added that his choice for retail only businesses would be CB2 and CB3/CB5 for manufacturing areas. He noted they had not discussed this item with downtown residents.

Vice Chair Martin stated he would support excluding the Bond Manufacturing Warehouse property from CB3, due to its proximity to the Babe Ruth ballfields.

City Attorney Smith commented that the Babe Ruth fields were not city-owned or restricted. He noted that matter would be a policy decision for Council.

Director of Economic Development Reed added that the types of uses in CB3 would not lend themselves to foot traffic going into the facility.

In response to Vice Chair Martin, Director of Community Development Ebbs explained that having two overlay districts in the Somersville area would provide options.

City Attorney Smith added that there could be multiple overlays in a particular area.

Vice Chair Martin commented that it appeared that the Fairview apartment complex would be within the 600 ft buffer should a cannabis operation be located within the nearby commercial center.

Director of Community Development Ebbs responded that as projects come forth, they would be evaluated and if it was too close to a sensitive use, it would be excluded.

City Attorney Smith added that pre-existing standards would still apply. He noted they had not looked at capping the amount of cannabis businesses because the market would dictate how many were sustainable in a particular area.

Director of Economic Development Reed further explained that one of the driving forces for cannabis businesses was that Antioch did not have a limit on licenses. He noted the limit was based on the distance between them and the decision from Council on whether to accept or deny an application.

Commissioner Parsons expressed concern that there was no limit on cannabis businesses noting that she would not like to see a business set up for failure.

City Attorney Smith responded that business involved inherent risks and they had not seen substantial business failures. He noted feedback staff had received was a call for additional space within the City. He explained that each business through the operating agreement made contributions to the City, which were used at the discretion of the City Council.

Director of Economic Development Reed added that typically retail establishments had 15-30 full time employees and there were incentives in the operating agreement to employ Antioch residents.

Commissioner Parsons stated the reasoning that the overlay expansion would bring a lot of employment to Antioch did not make sense if there were no projections for job creation.

In response to Commissioner Parsons' inquiry as to whether cannabis businesses in CB5 and CB6 could contribute to the Laurel extension, City Attorney Smith reiterated that revenue generated was used at the discretion of the City Council. He commented that COCO Farms employed a substantial amount of people.

Outside Legal Counsel Ziegler emphasized that as part of the operating agreement, the City offered a local employment incentive for businesses to employ Antioch residents, full time with benefits.

Director of Community Development Ebbs mentioned that any new development in the Slatten Ranch area was subject to the provisions of the East Lone Tree Specific Plan.

In response to Commissioner Parsons, Captain Morefield explained that there was no way to determine impacts from future projects; however, they had been very successful at dealing with a very limited overlay. He noted it would be very difficult to imagine the impacts with this level of expansion. He further noted that the APD would continue to be very diligent in making sure the new businesses would be meeting the City's substantial security requirements.

In response to Commissioner Parsons, Outside Legal Counsel Ziegler clarified the new businesses would be subject to the same strict requirements. Additionally, the operating agreement had provisions that if the Chief of Police was not satisfied with the existing security plan, he had the authority to require changes and that requirement would roll over into the new overlay zones.

Commissioner Parsons stated her concern was with the impacts large areas of expansion would have on the Antioch Police Department.

Chairperson Schneiderman agreed with Commissioner Parsons.

In response to Commissioner Gutilla, Outside Legal Counsel Ziegler explained the buffers recommended for each of the six CB districts.

Commissioner Gutilla questioned if the definition of sensitive use could be broadened to include some businesses that were child focused such as, Barnes and Noble and Carters.

Outside Legal Counsel Ziegler responded that the Planning Commission had the discretion to expand the definition.

In response to Commissioner Gutilla, Director of Community Development Ebbs explained that property owners received notification of applications and staff did not specifically reach out to tenants of multi-tenant commercial buildings.

Director of Economic Development Reed added that it would be up to the commercial property owners as to whether to allow a cannabis business to go into a storefront. Speaking to CB2, he noted due to the mixed-use designation, the term "sensitive use" would not include residential uses.

In response to Commissioner Gutilla, Outside Legal Counsel Ziegler stated they discouraged permit types #9 and 13, in CB 2-6 because they did not see them producing the same level of revenue, commercial activity and spin off businesses.

In response to Commissioner Gutilla, Director of Economic Development Reed stated he had not seen spin-off businesses from current cannabis businesses; however, they were kicking off a Rivertown dining district campaign in downtown and they saw cannabis as an additional means to getting foot traffic into the area.

Commissioner Gutilla stated she did not know what business would actively seek out locations next to cannabis businesses.

Commissioner Barrow commended staff on doing a great job. He noted the Commission identified some of these locations as sights for strategic housing and infill locations. He further noted proposition 64 had opened pandoras box for cannabis businesses to operate within local jurisdictions and it allowed local agencies to institute their own ordinances. He stated the implementation of cannabis buffer zones around residential zoning districts and sensitive areas

would determine the caps that should be placed on commercial cannabis businesses. He questioned if there would be additional costs if they regulated commercial cannabis.

Director of Community Development Ebbs explained from a planning and building perspective cannabis business would need to receive a use permit and building permits for construction or remodels.

Commissioner Barrow noted there may be additional costs for treatment centers and law enforcement. He reported that the business community and residents were concerned that commercial cannabis could become a nuisance. He questioned how many dispensaries were currently located in Antioch.

Director of Economic Development Reed responded that there were three dispensaries in operation and two others were in the process of getting permits.

In response to Commissioner Barrow, Outside Legal Counsel Ziegler stated it was her recollection that neighboring cities had indicated the following:

- Brentwood - complete ban on all cannabis businesses
- Pittsburg - allows cannabis businesses in limited areas
- Concord - allows cannabis businesses with a 250-foot buffer, limited the amount, and there was no buffer from residential uses or between retail businesses
- Contra Costa County – allows cannabis business and she was unsure of a buffer

Commissioner Barrow stated he would like to see a comparative analysis from other jurisdictions and a feasibility study as to the impact on surrounding uses. He urged the Planning Commission to consider the impacts on the City. He noted if approved, he was concerned it impact the City's quest to rebuild and create new opportunities in housing, retail, commercial and delta waterway attractions. He stated he would be willing to table this matter until additional information was conveyed back to the Planning Commission.

Commissioner Parsons commented Melody's Dance Studio, an Autistic Program and a Mental Health non-profit were in the middle of the downtown Specific Plan Focus Area and questioned why the area for future development of a ferry services was included. She stated she did not believe the 200-foot buffer was sufficient in CB 2. She stated she believed CB5 and 6 could be utilized for healthier development and she did not believe this was the right vision for Antioch.

Commissioner Motts stated he was supportive of cannabis businesses in the past; however, he had always voiced concerns regarding over saturation. He noted there were many other opportunities for downtown Antioch. He further noted staff had done a good job defining the areas, uses and buffers for each district. Speaking to the multiple overlays for Somersville, he noted one overlay may constrain the use of the other. He stated cannabis could be a way for the City to make up for the lack of jobs; however, Council may want to set a maximum limit on the different types of uses to avoid over saturation.

Vice Chair Martin stated given that in the past there had been an inadvertent change to security requirements, he was concerned that they remain high. He opposed including the Bond Manufacturing building in CB3 because it was so close to the sports fields and suggested the district boundary end at Antioch creek. Additionally, he did not support C2 as a cannabis overlay area due to the adjacent residential and because buildings were located within 200-feet of each other.

Commissioner Barrow stated he had concerns for cannabis businesses located in the downtown specific area because it would intrude on land use space that could be very prosperous for the City of Antioch. He stated he was also concerned for where overlay districts were proposed, and he did not want oversaturation in Antioch. He suggested areas be redesigned, reduced and or relocated. He reported he had spoken to commercial businesses and residents who were not pleased with the overlay expansion in downtown.

Hugh Henderson, representing property owners at 2615 Somersville Road, spoke in support of overlay district CB4. He reported they had a shovel ready project that would bring 35-50 jobs, security, and foot traffic into the Somersville corridor.

Chairperson Schneiderman stated she did not support CB2 or CB3 because the downtown area was so beautiful, and she felt residents of the area would not be supportive. She noted there were also children-centered businesses in the area. She further noted CB5 would be an area to consider because it would be near the Brentwood customer base, and it would have the least impact on residential development and children.

Commissioner Gutilla stated it may be beneficial to have the increase in security presence that these facilities would bring to an area. She stated she did not support a 200-foot buffer in CB2, and she believed sensitive uses should be expanded to include existing libraries, recreation centers, religious centers, children's gathering places and private parks. Additionally, she supported staff providing the Commission with an economic impact report. She noted retail was a difficult market and this was a unique opportunity to bring new retail to Antioch; however, she was concerned for oversaturation and felt cannabis retail only locations should be limited.

Commissioner Parsons stated she believed this item needed to be revisited. She questioned if Brentwood and Oakley would be informed of this item, since they have residential buffering CB5 and CB6. She stated that each CB district should have been brought to the Planning Commission independently. She noted she was also concerned for oversaturation.

Director of Community Development Ebbs reminded the Planning Commission that this was a recommendation to the City Council, and they had the freedom to craft the recommendation to include conditions they wanted to advance to the City Council for their consideration.

Commissioner Barrow commented that this item was about revenue generation and reiterated that he had major concerns because downtown Antioch was a beautiful location that could be recreated into a residential/commercial corridor. He expressed concern that once the City allowed cannabis in major corridors they would be there in perpetuity and he believed developers would have concerns regarding this matter. He commented that he would be interested in seeing

how other jurisdictions recreated their downtown areas. He stated he would be willing to consider breaking it out individual locations, but he would not support a blanket overlay for the City.

Commissioner Parsons stated she would be moving this item be brought back to the Planning Commission for consideration as a separate process for each cannabis overlay district.

Director of Community Development Ebbs stated if the Planning Commission preferred to see this item broken up into Study Sessions, that could be their recommendation to the City Council.

A motion was made by Commissioner Parsons to recommend the City Council refer this item back to the Planning Commission for further consideration with a separate process for each district.

Commissioner Parsons rescinded her motion for further discussion.

Commissioner Barrow discussed the importance of a feasibility study and comparative study on what other jurisdictions allowed.

A motion was made by Commissioner Parsons to recommend the City Council refer the matter back to the Planning Commission with direction that they want more consideration given to each separate district and the impacts to the City.

Vice Chair Martin speaking to the motion stated the Planning Commission had an option to continue this item and request staff come back with the recommendations discussed by the Planning Commission this evening.

Commissioner Parsons withdrew her previous motion and made the following motion.

A motion was made by Commissioner Parsons to continue the item with staff taking under consideration the Planning Commission's direction to separate each CB District for consideration and include economic impacts

Speaking to the motion Commissioner Barrow requested the feasibility study and a comparison analysis for other jurisdictions from a land use perspective be provided to the Planning Commission.

Commissioner Parsons amended her motion to include Commissioner Barrow's comments.

Vice Chair Martin seconded the motion.

Speaking to the previous motion, Commissioner Gutilla requested security concerns and expansion of sensitive use definition to include public and private recreation centers, existing religious and recreation centers, libraries and private parks, be added to the list of items to return to the Planning Commission.

Commissioner Parsons clarified that she wanted all the Commission's concerns addressed when the reevaluation was brought back to the Planning Commission.

The vote taken on the previous motion to continue this item with staff taking into consideration the Planning Commission's direction to separate each CB District for consideration and include economic impacts/feasibility study, comparison analysis of other jurisdictions from a land use perspective, security and expansion of sensitive uses, passed by the following vote:

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

ORAL COMMUNICATIONS - None

WRITTEN COMMUNICATIONS – None

COMMITTEE REPORTS – None

ADJOURNMENT

On motion by Vice Chair Martin, seconded by Commissioner Motts the Planning Commission unanimously adjourned the meeting at 8:11 P.M. The motion carried the following vote:

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

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk