

**CITY OF ANTIOCH
PLANNING COMMISSION
REGULAR MEETING**

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

**September 18, 2024
City Council Chambers**

1. CALL TO ORDER

Chairperson Riley called the meeting to order at 6:30 P.M. on Wednesday, September 18, 2024, in Council Chambers.

2. ROLL CALL

Present: Commissioners Jones, Lutz, Martin, Vice Chairperson Webber and Chairperson Riley

Absent: Commissioner Hills and Gutilla (arrived at 6:31 P.M.)

Staff: Acting Director of Community Development, Kevin Scudero
Planning Manager, Zoe Merideth
Minutes Clerk, Kitty Eiden

3. PLEDGE OF ALLEGIANCE

Chairperson Riley led the Pledge of Allegiance.

Commissioner Gutilla arrived at 6:31 P.M.

4. PUBLIC COMMENT

Ralph Hernandez stated he believed cannabis businesses were approved too close to residential properties, and they were violating the City Ordinance.

5. CONSENT CALENDAR

5-1. Planning Commission Meeting Minutes July 17, 2024

Commissioner Lutz stated he would abstain from this item since he was absent at the July 17, 2024, meeting.

On motion by Commissioner Martin, seconded by Commissioner Jones the Planning Commission approved Consent Calendar Item 5-1. The motion carried the following vote:

AYES: Jones, Martin, Gutilla, Webber, Riley
NOES: None
ABSTAIN: Lutz
ABSENT: Hills

6. NEW PUBLIC HEARING

- 6-1. LA2024-0001 | Tobacco and Paraphernalia Retailers Zoning Text Amendments:** - Staff recommends that the Planning Commission adopt a resolution recommending the City Council adopt text amendments to Section 9-5.3843 of Article 38 (Land Use Regulations) of Chapter 5 (Zoning) of Title 9 (Planning and Zoning) of the Antioch Municipal Code Relating to Tobacco and Paraphernalia Retailers.

Acting Community Development Director Scudero presented the staff report dated September 18, 2024, recommending the Planning Commission adopt a resolution recommending the City Council adopt text amendments to Section 9-5.3843 of Article 38 (Land Use Regulations) of Chapter 5 (Zoning) of Title 9 (Planning and Zoning) of the Antioch Municipal Code Relating to Tobacco and Paraphernalia Retailers (LA2024-0001).

Chairperson Riley opened the public comment period.

Ralph and Norma Hernandez spoke in support of the proposed text amendments related to Tobacco and Paraphernalia Retailers noting the changes would support small and family-owned businesses in Antioch.

The following public comments were read into the record by Chairperson Riley in support of the proposed text amendments related to Tobacco and Paraphernalia Retailers: Jagjit Chawla, Jazz Singh and Ajit Sooch.

Chairperson Riley closed the public comment period.

In response to Commissioner Martin, Acting Director of Community Development Scudero explained the exemptions under nonconforming uses.

In response to Commissioner Lutz, Acting Director of Community Development Scudero added that the prohibition currently stated that any legally established tobacco retailer post January 1, 2023, could not sell or transfer their business. He noted the delay in getting this item to the Commission was due to a change in staffing. He commented that he had not had any discussions with any current or potential tobacco retailers. He clarified that the provisions within the ordinance all referenced the tobacco code. He noted any new tobacco business would have to meet certain provisions established in the code for what types of businesses that could be established with a use permit. He further noted legal non-conforming businesses could continue to operate but could not expand their business. He explained that the redlined items in nonconforming uses were rescinding the restrictions.

Planning Manager Merideth added that there were approximately 30 tobacco retailers within Antioch.

Acting Director of Community Development Scudero stated that it had never been communicated to him that state law restricted City's from prohibiting tobacco retailers from selling their businesses and the City had not been challenged on that matter.

In response to Commissioner Webber, Acting Director of Community Development Scudero explained there was a definition in the ordinance for paraphernalia retailer and cannabis businesses were separate.

Chairperson Riley and Commissioners Gutilla, Martin and Jones felt this ordinance amendment was needed to be consistent and fair with other businesses in Antioch. Commissioners Gutilla and Martin added that they did not support tobacco use.

Commissioner Lutz stated that he appreciated the concerns of the retailers regarding financial fairness; however, he felt allowing the transfer of sale would undermine efforts to reduce tobacco related harm. He commented that he would be voting no on this item and discussed his personal experience with the negative impacts of tobacco use.

Commissioner Webber agreed with Commissioner Lutz and stated that in order to reduce crime associated with these types of businesses, he would not be supporting the resolution.

On motion by Commissioner Jones, seconded by Commissioner Martin the Planning Commission adopted the resolution recommending the City Council adopt text amendments to Section 9-5.3843 of Article 38 (Land Use Regulations) of Chapter 5 (Zoning) of Title 9 (Planning and Zoning) of the Antioch Municipal Code Relating to Tobacco and Paraphernalia Retailers (LA2024-0001). The motion carried the following vote:

AYES:	<i>Jones, Martin, Gutilla, Riley</i>
NOES:	<i>Lutz, Webber</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Hills</i>

7. ORAL/WRITTEN COMMUNICATIONS

Acting Planning Manager Merideth announced the Inclusionary Housing Ordinance website launched, and she would email the link to Commissioners. She noted there would be additional outreach regarding that item. She reported staff was working on Zoning Ordinance Amendments and minor updates to the Downtown Specific Plan to meet some of the housing ordinance requirements. She also noted there were development applications that should be coming to the Commission soon.

Commissioner Gutilla informed the Commission and staff that with the expiration of her term in October, she would not be reapplying or participating in any Planning Commission meetings after October. She noted with frequent absentees of a commissioner she was concerned her resignation may cause quorum issues.

Acting Director of Community Development Scudero stated he appreciated Commissioner Gutilla's participation on the Planning Commission and noted she could serve until her seat was filled if she was interested. He stated staff would address the attendance issue of other Commissioners. He noted staff would be announcing Planning Commission vacancies at the next City Council meeting.

Commissioner Gutilla stated she enjoyed her time on the Commission; however, due to family obligations, she did not want to be away from home in the evening.

The Commission recognized Commissioner Gutilla and commented that her expertise would be missed.

8. COMMITTEE REPORTS

Commissioner Jones reported on her attendance at the TRANSPLAN Committee meeting.

9. NEXT MEETING: October 2, 2024

Acting Planning Manager Merideth announced the October 2, 2024, meeting would be canceled.

10. ADJOURNMENT

On motion by Commissioner Martin, seconded by Commissioner Jones, the Planning Commission adjourned the meeting at 7:21 P.M. The motion carried the following vote:

AYES:	<i>Jones, Lutz, Martin, Gutilla, Webber, Riley</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Hills</i>

Kitty Eiden

KITTY EIDEN, Minutes Clerk