

**WHAT IS A USE PERMIT?**

The City has discretionary control over certain uses which have site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with surrounding uses and properties. A Use Permit application is the method used to review and regulate such uses. Other names for a Use Permit include “Conditional Use Permit”, “CUP”, or “Special Use Permit.” The Use Permit process also allows for public input during the review of your application.

On July 26, 2018, the Antioch City Council adopted an Ordinance amending Title 9, Chapter 5 of the Antioch Municipal Code, thereby creating new provisions for the consideration of cannabis businesses in the City of Antioch. The Code Amendment established new definitions, imposed basic standards, and created a new Cannabis Business (CB) Zoning Overlay District. Within the CB Zoning Overlay District, a party may apply for a Use Permit from the City Council for the establishment of a Cannabis Business. On September 11, 2018, the Council adopted Cannabis Business Land Use and Operational Guidelines to provide guidance on the City of Antioch’s general expectations relating to the design and operation of Cannabis Businesses. A copy of the Ordinance and the Guidelines are attached to this brochure.

**PROCESS**

The process for applying for a Use Permit for a Cannabis Business is as follows:

**Step 1 - Project Consideration**

A prospective applicant should review the zoning requirements for the proposed project site and use with the Planning Division staff. You will typically be given a copy of the application at this time. If new construction is involved, a prospective applicant should also consult the Citywide Design Guidelines, which are available at [www.antiochplanning.com](http://www.antiochplanning.com). All projects are required to comply with these Guidelines.

**Step 2 – Pre-application Conference**

A pre-application conference is required. Prior to this meeting the team of staff members that will be assigned to your project will be chosen, including representatives of the Planning, Engineering, Building Divisions, and Police Department if applicable. These staff members will be with you throughout the life of your project and are a valuable resource as questions arise. The pre-application conference is your opportunity to receive comprehensive information from each division regarding City requirements. You will also be given information on which outside agencies to consult prior to submitting your application, such as the Fire Department. It is strongly recommended that your design professional attend this meeting with you and that you bring any draft drawings that may have been prepared.

*A pre-application conference can be scheduled by contacting the Planning Division at [planning@antiochca.gov](mailto:planning@antiochca.gov)*

**Step 3 – Preliminary Review of Plans**

This is an optional step. Your assigned staff member can informally review a draft copy of your plans. Note that because all divisions will not be reviewing the draft plans, this is not a comprehensive review and comments may be made later in the process.

#### Step 4 – Submit your Application

Please make an appointment with your assigned staff member (contact information provided at pre-application conference) to submit your application. Necessary forms and material checklists are provided in this brochure.

#### Step 5 – Processing the Application

Staff will check your application for completeness against the requirements contained in the following pages. You will receive either a complete or incomplete letter from staff. **Please note the “complete” letter marks the point your application is deemed to be complete for processing timelines.** An “incomplete” letter will provide documentation of items that must be submitted/resubmitted prior to your project being deemed complete.

Please be aware that planning applications will be automatically withdrawn if an applicant receives an incomplete letter and does not resubmit a substantive response within 120 calendar days. The Zoning Administrator may grant a written extension for up to an additional 90 calendar days when the applicant shows good cause for an extension. Delays due to circumstances outside the applicant’s reasonable control will be considered good cause to grant the extension.

Environmental review will start once the application is complete. State Law requires that all applications processed by the City be in compliance with the California Environmental Quality Act (CEQA). Your assigned staff member gave you preliminary information about what type of CEQA document is expected to be required for your project if not exempt.

Your plans will be routed to departments and divisions within the City and to applicable outside agencies for review and comment. Your assigned staff member will contact you with a summary of the comments that are received.

Your plans may be peer-reviewed by a firm selected from the City’s pre-approved list of contractors. The costs for peer review are paid by the applicant up front. Your assigned staff member will contact you with a summary of the comments that are received.

At this point, depending on the comments, your project will either require adjustments or responses to comments or will be ready to be scheduled for public hearings. Typically, it will take several months from the time an **application is deemed to be complete** for a project to be scheduled for a hearing. The exact timing will depend on the complexity of the project and the type of environmental review (see CEQA information above) required for the project.

#### Step 6 – Public Hearings

A Cannabis Use Permit requires a public hearing before the Planning Commission which will make a recommendation to City Council. Property owners within 300 feet will be notified of each hearing, and the notice will also be published in the newspaper.

At the hearing staff will present a summary of your project and the recommendation. Staff will take clarification questions from the hearing body. The selected project spokesperson will then have 10 minutes to speak. This

can be the property/business owner, design professional, or any other person best suited to explain your proposal and answer questions. All other persons wishing to speak regarding your item will then have an opportunity to speak. This includes members of the public who may support or oppose your project. Once all speakers are heard, the project representative will have an opportunity for a five-minute rebuttal. **Prior to your hearing, you are strongly encouraged to read and understand all conditions staff has proposed for your project.** These conditions may have significant impacts on project cost and timeliness.

After the public has spoken on the item, the public hearing will be closed and the hearing body will discuss the item. A decision will be made to do one of the following:

1. Approve or conditionally approve the project.
2. Postpone action pending receipt of additional information or amended plans.
3. Deny the application.

### **Right to Appeal**

The Planning Commission decision on your project can be appealed to the City Council within five working days of the hearing. The specific deadline for appeal will be on the hearing agenda. Appeals may be filed by the project proponent or a member of the public. Appeals must be submitted in writing to the City Clerk with the applicable fee. The City Council decision is not appealable.

### **APPLICATION SUBMITTAL CHECKLIST**

Please review the checklist below carefully and provide all of the required materials. Submitting copies of the application submitted to the State for a State License will not meet the submittal requirements of the City of Antioch. If the application is filed in conjunction with other applications, such as Design Review or a Variance, then the submittal requirements from all applicable checklists shall be incorporated into one submittal. All applications can be found on the City's website at: <https://www.antiochca.gov/community-development-department/planning-division/development-standards/>.

- SIGNATURES.** Application forms submitted and signed, including:
  - Development Application
  - Statement of Understanding
- DEPOSIT.** City of Antioch deposit of \$2,000.00 and appropriate State Department of Fish and Game fee, if applicable. The initial deposit is not a fee and monthly charges will not be drawn from this deposit. Actual charges may be in excess of the deposit. The deposit will be returned at the conclusion of the process after all invoices have been paid. If invoices are not paid on a monthly basis, processing will be terminated until all past due amounts have been paid. Costs to prepare environmental documents or necessary studies are required to be paid by the applicant in total up front.
- PROJECT DESCRIPTION.** A detailed written summary (on a separate sheet and attached to the application) describing the characteristics of the proposed cannabis business, hours of operation, number of employees, the nature of the products produced, stored, sold, or handled, and any other pertinent information

pertaining to the business. The description should indicate how each of the guidelines will be met, as applicable. This information is critical for staff to fully understand your project and how you wish it to operate. Much of this information will be used to explain the project to the reviewing body and to develop conditions for project approval. Also describe the architecture, materials, colors used, and landscaping.

- **TITLE REPORT.** Title report prepared within the past three months.
- **ENVELOPES.** Stamped (not metered postage) # 10 sized envelopes for all property owners within a 300-foot radius of the project site. Do not address the envelopes; this will be done by staff. Prior to application submittal contact Planning staff (925-779-7035) to confirm the number of envelopes you will need to submit.
- **PHOTOS.** Several photos of the project site and adjacent development with the location noted.
- **NEIGHBORHOOD RESPONSIBILITY PLAN.** Provide a detailed written plan describing all efforts that will be made to mitigate or eliminate any impacts on the immediate neighborhood.
- **ODOR MITIGATION PLAN.** An odor mitigation plan that includes the following:
  - Operational processes and maintenance plan, including activities undertaken to ensure the odor mitigation system remains functional;
  - Staff training procedures;
  - Engineering controls, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources; and,
  - All odor mitigation systems and plans submitted pursuant to this subsection should be consistent with accepted and best available industry-specific technologies designed to effectively mitigate cannabis odors. Please note that a third-party peer review of the odor mitigation plan at the expense of the applicant may be required by the City of Antioch.
- **SAFETY AND SECURITY PLAN.** Please refer to the attached Guidelines for detailed requirements of a safety and security plan. Submit a safety and security plan that includes the following minimum requirements:
  - Cameras. Please identify on a separate site/floor plan where all interior and exterior cameras will be installed and include their range of vision in degrees.
  - Product Management. The plan should describe the protocols for receipt and delivery of Cannabis or Cannabis Products, and associated materials. This should include the hours and location of deliveries.
  - Cash Management. The plan must describe how all cash will be handled or stored on-site, and how it will be delivered to the site and/or taken from the site.
  - Alarm System. Describe the proposed alarm system.
  - Secure Storage and Waste. Identify how all products will be stored, including trash disposal.
- **DEVELOPMENT PLANS.** All plans shall include the date of preparation and dates of each revision; be fully dimensioned and drawn to scale on the same sized sheets, with a consistent scale (as noted) throughout all plan sheets; be submitted in collated sets, stapled and folded to 8-1/2" x 11"; be numbered in proper sequence.

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- The following numbers of plan sets are required at the initial submittal:
  - Three (3) full size (24" x 36") sets
  - One (1) reduced (11"x17") set
  - One (1) electronic set (CD/thumb drive) shall be submitted with the initial application submittal.
  - Fifteen (15) additional reduced and three (3) full sized sets will be required once an application is deemed complete.
  
- The following types of plans are required:
  - Site Plan – A scaled site plan showing all property boundaries, buildings, parking spaces, driveway aisles, landscaped areas, undeveloped areas, trees, and any other physical feature of the property.
  - Floor Plan – A scaled floor plan for each level of each building that makes up the business site, including the entrances, exits, walls, and manufacturing, laboratory and research, or distribution areas, as applicable.
  - Lighting and Photometric Plan - A lighting plan showing existing and proposed exterior and interior lights that will provide adequate security lighting for the use. Identify foot candles for the entire property.

**ATTACHMENTS**

- A. Application Form
- B. Cannabis Business Land Use and Operational Guidelines



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**ATTACHMENT A – APPLICATION FORM**

PROPERTY LOCATION		
Address:		Assessor's Parcel No.:
Zoning Designation:		General Plan Land Use Designation:
PROJECT DESCRIPTION - Provide a basic description of the project below.		
APPLICANT		
Name:		
Address:		
City:	State:	Zip:
Telephone:		
Email:		
<b>PROPERTY OWNER</b>	<input type="checkbox"/> Same as applicant	
Name:		
Address:		
City:	State:	Zip:
Telephone:		
Email:		

FOR OFFICE USE ONLY	
DATE RECEIVED:	FILE NO:
PLANNER:	
<input type="checkbox"/>	<input type="checkbox"/>

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**REQUIRED SIGNATURES**

As part of this application, applicant and real party in interest, if different, agrees to defend, indemnify, hold harmless, and release the City of Antioch, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of the above, the purpose of which is to attack, set aside, void, or annul the approval of this application and/or the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the City of Antioch, its agents, officers, attorneys, or employees.

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this application to the best of my ability and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

**I understand that charges for materials and staff time spent processing this application will be billed monthly and is based on an hourly rate as identified in the current fiscal year fee schedule.** Application processing includes but is not limited to plan checking and processing, meetings, phone calls, research, e-mail, and staff report preparation. Further, I understand that my initial deposit is not a fee and actual charges may be in excess of the deposit. The deposit will be returned to me at the conclusion of the process after all invoices have been paid. If invoices are not paid on a monthly basis, processing will be terminated until all past due amounts have been paid. Failure to pay invoices on a monthly basis may also result in an application being deemed incomplete; postponement of hearings or meetings; and/or inability to obtain a building permit. Failure to pay invoices on a monthly invoice may also result in the placement of a lien on the subject property. I assume full responsibility for all costs incurred by the City in processing this application. Further, I understand that approval of my project is NOT guaranteed and may be denied. In the case of a denial, I understand that I am still responsible for all costs incurred by the City in processing this application. I hereby authorize employees, officials and agents of the City of Antioch to enter upon the subject property, as necessary, to inspect the premises and process this application.

Executed at: (City/State)	Dated:
Applicant's Name	Date
Property Owner's Name*	Date
<b>X</b>	<b>X</b>
Applicant's Signature	Property Owner's Signature

\* Real Party in Interest may be different than a listed property owner. If property is held by a trust, the real party in interest would be one or more individuals who benefit from the trust. In such a case, the actual beneficiary or real party in interest must sign instead of property trustee.