

**PLANNING COMMISSION
RESOLUTION NO. 2022-16**

**A RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
RECOMMENDING THE CITY COUNCIL APPROVE A USE PERMIT (UP-21-17) FOR
CANNABIS DISTRIBUTION LOCATED AT 2701 WEST 10TH STREET (APN: 074-051-029)**

WHEREAS, Three Habitat Consulting Group applied for a use permit for a cannabis distribution facility at 2710 West 10th Street (APN 074-051-029);

WHEREAS, the existing building includes a retail cannabis dispensary (UP-18-15) that was approved in 2019;

WHEREAS, the current operator is proposing to expand the business operation to include distribution services in an 8,482 sq. ft. unused portion of the existing building;

WHEREAS, this project is Categorical Exempt from the provisions of CEQA, pursuant to section 15301;

WHEREAS, the Planning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on May 13, 2022 for the public hearing held on June 1, 2022.

NOW, THEREFORE, IT BE RESOLVED that the Planning Commission does hereby make the following findings for recommendation to the City Council for approval of a Cannabis Business Use Permit pursuant to Section 9-5.2703 "Required Findings" (B) (1) of the Antioch Municipal Code:

- a) The granting of such Use Permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

Finding: The proposed cannabis distribution includes operational Conditions of Approval to minimize impacts. On-site armed security is required at all times with required annual audits of the site security plan. The business shall also maintain on-site odor control so that cannabis related odors are not readily detected outside the structure. Based upon the conditions imposed, the cannabis distribution use will not create adverse impacts to the surrounding businesses and residents.

- b) The use applied at the location indicated is properly one for which a Use Permit is authorized.

Finding: The site is zoned Cannabis Overlay District. The Cannabis Overlay District allows cannabis distribution with the approval of a use permit.

- c) That the site for the proposed use is adequate in size and shape to accommodate such use, and all parking, and other features required.

Finding: The proposed cannabis distribution use will take place in an existing commercial building with ample parking. The site has a secure area for cannabis deliveries.

- d) That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

Finding: The project site is currently developed and is located at the intersection of Verne Roberts Circle and West Tenth Street, which are adequate in width and pavement type to carry the traffic generated by the proposed use.

- e) The granting of such Use Permit will not adversely affect the comprehensive General Plan.

Finding: The use will not adversely affect the comprehensive General Plan because the project is consistent with the General Plan designation for the site of Business Park.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission hereby makes the following additional finding pursuant to Section 9-5.3845 (D) (1) "Cannabis Businesses" of the Antioch Municipal Code:

- (1) That the location and site characteristics of the proposed cannabis business are consistent with all applicable state laws and city standards or guidelines, that all provisions have been made to ensure that the operation of the cannabis business will not create excessive demands for police service or other public services, and that the cannabis business will benefit the city.

Finding: The conditions of approval on the project are consistent with the cannabis guidelines. The security plan has been reviewed by the Antioch Police Department and security conditions have been included per their direction. The revenue generated through the required operating agreement will provide a financial benefit to the City of Antioch.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission of the City of Antioch does hereby recommend that the City Council **APPROVE** the use permit for cannabis distribution, located at 2701 West 10th Street (APN 074-051-029); subject to the following conditions in Exhibit A:

* * * * *

I HEREBY CERTIFY the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch, at a regular meeting thereof, held on the 1st day of June 2022, by the following vote:

AYES: Gutilla, Lutz, Martin, Motts, Schneiderman

NOES:

ABSENT: Hills, Riley

ABSTAIN:


Forrest Ebbs (Jul 22, 2022 16:51 PDT)

**FORREST EBBS,
SECRETARY TO THE PLANNING COMMISSION**

**EXHIBIT A
CONDITIONS OF APPROVAL
(SEPARATE PAGE)**

EXHIBIT A: CONDITIONS OF APPROVAL

General Conditions	Regulation Source	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and signature)
<p>1. Project Approval. This Use Permit approval is for 2701 W. 10th Street , as substantially shown and described on the project plans, except as required to be modified by conditions herein or in the Development Agreement. Plans date received March 16, 2022, as presented to the Planning Commission on June 1, 2022. For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.</p>	City of Antioch	On-Going	Planning Department	
<p>2. Project Approval Expiration. This Use Permit recommendation for approval expires on June 1, 2024 unless City Council takes action on the project and new expiration date is granted. An extension may be granted by the Zoning Administrator for a period up to one (1) year, provided that, at least ten (10) days before expiration of one (1) year from the date when the approval becomes effective, an application for renewal of the approval is filed with the Community Development Department.</p>	City of Antioch	On-Going	Planning Department	
<p>3. City Fees. The applicant shall pay any and all City and other related fees applicable to the property, as may be modified by conditions herein. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured and shall be paid before issuance of said permit or before any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project applicant shall also reimburse the City for direct costs of planning; building and engineering plan check and inspection, as</p>	City of Antioch	On-Going	Community Development Department	

EXHIBIT A: CONDITIONS OF APPROVAL

	mutually agreed between the City and applicant. <i>Discretionary or ministerial permits/approvals will not be considered if the developer is not current on fees, balances, and reimbursement that are outstanding and owed to the City.</i>			
4.	Pass-Through Fees. The developer shall pay all pass-through fees. Fees include but are not limited to: a. East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Fee in effect at the time of building permit issuance. b. Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance. c. Contra Costa County Map Maintenance Fee in affect at the time of recordation of the final map(s). d. Contra Costa County Flood Control District Drainage Area fee. e. School Impact Fees. f. Delta Diablo Sanitation Sewer Fees. g. Contra Costa Water District (CCWD) Fees.	City of Antioch	On-Going	Community Development Department
5.	Appeals. Pursuant to Section 9-5.2509 of the Antioch Municipal Code, any decision made by the Planning Commission which would otherwise constitute final approval or denial may be appealed to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk within five (5) working days after the decision. All appeals to the City Council from the Planning Commission shall be accompanied by a filing fee established by a resolution of the City Clerk.	City of Antioch	Within 5 Days of Planning Commission Action	Planning Department
6.	Requirement for Building Permit. Approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.	City of Antioch	On-Going	Building Department

EXHIBIT A: CONDITIONS OF APPROVAL

7.	Modifications to Approved Plans. The project shall be constructed as approved and with any additional changes required pursuant to the Zoning Administrator or Planning Commission Conditions of Approval. Planning staff may approve minor modifications in the project design, but not the permitted land uses. A change requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning Commission approval through the discretionary review process.	City of Antioch	On-Going	Planning Department	
8.	Hold Harmless Agreement/Indemnification. The applicant (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Antioch and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application. The City will promptly notify the applicant of any such claim action or proceeding and cooperate fully in the defense.	City of Antioch	On-Going	Planning Department	

Fire Standards		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and signature)
9.	All requirements of the Contra Costa County Fire Protection District shall be met.	Contra Costa County Fire Protection District (CCCYPD)	Timing Required	Contra Costa County Fire Protection District (CCCYPD)	

EXHIBIT A: CONDITIONS OF APPROVAL

At the Time of Building Permit Issuance		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and signature)
10.	Encroachment Permit. The applicant shall obtain an encroachment permit from the Engineering Division before commencing any construction activities within any public right- of-way or easement.	City of Antioch	At the Time of Building Permit Issuance	Public Works Department	

At the Time of Construction		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and signature)
11.	Collection of Construction Debris. Gather all construction debris on a regular basis and place them in a Waste Management dumpster or other container that is emptied or removed on a weekly basis consistent with the Construction and Demolition Debris Ordinance. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.	City of Antioch	On-Going	Building Department	
12.	Construction Hours. Construction activity shall be as outlined in in the Antioch Municipal Code. Construction activity is limited to 8:00 AM to 5:00 PM Monday-Friday or as approved in writing by the City Manager. Requests for alternative construction hours shall be submitted in writing to the City Engineer. days/times restricted to the hours of 8:00 a.m. to 6:00 p.m.	City of Antioch	On-Going	Building Department / Public Works	
13.	Demolition, Debris, Recycling. The project shall be in compliance with and supply all the necessary documentation for Antioch Municipal Code § 6-3.2: Construction and Demolition Debris Recycling.	City of Antioch	On-Going	Building Department / Public Works	

EXHIBIT A: CONDITIONS OF APPROVAL

Prior to Issuance of Occupancy Permit		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and signature)
14.	Planning Inspection. Planning staff shall conduct a site visit to review exterior building elevations for architectural consistency with the approved plans and landscape installation (if required). All exterior finishing details including window trim, paint, gutters, downspouts, decking, guardrails, and driveway installation shall be in place prior to scheduling the final inspection.	City of Antioch	Prior to Occupancy Permit	Planning Department	
15.	Debris Removal. All mud, dirt or construction debris carried off the construction site and shall be removed prior to scheduling the final Planning inspection. No materials shall be discharged onto a sidewalk, street, gutter, storm drain or creek.	City of Antioch	Prior to Occupancy Permit	Building Department	
16.	Fire Prevention. A final Fire inspection shall occur to inspect all fire prevention systems constructed as part of the project. Inspections shall occur prior to final occupancy permit issuance.	City of Antioch	Prior to Occupancy Permit	Fire Dept (CCCFPD)	

Project Specific Conditions		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and signature)
17.	Type 11 Cannabis Permit. This use permit approval applies to the operation of a Type-11 cannabis distribution facility as shown on the project plans and application materials submitted to the Community Development Department date stamped received March 16, 2022. Any forthcoming plans submitted for any purpose shall be entirely consistent	City of Antioch	On-Going	Community Development Department	

EXHIBIT A: CONDITIONS OF APPROVAL

	with these received plans and application materials and conditions of approval herein.				
18.	Existing Permit. All conditions of approval contained in City Council Resolution 2019/60 are still applicable to the subject property unless modified herein.	City of Antioch	On-Going	Community Development Department	
19.	Hours of Operation. The hours of operation shall be from 8:00 AM – 8:00 PM. Any changes to the hours of operation shall be subject to the review and approval of the Zoning Administrator.	City of Antioch	On-Going	Community Development Department	
20.	State Licensing. All necessary licenses from the State of California shall be obtained prior to opening.	City of Antioch	Prior to Occupancy Permit	Community Development Department	
21.	Delivery. All cannabis delivered to and from the site for the purpose of distribution shall take place in a caged/gated delivery area with a dedicated armed security guard to be present during all deliveries.	City of Antioch	On-Going	Community Development Department	
22.	Operating Agreement. The applicant shall enter into a revised or new operating agreement with the City of Antioch reflecting the new distribution use prior to a certificate of occupancy being issued for the site. No business license shall be issued without an approved operating agreement.	City of Antioch	Prior to Occupancy Permit	City Attorney	






Resolution 2022-16 One Plant Cannabis Distribution UP

Final Audit Report

2022-07-22

Created:	2022-07-22
By:	Anne Hersch (ahersch@antiochca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAe9bKv100YBpD8l-kVzERGUGmxywm07Zv

"Resolution 2022-16 One Plant Cannabis Distribution UP" History

-  Document created by Anne Hersch (ahersch@antiochca.gov)
2022-07-22 - 11:10:03 PM GMT
-  Document emailed to Forrest Ebbs (febbs@ci.antioch.ca.us) for signature
2022-07-22 - 11:10:24 PM GMT
-  Email viewed by Forrest Ebbs (febbs@ci.antioch.ca.us)
2022-07-22 - 11:50:58 PM GMT
-  Document e-signed by Forrest Ebbs (febbs@ci.antioch.ca.us)
Signature Date: 2022-07-22 - 11:51:23 PM GMT - Time Source: server
-  Agreement completed.
2022-07-22 - 11:51:23 PM GMT