

**ANNOTATED
AGENDA
CITY OF ANTIOCH PLANNING COMMISSION
ANTIOCH COUNCIL CHAMBERS
200 "H" STREET**

WEDNESDAY, MARCH 20, 2019

6:30 P.M.

**NO PUBLIC HEARINGS WILL BEGIN AFTER 10:00 P.M.
UNLESS THERE IS A VOTE OF THE PLANNING COMMISSION
TO HEAR THE MATTER**

APPEAL

All items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on **WEDNESDAY, MARCH 27, 2019.**

If you wish to speak, either during "public comments" or during an agenda item, fill out a Speaker Request Form and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes. During public hearings, each side is entitled to one "main presenter" who may have not more than 10 minutes. These time limits may be modified depending on the number of speakers, number of items on the agenda or circumstances. No one may speak more than once on an agenda item or during "public comments". Groups who are here regarding an item may identify themselves by raising their hands at the appropriate time to show support for one of their speakers.

ROLL CALL

6:30 P.M.

Commissioners	Parsons, Chair
	Turnage, Vice Chair
	Zacharatos
	Motts
	Martin
	Schneiderman
	Soliz

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

CONSENT CALENDAR

All matters listed under Consent Calendar are considered routine and are recommended for approval by the staff. There will be one motion approving the items listed. There will be no separate discussion of these items unless members of the Commission, staff or the public request specific items to be removed from the Consent Calendar for separate action.

1. **APPROVAL OF MINUTES:** **February 20, 2019** **APPROVED**

* * * END OF CONSENT CALENDAR * *

STAFF REPORT

NEW PUBLIC HEARING

2. **Zoning Ordinance Amendment – Cannabis Business** – The City of Antioch is proposing an ordinance to amend Antioch Municipal Code Section 9-5.3845, Cannabis Business. The proposed ordinance would require that any party obtaining a conditional use permit for a cannabis business enter into a development agreement with the City as a condition for securing permit approval. Other minor amendments are also proposed.

This item is exempt under the California Environmental Quality Act (CEQA) under the general rule that this action does not have the potential to impact the environment.

RESOLUTION NO. 2019-08

ORAL COMMUNICATIONS

STAFF REPORT

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT (6:53 pm)

Notice of Availability of Reports

This agenda is a summary of the discussion items and actions proposed to be taken by the Planning Commission. For almost every agenda item, materials have been prepared by the City staff for the Planning Commission's consideration. These materials include staff reports which explain in detail the item before the Commission and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the Community Development Department located on the 2nd floor of City Hall, 200 "H" Street, Antioch, California, 94509, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday for inspection and copying (for a fee) or on our website at:

<https://www.antiochca.gov/fc/community-development/planning/Project-Pipeline.pdf>

Copies are also made available at the Antioch Public Library for inspection. Questions on these materials may be directed to the staff member who prepared them, or to the

Community Development Department, who will refer you to the appropriate person.

Notice of Opportunity to Address the Planning Commission

The public has the opportunity to address the Planning Commission on each agenda item. You may be requested to complete a yellow Speaker Request form. Comments regarding matters not on this Agenda may be addressed during the “Public Comment” section on the agenda.

Accessibility

The meetings are accessible to those with disabilities. Auxiliary aids will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**February 20, 2019
City Council Chambers**

Chair Parsons called the meeting to order at 6:30 P.M. on Wednesday, February 20, 2019 in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, February 27, 2019.

ROLL CALL

Present: Commissioners Schneiderman, Motts, Martin, Soliz, Zacharatos,
Vice Chair Turnage and Chair Parsons
Staff: Planning Manager, Alexis Morris
Associate Planner, Zoe Merideth
Senior Civil Engineer, Ken Warren
Captain, Tony Morefield
Interim City Attorney, Samuel Emerson
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Approval of Minutes:** None

NEW PUBLIC HEARING

2. **UP-18-18, V-19-01, AR-18-18 – Event Center and Lounge** – Prince Nwosu requests approval of a use permit to operate an event center for special events and live entertainment for up to 300 people. The applicant is requesting a variance from the separation requirements in order to operate an on-sale alcohol location within 500 feet of a community center. The applicant also requests design review for minor exterior changes to the building including new windows and paint, an approximately 199 square foot addition to the rear of the building, an exterior staircase, and a roof deck at the rear of the building. On the adjoining vacant lot, the applicant proposes to add a new gazebo and faux-grass. The subject property is located at 509 West 2nd Street and the adjoining vacant lot (APNs 066-053-009 and 066-053-014).

Associate Planner Merideth presented the staff report dated February 15, 2019 recommending the Planning Commission approve a Use Permit for an event center, a Variance from separation requirements between an on-sale alcohol location and a community center, and Design Review for minor façade changes, an approximately 199 square foot rear building addition, an exterior stair case, a roof deck to the rear of the building, and a gazebo on the adjoining vacant lot, subject to the conditions contained in the staff report's attached resolution.

In response to Commissioner Martin, Associate Planner Merideth explained that the applicant proposed mostly family type events. She clarified that the recommended conditions of approval required closure at 12:00 A.M. with outdoor space limited to 10:00 P.M., in order to be sensitive to residents in the area and consistent with other limitations in Antioch. She stated they would be required to submit building permits which would include structural calculations for the roof deck, and they would be required to build it according to those plans. She explained that security was required for events starting after 5:00 P.M. which was consistent with conditions placed on other event centers.

Planning Manager Morris added that staff would not be available to monitor events, so they felt requiring security guards for events of any size occurring after 5:00 P.M. would address their concerns. She noted that the applicant had indicated that they would be holding mostly large events.

In response to Commissioner Zacharatos, Associate Planner Merideth explained that there were sufficient on-street parking spots and parking lots available. She stated there was an existing interior stairway and an exterior stairway was proposed to meet requirements for the second floor.

In response to Chair Zacharatos, Planning Manager Morris stated that the building needed to meet ADA requirements as part of the building permit review and an elevator would not be required.

In response to Commissioner Soliz, Associate Planner Merideth explained that the event center would have to follow the ABC requirements for any alcohol served on the premises.

Commissioner Soliz suggested that there may be a compromise for the security requirement for smaller events held early in the evening.

In response to Commissioner Schneiderman, Associate Planner Merideth explained that Code Enforcement had cited the applicant for unpermitted work. She noted there would be no tenant improvements for an event center until this project was approved by the Planning Commission. She stated legal noticing occurred within 300-feet of the project and they had received no comments.

In response to Commissioner Motts, Associate Planner Merideth stated the plans had a more architecturally compatible look, which would enhance downtown Antioch. She noted the stairway would not be visible from the street but it would use the same colors as the building, so it would be compatible.

Chair Parsons opened the public hearing.

The Project Designer stated it was a privilege to be before the Planning Commission. He explained that the project consisted of a 199-square foot addition. He noted the building would be handicapped accessible. He expressed his gratitude to staff for their assistance with the application and stated they were seeking the Planning Commission's approval of their project. He stated the applicant was concerned with project specific conditions #17-20; therefore, they were requesting that they be allowed to place artificial greenery in the landscape areas. He also requested clarification for project specific condition #42 noting that a gate currently existed in that location.

Associate Planner Merideth responded that the vehicle gate would swing over the public right of way causing people to drive out over the sidewalk so they were asking for it to be replaced with a pedestrian gate.

Prince Nwosu, applicant, stated it was a pleasure to be before the Planning Commission and his goal was to provide an event center that would be available for local residents. He noted he appreciated the work of City staff. He further noted that he did not feel security was necessary for non-alcohol related events.

The Project Designer, requested the closure time be extended to 1:00 A.M. – 2:00 A.M.

Chair Parsons reported that while she served on the Council she received many noise complaints for this area, so staff's concern related to the hours of operation were valid.

In response to Commissioner Zacharatos, Captain Morefield stated that his concern would be that this project could be a drain on police resources if events got out of hand and that was why there was a security requirement. He noted that his understanding of this project was that they were looking to have events for up to 300 people and the Antioch Police Department did not anticipate monitoring them. He stated as the plans were approved, they were expecting the applicant to meet all of the recommendations.

In response to Commissioner Motts, Captain Morefield stated that in the past there had been significant issues at the Women's Club.

In response to Vice Chair Turnage, Planning Manager Morris confirmed that the Planning Commission was considering the design of the building and land use.

In response to Commissioner Zacharatos, Planning Manager Morris stated that the Nick Rodriguez Community Center was only open at night for theater performances. Chair Parsons closed the public hearing.

In response to Commissioner Martin, Associate Planner Merideth explained that it was not staff's intention to require the removal of the faux grass.

In response to Commissioner Schneiderman, Planning Manager Morris stated that it would be possible for the applicant to place a vertical art feature in the small planter area. She noted the goal of the conditions of approval was to remove the artificial greenery and that an architectural feature would also accomplish breaking up the large walls in the courtyard.

Vice Chair Turnage stated he supported resizing the gate and given the extensive repairs needed, irrigation would not be that difficult for the applicant to install. He noted it was a good project for downtown and hopefully it would not be a burden for Antioch Police Department. He recommended adding a third security guard after 10:00 P.M. for events involving alcohol.

Chair Parsons agreed with Vice Chair Turnage.

Commissioner Schneiderman questioned if two security guards would be required if there was no alcohol involved.

At the request of the applicant, Chair Parsons reopened the public hearing.

The Project Designer explained that there would be security cameras both inside and outside the venue. He agreed to provide three security guards for large events; however, he asked that they be allowed to opt out of the requirement for smaller events.

In response to Chair Parsons, the project designer clarified that there would be an office manager on site.

Vice Chair Turnage stated that the application was for large events and he felt it was important to adhere to the security guard requirement for events beginning after 5:00 P.M.

Planning Manager Morris suggested that the Planning Commission consider requiring the applicant to obtain a supplemental administrative use permit if the event would be small and no alcohol would be served, if they want to opt out of the security guard process.

The applicant stated he understood what was being proposed by staff.

Chair Parsons closed the public hearing.

RESOLUTION NO. 2019-05

On motion by Vice Chair Turnage, seconded by Commissioner Martin, the Planning Commission unanimously approved UP-18-18, V-19-01, AR-18-18 a Use Permit for an event center, a Variance from separation requirements between an on-sale alcohol location and a community center, and Design Review for minor façade changes, an approximately 199 square foot rear building addition, an exterior stair case, a roof deck to the rear of the building, and a gazebo on the adjoining vacant lot, subject to the conditions contained in the staff report's attached resolution. With the addition of the following:

- ***There shall be a condition of approval added to the resolution that allows the applicant to apply for a supplemental administrative use permit to allow a small event without alcohol that starts after 5:00 P.M., to opt out of the security requirement, subject to review and approval by the Planning Division.***

The motion carried the following vote:

AYES:	Schneiderman, Motts, Turnage, Martin, Zacharatos, Parsons
NOES:	Soliz
ABSTAIN:	None
ABSENT:	None

NEW ITEM

- 3. AR-18-23 - Vineyards at Sand Creek Amenity Building** - Century Communities requests design review approval of an Amenity Building and landscaping for Phase I through Phase III as well as streetscape landscaping for Heidorn Ranch Road and Hillcrest Avenue for the Vineyards at Sand Creek Project (APNs 057-030-003 and 057-050-007).

Planning Manager Morris presented the staff report dated February 15, 2019 recommending the Planning Commission approve AR-18-23 subject to the conditions contained in the staff report's attached resolution.

In response to Commissioner Martin, Alicia Wilson, Project Manager and Scott McQuay, Jeffrey DeMure and Associates, explained that the Amazon hub was a package delivery hub for Amazon prime orders. He noted if there was no agreement with Amazon, they would reach out to another third party company.

Commissioner Soliz stated he liked the design of the amenity building and project. He questioned if it would be available for the general public to rent.

Ms. Wilson explained that currently it was open to the active adult portion of the project; however, someone living in the project could sponsor a member of the public wanting to rent the facility.

Mr. McQuay added that there would be a demonstration kitchen and a pub with rentable storage lockers for residents.

Chair Parsons spoke in support of the project.

Mr. McQuay stated it was a pleasure working with staff.

RESOLUTION NO. 2019-06

On motion by Commissioner Martin, seconded by Commissioner Motts, the Planning Commission unanimously approved AR-18-23 subject to the conditions contained in the staff report's attached resolution. The motion carried the following vote:

AYES:	<i>Schneiderman, Motts, Turnage, Martin, Soliz, Zacharatos and Parsons</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>None</i>

ORAL COMMUNICATIONS

In response to Commissioner Martin, Planning Manager Morris stated that she anticipated bringing a cleanup item for the Downtown Specific Plan in the March/April timeframe.

In response to Commissioner Motts, Planning Manager Morris stated that if Planning Commissioners wanted to attend a Planning related event, they would book their own travel and then the City would reimburse up to the amount allocated for each Commissioner. She noted the goal was to request up to \$1000.00 per Commissioner for the next budget cycle; however, it would be up to the City Council to approve that request.

Commissioner Soliz requested more information regarding the previous approvals for the Vineyard project.

Planning Manager Morris offered to meet with Commissioners to discuss any issue. She explained that the land use aspects of the Vineyards project were previously approved with central clubhouse and hub that was privately maintained for residents. Therefore, from a land use perspective, the amenity building was not publicly available space.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts reported on his attendance at the February 14, 2019, TRANSPLAN meeting.

ADJOURNMENT

Chair Parsons adjourned the Planning Commission at 7:32 P.M.

Respectfully submitted,

Kitty Eiden
Minutes Clerk

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF MARCH 20, 2019**

Submitted by: Forrest Ebbs, Community Development Director

2/for FE

Date: March 5, 2019

Subject: Cannabis Ordinance Amendments

RECOMMENDATION

It is recommended that the Planning Commission take the following actions:

1. Adopt the resolution recommending approval of an ordinance to amend the Zoning Ordinance regarding Cannabis Businesses.

REQUEST

Staff requests amendments to the Zoning Ordinance regarding Cannabis Businesses to impose a requirement for Development Agreements and to amend definitions related to cannabis delivery. The Planning Commission recommendation will be forwarded to the City Council for formal action.

BACKGROUND

In November 2016, California voters approved Proposition 64, which legalized forms of recreational cannabis (marijuana) usage, production, possession, and retail sales. On May 22, 2018, the Antioch City Council introduced an Ordinance establishing a Cannabis Business (CB) Zoning Overlay District and associated texts. This Ordinance allows Cannabis Businesses within the Zoning Overlay subject to approval from the City Council and subject to certain standards and findings. On June 26, 2018, the City Council approved the second reading of the Ordinance and it became effective on July 26, 2018.

The Cannabis Business language is primarily contained in Section 9-5.3845 of the Zoning Ordinance and reads as follows:

§ 9-5.3845 CANNABIS BUSINESS.

A cannabis business may be established within the Cannabis Business (CB) Zoning Overlay District only under the following conditions:

- (A) A use permit from the City Council is required for all cannabis land uses, including cannabis businesses and cannabis retail. The application shall be considered by the Planning Commission who shall make a recommendation to the City Council.

(B) A cannabis business shall be located no closer than 600 feet from the following:

- (1) Any private or public school serving students grade kindergarten through high school;
- (2) Any public park owned or operated by the city;
- (3) Any property occupied by a residential land use or with a residential or general plan land use designation or zoning designation.

(C) In addition to the standard findings for approval of a use permit, the City Council shall make the following additional finding in support of approval of a use permit for a cannabis business.

- (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.

(Ord. 2143-C-S, passed 6-26-18)

CEQA

The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") through the general rule, that it can be found with certainty that the project will have no potential for significant impact on the environment.

PROPOSAL

Development Agreement

Section 9-5.3845(C) includes a separate required finding that requires consistency with all applicable laws, that all provisions are made to avoid excessive demands for police or other public services, and that the cannabis business will benefit the city. Unlike other similar findings that simply preclude a land use from doing no harm, this unique finding actually requires a net benefit to the City of Antioch. With each application before the Planning Commission and City Council, the applicant will need to demonstrate the benefit to the City that their cannabis business will provide.

In order to clarify these expectations and formalize the commitments made to provide such a benefit, staff is recommending a new provision that would require a Development Agreement for each cannabis business. A Development Agreement is a contract between the City of Antioch and a developer or business that outlines the benefits and obligations that each party will undertake while developing the project or initiating the business.

The specific proposed language is as follows:

(B) Prior to operating in the city and as a condition of issuance of a use permit, the operator of each cannabis business shall enter into a development agreement pursuant to Government Code section 65864, et seq., known as the Development Agreement statute, setting forth the terms and conditions under which the cannabis business will operate that are in addition to the requirements of this section, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

Delivery Definition

Presently, the definition for Cannabis Retail, contained in AMC 9-5.203 states the following:

“CANNABIS RETAIL. A cannabis business that distributes, dispenses, stores, exchanges, packages, re-packages, labels, sells, makes available, transmits, or gives away cannabis or cannabis products for either medical or recreational use and is operated in accordance with state and local laws and regulations. Cannabis retail includes, but is not limited to, selling and/or delivering cannabis or cannabis products as part of a sale, pursuant to a Type 10 cannabis license, or a cannabis license subsequently established.

This definition combines retail sales with delivery. As staff has learned, there are likely to be stand-alone delivery services that do not offer on-site retail and operate much like a beverage distributor. Since the Zoning Ordinance imposes a 600’ separation requirement between Cannabis Retail land uses, it inadvertently applies this same separation to a potential stand-alone delivery service, which staff believes to be inconsistent with the intent of the separation. As such, staff is recommending amendment to the definition of Cannabis Retail to strike the reference to delivery and introduction of the following new definition for Cannabis Delivery:

“CANNABIS DELIVERY. A cannabis business that offers delivery of cannabis or cannabis product for either medical or recreational use and is operated in accordance with state and local laws and regulations, pursuant to a Type 9 cannabis license, or a cannabis license subsequently established. Cannabis delivery includes, but is not limited to, delivering cannabis directly to retail or wholesale customers or to other recipients with or without compensation and specifically excludes any on-site retail use. If retail use exists on the same site, the entire land use shall be classified as Cannabis Retail and subject to the provisions thereof.

In addition, the definition for cannabis retail should be amended as follows:

“CANNABIS RETAIL. A cannabis business that distributes, dispenses, stores, exchanges, packages, re-packages, labels, sells, makes available, transmits, or gives away cannabis or cannabis products for either medical or recreational use and is operated in accordance with state and local laws and regulations. Cannabis retail includes, but is not limited to, selling ~~and/or delivering~~ cannabis or cannabis products ~~as part of a sale~~, pursuant to a Type 10 cannabis license, or a cannabis license subsequently established.

SUMMARY

The purpose of this action is to clarify and formalize the City’s expectations for net benefit from Cannabis Businesses and to appropriately define cannabis delivery.

ATTACHMENTS

- A. Resolution with Ordinance
- B. Cannabis Map with 600’ City and State buffers

ATTACHMENT “A”

**PLANNING COMMISSION
RESOLUTION NO. 2019-****

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE TO
AMEND THE ZONING ORDINANCE REGARDING CANNABIS BUSINESSES**

WHEREAS, the City Council enacted Ordinance 2143-C-S on June 26, 2018, regarding Cannabis Businesses; and,

WHEREAS, Section 9-5.3845 Cannabis Businesses regulates the establishment and operation of Cannabis Businesses in the City of Antioch; and,

WHEREAS, Section 9-5.3845(C)(1) requires a finding that a proposed cannabis business will benefit the City of Antioch; and,

WHEREAS, Development Agreements are authorized under Government Code Section 65864 et.al; and,

WHEREAS, the Planning Commission finds that stand-alone cannabis delivery is inherently different from cannabis retail and should be afforded a unique definition and be regulated separately; and,

WHEREAS, on March 20, 2019, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and written; and,

WHEREAS, the approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") through the general rule, that it can be found with certainty that the project will have no potential for significant impact on the environment.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend to the City Council APPROVAL of the draft Ordinance (Exhibit A) to amend the Zoning Ordinance regarding Cannabis Businesses.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 20th day of March, 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

FORREST EBBS
Secretary to the Planning Commission

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING ARTICLE 3845 OF CHAPTER 5 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE TO INCLUDE THE REQUIREMENT OF A DEVELOPMENT AGREEMENT AND AMENDING DEFINITIONS RELATED TO CANNABIS RETAIL AND CANNABIS DELIVERY.

The City Council of the City of Antioch does ordain as follows:

SECTION 1:

The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") through the general rule, that it can be found with certainty that the project will have no potential for significant impact on the environment.

SECTION 2:

The City Council enacted Ordinance 2143-C-S on June 26, 2018 regarding Cannabis Businesses; and

SECTION 3:

At its regular meeting of March 20, 2019, the Planning Commission recommended that the City Council adopt this Ordinance to amend the Zoning Ordinance to require Development Agreements and amending locational requirements for cannabis cultivation and volatile manufacturing.

SECTION 4:

The text of the Zoning Ordinance is amended to conform to the modified text, attached hereto as Exhibit 1.

SECTION 5:

In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in force and effect.

SECTION 6:

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage

and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the _____ of _____, 2019, and passed and adopted at a regular meeting thereof, held on the _____ of _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch

EXHIBIT 1

§ 9-5.203 DEFINITIONS

“CANNABIS RETAIL. A cannabis business that distributes, dispenses, stores, exchanges, packages, re-packages, labels, sells, makes available, transmits, or gives away cannabis or cannabis products for either medical or recreational use and is operated in accordance with state and local laws and regulations. Cannabis retail includes, but is not limited to, selling ~~and/or delivering~~ cannabis or cannabis products ~~as part of a sale~~, pursuant to a Type 10 cannabis license, or a cannabis license subsequently established.

“CANNABIS DELIVERY. A cannabis business that offers delivery of cannabis or cannabis product for either medical or recreational use and is operated in accordance with state and local laws and regulations, pursuant to a Type 9 cannabis license, or a cannabis license subsequently established. Cannabis delivery includes, but is not limited to, delivering cannabis directly to retail or wholesale customers or to other recipients with or without compensation and specifically excludes any on-site retail use. If retail use exists on the same site, the entire land use shall be classified as Cannabis Retail and subject to the provisions thereof.

§ 9-5.3845 CANNABIS BUSINESS.

A cannabis business may be established within the Cannabis Business (CB) Zoning Overlay District only under the following conditions:

(A) A use permit from the City Council is required for all cannabis land uses, including cannabis businesses and cannabis retail. The application shall be considered by the Planning Commission who shall make a recommendation to the City Council.

(B) Prior to operating in the city and as a condition of issuance of a use permit, the operator of each cannabis business shall enter into a development agreement pursuant to Government Code section 65864, et seq., known as the Development Agreement statute, setting forth the terms and conditions under which the cannabis business will operate that are in addition to the requirements of this section, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

(C) A Cannabis business shall be located no closer than 600 feet from the following:

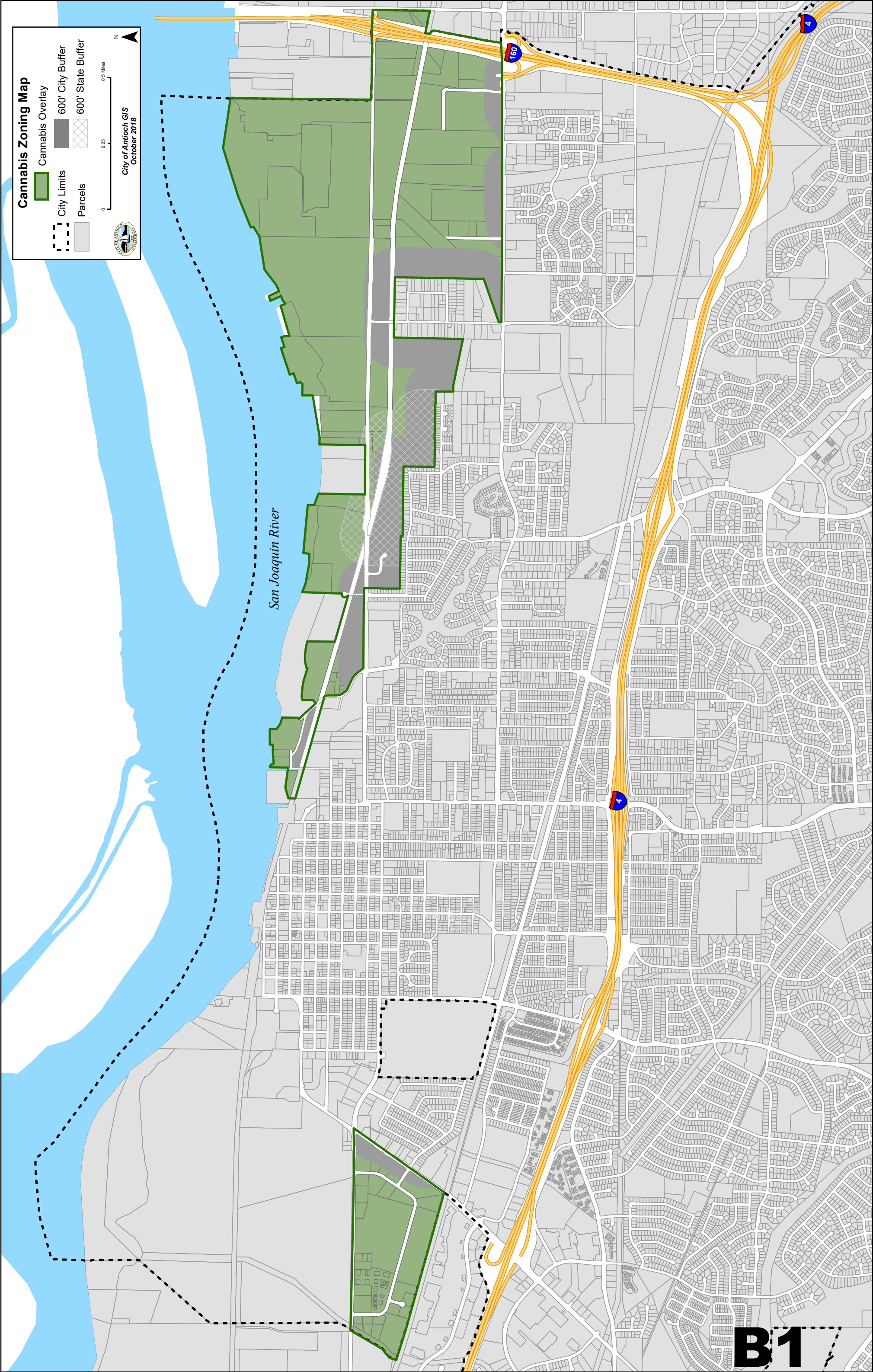
- (1) Any private or public school serving students grade kindergarten through high school;
- (2) Any public park owned or operated by the city;
- (3) Any property occupied by a residential land use or with a residential or general plan land use designation or zoning designation.

EXHIBIT 1

(D) In addition to the standard findings for approval of a use permit, the City Council shall make the following additional finding in support of approval of a use permit for a cannabis business.

(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.

ATTACHMENT “B”



San Joaquin River

B1