



ANNOTATED

AGENDA

CITY OF ANTIOCH PLANNING COMMISSION

WEDNESDAY, OCTOBER 21, 2020

6:30 P.M.

PURSUANT TO GOVERNOR GAVIN NEWSOM'S EXECUTIVE ORDER N-29-20 THIS MEETING WILL BE HELD AS A TELECONFERENCE MEETING.

Observers may view the meeting livestreamed via the Planning Division's website at: <https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings-sp/>

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, OCTOBER 28, 2020.**

ROLL CALL

6:30 P.M.

Commissioners	Schneiderman, Chair
	Martin, Vice Chair
	Barrow
	Motts
	Parsons
	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:	A. July 1, 2020	APPROVED
	B. July 15, 2020	APPROVED

C. August 5, 2020
D. August 19, 2020

APPROVED
APPROVED

* * * END OF CONSENT CALENDAR * * *

NEW PUBLIC HEARING

2. **UP-19-14– Cookies Cannabis Dispensary** – Bakery Antioch, Inc. (Cookies Dispensary) requests approval of a Use Permit to operate a cannabis dispensary with delivery. The project site is located at 2515 West Tenth Street (**APN 074-051-018**).

RESOLUTION NO. 2020-26

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT (8:22 pm)

Notice of Availability of Reports

Copies of the documents relating to this proposal are available for review at <https://www.antiochca.gov/fc/community-development/planning/Project-Pipeline.pdf>. The staff report and agenda packet will be posted on Friday, October 16, 2020, at <https://www.antiochca.gov/government/agendas-and-minutes/planning-commission/>

Notice of Opportunity to Address the Planning Commission

There are two ways to submit public comments to the Planning Commission:

- Prior to 3:00 the day of the meeting: Written comments may be submitted electronically to the Secretary to the Planning Commission at the following email address: planning@ci.antioch.ca.us. All comments received before 3:00 pm the day of the meeting will be provided to the Planning Commissioners before the meeting. **Please indicate the agenda item and title in your email subject line.**
- After 3:00 the day of the meeting and during the meeting: Please refer to the Planning Division's website for instructions on how to comment after 3:00 the day of the meeting and during the Planning Commission meeting: <https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/>.

Written comments submitted during the meeting will be read into the record by staff (not to exceed three minutes at staff's cadence) when the chair of the Planning Commission opens the public comment period for the relevant agenda item.

Accessibility

In accordance with the Americans with Disabilities Act and California law, the City of Antioch offers its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or email address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950 and e-mail: publicworks@ci.antioch.ca.us.

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**July 1, 2020
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.

Chair Schneiderman called the meeting to order at 6:34 P.M. on Wednesday, July 1, 2020 in the City Council Chambers. 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. 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 Thursday, July 9, 2020.

ROLL CALL

Present: Commissioners Parsons, Motts, Soliz, Barrow, Vice Chair Martin and Chair Schneiderman
Staff: Director of Community Development, Forrest Ebbs
Planning Manager, Alexis Morris
Associate Planner, Kevin Scudero
Contract Planner, Cindy Gnos
City Attorney, Thomas Lloyd Smith

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

2. The applicant, Richland Planned Communities, Inc. is requesting approval of a master planned residential community consisting of 1,177 residential units over 253.50 acres on a 551.50-acre site, including Low Density (LD), Medium Density (MD), and Age Restricted (AR) units; a 5.00-acre Village Center consisting of commercial, office, and retail space; 3.00 acres of public services facilities, including a new fire station site and a trail staging area; approximately 22.50 acres of public parks and landscaped areas; 229.50 of open space including trails; and 38.00 acres of roadway improvements. Necessary approvals from the City include: certification of an Environmental Impact Report; General Plan Amendments including changes to the land use map, text, Circulation Element, and Housing Element; Rezone to Planned Development District; approval of a Master Development Plan; Design Review and adoption of Design Guidelines, approval of a Resource Management Plan, and an approval of a Development Agreement. The project site is located within the Sand Creek Focus Area of the General Plan. The project site is surrounded by a single-family residential subdivision to the north, undeveloped land to the south, Deer Valley Road and Kaiser Permanente Antioch Medical Center to the east, and undeveloped land and Empire Mine Road to the west (APNs: 057-010-002, 057-010-003, and 057-021-003).

the resolution recommending approval of an ordinance rezoning the property to Planned Development and adopting the development standards; 5) Approve the resolution recommending approval of a Master Development Plan, Design Review adopting Design Guidelines, and a Resource Management Plan (MDP-20-01).

In response to Commissioner Motts, Legal Counsel Cole explained that if the project was approved by Council prior to the November election, the rights will have been vested.

Derek Cole, Legal Counsel, provided the Planning Commission with a memorandum dated June 1, 2020 in which he responded to contentions raised by Andrew Bassak, attorney for Zeka Group Incorporated and Alicia Guerra on behalf of Oak Hill Park Company and Richfield Real Estate Corporation.

Director of Community Development Ebbs announced that there was a technical issue this evening related to the public being able to join the Zoom meeting. He noted it was however being streamed live so all content was available to the public. He requested the Planning Commission take a break so that he could insure everyone had access to provide their public comments. He apologized to anyone unable to reach the Zoom meeting. He stated he would be providing a screen share with instructions on how the public could call in to make comments.

Planning Manager Morris added that there was also an online comment form on the City's website for public comments.

In response to Commissioner Motts, Legal Counsel Cole clarified that if Council approved the project prior to the November election, its rights will have been vested so the Save Mount Diablo Initiative would not affect the approval. Ethan Walsh, Legal Counsel responded the commitment of \$2.5M for economic development and job creation would go into a special fund dedicated for that purpose.

In response to Vice Chair Martin, Contract Planner Gnos explained the proposed General Plan Amendments. She clarified that this application looked at the policy documents and establishing broader policies for land use. She noted next steps would be for the applicant to submit tentative maps, design review for the residential property, design review of the commercial property and conditional use permits. She stated it would be appropriate this evening for the Planning Commission to provide feedback as to the uses listed as administrative, use permit required or not allowed, in the area.

Vice Chair Martin thanked Legal Counsel for clarifying the Sand Creek and Let Antioch Voters Decide initiatives.

In response to Vice Chair Martin, Legal Counsel Walsh confirmed that 6-months was an appropriate period to hold discussions with the Antioch Unified School District (AUSD) on necessary mitigations. He noted EIR had determined with the payment of mitigation fees, there would not be a significant impact; however, they wanted AUSD to have the

opportunity to address the issue. Three pieces of development south of sand creek have only one access point.

In response to Vice Chair Martin, Contract Planner Gnos explained that the development plan showed alternate connections to the south in the future. She reported that the Fire District supported the circulation plan and their concerns had been addressed. Planning Manager Morris added that there would be an emergency vehicle access plan internal to the project prior to future developed to the south. She stated staff believed there was adequate emergency access and fire and police had agreed.

Planning Manager Morris explained that Sierra Vista was a subdivision that was previously approved on the western side of Antioch south of James Donlon Blvd. behind the Mira Vista Hills development. She noted their map was recorded; however, they never went forward with their project. She further noted the property owner had sold it to the East Bay Regional Park District and those lots would be removed from executive/higher income housing from the housing element. She noted that issue would be addressed when they clarified that this project was providing similar types of homes.

In response to Vice Chair Martin, Contract Planner Gnos clarified that the development standards in the planned development ordinance included setback requirements. She stated that at this point there were no tentative maps so they did not know what areas would be gated. Planning Manager Morris added that developers typically decided what neighborhoods to gate with their marketing perspective. She noted at times they asked for their projects to be approved either way, so they had flexibility. Contract Planner Gnos confirmed the design guidelines for this project were consistent with citywide design guidelines and other developments in the area. She explained that because there were no tentative maps at this time, they did not know who would be responsible for maintaining parks and open spaces; however, parks in a gated community would be private and maintained by an HOA. She added that when they reviewed the tentative map, they would be specific on who was responsible for park/open space maintenance. Planning Manager Morris added that the Parks and Recreation Commission would be reviewing the parks in the future and determine whether the project would be responsible for any in lieu fees.

In response to Vice Chair Martin, Planning Manager Morris stated that the issue of why there was a permit for a day care in an age restricted area would be better answered by the applicant; however, she could see it being potentially compatible on an arterial or corner lot of major intersections at the edge of a neighborhood. She clarified that there were different categories of day care in the ordinance and State law, which were different land uses. Additionally, she noted all free-standing parking lots required administrative use permits to assure ADA parking requirements were met, driveways were in the correct location, and safe ingress and egress was provided.

In response to Commissioner Soliz, Contract Planner Gnos explained that the planned development standards in the ordinance outlined the process for approval for each area and Use Permits would come before the Planning Commission. Planning Manager Morris added that pages D-15 and D-16 had the requirements for open space and public areas.

In response to Commissioner Soliz, Legal Counsel Cole discussed the application process.

Commissioner Barrow thanked the developer for their patience and wished him success with the Master Plan Community. He thanked Legal Counsel Cole for his explanation of the project. He asked staff if there were outstanding EIR issues at this time.

Planning Manager Morris responded that only outstanding issue was the action before the Planning Commission this evening and future consideration by the City Council.

Commissioner Barrow stated he believed proper protocols for the Master Development Plan had been followed.

Planning Manager Morris stated staff's recommendation was that the Planning Commission make a recommendation of approval for the resolutions. She noted they had included all the findings and they had done the required noticing for the project.

Commissioner Parsons stated she had watched the entire project transpire. She congratulated the developer and stated she appreciated how much they were willing to work with the City and the commenters over the years to morph their project. She thanked Contract Planner Gnos, Planning Manager Morris and Legal Counsel.

Chair Schneiderman declared a recess at 7:44 P.M. The meeting reconvened at 7:54 P.M. with all Commissioners present.

Chair Schneiderman opened the public hearing.

Kyle Masters, Richland Communities, thanked staff for their assistance with the application and gave a history of the advancement of their Master Development Plan. He presented a PowerPoint presentation that included the Conceptual Site Plan, On-Site Open Space Area and Trails, and Grading Area Summary. He showed a video simulation of the project.

Chair Schneiderman stated that she loved the number of trails that were proposed in the project and how they integrate with the surrounding development.

In response to Commissioner Motts, Mr. Masters clarified that there were larger setbacks to accommodate existing homes on the northern edge of the project site and the grades between the existing homes and their development were relatively flat. Regarding placing a trail in the setback area, he reported that they had had negative experiences regarding maintenance and safety issues for those types of areas. He commented that by placing the buffer within the HOA, it would ensure structures would be prohibited and that it would be maintained as a greenbelt.

Commissioner Martin voiced his appreciation to Richland Development for remaining in Antioch and changing their plans to accommodate stakeholders. He stated he was pleased it was before the Commission prior to the next initiative going to the voters. He voiced his support for the design of the project noting it had all aspects needed for the community and addressed environmental concerns.

In response to Vice Chair Martin, Mr. Masters stated that he did not have a problem removing the day care center from the age restricted development.

Commissioner Barrow congratulated Mr. Masters on his project and stated he was impressed with the housing options and trail system. He wished him the best moving forward.

In response to Commissioner Barrow, Mr. Masters stated they had had conversations with Kaiser Permanente regarding the trail system and they would be including it as part of their health system. He noted they also had a reimbursement agreement with Kaiser on some of the improvements that they would be building.

Commissioner Soliz discussed the possibility of the day care terminology being applied to an adult day care facility.

Commissioner Parsons stated that this project had evolved and accommodated the concerns of the Commission and the public. She agreed that an adult day care facility may be appropriate for the area.

Chair Schneiderman agreed that it was a great project and the developer had done an excellent job to accommodate all interested parties.

Chanel Castillo commented that the plan looked beautiful; however, she did not believe 5000 square foot lots were adequate. She suggested the City focus more on bringing businesses to Antioch.

Alicia Guerra, Buchalter Richfield Real Estate and Oakhill Park's Property, representing the owner of the property on the southern boundary of The Ranch project expressed concern that they had not received notice regarding the availability of the draft EIR. She stated she was happy staff had confirmed this evening that they did not intend to change the General Plan land use designation on her client's property. She noted they were still concerned that the project contained offsite infrastructure that extended through her client's property and the impacts of that had not been addressed in the EIR.

Juan Pablo-Galvan, Senior Land Use Manager for Save Mount Diablo (SMD), gave a history of their involvement in the development of the project as well as their "Let Antioch Voters Decide" initiative. He explained that their concerns were about the impacts and benefits of Sand Creek, Black Diamond Mines Preserve and Deer Valley Preserve. He reported SMD was not taking a specific position on The Ranch project, but they were pleased with the changes to the project made by Richland.

Andrew Bassak, representing Hanson Bridgett, representing The Zeka Group, owners of the property to the west of The Ranch project, reported that The Zeka Group had submitted an SB330 preliminary application to develop 338 residential units between the western edge of The Ranch development and Black Diamond Mines. He noted what was missing from the package before the Planning Commission was the work that needed to be done to harmonize the two projects, such as road, utility and trail alignment. He requested the public hearing be continued to allow them to have discussions regarding these concerns.

The following public comments were read into the record by Associate Planner, Kevin Scudero.

Brian Wenter, representing Miller Starr Regalia representing Richland Communities, provided written comment in which he discussed Zeka's SB 330 preliminary application and explained that they believed it had no bearing on The Ranch Project. He encouraged the Planning Commission to conduct tonight's public hearing as planned and noticed as nothing in SB 330 prohibited the Commission from proceeding.

Donald Greibling, former Chief Building Official for the City of Antioch, provided written comment expressing concern that the project had been downsized since the original proposal and the EIR not addressing the noise and traffic impacts. He also expressed concern regarding the elimination of open space.

Nick Goodwin, Assistant Business Manager representing UA Local 159 Plumbers and Steamfitters Union, provided written comment in favor of the project.

REBUTTAL

Craig Cristina, representing Richland Communities, gave a history of their project and stated they were committed to the City of Antioch. He noted the Initiative adopted by the City Council was a culmination of the input from various stakeholders. He further noted it was important for them to stay true to that plan. He stated they were proud and excited to be able to develop a project that everyone could be proud of being involved in. He recognized his development team as well as City staff for their hard work.

Chair Schneiderman thanked the applicant for investing in Antioch.

RESOLUTION NO. 2020-13

On motion by Commissioner Parsons, seconded by Commissioner Soliz, the Planning Commission unanimously approved the resolution recommending certification of The Ranch Project Environmental Impact Report, adopting findings of fact and statement of overriding considerations, an adopting the mitigation monitoring and reporting program. The motion carried the following vote:

AYES: *Motts, Parsons, Martin, Soliz, Barrow and Schneiderman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *None*

Commissioner Martin stated he appreciated Richland stepping forward and going beyond what they were required to do. He thanked them for helping Antioch and stated the Development Agreement was a forward step for the City.

RESOLUTION NO. 2020-14

On motion by Commissioner Martin, seconded by Commissioner Parsons, the Planning Commission unanimously approved the resolution recommending approval of a Development Agreement between the City of Antioch and Richland Planned Communities, Inc.

AYES: *Motts, Parsons, Martin, Soliz, Barrow and Schneiderman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *None*

Commissioner Soliz stated he appreciated how the project had come together and he believes it was a model of what other plans should be coming before all communities.

Commissioner Motts stated he had been a part of this process since the beginning and he believed it had evolved into an exceptionally good project.

RESOLUTION NO. 2020-15

On motion by Commissioner Parsons, seconded by Vice Chair Martin, the Planning Commission unanimously approved the resolution recommending approval of a General Plan Amendment for purposes of amending the City of Antioch General Plan Land Use Map, General Plan Text, Circulation Element, and Housing Element (GP-20-01).

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

RESOLUTION NO. 2020-16

On motion by Commissioner Barrow, seconded by Commissioner Parsons, the Planning Commission unanimously approved the resolution recommending approval of an ordinance rezoning the property to Planned Development and adopting the development standards.

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

RESOLUTION NO. 2020-17

On motion by Commissioner Parsons, seconded by Commissioner Motts, the Planning Commission unanimously approved the resolution recommending approval of a Master Development Plan, Design Review adopting Design Guidelines, and a Resource Management Plan (MDP-20-01).

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

Chair Schneiderman congratulated the applicant and wished them good luck with his project.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

On motion by Commissioner Soliz, seconded by Vice Chair Martin, the Planning Commission unanimously adjourned the meeting at 8:55 P.M. The motion carried the following vote:

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

Respectfully submitted:
KITTY EIDEN, Minutes Clerk

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**July 15, 2020
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.

Chair Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, July 15, 2020 in the City Council Chambers. 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. 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, July 22, 2020.

ROLL CALL

Present: Commissioners Motts, Soliz, Barrow, Vice Chair Martin and Chair Schneiderman
Absent: Commissioner Parsons
Staff: Director of Community Development, Forrest Ebbs
Planning Manager, Alexis Morris
Associate Planner, Kevin Scudero
Associate Planner, Zoe Merideth
City Attorney, Thomas Lloyd Smith
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

NEW PUBLIC HEARINGS

1. **Z-20-02 - Density Bonus Ordinance Amendments** – The City of Antioch requests a zoning text amendment, which would apply city-wide, to amend Title 9 of Chapter 5 of the Antioch Municipal Code related to residential density bonuses in order to comply with recent changes in State Density Bonus law. This zoning text amendment is exempt from the requirements of the California Environmental Quality Act (CEQA).

Associate Planner Merideth presented the staff report dated July 15, 2020, recommending the Planning Commission approve the resolution recommending that the City Council adopt an ordinance amending Title 9 of Chapter 5 of the Antioch Municipal Code related to residential density bonuses.

In response to Vice Chair Martin, Associate Planner Merideth clarified that currently the City Ordinance references a senior project having 105 units; however, State law referenced 35 units, which was the recommended change proposed this evening. Additionally, under State law a senior for a senior housing development with 35 units would be 55 years of age. She explained that senior housing bonuses typically attached to a project for 55 years; however, there were different terms for different projects.

Vice Chair Martin stated he was concerned with placing a great deal of low income or non-market rate housing and senior housing, in one area.

Associate Planner Merideth responded that the ordinance did not change where housing development or density bonuses could be located; the only change was that projects with market rate and affordable units would have to be intermixed.

In response to Commissioner Motts, Associate Planner Merideth clarified that the Ordinance would not change existing or recently approved projects because they had already entered into their density bonus agreements; however, it would affect future project expansions or projects that would be removed and replaced.

In response to Commissioner Soliz, Planning Manager Morris commented that if The Ranch were approved it would have a significant amount of market rate senior housing units. She noted there were no other projects in the pipeline that were proposing affordable or market rate senior housing.

Chair Schneiderman opened and closed the public hearing with no members of the public requesting to speak.

Vice Chair Martin stated he believed this was an excellent way to increase the number of non-market rate and senior housing units. He noted his biggest concern was that a developer would not meet their requirements once they received their density bonus.

Commissioner Motts agreed with Commissioner Martin and stated he felt it was important for the City to align with the State.

Commissioner Barrow commended staff on the report.

In response to Commissioner Barrow, Associate Planner Merideth explained that the base densities would be raised for a project that met the State density requirements. She clarified that density bonus referred to the density of the number of units allowed per acre.

RESOLUTION NO. 2020-18

On motion by Vice Chair Martin, seconded by Commissioner Barrow, the Planning Commission unanimously approve the resolution recommending that the City Council adopt an ordinance amending Title 9 of Chapter 5 of the Antioch Municipal Code related to residential density bonuses. The motion carried the following vote:

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

- 2. PDP-20-01 - United Pacific Gas Station** – Embree Asset Group, Inc. requests the review of a preliminary development plan, which is not an entitlement, to construct a gas station, car wash and convenience store. This project is a preliminary submittal only. The purpose of this submittal is to gather feedback about any potential concerns or issues for the applicant to become aware of prior to the submittal of entitlements. The project would require the following entitlements in the future: a General Plan Amendment, a Planned Development Rezone, a Use Permit, a Variance, and Design Review. The project site is located at 5200 Lone Tree Way (APN 056-270-059).

Associate Planner Scudero presented the staff report dated July 15, 2020, recommending the Planning Commission provide feedback to staff regarding the proposal and provide direction to the applicant for any future entitlement submittal.

In response to Commissioner Motts, Associate Planner Scudero explained that existing gas stations in residential areas were developed pre-1970 so he is unaware if any mitigation measures were placed on those projects. He noted that some of them could have been built prior to the residential.

Planning Manager Morris added that gas stations built in the 1960s were pre-CEQA and she doubted there were any official mitigation measures other than what was required by the municipal code.

In response to Vice Chair Martin, Planning Manager Morris stated that if this area had been planned for commercial at the time of the residential development, the homes may have been oriented so backyards would not be directly behind the property.

Vice Chair Martin questioned if there were options for separating the commercial from the residential that could allow the development to go forward.

Commissioner Soliz questioned if discussions were held with nearby residents regarding this proposal and presuming impacts could be mitigated, could the design of the service station incorporate the existing barn structure or the architectural elements existing on the property.

Associate Planner Scudero explained that all property owners within 300-feet of the project site were notified of the Public Hearing this evening. As far as the design, it would be up to the Planning Commission to provide direction as to whether the project should maintain the historic nature of the site.

Planning Manager Morris added that incorporating the materials from the barn in the new structure was discussed with the applicant. She explained from the State's perspective any time a historic resource was modified it was a potential impact so that would only be for aesthetic reasons since it would not address CEQA impacts.

In response to Commissioner Motts, Associate Planner Scudero confirmed that this property was privately owned.

Commissioner Barrow congratulated staff for the comprehensive report and noted he agreed with staff's concerns. He suggested gathering feedback from Antioch Police Department on public safety related to the 24-hour operations and suggested that the hours may need to be scaled back. He expressed concern regarding the saturation of gas stations in this area.

In response to Chair Schneiderman, Associate Planner Kevin Scudero stated that if an application came forward for this project, staff could request feedback from the Antioch Police Department including calls for service at other 24-hour gas stations in Antioch.

Chair Schneiderman opened the public hearing.

Jeff Farrell, Project Manager for Embree Asset Group, Inc., representing United Pacific Gas Station/Convenience Store/Car Wash, introduced their development team and stated he appreciated the opportunity to come before the Planning Commission this evening. He noted that he looked forward to their feedback and addressing their

concerns. He gave a history of United Pacific Gas and explained that this location was selected after market research which had determined viability was high for this site. He stated they looked forward to working with the City and surrounding community to create a business that would provide employment, essential services, additional tax revenue, and create vitality for an under-utilized parcel of commercial land.

Joel Keller explained that they had noticed residents within 300-foot of the site and he had visited each of the homes backing up to the property and approximately one-half of the other homes in the neighborhood. Additionally, he visited the condominium offices and the apartment complex in the area. He noted the comments he had heard were not positive toward the existing use of the site because of the construction vehicles and an RV parked on the property. He reported that he had talked to the Assistant Manager of the apartment complex who felt the convenience store would be an asset for her tenants. He commented that some of the residents had questions that would be reviewed and addressed by the design team as the project moved forward. He stated Code Enforcement and the Antioch Police Department had started an investigation of the site 2-years ago, which resulted in criminal charges filed against the user of the property. He reported the person charged of those crimes was committed to prison for 2 years. He noted they intended to clean up the property and be considerate of the neighbors by moving the site plan as far away from the property line as possible. He noted the neighbors immediately adjacent to the site had been provided with the preliminary site plan and generally felt it would be an improvement over what was currently on the site.

Pete Tobin, Regional Manager at Barghausen Consulting Engineers, gave a PowerPoint presentation on the site plan and circulation plan. He noted the underground storage tanks would be placed at the intersection so tanker trucks would be away from customers. He noted the larger canopies with more fueling positions would get the customers on and off the site faster, minimizing congestion. He commented that the canopy lights would be recessed, and they could install motion detectors so they could be dimmed when not in use. He noted the exit of the carwash was directed toward the intersection and away from the residential. He offered to work with the City Engineer regarding the driveway location. He agreed to move the parking and trash enclosure to the west to further buffer the residential area to the south. He explained that the volume of fuel would be under 3.6M gallons per year and they would look at increasing the landscape buffer. With regards to the 24-hour use, he stated that they would work with the Antioch Police Department and incorporate their comments and requirements in their application. He stated they appreciated the City's detailed comments and he was available to answer any questions.

In response to Commissioner Soliz, Mr. Farrell stated that they were prepared to do the studies that were required and noted that most of the comments they had received were workable. In terms of the existing structures on the site, he commented that they would be willing to determine if they were historically significant. He noted they could not make any promises regarding the aesthetics of the building until they talked with their client to determine what could be accomplished. He reiterated that they believed the volume of fuel was overstated in their application and so they should be under the limits.

In response to Commissioner Barrow, Mr. Tobin explained that there was a California requirement that they had to provide a space for electrical vehicle charging stations and by the time the project would receive approvals, they may be required to be installed. He explained that there was a phase 2 vapor recovery system on the nozzles. He stated they proposed two 20,000-gallon fuel tanks, which was typical capacity. He noted if the site were sold in the future, he believed there was a requirement that if it remained vacant for a period, the previous owner would have to remove the tanks. Austin Colley responded that this would be their first gas station in Antioch; however, United Pacific operated over 400 gas stations and were a well-known operator.

Commissioner Barrow stated the site was currently unsecured and he applauded the applicant on their proposal and staff on their report. He suggested the applicant consider the staff recommendations.

Commissioner Motts commended the applicant on their community outreach efforts. He questioned if he had discussed emissions with the people he had contacted from the neighborhood.

Mr. Keller reported that he had visited the adjacent property owners twice, the first time to gather their concerns related to the existing site and the second to provide them with a site plan. He noted they had asked various questions and he had informed them that if the project moved forward, he would provide them with responses to those questions. He noted he had not specifically discussed emissions.

Vice Chair Martin questioned how the applicant would address concerns regarding noise from the carwash, benzine and the lack of a masonry wall on west side of project. He also questioned if a higher masonry wall would address some of the concerns. He stated he did not believe the issue could be resolved regarding the sale of alcohol close to a park. He questioned if the applicant could address why the City needed to make a General Plan change and if they could adapt to the City of Antioch's requirements.

Mr. Tobin responded that they would be required to install a minimum 6-foot masonry wall. In terms of the noise from the carwash, he noted there was insulation equipment around the dryer as well as other ways to mitigate noise. He explained when they did their acoustical study, they would address that issue. In terms of the benzine, they reiterated that they could be under 3.6M gallons per year. With regards to the other requirements, they would be discussing them with United Pacific and Embree.

Commissioner Motts stated that he believed the deceleration lane would be important.

Chair Schneiderman closed the public hearing.

Chair Schneiderman stated that she liked the idea of having a gas station in the area noting she believed it was needed. She commented that she liked the design, however, the idea of making it historical in nature would be her preference. She stated her concerns

related to 24-hour noise impacts for the existing residents as well as ingress and egress to the site.

Commissioner Soliz reiterated his preference for incorporating the ranch theme. He commended the applicant for their outreach efforts and he encouraged the community to offer their feedback. He stated he was concerned regarding the benzine and suggested incorporating mitigation. He agreed with Commissioner Motts on the importance of a deceleration lane.

Vice Chair Martin stated that he believed the project was a needed resource for this area and noted there were code enforcement issues currently on the property. He stated he was unsure if the City could make the findings to support a General Plan amendment. He noted that with staff working with the applicant he hoped some of the issues related to state requirements could be mitigated.

Commissioner Motts stated that staff's concerns were important, and he agreed that it was a needed resource in the area. He noted that the deceleration lane and mitigation measures to address emissions should be addressed. Additionally, he felt criminal intent and gathering in the area should also be considered. He suggested the applicant consider motion sensor peripheral lighting and security cameras. He stated if all his concerns were addressed, he could be in favor of the project moving forward.

Commissioner Barrow reiterated that he supported the staff recommendations. He stated he was concerned for public safety issues arising from 24-hour alcohol sales and the long-term effects of the release of the emissions. He noted if the applicant could meet the criteria set out by staff, he may support the project. He advised the applicant to take under consideration all of staff's concerns.

In response to Commissioner Barrow, Associate Planner Scudero confirmed there was a 7/11 approximately ¼ mile to the west and clarified that ABC restricted alcohol sales between the hours of 2:00 A.M.– 6:00 A.M.

Associate Planner Kevin Scudero asked the Planning Commission for feedback regarding the variance for alcohol sales.

Following discussion, the Planning Commission recommended staff gather feedback from the Antioch Police Department regarding the variance for alcohol sales.

Mr. Colley reported that their proposal was for the sale of beer and wine only.

Chair Schneiderman thanked the applicant for coming to the Planning Commission and wished them luck working with the Planning Department to address their concerns. She thanked them for investing in Antioch.

The applicant thanked the Planning Commission for their time.

ORAL COMMUNICATIONS

Commissioner Barrow recognized Antioch City Attorney Thomas Lloyd Smith for recently being elected to the Harvard Kennedy School of Government Alumni Board.

City Attorney Smith thanked Commissioner Barrow for the recognition.

The Planning Commission congratulated City Attorney Smith.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts reported that the TRANSPLAN meeting was cancelled due to the lack of a quorum. The next meeting will be held in August.

Chair Schneiderman thanked Director of Community Development Ebbs for facilitating the Zoom meeting this evening.

ADJOURNMENT

On motion by Commissioner Barrow, seconded by Commissioner Soliz, the Planning Commission unanimously adjourned the meeting at 8:07 P.M. The motion carried the following vote:

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

Respectfully submitted:
KITTY EIDEN, Minutes Clerk

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**August 19, 2020
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.

Chair Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, August 19, 2020 in the City Council Chambers. 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. 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, August 26, 2020.

ROLL CALL

Present: Commissioners Parsons, Barrow, Vice-Chair Martin and Chair Schneiderman
Absent: Commissioners Motts and Soliz (Commissioner Soliz arrived at 6:55 P.M.)
Staff: Director of Community Development, Forrest Ebbs
Planning Manager, Alexis Morris
Associate Planner, Jose Cortez
Contract Planner, Cindy Gnos
City Attorney, Thomas Lloyd Smith
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

NEW PUBLIC HEARING

1. **GP-18-02, PD-18-03, UP-18-19, and AR-18-20 – Delta Fair Village** - The applicant is requesting approval of the demolition of 73,546 sf of the 147,081 sf Delta Fair Village Shopping Center to develop the site with approximately 210 multi-family residential units, which would be located in five four-story buildings above a single-story parking garage. The apartment complex would include a courtyard with a clubhouse, pool, and playground. Additionally, a new 4,174-sf retail building would be constructed on the western portion of the site. The new development would total 411,511 sf. Necessary entitlements from the City include a General Plan Amendment from Regional Commercial to Mixed Use; Rezone from C-3 to Planned Development (P-D); Lot Line Adjustment; and Use Permit and Design Review for the development of a new retail building and a multi-family residential development at a density of 35 du/ac within a P-D zoning district (APNs: 076-440-029, -030, and -031).

Contract Planner Gnos presented the staff report dated August 19, 2020 recommending the Planning Commission 1) Adopt the resolution in Attachment A recommending approval of the Delta Fair Village Project Initial Study/Mitigated Negative Declaration (IS/MND) and the Mitigation Monitoring and Reporting Program (MMRP); 2) Adopt the resolution Attachment B recommending approval of a General Plan Amendment for the purposes of amending the City of Antioch General Plan Land Use Map (GP-18-02); 3) Adopt the resolution in Attachment C recommending approval of an ordinance rezoning the property to Planned Development District (PD-18-03); and 4) Adopt the resolution in Attachment D recommending approval of a Final Development Plan Use Permit (UP-18-19) and Design Review (AR-18-20).

Commissioner Soliz arrived at 6:55 P.M.

In response to Commissioner Parsons, Contract Planner Gnos stated the applicant had not raised any concerns regarding the conditions of approval and mitigation measures proposed by staff.

In response to Commissioner Barrow, Contract Planner Gnos clarified that the applicant would be demolishing 73,546 sq. ft., adding a 4,000 sq. ft building and new structure of 411,511 sq. ft. She noted 73,535 sq. ft. would remain and be upgraded prior to construction of the apartment project. She noted renovation plans for the retail/commercial elevations were provided in the packet.

In response to Chair Schneiderman, Contract Planner Gnos agreed that the structure was taller than average and to compensate, they had provided relief at the street with roof variations which also helped with massing. Director of Community Development Ebbs explained that he expected code enforcement issues to remain on site as long as there was a vacant building on the property. He commented that Contra Costa County Fire had codes and requirements during construction and job site security was standard.

Planning Manager Morris added that staff had included a condition of approval in the attached resolution requiring the property owner to resolve all Code Enforcement violations prior to issuance of building permits.

In response to Vice Chair Martin, Contract Planner Gnos reiterated which buildings would remain and which would be demolished. She explained that this project contributed to a significant impact at the intersection so they would be required to construct all of the Somersville Road/Buchanan Road intersection improvements. She commented that the City had an MOU with the Tuscany Meadow's developer that outlined the timing of payment for their fair share of those improvements. She noted once improvements were constructed and accepted, the City could reimburse the applicant for the construction.

Vice Chair Martin questioned if the Fire Department had a ladder truck at the Gentrytown Fire Station that could service a 64-foot-tall building.

Planning Manager Morris responded that the Fire Department had commented on the project and they were mostly concerned about being able to access all four sides of the building and had not raised any concerns about the height. She noted ladder trucks were available to serve the area because they had recently approved the AMCAL project that was also four stories.

In response to Vice Chair Martin, Contract Planner Gnos explained that if the building official determined solar was required, he would make sure it was provided. Speaking to staff's recommendation to modify the elevation to include a 12-inch pop out for the façade, she explained that those features would provide relief and shadows on the end of the building. She clarified that some of the peer review recommendations are not applicable because the building was not like any other building in town. She noted staff had decided what was important given the context of what was being proposed.

Commissioner Soliz apologized for joining the meeting late this evening and noted that it was due to a work-related meeting.

Chair Schneiderman opened the public hearing.

The following public comment was made by an individual utilizing Zoom Audio/Video Technology.

Proponent

Eric Christen, spoke in support of the project. He commented that a letter sent in opposition from Antioch Residents for Responsible Development was a frivolous complaint to force the developer into an exclusionary agreement that would interfere with their ability to get the project built. He requested the Planning Commission debate the project on its merits.

Opponent

Kyle Jones, Antioch Residents for Responsible Development, stated that they were committed to sustainable community growth that addresses and minimizes environmental and public health impacts. He stated that they believed the City should set aside the IS/MND until an EIR was prepared because they believed the IS/MND contained errors that underestimated total project impacts related to air quality and public health.

Chair Schneiderman closed the public hearing.

In response to Commissioner Parsons, Brian Pendley, Project Architect, stated that they would comply with all conditions of approval.

Commissioner Parsons stated that she liked the project and it would be a significant improvement to this area of the City. She commended the developer for improving this part of Antioch.

Chair Schneiderman agreed with Commissioner Parsons and noted that mixed use projects were the future of developments. She noted it would be a nice addition.

Commissioner Soliz stated that this area had been blighted for a long time and he was in favor of anything that would improve the area. He noted residents would be grateful as it would have a positive impact on property values in the area.

Commissioner Barrow commended the applicant for the significant improvement to the Delta Fair Boulevard and Buchanan Road corridor. He stated he liked the landscape frontage on Delta Fair Boulevard.

In response to Commissioner Barrow, Mr. Pendley stated the original design would have been apartments with a future conversion to condominiums; however, the developer was now interested in making this a condominium project.

Contract Planner Gnos responded that architectural peer review was completed and included in the staff report. She clarified that the project before the Planning Commission this evening did not include approvals to make it a condominium project. She noted that she had explained to the applicant that if it were a condominium project, they would have to submit tentative maps along with other items. She further noted that they had responded that that process would delay the project, so they were choosing to move forward with an apartment project. She explained that if they wanted to pursue condominiums, they would have to add a map now or come back to do so later. She reported that the project had been properly noticed.

In response to Commissioner Barrow, Mr. Pendley stated that these units would be market rate and clarified that this property owner did not own the property across the street. He explained that the use permit limited them to two years to pull a permit.

Commissioner Barrow commented that this project would add a positive impact to that community. He applauded the applicant for their project and wished them good luck.

In response to Commissioner Soliz, Contract Planner Gnos reiterated that the applicant had not submitted the tentative map for the condominium project so at this time the Planning Commission could continue this item to allow the applicant to submit the tentative map or he could submit it prior to beginning construction. She explained that converting the project to condominiums after it was constructed as an apartment project was a separate process that required notifications and relocation benefits as well as other processes.

Mr. Pendley stated the owner did not want to continue the public hearing; however, he noted that they had created the tentative map in February. He further noted they would rather get the project approved as apartments and address the conversion later.

Director of Community Development Ebbs added that the meeting was not noticed as a condominium project and it was not part of the staff report. He clarified that the item before the Planning Commission this evening was for a rental project.

Chair Schneiderman stated that this evening they would be considering the apartment project and informed the applicant that if they wanted to move forward with condominiums, they would have to contact the Planning Department and respond with the required submittals.

Planning Manager Morris clarified that if the building was built and occupied there was a chapter of State law regarding converting projects from apartments to condominiums. She noted if they wanted to move forward with condominiums, they could be processing the map within the next three to four months and be well underway prior to construction.

Mr. Pendley stated he understood the process.

Vice Chair Martin stated he realized that times had changed and the demand for retail had decreased. He stated he liked the project as proposed and encouraged the applicant to consider the need for a grocery store in this area of Antioch. He stated he was not supportive of tandem parking or reciprocal parking agreements. He noted it was a needed improvement for an area that was currently blighted.

Commissioner Soliz stated he was concerned that the applicant had suggested that they wanted to move forward with condominiums and questioned if it was better to approve it as apartments or wait until the applicant provided the proper documents so they could approve it as a condominium project. He stated condominiums would provide pride of ownership which would facilitate maintenance of the project.

Commissioner Parsons commented that time was money and she did not want to delay this development.

RESOLUTION NO. 2020-21

On motion by Vice Chair Martin, seconded by Commissioner Parsons, the Planning Commission members present adopted the resolution in Attachment A recommending approval of the Delta Fair Village Project Initial Study/Mitigated Negative Declaration (IS/MND) and the Mitigation Monitoring and Reporting Program (MMRP). The motion carried the following vote:

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

RESOLUTION NO. 2020-22

On motion by Vice Chair Martin, seconded by Commissioner Parsons, the Planning Commission members present unanimously adopted the resolution Attachment B recommending approval of a General Plan Amendment for the purposes of amending the City of Antioch General Plan Land Use Map (GP-18-02). The motion carried the following vote:

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

RESOLUTION NO. 2020-23

On motion by Vice Chair Martin, seconded by Commissioner Parsons, the Planning Commission members present unanimously adopted the resolution in Attachment C recommending approval of an ordinance rezoning the property to Planned Development District (PD-18-03). The motion carried the following vote:

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

RESOLUTION NO. 2020-24

On motion by Vice Chair Martin, seconded by Commissioner Parsons, the Planning Commission members present unanimously adopted the resolution in Attachment D recommending approval of a Final Development, Plan Use Permit (UP-18-19), and Design Review (AR-18-20). The motion carried the following vote:

AYES: *Parsons, Soliz, Barrow, Martin and Schneiderman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Motts*

Chair Schneiderman congratulated the applicant on the project and stated he they wanted to move forward with condominiums, she encouraged him to work with Planning Department. She thanked him for investing in Antioch. She stated she hoped other property owners will want to make investments in the area.

Mr. Pendley thanked the Planning Commission.

NEW ITEM

- 2. AR-19-14 - Oakley Knolls Design Review** – The applicant, Discovery Builders Inc. requests design review approval for home designs and architecture for the previously approved development for the Oakley Knolls Subdivision. Plans include four different floor plans both one- and two-story plans and three architectural styles include Spanish, Traditional, and Cottage. The project site located on the north side of Oakley Road, immediately south of the terminus of Honeynut Street, east of Willow Avenue, and west of Phillips Lane.

Associate Planner Cortez presented the staff report dated August 19, 2020 recommending the Planning Commission adopt the resolution in Attachment A approving the Design Review application for home designs and architecture for the previously approved Oakley Knolls Subdivision.

Chair Schneiderman opened and closed the public comment period with no members of the public requesting to speak.

In response to Commissioner Barrow, Associate Planner Cortez explained that the applicant had incorporated the recommendations made by staff and the Planning Commission into the project.

Vice Chair Martin stated that he liked the improvements made to the project after the initial discussion of this item. He commented that the developer had only used two elevations on Hickory Nut Street, and it would have been nice if they had added another model. He noted the architecture could possibly provide a variety.

Chair Schneiderman commented that the designs, textures and materials were very well done.

RESOLUTION NO. 2020-25

On motion by Commissioner Barrow, seconded by Commissioner Parsons, the Planning Commission members present unanimously adopted the resolution in Attachment A approving the Design Review application for home designs and architecture for the previously approved Oakley Knolls Subdivision. The motion carried the following vote:

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

Chair Schneiderman congratulated the applicant on their designs, wished them good luck with their project, and thanked them for investing in Antioch.

Commissioner Parsons commented that this project would have great access to the BART station.

ORAL COMMUNICATIONS

Planning Manager Morris announced the September 5, 2020 Planning Commission was cancelled and due to COVID-19 they were expecting light agendas and possibly cancelled Planning Commission meetings for the near future. She explained that they had recently become very busy and those applications should be coming to the Planning Commission in the winter/spring timeframe.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

On motion by Vice Chair Martin, seconded by Commissioner Parsons, the Planning Commission unanimously adjourned the meeting at 7:49 P.M. The motion carried the following vote:

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

Respectfully submitted:

KITTY EIDEN, Minutes Clerk

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**August 5, 2020
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.

Chair Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, August 5, 2020 in the City Council Chambers. 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. 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, August 12, 2020.

ROLL CALL

Present: Commissioners Motts, Parsons, Soliz, Barrow, Vice Chair Martin and Chair Schneiderman
Staff: Director of Community Development, Forrest Ebbs
Associate Planner, Kevin Scudero
Director of Public Works/City Engineer, John Samuelson
City Attorney, Thomas Lloyd Smith
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

NEW PUBLIC HEARING

1. **Wildflower Station Commercial Minor Subdivision** – Denova Homes requests approval of a Tentative Minor Parcel Map of a 4-lot minor subdivision for approximately a 10.35 acre commercial parcel (APN 052-140-012) within a mixed use Planned Development District (PD-16-03).

Director of Community Development Ebbs introduced Director of Public Works/City Engineer Samuelson who presented the staff report dated July 5, 2020 recommending the Planning Commission approve the tentative parcel map subject to the conditions contained in the staff reports attached resolution.

Chair Schneiderman opened the Public Hearing.

Trent Sanson, representing DeNova Homes, gave an update on the status of the Wildflower Station project. He explained that their application was to address interest they had received from developers who wanted to proceed as owner/users with subsequent applications. He noted this action would allow for commercial development to move forward. He thanked the Planning Commission for their time this evening.

In response to Commissioner Motts, Mr. Sanson confirmed that this change would strictly subdivide a parcel and would not make any changes to the commercial area of their project.

Commissioner Martin stated that he was pleased with how this project was proceeding and noted it was an added attraction for the area near BART. He wished the developer good luck with the future tenants.

Commissioner Parsons stated she supported the parcel map and commended the applicant for bringing a first-rate project to the area.

Mr. Sanson recognized Lead Project Manager Pete Giles and Civil Engineer Angelo Obertello.

Commissioner Soliz stated he believed Transit Oriented Development would be a trend for the future. He commended the applicant on the quality of the project.

Commissioner Barrow commended the applicant and spoke in support of the tentative parcel map.

In response to Commissioner Barrow, Mr. Sanson confirmed that they were subdividing the property under its current allowed use and noted that market conditions were driving their request this evening.

Chair Schneiderman closed the public hearing.

Commissioner Motts spoke in support of Transit Oriented Development noting it was needed and a great use of an infill site. He also supported the tentative parcel map to respond to the variations in the market.

RESOLUTION NO. 2020-19

On motion by Commissioner Motts, seconded by Commissioner Parsons the Planning Commission unanimously approved the tentative parcel map subject to the conditions contained in the staff reports attached resolution. The motion carried the following vote:

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

Chair Schneiderman thanked the Mr. Sanson for building his project in Antioch.

NEW ITEM

2. Sand Creek Focus Area - Alternate Planning Process

Director of Community Development Ebbs presented the staff report dated July 5, 2020 recommending the Planning Commission recommend the City Council adopt the Resolution amending the Alternative Planning Process for the Sand Creek Focus Area.

Director of Community Development Ebbs announced he had received a letter which he forwarded to the Commission today which referred to another active project. He stated that letter did not warrant any changes to the staff recommendations this evening.

Commissioner Parsons stated that the alternative planning process was long overdue, and she thanked Director of Community Development Ebbs for bringing it to the Commission this evening.

Commissioner Barrow stated he supported the Alternative Planning Process and agreed with the staff report this evening. He noted it was good strategic planning and the developers as well as staff will appreciate a clear understanding of the process.

In response to Commissioner Martin, Director of Community Development Ebbs confirmed that the table in the staff report should reflect the text for phase 1 and clarified that the intension was that it go to the Planning Commission and then the City Council.

Chair Schneiderman opened and closed the public comment with no speakers requesting to speak.

Commissioner Martin thanked Director of Community Development Ebbs for bringing the Alternative Planning Process forward noting it would shorten the process and add clarity for applicants.

Commissioner Motts stated that he believed this process would please developers and bring Antioch in line with the planning process for other cities.

In response to Commissioner Motts, Director of Community Development Ebbs responded that the Alternative Planning Process would streamline the process to make it more efficient, transparent, predictable and easily tracked.

RESOLUTION NO. 2020-20

On motion by Commissioner Barrow, seconded by Commissioner Parsons, the Planning Commission adopted the resolution recommending the City Council adopt the Resolution amending the Alternative Planning Process for the Sand Creek Focus Area. The motion carried the following vote:

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

ORAL COMMUNICATIONS

Director of Community Development Ebbs announced that Planning Commissioners would be receiving city email addresses for work being done on behalf of their position on the Planning Commission AND should go through their City of Antioch email address.

Commissioner Motts announced he would not be available for the August 15, 2020 Planning Commission meeting.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts announced that TRANSPLAN meeting was scheduled for next week.

ADJOURNMENT

On motion by Commissioner Parsons, seconded by Commissioner Soliz, the Planning Commission unanimously adjourned the meeting at 7:07 P.M. The motion carried the following vote:

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

Respectfully submitted:
KITTY EIDEN, Minutes Clerk

CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE PLANNING COMMISSION

DATE: Regular Meeting of October 21, 2020

SUBMITTED BY: Kevin Valente, Contract Planner
Raney Planning & Management, Inc.

REVIEWED BY: Kevin Scudero, Associate Planner *KS by HTB*

APPROVED BY: Alexis Morris, Planning Manager *AM by HTB*

SUBJECT: Cookies Cannabis Dispensary (UP-19-14)

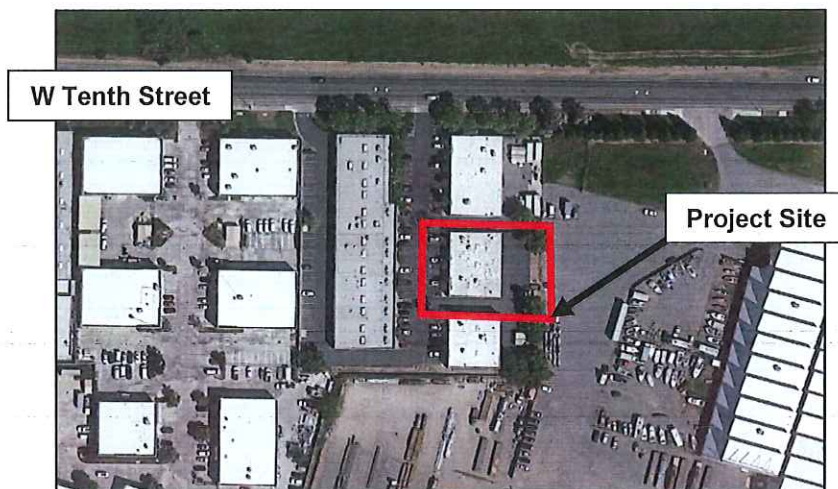
RECOMMENDED ACTION

It is recommended that the Planning Commission adopt the attached resolution recommending that the City Council **APPROVE** a Use Permit (UP-19-14) for a cannabis dispensary with delivery (Attachment "A").

DISCUSSION

Request/Requested Approvals

The applicant, Bakery Antioch, Inc. (Cookies Dispensary), requests approval of a Use Permit to operate a cannabis dispensary with delivery. The subject property is located at 2515 West Tenth Street (APN 074-051-018).



Environmental

The proposed project would occupy an existing structure. Therefore, staff has determined the proposed project to be exempt from the provisions of the California Environmental Quality Act (CEQA) under Class 1, Section number 15301 (Existing Facilities) which includes interior or exterior alterations of an existing structure.

Background

With the passage of Proposition 64 in November of 2016, California residents over the age of 21 can legally use marijuana without a medicinal card if not in a public place. Californians can carry and use up to one ounce of marijuana and grow up to six plants for personal use. Recreational sales of marijuana did not go into effect until January 1, 2018. The possession, sale and distribution of cannabis is now legal under California State law, subject to provisions contained in the law, including a State licensing requirement. The law did not mandate that local agencies accommodate any or all forms of cannabis businesses and much discretion remains with cities and counties.

On May 2, 2018 the Antioch Planning Commission recommended to the City Council approval of 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 City Council introduced the ordinance on May 22, 2018 and approved the ordinance on June 26, 2018. The ordinance went into effect on July 26, 2018. 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. Unlike the typical Use Permit process, a cannabis Use Permit must be reviewed by the City Council after a recommendation by the Planning Commission.

On September 11, 2018 the Antioch City Council adopted Cannabis Guidelines by approval of Resolution No. 2018/117. The purpose of the guidelines is to provide the public and potential applicants with the City of Antioch's general expectations relating to the design and operation of a cannabis business.

Project Overview

The applicant proposes to operate a cannabis dispensary with delivery at 2515 West Tenth Street. The proposed hours of operation are seven days a week from 9:00 AM to 8:00 PM. The operations will consist of the on-site sale of retail cannabis products, as well as retail delivery of cannabis products.

The site contains an existing 6,389-square-foot (sf) masonry building. The applicant would occupy the entire building with 2,040 sf of retail sales, 635 sf of storage area, 563 sf of office, and a 2,345-sf interior vehicle parking and loading area. All customers must enter the lobby first and present a valid identification to a security guard prior to entering

the sales area. The applicant has provided design concept exhibits of the interior, which are included as Attachment “B” to the staff report.

In addition to retail cannabis, the applicant is also proposing to sell vape pens, vape pen batteries, and chargers which are used to administer cannabis concentrates. They do not intend to sell rolling papers, pipes, bongs, etc. The cannabis guidelines prohibit the sale of cannabis related paraphernalia unless explicitly authorized through the Use Permit. Therefore, staff has included a condition of approval limiting the cannabis paraphernalia sold on-site to vape pens, vape pen batteries, and chargers, unless approved in writing by the Community Development Director.

The proposed retail items to be sold at the site are included as Attachment “C” to the staff report.

The applicant plans to begin delivery operations with one (1) employee-owned delivery vehicle, which will be available to make deliveries during the same hours as the retail business hours. As operations commence, the applicant may increase the number of delivery vehicles based on demand. The delivery vehicles will not have any marking or other indications on the exterior of the vehicle that may indicate that the delivery employee is carrying cannabis goods for delivery.

General Plan, Zoning, and Land Use

The General Plan designation of the site is Business Park. The zoning of the site is Planned Business Center (PBC) and CB Zoning Overlay District. Cannabis dispensaries are allowed in the CB Overlay District subject to the approval of a Use Permit by the City Council.

The surrounding land uses and zoning designations are noted below:

North:	Business Park Uses / PBC& CB Overlay
South:	Business Park Uses / PBC& CB Overlay
East:	Business Park Uses / PBC& CB Overlay
West:	Business Park Uses / PBC& CB Overlay

Site Plan

The 0.4-acre site includes an existing 6,389-sf masonry building within an approximately 2.5-acre existing business park. The business park includes several businesses and two access driveways along West 10th Street. New construction is not proposed on the site other than internal tenant improvements to the existing building. The applicant is proposing to occupy the entire building consisting of a welcome area, retail space, staff room and manager’s office, storage with vault and an interior loading bay for the proposed delivery service. The building entrance contains a 213-sf welcome area where customers are required to check in with security personnel and provide valid identification before being allowed to enter the 2,040-sf retail area where the cannabis is sold.

The project site includes a total of 19 exterior vehicle parking spaces including one ADA accessible space, 11 of the 19 exterior parking spaces are located at the rear of the building. It should be noted there are also six interior tandem parking spaces reserved for employees, as well as, a separate roll-up door for the secured interior loading area for deliveries.

Site Security

As required, the applicant submitted a security plan for the site. The security plan addresses the following issues:

- Physical elements of the site such as location of the building, outdoor lighting, and parking areas.
- Electronic security such as motion sensors, controlled access areas, and surveillance cameras.
- Compliance and procedures such as inventory management, cash handling, and employee training.
- On-site physical security services related to the number of physical security guards present at the site.

The security plan was reviewed by the Antioch Police Department. After the review was complete, the Police Department, Planning staff, and the applicant met to review the plan. During the meeting, Police Department staff provided the applicant with feedback on their security plan, as well as additional site-specific security measures that have been incorporated into conditions of approval for the project in the attached resolution. The proposed security measures are consistent with the security expectations detailed in the Cannabis Guidelines.

Staff has included a condition in the attached resolution requiring the Antioch Police Department to conduct a site inspection to assess the security of the site prior to a certificate of occupancy being issued for the site. Any changes that the Antioch Police Department deem necessary upon site inspection will be incorporated into a revised site security plan that will then be submitted for their review and approval. A certificate of occupancy will not be issued without final approval of a site security plan by the Antioch Police Department. In addition to the security inspection prior to issuance of certificate of occupancy, the business is required to submit to annual security audits conducted by a third party or City staff.

Neighborhood Responsibility Plan

As required, the applicant submitted a neighborhood responsibility plan detailing their efforts to mitigate any potential impacts that their business may cause. The plan details the spreading of education and awareness about cannabis throughout the community. In addition, the applicant hires locally and both supports and rewards staff when they

contribute back to their community. The Neighborhood Responsibility Plan is included as Attachment “D” to the staff report.

Operational Issues

The applicant has submitted an odor mitigation plan certified by an environmental scientist that demonstrates the measures they will take to ensure that cannabis odors will not be detected at or beyond the site (Attachment “E”). Staff has included a condition of approval requiring that adequate on-site odor control measures are maintained at all times and that cannabis odors cannot be readily detected outside the structure in which the business operates.

Staff has also included a condition of approval addressing site management and requiring the cannabis business operator to take “reasonable steps” to discourage and address objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the premises during business hours if directly related to patrons of the business. Staff has also included a condition of approval prohibiting the smoking or ingestion of cannabis products on-site.

The proposed project would be the only retail use in the business park and, therefore, would have a significantly higher vehicle turnover rate than the other existing businesses. Within the business park the project site has a total of 25 vehicle parking spaces allocated for their use, with 19 available to the public, which exceeds the City’s off-street parking requirement of five spaces per 1,000 sf of retail space (3,500 sf of proposed gross retail space including office and storage requires 17 vehicle parking spaces). Proposed building modifications include six interior employee parking spaces and a secured interior loading space for deliveries. The existing chain-link security fence behind the building is proposed to be removed to allow for customers to use the 11 vehicle parking spaces behind the building in addition to the eight vehicle parking spaces at the front of the building. Furthermore, the applicant has coordinated with the surrounding business operators to lessen any impact the proposed use would have on the neighboring businesses. The project applicant has provided the attached Community Outreach Memo (Attachment “F”), which identifies the applicant’s community outreach efforts.

Parking for the business park is not shared parking and each building has dedicated spaces on their parcel for their customers and employees to park. The on-site security guards will serve as dedicated individuals to ensure agreed upon parking protocols and restrictions are monitored and adhered to in the parking lot. The project’s security guards will monitor the entrance and exit of all vehicles in the parking lot, and if a vehicle is seen parking in a neighboring, restricted space and the occupant is intending to enter the Cookies building, the driver will be notified that they will not be admitted entry unless they park their vehicle in a dedicated, permittable space. In addition, the applicant intends to sign parking stalls as “Cookies Customer Parking” with the additional acknowledgement that parking in any space not specifically designated as Cookies Customer Parking is prohibited.

These proposed parking enforcement measures will be strictly enforced and are part of the security guard training protocol and have been incorporated into conditions of approval for the project in the attached resolution.

Comment Letter

The City has received a comment letter from Castle Management, who serves as the property management company for a neighboring building located in the business park (Attachment "H"). The comment letter identifies concerns with potential customers from the project parking in their tenant's parking spaces. As stated above, the on-site security guards will serve as dedicated individuals to ensure agreed upon parking protocols and restrictions are monitored and adhered to in the parking lot. The project's security guards will monitor the entrance and exit of all vehicles in the parking lot, and if a vehicle is seen parking in a neighboring, restricted space and the occupant is intending to enter the Cookies building, the driver will be notified that they will not be admitted entry unless they park their vehicle in a dedicated, permittable space. In addition, as noted in the Community Outreach Memo, the applicant has done an extensive amount of outreach with neighboring businesses and has executed a parking enforcement agreement specifically with Castle Management on how to address any parking concerns

Conclusion

Staff has determined the proposed project is consistent with Title 9, Chapter 5 of the Antioch Municipal Code, the City's CB Zoning Overlay District, and the City's adopted Cannabis Guidelines and, therefore, recommends that the Planning Commission adopt the attached resolution recommending that the City Council **APPROVE** a Use Permit (UP-19-14) for a cannabis dispensary with delivery located at 2515 West Tenth Street.

ATTACHMENTS

- A. Planning Commission Resolution No. 2020-**
- B. Interior Design Exhibits
- C. Proposed Retail Items
- D. Neighborhood Responsibility Plan
- E. Odor Control Plan
- F. Community Outreach Memo
- G. Proposed Project Plans
- H. Comment Letter Received from Castle Management, October 13, 2020.

ATTACHMENT A

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2020-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
RECOMMENDING APPROVAL OF A USE PERMIT (UP-19-14) FOR CANNABIS
DISPENSARY WITH DELIVERY LOCATED AT 2515 WEST TENTH STREET**

WHEREAS, Bakery Antioch, Inc. requests approval of use permit for a cannabis dispensary with delivery (APN 074-051-018);

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

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and

WHEREAS, the Planning Commission on October 21, 2020, duly held a public hearing and received and considered evidence, both oral and documentary; and,

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:

1. 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.

The proposed cannabis dispensary will be heavily conditioned. On-site armed security is required at all times with annual audits of the site security plan required. 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 dispensary use will not create adverse impacts to the surrounding businesses and residents. In addition, the on-site security guards will enforce agreed upon parking protocols and restrictions and will ensure they are adhered to in the parking lot.

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

The site is zoned Cannabis Business Zoning Overlay District. The Cannabis Business Zoning Overlay District allows cannabis dispensaries with the approval of a Use Permit.

3. The site for the proposed use is adequate in size and shape to accommodate such use, and all parking, and other features required.

The proposed cannabis dispensary will take place in an existing commercial building with sufficient parking. In addition, the on-site security guards will enforce agreed upon parking protocols and will ensure they are adhered to in the parking lot. The project's security guards will monitor the entrance and exit of all vehicles in the parking lot, and if a vehicle is seen parking in a neighboring, restricted space and the occupant is intending to enter the Cookies building, the driver will be notified that they will not be admitted entry unless they park their vehicle in a dedicated, permittable space. Furthermore, the site has a secure interior loading area for cannabis deliveries.

4. The site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

The project site is currently developed and is located on the south side of West Tenth Street, which is adequate in width and pavement type to carry the traffic generated by the proposed use.

5. The granting of such Use Permit will not adversely affect the comprehensive General Plan.

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.

6. 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 of Antioch.

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 sales taxes generated by the sale of cannabis will provide a financial benefit to the City of Antioch.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby recommend that the City Council **APPROVE** the Use Permit for a cannabis dispensary with delivery, located at 2515 West Tenth Street (APN 074-051-018) subject to the following conditions:

A. GENERAL CONDITIONS

1. The project shall comply with the Antioch Municipal Code. All construction shall conform to the requirements of the California Building Code and City of Antioch standards.
2. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
3. The project shall be implemented as indicated on the application form and accompanying materials provided to the City and in compliance with the Antioch Municipal Code, or as amended by the Planning Commission or City Council.
4. No building permit will be issued unless the plan conforms to the project description and materials as approved by the City Council and the standards of the City.
5. This approval expires two years from the date of approval by the Planning Commission (October 21, 2022), unless an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one one-year extension shall be granted.
6. No permits or approvals, whether discretionary or ministerial, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
7. City staff, including the Antioch Police Department, shall inspect the site for compliance with conditions of approval prior to the issuance of a Certificate of Occupancy or commencement of the business.
8. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way.

B. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall comply with AMC § 5-17.04 and 5-17.05, or as approved in writing by the City Manager.
2. The project shall be in compliance with and supply all the necessary documentation for AMC § 6-3.2: Construction and Demolition Debris Recycling.
3. Building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.
4. Standard dust control methods shall be used to stabilize the dust generated by construction activities.

C. AGENCY REQUIREMENTS

1. All requirements of the Contra Costa County Fire Protection District shall be met, including:
 - a. The owner/contractor shall submit a minimum of two (2) complete sets of plans and specifications of the subject project to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC, (107) CBC
 - b. Fire District approval is required before any expansion of the business or processes other than retail sales.
 - c. Provide quantity, type and location of any hazardous materials to be stored and used on the site with tenant improvement plans

D. FEES

1. The applicant shall pay all City fees which have been established by the City Council and as required by the Antioch Municipal Code.
2. The applicant shall pay all required fees at the time of building permit issuance.

E. PROPERTY MAINTENANCE

1. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
2. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.

F. PROJECT-SPECIFIC REQUIREMENTS

1. This Use Permit approval applies to the operation of a cannabis dispensary with delivery as depicted on the project plans and application materials submitted to the Community Development Department. Any forthcoming plans submitted for any purpose shall be entirely consistent with these received plans and application materials and conditions of approval herein.
2. The hours of operation for on-site operations and deliveries shall not exceed seven days a week from 9:00 AM – 8:00 PM.
3. All necessary licenses from the State of California shall be obtained prior to opening.
4. All persons entering the business must be at least 21 years of age with a valid identification card. An electronic reader shall be used to read and validate identification cards.
5. No smoking or ingestion of cannabis products on-site is allowed.
6. No free samples of cannabis products are allowed.
7. Cannabis products that are not used for display purposes or immediate sale shall be stored in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.
8. Cannabis related waste shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance.
9. The operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the premises during business hours if directly related to patrons of the business.

10. A copy of this Use Permit and City of Antioch business license, as well as any other State licenses, shall be on display during business hours and in a conspicuous place so that they may be readily seen by all persons entering the facility.
11. No signs, tinting, or other graphic material may be used to obscure the storefront windows.
12. No drive-through, drive-up, or walk-up window services are allowed.
13. No fewer than two uniformed and armed security guards who are employed by a Private Patrol Operator (Security Company) who is currently licensed with the California Department of Consumer Affairs shall be on-site during business operating hours. One armed security guard shall be on-site at all times, even when the facility is closed. A copy of the contract with the Security Company shall be provided to the Community Development Director and the City Attorney for review and approval prior to issuance of a certificate of occupancy.
14. The name of the Security Company, proof of liability insurance including a copy of all exceptions, their State license number, and the guard registration numbers for the employed guards shall be provided to the Community Development Department. If there is a change in the security private patrol operator or in the liability insurance of the applicant, the Community Development Director and the City Attorney shall be notified within five (5) business days.
15. The City Council may require modification, discontinuance or revocation of this use permit if it finds that the use is operated or maintained in a manner that it:
 - Adversely affects the health, peace or safety of persons living or working in the surrounding area; or
 - Contributes to a public nuisance; or
 - Has resulted in excessive nuisance activities including disturbances of the peace, illegal drug activity, diversion of Cannabis or Cannabis Products, public intoxication, smoking in public, harassment of passersby, littering, or obstruction of any street, sidewalk or public way; or
 - Has resulted in or has been the target of criminal activity requiring undue attention and dedication of the Antioch Police Department resources; or
 - Violates any provision of Antioch Municipal Code or condition imposed by a City issued permit, or violates any provision of any other local, state, regulation, or order including those of state law or violates any condition imposed by permits or licenses issued in compliance with those laws.
 - Results in more than three distinct unresolved odor complaints in a twelve (12) month period.

16. The business shall incorporate and maintain adequate on-site odor control measures in such a manner that the odors of cannabis and cannabis-related products shall not be readily detected from outside of the structure in which the business operates or from other non-Cannabis businesses adjacent to the site.
17. During regular business hours, all cannabis business premises shall be accessible, upon request, to an authorized City employee or representative for random and/or unannounced inspections. The cannabis business may be charged a fee for any inspections.
18. An annual audit of the site's security plan shall be submitted to the Antioch Police Department. The audit shall be conducted by City staff or a third-party company subject to the approval of the Antioch Police Department.
19. All points of ingress and egress to the business shall be secured with Building Code compliant commercial-grade, non-residential door locks and/or window locks. Entry and exit doors to restricted cannabis areas shall be made of reinforced metal with metal frames and have a security lock system.
20. Building signage shall not state that cannabis or cannabis products are stored, sold or handled on the site. Images of cannabis leaves, green crosses, or similar commonly-identifiable graphics are not allowed. All building and on-site signage shall be subject to staff review and approval.
21. Any proposed exterior changes to the site shall be shown on the building permit plan submittal. Exterior changes may be subject to administrative design review approval.
22. The only cannabis paraphernalia allowed to be sold at the site are vape pens, vape pen batteries, and chargers unless approved in writing by the Community Development Director.
23. Delivery vehicles shall not contain identifiable markings that associate the delivery service with the cannabis business.
24. The loading and unloading of vehicles for delivery of cannabis shall be conducted in a secured, gated or enclosed area.
25. All delivery of cannabis to the site shall take place in a caged/gated delivery area with a dedicated armed security guard to be present during all deliveries.

26. Bollards shall be placed on the site in front of windows and doors that make the site vulnerable to a “smash and grab” scenario. The location of the bollards shall be subject to the review and approval of the Antioch Police Department prior to issuance of building permits for the project.
27. Visible signage shall be placed at the entrance of the facility notifying the public of surveillance on site.
28. All dedicated vehicle parking spaces shall be signed with “Cookies Customer Parking” with the additional acknowledgement that “Parking in any space not specifically designated as Cookies Customer Parking is expressly prohibited and vehicles that do so will be subject to towing and impoundment.”
29. The required on-site security guards shall monitor and enforce the agreed upon parking protocols and restrictions, including but not limited to, if a customer’s vehicle is seen parking in a restricted space, the driver will be notified by security and will be asked to park their vehicle in a permitted space.
30. Prior to a certificate of occupancy being issued for the site, the Antioch Police Department shall conduct a site inspection to assess the security of the site. Any changes the Antioch Police Department deems necessary upon site inspection shall be incorporated into a revised site security plan that is then submitted for their review and approval. No certificate of occupancy will be issued without final approval of a site security plan by the Antioch Police Department.
31. Security measures shall be designed to ensure emergency access is provided to the Antioch Police Department and the Contra Costa Fire Department for all areas on the premises in case of an emergency.
32. Security surveillance cameras shall be installed and maintained in good working order to provide coverage on a twenty-four (24) hour real-time basis of all internal and external areas of the site where cannabis is stored, transferred and dispensed, where any money is handled, and all parking areas. The cameras shall be oriented in a manner that provides clear and certain identification of all individuals within those areas. Cameras shall remain active at all times and be capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for a minimum of sixty (60) days.
33. Exterior lighting surrounding the building shall comply with Section § 9-5.1715 of the Antioch Municipal Code, which requires outdoor parking areas to have a minimum illumination at ground level of two foot-candles.

34. A professionally monitored security alarm system shall be installed and maintained in good working condition. The alarm system shall include sensors to detect entry exit from all secure areas and all windows. The name and contact information of the alarm system installation and monitoring company shall be kept as part of the onsite books and records.
35. A local contact who will be responsible for addressing security and safety issues shall be provided to, and kept current with, the Antioch Police Department.
36. Any changes to the required security measures shall be subject to the review and approval of the Antioch Chief of Police or their designee.
37. The applicant shall enter into an operating agreement with the City of Antioch prior to a certificate of occupancy being issued for the site. No business license shall be issued without an approved operating agreement.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 21st day of October, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Forrest Ebbs
Secretary to the Planning Commission

ATTACHMENT B

The City of Antioch can rest assured that our facility will be built out to the Cookies standards which include complete finish upgrades, tons of custom build outs and top of line technology that all come together to provide each visitor with a one-of-a-kind cannabis experience. Below is a conceptual guideline of the aesthetics and modern feel we use in order to provide a safe and welcoming experience for new and experienced cannabis users.

ENTRANCE & WELCOME



RETAIL SPACE



RETAIL SPACE



RETAIL SPACE



RETAIL SPACE



RETAIL SPACE



Cookies CBD Launch Portfolio

- 15+ SKUs
- Available Nationwide In-store & Online
- Launching November 2019



New Products Launching in 2020



Flower (Partial List):

Snowman



ORIGINAL BREEDER
Powerzzzup

GENETICS
GSC x Florida OG

AROMA
Piney, OG

FLAVOR
Piney inhale, earthy, gassy exhale

APPEARANCE
Light green nugs embedded with highly crystalized trichomes

EFFECTS
Relaxing

WEIGHT
3.5g bags (1g bags coming soon)

AVAILABLE
indoor and sun-grown

Gelatti



ORIGINAL BREEDER
Cookies

GENETICS
Unreleased Gelato x South Florida OG

AROMA
OG gassy fumes, strong menthol, with a hint of sweet gelato finish

FLAVOR
Menthol and OG musk, slight gelato finish

APPEARANCE
Dark purple with green hues

WEIGHT
3.5g bags (1g bags coming soon)

AVAILABLE
indoor and sun-grown

London Pound Cake 75



ORIGINAL BREEDER

Cookies

GENETICS

Nip OG x Sunset Sherbert

AROMA

Fresh blueberries, slight gas, and lemongrass

FLAVOR

Menthol, OG musk with a classic gelato finish

APPEARANCE

Deep purple nugs with light green hues with dense frosty bugs

WEIGHT

3.5g bags (1g bags coming soon)

AVAILABLE

indoor and sun-grown

Gary Payton



ORIGINAL BREEDER

Powerzzzup

GENETICS

Snowman x The Y

APPEARANCE

Green nugs with purple hues embedded in trichomes

EFFECTS

Relaxing

WEIGHT

3.5g bags (1g bags coming soon)

AVAILABLE

indoor and sun-grown

Concentrates & Extracts:

Cookies High Flyers Vape Carts & Batteries

Leave your Cookies flower at home



- Vape your favorite Cookies genetics whenever, wherever
- Pure cannabis terpenes mixed with high-grade distillate
- All in CCELL technology to ensure big smooth draw, full of flavor every time.

WEIGHT

500mg cartridge

AVAILABLE IN

Gelato*, Lemonchello*, Sunset Sherbet*, Snowman*, London Pound Cake 75, Cookies*, Cereal Milk, Gelatti (*CA only)

COMING SOON

New Cookies genetics

Cookies High Lights (6 Pack Pre-rolls)

Smell Proof Pre-Rolls



- Available for Cookies exclusive genetics
- Rolled using premium Vibes papers
- Individually sealed for maximum freshness
- Tightly packed to reduce runs
- No trim or shake used

WEIGHT

0.58g per pre-roll, 3.5g total (pack of 6)

AVAILABLE

All Cookies exclusive genetics

Cookies X GPen Vaporizer Carts & Batteries



- GPen's closed-loop system and proprietary pod technology for bigger hits.
- Accurate heating provides a consistent experience, every time.
- Cookies exclusive genetics.

WEIGHT
5g

AVAILABLE IN
Gelato*, Sunset Sherbet* (*CA only)

COMING SOON
New Cookies genetics

Cookies Live Rosin



- GPCookies genetics cultivated and harvested specifically for Live Rosin
- Delivers the complete expression of the plant in terms of aroma, flavor, and effects
- A purer product that has been refined off the plant
- Available in CA only

WEIGHT
1g

Edibles:

Cookies Gummies

The taste of CookiesBlue



- Offering big flavor, great taste and consistent dosing
- Texture is chewy and thick like a real candy
- Hard to just eat one
- Available in CA only

WEIGHT

100mg THC, 10mg THC Per Piece

AVAILABLE IN

Blue Hawaiian

NEW FLAVORS COMING SOON

LPC 75, Cereal Milk, Sunset Sherbert, Grenadine, Georgia Pie

Cookies Cookies

We couldn't resist



- Full spectrum hash butter for a complete cannabinoid experience
- Baked and sealed for freshness and flavor
- Collaboration with legendary Big Pete's treats
- Available in CA only

PACKAGE SIZE

100mg THC per package, 10mg THC per cookie 10 cookies per bag

AVAILABLE IN

Mint Chocolate Chip, Cherry Pie and Cookies & Cream



Application Type: Dispensary (Neighborhood Responsibility Plan)
Submitted by: Bakery Antioch, Inc. dba Cookies Antioch
November 15, 2019



D1

NEIGHBORHOOD RESPONSIBILITY PLAN

If it's not already evident, we will state directly that Cookies Antioch wants to be considered a heavy net contributor to the overall economic and civic development of its host city. We recognize that cannabis is a politically charged and sensitive issue to many, and that our welcome is only as good and long as we behave as outstanding corporate citizens and leaders in our new community. You will see this commitment to partnership with the City demonstrated in our hiring decisions and how we connect with the residents of Antioch every day. If the City wants or needs help, information or insight from Cookies Antioch, it will be given in a transparent manner in the spirit of cooperation and partnership.

While it was not specifically asked for by the City, we would like to share that it will likely cost us around \$4MM to get to our license, improve the building and property we plan to purchase located at 2515 West 10th Street. Part of this cost will include staffing our operation in anticipation of opening day in Antioch. As you would imagine, much of that money will be going right in cash registers and bank accounts of Antioch businesses and residents. The biggest and most lasting impact, however, will be felt once we open and gladly start submitting our Gross Receipts from Operations, sales tax receipts and distributing paychecks to Antioch citizens. We have attached a detailed financial forecast for the first three years of our operation below and on the following page.

Cookies		{ FINANCIAL PROJECTIONS }				
		2020	2021	2022	2023	2024
REVENUE (PRE-TAX)						
Customers/Patients per Day		132	139	146	153	161
Average Ticket Amount (Excluding Taxes)		\$100.00	\$102.00	\$104.04	\$106.12	\$108.24
Days of Operation		360	360	360	360	360
TOTAL REVENUE (PRE-TAX)		\$ 4,752,000	\$ 5,104,080	\$ 5,468,342	\$ 5,845,134	\$ 6,273,777
SALES AND EXCISE TAXES						
State Cannabis Tax (15%)		\$ 712,800	\$ 765,612	\$ 820,251	\$ 876,770	\$ 941,067
City Cannabis Tax (2%)		95,040	102,082	109,367	116,903	125,476
Sales Tax (7.75%)		368,280	395,566	423,797	452,998	486,218
TOTAL SALES AND EXCISE TAXES		\$ 1,176,120	\$ 1,263,260	\$ 1,353,415	\$ 1,446,671	\$ 1,552,760
GROSS REVENUE INCLUDING TAXES						
Gross Revenue		\$ 5,928,120	\$ 5,104,080	\$ 5,468,342	\$ 5,845,134	\$ 6,273,777
Cost of Goods Sold		(2,326,480)	(2,500,999)	(2,679,488)	(2,864,115)	(3,074,151)
GROSS PROFIT (280e)		\$ 2,423,520	\$ 2,603,081	\$ 2,788,855	\$ 2,981,018	\$ 3,199,626
NON-CANNABIS AND ANCILLARY SALES						
Sales		\$ 250,000	\$ 262,500	\$ 275,625	\$ 289,406	\$ 303,877
Cost of Goods Sold		(162,500)	(170,625)	(179,156)	(188,114)	(197,520)
GROSS PROFIT NON-CANNABIS AND ANCILLARY SALES		\$ 87,500	\$ 91,875	\$ 96,469	\$ 101,292	\$ 106,357
GROSS PROFIT						
Gross Profit (All Sales Channels)		\$ 2,511,020	\$ 2,694,956	\$ 2,885,323	\$ 3,082,310	\$ 3,305,983
Less Federal Income Tax (21%)		-\$508,939	-\$546,647	-\$585,659	-\$626,014	-\$671,921
TOTAL GROSS PROFIT AFTER FEDERAL TAXES		\$ 2,002,081	\$ 2,148,309	\$ 2,299,664	\$ 2,456,297	\$ 2,634,061

FIXED EXPENSES

Debt Service	\$ 33,750	\$ 34,594	\$ 35,459	\$ 36,345	\$ 37,254
Utilities, CAMs, and NNN	16,800	17,304	17,823	18,358	18,909
IT/Communications	8,000	8,400	8,820	9,261	9,724
Insurance (Building, Retail store, Workers's Comp)	24,000	24,720	25,462	26,225	27,012
Depreciation	-	-	-	-	-
TOTAL FIXED EXPENSES	\$ 82,550	\$ 85,018	\$ 87,563	\$ 90,189	\$ 92,898

EMPLOYEES AND PAYROLL

Management Staff	\$ -	\$ -	\$ -	\$ -	\$ -
Manager	103,680	105,754	107,869	110,026	112,227
Assistant Manager	213,120	217,382	221,730	226,165	230,688
Budtenders	237,600	255,204	273,417	292,257	313,689
Cashier	71,280	76,561	82,025	87,677	94,107
Floor Manager	237,600	255,204	273,417	292,257	313,689
Security	172,800	174,528	176,273	178,036	179,816
Inventory and Receiving	28,512	30,624	32,810	35,071	37,643
Administrative	36,300	36,663	37,030	37,400	37,774
Employee Benefits and Payroll	253,205	264,942	277,051	289,544	303,515
Professional Services (Accounting, compliance, etc)	75,000	75,750	76,508	77,273	78,045
TOTAL EMPLOYEES AND PAYROLL	\$ 1,429,097	\$ 1,492,612	\$ 1,558,130	\$ 1,625,705	\$ 1,701,192

SALES AND OPERATIONS

Packaging	\$ 23,760	\$ 24,473	\$ 25,207	\$ 25,963	\$ 26,742
Marketing Collateral (shirts, hats, stickers, etc)	12,000	12,240	12,485	12,734	12,989
Marketing including Website & Social Media	7,500	7,875	8,269	8,682	9,116
Third Party Advertising (Weedmaps, billboards, etc.)	120,000	109,180	112,455	115,829	119,304
Technology & Equipment	5,000	5,250	5,513	5,788	6,078
Software and License	6,000	6,180	6,365	6,556	6,753
Banking	30,000	30,300	30,603	30,909	31,218
Vehicle Leases, Insurance & Reimbursements	-	-	-	-	-
Licensing and Royalties	237,600	255,204	273,417	292,257	313,689
Management Fee	118,800	127,602	136,709	146,128	156,844
TOTAL SALES AND OPERATIONS	\$ 560,660	\$ 578,304	\$ 611,023	\$ 644,847	\$ 682,733

CANNABIS LICENSES AND EXPENSES

State License Annual Fee	\$ 38,000	\$ 39,900	\$ 41,895	\$ 43,990	\$ 46,189
TOTAL CANNABIS LICENSES AND EXPENSES	\$ 38,000	\$ 39,900	\$ 41,895	\$ 43,990	\$ 46,189

TOTAL OPERATING EXPENSES	\$ 2,110,307	\$ 2,195,834	\$ 2,298,611	\$ 2,404,731	\$ 2,523,014
---------------------------------	---------------------	---------------------	---------------------	---------------------	---------------------

OPERATING INCOME	\$ (108,226)	\$ (47,525)	\$ 1,053	\$ 51,565	\$ 111,048
Less State Income Tax (8.84%)	\$9,567	\$4,201	-\$93	-\$4,558	-\$9,817

NET INCOME	\$ (98,659)	\$ (43,324)	\$ 960	\$ 47,007	\$ 101,231
Net Income as % of Sales	-1.66%	-0.85%	0.02%	0.80%	1.61%

TOTAL LOCAL, STATE, FEDERAL TAXES AND FEES	\$ 1,713,492	\$ 1,845,606	\$ 1,981,062	\$ 2,121,233	\$ 2,280,687
Taxes as % of Sales	36.06%	36.16%	36.23%	36.29%	36.35%

PROPOSED PHILANTHROPY PLAN

Cookies is a cannabis leader in many ways, whether measured in popularity, revenue or professionalism. Our stores produce wildly more tax and community benefit payments than their peers and we are happy to share the bounty that we have all helped to create. As caring corporate citizens, we are proud of the magnitude of dollars contributed to our host city's budget, which help provide the many valuable services all members need to survive and thrive in a community. Cookies desires to expand the commitment to this same level of corporate stewardship in line with its expanding presence throughout the state and country.

Education:

Of equal importance to the economic footprint we leave in our community, is the impact we know we are privileged to have on the lives of our retail neighbors and our neighbor families' lives. By the nature of the miraculous cannabis plant, we can help those in need of relief from an incredibly broad spectrum of pain and suffering; but we also realize that cannabis has the potential to be abused and has not been proven to be safe for consumption by minors. We are committed to safe, responsible use and the education of the public that motivates this type of behavior through awareness and respect.

Consumer and patient education, a hallmark of our Standard Operating Procedures on the retail floor, is a very big part of the design of our stores along with the customer "journey" within them, as you will read below. We believe that education should extend beyond our four walls, which makes it imperative that our company also support the development of general education that needs to take place within the schools and greater community. We anticipate continuous and extended studies emerging on the use and benefits of cannabis in many areas as the bindings of prohibition fade into the new landscape of responsible use. Staff education will be required on an ongoing basis to ensure that we retain the most cutting-edge information. As such, Cookies Antioch will hold community gatherings located in the "staff room" onsite. This time will be utilized to educate the community as well as share any comments/suggestions the citizens of Antioch would like to share directly to the Management Team.

To further assist in spreading education and awareness about cannabis use through the community, Cookies makes its staff members and their enormous knowledge readily available to its neighbors to speak, teach, and share their insight whenever needed. Whether it be at a Senior Center discussing cannabis as a sleep aid, a Cancer Support Group that needs help understanding how cannabis can help soothe the effects of chemotherapy, or in conjunction with the public and private schools as they inform their students and parents about the potential harm of cannabis on a developing mind, Cookies experts are able to convey focused and succinct educational messages about the realities of cannabis that truly inform and educate.

In addition to meeting on the property, there will be access to an online submission page located on our website that will encourage those who can't physically make the meeting to voice any comments they may have. The goal is to provide everyone an equal opportunity to be heard and make the experience more inclusionary for all.

Lastly, the success of our establishment is greatly influenced by the well-being and confidence our neighbors in the immediate area have with us. We will proactively engage those neighbors by having our Management Team known to them on a first-name basis and comfort of knowing they can contact them via email/phone at any time. As noted, our staff will have the training to comply with all the conditions

set forth by the city and state to conduct business with the highest integrity and honesty. Should our neighbors prefer to speak to Management directly, they should not have to pass the message to staff, but rather, have the ability to speak directly to our decision-makers.

Community Service Hours & Donations:

Cookies hires locally and both supports and rewards staff when they contribute back to their community. We donate through labor, by offering both paid and unpaid man hours, and financially through donations to those organized causes and events that most impact our host community. Cookies ownership will seek the City leaders' input on the best ways to make an impact in Antioch but typically the majority of our contributions are broken up into two distinct categories: (1) Cannabis-related and; (2) Overall Community Benefits.

(1) Cannabis-Related

The cannabis-related causes that we support tend to focus on prevention of misuse by minors or those that have struggled with substance abuse in the past. As cannabis is still scheduled with the most dangerous controlled substances federally, which confuses young children enormously, we like to help our teachers, parents and civic leaders find ways to make sense of cannabis' role in their adult role model's lives. With regard to our community members that need help with substance abuse, including the misuse of prescription opioids that is tearing apart our country, we look to fund the good work that is already being done by so many professionals and support groups.

(2) General Community Benefits

Just as you would hope that any other profitable business would contribute community efforts that support them, Cookies promises to stand up and make a big difference in Antioch. Given the politically sensitive nature of our product, we know that we must show our gratitude for the opportunity to make a living by it in our neighborhoods.

We are amenable to guidance from City leaders and community groups, like the Chamber of Commerce, to best deploy our donations however; based on past commitments of our ownership in nearby Modesto, we anticipate providing support for Antioch youth and athletics programs, local organizations and city departments.

ODOR CONTROL & MITIGATION PLAN

January 6, 2020

Bakery Antioch, Inc.

2515 W. 10th Street
Antioch, CA 94509

DRAFT

Report prepared by

15000 Inc.
2901 Cleveland Avenue, Suite 204
Santa Rosa, CA 95403

Policy

Document a process to limit objectionable odors from the project area utilizing building system components and adopted odor control plan.

Under California Occupational Health and Safety Act (“CalOSHA”) and Bay Area Air Quality Management District (“BAAQMD”) regulations, cannabis businesses do not have a specific set of regulations that govern their operations. However, Brandon Johnson of Bakery Antioch, Inc. (the “Applicant”), will nonetheless maintain a high standard for the air quality plans for all aspects of its proposed Cannabis Dispensary Facility (Type-10) at 2515 W. 10th Street, Antioch, CA 94509 (“Facility”).

Generally, the Applicant will meet and/or exceed the standards set by the City of Antioch (“City”) Cannabis Ordinance, the Contra Costa (“County”) Code (including amended Title 9, Chapter 5 and Resolution 2018/117), California Labor Code §§6300 et seq., and Title 8, California Code of Regulations §§ 332.2, 332.3, 336, 3203, 3362, 5141 through 5143, 5155, and 14301, as published in the CalOSHA Policy and Procedures Manual C-48, Indoor Air Quality as applicable to other facilities.

Pursuant to State of California (“State”) regulations [California Energy Code, Section 120.1(b)2], mechanical ventilation must meet 0.20 cubic feet per minute (“CFM”) per square foot of conditioned floor area in retail spaces, and 0.15 CFM for all other anticipated uses. Since existing State air quality regulations do not contain provisions specific to cannabis businesses, the Applicant will comply with these general State standards when designing the ventilation systems and air filtrations systems for the entire Facility. Each separate operation within the Facility building will have its own individual “air-scrubber” systems, as described below.

Purpose

To minimize and eliminate the off-site odor of cannabis caused by normal business practices.

Scope

Exterior of facility and surrounding areas.

Responsibilities

Business Owner/Operator (BO/O) is to provide, implement and supervise an odor mitigation plan.

General Procedures

Implementing and maintaining building systems to effectively minimize transmission of odor between building and surrounding areas.

- BO/O shall supervise installment and maintenance of an air treatment system to ensure there is no off-site odor of cannabis overly detectable from adjacent properties or the community. Air treatment systems consists of carbon filtration on the exhaust side of the ventilation system and negatively pressurizing the facility in relation to the exterior ambient condition.
- Staff members should immediately report any odor problems to the BO/O, who will take corrective action, implement upgrades to the system, upgrades to the facility or to the internal handling process of product within the facility to further deter odors.
- If such upgrades require the approval of any Agency Having Jurisdiction (AHJ), the BO/O shall seek and gain such approval prior to implementing new systems and/or procedures.

It is critical to the success of our organization that our various plans remain transparent to the community, so all stakeholders are aware of the importance of mitigated cannabis odors.

This mitigation plan and all associated records will be made available to the public for review and documents can be requested at our facility. All requests for documentation shall occur via written request only (email is acceptable).

The facility will have the following onsite functions: Welcome Area, Dispensary, Administrative Processing Areas, Inventory Storage, and a Loading Bay. In accordance with California State Law all products brought into the dispensary will be in sealed packages. As such, the possibility for odor issues for adjacent properties is limited. Nevertheless, the handling of product will require a properly engineered odor control system in order to mitigate the release of odors to the surrounding properties and community.

Active Measures

All cannabis products will be securely stored in the Storage Room. The secure storage room area will be provided with an exhaust air system for odor control. The exhaust system shall be provided with a carbon filter that will mitigate any odors which may emanate from the stored product.

Air Pressure & Carbon Filter Control

The Welcome Area and Retail Sales Area will be kept under negative pressure by means of a Greenheck G-Series roof mounted exhaust fan (or equal) and carbon filter, Koch DuraPURE with impregnated adsorption media (or equal). The exhaust system shall be electrically interlocked with the space conditioning system serving the area with an exhaust air quantity greater than the outside air quantity to ensure negative pressure is maintained whenever the system is operational. The space conditioning system will be provided with MERV-8 rated carbon filters, Koch OdorKleen ES (or equal), to further treat odors which are recirculated within the airstream.

The Storage Area will be kept under negative pressure with an independent space conditioning and exhaust filtration system similar to that serving the Retail and Welcome areas.

The Loading Bay will be kept under negative pressure by means of a Greenheck G-Series roof mounted exhaust fan (or equal) and carbon filter, Koch DuraPURE with impregnated adsorption media (or equal). Makeup air will be provided at the roof level by passive means through a gravity ventilator, Greenheck GRSI Series (or equal) and shall be fitting with a motorized damper to close whenever the exhaust system is off to further minimize transmission of nuisance odors. The exhaust fan shall be controlled by means of a 7-day programmable timer, scheduled per the Applicant's standard operating procedures.

Above all, the facility will be kept under negative pressure by means of exhaust systems as described herein with carbon filters for odor mitigation. The exhaust discharge shall be designed to discharge at the roof level and exhaust away from any neighbors or pedestrian traffic.

Best Available Technology

The combination of carbon exhaust air filtration and building pressure control represent the current best available technology. Carbon filters will be provided with magnehelic differential pressure displays to visibly document the filter loading for comparison against manufacturer's data for useable life. This building is also provided with MERV-8 filters for particulate filtration of supply air into the building to enhance the overall indoor air quality of the space.

Air System Design

The facility shall have no operable windows, and/or operable windows shall be kept locked and sealed at all times. All doors shall be sealed with proper weather stripping, keeping circulating and filtered air inside the facility.

On site usage of cannabis products is strictly prohibited while on the property. This will assist in mitigating odors to the surrounding neighbors.

System Maintenance

The Operations Manager will request HVAC servicing, including changing carbon filters, at least once every 6 months, or as recommended by the manufacturer (whichever is less) by a licensed HVAC contractor.

All equipment shall be visually inspected daily to ensure proper operation. Any equipment that appears to be non-operational or showing signs of unusual activity, will be immediately removed and thoroughly inspected, tested, and repaired if necessary.

Monitoring, Detection and Mitigation: Method for Assessing Impact of Odor

The importance of cannabis odor mitigation is very well understood, and we shall make decisions that best to prevent the issue of odor to the surrounding areas. If odors are detected outside the facility this plan shall serve as a guideline to provide corrective action.

Monitoring

The manager/supervisor shall assess the on-site and off-site odors daily for the potential release of objectionable odors. The manager/supervisor on duty shall be responsible for assessing and documenting odor impacts on a daily basis.

The closest adjacent businesses include;

- Commercial Support Services: 2505 W. 10th Street, Antioch, CA 94509
- Crystal Clear Logos Inc.: 2545 W. 10th Street J, Antioch, CA 94509
- Diablo Marine & Trailer Service: 2411 W. 10th Street, Antioch, CA 94509

Mitigation

Should objectionable off-site cannabis odors be detected by the public and we are notified in writing, the following protocols will take place immediately:

- Investigate the likely source of the odor.
- Utilize on site management practices to resolve the odor event.
- Take steps to reduce the source of objectionable odors.
- Determine if the odor traveled off-site by surveying the perimeter and making observations of existing wind patterns.
- Document the event for further operational review.

If employees are not able to take steps to reduce the odor-generating source, they are to immediately notify the facility manager, who will then notify the BO/O. All communication shall be documented, and the team shall create a proper solution, if applicable. If necessary, we shall retain our certified engineer to review the problem and make recommendations for corrective action/s.

Staff Training

All employees shall be trained on how to detect, prevent and remediate odor outside the facility and all corrective options outlined herein.

The Operations Manager shall ensure that all employees are trained in odor control procedures before they start working at the facility. The training shall include, but is not limited to, how to install and run carbon filter systems, perform routine inspections and maintenance procedures to ensure filters are operating efficiently and effectively. As well as procedures to log and track all inspections, scheduled maintenance, equipment failures, maintenance performed, and equipment installation dates. The training will be documented and placed in each employee's personnel file.

Employees will be updated on facility management procedures as needed.

Odor Detection Documentation

The Odor Detection Form (ODF) shall be provided to those who suspect objectionable odors emanating from inside the facility. ODFs are available per request, on-site.

We shall maintain records of all odor detection notifications and/or complaints that will include the remediation measures employed. The records shall be made available to the AHJ or the general public on request. All requests shall be in writing (email is acceptable).

Odor Detection Form

Name of Reporting Party:

Phone Number:

Email Address:

Date:

Time:

Location of Odor:

Weather Conditions:

Date/Time of Notification:

Notification Method:

☐ Email ☐ Online ☐ In Person

Administrative Use Only

Mitigation Response Taken:

Date/Time Measures Employed:

Were Mitigation Measures Successful?

Signature/Date/Time:

Memorandum

Re: Antioch Parking, Signage, & Outreach Plan

Date: Friday, August 14, 2020

From: Steve Jones, Cookies

To: Kevin Valente, Antioch Planning Commission, & Broader Antioch Community

The Cookies Team looks forward to opening our Antioch location. In addition to serving the Antioch and broader Bay Area communities with safe and high quality products, we understand the importance of ensuring we engage with the community proactively in order to foster holistic relationships as well as act, and continue to act, as a positive community partner for the long-term.

This memo serves to share our plan of action as it relates to two primary topics: parking and signage. We understand that these are sensitive concerns that we should be aware of based on conversations we have had with the Planning Department and the Community (primarily our neighboring businesses). Collecting the information was part of our continued outreach effort and we have since made significant modifications to our plans as a result of these conversations. We think it is important to update the neighbors and City on what we have done and our plans to continue these conversations.

While we recognize this document isn't officially required, nor has it been requested by the Department, based on our conversations and outreach – and in combination with our desire to be a good neighbor – we felt it would be prudent to document what we can do now as well as what we are endeavoring to accomplish as neighbors.

Signage

Our goals as it relates to signage are twofold:

1. Currently, half of the business park is inadequately signed for the existing tenants. Based on our conversations we believe we can assist to make improvements to everyone's mutual benefits.
2. We would like to provide signage to ensure we provide minimal disturbances to the neighboring business and also help improve conditions in the business park as well.

Entry Business Directory (neighboring, off-site, curb cuts)

Following our conversation with a neighboring business (Pacific Nuclear Technology Co.) it was brought to our attention that the opposite side of the business park has an erected business directory that faces the curb cut at the parking lot entry, while the side of the par we are on does not.

Assuming prevailing planning code and contractual agreements with the other owners permit, we will pay to design, build, and erect a directory at the entry opposite to the other sign. We will design this in coordination with the other neighbors. Our primary notion would be to utilize the existing neighboring signage as a basis for our directory. However, as this is the public's first interaction with the lot, we would also want to include clear wayfinding and restriction language related to the Cookies location that would ensure continued safe egress and inform our customers where they can and cannot park.

Parking Signage

We have a specified number of spaces allotted to our business as dictated in the CC&Rs of the business park and we will regulate ourselves judiciously in this regard. While it would be unsightly and impractical to sign every parking space we plan to take the following actions upon opening our store:

- Prominently sign every Cookies Stall as "Cookies Customer Parking" with the additional acknowledgement to the effect of "Parking in any space not specifically designated as Cookies Customer Parking is Expressly Prohibited and vehicles that do so will be subject to towing and impoundment."
- The lot features a number of bulb outs, these prevent opportunities for us to add additional signage regarding parking (and wayfinding). In accordance with CC&Rs, and in coordination with the neighbors, we would like to offer to pay for, design, build, and install signage at two to four additional points in the lot to inform the public as to the restrictions and provide wayfinding. These signs do not necessarily need to be Cookies-specific, the primary goal is they provide benefit to the neighboring businesses.

Additionally, we intend to do this work in coordination with the property managers on the other side of the business park to ensure that this work is to the benefit of all of our neighbors.

Egress/Wayfinding Signage

In the course of our conversations we had with our immediate neighbor, Commercial Support Services (Vistability), we were informed that they would like us to provide directional egress at the shared driveway site between our structures. Provided that it would not violate any requests from the Police Department regarding our loading and

unloading, we intend to fully comply with their request and provide signage in coordination with Vistability to ensure their site remains private and un-disturbed.

Parking

As the only retailer in the lot we are sensitive to the fact that we may see a higher throughput than the other businesses. This has been expressed to us by the Department and we have had discussions about it with every neighbor that we have interacted with.

We have significantly modified our plans in order to ensure we are meeting our neighbors' and the City's expectations for us. Initially, we submitted plans that included eight parking spaces with a plan to lease some additional parking. However, after a number of discussions, we felt this would not be adequate. We then began redesigning our building's interiors to minimize our retail space so that we could accommodate indoor parking. Furthermore, we added additional spaces in our private, back lot area. Collectively, this should provide us with 24 parking spaces, triple our initial proposal.

While we have no express concern from a business perspective that we do not have enough parking for our customers, we want to do what we can to tangibly identify options that will provide any potential relief our neighbors would appreciate. Much of this document encapsulates (both the former signage section and the following section) our efforts to do so. Some of these we can easily act upon (training our staff and putting up signage), while other efforts (like leading additional signage) will rely on the compliance of other parties. Regardless, we are thoroughly endeavoring to accomplish the goal herein.

Enforcement Agreement

As part of our outreach efforts we have been in protracted discussions with Castle Management, the Property Manager for 2545 West 10th Street. They conveyed to us significant concern about the amount of parking we *had* as well as their ability to "police" the parking in the lot.

So, we went back to the drawing board. We made the above mentioned changes to our plans to significantly increase our parking. Further, we developed, in partnership with Castle Management, an enforcement agreement that would allow us to work with Castle and be helpful in managing parking in the lot. We have since executed this agreement and look forward to being a partner in the business park.

Security and Monitoring

As you are likely aware, the City has strict security protocols that we are required to follow on-site. This includes on-site, outdoor security. This is fortuitous on a few fronts (of which we will go over below), but, primarily in that it gives us a dedicated individual to also ensure agreed upon parking protocols and restrictions are monitored and adhered to in the parking lot.

We will train our security to monitor the entrance and exit of all vehicles in the lot. If a car is seen parking in a neighboring, restricted space and the occupant is intending on enter the Cookies building, the driver will be notified that they will not be admitted entry unless they park their car in a dedicated, permissible space. This will be strictly enforced and part of the training protocol.

Further, the store will have a Community Manager whose direct contact information will be given to every business owner in the lot. They will be responsible for ensuring the security and broader Cookies team is ensuring that all customers are following protocols that are respectful to neighboring businesses.

Outreach and Next Steps

On-the-ground outreach

We have conducted significant grassroots outreach to our neighboring businesses and have had conversations with, and shared our contact information with most of them, namely our immediate neighbors.

We have shared these plans with them. We will be taking additional questions and comments down for follow up as part of our good neighbor best practices.

Vistability

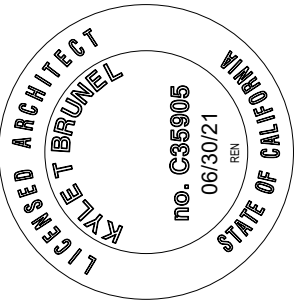
We have signed an LOI with our neighbor, Vistability, to be a business partner with them. Vistability provides job training and placement services for individuals with developmental disabilities. We are extremely excited to have them as a neighbor and look forward to working with them.

Security

Many of the neighbors are enthusiastic about the increased security we will be providing to the plaza. As you are likely aware, prevailing data indicates that sites near dispensaries are significantly more secure than they would be otherwise, and our capacity to monitor the business park both live and remotely is a boon to the area. We will be reviewing this security plan in detail with all interested parties.



STRUCTURAL

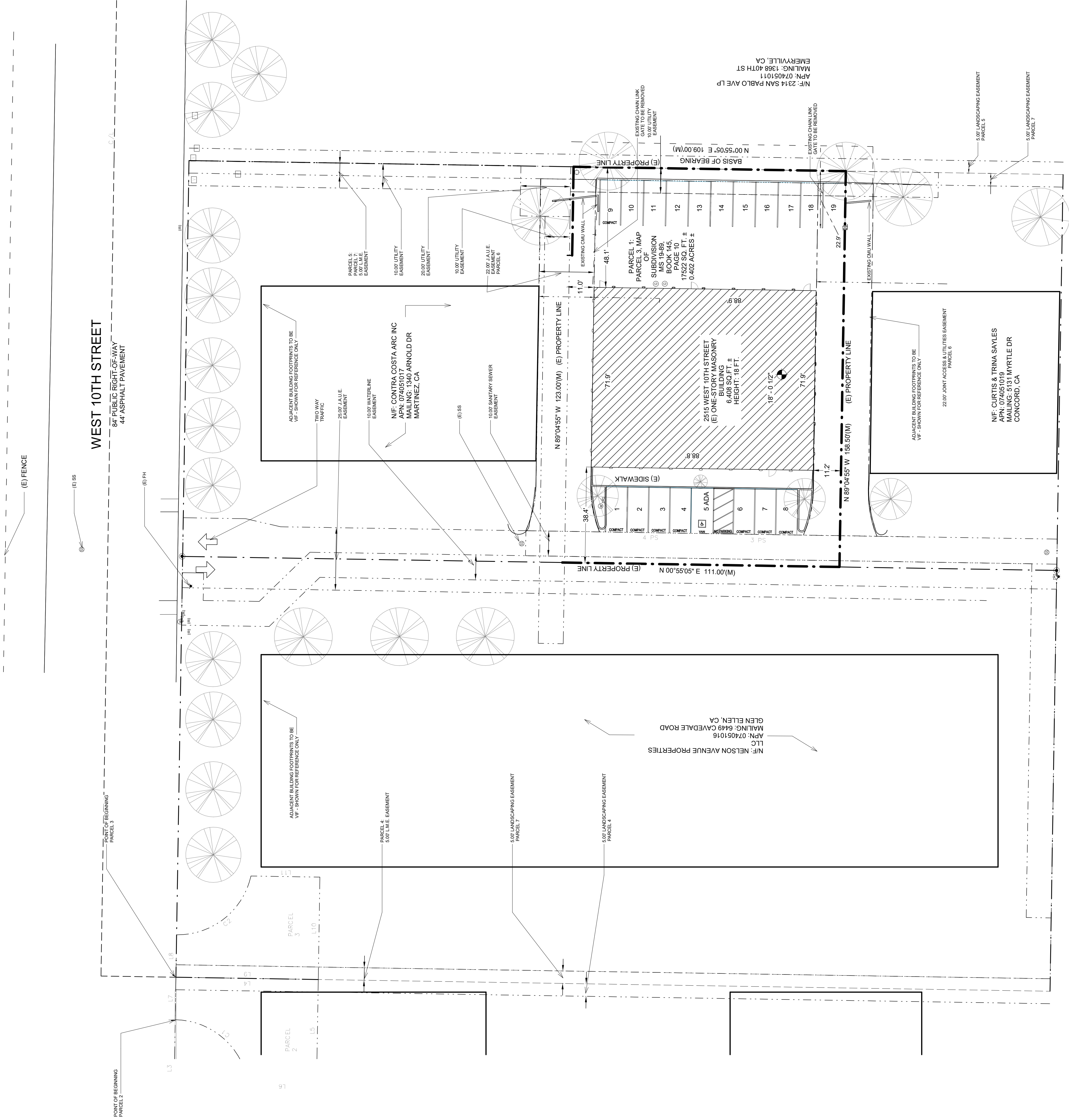
NAME NAME
ENGINEER OF RECORD[illegible]

BAKERY ANTIOCH, INC.
CANNABIS RETAIL

EXISTING + PROPOSED SITE PLAN

Project number	2019-27
Date	JULY 17, 2020
Drawn by	Author
Checked by	Checker

A-102

Scale
1" = 20'-0"

PARKING COUNT

1	VAN ADA PARKING
8	PUBLIC COMPACT PARKING
10	PUBLIC STANDARD PARKING
3	EMPLOYEE TANDEM PARKING
2	EMPLOYEE TANDEM COMPACT PARKING
24	Grand total: 24

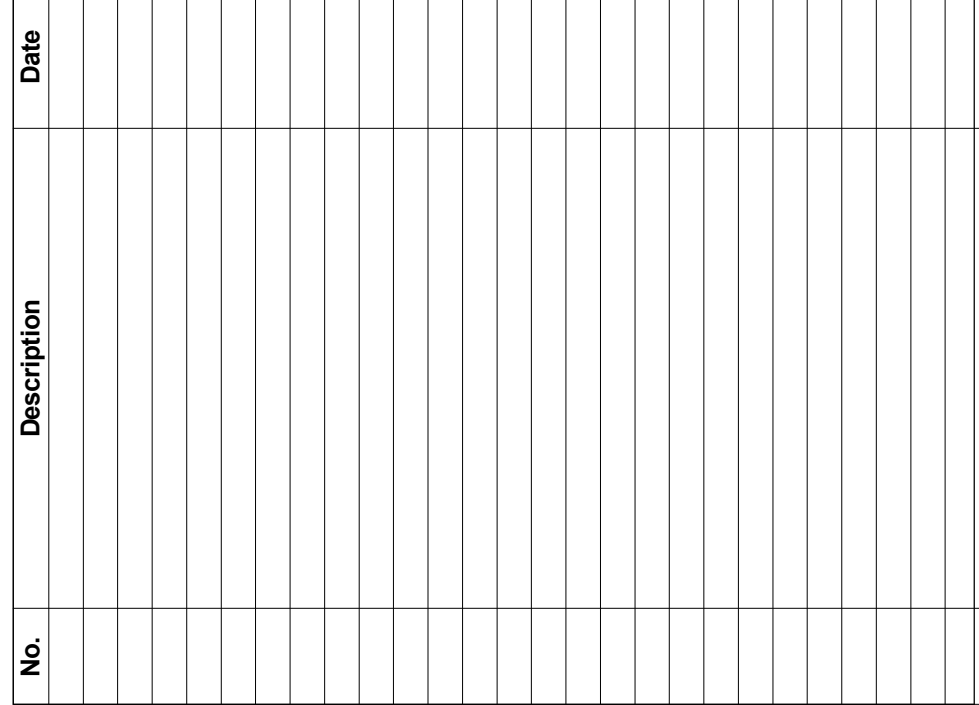
NOTE: FOR EMPLOYEE PARKING REFER TO A-103



STRUCTURAL

COMPANY
ADDRESS
CITY, CA XXXX
T: XXX.XXX.XXXX

NAME NAME
ENGINEER OF RECORD



BAKERY ANTIOCH, INC.
CANNABIS RETAIL
PREMISES DIAGRAM

Project number	2019-27
Date	JULY 17, 2020
Drawn by	FD
Checked by	KTB

A-103

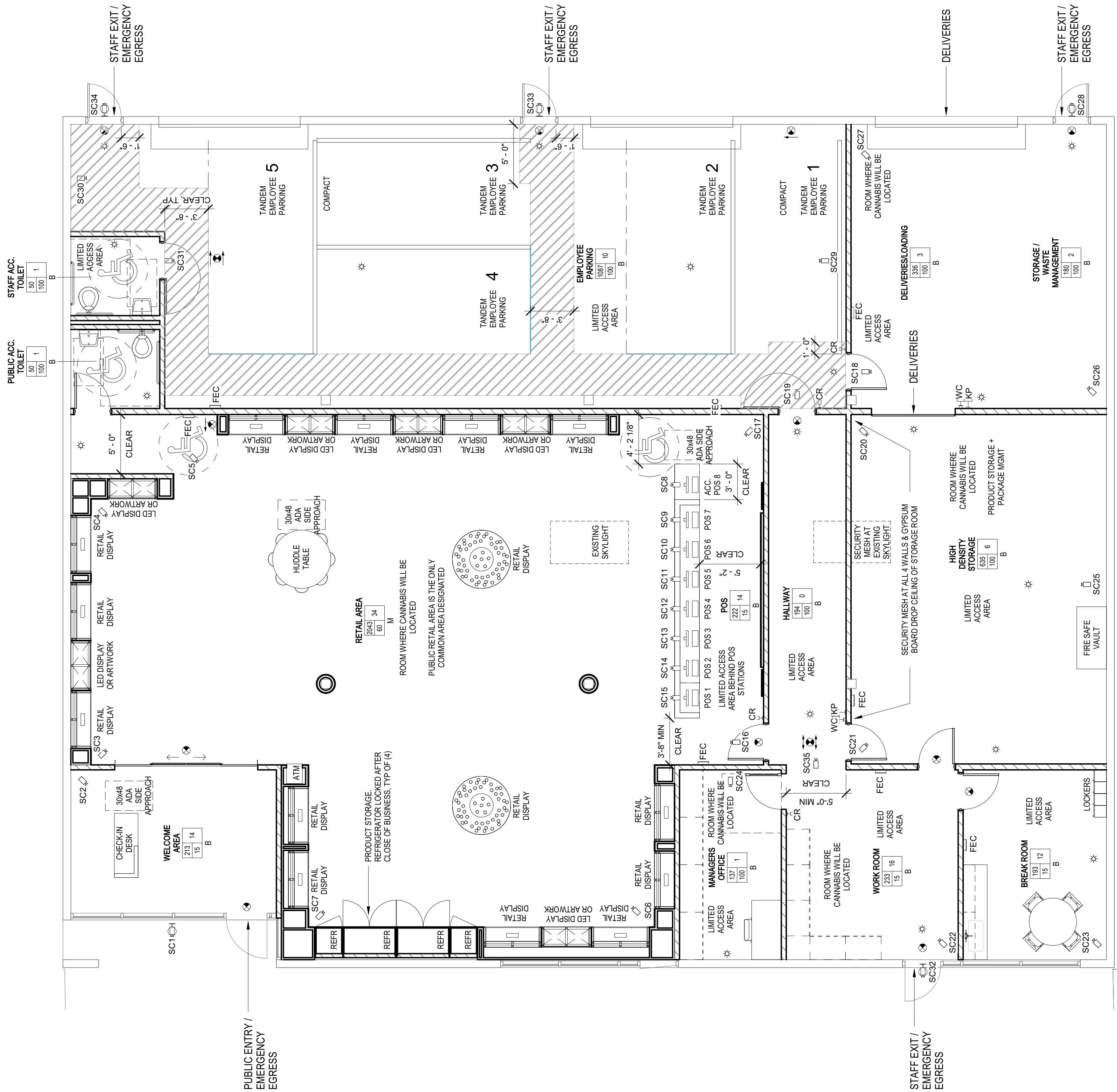
Scale $3/16" = 1'-0"$

SC## SECURITY CAMERA

CARD READER

KEY PAD

WIRELESS DOOR CONTACT



ATTACHMENT H

From: Miriam Swernoff <MSwernoff@castlecompanies.com>

Sent: Tuesday, October 13, 2020 2:55 PM

To: Planning Division <Planning@ci.antioch.ca.us>

Cc: Miriam Swernoff <MSwernoff@castlecompanies.com>

Subject: October 21 Agenda Item Cookies Dispensary

Comments to Antioch Planning Commission Meeting re Cookies Dispensary 2515 West 10th Street

This is Miriam Swernoff with Castle Management writing. Castle Management is the property manager for 2545 West 10th Street and acts as agent for the owner of 2545 West 10th Street Antioch. The properties located at 2505, 2515, 2525 and 2545 are part of a business HOA. The properties were developed as and remain as commercial industrial space. The parking for the properties was laid out as commercial and not retail space. The parking ratios are also designed for commercial and not retail space.

At 2545 West 10th Street there are 30 spaces in the front. All of those spaces are allotted to the current tenants under the terms of their respective leases. There are no extra or open spaces and the allotted spaces are actively used by our tenants. The dispensary will be located at 2515 West 10th Street. Since 2515 is literally across the lot from 2545 we are concerned that visitors to the dispensary will pull into our allocated tenant parking. Our tenants regularly park in the front of their businesses. The rear portion of 2545 West 10th Street is designated for overflow tenant parking and truck deliveries. There is regular loading and unloading by truck for the tenants' various businesses in that rear lot.

The dispensary will be located at 2515 West 10th Street, that building has six spaces in the front and a few more in the back for a total of approximately 15 spaces. The spaces in the back of 2515 are most likely going to be for employee parking and deliveries. The six spaces in the front, which includes one ADA space, are simply not enough for a retail operation. Cookies does not have the parking ratio for a retail operation in what is a commercial industrial business park.

Additionally, as part of the business HOA, all property owners are subject to CC& R's that govern parking and other issues. Under the terms of the CC & R's dated November 25, 1986 section C "each Owner of a Lot shall provide adequate off-street parking to accommodate all parking needs for the intended use. Parking will not be permitted on public streets. Required off-street parking shall be provided on the Lot, on a contiguous Lot or on another Lot within (600) feet of the Lot..." The CC & R's go on to this the parking ratio. The ratios are for uses other than warehousing 1 space for each 400 square feet of total building space, for warehousing 2 spaces for each 3 persons working in the building, but in no event less than 1 space for each 1000 square feet of floor area. The CC & R's were amended in 1990. Part of the amendment addresses parking. Under new section 2, "with respect to the uses not enumerated ... above, the general applicable code parking requirements for such other uses shall be used to determine parking requirements." The City of Antioch's off- street parking regulations Code section 9-5.1703.1 require 5 spaces per 100 square feet of gross floor area for retail sales not listed under another use. The gross floor area of 2515 West 10th Street is approximately 6,408 square feet and has approximately 6,408 gross floor area. The

ATTACHMENT H

approximate 15 parking spaces fall well short of the required 32 spaces. As the dispensary gets established and gains customers the parking shortage will only become more obvious. Cookies is aware of the parking challenges and has even commented on them in their April 20, 2020 Parking, Signage and Outreach Plan Submitted to the Antioch Planning Commission. Additionally, the dispensary and the owner of 2545 West 10th Street have entered into a Parking Enforcement Agreement which allows the owner of 2545 West 10 to tow improperly parked cars. Towing cars will not make up for the lack of parking. We ask that the Planning Commission have Cookies more clearly lay out their parking plans.

Respectfully submitted,

Miriam Swernoff

Real Estate Portfolio Manager

Castle Management

(925) 328-1240 ext. 255

(925) 968-8611 cell

mswarnoff@castlecompanies.com