



**ANNOTATED**

**AGENDA**

**CITY OF ANTIOCH PLANNING COMMISSION**

**WEDNESDAY, DECEMBER 16, 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, DECEMBER 23, 2020**.

**ROLL CALL**

**6:30 P.M.**

Commissioners	Schneiderman, Chair
	Martin, Vice Chair
	Barrow
	Motts
	Parsons <i>(absent)</i>
	Soliz <i>(absent)</i>

**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.

- |                                |                      |                         |
|--------------------------------|----------------------|-------------------------|
| <b>1. APPROVAL OF MINUTES:</b> | A. November 4, 2020  | <b><i>CONTINUED</i></b> |
|                                | B. November 18, 2020 | <b><i>CONTINUED</i></b> |

**NEW PUBLIC HEARING**

- 2. **V-20- UP-20-05, AR-20-16 – Delta Family Pharms Cannabis Cultivation –** Delta Family Pharms requests a use permit and design review for a cannabis cultivation business in +/- 7,500 square feet of an existing commercial building. Design review is requested to make minor exterior changes. This project has been found to be Categorically Exempt from the requirements of the California Environmental Quality Act. The project site is located at 2101 W 10<sup>th</sup> Street, Suites G, H, I (APN: 074-051-005).

**RECOMMENDED ACTION:**

Staff recommends that the Planning Commission approve the variance and design review request subject to the conditions contained in the attached resolution.

**RESOLUTION NO. 2020-29**

**ORAL COMMUNICATIONS**

**WRITTEN COMMUNICATIONS**

**COMMITTEE REPORTS**

**ADJOURNMENT** (7:19 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, December 11, 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](mailto: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](mailto:publicworks@ci.antioch.ca.us).

**CITY OF ANTIOCH  
PLANNING COMMISSION  
REGULAR MEETING**

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

**November 4, 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.*

Vice-Char Martin called the meeting to order at 6:40 P.M. on Wednesday, November 4, 2020 in the City Council Chambers. He 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, November 12, 2020.

**ROLL CALL**

Present: Commissioners Parsons, Soliz, Barrow and Vice-Char Martin  
Absent: Commissioner Motts and Chairperson Schneiderman

Staff: City Attorney, Thomas Lloyd Smith  
Director of Community Development, Forrest Ebbs  
Associate Planner, Zoe Merideth  
Minutes Clerk, Kitty Eiden

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS - None**

**CONSENT CALENDAR**

**1. Approval of Minutes: None**

Vice Vice-Char Martin 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/](http://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/).

**NEW PUBLIC HEARING**

2. **V-20-01, AR-20-09– 76 Gas Station Propane Tank** - Barghausen Consulting Engineers Inc. requests a variance and design review to make improvements to the existing 76 Gas Station. The request is to install a new above-ground propane tank for retail sales, relocate the air/water unit, install a new ADA accessible van parking stall, and install landscaping around the proposed improvements. A variance is requested because the proposed improvements will be located within in the required 30-foot front setback from Fitzuren Road. This project has been found to be Categorically Exempt for the requirements of the California Environmental Quality Act. The project site is located at 2701 Contra Loma Blvd (APN 071-011-036).

Associate Planner Merideth presented the staff report dated November 4, 2020 recommending the Planning Commission approve the variance and design review request subject to the conditions contained in the staff reports attached resolution.

In response to Vice-Chair Martin, Associate Planner Merideth explained that the propane tank would be setback from the road and a landscape buffer would be installed. She clarified that the air/water unit would be relocated and there would be an underground storage tank.

In response to Commissioner Barrow, Associate Planner Merideth explained that the propane tank would be screened from view by landscaping and bollards would be installed. She stated it would also be closer to the existing convenience store and much further back than the existing air/water unit. She commented that there were no requirements in the City's codes regarding the distance for a propane tank from a multifamily structure; however, when the project was submitted for a building permit, staff would ensure it met building code requirements.

Commissioner Barrow stated he had concerns regarding the proximity of the propane tank to a multifamily residential structure and a high visibility intersection.

In response to Commissioner Barrow, Associate Planner Merideth explained that they routed the plans to the Contra Costa County Fire District (CCFD), and they did not have any concerns. She noted that their comments were listed as conditions of approval in the resolution. She further noted the applicant would be required to meet the Fire District's conditions and the building code. She responded that a representative from CCFD was not present this evening and it was not typical that they attend Planning Commission meetings. She stated they had not provided response times and it was not a typical response in their request for comments. She explained that this site was an existing gas station and propane tanks were a normal feature of gas stations, and she reiterated that CCFD had no concerns regarding locating a propane tank at the site.

Commissioner Barrow commented that there was a lot of activity at the intersection and reiterated his concern for the multifamily being in close proximity to a propane tank.

Director of Community Development Ebbs stated that he had experience in working on an EIR for a large propane farm where he had learned that propane was very stable and safe. He noted the proposed tank had check valves in place. He added that propane tanks were not placed

next to buildings due to carbon monoxide issues and propane was only flammable when under pressure. He commented that CCFD would permit the project according to fire code. Commissioner Barrow stated if the tank did not pose a health and safety risk it may change his mind regarding the application. He reiterated that he would like verification from CCFD that their concerns were addressed and response times would be sufficient, should something occur with the propane tank.

Associate Planner Merideth reiterated that CCFD responded to their request for comments about this project and did not have any concerns regarding safety, the use or response times. She noted their comments were standard comments about meeting the fire code and the applicant would be submitting it to fire for review and approval. She noted if CCFD had concerns regarding the location of the propane tank, they would have included it in their letter.

Director of Community Development Ebbs added that the Planning Commission was here to consider the land use impacts and they deferred judgement on safety to CCFD and their codes.

In response to Commissioner Barrow, Associate Planner Merideth explained that normally the Planning Commission would not be seeing an application for a propane tank; however, because it involved a variance, it was being brought to the Commission to consider design review and the variance.

Commissioner Barrow stated his concerns related to the life and safety of residents.

Commissioner Parsons commented that the service station at 18<sup>th</sup> Street and Hillcrest Avenue had a similar traffic situation and was closer to houses without the benefit of a wall and there had been no incidents even though there had been several accidents in the area.

Commissioner Soliz added that a fire station was located within 1/2 a mile from this location so it was reasonable to assume a short response time should there be an incident.

Vice-Chair Martin opened the public hearing.

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

Caitlin Hepworth representing Barghausen Consulting Engineers, Inc. gave a PowerPoint presentation of the 76 Gas Station Propane Tank and Parking Addition which included the existing site, project details, existing site photos, proposed equipment location, as well as their need for the variance.

In response to Commissioner Soliz, the applicant explained that the purpose of the large propane tank was to refill portable tanks.

Vice-Chair Martin closed the public hearing.

Commissioner Barrow stated he would be voting against the motion based on the proximity of the propane tank to a multifamily residential structure and public right-of-way as well as the lack of bollards or protective devices along Fitzuren Road to address potential life and safety issues. He also noted he had questions for CCFD that were not addressed by the Planning Department.

***A motion made by Commissioner Soliz, seconded by Commissioner Parsons to approve the variance and design review request subject to the conditions contained in the staff reports attached resolution failed by the following vote:***

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

Director of Community Development Ebbs explained that the motion failed; however, the Planning Commission had the option to continue the item to the next meeting when a more complete Commission was present. He noted they may be able to have CCFD in attendance at a continued meeting to answer any questions related to fire code.

Commissioner Barrow stated it was wise to consult the CCFD on projects that dealt with life and safety. He recognized the applicant for their efforts to improve the property.

A motion was made by Commissioner Parsons and seconded by Commissioner Barrow to continue the item to the next scheduled Planning Commission meeting.

Commissioner Soliz, speaking to the previous motion, commented that Commissioner Barrow suggested having a representative from CCFD be present at the next meeting and questioned if that direction should be added to the motion.

City Attorney Smith responded that direction could be given in the motion; however, the Planning Commission could motion to rescind the previous action and then move to continue so this decision was not final, and the applicant did not have to file an appeal.

Commissioner Barrow stated he would like to rescind the vote and carry this item to the next Planning Commission meeting and have representatives from CCFD present to give a detailed explanation for life and safety.

Commissioner Parsons withdrew her motion to continue the item to the next meeting. Commissioner Barrow withdrew the second.

***On motion by Commissioner Barrow, seconded by Commissioner Soliz the Planning Commission members present unanimously rescinded the previous motion and continued V-20-01, AR-20-09– 76 Gas Station Propane Tank to the next Planning Commission meeting with direction to staff to have a representative from CCFD present. The motion carried the following vote:***

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

Director of Community Development Ebbs commented that he would do everything in his power to have a representative from CCFD present at the next Planning Commission meeting.

**ORAL COMMUNICATIONS** - None

**WRITTEN COMMUNICATIONS** – None

**COMMITTEE REPORTS** – None

**ADJOURNMENT**

*On motion by Commissioner Soliz, seconded by Commissioner Parsons the Planning Commission unanimously adjourned the meeting at 7:33 P.M. The motion carried the following vote:*

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

Respectfully submitted:

*Kitty Eiden*  
KITTY EIDEN, Minutes Clerk

**CITY OF ANTIOCH  
PLANNING COMMISSION  
REGULAR MEETING**

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

**November 18, 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.*

Chairperson Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, November 18, 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/](http://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, November 25, 2020.

**ROLL CALL**

Present: Commissioners Parsons, Soliz, Barrow, Vice-Chair Martin and Chairperson Schneiderman

Absent: Commissioner Motts

Staff: City Attorney, Thomas Lloyd Smith  
Director of Community Development, Forrest Ebbs  
Captain, Tony Morefield  
Planning Manager, Alexis Morris  
Associate Planner, Zoe Merideth  
Associate Planner, Jose Cortez  
Minutes Clerk, Kitty Eiden

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS** - None

**CONSENT CALENDAR**

1. Approval of Minutes: October 21, 2020

*On motion by Commissioner Soliz, seconded by Commissioner Barrow the Planning Commission approved the minutes of October 21, 2020, as presented. The motion carried the following vote:*

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

**CONTINUED PUBLIC HEARING**

2. **V-20-01, AR-20-09– 76 Gas Station Propane Tank** - Barghausen Consulting Engineers Inc. requests a variance and design review to make improvements to the existing 76 Gas Station. The request is to install a new above-ground propane tank for retail sales, relocate the air/water unit, install a new ADA accessible van parking stall, and install landscaping around the proposed improvements. A variance is requested because the proposed improvements will be located within in the required 30-foot front setback from Fitzuren Road. This project has been found to be Categorically Exempt for the requirements of the California Environmental Quality Act. The project site is located at 2701 Contra Loma Blvd (APN 071-011-036).

Associate Planner Merideth presented the staff report dated November 18, 2020 recommending the Planning Commission approve the variance and design review request subject to the conditions contained in the attached resolution.

Chairperson Schneiderman, who was absent from the November 4, 2020 meeting, reported that she had watched the recording of that meeting.

Commissioner Barrow stated he appreciated that they received further clarification from the Fire Department.

In response to Commissioner Barrow, Associate Planner Merideth stated that a representative from the Fire Department was not present this evening. She explained that they conducted a separate review process, so they provided a statement.

Commissioner Barrow thanked staff for getting verification from the Fire Department that the life/safety concerns would be addressed.

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

**RESOLUTION NO. 2020-27**

***On motion by Vice-Chair Martin, seconded by Commissioner Parsons the Planning Commission approved the variance and design review request subject to the conditions contained in the attached resolution. The motion carried the following vote:***

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

**NEW PUBLIC HEARING**

- 3. UP-20-04 – Culture Club Cannabis Dispensary** – The applicant, High Horizons Group requests a use permit in order to operate and open a cannabis dispensary located at 1925 Verne Roberts Circle. The Applicant proposes to apply with the State of California Bureau of Cannabis Control to obtain a Type-10 Store-Front Retail License for Medical and Adult-Use activity. The project site is located on the west side of Auto Center Drive, south of Verne Roberts Circle and the east side of Crow Court north of the Union Pacific Railroad (APN 074-052-015).

Associate Planner Cortez presented the staff report dated November 18, 2020 recommending the Planning Commission approve the use permit contained in the attached resolution.

In response to Vice-Chair Martin, Associate Planner Cortez explained that loading and unloading of products would take place behind the security gate within the storage area. He stated that he believed the retail parcel was owned by one owner. He noted staff could not dictate the type of vehicle that the business used for delivery.

Planning Manager Morris added that the applicant could clarify how they plan to secure their product in transit.

In response to Chairperson Schneiderman, Associate Planner Cortez reported that staff analyzed the parking and believed it would be sufficient for this use and surrounding businesses.

In response to Commissioner Soliz, Associate Planner Cortez stated he believed the other cannabis resolutions may have limited paraphernalia to the vape pens, cartridges and chargers. He noted the reason other items were mentioned in this report was because they were identified in the project description.

Commissioner Soliz stated if other products were approved for this business, they should be allowed for all cannabis businesses.

In response to Commissioner Soliz, Planning Manager Morris clarified that the reason the Culture Club report began on page 30 was because the security plan was prior to that page and being kept confidential.

In response to Commissioner Parsons, Associate Planner Cortez explained that guidelines stated that paraphernalia in general was prohibited but it allowed for the request through the Use Permit.

Devin Julian, Project Applicant, thanked everyone for taking their time to review the project. He explained that they would agree to add a condition to restrict paraphernalia with the exception of vaporizers and their accessories. Regarding parking, he noted there were 26 spaces in the parking lot, and they had an agreement with the owner of the entire facility to lease parking behind the secured gate for the self-storage facility. Speaking to loading and unloading of product, he clarified that it would be done behind the secured gate. He added that the rollup door would not be accessible, and they would be utilizing the standard commercial door. He stated it would be more secure since in addition to their security/camera system they would also have the self-storage security/camera system. He noted it was red curb in front of the location; however, there was nearby street parking available. He explained that they would be using a hybrid energy efficient vehicle that would have legal tinted windows and a storage safe bolted to the chassis for product and cash. He noted the goal was to be as inconspicuous as possible.

Vice-Char Martin thanked the applicant for his explanation.

In response to Vice-Char Martin, Mr. Julian displayed the floorplan depicting the secured limited access storage area and reported that they had met with the Antioch Police Department who recommended installing a DEA cage or additional secure area to protect the product and cash.

In response to Commissioner Soliz, Mr. Julian stated they were submitting applications in Concord, San Francisco, Fairfield and Contra Costa County and they had 10 locations mostly centered in southern California. He noted delivery service had increased since COVID-19; however, in-person sales were popular, and they had COVID requirements in place. He explained that part of their business model was to become good corporate community member and part of that was their Culture Cares program consisting of 2-6 members of the community to give guidance on their social equity commitment to non-profits and City functions. In addition, they had a bank of hours devoted to the community and they participated in can food drives, One Warm Coat and Toys for Tots for local charities.

In response to Commissioner Parsons, Captain Morefield stated the Antioch Police Department met with the applicant who was very receptive to including the requirement for a DEA cage and security guards. He further noted it was a small facility and he believed parking would be adequate. He added that there would be the opportunity to make sure all security requirements had been implemented.

Commissioner Barrow thanked the applicant for the clarifications.

In response to Commissioner Barrow, City Attorney Smith stated they would be required to choose a non-profit to donate to and make the minimum standard donations through an Operating Agreement that would be negotiated with them after the Use Permit was approved.

In response to Commissioner Soliz, Mr. Julian stated they planned to open within 4-6 months of CUP approval.

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

City Attorney Smith stated he did not recall seeing any other cannabis businesses being approved for bongs so the Commission may want to consider whether to restrict them

Chairperson Schneiderman stated she believed all cannabis businesses should be treated the same.

Director of Community Development Ebbs added that drug paraphernalia was prohibited to be sold; however, the only exception was within a licensed dispensary.

In response to Commissioner Parsons, City Attorney Smith stated if the Commission wanted to allow for the same restrictions for all cannabis business as it related to paraphernalia they could include language stating, "that they exclude any paraphernalia that is not yet been approved for other similar cannabis businesses" and then the burden would be on staff to determine what those were or they could specifically name bongs and any other paraphernalia not yet approved by other cannabis dispensaries.

Planning Manager Morris added that project specific condition #22 could be modified to state "the only paraphernalia allowed to be sold shall be those consistent with previous cannabis approvals".

City Attorney Smith stated once staff identified those items they could be included in the condition of approval.

A motion was made by Commissioner Barrow, second by Commissioner Parsons to approve the use permit. The motion was then amended to read:

#### **RESOLUTION NO. 2020-28**

***On motion by Commissioner Barrow, seconded by Commissioner Parsons the Planning Commission approved the use permit contained in the attached resolution and amending project specific condition F. #22 to read:***

***F. #22. The only cannabis paraphernalia allowed to be sold at the site shall be those consistent with previous cannabis approvals which include vape pens, vape batteries, and chargers.***

*The motion carried the following vote:*

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

Chairperson Schneiderman congratulated the applicant on the approval of their use permit.

Mr. Julian thanked the Commission and staff for their time and stated he looked forward to working with the City.

### **ORAL COMMUNICATIONS**

Commissioner Barrow announced he was appointed by the Contra Costa County Board of Supervisors to the Airport Land Use Commission and asked City Attorney Smith if there would be a conflict of interest by serving on both Commissions.

City Attorney Smith requested Commissioner Barrow provide him with the scope of responsibilities for the Airport Land Use Commission so he could determine if there would be a conflict of interest.

Chairperson Schneiderman congratulated Commissioner Barrow on his appointment.

**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 7:32 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*  
\_\_\_\_\_  
KITTY EIDEN, Minutes Clerk

**STAFF REPORT TO THE PLANNING COMMISSION**

**DATE:** Regular Meeting of December 16, 2020

**SUBMITTED BY:** Zoe Merideth, Associate Planner *ZM*

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

**SUBJECT:** **Delta Family Pharms Cannabis Cultivation  
(UP-20-05, AR-20-16)**

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**RECOMMENDED ACTION**

It is recommended that the Planning Commission adopt the resolution recommending that the City Council **APPROVE** a Use Permit (UP-20-05, AR-20-16) for a cannabis cultivation business.

**DISCUSSION**

Requested Approvals

Delta Family Pharms requests a use permit and design review to operate a +/- 7,500 square foot cannabis cultivation business within an existing multi-tenant building. Design review is requested to make minor exterior changes. The project site is located at 2101 W 10<sup>th</sup> Street, Suites G, H, I (APN: 074-051-005).



## Environmental

This project has been determined to be Categorical Exempt from the provisions of CEQA, pursuant to Section 15301 – Class 1 (Existing Facilities), because the cannabis cultivation business will occupy space within an existing commercial building and involves negligible expansion of the use.

## 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.

On May 2, 2018 the 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.

## **ANALYSIS**

### Project Overview

The applicant proposes to operate a cannabis cultivation business at 2101 W 10<sup>th</sup> Street in suites G, H, and I of an existing +/- 25,000 square foot commercial building. In total, the proposed cannabis business will occupy +/- 7,500 square feet of the building. The suites are in the western portion of the building, next to the existing cannabis dispensary at the building, Delta Dispensary, which is in the westernmost suite of the building. Delta Dispensary is a cannabis dispensary also located at 2101 W 10<sup>th</sup> St and was approved by City Council in June 2019. The dispensary opened in December 2019.

The cannabis cultivation will occupy 5,375 square feet of space and will receive a small indoor cannabis cultivation license. Small indoor cannabis cultivation licenses are issued for indoor operations between 5,001 and 10,000 square feet in size. The space will include a mother room, for plants where cuttings are taken; a clone room, where the cuttings are grown; five grow rooms for the plants; a trim room; and a cure room, where the product is dried. The five grow rooms will range in size from 763 square feet to 817 square feet. The customers for the product will be licensed commercial cannabis businesses.

Project plans and a detailed description of the business are included as Attachments B and C, respectively, to the staff report.

### 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 Cannabis Overlay District (CB). Cannabis dispensaries are allowed in the Cannabis 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: Vacant Land / Light Industrial (M-1)  
South: Business Park Uses / Planned Business Center (PBC) & Cannabis Overlay  
East: Al Saddiq Community Center / Planned Business Center (PBC) & Cannabis Overlay  
West: Automotive Uses / Planned Business Center (PBC) & Cannabis Overlay

### Site Plan and Design Review

The site is approximately 1.95 acres in size with an approximately 25,380 square foot building centrally located on the site. No new construction is proposed on the site other than tenant improvements to the existing building. The building is currently divided into different tenant suites, including the existing Delta Dispensary at the westernmost portion of the building.

The business will be accessed through an entrance door along the front of the building that will lead into the proposed office space. From the office space, the rest of the business can be accessed through interior hallways. The other existing doors along the front of the building will be replaced with a new storefront window system because these doors would otherwise open into the cannabis cultivation area. Staff has added a condition of approval that the new storefront system match the existing windows. In order to provide security and an attractive exterior, a false wall will be installed behind the windows. Facing outward, the false walls have been conditioned to include a non-cannabis themed design or the applicant may choose to paint the walls a solid color that coordinates with the building. The condition of approval states the final design and colors shall be shown on the building permit submittal. The applicant proposes that the windows

be blacked out. However, a standard condition of approval for cannabis businesses requires that windows not be tinted for safety reasons. This standard condition is included in the attached resolution. This will allow the design or paint color to show through the window.

The cannabis cultivation business will share the delivery area with the existing dispensary. Along the western portion of the building is a roll-up door that leads into an enclosed delivery area for cannabis deliveries. The area is large enough for a vehicle to pull into the delivery area with the roll-up door closed behind, which will provide a secure area for deliveries. A new door will be installed between the existing delivery area and the hallway of the cannabis cultivation business. Conditions of approval have been added to ensure that both businesses can access the delivery area should either of the cannabis businesses' ownership change in the future. Currently, both businesses are owned by the owner of the building.

The applicant submitted a photometric plan for the site, as required in the application checklist. The photometric plan that was submitted does not account for the upgraded lighting that was installed as part of the existing dispensary's tenant improvements. In order to ensure the lighting at the western portion of the building, where the dispensary and cultivation business are located, is adequate, a condition of approval has been added that states: "At building permit submittal, an updated photometric plan shall be provided that shows a minimum two-foot candles in the front and rear parking areas surrounding the suites used for the cannabis dispensary and cultivation business. Any additional parking lot lighting necessary to meet this requirement shall be architecturally compatible with the existing parking lot lighting and shown on the building permit submittal." With the addition of this condition, the site will be compliant with the Antioch Municipal Code and will added to the site's overall security.

The approximately 68 parking spaces at the project site are shared among all the tenants and are located at the front and rear of the building. The building was originally developed as a shared tenant building with a mix of business park uses, and staff believes there will be adequate parking to accommodate the cannabis cultivation use.

### Site Security

As part of their application the applicant submitted a security plan for the site. The security plan addressed the following issues:

- Physical elements of the site such as location of the building, outdoor lighting, and parking areas.
- Electronic security such as 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 they would like to see implemented. The applicant was amenable to the Police Department's suggestions, such as placing bollards in front of the windows along the front of the building, adding steel gates behind the roll up doors at the rear of the building, and including a security mesh behind the false walls at the front of the building. The proposed security measures are consistent with the security expectations detailed in the Cannabis Guidelines.

During the meeting, the Police Department felt that the security guards currently in place for the dispensary were sufficient for the cannabis cultivation business as well because the sites are adjacent and the cultivation business will not be open to the general public. In order to ensure that security is provided in the unlikely event one of the businesses is sold and does not contribute financially for the existing security firm, a condition of approval has been added requiring the cultivation business to provide separate security guards.

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. No certificate of occupancy will 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 part of the application, the applicant submitted a Neighborhood Responsibility Plan detailing their efforts to mitigate any potential impacts that the business may cause (Attachment D). The plan details the steps they will take to establish a relationship in the community and good neighbor policies that will be established. Delta Family Pharms states their community outreach has three goals: establish a process by which the community can express itself, inform the community about medical cannabis issues, and ensure their approach genuinely reflects the community's needs.

The applicant has also committed to local hiring and living wages. The business also plans to spend at least 80% on goods and services by local companies. Delta Family Pharms intends to be a "good neighbor" and has committed to staff doing trash clean ups within 300 feet of the site and graffiti management within the area. Finally, the applicant

states that they believe they have a fiduciary obligation to provide benefits to the community.

In addition to the Neighborhood Responsibility Plan, Delta Family Pharms also states that they mailed a letter to the property owner of the Al Saddiq Community Center, which is located at the property directly to the east of 2101 W 10<sup>th</sup> Street at 2001 W 10<sup>th</sup> Street, on November 16<sup>th</sup> explaining this cannabis cultivation application. The western property line of the Al Saddiq Community Center property is approximately 165 feet from the edge of the cannabis cultivation business.

### Operational Issues

Staff has included conditions of approval to mitigate the potential off-site impacts of the proposed cannabis business. The applicant has outlined how odors will be mitigated with the Odor Mitigation Plan. The mitigations demonstrate the measures they will take to ensure that cannabis odors will not be detected at or beyond the site. 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 stating that the City reserves the right to have the odor control systems reviewed at building permit submittal. This condition has been added in case staff has concerns about the odor mitigation once detailed building permit plans are submitted.

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.

### **ATTACHMENTS**

- A. Resolution
- B. Project Plans
- C. Project Description
- D. Neighborhood Responsibility Plan

# ATTACHMENT A

## PLANNING COMMISSION RESOLUTION NO. 2020-\*\*

### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING THE CITY COUNCIL APPROVE THE USE PERMIT AND DESIGN REVIEW (UP-20-05, AR-20-16) FOR CANNABIS CULTIVATION AT 2101 W 10th STREET, SUITES G, H, I

**WHEREAS**, Delta Family Pharms requests approval of a use permit and design review to operate a cannabis cultivation business at 2101 W 10th Street, Suites G, H, I (APN: 074-051-005);

**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 December 16, 2020, duly held a public hearing, received and considered evidence, both oral and documentary.

**NOW, THEREFORE, BE IT 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 business is required to comply with multiple conditions of approval that address the project's impact on public health and the properties in the vicinity. On-site armed security is required at all times during business hours and a security company who conducts hourly drive-by surveillance of the site and responds to any alarm at the location. Annual audits of the site security plan by City staff or a third-party company subject to the approval of the Antioch Police Department are 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 cultivation use will not create adverse impacts to the surrounding businesses and residents.

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

The site is zoned Cannabis Overlay District. The Cannabis Overlay District allows cannabis businesses 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 business will take place in an existing commercial building with ample parking. The site has a secure area for cannabis deliveries.

4. That 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 W 10<sup>th</sup> 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. That the location and site characteristics of the proposed cannabis business are consistent with all applicable State laws and City standards or guidelines, that all provisions have been made to ensure that the operation of the cannabis business will not create excessive demands for police service or other public services, and that the cannabis business will benefit the City 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. The forthcoming operating agreement will likely include additional revenue based on sales from the business.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Antioch does hereby recommend that the City Council **APPROVE** the use permit and design review application (UP-20-05, AR-20-16) to operate a cannabis cultivation business at 2101 W 10th Street, Suites G, H, I (APN: 074-051-005) 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 (December 16, 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 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:
  - 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
  - Changes of use or occupancy. Changes shall not be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code. (§102.3) CFC

**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 cultivation business 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 shall be from 8:00 AM – 8:00 PM.

3. All necessary licenses from the State of California shall be obtained prior to opening.
4. No smoking or ingestion of cannabis products on-site is allowed.
5. All cannabis cultivation shall be conducted within a fully enclosed space.
6. The cultivation of cannabis shall be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides.
7. Cannabis related waste shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance.
8. 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.
9. 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.
10. No signs, tinting, or other graphic material may be used to obscure the storefront windows.
11. If the business operator changes, the cultivation business shall enter into and maintain an agreement with the adjacent Delta Dispensary to access the secure vehicle delivery area and provide evidence of an executed agreement prior to issuance of a business license and commencement of operations. If an agreement cannot be reached, then the cultivation business shall submit plans to the Community Development Department detailing that the cultivation business has a caged/gated delivery area for cannabis deliveries prior to beginning to use any delivery area other than what is shown on the plans for this application and prior to issuance of business license and commencement of operation.
12. The cannabis cultivation business shall utilize the security guards required for the adjacent Delta Dispensary as stated in City Council Resolution 2019/115. If the business operator changes, the cultivation business shall enter into, maintain an agreement, and provide evidence of an executed agreement prior to issuance of a business license and commencement of operations, with the adjacent Delta Dispensary to use the security guards required for the dispensary as stated in City Council Resolution 2019/115.

13. If the agreement required in Condition of Approval F.12 with the adjacent Delta Dispensary cannot be reached, then this cannabis cultivation business shall provide:
  - a. 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 for review and approval prior to issuance of a certificate of occupancy. Should there be a change in the security private patrol operator or in the liability insurance of the applicant, the Community Development Director shall be notified within 5 business days.
  - 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. Should there be a change in the security private patrol operator or in the liability insurance of the applicant, the Community Development Director shall be notified within 5 business days.
14. 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. The City shall reserve the right to have the odor control systems reviewed at building permit submittal, at the applicant's expense.
18. 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.
19. 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 signage shall be subject to staff review and approval.
21. At building permit submittal, an updated photometric plan shall be provided that shows a minimum two-foot candles in the front and rear parking areas surrounding the suites used for the cannabis dispensary and cultivation business. Any additional parking lot lighting necessary to meet this requirement shall be architecturally compatible with the existing parking lot lighting and shown on the building permit submittal.
22. All proposed exterior changes to the site shall be shown on the building permit plan submittal.
23. The building permit submittal shall accurately depict the location and dimensions of all parking stalls at the site.
24. The project shall install a new storefront window system at the front of the building to replace the doors leading into the Mother Room and Cure Room, as depicted on the project plans. The new storefront window system shall match the existing storefront window system.

25. The false walls to be installed behind the windows of the Mother Room and Cure Room shall include a non-cannabis themed design or be painted a solid color that coordinates with the building. The final design and colors shall be shown on the building permit submittal and shall be subject to staff review and approval.
26. Bollards shall be added in front of the windows of suites G, H, and I along the front of the building. The bollards shall be painted to match the building. The location and design details of the bollards shall be shown on the building permit submittal.
27. A security mesh shall be added to the back of the false walls that are to be installed behind the windows of the Mother and Cure Room. The security mesh shall be shown on the building permit submittal.
28. Steel gates shall be added behind the roll up doors located in the rear of the building of suites G, H, and I. The steel gates shall be shown on the building permit submittal.
29. All delivery of cannabis to the site and loading of vehicles with cannabis shall take place in a caged/gated delivery area with a dedicated armed security guard to be present during all deliveries.
30. Visible signage shall be placed at the entrance of the facility notifying the public of surveillance on site.
31. 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.
32. 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.
33. 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.

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. 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 at a regular meeting thereof held on the 16th day of December 2020.

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

**Forrest Ebbs**  
**Secretary to the Planning Commission**

**Gil Dominguez**  
Custom Home & Addition Remodel Design  
321 Village Drive, Brentwood, CA 94133  
PH: 925-582-6938 Email: gil@ddds.com  
American Institute of  
Building Design  
A  
BID  
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DATE	DATE

SITE PLAN / PATH OF TRAVEL

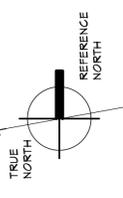
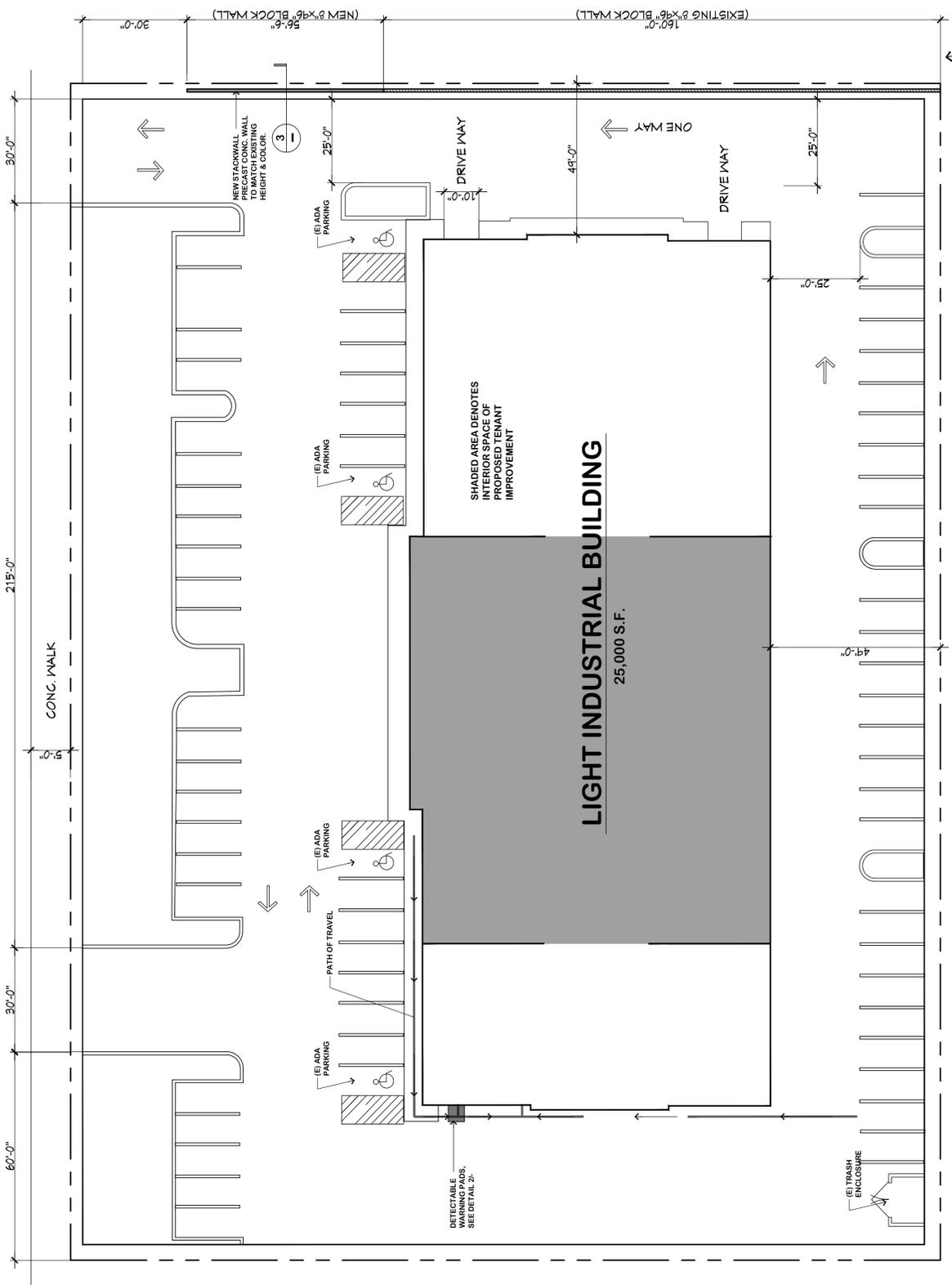
**DELTA PHARMS**  
TENANT IMPROVEMENT  
2101 W. 10th. STREET  
SUITE J  
ANTIOCH, CA 94509  
APN: 07-4-051-005

DRAWN BY: CD  
DATE: 07/27/2020  
SCALE: NOTED  
JOB NUM: 2320

SHEET  
**C1.0**  
OF

**SITE INFORMATION:**  
1. EXISTING BUILDING IS 25,000 SQUARE FEET  
2. EXISTING OFF STREET PARKING SPACES PROVIDED = 63  
3. THERE ARE 4 - ADA ACCESSIBLE PARKING SPACES

**PITTSBURG ANTIOCH HWY.**



**1 SITE PLAN / PATH OF TRAVEL**  
SCALE: 1" = 20.00'









**Gil Dominguez**  
 Custom Home & Addition Remodel Design  
 321 Village Drive, Brentwood, CA 94133  
 PH: 925-582-6938 Email: gil@ddda.com  
 American Institute of  
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SYMBOL REVISIONS DATE

ADD BOLLARDS & COLORS 04/19

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▽

▽

▽

▽

▽

SUBMITTAL DATE

ISSUE DATE

DATE

EXTERIOR ELEVATION

DELTA FAMILY PHARMS

TENANT IMPROVEMENT

2101 W. 10th. STREET  
 ANTIPOCH, CA 94509  
 APN: 074-051-005

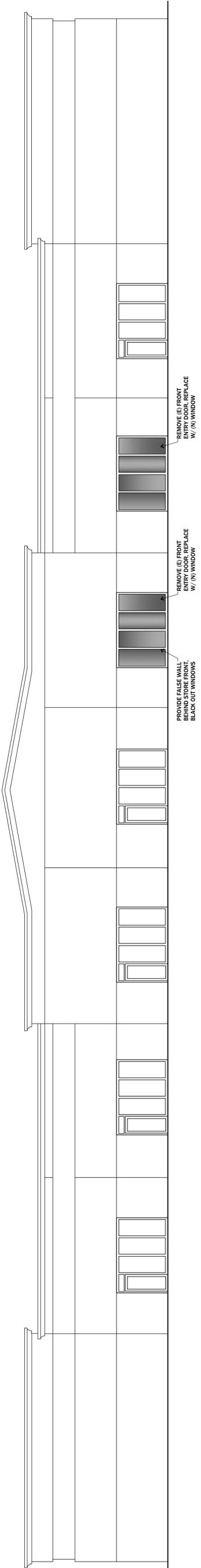
DRAWN BY: CD DATE: 09/27/2020

SCALE: NOTED JOB NUM: 2420

SHEET

A2.1

OF



1 EXISTING FRONT (NORTH) ELEVATION  
 SCALE: 1/8" = 1'-0"

# ATTACHMENT C

## **Introduction**

### **Delta Family Pharms**

Delta Family Pharms is interested in operating a commercial cannabis cultivation facility at 2101 W 10th Street in Antioch, California. The business would be owned and operated by the Hoke family, whom own the Gateway Center. Internally, the group is working with an architect upon approval of the use permit to ensure a positive, safe client experience.

The business will be located at 2101 West Tenth Street, Suite G,H, and I in Antioch, CA. Parking at this location is adequate and meets current City of Antioch Building Code.

Our customers are licensed and permitted commercial businesses that meet the criteria and legal requirements set forth in Prop. 64 and adopted regulations.

### **Ownership/Management**

The ownership group has extensive cannabis experience and relationships in Northern California with existing dispensaries and cultivators as well as cultivation and manufacturing businesses, including a Retail Dispensary located in suite J of the same building. They are also experienced in commercial real estate development and construction management.

## **Contact Information**

### **Principals:**

Rich Hoke  
(925)303-0399  
hoke2009@gmail.com

Rick Hoke  
(925) 382-9528  
rick@therichardscompany.net

Dustin Hoke  
(925)382-8373  
dustin@therichardscompany.net

**Interior.**



## 7.1 Exterior



Northeast facade of 2101 W. 10th St.



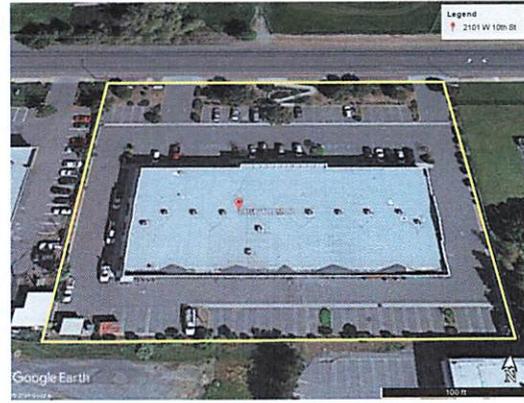
Driveway (pointed South)



Roll up door and corner detail



Macro Overhead View of Property



APN View of Property



## Statement of Intent/Project Description

To Whom it May Concern:

Delta Family Pharms is planning on developing a commercial cannabis Cultivation Facility at 2101 W. 10th St. in Antioch, CA. The building was constructed and is currently owned by the Hoke Family. The total square footage the cultivation intends to initially occupy is 7,500sf.

In accordance with CA State Law, and published CalCannabis Regulations Delta Family Pharms is submitting this application for a commercial cannabis Cultivation Facility to the City of Antioch with the intention of being granted a Conditional Use Permit to operate under the City of Antioch's proposed commercial cannabis regulations.

We have been business owners within the City of Antioch for over a decade and helped to establish several small businesses that have brought tens of thousands of dollars in annual tax revenue to the community. We are active members in the community and contribute both time and financial assistance to charitable organizations that benefit the residents of Antioch. This new endeavor is projected to increase those contributions significantly through direct tax revenue to the city, by way of development agreement and/or a voter approved tax initiative that we would support.

As business owners, public safety is of the utmost concern and we are committed to providing the safest, most secure commercial cannabis facility in Antioch. In addition to the physical security measures Delta Family Pharms will be implementing, and which are highlighted in the Safety and Security Section of this application, we will be deploying several active and passive measures that local law enforcement, first responders, and City of Antioch agencies will have direct access to.

We are committed to being good neighbors and our investment in security is a significant deterrence factor in discouraging any criminal activity that would adversely affect the community. Further, all of Delta Family Pharms' business will be conducted under active surveillance that law enforcement will be able to remotely view at any time. All transactions will be conducted according to CalCannabis regulations, and in accordance with the City of Antioch's commercial cannabis regulations.

Throughout this application we have attempted to present as clear and coherent a picture of our daily operations. We look forward to building a business that the community can be proud of and investing in the community that provides us this opportunity. We look forward to working with the city on creating an environment that provides relief for thousands of cannabis users in East County; and we look forward to working with local residents and creating good paying, local employment opportunities for individuals that wish to participate in what is projected to be a \$6B dollar economy in the next 2 years. We appreciate your time and consideration of our application and look forward to discussing our plans in greater specificity to the satisfaction of City Staff and Members of the Planning Commission.

Respectfully,

The Hoke Family

# ATTACHMENT D

## **Neighborhood Responsibility Plan**

Delta Family Pharms is committed to strong public engagement and outreach to the community. Our community outreach has three goals: (i) to establish a process by which the community can express itself regarding the project; (ii) to inform the community about medical cannabis issues; and (iii) to ensure that our approach genuinely reflects the community's needs. To reach our goals, we anticipate doing one or more of the following, depending on input at various stages of the project:

- Identifying and visiting civic, senior, and veteran organizations, health care support groups, and community meetings in the City of Antioch to introduce our nonprofit organization, our mission, and our vision for the patient care center. We believe this type of outreach establishes our legitimacy with the community and our vested interest in its welfare. We will listen receptively and respond to any concerns about the project.
- Holding or participating in a community meeting to introduce Delta Family Pharms and present the project to any parties with similar goals. Again, our purpose would be to listen and find ways to be responsive. Completing our outreach efforts with a follow-up letter to community stakeholders, letting them know that we heard their concerns and what procedures we will follow in responding to such concerns.

We are committed to engaging our patient and residential communities on an ongoing basis. We will partner with local community organizations to solicit volunteers for these positions.

## **Outreach Strategies**

Delta Family Pharms will create public awareness in several ways:

### **Public Education**

We can create public awareness of our Cultivation operation and inform/educate interested parties through our community outreach and education programs. Given that this facility will not be open to the general public and we wish to honor our visitors' expectation of confidentiality, specific trainings and formal orientations will be arranged by appointment. We plan on offering free workshops and seminars to our community partners on topics related to medical and adult-use cannabis and the conditions for which it is typically recommended, as well as on legal issues surrounding regulated cannabis.

### **Developing Provider Alliances**

An important element of Delta Family Pharms' community centered approach is the help we will offer our fellow neighbors in understanding the purpose of our business. To be able to do this, we must first build alliances with local residents, local business, and organizations. A key part of this outreach initiative will be educating community partners on the benefits and legalities of regulated commercial cannabis, and on the processes involved the cultivation, manufacturing, distribution, and sale of commercially regulated cannabis. Hosting educational forums will therefore be a critical element in our business approach. Building strong alliances with the community ensures clear and coherent communication about our business. At the same time, it will give us multiple primary contacts to immediately address community concerns.

### **Industry Leadership and Sponsorships**

We will keep our corporate "brand" visible through sponsorships of community and industry causes and through industry activism that reflects our community-focused public health agenda and its emphasis on compassion and social justice.

## **Public Relations**

Carefully managed messaging and coverage in local media can be a very effective means to create public awareness.

## **Community and Economic Development**

The City of Antioch has shown great interest in revitalization and community development plans that correct systemic inequities and benefit blighted areas and disadvantaged populations. Delta Family Pharms is committed to working with the City on addressing those needs.

## **Commitment to Local Hiring and Spending**

We are committed to making our project a source of economic stimulus for Antioch. From initial build-out of the facility to the implementation of our community development initiatives, we intend to contract, buy, and hire locally, taking advantage of local recruitment resources to offer employment to displaced local workers who are willing to be retrained. We will also provide a “living wage” which will mean 150% of the minimum wage mandated by California. We anticipate spending at least 80% on goods and services provided by local companies.

We believe that Phase I day-to-day operations will add up to 12 full-time employment opportunities to the local Antioch economy. The facility will contribute directly to the revitalization of its immediate neighborhood through investment in the immediate surroundings to mitigate any potential increase in traffic. We also anticipate bringing incidental business to shops, restaurants, and other services in the area.

As part of our community development mission, we are committed to maximizing the benefits our facility will have on the City of Antioch. In making ongoing capital investments in new technologies and green energy sources we will create a stream of new one-time stimulus effects. To the extent possible, we will invest in the development of these technologies locally so that we can also purchase them locally. In implementing our Community Benefits programs, we will also attempt to ensure that Antioch reaps the benefits of direct expenditures and their multiplied effect. In providing interpreters, for example, we will seek to employ Antioch residents. Whenever possible, we will use our local human resources and local vendors to implement our charitable programs.

## **Community Benefits Plan**

Delta Family Pharms believes that it can and should have a critical role in the tax revenue generation formula for the benefit of the City of Antioch. As an LLC, we also believe that we have an important fiduciary obligation to be a “good neighbor” and provide benefits to our community as part of our mission. Therefore, we view our Community Benefits Plan as a blueprint for how we plan to accomplish our Mission. In developing our Community Benefits Plan, the following core principles that will guide us:

- Delta Family Pharms’ Board of Directors commits to make public a Community Benefits Mission Statement, putting forth our formal commitment to provide resources to and support the implementation of a regular Community Benefits Plan.
- Delta Family Pharms will support its Community Benefits Plan at the highest level of our organization. Our Board and senior management will be responsible for overseeing the development and implementation of the Community Benefits Plan, including designating the programs or activities to be included in the plan, allocating the resources, and ensuring its regular evaluation.

- We will ensure regular involvement of the community, including that of the representatives of the targeted underserved populations, in the planning and implementation of the Community Benefits Plan.
- To develop our Mission Statement and Community Benefits Plan, we will conduct a Community Health Needs Assessment, a comprehensive review of unmet health needs of the community by analyzing community input, available public health data and an inventory of existing programs.
- We will include in our Community Benefits Plan the micro communities we wish to support, specific programs or activities that attend to the needs identified in a Community Health Needs Assessment and, measurable short and long-term goals for each program or activity.

### **Good Neighbor Policy**

Delta Family Pharms seeks to be an asset and a beneficial resource for the surrounding community. As a good neighbor, we will seek neighborhood and other necessary input through every phase of our operation, beginning with the build out and construction phase. We will meet with representatives from the Building Department, Fire Marshal's Office, Parking & Traffic Enforcement, Public Works Agency, and the Police Department to evaluate and abate any potential public safety/ nuisance violations.

We also believe that being a good neighbor requires that we work to improve the neighborhood. Some of the public improvements we plan to address are:

- Code Compliance
- Daily Trash Cleanup within 100 feet and weekly cleanups within 250 feet
- Graffiti Management within 300 feet

Finally, we will take all efforts to mitigate noise, odor, and pollution, and will address nuisances, including limiting foot and car traffic. Delta Family Pharms will establish agency and public safety bulletins to ensure proper communication channels are established between the business and the surrounding stakeholders of the neighborhood. Through those bulletins if there arises a need to speak with a representative of Delta Family Pharms for any reason, there will always be someone with decision making abilities available.

Delta Family Pharms guarantees an open door policy for complaints and is committed to maintaining meaningful and respectable relationships to surrounding businesses and households. Delta Family Pharms welcomes any individual or group who wishes to be educated on the cannabis industry or the company's business model to attend a community open house meeting. This meeting will be held prior to the grand opening. Fliers and informational packets will be distributed to the surrounding area in advance of the meeting.

We plan to meet with the neighborhood association as well as our neighbors adjacent to us on all sides to gain complete support of this project.