

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**March 6, 2019
City Council Chambers**

Chair Parsons called the meeting to order at 6:30 P.M. on Wednesday, March 6, 2019 in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, March 13, 2019.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Azell Vickers, Antioch resident, New Hope Transitional Housing Inc., expressed concern regarding the homeless and she requested everyone participate in improving the situation by providing a homeless shelter to offer meals and beds in Antioch. She distributed business cards and a letter of her goals to serve the homeless. She expressed interest in leasing an underutilized building.

CONSENT CALENDAR

1. Approval of Minutes: February 6, 2019

On motion by Commissioner Zacharatos, seconded by Commissioner Soliz, the Planning Commission approved the minutes of February 6, 2019, as presented. The motion carried the following vote:

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

NEW PUBLIC HEARING

2. **UP-18-15 – One Plant Cannabis Dispensary** – One Plant is requesting a Use Permit for a cannabis dispensary with delivery. The project site is located at 2701 West Tenth Street. This project has been found to be Categorically Exempt from the requirements of the California Environmental Quality Act (APN 074-051-029).

Director of Community Development Ebbs introduced Thomas Smith as the City's new City Attorney. He introduced Public Hearing Item #2.

Associate Planner Scudero presented the staff report dated March 1, 2019 recommending the Planning Commission approve a Use Permit UP-18-15 for a cannabis dispensary with delivery.

In response to Vice Chair Turnage, Associate Planner Scudero explained that the City fees required were basic standard building permit fees. He noted there were no special cannabis fees at this time.

Director of Community Development Ebbs added that the ordinance did not require a special tax on cannabis business; however, at the next Planning Commission an ordinance requiring a development agreement for all cannabis use permits would be presented for a recommendation to the City Council. He explained that this item had not yet been agendaized for the City Council.

In response to Commissioner Martin, Associate Planner Scudero clarified that project specific condition #11 was requiring no obstruction of the windows in the customer areas such as the lobby and retail sales area. In speaking to project specific condition #13, he noted that the intent was to require any expansion of the business into the unused portion of the building to require a use permit. He noted any incidental use such as office, storage or moving product through the area, would be acceptable.

Commissioner Schneiderman questioned how many people would come through the business in one day.

Associate Planner Kevin Scudero deferred the question to the applicant.

In response to Commissioner Motts, City Attorney Smith responded that while cannabis businesses were not permissible at federal level and there was a risk, a number of cities within California were engaged and Antioch was aligned with current trends.

Commissioner Soliz expressed concern that cannabis remained a class one narcotic at the federal level and was restricted from commerce within the federal banking system, which created large sums of cash being kept at the business. He questioned if the Antioch Police Department approved the security plan.

Captain Morefield commented that the Antioch Police Department met with the applicant, discussed the security plan and provided feedback for them. He reported that they were very responsive and their final plan included every additional aspect of security that was

recommended. He noted this application met every standard set forth by the Antioch Police Department and the ordinance.

Commissioner Soliz stated he was looking to have some additional tax rate imposed for cannabis businesses and recognized that if the rate was set too high that it would push consumers to the black market. He stated he wanted the City to be clear on what the benefits would be to Antioch.

Director of Community Development Ebbs responded that in the future the City Council could consider imposing a citywide general sales tax on cannabis. He stated they were exploring options with Development Agreements. He noted former Interim City Attorney Cole was working on a template for standard conditions for the terms of a Development Agreement, which would be decided upon by Council. He explained that finding #6 of the ordinance stated that the location and site characteristics would not create excessive demands for police services or other public services and that the business would benefit the City of Antioch. He noted if the Planning Commission did not see the net benefit; they could recommend approval with the condition that the City further explore finding number 6 in a Development Agreement and other financial terms.

In response to Commissioner Soliz, Director of Community Development Ebbs clarified that if the Development Agreement received approval, it would not be retroactive to this applicant unless it was made a project specific condition of approval.

Commissioner Soliz stated that he felt the location was appropriate for this application. He questioned who would audit the business' security plan.

Associate Planner Kevin Scudero stated there was a condition of approval that required annual security audits by City staff or a third party approved by the Antioch Police Department.

Chair Parsons opened the public hearing.

Chris Hester, One Plant, stated they would volunteer to go into a Development Agreement with the City. He gave a brief overhead presentation of their business model which included their executive team, location, safety/security, community outreach, previous partners as well as One Plant details, brands and design.

In response to Commissioner Schneiderman, Alicia Darrow, The Green Door, Compliance Director, explained that they expected approximately 300-400 customers per day.

Mr. Hester added that the average customer spent approximately \$50.00 – \$75.00.

Ms. Darrow added that they would project to gross approximately \$5-6M annually. She noted they would hire 12 employees initially and then add as the business grows.

Mr. Hester stated that they would be adding other businesses later that would increase employees and revenue.

In response to Commissioner Martin, Mr. Hester explained that their website was oneplant.life. Ms. Darrow clarified that they utilized paper and electronic record keeping for audit purposes. Mr. Hester stated the storage room was not for cannabis and it was not a restricted area. He noted there would be a large DEA cage and a safe room to keep the cash.

In response to Commissioner Motts, Mr. Hester stated there would be one armed guard on site after hours.

In response to Commissioner Soliz, Mr. Hester stated that they would have a security guard in the front and the other one would typically be patrolling the parking lot. He added that when distribution drop-off occurred, the guard would move to observe the distribution area behind the locked gate.

Commissioner Soliz suggested regularity for cash pickups and an additional armed guard during those times.

Mr. Hester reported that they typically started off with a robust security element so their posture was intimidating and reiterated that the security guards would be armed. He noted their cash drop offs were armored trucks which would provide approximately 4-5 armed men on site.

Director of Community Development Ebbs reported that the security requirements in the staff report were minimums.

Chair Parsons closed the public hearing.

Vice Chair Turnage stated the application and the agreement by the applicant to enter into a Development Agreement was a positive for the City. He acknowledged that it was good to have an experienced well-versed company submit the initial application for a cannabis business.

Commissioner Soliz stated that some of his issues had been clarified and he acknowledged the applicant's willingness to participate in a Development Agreement. He noted that his concern was that the Development Agreement that the City may approve was not retroactive to this application. He further noted he was concerned regarding the amount of cash that would be on hand and how it integrated with the banking system. He questioned how this type of business on a general level integrated with the City's efforts to improve the image of Antioch. He stated he felt these issues needed to be addressed.

Commissioner Motts questioned if Commissioner Soliz wanted the Planning Commission to add a condition requiring retroactively applying the rates from the Development Agreement approved by the City Council.

Director of Community Development Ebbs explained that the Ordinance that would be presented to the Planning Commission/Council would read that every applicant shall enter into a Development Agreement; however, it would not say what those terms would be. Additionally, he noted that they also hoped to bring a model Development Agreement for the Council to endorse to streamline the process. He further noted if the Planning Commission wanted, they

could insert a condition that the applicant shall enter into a Development Agreement with the City prior to commencing business.

Vice Chair Turnage stated one of the best ways this applicant could be beneficial to the City was to participate in setting up the Development Agreement.

Commissioner Schneiderman stated that the staff report was very well written. She agreed that this group had experience and it would be beneficial for them to work with the City so it was good that they had submitted the initial application for a cannabis business.

Chair Parsons agreed and commented that the City Council supported cannabis sales in Antioch.

RESOLUTION NO. 2019-07

On motion by Vice Chair Turnage, seconded by Commissioner Motts, the Planning Commission approved a Use Permit UP-18-15 for a cannabis dispensary with delivery with the addition of a Development Agreement worked out between staff and the applicant. The motion carried the following vote:

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

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Chair Parsons adjourned the Planning Commission at 7:21 P.M. to the next regularly scheduled meeting to be held on March 20, 2019.

Respectfully submitted:

KITTY EIDEN, Minutes Clerk