

**STAFF REPORT TO THE PLANNING COMMISSION**

**DATE:** Regular Meeting of January 17, 2024

**SUBMITTED BY:** Kevin Scudero, Acting Community Development Director

**SUBJECT:** Radix Growth Design Review (DR2023-0015)

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**RECOMMENDED ACTION**

It is recommended that the Planning Commission adopt the resolution approving the Design Review application (DR2023-0015) for landscaping and façade improvements at the proposed Radix Growth Cannabis Facility at 3625 E. 18<sup>th</sup> Street.

**DISCUSSION**

Requested Approvals

The applicant is requesting design review approval for landscaping and façade improvements at an approved Cannabis Facility. The project site is located at 3625 East 18<sup>th</sup> Street (APN: 051-052-094).



## Environmental

This project has been determined to be Categorical Exempt from the provisions of CEQA, pursuant to Section 15301 – Class 1 (Existing Facilities)

## Background

On May 19, 2021, the Planning Commission voted 5-1, with one member absent, to recommend to the City Council that the Use Permit, Variance and Design Review for the proposed cannabis facility be approved. As part of their recommendation the Planning Commission added a condition that a minor design review application showing façade and landscape improvements be returned to the Planning Commission for approval. On June 22, 2021 the City Council adopted resolution 2021-113 approving the project with the condition added by the Planning Commission. A copy of Resolution 2021-113 has been included as Attachment D to the staff report.

## **ANALYSIS**

### Façade and Landscape Improvements

The existing building is a warehouse type building that was a former K-Mart. The proposed façade improvements are intended to update the older building with a more modern, human-scale, and less industrial look.

The application is proposing the following exterior façade improvements:

- Remove round parapet cap and replace with new aluminum, modern low-profile parapet cap painted charcoal gray.
- Remove existing column caps on security fence and replace with new painted aluminum caps.
- Repair and replace existing security fencing with a black powder coat finish.
- New horizontal wood siding at entry with two small fin walls.
- Removal of 8x8 CMU wall base at the entry piece and at all columns and replace with stucco.
- New paint throughout the building which will feature warm light gray and sand colors with dark gray accents and trim.

The proposed landscaping improvements include the addition of more trees to the site, restoration of existing bushes, new plantings, and ground cover. The trees will be added where there are currently trees missing from the existing landscaping. The applicant estimates six trees will be needed. The applicant is proposing to use a plant palette of creeping phlox, prairie dropseed grass, morning light miscanthus grass, and lavender. An automatic irrigation system will also be installed. The project plans are included as Attachment B to the staff report and the project description detailing the proposed improvements to the site. In addition to the proposed landscape

and façade improvements the project is also required to have all common area drive aisles and parking areas re-striped and slurry sealed and all on-site painted curb be repainted per the conditions that were approved in 2021.

Overall, the proposed façade and landscaping improvements are consistent with the direction provided by the Planning Commission at the May 19, 2021 hearing and staff is recommending approval of the proposed design review application.

**ATTACHMENTS**

- A. Resolution
- B. Project Plans
- C. Project Description
- D. City Council Resolution 2021-113
- E. June 22, 2021, City Council Staff Report

# ATTACHMENT "A"

## PLANNING COMMISSION RESOLUTION # 2024-\*\*

### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH APPROVING A DESIGN REVIEW APPLICATION FOR THE RADIX GROWTH CANNABIS FACILITY AT 3625 E. 18<sup>TH</sup> STREET (DR2023-0015) (APN: 051-052-094)

**WHEREAS**, the City of Antioch received an application requesting approval of a Design Review application for landscaping and façade improvements at the Radix Growth Cannabis Facility at 3625 E. 18<sup>th</sup> Street (APN: 051-152-094) (DR2023-0015);

**WHEREAS**, the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) under Article 19, Section 15301 Existing Facilities. Class 1 consists of projects with negligible or no expansion of an existing use;

**WHEREAS**, on May 19, 2021, the Planning Commission duly held a hearing on the Use Permit, Variance and Design Review of the Radix Growth Cannabis Facility, and received and considered evidence, both oral and documentary and documentary and recommended that the City Council approve the Use Permit, Variance, and Design Review;

**WHEREAS**, on June 22, 2021, the City Council duly held a hearing on the Use Permit, Variance and Design Review of the Radix Growth Cannabis Facility, and received and considered evidence, both oral and documentary and documentary and approved the Use Permit, Variance, and Design Review;

**WHEREAS**, City Council Resolution 2021-113 contains condition of approval 29, which requires that a minor design review application be submitted showing new paint and façade improvements for Planning Commission review and approval prior to the issuance of a building permit;

**WHEREAS**, the applicant submitted the minor design review application for review and approval by the Planning Commission;

**WHEREAS**, on January 17, 2024, the Planning Commission duly held a hearing on the matter, and received and considered evidence, both oral and documentary and documentary; and

**WHEREAS**, the Planning Commission considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Antioch does hereby APPROVE a Design Review application for landscaping and façade improvement at the Radix Growth Cannabis Facility at 3625 E. 18<sup>th</sup> Street (APN: 051-152-094) (DR2023-0015), subject to the following conditions:

1. This design review approval applies to the landscaping and façade improvements proposed on the plans and project description submitted to the City of Antioch and included as Attachment's A and B to the staff report.



2. All conditions of approval contained in City Council Resolution 2021-113 are still applicable, unless modified herein.
3. Landscape or façade areas that cannot be adequately repaired or rehabilitated shall be subject to replacement at the discretion of the Zoning Administrator.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing recommendation was passed and adopted by the Planning Commission of the City of Antioch, at a regular meeting thereof, held on the 17th day of January 2024 by following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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**Kevin Scudero**  
**Secretary to the Planning Commission**





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 Project Manager  
 Tel: (916) 509-4307  
 mb@radixgrowth.com

Warehouse Cultivation Remodel

Radix Growth

3625 E. 18th St.

Antioch, CA 94509

DESIGN REVIEW

NOT FOR CONSTRUCTION

OVERALL SITE PLAN

DATE	10/1/2023
BY	MB
CHECKED BY	MB
SCALE	1" = 200'

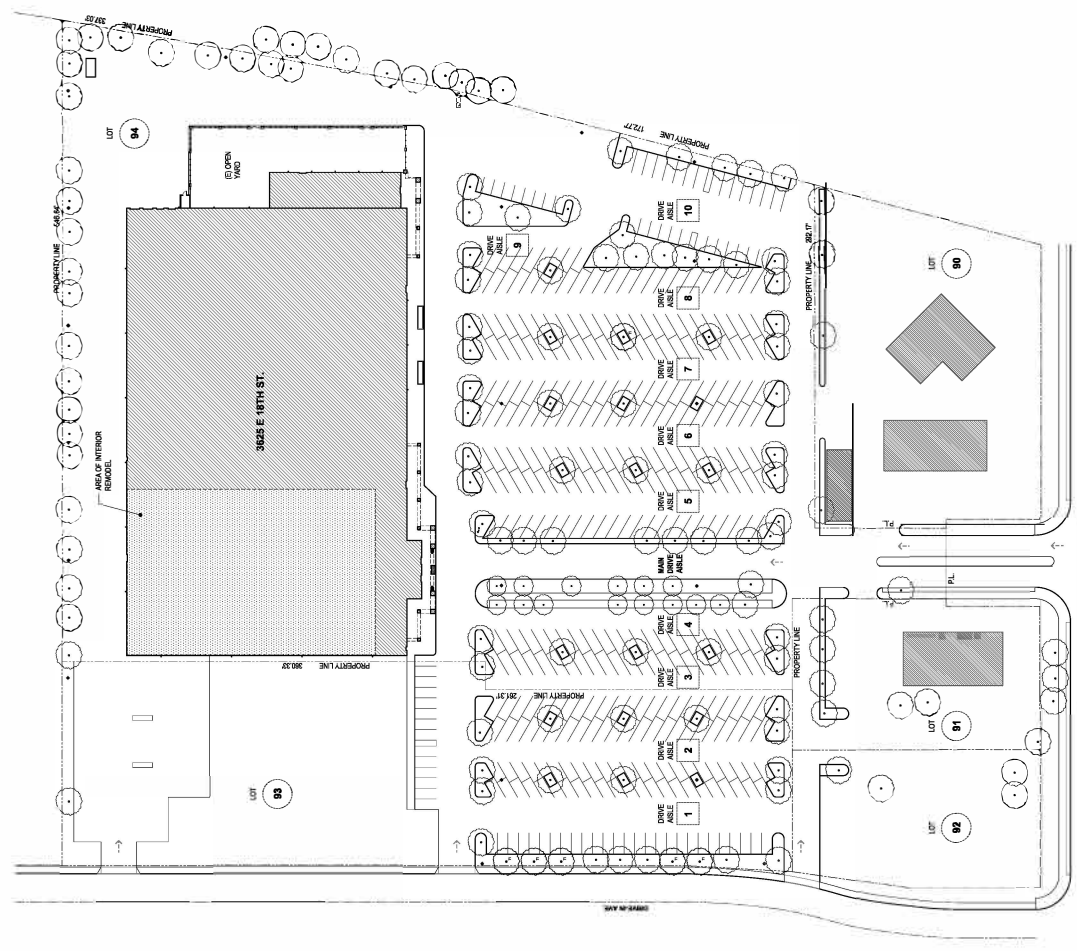
A-1.0

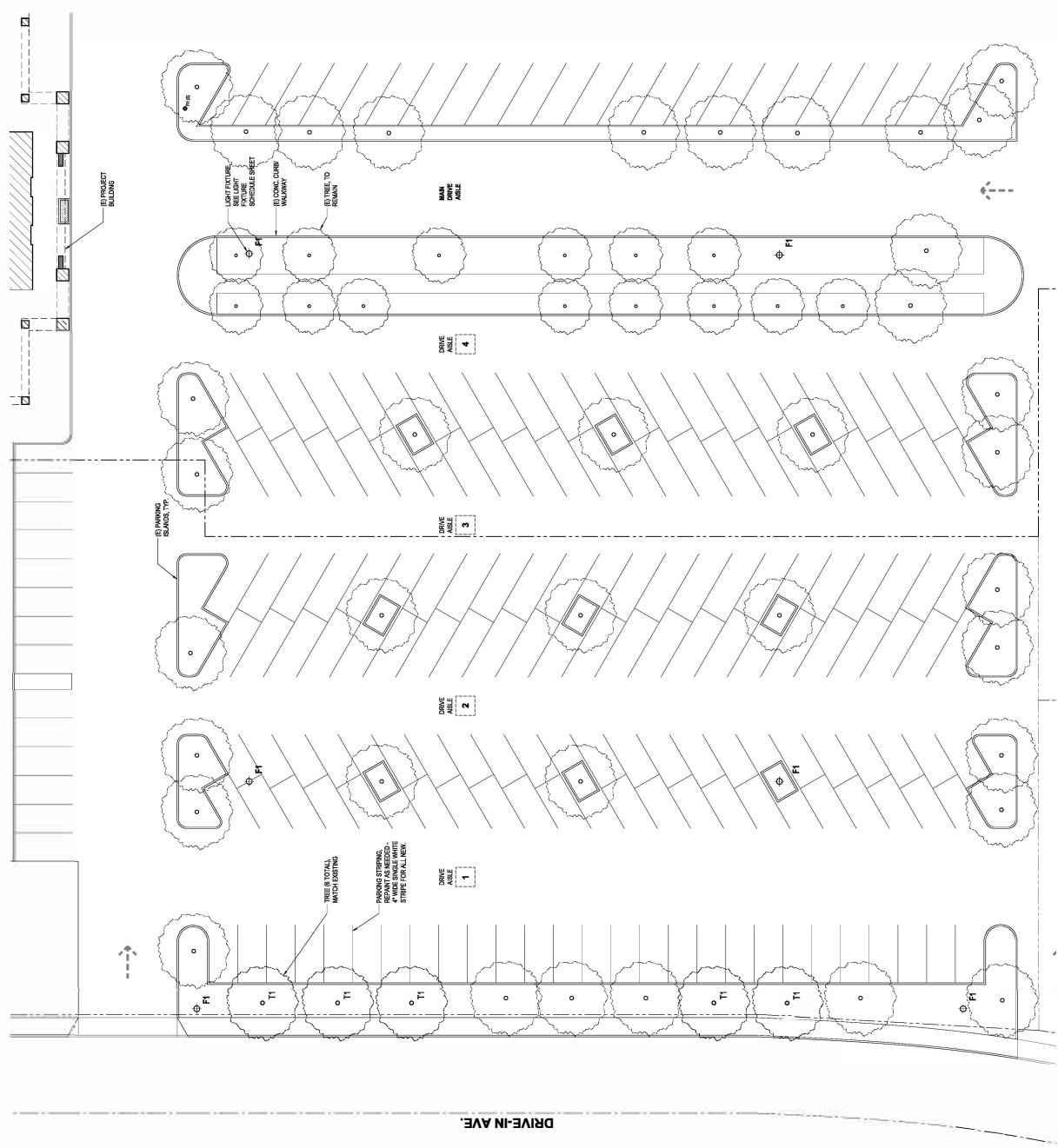
- SITE NOTES:
- VERIFY (B) SITE CONDITIONS
  - VERIFY (B) EXISTING UTILITIES
  - VERIFY (B) EXISTING EASEMENTS
  - VERIFY (B) EXISTING EASEMENTS



1 OVERALL SITE PLAN

SCALE: 1/8" = 1'-0"





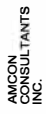
SITE NOTES:

- VERIFY (B) SITE CONDITIONS.
- DIMS ARE TO FACE OF FIN. UNLESS OTHERWISE NOTED.



1 ENLARGED SITE PLAN - SW

SCALE: 1/4" = 12'-0"



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**PROJECT CONTACT:**

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Tel: (916) 606-4307  
nib@dsgnreviewmag.com

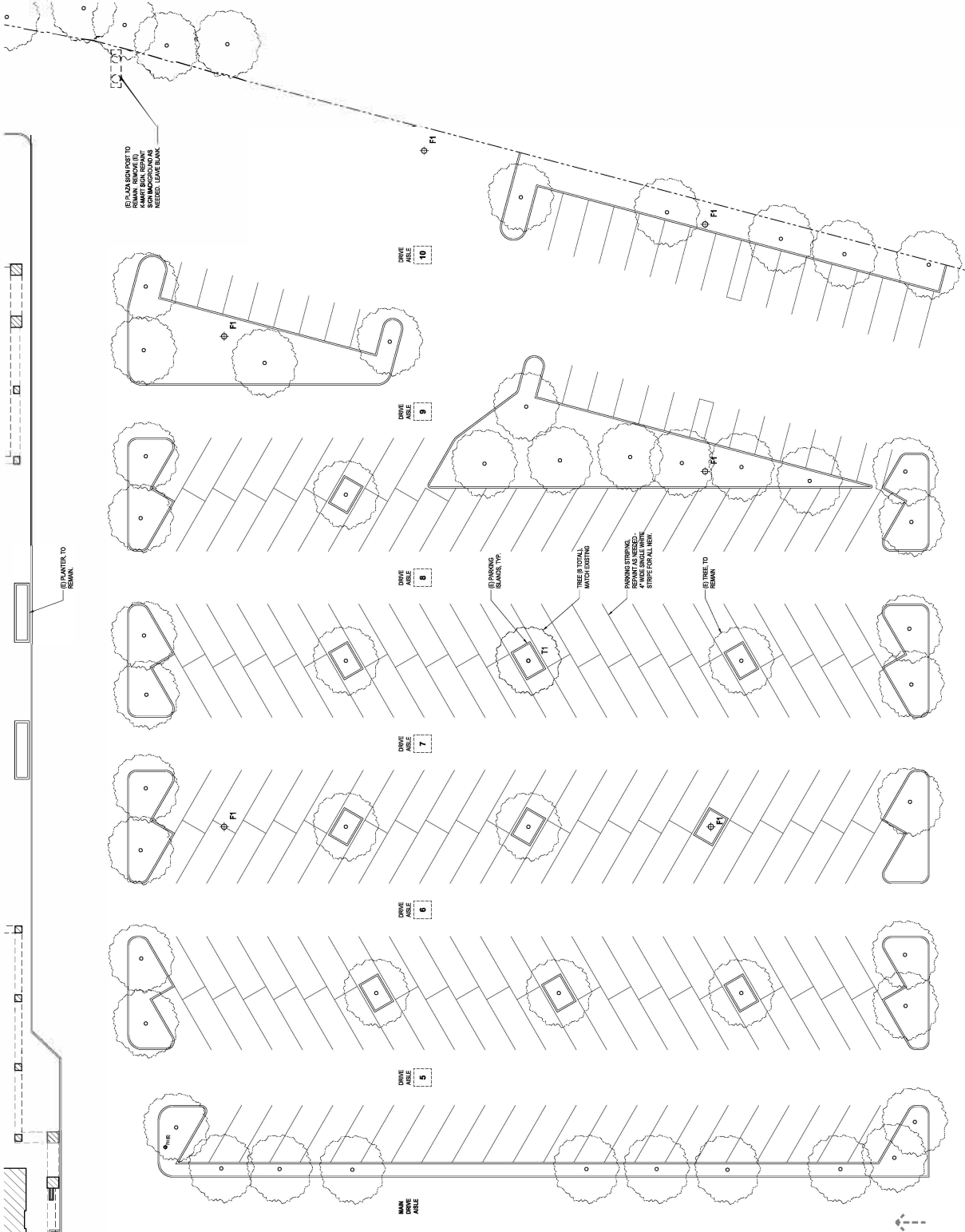
**Warehouse Cultivation Remodel**  
**Radix Growth**  
3625 E. 18th St.  
Antioch, CA 94509

DESIGN REVIEW  
(NOT FOR CONSTRUCTION)

ENLARGED  
SITE PLAN -  
SOUTH-EAST

DATE	+	A
DATE	+	10/3/23
PHONE	+	CD
ADD	+	230981
SALT	+	

## A-1.1b



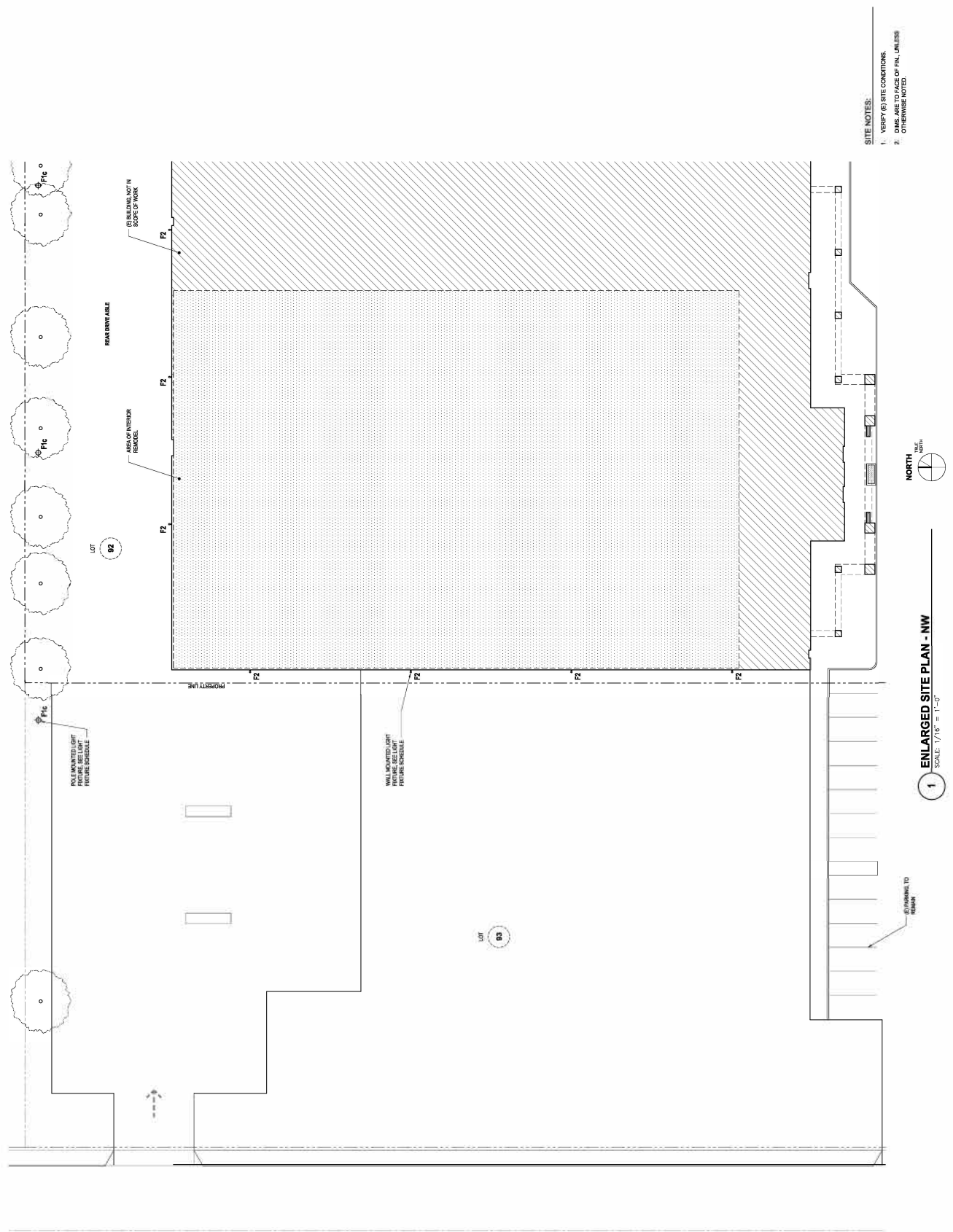
**SITE NOTES:**

1. VERIFY (E) SITE CONDITIONS.
2. DIMS. ARE TO FACE OF FIN., UNLESS OTHERWISE NOTED.



**1** ENLARGED SITE PLAN - SEE SCALE: 1/16" = 1'-0"

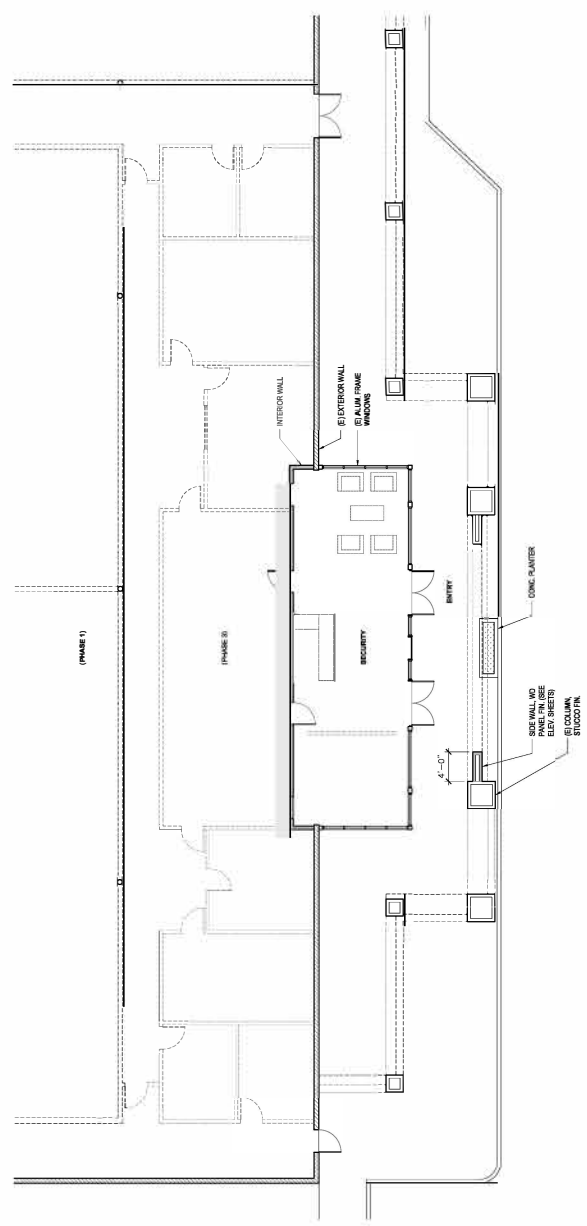




SITE NOTES:  
1. VERIFY (B) SITE CONDITIONS  
2. DIMS ARE TO FACE OF FIN. UNLESS OTHERWISE NOTED



1 ENLARGED SITE PLAN - NW  
SCALE: 1/16" = 1'-0"



GENERAL NOTES:

1. VERIFY ALL EXISTING CONDITIONS.
2. ALL DIMENSIONS TO FACE OF FIN. UNLESS OTHERWISE NOTED.

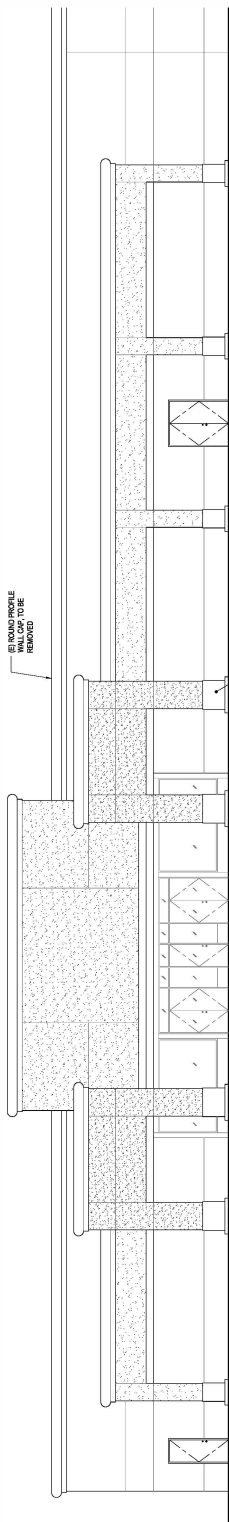


1 FLOOR PLAN - ENTRY PORCH  
 SCALE: 1/8" = 1'-0"

PLAN LEGEND:

	(B) WALL
	(W) STUD WALL





2 SOUTH ELEVATION (EXISTING) - LEFT SIDE  
SCALE: 1/8" = 1'-0"

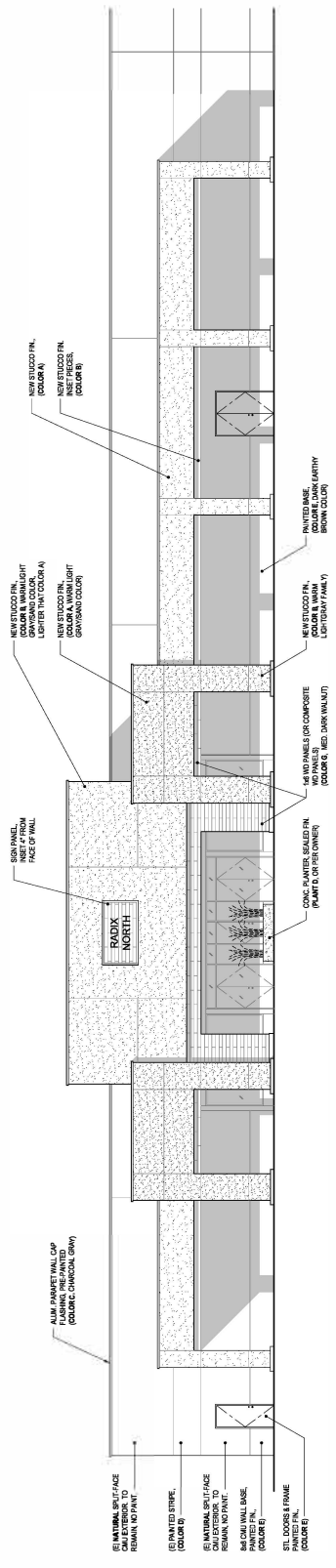


2b SOUTH ELEVATION - EXISTING CONDITION  
SCALE: 1/8" = 1'-0"



Color	Color Name	Color Code
Charcoal Gray	Flora White (E)	FFFCF2
Timberwolf	Alabaster	E7BD05
Taupe		485C32

1b SOUTH ELEVATION (N) - EXTERIOR COLORS  
SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION (NEW) - LEFT SIDE  
SCALE: 1/8" = 1'-0"

GENERAL NOTES:  
1. REPLACE OR REPAIR STUDIOS AS NEEDED



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**Warehouse Cultivation Remodel**  
**Radix Growth**  
3625 E. 18th St.  
Antioch, CA 94509

DESIGN REVIEW  
(NOT FOR CONSTRUCTION)

## EXTERIOR ELEVATIONS

NAME	R
DOB	10/10/23
AGE	OD
SEX	230561
UNIT	4

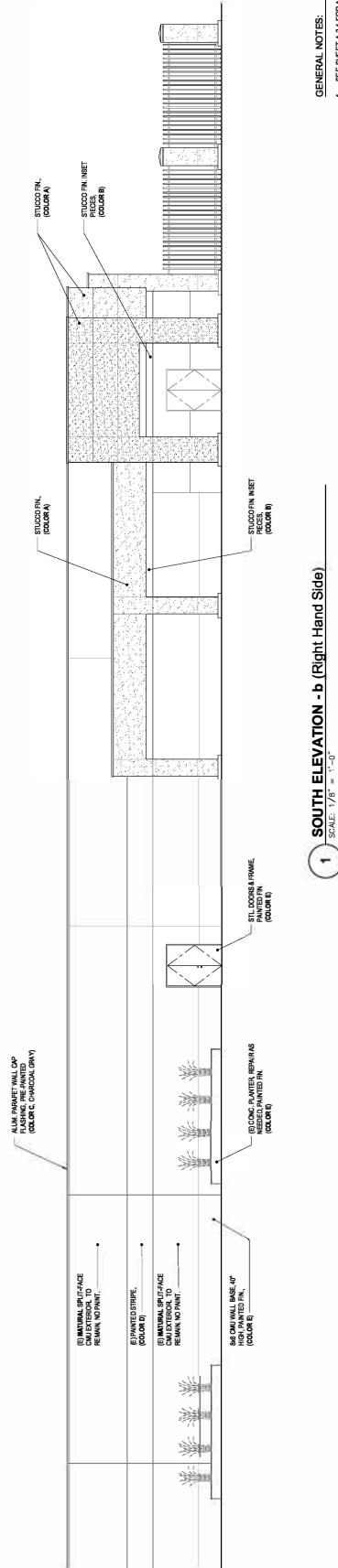
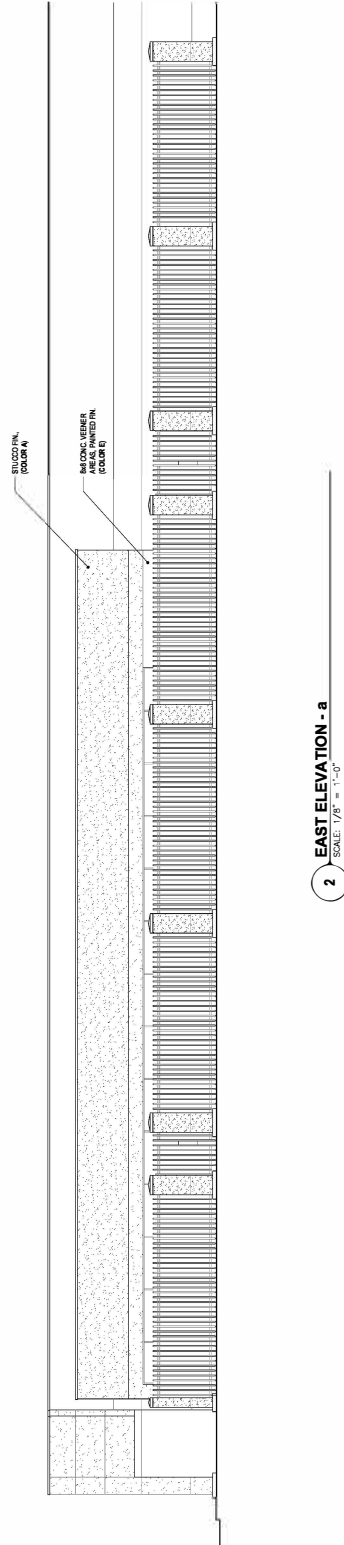
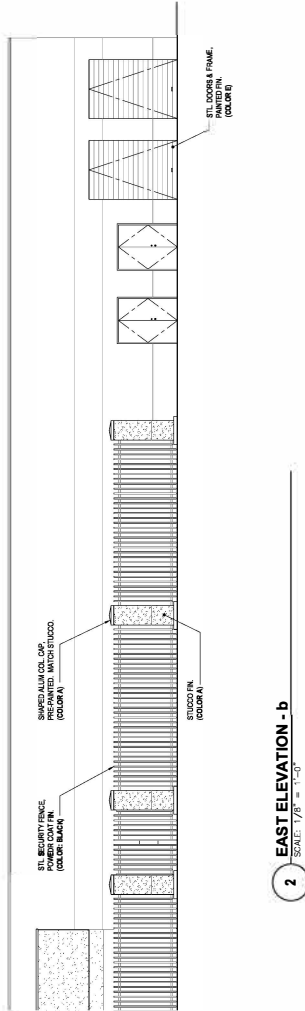
## A-3.2

**GENERAL NOTES:**

1. SEE SHEET A-3.1 FOR ADDITIONAL COLOR INFO.

**1 SOUTH ELEVATION - b (Right Hand Side)**  
SCALE: 1/8" = 1'-0"

**B9**





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Antioch, CA 94509

DESIGN REVIEW  
(NOT FOR CONSTRUCTION)

## EXTERIOR ELEVATIONS

NAME	R
DATE	10/11/23
PAGE	CD
NO	230961
SHEET	

### A-3.3

**GENERAL NOTES:**

1. SEE SHEET A-3.1 FOR ADDITIONAL COLOR INFO.

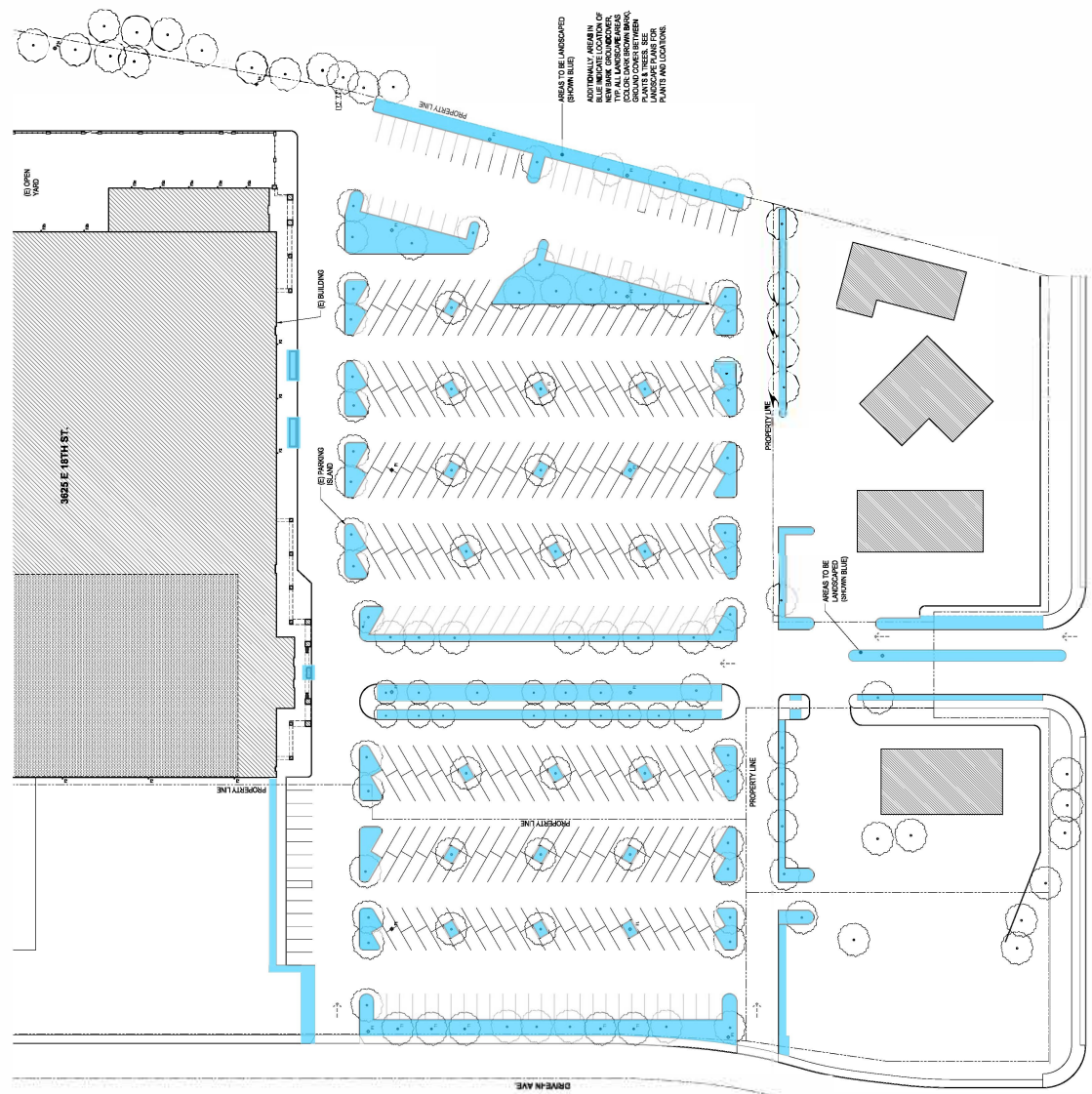
SITE NOTES:

- EXISTING TREES TO REMAIN
- RELOCATE EXISTING TREES TO NEW LOCATIONS FOR ADDITIONAL INFO, SHEETS L-1.4, L-1.5, & L-1.6



1 LANDSCAPE PLAN - OVERALL AREAS

SCALE: 1/4" = 1'-0"





SPECIES:  
CREeping FLOr, WHITE

HEIGHT: LOW 6-12"

PROJECT USE: GROUND COVER

NOTES:  
GREEN ALL YEAR, FLOWERS IN SPRING

PLANT A



SPECIES:  
PRIME SHAGBEE GRASS

HEIGHT: LOW, 12-18"

PROJECT USE: GROUND COVER, ACCENT

PLANT B

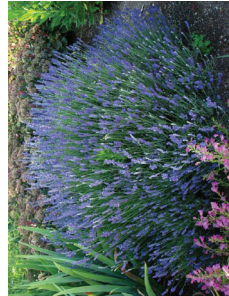


SPECIES:  
MOONING LIGHT BISCUTATUS GRASS

HEIGHT: TALL 48-60"

PROJECT USE: ACCENT

PLANT C



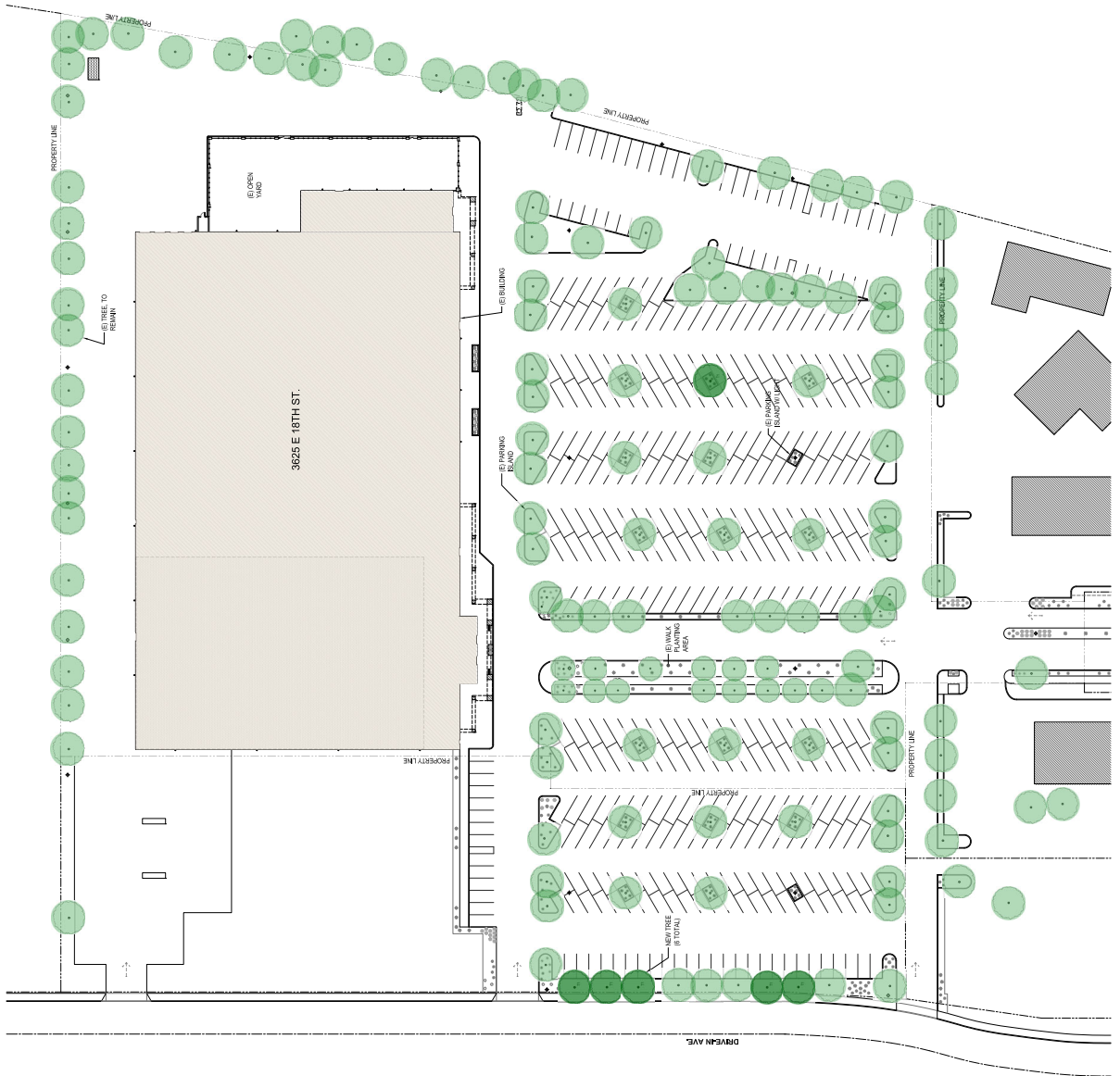
SPECIES:  
LAVENDER BUSHY BAGE

HEIGHT: MEDIUM 30"

PROJECT USE: ACCENT

PLANT D

- SITE NOTES:
1. VERIFY (E) SITE CONDITIONS.
  2. ALL LANDSCAPE AREAS ARE TO BE ON CONTROL STATION LOCATIONS TO BE USED, OR REPAIR/REPLACE AS NEEDED.
  3. ALL PLANTINGS TO BE DROUGHT RESISTANT, AND LOW WATER USE.
  4. TRIM ALL EXISTING TREES.
  5. EXISTING SURFACE PLANTINGS TO REMAIN, WHERE POSSIBLE.
  6. SEE ENLARGED LANDSCAPE DRAWINGS FOR ADDITIONAL INFO: SHEETS L-1a, L-1b, & L-1c.



1 LANDSCAPE PLAN - OVERALL SITE

SCALE: 1/4" = 1'-0"







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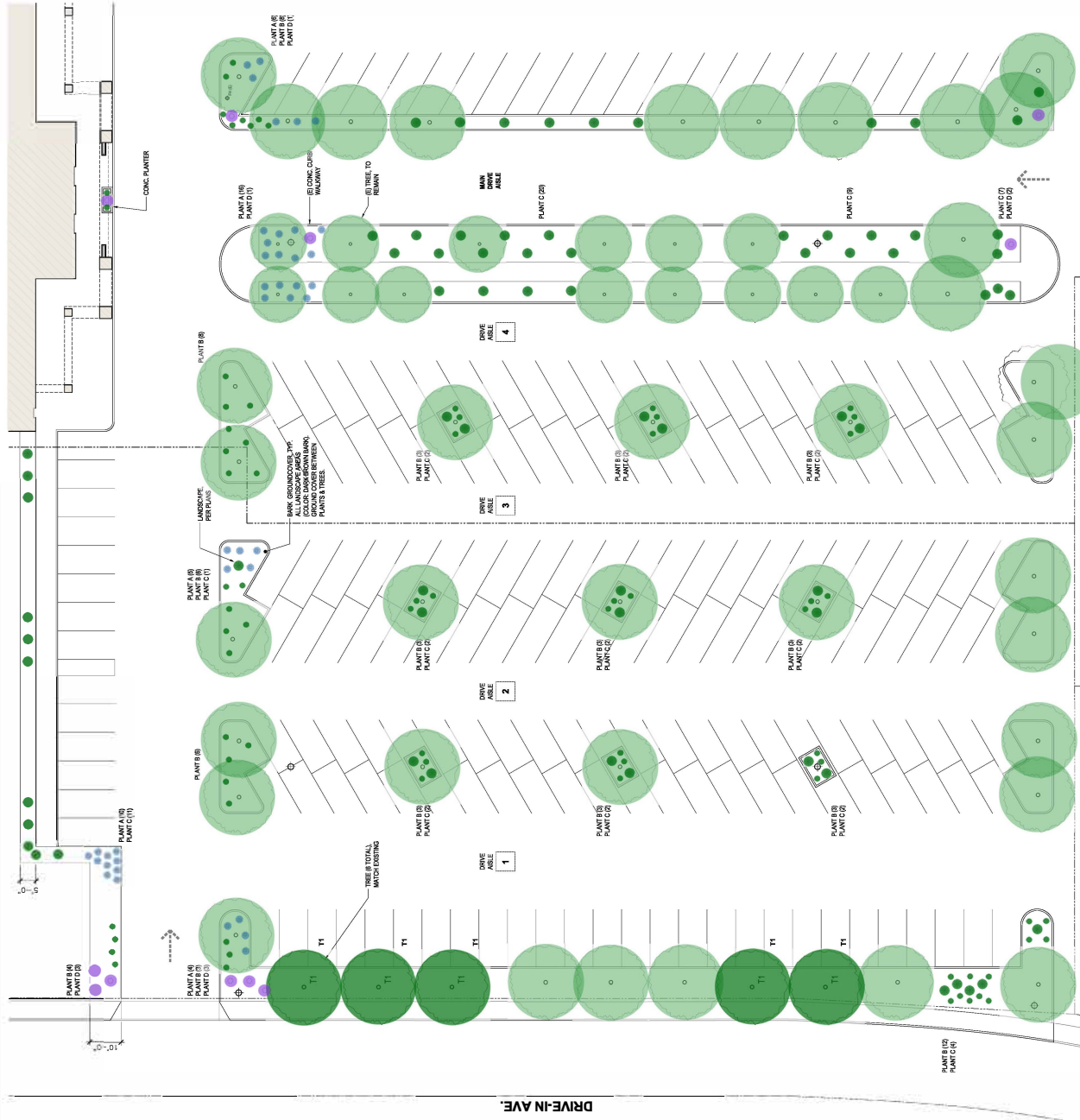
**Warehouse Cultivation Remodel**  
**Radix Growth**  
3625 E. 18th St.  
Antioch, CA 94509

DESIGN REVIEW  
(NOT FOR CONSTRUCTION)

**LANDSCAPE  
PLAN -  
SOUTH-WEST**

DATE	+	A
DATE	+	10/8/23
PRICE	+	CD
ADD	+	230981
SALV	+	

## L-1.1a



**SITE NOTES:**

1. VERIFY (E) SITE CONDITIONS.
2. ALL LANDSCAPE AREAS ARE TO BE ON AUTOMATIC IRRIGATION SYSTEM. (E) CONTROL STATION LOCATIONS TO BE USED OR REPAIR/REPLACE AS NEEDED.
3. TRIM ALL EXISTING TREES.
4. EXISTING BUSHES/PLANTING TO REMAIN, WHERE POSSIBLE.



● **PLANT A**



● **PLANT B**



**MORNING LIGHT  
MISCANTHUS**



PLANT D

A compass rose diagram. A circle is divided into four quadrants by a vertical line and a horizontal line. The top vertical line is labeled 'NORTH' in large, bold, black capital letters. The top horizontal line is labeled 'TRUE NORTH' in smaller, black capital letters. A line points from the center towards the top-left quadrant, labeled 'MAGNETIC NORTH' in smaller, black capital letters. The angle between the 'TRUE NORTH' line and the 'MAGNETIC NORTH' line is indicated by a small arc.

**1 LANDSCAPE PLAN - SW**  
SCALE: 1/16" = 1'-0"



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Radix Growth  
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Antioch, CA 94509

DESIGN REVIEW  
(NOT FOR CONSTRUCTION)

LANDSCAPE  
PLAN -  
SOUTH-EAST

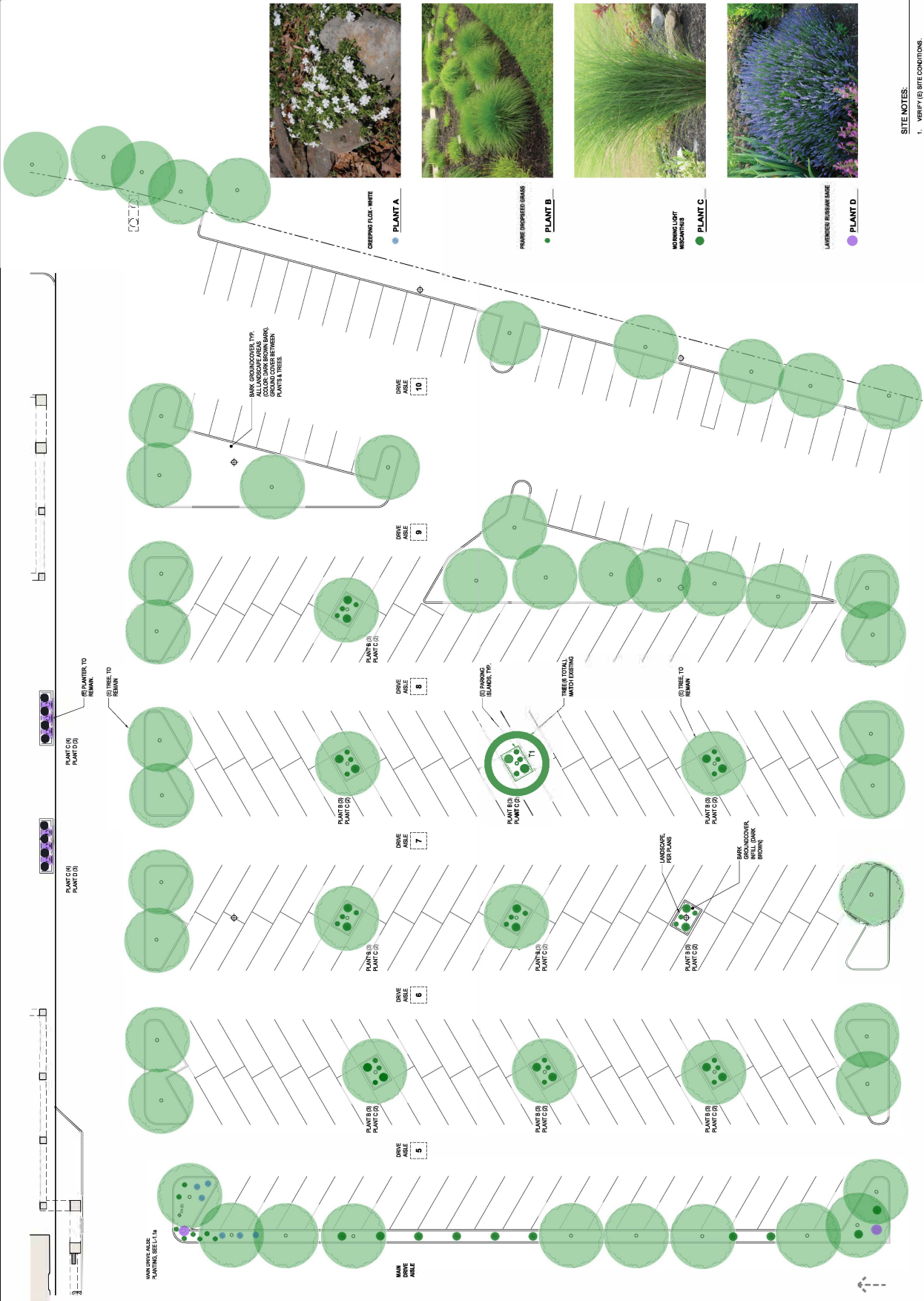
DATE	12/13/23
BY	CD
REV	202309
NO.	1

L-1.1b

- SITE NOTES:
1. VERIFY (B) SITE CONDITIONS.
  2. ALL LANDSCAPE AREAS ARE TO BE ON AUTOMATIC IRRIGATION SYSTEM. (E) EXISTING TREES AND PLANTS ARE TO BE USED, OR REPLANTED AS NEEDED.
  3. TRIM ALL EXISTING TREES.
  4. EXISTING SUBSIST PLANTING TO REMAIN, WHERE POSSIBLE.



1 LANDSCAPE PLAN - SE  
SCALE: 1/8" = 1'-0"





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**PROJECT CONTACT:**

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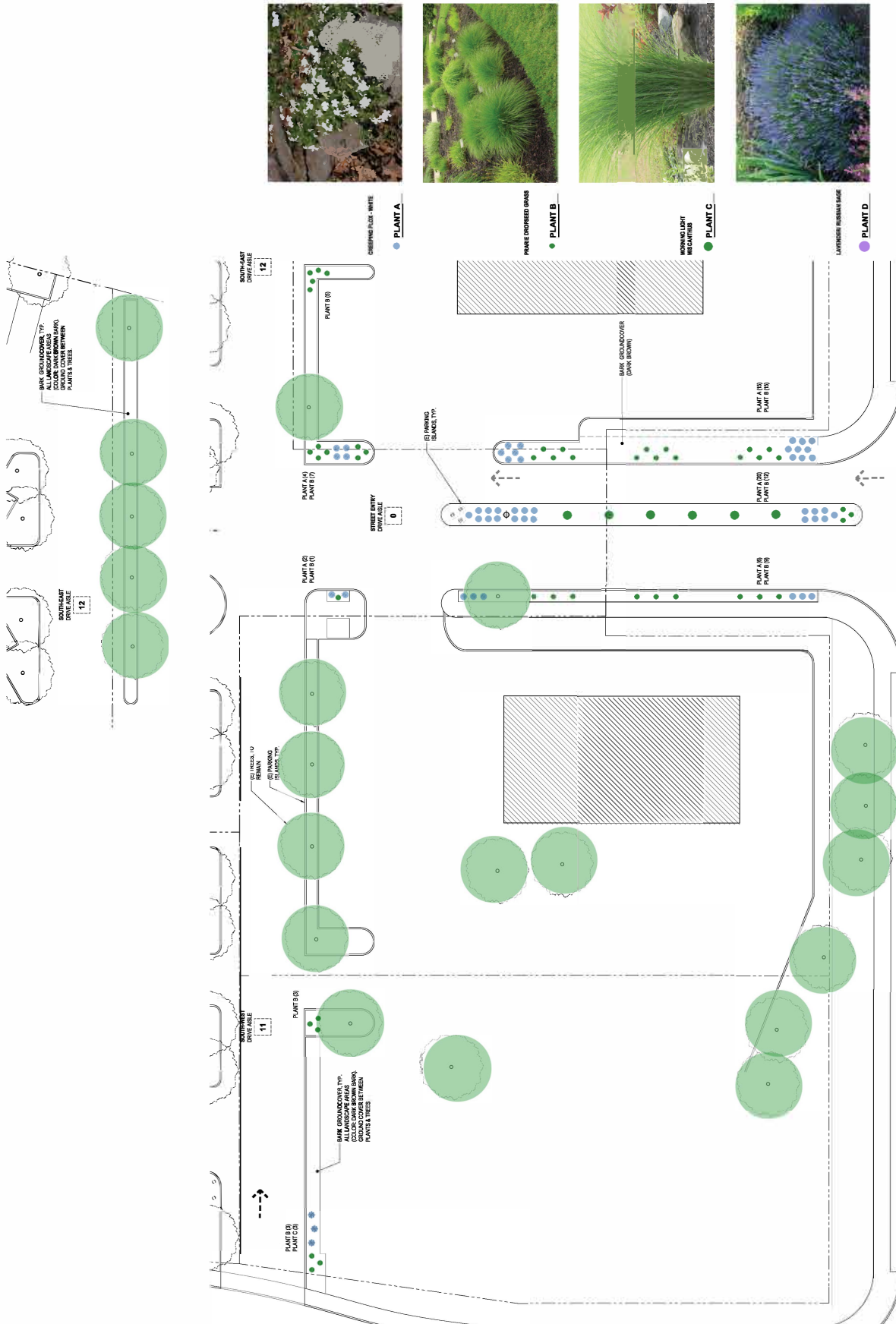
**Warehouse Cultivation Remodel**  
**Radix Growth**  
3625 E. 18th St.  
Antioch, CA 94509

DESIGN REVIEW  
(NOT FOR CONSTRUCTION)

**LANDSCAPE  
PLAN -  
COMMON  
AREAS**

DATE	A
SAC	4/2/75-223
NAME	CD
AGE	200361

## L-1.1c



**SITE NOTES:**

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1. VERIFY (E) SITE CONDITIONS.
2. ALL LANDSCAPE AREAS ARE TO BE ON AUTOMATIC IRRIGATION SYSTEM. (E) CONTROL STATION LOCATIONS TO BE USED, OR REPAIR/REPLACE AS NEEDED.
3. TRIM ALL EXISTING TREES.
4. EXISTING BUSHES/ PLANTING TO REMAIN.

A compass rose diagram. A vertical line points to the top, labeled "NORTH". A shorter line points slightly to the left of the vertical line, labeled "TRUE NORTH". An arc between these two lines is labeled "10°".

**1 LANDSCAPE PLAN - COMMON AREAS**  
SCALE: 1/16" = 1'-0"



# ATTACHMENT "C"

Radix Growth Warehouse Remodel  
3625 E. 18<sup>th</sup> St.  
Antioch, CA 94509

11/15/23

## Design Review

Project Description:

### Exterior Building Design

The current building is a warehouse type building that was formerly occupied by K-mart. The building has since sat abandoned for about 5 years. Much of the exterior has a dated design; and many exterior portions of the building are in disrepair. Overall, it appears that the building has not been upkeep for some time now.

The design intent for this project is to repair, redesign some areas, and update the overall paint scheme. Overall, the building form is simple. It consists of a large main warehouse box, with a small entry piece attached.

#### Repair:

1. The tops of the warehouse walls have a round shape **parapet cap**. Currently it appears the paint has failed on these caps, and a visible black dirt or mold has started to accumulate on it. This parapet cap is at the entire perimeter of the warehouse building.

~ Parapet cap is to be removed. Wall top repaired/prepped. New aluminum, pre-painted, modern low-profile wall cap to be installed. Paint color per design review drawings.

2. The security fence pilasters have **column caps**, that are also in disrepair. They have the same black stains on them.

~ Old caps are to be removed. New aluminum, pre-painted column caps are to be installed.

3. The **existing fencing paint** is failing in many areas, and showing rust.

~ Fencing is to be replaced with new, or repaired and painted, black powder coat finish.

#### Design:

1. Changing the **wall caps** of exterior walls will make a huge difference in the appearance. The black mold will be gone, and a cleaner low-profile aluminum cap will be in its place.

2. The **main entry** will be updated to give it a more modern, human-scale, and less industrial look.

- a. New horizontal wood siding members will be introduced. This includes 2 small fin walls with this same wood cladding. This wood introduction, will add warmth to the entry piece. Also, the introduction of horizontal lines will help bring the scale of the building down a little. The color of the wood, will also complement the color scheme for the entry and the rest of the warehouse exteriors.

The wood fin walls are designed to reduce the entry way width and also help bring the scale of the building down. Currently the entry way is about 38' wide. However, the public retail portion of the new project constitutes only about 1% of the building (850 sq. ft.). The rest of the warehouse building will be private production area (93,000 sq. ft.). Thus, creating a smaller scale entry way will help the entry feel more appropriate. Additionally, in the center of the remaining entry width, we are including a new concrete planter. This will add life, warmth to the entry; and further reduce the pedestrian entry to two 10' wide entry paths.

- b. Removal of 8x8 CMU wall base at the Entry piece and at all columns. At the entry and columns, there is currently a cmu veneer that extends up about 4 ft from the ground. As part of the redesign, the proposal is to remove the cmu veneer at these locations, and replace with new stucco. This will give the building a less dated look, and will feel more clean, professional.
- c. The main entry will also get **new paint** and **new stucco**. The **new colors** are designed to coordinate with the existing natural split-face cmu walls (of the warehouse) and with the new wood finish pieces that will be added to the front entry piece.

#### Paint:

1. The **exterior of the warehouse box** is to be painted. These perimeter walls have 3 areas; the lower base (8x8 cmu wall blocks), the main body (natural finish split-face cmu wall), and a small painted band of smooth smooth cmu.

Lower Base: We would like to remove this 8x8 cmu, but unfortunately, here they are part of the wall. Our approach will be to paint this band a dark earthy color. This will help hide this pattern, hide the shadows of the 8x8 grid, and the new color will make the building feel less cold, industrial.

Split -face CMU blocks: These are currently in a natural finish state. They look nice. We will leave these block as is, no paint. Split-face cmu should never be painted, it is like trying to paint a sourdough English muffin. It will never look right.

Smooth cmu band: This band is currently painted. This wall area will get new paint.

2. Entry pieces: All entry pieces will get new stucco and paint, per the new color scheme.
3. Columns: The fence columns will also receive new stucco and paint. In addition to proposed repair and design changes.

## **Landscape Design**

The site has large paved parking area with the normal landscape islands we typically see. Along the perimeter, there are existing trees that surround the site. During the previous owner's tenure, it appears they primarily had trees and bushes. The trees and bushes are still in place, but some areas have trees missing or bushes that have not survived. The soil on the entire property is very sandy, so careful selection has to be made on what plants to introduce.

The design intent is to add more trees where missing, and update the landscaping in all existing parking islands.

1. Trees: the project proposes adding new trees where trees are missing. Currently the site appears to be needing 6 new trees. These will be selected to match adjacent trees as needed.
2. Bushes: the existing bushes will remain. (These are primarily located around the perimeter).
3. New Plantings: Per proposed landscape planting plan, new plants will be introduced to the site. The plants are selected for low water usage and are strategically located to help coordinate with a clean, modern appearance we are attempting to bring to this warehouse. We are using purple lavender to help mark entry points. The grasses are being used throughout as sort of accent pieces.
4. Ground cover: In between the plantings and trees, new ground cover will be added. This will be bark chips, dark brown. No red or light colors. The intent is to give a nice background to the plantings being installed.
5. Irrigation system. A new automatic irrigation system will be installed. The site landscape will be connected back to the mechanical room, where the irrigation control panels will be located. Water use calculations, and all other code requirements will need to be allocated for, as required during the building permit approval process.

Radix Growth Warehouse Remodel

# ATTACHMENT "D"

## RESOLUTION NO. 2021-113

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING THE USE PERMIT, VARIANCE AND DESIGN REVIEW (UP-20-10, V-20-02, AR-20-12) FOR RADIX GROWTH A CANNABIS FACILITY WITH INDOOR CULTIVATION, DISTRIBUTION, NON-VOLATILE MANUFACTURING AND RETAIL DISPENSARY WITH DELIVERY AT 3625 EAST 18TH STREET**

**WHEREAS**, Radix Growth requests approval of a use permit, variance and design review to operate a cannabis facility with indoor cultivation, distribution, non-volatile manufacturing, and retail dispensary with delivery at 3625 East 18<sup>th</sup> Street (APN: 051-052-094);

**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;

**WHEREAS**, the Planning Commission on May 19, 2021, duly held a public hearing, received and considered evidence, both oral and documentary and recommended that the City Council approve the Use Permit, Variance and Design Review;

**WHEREAS**, the City Council duly gave notice of public hearing as required by law; and;

**WHEREAS**, on June 22, 2021, the City Council, duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does hereby make the following findings 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. 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 business will not create adverse impacts to the surrounding area.

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 East 18<sup>th</sup> Street and Drive-in Way, which are 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 Regional Commercial.

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.

**BE IT FURTHER RESOLVED** that the City Council does hereby make the following findings for the approval of a Variance from the required 600-foot setback from residential property:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.

The intended use of the property is commercial zoning and was specifically included to allow for Cannabis Business. The exceptional circumstance for this property is that the parcel includes parking that is shared by the entire shopping center. There is a recorded reciprocal easement for all 5 parcels within the shopping center to allow parking for all the businesses. The project parcel is being held to the setback standards for a parking lot that is not solely being used by the project parcel.

2. The granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

Granting the variance would not be detrimental to the public health or welfare because the use of the cannabis facility exceeds the 600 foot setback requirement. Even if the property boundary line were to shift to meet the setback requirement the same result would occur since the parking lot is shared among all parcels in the shopping center.

3. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.

Due to the shape of the property boundary to include the shared parking lot, the project parcel is within the 600-foot setback. The project sites business operations meet the setback requirements. Due to the strict interpretation of the 600-foot setback being applied from the edge of the cannabis property to the edge of the residential property, the property would be deprived of its intended use outlined in the General Plan.

4. The granting of such variance will not adversely affect the comprehensive General Plan.

The proposed use of the project site is consistent with the General Plan and Cannabis Business overlay zoning district. The applicant's request would not adversely affect the comprehensive General Plan.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the City of Antioch does hereby **APPROVE** the use permit, variance and design review application (UP-20-10, V-20-02, AR-20-12) to operate a cannabis facility with indoor cultivation, distribution, non-volatile manufacturing, and retail dispensary with delivery at 3625 East 18<sup>th</sup> Street (APN: 051-052-094) 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 City Council (June 22, 2023), 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.

**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 facility 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 the retail dispensary shall be from 8:00 AM – 8:00 PM.
3. The hours of operation for the cultivation, manufacturing and distribution operation shall be from 5:00 AM- 10:00 PM
4. Any change to the hours of operation shall be subject to the review and approval of the Zoning Administrator.
5. Four delivery vehicles shall be permitted. Any additional vehicles shall be subject to the review and approval of the Zoning Administrator.



6. 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.
7. The dispensary's lobby shall be secured from the retail area. A customer entering the retail area shall be buzzed through a locked door into the retail area by a security guard or employee.
8. All necessary licenses from the State of California shall be obtained prior to opening.
9. No smoking or ingestion of cannabis products on-site is allowed.
10. No free samples of cannabis products are allowed.
11. No drive-through, drive-up or walk-up windows are allowed.
12. All cannabis cultivation shall be conducted within a fully enclosed space.
13. The cultivation of cannabis shall be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides.
14. Cannabis related waste shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance.
15. 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.
16. 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.
17. No signs, tinting, or other graphic material may be used to obscure the storefront windows.
18. 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 the hours of retail operation and/or delivery. 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 City Attorney for review and approval prior to issuance of a certificate of occupancy.

19. 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 and City Attorney. Should there be a change in the security private patrol operator or in the liability insurance of the applicant, the Community Development Director and City Attorney shall be notified within 5 business days.
20. 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.
21. 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.
22. The Odor Mitigation Plan shall be updated and resubmitted to the Planning Division to address the comments from the February 19, 2021, Odor Mitigation Plan Review Memorandum:
  - The applicant shall provide a certification statement by a Certified Professional Engineer or Certified Industrial Hygienist for the project site.
  - The applicant shall provide an Operation and Maintenance plan that includes inspection frequency and maintenance of odor mitigation controls.

- The applicant shall provide a document detailing staff training procedures for inspections and maintenance of odor mitigation controls.
  - The applicant shall provide calculations for carbon filter number and sizing, fan number and sizing, and other critical components, and provide certified statement confirming calculations were reviewed.
23. 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.
24. 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.
25. Any modifications to the site security plan shall be subject to the review and approval of the Chief of Police or his designee.
26. 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.
27. 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.
28. At building permit submittal, an updated photometric plan shall be provided that shows a minimum two-foot candles in all shared parking areas for the site. 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.
29. A minor design review application shall be submitted showing new paint and façade improvements for Planning Commission review and approval prior to the issuance of a building permit.
30. All common area landscaping the project site is responsible for maintaining shall be rehabilitated and replaced, as necessary. A revised landscaping plan for the site shall be submitted with the minor design review application. Landscaping for the project shall be designed to comply with the applicable requirements of City of Antioch Ordinance No. 2162-C-S The State Model Water Efficient Landscape Ordinance (MWELO). Prior to issuance of a building permit, the applicant shall

demonstrate compliance with the applicable requirements of the MWELD in the landscape and irrigation plans submitted to the City.

31. All common area drive aisles and parking areas the project site is responsible for maintaining shall be slurry sealed and restriped and all painted curbs shall be repainted to the satisfaction of the City Engineer.
32. The trash enclosure on site shall be modified to meet the requirements of AMC section 9-5.1401 Refuse Storage Area Design Guidelines.
33. 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.
34. Visible signage shall be placed at the entrance of the facility notifying the public of surveillance on site.
35. 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.
36. 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.
37. 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.
38. 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.

39. 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.
40. 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.

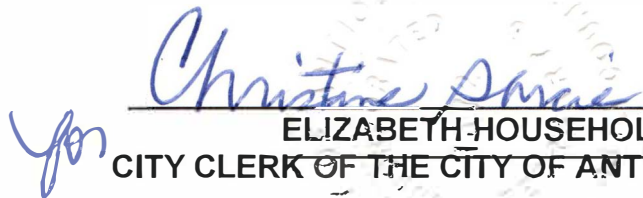
\* \* \* \* \*

**I HEREBY CERTIFY** the foregoing resolution was duly adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 22nd day of June 2021.

**AYES:** Council Members District 1 Torres-Walker, District 2 Barbanica, District 3 Ogorchock, Mayor Pro Tem (District 4) Wilson and Mayor Thorpe

**NOES:** None

**ABSENT:** None

  
**ELIZABETH HOUSEHOLDER**  
**CITY CLERK OF THE CITY OF ANTIOCH**



# ATTACHMENT "E"



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of June 22, 2021

**TO:** Honorable Mayor and Members of the City Council

**PREPARED BY:** Kevin Scudero, Associate Planner *KS By CB*

**SUBMITTED BY:** Forrest Ebbs, Community Development Director

**SUBJECT:** Radix Growth Cannabis Facility  
(UP-20-10, V-20-02, AR-20-12)

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### RECOMMENDED ACTION

It is recommended that the City Council adopt the resolution approving a Use Permit, Variance and Design Review application (UP-20-10, V-20-02, AR-20-16) for a cannabis facility with indoor cultivation, distribution, non-volatile manufacturing, and retail dispensary with delivery.

### FISCAL IMPACT

The proposed business will generate sales tax revenue for the City of Antioch. In addition to the sales tax revenue the business will be required to enter into an operating agreement with the City as a condition of approval. The operating agreement will likely include additional revenue based on sales from the business.

### DISCUSSION

#### Requested Approvals

Radix Growth requests a use permit, variance and design review approval to operate a cannabis facility with indoor cultivation, distribution, non-volatile manufacturing, and retail dispensary with delivery within an existing +/- 94,338 square foot building. The variance is required because the project site is within 600 feet of a residentially zoned property. Design review is requested to make minor exterior changes. The project site is located at 3625 East 18<sup>th</sup> Street (APN: 051-052-094).



### Environmental

This project has been determined to be Categorically Exempt from the provisions of CEQA, pursuant to Section 15301 – Class 1 (Existing Facilities), because the cannabis 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.

On October 27, 2020, the Antioch City Council adopted Amendments to the Cannabis Business Ordinance by approval of Ordinance No. 2191-C-S. The purpose of the amendments was to provide a definition of Commercial Cannabis Use, replace the requirement for a development agreement with a requirement for an operating agreement, and specify the minimum conditions of an operating agreement.

At the Planning Commission meeting on May 19, 2021, the Planning Commission voted 5-1, with one member absent, to recommend to the City Council that the Use Permit, Variance and Design Review be approved with the condition that a minor design review application showing façade and landscape improvements return to the Planning Commission for approval. The applicant gave a presentation about the project, and no members of the public commented on the item. A copy of the draft Planning Commission meeting minutes has been included as Attachment E to the staff report.

## **ANALYSIS**

### **Project Overview**

The applicant proposes to operate a cannabis facility at 3625 East 18th Street in an existing +/- 95,420 square foot commercial building that was previously a K-Mart store. The cannabis facility will consist of indoor cultivation, distribution, non-volatile manufacturing and a retail dispensary with delivery. The facility will employ an estimated 100 employees. The applicant has indicated that at the beginning of operations there will be a mix of part-time and full-time employees but once the facility has reached full build-out they expect all of the employees to be full-time.

The proposed cultivation operation will take place completely indoors and consist of 87 flower rooms that will occupy 47,715 square feet of floor space; however, the cultivation will be a two-tier grow and therefore the total cannabis cultivation area will be 95,340 square feet. The cultivation operation will work seven days a week in three shifts: 5am-2pm, 9am-6pm and 1pm-10pm. The applicant estimates that 50 total employees will be a part of this operation. The cultivation licenses will consist of 10 Type 2A Small indoor licenses. Each Type 2A Small indoor license allows up to 10,000 square feet of mature canopy area.

The cultivation operation will also have an A-Type 4 Nursery license in order to allow the propagation of immature cannabis plants. The nursery area will only produce clones, immature plants, seeds, and other agricultural products used specifically for the



propagation and cultivation of cannabis. Once the immature cannabis plant is ready to flower, it will be transported within the facility to the identified mature canopy area within one of the 10 Type 2A Small indoor licenses. The Nursery license itself does allow for the sale of the immature cannabis plants to other state of California licensed farms, however, under this proposed project, Radix Growth will not be selling or distributing cannabis from the Nursery license. The intention of this Nursery license is to begin the growth of seedlings before planting them within the mature area.

The proposed manufacturing and distribution operation will be located at the northern end of the building and will occupy approximately 7,785 square feet. The manufacturing operation will operate in identical shifts to the cultivation operation and the applicant estimates that 40 total employees will be a part of this operation. The manufacturing operation will be conducted under a type 6 manufacturing license which allows for non-volatile manufacturing. Non-volatile manufacturing uses a mechanical extraction method or non-volatile solvents, such as carbon dioxide, ethanol, water, or cooking oils, to extract cannabis oils. The distribution operation will operate under a type 11 distribution license. A licensed distributor is responsible for: transporting cannabis goods, arranging for the testing of cannabis products, conducting quality assurance reviews of cannabis goods to ensure that they comply with all of the packaging and labeling requirements, and transporting cannabis goods between licensees.

The proposed retail operation will take place in the southern portion of the building near the existing storefront entrance. The retail operation will be seven days a week from 8am to 8pm and the applicant estimates that 10 total employees will be a part of this operation. The retail operation will occupy an approximately 1,625 square foot floor area and can only be accessed by customers presenting a valid identification to a security guard. The applicant is not proposing to sell any cannabis paraphernalia at this time. Staff has added a condition of approval that any future sales of paraphernalia shall be subject to the review and approval of the Zoning Administrator. The applicant estimates that no more than four delivery vans will be used for delivery. The delivery vehicles will have no markings or indications on the exterior that would indicate cannabis goods are being delivered.

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

#### General Plan, Zoning, and Land Use

The site is located within the General Plan's Eastern Waterfront Employment Focus Area and is designated as Regional Commercial. The zoning of the site is Regional Commercial (C-3) and Cannabis Overlay District (CB). Cannabis uses 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: Self Storage Facility / Heavy Industrial (M-2)  
South: Gas Station / Regional Commercial (C-3) & Cannabis Overlay (CB)  
East: State Route 4  
West: Vacant Land / Planned Development (PD)

#### Site Plan and Design Review

The site is approximately 7.38 acres in size with an approximately 94,338 square foot building located at the northern portion of the site. The site can be accessed via a signalized intersection on East 18<sup>th</sup> Street as well as three access driveways along Drive-In Way. The project site was originally developed as a K-Mart shopping center and has cross access parking and common area maintenance agreements with the adjacent commercial parcels. The parking lot has approximately 430 parking spaces which is more than sufficient to support the proposed use.

The applicant is proposing minor exterior modifications that include the installation of security fencing and building signage. The security fencing is being proposed at the northwest and southeast corners of the existing building. The installation of the security fencing will provide a secure delivery area at the rear of the building that can only be accessed after showing proper identification to the security guard on site. Staff has added a condition of approval that the security fencing be wrought iron or tubular steel. The proposed building signage is proposed within the same footprint that the previous K-Mart signage occupied. Detailed signage plans will be required at building permit submittal.

In addition to the exterior modifications the applicant has proposed, staff is recommending that additional exterior improvements be required. Upon inspection of the site, staff observed faded and mismatched paint as well as damaged stucco and tile on the building façade. Staff also observed parking lot landscaping that was in need of replacement and rehabilitation as well as faded parking lot striping and asphalt in need of repair. Staff had originally added a condition of approval requiring a minor design review application be submitted showing new paint and façade improvements subject to the review and approval of the Zoning Administrator. However, at the Planning Commission Hearing on May 19, 2021, the Planning Commission recommended the condition be modified to require the design review application be brought before the Planning Commission for approval. Staff has also added a condition of approval requiring that all common area landscaping that this property is responsible for maintaining be replaced and rehabilitated and that a revised landscaping plan for the site be submitted. Staff has also included a condition of approval that all common area drive aisles and parking areas this property is responsible for maintaining be re-striped and slurry sealed and all on-site painted curb be repainted.

### 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 Antioch Police Department attended a preliminary application meeting where they communicated their expectations for the security plan for this facility to the applicant. Upon submittal of the formal application, the security plan was reviewed by the Antioch Police Department. The Police Department recommended that the security plan explicitly state that a minimum of two uniformed and armed security guards be on-site during all hours of retail operation and/or delivery and a minimum of one uniformed and armed security guard be on-site after hours. Staff has included this recommendation as a condition of approval in the attached resolution.

Staff has also 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.

### Operational Issues

The applicant has submitted an odor mitigation plan that discusses the measures they will take to ensure that cannabis odors will not be detected at or beyond the site. Staff had the applicant's odor mitigation plan peer reviewed by the Engineering firm Blair, Church, & Flynn to ensure that the odor mitigation plan was adequate for the size and type of facility. Staff has taken Blair, Church, & Flynn's recommendations regarding the odor mitigation plans and added them as recommended conditions of approval. Once building permits are submitted for the project, the plans will be reviewed for compliance with the recommended odor mitigation measures. Staff has also 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 structures 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.

### Variance

Variances are intended to resolve practical difficulties or physical hardships. Each zoning classification has specific development standards which projects must meet, such as setbacks or parking requirements. There are occasions, however, when the strict application of such standards may be inappropriate because of special characteristics of the property or area. The variance procedure is designed to permit minor adjustments to the zoning regulations when there are special or extraordinary circumstances that apply to a parcel of land or a building that prevent the property from being used to the extent intended by the zoning.

The Antioch Municipal Code requires that Cannabis Businesses be located a minimum of 600 feet from any residentially zoned property. The proposed project site is a large shopping center parcel with a parking field that is shared by the entire center. The southernmost property line of the project site is approximately 360 feet from the nearest residentially zoned property but the actual building where the Cannabis Business will be conducted is over 700 feet from the nearest residentially zoned property. The Antioch Cannabis Guidelines state that the separation should be measured from the furthest extent of the Cannabis Business operation, which in this case would be the building. However, since State Law requires the separation to be measured from property line to property line a variance is required.

In order to grant a variance, four findings must be made (Antioch Municipal Code Section 9-5.2703). If an application can meet all four of the findings, then the variance can be granted. Conversely, if any one of the findings cannot be made, the variance should be denied.

The four findings and their applicability to the variance request for a reduction in the 600 foot setback requirement are as follows:

- 1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.**

The intended use of the property is commercial zoning and was specifically included in the Cannabis Overlay district to allow for operation of a Cannabis Business. The exceptional circumstance for this property is that the parcel includes parking that is shared by the entire shopping center. There is a recorded reciprocal easement for all 5 parcels within the shopping center to allow parking for all the businesses. The project parcel is being held to the setback standards for a parking lot that is not solely being used by the project parcel.

2. **That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.**

Granting the variance would not be detrimental to the public health or welfare because the use of the cannabis facility exceeds the 600 foot setback requirement. Even if the property boundary line were to shift to meet the setback requirement the same result would occur since the parking lot is shared among all parcels in the shopping center.

3. **That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.**

Due to the shape of the property boundary to include the shared parking lot, the project parcel is within the 600 foot setback. The project sites business operations meet the setback requirements. Due to the strict interpretation of the 600 foot setback being applied from the edge of the cannabis property to the edge of the residential property, the property would be deprived of its intended use outlined in the General Plan.

4. **That the granting of such variance will not adversely affect the comprehensive General Plan.**

The proposed use of the project site is consistent with the General Plan and Cannabis Business overlay zoning district. The applicant's request would not adversely affect the comprehensive General Plan.

#### **ATTACHMENTS**

- A. Resolution
- B. Project Plans
- C. Project Description
- D. Neighborhood Responsibility Plan
- E. Fire District Comment Letter
- F. May 19 Draft Planning Commission Minutes