

**TO:** ANTIOCH PLANNING COMMISSION

**PREPARED BY:** Anne Hersch, Planning Manager

**APPROVED BY:** Thomas Lloyd Smith, City Attorney

**SUBJECT:** Proposed Zoning Code Amendments, Specific Plan Amendments, and Zoning Map Amendments for Cannabis Businesses

**DATE:** November 16, 2022

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### **RECOMMENDED ACTION**

It is recommended that the Planning Commission adopt the following resolutions:

1. **Zoning Code Amendments.** Resolution recommending that the City Council adopt amendments to §§9-5.3801 "Summary of Zoning Districts" and repeal and replace 9-5.3845 "Cannabis Businesses."
  - **AMC §9-5.3801:** The proposed amendment will establish three new Cannabis Business (CB) districts.
  - **AMC §9-5.3845:** This is a proposed repeal and replacement of the Code reflecting all amendments.
2. **Zoning Map Amendment.** Resolution recommending that the City Council amend the Zoning Map to include three new cannabis overlay zoning districts.
3. **Downtown Specific Plan Amendment.** Resolution recommending that the City Council adopt an amendment to the Downtown Specific Plan.
4. **East Lone Tree Specific Plan Amendment.** Resolution recommending that the City Council adopt an amendment to the East Lone Tree Specific Plan.

### **CANNABIS COMMITTEE REVIEW**

The Cannabis Committee has reviewed the draft ordinance adding three new cannabis business ("CB") districts and directed it be forwarded to the Planning Commission for review and recommendation to City Council.

## **BACKGROUND**

The “Cannabis Businesses” Ordinance was adopted in 2018 and established zoning regulations for cannabis uses. There have been three ordinance amendments which have clarified requirements for separation of uses, a required operating agreement to lawfully operate in the City, and an establishment and expansion of districts to allow cannabis operations.

- **June 26, 2018 Ordinance No. 2143-C-S:** The City Council adopted an ordinance amending Title 9, Chapter 5, of the AMC to establish a Cannabis Business (CB) Zoning Overlay which would allow cannabis businesses in specified areas (“green zone”) of the City subject to certain terms and conditions.
- **April 23, 2019 Ordinance No. 2165-C-S:** The City Council adopted Amendments to the Cannabis Business Ordinance by approval of Ordinance No. 2165-C-S. The purpose of the amendments was to include requirements for a development agreement, make minor changes to the definitions, and require a 600-foot separation from cannabis uses and child care centers.
- **October 27, 2020 Ordinance No. 2191-C-S:** The 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 specifying the minimum conditions of an operating agreement.
- **October 26, 2021 Ordinance No. 2199-C-S:** The City Council adopted Amendments to the Cannabis Business Ordinance by approval of Ordinance No. 2199-C-S. The purpose of the amendments was to allow retail cannabis dispensaries in the Downtown Specific Plan area and the Somersville District, to modify the definition of sensitive uses to match state standards, and to establish location restrictions in each of the areas between retail cannabis businesses and between a cannabis business and a sensitive use.

On July 1, 2022, the Cannabis Committee received a report and provided direction to staff to work with the Planning Commission to amend the Municipal Code and Zoning Map for cannabis businesses. The objective of these changes is to expand opportunities for cannabis businesses in other areas of the City. (See Attachment H)

## **ZONING TEXT AMENDMENTS**

The proposed ordinance amendments include:

1. **New Districts.** Establish three (3) new areas within the City for cannabis businesses;
2. **Permitted Uses.** Specify the types of cannabis businesses and proposed buffers, in each area;

### **Existing Districts**

AMC §9.5-3801 designates three cannabis business districts as CB 1, CB 2, and CB 3. These existing areas are:

**CB 1** The area designated as the Cannabis Business Overlay District prior to June 1, 2021, which consists of two areas: (1) the area bordered by West 10<sup>th</sup> Street, the Auto

Center, the Union Pacific railroad tracks, and the western Antioch city limits and (2) the area bordered by the San Joaquin River, Highway 160, East 18<sup>th</sup> Street, and the Fulton Road boat launch ramp. (Please note the southern border of the second area is difficult to describe since it is not a straight line.)

CB 1 allows the broadest range of cannabis businesses.

**CB 2** Downtown Antioch--the area designated as Mixed Use within the Downtown Specific Plan

CB 2 allows storefront retail only.<sup>1</sup>

**CB 3** Somersville District—the area bounded by Buchanan Road, Delta Fair Boulevard, and Fairview Drive

CB 3 allows storefront retail only.

AMC §9-5.3845 identifies the type of cannabis business and the buffer for the three existing cannabis districts as follows:

<b>Existing Cannabis Business Districts and Type of Use</b>		
Overlay District	License Types Permitted	Permit Requirement
CB 1	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 10, 11, 12	City Council Use Permit
CB 2	10	City Council Use Permit
CB 3	10	City Council Use Permit

<b>Existing Cannabis Business Districts and Buffer Requirements</b>		
Overlay District	Between Retail Uses	From Sensitive Use
CB 1	600'	600'
CB 2	200'	200' <sup>2</sup>
CB 3	600'	600'

### New Districts Defined

The CB Districts are proposed to establish three (3) new districts.

**CB 4** Northwest Downtown/Marina--the area bounded by 4<sup>th</sup> Street, BNSF rail line, and L Street, and excludes PB-Public Buildings designated parcels.

CB 4 would allow most types of cannabis businesses, excluding storefront retail.<sup>3</sup>

<sup>1</sup> "Storefront retail" is a Type 10 license and allows the storefront to deliver cannabis to individual customers.

<sup>2</sup> To encourage retail development in CB 2, the definition of "sensitive use" for CB 2 only does not include residential uses.

<sup>3</sup> Both CB 4 and CB 5 would allow a Type 12 microbusiness, which can include retail but, if so, must also include at least two of the following three uses: manufacturing, cultivation, and distribution.

**CB 5** Slatten Ranch Business Park—the area bounded by Wicklow Way to the south, Laurel Road, Empire Avenue, and Highway 4.

CB 5 would allow most types of cannabis businesses, excluding storefront retail.

**CB 6** Slatten Ranch/Empire Center—the area bounded by Lone Tree Way, Wicklow Way to the north, Empire Avenue, and Highway 4.

CB 6 would allow storefront retail only.

For the three new cannabis business districts, staff recommends the following types of cannabis businesses and buffers:

<b>Proposed New Cannabis Business Districts and Types of Use</b>		
Overlay District	License Types Permitted	Permit Requirement
CB 4	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7 <sup>4</sup> , 8, 11, 12	City Council Use Permit
CB 5	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 11, 12	City Council Use Permit
CB 6	10	City Council Use Permit

<b>Proposed New Cannabis Business Districts and Buffers</b>		
Overlay District	Between Retail Uses	From Sensitive Use
CB 4	600'	200'
CB 5	600'	200'
CB 6	200'	200'

The basis of staff's recommendation are as follows:

#### **CB 4 Northwest Downtown/Marina**

This area historically had medium/heavy industrial uses. Many of the existing buildings are industrial in nature and could be suitable for large-scale indoor cultivation and manufacturing.

To encourage retail in other CB districts, storefront retail cannabis businesses (Type 10) would not be allowed in this area. Type 9 (retail without a storefront) and Type 13 (limited distribution) businesses would not be allowed in this area.

#### **CB 5 Slatten Ranch Business Park**

This area could attract large-scale manufacturing, distribution, and cultivation. To encourage those uses and to help focus retail in other areas where the City may want to encourage foot traffic and spin-off business, storefront retail would not be allowed in this area.

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<sup>4</sup> Type 7 license allows manufacturing with volatile solvents. Type 7 businesses would not be allowed in multi-tenant buildings in existing CB 1 or proposed CB 4 and CB 5.

## CB 6 Slatten Ranch/Empire Center

This smaller portion of the regional commercial center is in proximity to existing stores. Therefore, staff recommends allowing only storefront retail (Type 10) in this area and using a 200 foot buffer for sensitive uses and for retail.

## Cannabis Business Buffers

Pursuant to AMC §9-5.3845, the buffer between a sensitive use and a cannabis business is measured between the property line of the sensitive use and the property line of the cannabis business. In contrast, the buffer between two retail cannabis businesses is measured between the primary entrance of each business.

Section 9-5.3845 currently requires buffers between retail cannabis businesses and between any type of cannabis business and a “sensitive use.” Section 9-5.203 “Definitions” defines “Sensitive Use.”

***SENSITIVE USE:*** (a) Any school providing instruction in kindergarten or any grades 1 through 12; (b) a day care center which is a child day care facility other than family day care home and includes infant centers, preschools, extended day care facilities, school age child care centers and child care centers licensed pursuant to Health & Safety Code §1596.951; (c) youth center which is any public or private facility that is primarily used to host recreational or social activities for minors including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities; (d) any public park owned or operated by the City; or (e) any property located within the City’s boundaries and occupied by a City residential land use or designated by the City as residential in the City’s general plan or zoning ordinance.

Pursuant to AMC §9-5.3845, the buffer between a sensitive use and a cannabis business is measured between the property line of the sensitive use and the property line of the cannabis business. In contrast, the buffer between two retail cannabis businesses is measured between the primary entrance of each business.

AMC §9-5.3845 recognizes that certain natural buffers (such as such as large roadways and railroad tracks) may exist and allows the City to reduce the specified separation requirement based on these natural buffers. One change in the proposed ordinance is to clarify that the reduction may relate to any type of cannabis business, not just a retail cannabis business.

## ZONING MAP AMENDMENTS

The proposed changes are overlay districts and not changes to the underlying zoning. The Overlay creates flexibility by allowing existing zoning and permitted uses as well as the newly proposed land uses. The proposed ordinance merely allows additional types of retail and other uses in areas already zoned for commercial or similar uses. No changes in traffic patterns, whether from customers, employees, or suppliers, are anticipated.

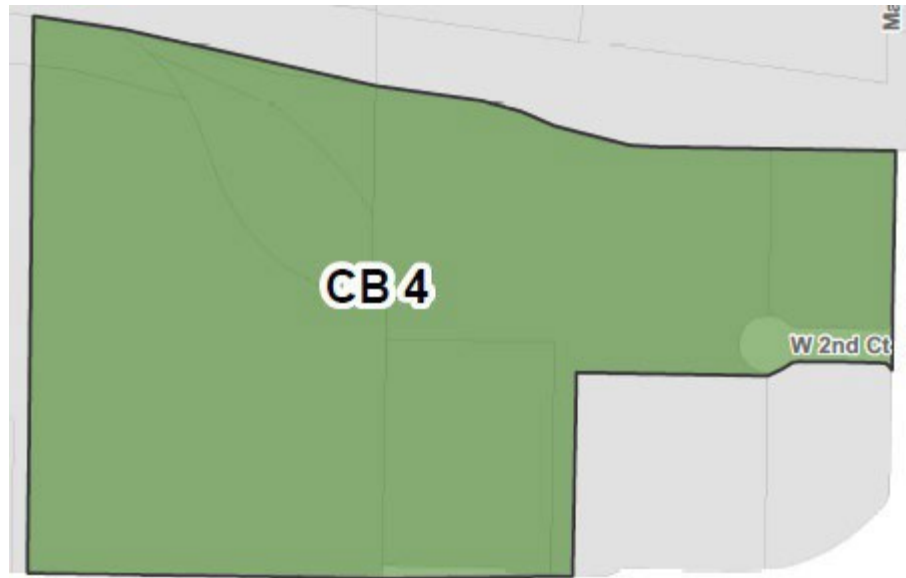


Image 1. Proposed CB 4 Overlay District

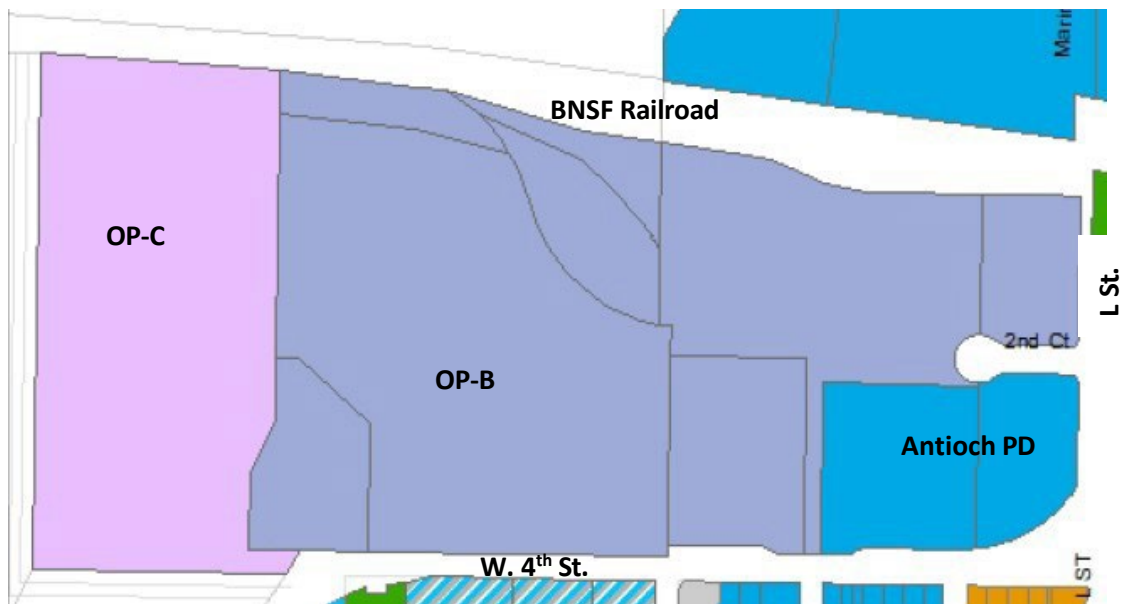


Image 2. DTSP Land Use Map Land Area



Image 3. Proposed CB 5 & CB 6 Overlay Districts

## **SPECIFIC PLAN AMENDMENTS**

### **Downtown Specific Plan**

The proposed CB 4 Cannabis Overlay District is located within the Downtown Specific Plan Area (DTSP). Once new Zoning Districts are approved, amendments to the Zoning Map can be formally applied. This results in the Overlay applying to the defined boundary area for the Northwest Downtown/Marina District. The proposed CB 4 District encompasses three different land use classifications. Rather than amend the land use classifications, the Overlay District will simply be applied to the boundary area.

### Text Change

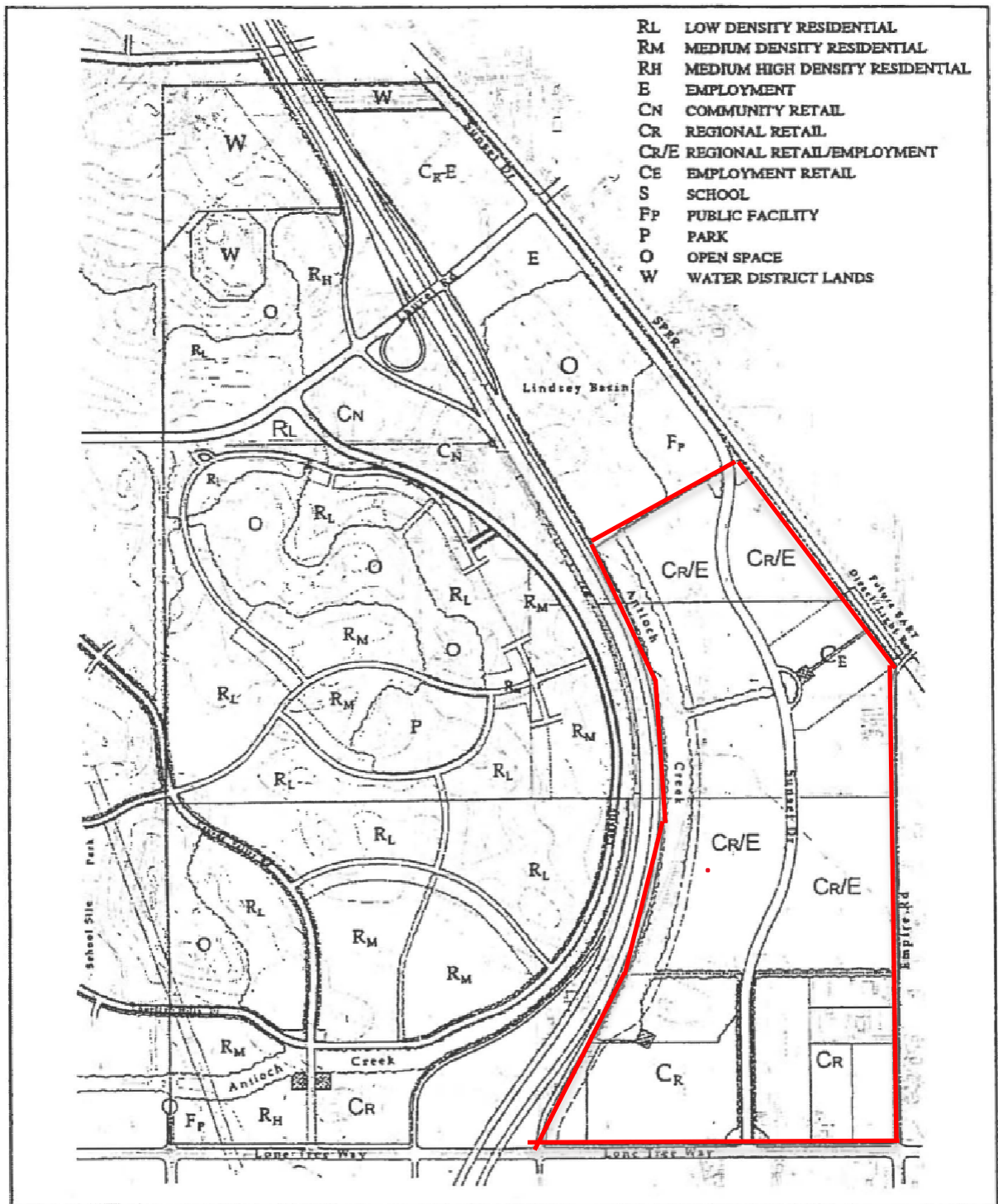
As part of the approval, the DTSP Land Use Table is proposed to be amended to include the CB 4 Overlay District. To formally approve and apply the CB 4 District, the Specific Plan must be amended to include the expanded area and list “Cannabis Business” as a conditionally permitted use. The proposed table shows redline text including the CB 4 District and “Cannabis Businesses” as a conditionally allowed use.

***CANNABIS BUSINESS.*** A person, partnership, corporation, company, association, collective, or cooperative which engages in commercial cannabis use(s).

### East Lone Tree Specific Plan

The East Lone Tree Specific Plan was adopted in 1996 and envisioned Commercial Regional Retail (CR) and Employment (E) where the CB 5 and CB 6 Cannabis Overlay Districts are proposed. The existing land use does not permit cannabis uses. An amendment to the Specific Plan is required to implement the Overlay Districts. Image 2 shows the location of the Overlay Districts within the Specific Plan Land Use Map.





Source: ELS/Eibasani & Logan and City of Antioch

Image 4. East Lone Tree Specific Plan

## **ENVIRONMENTAL REVIEW**

The project is exempt from the California Environmental Quality Act Guidelines (CEQA) pursuant to Section 15061(b) (3), the “Common Sense” Exemption. The “Common Sense” exemption applies to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

It is important to note that the proposed changes are overlay districts, not changes to the underlying zoning in any of the affected areas. The proposed ordinance merely allows additional types of retail and other commercial uses in areas already zoned for such uses. No changes in traffic patterns, whether from customers, employees, or suppliers, are anticipated.

## **ATTACHMENTS**

- A.** Resolution recommending the City Council amend Cannabis Regulations with Exhibit A Proposed Zoning Ordinance Amendments
- B.** Resolution recommending the City Council amend the Zoning Map to expand Cannabis Districts with Exhibit A Maps
- C.** Resolution recommending the City Council amend the Downtown Specific Plan with Exhibit A Proposed Amendments
- D.** Resolution recommending the City Council amend the East Lone Tree Specific Plan with Exhibit A Proposed Amendments
- E.** Cannabis License Type Chart
- F.** Current Ordinance
- G.** Final Clean Ordinance
- H.** Cannabis Committee Staff Report 7/1/22
- I.** List of Permitted Cannabis Businesses

**ATTACHMENT A**  
**RESOLUTION FORWARDING A RECOMMENDATION TO CITY COUNCIL TO ADOPT AN**  
**ORDINANCE AMENDING SECTIONS 9-5.3801 AND 9-5.3845 OF THE ANTIOCH**  
**MUNICIPAL CODE REGARDING CANNABIS BUSINESSES WITH EXHIBIT A DRAFT**  
**ORDINANCE**  
**(SEPARATE PAGE)**

**PLANNING COMMISSION  
RESOLUTION # 2022-xx**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
RECOMMENDING THAT THE CITY COUNCIL ADOPT THE ORDINANCE AMENDING  
SECTIONS 9-5.3801 AND 9-5.3845 OF THE ANTIOCH MUNICIPAL CODE REGARDING  
CANNABIS BUSINESSES**

**WHEREAS**, §§ 9-5.3801 and 9-5.3845 of the Antioch Municipal Code (“AMC”) establish the regulatory requirements for cannabis businesses in the City of Antioch;

**WHEREAS**, cannabis businesses are an important part of the local economy, offer employment while eliminating commuting and its associated environmental impacts, pay fees and taxes, and make contributions to local non-profit organizations through social equity programs that are required for all cannabis businesses in the City;

**WHEREAS**, the ordinance identifies three additional areas (Cannabis Business (“CB”) districts) where limited types of cannabis businesses may be allowed (§9-5.3801), thus protecting against a concentration of cannabis businesses within any single community;

**WHEREAS**, the ordinance specifies which types of cannabis businesses would be allowed in each Cannabis Business district (§9-5.3845), enabling a more suitable match between the location and the type of cannabis business;

**WHEREAS**, the ordinance identifies the buffers between retail cannabis businesses and between any cannabis business and a sensitive use (§9-5.3845);

**WHEREAS**, the ordinance clarifies that exceptions relating to natural barriers apply to all, not just retail, cannabis businesses (§9-5.3845);

**WHEREAS**, the ordinance is not considered a project under the California Environmental Quality Act under the common sense exemption (CEQA Guidelines 150361(b)(3)) because it will not have a direct or reasonably foreseeable indirect physical change or effect on the environment. The ordinance does not change the existing zoning in the affected areas; rather, the ordinance is an overlay on the existing zoning, already approved and adopted by the City;

**WHEREAS**, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on November 4, 2022 for the public hearing held on November 16, 2022; and

**WHEREAS**, the Planning Commission held a public hearing and 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 hereby makes the following findings pursuant to Section 9-5.2802 “FINDINGS REQUIRED” (A) (1-4) of the Antioch Municipal Code for recommendation to the City Council for approval of the proposed zoning change:

1. That the proposed zone reclassification will allow uses more suitable for the site than the present classification.

**Finding:** The proposed expansion of CB 4, 5, and 6 Overlay Districts creates an opportunity for cannabis businesses and cannabis retail. This creates an opportunity for economic development and opportunity.

2. That uses permitted by the proposed zoning will not be detrimental to adjacent or surrounding properties.

**Finding:** The proposed CB 4, 5, and 6 Overlay Districts are surrounded by compatible land uses including retail and industrial uses. The expanded districts are not expected to create adverse impacts.

3. That evidence has been presented documenting land use changes in the area to warrant a change in zoning.

**Finding:** The proposed ordinance amendments further refine and enhance potential locations for cannabis businesses meeting the interests of City residents and existing businesses.

4. That the requested zoning change is in conformance with the General Plan.

**Finding:** The proposed zoning text amendments are compliant with the General Plan.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Antioch hereby **RECOMMENDS** that the City Council adopt an ordinance amending the Antioch Municipal Code §§9-5.3801 and 9-5.3845 as proposed in the draft ordinance attached hereto as Exhibit A.

\* \* \* \* \*

**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 November, 2022.

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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**FORREST EBBS**  
**Secretary to the Planning Commission**

**EXHIBIT A**  
**DRAFT CANNABIS ORDINANCE AMENDMENTS**  
**(SEPARATE PAGE)**

## EXHIBIT A

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH  
AMENDING CHAPTER 5 OF TITLE 9, SECTION 3801 “SUMMARY OF ZONING  
DISTRICTS” AND SECTION 3845 “CANNABIS BUSINESSES” OF THE ANTIOCH  
MUNICIPAL CODE ALLOWING CANNABIS BUSINESSES IN THREE NEW  
CANNABIS OVERLAY DISTRICTS, SPECIFYING CANNABIS BUSINESS TYPE,  
AND ESTABLISHING BUFFERS IN EACH OVERLAY DISTRICT**

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

### **SECTION 1:**

In 2018, the City Council adopted four (4) ordinances regulating cannabis business operations within the City. One or more of these ordinances established a Cannabis Business (CB) district and imposed locational restrictions on cannabis businesses within the City.

### **SECTION 2:**

Article 28 “Amendments” and AMC Section 9-5.2802 “Required Findings” of the Antioch Municipal Code require the City to make findings to amend the Zoning Code.

### **§ 9-5.2802 FINDINGS REQUIRED.**

(A) Before changes in the zoning districts boundaries are made, it shall be shown and the Commission and City Council shall find and determine the following:

1. That the proposed zone reclassification will allow uses more suitable for the area than the present classification.

**Finding:** The proposed CB 4, 5, and 6 Overlay Districts creates an opportunity for cannabis businesses and cannabis retail. This creates an opportunity for economic development and opportunity.

2. That uses permitted by the proposed zone will not be detrimental to adjacent or surrounding property.

**Finding:** The proposed CB 4, 5, and 6 Overlay Districts are surrounded by compatible land uses including retail and industrial uses. The expanded districts are not expected to create adverse impacts.

3. That evidence has been presented documenting land use changes in the area to warrant a change of zone.

**Finding:** The proposed ordinance amendments further refine and enhance potential locations for cannabis businesses meeting the interests of City residents and existing businesses.

4. That the requested zone change is in conformance with the General Plan.

**Finding:** The proposed zoning text amendments are compliant with the General Plan.

### **SECTION 3:**

Section 9-5.3801 is hereby amended as follows as follows:

#### **§ 9-5.3801 SUMMARY OF ZONING DISTRICTS**

##### **CB Cannabis Business Overlay District**

**CB 1** The area designated as the Cannabis Business Overlay District prior to June 1, 2021, which consists of two areas: (1) the area bordered by West 10<sup>th</sup> Street, the Auto Center, the Union Pacific railroad tracks, and the western Antioch city limits and (2) the area bordered by the San Joaquin River, Highway 160, East 18<sup>th</sup> Street, and the Fulton Road boat launch ramp. (Note: The southern border of the sconded area is not a straight line.)

CB 1 allows the broadest range of cannabis businesses.

**CB 2** Downtown Antioch--the area designated as Mixed Use within the Downtown Specific Plan

CB 2 allows storefront retail only.

**CB 3** Somersville District—the area bounded by Buchanan Road, Delta Fair Boulevard, and Fairview Drive

CB 3 allows storefront retail only.

**CB 4** Northwest Downtown/Marina- the area bounded by 4<sup>th</sup> St., BNSF rail line, L St., and excludes PB-Public Buildings designated parcels.

CB 4 allows most types of cannabis businesses, excluding retail.

**CB 5** Slatten Ranch Business Park —the area bounded by Wicklow Way to the south, Laurel Road, Empire Ave., and Highway 4

CB 5 allows most types of cannabis businesses, excluding retail.



**CB 6** Slatten Ranch/Empire Center -- the area bounded by Lone Tree Way, Wicklow Way to the north, Empire Ave., and Highway 4

CB 6 allows storefront retail only.

#### **SECTION 4:**

Section 9-5.3845 is hereby repealed and replaced as follows:

#### **§ 9-5.3845 CANNABIS BUSINESSES.**

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

(A) **Cannabis Uses Established.** A cannabis business may be established only under the conditions set forth herein. No other cannabis business or commercial cannabis use shall be allowed within the City except as authorized by this article.

(B) **Use Permit Required.** A use permit from the City Council is required for all cannabis businesses. The application for the use permit shall be considered by the Planning Commission which shall make a recommendation to the City Council.

(C) **Operating Agreement.** Prior to operating in the City and as a condition of issuance of a use permit, the operator of each cannabis business shall enter into and maintain compliance with an operating agreement, setting forth the terms and conditions under which the cannabis business will operate. Such requirements for the cannabis business operator shall include, but are not limited to, the following:

1. Providing a public outreach and education program;
2. Implementing and maintaining a social equity program;
3. Payment and reporting of fees and other charges, which may be imposed on gross receipts and/or square footage of cultivation, or such other methodology as determined by the City Council;
4. Implementing and maintaining a security plan to be approved by the Chief of Police;
5. Implementing and maintaining an odor control and mitigation plan;
6. Payment of fees and charges including, but not limited to administrative and penalty fees;
7. Record keeping;
8. Compliance with the City's requirements for periodic review and audit of the cannabis business's operations and related matters;
9. Insurance coverage as required by the City;
10. Indemnification of the City, its officers, officials, employees, agents and consultants;
11. Assignability;
12. Procedures for amendment of the operating agreement;

13. Hours of operation;
14. Signage;
15. External lighting; and
16. Such other terms and conditions that will protect and promote the public health, safety, and welfare.

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

- (1) That the location and site characteristics of the proposed cannabis business are consistent with all applicable state laws and city standards or guidelines, that all provisions have been made to ensure that the operation of the cannabis business will not create excessive demands for police service or other public services, and that the cannabis business will benefit the City.

(E) **License Type & Permit Requirement.** Cannabis businesses may be established as described in Table A.

<b>9-5.3845 TABLE A: License Type California Department of Cannabis Control &amp; City Permit Required</b>		
<b>Overlay District</b>	<b>License Types Permitted</b>	<b>Permit Requirement</b>
CB 1 <sup>1</sup>	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 10, 11, 12	City Council Use Permit
CB 2	10	City Council Use Permit
CB 3	10	City Council Use Permit
CB 4 <sup>1</sup>	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 11, 12	City Council Use Permit
CB 5 <sup>1</sup>	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 11, 12	City Council Use Permit
CB 6	10	City Council Use Permit

- (1) License Type 7 “Volatile Solvent Manufacturing” is prohibited in multi-tenant buildings the CB 1, CB 4 and CB 5 Overlay Districts.

(F) **Separation Requirements.** The separation requirements for the Cannabis Business Overlay Zoning Districts shall be as described in Table B:

<b>9-5.3845 TABLE B: Cannabis Separation Requirements</b>		
<b>Overlay District</b>	<b>Between Retail Uses</b>	<b>From Sensitive Use</b>
CB 1	600' <sup>1</sup>	600' <sup>1</sup>
CB 2 <sup>2</sup>	200'	200'
CB 3	600' <sup>1</sup>	600' <sup>1</sup>
CB 4	600' <sup>1</sup>	200'
CB 5	600' <sup>1</sup>	200'
CB 6	200'	200'

- (1) **Decrease 600' Requirement.** Notwithstanding Section 9-5.3945 (F), the City Council shall have the discretion to decrease the 600-foot restriction without requiring a variance when significant barriers (such as large roadways, railroad tracks, or similar buffers) exist between the proposed cannabis business and the existing use identified in Section 9-5.3845 (E).
- (2) **CB 2 “Sensitive Use.”** Solely as to CB 2 Overlay District, the term “sensitive use” shall not include any property located within the City’s boundaries and occupied by a City residential land use or designated by the City as residential in the City’s general plan or zoning ordinance.
- (3) **Measuring Sensitive Uses.** The separation requirements referenced in Section 9-5.3845 (F) for sensitive uses shall be measured property line to property line. The separation requirements referenced in Section 9-5.3845 (F) for retail businesses shall be measured between the primary entrance/exit for the business’ customers for each retail business.
- (G) **Fees.** Applicants seeking to operate cannabis businesses as well as cannabis businesses currently operating in the City shall pay their share of City fees, charges, and other costs of City staff and consultants (including outside legal counsel) for matters relating to their application and business (e.g., conditional use permit, operating agreement, and any modification or implementation thereof). The applicant shall make a cash deposit with the City in an amount to be determined by the City Attorney. The City shall return any unused deposit; the business applicant/operator shall pay any amount greater than the original deposit. The applicant/operator may have to make more than one deposit.

## **SECTION 5: Severability.**

If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

## **SECTION 6. CEQA.**

The above amendments to the City’s Municipal Code are not considered a project under the California Environmental Quality Act under the “Common Sense” exemption (CEQA Guidelines §15061(b)(3) because the proposed amendments will not have a direct or reasonably foreseeable indirect physical change or effect on the environment. The proposed ordinance does not change the existing zoning in the affected areas; rather, the proposed ordinance is an overlay on the existing zoning, already approved and adopted by the City.

**SECTION 7:**

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

\* \* \* \* \*

**I HEREBY CERTIFY** that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the \_\_\_\_ of \_\_\_\_ 2022, and passed and adopted at a regular meeting thereof, held on the \_\_\_\_ day of 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**Lamar Thorpe, Mayor of the City of Antioch**

**ATTEST:**

\_\_\_\_\_  
**Elizabeth Householder**  
**City Clerk of the City of Antioch**

**ATTACHMENT B**  
**RESOLUTION FORWARDING A RECOMMENDATION TO CITY COUNCIL TO ADOPT AN**  
**ORDINANCE AMENDING THE ZONING MAP ESTABLISHING NEW CANNABIS OVERLAY**  
**DISTRICTS WITH EXHIBIT A ZONING MAPS**  
**(SEPARATE PAGE)**

**PLANNING COMMISSION  
RESOLUTION # 2022-xx**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
RECOMMENDING THAT THE CITY COUNCIL ADOPT THE ORDINANCE AMENDING THE  
ZONING MAP TO INCLUDE THE CB 4, CB 5, AND CB 6 CANNABIS OVERLAY DISTRICTS**

**WHEREAS**, §§ 9-5.3801 and 9-5.3845 of the Antioch Municipal Code (“AMC”) establish the regulatory requirements for cannabis businesses in the City of Antioch;

**WHEREAS**, cannabis businesses are an important part of the local economy, offer employment while eliminating commuting and its associated environmental impacts, pay fees and taxes, and make contributions to local non-profit organizations through social equity programs that are required for all cannabis businesses in the City;

**WHEREAS**, three additional Cannabis Business districts (“CB”) CB 4 “Northwest Downtown/Marina,” CB 5 “Slatten Ranch Business Park” and CB 6 “Slatten Ranch/Empire Center” allow limited types of cannabis businesses may be allowed (§9-5.3801), thus protecting against a concentration of cannabis businesses within any single community;

**WHEREAS**, the Zoning Map amendments are not considered a project under the California Environmental Quality Act under the common sense exemption (CEQA Guidelines 150361(b)(3)) because it will not have a direct or reasonably foreseeable indirect physical change or effect on the environment. The ordinance does not change the existing zoning in the affected areas; rather, the ordinance is an overlay on the existing zoning, already approved and adopted by the City;

**WHEREAS**, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on November 4, 2022 for the public hearing held on November 16, 2022; and

**WHEREAS**, the Planning Commission held a public hearing and 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 does hereby make the following findings pursuant to Section 9-5.2802 “FINDINGS REQUIRED” (A) (1-4) of the Antioch Municipal Code for recommendation to the City Council for approval of the proposed zoning map amendment:

1. That the proposed zone reclassification will allow uses more suitable for the site than the present classification.

**Finding:** The proposed expansion of CB 4, 5, and 6 Overlay Districts creates an opportunity for cannabis businesses and cannabis retail. This creates an opportunity for economic development and opportunity.

2. That uses permitted by the proposed zoning will not be detrimental to adjacent or surrounding properties.

**Finding:** The proposed CB 4, 5 and 6 Overlay Districts are surrounded by compatible land uses including retail and industrial uses. The expanded districts are not expected to create adverse impacts.

3. That evidence has been presented documenting land use changes in the area to warrant a change in zoning.

**Finding:** The proposed ordinance amendments further refine and enhance potential locations for cannabis businesses meeting the interests of City residents and existing businesses.

4. That the requested zoning change is in conformance with the General Plan.

**Finding:** The proposed zoning text amendments are compliant with the General Plan.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Antioch does hereby **RECOMMEND** that the City Council adopt an ordinance amending the Antioch Zoning Map to include the CB 4, CB 5, and CB 6 Overlay Districts in the draft maps attached as Exhibit A.

\* \* \* \* \*

**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 November, 2022.

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

**FORREST EBBS**  
**Secretary to the Planning Commission**

**EXHIBIT A**  
**DRAFT ZONING MAP AMENDMENTS**  
**(SEPARATE PAGE)**




**CB 2 & CB 4**

**CB 2**

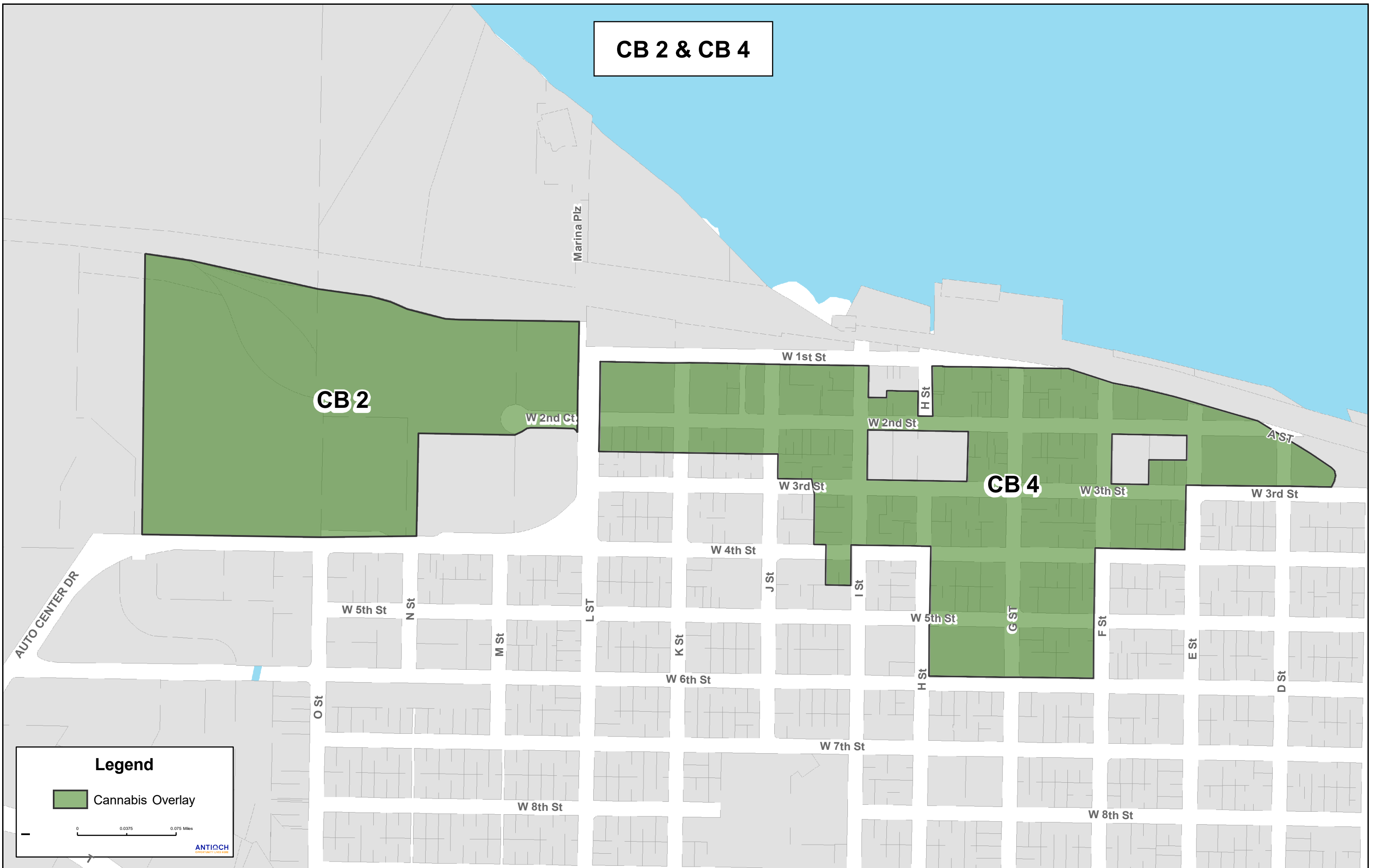
**CB 4**

**Legend**

 Cannabis Overlay

0 0.0375 0.075 Miles

**ANTIOCH**  
OPPORTUNITY LIVES HERE




**CB 5 & CB 6**

**CB5**

**CB 6**

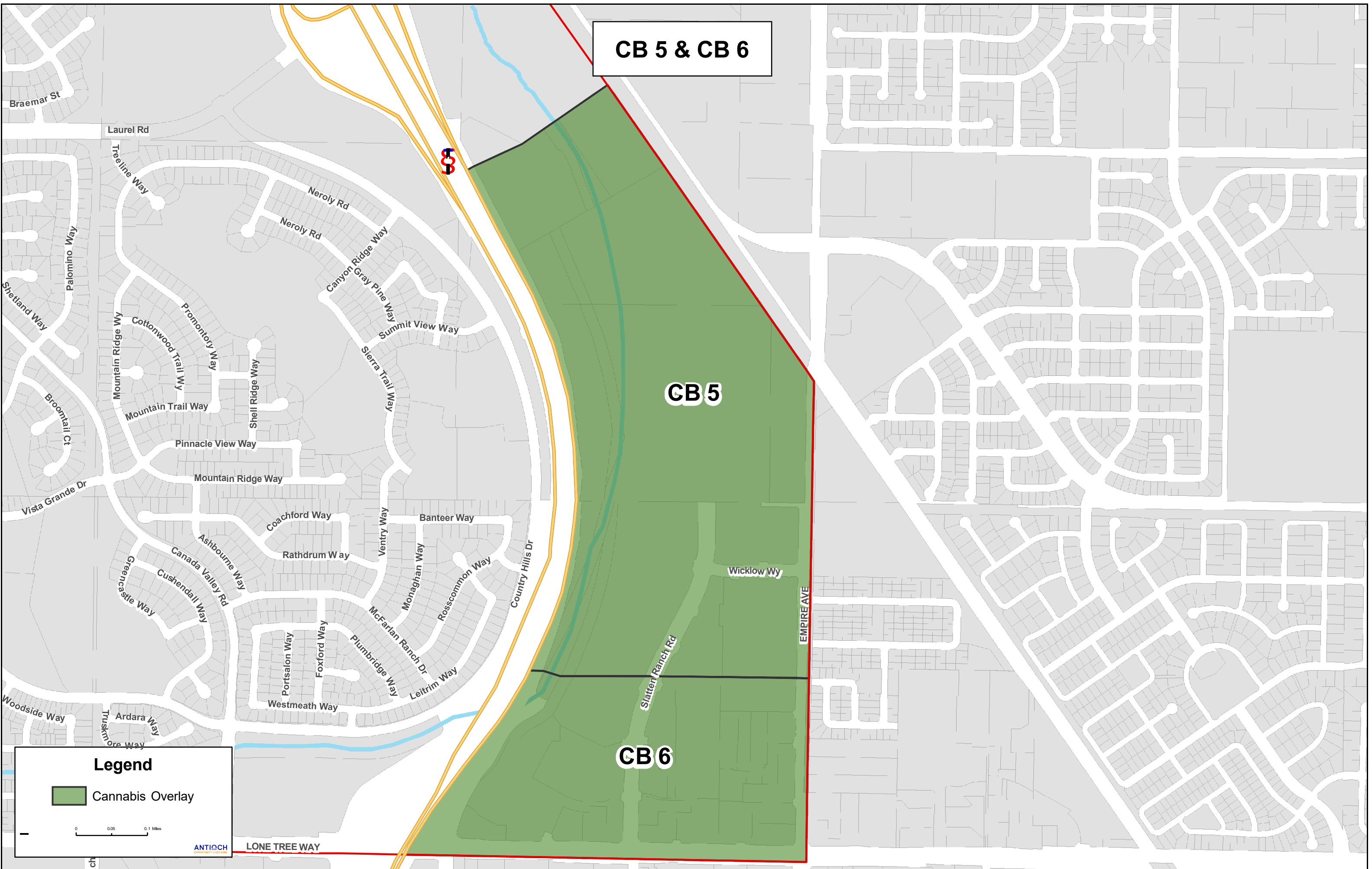
**Legend**

 Cannabis Overlay

0 0.05 0.1 Miles

**ANTIOCH**  
COMMUNITY DEVELOPMENT

**LONE TREE WAY**



**ATTACHMENT C**  
**RESOLUTION FORWARDING A RECOMMENDATION TO CITY COUNCIL TO ADOPT AN**  
**ORDINANCE AMENDING THE DOWNTOWN SPECIFIC PLAN WITH EXHIBIT A**  
**AMENDMENTS**  
**(SEPARATE PAGE)**

**PLANNING COMMISSION  
RESOLUTION # 2022-xx**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
RECOMMENDING THAT THE CITY COUNCIL ADOPT THE ORDINANCE AMENDING THE  
DOWNTOWN SPECIFIC PLAN TO ALLOW CANNABIS BUSINESSES**

**WHEREAS**, §§ 9-5.3801 and 9-5.3845 of the Antioch Municipal Code (“AMC”) establish the regulatory requirements for cannabis businesses in the City of Antioch;

**WHEREAS**, cannabis businesses are an important part of the local economy, offer employment while eliminating commuting and its associated environmental impacts, pay fees and taxes, and make contributions to local non-profit organizations through social equity programs that are required for all cannabis businesses in the City;

**WHEREAS**, the zoning code amendments establish three additional areas (Cannabis Business (“CB”) districts) where limited types of cannabis businesses may be allowed (§9-5.3801), thus protecting against a concentration of cannabis businesses within any single community;

**WHEREAS**, the ordinance amendment establishes the “CB 4 Northwest Downtown/Marina” district which conditionally allows cannabis businesses except retail;

**WHEREAS**, the ordinance is not considered a project under the California Environmental Quality Act under the common sense exemption (CEQA Guidelines 150361(b)(3)) because it will not have a direct or reasonably foreseeable indirect physical change or effect on the environment. The ordinance does not change the existing zoning in the affected areas; rather, the ordinance is an overlay on the existing zoning, already approved and adopted by the City;

**WHEREAS**, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on November 4, 2022 for the public hearing held on November 16, 2022; and

**WHEREAS**, the Planning Commission held a public hearing and 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 **RECOMMEND** that the City Council adopt an ordinance amending the Downtown Specific Plan, attached as Exhibit A.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 16th day of November 2022, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

**FORREST EBBS**  
**Secretary to the Planning Commission**

**EXHIBIT A**  
**DRAFT DOWNTOWN SPECIFIC PLAN AMENDMENTS**  
**(SEPARATE PAGE)**

**Table 2.1 Allowable Uses and Permit Requirement**

TABLE 2.1 Allowed Uses and Permit Requirements			A	Allowed Use							
			UP	Use Permit Required							
			AUP	Administrative Use Permit Required				HOUP	Home Occupation Use Permit Required		
			—	Use Not Allowed				All application processes are per Antioch Municipal Code			
LAND USE		PERMIT REQUIRED BY DISTRICT								CB4	Specific Use Regulations
		MU	C-N	C-R	MDR	HDR	I	WF	OS/PB		
		AGRICULTURE AND OPEN SPACE									
		RESIDENTIAL USES									
Accessory residential uses and structures		A	A	—	A	A	—	—	—	—	
Caretaker quarters		UP	UP	—	—	—	AUP	UP	—	—	
Guest House		A	A	—	A	A	A	—	—	—	
Home occupations		HOUP	HOUP	—	HOUP	HOUP	—	—	—	—	9-5.901
Live/work facilities		AUP	AUP	—	—	—	AUP	—	—	—	
Mixed Use Projects		AUP	UP	UP	—	—	—	—	—	—	
Mobile home park		—	—	—	—	—	—	UP	—	—	
Multi-family dwellings (3 or more units)		A	—	UP	—	A	—	—	—	—	
Emergency shelters		—	—	—	—	—	UP	—	—	—	9-5.3839
Secondary dwelling units		A	A	—	A	A	—	—	—	—	9-5.3805
Single family dwellings		A	A	—	A	A	—	—	—	—	
Transitional and Supportive Housing		—	—	—	—	UP	UP	—	—	—	
Two family dwellings (Duplex)		A	A	—	A	A	—	—	—	—	
		RETAIL TRADE									
Accessory retail uses		A	A	A	—	—	A	—	—	—	
Adult entertainment business		—	—	—	—	—	—	—	—	—	9-5.3808
Alcoholic beverage sales, off-site		UP *	UP *	UP	—	—	—	UP	—		* 500' separation required between outlets
Animal sales and grooming		AUP	AUP	AUP	—	—	—	—	—	—	
Art, antique, collectible, and giftstores		A	A	A	—	—	—	—	—	—	
Auto parts sales		A	A	A	—	—	AUP	—	—	—	
Auto sales and rental		—	—	UP	—	—	UP	—	—	—	
Building material stores		A	A	A	—	—	A	—	—	—	
Cannabis Retail		UP	—	—	—	—	—	—	—	—	9-5.3845
Construction/heavy equipment sales and rental		—	—	UP	—	—	AUP	—	—	—	
Convenience stores		UP	UP	UP	—	—	UP	—	—	—	
Drive-in and drive-through sales and services		—	UP	UP	—	—	—	—	—	—	
Firearms sales		UP	—	UP	—	—	UP	—	—	—	
Furniture, furnishings & appliance stores		A	A	A	—	—	AUP	—	—	—	
Gas stations		—	—	UP	—	—	UP	UP	—	—	9-5.3815
General retail		A	A	A	—	—	—	—	—	—	
Grocery stores		A	A	A	—	—	—	—	—	—	
Mobile home and RV sales		—	—	—	—	—	UP	—	—	—	

TABLE 2.1 Allowed Uses and Permit Requirements			A	Allowed Use							
			UP	Use Permit Required							
			AUP	Administrative Use Permit Required				HOUP	Home Occupation Use Permit Required		
			—	Use Not Allowed					All application processes are per Antioch Municipal Code		
LAND USE		PERMIT REQUIRED BY DISTRICT								Specific Use Regulations	
		MU	C-N	C-R	MDR	HDR	I	WF	OS/PB		CB4
Night clubs and bars		UP	—	—	—	—	—	—	—	—	
Outdoor retail sales, temporary		AUP	AUP	AUP	—	—	AUP	AUP	—	—	
Pawn Shops		UP	UP	UP	—	—	—	—	—	—	
Plant nurseries and garden supply stores		—	A	A	—	—	A	—	—	—	
Restaurants		A	A	A	—	—	AUP	UP	—	—	
Tobacco Retailer		—	—	—	—	—	—	—	—	—	
Warehouse retail		—	—	—	—	—	AUP	—	—	—	
SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL											
Automated teller machines (ATMs)		A	A	A	—	—	A	A	—	—	
Banks and financial services		A	A	A	—	—	A	—	—	—	
Business support services		A	A	A	—	—	A	—	—	—	
Medical services - clinics, offices, and labs		A	A	A	—	—	A	—	—	—	
Medical services - extended care		—	—	A	—	—	—	—	—	—	
Medical – hospitals		—	—	—	—	—	—	—	—	—	
Offices		A	A	A	—	—	A	A	A	—	
Professional Services		A	A	A	—	—	A	—	—	—	
SERVICES											
Assembly - Major (over 30)		UP	UP	UP	UP	UP	UP	—	UP	—	
Assembly - Minor (30 or fewer)		A	A	A	AUP	AUP	AUP	—	UP	—	
Auto repair and maintenance		—	—	UP	—	—	UP	—	—	—	
Bed and breakfast inns (B&Bs)		UP	UP	—	UP	UP	—	—	—	—	
Boat repair and maintenance		—	—	UP	—	—	UP	UP	—	—	
Car wash		—	—	UP	—	—	UP	—	—	—	
Residential care facility (6 or fewer)		A	A	—	A	A	—	—	—	—	
Residential care facility (7 or more)		—	—	—	AUP	AUP	—	—	—	—	9-5.3840
Small Family day care home (up to 8)		A	A	—	A	A	—	—	—	—	9-5.3817
Large family day care home (9 to 14)		—	—	—	AUP	AUP	—	—	—	—	9-5.3818
Day care center		AUP	AUP	UP	UP	UP	—	—	UP	—	
Computer gaming and internet access business		—	—	—	—	—	UP	—	—	—	
Contractor storage yard		—	—	—	—	—	AUP	—	—	—	
Furniture repair and upholstery shops		AUP	AUP	AUP	—	—	AUP	—	—	—	
Hotels and motels		UP	—	AUP	—	—	—	—	—	—	
Mortuaries & funeral homes		AUP	—	AUP	—	—	A	—	—	—	
Personal services		A	A	A	—	—	A	—	—	—	
Pharmacies		A	A	A	—	—	—	—	—	—	
Recreational vehicle park		—	—	—	—	—	—	UP	UP	—	
Research and development		A	A	A	—	—	A	—	—	—	



TABLE 2.1 Allowed Uses and Permit Requirements			A	Allowed Use							
			UP	Use Permit Required							
			AUP	Administrative Use Permit Required			HOUP	Home Occupation Use Permit Required			
			—	Use Not Allowed			All application processes are per Antioch Municipal Code				
LAND USE		PERMIT REQUIRED BY DISTRICT								Specific Use Regulations	
		MU	C-N	C-R	MDR	HDR	I	WF	OS/PB		CB4
Storage – indoor		—	—	UP	—	—	UP	—	—	—	
Storage – outdoor		—	—	UP	—	—	UP	—	—	—	
Veterinary clinics, outpatient treatmentonly		AUP	AUP	AUP	—	—	A	—	—	—	
Veterinary clinics, animal hospitals,kennels		—	—	UP	—	—	AUP	—	—	—	
	INDUSTRIAL, MANUFACTURING & PROCESSING, WHOLESALING										
Accessory uses – industrial		—	—	—	—	—	AUP	—	—	—	
Auto dismantling yard		—	—	—	—	—	UP	—	—	—	
Cannabis Business		—	—	—	—	—	—	—	—	UP	9-5.3845
Crop Production		—	—	—	—	—	AUP	—	—	—	
Electronics equipment manufacturing		—	—	—	—	—	UP	—	—	—	
Food and beverage product manufacturing		—	—	UP	—	—	UP	—	—	—	
Furniture/fixtures manufacturing, cabinet shops		—	—	UP	—	—	UP	—	—	—	
Handcraft industries, small-scale manufacturing		AUP	AUP	AUP	—	—	A	—	—	—	
Junkyard		—	—	—	—	—	—	—	—	—	
Laundries and dry cleaning plants		—	—	—	—	—	AUP	—	—	—	
Metal products fabrication, machine/welding		—	—	—	—	—	A	—	—	—	
Industrial manufacturing – light		—	—	—	—	—	A	—	—	—	
Industrial manufacturing - heavy		—	—	—	—	—	—	—	—	—	
Printing and publishing		—	—	—	—	—	—	—	—	—	
Quarry materials storage andprocessing		—	—	—	—	—	—	—	—	—	
Recycling - reverse vendingmachines		—	AUP	AUP	—	—	AUP	—	—	—	9-5.3811
Recycling - small collectionfacility		—	—	UP	—	—	AUP	—	—	—	9-5.3812
Recycling - large collection facility		—	—	—	—	—	UP	—	—	—	9-5.3813
Warehouses, wholesaling anddistribution		—	—	—	—	—	A	—	—	—	
	TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE USES										
Ferry Terminal		UP	—	—	—	—	—	UP	—	—	
Marina		UP	—	—	—	—	—	UP	—	—	
Parking facilities		UP	UP	UP	—	—	UP	UP	UP	—	
Telecommunications facilities		UP	UP	UP	UP	UP	UP	UP	UP	—	17.36.140
Truck and freight terminals		—	—	—	—	—	UP	—	—	—	
Vehicle storage		—	—	—	—	—	UP	—	—	—	
Public utility facility		UP	UP	UP	UP	UP	UP	UP	UP	—	
Cemetery		—	—	—	—	—	—	—	UP	—	
Clubs, lodges, & membership halls		UP	UP	UP	UP	UP	UP	—	—	—	
Community centers		A	A	A	A	A	A	A	A	—	
Health/fitness facilities		AUP	AUP	AUP	—	—	AUP	—	—	—	
Indoor amusement/entertainmentfacilities		AUP	AUP	AUP	—	—	AUP	—	—	—	Bingo: 9-5.3844
Libraries and museums		A	A	A	A	A	A	—	A	—	

Outdoor recreation facilities	A	A	A	—	—	AUP	A	UP	—	
Parks and playgrounds	A	A	A	A	A	A	A	A	—	
Public safety facilities	A	A	A	A	A	A	A	A	—	
	<b>SUBDIVISION AND RESIDENTIAL</b>									
Small lot subdivision – less than 5,000 sf	—	—	—	UP	—	—	—	—	—	
Res. density - greater than 28 units per acre	UP	—	—	—	—	—	—	—	—	

Note: the Specific Use Regulations column in the above table refers to relevant sections within the Antioch Municipal Code, Title 9: Planning and Zoning; Chapter 5: Zoning

**ATTACHMENT D**  
**RESOLUTION FORWARDING A RECOMMENDATION TO CITY COUNCIL TO ADOPT AN**  
**ORDINANCE AMENDING THE EAST LONE TREE SPECIFIC PLAN TO ALLOW CANNABIS**  
**USES WITH EXHIBIT A MAP AMENDMENT**  
**(SEPARATE PAGE)**

**PLANNING COMMISSION  
RESOLUTION # 2022-xx**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
RECOMMENDING THE CITY COUNCIL ADOPT THE ORDINANCE AMENDING THE EAST  
LONE TREE SPECIFIC PLAN TO ALLOW CANNABIS BUSINESSES**

**WHEREAS**, §§ 9-5.3801 and 9-5.3845 of the Antioch Municipal Code (“AMC”) establish the regulatory requirements for cannabis businesses in the City of Antioch;

**WHEREAS**, cannabis businesses are an important part of the local economy, offer employment while eliminating commuting and its associated environmental impacts, pay fees and taxes, and make contributions to local non-profit organizations through social equity programs that are required for all cannabis businesses in the City;

**WHEREAS**, the zoning code amendments establish three additional areas (Cannabis Business (“CB”) districts) where limited types of cannabis businesses may be allowed (§9-5.3801), thus protecting against a concentration of cannabis businesses within any single community;

**WHEREAS**, the ordinance amendment establishes the “CB 5 Slatten Ranch Business Park” and “CB 6 “Slatten Ranch/Empire Center” districts which conditionally allow cannabis businesses (CB 5) and cannabis retail (CB 6);

**WHEREAS**, the East Lone Tree Specific Plan was adopted in 1996 and does not include cannabis businesses a permitted use;

**WHEREAS**, an amendment to the East Lone Tree Specific Plan is required to allow cannabis businesses;

**WHEREAS**, the ordinance is not considered a project under the California Environmental Quality Act under the common sense exemption (CEQA Guidelines 150361(b)(3)) because it will not have a direct or reasonably foreseeable indirect physical change or effect on the environment. The ordinance does not change the existing zoning in the affected areas; rather, the ordinance is an overlay on the existing zoning, already approved and adopted by the City;

**WHEREAS**, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on November 4, 2022 for the public hearing held on November 16, 2022; and

**WHEREAS**, the Planning Commission held a public hearing and 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 **RECOMMEND** that the City Council adopt an ordinance amending the East Lone Tree Specific Plan, attached as Exhibit A.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 16th day of November 2022, by the following vote:

**AYES:**

**NOES:**

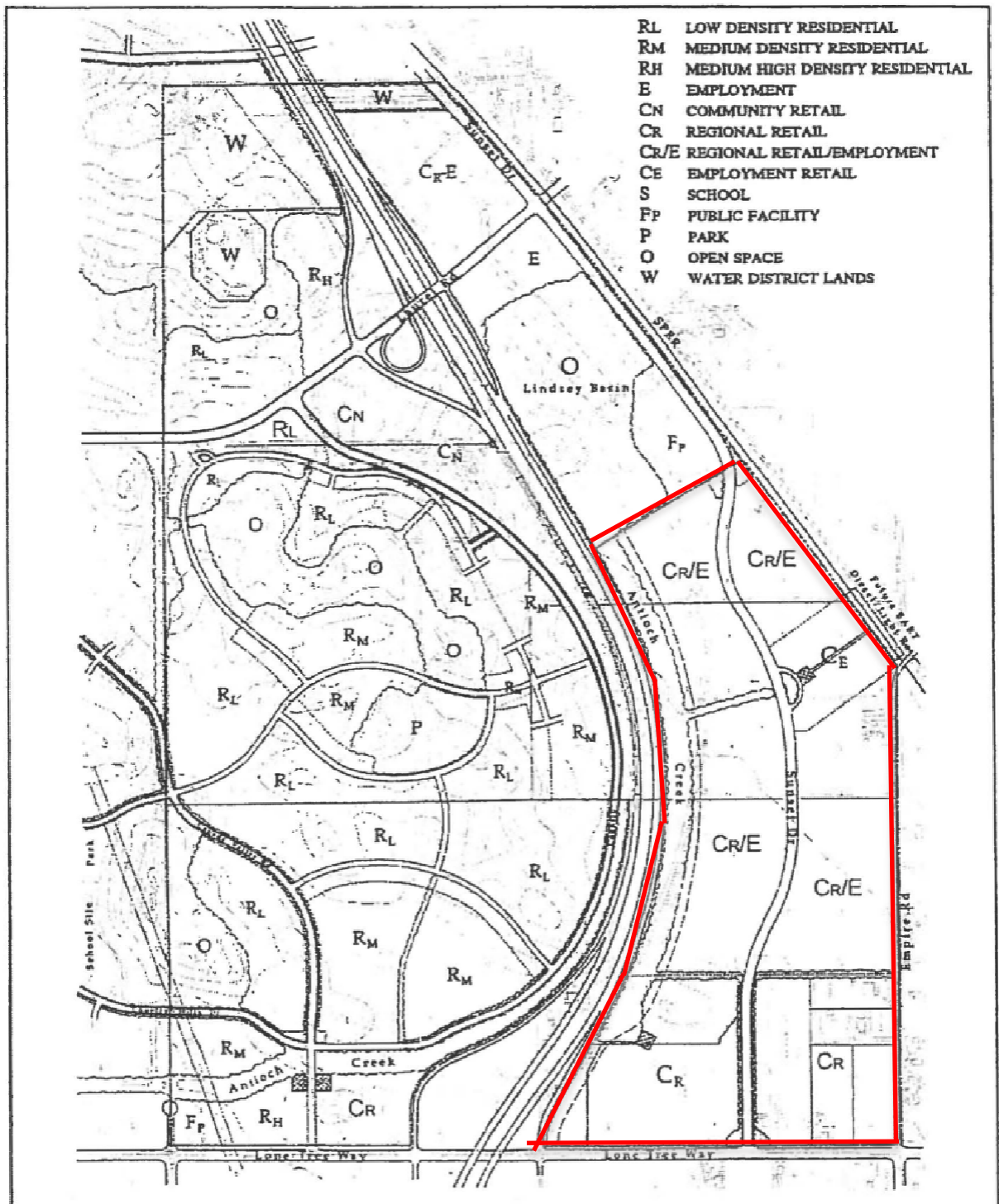
**ABSTAIN:**

**ABSENT:**

---

**FORREST EBBS**  
**Secretary to the Planning Commission**

**EXHIBIT A**  
**DRAFT SPECIFIC PLAN AMENDMENT**  
**(SEPARATE PAGE)**



Source: ELS/Eibasani & Logan and City of Antioch

**ATTACHMENT E  
CANNABIS LICENSE TYPE  
(SEPARATE PAGE)**



## Cannabis Business License Type through the California Department of Cannabis Control

License type	Use
1	cultivation, specialty outdoor, small
1A	cultivation, specialty indoor, small
1B	Cultivation, specialty mixed light, small
1C	cultivation, specialty cottage, small
2	cultivation, outdoor, small
2A	cultivation, indoor, small
2B	cultivation, mixed-light, small
3	cultivation, outdoor, medium
3A	cultivation, indoor, medium
3B	cultivation, mixed-light, medium
4	cultivation, nursery
5	cultivation, outdoor, large
5A	cultivation, indoor, large
5B	cultivation, mixed-light, large
6	manufacturer 1 (non-volatile solvents only)
7	manufacturer 2 (volatile solvents allowed)
8	testing laboratory
9	retail-no storefront, delivery only
10	retail with storefront, can include delivery
11	distribution
12 <sup>1</sup>	microbusiness
13	distribution-transport only
14	cannabis event organizer
N	manufacturer using methods other than extracts, such as infusion
P	manufacturer that packages or labels cannabis products
S	manufacturer using shared facilities

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<sup>1</sup> A microbusiness includes at least three of the following four uses: retail, cultivation under 10,000 square feet, distribution, and Type 6 manufacturing.

**ATTACHMENT F  
CURRENT ORDINANCE  
(SEPARATE PAGE)**

## **Current “Cannabis Businesses” Ordinance**

### **§ 9-5.3845 CANNABIS BUSINESSES.**

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

(A) A cannabis business may be established only under the conditions set forth herein. No other cannabis business or commercial cannabis use shall be allowed within the city except as authorized by this article.

(B) A use permit from the City Council is required for all cannabis businesses. The application for the use permit shall be considered by the Planning Commission which shall make a recommendation to the City Council.

Prior to operating in the city and as a condition of issuance of a use permit, the operator of each cannabis business shall enter into and maintain compliance with an operating agreement, setting forth the terms and conditions under which the cannabis business will operate. Such requirements for the cannabis business operator shall include, but are not limited to, the following:

- (1) Providing a public outreach and education program;
- (2) Implementing and maintaining a social equity program;
- (3) Payment and reporting of fees and other charges, which may be imposed on gross receipts and/or square footage of cultivation, or such other methodology as determined by the City Council;
- (4) Implementing and maintaining a security plan to be approved by the Chief of Police;
- (5) Implementing and maintaining an odor control and mitigation plan;
- (6) Payment of fees and charges including, but not limited to administrative and penalty fees;
- (7) Record keeping;
- (8) Compliance with city’s requirements for periodic review and audit of the cannabis business's operations and related matters;
- (9) Insurance coverage as required by the city;
- (10) Indemnification of the city, its officers, officials, employees, agents and consultants;
- (11) Assignability;
- (12) Procedures for amendment of the operating agreement;
- (13) Hours of operation;
- (14) Signage;
- (15) External lighting; and
- (16) Such other terms and conditions that will protect and promote the public health, safety, and welfare.

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

(1) That the location and site characteristics of the proposed cannabis business are consistent with all applicable state laws and city standards or guidelines, that all provisions have been made to ensure that the operation of the cannabis business will not create excessive demands for police service or other public services, and that the cannabis business will benefit the city.

(D) Cannabis businesses may be established as described in Table A.

<b>TABLE A</b>		
Overlay District	License Types Permitted	Permit Requirement
CB 1	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 10, 11,12	City Council Use Permit
CB 2	10	City Council Use Permit
CB 3	10	City Council Use Permit

(1) License type 7 is not allowed in multi-tenant buildings in CB 1.

(E) The separation requirements for the Cannabis Business Overlay Zoning Districts shall be as described in Table B:

<b>TABLE B</b>		
Overlay District	Between Retail Uses	From Sensitive Use
CB 1	600'	600'
CB 2	200'	200'
CB 3	600'	600'

(1) Notwithstanding Section 9-5.3945(E), the City shall have the discretion to decrease the 600-foot restriction without requiring a variance when significant barriers (such as large roadways, railroad tracks, or similar buffers) exist between the proposed retail cannabis business and the existing use identified in Section 9-5.3845(D)(4).

(2) Solely as to CB 2, the term “sensitive use” shall not include any property located within the City’s boundaries and occupied by a City residential land use or designated by the City as residential in the City’s general plan or zoning ordinance.

(3) The separation requirements referenced in Section 9-5.3845(E) for sensitive uses shall be measured property line to property line. The separation requirements referenced in Section 9-5.3845(E) for retail businesses shall be measured between the primary entrance/exit for the business’ customers foreach retail business.

(F) Applicants to operate cannabis businesses, as well as current cannabis businesses, shall pay their share of City fees, charges, and other costs of City staff and consultants (including outside legal counsel) for matters relating to their application and business (e.g., conditional use permit, operating agreement, and any modification or implementation thereof). The applicant shall make a cash deposit with the City in an amount to be determined by the City Attorney. The City shall return any unused deposit; the business applicant/operator shall pay any amount greater than the original deposit. The applicant/operator may have to make more than one deposit.

**ATTACHMENT G  
FINAL ORDINANCE  
(SEPARATE PAGE)**

## **§ 9-5.3801 SUMMARY OF ZONING DISTRICTS**

### **CB Cannabis Business Overlay District**

**CB 1** The area designated as the Cannabis Business Overlay District prior to June 1, 2021, which consists of two areas: (1) the area bordered by West 10<sup>th</sup> Street, the Auto Center, the Union Pacific railroad tracks, and the western Antioch city limits and (2) the area bordered by the San Joaquin River, Highway 160, East 18<sup>th</sup> Street, and the Fulton Road boat launch ramp. (Note: The southern border of the sconded area is not a straight line.)

CB 1 allows the broadest range of cannabis businesses.

**CB 2** Downtown Antioch--the area designated as Mixed Use within the Downtown Specific Plan

CB 2 allows storefront retail only.

**CB 3** Somersville District—the area bounded by Buchanan Road, Delta Fair Boulevard, and Fairview Drive

CB 3 allows storefront retail only.

**CB 4** Northwest Downtown/Marina- the area bounded by 4<sup>th</sup> St., BNSF rail line, L St. , and excludes PB-Public Buildings designated parcels.

CB 4 allows most types of cannabis businesses, excluding retail.

**CB 5** Slatten Ranch Business Park —the area bounded by Wicklow Way to the south, Laurel Road, Empire Ave., and Highway 4

CB 5 allows most types of cannabis businesses, excluding retail.

**CB 6** Slatten Ranch/Empire Center -- the area bounded by Lone Tree Way, Wicklow Way to the north, Empire Ave., and Highway 4

CB 6 allows storefront retail only.

### **§ 9-5.3845 CANNABIS BUSINESSES.**

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

(A) **Cannabis Uses Established.** A cannabis business may be established only under the conditions set forth herein. No other cannabis business or commercial cannabis use shall be allowed within the city except as authorized by this article.

(B) **Use Permit Required.** A use permit from the City Council is required for all cannabis businesses. The application for the use permit shall be considered by the Planning Commission which shall make a recommendation to the City Council.

(C) **Operating Agreement.** Prior to operating in the city and as a condition of issuance of a use permit, the operator of each cannabis business shall enter into and maintain compliance with an operating agreement, setting forth the terms and conditions under which the cannabis business will operate. Such requirements for the cannabis business operator shall include, but are not limited to, the following:

1. Providing a public outreach and education program;
2. Implementing and maintaining a social equity program;
3. Payment and reporting of fees and other charges, which may be imposed on gross receipts and/or square footage of cultivation, or such other methodology as determined by the City Council;
4. Implementing and maintaining a security plan to be approved by the Chief of Police;
5. Implementing and maintaining an odor control and mitigation plan;
6. Payment of fees and charges including, but not limited to administrative and penalty fees;
7. Record keeping;
8. Compliance with city's requirements for periodic review and audit of the cannabis business's operations and related matters;
9. Insurance coverage as required by the city;
10. Indemnification of the city, its officers, officials, employees, agents and consultants;
11. Assignability;
12. Procedures for amendment of the operating agreement;
13. Hours of operation;
14. Signage;
15. External lighting; and
16. Such other terms and conditions that will protect and promote the public health, safety, and welfare.

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

- (1) That the location and site characteristics of the proposed cannabis business are consistent with all applicable state laws and city standards or guidelines, that all provisions have been made to ensure that the operation of the cannabis business will not create excessive demands for police service or other public services, and that the cannabis business will benefit the city.

(E) **License Type & Permit Requirement.** Cannabis businesses may be established as described in Table A.

<b>9-5.3845 TABLE A: License Type California Department of Cannabis Control &amp; City Permit Required</b>		
<b>Overlay District</b>	<b>License Types Permitted</b>	<b>Permit Requirement</b>
CB 1 <sup>1</sup>	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 10, 11,12	City Council Use Permit
CB 2	10	City Council Use Permit
CB 3	10	City Council Use Permit
CB 4 <sup>1</sup>	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 11, 12	City Council Use Permit
CB 5 <sup>1</sup>	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 11, 12	City Council Use Permit
CB 6	10	City Council Use Permit

(1) License Type 7 “Volatile Solvent Manufacturing” is prohibited in multi-tenant buildings the CB 1, CB 4 and CB 5 Overlay Districts.

- (F) **Separation Requirements.** The separation requirements for the Cannabis Business Overlay Zoning Districts shall be as described in Table B:

<b>9-5.3845 TABLE B: Cannabis Separation Requirements</b>		
<b>Overlay District</b>	<b>Between Retail Uses</b>	<b>From Sensitive Use</b>
CB 1	600’ <sup>1</sup>	600’ <sup>1</sup>
CB 2 <sup>2</sup>	200’	200’
CB 3	600’ <sup>1</sup>	600’ <sup>1</sup>
CB 4	600’ <sup>1</sup>	200’
CB 5	600’ <sup>1</sup>	200’
CB 6	200’	200’

(1) **Decrease 600’ Requirement.** Notwithstanding Section 9-5.3945 (F), the City Council shall have the discretion to decrease the 600-foot restriction without requiring a variance when significant barriers (such as large roadways, railroad tracks, or similar buffers) exist between the proposed cannabis business and the existing use identified in Section 9-5.3845 (E).

(2) **CB 2 “Sensitive Use.”** Solely as to CB 2 Overlay District, the term “sensitive use” shall not include any property located within the City’s boundaries and occupied by a City residential land use or designated by the City as residential in the City’s general plan or zoning ordinance.

(3) **Measuring Sensitive Uses.** The separation requirements referenced in Section 9-5.3845 (F) for sensitive uses shall be measured property line to property line. The separation requirements referenced in Section 9-5.3845 (F) for retail businesses shall be measured between the primary entrance/exit for the business’ customers for each retail business.

- (G) **Fees.** Applicants seeking to operate cannabis businesses as well as cannabis businesses currently operating in the City shall pay their share of City fees, charges, and other costs of City staff and consultants (including outside legal



counsel) for matters relating to their application and business (e.g., conditional use permit, operating agreement, and any modification or implementation thereof). The applicant shall make a cash deposit with the City in an amount to be determined by the City Attorney. The City shall return any unused deposit; the business applicant/operator shall pay any amount greater than the original deposit. The applicant/operator may have to make more than one deposit.

**ATTACHMENT H  
CANNABIS COMMITTEE STAFF REPORT DATED 7/1/2022  
(SEPARATE PAGE)**

**STAFF REPORT TO THE CANNABIS COMMITTEE**

**DATE:** Special Meeting of July 1, 2022

**TO:** Councilmember and Chair Wilson, Councilmember Torres-Walker

**PREPARED BY:** Ruthann G. Ziegler, Special Counsel

**APPROVED BY:** Thomas Lloyd Smith, City Attorney *TLS*

**SUBJECT:** Proposed Amendment to the Cannabis Business Ordinance (AMC §§9-5.3801 and 9-5.3845)

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**RECOMMENDED ACTION**

It is recommended that the Cannabis Committee review the attached proposed ordinance and provide direction to staff either to modify the draft or to present the draft ordinance to the Planning Commission for review and ultimately to the City Council for review and possible adoption.

The proposed amendment to Antioch Municipal Code (“AMC”) §9-5.3801 would add three Cannabis Business (CB) districts to the existing three CB districts. The proposed amendment to AMC §9-5.3845 would specify which types of cannabis businesses would be allowed in each CB district, as well as the buffer in each CB district. The three additional areas are consistent with the three areas previously presented to the Committee at its May 19, 2021 meeting. The proposed amendment also modifies a portion of AMC §9-5.3845 (E)(1) to clarify the use of buffers.

Attached as Exhibit A is a redlined version contrasting the existing ordinance with the proposed ordinance.

**STRATEGIC PURPOSE**

Adoption of the proposed ordinance addresses the City Council’s goals of allowing commercial cannabis operations consistent with public health, welfare, and safety.

**FISCAL IMPACT**

The proposed action will not have a negative effect on the City budget and may generate increased revenue by providing more options for different types of cannabis businesses.

## **DISCUSSION**

The proposed ordinance has three parts: (1) adding three new areas within the City for cannabis businesses, (2) specifying the types of cannabis businesses, and proposed buffers, in each area, and (3) clarifying a portion of the ordinance. Each is discussed below.

### **1. Cannabis Business (CB) districts**

Existing AMC §9.5-3801 designates three cannabis business districts as CB 1, CB 2, and CB 3. These existing areas are:

**CB 1** The area designated as the Cannabis Business Overlay District prior to June 1, 2021 consists of two areas: the first area is bounded/bordered by West 10<sup>th</sup> Street, Auto Center, Union Pacific Road Tracks, and the Western Antioch city limits. The next area is bounded/bordered by the San Joaquin River, Hwy 160, East 18th Street, and the Fulton Rd boat launch ramp. The second area is very hard to describe because the southern border is not a straight line. CB 1 allows the broadest range of cannabis businesses.

**CB 2** Downtown Antioch- the area designated as Mixed Use within the Downtown Specific Plan  
CB 2 allows storefront retail only.<sup>1</sup>

**CB 3** Somersville District—the area bounded by Buchanan Rd., Delta Fair Blvd., and Fairview Drive  
CB 3 allows storefront retail only.

The proposed new areas are:

**CB 4** Northwest Downtown/Marina- the area bounded by 4<sup>th</sup> St., BNSF rail line, and L Street  
CB 4 would allow most types of cannabis businesses, excluding storefront retail.<sup>2</sup>

**CB 5** Slatten Ranch Business Park —the area bounded by Wicklow Way to the south, Laurel Road, Empire Ave., and Highway 4  
CB 5 would allow most types of cannabis businesses, excluding storefront retail.

**CB 6** Slatten Ranch/Empire Center -- the area bounded by Lone Tree Way, Wicklow Way to the north, Empire Ave., and Highway 4  
CB 6 would allow storefront retail only.

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<sup>1</sup> “Storefront retail” is a Type 10 license and allows the storefront to deliver cannabis to individual customers.

<sup>2</sup> Both CB 4 and CB 5 would allow a Type 12 microbusiness, which can include retail but, if so, must also include at least two of the following three uses: manufacturing, cultivation, and distribution.

## **2. Designating different types of cannabis business and buffers for different CB districts**

Existing section 9-5.3845 requires buffers between retail cannabis businesses and between any type of cannabis business and a “sensitive use.” Section 9-5.203(a) defines a “sensitive use” as:

“Any school providing instruction in kindergarten or any grades 1 through 12,; (b) a day care center which is a child day care facility other than family day care home and includes infant centers, preschools, extended day care facilities, school age child care centers and child care centers licensed pursuant to Health & Safety Code §1596.951; (c) youth center which is any public or private facility that is primarily used to host recreational or social activities for minors including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities; (d) any public park owned or operated by the City; or (e) any property located within the City’s boundaries and occupied by a City residential land use or designated by the City as residential in the City’s general plan or zoning ordinance.”

AMC §9-5.3845 recognizes that certain natural buffers (such as such as large roadways and railroad tracks) may exist and allows the City to reduce the specified separation requirement based on these natural buffers. One change in the proposed ordinance is to clarify that the reduction may relate to any type of cannabis business, not just a cannabis retail business.

Pursuant to AMC §9-5.3845, the buffer between a sensitive use and a cannabis business is measured between the property line of the sensitive use and the property line of the cannabis business. In contrast, the buffer between two retail cannabis businesses is measured between the primary entrance of each business.

AMC §9-5.3845 identifies the type of cannabis business and the buffer for the three existing cannabis districts as follows:

<b>Existing Cannabis Business Districts and Type of Use</b>		
Overlay District	License Types Permitted	Permit Requirement
CB 1	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 10, 11,12	City Council Use Permit
CB 2	10	City Council Use Permit
CB 3	10	City Council Use Permit

<b>Existing Cannabis Business Districts and Buffer Requirements</b>		
Overlay District	Between Retail Uses	From Sensitive Party
CB 1	600’	600’

CB 2	200'	200' <sup>3</sup>
CB 3	600'	600'

For the three new cannabis business districts, staff recommends the following types of cannabis businesses and buffers:

Proposed New Cannabis Business Districts and Types of Use		
Overlay District	License Types Permitted	Permit Requirement
CB 4	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7 <sup>4</sup> , 8, 11, 12	City Council Use Permit
CB 5	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 11, 12	City Council Use Permit
CB 6	10	City Council Use Permit

Proposed New Cannabis Business Districts and Buffers		
Overlay District	Between Retail Uses	From Sensitive Party
CB 4	600'	200'
CB 5	600'	200'
CB 6	200'	200'

The bases of staff's recommendation are as follows:

#### CB 4 Northwest Downtown/Marina

This area historically had medium/heavy industrial uses. Many of the existing buildings are industrial in nature and could be suitable for large-scale indoor cultivation and manufacturing. Because of the historic industrial nature of this area and the comparatively few residential uses, staff recommends a 200-foot buffer between cannabis businesses and sensitive uses.

Furthermore, to encourage retail in other CB districts, storefront retail cannabis businesses (Type 10) would not be allowed in this area. Similar to CB 1, Type 9 (retail without a storefront) and Type 13 (limited distribution) businesses would not be allowed in this area.

#### CB 5 Slatten Ranch Business Park

This area could attract large-scale manufacturing, distribution, and cultivation. To encourage those uses and to help focus retail in other areas where the City may want to encourage foot traffic and spin-off business, storefront retail would not be allowed in this area.

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<sup>3</sup> Please note that, to encourage retail development in CB 2, the definition of "sensitive use" for CB 2 only does not include residential uses.

<sup>4</sup> Type 7 license allows manufacturing with volatile solvents. Type 7 businesses would not be allowed in multi-tenant buildings.

### CB 6 Slatten Ranch/Empire Center

This smaller portion of the business park is in proximity to existing stores. Therefore, staff recommends allowing only storefront retail (Type 10) in this area and using a 200-foot buffer for sensitive uses and for retail.

The draft ordinance is attached as Exhibit A. A chart showing the types of cannabis licenses is attached as Exhibit B.

### **3. Changes to § 9-5.3845**

As referenced in Section 2 above, § 9-5.3845 allows the City to reduce the buffer distance based on natural barriers. One proposed change is to delete the word “retail” to clarify that the City may reduce the buffer for any, not just retail, cannabis business.

### **ATTACHMENTS**

- A. Proposed ordinance
- B. Chart of types of licenses

**ATTACHMENT I  
EXISTING CANNABIS BUSINESSES LIST  
(SEPARATE PAGE)**



## Cannabis Businesses October 2022

Year	App #	Name	Scope	License Type	Address	City Review	Operating Agreement	Status
2018	UP-18-13	Delta Dispensary	Dispensary	Type 10	2101 W. 10th St. #B	Approved: 6/25/2019 CC Reso 2019-115	Yes	Operating
	UP-18-15	One Plant	Dispensary	Type 10	2701 W. 10th St.	Approved: 4/23/2019 CC Reso 2019-60	Yes	Operating
	UP-18-21	Alluvium (Lemonnade)	Dispensary	Type 10	2625 Crow Court	Approved: 8/13/2019 CC Reso 2019-125	Yes	Operating
	UP-18-23	CoCo Farms	Dispensary, Cultivation, Distribution, Manufacturing	Type 12	3400 Wilbur Ave.	Approved: 9/10/19 CC Reso 2019-142	Yes	Operating
2019	UP-19-14	Formerly "Cookie's" Now "Red Workshop"	Dispensary	Type 10	2515 W 10th.	Approved: 10/21/2020 CC Reso: 2020-182	Yes Amended 5/24/22	N/A
	UP-20-01	Natural Supplements	Cultivation, Distribution, Manufacturing	Type 3A, 7, 10, 11	2100-2300 Wilbur Ave.	Approved: 2/22/2022 CC Reso 2022-33	No	N/A
2020	UP-20-04	Culture Club	Dispensary	Type 10	1925 Verne Roberts Circle	PC Review 11/18/20 Reso 2020-28 Council Review Pending	No	N/A
	UP-20-05	Delta Family Pharms	Cultivation	Type 2A	2101 W. 10th St. #G, H, I	Approved: 1/12/21 CC Reso 2021-01	Yes	Operating
	UP-20-10	Radix Growth	Dispensary, Distribution, Manufacturing	Type 2A, 4, 6, 10, 11	3625 E. 18th St.	Approved: 6/22/21 CC Reso: 2021-113	No	N/A
2021	UP-21-06	Delta Labs	Manufacturing	Type 6	2101 W. 10th St. #A	Approved: 11/23/2021 CC Reso: 2021-183	Yes	Operating
	UP-21-16	KWMA	Cultivation	Type 2A	2101 W. 10th St. #E & #F	Approved: 12/14/2021 CC Reso: 2021-196	Yes	N/A
	UP-21-17	One Plant	Distribution	Type 11	2701 W 10th St.	Approved: 8/23/22 CC Reso: 2022-140	No	N/A
2022	UP-22-01	300 G	Dispensary	Type 10	300 G. St.	Approved: 9/13/22 CC Reso: 2022-165	No	N/A
	UP-22-06	Delta Fair Nursery	Nursery	Type 4	2101 W. 10th St. #C	Approved: 9/27/22 CC Reso: 2022-170	No	N/A
	UP-22-09	2615 Somersville Rd. LLC	Dispensary	Type 10	2615 Somersville Rd.	Approved: 9/27/22 CC Reso: 2022-169	No	N/A
	UP-22-15	Delta Distribution	Distribution	Type 11	2101 W. 10th St. # D	Under Review	N/A	N/A