

AGENDA

SPECIAL MEETING

**ANTIOCH CITY COUNCIL: CANNABIS STANDING COMMITTEE
MAYOR PRO TEM WILSON AND COUNCIL MEMBER TORRES-WALKER
FRIDAY, JANUARY 15, 2021
12:00 P.M.**

**PURSUANT TO GOVERNOR GAVIN NEWSOM'S EXECUTIVE ORDER N-29-20,
THIS MEETING WILL BE HELD AS A TELECONFERENCE/VIRTUAL MEETING.
OBSERVERS MAY VIEW THE MEETING LIVESTREAMED VIA THE
CANNABIS STANDING COMMITTEES' WEBSITE AT:
<https://www.antiochca.gov/csc/meeting/>**

NOTICE OF OPPORTUNITY TO ADDRESS THE COMMITTEE

Members of the public wishing to provide public comment may do so in the following way:

- 1) Prior to 10:30 A.M. the day of the meeting: Written comments may be submitted electronically to the following email address: cityattorney@ci.antioch.ca.us. All comments received before 10:30 am the day of the meeting will be provided to the Cannabis Committee at the meeting. Please indicate the agenda item and title in your email subject line.
- 2) After 10:30 A.M. the day of the meeting and during the meeting: Comments can be submitted to the Cannabis Committee verbally through the Zoom webinar. Please use the link to attend the webinar.
<https://zoom.us/j/94975287679?pwd=ZG1XQzViL0ltaXVPbFNrek83cStJUT09>

After hearing from the public, the agenda item will be closed. Deliberations will then be limited to members of the Committee.

The City cannot guarantee that its network and/or the site will be uninterrupted. To ensure that the City Council receives your comments, you are strongly encouraged to submit your comments in writing in advance of the meeting.

NOTICE OF AVAILABILITY OF REPORTS

This agenda is a summary of the discussion items/actions proposed to be taken by the Committee. The agenda, including staff reports will be posted onto our City's Website 24 hours before each Committee Meeting. To view the agenda information, click on the following link: <https://www.antiochca.gov/government/agendas-and-minutes/csc/>

1. ROLL CALL

2. INTRODUCTIONS

3. PUBLIC COMMENT ON UNAGENDIZED ITEMS

4. APPROVAL OF CANNABIS STANDING COMMITTEE SPECIAL MEETING MINUTES FOR NOVEMBER 25, 2020

A. Recommended Action: Motion to approve the minutes

5. TEMPORARY MORATORIUM ON CANNABIS DISPENSARIES

A. Public comment

B. Discussion and direction to staff

6. DELTA FAMILY PHARMS OPERATING AGREEMENT AND SOCIAL EQUITY PROGRAM

A. Public comment

B. Discussion and direction to staff

7. EXPANSION OF CANNABIS BUSINESS OVERLAY DISTRICT

A. Public comment

B. Discussion and direction to staff

8. MESA ANTIOCH, LLC REQUEST FOR AMENDMENT TO BILLBOARD LEASE AGREEMENT

A. Public comment

B. Discuss Mesa Antioch, LLC's request to amend billboard lease agreement to permit cannabis advertising.

9. ADJOURNMENT: *Committee member will make a motion to adjourn the meeting. A second of the motion is required, and then a majority vote is required to adjourn the meeting.*

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

**AGENDA SPECIAL MEETING ANTIOCH CITY COUNCIL
CANNABIS STANDING COMMITTEE
COUNCIL MEMBERS WILSON AND THORPE
WEDNESDAY, NOVEMBER 25, 2020
10:30 A.M.**

**Special Meeting
10:30 P.M.**

**November 25, 2020
Meeting Conducted Remotely**

The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held the Cannabis Standing Committee meeting live stream (at www.antiochca.gov/csc/meeting/). The Cannabis Standing Committee meeting was conducted utilizing Zoom Audio/Video Technology.

1. ROLL CALL

Council/Committee Chair Wilson called the meeting to order at 10:43 A.M. Minutes Clerk Eiden called the roll.

Present: Council/Committee Member Thorpe and Council/Committee Chair Wilson

Staff: City Attorney, Thomas Lloyd Smith
Outside Legal Counsel, Ruthann Ziegler
Youth Services Network Manager, Tasha Johnson
Director of Economic Development, Kwame Reed
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGEANCE

2. INTRODUCTIONS

City Attorney Smith gave introductory comments and discussed parliamentary procedures.

3. PUBLIC COMMENT ON UNAGENDIZED ITEMS – None

4. APPROVAL OF CANNABIS STANDING COMMITTEE SPECIAL MEETING MINUTES FOR AUGUST 10, 2020.

On motion by Council/Committee Chair Wilson, seconded by Council/Committee Member Thorpe the Cannabis Standing Committee unanimously approved the minutes for August 10, 2020.

5. APPROVAL OF CANNABIS STANDING COMMITTEE SPECIAL MEETING MINUTES FOR SEPTEMBER 4, 2020

On motion by Council/Committee Chair Wilson, seconded by Council/Committee Member Thorpe the Cannabis Standing Committee unanimously approved the minutes for September 4, 2020.

6. COCO FARMS OPERATING AGREEMENT AND SOCIAL EQUITY PROGRAM

City Attorney Smith reported that he had met with Chuck Wesley representing COCO Farms and Beat the Streets regarding their Social Equity Program annual progress report. He stated the initial report was not satisfactory in terms of demonstrating progress against goals, so a request was made that they come back with a detailed report. He noted they provided the additional information; however, prior to receiving that report, Mr. Wesley contemplated moving his support to another non-profit organization. He explained that Mr. Wesley was open to Youth Services Network Manager Johnson working with Beat the Streets to develop more measurable outcomes and quarterly impact reports.

A. Public Comment

Mr. Wesley clarified that the goal was to develop measurable impacts. He noted that initially Beat The Streets had provided no information; however, they returned with throughput statistics and outcomes. He explained that what was in question was how many of the outcomes were a result of their contribution. He reported that the outcomes provided were adequate to continue for a few more months with closer monitoring. He noted that he wanted to make sure their contribution was making a sufficient impact.

Youth Services Network Manager Johnson added that it would be important to identify goals with projected outcomes and pre-determined benchmarks. She noted the program should report on the number of participants recruited and served as well as the hours of engagement and the resource connectivity provided. She further noted the percentage of funding breakdown should also be provided along with the narrative of those served. In addition, they could propose a percentage gap on staffing and program overhead so funds could be identified specifically for programming.

City Attorney Smith asked for the Committees feedback and stated if COCO Farms continued with Beat the Streets, once the metrics were developed, they could bring Beat the Streets back to have a discussion on expectations.

Alissa Friedman discussed the value of staff working directly with the youth.

A. Discussion and provide direction to staff

Council/Committee Member Thorpe commented that 90% of programs were related to staff who provided a service. He noted that funders wanted to fund specific outcomes but that was not absent of someone providing a service.

Council/Committee Chair Wilson spoke in support of staff agendaizing the establishment of specific guidelines and expectations to assist Cannabis organizations that were working with non-profits.

In response to City Attorney Smith, Council/Committee Chair Wilson and Council/Committee Member Thorpe directed staff and Mr. Wesley to move forward with establishing guidelines and outcomes with Beat the Streets.

Mr. Westley stated he was willing to move forward with oversight from Youth Services Network Manager Johnson. He reported that currently they were funding rent as well as the program director and an assistant position.

City Attorney Smith stated that he had been working on the matrix with Youth Services Network Manager Johnson and they would get Beat the Streets and Mr. Wesley involved to make sure he was satisfied. He reported once the matrix was developed, it would be brought back to the Committee along with the Beat the Streets organization.

7. BAKERY INC. (COOKIES) OPERATING AGREEMENT AND SOCIAL EQUITY PROGRAM

City Attorney Smith reported that they believed Bakery Inc, sponsoring Opportunity Junction was a good fit in terms of the programming. He noted that they would be developing measurable objectives and impact per dollars spent. He announced Legal Counsel Ziegler would be working with the parties involved on the details of the program.

A. Public Comment

Jesse Feldman representing Cookies thanked everyone for hearing their item. He noted it was an exciting process and he enjoyed working with Youth Services Network Manager Johnson to locate a suitable organization. He further noted they had engaged in conversations with Opportunity Junction and their goal was to work with a partner that met the programmatic goals of the Social Equity program as well as the desires of the City.

Alissa Friedman representing Opportunity Junction gave a history of their non-profit and reported their organization was rated in the top 10 globally of poverty fighting organizations, by Impact Matters. She announced the most recent program added was a Certified Nursing Assistants training program in Concord and they wanted to expand the healthcare career pathway to Antioch. She noted that they were excited to discuss the Social Equity program being a funding source. She further noted the War on Drugs had affected people of color and their job training programs served many people involved. She added that bringing the program to an area surrounded by relatively low-income families positioned them well to serve communities that would benefit greatly from the program expansion.

B. Discussion and provide direction to staff

Youth Services Network Manager Johnson stated it was important residents of Antioch benefited from this funding, so they would be mindful of how that was represented in the measurables and outcomes.

Alissa Friedman added that the contribution from Cookies would be approximately 25% of the budget for the expansion of the program into Antioch. She stated they projected annual enrollment of forty-five (45) participants, which would be made up of three (3) cohorts of fifteen (15), eight (8) in each cohort would be Antioch residents. She noted there was a lot of interest from Antioch residents who wanted to start healthcare careers and it was especially interesting to young people.

Youth Services Network Manager Johnson offered her support to connect Ms. Friedman to Antioch residents and resources.

Alissa Friedman responded that she would appreciate working with Youth Services Network Manager Johnson's on those efforts.

Council/Committee Chair Wilson stated she was feeling very positive and commended Ms. Friedman on her outreach efforts.

Councilmember Thorpe spoke in support of the Social Equity Program.

City Attorney Smith stated that they were attempting to schedule consideration of the Operating Agreement and Use Permit for Bakery Inc. (Cookies), for the December 8, 2020 City Council meeting.

C. LEMONNADE (ALLUVIUM) OPERATING AGREEMENT AND SOCIAL EQUITY PROGRAM

City Attorney Smith stated this item was the same as the previous item as they were proposing a dual sponsorship with Opportunity Junction.

Legal Counsel Ziegler reported it had been a positive working relationship with Alluvium, Cookies and their in-house legal counsel, and they were nearing completion in terms of the Operating Agreement.

A. Public Comment

None

B. Discussion and provide direction to staff

None

D. UPDATE ON NEW CANNABIS BUSINESS APPLICANTS

City Attorney Smith reported Culture Club just went through the Planning Commission and it was a smaller dispensary located near Costco. He noted the committee would be seeing that item in early 2021.

Legal Counsel Ziegler provided the following updates:

Alluvium/Cookies

Alluvium/Cookies is on track and hope to open in late first quarter or early second quarter 2021.

Delta Dispensary

Delta Dispensary has a new application for cultivation as a separate Use Permit which is currently at the planning department. The business will be located at a separate address next-door.

One Plant

One Plant's Social Equity Program with Beat the Streets and Operating Agreement will be changed to require quarterly check in for the first year and semi-annually thereafter.

Natural Supplements

Natural Supplements is in the application in process with planning department and their Attorney had a draft of their Operating Agreement.

Culture Club (High Horizons)

Culture Club's Use Permits was approved by the Planning Commission and they were aware of the Operating Agreement.

City Attorney Smith added that this project should go to the City Council in early 2021.

Radix Growth

Radix Growth's proposal at the former K-Mart site was for store front retail, manufacturing using nonvolatile chemicals, distribution for their own and other cannabis businesses as well as cultivation and a nursery. Indoor cultivation was estimated to be 2.2 acres.

Councilmember Thorpe reported he had visited a similar project in Oakland, and they were familiar with this type of project and it was good news for Antioch.

Director of Economic Development Reed added that he had visited grow builders specializing in cannabis operations who were occupying approximately 5000 sq. ft. of building space in an old cannery. He reported that they were doing four floors of cultivation and manufacturing edibles.

Council/Committee Chair Wilson added that there were also micro businesses involved.

Council/Committee Member Thorpe stated that this would provide the opportunity for those impacted by the war on drugs, to become involved in the cannabis industry.

Legal Counsel Ziegler reported that this business was proposing to hire 100 employees and under state law greater than 50 employees required a PLA and there was also an incentive to hire Antioch residents. She noted that because they were seeking three different licenses, the Bureau of Cannabis Control, Department of Food and Agriculture, Department of Public Health, would be involved. She stated that she believed it would be a sophisticated operation and presented an exciting opportunity for the City.

Other Discussion

Council/Committee Chair Wilson and Council/Committee Member Thorpe agreed that the City was at a point where they needed to consider limiting store front cannabis businesses to preserve existing businesses.

Legal Counsel Ziegler reported some jurisdictions limited storefront businesses; however, the City may want to consider linking storefronts with other uses.

Council/Committee Chair Wilson stated she would support additional storefronts if most of the business was an additional use.

City Attorney Smith stated he would work with Legal Counsel Ziegler to bring an item back to the Committee that addresses this issue.

Director of Economic Development Reed stated he was excited for the possibility of expanding green zones which may address the issue of oversaturation in some portions of Antioch. He also stated he was supportive of tying storefronts to multifaceted businesses. He reported that there were cannabis businesses interested in the Somersville and Slatten Ranch areas.

Legal Counsel Ziegler added that it may be feasible to bring in a testing lab as a standalone use.

Director of Economic Development Reed stated he had had discussions with existing cannabis businesses with regards to making connections to testing lab businesses.

Council/Committee Member Thorpe directed staff bring a policy related to store front applications to Council, as soon as possible.

City Attorney Smith stated he would work with Legal Counsel Ziegler and if it could be brought to the Committee without slowing down the City Council approach they would do so; however, if it slowed the process he would inform the Committee that it would be going directly to Council.

10 MOTION TO ADJOURN

On motion by Council/Committee Member Thorpe, seconded by Council/Committee Chair Wilson the Committee adjourned the meeting a 11:38 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

ATTACHMENT A

DRAFT FOR DISCUSSION PURPOSES ONLY

ORDINANCE NO.

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AMENDING ARTICLE 3845(A) OF CHAPTER 5 OF TITLE 9 OF THE ANTIOCH
MUNICIPAL CODE, TEMPORARILY PROHIBITING RETAIL CANNABIS
BUSINESSES IN THE CITY**

WHEREAS, the City supports commercial cannabis businesses in the City consistent with the City's Municipal Code and state law and regulations;

WHEREAS, the City has several existing and proposed cannabis businesses in the City;

WHEREAS, it is in the best interests of the City and its residents and businesses to have viable cannabis businesses within the City because they provide sales taxes and fees to the City as well as funding for non-profit organizations through a social equity program;

WHEREAS, cannabis businesses in the City fund social equity programs administered by local non-profit organization that rely on that support for programs vital to the Antioch community;

WHEREAS, an overabundance of certain types of cannabis businesses can and would adversely affect the existing and currently proposed cannabis businesses which, in turn, can and would adversely affect the social equity programs dependent on such businesses, particularly during the COVID19 pandemic when non-profit organizations have experienced heightened exposure to financial and organizational risks that threaten their ability to provide beneficial services to the communities they serve;

WHEREAS, the City has the authority under Government Code §65858 to enact an urgency ordinance when there is a current and immediate threat to the public health, safety, or welfare and the approval of use permits or other entitlements for use would result in that threat to public health, safety, or welfare;

WHEREAS, there are a number of existing and proposed cannabis businesses conducting, or seeking approval to conduct, retail operations;

WHEREAS, allowing a concentration of cannabis businesses in the existing cannabis business overlay district engaging in retail operations during the COVID-19 pandemic, in addition to the existing and currently proposed retail cannabis businesses, poses a significant threat to the viability of the existing and currently proposed retail cannabis businesses;

WHEREAS, any significant threat to the viability of the existing and currently proposed retail cannabis businesses during the COVID-19 pandemic can and would adversely

affect the social equity programs dependent on such businesses and the non-profit organizations dependent upon those social equity programs as a source of funds for their services resulting in an adverse effect on public health, safety, and welfare;

WHEREAS, to minimize this significant threat, the City will not allow any new retail cannabis businesses and the City shall not grant any use permits for such businesses. A "new retail cannabis business" is a cannabis business which does not have a use permit application deemed to be complete by the City as of January 26, 2021 and which would conduct retail cannabis operations pursuant to a Type 9, Type 10, Type 12 (but only if retail is proposed as one of the uses under Type 12), or other license;

WHEREAS, the City is implementing this restriction during the COVID-19 pandemic and only for as long as necessary for the City to study and propose options for locations of additional retail cannabis businesses which do not impose the threat described herein;

NOW, THEREFORE, the City Council of the City of Antioch does ordain as follows:

SECTION 1. The facts set forth in the recitals above are true and correct and incorporated herein.

SECTION 2. Modify the Article 3845(A) of Chapter 5 of Title 9 of the Antioch Municipal Code as follows:

Section 9-5.3845 CANNABIS BUSINESSES

A cannabis business may be established within the Cannabis Businesses (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. Notwithstanding any other provision of this Code, no new retail cannabis business engaging in retail operations is allowed within the City and the City shall not grant any use permits for such business. For the purposes of this Title, a "new retail cannabis business" is a commercial cannabis business which does not have a use permit application deemed to be complete by the City as of January 26, 2021 and which would conduct retail commercial cannabis operations pursuant to a Type 9, Type 10, Type 12 (but only if retail is proposed as one of the uses under Type 12) license, or other license,

SECTION 3. SEVERABILITY

Should any provision of this Ordinance, or its application to any person or circumstance be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstances and, to that end, the provisions hereof are severable.

SECTION 4. CEQA.

The above amendments to the City's Municipal Code are exempt from environmental review per CEQA Guidelines under the General Rule, 14 California Code of Regulations, section 15061 (b)(3).

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon two-thirds approval of the City Council pursuant to Government Code §36934 and §36937 and be enforced as of the date of its adoption by the City Council and shall be posted and published to the extent required by the California Government Code

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was adopted at a regular meeting of the City Council of the City of Antioch, held on the ____ of ____ 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Lamar Thorpe, Mayor of the City of Antioch

ATTEST:

Elizabeth Householder
City Clerk of the City of Antioch

