

AGENDA

SPECIAL MEETING

**ANTIOCH CITY COUNCIL: CANNABIS STANDING COMMITTEE
COUNCILMEMBERS WILSON AND TORRES-WALKER**

**FRIDAY, JULY 1, 2022
1:00 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 1:00 P.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 1:00 pm 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 1:00 P.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 register and attend the webinar.
<https://us06web.zoom.us/j/85239923319?pwd=d1NKVTNQVklYaiddiZVhwQXBwMjZnUT09>

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 Agendas, 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. PRESENTATION OF CURRENT CANNABIS OPERATIONS IN ANTIOCH**
 - A. Public Comment
 - B. Discussion and direction to staff
- 5. PROPOSED AMENDMENT TO CANNABIS BUSINESS ORDINANCE (ANTIOCH MUNICIPAL CODE SECTIONS 9-5.3801 AND 9-5.3845)**
 - A. Public Comment
 - B. Discussion and direction to staff
- 6. SOCIAL EQUITY PROGRAM FOR CONSIDERATION: RUBICON**
 - A. Public Comment
 - B. Discussion and direction to staff
- 7. SOCIAL EQUITY PROGRAM FOR CONSIDERATION: UNITED CORE ALLIANCE**
 - A. Public Comment
 - B. Discussion and direction to staff
- 8. 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.*

<p><u>IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND CALIFORNIA LAW</u>, 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.</p>

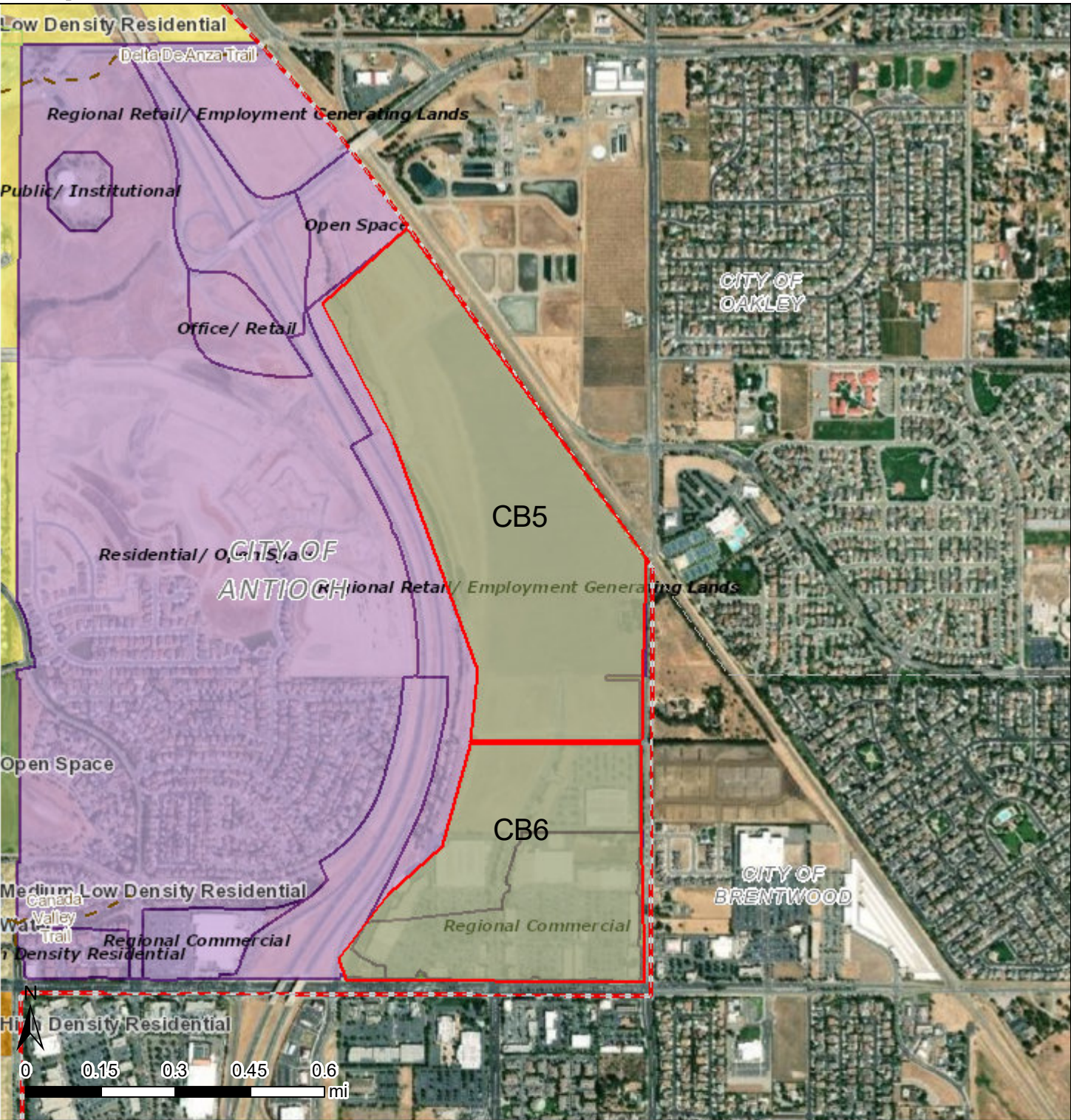
Agenda Item #4

This aerial map of Antioch, CA, highlights the Cannabis Overlay area in green. The map shows the city's boundary with a red dashed line and includes labels for the City of Antioch and City of Oakley. A scale bar (0 to 0.6 miles) and a north arrow are located in the bottom left corner. The map also displays various streets, including Wilbur Ave, E 10th St, and E 11th St, and features like the Almondridge Trail and Almondridge Park.

Proposed Cannabis Area CB-4



Proposed Cannabis Areas CB 5&6



3 - Raddix Growth

2 - CoCo Farms

Verne Roberts Dispensaries



- 1 - One Plant
- 2 - Lemonnade/Alluvium
- 3 - Red Workshop (former Cookies)
- 4 - Delta Dispensary

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)

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 10th 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.¹

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 4th St., BNSF rail line, and L Street
CB 4 would allow most types of cannabis businesses, excluding storefront retail.²

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.

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

² 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:

Existing Cannabis Business Districts and Type of Use		
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

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

CB 2	200'	200' ³
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 ⁴ , 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.

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

⁴ 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

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AMENDING SECTIONS 3801 AND 3845 OF CHAPTER 5 OF TITLE 9 OF THE
ANTIOCH MUNICIPAL CODE RELATING TO CANNABIS BUSINESSES BY
ALLOWING CANNABIS BUSINESSES IN THREE ADDITIONAL AREAS,
SPECIFYING THE TYPES OF CANNABIS BUSINESSES AND BUFFERS IN EACH
AREA AND CLARIFYING SECTION 3845**

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

SECTION 1:

Beginning in 2018, the City Council has adopted several ordinances relating to cannabis businesses 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:

The City has further evaluated both existing and potential sites for different types of cannabis businesses within the City. The City is adopting this ordinance to further refine and enhance potential locations for cannabis businesses while meeting the interests of City residents and existing businesses.

SECTION 3:

Section 9-5.3801 is modified as follows:

§ 9-5.3801 SUMMARY OF ZONING DISTRICTS [no change except as indicated below]

CB Cannabis Business Overlay District

CB 1 [no change]

CB 2 [no change]

CB 3 [no change]

CB 4 Northwest Downtown/Marina- the area bounded by 4th St., BNSF rail line, and L St.

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 modified as follows:

§ 9-5.3845 CANNABIS BUSINESS.

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

- (A) [no change]
- (B) [no change]
- (C) [no change]
 - (1) [no change]
- (D) Cannabis businesses may be established as described in Table A.

TABLE A		
Overlay District	License Types Permitted	Permit Requirement
CB 1	[no change]	[no change]
CB 2	[no change]	[no change]
CB 3	[no change]	[no change]
<u>CB 4</u>	<u>1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 11, 12</u>	<u>City Council Use Permit</u>
<u>CB 5</u>	<u>1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 11, 12</u>	<u>City Council Use Permit</u>
<u>CB 6</u>	<u>10</u>	<u>City Council Use Permit</u>

(1) License type 7 is not allowed in multi-tenant buildings ~~in CB 4.~~

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

TABLE B		
Overlay District	Between Retail Uses	From Sensitive Use
CB 1	[no change]	[no change]
CB 2	[no change]	[no change]
CB 3	[no change]	[no change]
<u>CB 4</u>	<u>600'</u>	<u>200'</u>
<u>CB 5</u>	<u>600'</u>	<u>200'</u>
<u>CB 6</u>	<u>200'</u>	<u>200'</u>

(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) [no change]

(3) [no change]

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**

Types of Cannabis Business Licenses

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 ¹	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

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