

AGENDA

SPECIAL MEETING

ANTIOCH CITY COUNCIL: CANNABIS STANDING COMMITTEE

COUNCIL MEMBERS WILSON AND THORPE

FRIDAY, SEPTEMBER 4, 2020

2:00 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 12:00 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 12:00 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 12:00 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://zoom.us/webinar/register/WN_q_0KSNwGSbaBSOVBLImKZw

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. ONE PLANT OPERATING AGREEMENT AND SOCIAL EQUITY PROGRAM

A. Public Comment

B. Discussion of One Plant's Operating Agreement Including Its Social Equity Program

5. CANNABIS ORDINANCE AMENDMENT REQUIRING AN OPERATING AGREEMENT INSTEAD OF A DEVELOPMENT AGREEMENT

A. Public Comment

B. Discussion of Cannabis Ordinance Amendment and provide direction to staff

6. NOMINATION AND ELECTION OF CHAIRPERSON FOR THE CANNABIS STANDING COMMITTEE

A. Public Comment

B. Nomination and Election of a Chairperson

7. ADJOURNMENT: *The Secretary of Cannabis Committee Meeting 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.

CITY OF
ANTIOCH
CALIFORNIA

DATE: September 4, 2020
TO: Cannabis Standing Committee
SUBMITTED BY: Thomas Lloyd Smith, City Attorney
SUBJECT: Potential Revisions to Cannabis Ordinance

DISCUSSION

Staff recommends that the City amend its current cannabis ordinance to negotiate an operating agreement with cannabis businesses instead of a development agreement because the goals of a development agreement can be met more quickly through use of an operating agreement, which would streamline the approval process and enable the cannabis businesses to get up and running faster.

Staff has attached a redline version of the existing section of the Antioch Municipal Code including the proposed changes for consideration by the Cannabis Standing Committee.

ATTACHMENTS

- A. Proposed revision to Cannabis Business Ordinance (clean version)
- B. Proposed revision to Cannabis Business Ordinance (redline version)

ATTACHMENT A

EXHIBIT A

§ 9-5.203 DEFINITIONS [new]

COMMERCIAL CANNABIS USE. Any commercial cannabis activity which is or may be licensed pursuant to state law including, but not limited to, cultivation, possession, distribution, laboratory testing, labeling, retail, delivery, sale, or manufacture of cannabis or cannabis products. "Commercial cannabis use" shall not include legal cannabis activities carried out exclusively for one's personal use that do not involve commercial activity or sales and that do not require a state license or permit.

§ 9-5.3845 CANNABIS BUSINESS.

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 include, but are not limited to:
 - (1) Providing a public outreach and education program;
 - (2) Implementing and maintaining a social equity program;
 - (3) Payment 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 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;
 - (7) Record keeping;
 - (8) City's periodic review of operations and related matters;
 - (9) Insurance;
 - (10) Indemnification;
 - (11) Assignability;
 - (12) Procedures for amendment;
 - (13) Hours of operation;

ATTACHMENT B

EXHIBIT A

§ 9-5.203 DEFINITIONS [new]

COMMERCIAL CANNABIS USE. Any commercial cannabis activity which is or may be licensed pursuant to state law including, but not limited to, cultivation, possession, distribution, laboratory testing, labeling, retail, delivery, sale, or manufacture of cannabis or cannabis products. "Commercial cannabis use" shall not include legal cannabis activities carried out exclusively for one's personal use that do not involve commercial activity or sales and that do not require a state license or permit.

§ 9-5.3845 CANNABIS BUSINESS.

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

~~(A) (A) A use permit from the City Council is required for all cannabis land uses, including cannabis businesses and cannabis retail. The application shall be considered by the Planning Commission who shall make a recommendation to the City Council.~~

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) (B) 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 a development agreement pursuant to Cal. Gov't Code §§ 65864 et seq., known as the Development Agreement statute, setting forth the terms and conditions under which the cannabis business will operate that are in addition to the requirements of this section, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.~~

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 include, but are not limited to:

- (1) Providing a public outreach and education program;
- (2) Implementing and maintaining a social equity program;

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CITY OF
ANTIOCH
CALIFORNIA

DATE: September 4, 2020

TO: Cannabis Standing Committee

SUBMITTED BY: Thomas Lloyd Smith, City Attorney

SUBJECT: One Plant Operating Agreement and Proposed Social Equity Program

DISCUSSION

Discuss One Plant's Operating Agreement including its proposed social equity program as required in the operating agreement. The "Antioch Social Equity" program will educate and work to support vulnerable youth in preparing for their financial future that can not only change their life but change the world.

Staff has attached One Plant's current social equity program proposal for consideration by the Cannabis Standing Committee.

ATTACHMENTS

A. Social Equity Program Proposal

Social Equity as currently proposed by One Plant

In collaboration with the City of Antioch, Operator will support a social equity program to aid vulnerable youth with the goal of providing financial support for resources that are not generally available through traditional social services. Operator's focus is to support and develop upward mobility and to promote financial literacy within the youth community. Operator will accomplish this goal by providing support a City's youth program(s) developed and/or approved in writing by the City of Antioch Youth Services Network Manager ("Program"). Operator will support such a program with 0.25% in year one, 0.37% in year 2, and 0.5% in year 3 and thereafter (with a minimum annual guarantee of \$25,000) of gross receipts per year, paid quarterly. Each subsequent quarterly payment shall be due thereafter on the 15th of each third month or, if the 15th is a weekend day or a national or state holiday, on the next business day. Late payment shall be subject to the same penalties and interest set forth in Section 6 hereof.

Current operating agreements include the following amounts:

Alluvium: 0.25%, 0.37%, and 0.5% of gross receipts in years one, two, and subsequent years.

Contra Costa Farms: 0.25%, 0.37%, and 0.5% of gross receipts in years one, two, and subsequent years, with a minimum of \$50,000 per year and up to \$100,000 per year.

Delta Dispensary: 0.25%, 0.37%, and 0.5% of gross receipts in years one, two, and subsequent years.