



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of May 22, 2018

TO: Honorable Mayor and Members of the City Council

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

SUBJECT: Introduce Ordinance Amending Title 9, Chapter 5 of the Antioch Municipal Code (Zoning Ordinance) Establishing a Cannabis Business (CB) Zoning Overlay and Accompanying Text.

RECOMMENDED ACTION

Staff and the Planning Commission recommend that the City Council introduce an ordinance amending Title 9, Chapter 5 of the Antioch Municipal Code (Zoning Ordinance) establishing a Cannabis Business (CB) Zoning Overlay and accompanying text.

STRATEGIC PURPOSE

This action would address the following strategies contained in the Strategic Management Plan:

- Strategy H-2: Update long range planning documents.
- Strategy H-5: Grow Antioch's economy through additional annexation, as well as residential and commercial development.

FISCAL IMPACT

The proposed ordinance will allow for the establishment of cannabis businesses in a new zoning overlay district. These businesses will generate business license taxes and/or sales tax, which will benefit the City of Antioch.

DISCUSSION

With the passage of Proposition 64 in November of 2016, California residents over the age of 21 are allowed to legally use marijuana without a medicinal card, as long as it's not in a public place. Californians are allowed to carry and use up to an ounce of marijuana and grow up to six plants for personal use. Recreational sales of marijuana did not go into effect until January 1, 2018. The possession, sale and distribution of cannabis are now legal under California State law, subject to provisions contained in the law, including a licensing requirement. The law did not mandate that local agencies accommodate any or all forms of cannabis businesses and much discretion remains

with cities and counties. Several Bay Area cities have accommodated cannabis businesses through local ordinances and others have prohibited such businesses.

On May 2, 2018, the Planning Commission considered the proposed amendments and recommended that the City Council adopt the text and the creation of a Cannabis Business (CB) Zoning Overlay District, as modified by the Commission.

At the Planning Commission meeting, staff provided recommended text and three map options for the CB Overlay District. Option One included the industrial area between the San Joaquin River and East 18th Street. Option Two included the area in Option One as well as all other commercial, office, retail, business park, and industrial areas in the City of Antioch. Option Three included the areas in Options One and Two as well as the Sand Creek Focus Area.

Staff had recommended that the CB Overlay District be limited to the area in Option One - the eastern waterfront industrial area between the San Joaquin River and East 18th Street. The Planning Commission accepted this recommendation, but extended the CB Overlay District to include the business park area around Verne Roberts Circle. Staff has integrated the Planning Commission modification of Option One into its current recommendation.

Cannabis Definitions

The Zoning Ordinance does not currently address cannabis uses and, as such, there are no corresponding definitions. Those cities that have addressed cannabis land uses have generally separated the industry into two distinct categories: cannabis business and cannabis retail. The recommended ordinance contains distinct definitions for both "cannabis business" and "cannabis retail". Whereas, cannabis retail generally includes the sale or gift of cannabis products directly to the consumer, cannabis business generally includes the supporting industries dedicated to the production of cannabis, including manufacturing, testing, cultivation, research and development, and similar non-retail uses. Cannabis retail is a sub-category of cannabis business as it is a specific type of cannabis business. The ordinance also includes definitions for "cannabis", and "cannabis product". Each of these definitions is common to other municipal cannabis ordinances and is generally accepted throughout the industry.

These recommended definitions are as follows:

CANNABIS. All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be

amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant; fiber produced from the stalks; any compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from); fiber, or the sterilized seed of the plant which is incapable of germination.

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

CANNABIS PRODUCT. Cannabis that has undergone a process whereby the plant material has been transformed into concentrate, including, but not limited to concentrated cannabis, or an edible or topical product containing cannabis and other ingredients.

CANNABIS RETAIL. A cannabis business that distributes, dispenses, stores, exchanges, packages, re-packages, labels, sells, makes available, transmits, or gives away cannabis or cannabis products for either medical or recreational use and is operated in accordance with state and local laws and regulations. Cannabis retail includes, but is not limited to, selling and/or delivering cannabis or cannabis products as part of a sale, pursuant to a Type 10 cannabis license, or a cannabis license subsequently established.

Zoning Overlay

Staff and the Planning Commission are recommending the use of a Zoning Overlay specifically dedicated to cannabis uses. This approach is already in use for Emergency Shelters through the ES Zoning Overlay. A Zoning Overlay operates in addition to the underlying zoning designation and allows certain uses not specifically addressed by the traditional zoning.

As described above, staff initially provided three map options for the Planning Commission to consider in its recommendation. For reference and discussion, these map options are attached along with the Planning Commission recommendation.

Use Permit Requirement

The CB Zoning Overlay would allow cannabis uses only upon approval of a Use Permit from the City Council, following recommendation by the Planning Commission. As the nature of cannabis uses is evolving, this approach will allow for a case-by-case review of each user. State law already imposes a minimum separation requirement of 600' between a cannabis business and a school. The proposed zoning amendment integrates and restates this requirement and also expands it to include public parks and residential uses. For comparison, the City currently requires a 500' separation between liquor stores and residential uses.

The City may eventually decide to introduce additional development or operational standards or guidelines. Any such standards or guidelines would be brought before the Planning Commission and City Council prior to adoption. The proposed ordinance accommodates any future standards or guidelines as it includes a specific finding for cannabis Use Permits that would be in addition to the standard findings required for an ordinary Use Permit. These findings refer to compliance with all State laws and any forthcoming standards or guidelines.

ATTACHMENTS

- A. Ordinance with Recommended Zoning Map
- B. Planning Commission Minutes from May 2
- C. Three Map Options Presented to Planning Commission

ATTACHMENT "A"

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING CHAPTER 5 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE ESTABLISHING A CANNABIS BUSINESS (CB) ZONING OVERLAY DISTRICT WITH ACCOMPANYING TEXT

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

SECTION 1:

1. On May 22, 2018, the City Council found that the proposed project is exempt from the California Environmental Quality Act (CEQA), per Section 15061(b)(3) as it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment.
2. On May 2, 2018, the Planning Commission held a duly noticed public hearing and recommended that the City Council amend the Antioch Municipal Code to establish a Cannabis Business (CB) Zoning Overlay District with accompanying text.
3. The regulation of land use, including cannabis businesses, throughout the City of Antioch is in the interest of the City and its residents as land uses have the potential to create a public nuisance if not properly regulated.

SECTION 2: Add the following definitions to Section 9-5.203 DEFINITIONS

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

CANNABIS RETAIL. A cannabis business that distributes, dispenses, stores, exchanges, packages, re-packages, labels, sells, makes available, transmits, or gives away cannabis or cannabis products for either medical or recreational use and is operated in accordance with state and local laws and regulations. Cannabis retail includes, but is not limited to, selling and/or delivering cannabis or cannabis products as part of a sale, pursuant to a Type 10 cannabis license, or a cannabis license subsequently established.

CANNABIS. All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by California Health and Safety Code section 11018 and Business and

Professions Code section 26001(f), as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant; fiber produced from the stalks; any compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from); fiber, or the sterilized seed of the plant which is incapable of germination.

CANNABIS PRODUCT. Cannabis that has undergone a process whereby the plant material has been transformed into concentrate, including, but not limited to concentrated cannabis, or an edible or topical product containing cannabis and other ingredients.

SECTION 3. Add the following text to Section 9-5.301 DISTRICTS ESTABLISHED AND DEFINED

(EE) CB Cannabis Business Overlay District. This overlay district provides sites suitable for the establishment of a cannabis business when compatible with the underlying zoning designation and upon approval by the City Council. Section 9-5.203, "Definitions" of the Antioch Municipal Code is amended as follows:

SECTION 4. Add the following text to the end of Section 9-5.3801 SUMMARY OF ZONING DISTRICTS

CB Cannabis Business Overlay District

SECTION 5. Amend Table 9-5.3803 as follows:

TABLE 9-5.3803	RE R	R-4 R-4	R-10	R-20	R-25	R-35	PBC	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	II	ES ⁶	MTC	RTR -10	RTR -20	CU
RESIDENTIAL USES																						
Day-care centers (§ 9-5.3832)	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Day-care: large family (§ 9-5.3816)	A	A	A	A	A	A	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Day-care: small family (§ 9-5.3817)	P	P	P	P	P	P	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Senior Group Housing	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Fraternity/sorority houses/dormitory	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Home occupations	A	A	A	A	A	A	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Hospice ⁹	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Manufactured, modular home; mobile home (§ 9-5.3804)	P	P	P	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Mobile home park	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Multiple-family: condominium, apartment, townhouse (§ 9-5.3820)	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Recreational vehicle park (§ 9-5.3830)	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Residential care facility ⁴	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Residential hotel	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Room & boarding house	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Second residential unit (§ 9-5.3805)	A	A	A	A	A	A	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Single-family	P	P	P	P	P	P	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Tobacco and paraphernalia retailers (§ 9-5.3843)	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Two-family dwelling	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
PUBLIC AND SEMI-PUBLIC USES																						
Bus & transit maintenance facility	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Bus & train terminal	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Clubs & Lodges (private & public)	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Convalescent and Extended Care	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Correctional facility ²	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Cultural institution	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Government offices	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Homeless shelter	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Hospitals (§ 9-5.3827):																						
Acute care	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Rehabilitation	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Psychiatric/chemical dependency	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Medical care—	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public assembly	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Public safety facilities	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U

TABLE 9-5.3803	RE R	R-4 R-4	R-10	R-10	R-15	R-15	PBC	C-0	U-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	ES	MIC	RTR -10	RTR -20	CU
Public utility yard	—	—	—	—	—	—	—	—	—	—	—	—	U	—	U	U	—	—	—	—	—	—
Religious assembly (§ 9-5.3832)	—	U	U	U	U	U	U	U	U	U	U	U	U	—	—	—	U	—	U	U	U	—
Satellite antenna (§ 9-5.3807)	A	A	A	A	A	A	A	A	A	A	A	A	A	—	A	A	A	—	A	A	A	—
Schools, private and preschools	U	U	U	U	U	U	U	U	U	U	—	U	—	—	U	—	U	—	U	U	U	—
Utility substations	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	—	U	U	U	—
COMMERCIAL USES																						
Adult book stores, motion picture areas, and model studios (§ 9-5.3808)	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	—	—	—	—	—
Adult entertainment, other (§ 9-5.3808)	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	—	—	—	—	—
Agricultural uses (§ 9-5.3809)	P	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—
Appliance maintenance & repair services:																						
Major	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	—	—	—	—
Minor	—	—	—	—	—	—	P	P	P	P	P	—	—	P	P	—	—	—	P	—	—	—
Amusement center (§ 9-5.3813)	—	—	—	—	—	—	—	—	U	U	U	U	U	—	—	—	—	—	U	—	—	—
Animal hospital/veterinary clinics	—	—	—	—	—	—	U	—	U	U	U	U	—	—	U	U	—	—	—	—	—	—
Antique store	—	—	—	—	—	—	—	—	—	P	P	A	U	—	U	—	—	—	P	—	—	—
Auto sales, rental	—	—	—	—	—	—	U	—	—	U	U	U	—	—	—	—	—	—	U	—	—	—
Auto storage	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	—
Auto service station (§ 9-5.3815)	—	—	—	—	—	—	—	—	U	U	U	U	—	—	U	U	—	—	—	—	—	—
Auto repair:																						
Major	—	—	—	—	—	—	U	—	—	—	U	U	—	—	U	P	—	—	—	—	—	—
Minor	—	—	—	—	—	—	U	—	U	U	U	U	—	—	P	P	—	—	—	—	—	—
Bakeries—retail	—	—	—	—	—	—	—	—	P	P	P	P	U	—	P	P	—	—	P	—	—	—
Bank or savings & loan	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—	—	—	—	P	—	—	—
Bar (§ 9-5.3831)	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	—	U	—	—	—
Barber & beauty shop	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	—	P	—	—	—
Bed and breakfast inns (§ 9-5.3819)	U	U	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	U	U	—	—
Boat repair:																						
Major	—	—	—	—	—	—	U	—	—	—	U	U	U	—	U	P	—	—	U	—	—	—
Minor	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	P	—	—	U	—	—	—
Boat, RV—storage facility (§ 9-5.3810)	—	—	—	—	—	—	—	—	—	—	U	U	U	—	U	P	—	—	—	—	—	—
Bowling alleys (§ 9-5.3831)	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	—	—	—	—	—	—
Cannabis business (§ 9-5.3845)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U ¹³
Car and vehicle wash	—	—	—	—	—	—	—	—	—	U	U	U	U	—	U	U	—	—	—	—	—	—
Card room	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	—	—	U	—	—	—
Catering services	—	—	—	—	—	—	—	—	—	P	P	P	A	—	U	—	—	—	U	—	—	—
Clothing store	—	—	—	—	—	—	—	—	—	P	P	P	A	—	—	—	—	—	P	—	—	—
Combined residential/commercial structure	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	U	—	—	—

A4

TABLE 9-5.3803	RE R	R-4 R-4	R-10	R-10	R-21	R-35	PBC	C-4	C-1	C-1	C-3	MC R	WF	OS	M-1	M-2	H	ES ⁶	RTC	RTR -10	RTR -24	CD
Communication facilities	U	U	U	U	U	U	U	P	P	P	P	P	—	U	P	P	—	—	P	U	U	—
Computer gaming and internet access business	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—	—	—	—	—	—
Confectionery stores	—	—	—	—	—	—	—	—	P	P	P	P	A	—	—	—	—	—	P	—	—	—
Dance hall	—	—	—	—	—	—	—	—	—	U	U	U	—	—	U	—	—	—	U	—	—	—
Drive-up window (all uses)	—	—	—	—	—	—	U	U	U	U	U	U	—	—	U	U	U	—	—	—	—	—
Dry cleaning agencies, pick-up and self serve	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	—	P	—	—	—
Florist shop	—	—	—	—	—	—	P	—	P	P	P	P	—	—	—	—	—	P	—	P	—	—
Food stores (§ 9-5.3831):																						
Convenience store	—	—	—	—	—	—	—	—	U	U	U	U	U	—	—	—	U	—	U	—	—	—
Supermarket	—	—	—	—	—	—	—	—	U	P	P	U	—	—	—	—	—	—	U	—	—	—
Fortune-teller's	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	—	—	U	—	—	—
Funeral parlor & mortuary	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	—	—	U ¹	—	—	—
Furniture stores	—	—	—	—	—	—	—	—	—	P	P	U	—	—	—	—	—	—	P	—	—	—
Gift shop	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	P	—	—	—
Gun sales (§ 9-5.3833)	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	—	U	—	—	—
Hardware store	—	—	—	—	—	—	—	—	U	P	P	U	U	—	—	—	—	—	P	—	—	—
Health club/fitness center	—	—	—	—	—	—	U	—	U	P	P	U	—	—	U	—	U	—	U	—	—	—
Hotel & motels	—	—	—	—	—	—	U ²	U	—	P	P	P	U	—	U ³	—	U	—	U	—	—	—
Jewelry store	—	—	—	—	—	—	—	—	—	P	P	P	U	—	—	—	—	—	P	—	—	—
Kennels	—	—	—	—	—	—	—	—	—	U	U	—	—	—	U	U	—	—	—	—	—	—
Laboratories, medical, dental, optical	—	—	—	—	—	—	P	P	U	U	U	U	—	—	U	—	P	—	U	—	—	—
Laundrette	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	—	P	—	—	—
Liquor stores (§ 9-5.3831)	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	—	—	U	—	—	—
Live entertainment	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	—	U	—	—	—
Marina	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	U	—	—	—
Miniature golf courses	—	—	—	—	—	—	—	—	—	U	U ⁴	U	—	—	U	—	—	—	U	—	—	—
Mini-storage	—	—	—	—	—	—	—	—	—	—	—	U	U	—	U	P	—	—	—	—	—	—
Nurseries (horticulture) (§ 9-5.3824)	—	—	—	—	—	—	—	—	—	P	P	U	U	—	P	P	—	—	—	—	—	—
Offices:																						
Business & professional	—	—	—	—	—	—	P	P	U	P	P	P	U	—	—	—	P	—	U	—	—	—
Medical (includes clinics)	—	—	—	—	—	—	P	P	U	P	P	P	U	—	—	—	P	—	U	—	—	—
Paint store	—	—	—	—	—	—	—	—	—	P	P	U	—	—	U	—	—	—	P	—	—	—
Parking lot (commercial) (§ 9-5.3837)	—	—	—	—	—	—	A	A	A	A	A	A	A	A	P	P	A	—	A	—	—	—
Pawn shops	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	—	—	U	—	—	—
Pet shop	—	—	—	—	—	—	—	—	P	P	P	P	U	—	—	—	—	—	P	—	—	—
Pharmacy	—	—	—	—	—	—	U	P	P	P	P	P	A	—	P	P	P	—	P	—	—	—
Photographer	—	—	—	—	—	—	—	P	P	P	P	P	A	—	U	—	—	—	P	—	—	—
Printing & blue printing	—	—	—	—	—	—	—	P	P	U	U	U	—	—	P	P	—	—	U	—	—	—
Radio & TV sales & repair	—	—	—	—	—	—	—	—	U	P	P	P	—	—	—	—	—	—	P	—	—	—
Recycling facilities:																						

TABLE 9-5.3803	RK	R-4	R-10	R-20	R-25	R-30	PBC	C-0	C-1	C-2	C-3	RAC	WF	OS	M-1	M-2	II	ES	RIC	RTR	RTR	CU
Reverse vending machines (§ 9-5.3811)	--	--	--	--	--	--	--	--	P	P	P	P	--	--	P	P	--	--	P	--	--	--
Small collection facility (§ 9-5.3812)	--	--	--	--	--	--	--	--	A	A	A	A	--	--	A	A	--	--	A	--	--	--
Large collection facility (§ 9-5.3813)	--	--	--	--	--	--	--	--	A	A	A	A	--	--	A	A	--	--	A	--	--	--
Light processing facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	U	U	--	--	--	--	--	--
Heavy processing facility (§ 9-5.3815)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	U	U	--	--	--	--	--	--
Repair service	--	--	--	--	--	--	--	--	--	--	U	U	U	--	P	P	--	--	U	--	--	--
Restaurants (§§ 9-5.3823 and 9-5.3831):																						
General	--	--	--	--	--	--	P	P	P	P	P	P	P	--	U ¹	--	--	--	P	--	--	--
Fast food	--	--	--	--	--	--	U	--	--	U	U	U	U	--	U ¹	--	--	--	U	--	--	--
Outdoor seating & food service	--	--	--	--	--	--	U	U	U	U	U	U	U	--	U ¹	U	--	--	U	--	--	--
Take out/delivery	--	--	--	--	--	--	P	U	P	P	P	P	U	--	U ¹	--	--	--	U	--	--	--
With bar & live entertainment	--	--	--	--	--	--	--	--	--	U	U	U	U	--	--	--	--	--	U	--	--	--
Retail, general and specialty	--	--	--	--	--	--	--	--	P	P	P	P	A	--	--	--	--	--	P	--	--	--
Secondhand sales	--	--	--	--	--	--	--	--	--	--	U	U	--	--	--	--	--	--	U	--	--	--
Shoe repair shop	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	--	--	P	--	--	--
Sign shop	--	--	--	--	--	--	--	--	--	U	U	U	--	--	U	--	--	--	--	--	--	--
Studios (e.g., dance, martial arts)	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	--	P	--	--	--
Tailor shop	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	--	P	--	--	--
Tattoo studio	--	--	--	--	--	--	--	--	--	U	U	U	--	--	--	--	--	--	U	--	--	--
Theaters	--	--	--	--	--	--	--	--	--	U	U	U	U	--	--	--	--	--	U	--	--	--
Upholstery shop	--	--	--	--	--	--	--	--	--	U	U	U	--	--	U	P	--	--	U	--	--	--
Variety store	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	--	P	--	--	--
Vehicle/boat/equipment sales & rental (§ 9-5.3825)	--	--	--	--	--	--	U ¹	--	--	U	U	U	U	--	U	U	--	--	U ¹	--	--	--
INDUSTRIAL USES																						
Animal rendering	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	U	--	--	--	--	--	--
Bakery-commercial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--
Beverage bottling plant	--	--	--	--	--	--	--	--	--	--	--	--	--	--	U	P	--	--	--	--	--	--
Boat building	--	--	--	--	--	--	--	--	--	--	--	--	U	--	U	P	--	--	--	--	--	--
Cement or clay products manufacturing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	U	U	--	--	--	--	--	--
Concrete batch plant	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	U	--	--	--	--	--	--
Contractor's storage yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	U	P	--	--	--	--	--	--
Dairy products processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	U	P	--	--	--	--	--	--
Dry cleaners processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	U	U	--	--	--	--	--	--
Exterminator	--	--	--	--	--	--	--	--	--	--	--	--	--	--	U	P	--	--	--	--	--	--
Finished paper production	--	--	--	--	--	--	--	--	--	--	--	--	--	--	U	U	--	--	--	--	--	--

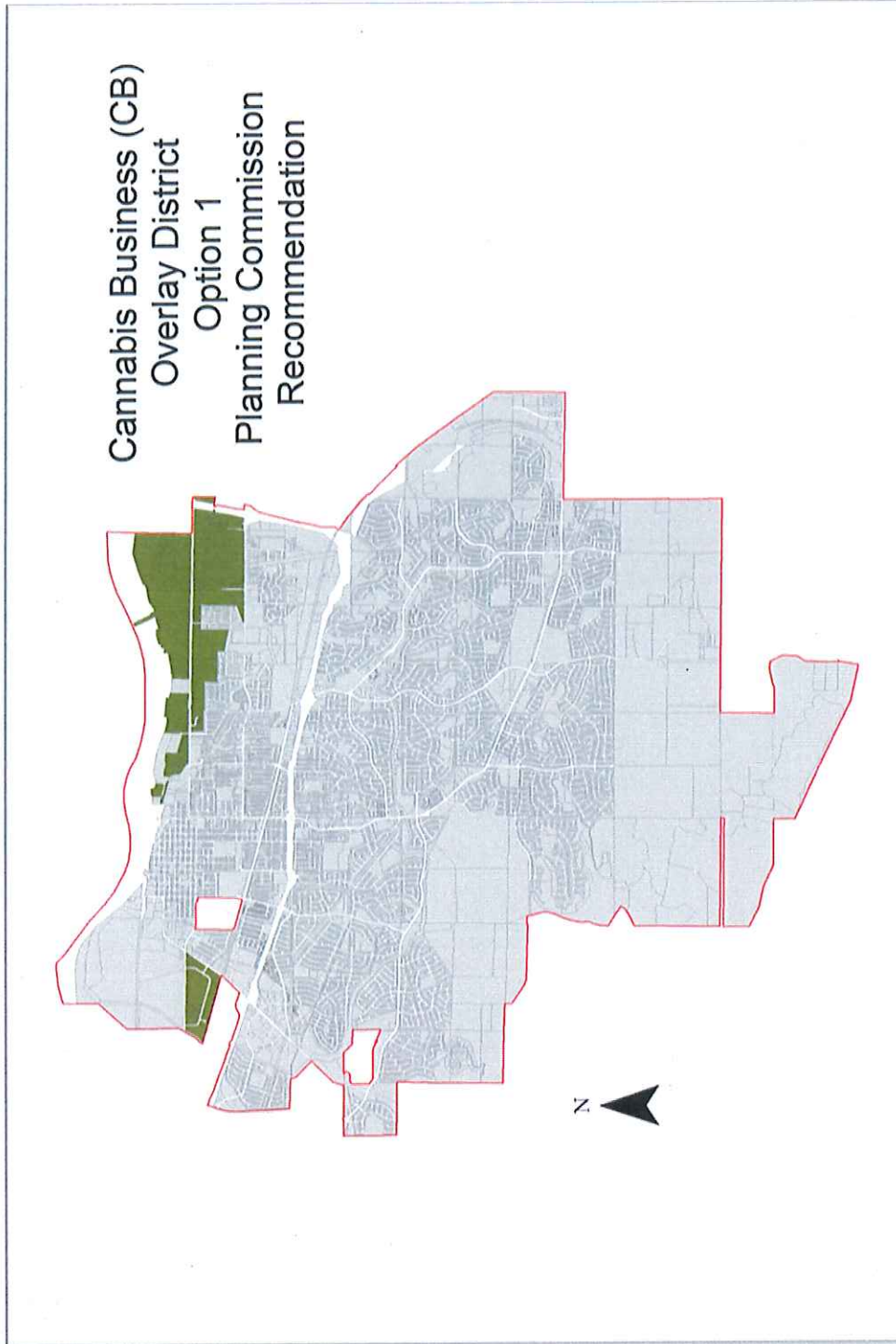
TABLE 9-5.3803	RE	R-4	R-10	R-20	R-25	R-35	PBC	C-0	C-1	C-2	C-3	MCR	WF	OS	M-1	M-2	H	ES	MIC	RTR	RTR	CB
	R	R-4	R-10	R-20	R-25	R-35						R								10	20	
Food processing plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	—	—	—	—	—
Fuel yard, bulk petroleum storage	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—
Garment manufacture	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	—
Hazardous waste facilities (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—
Small generator (§ 9-5.3826)	—	—	—	—	—	—	—	—	U	U	U	U	—	—	U	U	—	—	—	—	—	—
Large generator (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—
Processor (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—
Household hazardous waste facility (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	—
Junk yard/auto wrecking yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—
Lumber yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—
Machine shop	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	—	—	—	—
Manufacturing or storage of explosives, acid, cement, fertilizer, gas, inflammable fluids, glue, gypsum, lime, plaster of paris	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—
Mining & quarry, resource extraction	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—
Oil & gas drilling	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—
Oil & gas production	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—
Photographic plants	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—
Plastic fabrication	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—
Research & development	—	—	—	—	—	—	U	—	—	—	—	U	—	—	U	U	—	—	—	—	—	—
Residual repository (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—
Salvage/war surplus yards	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—
Solid waste transfer station	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—
Smelting or processing of iron, tin zinc or other ore	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—
Stockyards/slaughterhouses	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—
Stone monument works	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	—	—	—	—
Truck terminal yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—
Truck & tractor repair	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	—	—	—	—
Warehousing & wholesaling	—	—	—	—	—	—	U	—	—	—	—	—	—	—	—	U	P	—	—	—	—	—
TEMPORARY USES																						
Removal of earth (§ 9-5.3822)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	—
Temporary construction building and uses (§ 9-5.3821)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	—
Outdoor display of merchandise (in conjunction with a non-residential use)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	—	—

TABLE 9-5.3803	R- R	R-4 R-4	R-10	R-20	R-25	R- 35	PBC	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	ES ¹	RTC	RTR -18	RTR .20	CB
Special outdoor events (§§ 9-5.3828 and 9-5.3831)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	—	A	A	A	—
Christmas tree and pumpkin sale lots (§ 9-5.3829)	—	—	—	—	—	—	A	A	A	A	A	A	—	—	A	A	—	—	A	—	—	—

- 1 Single-family dwellings existing prior to the effective date of this section are permitted uses, conforming to the R-70 zone; however, development of new single-family dwelling units, other than replacement of existing single-family dwellings, are prohibited within the R-20 zone.
- 2 Use may be permitted as an ancillary use if it is incidental to an otherwise permitted or conditionally permitted use within this zoning district.
- 3 Legally established churches existing prior to the effective date of this section are permitted uses, conforming to the PBC, C-0, C-1, C-2, and C-3 zone; however, development of new religious assembly uses, other than replacement of existing uses, is prohibited within these zoning districts.
- 4 Funeral services are limited to "J" Street, Fourth Street, and the area between Fourth and Fifth Streets.
- 5 May be located only on sites adjacent to freeway interchanges.
- 6 May be located along Somersville Road north of the SR-4 freeway.
- 7 Marine repair only. Permitted as an ancillary service for waterfront activities.
- 8 Boat sales and repair only.
- 9 In the case of the Emergency Shelter Overlay District, where no letter or number is included in the table for a particular land use, the regulations of the base zone apply. Emergency shelters are permitted by right in the Emergency Shelter Overlay District if they meet all standards of § 9-5.3835, Emergency Shelters, of this article.
- 10 Hospices and residential care facilities providing care for up to six patients are a permitted use in any district where residential uses are allowed.
- 11 Up to 20 units/acre permitted by right subject to compliance with all other applicable standards.
- 12 Subject to a conditional use permit on a site at least one quarter mile from any type of residential care facility, social service institution, welfare institution, or a similar type of facility, at least one mile from another correctional facility; and at least 1,000 feet from a school, library, public park, recreation area or any property zoned or used for residential development. See § 9-5.3838, Correctional Facilities, for additional requirements.
- 13 Cannabis Business requires approval of a Use Permit by the City Council upon recommendation by the Planning Commission. See § 9-5.384531

(Am. Ord. 930-C-S, passed 7-29-97; Am. Ord. 1080-C-S, passed 10-24-06; Am. Ord. 2072-C-S, passed 10-22-13; Am. Ord. 2075-C-S, passed 11-26-13; Am. Ord. 2077-C-S, passed 12-10-13; Am. Ord. 2089-C-S, passed 6-24-14; Am. Ord. 2096-C-S, passed 2-24-15)

SECTION 7. Modify the Zoning Map to include the Cannabis Business (CB) Zoning Overlay District as follows:



SECTION 8. 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). The proposed code amendments are consistent with California Law, specifically Government Code section 65850.7 and Civil Code section 714. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant effect on the environment.

In addition, this ordinance is not subject to CEQA per section 15060(c)(2) of the CEQA Guideline. In addition, this ordinance is not a project under section CEQA Guidelines section 15378(b)(2) because this ordinance involves “continuing administrative activities”. Finally, this ordinance is also statutorily exempt under (the 2017 “SB 94” legislation) per Business and Professions Code section 26055(h).

SECTION 9. Publication; Effective Date.

This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be posted and published in accordance with the California Government Code.

SECTION 10. 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 circumstance and, to that end, the provisions hereof are severable.

* * * * *

I **HEREBY CERTIFY** that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch held on the 22nd day of May, and passed and adopted at a regular meeting thereof, held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

Sean Wright, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, CMC
City Clerk of the City of Antioch

ATTACHMENT "B"

Commissioner Motts reported he had noticed that many of the Amtrak stations had restaurants.

In response to Commissioner Motts, Assistant City Engineer Filson explained that any time a grant opportunity presented itself, they attempted to find a project that fit and applied.

Commissioner Motts stated he was interested in getting wording in place for projects so that they could access funds as they came up.

Acting Chair Zacharatos opened and then closed the floor to public comment with no speakers requesting to speak.

RESOLUTION NO. 2018-14

On motion by Commissioner Motts, seconded by Commissioner Martin, the Planning Commission determined that the 2018-2023 Capital Improvement Program is consistent with the Antioch General Plan, which includes that any acquisition or disposition of property identified in the project description for each project in the Capital Improvement Program is consistent with the General Plan. The motion carried the following vote:

AYES:	Zacharatos, Motts, Martin, Conley and Schneiderman
NOES:	None
ABSTAIN:	None
ABSENT:	Turnage, Parsons

NEW PUBLIC HEARING

- 3. Cannabis Ordinance** – The Community Development Department has recommended amendments to Chapter 5 of Title 9 of the Antioch Municipal Code (Zoning Ordinance) to create a Cannabis Business (CB) Overlay District within the City of Antioch. The amendments would establish an overlay zoning district wherein an applicant could apply for a Use Permit from the City Council to operate a cannabis business. The amendment will also include applicable definitions, setback requirements, and procedures.

Community Development Director Ebbs presented the staff report dated April 24, 2018, recommending that the Planning Commission adopt the resolution recommending that the City Council approve the proposed amendments to the Zoning Ordinance.

Community Development Director Ebbs explained that there was some limitation on the law that required the City to act and if they did not by July 31, 2018, the City's ability to regulate was somewhat limited.

Interim City Attorney Perez asked the City to act at this time because they would be limited as to regulating in the future, and it had been recommended universally to act before July 31, 2018.

Director of Community Development Ebbs stated that in the future he would like the City to develop guidelines and policy.

Community Development Director Ebbs recommended that the Planning Commission recommend the City Council adopt the text and table changes, as well as make a recommendation on which map was the most appropriate. He noted in the future the maps and zoning ordinance could be amended at will.

Interim City Attorney Perez stated that if the City failed to adopt an ordinance, they would still be able to regulate past July 31, 2018; however, there may be limitations that are unknown at this time. She noted if the City could act by July 31, 2018, it was the recommended action.

Commissioner Schneiderman expressed concern that weed maps indicated that there were approximately 20 people in residential areas that were delivering marijuana.

Community Development Director Ebbs responded that this issue had been discussed with the City Attorney and that regulation would be outside of the zoning ordinance. He noted as written today, no cannabis business could occur in a residential district.

In response to Commissioner Martin, Director of Community Development Ebbs speaking to the definitions explained that Cannabis Business was the broader term and aspects of the business such as retail, production, and cultivation fell under that category. He clarified that they did not plan to separate the retail in the maps because they had not received guidance from the City Council on that matter. He explained the Cannabis definition as written was an industry standard definition.

Interim City Attorney Perez added that the definition of Cannabis in the resolution was fairly universal.

In response to Commissioner Martin, Director of Community Development Ebbs explained that he could not speak to the email attachments from the Consultant because they had not been agendaized. He encouraged the Commission to discuss those items with the Economic Development Commission and/or the City Council when it was presented to them.

Speaking to exhibit A2 and A3, Commissioner Martin questioned if the areas listed equate to a 500-600 foot buffer as part of the ordinance.

Director of Community Development Ebbs clarified that some parcels would be eliminated and some of the larger parcels may have to be located further from the property line. He noted it would be looked at on a case by case basis.

In response to Commissioner Martin, Interim City Attorney Perez stated that the City could amend the ordinance after July 31, 2018.

In response to Commissioner Motts, Director of Community Development Ebbs explained greenhouses could be utilized for agricultural use in the Sand Creek area.

Interim City Attorney Perez added that plants could be grown outdoors; however, the bulk of cultivation would be indoors for climate control and security.

Commissioner Motts reported there was a greenhouse in the Wilbur corridor that used water and heat from the paper plant and he believed the building was still on the site. He questioned if the City of Pittsburg had adopted their Cannabis Ordinance.

Economic Development Program Manager Zepeda reported the City of Pittsburg approved a 10% sales tax and objected to every use until they found an existing chemical plant within their City limits that they determined had enough space and could provide enough jobs to produce a chemical component of cannabis. She noted once Council toured the facility and was provided with a report on job projections, they reconsidered and amended their ordinance to allow for lab use within the City limits.

Commissioner Motts thanked Economic Development Program Manager Zepeda for sending the email attachments and stated that he agreed with most of the recommendations.

Economic Development Program Manager Zepeda stated she had sent the email to provide the Commission with the information and at the request of the Economic Development Commission. She noted it had also been sent to the City Council. She further noted the Economic Development Commission had completed their research and recommendations.

Commissioner Motts discussed the possibility of allowing for cannabis use in the Wilbur corridor.

Director of Community Development Ebbs stated that the Planning Commission had a limited scope for this discussion which did not include economic benefits. He noted if there was a greater regulatory scheme, it would be in addition to this ordinance.

In response to Acting Chair Zacharatos, Captain Morefield reported the Antioch Police Department looked at cannabis businesses from the police services standpoint and a testing facility or R&D type of business would be the least impactful and retail sales would be the most impactful. He stated the presence of high quality marijuana and

cash was guaranteed at those sites which would be an enticing target to someone with ill intent and the means to commit that ill intent. He commented that they were not very supportive of retail sales and anything further away from that, they would have less objection. He noted if it was decided that this type of business would be permitted in Antioch, the permitting process, as well as the calls for service would add to a burden on the Antioch Police Department.

In response to Commissioner Martin, Captain Morefield speaking to the map 1 option stated it would likely be the least impactful because it was concentrated in one area and by virtue of what existed in that area. He noted indoor cultivation was preferred by those in the business because it allowed for a year round grow. He further noted that the area would not be adequate for retail because it was problematic due to being a remote site and there was direct access to a freeway and a bridge that would take someone out of the area quickly that committed a crime at the business.

Commissioner Martin questioned if the Wilbur Avenue area was appropriate for any cannabis business.

Captain Morefield explained that given the three options before the Planning Commission, they would prefer cannabis businesses be in one specific area that would cause the least amount of problems.

Director of Community Development Ebbs stated that if the Planning Commission decided to support option 1, it would be appropriate to add the caveat that they would suggest that cannabis retail not be allowed there, if they were so inclined.

Captain Morefield clarified that he would not presume any area of Antioch to be an appropriate location or site for this type of business.

Commissioner Motts spoke in support of option 1 and of adding the Verne Roberts Circle area.

Acting Chair Zacharatos agreed with Commissioner Motts.

Commissioner Conley stated that Cannabis Businesses are against federal law and spoke in support of not allowing the businesses in Antioch.

In response to Acting Chair Zacharatos, Interim City Attorney Perez stated the Planning Commission could recommend the City not allow cannabis businesses; however, if it goes to City Council and they decided to regulate marijuana, it would be problematic and come back to the Planning Commission.

Director of Community Development Ebbs stated the Planning Commission could forward the ordinance with the table indentifying and defining the uses and regulate it by prohibiting it.

Acting Chair Zacharatos opened and closed the public hearing with no members of the public requesting to speak.

Commissioner Martin stated that he attempted to do what the people of the City requested and reported that in Contra Costa County 60.7% of the people voted yes on Prop 64 and in Antioch 60.1% voted yes; however, they may not have known the implications of legalizing cannabis. He stated his thought process was that if he should follow the voters or do what he believed was right. He noted it was difficult to proceed when Council had not made their legislative decision. He expressed concern of what the result would be at the Council level if they said no and Council voted to approve.

Director of Community Development Ebbs stated Council would take action prior to July 31, 2018, and that this item would be part of the input they received. He noted the ordinance was enough for the City to build off of and refine over time.

Acting Chair Zacharatos mentioned that Prop 64 passed which allowed cannabis users to have under an ounce of marijuana and six plants and from that it had been broadened into retail and other uses.

In response to Commissioner Motts, Director of Community Development Ebbs stated that if the City wanted to be more restrictive in the future, they could change the ordinance.

Commissioner Schneiderman suggested taking a conservative approach and approving option 1 because it was a small area on the edge of town. She stated she shared the Antioch Police Department's concerns regarding the increase in criminal activity.

Acting Chair Zacharatos suggested the Commission consider that Antioch was a family community and they were trying to build a brand to protect.

Commissioner Motts stated that he understood Commissioner Conley's concerns; however, U.S. Congress did not do their job in deciding if this was a State's rights issue or a Federal issue. He spoke in support of option 1 with the addition of Verne Roberts Circle.

Acting Chair Zacharatos stated that in looking at the City's infrastructure, she questioned if this was the right time to approve cannabis uses in Antioch.

RESOLUTION NO. 2018-15

On motion by Commissioner Motts, seconded by Commissioner Schneiderman, the Planning Commission adopted the resolution recommending that the City Council approved the proposed amendments to the Zoning Ordinance approving map option 1 with the addition of Verne Roberts Circle. The motion carried the following vote:

AYES: *Motts, Martin, Schneiderman*
NOES: *Conley, Zacharatos*
ABSTAIN: *None*
ABSENT: *Parsons and Turnage*

Interim City Attorney Perez stated that with five Commissioners present, there needed to be a majority so three voting affirmative approved the motion.

Director of Community Development Ebbs stated he would modify the maps and this item would go before the City Council on May 22, 2018.

ORAL COMMUNICATIONS

Following discussion, Commissioner Martin stated that he would provide his Planning Commissioner binder to staff to duplicate for other Commissioners who had not received one.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

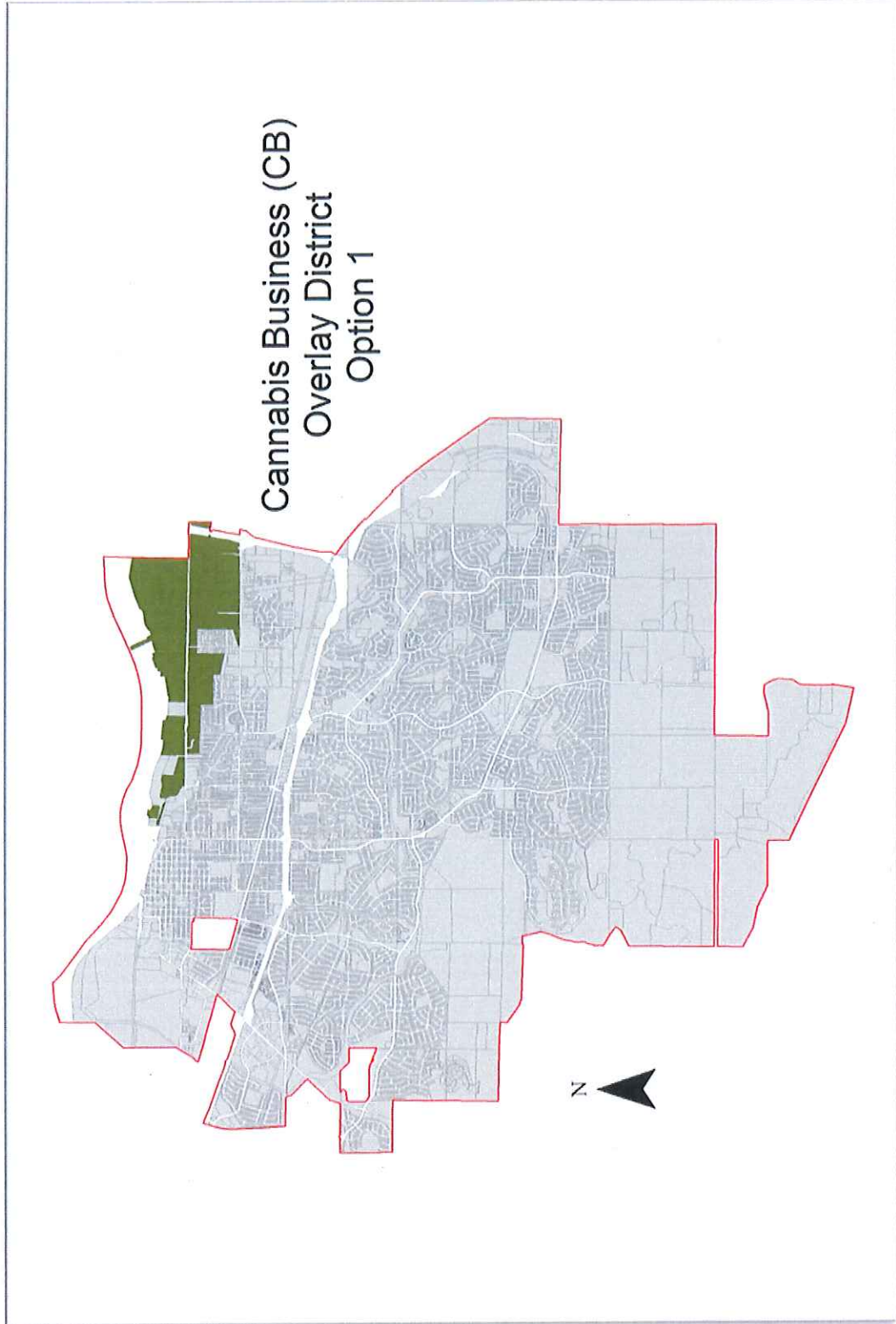
Commissioner Motts reported that he would be attending the TRANSPLAN meeting next week.

ADJOURNMENT

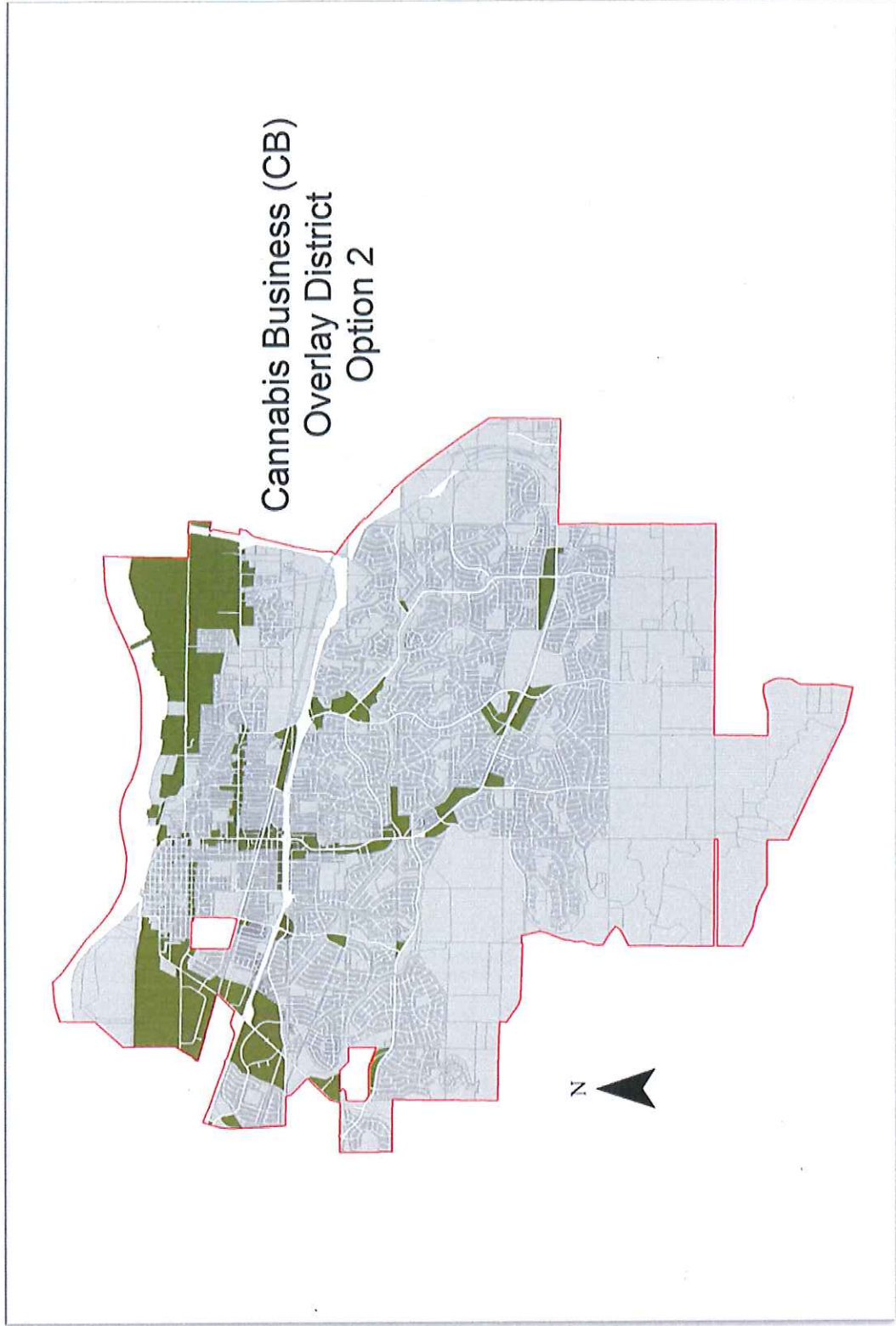
Acting Chair Zacharatos adjourned the Planning Commission at 8:32 P.M. to the next regularly scheduled meeting to be held on May 16, 2018.

Respectfully Submitted,
Kitty Eiden

ATTACHMENT "C"



ATTACHMENT "C"



ATTACHMENT "C"

Cannabis Business (CB)
Overlay District
Option 3

