

CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of September 10, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Zoe Merideth, Associate Planner *ZM*

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

SUBJECT: Contra Costa Farms Cannabis Business
UP-18-23, AR-18-24, V-19-03

RECOMMENDED ACTION

It is recommended that the City Council take the following actions:

1. Adopt the resolution approving the Contra Costa Farms Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
2. Adopt the resolution approving a use permit, design review, and variance for a cannabis business, subject to the conditions of approval (UP-18-23, AR-18-24, V-19-03).

FISCAL IMPACT

The proposed business will generate sales tax revenue for the City of Antioch. In addition to the sales tax revenue the business will be required to enter into a development agreement with the City as a condition of approval. The development agreement will likely include additional revenue based on sales from the business.

DISCUSSION

Requested Approvals

The applicant, Contra Costa Farms, LLC, requests approval of an Initial Study / Mitigated Negative Declaration, Use Permit, Variance, and Design Review approval of a cannabis business consisting of cultivation, manufacturing, distribution, and a retail dispensary with delivery. The project would consist of the demolition of one existing building, renovations to two existing buildings, and the construction of four new buildings, new parking areas,

and other associated improvements. The project site is located at 3400 Wilbur Avenue (APN 051-051-021). Each request is described in detail below:

1. Mitigated Negative Declaration: The City Council must approve the Initial Study/Mitigated Negative Declaration prior to taking action on the other resolution for the project.
2. Use permit (UP-18-23): The Zoning Ordinance requires that a use permit be approved by the City Council for all cannabis businesses.
3. Design review (AR-18-24): Design review of the project's site design, architecture, design and landscaping.
4. Variance (V-19-03): Variance to place a fence in the required 30-foot front setback.

Environmental

In accordance with the requirements of CEQA, a Mitigated Negative Declaration was prepared for the project that determined that all significant environmental impacts could be mitigated to a less-than-significant level with incorporation of mitigation. A copy of the public review draft of the Initial Study/Mitigated Negative Declaration and Final IS/MND, Mitigation Monitoring and Reporting Program (MMRP) and appendices can be found at the following link:

<https://www.antiochca.gov/community-development-department/planning-division/environmental-documents/>

Potentially significant impacts to biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, and tribal cultural resources were identified in the IS/MND. All impacts would be reduced to a less than significant level with the implementation of mitigation measures.

The draft Mitigated Negative Declaration was released for public review from July 16, 2019 to August 5, 2019. No comments on the Mitigated Negative Declaration were received during the comment period.

Background

With the passage of Proposition 64 in November of 2016, California residents over the age of 21 can legally use marijuana without a medicinal card if not in a public place. Californians can carry and use up to one 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 is now legal under California State law, subject to provisions contained in the law, including a state licensing requirement.

On May 2, 2018 the Planning Commission recommended to the City Council approval of an Ordinance amending Title 9, Chapter 5 of the Antioch Municipal Code, thereby creating new provisions for the consideration of cannabis businesses in the City of Antioch. The City Council introduced the ordinance on May 22, 2018 and approved the ordinance on June 26, 2018. The ordinance went into effect on July 26, 2018. The Code Amendment established new definitions, imposed basic standards, and created a new Cannabis Business (CB) Zoning Overlay District. Within the CB Zoning Overlay District, a party may apply for a Use Permit from the City Council for the establishment of a Cannabis Business. Unlike the typical use permit process, a cannabis use permit must be reviewed by the City Council after a recommendation by the Planning Commission.

On September 11, 2018 the Antioch City Council adopted Cannabis Guidelines by approval of Resolution No. 2018/117. The purpose of the guidelines is to provide the public and potential applicants with the City of Antioch's general expectations relating to the design and operation of a Cannabis Business.

On April 9, 2019 the City Council introduced an ordinance to amend Chapter 5 of Title 9 of the Antioch Municipal Code to update the cannabis ordinance to include requirements for a development agreement, make minor changes to the definitions, and require a 600-foot separation from cannabis uses and child care centers. The City Council approved the ordinance on April 23, 2019, and the ordinance went into effect 30 days later. The amendment to the ordinance requires each cannabis business to enter into a development agreement that contractually defines the benefits that the cannabis business will provide to the City. Existing Use Permit applications are subject to new ordinances and amendments only if the ordinance goes into effect before the application is deemed "complete." In this case, the application was deemed complete prior to the April amendments and, therefore, is not subject to the ordinance amendments. Nevertheless, the applicant has stated to staff that they are willing to enter into a development agreement, and the site is not located within 600 feet of a child care center (discussed in greater detail below).

At the Planning Commission meeting on August 21, 2019, the Planning Commission voted 4-1, with two commissioners absent, recommending that the City Council approve the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and the project. As part of the motion, the Planning Commission amended condition of approval K.34 regarding the development agreements. The condition originally required that the applicant enter into a development agreement prior to obtaining a Certificate of Occupancy or business license. The applicant requested that the Planning Commission modify the condition to ensure the development agreement did not postpone the opening of the business. Planning Commission agreed to this request. The condition now reads that if the development agreement is not ready by the time the applicant is ready to open, a Certificate of Occupancy will be granted and the development agreement will be retroactive from the date of the Certificate of Occupancy.

Project Overview

The applicant proposes to develop an approximately 9.2-acre site for a commercial cannabis business consisting of cultivation, non-volatile manufacturing, distribution, retail and delivery uses at 3400 Wilbur Avenue. The site was most recently used as an industrial power plant, which ceased operations in 2012. While the equipment was removed, three buildings from the operation remain on site today. The smallest building, a 500 square foot shed will be removed from the site. The other two buildings: a 2,400 square foot building and a 5,000 square foot building will be renovated for the proposed cannabis business. The applicant is also proposing to construct four new, two-story buildings. One building will be 56,440 square feet, one will be 32,000 square feet, and the remaining two buildings will be 58,000 square feet. In total, the applicant is proposing a 211,8000 square foot facility. The applicant's project overview is included as Attachment "C".

The applicant is proposing to construct the facility over two main phases. Phase I will include the removal of the 500 square foot existing building and renovations to the 5,000 square foot building for manufacturing, distribution, and retail sales. Later in this phase, renovations will be made to the other existing building. This phase will also include the construction of the 32,000 square foot grow building. During Phase II, the applicant will construct the remaining buildings.

The applicant plans to begin operations with manufacturing, distribution, and retail sales at the dispensary. The retail sales will be conducted in a sales area that can only be accessed by customers presenting a valid identification to a security guard.

As part of the dispensary, the applicant is proposing to sell vape pens, vape pen cartridges, vape pen batteries, and chargers, which are used to administer cannabis concentrates. The applicant is also proposing to sell the following smoking accessories: rolling papers, pipes, and grinders. The cannabis guidelines prohibit the sale of cannabis related paraphernalia unless explicitly authorized through the use permit. Therefore, staff has included a condition of approval limiting the cannabis paraphernalia sold on site to vape pens, vape pen cartridges, vape pen batteries, chargers, rolling papers, pipes, and grinders, unless approved in writing by the Community Development Director.

The applicant plans to use up to thirteen vehicles for delivery operations, which will be available to make deliveries during the same hours as the retail business hours. The delivery vehicles will not have any marking or other indications on the exterior of the vehicle that may indicate that the delivery employee is carrying cannabis goods for delivery.

In Phase I of the operations, the applicant will begin distribution operations. A licensed distributor is responsible for: transporting cannabis goods, arranging for the testing of cannabis products, conducting quality assurance reviews of cannabis goods to ensure that they comply with all of the packaging and labeling requirements, and transporting cannabis goods between licensees.

The applicant is also planning to manufacture a variety of products on site. Eventually, these products will be manufactured from cannabis grown on-site. The manufacturing will be non-volatile, meaning that volatile solvents, such as butane or propane, will not be used. Non-volatile manufacturing uses a mechanical extraction method or non-volatile solvents, such as carbon dioxide, ethanol, water, or cooking oils, to extract cannabis oils. The applicant plans to manufacture pre-rolls, extracts, and edibles. The edibles will be made in a commercial kitchen at the site.

The largest part of the proposed business will be the cultivation operation. The applicant is proposing to develop the site to hold six Type 3A - Medium Indoor Grow licenses through the State. This license type limits the cultivation area to 22,000 square feet of indoor cultivation under grow lights. The cultivation will not use pesticides, fumigation, or fogging. The applicant has indicated that minimal amounts of fertilizer may be used. The plants will be watered on a drip irrigation system that limits the amount of run-off of the plants. The small amounts of water that may end up running off the plants will be collected and recycled. Any additional wastewater that would be disposed would be used to water the site's exterior landscaping.

At buildout, the applicant is estimating that 269 employees will be needed to run the facility. The retail and delivery portion of the business are limited to operations between 8 am and 8 pm by the City's Cannabis Guidelines. Other portions of the business require two shifts a day to operate, one daytime shift and one nighttime shift, seven days a week.

General Plan, Zoning, and Land Use

The site is located within the General Plan's Eastern Waterfront Employment Focus Area and is designated as Industrial. The zoning of the site is Heavy Industrial (M-2) and Cannabis Overlay District (CB). All cannabis businesses allowed by the State are allowed in the Cannabis Overlay District subject to the approval of a use permit by the City Council.

The Antioch Municipal Code § 9-5.3845(B) prohibits a cannabis business from locating closer than 600 feet from any private or public school serving students grade kindergarten through high school; any public park owned or operated by the City; any property occupied by a residential land use or with a residential or general plan land use designation or zoning designation; or a child care center, as defined by the Antioch Municipal Code. Additionally, the Cannabis Guidelines require cannabis dispensaries to be located at least 600 feet apart. No dispensaries are located near the project site. No schools, private or public, are near the project site. The proposed project is not near any residential uses. The child care center requirement is not applicable to the proposed project, due to the date the ordinance went into effect; nevertheless, the project site is not within 600 feet of any child care centers.

The surrounding land uses and zoning designations are noted below:

North: Industrial Concrete Plant / City of Oakley
South: Railroad Tracks, Markstein Beverage Sales and Self-Storage / Planned Development (P-D) and Heavy Industrial (M-2) and Cannabis Overlay
West: Vineyards / Heavy Industrial (M-2) and Cannabis Overlay
East: Industrial Uses / Heavy Industrial (M-2) and Cannabis Overlay

Architecture, Site Design and Landscaping

The applicant is requesting design review approval for the entire site and both phases of the project. The phasing of the project is designed to remodel the existing buildings first and construct the new buildings second. The applicant would build the required parking and drive aisles as needed to support each use. The applicant would use the site's existing driveway to access the existing, dispensary building. This driveway would serve as the only customer entrance and exit to the site. As more buildings are developed, the applicant would construct a second employee and service driveway to the north of the existing driveway.

The applicant has submitted two alternative site plans. One site plan shows heating and air conditioning equipment located within the existing PG&E easement on the southern property line. The other site plan shows this equipment outside of the easement. The applicant is working to obtain written permission from PG&E to place the equipment within the easement. Staff has added a recommended condition of approval that the equipment would remain outside of the easement unless satisfactory written permission from PG&E is received. This change would not impact the circulation or landscaping planned for the site.

The proposed buildings would be constructed of metal. Each new building would have a beige painted, metal finish with a forest green metal roof. The bottom eight feet of the building would have eight foot-faux stone exterior panels affixed to it. The buildings would also have large two-story glass entry storefronts that would look into the proposed office space of each building. The cannabis cultivation and operations would not be visible through any of the windows. The buildings would also feature striped beige and maroon awnings. Finally, the building closest to Wilbur would have a metal trellis with vines on the façade facing Wilbur.

The existing buildings would be remodeled to incorporate the design features of the new buildings. The existing building that would be used for the dispensary would feature the same beige body color, stone paneling, glass entry storefront, and awnings as the new buildings. The other existing building, which is located at the rear of the site would feature the same awnings as the rest of the site.

The project plans did not include complete details about a few operations items. First, only one trash enclosure is shown for the site, and would be located at the existing dispensary. Staff is concerned this will not provide enough refuse storage for the entire business operation. Second, the proposed buildings do not include any roll-up doors,

which staff believes may be necessary for full business operations. Recommended conditions of approval have been added that address both of these concerns at the time of building permit submittal.

The conceptual landscape plan includes landscaping for the project frontage and the internal site. The applicant has chosen to plant Chinese Pistache trees along the project frontage and within the parking lot's planting area. The Chinese Pistache is included in the Citywide Design Guidelines' plant palette. This tree tolerates a range of conditions, is drought-resistant, and produces colorful fall foliage. The applicant is proposing a variety of smaller accent plants including verbena and bottle brush. These plants will offer a variety of contrasting colors. The applicant is proposing to use Lodi stone gravel that will not blow away in the delta winds and will provide a neutral, earth tone base for the landscaping.

The applicant is planning to install one monument sign near the customer's entrance to the site. The proposed monument sign meets the cannabis guidelines' requirement of not including any images of cannabis leaves, green crosses, or other cannabis-related imagery. Staff has included a recommended condition of approval that the sign be redesigned to meet the City's eight-foot height limit.

The applicant will be removing the existing fencing and installing a new eight-foot tall wrought iron fence along the site perimeter. New fencing would also be provided around the perimeter of the dispensary building and the building's parking lot. Staff has included recommended conditions of approval to ensure that the fencing design would still allow for adequate on-site turnaround space for vehicles.

Infrastructure and Off-Site Improvements

The developer is required to provide all infrastructure necessary to serve the site. This includes utility tie-ins such as water, streets, sanitary sewer and storm drainage systems.

The project will connect to the existing water, sewer and storm drain systems in the Wilbur Avenue right-of-way. In addition, the proposed stormwater system will include several bio-retention facilities throughout the site that will filter and release the majority of all on-site runoff.

The existing driveway on the northeastern corner of the site will be the only access point for the first phase of the project. A second driveway is proposed to be constructed to the west of the existing driveway when future phases are developed. The proposed driveway may be too close to the existing driveway to provide safe circulation in and out of the site. The project is conditioned to conduct a study of the proposed driveway location to determine if the proposed spacing is safe, and if not, recommend an alternate location.

Wilbur Avenue adjacent to the project site will eventually be widened to four lanes. The project is conditioned to dedicate additional right-of-way along the project frontage prior to final certificates of occupancy for Phase 2. The project will also be required to construct the new Wilbur Avenue frontage improvements adjacent to their project, including curb,

sidewalk and drainage facilities. It is possible the City Engineer will allow these frontage improvements to be deferred to another date in the future should it work better with the timing of the Wilbur Avenue widening.

Fence Variance

The applicant is proposing an approximately eight-foot-high black wrought iron fence along the perimeter of the property. A fence up to eight feet high is allowed on the side and rear property lines in the heavy industrial zoning district with approval of a use permit, but a variance is required for anything over three feet high in the required 30-foot front landscaped setback.

In order to grant a variance, four findings must be made (Antioch Municipal Code Section 9-5.2703). If an application can meet all four of the findings, then the variance can be granted. Conversely, if any one of the findings cannot be made, the variance should be denied.

The four findings and their applicability to the variance request for an encroachment into the required front yard setback are as follows:

- 1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.**

The intended use of the property is a cannabis facility consisting of cultivation, manufacturing, distribution, and a retail dispensary with delivery. The City of Antioch's Cannabis Business Operational Guidelines encourage cannabis businesses to provide adequate security on the premises, including secured fencing and gates. Due to the locations of the buildings on the project site, a security fence is most effectively placed in front of the buildings within the required front landscaped setback.

- 2. That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.**

The proposed approximately eight-foot-high fence in the front setback will be an attractive wrought iron design that will provide visibility into the site for law enforcement and will not create visual obstructions for drivers using the project's driveways. Therefore, the proposed fence will not be detrimental to the public health or injurious to the properties in the area.

3. **That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.**

The project site is located in the Cannabis Overlay Zone. Providing robust security for customers, employees and inventory is a unique aspect of cannabis businesses and is encouraged for cannabis businesses in the City of Antioch. Restricting the project to a 3' high fence in the front setback would limit the project's ability to provide adequate security for the site.

4. **That the granting of such variance will not adversely affect the comprehensive General Plan.**

The proposed use of the project site is consistent with the General Plan designation of Industrial. The applicant's request would not adversely affect the comprehensive General Plan.

Site Security

As part of their application the applicant submitted a security plan for the site. The security plan addressed the following issues:

- Physical elements of the site such as location of the building, outdoor lighting, and parking areas.
- Electronic security such as motion sensors, controlled access areas, and surveillance cameras.
- Compliance and procedures such as inventory management, cash handling, and employee training.

The security plan was reviewed by the Antioch Police Department. After the review was complete, the Police Department, Planning staff, and the applicant met to review the plan. Given that this is a new industry in the City of Antioch, this meeting provided staff an opportunity to gain a better understanding of how the business would operate and how security measures would be implemented on the site. During the meeting, Police Department staff provided the applicant with feedback on their security plan, as well as additional site-specific security measures that they would like. The applicant was amenable to the Police Department's suggestions, such as having two-armed security guards on site during the dispensary's business hours. The Police Department and applicant will work together to determine the number of guards needed to patrol the non-public buildings at the site. Currently, at least one guard will be required. The proposed security measures are consistent with the security expectations detailed in the Cannabis Guidelines.

Staff has included a condition in the attached resolution requiring the Antioch Police Department conduct a site inspection to assess the security of the site prior to a Certificate of Occupancy being issued for each phase of the project. Any changes that the Antioch Police Department deem necessary upon site inspection will be incorporated into a revised site security plan that will then be submitted for their review and approval. No Certificate of Occupancy will be issued without final approval of a site security plan by the Antioch Police Department. In addition to the security inspection prior to issuance of a Certificate of Occupancy, the business is required to submit to annual security audits conducted by a third party or City staff.

Operational Issues

The applicant has submitted an odor mitigation plan that discusses the measures they will take to ensure that cannabis odors will not be detected at or beyond the site. Staff had the applicant's odor mitigation plan peer reviewed by the Engineering firm Blair, Church, & Flynn to ensure that the odor mitigation plan was adequate for the size and type of facility. Staff has taken Blair, Church, & Flynn's recommendations regarding the odor mitigation plans and added them as recommended conditions of approval. Once building permits are submitted for the project, Blair, Church, & Flynn will review the plans for compliance with the recommended odor mitigation measures. Staff has also included a condition of approval requiring that adequate on-site odor control measures are maintained at all times and that cannabis odors cannot be readily detected outside the structures in which the business operates.

Staff has also included a condition of approval addressing site management and requiring the cannabis business operator to take "reasonable steps" to discourage and address any objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the premises during business hours if directly related to patrons of the business. Staff has also included a condition of approval prohibiting the smoking or ingestion of cannabis products on-site.

Neighborhood Responsibility Plan

As part of the application, the applicant submitted a neighborhood responsibility plan detailing their efforts to mitigate any potential impacts that the business may cause (Attachment D). The site is located in an industrial area that does not have many pedestrians or retail establishments. The business will discourage criminal nuisances and traffic by monitoring the site with the on-site security guards. The applicant will work to prevent and eradicate littering by performing daily site clean ups.

ATTACHMENTS

- A: CEQA Resolution
- B: Use Permit, Variance, Design Review Resolution
- C: Project Overview
- D: Neighborhood Responsibility Plan
- E: Project Plans

ATTACHMENT "A"

RESOLUTION NO. 2019/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CONTRA COSTA FARMS PROJECT AS ADEQUATE FOR ADDRESSING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

WHEREAS, the City received an application from Contra Costa Farms, LLC, for approval of an Initial Study / Mitigated Negative Declaration, a Use Permit to operate a cannabis business, a Variance, and Design Review for the development of the site for cannabis operations (UP-18-23, V-19-03, AR-18-24). The project site is located at 3400 Wilbur Avenue (APN 051-051-021);

WHEREAS, the City, as lead agency, prepared an Initial Study and Mitigated Negative Declaration, to evaluate the potential environmental impacts of the Project in conformance with Section 15070 of Title 14 of the California Code of Regulations (the "CEQA Guidelines");

WHEREAS, a draft Initial Study and Mitigated Negative Declaration ("IS/MND") was circulated for a 20-day review period, with the public review period commencing on July 16, 2019 and ending on August 5, 2019, and with no public comments being received;

WHEREAS, on August 21, 2019, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary and recommended adoption to the City Council of the Final IS/MND, and Mitigation Monitoring and Reporting Program (MMRP);

WHEREAS, the City Council has reviewed the IS/MND for this Project;

WHEREAS, the City Council gave notice of public hearing as required by law;

WHEREAS, on September 10, 2019, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary and recommended adoption to the City Council of the Final IS/MND, and Mitigation Monitoring and Reporting Program (MMRP); and,

WHEREAS, the custodian of the Final IS/MND and MMRP is the Community Development Department and the Final IS/MND and MMRP is available for public review on the second floor of City Hall in the Community Development Department, Monday - Friday 8:00 am – 5:00 pm and the MMRP is attached as Exhibit A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, as follows:

1. The foregoing recitals are true and correct.

A1

2. The City Council of the City of Antioch hereby FINDS, on the basis of the whole record before it (including the Initial Study) that:
 - a. The City of Antioch exercised overall control and direction over the CEQA review for the Project, including the preparation of the Final Initial Study and Mitigated Negative Declaration, and independently reviewed the Final IS/MND and MMRP;
 - b. There is no substantial evidence that the Project will have a significant effect on the environment once mitigation measures have been followed; and,
 - c. The Final IS/MND and MMRP reflect the City's independent judgment and analysis.

3. The City Council of the City of Antioch hereby APPROVES AND ADOPTS the Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Report Program (Exhibit A) for the Project.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said City Council held on the 10th day of September 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH

A2

Contra Costa Farms Project Mitigation Monitoring and Reporting Program

August 2019

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The Mitigation Monitoring and Reporting Program (MMRP) ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the Contra Costa Farms Project are listed in the MMRP along with the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign-off that the mitigation measure has been implemented.

EXHIBIT A

A3

MITIGATION MONITORING AND REPORTING PROGRAM CONTRA COSTA FARMS PROJECT			
Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p>IV-1. <i>Prior to the initiation of any ground disturbing activities, a qualified biologist shall conduct preconstruction roosting bat surveys for all suitable roosting habitat (i.e., trees and manmade structures) that would be impacted during construction activities. If impacted suitable roosting habitat is identified for Townsend's big eared bat, a qualified biologist shall conduct an evening bat emergence survey that may include acoustic monitoring to determine whether bats are present. If Townsend's big eared bat or other special-status bat species are found, consultation with CDFW shall be required prior to the initiation of any construction activities. If special-status bats are not found during the preconstruction surveys, further measures pertaining to special-status bats are not necessary. All survey results shall be submitted to the City of Antioch Planning Division prior to the initiation of any construction activities or when construction has been halted for 30 days or more.</i></p> <p><i>Alternatively, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</i> <i>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</i> 	Prior to initiation of ground-disturbing activities	City of Antioch Planning Division	
<p>IV-2. <i>Prior to the initiation of any ground disturbing activities for each phase, burrowing owl surveys shall be conducted by a qualified biologist walking the entire project site, including all off-site improvement areas, and (where possible) in areas within 150 meters (approx. 500 feet) of the proposed project impact zone. The 150-meter buffer zone is surveyed to identify burrows and owls</i></p>	Prior to initiation of ground-disturbing activities	City of Antioch Planning Division	

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**MITIGATION MONITORING AND REPORTING PROGRAM
CONTRA COSTA FARMS PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p><i>outside of the proposed project area which may be impacted by factors such as noise and vibration (heavy equipment) during project construction. If the qualified biologist does not find evidence of burrowing owls, further mitigation is not required. All survey results shall be submitted to the City of Antioch Planning Division prior to the initiation of any construction activities or where construction has been halted for 30 days or more.</i></p> <p><i>If the qualified biologist finds evidence of burrowing owls during the burrowing owl breeding season (February 1 through August 31), all project-related activities shall avoid nest sites during the remainder of the breeding season or while the nest remains occupied by adults or young (nest occupation includes individuals or family groups foraging on or near the site following fledging). Avoidance is establishment of a minimum 300-foot buffer zone around nests. Construction and other project-related activities may occur outside of the 300-foot buffer zone. Construction and other project-related activities may be allowed inside of the 300-foot non-disturbance buffer during the breeding season if the nest is not disturbed, and the project activities are monitored by a qualified biologist and subject to review and approval by the appropriate resource agencies (i.e., CDFW, USFWS, and the City of Antioch Planning Division).</i></p> <p><i>If monitoring by the qualified biologist indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use, the non-disturbance buffer zone may be removed if approved by CDFW. The qualified biologist shall excavate the burrow in accordance with the latest CDFW guidelines for burrowing owl to prevent reoccupation subject to review and approval from CDFW.</i></p> <p><i>As an alternative to completion of MM IV-1, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of</i> 			

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MITIGATION MONITORING AND REPORTING PROGRAM CONTRA COSTA FARMS PROJECT			
Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p>Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</p> <p>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</p>			
<p>IV-3. If pre-construction surveys required by Mitigation Measure IV-2 determine that burrowing owls occupy the site during the non-breeding season (September 1 through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) shall be necessary to ensure that the owls are not harmed or injured during construction. Once it has been determined that owls have vacated the site, the burrows shall be collapsed and ground disturbance may proceed.</p>	<p>Prior to initiation of ground-disturbing activities, if burrowing owls are determined to occupy the site during the non-breeding season (September 1 through January 31)</p>	<p>City of Antioch Planning Division</p>	
<p>IV-4. Prior to any project-related ground disturbance that occurs during the nesting season (March 15th to September 15th), a qualified biologist shall conduct a preconstruction survey at least two survey periods prior to the start of construction. Surveys shall follow the protocol in the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000), including the survey period lengths identified therein. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</p> <p>If an active nest is found within any off-site trees, a minimum buffer distance of 600 feet shall be established for a nest that is already active prior to construction, and a minimum buffer distance of 150 feet shall be used for a nest that starts after construction has already initiated. Such minimum distances are based on potential impact distances stated in the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</p>	<p>Prior to initiation of ground-disturbing activities that occur during the nesting season (March 15 to September 15)</p>	<p>City of Antioch Community Development Department</p>	

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MITIGATION MONITORING AND REPORTING PROGRAM CONTRA COSTA FARMS PROJECT			
Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p>(2000). Appropriate buffer distances shall be determined on the ground by a qualified biologist and shall be based on actual observations of the nest and parent behavior, the stage of nesting, and level of potential disturbance. The buffer(s) shall be identified on the ground with flagging or fencing, and shall be maintained until a qualified biologist has determined that the young have fledged and the nest is inactive. The biologist shall have the authority to stop construction if construction activities are likely to result in nest abandonment.</p> <p>Alternatively, the project applicant could comply with one of the following:</p> <ol style="list-style-type: none"> 1) Comply with the applicable terms and conditions of the ECCCHCP/NCCP, as determined in written "Conditions of Coverage" by the East Contra Costa County Habitat Conservancy (Conservancy), provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCCHCP/NCCP Covered Species; or 2) Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan. 			
<p>IV-5. Pre-construction surveys for nesting birds shall be conducted by a qualified biologist within on-site nesting habitat and a 250-foot buffer around the project site boundaries, if feasible, not more than 14 days prior to site disturbance during the breeding season (February 1st to August 31st). If site disturbance commences outside the breeding season, pre-construction surveys for nesting birds are not required. If active nests of migratory birds are not detected within approximately 250 feet of the project site, further mitigation is not required.</p> <p>If nesting raptors or other migratory birds are detected on or adjacent to the site during the survey, an appropriate construction-</p>	<p>Not more than 14 days prior to site disturbance during the breeding season (February 1 to August 31)</p>	<p>City of Antioch Community Development Department</p>	

MITIGATION MONITORING AND REPORTING PROGRAM CONTRA COSTA FARMS PROJECT			
Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p>free buffer shall be established around all active nests. Actual size of the buffer would be determined by the project biologist, and would depend on species, topography, and type of activity that would occur in the vicinity of the nest. Typical buffers are 25 feet for non-raptors and up to 250 feet for raptors. The project buffer would be monitored periodically by the project biologist to ensure compliance. After the nesting is completed, as determined by the biologist, the buffer would no longer be required. Buffers shall remain in place for the duration of the breeding season or until a qualified biologist has confirmed that all chicks have fledged and are independent of their parents.</p> <p>Alternatively, the project applicant could comply with one of the following:</p> <ol style="list-style-type: none"> 1) Comply with the applicable terms and conditions of the ECCCHCP/NCCP, as determined in written "Conditions of Coverage" by the East Contra Costa County Habitat Conservancy (Conservancy), provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCCHCP/NCCP Covered Species; or 2) Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan. 			
<p>IV-6. All trees that are legally removed as part of the proposed project shall be replaced according to the following schedule:</p> <ol style="list-style-type: none"> 1. Each established tree: two 24-inch box trees. 2. Each mature tree: two 48-inch box trees. <p>Legally removed indigenous and land-mark trees shall be replaced by boxed specimens at a rate and size to be established by the decision-making body at the time of regular development application approval.</p>	During construction	City of Antioch Community Development Department	

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MITIGATION MONITORING AND REPORTING PROGRAM CONTRA COSTA FARMS PROJECT			
Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
V-1. <i>In the event of the accidental discovery or recognition of any human remains, further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may recommend treatment of the remains and any grave goods. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 48 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department.</i>	In the event of the accidental discovery or recognition of any human remains during ground-disturbing activities	City of Antioch Community Development Department County Coroner Native American Heritage Commission	
V-2. <i>In the event any potentially significant prehistoric or historic artifacts, or other indications of cultural deposits, such as historic privy pits or trash deposits, are found once ground disturbing activities are underway, all work within the vicinity of the find(s) shall cease, the City shall be notified, and the find(s) shall be immediately evaluated by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment to allow for</i>	If any prehistoric or historic artifacts, or other indications of cultural deposits are found during ground-disturbing activities	City of Antioch Community Development Department Qualified Archaeologist	

MITIGATION MONITORING AND REPORTING PROGRAM CONTRA COSTA FARMS PROJECT			
Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<i>implementation of avoidance measures or appropriate mitigation shall be made available (CEQA Guidelines Section 15064.5). Work may continue on other parts of the project site while historical or unique archaeological resource mitigation takes place (Public Resources Code Sections 21083 and 21087).</i>			
VII-1. <i>All grading and foundation plans for the development shall be designed by a Civil and Structural Engineer and reviewed and approved by the City of Antioch Building Division prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the Geotechnical Investigation prepared for the proposed project are properly incorporate and utilized in the project design in order to minimize any potential impacts related to liquefaction.</i>	Prior to issuance of grading and building permits	City of Antioch Building Division	
VII-2. <i>Prior to issuance of grading and building permits, the project applicant shall submit, for the review and approval by the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Measures shall include, but are not limited to, the following:</i> <ul style="list-style-type: none"> • <i>Hydro-seeding;</i> • <i>Placement of erosion control measures within drainage ways and ahead of drop inlets;</i> • <i>The temporary lining (during construction activities) of drop inlets with "filter fabric" (a specific type of geotextile fabric);</i> • <i>The placement of straw wattles along slope contours;</i> • <i>Directing subcontractors to a single designation "wash-out" location (as opposed to allowing them to wash-out in any location they desire);</i> • <i>The use of siltation fences; and</i> • <i>The use of sediment basins and dust palliatives.</i> 	Prior to issuance of grading and building permits	City of Antioch City Engineer	
VII-3. <i>Prior to initiation of ground-disturbing activities, the applicant shall retain the services of a professional paleontologist to educate the construction crew that will be conducting grading and excavation at the project site. The education shall consist of an introduction to</i>	Prior to initiation of ground-disturbing activities and during ground-disturbing activities	City of Antioch Community Development Department	

**MITIGATION MONITORING AND REPORTING PROGRAM
CONTRA COSTA FARMS PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p><i>the geology of the project site and the kinds of fossils that may be encountered, as well as what to do in case of a discovery. Should any vertebrate fossils (e.g., teeth, bones), an unusually large or dense accumulation of intact invertebrates, or well-preserved plant material (e.g., leaves) be unearthed by the construction crew, then ground-disturbing activity shall be diverted to another part of the project site and the paleontologist shall be called on-site to assess the find and, if significant, recover the find in a timely matter. Finds determined significant by the paleontologist shall then be conserved and deposited with a recognized repository, such as the University of California Museum of Paleontology. The alternative mitigation would be to leave the significant finds in place, determine the extent of significant deposit, and avoid further disturbance of the significant deposit. Proof of the construction crew awareness training shall be submitted to the City's Community Development Department in the form of a copy of training materials and the completed training attendance roster.</i></p>			
<p>VIII-1. <i>Prior to issuance of a certificate of occupancy for any buildings constructed within the project site, the project applicant shall demonstrate a reduction in GHG emissions of 6.46 MTCO₂e/yr per 1,000 sf of building area proposed (equating to a project-wide total of 710.25 MTCO₂e/yr). Examples of measures that may be used by the project applicant include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Exceedance of Title 24 Energy Efficiency requirements;</i> • <i>Inclusion of on-site renewable energy;</i> • <i>Indoor water use efficiency;</i> • <i>Institution of a composting and recycling program in excess of local standards;</i> • <i>Use of energy efficient lighting fixtures;</i> • <i>Inclusion of Electric Vehicle parking infrastructure; and</i> • <i>Purchase of off-site mitigation credits.¹</i> 	<p>Prior to issuance of a certificate of occupancy</p>	<p>City of Antioch Community Development Department</p>	

¹ Purchase of off-site credits shall be negotiated with the City and BAAQMD at the time that credits are sought.

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MITIGATION MONITORING AND REPORTING PROGRAM CONTRA COSTA FARMS PROJECT			
Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<i>Thus, as development progresses within the project site, each individual phase of development would be required to show GHG emissions reductions in keeping with the project-wide reduction requirement.</i>			
<i>IX-1. Prior to the issuance of grading permits and removal of existing structures on the project site, a surficial soil sample laboratory analysis shall be conducted in areas around existing structures on the project site. Once the soils are collected, the soils are to be tested for pesticides, including chlordane. If soil contaminates are not found, further action is not required; however, if concentrations of pesticides are detected in excess of established thresholds, the assessment shall include the appropriate mitigation including, but not limited to, soil remediation to an acceptable total threshold limit concentration (TTL) level per applicable State and federal regulations. All recommended mitigation measures shall be implemented by the project applicant, subject to review and approval by the Contra Costa County Health Services Department, as well as the City of Antioch Community Development Department.</i>	Prior to issuance of grading permits and removal of existing structures	City of Antioch Community Development Department Contra Costa County Health Services Department	
<i>IX-2. Prior to initiation of construction or demolition activities, the existing on-site septic system shall be abandoned in an approved manner as determined by the Contra Costa County Health Services Department. Proof of abandonment shall be provided to the City of Antioch Community Development Department.</i>	Prior to initiation of construction or demolition activities	City of Antioch Community Development Department	
<i>IX-3. Prior to issuance of a demolition permit for any on-site structures, the Developer shall consult with certified Asbestos and/or Lead Risk Assessors are to complete and submit for review to the Community Development Department an asbestos and lead survey. If asbestos-containing materials ACMs or lead-containing materials are not discovered during the survey, further mitigation related to ACMs or lead containing materials will not be required. If ACMs and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site ACMs and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration</i>	Prior to issuance of a demolition permit	City of Antioch Community Development Department	

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MITIGATION MONITORING AND REPORTING PROGRAM CONTRA COSTA FARMS PROJECT			
Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
regulations and disposed of in accordance with all California Environmental Protection Agency regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 California Code of Regulations (CCR) 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City and the Contra Costa County Health Services Department for review and approval. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.			
X-1. Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The developer shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. The SWPPP shall be submitted to the Director of Public Works/City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.	Prior to issuance of grading permits	City of Antioch Director of Public Works/City Engineer	
XVIII-1. Implement Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2	See Mitigation Measures V-1 and V-2	

ATTACHMENT "B"

RESOLUTION NO. 2019/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A USE PERMIT (UP-18-23), VARIANCE (V-19-03) AND DESIGN REVIEW (AR-18-24) FOR THE CONTRA COSTA FARMS CANNABIS BUSINESS

WHEREAS, the City received an application from Contra Costa Farms, LLC, for approval of an Initial Study / Mitigated Negative Declaration, a Use Permit to operate a cannabis business, Variance, and Design Review for the development of the site for cannabis operations (UP-18-23, V-19-03, AR-18-24). The project site is located at 3400 Wilbur Avenue (APN 051-051-021);

WHEREAS, an Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15070, and considered by the City Council on September 10, 2019;

WHEREAS, on August 21, 2019, the Planning Commission recommended adoption of the Final Initial Study and Mitigated Negative Declaration and MMRP to the City Council;

WHEREAS, on August 21, 2019 the Planning Commission, duly held a public hearing and received and considered evidence, both oral and documentary and recommended approval of the project;

WHEREAS, the City Council duly gave notice of public hearing as required by law; and,

WHEREAS, on September 10, 2019, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby make the following findings for approval of a Cannabis Business Use Permit:

1. The granting of such Use Permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The proposed cannabis business is required to comply with multiple conditions of approval that address the project's impact on public health and the properties in the vicinity. On-site armed security is required at all times with annual audits of the site security plan required. The business shall also maintain on-site odor control so that cannabis related odors are not readily detected outside the structure. Based upon the conditions imposed, the cannabis dispensary use will not create adverse impacts to the surrounding businesses and residents.

2. The use applied at the location indicated is properly one for which a Use Permit is authorized.

The site is zoned Cannabis Overlay District. The Cannabis Overlay District allows cannabis businesses with the approval of a use permit.

3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all parking, and other features required.

The proposed cannabis business will take place in an existing commercial building with ample parking. The site has a secure area for cannabis deliveries.

4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

The project site is currently developed and is located on Wilbur Avenue, which is adequate in width and pavement type to carry the traffic generated by the proposed use.

5. The granting of such Use Permit will not adversely affect the comprehensive General Plan.

The use will not adversely affect the comprehensive General Plan because the project is consistent with the General Plan designation for the site of Heavy Industrial.

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

The conditions of approval on the project are consistent with the cannabis guidelines. The security plan has been reviewed by the Antioch Police Department and security conditions have been included per their direction. The sales taxes generated by the sale of cannabis will provide a financial benefit to the City of Antioch. The forthcoming development agreement will likely include additional revenue based on sales from the business.

BE IT FURTHER RESOLVED that the City Council does hereby make the following findings for the approval of a Variance for an approximately eight-foot-high fence located within the required 30-foot front yard setback:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.

The intended use of the property is a cannabis facility consisting of cultivation, manufacturing, distribution, and a retail dispensary with delivery. The City of Antioch's Cannabis Business Operational Guidelines encourage cannabis businesses to provide adequate security on the premises, including secured fencing and gates. Due to the locations of the buildings on the project site, a security fence is most effectively placed in front of the buildings within the required landscaped setback.

2. That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The proposed approximately eight-foot-high fence in the front setback will be an attractive wrought iron design that will provide visibility into the site for law enforcement agencies and will not create visual obstructions for drivers using the project's driveways. Therefore, the proposed fence will not be detrimental to the public health or injurious to the properties in the area.

3. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.

The project site is located in the Cannabis Overlay Zone. Providing robust security for customers, employees and inventory is a unique aspect of cannabis businesses and is encouraged for cannabis businesses in the City of Antioch. Restricting the project to a 3' high fence in the front setback would limit the project's ability to provide adequate security for the site.

4. That the granting of such variance will not adversely affect the comprehensive General Plan.

The proposed use of the project site is consistent with the General Plan designation of Industrial. The applicant's request would not adversely affect the comprehensive General Plan.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Antioch does hereby APPROVE the Use Permit (UP-18-23) to operate a cannabis business, a Variance (V-19-03), and Design Review (AR-18-24) for the development of the site for cannabis operations located at 3400 Wilbur Avenue (APN 051-051-021), subject to the following conditions:

A. GENERAL CONDITIONS

1. The project shall comply with the Antioch Municipal Code. All construction shall conform to the requirements of the California Building Code and City of Antioch standards.
2. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
3. The project shall be implemented as indicated on the application form and accompanying materials provided to the City and in compliance with the Antioch Municipal Code, or as amended by the Planning Commission or City Council.
4. No building permit will be issued unless the plan conforms to the project description and materials as approved by the City Council and the standards of the City.
5. This approval expires two years from the date of approval, September 10, 2021, unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one one-year extension shall be granted.
6. No permits or approvals, whether discretionary or ministerial, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
7. City staff shall inspect the site for compliance with conditions of approval prior to the issuance of a Certificate of Occupancy or commencement of the business.
8. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way.

9. All existing easements shall be identified on the site plan and all plans that encroach into existing easements shall be submitted to the easement holder for review and approval, and advance written permission shall be obtained from any property owner or easement holder for any work done within such property or easement.
10. That all required easements or rights-of-way for improvements shall be obtained by the developer at no cost to the City of Antioch. Advance permission shall be obtained from all pertinent property owners and easement holders, if applicable, for any work done within such property or easements.
11. All on-site curbs, gutters and sidewalks shall be constructed of Portland cement concrete.
12. Asphalt paving shall be designed for a minimum traffic index (TI) of 5.5 and shall have a minimum slope of 2%, concrete paving shall have a minimum slope of 0.75%, and asphalt paving for identified accessible parking stalls and access routes may have a minimum slope of 1.5% and a maximum 2% slope, or as approved by the City Engineer.
13. All access drive aisles shall be constructed per current ADA and City standards, subject to review and approval by the City Engineer.
14. The parking lot striping and signing plan shall be approved by the City Engineer.
15. All parking spaces shall be double-striped, and all parking lot dimensions shall meet minimum City of Antioch Municipal Code requirements.
16. The applicant shall show a turning template on the site plan verifying that delivery trucks can safely ingress, egress, and successfully maneuver throughout the site.
17. Any cracked, broken or damaged concrete curb, gutter and/or sidewalks shall be removed and replaced as required by the City Engineer.

B. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall be as outlined in the Antioch Municipal Code § 5-17.05. Requests for alternative days/times may be submitted in writing to the City Manager for consideration.
2. The project shall comply with and supply all the necessary documentation for AMC § 6-3.2: Construction and Demolition Debris Recycling.

3. Standard dust control methods shall be used to stabilize the dust generated by construction activities. The developer shall post dust control signage with the contact number of the Developer, the Bay Area Air Quality Management District and the City.
4. Driveway access to neighboring properties shall be maintained at all times during construction.

C. UTILITIES

1. All existing and proposed utilities (e.g. transformers and PMH boxes) shall be undergrounded and subsurface in accordance with the Antioch Municipal Code, except existing P.G.& E. towers, if any, or as approved by the City Engineer.
2. Prior to issuance of a building permit, the applicant shall submit hydrologic and hydraulic calculations for review to the City for design and construction of storm drain facilities that adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or natural watercourse, without diversion of watershed.
3. All storm water flows shall be collected onsite and discharged into an approved public storm drain system.
4. The sewer collection system shall be constructed to function as a gravity system and a City-standard connection and sanitary sewer cleanout or manhole shall be provided as approved by the City Engineer.
5. A reduced pressure backflow preventer assembly shall be installed on all City water meter services.
6. All onsite utilities outside a public utility easement or as determined by the City Engineer, shall be privately owned and maintained and connected to public facilities in accordance with City Standards.
7. A City standard double detector check valve backflow assembly shall be installed on the fire line and enclosed within a public easement granted to the City.
8. The developer shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi.

9. The applicant shall install all infrastructure to serve the site. Infrastructure for access to the site (sewer, water, storm, joint trench, and surface improvements) shall be completed prior to issuance of a building permit, as approved by the City Engineer.
10. All proposed drainage facilities, including open ditches, shall be constructed of Portland Concrete Cement or as approved by the City Engineer.

D. LANDSCAPING

1. Sight distance triangles shall be maintained per AMC § 9-5.1101, Site Obstructions at Intersections, or as approved by the City Engineer. Landscaping and signage shall not create a sight distance problem.
2. Detailed landscaping and irrigation plans for the entire site shall be submitted to the City for review and approval. All landscaping and irrigation shall be installed in accordance with approved plans prior to the issuance of Certificates of Occupancy.
3. Landscaping for the project shall be designed to comply with the applicable requirements of City of Antioch Ordinance No. 2162-C-S The State Model Water Efficient Landscape Ordinance (MWELo). Prior to issuance of a building permit, the applicant shall demonstrate compliance with the applicable requirements of the MWELo in the landscape and irrigation plans submitted to the City.
4. Landscape shall show immediate results. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, and/or otherwise maintained as necessary. Plant materials shall be replaced as needed to maintain the landscaping in accordance with the approved plans.
5. All trees shall be a minimum 15-gallon size and all shrubs shall be a minimum 5-gallon size.
6. Frontage landscaping shall remain weed and litter free throughout the life of the project.

E. FIRE REQUIREMENTS

1. All requirements of the Fire District shall be met.
2. The developer shall submit a minimum of two (2) complete sets of building plans and specifications of the subject project, including plans for any of the following required deferred submittals, to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees

shall be submitted at the time of plan review submittal. (105.4.1) CFC, (901 .2) CFC, (107) CBC

- Private underground fire service water mains
- Fire sprinklers
- Fire alarm
- High-pile storage
- Aboveground/underground flammable/combustible liquid storage tanks
- Special suppression systems
- Provide safety during construction. (Ch.33) CFC

F. FEES

1. The developer shall pay all City fees which have been established by the City Council and as required by the Antioch Municipal Code.
2. The developer shall pay all pass-through fees. Fees include but are not limited to:
 - East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Fee in effect at the time of building permit issuance.
 - Contra Costa County Fire Protection District Fire Development Fee in effect at the time of building permit issuance.
 - Development Impact Fee
 - Traffic Signal Fees
 - Gravity Flow Sewer Assessment Fee
 - School Impact Fees
 - Delta Diablo Sewer Fee
 - Contra Costa Water District Fee
3. The applicant shall pay the Contra Costa County Flood Control District Drainage Area fee at a time specified by the Flood Control District.

G. GRADING

1. The grading operation shall take place at a time and in a manner so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
2. The final grading plan for this development shall be approved by the City Engineer and signed by a California licensed civil engineer. No grading is allowed without a grading permit issued by the Building Department.

3. All elevations shown on the grading and improvement plans shall be on the USGS 1929 sea level datum or NAVD 88 with conversion information, or as approved by the City Engineer.
4. All slopes shall drain to approved drainage facilities as approved by the City Engineer.
5. Wall and fence locations and elevations shall be included on the grading plan.
6. Any existing wells or septic systems on the property shall be properly abandoned under permit from the Contra Costa County Environmental Health Department.
7. All grading shall be accomplished in a manner that precludes surface water drainage across any property line.
8. Swales adjacent to structures shall have a minimum of a 1% slope or as directed by the City Engineer.
9. All off-site grading is subject to the coordination and approval of the affected property owners and the City Engineer. The developer shall submit written authorization to "access, enter, or grade" adjacent properties prior to performing any work.
10. Retaining walls shall be of masonry construction and shall not be constructed in City right-of-way or other City maintained parcels unless approved by the City Engineer.
11. All retaining walls shall be reduced in height to the maximum extent practicable and any walls or signage shall meet the height requirements in the setback and sight distance triangles as required by the City Engineer.

H. CONSERVATION/NPDES

1. Water conservation measures, including low volume toilets, flow restrictors in showers and the use of drought tolerant landscaping, shall be used.
2. That the project shall comply with all Federal, State, and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC § 6-9). (Note: Per State Regulations, NPDES Requirements are those in affect at the time of the Final Discretionary Approval.) Under NPDES regulations, the project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. Provision C.3 requires that the project include storm water treatment and source control measures, as well run-off flow controls, so that post-project runoff does not exceed estimated pre-project runoff. C.3 regulations require the submittal of a Storm Water Control Plan (SWCP) that demonstrates how

compliance will be achieved. The SWCP shall be submitted simultaneously with the project plans. For the treatment and flow-controls identified in the approved SWCP, a separate Operation and Maintenance Plan (O&M) shall be submitted and approved before the Building Department will issue Certificate of Occupancy permits. Both the approved SWCP and O&M plans shall be included in the project CC&Rs. Prior to building permit final and issuance of a Certificate of Occupancy, the developer shall execute any agreements identified in the Storm Water Control Plan that pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.

3. The following requirements of the federally mandated NPDES program (National Pollutant Discharge Elimination System) shall be complied with as appropriate, or as required by the City Engineer:
 - a. Prior to issuance of permits for building, site improvements, or landscaping, the developer shall submit a permit application consistent with the developer's approved Storm Water Control Plan, and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants.
 - b. The Storm Water Control Plan shall be certified by a registered civil engineer, and by a registered architect or landscape architect as applicable. Professionals certifying the Storm Water Control Plan shall be registered in the State of California and submit verification of training, on design of treatment measures for water quality, not more than three years prior to the signature date by an organization with storm water treatment measure design expertise (e.g., a university, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association), and verify understanding of groundwater protection principles applicable to the project site (see Provision C.3.i of Regional Water Quality Control Board Order R2 2003 0022).
 - c. Prior to building permit final and issuance of a Certificate of Occupancy, the developer shall submit, for review and approval by the City, a Master Storm Water BMP Operation and Maintenance Plan in accordance with City of Antioch guidelines. This O&M plan shall incorporate City comments on the draft O&M plan and any revisions resulting from changes made during construction.
 - d. Prior to building permit final and issuance of a Certificate of Occupancy, the developer shall execute and record any agreements identified in the Master

Storm Water Control Plan which pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.

- e. Prevent site drainage from draining across sidewalks and drive aisles in a concentrated manner.
- f. Collect and convey all storm water entering, and/or originating from, the site to an adequate downstream drainage facility without diversion of the watershed. Submit hydrologic and hydraulic calculations with the Improvement Plans to Engineering Services for review and approval.
- g. Prior to issuance of the grading permit, submit proof of filing of a Notice of Intent (NOI) by providing the unique Waste Discharge Identification Number (WDID#) issued from the Regional Water Quality Control Board.
- h. Submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) for review to the Engineering Department prior to issuance of a building and/or grading permit. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a project stop work order.
- i. Install appropriate clean water devices at all private storm drain locations immediately prior to entering the public storm drain system. Implement Best Management Practices (BMP's) at all times.
- j. Install "No Dumping, Drains to River" decal buttons on all catch basins.
- k. If sidewalks are pressure washed, debris shall be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged into the storm drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged to the sanitary sewer, subject to the approval of the sanitary sewer District.
- l. Include erosion control/storm water quality measures in the final grading plan that specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydro seeding, gravel bags and siltation fences and are subject to review and approval of the City Engineer. If no grading plan is required, necessary erosion control/storm water quality measures shall be shown on the site plan submitted for an on-site permit, subject to review and approval of the City Engineer. The developer shall be responsible for ensuring that

all contractors and subcontractors are aware of and implement such measures.

- m. Sweep or vacuum the parking lot(s) a minimum of once a month and prevent the accumulation of litter and debris on the site. Corners and hard to reach areas shall be swept manually.
 - n. Ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered.
 - o. Clean all on-site storm drain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by City Inspectors and/or City Engineer.
 - p. Install full trash capture device(s) in storm water catch basins that collect water from the project site. A "full trash capture device" is defined as any device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate resulting from a one-year, one-hour, storm in the tributary drainage catchment area. Selected devices must be detailed on the building permit plan submittal and approved by Public Works prior to installation.
4. All impervious surfaces to be constructed as part of the project, including off-site roadways, are subject to C.3 requirements per State Regulations.

I. **PROPERTY MAINTENANCE**

- 1. The following requirements which shall be the responsibility of the property owner:
 - a. Maintenance of the storm water detention basin.
 - b. Compliance with all City Codes regarding property maintenance.
 - c. Maintenance of all slopes to property line.
 - d. Maintenance of all onsite and frontage landscaping.
- 2. A parking lot sweeping program shall be implemented that, at a minimum, provides for sweeping immediately prior to the storm season and prior to each storm event.
- 3. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.

J. FINAL IS/MND AND MITIGATION MONITORING AND REPORTING PROGRAM

1. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program.
2. The applicant shall mitigate any impacts on wildlife, including State and Federally listed threatened and endangered species, and their habitat by compliance with one of the following:
 - a. Implementing, or making enforceable commitments to implement, all applicable mitigation measures in the project environmental documents, as well as any additional measures as may be required by the California Department of Fish & Wildlife (CDFW) or the U.S. Fish & Wildlife Service (FWS), and obtaining a letter(s) from CDFW and FWS stating that the project has fulfilled the requirements of applicable State and Federal wildlife protection laws and regulations; or
 - b. Complying with applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the East Contra Costa County Habitat Conservancy (Conservancy), provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCCHCP/NCCP Covered Species; or
 - c. Complying with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and FWS have approved the conservation plan.

K. PROJECT SPECIFIC CONDITIONS

1. This approval applies to the construction and operation of a cannabis business consisting of cultivation, manufacturing, distribution, and a retail dispensary with delivery, as depicted on the project plans and application materials submitted to the Community Development Department. Any forthcoming plans submitted for any purpose shall be entirely consistent with these received plans and application materials and conditions of approval herein.
2. The dispensary's hours of operation shall be from 8:00 AM – 8:00 PM.
3. Thirteen delivery vehicles shall be permitted. Requests for additional vehicles shall be subject to review and approval by the Zoning Administrator.
4. All necessary licenses from the State of California shall be obtained prior to opening.

5. All persons entering the business must be at least 21 years of age with a valid identification card. An electronic reader shall be used to read and validate identification cards.
6. The dispensary's lobby shall be secured from the retail area. A customer entering the retail area shall be buzzed through a locked door into the retail area by a security guard or employee.
7. No smoking or ingestion of cannabis products on-site is allowed.
8. No free samples of cannabis products are allowed.
9. Cannabis products that are not used for display purposes or immediate sale shall be stored in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.
10. Cannabis related waste shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance.
11. The operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the premises during business hours if directly related to patrons of the business.
12. A copy of this use permit and City of Antioch business license, as well as any other State licenses, shall be on display during business hours and in a conspicuous place so that they may be readily seen by all persons entering the facility.
13. No signs, tinting, or other graphic material may be used to obscure the storefront windows.
14. No drive-through, drive-up, or walk-up window services are allowed.
15. No fewer than two uniformed and armed security guards who are employed by a Private Patrol Operator (Security Company) who is currently licensed with the California Department of Consumer Affairs shall be on-site during dispensary business operating hours. One armed security guard shall be on-site at all times, even when the facility is closed. At least one additional unarmed security guard shall be required 24 hours a day to patrol the non-dispensary buildings, once Certificates of Occupancy have been obtained for those buildings. The required number of additional security guards shall be determined by the Antioch Police Department prior to building occupancy. A copy of the contract with the Security Company shall be provided to the Community Development Director for review and approval prior to issuance of any Certificate of Occupancy. Should there be a change in the security private patrol operator or in the liability insurance of the

applicant, the Community Development Director shall be notified within 5 business days.

16. The name of the Security Company, proof of liability insurance including a copy of all exceptions, their State license number, and the guard registration numbers for the employed guards shall be provided to the Community Development Department. Should there be a change in the security private patrol operator or in the liability insurance of the applicant, the Community Development Director shall be notified within 5 business days.
17. The City Council may require modification, discontinuance or revocation of this use permit if it finds that the use is operated or maintained in a manner that it:
 - Adversely affects the health, peace or safety of persons living or working in the surrounding area; or
 - Contributes to a public nuisance; or
 - Has resulted in excessive nuisance activities including disturbances of the peace, illegal drug activity, diversion of Cannabis or Cannabis Products, public intoxication, smoking in public, harassment of passersby, littering, or obstruction of any street, sidewalk or public way; or
 - Has resulted in or has been the target of criminal activity requiring undue attention and dedication of the Antioch Police Department resources; or
 - Violates any provision of Antioch Municipal Code or condition imposed by a City issued permit, or violates any provision of any other local, state, regulation, or order including those of state law or violates any condition imposed by permits or licenses issued in compliance with those laws.
 - Results in more than three distinct unresolved odor complaints in a twelve (12) month period.
18. The business shall incorporate and maintain adequate on-site odor control measures in such a manner that the odors of cannabis and cannabis-related products shall not be readily detected from outside of the structure in which the business operates or from other non-Cannabis businesses adjacent to the site.
19. During regular business hours, all cannabis business premises shall be accessible, upon request, to an authorized City employee or representative for random and/or unannounced inspections. The cannabis business may be charged a fee for any inspections.
20. An annual audit of the site's security plan shall be submitted to the Antioch Police Department. The audit shall be conducted by City staff or a third-party company subject to the approval of the Antioch Police Department.

21. All points of ingress and egress to the business shall be secured with Building Code compliant commercial-grade, non-residential door locks and/or window locks. Entry and exit doors to restricted cannabis areas shall be made of reinforced metal with metal frames and have a security lock system.
22. Building signage shall not state that cannabis or cannabis products are stored, sold or handled on the site. Images of cannabis leaves, green crosses, or similar commonly-identifiable graphics are not allowed. All building signage shall be subject to staff review and approval.
23. Any proposed exterior changes to the site shall be shown on the building permit plan submittal. Exterior changes may be subject to administrative design review approval.
24. The only cannabis paraphernalia allowed to be sold at the site are vape pens, vape pen cartridges, vape pen batteries, chargers, rolling papers, pipes, and grinders, unless approved in writing by the Community Development Director.
25. The delivery vehicle shall not contain identifiable markings that associate the delivery service with the cannabis business.
26. The loading and unloading of vehicles for delivery of cannabis shall be conducted in a secured, gated or enclosed area.
27. All delivery of cannabis to the site shall take place in an enclosed delivery area with a dedicated armed security guard to be present during all deliveries.
28. Visible signage shall be placed at the entrance of the facility notifying the public of surveillance on site.
29. Prior to a Certificate of Occupancy being issued for each project phase, the Antioch Police Department shall conduct a site inspection to assess the security of the site. Any changes the Antioch Police Department deems necessary upon site inspection shall be incorporated into a revised site security plan that is then submitted for their review and approval. No Certificate of Occupancy will be issued without final approval of a site security plan by the Antioch Police Department.
30. Security measures shall be designed to ensure emergency access is provided to the Antioch Police Department and the Contra Costa Fire Department for all areas on the premises in case of an emergency.
31. Security surveillance cameras shall be installed and maintained in good working order to provide coverage on a twenty-four (24) hour real-time basis of all internal and external areas of the site where cannabis is stored, transferred and dispensed, where any money is handled, and all parking areas. The cameras shall be oriented

in a manner that provides clear and certain identification of all individuals within those areas. Cameras shall remain active at all times and be capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for a minimum of sixty (60) days.

32. A professionally monitored security alarm system shall be installed and maintained in good working condition. The alarm system shall include sensors to detect entry exit from all secure areas and all windows. The name and contact information of the alarm system installation and monitoring company shall be kept as part of the onsite books and records.
33. A local contact who will be responsible for addressing security and safety issues shall be provided to, and kept current with, the Antioch Police Department.
34. The applicant shall enter into a development agreement with the City of Antioch prior to a Certificate of Occupancy being issued for any part of the project, if possible. If the development agreement is not ready at the time the applicant is able to open, a Certificate of Occupancy and a business license shall be granted and the development agreement shall be retroactive from the date of the Certificate of Occupancy.
35. Manufacturing and processing equipment used by the business must be UL listed or otherwise certified by an approved third-party testing agency or engineer and approved for the intended use by the City's Building Official and Contra Costa County Fire Protection District. Such compliance shall be demonstrated to the satisfaction of the Building Official prior to occupancy of the manufacturing portion of the site.
36. The cannabis cultivation shall be conducted within a fully enclosed space.
37. The cultivation of cannabis shall be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides.
38. All mechanical equipment shall be screened from public view.
39. The monument sign shall be reduced in height to eight feet. The copy on the monument sign shall be modified to include only the name of the business.
40. All mechanical equipment shall be located outside of the PG&E easement located in the southern portion of the site, unless written permission from PG&E is provided specifically allowing mechanical equipment to be placed within the easement.
41. Building #1's square footage shall be revised on the civil plans to reflect the dimensions shown on the architecture plans.

42. Because this is a phased project, minor alterations to the square footage, building elevations, or building placement shall be subject to review and approval by the Zoning Administrator. Larger alterations shall be subject to review and approval by the Planning Commission.
43. Prior to the issuance of a building permit for Phase 1, the trash enclosure shown on the west side of Building #3 shall be modified, as required, to meet the following requirements:
 - The walls of the trash enclosure structure shall be constructed of solid masonry material with a decorative exterior surface finish compatible to the main structure.
 - The trash enclosure structure shall have solid heavy gauge metal gates.
 - The trash enclosure shall have a roof.
 - The trash enclosure walls shall be a minimum six feet in height. The minimum dimensions for the trash enclosure shall be adequate for the size and number of dumpster units and recycling bins.
 - Signage identifying the types of recyclable materials accepted for collection at the trash enclosure shall be conspicuously posted within the enclosure.
44. Prior to the issuance of a building permit, the applicant shall provide a trash management plan that shows where all on-site waste for all phases of the project, including cannabis waste, will be stored on site.
45. The Odor Mitigation Plan shall be updated and resubmitted to the Planning Division to address the comments from the June 14, 2019 Odor Mitigation Plan Review Memorandum:
 - The applicant shall provide a certification statement by a Certified Professional Engineer or Certified Industrial Hygienist for the project site.
 - The applicant shall provide an Operation and Maintenance plan that includes inspection frequency and maintenance of odor mitigation controls.
 - The applicant shall provide a document detailing staff training procedures for inspections and maintenance of odor mitigation controls.
 - The applicant shall provide an updated table in the odor mitigation plan that is consistent with the site plan. The revised table shall provide calculations that reference the building number, floor, number of HVAC units, and number of ion generators for each.
 - The applicant shall provide HEPA filter manufacturer information and Negative Ion Generator manufacturer information.
 - No Odor Control Mitigation Measures are proposed at Building #3 and Building #5. The applicant shall confirm that all items within these buildings will already be packaged and no manufacturing or growing will occur in these buildings. If unpackaged material will be handled in these buildings,

the applicant shall submit an updated Odor Control Plan for these two buildings.

- Recirculation of air with no chemical neutralizer or carbon filtration is not a demonstrated method of odor control and is not suggested for this size of facility. To obtain approval of the Odor Mitigation Plan with the proposed method of odor mitigation, the applicant shall provide the following documents for review:
 - o Procedural protocols to avoid odor releases at doors/windows/etc.
 - o Certified engineering statement certifying performance
 - o Verification of the performance success of this odor mitigation method. Example verification documents include: Case studies prepared by certified engineers, performance data, performance audits, relevant similar approvals, and other information that can provide performance information.
- The applicant may change their proposed odor mitigation methods to a demonstrated method that includes chemical neutralizers and/or carbon filtration media with appropriate calculations and manufacturer information. Choosing demonstrated odor mitigation methods would remove the requirement to submit the documents listed in the above condition. If the applicant chooses to use a demonstrated odor mitigation method, the applicant shall submit a new Odor Mitigation Plan.

46. The Stormwater Control plan shall be modified as required by Phil Hoffmeister in an email to the project engineer and applicant dated July 12, 2019 and any other conditions contained herein.
47. The developer shall provide for this phased project, with the first building permit submittal, 1) a conceptual plan for the site improvements, including new paving and parking lots, for each phase of work that corresponds to the below phases, 2) a conceptual or master storm water control plan ("SWCP") which describes and illustrates how the drainage for the project will comply with C.3 requirements and corresponds to the phases of the project, and 3) a more detailed SWCP for each phase of the project. The certificate of occupancy will not be granted until the C.3 maintenance agreement and the operations and maintenance ("O&M") plan has been submitted and approved for each phase.
48. Adequate on-site turn-around area shall be provided for any gates or fencing installed at the beginning or end of a driveway. All gates shall be setback a minimum of 25 feet from the property line along Wilbur Avenue.
49. Gated entrances to the site shall include rapid access technology for Fire, Police and other emergency responders.
50. When the implementation of C.3 treatment and flow-control measures are required the following conditions shall apply:

- a. Per Contra Costa Flood Control District and as shown on the hydrology map for Drainage Area 29G, the storm runoff from the project site drains to the 48" inch line at Wilbur Avenue. Before directing the project site's runoff upstream to the 24" line, a hydraulic analysis shall be conducted to verify that the line can adequately convey the additional storm water runoff. The analysis shall be reviewed by the Contra Costa County Flood Control District at no cost to the City and approved by the City Engineer.
- b. The project shall connect to Line "A" in Drainage Area 29G for the purposes of flood control. The developer should perform a title search to determine if any drainage easement has been dedicated, and if not, shall obtain all easements necessary to connect to Line "A", at no cost to the City.

PHASE 1 IMPROVEMENTS (This phase provides for the use of the existing buildings (including tenant improvements), and minor improvements necessary to operate, such as on-site paving for parking, on-site lighting, street/driveway lighting, street landscaping, fencing, and security.)

51. The developer shall repair the existing driveway and pavement to the satisfaction of the City Engineer prior to the certificate of occupancy for any building in Phase 1.
52. Prior to issuance of a building permit, the developer shall revise the fencing and entry/access gates to allow for adequate vehicle storage and turnaround on-site).
53. All fencing at the property frontage needed to secure the dispensary building shall be installed prior to a certificate of occupancy for the dispensary.
54. Frontage landscaping and frontage lighting shall be provided. The developer may provide temporary private streetlights (in lieu of public street lighting) at the intersection of Wilbur Avenue and the east entrance to the project as approved by the City Engineer and defer public street lighting to Phase 2.
55. The developer shall approve the assignment of the County deferred improvement agreement to the City or execute a new agreement substantially the same as the existing recorded agreement.

PHASE 2 IMPROVEMENTS (This phase provides for the construction of any new buildings/structures and appurtenances and associated physical improvements.)

56. Prior to issuance of certificate of occupancy for any portion of Phase 2, the developer shall dedicate additional right-of-way along the project frontage as necessary for the widening of Wilbur Avenue to accommodate a half-width section (within a 100-foot wide arterial roadway), to the satisfaction of the Director of Public Works. This will amount to an approximate 33.3' dedication by the developer/owner.
57. The developer shall determine the kV required for development of the entire project, and provide the City with a utility plan. If the voltage required is less than 12kV, the developer shall underground the utilities along Wilbur Avenue. If the voltage required exceeds 12kV, the City may approve deferral of overhead utilities after evaluating the utility work needed to provide additional power to the property, the cost, and the benefit of undergrounding overhead utilities on Wilbur Avenue.
58. Prior to issuance of a certificate of occupancy, the developer shall design and construct full frontage improvements unless a deferral is approved by the City Engineer. If a deferral is approved, a form of security or other approved mechanism to ensure the construction of frontage improvement shall be provided prior to issuance of a building permit and as approved by the City Engineer. Additional revisions to the deferral agreement may be imposed based on the proposed construction.
59. Full frontage improvements shall include: design and construction of left-turn pockets or a two-way left turn lane to provide access to driveways on Wilbur Avenue as required by the City Engineer. The developer shall apply for and obtain a County encroachment permit if necessary to accomplish this work. Additional frontage improvements shall include, but are not limited to: pavement widening, constructing barrier curb and sidewalk (consistent with existing development on the north side of Wilbur Avenue west of the proposed project at APN 051-031-020, with 1-foot wide curb cuts approximately 10 feet on center and 6-foot wide sidewalk), public street lighting, storm drainage, signing, marking and striping, and include transition pavement tapers, as required by the City Engineer.
60. The developer shall provide a study performed by a licensed traffic engineer and approved by the City Engineer demonstrating that the proposed driveway spacing is safe.
61. The widening of Wilbur Avenue shall include roadside C.3 bio-retention, or other appropriate green infrastructure, between curb and sidewalk to provide for the treatment of stormwater runoff from the public street, to the satisfaction of the City Engineer. The C.3 treatment facility and all pipes connecting it to public facilities shall be maintained by the property owner.

62. Prior to a certificate of occupancy for this phase, the developer shall annex into Street Light and Landscape Maintenance District 2A Zone 3 and accept a level of annual assessments sufficient to maintain public street lights and landscaping. The annual assessment shall cover the actual annual cost of maintenance as described in the Engineer's Report.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said City Council held on the 10th day of September 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH

ATTACHMENT "C"

Contra Costa Farms LLC

Project Detailed Description

- ◆ We propose to create and operate a Commercial Cannabis facility with the following entitlements:
 - Phase I – A Type 12 Microbusiness entitlement consisting of an existing 5,000sf building and a new 32,000sf building. With this entitlement, we will conduct the following Cannabis activities: Cultivation, Manufacturing, Distribution and Retail (storefront and delivery).
 - Phase I or Phase II – A Type 11 Distributor entitlement consisting of an existing 2,400sf building. With this entitlement, we will conduct Distribution activities.
 - Phase II – A multi-year project to construct three buildings with two stories each. Each building will house two Premises. Each Premise will be a Type 3A Medium Indoor Grow facilities. Altogether, there will be six Licensed Premises in this Phase.

- ◆ In Phase I, our plan is to :
 - First prepare the existing 5,000sf building for the following activities: Cultivation, Manufacturing, Distribution and Retail. To accomplish this, we will need to:
 - Weather-proof the building;
 - Partition the interior of the building to support these four activities;
 - Install Electrical, HVAC and Water/Sewer.
 - Outfit the building for each of these activities;
 - Install the drive and parking as needed to support the existing building;
 - Landscape and fence as needed to support the existing building;
 - Install a Security System.
 - Then erect the two-story 16,000sf footprint building and outfit it for Cultivation and Manufacturing. To accomplish this, we will need to:
 - Prepare a full building permit application with supporting Engineered Plans;
 - Erect and install as planned.

- ◆ In Phase I or Phase II, our plan is to:
 - Prepare the existing 2,400sf building for the Distribution activities: To accomplish this, we will need to:
 - Weather-proof the building;
 - Partition the interior of the building to support these four activities;
 - Install Electrical, HVAC and Water/Sewer.
 - Outfit the building for Distribution activities;
 - Install the drive and parking as needed to support the existing building;
 - Landscape and fence as needed to support the existing building;

- Install a Security System.
- In Phase II, our plan is to develop three two-story 29,000sf footprint buildings to house six Medium Indoor Grows. This license Type limits the amount of cultivation area to 22,000sf under Grow lights. To accomplish this, we will need to:
 - Prepare a full building permit application with supporting Engineered Plans;
 - Erect and install as planned.
 - The three buildings will be identical. So we plan to reuse the Engineered Plans for the first Medium Grow facility.
 - The pace of development will be approximately two buildings per year.
 - Phase II will begin after the Phase I operation is stable.
- The table below overviews the two Phases and their respective activities.

		Phase I Type 12 Microbusiness - Existing Building Only					
		Cultivation	Manufacturing	Distribution	Retail	Office/Other	Total
Square Feet			860	1,200	2,000	1,140	5,000
Employees			5	2	7	3	17
		Phase I Type 12 Microbusiness - All Buildings					
		Cultivation	Manufacturing	Distribution	Retail	Office/Other	Total
Square Feet		10,000	11,660	1,200	2,000	12,140	37,000
Employees		20	15	8	7	5	55
		Phase I or II Type 11 Distributorship					
		Cultivation	Manufacturing	Distribution	Retail	Office/Other	Total
Square Feet				2,000		400	2,400
Employees				8		2	10
		Phase II Type 3A Medium Indoor Cultivation					
		Each			All Six Premises		
		Cultivation	Office/Other	Total	Cultivation	Office/Other	Total
Square Feet		22,000	8,000	30,000	132,000	48,000	180,000
Employees		32	2	34	192	12	204
		All Phases When Complete					
		Cultivation	Manufacturing	Distribution	Retail	Office/Other	Total
Square Feet		142,000	11,660	3,200	2,000	60,540	219,400
Employees		212	15	16	7	19	269

Generally, the hours of operation will be as follows:

- Cultivation activities -- 7am to 8pm every day.
- Manufacturing & Distribution activities -- 7am to 8pm Monday through Friday

- Retail activities – 10am to 8pm Monday through Saturday and 10am to 5pm on Sunday
- Office activities – 8am to 5pm Monday through Friday

Products will be produced and distributed as follows:

- Cannabis will be produced from all License Type Premises.
- This will then be introduced commercially in the following forms: Flower, Kief, Prerolls and manufactured products such as Edibles, Tinctures, Ointments and the like.
- The Type 12 Microbusiness premise and the Type 11 Distributor premise will serve as the Distributors for all other Licensed Premises.
- All Manufacturing will be conducted at the Microbusiness Premise.
- All Retail sales will be conducted from the Type 12 Microbusiness Premise.
- All sales to other Distributors and Dispensaries will be conducted from either the Type 12 Microbusiness Premise or the Type 11 Distributor Premise.

This parcel is currently owned by 502 South 8th Street LLC and is being sold to Contra Costa Farms LLC under the terms of a Purchase and Sale Agreement dated November 28, 2018. The Seller's Managing Member is Anthony J. Alegre (209-334-2112).

ATTACHMENT "D"

Contra Costa Farms LLC

Neighborhood Responsibility Plan

The neighborhood is Zoned Heavy Industrial and is tenanted by...

- An industrial business to the North of the CCF parcel.
- An industrial business to the East of the CCF parcel.
- A vintage vineyard to the West of the CCF parcel.
- A Railroad to the South of the CCF parcel.

As such, traffic is generally commercial and industrial in nature.

There is no pedestrian traffic. There are no retail establishments.

So, Responsible Neighboring will largely consist of the following:

- Discourage criminal nuisances and traffic.
 - Monitoring by Security Guards.
 - Prompt calls to City Police.
- Prevent and eradicate littering.
 - Install trash receptacles.
 - Daily cleanup.
- Discourage on-street parking.
 - Signage
 - Use of aesthetic discouragements, such as boulders.

SCOPE OF WORK

- PROVIDE ALL DIMENSIONS AND LOCATIONS OF ALL STRUCTURES AND UTILITIES TO BE CONSTRUCTED.
- PROVIDE ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING UTILITIES TO BE MAINTAINED OR REMOVED.
- PROVIDE ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING UTILITIES TO BE MAINTAINED OR REMOVED.

PROJECT DATA

PROJECT NO. 2019-001
 PROJECT NAME: PROPOSED CANNABIS FACILITY
 PROJECT ADDRESS: 3400 WILBUR AVE, ANTIOCH, CA 94509
 PROJECT OWNER: CONTRA COSTA FARMS
 PROJECT ARCHITECT: M&R DESIGN INTERNATIONAL, LLC

LANDSCAPE LEGEND

- PLANTING: 1" CALIBER PALM TREE
- PLANTING: 2" CALIBER PALM TREE
- PLANTING: 3" CALIBER PALM TREE
- PLANTING: 4" CALIBER PALM TREE
- PLANTING: 5" CALIBER PALM TREE
- PLANTING: 6" CALIBER PALM TREE
- PLANTING: 7" CALIBER PALM TREE
- PLANTING: 8" CALIBER PALM TREE
- PLANTING: 9" CALIBER PALM TREE
- PLANTING: 10" CALIBER PALM TREE
- PLANTING: 12" CALIBER PALM TREE
- PLANTING: 14" CALIBER PALM TREE
- PLANTING: 16" CALIBER PALM TREE
- PLANTING: 18" CALIBER PALM TREE
- PLANTING: 20" CALIBER PALM TREE
- PLANTING: 24" CALIBER PALM TREE
- PLANTING: 30" CALIBER PALM TREE
- PLANTING: 36" CALIBER PALM TREE
- PLANTING: 42" CALIBER PALM TREE
- PLANTING: 48" CALIBER PALM TREE
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- PLANTING: 120" CALIBER PALM TREE
- PLANTING: 144" CALIBER PALM TREE
- PLANTING: 168" CALIBER PALM TREE
- PLANTING: 192" CALIBER PALM TREE
- PLANTING: 216" CALIBER PALM TREE
- PLANTING: 240" CALIBER PALM TREE
- PLANTING: 288" CALIBER PALM TREE
- PLANTING: 336" CALIBER PALM TREE
- PLANTING: 384" CALIBER PALM TREE
- PLANTING: 432" CALIBER PALM TREE
- PLANTING: 480" CALIBER PALM TREE
- PLANTING: 540" CALIBER PALM TREE
- PLANTING: 600" CALIBER PALM TREE
- PLANTING: 660" CALIBER PALM TREE
- PLANTING: 720" CALIBER PALM TREE
- PLANTING: 780" CALIBER PALM TREE
- PLANTING: 840" CALIBER PALM TREE
- PLANTING: 900" CALIBER PALM TREE
- PLANTING: 960" CALIBER PALM TREE
- PLANTING: 1020" CALIBER PALM TREE
- PLANTING: 1080" CALIBER PALM TREE
- PLANTING: 1140" CALIBER PALM TREE
- PLANTING: 1200" CALIBER PALM TREE
- PLANTING: 1260" CALIBER PALM TREE
- PLANTING: 1320" CALIBER PALM TREE
- PLANTING: 1380" CALIBER PALM TREE
- PLANTING: 1440" CALIBER PALM TREE
- PLANTING: 1500" CALIBER PALM TREE
- PLANTING: 1560" CALIBER PALM TREE
- PLANTING: 1620" CALIBER PALM TREE
- PLANTING: 1680" CALIBER PALM TREE
- PLANTING: 1740" CALIBER PALM TREE
- PLANTING: 1800" CALIBER PALM TREE
- PLANTING: 1860" CALIBER PALM TREE
- PLANTING: 1920" CALIBER PALM TREE
- PLANTING: 1980" CALIBER PALM TREE
- PLANTING: 2040" CALIBER PALM TREE
- PLANTING: 2100" CALIBER PALM TREE
- PLANTING: 2160" CALIBER PALM TREE
- PLANTING: 2220" CALIBER PALM TREE
- PLANTING: 2280" CALIBER PALM TREE
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- PLANTING: 4200" CALIBER PALM TREE
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- PLANTING: 9840" CALIBER PALM TREE
- PLANTING: 9900" CALIBER PALM TREE
- PLANTING: 9960" CALIBER PALM TREE
- PLANTING: 10000" CALIBER PALM TREE

RECEIVED

APR 03 2019

CITY OF ANTIOCH
 COMMUNITY DEVELOPMENT



MONUMENT SIGN DETAIL



CONTRA COSTA FARMS

PROPOSED CANNABIS FACILITY

APN 0051-051-1

3400 WILBUR A
 ANTIOCH, CA.
 94509

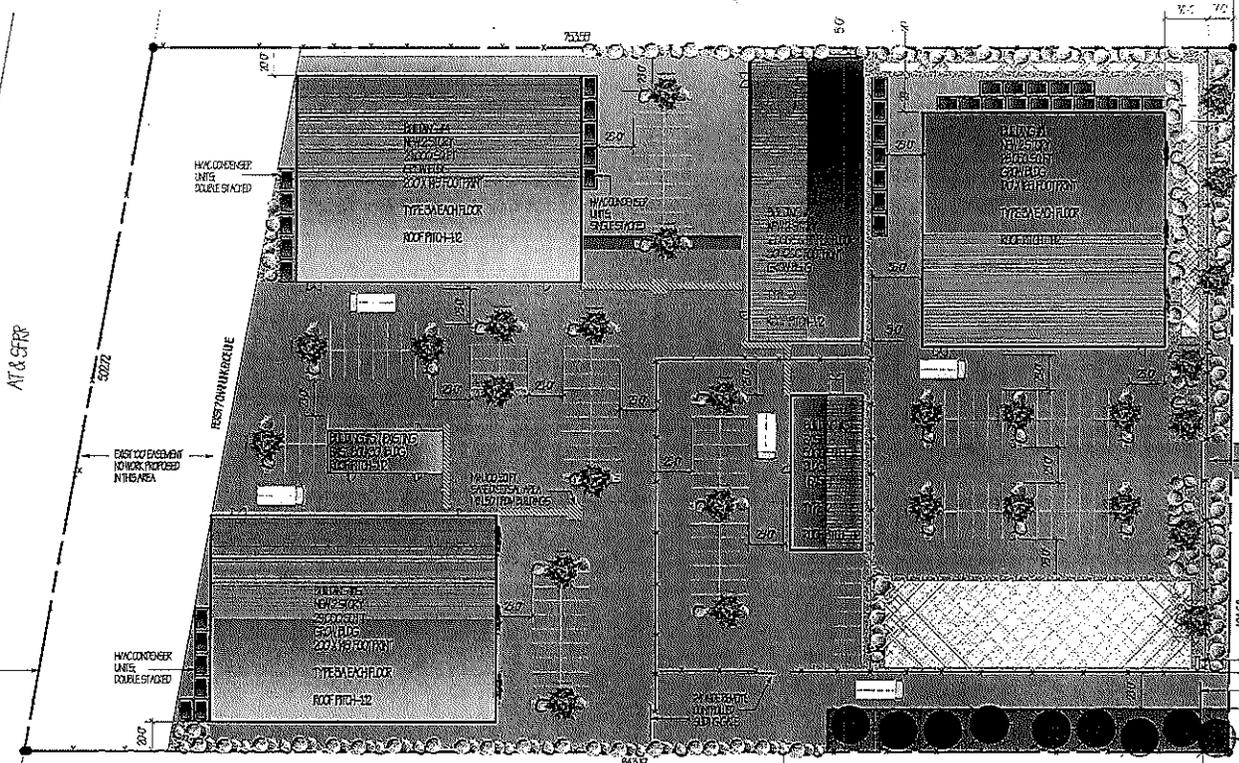
ATTACHMENT "E"



PHONE: 707-974-5590
 PO BOX 807 RIO VISTA, CA 94571
 EMAIL: JIM@MRDESIGNS.COM

COMMERCIAL & RESIDENTIAL DEVELOPMENT
 PLANNING
 DEVELOPMENT
 PERMITTING
 CONSTRUCTION MANAGEMENT
 INSPECTIONS

ALL RIGHTS RESERVED



SITE PLAN

COVERAGE

	Acres	Square Feet
Parcel Gross Acres	9.24	401,494
Less Railroad Easement	1.15	50,318
Net Lot Area	8.09	352,225
Floor Area Coverage	2.51	109,650
Floor Area Ratio (max is 50%)	31%	31%
Paved Area Coverage	4.78	208,371.40
Paved Area Ratio	59%	59%
Landscaped Area	0.42	18,405
Percent Landscape Coverage	5%	5%
Bio Retention Areas	0.37	16,000
Percent Bio Retention Coverage	5%	5%
Total Net Lot Coverage	7.30	317,811.40
Percent Net Lot Coverage	90%	90%

PARKING

	Min Std	Planned
Employee Parking Requirement	152	152
Retail Parking Requirement	7	19
Other Delivery Vehicles	3	13
Other Delivery Vehicles	2	2
Extra Parking Spaces	-	0
Total Parking Spaces	164	176

One per employee on largest shift.
 Eating & Drinking - Take-out only. One per employee on largest shift.

WATER EFFICIENCY AND SUSTAINABILITY
 PROJECT: CONTRA COSTA FARMS LOCATED AT 3400 WILBUR AVE, ANTIOCH, CALIFORNIA

HYDROLOGICAL INFORMATION

WATER USE	WATER USE TYPE	WATER USE RATE (GPM)	WATER USE RATE (MGD)	% OF WASTEWATER
INDOOR	1-HOUR USE	100	0.001	0.1%
INDOOR	2-HOUR USE	200	0.002	0.2%
INDOOR	3-HOUR USE	300	0.003	0.3%
INDOOR	4-HOUR USE	400	0.004	0.4%
TOTAL WASTE WATER AREA		1000	0.01	1.0%
PERCENT OF TOTAL WASTE WATER		1000	0.01	1.0%
WASTEWATER TREATMENT PLANT				
WASTEWATER TREATMENT PLANT NAME				
WASTEWATER TREATMENT PLANT ADDRESS				
WASTEWATER TREATMENT PLANT CITY				
WASTEWATER TREATMENT PLANT STATE				
WASTEWATER TREATMENT PLANT ZIP				
WASTEWATER TREATMENT PLANT PHONE				
WASTEWATER TREATMENT PLANT FAX				
WASTEWATER TREATMENT PLANT EMAIL				
WASTEWATER TREATMENT PLANT WEBSITE				
WASTEWATER TREATMENT PLANT CONTACT NAME				
WASTEWATER TREATMENT PLANT CONTACT TITLE				
WASTEWATER TREATMENT PLANT CONTACT PHONE				
WASTEWATER TREATMENT PLANT CONTACT FAX				
WASTEWATER TREATMENT PLANT CONTACT EMAIL				
WASTEWATER TREATMENT PLANT CONTACT WEBSITE				

ESTIMATED TOTAL WASTEWATER (MGD) (PER YEAR)

WASTEWATER TYPE	WASTEWATER RATE (MGD)	WASTEWATER RATE (MGD)	WASTEWATER RATE (MGD)
INDOOR	0.01	0.01	0.01
OUTDOOR	0.01	0.01	0.01
TOTAL	0.02	0.02	0.02

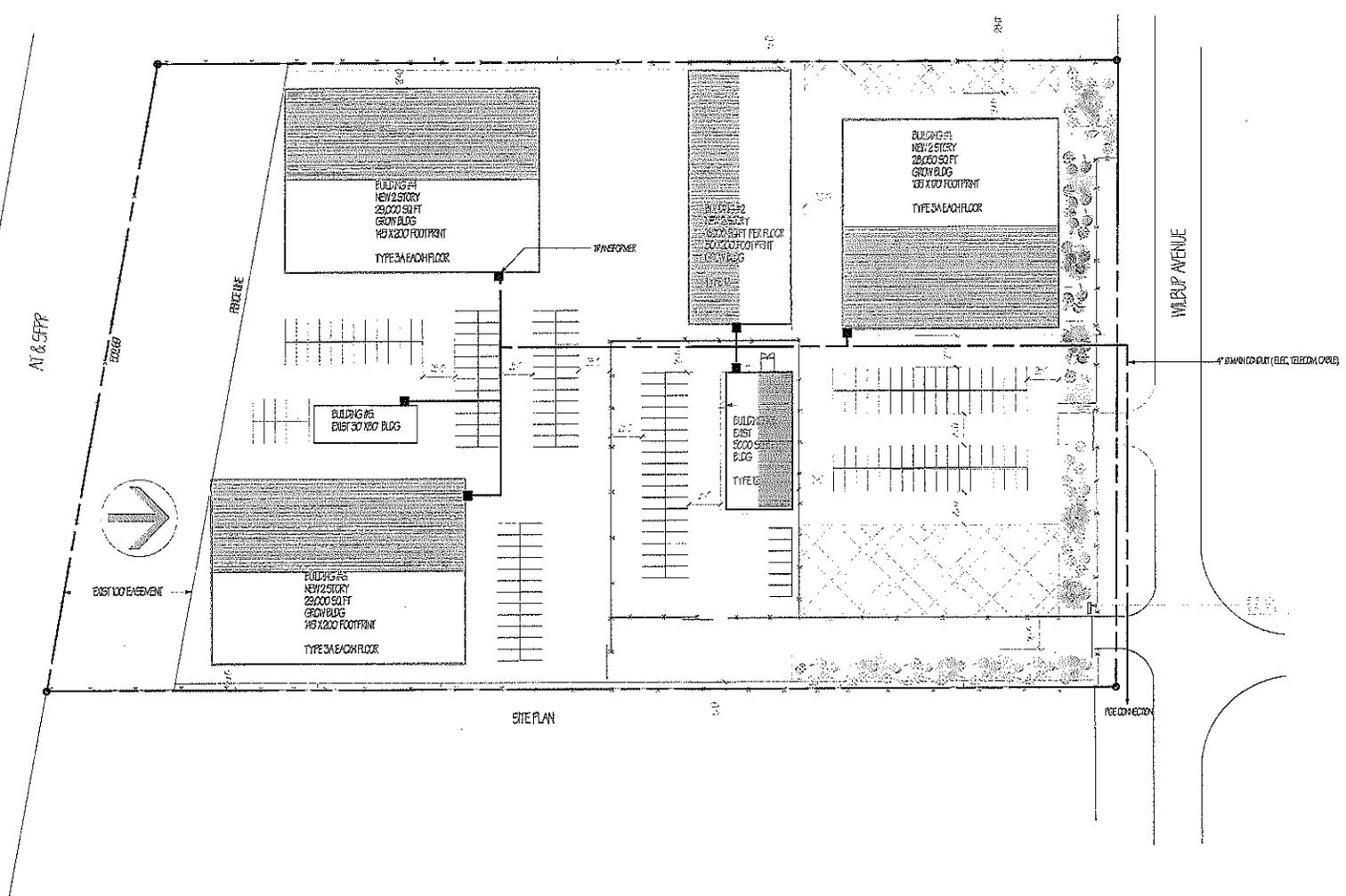
HYDROLOGICAL INFORMATION

WASTEWATER TYPE	WASTEWATER RATE (MGD)	WASTEWATER RATE (MGD)	WASTEWATER RATE (MGD)
INDOOR	0.01	0.01	0.01
OUTDOOR	0.01	0.01	0.01
TOTAL	0.02	0.02	0.02

SITE PLAN A

SHEET A1 OF 19

SCALE: 1"=40'



ES

CONTRA COSTA FARMS

PROPOSED CANNABIS FACILITY

APN 0051-051-021

3400 WILBUR AVE
ANTIOCH, CA.
94509

NAB DESIGNS INTERNATIONAL LLC
JOHN BORTO, PRINCIPAL

PHONE: 707-874-5550
PO BOX 667 830 WICKA, CA 94971
EMAIL: J@NABDESIGNSINTERNATIONAL.COM

COMMERCIAL & RESIDENTIAL BUILDING DESIGN
PLANNING
DEVELOPMENT
PERMITTING
CONSTRUCTION MANAGEMENT
INSPECTIONS

TEXES PEAPORNS AND SPECIFICATIONS
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ON ANY OTHER VEHICLE SUBJECT BY AGREEMENT
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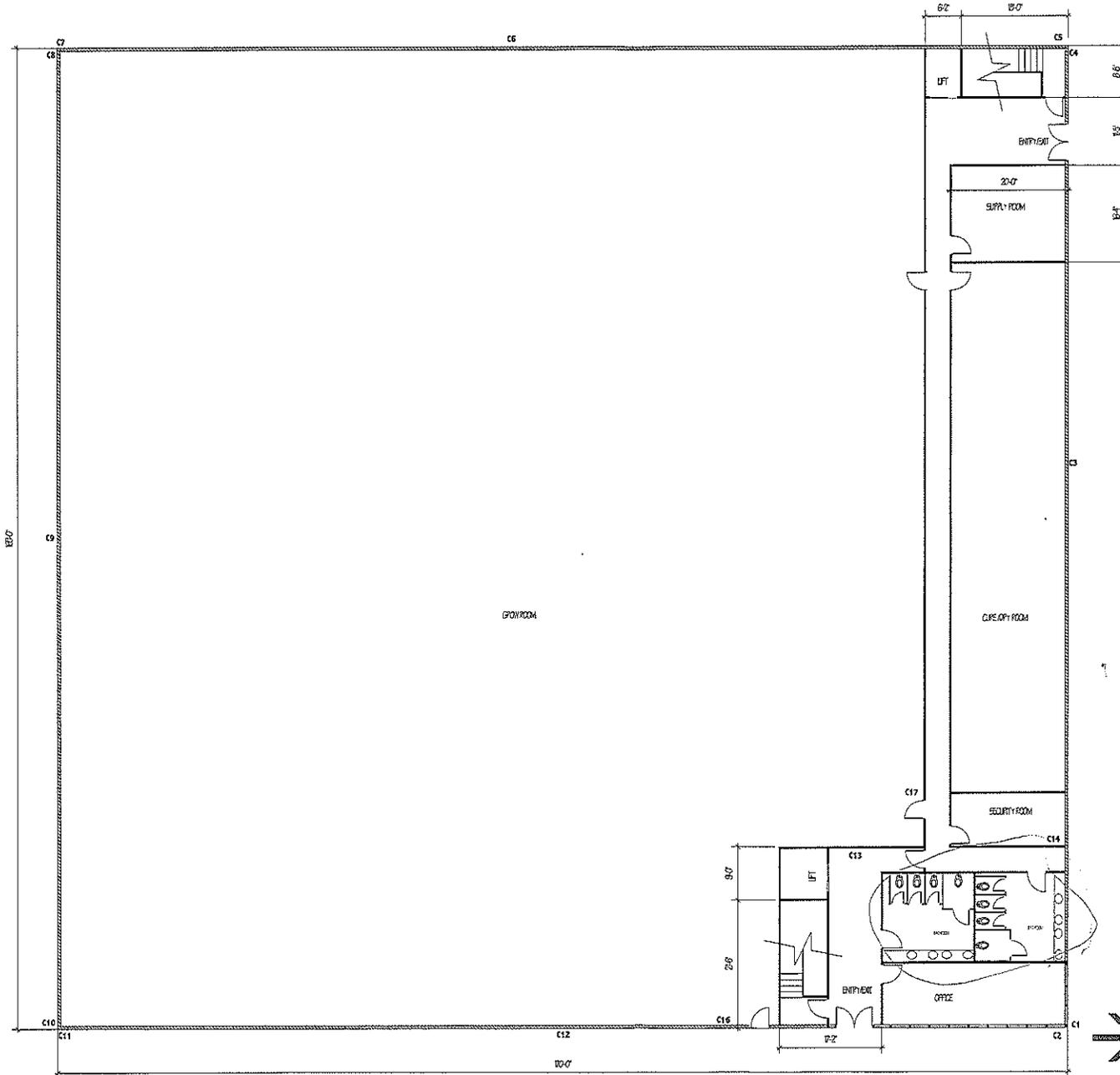
• NAB DESIGNS INTERNATIONAL LLC
ALL RIGHTS RESERVED

DRY UTILITY PLAN

SHEET A2 OF 10 SCALE: 1"=40'



E4



**CONTRA
COSTA
FARMS**

**PROPOSED
CANNABIS
FACILITY**

APN 0051-051-021

3400 WILBUR AVE
ANTIOCH, CA.
94509



PHONE 707-274-5550
PO BOX 447 SAN PETERS, CA 94901
EMAIL: INFO@NAJFDESIGNS.COM

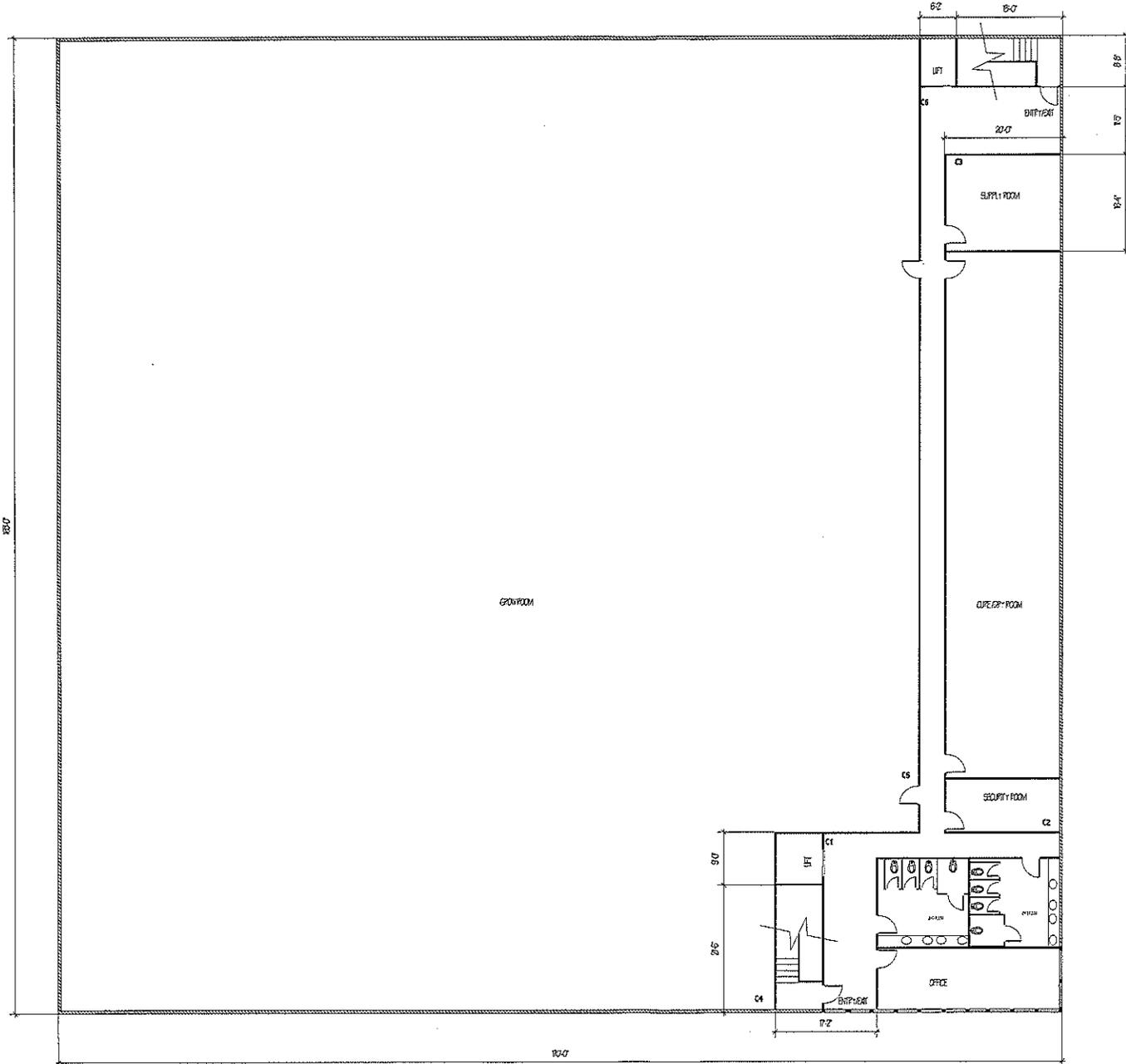
COMMERCIAL & RESIDENTIAL INTERIOR DESIGN
PLANNING
INTERIOR FINISHES
FURNITURE
CONSTRUCTION MANAGEMENT
INSPECTIONS

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SPECIFICATIONS
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SHALL NOT BE USED
ON ANY OTHER WORK WITHOUT
THE WRITTEN
CONSENT OF NAJF
DESIGNS INTERNATIONAL, LLC.

BUILDING # 1 FIRST FLOOR PLAN
SHT A3 OF 19
SCALE: 1/8" = 1'

CONSULTATION
CHANGES TO BE NOTED AT
ENTIRE RISK TO CLIENT

ES



C-CORRELATION

CONTRA COSTA FARMS

PROPOSED CANNABIS FACILITY

APN 0051-051-021

3400 WILBUR AVE
ANTIOCH, CA.
94509



PHONE: 707-574-2559
PO BOX 467 RED FISH, CA 94971
EMAIL: JON@KJBDESIGN.COM

COMMERCIAL & RESIDENTIAL BUILDING DESIGN
PLANNING
DEVELOPMENT
PERMISSION
CONSTRUCTION MANAGEMENT
INSPECTION

THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF KJB DESIGN INTERNATIONAL LLC AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY AGREEMENT WITH KJB DESIGN INTERNATIONAL LLC.

BUILDING # 1
SECOND FLOOR PLAN

SHT A4 OF 19

SCALE: 1/8" = 1'

**CONTRA
COSTA
FARMS**

**PROPOSED
CANNABIS
FACILITY**

APN 0051-051-021

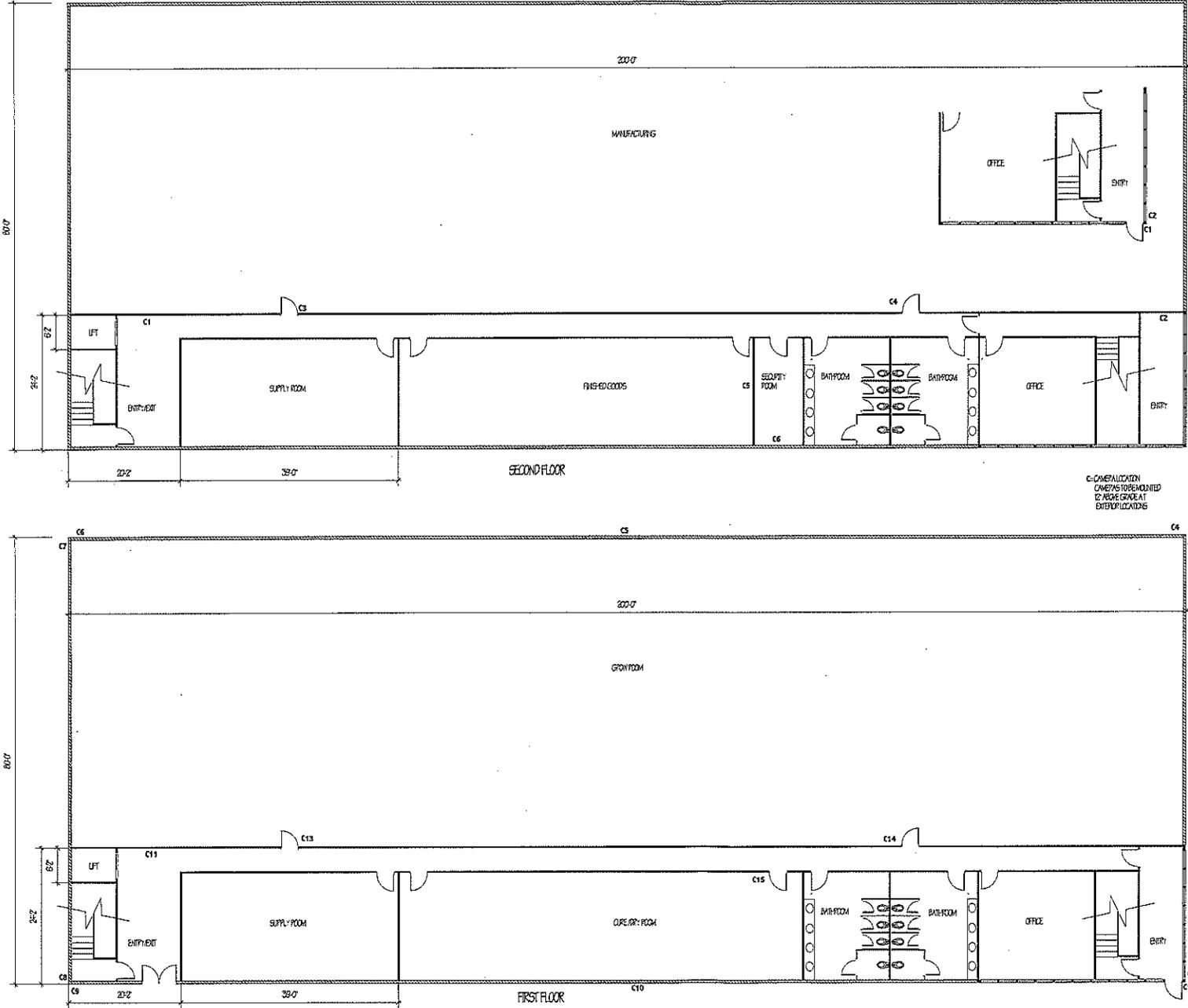
3400 WILBUR AVE
ANTIOCH, CA.
94509



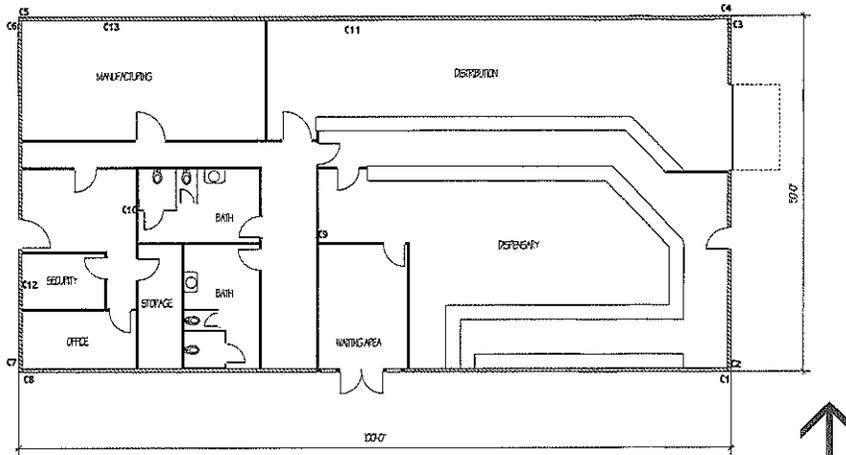
FIGURE 722574-0330
PL PER 487 ESD TUSA, CA 94771
EMAIL: DM@MBDESIGN.COM
COMMERCIAL & RESIDENTIAL PLANNING
PLANNING
DEVELOPMENT
TRAINED
CONSTRUCTION MANAGEMENT
SUPERVISION

THESE DRAWINGS AND
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INTERNATIONAL, LLC, AND
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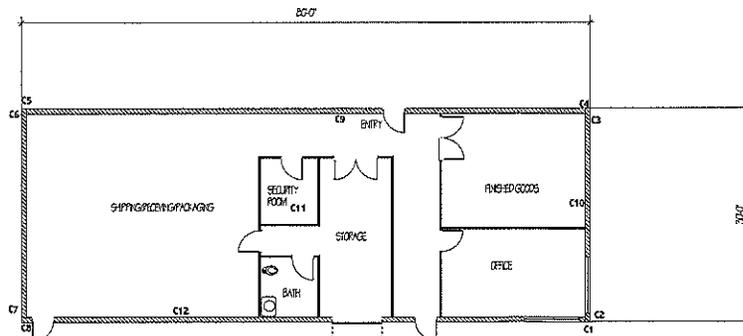
BUILDING #2 FIRST/SECOND FLOOR PLAN
SHEET A5 OF 19
SCALE: 1/8" = 1'



E6



BUILDING #3



BUILDING #5

**CONTRA
COSTA
FARMS**

**PROPOSED
CANNABIS
FACILITY**

APN 0051-051-021

3400 WILBUR AVE
ANTIOCH, CA.
94509



MAJR DESIGNS
INTERNATIONAL LLC
1001 HORN, FIDUCIA
PHONE: 714.974.5550
PO BOX 697 200 VISTA, CA 94571
EMAIL: INFO@MAJRDDESIGNS.COM
COMMERCIAL & RESIDENTIAL INTERIOR DESIGN
PLANNING
INTERIOR DESIGN
TRANSITION
CONSTRUCTION MANAGEMENT
INSPECTIONS

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BUILDING #3 & #5 FLOOR PLAN
SHT. #6 OF 19
SCALE: 1/8" = 1'

C:\DRAWINGS\2020\051-051-021\051-051-021-06.dwg
C:\DRAWINGS\2020\051-051-021\051-051-021-06.dwg
EXTENDED PLOT

67

**CONTRA
COSTA
FARMS**

**PROPOSED
CANNABIS
FACILITY**

APN 0051-051-021

3400 WILBUR AVE
ANTIOCH, CA.
94509



PLUMB: P18774-SS09
PLUMB: P18774-SS09, CA BAYT'S
DRAW: JIMMAY@NABODSIGNS.COM

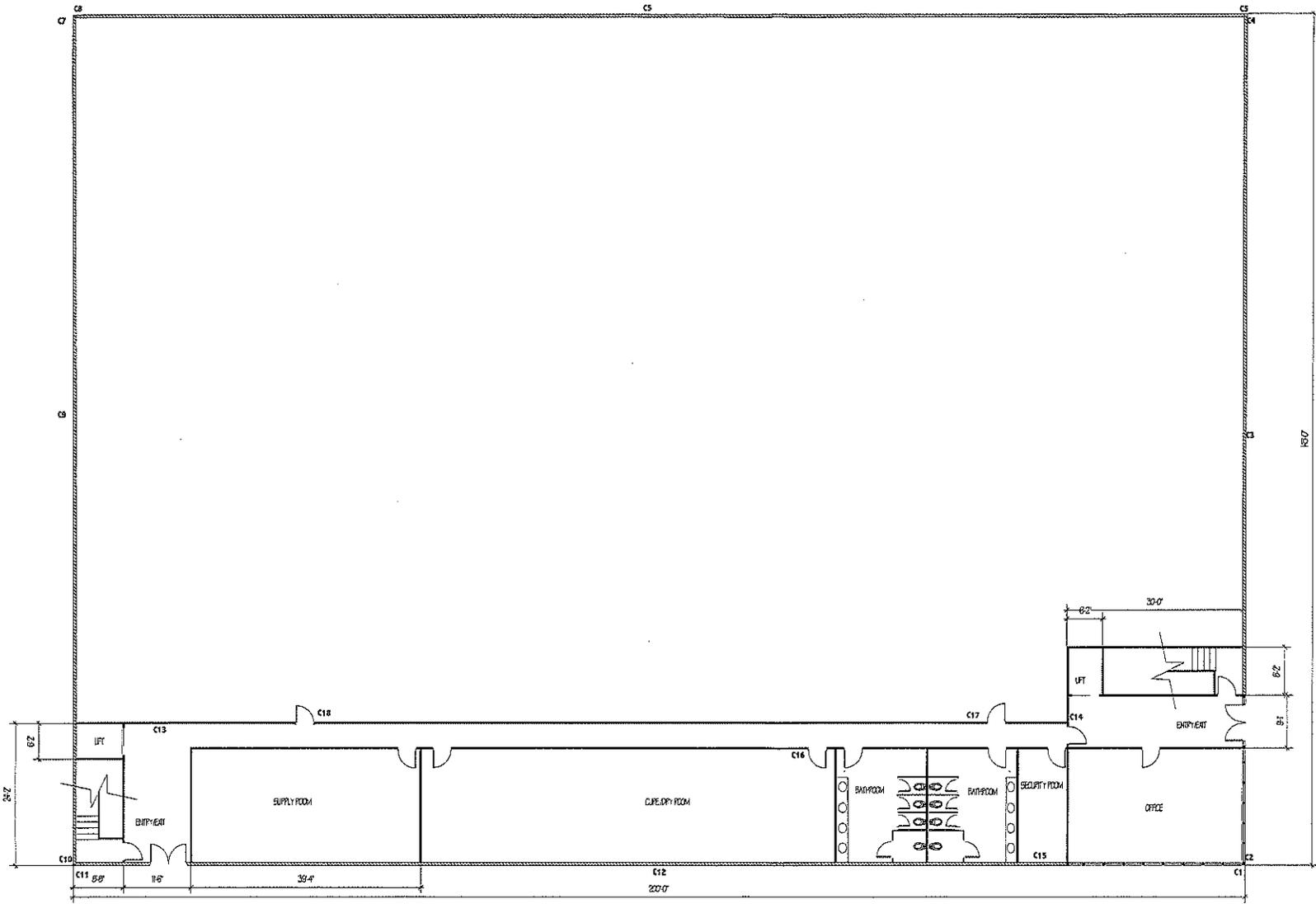
COMMERCIAL & RESIDENTIAL BUILDING DESIGN
PLUMBING
MECHANICAL
ELECTRICAL
CONSTRUCTION MANAGEMENT
INSPECTIONS

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SPECIFICATIONS
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INTERNATIONAL, LLC.

BUILDING #4
FIRST FLOOR PLAN

SHT A7 OF 19

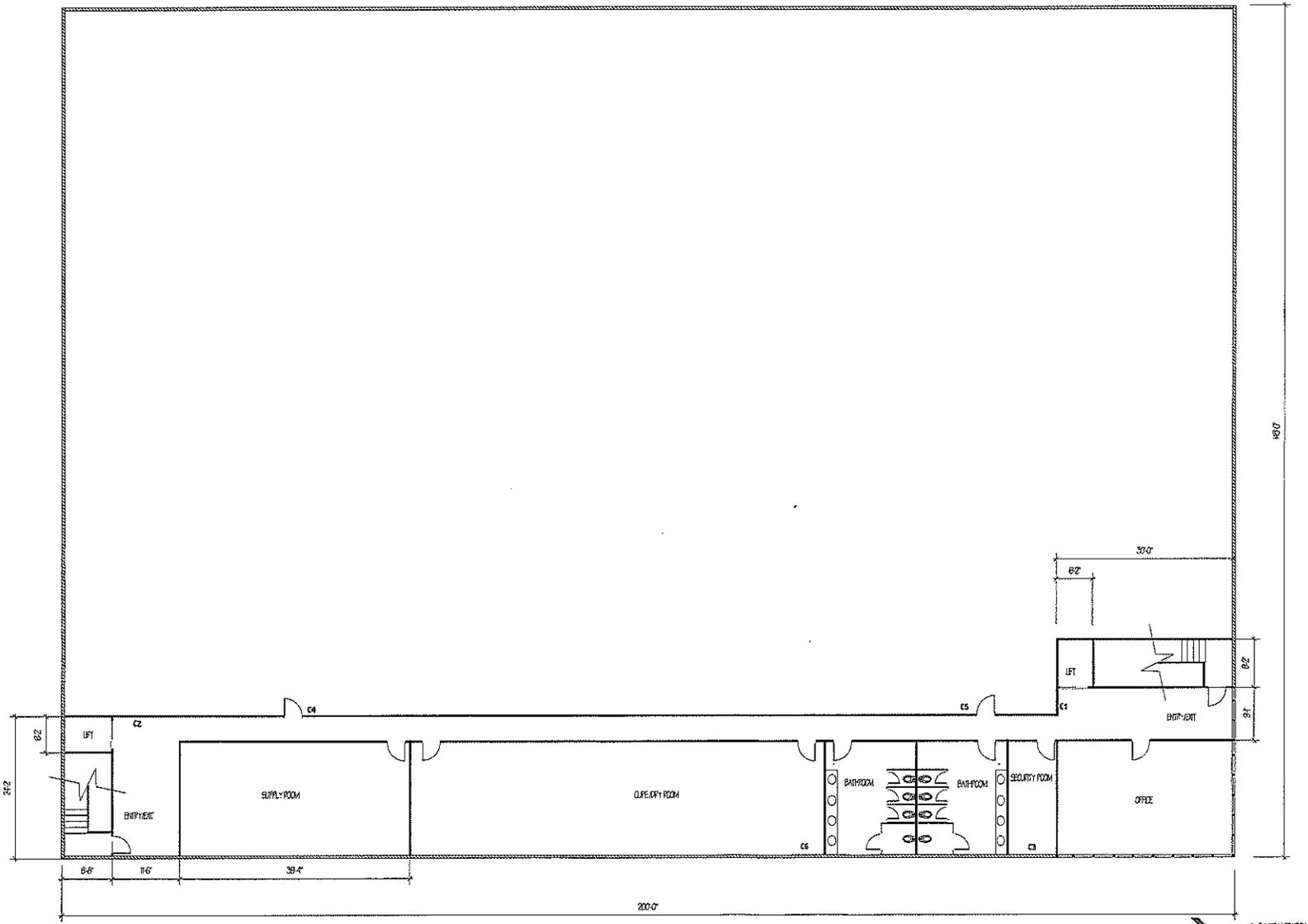
SCALE: 1/8" = 1'



C-COMPARISON
CAMERAS TO BE MOUNTED
ON ROOF GRADE AT
EAST END BUILDING

EB
8

69



**CONTRA
COSTA
FARMS**

**PROPOSED
CANNABIS
FACILITY**

APN 0051-051-021

3400 WILBUR AVE
ANTIOCH, CA.
94509



PHONE: 209-774-2222
PO BOX 427 FOLSOM, CA 95757
EMAIL: INFO@MAZPDESIGNS.COM

COMMERCIAL & RESIDENTIAL BUILDING DESIGN
PLANNING
DEVELOPMENT
PERMITTING
CONSTRUCTION MANAGEMENT
INTERIORS

THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF MAZP DESIGNS INTERNATIONAL, LLC AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY AGREEMENT WITH MAZP DESIGNS INTERNATIONAL, LLC.

BUILDING #4 SECOND FLOOR PLAN
SHT 18 OF 19
SCALE: 1/8" = 1'

C-CORNER LOCATION

**CONTRA
COSTA
FARMS**

**PROPOSED
CANNABIS
FACILITY**

APN 0051-051-021

3400 WILBUR AVE
ANTIOCH, CA.
94509



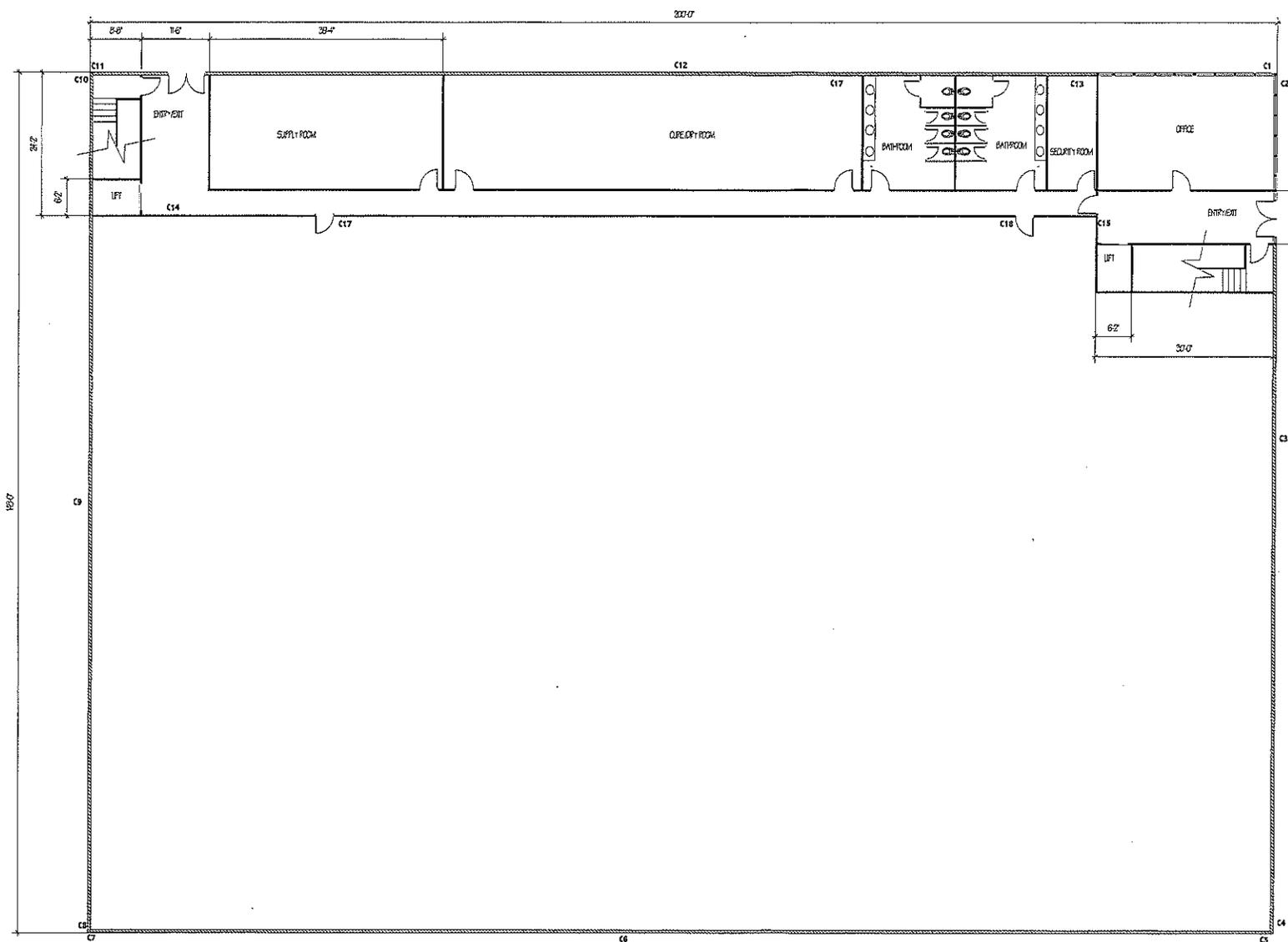
PROJECT: 202374-0001
 3400 WILBUR AVE, ANTIOCH, CA 94509
 COMMERCIAL & RESIDENTIAL PLANNING
 PLANNING
 SITE LAYOUT
 PERMITS
 REGULATORY MANAGEMENT
 DESIGN/ARCH

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 WITH MJD DESIGNS
 INTERNATIONAL, LLC

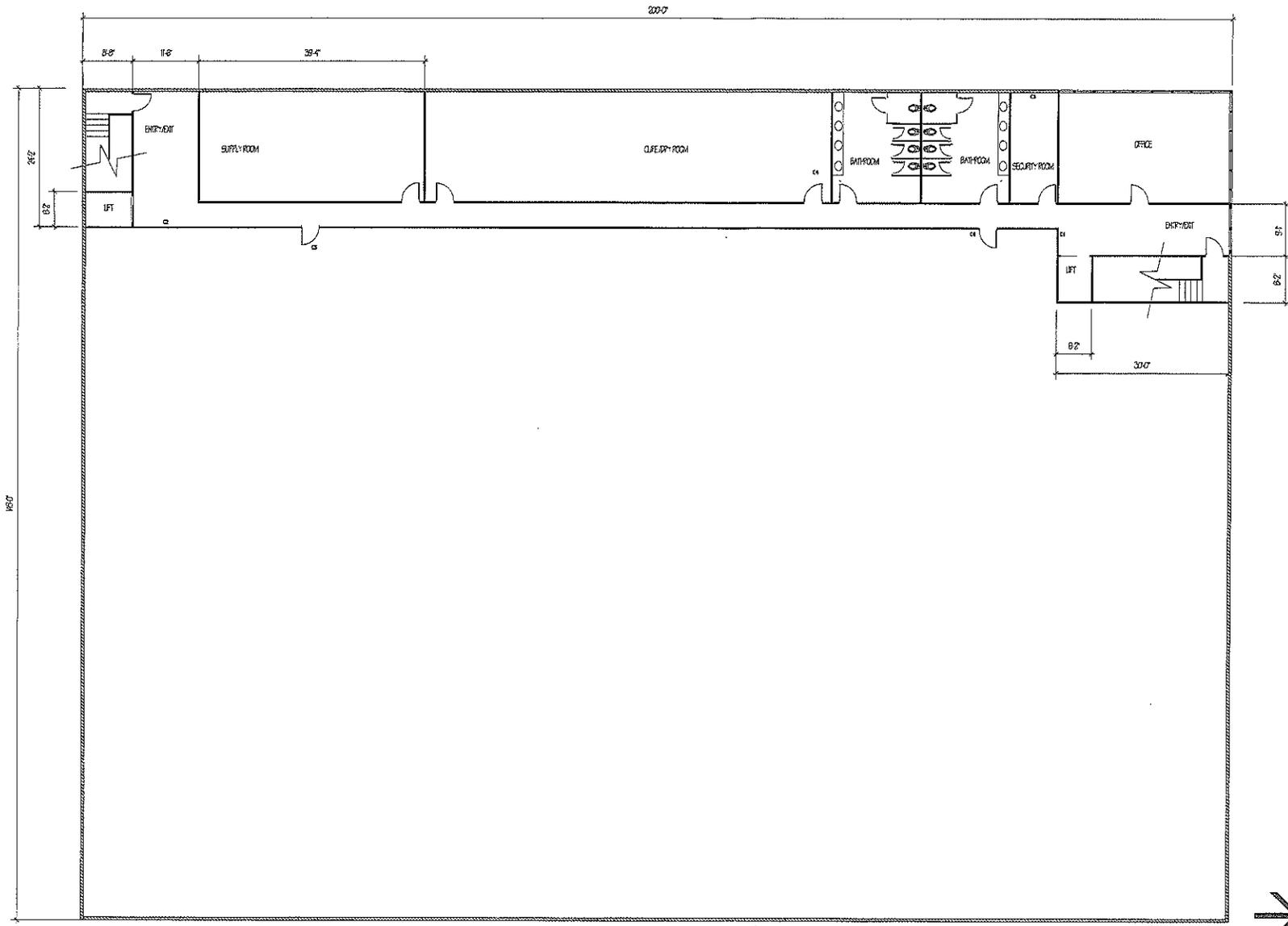
BUILDING #6
 FIRST FLOOR PLAN
 SHT A9 OF 19
 SCALE: 1/8" = 1'



© CONVERSION
 CONVEYS TO BE QUANTIFIED
 IN PUBLIC SPACE AT
 EXTERIOR LOCATIONS



E10



E11

CONTRA COSTA FARMS
PROPOSED CANNABIS FACILITY

APN 0051-051-021
 3400 WILBUR AVE
 ANTIOCH, CA.
 94509



NAB DESIGNS INTERNATIONAL LLC
 705 SOUTH STANBURY
 SUITE 200, STANBURY, CA 94588
 PHONE 707-974-5550
 FAX 707-974-5551
 EMAIL: INFO@NABDESIGNS.COM

COMMERCIAL & RESIDENTIAL PLUMBING DESIGN
 PLUMBING
 FITTING/INSTALL
 PERMITS
 QUALITY CONTROL MANAGEMENT
 INSPECTIONS

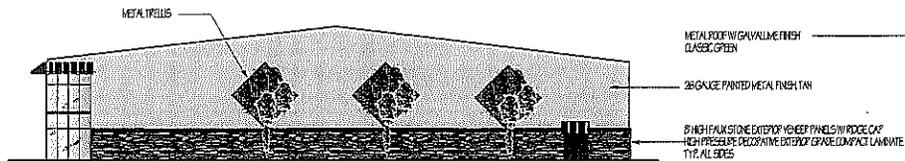
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BUILDING #6 SECOND FLOOR PLAN
SHT A10 OF 19
SCALE: 1/8" = 1'

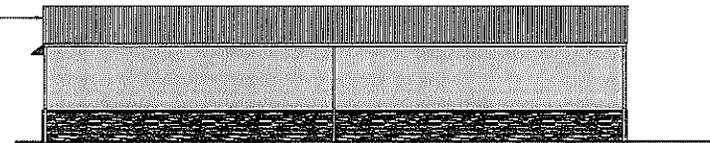




NORTH ELEVATION (STREET VIEW) BUILDINGS #1

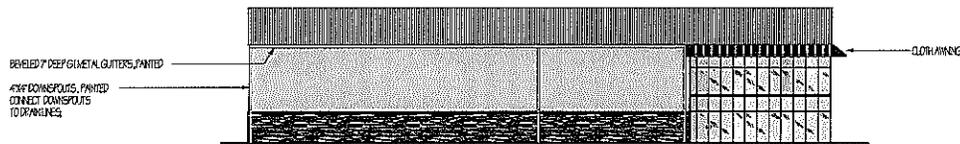


BUILDING #1 NORTH ELEVATION

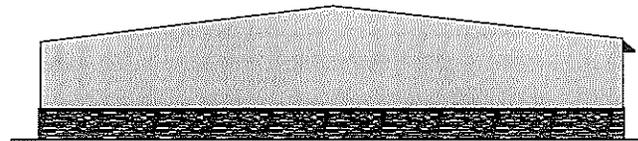


BUILDING #1 WEST ELEVATION

NOTE:
ALL EXTERIOR NON-SLOPERION DOORS WILL BE
METAL CLAD EXTERIOR DOORS, PAINTED AND TRIMMED
TO MATCH.

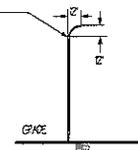
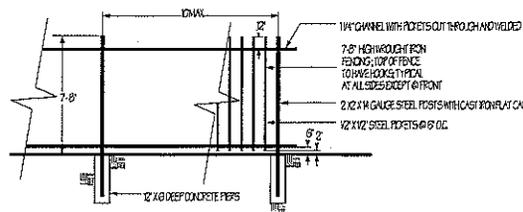


BUILDING #1 EAST ELEVATION



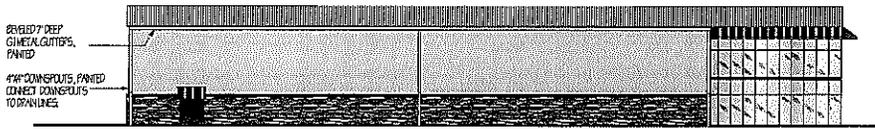
BUILDING #1 SOUTH ELEVATION

NOTE:
ALL GLASS DOOR FRONT IS TO BE BY DISCASSILE
PLEASE SEE OUR SPECIFICATIONS FOR DETAILS

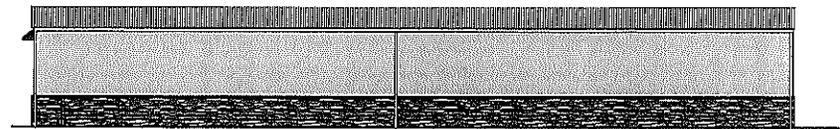


WROUGHT IRON FENCING

E12

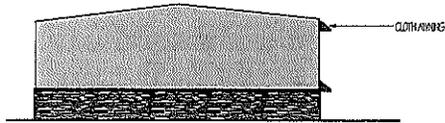


BUILDING #2 SOUTH ELEVATION

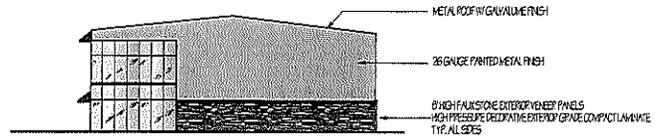


BUILDING #2 NORTH ELEVATION

NOTE:
ALL EXTERIOR NON-GLOSS FRONT DOORS WILL BE
METAL GLOSS FRONT DOORS, PAINTED AND TRIMMED
TO MATCH

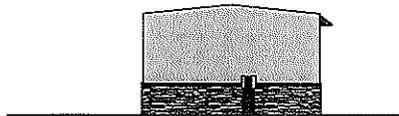


BUILDING #2 WEST ELEVATION



BUILDING #2 EAST ELEVATION

NOTE:
ALL GLASS/SIOP FRONT IS TO BE BY OLDCASTLE
PLEASE SEE OUT SHEETS FOR DETAILS



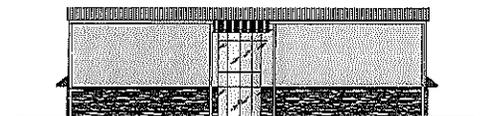
BUILDING #3 WEST ELEVATION



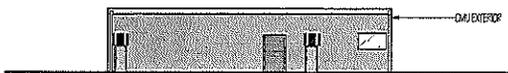
BUILDING #3 EAST ELEVATION



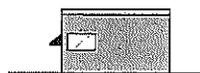
BUILDING #3 NORTH ELEVATION



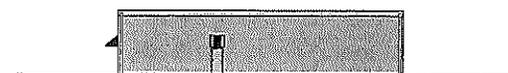
BUILDING #3 SOUTH ELEVATION



BUILDING #5 EAST ELEVATION (EXISTING)



BUILDING #5 NORTH ELEVATION (EXISTING)

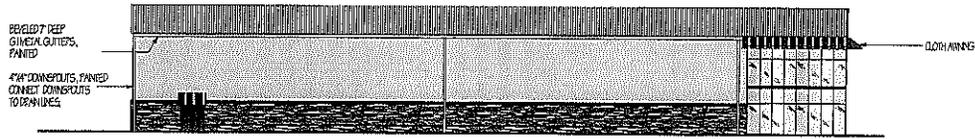


BUILDING #5 WEST ELEVATION (EXISTING)

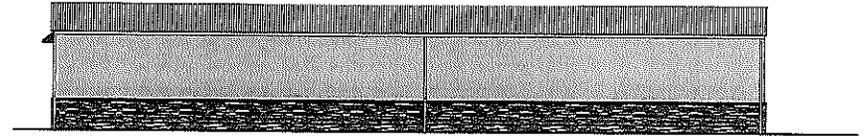


BUILDING #5 SOUTH ELEVATION (EXISTING)

E13

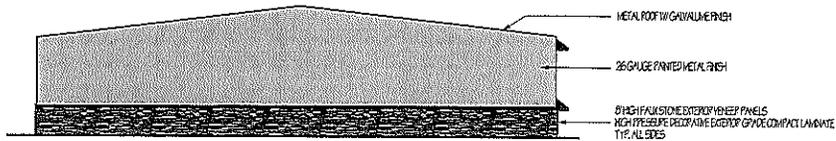


BUILDING #4 EAST ELEVATION

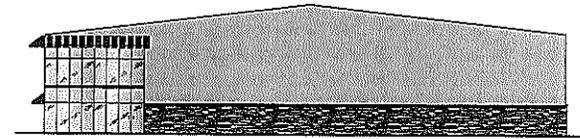


BUILDING #4 WEST ELEVATION

NOTE:
ALL GLASS SURFACING IS TO BE BY QUONSTE
PLEASE SEE ON SPECIFICATIONS

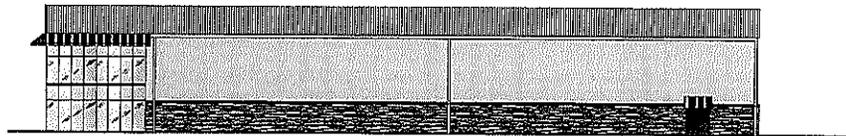


BUILDING #4 SOUTH ELEVATION

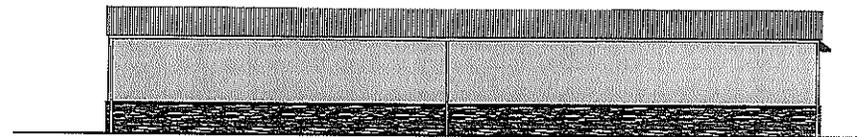


BUILDING #4 NORTH ELEVATION

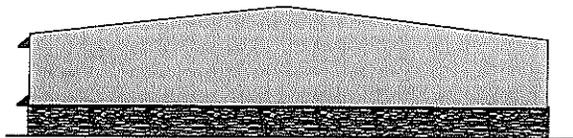
NOTE:
ALL EXTERIOR NON-SUPPLEMENT DOORS SHALL BE
METAL CLAD EXTERIOR DOORS, PAINTED AND TRIMMED
TO MATCH



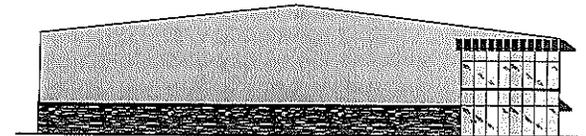
BUILDING #6 WEST ELEVATION



BUILDING #6 EAST ELEVATION

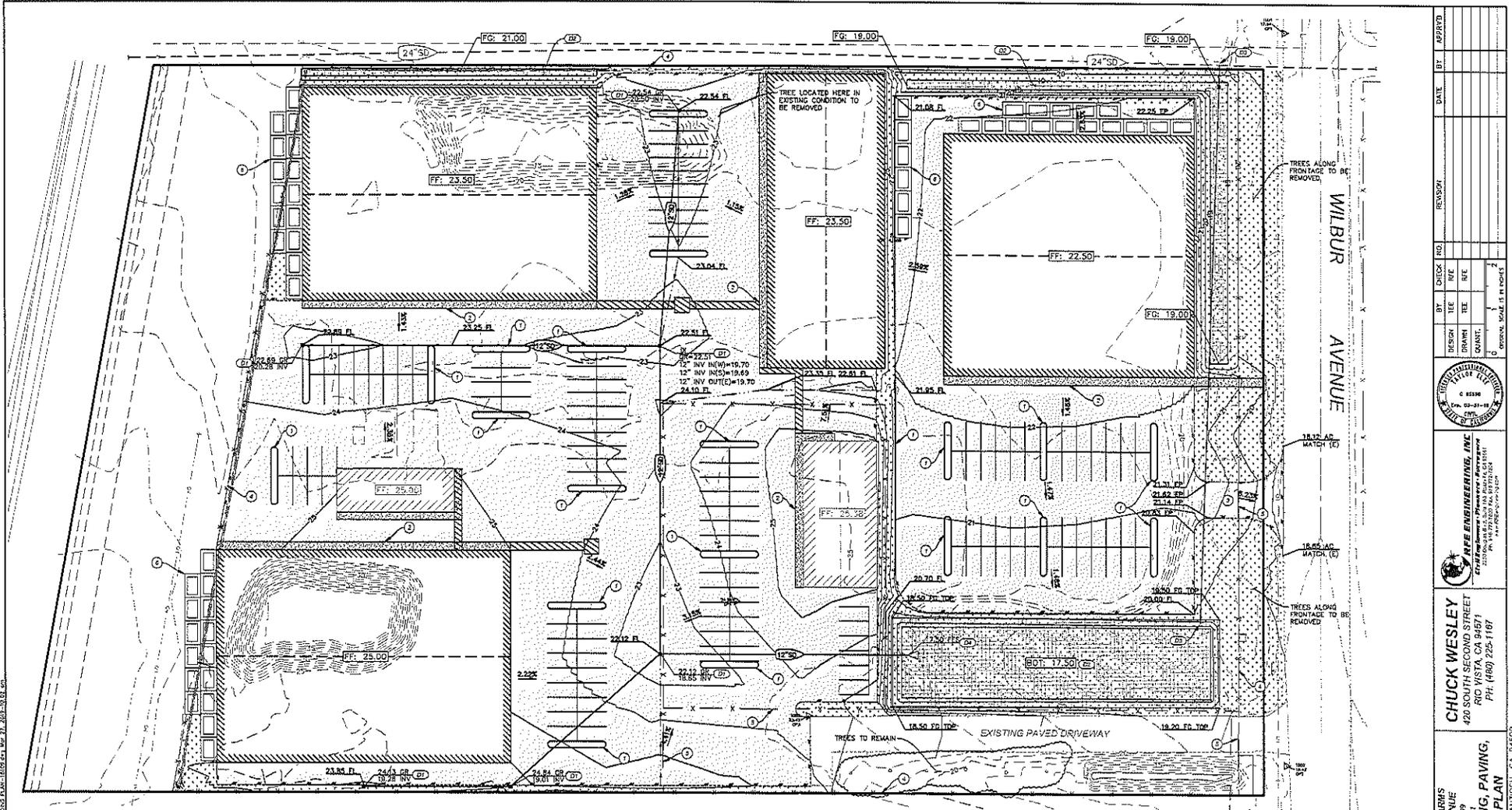


BUILDING #6 SOUTH ELEVATION



BUILDING #6 NORTH ELEVATION

E14



- ASPHALT CONCRETE (AC)
- PEDESTRIAN PCC
- LANDSCAPING
- BIORETENTION PLANTERS
- NEW BUILDING
- SURFACE FLOW DIRECTION
- OVERLAND RELEASE

GRADING CONSTRUCTION KEYNOTES:

- (1) PROPOSED BARRIER CURB
- (2) PROPOSED MONOLITHIC CURB AND SIDEWALK
- (3) PROPOSED DRIVEWAY
- (4) PROPOSED FENCE PER ARCHITECTURAL PLANS
- (5) PROPOSED GATE PER ARCHITECTURAL PLANS
- (6) PROPOSED HVAC UNITS - SEE PLANS BY OTHERS FOR DETAILS

DRAINAGE CONSTRUCTION KEYNOTES:

- (B1) PLACE 24" NYLON PLAST DRAIN BASIN WITH GRATE (OR APPROVED EQUAL) PER NYLON PLAST DETAIL ON SHEET C11. INVERT ELEVATIONS AS SHOWN PER PLAN. STRUCTURE SHALL WITHSTAND H&V LOADING REQUIREMENTS.
 - (B2) PROPOSED BIORETENTION PLANTER. CONTRACTOR TO PREPARE SUBMITTAL FOR SOIL, LANDSCAPING & ROCK TO BE USED.
 - (B3) PROPOSED CONNECTION INTO EXISTING 24" SD PIPE. PLACE NEW SD MANHOLE PER COUNTY STANDARDS
 - (B4) PROPOSED FLARED END SECTION AT OUTLET.
 - (B5) PROPOSED OUTLET STRUCTURE WITH GRIBICE
- NOTE: ALL STORM DRAIN MATERIAL TO BE SDR-35 PVC OR APPROVED EQUIVALENT.

GRADING NOTES:

1. ALL VALVES, MANHOLES, CLEANOUTS, D/S, PULLBOXES, ETC. WITHIN LIMITS OF CONSTRUCTION TO BE ADAPTED TO FINISH GRADE AS NEEDED.
2. ALL ADA ACCESSIBLE PARKING SPACES SHALL HAVE SLOPES LESS THAN 2% IN ANY DIRECTION. ON PEDESTRIAN PATHS, MAXIMUM CROSS SLOPE SHALL BE LESS THAN 2% AND MAXIMUM LONGITUDINAL SLOPE SHALL BE LESS THAN 5%.
3. GRADING AND PAVING SHALL BE IN ACCORDANCE WITH PROJECT GEOTECHNICAL REPORT.
4. VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION.
5. THE ACCESSIBLE PATH OF TRAVEL SHALL SLOPE AT 5% MAX IN THE DIRECTION OF TRAVEL AND 2% MAX CROSS-SLOPE PER DGS 115-603 (EMERGENCY MAPS ARE PROPOSED), WHERE THE ACCESSIBLE ROUTE MAKES A 90 DEGREE TURN, THE INTERMEDIATE CORNER SHALL SLOPE NO MORE THAN 2% IN ANY DIRECTION.



Know what's below.
Call before you dig.
or (800) 227-2600



BY	CHECK	NO.	DATE	REVISION	BY	DATE	REVISION
DESIGN	DATE	NO.	DATE	REVISION	BY	DATE	REVISION
DRAWN	DATE	NO.	DATE	REVISION	BY	DATE	REVISION
QUANT.	DATE	NO.	DATE	REVISION	BY	DATE	REVISION
C. REVISION SCALE IS 1/8"=1'-0"							

CHUCK WESLEY
420 SOUTH SECOND STREET
RICO VISTA, CA 94571
PH: (415) 225-1197

CONTRA COSTA FARMS
3400 WILBUR AVENUE
ANTIOCH, CA 94509
PRELIMINARY GRADING, PAVING,
AND DRAINAGE PLAN

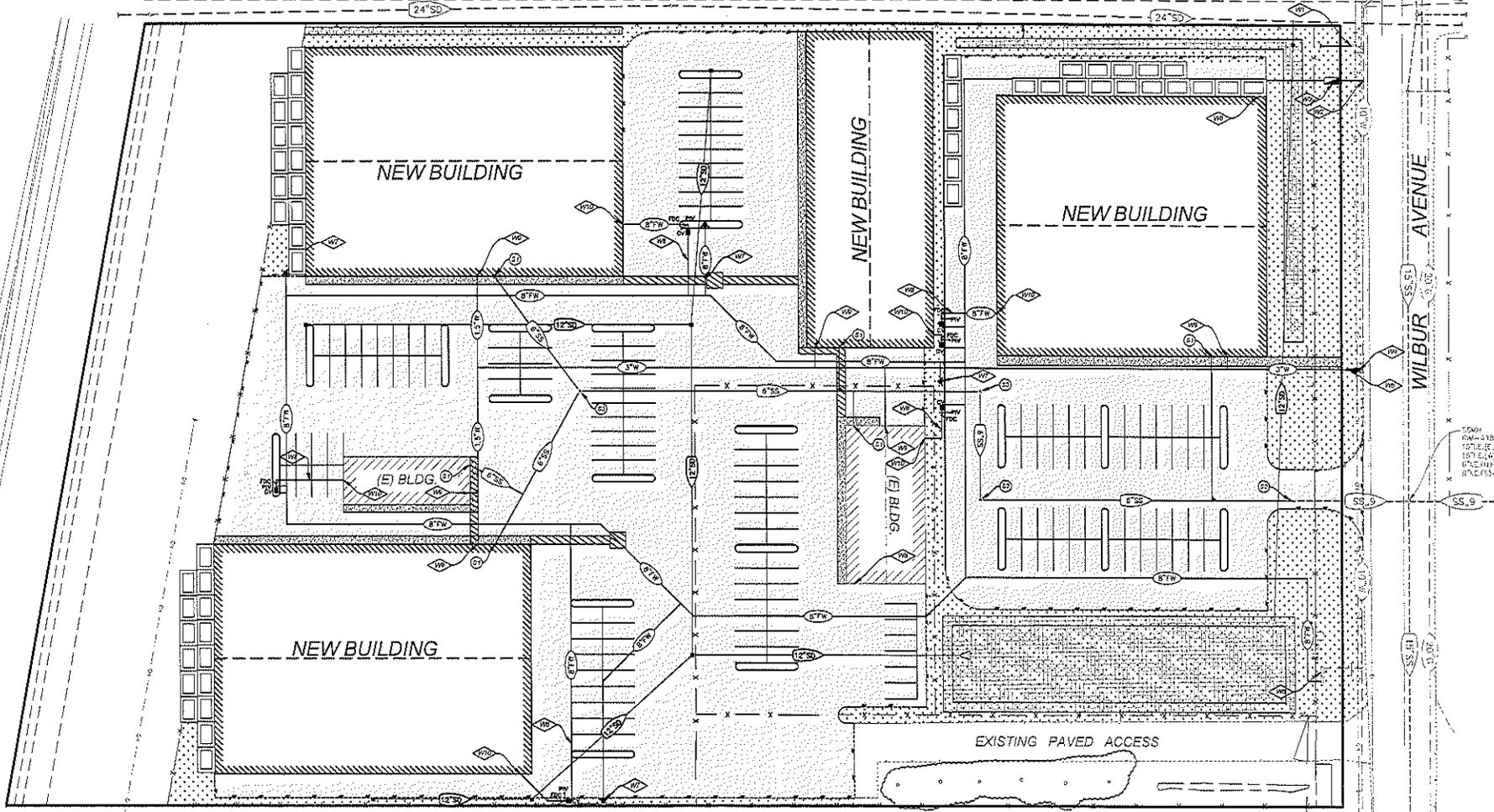
Sheet
2 of 5
03-27-2019

REF: PROJECT #19108 --- 3400 WILBUR AVENUE, ANTIOCH, CA 94509

916

LEGEND

DESCRIPTION	EXISTING	PROPOSED	DESCRIPTION	EXISTING	PROPOSED	DESCRIPTION	EXISTING	PROPOSED
STORM DRAIN			DROP INLET			CONCENTRIC REDUCER		
SANITARY SEWER			SSM			REDUCED PRESSURE BACKFLOW PREVENTER		
WATER			SSCO			AIR RELEASE VALVE		
DOMESTIC WATER			FIRE HYDRANT			BLOW OFF ASSEMBLY		
FIRE SERVICE			PDC			CHECK VALVE		
GAS LINE			WATER VALVE					
TELEPHONE W/ SDMH			WATER METER					



SANITARY SEWER CONSTRUCTION KEYNOTES:

- (1) SANITARY SEWER POINT OF CONNECTION. PLACE TWO-WAY CLEANOUT PER 2018 UPC. CONTRACTOR TO VERIFY WITH PLUMBING AND ARCHITECTURAL PLANS PRIOR TO CONSTRUCTION.
- (2) CONNECT (F) 8" SEWER LATERAL TO (E) 8" SEWER LATERAL. VERIFY SIZE, LOCATION, AND INVERT OF (E) LATERAL PRIOR TO CONSTRUCTION. IF DIFFERENT FROM WHAT IS SHOWN ON PLANS, CONTACT ENGINEER. SLOPE MIN 2%; TO PROPOSED BUILDINGS.
- (3) PLACE SANITARY SEWER MANHOLE (SSM) PER CITY STANDARDS. CONNECT PROPOSED LATERALS AS SHOWN.

WATER CONSTRUCTION KEYNOTES:

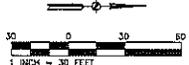
- (W1) PROPOSED WATER SERVICE CONNECTION FOR IRRIGATION PURPOSES. EXISTING WATER METER TO BE USED.
- (W2) CONNECT INTO EXISTING 10" WATER WITH 10"x8"x10" TEE FOR NEW FIRE SERVICE LOOP.
- (W3) PROPOSED 8" RP BACKFLOW DEVICE PER CITY STANDARDS.
- (W4) PROPOSED 3" DOMESTIC WATER SERVICE AND METER.
- (W5) PROPOSED 3" RP BACKFLOW DEVICE PER CITY STANDARDS.

FIRE SERVICE CONSTRUCTION KEYNOTES:

- (F1) USE EXISTING 10" RP BACKFLOW DEVICE FOR FIRE SERVICE LOOP. CONTRACTOR TO TEST DEVICE FOR FULL FUNCTIONALITY AND VERIFY IT MEETS CITY STANDARDS PRIOR TO CONSTRUCTION.
- (F2) PROPOSED FIRE HYDRANT PER CITY STANDARDS.
- (F3) PROPOSED FIRE SERVICE CONNECTION WITH SINGLE CHECK VALVE (CV), POST-INDICATOR VALVE (PIV) AND FIRE DEPARTMENT CONNECTION (FDC).
- (F4) PROPOSED DOMESTIC WATER POINT OF CONNECTION (POC).
- (F5) PROPOSED FIRE SPRINKLER POINT OF CONNECTION (POC).



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REVISION	DATE	BY	APPROV.

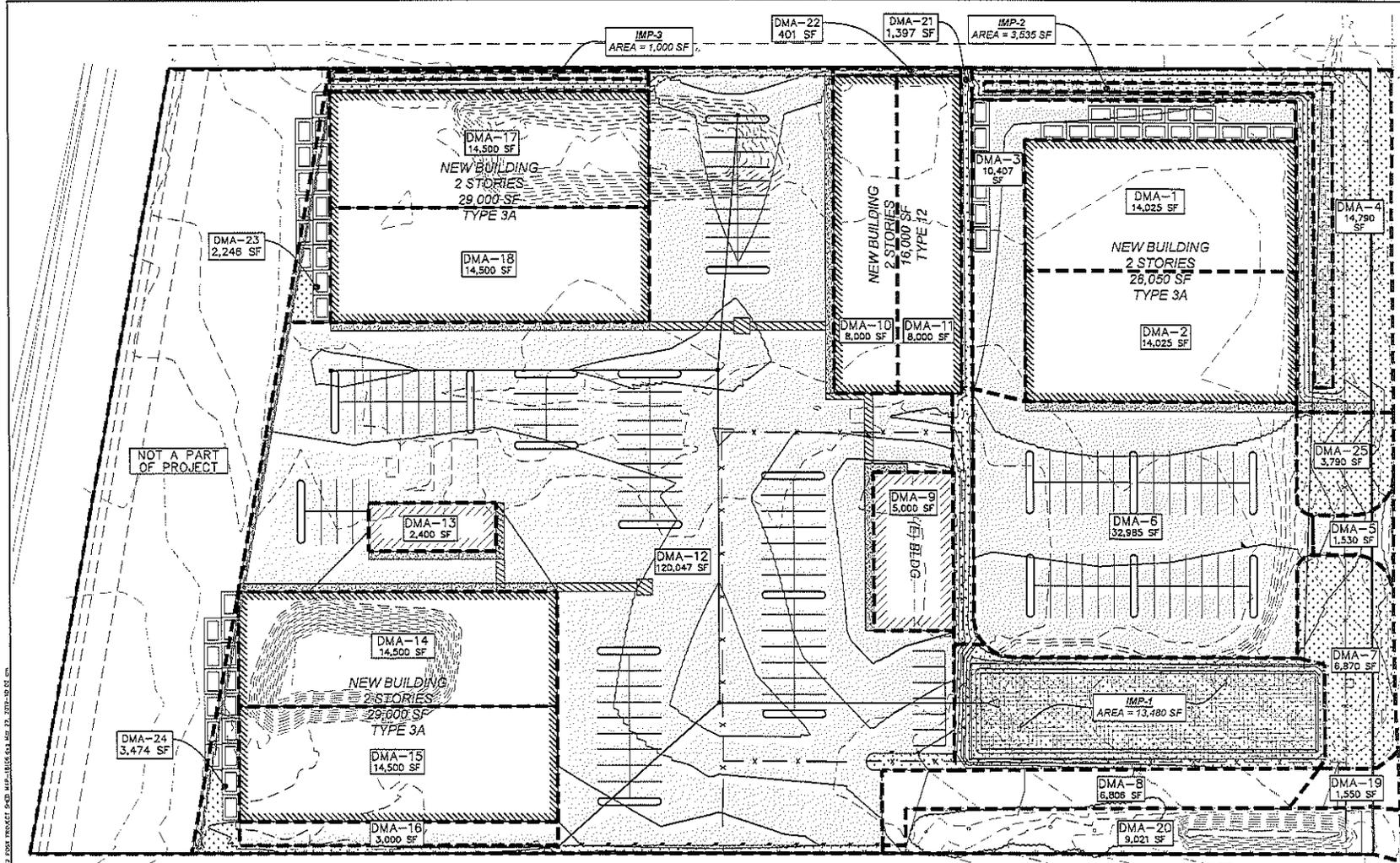
CHUCK WESLEY
 420 SOUTH SECOND STREET
 RIO VISTA, CA 94711
 PH: (480) 225-1187

CONTRA COSTA FARMS
 3400 WILBUR AVENUE
 ANTIOCH, CA 94509
PRELIMINARY WATER AND SEWER PLAN

Sheet **3**
 of **3**
 03-27-2019
 PROJECT #18106 - 3400 WILBUR AVENUE, ANTIOCH, CA 94509

E17

818



WILBUR AVENUE

LEGEND

<p>DRAINAGE AREA DESIGNATIONS AND AREA</p> <p>DRAINAGE MANAGEMENT AREA ID AND AREA</p> <p>INTEGRATED MANAGEMENT PRACTICE ID AND AREA</p>	<p>A-X1 14,826</p> <p>DMA-1 4,488 SF</p> <p>IMP-1 AREA = 839 SF</p>	<p>DRAINAGE AREA BOUNDARY</p> <p>OVERLAND RELEASE</p> <p>TIME OF CONCENTRATION</p> <p>BIO-RETENTION PLANTER BMP</p> <p>LANDSCAPED AREA</p>	<p>---</p> <p>→</p> <p>---</p> <p>[Pattern]</p> <p>[Pattern]</p>
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811

Know what's below.
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or (800) 227-2600

1" = 30 FEET

DATE	BY	APPROV.	
REVISION	CHECK NO.	BY	DATE

CHUCK WESLEY
420 SOUTH SECOND STREET
RIO VISTA, CA 94571
PH: (415) 225-1167

CONTRA COSTA FARMS
3400 WILBUR AVENUE
ARTICHO, CA 94503
APP# 09-05-021

PRELIMINARY STORMWATER CONTROL PLAN 1 OF 2

Sheet
4
4 of 5
02-27-2019

CONTRA
COSTA
FARMS
LLC

City Council
Presentation

September 10, 2019

coco farms

Our Mission

- To grow a significant company in the region which will drive the following key benefits for the City of Antioch and its Residents:
 - Create a significant number of good paying jobs.
 - Create significant tax dollars and license fees for the City.
 - Ensure that the “cannabis experience” is a positive one for our community.

Who Are We?

Managing Members



Experienced Management
Team of Operators



Successfully developed Rio
Vista Farms LLC from a
green field to a \$12 Million
Revenue cannabis
microbusiness in 15 months.



Prior to RVF, our expertise
was in marketing technology,
big data, controllership,
project management and
turnarounds.

Experienced & Legitimate Operator

- Security and Safety First:
 - 24 hour on-site armed security.
- Great Partner:
 - Pay all of our city and state license fees and taxes.
- Experience in Areas of Focus:
 - Zero “incidents” at current operations.
 - Odor mitigation.
 - Meaningful contributor to the community

Other Notables from RVF



2018 CHAMBER OF
COMMERCE NEW
BUSINESS OF THE
YEAR.



MAKE ALL TAX
PAYMENTS ON
TIME.



59 EMPLOYEES
AND GROWING.

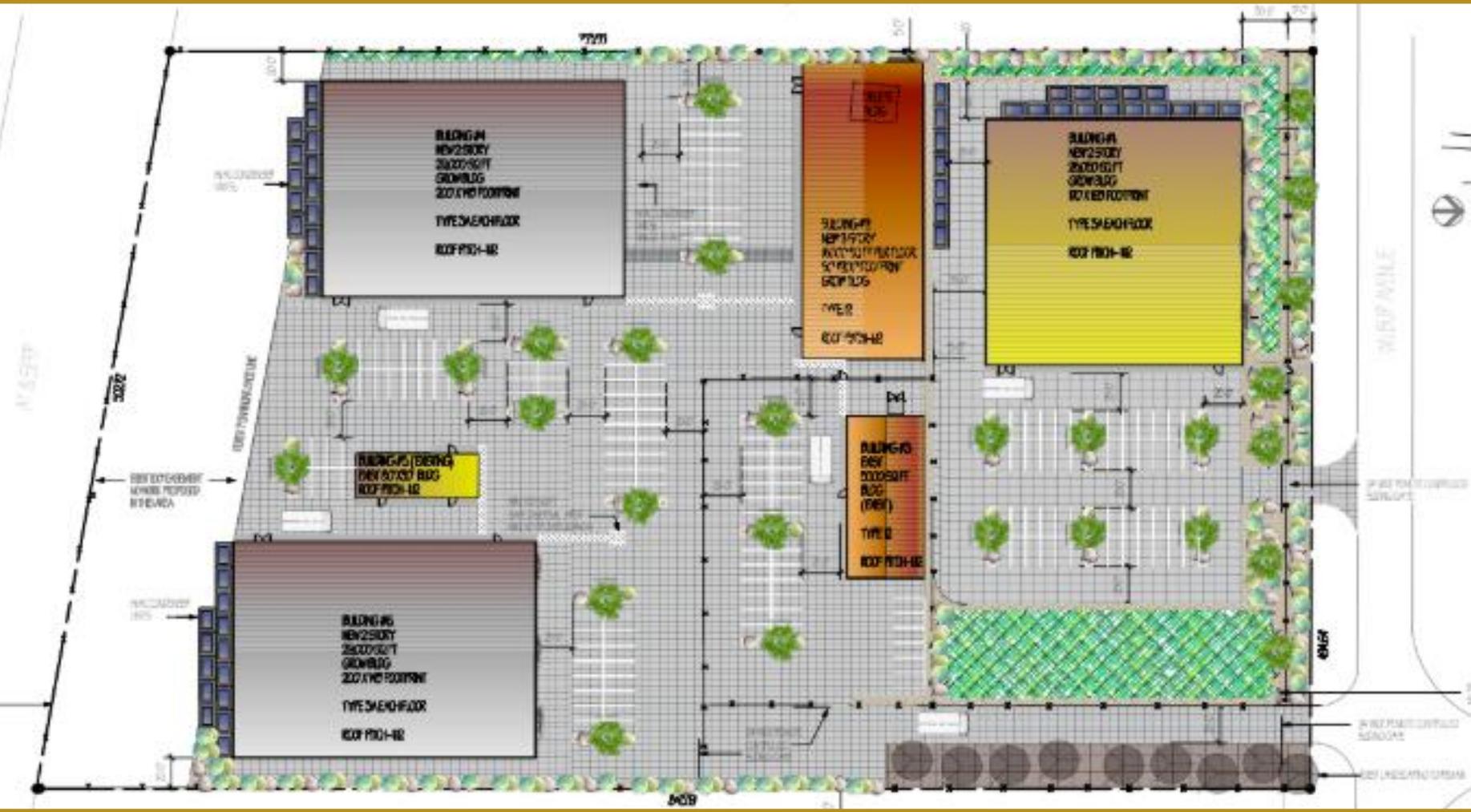


DONATE 1% OF
SALES TO RIO
VISTA FIRST
RESPONDERS.



VARIOUS OTHER
LOCAL CHARITY
INVOLVEMENT.

Our Proposal



Our Path to this Evening

- We are already significantly invested in Antioch.
 - Purchased ~ 9 acre parcel in the green/industrial zone that had limited use, no power, and in disrepair.
 - Completed all the City required paperwork and achieved a “deemed complete” cannabis application for the City of Antioch back in March 2019.
 - Due to the magnitude of our operation, we have paid for and successfully completed a CEQA study.
 - We are excited to be here this evening to continue to move the ball forward on what we believe is a great opportunity for the City, Antioch Residents, and CoCo Farms.

Overview of CoCo Farms

- We are a very different type of cannabis operation than what you have seen before you to date.
 - Type 12 Microbusiness at our core. This represents 10,000 sq ft of indoor Cultivation, Non-Volatile Manufacturing, Distribution, Storefront Retail Sales, and Delivery.
 - Six 3A Indoor Cultivations Sites which will comprise 132,000 sq ft of indoor cultivation.
 - Distribution License

Positive Community Impact

- We are a vertically stacked licensee which enables the following very significant benefits to Antioch. This is a magnitude larger than the basic dispensaries you have approved to date.
 - 1. Real Jobs: Hundreds of jobs vs. tens of jobs.
 - 2. Real Revenue for the City: Millions of dollars annually in license fees and taxes vs. thousands.
 - 3. Real Contributions to City of Antioch First Responders: 0.5% of Gross Sales pledged to the City of Antioch's First Responders which will grow to ~\$1,000,000 per year.
 - 4. Real Contributions to City of Antioch Schools: 0.5% of Gross Sales pledged to Antioch Public Schools which will grow to ~\$1,000,000 per year.

Benefits for Antioch

269 Good-Paying Jobs (a)

Annual “Square Footage”
Fee... \$640,200 (b)

Gross Receipts Fees...
\$6,090,000 (c)

- When all facilities are operational.
- Year 3 following the occupancy of all buildings. \$3 psf x 213,400sf
- When all facilities are operational, based on a 3% third year Fee Rate.

Addressing Concerns

Odor
Control...

We know how to control odor. Our RV facility was certified as “odor free” by Yorke Engineering.

Security...

Zero security incidents in 14 months of operation in RV.

Good for the
Community...

RV Chamber of Commerce New Business of the Year

Benefactor of the RV High School Arts Program

1% of Gross Receipts for First Responders

Timing of the DA

- Our application was deemed complete before the DA was added to the Ordinance.
- Therefore, the City has the legal latitude to permit us to occupy and open without a DA.
- Of course we are agreeing to a DA.
- What we are requesting is permission to occupy and open and then, when the DA is ready, apply it to us retroactive to the date of occupancy.

Risks

- Use Permit Conditions prove to be uneconomical.
- Development Agreement Fees prove to be uneconomical.

Thank You.

coco farms



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of September 10, 2019

TO: Honorable Mayor and Members of the City Council

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

SUBJECT: Resolution Authorizing the City Attorney, In Consultation with the Cannabis Ad Hoc Committee, to Negotiate Operating Agreements Subject to City Council Approval, In Lieu of Development Agreements, with Those Cannabis Business Applicants Whose Applications Were Deemed Complete Prior to the April 2019 Amendment of Chapter 5 of Title 9 of the Antioch Municipal Code

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution authorizing the City Attorney, in consultation with the Cannabis Ad Hoc Committee, to negotiate operating agreements subject to City Council approval, instead of development agreements, with those cannabis business applicants whose applications were deemed complete prior to the effective date of the April 2019 Amendment to Chapter 5 of Title 9 of the Antioch Municipal Code.

FISCAL IMPACT

There is no additional cost to the City anticipated by adoption of this resolution. It is possible that changing the requirement from a development agreement to an operating agreement may result in a slight cost-savings in that this change streamlines the process of a cannabis business becoming operational, with less demand on City staff resources.

DISCUSSION

On April 9, 2019 the City Council introduced an ordinance to amend Chapter 5 of Title 9 of the Antioch Municipal Code to update the cannabis ordinance to include requirements for a development agreement. The City Council approved the ordinance on April 23, 2019, and the ordinance went into effect 30 days later. The amendment to the ordinance requires each cannabis business to enter into a development agreement that contractually defines the benefits that the cannabis business will provide to the City.

The Zoning Ordinance requires that a use permit be approved by the City Council for all cannabis business. Existing use permit applications are subject to new ordinances and amendments only if the ordinance goes into effect before the application is deemed

“complete.” Several cannabis business applicants had applications that were deemed complete prior to the April amendment to update the cannabis business ordinance. Therefore, these applicants were not subject to the ordinance amendments. However, each of the applicants that has come before City Council for approval of a use permit has stated that they are willing to enter into a development agreement with the City.

This resolution would only apply to those cannabis business applicants that have applications that vested prior to the City’s adoption of an amendment to its cannabis ordinance on April 23, 2019. The resolution authorizes use of an operating agreement rather than a development agreement for these cannabis business applicants and specifies that the City Council is the body which must approve the operating agreement.

Staff recommends that the City negotiate an operating agreement with these cannabis businesses instead of a development agreement because in these cases 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 these businesses to get up and running faster.

There is no Government Code or other statute specifying the method by which an operating agreement must be adopted, so the agreement could be negotiated by the City Attorney, in consultation with the Cannabis Ad Hoc Committee, and subject to approval by the City Council.

In contrast, the procedure for adopting a development agreement is mandated by the Government Code sections 65864 *et seq.* It includes a noticed hearing before the Planning Commission, and then adoption of the development agreement by ordinance which requires a first and second reading and then the ordinance takes effect 30 days thereafter.

ATTACHMENT

A. Resolution

RESOLUTION NO. 2019/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AUTHORIZING THE CITY ATTORNEY IN CONSULTATION WITH THE CANNABIS
AD HOC COMMITTEE TO NEGOTIATE OPERATING AGREEMENTS SUBJECT TO
CITY COUNCIL APPROVAL WITH CERTAIN CANNABIS BUSINESSES THAT ARE
NOT SUBJECT TO THE DEVELOPMENT AGREEMENT REQUIREMENT UNDER
CHAPTER 5 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE**

WHEREAS, the Chapter 5 of Title 9 of the Antioch Municipal Code requires that a use permit be approved by the City Council for all cannabis businesses;

WHEREAS, existing use permit applications are subject to new ordinances and amendments only if the ordinance goes into effect before the application is deemed “complete”;

WHEREAS, on April 9, 2019, the City Council introduced an ordinance (Ordinance No. 2165) to amend Chapter 5 of Title 9 of the Antioch Municipal Code to update the cannabis ordinance to include requirements for a development agreement, the City Council approved the ordinance on April 23, 2019, and the ordinance went into effect 30 days later (the “April 2019 Amendment”);

WHEREAS, the April 2019 Amendment requires each cannabis business to enter into a development agreement that contractually defines the benefits that the cannabis business will provide to the City;

WHEREAS, several cannabis business applicants had applications that were deemed complete prior to the April 2019 Amendment, which exempted these businesses from the amendment’s development agreement requirement under the Antioch Municipal Code;

WHEREAS, each of the cannabis business applicants whose applications were deemed complete prior to the April 2019 Amendment have come before the City Council for approval of a use permit has agreed to enter into a development agreement with the City prior to beginning operations;

WHEREAS, this resolution only applies to cannabis business applicants that completed their applications prior to the City’s adoption of the April 2019 Amendment to the cannabis business ordinance;

WHEREAS, negotiating an operating agreement with these cannabis businesses instead of a development agreement would streamline the approval process, enable these businesses to launch faster, and aid the City in accomplishing its goals more quickly.

RESOLUTION NO. 2019/**

September 10, 2019

Page 2

WHEREAS, this resolution authorizes use of an operating agreement rather than a development agreement for those cannabis businesses whose applications were deemed complete prior to the April 2019 Amendment and specifies that the City Council is the body which must approve the operating agreement; and

WHEREAS, no Government Code or other statute specifies the method by which an operating agreement must be adopted, therefore, the agreement may be negotiated by the City Attorney in consultation with the Cannabis Ad Hoc Committee and approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Attorney, in consultation with the Cannabis Ad Hoc Committee, to negotiate operating agreements subject to City Council approval, in lieu of development agreements, with those cannabis business applicants whose applications were deemed complete prior to the April 2019 Amendment of Chapter 5 of Title 9 of the Antioch Municipal Code.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said City Council held on the 10th day of September 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH