

CITY OF  
**ANTIOCH**  
CALIFORNIA

**STAFF REPORT TO THE CITY COUNCIL**

**DATE:** Regular Meeting of October 12, 2021

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Ruthann G. Ziegler, Special Counsel  
Kwame Reed, Economic Development Director

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

**SUBJECT:** Proposed Amendment to the Antioch Municipal Code Sections 9-5.203, 9-5.3801, 9-5.3845, and the Downtown Specific Plan, relating to Cannabis Businesses, by Allowing Cannabis Businesses in Additional Areas, Modifying the Definition of Sensitive Uses, and Setting Distance Requirements Relating to Cannabis Businesses

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**RECOMMENDED ACTION**

It is recommended that the City Council introduce, waive the first reading, and read by title only:

1. The proposed ordinance in Attachment (A or B) amending the Antioch Municipal Code §§9-5.203, 9-5.3801, and 9-5.3845 and the Downtown Specific Plan relating to cannabis businesses
2. Subject to the following amendments (if City Council wishes to make any amendments) . . .

**FISCAL IMPACT**

The proposed action will not have a negative effect on the City budget and may generate increased revenue by providing more options for cannabis businesses in additional locations where commercial or similar businesses are already allowed by the City.

**DISCUSSION**

**A. Planning Commission**

**1. August 4, 2021 Planning Commission meeting**

The Planning Commission considered staff's recommendations to add five additional areas within the City where cannabis businesses would be allowed, to modify the definition of sensitive uses to match state standards, and to establish locational restrictions in each of the areas between retail cannabis businesses and between a cannabis business and a sensitive use.

Staff's recommendations were consistent with the direction of the Cannabis Subcommittee.

The Planning Commission directed staff to bring back a revised ordinance with fewer new areas for cannabis businesses and to provide additional background information, including the cannabis policies of neighboring jurisdictions. The Planning Commission expressed an interest in reviewing the additional areas which staff recommended for cannabis businesses. Therefore, staff will bring those additional areas, presented to the Planning Commission at its August 4 meeting, and not included in the September 15 staff report, to the Planning Commission at a future meeting.

## **2. September 15, 2021 Planning Commission meeting**

Staff's recommendation to the Planning Commission at its September 15 meeting included two new areas for cannabis businesses, plus renaming the existing "green zone." Staff's recommendation also modified the buffers between retail cannabis businesses and between a cannabis business and a "sensitive use." The Planning Commission's recommended action expanded those buffers and broadened the categories of "sensitive uses."

Included as Attachment B is the September 15, 2021 staff report and related attachments provided to the Planning Commission. The original ordinance drafted by staff and presented to the Planning Commission on September 15 is Exhibit 1 to Attachment A of the Planning Commission materials.

### **B. Proposed Ordinance**

The proposed ordinance would make the following changes:

- AMC §9-5.203: Narrowing the existing definition of "cannabis retail" to apply to retail operations only. The ordinance also includes the definition of "sensitive use" both to reflect the Planning Commission's recommendations, the existing ordinance, and state law.
- AMC §9-5.3801: The ordinance renames the existing Cannabis Business (CB) district and adds two additional areas within the City where a Cannabis Business may be located.
- AMC §9-5.3845: The ordinance specifies which types of cannabis businesses would be allowed in each separate Cannabis Business district, and the related amendment of the Downtown Specific Plan to include "cannabis retail" as an allowed use.
- AMC §9-5.3845: The ordinance reflects existing City policy that an applicant for a cannabis business reimburse the City for processing fees and costs.

These changes are detailed below.

#### **1. Adding new areas for cannabis businesses**

Antioch Municipal Code §9.5-3801 designates a single type of cannabis business district, identified as CB. This has sometimes been referred to as the “green zone.” The City’s existing ordinance allows all types of cannabis businesses to be located within this CB district.

The proposed ordinance identifies three categories of CB districts, each covering a different geographical area within the City. Each of these areas already allows commercial or similar uses. The areas are:

**CB 1** The area designated as the Cannabis Business Overlay District prior to August 1, 2021.

CB 1 allows the broadest range of cannabis businesses.

**CB 2** Downtown Antioch: The area designated as Mixed Use within the Downtown Specific Plan.

CB 2 allows storefront retail only.<sup>1</sup>

**CB 3** Somersville District: The area bounded by Buchanan Rd., Delta Fair Blvd., and Fairview Drive.

CB 3 allows storefront retail only.

It is important to note that the proposed changes are overlay districts, not changes to the underlying zoning in any of the affected areas. The proposed ordinance merely allows additional types of retail in areas already zoned for retail. No changes in traffic patterns, whether from customers, employees, or suppliers, are anticipated.

## 2. Defining Sensitive Use

State law requires a buffer between cannabis businesses and certain use (“sensitive uses”). State law defines sensitive uses as:

- A school providing instruction in kindergarten or any grades 1 through 12
- A day care center, defined as a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers, and includes child care centers licensed pursuant to Health & Safety Code §1596.951.
- A youth center, defined as any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

Antioch Municipal Code §9-5.3845 requires a buffer for four categories of uses:

- (1) Any private or public school serving students grade kindergarten through high school;
- (2) Any public park owned or operated by the City;

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

- (3) Any property occupied by a residential land use or with a residential or general plan land use designation or zoning designation; and
- (4) A childcare center, as defined by this municipal code

The Planning Commission's recommendation expanded the definition of sensitive uses to also include:

- Public libraries
- Drug treatment centers
- Religious institutions
- Community centers owned or operated by the City
- Youth sports facilities

### **3. Determining the separation requirement or buffer for different types of cannabis businesses and sensitive uses**

Antioch Municipal Code §9-5.3845 establishes a 600-foot buffer or separation requirement between cannabis businesses and sensitive uses. Existing City regulations require a 600-foot separation between retail cannabis businesses

State law establishes a 600 foot buffer between certain uses and a cannabis business, measured property line to property line. However, state law authorizes cities and counties to reduce the buffer. State law does not recognize residential property as a sensitive use and therefore does not require any buffer from residential uses. State law also does not require a buffer between cannabis businesses.

State law does not require any buffer as to residential uses. Since the proposed ordinance includes this use in the same category as the sensitive uses, the proposed ordinance uses the same amount of buffer and method of measurement for all these uses.

State law does not require any buffer between retail uses. The City's existing regulations include a 600-foot buffer between retail uses. Because retail businesses may be located on large land parcels, the proposed ordinance measures this buffer as between primary customer entrance/exit for each business. Another change to §9-5.203 narrows the definition of "cannabis retail" to include strictly retail businesses only. The current definition is overly broad and could be construed to include not only retail but also distribution and manufacturing cannabis businesses.

The proposed ordinance finetunes the amount of buffer in different areas, both between retail cannabis businesses and between any cannabis business and a sensitive use.

The proposed ordinance recognizes that certain natural buffers (such as large roadways and railroad tracks) may exist. The proposed ordinance allows the City to reduce the specified separation requirement where these natural buffers exist.

### **4. Designating different types of cannabis business and buffers for different CB districts**

Antioch Municipal Code §9-5.3845 does not limit which types of cannabis businesses can be in which location. City staff has evaluated the various areas and developed the following recommendations for the types of cannabis businesses and buffers in the specified areas.

**CB 1** The area designated as the Cannabis Business Overlay District prior to August 1, 2021.

There is no change recommended for this area, other than renaming it CB 1.

This area is the current “green zone.” It would retain the existing 600-foot buffer both between retail cannabis businesses and between a cannabis business and any sensitive use.

Permitted cannabis businesses within CB 1 are any type of existing cannabis license.

### **CB 2 Downtown Antioch**

This area is designated as Mixed Use within the Downtown Specific Plan. To encourage retail development and maintain consistency with the Downtown Specific Plan, this area would allow only retail storefront cannabis businesses (Type 10).

Due to the Mixed Use designation, the term “sensitive use” would not include residential uses for CB 2 only. Staff recommended a reduced buffer of 200 feet between retail cannabis businesses and between a cannabis business and a sensitive use. However, the Planning Commission recommended a 300-foot buffer between cannabis businesses and a 600-foot buffer between a cannabis business and a sensitive use.

The existing Downtown Specific Plan allows “general retail.” To clarify that this use also includes cannabis retail, Table 2.1 of the Downtown Specific Plan would be modified to include cannabis retail under the category of “Retail Trade”, subject to the approval processes required of cannabis businesses as set forth in the Municipal Code.

### **CB 3 Somersville District**

This area would be restricted to storefront retail (Type 10) only.

Below are charts, included in the proposed ordinance, which show the types of uses and buffers recommended for each of the three CB districts.

Please note there is no change as to CB 1; it is merely renamed.

<b>TABLE A</b>		
<b>Overlay District</b>	<b>License Types Permitted</b>	<b>Permit Requirement</b>
CB 1	1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 9, 10, 11,12, 13	City Council Use Permit
CB 2	10	City Council Use

CB 3	10	Permit City Council Use Permit
<b>TABLE B</b>		
Overlay District	Between Retail Uses	From Existing Sensitive Use
CB 1	600'	600'
CB 2	300'	600' <sup>2</sup>
CB 3	600'	600'

### 5. Reimbursement of City fees, charges, and costs

The ordinance codifies the City's existing practice of having applicants to operate cannabis businesses, as well as current cannabis businesses, pay their share of City fees, charges, and other costs of City staff and consultants (including outside legal counsel) for matters relating to their application and business (e.g., conditional use permit, operating agreement, and any modification or implementation thereof). The applicant will make a cash deposit with the City in an amount to be determined by the City Attorney. The City shall return any unused deposit; the business applicant/operator shall pay any amount greater than the original deposit. The applicant/operator may have to make more than one deposit.

### ATTACHMENTS

- A. Draft ordinance without planning commission recommendations
- B. Draft ordinance with planning commission recommendations

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<sup>2</sup> To encourage retail development in CB 2, the definition of "sensitive use" only for CB 2 does not include residential uses.

**ATTACHMENT A  
UPDATED DRAFT ORDINANCE WITHOUT PLANNING COMMISSION  
RECOMMENDATIONS**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH  
AMENDING SECTIONS 203, 3801, AND 3845 OF CHAPTER 5 OF TITLE 9 OF THE  
ANTIOCH MUNICIPAL CODE  
ADDING THE DEFINITION OF SENSITIVE USE, MODIFYING THE DEFINITION OF  
“CANNABIS RETAIL”, MODIFYING THE CANNABIS BUSINESS OVERLAY  
DISTRICT BY  
SPECIFYING THE LOCATION OF DIFFERENT TYPES OF CANNABIS  
BUSINESSES, AND CLARIFYING THE DOWNTOWN SPECIFIC PLAN REGARDING  
CANNABIS RETAIL**

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

**SECTION 1:**

Beginning in 2018, the City Council has adopted several ordinances relating to cannabis businesses within the City. One or more of these ordinances established a Cannabis Business (CB) district and imposed locational restrictions on cannabis businesses within the City.

**SECTION 2:**

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

**SECTION 3:**

Section 9-5.203 is modified to add the following definition:

**SENSITIVE USE:** (a) Any school providing instruction in kindergarten or any grades 1 through 12; (b) a day care center which is a child day care facility other than family day care home and includes infant centers, preschools, extended day care facilities, school age child care centers and child care centers licensed pursuant to Health & Safety Code §1596.951; (c) youth center which is any public or private facility that is primarily used to host recreational or social activities for minors including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities; (d) any public park owned or operated by the City; or (e) any property located within the City's boundaries and occupied by a City residential land use or designated by the City as residential in the City's general plan or zoning ordinance.

**SECTION 4:**

Section 9-5.203 is modified to change the following definition of “cannabis retail” as follows:

**CANNABIS RETAIL.** A cannabis business that ~~distributes, dispenses, stores, exchanges, packages, re-packages, labels, sells or, makes available, transmits, or gives away cannabis~~ delivers cannabis or cannabis products for either medical or recreational use and is operated in accordance with state and local laws and regulations. Cannabis retail includes, but is not limited to, selling cannabis or cannabis products, pursuant to a Type 9 or 10 cannabis license (but not a Type 12 microbusiness), or a cannabis license subsequently established for a similar or related purpose.

**SECTION 5:**

Section 9-5.3801 is modified as follows:

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

**CB Cannabis Business Overlay District**

CB 1 The area designated as the Cannabis Business Overlay District prior to August 1, 2021.

CB 1 allows the broadest range of cannabis businesses.

CB 2 Downtown Antioch- the area designated as Mixed Use within the Downtown Specific Plan

CB 2 allows storefront retail only.

CB 3 Somersville District—the area bounded by Buchanan Rd., Delta Fair Blvd., and Fairview Dr.

CB 3 allows storefront retail only.

**SECTION 6:**

Section 9-5.3845 is modified as follows:

**§ 9-5.3845 CANNABIS BUSINESS.**

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

- (A) [no change}
- (B) (no change)



(CD) In addition to the standard findings for approval of a use permit, the City Council shall make the following additional finding in support of approval of a use permit for a cannabis business.

- (1) 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.

(D) Cannabis businesses may be established as described in Table A.

<b>TABLE A</b>		
<u>Overlay District</u>	<u>License Types Permitted</u>	<u>Permit Requirement</u>
<u>CB 1</u>	<u>1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 10, 11, 12</u>	<u>City Council Use Permit</u>
<u>CB 2</u>	<u>10</u>	<u>City Council Use Permit</u>
<u>CB 3</u>	<u>10</u>	<u>City Council Use Permit</u>

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

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

<b>TABLE B</b>		
<u>Overlay District</u>	<u>Between Retail Uses</u>	<u>From Sensitive Use</u>
<u>CB 1</u>	<u>600'</u>	<u>600'</u>
<u>CB 2</u>	<u>200'</u>	<u>200'</u>
<u>CB 3</u>	<u>600'</u>	<u>600'</u>

- (1) Notwithstanding Section 9-5.3945(E), the City shall have the discretion to decrease the 600-foot restriction without requiring a variance when significant barriers (such as large roadways, railroad tracks, or similar buffers) exist between the proposed retail cannabis business and the existing use identified in Section 9-5.3845(D)(4).
- (2) Solely as to CB 2, the term "sensitive use" shall not include any property located within the City's boundaries and occupied by a City residential land use or designated by the City as residential in the City's general plan or zoning ordinance.
- ~~(4)~~(3) The separation requirements referenced in Section 9-5.3845(E) for sensitive uses shall be measured property line to property line. The separation requirements referenced in Section 9-5.3845(E) for retail businesses shall be measured between the primary entrance/exit for the business' customers for each retail business.

(F) Applicants to operate cannabis businesses, as well as current cannabis businesses, shall pay their share of City fees, charges, and other costs of City staff and consultants (including outside legal counsel) for matters relating to their application and business (e.g., conditional use permit, operating agreement, and any modification or implementation thereof). The applicant shall make a cash deposit with the City in an amount to be determined by the City Attorney. The City shall return any unused deposit; the business applicant/operator shall pay any amount greater than the original deposit. The applicant/operator may have to make more than one deposit.

**SECTION 7. Downtown Specific Plan**

The Downtown Specific Plan is hereby amended to include “cannabis retail” as a use in Table 2.1, under “Retail Trade”, with a use permit required and subject to the approval processes required of cannabis businesses as set forth in the Municipal Code.

**SECTION 8: Severability.**

If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

**SECTION 9. CEQA.**

The above amendments to the City’s Municipal Code are not considered a project under the California Environmental Quality Act under the common sense exemption (CEQA Guidelines §15061(b)(3) because the proposed amendments will not have a direct or reasonably foreseeable indirect physical change or effect on the environment. ; The proposed ordinance does not change the existing zoning in the affected areas; rather, the proposed ordinance is an overlay on the existing zoning, already approved and adopted by the City.

**SECTION 10:**

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

\* \* \* \* \*

**I HEREBY CERTIFY** that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the \_\_\_\_ of \_\_\_\_\_ 2021, and passed and adopted at a regular meeting thereof, held on the \_\_\_\_ day of \_\_\_\_\_ 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**Lamar Thorpe, Mayor of the City of Antioch**

**ATTEST:**

\_\_\_\_\_  
**Elizabeth Householder**  
**City Clerk of the City of Antioch**

**ATTACHMENT B  
UPDATED DRAFT ORDINANCE INCORPORATING PLANNING COMMISSION  
RECOMMENDATIONS**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH  
AMENDING SECTIONS 203, 3801, AND 3845 OF CHAPTER 5 OF TITLE 9 OF THE  
ANTIOCH MUNICIPAL CODE  
ADDING THE DEFINITION OF SENSITIVE USE, MODIFYING THE DEFINITION OF  
“CANNABIS RETAIL”, MODIFYING THE CANNABIS BUSINESS OVERLAY  
DISTRICT BY  
SPECIFYING THE LOCATION OF DIFFERENT TYPES OF CANNABIS  
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CANNABIS RETAIL**

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

**SECTION 1:**

Beginning in 2018, the City Council has adopted several ordinances relating to cannabis businesses within the City. One or more of these ordinances established a Cannabis Business (CB) district and imposed locational restrictions on cannabis businesses within the City.

**SECTION 2:**

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

**SECTION 3:**

Section 9-5.203 is modified to add the following definition:

**SENSITIVE USE:** (a) Any school providing instruction in kindergarten or any grades 1 through 12; (b) a day care center which is a child day care facility other than family day care home and includes infant centers, preschools, extended day care facilities, school age child care centers and child care centers licensed pursuant to Health & Safety Code §1596.951; (c) youth center which is any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities; (d) any public park owned or operated by the City; (e) any property located within the City's boundaries and occupied by a City residential land use or designated by the City as residential in the City's general plan or zoning ordinance; (f) a public library; (g) drug treatment

center; (h) religious institutions; (i) community center owned or operated by the City; or (k) youth sports facilities.

**SECTION 4:**

Section 9-5.203 is modified to change the following definition of “cannabis retail” as follows:

***CANNABIS RETAIL.*** A cannabis business that ~~distributes, dispenses, stores, exchanges, packages, re-packages, labels,~~ sells or, makes available, transmits, or gives away cannabis ~~delivers cannabis~~ or cannabis products for either medical or recreational use and is operated in accordance with state and local laws and regulations. Cannabis retail includes, but is not limited to, selling cannabis or cannabis products, pursuant to a Type 9 or 10 cannabis license (but not a Type 12 microbusiness), or a cannabis license subsequently established for a similar or related purpose.

**SECTION 5:**

Section 9-5.3801 is modified as follows:

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

**CB Cannabis Business Overlay District**

**CB 1** The area designated as the Cannabis Business Overlay District prior to August 1, 2021.

CB 1 allows the broadest range of cannabis businesses.

**CB 2** Downtown Antioch- the area designated as Mixed Use within the Downtown Specific Plan

CB 2 allows storefront retail only.

**CB 3** Somersville District—the area bounded by Buchanan Rd., Delta Fair Blvd., and Fairview Dr.

CB 3 allows storefront retail only.

**SECTION 6:**

Section 9-5.3845 is modified as follows:

**§ 9-5.3845 CANNABIS BUSINESS.**

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

- (A) [no change}
- (B) (no change)

(CD) In addition to the standard findings for approval of a use permit, the City Council shall make the following additional finding in support of approval of a use permit for a cannabis business.

- (1) 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.

(D) Cannabis businesses may be established as described in Table A.

<b>TABLE A</b>		
<u>Overlay District</u>	<u>License Types Permitted</u>	<u>Permit Requirement</u>
<u>CB 1</u>	<u>1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A, 3B, 4, 5, 5A, 5B, 6, 7, 8, 10, 11,12</u>	<u>City Council Use Permit</u>
<u>CB 2</u>	<u>10</u>	<u>City Council Use Permit</u>
<u>CB 3</u>	<u>10</u>	<u>City Council Use Permit</u>

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

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

<b>TABLE B</b>		
<u>Overlay District</u>	<u>Between Retail Uses</u>	<u>From Sensitive Use</u>
<u>CB 1</u>	<u>600'</u>	<u>600'</u>
<u>CB 2</u>	<u>300'</u>	<u>600'</u>
<u>CB 3</u>	<u>600'</u>	<u>600'</u>

(1) Notwithstanding Section 9-5.3945(E), the City shall have the discretion to decrease the 600-foot restriction without requiring a variance when significant barriers (such as large roadways, railroad tracks, or similar buffers) exist between the proposed retail cannabis business and the existing use identified in Section 9-5.3845(D)(4).

(2) Solely as to CB 2, the term "sensitive use" shall not include any property located within the City's boundaries and occupied by a City residential land use or designated by the City as residential in the City's general plan or zoning ordinance.

(+)(3) The separation requirements referenced in Section 9-5.3845(E) for sensitive uses shall be measured property line to property line. The separation requirements referenced in Section 9-5.3845(E) for retail businesses shall be measured between the primary entrance/exit for the business' customers for each retail business.

(F) Applicants to operate cannabis businesses, as well as current cannabis businesses, shall pay their share of City fees, charges, and other costs of City staff and consultants (including outside legal counsel) for matters relating to their application and business (e.g., conditional use permit, operating agreement, and any modification or implementation thereof). The applicant shall make a cash deposit with the City in an amount to be determined by the City Attorney. The City shall return any unused deposit; the business applicant/operator shall pay any amount greater than the original deposit. The applicant/operator may have to make more than one deposit.

**SECTION 7. Downtown Specific Plan**

The Downtown Specific Plan is hereby amended to include “cannabis retail” as a use in Table 2.1, under “Retail Trade”, with a use permit required and subject to the approval processes required of cannabis businesses as set forth in the Municipal Code.

**SECTION 8: Severability.**

If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

**SECTION 9. CEQA.**

The above amendments to the City’s Municipal Code are not considered a project under the California Environmental Quality Act under the common sense exemption (CEQA Guidelines §15061(b)(3) because the proposed amendments will not have a direct or reasonably foreseeable indirect physical change or effect on the environment. ; The proposed ordinance does not change the existing zoning in the affected areas; rather, the proposed ordinance is an overlay on the existing zoning, already approved and adopted by the City.

**SECTION 10:**

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

\* \* \* \* \*

**I HEREBY CERTIFY** that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the \_\_\_\_ of \_\_\_\_ 2021, and passed and adopted at a regular meeting thereof, held on the \_\_\_\_ day of \_\_\_\_ 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**Lamar Thorpe, Mayor of the City of Antioch**

**ATTEST:**

\_\_\_\_\_  
**Elizabeth Householder  
City Clerk of the City of Antioch**