

CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of December 14, 2021
TO: Honorable Mayor and Members of the City Council
SUBMITTED BY: Zoe Merideth, Senior Planner *zm*
APPROVED BY: Forrest Ebbs, Community Development Director *FE*
SUBJECT: KWMA Collective (UP-21-16)

RECOMMENDED ACTION

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

1. Adopt the resolution approving a Use Permit (UP-21-16) for a commercial cannabis cultivation facility, subject to conditions of approval.

FISCAL IMPACT

The business will be required to enter into an operating agreement with the City as a condition of approval. The operating agreement will likely include additional revenue based on sales from the business.

DISCUSSION

Requested Approvals

The Applicant, KWMA Collective LLC, requests approval of a Use Permit to operate a commercial cannabis cultivation facility in a 5,000 square foot tenant space identified as Suites E and F at 2101 W 10th Street (APN 074-051-005).

Environmental

This project has been determined to be Categorically Exempt from the provisions of CEQA, pursuant to Section 15301 – Class 1 (Existing Facilities), because the cannabis business will occupy space within an existing commercial building and involves negligible expansion of the use.



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 childcare 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." 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 childcare center.

On October 27, 2020, the Antioch City Council adopted Amendments to the Cannabis Business Ordinance by approval of Ordinance No. 2191-C-S. The purpose of the amendments was to provide a definition of Commercial Cannabis Use, replace the requirement for a development agreement with a requirement for an operating agreement, and specifying the minimum conditions of an operating agreement.

The project was heard at the Planning Commission meeting on November 17, 2021. At the meeting, the applicant gave a presentation, and staff and the applicant responded to the Commissioners' questions. No public comments were received. The Planning Commission voted 7-0 to recommend to the City Council that the Use Permit be approved with the added condition that the business shall coordinate the use of the security guards with the other cannabis businesses in the complex during the transfer of cannabis products.

ANALYSIS

Project Overview

The applicant proposes to operate a cannabis cultivation facility at 2101 W 10th Street, Suites E and F. The cannabis operations would occur within an existing +/- 25,380 square foot commercial building in suites located in the middle of the building. In total, this proposed cannabis use will occupy 5,000 square feet of the building. The suites would be located directly to the east of the approved Delta Family Pharms cultivation business. The building also contains Delta Dispensary, which was approved by City Council in June 2019 and opened in December 2019. The Delta Family Pharms cultivation business was approved by City Council in January 2021 but is not yet operating. In the easternmost portion of the building is the pending Delta Labs project, which Planning Commission recommended approval of at the November 3, 2021, meeting and is scheduled to be heard at City Council.

The tenant spaces will total 5,000 square feet. The space will include three grow rooms, a 600 square foot mother room, a trim/packaging room, a dry room, a safe room, offices, and a loading area. The three grow rooms will range in size from 675 square feet to 888 square feet and will total 2,333 square feet in space.

Project plans and a detailed description (with the security information removed) of the facility are included as Attachments “B” and “C”, respectively, to the staff report.

General Plan, Zoning, and Land Use

The General Plan designation of the site is Business Park. The zoning of the site is Planned Business Center (PBC) and the Cannabis Overlay District (CB). Cannabis cultivation facilities are allowed in the Cannabis Overlay District subject to the approval of a use permit by the City Council.

The surrounding land uses, and zoning designations are noted below:

North: Vacant Land / Light Industrial (M-1)
South: Business Park Uses / Planned Business Center (PBC) & Cannabis Overlay
East: Al Saddiq Community Center / Planned Business Center (PBC) & Cannabis Overlay
West: Automotive Uses / Planned Business Center (PBC) & Cannabis Overlay

Site Plan

The site is approximately 1.95 acres in size and developed with an approximately 25,380 square foot building centrally located on the site. No new construction is proposed on the site other than tenant improvements to the existing building. The building is currently divided into different tenant suites, including the existing Delta Dispensary, approved Delta Family Pharms cultivation, and the pending Delta Labs, in the eastern portion of the building.

The business will be accessed through an entrance along the front of the building that will lead to a foyer with a check point and office space. From this foyer, the rest of the business can be accessed through interior hallways. A safe room is included in the floor plan. The loading area features a roll up door that leads to the rear of the building. The loading area is adequate in size to allow a vehicle to pull into the building and have the roll up door be lowered behind the vehicle.

The applicant proposes to leave the existing storefront system in front of the nursery room and install a new false wall behind the storefront system painted a dark color. To create a cohesive look, staff has added a recommended condition of approval that the door of the storefront system be removed and replaced with a window that matches the existing storefront system. Additionally, a false wall is planned to be installed behind the storefront system. The applicant has proposed to replace the existing storefront door with a solid core secured door. In keeping with the other approved cannabis businesses at this building and within the city, staff has added a recommended condition of approval that the existing storefront door remain in place, which is a commercial door and meets the

required security. The Antioch Police Department has reviewed this recommended change.

Antioch Municipal Code Section 9-5.1715 requires outdoor parking areas to identify height of lighting fixtures, orientation of lighting and minimum foot-candles. Accordingly, the applicant submitted a photometric plan for the site, as required in the application checklist. The project proposes upgraded lighting at the site to meet these requirements. The provided photometric plan is compliant with the Antioch Municipal Code.

The parking spaces at the project site are shared among all the tenants and are located at the front and rear of the building. The building was originally developed as a shared tenant building with a mix of business park uses, and staff believes there will be adequate parking to accommodate the cannabis manufacturing use.

Security Plan

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.
- On site physical security services related to the number of physical security guards present at the site.

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. 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 to see implemented. The proposed security measures are consistent with the security expectations detailed in the Cannabis Guidelines.

During a separate security meeting, the Police Department felt that the security guards currently in place for the dispensary, approved cannabis cultivation business, and proposed manufacturing were sufficient for this proposed business as well because all the businesses are within the same building and only the dispensary will be open to the general public. In order to ensure that security is provided in the unlikely event one of the businesses is sold and does not contribute financially for the existing security firm, a condition of approval has been added requiring the proposed cultivation business to provide separate security guards.

Staff has included a condition in the attached resolution requiring the Antioch Police Department to conduct a site inspection to assess the security of the site prior to a certificate of occupancy being issued for the site. 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 certificate of occupancy, the business is required to submit to annual security audits conducted by a third party or City staff.

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 (See Attachment C). The plan focuses on the following five areas: noises, odor and pollution, limiting foot and car traffic, building safety, and parking spill over. In each area the applicant has taken steps, such as through building design and proposed tenant improvements to minimize impacts to surrounding businesses. The plan also states that the business will ensure communication channels with neighbors will be open to handle any concerns.

Operational Issues

Staff has included conditions of approval to mitigate the potential off-site impacts of the proposed cannabis business. The applicant has outlined how odors will be mitigated with the Odor Mitigation Plan. The mitigations demonstrate the measures they will take to ensure that cannabis odors will not be detected at or beyond the site. Staff has 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 structure in which the business operates. Staff has also included a condition of approval stating that the City reserves the right to have the odor control systems reviewed at building permit submittal. This condition has been added in case staff has concerns about the odor mitigation once detailed building permit plans are submitted.

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 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.

ATTACHMENTS

- A. Use Permit Resolution
- B. Project Plans
- C. Project Description and Neighborhood Responsibility Plan
- D. CCCFD Comment Letter

**CITY COUNCIL
RESOLUTION NO. 2021/****

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING
THE USE PERMIT (UP-21-16) FOR CANNABIS CULTIVATION AT 2101 W 10TH
STREET, SUITES E AND F**

WHEREAS, KWMA Collective LLC requests approval of a use permit to operate a cannabis cultivation business at 2101 W 10th Street, Suites E and F (APN: 074-051-005);

WHEREAS, this project is Categorically Exempt from the provisions of CEQA, pursuant to section 15301;

WHEREAS, the Planning Commission on November 17, 2021, duly held a public hearing, received and considered evidence, both oral and documentary;

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

WHEREAS, on December 14, 2021, the City Council duly held a public hearing, 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 during business hours. Annual audits of the site security plan by City staff or a third-party company subject to the approval of the Antioch Police Department are 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 cultivation 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. 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 W 10th Street, 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 Business Park.

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 operating agreement will likely include additional revenue based on sales from the business.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Antioch does hereby **APPROVE** the use permit application (UP-21-16) to operate a cannabis cultivation business at 2101 W 10th Street, Suites E and F (APN: 074-051-005) 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 by the City Council (December 14, 2023), unless 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.

B. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall comply with AMC § 5-17.04 and 5-17.05, or as approved in writing by the City Manager.
2. The project shall be in compliance with and supply all the necessary documentation for AMC § 6-3.2: Construction and Demolition Debris Recycling.
3. Building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.
4. Standard dust control methods shall be used to stabilize the dust generated by construction activities.

C. AGENCY REQUIREMENTS

1. All requirements of the Contra Costa County Fire Protection District shall be met.

D. FEES

1. The applicant shall pay all City fees which have been established by the City Council and as required by the Antioch Municipal Code.
2. The applicant shall pay all required fees at the time of building permit issuance.

E. PROPERTY MAINTENANCE

1. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
2. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.

F. PROJECT-SPECIFIC REQUIREMENTS

1. This use permit approval applies to the operation of a cannabis cultivation business 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 hours of operation shall be from 8:00 AM – 8:00 PM.
3. All necessary licenses from the State of California shall be obtained prior to opening.
4. No smoking or ingestion of cannabis products on-site is allowed.
5. All cannabis cultivation shall be conducted within a fully enclosed space.
6. The cultivation of cannabis shall be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides.
7. Cannabis related waste shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance.
8. 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.

9. 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.
10. The cannabis cultivation business shall utilize the security guards required for Delta Dispensary as stated in City Council Resolution 2019/115. If the business operator changes, the cultivation business shall enter into, maintain an agreement, and provide evidence of an executed agreement prior to issuance of a business license and commencement of operations, with Delta Dispensary to use the security guards required for the dispensary as stated in City Council Resolution 2019/115.
11. If the agreement required in Condition of Approval F.10 with Delta Dispensary cannot be reached, then this cannabis cultivation business shall provide:
 - 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 business operating hours. One armed security guard shall be on-site at all times, even when the facility is closed. 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 a 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.
 - 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.
12. 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.
13. 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.
 14. The City shall reserve the right to have the odor control systems reviewed at building permit submittal, at the applicant's expense.
 15. 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.
 16. 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.
 17. 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.
 18. 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.
 19. All proposed exterior changes to the site shall be shown on the building permit plan submittal.
 20. The project shall install a new storefront window system at the front of the building to replace the door leading into the nursery room, as depicted on the project plans. The new storefront window system shall match the existing storefront system. The new window shall be shown on the building permit submittal.

21. The existing storefront system door at the main entry/exit of the tenant space shall remain. The proposed solid core door shall not be shown on the building permit plans.
22. A security mesh shall be added to the back of the false walls that are to be installed behind the windows of nursery room and office. The security mesh shall be shown on the building permit submittal.
23. Steel gates shall be added behind the roll up doors located in the rear of the building of suites E and F. The steel gates shall be shown on the building permit submittal.
24. All delivery of cannabis to the site and loading of vehicles with cannabis shall take place in a caged/gated delivery area with a dedicated armed security guard to be present during all deliveries.
25. Visible signage shall be placed at the entrance of the facility notifying the public of surveillance on site.
26. Prior to a certificate of occupancy being issued for the site, 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.
27. 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.
28. 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.
29. 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.

30. 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.
31. The applicant shall enter into an operating agreement with the City of Antioch prior to a certificate of occupancy being issued for the site. No business license shall be issued without an approved operating agreement.
32. The business shall coordinate the use of the required security guards with the other cannabis businesses in the complex during the transfer of cannabis products.

* * * * *

I HEREBY CERTIFY that the foregoing recommendation was passed and adopted by the City Council of the City of Antioch, at a regular meeting thereof, held on the 14th day of December 2021 by following vote:

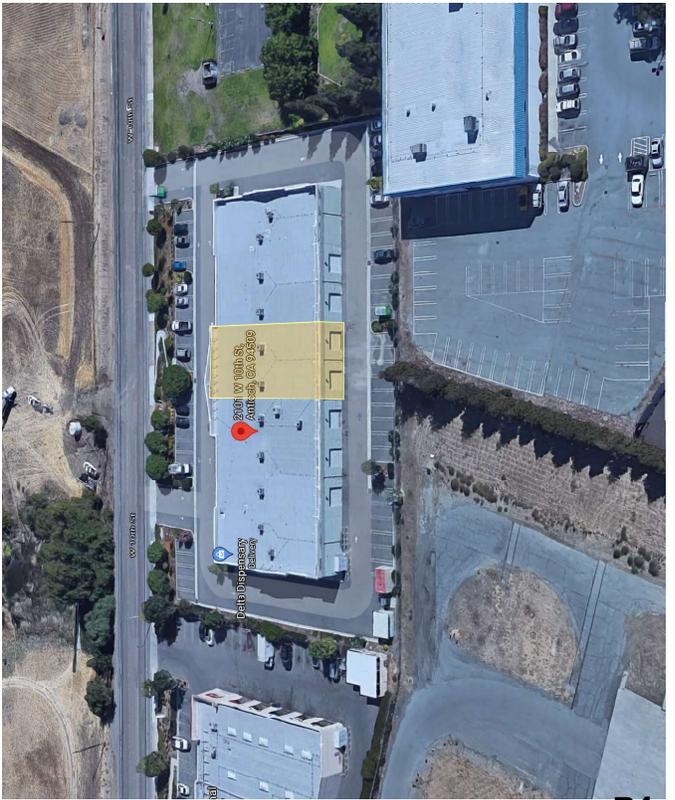
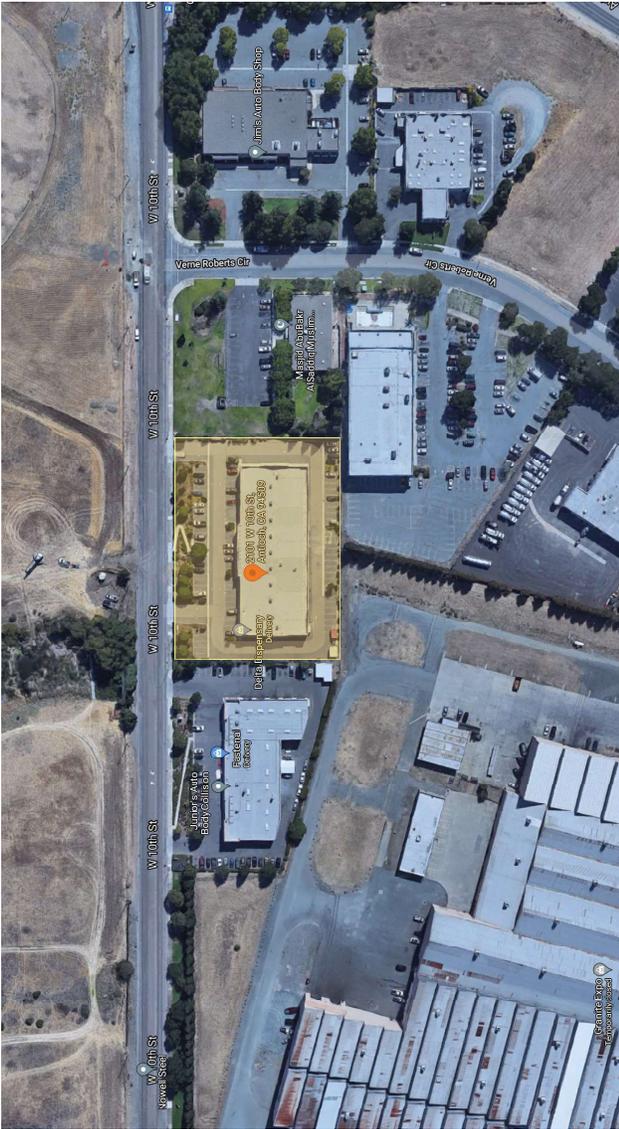
AYES:

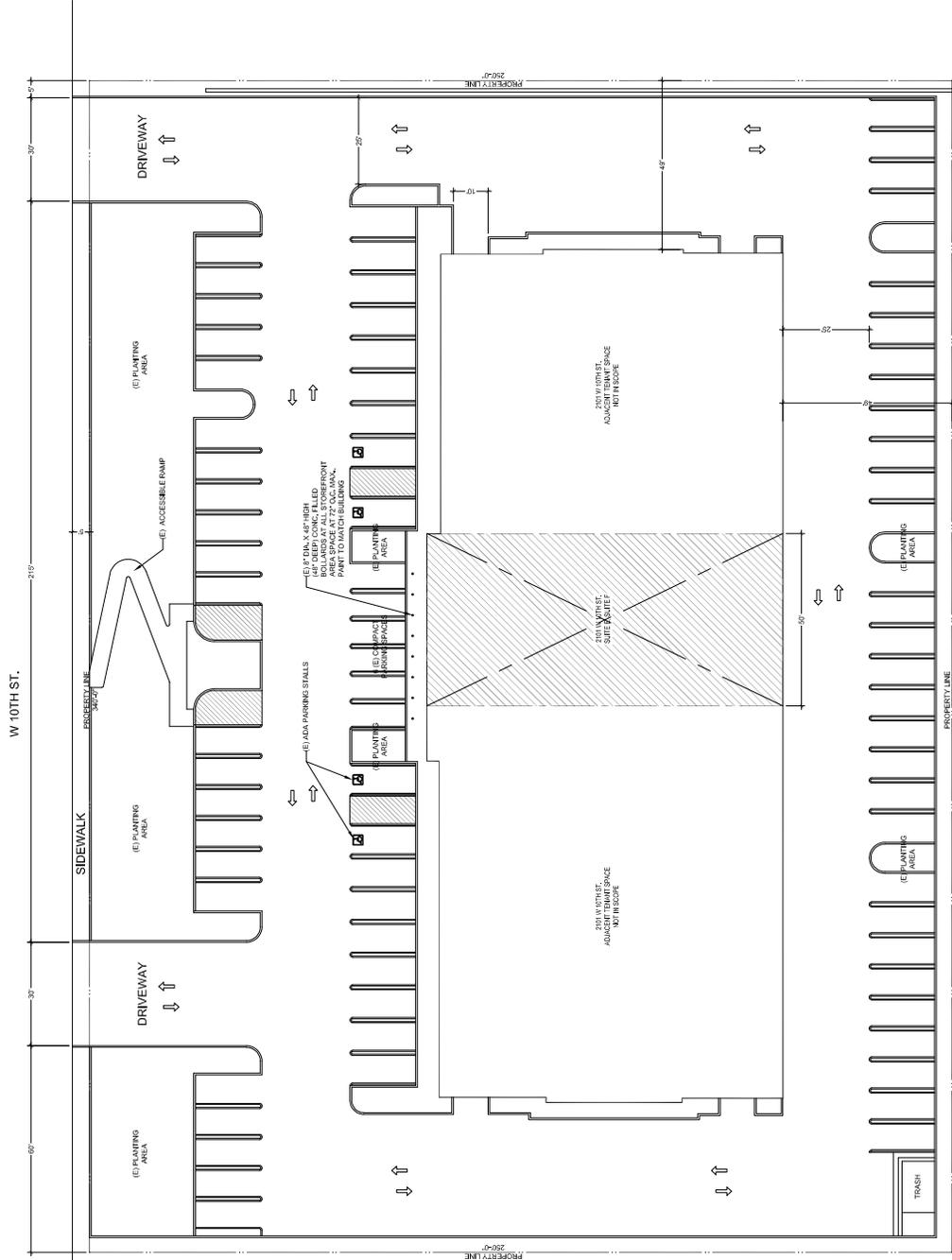
NOES:

ABSTAIN:

ABSENT:

ELIZABETH HOUSEHOLDER
City Clerk of the City of Antioch

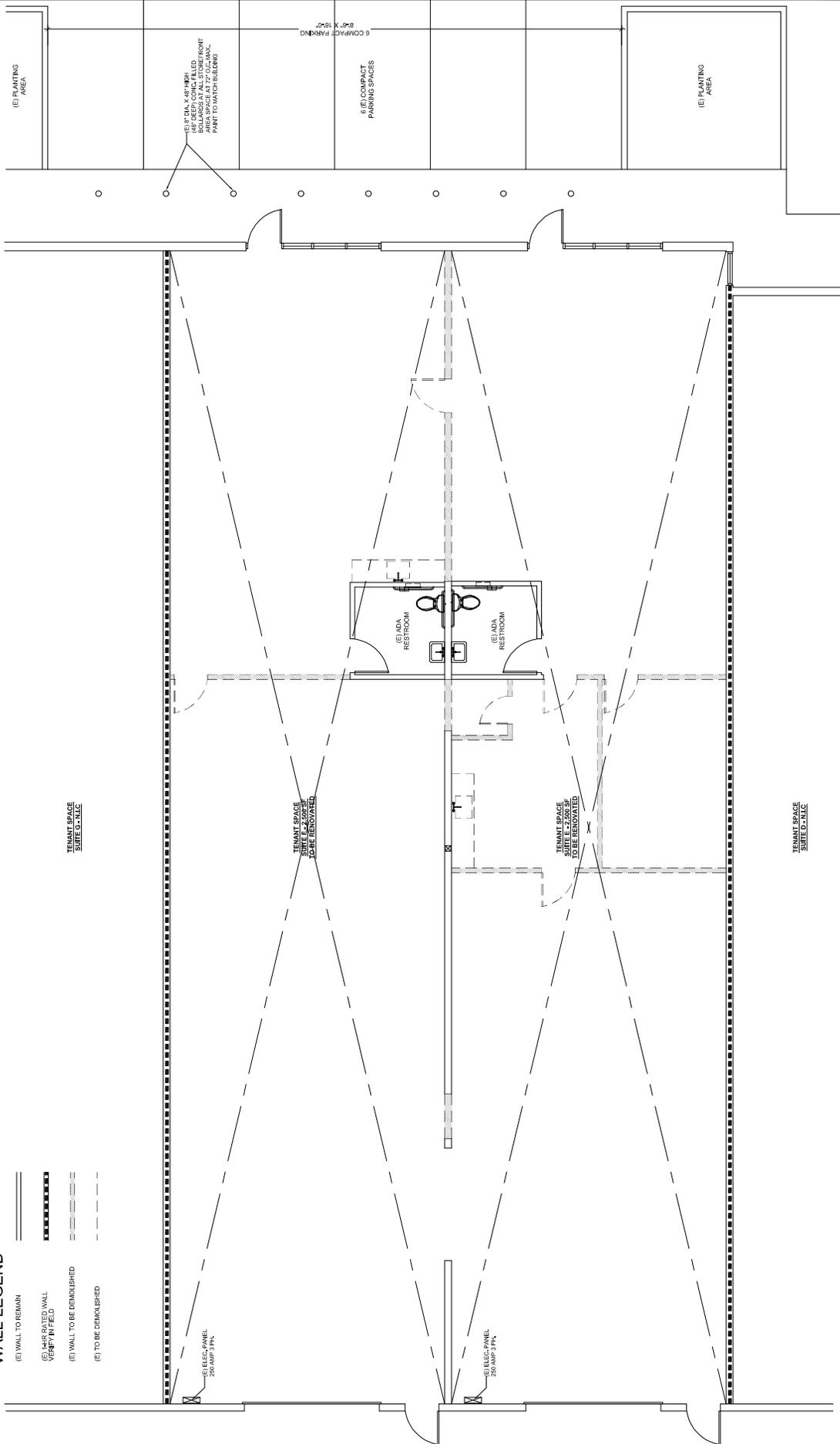




1 SITE PLAN
SCALE: 1/8"=1'-0"

WALL LEGEND

- (E) WALL TO REMAIN
- (E) 1/2" Gypsum Wall
- (E) 1/2" Gypsum Wall
- (E) WALL TO BE DEMOLISHED
- (E) TO BE DEMOLISHED



1 EXISTING/ DEMO FLOOR PLAN
SCALE: 1/4"=1'-0"

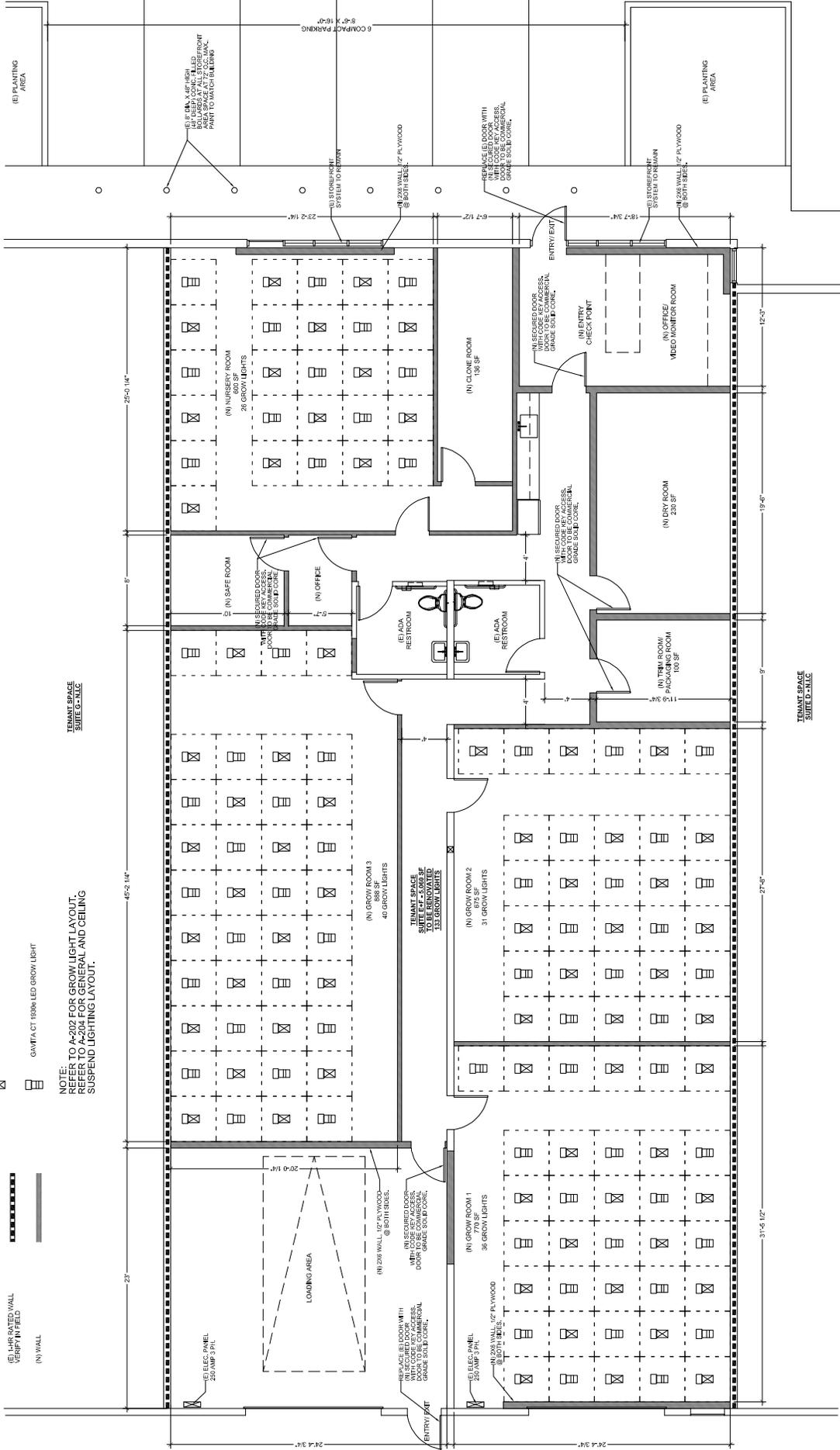
WALL LEGEND:

- (E) WALL TO REMAIN
- (E) LAMP BAYED WALL
- (E) VENTRY IN FIELD
- (N) WALL

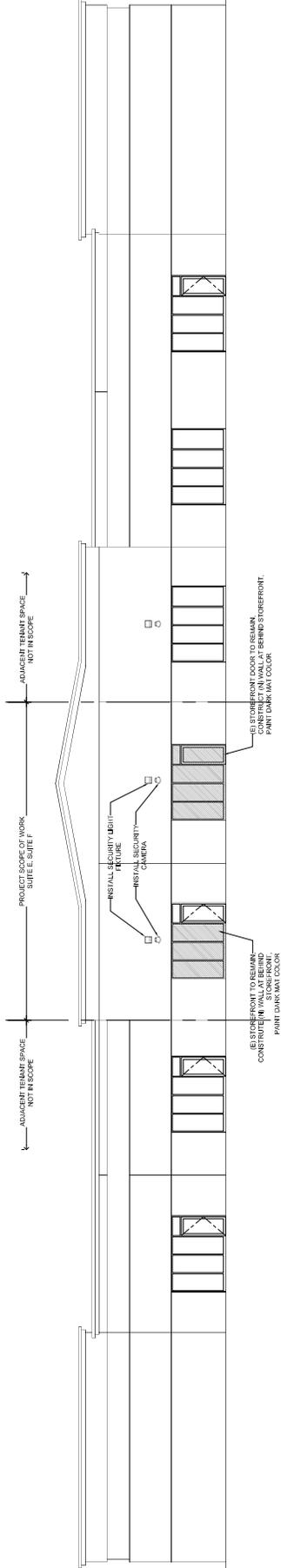
LIGHTING LEGEND:

- LUACDE10627744189 GROW LIGHT
- GAW17A CT 1800K LED GROW LIGHT

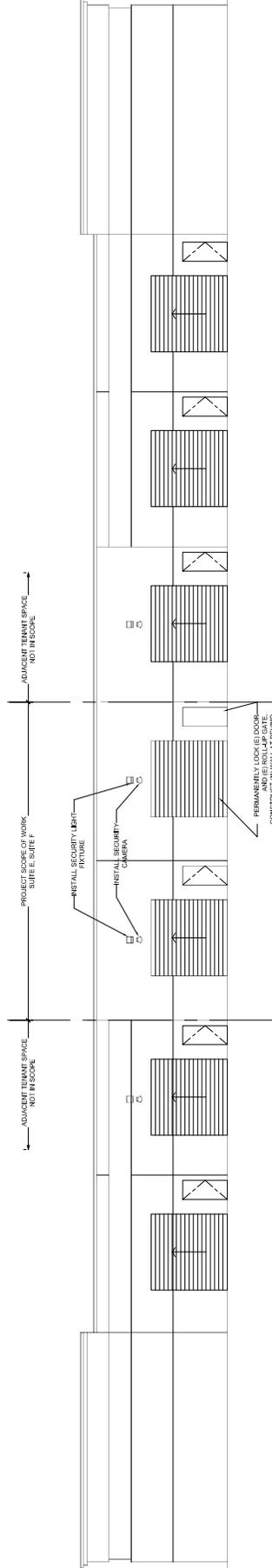
NOTE: TO A-209 FOR GROW LIGHT LAYOUT. REFER TO A-204 FOR GENERAL AND CEILING SUSPEND LIGHTING LAYOUT.



1 PROPOSED FLOOR PLAN
 SCALE: 1/4"=1'-0"



2 PROPOSED FRONT (NORTH) ELEVATION
SCALE: 1/8"=1'-0"



1 PROPOSED REAR (SOUTH) ELEVATION
SCALE: 1/8"=1'-0"

**CITY OF ANTIOCH
CANNABIS CULTIVATION USE PERMIT APPLICATION**

KWMA COLLECTIVE LLC.

2101 W. 10TH ST., SUITE E & F
ANTIOCH, CA 94509

CONTACT INFORMATION:

OWNER:

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ARCHITECT:

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KWMA COLLECTIVE LLC.

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Introduction

To Whom it May Concern:

KWMA Collective LLC is interested in operating a commercial cannabis cultivation facility at 2101 W 10th Street. The building was constructed and is currently owned by the Hoke Family. KWMA has entered into rental agreement with the Hoke Family of both Suite E and F, which in combine of 5,000 SF floor area.

The business would be owned and operated by the KWMA Collective LLC shareholders. Currently KWMA is working with an architect for the approval of the use permit ensuring all the city requirement could be met, and subsequently apply for building permit for the upcoming interior renovation construction scope of work.

KWMA has extensive experience in operating multiple cannabis cultivation facilities in the city of Oakland, and hoping to apply the upmost standard of practice to this future facility. Together with the building owner the Hoke Family, KWMA is committed to being good neighbors and allocate investment into building safety and security systems for discouraging criminal activities which would adversely affect the community. Furthermore, KWMA is confident that the proposed project will also be bringing in more tax income and employment opportunities to the city.

Lastly, we appreciate your time and consideration of our application and look forward to discussing our plans in greater specifics to the satisfaction of City Staff and Members of the Planning Commission.

Respectfully,

KWMA Collective LLC.

Characteristics of the Proposed Cannabis Business

KWMA is a partnership of a group of individuals who has vision and faith in the future of commercial cannabis industry, such that are committed to make the investment to convert the Hoke Family Suite E & F (5,000 SF) into a cultivation facility. The facility is solely for cultivation, with estimated of 110 Grow Lights total. In refer to the floor plan, there are Grow Room, Safe Room, Dry Room, Trim Room/ Packaging Room, offices etc to meet all the functional requirement of a cannabis cultivation facility.

Day to day operation includes:

- Setting up rooms with growing trays, planting juvenile in containers, and positioning grow lights etc.
- Receiving delivery products associated to cannabis cultivation
- Irrigation, turning on/ off grow lights according to schedule
- Operation personnel to check each room ensuring environment control is met, and all mechanical units are functioning properly
- During harvest, cutting and trim, and letting dry in the dry room vault
- Weight, Packaging and shipping off to retailer / purchaser.

Hours of operation

KWMA opens 9am – 6pm

Number of employees

4 Full time, 2 nightshifts

10 Part time w/ 8-12 hour each week

Nature of products produced

KWMA plans to cultivate cannabis within the enclosure of Suite E & F with environmental controlled, with a wide variety of cannabis for medical and recreation, and will narrow down to few which thrive, including:

Big Bud, Blue Dream, Blueberry, Bubblegum, Bull Rider, Catatonic, Chocolope, Durvan Poison, Pro-g, Grand Daddy Purple, Grade Ape, Hindu, Skunk, Jack Herer, Jack the Ripper, Jilly Bean, LA Confidential, Lemon Haze, Mango, Maui Wowie, Mendo Purps, MK Ultra, Purple Pheno, Northern Lights, Odyssey, OG Kush, Romulan, Sour Bubble, Sour Grapes, Super Silver Haze, Vortex, White Widow, XJ13.

Fire Safety

KWMA understands fire causes the loss of lives and property, therefore, the facility will be designed and maintain to meet the local and state fire safety codes. A fire protection specialist will be hired to bring the facility into compliance, and namely but not limited to the following:

1. The fire sprinkler system which needs to be modified in according to the new facility layout, to comply with the current fire safety code, and
2. Illuminated exit signs to be added to exit routes such it is clear for egress in the event of fire
3. Fire extinguishers to be placed in locations where required per fire safety code
4. Facility is providing two means of egress such that no one will be trapped inside the building in the event of fire
5. Emergency lights will be mounted at corridors and inside each room in case of power outage during the event of fire

Neighborhood Responsibility Plan

KWMA is committed to be a good neighbor, will take full measure to mitigate or eliminate all impacts on the immediate neighborhood, which are a collective of small businesses, auto body shops, storage space and warehouses within the Industrial Park zoning district. While we anticipate the operation of the entire facility is within the building envelope of Suite E and F, to note that the immediate adjacent tenant spaces are also cannabis related operations. The following impacts will be address and mitigate:

Noises

The entire facility would be operating for cultivation, which requires mechanical system to run simultaneously. The noise produce by the mechanical system adheres to the industry standard, which is not a concern for the environment. Also, we have insulated building envelop which will keep the noises coming from the interior to minimum.

Odor and Pollution

KWMA has hired an engineer to mitigate odor and pollution prior to releasing to the atmosphere, the detail Odor Mitigation Plan is part of this Use Permit Application. Design engineer has proposed combination of filtered air, and negative pressurizing the interior to contain internal odors. Testing of carbon filters are scheduled to be performed regularly throughout the span of the HVAC system.

Limiting Foot and Car Traffic

Foot and car traffic is limited to 8 cars in anticipating of 12-14 personnel to work on site at peak, which is way below the prior office use of both tenant space Suite E and F. Delivery drop off and pick up services are through the back of the house roll up gate, which does not create traffic and nuisances to the adjacent tenant spaces or immediate neighbors.

Building Safety

KWMA adheres to the building and safety code set forth by the California Building Code, the local code, local building and fire department. We have an architect on board to tickle egressing, building safety in event of seismic emergency, as well as will be having a fire protection specialty to assist us with completing the fire sprinkler system, and strategically local the required fire extinguishers, illuminated exist signs, and fire alarm etc to prevent the loss of lives and property.

Parking Spill Over

The building site has provided 74 parking space for businesses withing the building as well as for customers. We anticipate there will be 12-14 personnel to be on site working at peak, which will be taking up 8 parking spaces. Parking on W 10th St as well as at adjacent business sites are prohibited, which will discourage parking spill over.

Lastly, KWMA is working with the Delta Family Pharms to ensure the communication channels with the neighbor is always open in case of concerns arise. KWMA is committed to maintaining meaningful and respectable relationships to the surrounding businesses and households.

Identification and Labeling

Furthermore, cannabis waste must be placed into a secure and sealable container and labeled as “Bio-Mass Fuel” and dated. Do NOT label as “Waste”, or label as “Hazardous Waste” if hazardous materials have been added to the cannabis waste. The waste could be classified as hazardous waste and subject to more extensive regulations, containers and all waste labels will be provided by CWS.

Proper Disposal Process for Cannabis Waste

1. Upon receiving the request form, CWS will schedule a pickup of the Cannabis Waste.
2. Incorrectly labeled containers may not be accepted for disposal, without additional information.
3. Container must always be securely closed to prevent any liability during handling
4. During pickup, containers may not be removed if above conditions are not met or additional hazards exist.
5. All Cannabis Waste will be transported off site to be converted into Bio-Mass Fuel.
6. Once processed and blended, then transported to a state approved Bio-Mass Fuel generator facility where it is used to produce electricity.

KWMA is committed to meeting and exceeding current City of Antioch regulations for the disposal of commercial waste generated by a commercial cannabis facility.

Odor Mitigation Plan

Operation Processes

KWMA desire to be a good neighbor includes avoiding nuisance of odor that may be generated by its operations. Accordingly, KWMA is working with a consultant, have designed the following Odor Control Plan to mitigate against such a nuisance. In follow, the signed and stamped letter from the engineer.

The space will be conditioned using multiple split heat pump systems of various capacities and a ductless mini-split system. Each of the split system, excluding the ductless mini-split system, are equipped with unit-level pleated filters. Fresh air is brought to each of the ducted systems via a fresh air duct that is run to the exterior of the structure. Fresh air quantities are calculated using American Society of Heating and Refrigeration Engineers (ASHRAE) Standard 62.1. This fresh air will tend to pressurize the space.

The space will be designed for negative pressure to contain internal odors. To accomplish this, an in-line, belt-driven exhaust fan is provided to remove the amount of fresh air provided for the occupants and an additional amount that will ensure a negative pressure within the space.

Engineering Controls

To prevent odors from escaping the structure, the in-line exhaust fan is equipped with a filter section loaded with 30 lbs of activated carbon, in a rack-mounted configuration. Activated carbon is an extremely effective absorptive odor control substance. An ozone generator will be placed upstream of the carbon filters, in the housing assembly. Ozone (O₃) is an effective odor control mechanism. In this case, it is used to help control out-going airstream odors and recharge the activated carbon filter media, extending the life of the media.

Once systems are running, systems shall be air balanced to ensure design air flows for supply, fresh air, and exhaust air base values have been met. Once completed, a differential pressure gauge shall be used to ensure that a negative building static of no less that 0.05" of negative building static has been achieved. A maximum negative building static shall not exceed 0.15". An initial test with a trade-specific sensor establishes the baseline of operation for odors in the out-going air stream.

Once odor control has been established, periodic testing shall be conducted to ensure that the odor control systems are operating to maintain the baseline. As for filters age, replacement will be required and will be conducted, as determined by the calibrated sensor on the test equipment.

Testing will be done, in the absence of other standards, in accordance with Standardized Odor Measurement Practices for Air Quality Testing. Testing shall be

done using a field Olfactometer, calibrated in accordance with ASTM E544-75 and AWMA odor control standards, using the Scheduled monitoring protocol.

Schedule monitoring on a daily walk around the exterior of the site, near the exhaust system. Data to be compile and compared to established norms. Using a 5 point OIRS (Odor Intensity Reference Scale), compare daily readings. If values equal 3 on the 5 point scale, carbon-filtration exhaust system to be evaluated and repaired, as required. Evaluation shall include, but not be limited to, fan operation, distribution system integrity, and filter media effectiveness.

Staff Training

All employees will be trained on how to detect, prevent and remediate odor outside the facility and all corrective options outlined herein.

The Facility Manager shall ensure that all employees are trained in odor control procedures prior to start working at the facility. The training shall include, but not limit to:

1. How to Install and run carbon filter system
2. Perform routine inspections and maintenance procedures to ensure filters are operating efficiently and effectively.
3. Keeping track and logging all inspections, scheduled maintenance, equipment failures, maintenance performed, and equipment installation with dates and details.

All the necessary trainings will be documented and placed in each employee's personnel file. Employees will be updated on facility management procedures regularly.

Odor Detection Documentation

The Odor Detection Form (ODF) will be provided to personnel who suspect of odors emanating from inside the facility. ODFs are available upon request. KWMA will be keeping records of all odor detection reports as well as remedies employed, such records are available to the city's agencies and the general public upon request.



PINNACLE ENGINEERS
Trust-Expertise-Collaboration

**Odor Mitigation Plan
2101 W 10th St Antioch**

July 22, 2021

The tenant space Suite E & F (2101 W 10th St) will be conditioned using split system heat pump units. Fresh air to be provided by filtered exhaust system and make up air. The space is designed for negative pressure to contain internal odors.

Prior to exhaust, air to be treated by activated carbon filters. Systems shall be air balanced to ensure design air flows for supply, fresh air, and exhaust air base values have been met. Building negative static pressure shall be between 0.05" and 0.15" w.c.

Throughout the lifespan of building operation, scheduled testing to be performed to ensure that carbon filters are performing adequately.



Jenson Lee P.E. Lic.#M37506
(408)460-6591
PinnacleEngineersInc@gmail.com

Odor Detection Form

Name of Reporting Party:

Phone Number:

Email Address:

Date:

Time:

Location of Odor:

Weather Conditions:

Date/Time of Notification:

Notification Method:

Email Online In Person

Administrative Use Only

Mitigation Response Taken:

Date/Time Measures Employed:

Were Mitigation Measures Successful?

Signature/Date/Time:

Contra Costa County



Fire Protection District

October 13, 2021

Ms. Merideth
 City of Antioch
 Community Development
 200 H Street
 Antioch, CA 94509

Subject: Cannabis Extraction facility
 2101 W. 10th St. Suite E & F. Antioch
 Project # UP-21-16
CCCFPD Project No.: P-2021-04998

Dear Ms. Merideth:

We have reviewed the land use permit application to establish a commercial cannabis cultivation facility at the subject location. The following is required for Fire District approval in accordance with the 2019 California Fire Code (CFC), the 2019 California Building Code (CBC), the 2019 California Residential Code (CRC), and Local and County Ordinances and adopted standards:

1. Access gates for Fire District apparatus shall be a minimum of 20-feet wide. Access gates shall slide horizontally or swing inward and shall be located a minimum of 30 feet from the street. Electrically operated gates shall be equipped with a Knox Company key-operated switch. Manually operated gates shall be equipped with a non-casehardened lock or approved Fire District lock. Contact the Fire District for information on ordering the key-operated switch. (D103.5) CFC.
2. Changes of use or occupancy. Changes shall not be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code. (§102.3) CFC
3. Any changes to the existing fences, exterior walls, gates or access shall be approved by the Fire District.

The developer shall submit a minimum of two (2) copies of full size, scaled site improvement plans indicating:

All existing or proposed hydrant locations,
 Gates, fences, retaining walls, bio-retention basins, any obstructions to access.
 Fire apparatus access,
 Aerial fire apparatus access,
 Elevations of building,
 Size of building and type of construction,
 Striping and signage plan to include "NO PARKING-FIRE LANE" markings.

4. Flammable or combustible liquid storage tanks shall **not** be located on the site without obtaining approval and necessary permits from the Fire District. (3401.4) CFC

5. The developer shall submit a minimum of two (2) complete sets of tenant improvement plans and specifications for the subject project to the Fire District

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

If you have any questions regarding this matter, please contact this office at (925) 941-3300.

Sincerely,



Todd Schiess
Fire Inspector I

cc: KWMA Collective
2101 W. 10th St.
Antioch, CA
Kwma2021@gmail.com

File: 2101 W 10TH ST SUITE E-F-PLN-P-2021-04998



PROJECT REFERRAL – REQUEST FOR REVIEW

The City of Antioch Planning Division is requesting your review of the project information and plans referenced below. Please provide feedback on availability of services, potential design or code conflicts, requirements for additional permits, and draft conditions of project approval.

DATE OF REQUEST: 9/24/2021
SUBMIT COMMENTS TO: Zoe Merideth (925-779-6122 or zmerideth@antiochca.gov)
COMMENTS DUE BY: **** OCTOBER 14, 2021 ****

PROJECT NAME: KWMA Collective LLC	
Project No: UP-21-16	Application Type: Use Permit
Project Address: 2101 W 10 th St (APN 074-051-005)	
Project Description: Use Permit to operate a commercial cannabis cultivation facility in a 5,000 square foot tenant space identified as Suites E and F at 2101 W 10th Street. <i>Suite E & F</i>	
Applicant Name: KWMA Collective LLC	
Mailing Address: 2101 W 10 th St	
Phone: 510-427-9668	E-mail: kwma2021@gmail.com

The following documents are linked in this transmittal (and also on antiochca.gov/planningprojects):

- Plans: <https://www.antiochca.gov/fc/community-development/planning/ProjectDOCs/UP-21-16-P.pdf>
- Project Description: <https://www.antiochca.gov/fc/community-development/planning/ProjectDOCs/UP-21-16.pdf>

FOR CITY STAFF ONLY	
<input checked="" type="checkbox"/>	Due Date as above -- Please submit your comments or draft conditions of approval to the planner by dates listed above
<input type="checkbox"/>	Due Date TBD -- Planning staff will follow up with you to request a meeting for project discussion and to develop the schedule for comments and draft conditions
<input type="checkbox"/>	Additional information will be routed to you (via email and/or hard copy)

- ROUTED TO**
- (CCFPD) Contra Costa Fire
 - City Engineer / Dev Services
 - Police Dept

RECEIVED
SEP 24 2021

Phone: (925) 779-7035
Fax: (925) 779-7034
Antiochca.gov

COMMUNITY DEVELOPMENT DEPARTMENT



200 H Street
Antioch, CA. 94509
AntiochIsOpportunity.com

CONTRA COSTA FIRE DISTRICT

P2021-04998 D3