1. City Council Meeting Agenda

   Documents:

   04-10-2018 ANNOTATED AGENDA.PDF

2. Supporting Documents

   Documents:

   5A.PDF
   6A.PDF
ANOTATED AGENDA
Regular Meeting of the
Concord City Council

Tuesday, April 10, 2018
6:30 p.m. - Open Session
Council Chamber
1950 Parkside Drive

Information for the public on participation at Council meetings can be found on the back of the Speaker Identification Card located near the Council Chamber entrance. Should you have any questions after consulting the Speaker Identification Card, please contact the City Clerk prior to the Council meeting.

AGENDIZED ITEMS – The public is entitled to address the City Council on items appearing on the agenda before or during the City Council’s consideration of that item. Each speaker will be limited to approximately three minutes.

1. OPENING

Roll Call – all present

Pledge to the Flag – Councilmember Leone

2. PUBLIC COMMENT PERIOD
This is a fifteen minute Public Comment Period for items within the City Council’s subject matter jurisdiction that are not on this agenda. Each speaker will be limited to approximately three minutes. State law prohibits the City Council from acting at this meeting on any matter raised during the Public Comment Period.

George Fulmore, Concord, spoke of Ellis Lake Park, low-income housing, and requested that the Council not endorse any candidates until after the nomination period.

Catherine Hensiek, Concord Art Association, announced that on May 3 the Concord Art Association will be celebrating its 55th anniversary, explained that the association sent an email to seven Title 1 schools regarding a grant program for teachers to provide art in the classroom, and suggested an arts related subcommittee of the Parks, Recreation, and Open Space Commission.
Greg Dewhurst, Concord, spoke of a homeless encampment behind his home.

Hope Johnson, Concord, spoke of problems with soils reports by TetraTech at Lennar’s Hunters' Point project and the need for evaluation of the issues at the Hunters' Point project.

Azucena Torres, Concord, spoke of banning the sale of flavored tobacco products.

Lupe Zuniga, Concord, spoke of concern over the sale of flavored tobacco products.

Blanca Colin, spoke of banning the sale of flavored tobacco products.

David Pitman, Concord, spoke of banning the sale of flavored tobacco products.

Natalie, spoke of banning sale of flavored tobacco products and smoking in apartments.

3. PRESENTATIONS


   ACTION: Presentation made.

b. Presentation – to Shannon Griffin, Recreation and Special Events Program Coordinator, and Chris Llata, Senior Maintenance Team Leader, proclaiming Saturday, April 21, 2018, as "Earth Day" and "Arbor Day" in the City of Concord. Introduction by Mayor Birsan.

   ACTION: Mayor Birsan presented Chris Llata, Senior Maintenance Team Leader, a proclamation declaring Saturday, April 21, 2018, as “Earth Day” and “Arbor Day” in the Concord.

4. ANNOUNCEMENTS

5. CITY COUNCIL CONSENT CALENDAR

The public is entitled to address the City Council on items appearing on the Consent Calendar before or during the City Council’s consideration of the Consent Calendar. Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Councilmember, individual or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the Mayor may defer action on the particular item and place the same on the regular agenda for consideration in any order s/he deems appropriate.

a. Considering – approval of the minutes from the meetings of February 24 and 27, 2018. Recommended by the City Clerk.

   ACTION: Minutes approved.
6. **CITY COUNCIL PUBLIC HEARING**

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the public hearing is opened, except on public hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Council level for discussion and action. Further comment from the audience will not be received unless requested by the Council. No public hearing shall commence after 10 p.m. unless approved by majority vote of the City Council.

a. **Considering** - 1) introduction of Ordinance No. 18-3 amending the Municipal Code and Development Code to establish a Commercial Cannabis Overlay District, associated development standards, and a licensing framework for cannabis manufacturing, testing laboratories, and distribution by reading of the title only and waiving further reading; and 2) adoption of Resolution No. 18-6042.1 updating the processing fees and charges for cannabis businesses.

CEQA: Not a project under Public Resources Code 21065, Guidelines Sections 15060(c)(2), 15061(b)(3), or 15378; in the alternative, is Categorically Exempt pursuant to California Environmental Quality Act Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment.

**ACTION:** Report heard; public testimony given; Ordinance 18-3 introduced as amended by reading of the title and waiving further reading.

7. **CORRESPONDENCE**

Correspondence received at the City Council meeting will be listed here on the Annotated Agenda.

a. Benched Correspondence Agenda Item No. 6.a. - City of Concord 2017 Cannabis Planning Survey dated September 27, 2017
b. Cannabis Manufacturing Testing Laboratories & Distribution PowerPoint Presentation
c. Benched Correspondence Agenda Item No. 6.a
d. Commercial Cannabis Overlay: Manufacturing, Testing Laboratories, & Distribution Map
e. Information on Cannabis submitted by Greg Kremenlier
f. Map of delivery services submitted by Michaela Toscas

8. **REPORTS AND ANNOUNCEMENTS**

a. Closed Session Announcements - **none**

b. City Manager or Staff Reports – **none**
c. Council Reports

It was the consensus of the Council to bring flavored tobacco and vaping to the Policy Development and Internal Operations Committee for consideration.

Councilmembers shared information on events and activities in which they had participated since the last meeting and commented on items of interest.

9. ADJOURNMENT – at 11:30 p.m.

Next Meeting: Regular Meeting
Date: 4/24/2018 - 6:30 PM

NOTICE
There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6), or on the date that a written decision or written findings is mailed by first-class mail. Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to the next City Council meeting, regardless of whether it is a regular or special meeting. The City Council may be requested to reconsider a decision if the request is made by a City Council member who was on the prevailing side of the vote at the same meeting that the decision was made. (Policy and Procedure No. 2, Section 4.24). For more information on the next regular or special City Council meeting, please call (925) 671-3390.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS - The Council Chamber is equipped with a T-Coil Hearing Loop. This system allows “T” coil reception of the audio proceedings. Please switch your hearing aid or cochlear device to the “T”, “T” Coil or telephone position. If you would like better audio reception, a loop receiver that picks up the audio loop is available from the City Clerk.

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3031, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.
The following is a list of regular **Council Committee** meeting dates. Most meetings are held in the Garden Conference Room, 1950 Parkside Drive, Concord. **NOTE:** Meetings are subject to change or cancellation. For latest information and committee agendas please call 671-3158.

<table>
<thead>
<tr>
<th>Committee</th>
<th>Chair/Member</th>
<th>Meeting Time</th>
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<tr>
<td>Policy Development &amp; Internal Operations</td>
<td>Birsan/Obringer</td>
<td>2nd Wednesday at 5:30 p.m.</td>
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<tr>
<td>Housing &amp; Economic Development</td>
<td>Obringer/McGallian</td>
<td>4th Monday at 5:30 p.m.</td>
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<tr>
<td>Infrastructure &amp; Franchise</td>
<td>Hoffmeister/Leone</td>
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<td>Recreation, Cultural Affairs &amp; Comm. Svc.</td>
<td>McGallian/Birsan</td>
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<tr>
<td>Youth &amp; Education</td>
<td>Leone/Hoffmeister</td>
<td>3rd Monday at 6:00 p.m.</td>
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The Concord City Council met in a special meeting at the Concord Senior Center located at 2727 Parkside Circle at 9:15 a.m. on Tuesday, February 24, 2018, with Mayor Birsan presiding. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Laura Hoffmeister, Ron Leone, Tim McGallian, Carlyn Obringer, Edi Birsan

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Kathleen Trepa, Assistant City Manager; Joelle Fockler, City Clerk; Karan Reid, Director of Finance; Justin Ezell, Director of Public Works; Andrea Ouse, Director of Community and Economic Development; Guy Bjerke, Director of Community Reuse Planning, Jasmin Loi, Director of Human Resources; Guy Swanger, Chief of Police; Steve Voorhies, Director of Parks and Recreation; Leslye Asera, Community Relations Manager; Scott Conn, Network & Operations Manager; Mario Camorongan, Assistant City Engineer; Aldrich Bautista, Associate Engineer; Christopher Rhoades, Budget Analyst; Donna Lee; Budget Officer

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Brian Beckon, Concord; Kenji Yamada, Concord

COUNCIL WORKSHOP – Review the General Fund Long-Range Financial Forecasting Model and Options to Close the Projected Long Range Structural Deficit

City Manager Valerie Barone introduced the item and reviewed the purpose of the workshop – to begin consideration of the proposed budget strategies and to provide feedback to staff on options to close the project structural deficit.

Ms. Barone introduced Andrew Belknamp, Regional Vice President, Management Partners, who introduced Management Partners staff Steve Toler, Robert Leland, and Heain Lee. Mr. Belknamp reviewed the workshop agenda; the project objectives, including a 10-year financial forecast model and development of a set of recommended budget strategies to address structural deficit; the roles for the workshop; and meeting guidelines.

Mr. Belkhamp introduced Robert Leland who recapped the February 6 presentation to the City Council on the City’s fiscal environment, forecast assumptions, and outcomes from the fiscal forecast.

Councilmember Leone spoke of the possibility of Redevelopment being reintroduced and not modeled, noted that the recession forecast is conservative, and commented on the possibility of a soccer project with fields, hotels, restaurants, etc. that would be a tremendous asset to the City. He spoke of concerns over SB1 and recommended that, if the City was to go back to the voters to renew Measure Q, it not wait until Measure Q is set to expire.
Councilmember Hoffmeister asked how long the time frame model was for a recession, why the facility needs assumption does not grow, is accrued leave is incorporated in the model, and if the model could be changed to reflect lower CALPERS discount rate.

Councilmember McGallian spoke of the assumptions being calculated on an average and not with added growth.

Vice Mayor Obringer asked about the assumptions for property tax and if it included new construction, the anticipated employee health cost growth at 3.5 percent, and the effects of changes at the federal level, was interested in what the cost would be to increase the conditions of the roads, and what the gauge was for the level of the roads.

Mayor Birsan requested confirmation that the cost of the roads shortfall was more than pension cost.

Mr. Belkhamp presented an overview of budget strategy types, including: expenditure controls and cost shifts, service delivery changes, revenue enhancements, and service level reductions. He introduced Steve Toler who gave a presentation on the proposed strategies that included:

- Pension Costs – increase employee share of CalPERS pension cost
- Health Care Costs – increase employee contribution towards health care benefits,
- Parks Maintenance – contract for services
- Camp Concord - concession agreement and/or improve cost recovery
- Fleet Services - fleet utilization improvements; increased shared services
- Street Sweeping - contract for services or implement shared services
- Police Dispatch – enhance shared services opportunities
- Admissions Tax – enact a new admissions tax
- Local Transactions and Use Tax – extend/ make permanent the 0.5% tax
- Local Transactions and Use Tax – increase tax rate to 0.75% or 1%
- Cannabis Excise Tax – enact excise tax
- Utility Users Tax (UUT) – enact UUT
- Transient Occupancy Tax (TOT) – increase tax rate
- Business License Tax (BLT) – modernize and increase tax amount
- Franchise Fees for Jet Fuel Transport – implement fee
- Take no action (inserted for completeness)
- General Fund services and staffing reductions
- Diablo Creek Golf Course – enhance revenues, privatized operations, or repurpose golf course

Mr. Belkhamp explained the criteria used in evaluating the budget strategies. The factors included potential for community support, technical and operational ease of implementation, timing necessary for implementation, disruptive impact on service delivery, disruptive impact within City organization, and overall fiscal impact. Three tiers were used – Tier 1, high potential; Tier 2, medium potential; and Tier 3, low potential.

Councilmember Hoffmeister inquired about a possible tax rate increase to the Local Transactions and Use Tax and if it was possible to extend the current rate and then go back and increase the rate. She mentioned that the Contra Costa Transit Authority may go to the voters with an increase its tax rate in 2018. She questioned the information used for the Transient Occupancy Tax Rates assessment and if commercial development related revenue could be incorporated into the model and spoke of the City pricing itself out with the increase of business license tax. Ms. Hoffmeister inquired about new PEPRA employees vs. classic employees and if the higher costs of classic employees was incorporated into the model. She noted the service levels and quality of work of City employees vs. contract parks maintenance. Councilmember
Hoffmeister asked if the excise tax revenues for cannabis tax would be collected at point of sale and if the model could incorporate manufacturing, distribution, and testing facilities. She asked about the concept behind implementing shared services for street sweeping.

Vice Mayor Obringer asked about the employee representation units’ response to the possible increase in employee share of pension and health care costs. She was interested in hearing from other cities about the level of service at parks after they moved to contract maintenance. Vice Mayor Obringer inquired about fleet shared services and the capacity to insource services. She spoke of selling the John Muir Hospital property to John Muir and if that possibility had been explored.

Councilmember Leone felt that John Muir Health has the funds to support purchasing the John Muir property and possibly leasing out property on the Naval Weapons Station project. He stated that he is in favor of extending Measure Q, earlier rather than later; exploring the proposed revenue increases; negotiating with labor groups over pension and health care cost increases; and exploring revenue and consolidating services with shared multi-jurisdiction resources. He spoke in opposition to reducing employees by contracting services.

Councilmember Hoffmeister asked about modeling for increases in employee health care employee contribution and increases in pay. She noted the positive impact of the print shop providing services to other jurisdictions.

Mayor Birsan asked about strategies implemented by other jurisdictions that were failures, stated his opposition to reducing employees by contracting services and his support of regional services and confirmed that he would personally look into the possibility of John Muir purchasing its land and providing housing on the Base or current City properties to employees for a lower pay base. He suggested looking at the possibility investing funds for forward maintenance for the roads from a general use tax (extending Measure Q), saving money in the long term.

Mayor Birsan called a recess at 11:50 a.m. The meeting resumed at 12:20 p.m.

Robert Leland presented four budget strategy proposals:

- **Scenario 1 – Strong Revenue Strategies; Phase in Capital Costs**
  - Local TUT (sales tax) – increase to 1% (November 2020 election)
  - Cannabis Tax (November 2018 election)
  - Maintenance/capital – funded at 100%, eight-year phase in of $14.3 million starting FY 2018-19
  - Restored capacity to fund General Fund costs of $12 million starting FY 2029-30

- **Scenario 2 – Balanced Approach – Moderate Revenues; Mix of Capital/Operating Cuts**
  - Local TUT – permanently extend rate at 0.5% (November 2020 election)
  - Admissions tax (November 2018 election)
  - Cannabis tax (November 2018 election)
  - Maintenance/capital – roads/parks funded at 70%, nine-year phase of $9.7 million starting in FY 2018-19
  - General Fund cuts – five-year phase in of $6 million starting in FY 2018-19
  - Restored capacity to fund General Fund costs of $12 million starting in FY 2032-33

- **Scenario 3 – Balanced Approach – Moderate Revenues; Maintain Capital Funding; Larger Cuts to Operations**
  - Local TUT – permanently extend rate at 0.5% (November 2020 election)
  - Cannabis tax (November 2018)
o Maintenance/capital – funded at 100%, nine-year phase in of $14.3 million starting FY 2018-19
o Restored capacity to fund General Fund costs of $12 million starting in FY 2031-32

• Scenario 4 – Strong Operating and Capital Expenditure Reductions; Local TUT Measure Not Renewed
  o Local TUT – not renewed (expires in FY 2024-25)
  o Cannabis tax (November 2018)
  o Maintenance/capital – funded at 305, ten-year phase in of $4.9 million starting in FY 2018-19
  o General Fund cuts - $10 million over seven years starting in FY 2018-19
  o Restored capacity to fund General Fund costs of $5 million starting in FY 2035-36

Following clarifying questions by the Council, Mayor Birsan opened a public comment period.

Brian Beckon, Concord, stated that he was opposed to the concept that we can’t grow ourselves out of the problem.

Kenji Yamada, Concord, asked about reducing costs by doing road maintenance upfront for back end savings, and spoke of public outreach to highlight good staff work when preparing for revenue enhancements.

Mayor Birsan closed the public comment period.

Robert Leland reviewed the fiscal model formats to develop scenarios. The Council then worked with “drivers” from Management Partners on laptops to develop scenarios of their own.

Mr. Belkhamp reviewed an exercise for the Council developed to get a sense of Council’s priorities. Each Councilmember received seven “dot” stickers and were requested to put their stickers next to the budget strategies that are priorities.

Based on the exercise, there was a strong preference to extend Measure Q with an increase of .5% to 1%, an admissions tax, a cannabis tax, service delivery change of street sweeping, a review of all city assets to evaluate how to generate the greatest return from all city assets, and a transient occupancy tax. Management Partners inserted the strong preferences into the model and displayed the results. Council’s individual requests were also reviewed.

Management Partners explained the next steps, which include the preparation of a summary of City Council direction from the workshop and provide to staff by March 4, 2018, and prepare a draft Implementation Action Plan and final report by March 31, 2018.

Staff’s next steps include:
• Assign implementation action steps and deliverable dates to appropriate staff;
• Consider and implement any budget amendments required for existing biennial operating and capital budgets for FY 2018-19;
• Conduct any additional analyses necessary to implement action items; and
• Draft ordinance changes and schedule and conduct public hearings for any tax measures for November 2018 ballot.
CORRESPONDENCE

a. City of Concord City Council Budget Strategies Workshop PowerPoint Presentation

Mayor Birsan adjourned the meeting at 2:20 p.m.

EDI E. BIRSAN
MAYOR

JOELLE FOCKLER, MMC
CITY CLERK
REGULAR MEETING OF THE
CONCORD CITY COUNCIL/CITY
COUNCIL SITTING AS THE LOCAL
REUSE AUTHORITY
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, FEBRUARY 27, 2018

The Concord City Council met in a regular meeting in the City Council Conference Room located at 1950 Parkside Drive at 6:00 p.m. on Tuesday, February 27, 2018, with Vice Mayor Obringer presiding. All Councilmembers were present (Mayor Birsan arrived at 6:06 p.m.) The meeting was recessed and immediately reconvened in a closed session under Conference with Legal Counsel – Existing Litigation, Government Code Section 54956.9(d)(1) Name of case: Burns, et al. v. City of Concord, et al., United States District Court Case No. C14-00535 LB.

The meeting recessed at 6:24 p.m. to reconvene in regular session in the Council Chamber.

The Concord City Council met in a regular meeting in the Council Chamber located at 1950 Parkside Drive at 6:30 p.m. on Tuesday, February 27, 2018, with Mayor Birsan presiding. The pledge of allegiance was led by Vice Mayor Obringer. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Laura Hoffmeister, Ron Leone, Tim McGallian, Carlyn Obringer, Edi Birsan

STAFF PRESENT: Valerie Barone, City Manager; Susanne Brown, City Attorney; Patti Barsotti, City Treasurer; Joelle Fockler, City Clerk; Guy Swanger, Chief of Police; Guy Bjerke, Director of Local Reuse Planning; Jasmin Loi, Director of Human Resources; Justin Ezell, Director of Public Works; Steve Voorhies, Director of Parks and Recreation; Andrea Ouse, Director of Community and Economic Development; Laura Simpson, Planning and Housing Manager; Frank Abejo, Principal Planner; Leslye Asera, Community Relations Manager

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: Rosario Lubbe, Pittsburg; LaMar Anderson, Concord; Laura Nakamura, Concord; Tim Carr, Concord; George Fulmore, Concord; Cindy Gershman, Mt. Diablo High School; Hope Johnson, Concord; Scott Rafferty, Walnut Creek; Kenji Yamada, Concord; Hilda Ramirez-Wong, Concord; Jaime Cader, Concord; Janet Kinney, Pittsburg; Scott Davis, Concord; Zuleika Godinez, Concord; Nicole Zapata, Concord; Alex Chavez, Central County Regional Group; Bob Lane, Pleasanton; Colleen Geraghty, Concord; Greg Colley, Concord Communities Alliance; Harmesh Kumar, Concord; Natalie; Laura Nakamura, Concord; John Haberkorn, Concord; Ady Olvera, Concord; Matthew Rodriguez, Concord

PUBLIC COMMENT PERIOD

Rosario Lubbe, Pittsburg, spoke of towing fees and regulations.
LaMar Anderson, Concord, thanked Mayor Birsan for his rendition of Black Bart at the Contra Costa County “Poetry Out Loud” competition and spoke about gun safety in schools.

Laura Nakamura, Concord, thanked the Council and staff for the improvements in the timing of posting the meeting playbacks.

Tim Carr, Concord, spoke of his concern after the tragedy in Florida and spoke of officer presence in all schools.

George Fulmore, Concord, spoke about the Concord Pioneer being a good newspaper, access to schools, and the frequency of the meetings of the Rent Review Board.

Cindy Gershan, Mt. Diablo High School, spoke about the wonderful things going on at Mt. Diablo High School.

PRESENTATIONS

STATUS OF THE COMMUNITY REUSE PROJECT

Mayor Birsan introduced Guy Bjerke, Director of Community Reuse Planning, who gave an update on the status of the Community Reuse Project.

Following questions from the Council, Mayor Birsan opened a public comment period.

Hope Johnson, Concord, spoke of the Navy’s ability to come and speak in Concord and asked that the public be encouraged to attend when the Navy is present at the Restoration Advisory Board meetings.

Mayor Birsan closed the public comment period.

ANNOUNCEMENTS – none.

CITY COUNCIL CONSENT CALENDAR

APPROVAL OF MINUTES – January 16, 2018

Motion was made by Hoffmeister and seconded by McGallian to approve the minutes of the meeting of January 16, 2018. Motion passed by unanimous vote of the Council.

AWARD OF PURCHASE – 2018 FORD F450 (Stencil Truck)

Motion was made by Hoffmeister and seconded by McGallian to award purchase of a 2018 Ford F450 in the amount of $115,942 from the National Auto Fleet Group (NAFG). Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-18 – Parcel Assessment for National Pollutant Discharge Elimination System Program

Motion was made by Hoffmeister and seconded by McGallian to adopt Resolution No. 18-18 entitled, “A Resolution Authorizing the Contra Costa County Flood Control & Water Conservation District to Establish an Annual Parcel Assessment for Fiscal Year 2018-19 for Drainage Maintenance and National Pollutant Discharge Elimination System Program.” Motion passed by unanimous vote of the Council.
RESOLUTION NO. 18-3493.1 – Amendment to the Automotive Parts Worker Classification

Motion was made by Hoffmeister and seconded by McGallian to adopt Resolution No. 18-3493.1 entitled, “A Resolution Approving the Classification Amendment of the Automotive Parts Worker Assigned to the Field & Operations (F&O) Representation Unit at Pay Grade 005 to the Automotive Parts and Services Technician Assigned to the Field & Operations (F&O) Representation Unit at Pay Grade 007.” Motion passed by unanimous vote of the Council.

RESOLUTION NO. 18-25 – Accepting a Grant from the Brenden Mann Foundation

Motion was made by Hoffmeister and seconded by McGallian to adopt Resolution No. 18-25 entitled, “A Resolution Accepting a $52,400 Grant from the Brenden Mann Foundation, Approving a Grant Letter, Authorizing and Appropriating the Grant Funds for Downtown Patrol Program Services and Office Improvements, Amending the Municipal Budget for Fiscal Year 2017-18 Accordingly; and Authorizing the City Manager and/or Designee to Execute all Associated Documents.” Motion passed by unanimous vote of the Council.

LOCAL REUSE AUTHORITY CONSENT ITEM

REVISED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CONCORD AND THE CONTRA COSTA TRANSPORTATION AUTHORITY

This item was removed from consideration to return at a later date at the request of the Contra Costa Transportation Authority.

CITY COUNCIL PUBLIC HEARINGS

ORDINANCE NO. 18-2 - FOURTH PUBLIC HEARING – DISTRICT-BASED ELECTIONS

A notice of Public Hearing announcing the hearing date of February 27, 2018, was published in the East Bay Times on February 16, 2018, mailed to interested parties of record, and posted in the City’s posting cabinet.

Planning and Housing Manager Laura Simpson presented a report, reviewing the requested Council action and background of the process to date. She explained that the Council was being requested to hold public hearing number four to receive input on the “Cobalt” map and draft ordinance establishing five Council districts, take public testimony, select a final map, and introduce Ordinance No. 18-2 by reading of the title only and waiving further reading. Ms. Simpson introduced Michael Wagaman, Wagaman Strategies, who reviewed the Cobalt map and the details of the formation of the map.

Councilmember Hoffmeister inquired about the legal vulnerability that comes with splitting census blocks, and Vice Mayor Obringer asked for a definition of census blocks. Councilmember Leone inquired about the changes to the districts required after the 2020 census.

Mayor Birsan opened a public comment period.

Scott Rafferty, Walnut Creek, felt that the Council’s outreach to the Latino community was not adequate.

Kenji Yamada, Concord, spoke of the difference between opposing the map chosen and opposing the process of choosing the map, urged a shorter two-year initial term for the Monument District, and spoke of his public comment made at the February 13, 2018, Council meeting.

Hilda Ramirez-Wong, Concord, spoke of implementing an impartial committee for updating the maps after the 2020 census.
Jaime Cader, Concord, spoke of his disappointment that the process was not community driven.

Janet Kinney, Pittsburg, spoke of adding a requirement to the proposed ordinance to use an independent commission to draw district maps after the 2020 census.

Scott Davis, Concord, spoke of naming the districts instead of numbering them and provided a list of suggested names to the Council.

Zuleika Godinez, Ensuring Opportunity, spoke of adding directions to use an independent commission to draw census maps after the 2020 census to the proposed ordinance.

Hope Johnson, Concord, spoke in opposition of the Cobalt map and felt it needed to be adjusted.

Nicole Zapata, Concord, spoke of adding language to the proposed ordinance to add an independent commission to draw district maps after the 2020 census.

Alex Chavez, Central County Regional Group, spoke of the district elections process being burdensome and not representative of the entire community. He requested an independent commission be used to draw district maps after the 2020 census.

George Fulmore, Concord, urged the Council to move forward with the Cobalt map and spoke of the transparency of the process.

Bob Lane, Pleasanton, spoke of implementing an independent commission to draw district maps after the 2020 census.

Colleen Geraghty, Concord, spoke of the transparency of the process and urged the Council to move forward with the Cobalt map.

Greg Colley, Concord Communities Alliance, spoke of implementing an independent commission to draw district maps after the 2020 census, changing the number of councilmembers as population grows, and suggested mid-census redistricting because of the Naval Weapons Station.

Dr. Harmesh Kumar, Concord, felt that the districts were drawn to benefit the current Council and the process was not transparent.

Natalie, spoke of protesting in order to shift the discussion and agenda.

Laura Nakamura, Concord Communities Alliance, spoke of the decrease in the participation after the Council favored one map and the implementation of an impartial commission to draw district maps after the 2020 census.

John Haberkorn, Concord, asked who draws the census blocks and if the City has any input, and agreed with a two-year initial term in the Monument District and implementing an independent commission to draw district maps after the 2020 census. He submitted a Drafting Checklist of Local Redistricting Commission Considerations from the California Local Redistricting Project.

Ady Olvera, Concord, spoke of considering other maps besides the Cobalt map and the need for more transparency in the process.

Mayor Birsan closed the public comment period.

Mayor Birsan called a recess at 8:30 p.m. The meeting resumed at 8:40 p.m.
Councilmember McGallian stated that the entire process has not been satisfying for all involved and recognized that encompassing the entire community and laying out the building blocks prior to the first hearing was difficult due to the time constraints of the process. He outlined the five districts on the Cobalt map and his thoughts behind supporting them. He felt that a two-year term does not give the new district respect and stated his support for exploring an independent commission.

Councilmember Leone agreed with Councilmember McGallian’s reasons to support the Cobalt map and felt that the Cobalt map reflects the communities of interest, business corridors, and maintains precinct boundaries. He supported exploring an independent commission and a two-year term for the Monument District for the first election.

Vice Mayor Obringer spoke of the importance of keeping together communities of interest and her disappointment that Lime Ridge cannot be included in District 5, and noted the importance of connecting with Queen of All Saints and Saint Francis churches for the distribution of information to the Latino community. She supported exploring an independent commission, the possibility of a directly-elected mayor, and would like to see the City conduct a citywide survey.

Councilmember Hoffmeister spoke of the six maps that the Council considered, the vetting process, and meeting the objective of having a balanced population in the districts. She commented that she is looking forward to the 2018 election for the Monument District, and felt the City tried to come to a reasonable conclusion to be put forward to the community. She did not support a two-year term for the Monument District first election, emphasized that the Council works for all of Concord and not just one district, and supported exploring an independent commission.

Mayor Birsan stated that he has brought up the topic of district elections and a directly elected mayor for the past 10 years. He spoke of the changes of opinions throughout the process, in support of the Cobalt map, exploring the concept of an independent commission, and exploring a directly-elected mayor.

Motion by McGallian and seconded by Leone to introduce Ordinance No. 18-2 entitled “An Ordinance of the City of Concord Amending Concord Municipal Code Chapter 2.35 (Elections) to Establish a By-District Election Process,” with the addition of exploring an independent commission in 2021, after the 2020 census.

Motion by McGallian and seconded by Obringer to amend his motion to introduce Ordinance No. 18-2 entitled, “An Ordinance of the City of Concord Amending Concord Municipal Code Chapter 2.35 (Elections) to Establish a By-District Election Process,” by reading of the title only and waiving further reading. Motion passed by unanimous vote of the Council.

Motion by McGallian and second by Leone to direct staff to bring back a workplan to explore an independent commission based on the 2020 census data to prepare for the 2022 election. Motion passed by the unanimous vote of the Council.

ADOPTION OF RESOLUTION NO. 18-12 AND RESOLUTION NO. 18-4283.1 AND INTRODUCTION OF ORDINANCE NO. 18-425.1 – Rezoning the Property at 2171 Sunshine Drive

A notice of Public Hearing announcing the hearing date of February 27, 2018, was published in the East Bay Times on February 14, 2018, mailed to interested parties of record, and posted in the City’s posting cabinet.

Principal Planner Frank Abejo introduced the item, reporting that the subject property is a 0.93-acre property designated as Parks and Recreation by the General Plan and zoned Parks and Recreation (PR). He described the property as currently developed with a home built in 1966 and accessory structures, explaining that the existing residential use does not comply with current General Plan and Zoning and is likely the result of a mapping error.
Following clarifying questions by the Council, Mayor Birsan opened a public comment period, upon receiving no public comment he closed the public comment period.

Motion by Leone and second by Obringer to adopt Resolution No. 18-12 entitled, “A Resolution Adopting a Negative Declaration for an Amendment to the General Plan and Rezoning of Property Located at 2171 Sunshine Drive (PL17545-GP, RZ).” Motion passed by unanimous vote of the Council.

Motion by Leone and second by Obringer to adopt Resolution No. 18-4283.1 entitled, “A Resolution Amending the Concord General Plan Land Use Designation for 2171 Sunshine Drive from Parks and Recreation to Low Density Residential (PL17545-GP).” Motion passed by unanimous vote of the Council.

Motion by Leone and seconded by Obringer to introduce Ordinance No. 18-425.1 entitled, “An Ordinance Amending the Zoning Map of the City of Concord for 2171 Sunshine Drive from PR (Parks And Recreation) to RS6 (Single-Family Residential),” by reading of the title only and waiving further reading. Motion passed by unanimous vote of the Council.

Motion was made by Hoffmeister and seconded by Obringer to begin Public Hearing Item No. 10.c, Introduction of Ordinance No. 18-1, the Development Code Cleanup Amendment, past 10 p.m. Motion passed by unanimous vote of the Council.

INTRODUCTION OF ORDINANCE NO. 18-1 – Development Code Cleanup Amendment

A notice of Public Hearing announcing the hearing date of February 27, 2018, was published in the East Bay Times on February 14, 2018, mailed to interested parties of record, and posted in the City’s posting cabinet.

Principal Planner Frank Abejo introduced the item, reporting that the City of Concord Development Code, which includes the zoning regulations, development standards, and processing requirements, is a living document within the Municipal Code that must be updated and maintained regularly in order to remain an effective instrument reflecting the evolving goals and policies of the City. He explained that Development Code updates are also necessary to comply with State legislative mandates, and the action requested by Council is an on-going effort to ensure the Development Code remains responsive to the community’s needs and consistent with State law. Mr. Abejo summarized the amendments included in Ordinance No. 18-1.

Vice Mayor Obringer inquired about unattended temporary donation boxes and if Code Enforcement would enforce the regulation after the ordinance is adopted.

Councilmember Hoffmeister inquired about the donation boxes and understood that they would still be allowed.

Councilmember McGallian inquired if there was consensus of the Council to pull Section 18.200.200 regarding unattended donation boxes out of the proposed ordinance and take the item to the Committee on Policy Development and Internal Operations.

Mayor Birsan opened a public comment period.

Matthew Rodriguez, Concord, spoke in support of the five foot setback requirement for pools.

Mayor Birsan closed the public comment period.

Motion was made by McGallian and seconded by Leone to introduce Ordinance No. 18-1 entitled, “An Ordinance Amending Concord Municipal Code Title 18 (Development Code), Chapter 18.20 (General Terms), Chapter 18.35 (North Todos Santos [NTS]), Chapter 18.150...
(General Development Standards), Chapter 18.200 (Standards for Specific Uses), and Chapter 18.425 (Minor Exceptions)," by reading of the title only and waiving further reading, and amending to pull 18.200 regarding unattended donation boxes from the ordinance (Exhibit C) and refer to the Committee on Policy Development and Internal Operations. Motion passed by unanimous vote of the Council.

CORRESPONDENCE

a. Happenings at Mt. Diablo High School submitted by Cindy Gershan
b. Mt. Diablo High School Super Bowl City 2018 Senior Project
c. Community Reuse Project December 2017 Program Report
d. Concord City Council Districting PowerPoint Presentation
e. Benched Correspondence – Agenda Item No. 10.a
f. Letter Submitted by Scott Rafferty
g. Suggested Names of Districts submitted by Scott Davis
h. Drafting Checklist of Local Redistricting Commission Considerations Submitted by John Haberkorn
i. 2171 Sunshine Drive General Plan Amendment and Rezoning PowerPoint Presentation
j. Development Code Cleanup Amendment PowerPoint Presentation
k. Benched Correspondence – Agenda Item No. 10.c

CLOSED SESSION ANNOUNCEMENTS

At its February 27, 2018, Closed Session, the City Council by an unanimous 5-0 vote, authorized the City Attorney to accept the settlement offer signed by the opposing party in that certain United States District Court action entitled John Burns, et al. v. City of Concord, et al., United States District Court Case No. C14-00535 LB. The case settled for $1.2 million, which will primarily be covered by insurance, and this settlement resolves any and all claims against the City of Concord and/or its employees arising out of that case. No liability is admitted.

COUNCIL REPORTS

Mayor Birsan appointed himself and Councilmember Hoffmeister to the Ad Hoc Committee on Concord/Pittsburg border issues related to the potential adoption for the Reuse Project Specific Plan and consideration of the annexation and potential approval of land use entitlements for the Faria Ranch Project.

Councilmembers shared information on events and activities in which they had participated since the last meeting and commented on items of interest.

ADJOURNMENT

By order of the Mayor, the meeting was adjourned at 10:35 p.m.

EDI E. BIRSAN
MAYOR

JOELLE FOCKLER, MMC
CITY CLERK
Subject: Considering 1) introduction of Ordinance No. 18-3 amending the Municipal Code and Development Code to establish a Commercial Cannabis Overlay District, associated development standards, and a licensing framework for cannabis manufacturing, testing laboratories, and distribution, by reading of the title only and waiving further reading; and 2) adoption of Resolution No. 18-6042.1 updating the processing fees and charges for cannabis businesses.

CEQA: Not a project under Public Resources Code 21065, Guidelines Sections 15060(c)(2), 15061(b)(3), or 15378; in the alternative, is Categorically Exempt pursuant to California Environmental Quality Act Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment.

Report in Brief
On October 9, 2015, Governor Brown approved a series of bills commonly referred to as the Medical Cannabis Regulation and Safety Act (“MCRSA”), effective January 1, 2016, which created a state licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of medical cannabis.

1 In order to be consistent with the terminology used by the state’s Bureau of Cannabis Control, “marijuana” is referred to as “cannabis” for purposes of this report and related proposed regulations.
On November 8, 2016, the Control, Regulate, & Tax Adult Use of Marijuana Act ("AUMA") was approved by California voters with the passage of Proposition 64. Effective November 9, 2016, the AUMA legalizes the use and cultivation for personal use of adult use cannabis for persons 21 years or older. The AUMA also permits local jurisdictions to regulate and/or ban adult use cannabis related to the cultivation, distribution and delivery, transportation, manufacturing, testing laboratories, dispensaries, and microbusiness facilities.

Thereafter, the State legislature passed the Medicinal and Adult Use Cannabis Regulation & Safety Act ("MAUCRSA"), which reconciled the differences between MCRSA and AUMA, and created a comprehensive state licensing and regulatory framework for the cultivation, manufacturing, testing laboratories, distribution, retail (storefront and non-storefront), and microbusinesses of both adult and medicinal use of cannabis.

On June 27, 2017, the City Council directed staff to work with a consultant on a statistically valid survey. Pursuant to Council’s direction, the City contracted Godbe Research to conduct the 2017 Cannabis Planning Survey of Concord residents. Results from the survey will assist the Planning Commission, City Council, and staff in developing policies acceptable to the community. The survey was conducted in late August 2017.

On October 24, 2017, the City Council received a presentation on the statistically valid cannabis survey results and provided direction to staff on creating a work plan for developing additional regulations related to cannabis uses. The Council directed staff to prioritize placing a tax measure on the November 2018 ballot and to develop draft regulations for cannabis non-storefront retail, manufacturing, testing laboratories, distribution, a limited number of storefront retail, and microbusinesses for their consideration. Although the Council identified its priorities in developing appropriate cannabis regulations, the Council also stressed that there was no guarantee that these uses would be approved.

The State, in developing its framework for regulating cannabis uses on a state-level, created a deadline of January 2, 2018 in which all local jurisdictions were required to adopt their own regulations for cannabis uses. Accordingly, in order to avoid the situation where state-licensed uses could be grandfathered into the City, on November 14, 2017, the City Council adopted an ordinance, which amended the Municipal Code and Development Code to ban all cannabis uses, except for personal indoor cultivation and delivery of medicinal cannabis from licensed dispensaries located outside of Concord to qualified patients.

On March 7, 2018, the Planning Commission, by a vote of 3:1:1 (ayes: Laub, Mercurio, Weinmann; nays: Aliano; abstention: Barbour), adopted Resolution No. 18-06PC, recommending the City Council amend the Development Code to establish a
Commercial Cannabis Overlay District and associated development standards for cannabis manufacturing, testing laboratories, and distribution. The draft land use regulations for cannabis manufacturing, testing laboratories, and distribution (Attachments 2-4), which would also consist of amendments to the Development Code, are attached to this staff report for the Council’s consideration.

As directed by the Council, staff also developed a framework for licensing certain commercial cannabis uses, such as manufacturing, testing laboratories, and distribution, which would, if adopted, replace the existing Chapter 5.80 of the Municipal Code. The new licensing framework, in which a commercial Cannabis License would be issued by the Chief of Police, is attached as Exhibit “B” (Attachment 3) to this report.

**Recommended Action**

1. Introduce Ordinance No. 18-3 amending the Municipal Code and Development Code to establish a Commercial Cannabis Overlay District, associated development standards, and a licensing framework for cannabis manufacturing, testing laboratories, and distribution, by reading of the title only and waiving further reading; and

2. Adopting Resolution No. 18-6042.1 updating the processing fees and charges for cannabis businesses.

**Background**

**History of Existing Concord Regulations**

On September 27, 2005, the City Council adopted Ordinance No. 05-9, which amended the Concord Municipal Code by prohibiting the establishment of medical cannabis dispensaries, due to the inconsistencies between Federal and State law and to protect public health, safety, and general welfare.

On April 9, 2013, the City Council adopted Ordinance No. 13-1, which amended the Concord Development Code by prohibiting outdoor cultivation of medical cannabis. The reasoning behind the prohibition included: 1) providing for the public health, safety, and welfare, 2) limiting odor caused by cannabis from impacting adjacent properties, and 3) preventing the attractive nuisance created by cannabis cultivation, which creates the risk of burglary, trespass, robbery, and armed robbery, requiring the expenditure of scarce police and public safety resources. The regulations limited medical cannabis cultivation to enclosed, occupied dwellings, where it is not visible from the public. The installation of grow lights, fans, ventilation devices, or other electrical and mechanical equipment was required to comply with all applicable building and fire code requirements and obtain any necessary permits.

On January 10, 2017, the City Council adopted Ordinance No. 16-9, which prohibited outdoor cannabis cultivation (medical and non-medical) and reinforced the existing policy. By doing so, Ordinance No. 16-9 prohibits the outdoor growing of both medical
and non-medical cannabis. The Council also directed the Council Committee on Policy Development & Internal Operations ("PD&IO") to comprehensively study potential regulations for medical and non-medical cannabis uses.

On July 25, 2017, the City Council adopted Ordinance No. 17-10, which amended the Concord Municipal Code to allow delivery of medical cannabis from licensed dispensaries located outside the City to qualified patients.

On November 14, 2017, the City Council adopted Ordinance No. 17-13, amending the Municipal Code and Development Code to ban all cannabis uses, except for personal indoor cultivation and delivery of medicinal cannabis from licensed dispensaries located outside of Concord to qualified patients. At that time, the City Council also instructed staff to bring back for consideration regulations for certain cannabis uses at a later time.

Conflicts between State and Federal Law

In 1970, Congress enacted the Controlled Substances Act, which made it illegal to import, manufacture, distribute, possess, or use marijuana (cannabis) in the United States. Thereafter, in response to various states (including California) that passed initiatives that allowed the use of medical marijuana, in 2013, federal Deputy Attorney General James Coles issued a memorandum to all federal prosecutors to provide guidance on the enforcement of the Controlled Substances Act as it related to marijuana. The “Cole Memo” provided that enforcement of the federal Act would not be a priority in states and local jurisdictions that had laws authorizing marijuana-related conduct and had implemented strong and effective regulatory and enforcement systems designed to address any threats to public safety, health and other law enforcement interests. In 2015, the federal Congress also began to defund enforcement of the Controlled Substances Act in states where such enforcement would prevent states from implementing their own laws on the use, distribution and possession or cultivation of medical marijuana.

On January 4, 2018, Attorney General Jefferson B. Sessions rescinded the “Cole Memo” and delegated the decision as to whether a federal prosecutor should enforce the Controlled Substances Act to individual prosecutors, subject to in-place guidelines on federal prosecutions and the “finite resources” of the Department. Although the rescission of the Cole Memo did not change the status of cannabis on a legal basis, the rescission of the Cole Memo has caused uncertainty among California cities and cannabis providers/users as to whether federal prosecutors could now commence prosecution of the federal Act. Additionally, a concern has also been raised as to whether public officials could face federal prosecution or punitive action for enacting local ordinances that allow the possession and use of cannabis in their respective jurisdictions.

However, given the fact that the State has expressly permitted the use of both medicinal and adult use cannabis and has allowed local jurisdictions to pass their own regulatory
ordinances on cannabis uses, staff believes that is unlikely that local officials will be subject to individual federal punitive action. Additionally, in drafting the City’s proposed regulations on permitting certain cannabis uses, staff has created safeguards that clarify that any cannabis license granted by the City could be revoked if the City is forced to comply with new federal directives on cannabis uses. In addition, the proposed City Cannabis License program would mandate that applicants indemnify and hold the City harmless from any liability and that the City is to be named as an additional insured on the applicant’s insurance policy.

Interdepartmental Working Group on Cannabis Regulations
Staff formed an interdepartmental working group in early 2017 in order to effectively provide information to the Planning Commission and the Council on the available cannabis regulatory options, as well as potential issues. The working group is comprised of staff from City Management, City Attorney, Police, Finance, Public Works, Planning, Building, and Economic Development. The Interdepartmental Working Group collaborated when developing draft cannabis regulations, also referred to as “Amendments”, for consideration by the Planning Commission and City Council.

Status of Developing Possible New Regulations
On October 24, 2017, the City Council provided direction to staff to create a work plan for developing additional regulations related to cannabis uses. The Council prioritized placing a tax measure on the November 2018 ballot and developing draft regulations for cannabis non-storefront retail, manufacturing, testing laboratories, distribution, a limited number of storefront retail, and microbusinesses for their consideration. The Interdepartmental Team divided these tasks into the following team efforts:

- **Proposed Licensing Regulations**: Before the City Council at this meeting are the possible Municipal Code and Development Code regulations for cannabis manufacturing, testing laboratories, and distribution.

- **Proposed Land Use Regulations**: Scheduled in summer 2018, the Planning Commission and City Council will consider possible land use regulations for cannabis retail (non-storefront and storefront) and microbusinesses.

- **Taxation**: Staff, led by the Finance Department, is currently developing potential November 2018 ballot language for the City Council to consider placing a cannabis tax before the voters in November 2018.

As noted above, the City Council has not directed staff to develop a policy and regulatory framework to consider commercial cultivation uses, which the exception of cultivation as a component of a microbusiness, or outdoor personal cultivation, at this time.

Commercial Cannabis Workshop
As part of the City’s public outreach effort, on February 12, 2018, the City hosted a workshop to provide an overview of potential cannabis regulations for testing
laboratories, manufacturing, and distribution. During the workshop, staff provided a high level overview of possible cannabis regulations to be reviewed by the Planning Commission and City Council. Following staff’s presentation and brief question and answer session, approximately 24 members of the public participated in break-out sessions. Stations were set up on various topic areas; safety/security, application process, possible location criteria, and general issues. The stations were facilitated by staff from the Planning Division, Economic Development Division, and Police Department. The public provided feedback, including some opposing cannabis businesses in Concord, others encouraging an expansion of the proposed zoning overlay district, as well as those requesting an expedited process to develop regulations so residents have access to cannabis products as soon as possible. Notes from the breakout sessions are included as Attachment 7.

Additionally, staff has met individually with stakeholders, such as industry business owners and residents, to receive input on proposed regulations.

Planning Commission Review
On, March 7, 2018, the Planning Commission considered staff’s proposed recommendations for establishing a Commercial Cannabis Overlay District and associated development standards for cannabis manufacturing, testing laboratories, and distribution. At the public meeting, eight members of the public spoke, and they were split in opposition and support of the regulations. After extensive deliberation, the Planning Commission, by a vote of 3:1:1 (ayes: Laub, Mercurio, Weinmann; nays: Aliano; abstention: Barbour), recommended approval of the Development Code amendments to the City Council.

Analysis
Long-Term Regulatory Options
The City has the following long-term regulatory options for each cannabis use:

1) General Prohibition: With the exception of the provisions within MAUCRSA that allow for the personal cultivation of up to six plants within a private residence by a person 21 years or older, the City may choose to prohibit all other forms of medicinal and adult use activities.

2) Regulation of Cannabis Businesses: Under MAUCRSA, local jurisdictions may adopt permanent regulations addressing cultivation, manufacturing, testing laboratories, distribution, retail (storefront and non-storefront), and microbusinesses of both adult and medicinal use of cannabis. The City could choose to allow all or some of these activities and to impose limitations on those activities that are allowed. Staff recommends utilizing this long-term regulatory option for cannabis manufacturing, testing laboratories, and distribution.
Proposed City Cannabis License Framework and Associated Land Use Approvals

In response to the City Council’s request, City staff developed a proposed regulatory license framework to regulate commercial cannabis businesses, in addition to proposing the regulation of cannabis use through land use regulatory measures.

The proposed approval framework anticipates that each cannabis business would obtain all of the following approvals:

1) A “City Cannabis License” issued by the Police Department;
2) A land use approval (use permit, minor use permit, administrative permit, or zoning clearance) from the Planning Division;
3) A State cannabis license; and,
4) A business license.

Each approval would be specific to the location where the cannabis business is proposed to operate and would identify the type of cannabis activity.

The proposed City Cannabis License process, which is anticipated to be included in Chapter 5.8 of the Concord Municipal Code, includes license types that are consistent with the State licenses, except the City also has a delivery license option to comply with existing Council policy determination. City Cannabis Licenses are proposed to be revocable, would generally last one year, and would not constitute a permanent or vested right with the license. The proposed City Cannabis License framework also requires a background check, fingerprinting, security plan, tracking system, and insurance requirements, and may require other conditions as part of the approval process.

City Cannabis Licenses would be discretionary approvals, evaluated by the Chief of Police or designee. The City Cannabis License would also be reviewed by City staff through the Development Advisory Committee (“DAC”) review process to ensure that input from all applicable departments, divisions, and outside agencies are considered when evaluating each application. Each City Cannabis License would be subject to general conditions of approval for all cannabis licenses, including but not limited to:

1) not being sold on the same premises as tobacco or alcohol,
2) no on-site consumption,
3) odor control measures,
4) complying with an approved security plan,
5) no signage permitted, and
6) compliance with all State cannabis license requirements.
Additionally, City Cannabis Licenses would include conditions of approval that are specific to the type of cannabis business. The City Cannabis License would be issued by the Chief of Police or designee, and be appealable to a hearing officer.

Concurrently with applying for a Cannabis License from the Chief of Police, a cannabis business may also apply for a land use approval (use permit, minor use permit, administrative permit, or zoning clearance) from the Planning Division, as outlined in the land use tables. For cannabis manufacturing, testing laboratories, and distribution, staff recommends that the land use approval from the Planning Division be allowed as a “zoning clearance” land use. The land use approval would entitle the underlying business to operate the portion of a business that does not involve cannabis; however, before cannabis could be introduced to the respective business, all four approvals listed above would be required for a cannabis business to commence operations. In other words, a chocolate manufacturer would be able to operate its chocolate manufacturing business with a zoning clearance; however, if the chocolate manufacturer wanted to infuse cannabis into the chocolate, the business would also need to obtain a City Cannabis License, a State cannabis license, and an additional business license in order to manufacture cannabis edible products. The proposed Municipal Code and Development Code amendment also includes a stated prohibition of all other cannabis uses (consistent with the City and State license types) until such time that the City adopts regulations, if deemed appropriate by the City Council.

Possible Permitted Locations
On the land use level, staff recommends establishing a Commercial Cannabis Overlay District, which would prescribe geographic locations where particular cannabis businesses may be permitted. Staff does not believe that buffers from sensitive uses are necessary for cannabis manufacturing, testing laboratories, and distribution, as these uses are not public-facing uses and are not accessible by the general public. However, Staff recommends that cannabis businesses adhere to the State-recommended buffer area of 600 feet from sensitive uses, including schools providing instruction from kindergarten through Grade 12, large day care centers, or youth centers, which are in existence at the time the initial license is issued. Therefore, staff proposes a 600 foot buffer zone from the boundary of the proposed overlay district in which neither a cannabis business or sensitive land use may operate or be located.

Staff believes that there is not a current danger of a large influx of cannabis businesses coming into the overlay district, should the proposed regulatory scheme be adopted by the Council. Factors, such as the proposed buffer zones from sensitive uses, the ability or willingness of property owners to sell or lease their properties to cannabis businesses, the limited vacancy rates of industrial properties (currently less than 2%), and the restriction on federally-insured financing of businesses or properties associated with cannabis would all serve to significantly limit the number of potential properties currently in Concord available for cannabis uses. However, market conditions could change in the future, which could cause the area to be overly saturated with cannabis.
uses and could also lead to health, safety, and general welfare problems. Also, as the Police Department would be primarily responsible for administering the licensing program, there is a concern that the Police Department’s staffing and workload could be adversely affected by any increase in the number of cannabis businesses in the proposed overlay area. As such, we suggest monitoring cannabis businesses carefully over the first two years in order to determine actual impacts. The limited term of the cannabis licenses (one to two years) is designed to enable the City (via the Chief of Police) to decline renewal of those licenses if undesired impacts occur.

For cannabis manufacturing, testing laboratories, and distribution, staff recommends the Commercial Cannabis Overlay District include the Office Business Park (“OBP”) and Industrial Business Park (“IBP”) zoning districts and exclude the buffer areas and other small stand-alone parcels, as shown in Attachment 4. These zoning districts were selected based upon existing Development Code regulations for similar compatible permitted uses, while the buffer areas are recommended to provide a separation of cannabis uses from areas with a higher concentration of minors, such as schools.

Development Standards
Rather than establishing separate development standards for cannabis uses, staff recommends that the City require cannabis manufacturing, testing laboratories, or distribution businesses to adhere to the general development standards (setbacks, lot coverage, height limitations, parking) required in the underlying zoning district.

City Cannabis Licensing Fees
If the City Council elects to establish a licensing framework for certain cannabis uses, then the City will need to establish new fees and changes to ensure that the City is reimbursed for all costs and services associated with said use. The draft regulations include one Cannabis License Charge to account for City staff time expended on the following types of services: a City Cannabis License Processing Fee; Cannabis License Inspection Fees; Cannabis License Renewal Application Fee; Cannabis License Change or Modification Fee; and a Fingerprints Processing Fee. Based on the current Police Department hourly rates that range between approximately $100 and $321.00 and the amount of time staff estimates will be spent processing the applications, staff recommends that the City collect a $15,000 deposit and draw down from that deposit based upon the relevant hourly rate for Police Department staff. Any remaining balance at the expiration of the City Cannabis License would then be refunded to the cannabis business. The cannabis business would be required to maintain a minimum of $5,000 in the deposit account at all times. A deposit fee of $5,000 is also suggested to cover the costs of processing any appeals. Additionally, staff recommends that the existing fees for land use entitlements (e.g., use permit, minor use permit, administrative permit, or zoning clearance) remain in place.
Financial Impact
If the City prohibits certain commercial cannabis-related activities, there is a potential that specific grant funding from the State would not be made available to the City and no new tax revenue or business license fees would be generated. The League of California Cities and City staff has requested clarification from the State about what cannabis uses must be permitted in order for cities to be eligible for grant funding. The amount of state funding that would be made available to the City if commercial cannabis activities were to be permitted and regulated is uncertain at this time.

Whether or not the City permits commercial cannabis activities, the illicit or unpermitted cannabis-related activities are expected to occur in Concord and the cost of enforcement would be borne by the City, with the potential for a portion of the incurred costs to be reimbursed through citations or other administrative penalties.

Adoption of an ordinance permitting and regulating various cannabis-related commercial activities, as well as passage of a tax measure or imposition of new fees, could result in additional revenues for the City in addition to qualifying the City to access to grant funding from the State.

Environmental Determination
Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”), neither the proposed changes to the Development Code nor the fee revisions constitute a “project” within the meaning of the CEQA Guidelines Section 15060(c)(2) because there is no potential that they will result in a direct or reasonably foreseeable indirect physical change in the environment and Section 15378 because the proposed changes to the Development Code and the fee revisions have no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment. Moreover, even if the proposed changes to the Development Code and the fee revisions did comprise a project for CEQA analysis, each falls within the “common sense” CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” In the alternative, the Development Code Amendments are categorically exempt pursuant to Section 15308 of the CEQA Guidelines because these changes are actions taken by the City, as authorized by the State or local ordinance, to ensure protection of the environment and potential impacts on surrounding properties by establishing a discretionary licensing process for commercial cannabis uses. None of the exceptions identified in CEQA Guidelines Section 15300.2 are present. No unusual circumstances are present.
Public Contact
All appropriate public notices of this agenda item have been posted. An advertisement was posted in the *East Bay Times* in accordance with the public notification requirements. Staff also e-notified interested parties, and have posted the notification on the City’s cannabis webpage: [http://cityofconcord.org/marijuana](http://cityofconcord.org/marijuana). Additionally, the City hosted a community workshop on February 12th where more than 500 courtesy notices were mailed to property owners within the business park and industrial zoning districts, as well as more than 300 individuals on the interested parties list. Staff met with representatives from the cannabis industry, residents, and other local jurisdictions to obtain valuable input, as well.

Attachments
1. Draft Ordinance No. 18-3
2. Draft Exhibit “A”: Development Code Amendments
4. Draft Exhibit “C”: Commercial Cannabis Overlay District Map
5. Draft Resolution No. 18-6042.1
6. Draft Exhibit “A”: Master Fees & Charges Excerpt
7. Cannabis Workshop Breakout Session Notes
8. Public Comments
ORDINANCE NO. 18-3

AN ORDINANCE AMENDING THE MUNICIPAL CODE AND DEVELOPMENT CODE TO ESTABLISH A COMMERCIAL CANNABIS OVERLAY DISTRICT, ASSOCIATED DEVELOPMENT STANDARDS, AND A LICENSING FRAMEWORK FOR CANNABIS MANUFACTURING, CANNABIS TESTING LABORATORIES, AND CANNABIS DISTRIBUTION

WHEREAS, in 1970, Congress enacted the Controlled Substances Act (CSA), which, among other things, makes it illegal to import, manufacture, distribute, possess, or use marijuana in the United States; and

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, known as the Compassionate Use Act (CUA), codified as California Health and Safety Code Section 11362.5. The CUA creates a limited exception from criminal liability for serious ill persons who are in need of medical marijuana for specified medical reasons and who obtain and use medical marijuana under limited, specified circumstances; and

WHEREAS, in 2004, the State legislature adopted the Medical Marijuana Program Act (MMPA), codified as California Health and Safety Code Section 11362.7 et seq., to clarify the scope of the CUA and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with the MMPA. The CUA expressly anticipates the enactment of additional local legislation and provides that “(n)othing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes.” (Health and Safety Code Section 11362.5); and

WHEREAS, on September 27, 2005, the City Council adopted Ordinance 05-9, amending the Concord Municipal Code by prohibiting the establishment of medical marijuana dispensaries, fixed or mobile, due to the inconsistencies between Federal and State law and to protect the public health, safety, and general welfare; and

WHEREAS, on April 9, 2013, the City Council adopted Ordinance 13-1, amending the Concord Development Code, prohibiting outdoor cultivation of medical marijuana to provide for the public health, safety, and welfare, to limit odor caused by marijuana from impacting adjacent properties, and to prevent the attractive nuisance created by marijuana cultivation, which creates the
risk of burglary, trespass, robbery, and armed robbery, posing the threat of serious injury or death, and
requiring the expenditure of scarce police and public safety resources; and

WHEREAS, on October 9, 2015, Governor Brown approved a series of bills commonly
referred to as the Medical Cannabis Regulation and Safety Act (“MCRSA”), effective January 1,
2016, which created a state licensing and regulatory framework for the cultivation, manufacture,
transportation, storage, distribution, and sale of medical cannabis; and

WHEREAS, on November 8, 2016, the Control, Regulate, & Tax Adult Use of Marijuana Act
(AUMA) was approved by California voters through the passing of Proposition 64. Effective
November 9, 2016, the AUMA legalizes for persons 21 years or older to: (1) smoke or ingest
marijuana or marijuana products, (2) possess, process, transport, purchase, obtain, give away without
compensation to persons 21 years or older 28.5 grams of marijuana or 8 grams of concentrated
marijuana, and (3) possess, plant, cultivate, harvest, dry, or process up to six living marijuana plants
per legal dwelling unit for personal use. Additionally, the AUMA created a state regulatory and
licensing system governing the commercial cultivation, testing, and distribution of nonmedical
marijuana, and the manufacturing of nonmedical marijuana products, of which temporary regulations
established by the State became effective as of January 2, 2018; and

WHEREAS, on January 10, 2017, the City Council adopted Ordinance 16-9, which (among
other things) prohibited outdoor cultivation of medical and nonmedical marijuana. The City Council
also directed the Council Committee on Policy Development and Internal Operations (“PD&IO”) to
comprehensively study potential regulations for medical and nonmedical marijuana uses; and

WHEREAS, on May 24, 2017, the PD&IO Committee held a public meeting on marijuana
regulations and recommended that the City Council consider an ordinance removing any prohibitions
or bans on delivery of medical marijuana from licensed dispensaries, while keeping the existing
restrictions and bans on marijuana cultivation and dispensaries (fixed or mobile) in place; and

WHEREAS, in June 2017, the California Legislature passed Senate Bill 94, which effectively
repealed MCRSA and incorporated certain provisions of MCRSA in the licensing provisions of the
AUMA, and replaced it with the Medical and Adult Use Cannabis Regulation and Safety Act
WHEREAS, on June 27, 2017, the City Council directed staff to work with a consultant to conduct a statistically valid survey. Pursuant to Council’s direction, the City contracted with Godbe Research to conduct the 2017 Cannabis Planning Survey of Concord residents. Results from the survey will assist the Planning Commission, City Council, and staff in developing policies acceptable to the community. The survey was conducted in late August 2017; and

WHEREAS, on June 27, 2017, the City Council directed staff to develop a ban on all marijuana uses and activities, except for uses that are required by the AUMA, to allow the Council and the community time to explore its options and develop any desired new regulations after the State commences the licensing of marijuana uses as of January 2, 2018; and

WHEREAS, on July 25, 2017, the City Council adopted Ordinance No. 17-10, which amended the Concord Municipal Code to allow delivery of medical marijuana from licensed dispensaries to qualified patients. The Council recognized the adverse effects and impacts of marijuana processing, cultivation and dispensing activities, while also respecting the right of qualified patients to use medical marijuana for relief of their ailments. The Council found that allowing delivery of medical marijuana from licensed dispensaries located outside the City to qualified patients located in the City would be the least onerous method of affording access of medical marijuana to qualified patients within the City; and

WHEREAS, on September 6, 2017, the Planning Commission adopted Resolution 17-17 PC, recommending the City Council amend the Municipal Code and Development Code to ban all marijuana (cannabis) uses, except for personal indoor cultivation and delivery of medical marijuana to qualified patients from licensed dispensaries located outside the City; and

WHEREAS, on October 24, 2017, the City Council received a presentation on the statistically valid cannabis survey results and provided direction to staff on creating a work plan, for developing additional regulations related to cannabis uses. The Council prioritized placing a tax measure on the November 2018 ballot and developing draft regulations for cannabis non-storefront retail, manufacturing, testing laboratories, distribution, a limited number of storefront retail, and
microbusinesses for their consideration. Although the Council identified its priorities in developing appropriate cannabis regulations, the Council also stressed that there was no guarantee that these uses would be approved; and

WHEREAS, on November 14, 2017, the City Council adopted Ordinance No. 17-13, amending the Municipal Code and Development Code to ban all cannabis uses, except for personal indoor cultivation and delivery of medicinal cannabis from licensed dispensaries located outside of Concord to qualified patients. At that time, the City Council also instructed staff to bring back for consideration regulations for certain cannabis uses at a later time; and

WHEREAS, on February 12, 2018, the City hosted a workshop for stakeholders on potential regulations for cannabis testing laboratories, manufacturing, and distribution. During the workshop, staff provided a high level overview of possible cannabis regulations that the Planning Commission and City Council will consider; and

WHEREAS, the adoption of this Ordinance and attached text amendments (collectively referred to as “Amendment,” attached as Exhibits “A,” “B,” and “C”) to Concord Municipal Code and Development Code are necessary to establish a Commercial Cannabis Overlay District, associated development standards, and licensing framework for cannabis manufacturing, testing laboratories, and distribution; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”), the Amendment does not constitute a “project” within the meaning of CEQA Guidelines Section 15060(c)(2) because there is no potential that it will result in a direct or reasonably foreseeable indirect physical change in the environment and pursuant to Section 15378 because the Amendment has no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment. Moreover, even if the Amendment does comprise a project for CEQA analysis, it falls within the “common sense” CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question
may have a significant effect on the environment.” In the alternative, the Development Code Amendments are categorically exempt pursuant to Section 15308 of the CEQA Guidelines because these changes are actions taken by the City, as authorized by the State or local ordinance, to ensure protection of the environment; and

WHEREAS, the Planning Commission, after giving all public notices required by State Law and the Concord Municipal Code, held a duly noticed public hearing on March 7, 2018, on the proposed Amendment and adopted Resolution No. 18-06PC, considered testimony and information received at the public hearing and the oral and written reports from City staff dated March 7, 2018, as well as other documents contained in the record of proceedings relating to the proposed project, which are maintained at the offices of the City of Concord Planning & Housing Division (“Planning Commission Information”), and then adopted Resolution No. 18-06PC recommending City Council adoption of an ordinance to amend the Development Code to establish a Commercial Cannabis Overlay District and associated development standards for cannabis manufacturing, cannabis testing laboratories, and cannabis distribution.

WHEREAS, the City Council, after giving all public notices required by State Law and the Concord Municipal Code, held a duly noticed public hearing on April 10, 2018, on the proposed Amendment, considered testimony and information received at the public hearing and the oral and written reports from City staff dated April 10, 2018, the Planning Commission Information, as well as other documents contained in the record of proceedings relating to the proposed project, which are maintained at the offices of the City of Concord City Clerk’s Office, 1950 Parkside Drive, Concord, CA and declared their intent to approve and adopt the Amendment.

THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:

Section 1. All of the facts set forth in the Recitals are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

Section 2. Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”), the Amendment does not constitute a
“project” within the meaning of CEQA Guidelines Section 15060(c)(2) because there is no potential that it will result in a direct or reasonably foreseeable indirect physical change in the environment and pursuant to Section 15378 because the Amendment has no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment. Moreover, even if the Amendment does comprise a project for CEQA analysis, it falls within the “common sense” CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” In the alternative, the Development Code Amendments are categorically exempt pursuant to Section 15308 of the CEQA Guidelines because these changes are actions taken by the City, as authorized by the State or local ordinance, to ensure protection of the environment. None of the exceptions identified in CEQA Guidelines Section 15300.2 are present. No unusual circumstances are present. This determination reflects the City’s independent judgment and analysis.

Section 3. The Amendment is consistent with the General Plan Policy E-2.1.1, which states “establish land use priorities that foster entrepreneurship, growth, and innovative business development” and Policy E-2.1.5, to “attract businesses in growth industries that require highly skilled labor.” The Development Code Amendment is also consistent with Policy LU-6.1.2, which states “provide sites for employment-generating businesses…and light industrial uses wishing to locate to Concord.”

Section 4. The Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City, as the proposed Development Code Amendment establishes a portion of four part regulatory framework to evaluate certain cannabis businesses and commercial activities.

Section 5. The City Council has reviewed, considered, and evaluated all of the Amendment Information prior to acting upon Amendment.

Section 6. The documents and other materials that constitute the record of proceedings upon which the City Council has based its recommendation are located in and may be obtained from the
City of Concord Clerk’s Office, 1950 Parkside Drive, Concord, CA 94519.

Section 7. The Concord Municipal Code (including the Development Code) is hereby amended as outlined in Exhibits A-C, attached hereto and made a part hereof.

Section 8. This ordinance shall become effective thirty (30) days following passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption, including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney’s Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and once within fifteen (15) days after its passage and adoption, including the vote of the Councilmembers, in the East Bay Times, a newspaper of general circulation in the City of Concord.

______________________________
Edi E. Birsan
Mayor

ATTEST:

By: ____________________________
    Joelle Fockler, MMC
    City Clerk
    (Seal)
Ordinance No. 18-3 was duly and regularly introduced at a regular meeting of the City Council of the City of Concord held on April 10, 2018, and was thereafter duly and regularly passed and adopted at a regular meeting of the City Council held on ________, 2018, by the following vote:

**AYES:** Councilmembers - 

**NOES:** Councilmembers - 

**ABSTAIN:** Councilmembers - 

**ABSENT:** Councilmembers - 

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

By: ____________________________  
Joelle Fockler, MMC  
City Clerk

Exhibit A: Development Code Amendments  
Exhibit B: Municipal Code Amendments  
Exhibit C: Commercial Cannabis Overlay District Map
Article II: Overlay Districts

Chapter 18.110 Commercial Cannabis Overlay District

Sections:

18.110.010 Purpose.
18.110.020 Definitions.
18.110.030 Commercial cannabis overlay districts created.
18.110.040 Use classifications.
18.110.050 Development standards.
18.110.060 Other discretionary permits.
18.110.070 Conflict between regulations.
18.110.080 Severability.

18.110.010 Purpose.
The purpose of each Commercial Cannabis Overlay District is to allow the City to retain the greatest amount of regulatory control over the location and number of certain cannabis businesses and commercial activities. Without proper regulation, these cannabis businesses and commercial activities have the potential to adversely impact residents, employees, businesses, and properties in the areas surrounding them. Therefore, to protect public health, safety, and welfare, the City has established overlay zoning in order to efficiently implement specific standards for the establishment and operation of certain cannabis businesses and related activities.

18.110.020 Definitions.
Refer to Chapter 5.80.020 for definitions.

18.110.030 Commercial cannabis overlay districts created.
The following districts are hereby created, which shall overlay any underlying zoning district or districts, as further depicted in Figure 18.110.030(A):

A. Commercial Cannabis Overlay District: Manufacturing, Testing Laboratories, & Distribution
B. [Reserved]

Figure 18.110.030(A)
Commercial Cannabis Overlay: Manufacturing, Testing Laboratories, & Distribution

18.110.040 Use classifications.
The use classifications permitted or prohibited in the Commercial Cannabis Overlay District shall be those use classifications allowed in the underlying base zoning district. A cannabis business or commercial activity shall obtain a City Cannabis License, in conformance with Chapter 5.80, a permit from the Planning Division as specified in the zoning district use classification tables, a Bureau of Cannabis Control or other appropriate state regulatory License, and a business license, prior to operating said business.

18.110.050 Development standards.
The development standards within any Commercial Cannabis Overlay District shall be those development standards in effect in the underlying zoning district or districts.

18.110.060 Other discretionary permits.
Nothing in this article shall be construed to supersede or in any way alter or lessen the effect or application of any requirement to obtain a City Cannabis License Land use approval (use permit, minor use permit, administrative approval, or zoning clearance), State cannabis license, or business license, or the standards of any zoning district or districts underlying a Commercial Cannabis Overlay District.

18.110.070 Conflict between regulations.
Where a conflict occurs between the Commercial Cannabis Overlay District and any other section of the Development Code or any provision of the Concord Municipal Code, the more restrictive regulations shall prevail.

18.110.080 Severability.
If any part of this chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this chapter.

Chapter 18.20
GENERAL TERMS
Article I. Use Classifications

18.20.020 Use classifications.
Marijuana Cannabis Uses. The designation of “License-A” means adult-use cannabis use and/or activities and “License-M” shall mean medicinal or medical cannabis use and/or activities.

“Commercial, retail, and industrial marijuana use”. See Chapter 5.80.
“Indoor Personal Marijuana Cultivation”. See Chapter 5.80.
“Medical Marijuana Delivery”. See Chapter 5.80.
“Medical Marijuana Dispensary”. See Chapter 5.80.
“Medical Marijuana Use”. See Chapter 5.80.
“Non-Medical Marijuana Dispensary”. See Chapter 5.80.
“Non-Medical Marijuana Use”. See Chapter 5.80.

“Cannabis Cultivation - A”. See Chapter 5.80.020.
“Cannabis Cultivation - M”. See Chapter 5.80.020.
“Cannabis Manufacturer - A”. See Chapter 5.80.020.
“Cannabis Manufacturer - M”. See Chapter 5.80.020.
“Cannabis Testing Laboratory”. See Chapter 5.80.020.
“Cannabis Retailer - A”. See Chapter 5.80.020.
“Cannabis Retailer - M”. See Chapter 5.80.020.
“Cannabis Distributer - A”. See Chapter 5.80.020.
“Cannabis Distributer - M”. See Chapter 5.80.020.
“Cannabis Microbusiness - A”. See Chapter 5.80.020.
“Cannabis Microbusiness - M”. See Chapter 5.80.020.
“Cannabis Delivery - A”. See Chapter 5.80.020.
“Cannabis Delivery - M”. See Chapter 5.80.020.
“Indoor Personal Cannabis Cultivation”. See Chapter 5.80.020.
Article II. Definitions

18.20.030 Definitions

“Cannabis” See Chapter 5.80 for definitions involving cannabis.

“AUMA” means the Control, Regulate and Tax Adult Use of Marijuana Act.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana, and also includes agricultural uses (such as crop production, orchard, vineyard, or community gardens).

“Indoor” means any location that is within a fully enclosed nonresidential building or structure, or private residence.

“Marijuana” or “cannabis” shall have the same meaning as defined in California Health and Safety Code Section 11018, or any successor statute thereto, including but not limited to the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination; (1) industrial hemp, as defined in Health and Safety Code Section 11018.5 or any successor statute thereto; or (2) the weight of any ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. All references to “marijuana” include and equally apply to “cannabis”.

“Marijuana product” means marijuana that has undergone a process whereby the plant has been transformed into a concentrate, including but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients, as defined in California Health and Safety Code Section 11018.1, or any successor statute thereto.

“MAUCRSA” means the Medical and Adult Use Cannabis Regulation and Safety Act.

“MCRSA” means the Medical Cannabis Regulation and Safety Act.

“Outdoor” means any location within the city that is not within a fully enclosed nonresidential building or structure, or within a private residence.

“Parcel” means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (California Government Code Section 66410 et seq.). A parcel may or may not be improved, including but not limited to: buildings, structures, and/or private residences.

“Primary caregiver” means an individual, who is at least 18 years of age, designated by a qualified patient or by the person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, as defined in Health and Safety Code Section 11362.7, or any successor statute thereto.

“Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling. To the extent allowed by law, “private residence” shall mean a fully enclosed and secure house, apartment unit, mobile home, or other similar dwelling. To the extent allowed by law, a private residence must be currently, presently, and lawfully utilized as the primary dwelling of one or more natural persons.

“Qualified patient” means a patient, who has verified his or her identity and address to a delivering dispensary, that uses or ingests medical marijuana as that term is defined in California Health and Safety Code Section 11362.5, or any successor statute thereto.

Division II. Zoning Districts – Uses and Standards
Chapter 18.25
DEVELOPMENT AND LAND USE APPROVALS

18.25.060 — Prohibited uses.
A. Marijuana Dispensary. A medical marijuana dispensary or marijuana dispensary, as defined in Chapter 18.20 CDC, General Terms, is a prohibited use in all zones in the city of Concord. No use permit, minor use permit, zoning clearance, variance, exception, building permit, license, or other applicable entitlement or approval shall be issued for a prohibited land use.

B. Marijuana Cultivation (Indoor or Outdoor).
1. Purpose and Intent. It is the purpose and intent of this provision to prohibit any commercial, personal, or other cultivation of marijuana (indoor or outdoor) in all zones in the City of Concord and to limit medical personal marijuana cultivation as permitted by State law to indoors or enclosed, occupied dwellings, dwelling units and housing units, so as not to be visible to the general public, to provide for the health, safety and welfare of the public, to limit odor created by marijuana plants from impacting adjacent properties, and to prevent the attractive nuisance created by outdoor medical marijuana cultivation, which creates the risk of burglary, trespass, and armed robbery, posing the threat of serious injury or death, and requiring the expenditure of scarce police and public safety resources.

2. Prohibitions.
   a. Outdoor cultivation. No person owning, renting, leasing, occupying or having charge or possession of any parcel shall cause or allow such parcel to be used for the outdoor cultivation of any marijuana plant, either for personal, commercial, or other purposes.

   b. Indoor cultivation. No person owning, renting, leasing, occupying, or having charge or possession of any parcel shall cause or allow indoor cultivation of marijuana as permitted by State law on such parcel to be visible from any street, sidewalk, or other place freely accessible by the public.

43. Compliance with Building, Fire Code and Permitting Requirements. Any person(s) cultivating indoor personal marijuana with the use of grow lights, fans, ventilation devices or any other electrical or mechanical equipment shall comply with all applicable building and fire code requirements adopted by the city of Concord, and shall obtain all permits required for such installation.

54. Enforcement. Violations of this provision shall be considered a public nuisance, and may be enforced according to the procedures set forth in CDC 18.540.080 and by the enforcement remedies conferred upon the city by Civil Code Section 3494, Code of Civil Procedure Section 731, Government Code Section 38773, or other lawful authority. Nothing in this provision is intended to impair any viable legal defense to a person using or in possession of medical marijuana pursuant to the Compassionate Use Act (California Health and Safety Code Section 11362.5) or the Medical Marijuana Program Act (California Health and Safety Code Section 11362.7 et seq.), Medical Cannabis Regulation & Safety Act, Medical and Adult Use Cannabis Regulation and Safety Act, or successor statutes.

C. Commercial, retail, or industrial marijuana use.

1. Purpose and Intent. It is the purpose and intent of this provision to prohibit all commercial, retail, and industrial marijuana activity or use in all zones of the City in order to provide for the health, safety and welfare of the public, to limit odor created by marijuana from impacting adjacent properties, and to prevent the attractive nuisance created by commercial or retail use or sale of marijuana, which creates the risk of burglary, trespass, robbery, and armed robbery, posing the threat of serious injury or death, and requiring the expenditure of scarce police and public safety resources.

2. Prohibitions. No use permit, minor use permit, zoning clearance, variance, exception, building permit, license, or other applicable entitlement or approval shall be granted for the following activities or businesses:

   a. Any commercial, retail, or industrial marijuana activity or use, which includes but is not limited to the following uses involving marijuana: dispensaries (storefront or non-storefront), microbusinesses, distributors, home-based businesses, cultivating, manufacturing, processing, laboratory testing, labeling, storing, dispensing, transporting, non-medical delivery, clubs, bars, collectives, vending machines, drive through, facilities, wholesale, distribution, sale, and retail of marijuana and marijuana products. These uses are expressly prohibited in every zoning district within the City.

3. Exceptions.

   a. Deliveries. This Chapter does not apply to delivery of medical marijuana, as the term “delivery” is defined in California Business and Professions Code Section 26001(p), or any successor statute, from marijuana
dispensaries located outside the City of Concord to qualified patients in the City of Concord, subject to the restrictions in Section 5.80.020.

Chapter 18.30
RESIDENTIAL DISTRICTS (RR, RS, RL, RM AND RH)

18.30.020 Table 18.30.020 – Residential districts – Allowed uses and permit requirements.
Table 18.30.020 identifies the uses allowed by the development code in each residential zoning district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division VII of this title (Permits and Permit Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required by District</th>
<th>Additional Requirements</th>
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<tbody>
<tr>
<td></td>
<td>RR</td>
<td>RS</td>
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<tr>
<td>Marijuana Cannabis Uses</td>
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<tr>
<td>Commercial, Retail, and Industrial Marijuana Use</td>
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<tr>
<td>Cannabis Cultivation - A</td>
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<tr>
<td>Cannabis Cultivation - M</td>
<td>ZC</td>
<td>ZC</td>
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<tr>
<td>Cannabis Manufacturer - A</td>
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<td></td>
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<tr>
<td>Cannabis Manufacturer - M</td>
<td></td>
<td></td>
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<tr>
<td>Cannabis Testing Laboratory</td>
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<tr>
<td>Cannabis Retailer - A</td>
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<td>Cannabis Retailer - M</td>
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<td>Cannabis Distributer - A</td>
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<td>Cannabis Distributer - M</td>
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<td>Cannabis Microbusiness - A</td>
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<td>Cannabis Microbusiness - M</td>
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<tr>
<td>Cannabis Delivery - A</td>
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<td></td>
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<tr>
<td>Medical Marijuana Cannabis Delivery - M</td>
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<tr>
<td>Medical Marijuana Dispensary</td>
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Table 18.30.020
Residential Districts
Allowed Uses and Permit Requirements

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<tr>
<th>Land Use Classifications</th>
<th>Permit Required by District</th>
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<td>RR</td>
<td>RS</td>
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<tr>
<td>Medical Marijuana Use</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Indoor Personal</td>
<td>ZC</td>
<td>ZC</td>
</tr>
<tr>
<td>Marijuana Cannabis</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Cultivation</td>
<td>–</td>
<td>–</td>
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<tr>
<td>Non-Medical Marijuana</td>
<td>–</td>
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</tr>
<tr>
<td>Dispensary</td>
<td>–</td>
<td>–</td>
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<tr>
<td>Non-Medical Marijuana</td>
<td>–</td>
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</tr>
<tr>
<td>Use</td>
<td>–</td>
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</tr>
</tbody>
</table>

(2) The designation of “License-A” shall mean adult-use cannabis use and/or activities and “License-M” shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.

(3) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.

Chapter 18.35
NORTH TODOS SANTOS DISTRICT (NTS)

18.35.020 Table 18.35.020 – North Todos Santos district – Allowed uses and permit requirements.
A. Applicability. Table 18.35.020 identifies the uses allowed in the NTS zoning district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division VII of this title (Permits and Permit Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required by District</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial, Retail, and Industrial Marijuana Use</td>
<td>ZC = Permitted Use, Zoning Clearance Required</td>
<td></td>
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<tr>
<td>Cannabis Cultivation - A</td>
<td>–</td>
<td></td>
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<tr>
<td>Cannabis Cultivation - M</td>
<td>–</td>
<td></td>
</tr>
<tr>
<td>Cannabis Manufacturer - A</td>
<td>–</td>
<td></td>
</tr>
<tr>
<td>Cannabis Manufacturer - M</td>
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</table>
### Table 18.40.020

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<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required by District</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cannabis Testing Laboratory</td>
<td>ZC</td>
<td>Only permitted from licensed dispensaries, subject to the restrictions in Section 5.80.0030.</td>
</tr>
<tr>
<td>Cannabis Retailer - A</td>
<td>ZC</td>
<td></td>
</tr>
<tr>
<td>Cannabis Retailer - M</td>
<td>ZC</td>
<td></td>
</tr>
<tr>
<td>Cannabis Distributer - A</td>
<td>ZC</td>
<td></td>
</tr>
<tr>
<td>Cannabis Distributer - M</td>
<td>ZC</td>
<td></td>
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<tr>
<td>Cannabis Microbusiness - A</td>
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<td>Cannabis Microbusiness - M</td>
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<td>Cannabis Delivery - A</td>
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<tr>
<td>Medical Marijuana Cannabis Delivery - M</td>
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</tr>
<tr>
<td>Medical Marijuana Dispensary</td>
<td>ZC</td>
<td></td>
</tr>
<tr>
<td>Medical Marijuana Use</td>
<td>ZC</td>
<td></td>
</tr>
<tr>
<td>Indoor Personal Marijuana Cannabis Cultivation</td>
<td>ZC</td>
<td>Up to 6 plants per residence, pursuant to State law.</td>
</tr>
<tr>
<td>Non-Medical Marijuana Dispensary</td>
<td>ZC</td>
<td></td>
</tr>
<tr>
<td>Non-Medical Marijuana Use</td>
<td>ZC</td>
<td></td>
</tr>
</tbody>
</table>

(2) The designation of “License-A” shall mean adult-use cannabis use and/or activities and “License-M” shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.

(3) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.

Chapter 18.40

**OFFICE AND COMMERCIAL DISTRICTS (CO, CMX, NC, SC, AND RC)**

18.40.020 Table 18.40.020 – Office and commercial districts – Allowed uses and permit requirements.

A. Applicability. Table 18.40.020 identifies the uses allowed by the development code in each office and commercial zoning district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division
VII of this title (Permits and Permit Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
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<tr>
<td></td>
<td>CO</td>
<td>CMX</td>
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<tr>
<td>Marijuana Cannabis Uses</td>
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<tr>
<td>Commercial, Retail, and Industrial Marijuana Use</td>
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<tr>
<td>Cannabis Cultivation - M</td>
<td>ZC</td>
<td>ZC</td>
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<td>Cannabis Manufacturer - A</td>
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<tr>
<td>Cannabis Manufacturer - M</td>
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<tr>
<td>Cannabis Testing Laboratory</td>
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<td>Cannabis Retailer - A</td>
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<td>Cannabis Retailer - M</td>
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<td>Cannabis Distributer - A</td>
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<td>Cannabis Distributer - M</td>
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<td>Cannabis Microbusiness - A</td>
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<td>Cannabis Microbusiness - M</td>
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<tr>
<td>Cannabis Delivery - A</td>
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<tr>
<td>Medical Marijuana Cannabis Delivery - M</td>
<td>ZC</td>
<td>ZC</td>
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<tr>
<td>Medical Marijuana Dispensary</td>
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<tr>
<td>Medical Marijuana Use</td>
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<tr>
<td>Indoor Personal Marijuana Cannabis Cultivation</td>
<td>ZC</td>
<td>ZC</td>
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<tr>
<td>Non-Medical Marijuana Dispensary</td>
<td></td>
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<tr>
<td>Non-Medical Marijuana Use</td>
<td></td>
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</tr>
</tbody>
</table>

(8) The designation of “License-A” shall mean adult-use cannabis use and/or activities and “License-M” shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.
Chapter 18.45
DOWNTOWN DISTRICTS (DP, DMX, AND WMX)

18.45.020 Table 18.45.020 – Downtown districts – Allowed uses and permit requirements.
A. Applicability. Table 18.45.020 identifies the uses allowed by the development code in each downtown zoning district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division VII of this title (Permits and Permit Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required by District</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DP</td>
<td>DMX</td>
</tr>
<tr>
<td>Marijuana Cannabis Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial, Retail, and Industrial Marijuana Use</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Cannabis Cultivation - A</td>
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<td>Cannabis Cultivation - M</td>
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<td>-</td>
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<tr>
<td>Cannabis Manufacturer - A</td>
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<tr>
<td>Cannabis Manufacturer - M</td>
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<tr>
<td>Cannabis Testing Laboratory</td>
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<td>Cannabis Retailer - A</td>
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<td>Cannabis Retailer - M</td>
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<td>Cannabis Distributer - A</td>
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<td>Cannabis Distributer - M</td>
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<td>Cannabis Microbusiness - A</td>
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<td>Cannabis Microbusiness - M</td>
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<td>-</td>
</tr>
<tr>
<td>Cannabis Delivery - A</td>
<td>-</td>
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</tr>
</tbody>
</table>

(9) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.
### Table 18.45.020 **Downtown Districts**

#### Allowed Uses and Permit Requirements

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required by District</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DP</td>
<td>DMX</td>
</tr>
<tr>
<td><strong>Medical Marijuana</strong></td>
<td>ZC</td>
<td>ZC</td>
</tr>
<tr>
<td><strong>Dispensary</strong></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Medical Marijuana</strong></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Use</strong></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Indoor Personal</strong></td>
<td>ZC</td>
<td>ZC</td>
</tr>
<tr>
<td><strong>Marijuana Cannabis Cultivation</strong></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Non-Medical Marijuana</strong></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Dispensary</strong></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Use</strong></td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

(9) The designation of “License-A” shall mean adult-use cannabis use and/or activities and “License-M” shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.

(10) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.

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### Chapter 18.50  
**BUSINESS PARK AND INDUSTRIAL DISTRICTS (OBP, IBP, IMX, AND HI)**

18.50.020 **Table 18.50.020 – Business park and industrial districts – Allowed uses and permit requirements.**

A. **Applicability.** Table 18.50.020 identifies the uses allowed by the development code in each business park and industrial district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division VII of this title (Permits and Permit Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required by District</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>OBP</td>
<td>IBP</td>
</tr>
<tr>
<td><strong>Marijuana Cannabis</strong></td>
<td>ZC</td>
<td>ZC</td>
</tr>
</tbody>
</table>

Note: **ZC** = Permitted Use, Zoning Clearance Required  
**AP** = Administrative Permit Required  
**MP** = Minor Use Permit Required  
**UP** = Use Permit Required  
**ADU** = Accessory Dwelling Unit Application  
- = Use Not Allowed
Table 18.50.020 – Business Park and Industrial Districts<sup>(7)</sup> (10)
Allowed Uses and Permit Requirements

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required by District</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>OBP</td>
<td>IBP</td>
</tr>
<tr>
<td>Commercial, Retail, and Industrial Marijuana Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cannabis Cultivation - A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cannabis Cultivation - M</td>
<td>ZC&lt;sup&gt;(3)&lt;/sup&gt;</td>
<td>ZC&lt;sup&gt;(3)&lt;/sup&gt;</td>
</tr>
<tr>
<td>Cannabis Manufacturer - A</td>
<td>ZC&lt;sup&gt;(3)&lt;/sup&gt;</td>
<td>ZC&lt;sup&gt;(3)&lt;/sup&gt;</td>
</tr>
<tr>
<td>Cannabis Manufacturer - M</td>
<td>ZC&lt;sup&gt;(3)&lt;/sup&gt;</td>
<td>ZC&lt;sup&gt;(3)&lt;/sup&gt;</td>
</tr>
<tr>
<td>Cannabis Testing Laboratory</td>
<td>ZC&lt;sup&gt;(3)&lt;/sup&gt;</td>
<td>ZC&lt;sup&gt;(3)&lt;/sup&gt;</td>
</tr>
<tr>
<td>Cannabis Retailer - A</td>
<td></td>
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<tr>
<td>Cannabis Retailer - M</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cannabis Distributer - A</td>
<td>ZC&lt;sup&gt;(3)&lt;/sup&gt;</td>
<td>ZC&lt;sup&gt;(3)&lt;/sup&gt;</td>
</tr>
<tr>
<td>Cannabis Distributer - M</td>
<td>ZC&lt;sup&gt;(3)&lt;/sup&gt;</td>
<td>ZC&lt;sup&gt;(3)&lt;/sup&gt;</td>
</tr>
<tr>
<td>Cannabis Microbusiness - A</td>
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<td></td>
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<tr>
<td>Cannabis Microbusiness - M</td>
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<td></td>
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<tr>
<td>Cannabis Delivery - A</td>
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</tr>
<tr>
<td>Medical Marijuana Dispensary</td>
<td></td>
<td></td>
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<tr>
<td>Medical Marijuana Dispensary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor Personal Marijuana Cannabis Cultivation</td>
<td>ZC</td>
<td>ZC</td>
</tr>
<tr>
<td>Non-Medical Marijuana Dispensary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Medical Marijuana Dispensary</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(3) No outdoor facilities, storage, or activities are allowed.
Notwithstanding anything in this table to the contrary (including ZC, AP, or MP notations), outdoor facilities, storage, or activities may only be allowed in the IMX district if a use permit (UP) is reviewed and approved pursuant to Chapter 18.435 CDC (Minor Use Permits and Use Permits).

The designation of “License-A” shall mean adult-use cannabis use and/or activities and “License-M” shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.

No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.

Chapter 18.55
PUBLIC / QUASI-PUBLIC DISTRICT (PQP)

18.55.020  Table 18.55.020 – Public/quasi-public district – Allowed uses and permit requirements.
Table 18.55.020 identifies the uses allowed by the development code in each public/quasi-public zoning district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division VII of this title (Permits and Permit Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required by District</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana Cannabis Uses</td>
<td>ZC = Permitted Use, Zoning Clearance Required</td>
<td></td>
</tr>
<tr>
<td>Commercial, Retail, and Industrial Marijuana Use</td>
<td>AP = Administrative Permit Required</td>
<td></td>
</tr>
<tr>
<td>Cannabis Cultivation - A</td>
<td>MP = Minor Use Permit Required</td>
<td></td>
</tr>
<tr>
<td>Cannabis Cultivation - M</td>
<td>UP = Use Permit Required</td>
<td></td>
</tr>
<tr>
<td>Cannabis Manufacturer - A</td>
<td>ADU = Accessory Dwelling Unit Application</td>
<td></td>
</tr>
<tr>
<td>Cannabis Manufacturer - M</td>
<td>= Use Not Allowed</td>
<td></td>
</tr>
<tr>
<td>Cannabis Testing Laboratory</td>
<td></td>
<td></td>
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<tr>
<td>Cannabis Retailer - A</td>
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<td></td>
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<td>Cannabis Retailer - M</td>
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<td>Cannabis Distributer - A</td>
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<td>Cannabis Distributer - M</td>
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<tr>
<td>Cannabis Microbusiness - A</td>
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<td>Cannabis Microbusiness - M</td>
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<tr>
<td>Cannabis Delivery - A</td>
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</tr>
</tbody>
</table>
Table 18.60.020  
Community Land Districts  
Allowed Uses and Permit Requirements

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required by District</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Marijuana Cannabis Delivery - M</td>
<td>ZC</td>
<td>Only permitted from licensed dispensaries, subject to the restrictions in Section 5.80.020.010.</td>
</tr>
<tr>
<td>Medical Marijuana Dispensary</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Medical Marijuana Use</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Indoor Personal Marijuana Cannabis Cultivation</td>
<td>ZC</td>
<td>Up to 6 plants per residence, pursuant to State law.</td>
</tr>
<tr>
<td>Non-Medical Marijuana Dispensary</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Non-Medical Marijuana Use</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

(2) The designation of “License-A” shall mean adult-use cannabis use and/or activities and “License-M” shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.

(3) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.

Chapter 18.60  
COMMUNITY LAND USE DISTRICTS (OS, PR, RLC, AND WRC)

18.60.020  
Table 18.60.020 – Community land districts – Allowed uses and permit requirements.

Table 18.60.020 identifies the uses allowed by the development code in each community land zoning district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division VII of this title (Permits and Permit Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>OS</th>
<th>PR</th>
<th>RLC</th>
<th>WRC</th>
<th>Additional Requirements</th>
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</thead>
<tbody>
<tr>
<td>Marijuana Cannabis Uses</td>
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<td></td>
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<tr>
<td>Commercial, Retail, and Industrial Marijuana Use</td>
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<tr>
<td>Cannabis Cultivation - A</td>
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<td>Cannabis Cultivation - M</td>
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### Community Land Districts

<table>
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<tr>
<th>Land Use Classifications</th>
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<th>PR</th>
<th>RLC</th>
<th>WRC</th>
<th>Additional Requirements</th>
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</thead>
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<tr>
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<td>-</td>
<td>-</td>
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<td></td>
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<tr>
<td>Cannabis Manufacturer - M</td>
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<tr>
<td>Cannabis Testing Laboratory</td>
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<tr>
<td>Cannabis Retailer - A</td>
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<td>Cannabis Retailer - M</td>
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<tr>
<td>Cannabis Distributer - A</td>
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<tr>
<td>Cannabis Distributer - M</td>
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<tr>
<td>Cannabis Microbusiness - A</td>
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<tr>
<td>Cannabis Microbusiness - M</td>
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<td>Cannabis Delivery - A</td>
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</tr>
<tr>
<td>Medical Marijuana Cannabis Delivery - M</td>
<td>ZC</td>
<td>ZC</td>
<td>ZC</td>
<td>ZC</td>
<td>Only permitted from licensed dispensaries, subject to the restrictions in Section 5.80.026030.</td>
</tr>
<tr>
<td>Medical Marijuana Dispensary</td>
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<td>Medical Marijuana Use</td>
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<td>-</td>
<td></td>
</tr>
<tr>
<td>Indoor Personal Marijuana Cannabis Cultivation</td>
<td>ZC</td>
<td>ZC</td>
<td>ZC</td>
<td>ZC</td>
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<tr>
<td>Non-Medical Marijuana Dispensary</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Non-Medical Marijuana Use</td>
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<td></td>
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(2) The designation of “License-A” shall mean adult-use cannabis use and/or activities and “License-M” shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.

(3) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to Section 5.80.080.
18.180.080 Prohibited signs.
The following types and locations of signs or advertising devices are prohibited, except where exempted by CDC 18.180.120, Temporary signs, or allowed by Table 18.180.110:

P. All on-site or off-site commercial signs advertising or depicting any paraphernalia, prohibited substances, marijuana cannabis products, marijuana cannabis uses (including but not limited to personal and commercial cultivation, manufacturer, testing laboratory, retailer, distributor, microbusiness, delivery commercial, retail, and industrial, indoor personal cultivation, medical delivery, medical dispensary, medical use, non-medical dispensary, or non-medical marijuana uses), and/or any other uses or activities for which the State of California issues marijuana licenses are prohibited.
Title 5  
BUSINESS LICENSES AND REGULATIONS

Chapter 5.80  
CANNABIS

Sections:

5.80.010 Purpose and Intent.
5.80.020 Definitions.
5.80.030 City Cannabis License Required.
5.80.040 City Cannabis License Application.
5.80.050 Review of City Cannabis License Issuance and Appeals.
5.80.060 City Cannabis License Term.
5.80.070 City Cannabis License Transfer of Modification.
5.80.080 General Conditions for All City Cannabis Licenses.
5.80.090 Conditions for Specific City Cannabis Licenses.
5.80.100 Prohibited Cannabis Uses.
5.80.110 Fees.
5.80.120 Taxation (reserved).
5.80.130 Penalties.
5.80.140 Severability; miscellaneous provisions

5.80.010 Purpose and Intent.

(a) On October 9, 2015, Governor Brown approved a series of bills commonly referred to as the “Medical Cannabis Regulation and Safety Act” ("MCRSA"), effective January 1, 2016, which created a state licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution and sale of medical cannabis.

(b) In November 2016, the voters of the State of California approved Proposition 64, known as the “Control, Regulate and Tax Adult Use of Marijuana Act,” referred to as the Adult Use of Marijuana Act (“AUMA”), which legalized, subject to certain restrictions, specified nonmedical or adult cannabis uses for purposes of state law.

(c) Thereafter, the State Legislature pass the “Medicinal and Adult Use Cannabis Regulation and Safety Act” (“MAUCRSA”), which reconciled the differences between MCRSA and AUMA, and created a comprehensive state licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, delivery and sale of both adult and medicinal use of cannabis.
(d) It is the purpose and the intent of the City Council to regulate cannabis businesses consistent with state law and to protect the health, safety, and welfare of the residents of Concord. The regulations in this Chapter do not interfere with a qualified patient’s right to obtain and use cannabis as authorized by state law, nor do they criminalize the possession or cultivation of cannabis by certain individuals as allowed under state law.

(e) Cannabis businesses shall comply with all provisions of the Concord Municipal and Development Code, state law, and all other applicable local codes and regulations, including all applicable land use and zoning regulations imposed on cannabis businesses. It is neither the intent of this Chapter to condone or legitimize the illegal use or consumption of cannabis under federal, state or local law, nor to authorize the operation of a legal business in an illegal manner.

5.80.020 Definitions.
For purposes of this Chapter, the following definitions shall apply:

Accessory building or structure means a building or structure that is not part of the principal dwelling unit on the parcel, the use of which is incidental and subordinate to the use of the principal dwelling. Examples of accessory buildings or structures include, but are not limited to: garages, tool shed, storage shed, carport, greenhouse, pool cabana, and other outbuildings and structures.

Adult cannabis use or adult-use means all uses of cannabis and cannabis products by adults 21 years and over, also referred to as “recreational” or “personal” cannabis use.

AUMA refers to the California State law entitled “Control, Regulate and Tax Adult Use of Marijuana Act of 2016,” also known as Proposition 64, and any regulations promulgated thereunder.

Buffer area or buffer areas means the minimum distance that a particular cannabis activity must be separated from a particular “sensitive” land use or activity, e.g. schools, child care centers, or community centers, as designated by state laws or regulations, or as set forth in the relevant Development Code Land Use Tables.

Bureau of Cannabis Control (“BCC”) means the lead state agency or successor agency responsible for developing regulations for medicinal and adult-use cannabis in California, which is also responsible for licensing retailers, distributors, testing laboratories and microbusinesses.
CDFA means the California Department of Food and Agriculture, which is responsible for issuing state licenses to operate a commercial cannabis cultivation business.

CDPH means the California Department of Public Health, which is responsible for issuing state licenses to operate a commercial cannabis manufacturing business.

Cannabis includes the term “marijuana” and means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, sale derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination, as that term is defined by California Business and Professions Code Section 26001(f), or any successor statute thereto. For the purpose of this Chapter, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code, as that section may be amended or interpreted by the California courts or superseded by any successor statute.

Cannabis accessories means any equipment, products, materials or paraphernalia of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body, as that term is defined by California Health and Safety Code Section 11018.2, or any successor statute thereto.

Cannabis business or commercial activity means a business, enterprise, collective or cooperative engaged in commercial cannabis activity, including, but not limited to, planting cultivation, harvesting, transporting, manufacturing, compounding, converting, processing, preparing, storing, packaging, distributing, researching, testing, providing, or selling wholesale and/or retail sales of cannabis. A cannabis business includes any facility, building, structure or location, expressly including dispensaries and deliveries, and shall expressly include those commercial cannabis activities authorized and/or licensed by state law.
**Cannabis business owner or owner** means any of the following, as that term is defined by California Business and Professions Code Section 26001(al), or any successor statute thereto:

1. Each person or entity having an ownership interest in the commercial cannabis business other than a security interest, lien, or encumbrance on property that will be used by the commercial cannabis business;

2. Partners, officers, directors, and stockholders of every corporation, non-profit corporation, limited liability company, or general or limited partnership that owns at least twenty (20) percent of the cannabis business or that is one of the partners of the cannabis business;

3. Each person who participates in the direction, control, or management of, or has a financial interest in, the commercial cannabis business, including employees or staff of the cannabis business.

**Cannabis product** means marijuana or cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients, as that term is defined by Health and Safety Code Section 1108.1, or any successor statute thereto.

**Cannabis regulation or cannabis regulations** means, collectively, the regulations codified at: California Business and Professions Code Sections 26000 et seq., “Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”); California Code of Regulations Title 16, Division 45, Bureau of Cannabis Control; California Code of Regulations Title 3 Food and Agriculture Division 8 Cannabis Cultivation Chapter 1 Cannabis Cultivation Program; California Code of Regulations Title 17 Division 1 Chapter 13 Manufactured Cannabis Safety; and any successor regulations thereto. The generic terms “regulations” or “laws” include cannabis regulations.

**CBD** means the compound cannabidiol, as that term is defined by the California Code of Regulations, Title 17, Division 1, Chapter 13, Section 40100, or any successor statute or regulation thereto.

**Chief of Police** means the City of Concord Chief of Police or designee.

**City approval** means, collectively, any applicable local cannabis license, cannabis permit, stamp, signature or other notation on approved plans, use permit, minor use permit, administrative permit, zoning clearance, variance, exception, building permit, business or other license.
environmental permit, or other applicable entitlement or approval, and compliance with applicable State and local laws and regulations.

City Cannabis License means a revocable license that is issued by the Chief of Police for a cannabis business or commercial activity, which is permitted under this Chapter, and licensed by the State, as identified in California Business Code Section 26050(a), or any successor statute therein.

Cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, as that term is defined by California Business and Professions Code Section 26001(l), or any successor statute thereto.

Customer means a natural person 21 years of age or older or a natural person 18 years of age or older who possesses a physician’s recommendation, or a primary caregiver, as that term is defined by California Business and Professions Code Section 26001(n), or any successor statute thereto.

Delivery means the commercial transfer of cannabis or cannabis product or products to a customer, and also includes the use by a cannabis retailer of any technology platform, as that term is defined by California Business and Professions Code Section 26001(p), or any successor statute thereto.

Distributor means the cannabis business that involves the procurement, sale and transport of cannabis and cannabis products between state licensees, as that term is defined by Business and Professions Code Section 26001(r), or any successor statute thereto.

Dispensary means a retail facility or location, fixed or mobile, where cannabis, cannabis products, or accessories for the use of cannabis products are offered, either individually or in any combination, for retail sale at that location, as well as an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale. Indoor means any location that is within a fully enclosed nonresidential building or structure, or private residence.

MAUCRSA means the Medicinal and Adult Use Cannabis Regulation and Safety Act (Business and Professions Code Section 26000 et seq.).

MCRSA means the Medical Cannabis Regulation and Safety Act.
Manufacture means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product, as that term is defined by California Business and Professions Code Section 26001(ag), or any successor statute thereto.

Manufacturer means a cannabis business that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or by independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container, as that term is defined by California Business and Professions Code Section 26001(ah), or any successor statute thereto.

Medicinal cannabis or medical cannabis use means the use of cannabis for the purposes set forth in the Compassionate Use Act and the Medical Marijuana Program Act, as defined in California Health and Safety Code Section 11362.5, or any successor statute thereto.

Microbusiness means a cannabis business that cultivates cannabis on an area less than 10,000 square feet, and includes distributing, manufacturing or retail activity, if duly licensed by the Bureau of Cannabis Control, as that term is defined by California Business and Professions Code Section 26070(a)(3)(A), or any successor statute thereto.

Minor means any person who is under 21 years of age.

Non-storefront retailer means a cannabis business or commercial activity that is closed to the public.

Outdoor means any location within the city that is not within a fully enclosed nonresidential building or structure, or within a private residence.

Parcel means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (California Government Code Section 66410 et seq.). A parcel may or may not be improved, including but not limited to: buildings, structures, and/or private residences.

Person includes any individual, firm, entity, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, received, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular, as that term is defined by California Business and Professions Code Section 26001(an), or any successor statute thereto.
Primary caregiver, as defined by California Health and Safety Code Section 11362.7(d) or successor statute thereto, means an individual, designated by a qualified patient or by the person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, including cases in which a qualified patient or person receives medical care or supportive services, or both, from: 1) a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; 2) a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; 3) a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; 4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of the Division 2 of the Health and Safety Code; and 5) the delivery, administration or provision of medical cannabis by a designated primary caregiver to the qualified patient of the primary caregiver or the person with an identification cared who has designated the individual as a primary caregiver at the primary residence of the qualified patient or person with an identification card who has designated the individual as a primary caregiver.

Private residence means a legally permitted house, an apartment unit, a mobile home, accessory dwelling unit, or other similar dwelling. To the extent allowed by law, a private residence must be currently, presently, and lawfully utilized as the primary dwelling of one or more natural persons.

Qualified patient means a patient, who has verified his or her identity and address to a delivering retailer, that uses or ingests marijuana for medical purposes, as defined in California Health and Safety Code Section 11362.7, or any successor statutes thereto.

Regulatory approval means, collectively, any applicable State cannabis license, state or regional environmental permit, laws, rules, regulations, or other applicable entitlement or approval, and compliance with applicable state and local laws and regulations.

Renewable energy means a power source other than a conventional power source within the meaning of Section 2805 of the Public Utilities Code. Section 2805 states: “ ‘Conventional power source’ means power derived from nuclear energy or the operation of a hydropower facility greater than 30 megawatts or the combustion of fossil fuels, unless cogeneration technology, as defined in Section 25134 of the Public Resources Code, is employed in the production of such power,” or as otherwise defined by the California Energy Commission.

Retailer means a cannabis business, either storefront or non-storefront, which provides for the retail sale and/or delivery of cannabis products to customers from a physical location from which
commercial cannabis activities are conducted, as that term is used in California Business and Professions Code Section 26070 et seq., or any successor statute thereto.

*Sensitive land use* means a legally established business within the City consisting of 1) a public or private school that provides instruction from kindergarten to grade 12; 2) a large family day care, home or child day care center, preschool, or nursery school or; or 3) a youth community center, which is defined as a 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.

*State license* means any license or permit issued by a state agency for a cannabis use, activity or type, as identified in California Business Code Section 26050(a), or any successor statute therein.

*Storefront retailer* means a cannabis business or commercial activity that has premises with direct physical access for the public.

*Testing laboratory* means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products and is accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity and is also licensed by the Bureau of Cannabis Control, as that term is defined by California Business and Professions Code Section 26001(at), or any successor statute thereto. Testing laboratory activity or uses may also include research and development of cannabis and cannabis products for scientific purposes.

*THC* means the compound 9-tetrahydrocannabinol, as that term is defined by the California Code of Regulations, Title 17, Division 1, Chapter 13, Section 40100, or any successor statute or regulation thereto.

*Volatile solvent* means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

*Zero Net Energy* means an energy-efficient building where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy, or as otherwise defined by the United States Department of Energy.

**5.80.030 City Cannabis License Required**
(a) **City Cannabis License Required.** No cannabis business shall be allowed to operate within the City unless the cannabis business first obtains a City Cannabis License from the Chief of Police. The City Cannabis License shall be specific to the location where the cannabis business will operate and shall specify the type of cannabis activity. Multiple operating locations for the same cannabis business will require separate City Cannabis Licenses. In addition, multiple cannabis activities shall require separate City Cannabis License for each license type, as described in subsection (d) below.

(b) **Conditional City Cannabis License.** After issuance of the City Cannabis License by the Chief of Police, no cannabis business licensee may operate in the City until the licensee provides to the Chief of Police satisfactory proof of the following:

1. The appropriate land use approval (use permit, minor use permit, administrative approval, or zoning clearance) from the City, including the appropriate environmental review under the California Environmental Quality Act (CEQA);
2. The corresponding State license or regulatory approval for the specific cannabis activity;
3. A business license from the City.

(c) **Revocable License.** Any City Cannabis License issued under this Chapter is a revocable license; the issuance or granting of a license under this Chapter expressly does not constitute or provide for a permanent right or vested land use right to conduct a cannabis business or cannabis commercial activity with the City.

(d) **Types of Licenses.** A cannabis business may apply for any of the following City Cannabis Licenses for cannabis businesses operating within City limits (the designation of “License-A” shall mean adult-use cannabis use and/or activities and “License-M” shall mean medicinal or medical cannabis use and/or activities):

1. City Cannabis Manufacturer License-A. A City Cannabis Manufacturer License-A is required for a cannabis business manufacturer that intends to sell or distribute cannabis for adult-use.
2. City Cannabis Manufacturer License-M. A City Cannabis Manufacturer License-M is required for a cannabis business manufacturer that intends to sell or distribute cannabis for medicinal use.
3. City Cannabis Distributor License-A. A City Cannabis Distributor License A is required for a cannabis business that intends to procure, sell and transport cannabis and cannabis products between state licensees for adult-use.
(4) City Cannabis Distributor License-M. A City Cannabis Distributor License M is required for a cannabis business that intends to procure, sell and transport cannabis and cannabis products between state licensees for medicinal use.

(5) City Cannabis Testing Laboratory License. A City Cannabis Testing Laboratory License is required for a cannabis business testing laboratory or cannabis engaged in research and development of cannabis uses and products for scientific purposes.

(6) City Cannabis Delivery License-M. A City Cannabis Delivery License-M is required for dispensaries, retailers, or microbusinesses which are licensed by the state and located outside City limits, to deliver medicinal cannabis to qualified patients located in the City.

(e) Determination of City Cannabis License Type. As the State or Bureau of Cannabis Control develops additional or amends existing state licenses for cannabis businesses or activities, the Chief of Police shall have the discretion to issue a City Cannabis License to the extent the additional state license businesses or activities are similar to any of the City Cannabis License types approved to be issued by the City.

(g) Exceptions to City Cannabis License Requirement. The following non-commercial activities are allowed and do not require a City Cannabis License under this Chapter, provided the activity does not constitute a commercial cannabis business or activity and complies with state and local laws:

(1) Possession of not more than twenty-eight and one-half (28.5) grams of cannabis not in the form of concentrated cannabis by persons 21 years of age or older for personal consumption.

(2) Possession of no more than eight (8) grams of cannabis in the form of concentrated cannabis, including as contained in cannabis products, by persons 21 years of age or older for personal consumption.

(3) Possession planting, cultivating, harvesting, drying or processing of not more than six (6) living cannabis plants by persons 21 years of age or older in a private residence or inside an accessory building or structure on a parcel developed with a private residence, within a fully enclosed, secure, locked space, for noncommercial use/purposes consistent with state law.

5.80.040 City Cannabis License Application.

The form and content of the application for a permit shall be specified by the Chief of Police and shall include the following minimum information, as applicable to the City Cannabis License type:
(a)  **Identifying Information for Ownership and Management.** The name and address for each owner and an explanation of the legal form of business ownership, for example, sole proprietor, partnership, California corporation, etc.

(b)  **Additional Identifying Information, Owners and Key Employees.** Each cannabis business owner, as well as each employee who makes or will make operational or management decisions that directly impact the business, shall submit electronic fingerprint images, proof of residency, and related information required by the Chief of Police for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests to be considered as set forth in this Chapter. Any changes as to the owner(s), key employee(s) or manager(s) and their respective identifying information shall be promptly submitted to the Chief of Police for supplemental background checks of these individuals.

(c)  **Description of Premises.** The address and assessor’s parcel number(s) of the location for the proposed commercial cannabis activity, and the name and contact information for the property owner(s) where the proposed commercial cannabis activity will be located.

(d)  **State License Type and Compliance.** A description of the specific State cannabis license(s) that the cannabis business either has obtained or plans to obtain. The cannabis business shall describe how it will meet the State licensing requirements, and provide supporting documentation as required by the Chief of Police.

(e)  **Other Local Licenses.** A description of the specific cannabis license or permits that the applicant either has obtained or plans to obtain from other local jurisdictions, agencies, departments, or special districts.

(f)  **Description of Operations.** A written description of the nature of the proposed commercial cannabis activity, product type, average production amounts, including a description of each product produced by type, amount, process and rate, and source(s) of cannabis.

(g)  **Security Plan.** A description and documentation of how the applicant will secure the premises twenty-four (24) hours per day, seven (7) days per week, and how waste derived from any cannabis commercial activity will be disposed of in a manner to ensure it may not be utilized for unlawful purposes. The security plan shall include, but is not limited to, the following:

1. Preventing individuals from remaining on the premises if they are not engaged in activity expressly related to the operations of the cannabis activity;
(2) Establishing limited access areas accessible only to authorized personnel including security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products;

(3) Storing all finished cannabis and cannabis products in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples, immediate sale, if applicable;

(4) Including a minimum of a two-point security precaution that incorporates structures or physical barriers to regulate access to cannabis and money and prevents access of customers throughout the entire facility;

(5) Providing tamper-proof and tamper-evident packaging for finished cannabis products;

(6) Preventing off-site impacts to adjoining or near properties;

(7) Limiting the amount of cash on the premises and providing a cash management plan for the safe handling and transferring of money;

(8) Identifying the area(s) where distribution activities will occur on private property and outside of public view in a safe and secure environment;

(9) Providing an adequate alarm system;

(10) Provide an adequate security surveillance system. Security surveillance footage shall be retained for a minimum of 14 days and be subject to review and collection by the Police Department upon request. Such footage shall be provided within 3 days of request. Security surveillance shall include, but not be limited to, the coverage of all ingress and egress to building(s), adjoining parking lot(s), walkways, driveways, or other exterior property space;

(11) Providing armed security guard(s) that are appropriately licensed by the California Bureau of Security and Investigative Services or approved equivalent. Quantity and location of guards shall be evaluated by the Chief of Police;

(12) Providing a cannabis business contact who can respond to the City and neighbors regarding complaints;

(13) Identifying measures to prevent unlawful loitering and excessive noise.

(h) Tracking System. A description of how the cannabis business will track inventory of cannabis product, consistent with state law.

(i) For cannabis businesses applying for a City Cannabis Delivery License-M:

(1) Listing of all vehicles and devices to be used for delivery of cannabis or cannabis product within the City, which includes the vehicle’s make, model, year, license plate number and vehicle identification number.
(2) Identifying all persons who will deliver cannabis or cannabis product in the City. Such individuals must be at least twenty-one (21) years of age at the time of submittal of the application.

(3) Copies of applicable authorizing State and local licenses and permits issued to cannabis business allowing it to engage in commercial cannabis activity.

(i) Insurance. Certificate of insurance and endorsement demonstrating ability to comply with the insurance requirements for the applicable license in a form acceptable to the City Attorney.

(k) Indemnification and Release. An agreement, in a form approved by the City Attorney, whereby the applicant:

(1) Releases the City, its officers, officials, agents, and employees from any and all claims, injuries, damages, or liabilities of any kind arising from (i) any repeal or amendment of this Chapter or any provision of the City’s Development Code relating to the cannabis business or cannabis commercial activity; and (ii) any arrest or prosecution of applicant or its managers, employees or staff for violation of state or federal laws; and

(2) Indemnifies, defends and hold harmless to the fullest extent permitted by law, the City, its officers, officials, agents and employees from and against any and all actual and alleged damages, claims, liabilities, costs (including attorney’s fees), suits or other expenses resulting from and arising out of or in connection with licensee’s operations, except such liability caused by the active negligence, sole negligence or willful misconduct of City, its officers, officials, agents and employees.

(l) Signature of Applicant and Property Owner. The application shall be signed by each cannabis business owner under the penalty of perjury, certifying that the information submitted, including all supporting documents, is, to the best of the applicant’s knowledge and belief, true, accurate and complete, and by the property owner for purposes of certifying that s/he has reviewed the application, and approves the use of the property for the purposes stated in the application. The signature of both the cannabis business owner and the property owner shall constitute evidence of their express consent to allow any City official or employee to enter upon and inspect the premises upon reasonable notice.

(m) To the extent permitted by the state and federal law, the City shall endeavor to treat the information required by this section as confidential. Disclosure of such information shall not be deemed a waiver of confidentiality by the applicant or any individual named in the application. The City shall incur no liability for the inadvertent or negligent disclosure of such information.
5.80.050 Review of City Cannabis License Application and Appeals.

(a) Review of Application. The Chief of Police shall consider the application, and the results from any investigation into the application, as deemed necessary by the Chief of Police.

(b) Notification of Decision. The Chief of Police’s notification of his or her decision on the application shall be made in writing and shall either include conditions of approval, if deemed necessary by the Chief, or the reasons for the denial of the application. Notification of denial shall be delivered by first class mail to the applicant. If denied, no license shall be issued unless a successful appeal of the denial is made within the requisite time frame.

(c) Appeal of Decision.
   (1) Within ten (10) calendar days after the Chief of Police of the date of the decision, an applicant may appeal the decision by notifying the City Clerk in writing of the appeal, the reasons for the appeal, and paying any applicable fees.
   (2) The City Clerk shall set a hearing on the appeal and shall fix a date and time certain, within forty-five (45) calendar days after the receipt of the applicant’s appeal, unless the City and the applicant agree to a longer time, to consider the appeal. The City Clerk shall provide notice of the date, time and place of hearing.
   (3) The City Manager shall appoint a Hearing Officer to hear the appeal and determine the order of procedure, and rule on all objections to admissibility of evidence. The applicant and the Chief of Police shall each have the right to submit documents, call and examine witnesses, cross-examine witnesses and argue their respective positions. The proceeding shall be informal, and the strict rules of evidence shall not apply, and all evidence shall be admissible which is of the kind that reasonably prudent persons rely upon in making decisions.
   (4) The Hearing Officer shall issue a written decision within fifteen calendar (15) days after the close of the hearing. The decision of the Hearing Officer shall be final.

(d) Grounds for Denial, Renewal Denial, Revocation or Suspension of License. The granting of a license or a renewal thereof may be denied and an existing license revoked or suspended if:
   (1) The cannabis business owner has knowingly made a false statement in the application or in any reports or other documents furnished to the City.
   (2) The cannabis business owner has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the cannabis business for which the application is made, which includes but is not limited to:
      (i) A violent felony conviction, as specified in Penal Code Section 667.5(c).
      (ii) A serious felony conviction, as specified in Penal Code Section 1192.7.
      (iii) A felony conviction involving fraud, deceit or embezzlement.
(iv) A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.

(v) A felony conviction for drug trafficking with an enhancement pursuant to Health and Safety Code Section 11370.4 or 11379.8.

(3) The cannabis business or a cannabis business owner has been sanctioned by a licensing authority or other city or county for unauthorized commercial cannabis activity.

(4) The granting or renewing of the license would perpetuate or encourage any of the following:

(i) Distribution of cannabis or cannabis products to minors;

(ii) Generation of revenue from the sale of cannabis or cannabis products to fund criminal enterprises, gangs, cartels, and similar persons;

(iii) Diversion of cannabis or cannabis products to jurisdictions outside of the State where cannabis and cannabis products are unlawful under State or local law;

(iv) Trafficking of other illegal drugs or facilitation of other illegal activity;

(v) Violence and the use of firearms in the cultivation and distribution of cannabis and cannabis products;

(vi) The use of public lands in the cultivation of cannabis; or

(vii) The use of Federal property for commercial cannabis activity.

(5) For any other reason that would allow the State to deny a license or permit under AUMA, MCRSA, and/or MAUCRSA, or any other state law.

(6) Fails to pay required City fees and taxes.

(7) Violates any provision of AUMA, MCRSA, MAUCRSA, State License, City Cannabis License, or the Concord Municipal Code (including the Development Code).

(8) Except as provided in subsections (d)(2)(iv) and (v) of this section, an application for a City Cannabis License shall not be denied if the sole ground for denial is based upon a prior conviction of either Section 11350 or Section 11357 of the California Health and Safety Code. An application for a license also shall not be denied if the State would be prohibited from denying a license pursuant to either Section 26057(b)(5) or Section 26059 of the California Business and Professions Code. Conviction of any controlled substance felony subsequent to license issuance shall be grounds for revocation of a license or denial of the renewal of a license.


(10) Is in violation of applicable state and local laws and regulations.

(11) Does not have current, valid State or Regulatory approval or is in violation of a State or Regulatory approval.
Is in violation of any City approval, including conditions of approval imposed on the license for the cannabis activity or underlying land use.

Suspension and Revocation.

(1) If the Chief of Police deems continuation of the operation of delivery by the cannabis retailer will cause a significant threat to the health, safety or welfare of the public, the Chief of Police may immediately suspend the City Cannabis License and all rights and privileges thereunder until a Hearing Officer renders a written decision on the revocation of the City Cannabis License.

(2) The Chief of Police shall give notice to the cannabis business of his or her intent to revoke a City Cannabis License in the same manner as the notice of the application decision and provide the City Clerk with a copy of the notice.

(3) The hearing for the revocation of the City Cannabis License shall be set and conducted in the same manner as an appeal of decision. The decision of the Hearing Officer shall be final.

5.80.060 City Cannabis License Term.

(a) The City Cannabis License shall be valid for one (1) year from the date of issuance; provided, however that the Chief of Police has the discretion to extend the term or renewal term of a City Cannabis License for a period of up to two (2) years from the date of issuance.

(b) A license renewal application and any applicable fees must be submitted at least sixty (60) days before the expiration of the license. Failure to submit a renewal application prior to the expiration date of the license will result in the automatic expiration of the license on the expiration date. License renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that the new standards are met. No person shall have any entitlement or vested right to receive a license under this chapter.

5.80.070 City Cannabis License Transfer or Modification.

(a) A City Cannabis License is nontransferable to another location, and no transfer to another cannabis business owner or modifications to a permitted facility may be made unless the Chief of Police approves the transfer or modification.

(b) A request for change in license ownership or of key employees who make operational or management decisions shall be submitted to the Chief of Police on a City form at least sixty (60) days prior to the anticipated transfer of ownership, or in the case of change of management
employees, within fifteen (15) calendar days, together with any applicable fee(s). Requests submitted less than these time periods will be processed only in the City’s discretion and may be subject to an expedited processing fee. A new owner(s) or key employees shall meet all requirements for applicants of an initial license. The request shall include the following information:

_____ (1) Identifying information for the new cannabis business owner(s) and management as required in an initial City Cannabis License application;

_____ (2) A written certification by the new cannabis business owner in accordance as required in an initial license application;

_____ (3) The specific date on which the transfer is to occur; and

_____ (4) Acknowledgement of full responsibility for complying with the existing license.

(c) **Change in Security Plan.** A request to modify the security plan shall be submitted to the Chief of Police in writing at least thirty (30) days prior to the anticipated change, together with the applicable fee.

(d) **Change of Contact Information.** A request for change in cannabis business contact information shall be submitted to the Chief of Police in writing at least thirty (30) days prior to the anticipated change, together with the applicable fee.

(e) **Change in Trade Name.** A request for change in cannabis business trade or business name shall be submitted to the Chief of Police in writing at least thirty (30) days prior to the anticipated change, together with the applicable fee.

5.80.080 **General Conditions for All City Cannabis Licenses.**

(a) **State License.** Beginning at such time that the State has begun to issue licenses (temporary or permanent) and at all times thereafter, cannabis business shall hold a valid State license for the equivalent State license type for the entire duration of the City Cannabis License.

(b) **Buffer zone.** A 600 foot buffer zone shall be established from the boundary of the Commercial Cannabis Overlay District, as described in the Development Code. As a result, no cannabis business or sensitive land use shall be located in the buffer zone, or within 600 feet.

(c) **Alcohol and tobacco products prohibited.** No cannabis business may sell, store, distribute or consume any alcoholic beverages or tobacco products on or at any premises where cannabis is sold.
(d) **Cannabis consumption on-site prohibited.** No cannabis business may allow, permit or provide for the consumption of cannabis products on-site where the cannabis business is located, with or without compensation.

(e) **Hours of Operation.** All permitted facilities shall be closed to the general public. The Chief of Police may limit the hours for transporter deliveries and pick-ups. No direct sales of cannabis or cannabis product to the general public may occur.

(f) **Odor Control.** Odors shall be contained on the property on which the commercial cannabis activity is located. If the City receives any odor complaints that arise to the level of a public nuisance, the cannabis business shall work with the City staff to correct odor concerns. Unresolved or repeated odor complaints may be basis for suspension or revocation of the City Cannabis License or denial of City Cannabis License renewal.

(g) **Business Conducted within Building.** No production, distribution, storage, display or wholesale of cannabis and cannabis-infused products shall be visible from the exterior of the building where the commercial cannabis activity is being conducted, except as authorized by the Chief of Police.

(h) **Protection of Minors.** No cannabis business shall employ anyone who is younger than 21 years of age. No cannabis business shall sell or advertise to sell any cannabis, cannabis product or cannabis accessory to minors, except in circumstances where the minor is over 18 years of age and is permitted or allowed by state law to purchase or possess medicinal cannabis, as set forth in California Business and Professions Code Section 26140, or any successor statute therein.

(i) **Security.** All cannabis businesses shall maintain a commercial burglar alarm monitoring system, install a video surveillance system, and comply with the security plan approved by the Chief of Police. A cannabis business shall notify the Police Department within twenty-four (24) hours after discovering any of the following:

1. Diversion, theft, loss, or any criminal activity involving the cannabis or cannabis product or any agent or employee of the licensee.
2. The loss or unauthorized alteration of records related to cannabis or cannabis product, registered qualifying patients, primary caregivers or employees or agents.
3. Significant discrepancies identified during inventory.
4. Any other material breach of security.
(j) Labeling and Packages. Labels and packages of cannabis and cannabis products shall meet all state and federal labeling and packaging requirements. Until such regulations are adopted by the federal and/or state authorities, as a condition of license issuance, the Chief of Police may impose labeling and packaging requirements to protect the public safety, health and welfare.

(k) Inspections. City representatives may enter and inspect the property of every cannabis business to ensure compliance and enforcement of the provisions of this Chapter, except that the inspection and copying of private medical records shall be made available to the Police Department only pursuant to a properly executed search warrant, subpoena, or court order. Such inspections shall occur during normal regular business hours unless the City has provided prior written notice to the cannabis business for an after-hours inspection. Upon request, the cannabis business shall timely provide the City official with records related to the business, including, but not limited to, utility bills from the commercial energy provider for the premises, inventory, financial records, and inventory tracking records. This section shall not limit any inspection authorized under any other provision of law or regulation.

(l) Business License. Obtain and maintain a business license from the City.

(m) Insurance. Maintain at all times commercial general liability providing coverage at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one (1) or more persons, property damage and personal injury with limits of not less than one million dollars ($1,000,000.00) per occurrence and comprehensive automobile liability (owned, nonowned, hired) providing coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one (1) or more persons, property damage and personal injury, with limits of not less than two million dollars ($2,000,000.00). The commercial general liability policy shall provide contractual liability, shall include a severability of interest or equivalent wording, shall include an endorsement that specifies the insurance coverage afforded to the City shall be primary and non-contributory, and shall name the City, its officials and employees as additional insured. Failure to maintain insurance as required herein at all times shall be grounds for suspension of the City Cannabis License immediately, and ultimately, revocation.

(n) Indemnification. By accepting the City Cannabis License and executing the application form, each licensee agrees to indemnify, defend and hold harmless to the fullest extent permitted by law the City, its officers, officials, agents and employees from and against any and all actual and alleged damages, claims, liabilities, costs (including attorney’s fees), suits or other expenses resulting from and arising out of or in connection with licensee’s operations, except such liability...
caused by the active negligence, sole negligence or willful misconduct of City, its officers, agents and employees.

(o) Recordkeeping. Maintain for a minimum of seven (7) years a written accounting or ledger of all cash, receipts, credit card transactions, and reimbursements (including any in-kind contributions) as well as records of all operational expenditures and costs incurred by the licensee in accordance with generally accepted accounting practices and standards typically applicable to business records, which shall be made available to the City during business hours for inspection upon reasonable notice by the Chief of Police.

(p) Notice of Violations. Notify the Chief of Police within three (3) calendar days of any notices of violations or other corrective action ordered by a State or other local licensing authority, and provide copies of the relevant documents.

(q) Building Permits. The cannabis business must obtain all building permits required pursuant to Concord Municipal Code Chapter 15 for any electrical, plumbing, or other construction activities.

(r) California Net Zero Energy (ZNE) Standards. The cannabis business shall offset its electrical energy load and associated greenhouse gas emissions by engaging in at least one of the following practices or measures: 1) providing an on-site zero net energy renewable source; 2) opting-up to a community choice or investor owned utility one hundred (100) percent renewable energy plan; or 3) by purchasing carbon offsets for any portion of power not derived from renewable energy sources.

(s) Sewer Discharge. No cannabis, cannabis byproducts, associated hazardous materials may be discharged into the sanitary sewer system (including, but not limited to, sinks, toilets, or storm drains).

(t) Secure Trash Receptacles. All indoor and outdoor trash receptacles shall be locked and secured in manner to prevent tampering, theft, and/or removal of any cannabis refuge or the trash receptacle.

(u) Other Agency Approvals. The cannabis business shall be required to obtain approval from the Fire District, Health Department, and Central Contra Costa Sanitary District.

5.80.090 Conditions for Specific City Cannabis Licenses.
In addition to the General Conditions included in Section 5.80.080, the following City Cannabis Licenses approved or issued by the Chief of Police shall also be subject to the following conditions as deemed appropriate to the proposed cannabis activity and underlying use.

(a) **City Cannabis Manufacturing License-A and Manufacturing License-M.** All City Cannabis Manufacturing Licenses shall be subject to the following conditions:
   1. A Manufacturing Licensee shall employ at least one (1) full-time quality control personnel.
   2. A Manufacturing Licensee must establish standard operating procedures and batch records that comply with good manufacturing practices and any applicable state law.
   3. All finished cannabis products produced by a Manufacturing Licensee must be labeled and packaged in child resistant packaging prior to leaving the manufacturing premises in accordance with state law.
   4. Manufacturing Licensees using volatile solvents must comply with state law and operate in a manner to reduce the risk of explosion or danger to public health.

(b) **City Cannabis Distributor License.** A City Cannabis Distributor License shall be subject to the following conditions:
   1. A City Cannabis Distributor License cannot be issued without a corresponding Cannabis Manufacturing or Testing Laboratory License issued by the Chief of Police.
   2. A City Cannabis Distributor Licensee shall only transport cannabis or cannabis products between duly licensed cannabis businesses.
   3. A City Cannabis Distributor Licensee shall register with and provide the Chief of Police each location within the City where cannabis or cannabis products are stored within the City for the purposes of distribution activities.

(c) **City Cannabis Delivery Licenses-M.** A City Cannabis Delivery License-M shall be subject to the following conditions:
   1. Maintain at all times all licenses and permits as required by California State law and the laws of the local jurisdiction in which the licensee is located, and provide immediate notification to the Chief of Police if any license or permit is suspended or revoked.
   2. Delivery Licensee-M may only delivery cannabis or cannabis products to customers for medicinal purposes. Delivery of cannabis to a customer for adult-use is expressly prohibited.
   3. Any person who delivers cannabis to a customer must have in possession a copy of the City Cannabis Delivery-M License, which shall be made available upon request to law enforcement.
(4) Delivery vehicles shall not advertise any activity related to cannabis nor shall it advertise the name of the licensee.

(5) Delivery of the cannabis shall be directly to the residence or business address of the customer; deliveries to any other location are prohibited.

(6) Deliveries of cannabis shall occur only between the hours of 8:00 a.m. and 8:00 p.m.

(7) No licensee shall transport nor cause to be transported cannabis in excess of the limits established by state law during the course of delivering cannabis.

(8) All orders to be delivered shall be packaged by the names of the customer.

(d) City Cannabis Testing Laboratory License. A City Cannabis Testing Laboratory License is subject to the following conditions:

(1) Testing Laboratory Licensee shall employ at least one (1) full-time quality control personnel.

(2) Testing Laboratory Licensee shall operate and test all cannabis or cannabis products in accordance with state law.

(3) All testing devices used by Testing Laboratory Licensee must be Underwriters Laboratories (UL) listed or otherwise approved by the City’s Building Official and Fire Department.

(4) Testing Laboratory Licensee must notify the Chief of Police within one (1) business day after the receipt of any notice that its accreditation has been denied, suspended or revoked.

5.80.100 Prohibited Cannabis Uses.

The following cannabis businesses, uses and activities are expressly prohibited in the City:

(a) Cannabis Commercial Activity. No person shall engage in, conduct, operate, manage, or to carry on, or to permit to be engaged in, conducted or carried on, any cannabis commercial activity, other than as expressly permitted by City licensing under this Chapter.

(b) Dispensaries/Retailers. No person shall engage in, conduct, operate, manage, or carry on, or to permit to be engaged in, conducted or carried on, the operation of a dispensary or retail establishment (storefront or non-storefront) in the City.

(c) Microbusiness. No person shall be permitted to engage in, conduct, operate, manage, or to carry on, or to permit to be engaged in, conducted or carried on, any cannabis microbusiness activity within the City.
(d) **Outdoor Cultivation.** No person owning, renting, leasing, occupying or having charge or possession of any parcel shall cause or allow such parcel to be used for the outdoor cultivation of cannabis, personal, commercial, or any other purposes.

(e) **Indoor Personal Cultivation.** No person owning, renting, leasing, occupying, or having charge or possession of any parcel, building, or structure shall cause or allow indoor cultivation of cannabis on such parcel, or within any building or structure thereon, except within a private residence or inside an accessory building or structure on a parcel developed with a private residence, within a fully enclosed, secure, locked space, may possess up to six (6) plants for noncommercial use/purposes consistent with state law.

   1. No person owning, renting, leasing, occupying, or having charge or possession of any parcel, building, or structure shall cause or allow indoor cultivation of cannabis on such parcel or within any building or structure thereon to be visible by normal unaided vision from any public place including any street, sidewalk, or other place freely accessible by the public.

   2. Indoor cannabis cultivation for any purpose other than personal use as specified above is expressly prohibited.

(f) **Special events, festivals, and/or fairs.** The sale or consumption of cannabis is prohibited at special events, festivals, and/or fairs.

5.80.110 **Fees.**

Applicants and City Cannabis Licensees shall pay all applicable fees as set forth in the City Council adopted resolution establishing fees and charges for municipal services. Applicants and City Cannabis Licensees shall also pay the amount as prescribed by the Department of Justice of the State of California for the processing of applicant’s fingerprints. Fees shall not be prorated or refunded in the event of a denial, suspension or revocation of the license.

5.80.120 **Taxation. (Reserved).**

5.80.130 **Penalties.**

(a) As set forth in Section 1.05.200 of this Code, any violation of this Chapter or regulation promulgated under this Chapter is a misdemeanor punishable pursuant to Section 1.05.230. In the discretion of the City Attorney, misdemeanor violations may be chargeable as infractions pursuant to Penal Code Section 19.6. An infraction is not punishable by imprisonment. A person charged with an infraction shall not be entitled to a trial by jury. A person charged with an infraction shall not be entitled to have the public defender or other counsel appointed at public
expense to represent him unless he is arrested and not released on his or her written promise to appear, his or her own recognizance, or a deposit of bail.

(b) In addition to the penalties herein provided, any violation of this Chapter or regulation promulgated under this Chapter hereby declared to be a public nuisance under Section 8.25.020, and subject to the remedies enumerated in Section 1.05.210 and/or Section 1.05.230 of this Code.

(c) Any person who willfully or knowingly engages in a violation of this Chapter or who owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of this Chapter is maintained and who has actual knowledge of such violation (or would have actual knowledge of such violation after reasonable inquiry), shall be subject to the penalties and remedies provided by this Chapter.

(d) Any violation of this Chapter shall constitute a separate offense for each day the violation occurs or persists and may be subject to an administrative citation and fine, as provided for in Section 8.25.070 of this Code.

(d) These penalties and remedies are cumulative, and are in addition to any other penalties and remedies available to the City.

5.80.140 Severability; miscellaneous provisions.

(a) Severability. If any section, subsection, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have adopted the ordinance codified in this chapter and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

(b) Conflicts. In the event of any conflict with other provisions of the Concord Municipal Code or Development Code, the more restrictive standards shall apply.
9.05.020 Sale and display of prohibited substances and other paraphernalia.

(a) Except as otherwise expressly provided in Chapter 5.80 (Cannabis) and Title 18 (Development Code) and subject to issuance and maintenance of valid permits as provided therein, no owner, manager, proprietor, or other person in charge of any room in any place of business shall allow or permit the sale or display of prohibited substances.

(b) Display or sale in rooms to which persons under the legally permitted age are admitted. No owner, manager, proprietor, or other person in charge of any room in any place of business selling any paraphernalia shall allow or permit to be, remain in, enter, or visit such room any person who is under the legally permitted age.

(c) Persons excluded from rooms used for sale or display. A person under the legally permitted age shall not be, remain in, enter, or visit any room in any place used for the sale of paraphernalia.

(d) Requirements for sale and display rooms. A person shall not maintain, in any place of business to which the public is invited, the display for sale of paraphernalia unless within a separate room or enclosure to which persons under the legally permitted age are excluded. Each entrance to such a room shall have a sign posted in visible and legible words to that effect. For the purpose of this section, an “enclosure” shall mean an area of a room separated in such a manner that no material regulated by this section shall be visible from any area of the room open to persons under the legally permitted age.

(e) Violations declared nuisance. Any violation of this section is hereby declared to be a public nuisance and may be abated pursuant to the provisions of Code of Civil Procedure Section 731. This remedy is in addition to any other remedy provided by law, including the penalty provisions of the Concord Municipal Code.

(f) Penalty. Violation of this section shall constitute a misdemeanor.

(g) Definitions. As used in this section:
AUMA is defined in Chapter 5.80 (Cannabis).

Ingest means smoking, inhaling, injecting, ingesting, consuming, or otherwise ingesting, inhaling, or otherwise introducing prohibited substances into the human body or an animal body.

Legally permitted age means (1) under the age of 18 years unless accompanied by one of his/her/their parents or a legal guardian, or (2) the minimum age set by MAUCRSA (currently 21 years); provided, however, that to the extent allowed by law, the more restrictive standard shall apply.

Cannabis is defined in Chapter 5.80 (Cannabis).

Cannabis accessory is defined in Chapter 5.80 (Cannabis).

Cannabis product is defined in Chapter 5.80 (Cannabis)

MAUCRSA is defined in Chapter 5.80 (Cannabis).

Paraphernalia means any device, contrivance, instrument, marijuana accessories, roach clips and rollers designed for the smoking any prohibited substance, any cannabis accessory, or any item used, altered, or modified for the purpose of ingesting any prohibited substance, other paraphernalia used, altered, or modified for the purpose of ingesting prohibited substances.

Prescription drugs. To the extent allowed by law, marijuana and marijuana products shall be excluded from the term “prescription drugs” even if prescribed under the AUMA, Compassionate Use Act (California Health and Safety Code Section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code Section 11362.7 et seq.), and/or otherwise.

Prohibited substances means any narcotics, marijuana, marijuana products, PCP, similar substances, any controlled substance as defined in the Health and Safety Code of the state, or any products or substances derived from any of the foregoing, other than prescription drugs. Notwithstanding the foregoing, to the extent allowed by law, “prohibited substances” shall include marijuana and marijuana products even if prescribed under the AUMA, Compassionate Use Act (California Health and Safety Code Section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code Section 11362.7 et seq.), and/or additional substances prohibited under federal, state, or local law.
**Sale or selling means the sale, administering, furnishing, giving away, exhibition, display, or offering of prohibited substances and/or paraphernalia.**

(h) In the event of any conflict with other provisions of the Concord Municipal Code, the more restrictive standards shall apply.

(i) If any section, subsection, clause, phrase, or portion of this section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have adopted the ordinance codified in this section and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.
Source: ESRI, 2017; City of Concord, 2017; PlaceWorks, 2018.
BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A Resolution Amending Exhibit “A” to Resolution
No. 78-6042 Establishing Processing Fees and
Charges for Commercial Cannabis Licenses in the
City of Concord

WHEREAS, the City of Concord provides a variety of municipal services; and

WHEREAS, the City Council adopted Resolution No. 78-6042 on October 9, 1978,
establishing a master resolution within which various municipal fees and charges would be located;
and

WHEREAS, on April 10, 2018, at a duly noticed public hearing, the City Council adopted
Ordinance No. 18-3, approving amendments to the Development Code and Municipal Code to
establish a Commercial Cannabis Overlay District, associated development standards and a licensing
framework for cannabis manufacturing, testing laboratories and distribution; and.

WHEREAS, the amendments to Exhibit “A” to Resolution No. 78-6042 are necessary to
establish certain processing fees and charges for processing Commercial Cannabis Licenses, (the
“fees”) based upon the amendments to the Municipal Code and Development Code to ensure that the
City is reimbursed for services rendered; and

WHEREAS, such fees are based on existing hourly rates already established by the City; and

WHEREAS, the City Council, at its meeting of April 10, 2018, received an oral and written
report from City staff identifying the need therefor; and

WHEREAS, the Director of Finance, the Chief of Police, and the Director of Community &
Economic Development recommended that the City Council establish fees for City Commercial
Cannabis Licenses, which are currently set forth in Exhibit “A” to Resolution No. 78-6042; and

WHEREAS, Pursuant to the California Environmental Quality Act of 1970, Public Resources
Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of
the California Code of Regulations (collectively, “CEQA”), the revision to the City’s Master Fees and
Charges Schedule does not constitute a “project” within the meaning of Public Resources Code
Section 21065, 14 Cal Code Reg. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no
potential for resulting in either a direct physical change in the environment, or a reasonably
foreseeable indirect physical change in the environment. In addition, the revision is categorically
exempt pursuant to Section 15061(b)(3), “Review for Exemptions” of the CEQA Guidelines because
there is no possibility that the update to the City’s Master Fees and Charges Schedule may have a
significant effect on the environment, and no further environmental review is required. Moreover,
even if the revision does comprise a project for CEQA analysis, it falls within the “common sense”
CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where “it
can be seen with certainty that there is no possibility that the activity in question may have a
significant effect on the environment.” None of the exceptions identified in CEQA Guidelines
Section 15300.2 are present. No unusual circumstances are present.

WHEREAS, the City Council held a public hearing on April 10, 2018, at which time
members of the public were afforded an opportunity to address the City Council regarding this matter;
and

WHEREAS, upon close of the public hearing the City Council deliberated upon the oral
report from City staff, the written report from City staff dated April 10, together with oral and written
testimony and other relevant information received during the course of the public hearing (“Fee
Information”) and

WHEREAS, the City Council has determined that Section E “Police Fees” in Exhibit A to
Resolution No. 78-6042 shall be amended as indicated in Exhibit A of this resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES
RESOLVE AS FOLLOWS:

Section 1. The above recitals (which are hereby incorporated by reference) are accurate and
constitute findings in this matter and, together with the Fee Information, serve as an adequate and
appropriate evidentiary basis for the findings and actions set forth in this Resolution and further makes
the following findings:

Section 2. CEQA: Pursuant to the California Environmental Quality Act of 1970, Public
Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14,
Chapter 3 of the California Code of Regulations (collectively, “CEQA”), the revision to the City’s Master Fees and Charges Schedule does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Reg. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In addition, the revision is categorically exempt pursuant to Section 15061(b)(3), “Review for Exemptions” of the CEQA Guidelines because there is no possibility that the update to the City’s Master Fees and Charges Schedule may have a significant effect on the environment, and no further environmental review is required. Moreover, even if the revision does comprise a project for CEQA analysis, it falls within the “common sense” CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” None of the exceptions identified in CEQA Guidelines Section 15300.2 are present. No unusual circumstances are present. This determination reflects the City’s independent judgment and analysis.

Section 3. The City Council has reviewed, considered, and evaluated all of the Fee Information prior to acting upon the fee revision.

Section 4. The Commercial Cannabis License Fees are to ensure that the City is reimbursed for all costs and services associated with processing Commercial Cannabis Licenses, and include: a Cannabis License Processing Fee; Cannabis Appeal Fee; Cannabis License Inspection Fees; Cannabis License Renewal Application Fee; Cannabis License Change or Modification Fee and a Fingerprints Processing Fee.

Section 5. Section E “Police Fees” in Exhibit “A” to Resolution No. 78-6042 is amended as recommended and set forth in Exhibit A hereto.

Section 6. The documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from the City of Concord City Clerk, 1950 Parkside Drive, Concord, CA 94519.

Section 7. The City Council does hereby amend the City of Concord Master Fee Schedule to
adopt revisions to the fee schedule as shown in Exhibit “A”, attached hereto and incorporated herein, effective April 10, 2018.

Section 8. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Concord on April 10, 2018, by the following vote:

AYES: Councilmembers - 
NOES: Councilmembers -
ABSTAIN: Councilmembers -
ABSENT: Councilmembers -

I HEREBY CERTIFY that the foregoing Resolution No. 18-6042.1 was duly and regularly adopted at a regular meeting of the City Council of the City of Concord on April 10, 2018.

Joelle Fockler, MMC
City Clerk

APPROVED AS TO FORM:

Susanne Meyer Brown
City Attorney

Attachment - Exhibit “A”: Schedule E for Master Fees and Charges, Section E “Police Fees”, No. 2.2 (and subsections) “Commercial Cannabis License Fees”
The cannabis business shall maintain a minimum of $5,000 in the deposit account at all times.

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¹ The cannabis business shall maintain a minimum of $5,000 in the deposit account at all times.
² E 10 – Fingerprint Processing Fee $44
Cannabis Workshop
Manufacturing, Testing Laboratories, Distribution
February 12, 2018

Notes from Breakout Sessions

Application Process:
- Require proof of prior types of licenses to demonstrate responsibility
- Licensing and application fees should encourage small businesses to participate (reasonable)
- Testing and inspections
- Calculation of fill weights
- Out of spec lab results
- Labeling
- Inspections
- Incoming inspection of raw materials of raw materials
- ID
- Test for potency, contaminants, and adulterants
- Incremental fees for each phase of the application process
- As reparation to folks punished when cannabis was outlawed, please consider granting licenses to people with criminal records related to marijuana
- Criteria for selection should be random or lottery drawing for fairness if licenses are limited
- A lot of growers may have criminal records. We need equal opportunity. Recommend 10 year background check. Some of us are outstanding citizens.
- Lower application fees for non-storefront delivery license. Base fees on expected profit or revenue.
- Checklist for application with Police should be ministerial, to ensure consistency when there is a new Police Chief or designee.
- What are the building owners’ duties in the application process?
- How will State be notified of City license issues? City should notify State of all approvals.
- Use Model Ordinance
- 21-USC-111 Food and Drug Current Good Manufacturing Practices 113.5 and statutes
- SOPs
- Sample retention

Safety / Security:
- Calls for service
- Data tracking
- Video security
- Data longevity
- Police Department vetted statistics from other cities and states
- Place “green” zones in high traffic, well-lit areas
- Look at Oregon, Washington, and Colorado to learn about security issues
- Require security for storage
- Caged areas?
- Private security?
- Storefront barriers?
**Possible Location Criteria**
- Good choice in locations
- Make sure “green” zones are cannabis friendly property owners and willing to lease to cannabis businesses.
- Allow cannabis businesses anywhere liquor stores are allowed.
- Are sensitive uses protected in industrial space?
- Why are we not using an alcohol buffer of 1,000 SF?
- Very few locations. How can we ensure that property owners will rent to cannabis businesses and not gauge on process?

**General Issues:**
- Exempt medical retail from City tax
- If property owners in the few approved zones are not interested in leasing to cannabis related businesses, will Concord create additional zones?
- Building owner supports medical testing lab.
- Suggest using model ordinance 119, ending prohibition
- Move up timeframe on dispensaries and delivery (Non-storefront and storefront retail).
- Consult with industry
- Prioritize access over manufacturing, testing, and distribution
- How can we stop cannabis from being sold in Concord?
- We need retail sales ASAP please
- There are plenty of other cities to buy marijuana. Keep the retail out of Concord.
- I feel like people, the City included, are more interested in the money aspect than in what is best for the welfare of the citizens of Concord.
- Concord’s mission is to join with our community to make Concord a city of the highest quality. How does the sale of recreational marijuana contribute to that?
On Dec 1, 2017 4:36 PM, Medi Clone <jims@clonecourier.com> wrote:

Edi,

Thanks for taking my call last week. The conversation was encouraging and I look forward to meeting with you.

I own and operate a non-profit collective providing cannabis seeds, seedlings, and clones to medical marijuana patients, who cultivate marijuana for personal medical purposes authorized by a physician, as defined in proposition 215. I will be applying for a local license as soon as it becomes available as well as licensing from the State of California, both Temporary and Permanent, as per the regulations set forth by the Bureau of Cannabis Control and the CalCannabis Cultivation Licensing, for Cultivation Type 4 Nursery and Type 12 Microbusiness.

What we do is research, locate, develop, and deliver seeds, seedlings, and clones. At the moment, there are 779 strains of cannabis used for different purposes and that number is growing daily. With residents of Concord able to grow indoor, our service provides discreet reliable access to medical cannabis plants. Our goal is to make available as much variety as possible so that patients can grow the medicine that works for them. As per our business organizational structure and formation we are only focused on medical cannabis at this time with no immediate plans to expand into recreational.

We would like a temporary license or letter of authorization from the city council to operate our mobile, by appointment only, medical marijuana microbusiness, while council is defining regulations and the application process. We have all of the necessary state requirements in place for state licensing and are paying all applicable taxes. We would like to conduct business as stated in our corporate filings, obtain a business license from the city of Concord to facilitate transactions, and operate business in a safe and discreet manner. Please let me know what we can do to expedite the issuance of a temporary license or letter of authorization from the city council.

Please contact me directly at 925-595-9679 so we can discuss this in greater detail.

Thank you,

James J

CEO, Medical Clone Courier, Inc.
Friends,

With a heavy heart, we are announcing that The Agathist Collective will cease cannabis sales and deliveries at the end of 2017. Many of you are aware that cities in central Contra Costa County have been slow to permit the commercial cannabis industry. Without local permission, we are unable to provide cannabis to members in 2018.

Because of the new regulations, access to quality, safe cannabis products will be difficult in 2018. Moreover, there will be a 15% excise tax applied to all cannabis retail sales starting in January, as well as other taxes applied to various points in the supply chain. While we are hopeful that these difficulties will be temporary, it will cause disruption for our members. We are currently taking final orders and we encourage you to stock up. Our inventory is limited, but we will do our best to accommodate as many orders as possible.

While we’re unable to continue providing the products, we very much intend to continue supporting our members. Contact us in 2018 if you need help locating companies or products.

IMPORTANT: We strongly encourage all cannabis patients to obtain medical advice from an experienced medical practitioner who understands not only the condition or disease required to treat, but also how to treat the condition using cannabis. For example, cannabis can impact the efficacy of prescription medications and a trained medical clinician can help you understand potential adverse reactions. Contact us if you need help locating an experienced cannabis clinician.

We intend to remain in the cannabis industry and an announcement of our future plans is forthcoming. Patient support is fundamental to our future plans, so please continue to reach out to us if you have questions or if you need help. We will be making future announcements on our website and Facebook page.

It’s been an honor to meet and work with all of you. The work that we’ve been allowed to do and the people that have invited us into their homes have provided an experience that has been humbling, emotional, and transformative. We are excited to continue our work in this industry and we hope to work with all of you in some capacity in the future.

Gratefully,

Timothy & Rebecca Byars
Co-Founders
The Agathist Collective
925.899.8552
The following is a list of companies that presently carry some of the products that we offer:

<table>
<thead>
<tr>
<th>Products</th>
<th>Berkeley Patients Group (STOREFRONT) Berkeley, CA 510.540.6013</th>
<th>Harborside Health (STOREFRONT &amp; DELIVERY) Oakland, CA 888.994.2726</th>
<th>Marygold (DELIVERY) 925.979.5119</th>
<th>Myriam's Hope (DELIVERY) 909.600.9086</th>
<th>Octavia Wellness (DELIVERY) 925.309.7030</th>
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*Myriam's Hope email: info@myriamshope.org
**Octavia Wellness email: laurie@octaviawellness.com
From: Greg [mailto:ebwi1@aol.com]
Sent: Wednesday, December 13, 2017 3:07 PM
To: Concord City Council
Subject: Ban marijuana in concord.

October 24th meeting I am asking for a permanent ban on outdoor growing and storefront sales.

We have enough poor, down trodden, homeless and other similar problems we cannot already handle.

This will create more problems.

Ban marijuana!

Thank you,
Greg Brown
925-998-0099
Welcome to Octavia Wellness

We created this Guide as an easy-to-understand reference for cannabis. We have treated thousands of adults over the past two years who have come to us with the same questions:

• How should I start?
• What should I take?
• How do I take it?
• Is this safe for my aging parents?
• Do I have to get “high” to feel better?”

Learning about cannabis therapy can be especially daunting since many medical doctors can’t answer these questions. Most physicians haven’t been trained to have cannabis-related discussions with their patients.

Octavia works to bridge this gap.
We collaborate with our network of board certified doctors, scientists, wellness consultants and community advocates to provide education and easy-to-use products which empower safe and effective cannabis consumption.
<table>
<thead>
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<th>Section</th>
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<td>Welcome to Octavia Wellness</td>
<td>2-11</td>
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<td>Why We Do This</td>
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<td>Soothe: Body Mist</td>
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<td>Your Notes</td>
<td>46</td>
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<tr>
<td>Thank You + Contact Us</td>
<td>47</td>
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"Octavia Wellness was created following my mother’s Alzheimer’s Disease diagnosis in 2014. After finding that cannabis products helped my mom sleep through the night, experience less pain, more joy and ultimately return to living at home with us, I began sharing the news with friends and family members about what she was taking. Soon, I was helping hundreds of people feel better using oral drops, topicals and other cannabis treatments. Within a few months, my mom and I sold the Victorian home we owned together on Octavia Street in San Francisco to create Octavia Wellness.

Today, we are proud to be the premier choice for multiple generations of adults who want to learn about and feel better with cannabis products. Whether you’re actively shopping for yourself or an aging parent, or just looking for real information about how cannabis can help, Octavia Wellness supports your journey every step of the way."

-Carrie Tice, CEO of Octavia Wellness
The Truth About Cannabis

Cannabis is a medicine. As stated in Newsweek’s Special Edition 2017, 92% of medical marijuana patients reported experiencing relief from symptoms. As with all medical treatments, consult your doctor before deciding if it’s an ideal addition to your treatment plan.

Cannabis products don’t have to get you high. Octavia Wellness has designed products using raw cannabis plant extracts, which deliver all the natural properties of the plant without the mind-altering effects.

Cannabis doesn’t have to be smoked. Cannabis now comes in the form of oral drops, topicals, low dose edibles, low heat vapors, and more. You’ll find a detailed explanation of the different ingestion methods and their benefits starting on page 18.

Cannabis is safer than some commonly prescribed medicines. With a wide variety of uses and potential for relief, cannabis also has fewer side effects, is less dangerous and addictive than opioids and other pharmaceuticals, according to the Drug Policy Alliance.

Cannabis does not kill or damage brain cells. Extensive studies show no evidence of any permanent cognitive damage for adults and even points to the antioxidant properties of cannabis in the treatment of neurodegenerative diseases, such as Alzheimer’s disease and Parkinson’s, with the potential to increase brain function. - The Norml Organization
Drug overdose and opioid-involved deaths continue to rise in the United States. The Centers for Disease Control and Prevention reported that in 2016 these deaths exceeded 59,000, the largest annual jump ever recorded in the United States.

There is growing evidence among researchers and physicians that cannabis therapy may be a safe substitute for opioid and non-opioid based pain medication. Dr. Mehmet Oz was quoted in Forbes Magazine in September, 2017 stating, “People think cannabis is a gateway drug to narcotics. It may be the exit drug to get us out of the narcotic epidemic.”

Additionally, Dr. Marsha Bluto, who practices non-surgical orthopedic medicine in Northern California, states, “Cannabis is often safer, more effective and more versatile than many traditionally prescribed medications.” Dr. Bluto goes on to explain, “Seniors are one of the largest demographics affected by polypharmacy (multiple prescription medications). The rate of traditional drug-to-drug interactions is close to 100% once a patient is on more than 4 medications, often making them feel unwell. Commonly, second medications are prescribed to treat side effects of the original medications.”

Medicinal cannabis offers a safer way to treat many maladies with far less risk of dangerous side effects, drug-to-drug interactions, or dependence.
Therapeutic Benefits

What’s Treated by Cannabis?

Research continues to show a growing list of conditions and symptoms that benefit from medicinal cannabis treatment including:

- Cancer
- PMS
- Insomnia
- Anxiety
- Nausea
- Glaucoma
- Arthritis
- Migraines
- PTSD
- GI Issues
- Chronic pain
- Appetite
- Depression
- Epilepsy
- MS
- Muscle spasms
- Seizures
- Nausea
- Parkinson’s
- Alzheimers
- Restless leg syndrome

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The Endocannabinoid System

Though cannabis has been consumed for thousands of years it wasn’t until recently that we understood how exactly it works. Our bodies have a complex system that cannabis works directly with to offer relief in so many areas.

The endocannabinoid system, or ECS, has been found in all mammals, birds, and even reptiles. It’s made up of the body’s vast network of cannabinoid receptors and the body’s own endocannabinoids, found in the brain, nervous system, abdominal organs, endocrine system, skin, connective tissues, glands, and immune cells.

Discovery
The ECS was discovered in the late 1980s, when researcher Dr. Raphael Mechoulam was studying how cannabis, specifically THC, interacts with the body. Studies identified two main cannabinoid receptors in the nervous system: CB1, which is most active in the brain and nervous system, and CB2, which operates more in the tissues and immune system. In the 1990s, researchers discovered our bodies make at least two THC-like compounds; 2-AG and anandamide, nicknamed the “bliss” molecule as it activates cannabinoid receptors in brain cells to heighten motivation and happiness.
The Endocannabinoid System

Therapeutic use of cannabis can help regulate our body’s systems and bring us back into balance to improve our overall health.
Lock and Key
The cannabinoid receptors and cannabinoids work together like a lock and key system. When a cannabinoid combines with a receptor it unlocks certain reactions. These reactions vary based on the cell, the receptors, and the endocannabinoids that work with them.

With these mechanisms, the ECS is an essential part of bodily function involved in physiological and psychological changes that adjust to ever-changing internal and external factors. Its whole purpose is to keep our bodies functioning at their best by adapting to change; modulating subtle internal changes to create balance.

ECS Deficiencies
As we age or struggle with declining health, our bodies may not produce enough endocannabinoids. Research shows us that underlying endocannabinoid deficiencies play a role in migraines, fibromyalgia, irritable bowel syndrome, and a growing list of other medical conditions.

Cannabis is a natural supplement for ECS deficiencies. Cannabis has plant-based cannabinoids, (referred to as phytocannabinoids), that connect to our receptors in the same way as the endocannabinoids our bodies make. Therapeutic use of cannabis can help regulate our body’s systems and bring us back into balance to improve our overall health.
The Chemistry of Cannabis

Now that you have an understanding of the endocannabinoid system, it’s important to understand the natural science that enables cannabis to provide relief. The cannabis flower produces chemical compounds, called cannabinoids and terpenes, that communicate with your body’s own cannabinoid receptors to make you feel better. While there are many cannabinoids that have been proven to alleviate symptoms, the two you’ll often hear the most about are THC and CBD.

What is THC?
The most commonly discussed cannabinoid is tetrahydrocannabinol, shortened to THC, which interacts most with the cannabinoid receptors in your brain. This creates the psychoactivity, or “high” that patients associate with cannabis. THC is responsible for much more than that, with studies showing its success in treating pain, nausea, vomiting, muscle spasms, and loss of appetite.

What is CBD?
The second most prevalent cannabinoid is cannabidiol, shortened to CBD, that interacts more with your body’s receptors than your brain, so you won’t experience intoxicating effects. CBD’s ability to reduce inflammation, anxiety, and pain has made it become a common medical cannabis treatment. CBD is also known to reduce the psychoactivity of THC. This robust cannabinoid has also been shown to help in managing Parkinson’s, Alzheimer’s Disease, arthritis, and nausea.
What are Cannabis Acids?
Octavia’s proprietary blends also contain CBDa and THCa, short for cannabidiolic acid and tetrahydrocannabinolic acid, two rarer cannabinoids. Both occur naturally in the raw form of cannabis as a microdose, and since they aren’t activated with heat or other processes during our extraction, these cannabinoids don’t produce mind-altering effects. In keeping extracts raw, we tap into the benefits without any risk of undesired intoxication.

The “Entourage Effect” of Whole Plant Cannabis
There are about 80 known cannabinoids, 200 terpenes, and numerous flavonoids in the female cannabis flowers. When all these compounds are combined in the whole plant form, the results are found to be more effective than the individual molecules in many clinical and scientifically measureable ways.

Why do some labels have ratios?
Often times you’ll see cannabis labels that have both CBD and THC amounts listed in the form of a ratio to help consumers with dosing and selection. For example, a 20:1 represents 20 parts CBD to 1 part THC. Studies have shown that when cannabinoids operate together, the “entourage effect” provides greater relief. Ratios that are higher in CBD and lower in THC achieve this without the intoxicating effects.
What are Terpenes?
Terpenes are biologically active, aromatic compounds that give cannabis flowers their unique smell and provide numerous therapeutic effects. Terpenes aren’t cannabinoids, but they communicate with cannabinoid receptors throughout the body. Researchers have identified over 200 different terpenes in cannabis. Terpenes are not only found in cannabis, but also in a variety of plants, like rosemary, pine, mint, and basil. Some therapeutic effects attributed to dominant terpenes include sedation, anti-inflammation, anti-anxiety, bronchodilation, and muscle relaxant.

The Strain Basics
Cannabis plants are often referred to by specific strain names. Indica strains are known for their sedating qualities, Sativas are known for their uplifting and invigorating effects, while hybrid strains are a cross of the two for a wide range of effects, and are the most common. Every strain has a unique makeup of cannabinoids and terpenes which provide varied experiences and effects.
Ways to Consume Cannabis

Now that you’ve learned how cannabis therapy works in our bodies, we want to help you understand the different forms of cannabis that are available, and highlight the benefits of each. Everyone’s needs, preferences, and tolerances vary, so this guide will help familiarize you with your options before you decide what to try.

**Topicals**

The skin possesses a robust capacity to synthesize and respond to cannabinoids. Cannabis oil can be blended into mists, creams, soaks, and balms to topically treat an array of conditions. These formulations provide pain relief, reduce inflammation, treat insect bites, calm muscle spasms, and even help treat superficial burns and eczema. Athletes have been exploring topical cannabis for some time now as it offers significant physical relief without the dangerous side effects of prescription painkillers.

- Topical effects begin around 20 minutes after application and last about 3-4 hours, with no significant psychoactive effects.
Oral Drops

Often referred to as sublinguals or tinctures, oral drops provide a quick, accurate therapeutic delivery method. Oral drops can be formulated with a base of alcohol, glycerine, coconut oil, or safflower oil. We recommend, as with all cannabis products, that you store oral drops somewhere cool and dark as direct sunlight or high heat can change the composition of the medicine.

• **Under the Tongue:**
  By placing the liquid underneath your tongue and holding it there for 30 seconds or more before swallowing, the cannabinoids absorb more quickly into your bloodstream, with effects generally felt within 20 minutes and lasting approximately 2-4 hours.

• **Swallowed Ingestion:**
  Effects may be delayed by 90-120 minutes and can last longer, approximately 6-8 hours.
Ingested Cannabis

Edibles refer to the category of food, capsules and tablets that are made with cannabis oil for ingestion. Popular edible products come in varying doses, including high CBD and balanced CBD to THC ratios. Edibles may be a good option for someone who suffers from chronic pain, nausea, lack of appetite, insomnia or conditions where the long-lasting effects are a desired benefit. Everyone responds differently to cannabis, and we suggest you start low and go slow with ingested cannabis until you know your optimal dose. Effects vary depending upon your metabolism, dose, and product ingredients.

- Ingested cannabis may take 90-120 minutes before full effects are felt and can last up to 8 hours.

- A dose of 2.5 mg of THC is considered a threshold dose for patients without previous tolerance to cannabis. 5 mg is a moderate dose, and 10 mg is a large dose, which may be problematic for inexperienced patients.
**Inhalation Therapy**

Inhalation is the most common delivery method of cannabis. This includes smoking and vaporization, or “vaping” cannabis from a variety of devices. Because the effects from smoking and vaping cannabis are felt within a few minutes, it is easy to find your optimal dose. Effects of inhaled cannabis typically last for 1-3 hours, declining over the next 2-4 hours. Cannabis enters the bloodstream quickly when inhaled, making it the fastest way to feel the effects. These methods can be especially effective if you’re experiencing nausea or are unable to consume other medications. The flexible dosing makes them a helpful supplement to other methods by quickly easing pain.

**Vaporizing**

Using a portable, electronic vaporization pen, this inhalation therapy gets its name from the cannabis oil vapors you inhale. The oil is heated at a low temperature, making it especially gentle on your lungs. You’ll experience effects within minutes that last between 1-3 hours. With this method the dosing is extremely variable, so if you notice after 5-15 minutes you’d like to feel more effects, you can do so.

**Smoking**

Still a popular method, the effects of smoking are felt within minutes and last around 1-3 hours. This can be a benefit for some, but makes it a less-than-ideal choice if you want longer lasting relief. Smoking acts quickly so you can make in-the-moment adjustments to dosing, smoking as much or as little as you need. Cannabis flowers are traditionally smoked in a pipe or a rolled “joint” and are easy to find as pre-rolled “joints”. To date, studies have been unable to provide evidence that smoking cannabis significantly changes lung function or increases the chance for lung cancer.
Cannabis Dosing

With the wide variety of beneficial compounds in cannabis, the medical applications are extensive. According to Dr. Dustin Sulak, D.O., a leading medical cannabis expert, the key to receiving the most therapeutic benefits from cannabis is finding your appropriate dosage.

Less is (Usually) More

When it comes to cannabis dosing, it’s important to find the right dose. Cannabis is unlike any other medicine due to its wide range of effective dosages.

In general, people who are more balanced in their physiology are more likely to succeed with lower dosages, while people who have been sicker for longer sometimes require more to control their disease state. As a person regains their health and balance they are often able to lower their dosages.
Dosing Factors
Unlike most medications, cannabis cannot be prescribed at a certain quantity and frequency based purely on body weight, age, or medical condition. When making cannabis dosing recommendations, we must consider 3 main factors: age, disease state, and tolerance. We all have a unique internal chemistry and incredibly complex systems at work in our bodies, so everyone’s ideal dosage is different. Based on these personal variances, your medical provider won’t be able to tell the exact dose that will work best for you. Identifying your unique dosage will take some time and experimentation.

A goal for cannabis therapeutic usage is to find your optimal dosage. We recommend starting low and going slow, and allowing your body to experience a gradual increase in health benefits over time. If you surpass this threshold you’ll begin building up a tolerance and see diminishing benefits with increased side effects. The goal is to find the optimal dose for you that balances the most benefits with the least amount of side effects.
Microdosing
Taking very low doses, or “microdosing” provides the benefits of cannabis therapy without the high. As with all cannabis products, the ideal dose varies, depending on your age, current health, and cannabis tolerance. Our rule of thumb is to **start low and go slow** by ingesting no more than 2.5 mg of cannabinoids per dose to help your body acclimate to this new therapy.

Cannabis Safety and Toxicity
Cannabis is generally considered non-toxic and safe. It has been used for centuries for medicinal purposes, with references found in Chinese medicine dating back to before 2500 BC. It is believed to be safe because cannabis doesn’t interact with the lower brain stem areas, which control cardiovascular and respiratory functions, so it’s less likely to affect critical bodily function in harmful ways. However, if you have a history of chronic, severe liver failure, unstable psychosis, cardiac function abnormalities, heart disease, or any allergies to cannabinoids, please consult your doctor to decide whether cannabis is right for you.

Potential Drug Interactions
Though it is generally safe and usually much safer than most prescriptions, cannabis can cause rare drug to drug interactions and may increase or decrease the effectiveness of certain medications. Please contact your doctor to review your list of pharmaceutical and over-the-counter drugs before beginning treatment.

While this guide was written with the help of our qualified physicians and is backed by scientific research, this content is not intended to be a substitute for professional medical advice, diagnosis, or treatment. We hope you can use what you learn here to have an informed conversation with your physician about what’s best for you and your treatment plan.
Your Cannabis Journal

Journaling your experiences with cannabis can help you understand the effects the products are having on your mind and body. Everyone responds differently. Recording how you feel before and after consumption is important. Use this tool for each new product treatment you begin.

Through consistent and careful observation, you can evaluate what products, dosages and methods of consumption work best for you. Our Daytime and Nighttime oral drops work well with topical products for your body, and layering topicals may increase their effectiveness. Consider setting an alarm for an hour or two after you use cannabis therapy to remind yourself to do a body check in.

Tracking your experience will help you find what works best for you, at what dose and time of day. Consistent journaling can be an excellent opportunity to look back on the progress you’ve made.

In order to help you cultivate a feeling of well-being, ask yourself these questions:

- How do I want to feel?
- What goals do I want to achieve through cannabis therapy?
- How can I be consistent with my treatment routine?
## Your Efficacy Scale

**Date:** ___________  
**Time of Day:** ___________  

**Product/Dose:** ___________________________________________________________

Rate your Symptoms/Severity before & after cannabis treatment:  
(0 = no symptoms, 5 = can’t function)

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<td>Cramping</td>
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<td>Other _____</td>
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</tbody>
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Page 104 of 206
Desired effects felt & onset time:

Undesired effects felt (dry mouth, anxiety, headache, etc.) & duration time:

Rate the Overall Outcome:

-5  -4  -3  -2  -1  0  1  2  3  4  5

Notes
The Octavia Wellness Cannabis Starter Kit is a system of oral drops and body topicals specifically designed to provide the foundational essentials of therapeutic cannabis without any intoxicating effects. These six easy-to-use products contain whole-plant, lab-tested cannabis formulations, and address common ailments including: insomnia, anxiety, and chronic pain - *helping you feel better, every day!*

The Octavia Wellness Cannabis Starter Kit contains:

- Getting Started with Cannabis Guide
- **Daytime**: Oral Wellness Drops
- **Nighttime**: Oral Sleep Drops
- **Relieve**: Body Cream
- **Heal**: Body Balm
- **Soothe**: Body Mist
- **Soak**: Bath & Foot Salts
Intended for daily use, this non-intoxicating formula helps rebalance your body’s natural systems to improve overall wellness.

Made with whole plant, full spectrum cannabis extracts that maintain all the natural benefits of the plant, with 100% pure botanical citrus oils for circulatory, digestive and liver support.

The safflower oil base helps to lower cholesterol, manage blood sugar and improve your immune system.

INGREDIENTS: SAFFLOWER OIL, WHOLE PLANT CANNABIS EXTRACT (PHYTOCANNABINOIDs), CITRUS EXTRACT
INSTRUCTIONS: Recommended Dosage:
4 pumps (1 mL), under your tongue, daily.

Hold for 30 seconds and then swallow.

Effects may not be felt immediately. We recommend increasing dosage by 4 pumps as needed for relief every four hours.

1 dose = 1 mL (4 pumps)
30 mL (1 fl oz) bottle = 30 day supply
Developed for insomnia, our non-intoxicating **Nighttime** formula contains cannabinol (CBN) to help you sleep with added valerian root for insomnia and anxiety, skull cap for inflammation and spasm relief and kava kava for restoration to help you wake up refreshed.

The safflower oil base helps to lower cholesterol, manage blood sugar and improve your immune system.

**Safe and effective for nightly use.**

**INGREDIENTS:** Safflower Oil, Whole Plant Cannabis Extract (Phytocannabinoids), CBN, Valerian Root, Skullcap, Kava Kava, Chamomile Flower, Hops, Lemon Balm, Passion Flower, Citrus Extract
INSTRUCTIONS: Recommended Dosage:
4 pumps (1 mL), under your tongue, daily.

4 pumps under tongue
Hold for 30 seconds and then swallow

Effects may not be felt immediately. We recommend increasing dosage by 4 pumps as needed for relief every four hours.

1 dose = 1 mL (4 pumps)
30 mL (1 fl oz) bottle = 30 day supply
Soak BATH + FOOT SALTS

Tailored to relax muscles and help with skin conditions, our non-intoxicating Soak Bath & Foot Salts combine cannabis with oatmeal and honey infused Epsom Salts shown to cure skin problems, soothe back pain and promote overall relaxation and well-being.

INSTRUCTIONS: Add 1/4 container into warm water and soak.

INGREDIENTS: EPSOM SALT, WHOLE PLANT CANNABIS EXTRACT (PHYTOCANNABINOID), OATMEAL, HONEY, ETHYL ALCOHOL
Heal

Octavia’s best-selling non-intoxicating topical product for acute pain, bruising, burns, and more. Heal Body Balm contains turmeric, a powerful anti-inflammatory and antioxidant, with black pepper oil, which makes turmeric 2000% times more effective and is an antirheumatic itself, and birch sweet oil for quick relief of joint and muscle pain.

INSTRUCTIONS: Apply to affected area(s) as needed.

INGREDIENTS: HYDROGENATED CASTOR OIL, BEESWAX, CARNAUBA WAX, WHOLE PLANT CANNABIS EXTRACT (PHYTOCANNABINOIDS), ETHYL ALCOHOL, TURMERIC, ARNICA, EUCALYPTUS, CAMPHOR, FRANKINCENSE, BIRCH SWEET, CLOVE BUD, BLACK PEPPER OIL, NUTMEG OIL

BLACK PEPPER
This lightweight non-intoxicating cream provides quick relief from muscle aches and pains by combining cannabis extract with arnica for pain and, turmeric, a powerful anti-inflammatory and antioxidant, with black pepper oil which makes turmeric 2000% times more effective and is antirheumatic itself, and bergamot which is an antibiotic, good for cuts and scars.

**INSTRUCTIONS:** Apply to affected area(s) as needed.

**INGREDIENTS:** DISTILLED WATER, ALOE VERA, SUNFLOWER OIL, JOJOBA OIL, MEADOWFOAM OIL, STEARIC ACID, ETHYL ALCOHOL, CETYL ALCOHOL, EMULSIFYING WAX, VEGETABLE GLYCERIN, PALMITIC ACID, TOCOPHEROL, POTASSIUM SORBATE, WHOLE PLANT CANNABIS EXTRACT (PHYTOCANNABINOIDS), VITAMIN C, CITRIC ACID, TURMERIC, ARNICA, ROSEMARY, LAVENDER SPIKE, YLANG YLANG, BERGAMOT, PATCHOULI, CLOVE BUD, BLACK PEPPER OIL, NUTMEG OIL
Soothe  BODY MIST

Our unique non-intoxicating spray application is a favorite for alleviating back pain and other hard-to-reach areas. The quick-drying, no-mess formula is infused with cannabis, turmeric and celery seed, both powerful anti-inflammatory and antioxidants, along with eucalyptus for it’s antibacterial properties.

INSTRUCTIONS: Shake well before use. Spray onto affected area(s) as needed.

*For allergies: Close eyes, spray into air and breathe in gently.

INGREDIENTS: ALOE VERA JUICE, ETHYL ALCOHOL, WHOLE PLANT CANNABIS EXTRACT (PHYTOCANNABINIODS), ACV, AMINO ACIDS, TURMERIC, CELERY SEED, EUCALYPTUS OIL
Thank You!

Octavia Wellness is grateful to the many partners, advisors and supporters of our mission to provide education and products which empower safe and effective cannabis consumption. Thank you to our network of board certified doctors and nurses, leading biochemists, wellness consultants, community advocates, our staff and especially our clients who have all helped us create the **Getting Started with Cannabis Guide** and the **Cannabis Starter Kit**.

**With special thanks to:**
Dr. Marsha Bluto, Suzanne Borsuk, Ed Breslin, Cavan Clark, Andy Cramer, Jeannine Faull, Anne Franklin, Anita Geary, Linda Jorgensen, Rachel Kelly, Will Koricanek, Laurie Light, Marta Macbeth, Anne MacDonald, Bari Mantel, Kivalani McMurrin, Loretta Metzger, Don Morton, Gregg Perin, Betty Price, Steven “Shags” Shagrin, Timothy Shonnard, Gayle Tice, Brian Walker, Christine Zapata

See all sources and references here: blog.octaviawellness.com/2017/10/getting-started-with-cannabis-guide-sources/

**Contact us!**
support@octaviawellness.com
(833)-275-6282
Hi Michael, Laura and Andrea,

Thank you for your time talking to Matt and I yesterday. We enjoyed the conversation and meeting you in-person. We hope you saw value in our conversation. We surely did.

We had taken the action to follow-up on the three items below. Please feel free to contact us anytime with questions or if we can help in any way. See you Monday.

1) There was a question if there is a difference in the State application process if the application included a local permit or it did not. I found that if a local permit is included, the municipality has 10 days to respond to the State request vs 60 days if not included, before being presumed compliant. I found this overview on the BCC website that calls out the difference: [http://bcc.ca.gov/law_regs/lic_reg_overview.pdf](http://bcc.ca.gov/law_regs/lic_reg_overview.pdf) — It’s buried around slide 10 but pages are not well marked

2) Matt referenced a Walnut Creek report that looked at potential city costs in regulating different cannabis license types. Page 4, Section 2, starts the analysis. There is a Summary at the end too: [http://walnutcreek.granicus.com/MetaViewer.php?view_id=12&clip_id=3302&meta_id=175283](http://walnutcreek.granicus.com/MetaViewer.php?view_id=12&clip_id=3302&meta_id=175283)

3) As discussed, Laurie is passionate about cannabis education and has trained a large team (75ish?) people that are now educating clients throughout California. Initially the focus was seniors and those with true medical needs but has recently expanded to those new (or new again) to cannabis. She co-authored the attached material as part of her educational efforts. Please let us know what you think.
From: Barone, Valerie  
Sent: Friday, February 09, 2018 12:33 PM  
To: Brown, Susanne; Cass, Michael; Simpson, Laura; Ouse, Andrea; Kotzebue, Margaret; Garcia, Pedro  
Subject: Article: Tobacco Industry buys into Marijuana

This e-mail is being shared with all Council Members

All,

Sharing an article that may be of interest.


Valerie Barone, City Manager  
City of Concord | Website: www.cityofconcord.org  
w (925) 671-3150 | 99valerie.barone@cityofconcord.org  
1950 Parkside Drive, MS/01, Concord, CA 94519
Dear High Desert City Councils,

We understand that change and uncertainty of what the future will bring can cause fear, anxiety, and clouded choices, like prohibition. With knowledge and understanding of the cannabis business atmosphere, and clear reasoning behind regulation of cannabis, we have collaborated on a portal for information about cannabis and cannabis regulation called [www.WMPolicy.com](http://www.WMPolicy.com).

Please take a look around the portal and gain some knowledge about the cannabis community, and different businesses. One link that is particularly interesting is the California Model City Ordinance. With 2-3 hours of work, or if necessary, a cannabis ordinance regulating cannabis instead of prohibiting it can be written specifically for each city. Included in this document are supporting statistics and a history of how and why the document was created. [http://wmpolicy.com/wp-content/uploads/sites/17/2017/09/California-Model-City-Ordinance-Ext-Dist-9-6-17.pdf](http://wmpolicy.com/wp-content/uploads/sites/17/2017/09/California-Model-City-Ordinance-Ext-Dist-9-6-17.pdf)

It is very important to understand that countless, fruitless workshops will not reduce the demand for cannabis in your city. Studies have shown the "War on Drugs" was fruitless and worked to create a criminal element, rather than diminish it. [http://www.drugpolicy.org/issues/drug-war-statistics](http://www.drugpolicy.org/issues/drug-war-statistics)

Here is an article on how another community created an urgency ordinance to regulate the cannabis businesses in their city. Omar Figueroa, Esq. has created the precedent that Urgency Ordinances can be enacted to decriminalize cannabis and create a working pathway for commercial cannabis businesses to attain licensure. Creating an urgency ordinance will also ensure the will and safety of the people. Adult use cannabis was voted in by 54% of Californians, and needs to be addressed. [http://www.pressdemocrat.com/news/7712183-181/sebastopol-city-council-poised-to?artslides=0&b=AA5](http://www.pressdemocrat.com/news/7712183-181/sebastopol-city-council-poised-to?artslides=0&b=AA5)

With all due respect the studies indicating fatalities at an increase is flawed. Here is an article rebuking this idea. The Sheriff’s comments were concerning Recreational/Adult Use Cannabis and stated he is quite capable of doing his job what ever is needed. [https://coloradopolitics.com/marijuana-legalization-has-not-increased-traffic-fatalities/](https://coloradopolitics.com/marijuana-legalization-has-not-increased-traffic-fatalities/)

The AAA Automobile Club has released a study recently showing no impairment with high levels of THC. “Results of this study do not indicate that drivers with detectable THC in their blood at the time of the crash were necessarily impaired by THC or that they were at fault for the crash,” since “the data available cannot be used to assess whether a given driver was actually impaired, and examination of fault in individual crashes was beyond the scope of this study.” [http://reason.com/blog/2016/05/10/aaa-finds-no-basis-for-equalizing-the-leave](http://reason.com/blog/2016/05/10/aaa-finds-no-basis-for-equalizing-the-leave)

Cannabis is still Federally a controlled substance. The Federal government has also expressed that it is also and more importantly a states rights issue. The Federal government, even with the new administration seems to be unwilling to come into medical marijuana states. This is proven and gives states protections under the Rohrabacher-Farr amendment. This amendment has become a customary budget issue that was taken out in the house during this last go around. This protection is renewed until January 19, 2018. Attorney General Jeff Sessions cannot use Federal monies to persecute cannabis in California. [https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment](https://en.wikipedia.org/wiki/Rohrabacher%E2%80%93Farr_amendment)

Like Alcohol, tobacco, hard drugs, opiates, prescription drugs, and violent gaming our youth are all too often subjected to things that they don't need to be. The cannabis legislation in SB 94 addresses advertising, youth centers, and schools. Anyone under 21 years old will not be able to enter a facility that is directly involved in daily cannabis business activities. Furthermore, where children and medical cannabis are concerned, HDCA believes that this is a very personal decision between doctor, patient caregiver, and patient. This is not a decision to be made by someone who is not intimately involved with the patient.

Once again, we would like to submit visual evidence that medical cannabis works. Please take a look at these videos. Hopefully you can then begin to understand the 20+ year long struggle for California medical cannabis patients to obtain their medication. Compassionate care in the form of cannabis medication to someone you know may have very well saved their life, or is enriching their quality of life now.

[https://www.facebook.com/MedicalCanabisInIsrael/videos/1460442364033516/](https://www.facebook.com/MedicalCanabisInIsrael/videos/1460442364033516/)

[https://www.facebook.com/MagicalButter/videos/4009964669686/](https://www.facebook.com/MagicalButter/videos/4009964669686/)

In closing, please understand HDCA represents and supports in spirit and knowledge cannabis collectives, activists, and cannabis communities in the High Desert. Additionally, these are the activists and people who brave jail time to progress this cause. These people have families and represent the very local economy that this area needs. They will put back into the community where they live and work with taxes, jobs, and community outreach. Licensing and regulation means that city officials will be able to reasonably regulate cannabis businesses. Cannabis companies can then participate fully in their community by creating jobs, reducing blighted properties, empty storefronts, all while generating tax revenues for the city, just like every other business. These hardworking people need a pathway to licensing, and High Desert cities need to regulate ALL types of cannabis business to provide safe access to our communities now.

Thank You for your time. If you have any questions or need further clarification on any of these subjects we are always available to speak with you.

Sincerely,

Tim Graston
HDCA Founder & President

Diana Esmeralda
HDCA
Secretary on the Board

Michael Mitchell
Treasurer
We are your nearby neighbors and we welcome, support and encourage local businesses.

The facts are clear in Colorado, Oregon, Washington — even here in California! Cannabusinesses make good neighbors who contribute to the neighborhood.

Dispensaries promote public safety and create jobs.

They upgrade our commercial zones, provide street security, protect children and generate new tax revenue.

Medical and adult cannabis consumers encourage local governments to welcome this new industry and make it inclusive, fair, affordable and easy to enter.

It’s time: license cannabis sales with on-site consumption.

Call your City Council and County Supervisors: Licensing makes sense.

Sensible business regulations for cannabis should include:

1) Affordable licenses that bring businesses and manufacturing jobs to our community.

2) Multiple local retail outlets with ample hours to spread out access and opportunities.

3) Delivery services for patients who can’t get out to a brick and mortar shop.

4) On site consumption where people can relax, enjoy their cannabis and socialize.

Prop. 64, California BPC 26013.c: “Regulations issued under this division shall be necessary to achieve the purposes of this division, based on best available evidence, and shall mandate only commercially feasible procedures, [and] technology …, nor shall such regulations make compliance unreasonably impracticable.”

(dd) “Unreasonably impracticable” means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset, that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent business person.

Call your City Council and County Supervisors: Licensing makes sense.

For More Information, Contact:

Friends of Proposition 64 • friendsofProp64.org
Cannabis Consumers Campaign
cannabisconsumers.org

Licensed Cannabis Sales

Good for Our Public Safety

More security, more control, better access, fewer street sales — and more tax revenue for communities.
This is not scary. Cannabis is a plant. We are your neighbors who already consume cannabis. Help us out here. People have long been using cannabis in our community, safely and responsibly. California voters legalized and regulated adult use and sales in 2016, passing Prop. 64 by a solid majority.

“The reasonable regulation should protect public health and include age restrictions on drug sales and use.”
— Law Enforcement Action Partnership

Local governments are intended to implement the law in a way that reduces illicit sales. Failure to license sales pushes residents back to the traditional market of buying from friends or on street corners. To prevent that, localities need licensed production and retail access.

Licensed cannabis sales require proper identification with proof of age.
Requiring a photo ID card means that access is controlled: No one under age 21 can enter a shop and buy marijuana.

Patients deserve safe and affordable access just like anyone else.
Marijuana is legal. We don’t force our residents to drive to another city or county to fill pharmacy prescriptions or get a six pack of beer and a bottle of wine. Patients need compassion, not bans.

On site consumption gives adults a safe, discreet place to partake.
Many residents live in places that ban smoking or vaping. We need places to consume. No special accommodations are needed, other than a discreet outdoor location or a ventilated indoor location, perhaps with odor filtration.

Licensed sales provide added safety and security by having a security guard and video monitoring streets.
Los Angeles Police Department set out in 2009 to document its claim of an increase in crime around medical marijuana clubs. The report showed just the opposite — there was less crime associated with cannabis dispensaries than with banks, even though the city stuck dispensaries in higher crime areas to begin with.

Licensed sales protect consumers by ensuring the purity and potency of products that are on the market.
A big part of public safety is making sure people are not getting unsafe products. People want to know that they are getting labeled, quality controlled, safe and affordable cannabis products.

Remember to accommodate:
- Affordable license fees
- Multiple retail outlets
- Delivery services
- On-site consumption

Over-taxing and over-regulating have the same effect as a ban by pushing people into the unregulated market.
Bans are a form of bigotry and discrimination. Cannabusinesses are good neighbors who contribute to society. Don’t kill the golden goose, losing business to nearby locales and propping up the underground market.
Give us a chance and you’ll see.

Here is a great opportunity to create small shops and keep that money right here in our local community, where it belongs.

“One argument for legalizing pot has been to reduce illegal trafficking. But by imposing taxes that are too high on legal weed, politicians give pot heads an incentive to go back on the illegal market.”
— Wall Street Journal, Nov 1, 2017

Issuing more licenses and supporting a cottage industry creates competition and jobs for community residents.
The traditional cannabis market created a thriving cottage industry with jobs that support thousands of our friends and neighbors. Let’s bring them above board. Moderate, sensible regulation will allow these small businesses to come above board, thrive and grow.

Competition helps keeps quality high and prices competitive. Let the market decide.

Call your Senator & Congressperson:
Deschedule and let the States decide.
High Michael,
On behalf of the Contra Costa County chapter of NORML, thank you for putting together the workshop last night. It was a definite step in the right direction.

We recommend that as you study the cannabis landscape, you lift the moratorium before too many more legitimate businesses have to close their doors or patients have to go through the tunnel to get their medications.

We would also strongly suggest that you work with us to convene a workshop of local industry experts who can help guide Concord to a compassionate and speedy move into the legalized cannabis. Thank you and have a great day,

Greg

PS The links will take you to a model ordinance that could be drafted with an estimated two or three hours of staff time.
From: Barone, Valerie  
Sent: Tuesday, February 13, 2018 9:25 AM  
To: Simpson, Laura; Cass, Michael; Ouse, Andrea; Brown, Susanne; Kotzebue, Margaret  
Subject: ARTICLE: Pot taxes: 'Hella' high compared to booze - East Bay Times story

This e-mail is being shared with all Councilmembers

FYI

Valerie

Valerie Barone, City Manager  
City of Concord | Website: www.cityofconcord.org  
☎ (925) 671-3150 | ✉ valerie.barone@cityofconcord.org  
1950 Parkside Drive, MS/01, Concord, CA 94519

From: Asera, Leslye  
Sent: Tuesday, February 13, 2018 9:22 AM  
To: Barone, Valerie <Valerie.Barone@cityofconcord.org>; Trepa, Kathleen <Kathleen.Trepa@cityofconcord.org>; Simpson, Laura <Laura.Simpson@cityofconcord.org>; Ouse, Andrea <Andrea.Ouse@cityofconcord.org>; Cass, Michael <Michael.Cass@cityofconcord.org>; Garcia, Pedro <Pedro.Garcia@cityofconcord.org>; Brown, Susanne <Susanne.Brown@cityofconcord.org>; Kotzebue, Margaret <Margaret.Kotzebue@cityofconcord.org>  
Subject: Pot taxes: 'Hella' high compared to booze - East Bay Times story

FYI – Marijuana story in today’s East Bay Times – Valerie asked that I send it to you:

Pot taxes: ‘Hella’ high compared to booze

By Lisa M. Krieger, The Cannifornian  
Posted on Feb 12, 2018

Bummer! For every dollar you spend on cannabis in California, you may have to pay another 35 cents to the government.

The tax man’s grab on ganja proceeds has come into full focus since legal sales started in January, and the sticker shock over the price of pot has filled social media with a mix of outrage and confusion over just what’s driving up the cost of cannabis.

“Weed being hella taxed,” wrote pymt408.
While marijuana taxes stand alone in the world of so-called “sin taxes” because they vary among cities and counties, an analysis by this news organization found the cumulative tax on legal weed is more than triple the tax on wine and beer, which is typically about a dime on the dollar. For cigarettes, on the other hand, the total tax rate is more than 80 percent.

Why are these guilty pleasures — all derived from plants — taxed at such vastly different rates? The answers are entwined in a complicated mix of tax policy, politics, public health and safety aimed to influence each products’ impact on society at the cash register.

In California’s grand experiment with cannabis legalization, finding that perfect “Goldilocks” zone for taxes has fueled the latest debate: Is 35 cents on the dollar too low or too high? If it’s too low, it will drive up use by youth and drive down local governments’ incentive to allow marijuana businesses to operate in their communities. If it’s too high, the whole industry will just stay in the black market — and legalization will fail.

“We were looking at the opportunity with marijuana legalization to create better public policy,” said Tamar Todd of the Drug Policy Alliance, who helped craft Proposition 64, which legalized weed and set taxes.

**Tax vs. consumption**

As tax rates go up, consumption goes down. But — unlike alcohol or tobacco — there’s still a thriving black market in cannabis. So while weed taxes must be high enough to create social change, they can’t risk driving people away to an illegal product.

An analysis of the tax rates of weed, alcohol and tobacco shows how much your bill can vary.

All three purchases incur the same sales tax rate of 7.5 to 9.5 percent, of course.

The big difference is state excise taxes — those special taxes placed on particular commodities in addition to the sales tax:

- Cannabis is taxed at 15 percent.
- Wine, on average, is taxed at about 0.25 percent.
- Beer, on average, is taxed at about 1.5 percent.
- Tobacco, on average, is taxed at more than a whopping 60 percent.

Unlike cannabis, wine, beer and tobacco are taxed at flat rates, not percentages. Wine’s 20 cents a gallon; beer is 20 cents a gallon; tobacco is $2.87 per pack. To compare them with cannabis, we went shopping for each product, then converted the excise taxes for each to percentages on the dollar.
There’s another big variable with marijuana: local taxes.

Cannabis is taxed by local cities and counties at rates of their choosing that generally range from 5 to 10 percent, but may reach 15 percent in places like Monterey County. Alcohol and tobacco don’t have local taxes.

And there’s yet another difference: cultivation taxes. Unlike grapes, hops or tobacco, cannabis is taxed out in the field.

While consumers don’t see it on their bill, farmers are taxed $9.25 per ounce for flower, $2.75 per ounce for leaves and $1.29 per ounce of fresh cannabis plant. And businesses have to pay a tax ranging from one to 20 percent of gross receipts, or $1 to $50 per square foot of marijuana plants. These taxes push up weed’s wholesale price, but it isn’t clear how much that adds to your retail bill.

While weed is illegal on the federal level, marijuana businesses still have to file federal income tax returns. And cannabis growers can’t deduct their expenses from their taxes, unlike alcohol or tobacco farmers. A federal tax code prevents any sort of business write-offs for those dealing with illicit substances. In contrast, mainstream agricultural businesses have many special deductions and sales tax exemptions not allowed for cannabis, ranging from tractors and solar panels to land costs such as fences, roads and wells.

It’s true that cannabis products get a break on federal taxes; there’s no federal excise tax. But federal taxes don’t add much to the price of wine and beer — only about 1.5 percent and 3 percent, respectively. They add about 23 percent to cost of your tobacco product.

**UNDER THE INFLUENCE OF TAXATION**

<table>
<thead>
<tr>
<th>Item</th>
<th>Federal excise tax</th>
<th>State excise tax</th>
<th>Local tax</th>
<th>Total:</th>
<th>+ State and local sales tax</th>
<th>Total:</th>
</tr>
</thead>
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<tr>
<td>Weed (1/4 ounce)</td>
<td>0%</td>
<td>15%</td>
<td>5 - 15%</td>
<td>20 - 30%</td>
<td>7.25 - 9.25%</td>
<td>27.25 - 37.25%</td>
</tr>
<tr>
<td>Cigarettes ($9 pack)</td>
<td>24%</td>
<td>64%</td>
<td>0%</td>
<td>88%</td>
<td>7.25 - 9.25%</td>
<td>95.25 - 97.25%</td>
</tr>
<tr>
<td>Wine ($15 bottle)</td>
<td>1.41%</td>
<td>0.26%</td>
<td>0%</td>
<td>2%</td>
<td>7.25 - 9.25%</td>
<td>8.96 - 10.96%</td>
</tr>
<tr>
<td>Beer ($15 bottle)</td>
<td>4%</td>
<td>1.5%</td>
<td>0%</td>
<td>5.5%</td>
<td>7.25 - 9.25%</td>
<td>12.75 - 14.75%</td>
</tr>
</tbody>
</table>

But those who howl about high cannabis taxes forget that they voted for them. Cannabis taxes were written into the legalization initiative by pro-pot backers.

That’s unlike alcohol and tobacco taxes, which have been fiercely fought by industry lobbyists.
The alcohol industry spent nearly $3 million in California in 2010 on political donations and lobbying, the most recent year that data is available, according to the watchdog group Alcohol Justice.

What it got in return included defeats to major state and local public health proposals.

Big Tobacco also has fought tax hikes on their products, less successfully.

After defeating efforts to raise California’s tobacco tax in 2006 and 2012, the industry lost a fierce campaign by health advocates in 2016 to raise taxes by $2 per pack. Tobacco companies poured in more than $70 million to fight the tax hike. Smoking is the leading cause of preventable death in California.

**How it adds up**

So what’s this all mean to the price of your pot?

If you buy $450 of weed, you could see an additional $112.50 added on to your receipt for the 15 percent state excise tax ($67.50) and 10 percent city tax ($45). That pushes your bill to $562.50.

That’s before state and local sales taxes — 7.25 to 9.25 percent — are calculated. Yes, you’re taxed on taxes.

When totaled, taxes on your product will likely range from 32.25 to 34.25 percent. If you’re in Monterey or another high-tax region, it’s closer to 37 percent.

Depending on where you buy weed, you may not see the state’s excise tax itemized on your receipt. That’s because some dispensaries pass on the whole tax to the consumer, and add it at the bottom of your bill, while others absorb part of the cost.

The architects behind Prop. 64 said they tried to strike a delicate balance, but the early results are frustrating local governments, dispensaries and especially buyers.

“[I would love to see prices come down for the end user,]” said Khalil Moutawakkil of the Santa Cruz-based KindPeoples dispensary. “That is not just a feel good thing. We want to see the success of regulation.”

“Let’s encourage consumers to step into the regulated market — and we can slowly increase taxes over time, without scaring people off.”

Leslye Asera  
Community Relations Manager  
City of Concord  
1950 Parkside Dr./MS 1A
Mr. Torrance,

I am sorry to hear that you are struggling with the impacts of your neighbors’ smoking marijuana. Unfortunately, the City does not have regulations against smoking in a private residence. Therefore, this is a private civil matter between you, your landlord, and your neighbors.

You may consider contacting Bay Area Legal Aid, who provides resources for tenants and landlords. I have attached a flyer for your reference.

Good luck coming up with a solution where all parties are satisfied. Please keep us informed about how this works out.

Always,

Michael P. Cass | Principal Planner: Long-Range & Sustainability Policy
Community & Economic Development Department
City of Concord | Website: www.cityofconcord.org
📞 (925) 671-3332 | ⏯️ Michael.Cass@cityofconcord.org
1950 Parkside Drive, MS/53, Concord, CA 94519-2578

Please take a moment to fill-out our customer satisfaction form [here](#)

Hello Mr. Cass:

My name is Christopher Torrance and I am a resident of the Park Central Apartment complex in Concord. My research on the issue I am about to describe is inconclusive, so I was hoping you could help provide some guidance.

Since January 1, 2018, the residents of an adjacent apartment have been smoking a copious amount of marijuana. As an adjacent apartment, our ventilation systems are connected so every time they smoke, our apartment fills with the noxious smoke. I have a three year old daughter
and my wife is twelve weeks pregnant, so it is clear why their behavior has had a negative
consequence on our health and well-being.

We have spoken to our landlord and even though every resident has signed a no smoking and a
no marijuana addendum, the company's legal team seems to think there is nothing that can be
done to evict the tenants nor curb their behavior. I have not contacted the Concord Police, but I
doubt they can do anything if they are not breaking a criminal law and this is more of a
civil/contract matter.

Are there any laws, rules, or regulations for the City of Concord that would permit us to bring
legal action against these tenants? I have tried contacting them to appeal to their emotions (the
well-being of my daughter and pregnant wife) and to offer alternative solutions (smoking
somewhere else or consuming edibles), but they refuse to answer their door. Right now it
appears as if our only recourse is to move. We would be required to pay three months rent
($3,600 per month) to break the lease and moving expenses which would come to just under
$14,000 total.

It is not my intention to control the behavior of others, but their actions are having a direct,
detrimental effect on our well-being. I am indifferent to a person's decision to imbibe, but I
cannot imagine that it was the intention of the voters in California to prohibit people who do not
smoke marijuana from the peaceful enjoyment of their dwelling.

Please help my family and me return to some semblance of a normal life that does require a
$14,000 penalty.

Truly,

Christopher M. Torrance
torrance.chris@gmail.com
(312) 218-9610
Hi Michael,

I am a commercial property owner in Concord, I attended last week's cannabis legislation workshop. Although I unfortunately missed the presentation, I was very interested in the breakout sessions and what I gleaned from the meeting. I think you're taking a wonderful, methodical approach that bodes well for whatever plan comes in place.

I wanted to add some input that I'd like your planners to consider.

One of the best reasons in my mind for having a legal pathway to cannabis in Concord, beyond the economic incentives, is that the state's seed-to-sale controls will provide disincentives to street dealers; what I call "black market" cannabis.

One of the problems I'm seeing arise in the activation of cannabis legislation in Colorado is the taxes attached to legal cannabis sales. The hefty taxes Colorado are so large that they've actually increased the street price for black market cannabis. Prior to Colorado's law, an ounce of cannabis on the street might have been, for example, $300. But if the taxes on legal cannabis make the going rate for it upwards of $500, then it not only promotes street dealers to continue selling, they now can increase their prices to $400 an ounce and undercut legal retailers. This actually creates MORE of an incentive to cultivate and sell on the black market, not less.

I believe that we absolutely should and need to add city taxes to the sales, but the price should be set with a mind toward keeping the prices low enough that rogue growers and sellers are pushed out of the business, not farther in.

To that point, Berkeley just announced it was halving its tax on cannabis in order to make it more competitive with surrounding cities. We need to keep this in mind; there is a limit to how much we can add without doing more harm than good. Being intimately aware of the current economics of non-legal cannabis should be very much on our minds as we develop a plan for legal sales.

Our taxes should be present, for sure, but they need to be reasonable enough to reap the benefits of the intent of Prop 64. If all we're doing is creating a more lucrative market for those who don't go through legal channels, it defeats one of the the law's most compelling purposes.

I look forward to attending more workshops on this matter.

Thanks,

Edith Alderette
Hi Michael, Laura and Andrea. Thank you for sending this out and for hosting the public meeting last Monday. I forgot to sign-in on the sheet, I hope it's noted that I was there :)

I am writing today to see what we can do to speed up the non-storefront & storefront retail regulations, so that the Council can vote on that at the same time as the other phase 1 land uses (testing, manufacturing distribution). As you may have heard, the medical cannabis community in Contra Costa County has been cutoff from medicines since Jan 1 2018. Although the goal for those who voted for Prop 64 was to gain access to cannabis, the exact opposite has happened. We have a case of unintended consequences. Access to cannabis medicine has been severely restricted due to local municipalities introducing bans as they sort through permanent regulations. Many product manufacturers either are delayed in their local/state licenses, banned from the cities they were operating in or were using suppliers that can no longer provide plant material. This has resulted in many products no longer being legally available and a shortage of legal products at stores. Companies like The Agathist and others are no longer able to deliver medicines to their senior client base. I have heard many recent stories of our senior population being forced to drive into Oakland/Berkeley, waiting in line for 30 minutes plus, only to find that the dispensary is out of stock on the medicine they require- many stores are now focused on adult-use cannabis products. Just between Octavia & The Agathist, there are 1400+ patients now scrambling to get access to cannabis medicines they rely on to sustain their daily lives. Everyday, we field calls from scared seniors that are worried about where they can get their medicines. We are at a critical point in Contra Costa County.

As you know, I have been working with Martinez as they developed their regulations for storefront retail. Majority of the restrictions are actually in a separate document called 'The Police Chief Regulations'. The Martinez Chief of Police worked with their consultant to draft regulations. I believe them to be reasonable, provide for public safety and allow for a law abiding retail operator to provide the products required by our community. If we use these regulations as our starting point, I think we'll quickly find that not a lot of effort is needed to bring a reasonable regulation proposal to Council. I will commit whatever time and effort is needed to help fix this situation. This is not hyperbole or an over dramatization, the situation is desperate for many of our most vulnerable citizens.

Could I meet with the team working on the retail regulations and share what we have settled on in Martinez? What else can I do to help move this forward so retail can be considered with the other items? I want to be a part of fixing the situation. I have also added Tim & Rebecca (The Agathist) if they have comments on the current market & product access.

Thank you again for all your efforts Michael, Laura and Andrea. Please let me know anything & everything I can do to assist.

I will leave you with a quote that often guides & inspires me, I hope it does the same for you: "There is never a wrong time to do what is right".
Actually, I was just venting to you, Mr. Cass. I am upset that the council members are going against their survey results, the election results, and the will of the majority of their constituents who have made clear what we want. I don't think the council members are well enough educated about cannabis, and their hubris over-ruling the people of our city is troublesome. I plan to contact planning commission and council members about my concerns about discrimination against low income people.

Have you seen this movie, streaming free on youtube? It helps viewers understand the endocannabinoid system in mammals, helps us understand the economic and emotional reasons behind outlawing cannabis, and more. 
https://www.youtube.com/watch?v=E96vow07OJc

Enjoy!

Wendy Hershey

On Thu, Feb 22, 2018 at 9:09 AM, Cass, Michael <Michael.Cass@cityofconcord.org> wrote:

Ms. Hershey,

Thank you for your comments. They will be provided to the Planning Commission and City Council.

Michael P. Cass | Principal Planner: Long-Range & Sustainability Policy
Community & Economic Development Department

City of Concord | Website: www.cityofconcord.org

☎️ (925) 671-3332 | ✉️ Michael.Cass@cityofconcord.org

1950 Parkside Drive, MS/53, Concord, CA 94519-2578
From: Wendy Hershey [mailto:cocoswendy@gmail.com]
Sent: Thursday, February 22, 2018 9:06 AM
To: Cass, Michael
Subject: Re: Cannabis Workshop Materials

Thanks, Michael.

I've been thinking about the restriction on outdoor cultivation for personal use.

Indoor growing requires a lot of equipment - below is a link to one of the least expensive packages of necessary materials. Also maybe $30 of electricity costs per month.

It costs money for home delivery or to drive or take BART to an Oakland or Berkeley dispensary, and indoor cultivation is almost a thousand times more costly than outdoor.

Concord City Council is effectively discriminating against people of low income.

Here is the link to the grow kit: http://growace.com/grow-packages/4x4ft-hid-soil-complete-indoor-grow-tent-system.html

Last week a friend of mine had a double mastectomy due to an aggressive breast cancer that she found less than a month ago. At John Muir hospital she was given pain killers after the surgery. These caused her so much nausea that she could not rest, let alone sleep or eat. When she got home the past Friday, she started using 3 drops of cannabis tincture, the product in this
photo, and her pain and nausea ended.
Pedro,

I would like you to consider including 1009 Shary Circle in the cannabis overlay zone. Initially it was not included with the rest of Shary Circle due to its proximity to Ygnacio Valley Elementary School. I have attached a map and some photographs showing the school is actually 1 mile by road to 1009 Shary. In addition, there is a storm drain canal approximately 12 feet deep with six foot cyclone fences on each side of the canal between 1009 Shary and the school. The back of the school is also fenced.

My mother Mildred Rein is the owner of the building. 
Can you let me know what the process is for including 1009 Shary in the cannabis overlay zone? 
Please let me know if you need additional information.

Also is there anything we need or can do to prepare our building at 4055 Nelson Avenue for this new zoning?

Thanks,

Brian Rein, COO
JCM Partners, LLC
925 284-1100
Hello! I have never written in support of anything before but this issue is dire. The natural rewards of the cannabis plant are numerous and the best part non pharmaceutical! I was caught up in the pharmaceutical epidemic and barely lived. The natural pain relieving benefits of CBD are nothing more than a gift from God. Please help us not to have to resort to pills! I know the people voted in support of this issue, please stand with us! Stand up strong and vote YES for all!!

Stephanie Brophy
This e-mail is being shared with all Councilmembers

An article of interest:

https://www.californiacitynews.org/2018/02/berkeley-lowers-its-pot-tax.html?utm_source=California+City+News&utm_campaign=9d29b83ec0-City_Feb_27_2018&utm_medium=email&utm_term=0_093e2b3f3b-9d29b83ec0-126179777&mc_cid=9d29b83ec0&mc_eid=a190411d05

Valerie Barone, City Manager
City of Concord | Website: www.cityofconcord.org
📞 (925) 671-3150 | ✉️ valerie.barone@cityofconcord.org
1950 Parkside Drive, MS/01, Concord, CA  94519
Michael and Laura,

Thank you for arranging to meet with me today. I know you both are very busy with several time-consuming issues.

I appreciated the opportunity to provide feedback to you about the city of Concord’s efforts to establish a direction on this controversial issue. As you know, I have spoken to the City Council and Planning Commission last year in opposition to expanded commercial marijuana production and sales in Concord.

We discussed my concerns about the policy development process, and specifically the lack of information and communication leading up to the 2/12 workshop, including the origins of the draft Cannabis Overlay Map. In retrospect, if we had more than just one workshop date, the lack of information in advance of the first meeting would not have been such a problem for me. The fact that only one workshop date was offered and meeting materials were withheld from the public in advance of that single meeting meant interested parties like me could not review materials or do any advance investigation or offer input in absentia.

I appreciated your explanation of the "overlay" and the flexibility it provides the city by allowing limited (1 year) permits and approvals. Although I oppose expansion of marijuana commercial activity on principle (it is bad for public health), I am happy to hear this overlay approach allows the city the ability to revoke licensing for businesses which prove to be a public nuisance and/or a source for criminal activity.

I also shared my concerns regarding the minimal buffer distance applied to the map and the limited triggers for the buffer (e.g. why are we only buffering amusement parks and not all parks?). I was happy to hear these buffer parameters for the Manufacturing, Testing, and Distribution overlay map are not automatically transferred to the retail map to be considered later this year.

Although I oppose increased commercial marijuana activity in general, I am particularly concerned about retail storefronts being allowed in our city neighborhoods and retail strip malls. I shared the letter dated 6/5/2017 from Chief Swanger to City Manager Valerie Barone which indicated the Chief’s preference for retail cannabis locations such as Bel Air Shopping Center, Terminal Center, or Park and Shop Center. I was happy to hear you say these locations are not specifically on your planning radar screen, but I think you understand why such a letter would get me off my recliner and down to city hall to object.

As this process progresses, I would like to offer the following suggestions:  
1) If materials for a workshop cannot be provided online well in advance, it would be best to have two workshops so information can be reviewed before attending at least one workshop.  
2) Better public outreach/communications for these workshops (e.g. posting the event on the city website calendar, announcing on Nextdoor, etc.)  
3) More current information about the actions taken to ban or allow marijuana commercial activities in other central and eastern county cities (Lafayette, Orinda, Walnut Creek, Danville, San Ramon, Martinez, Pleasant Hill, Pittsburg, Antioch, Clayton, and Contra Costa County).  
4) When we discuss retail storefronts, please consider providing more than one map showing the effect of different buffer distances and triggers. As I mentioned to you, even very marijuana friendly cities like Los Angeles and San Francisco have buffer distances significantly greater
than the minimum 600 feet included in the map presented at the 2/12 meeting. Many jurisdictions also apply their ABC residential buffers to marijuana locations (makes sense).

I will continue to follow this issue closely and attend as many meetings as I can. Please let me know if I missed or mis-stated any pertinent facts from our meeting.

I do greatly respect your efforts and the challenges involved in trying to be fair to all sides of these controversial issues.

Thanks!!! Mike McDermott E-Mail: MTMCDER@PACBELL.NET Cell: 925-451-1072
Dear Planning Commission;

This email is to voice the feelings of a resident of Concord in opposition to the introduction of marijuana retail locations in our town. In Concord we need many things but the proliferation and sale of another intoxicant is not one of them. We desire to have strong families in this city. The use of marijuana impedes our ability to think clearly, act competently, work effectively, feel deeply or enjoy life. It is not recreational - it is numbing.

Aside from making money how will this benefit Concord? Will crime go down? Will we be healthier? Will we do better in school? Will people be more employable? Will our families be stronger?

Indeed, aside from feeding the avarice of the participants what is the benefit?

Please do not allow this.

Regards,

Anthony P, Damiano
Concord, CA
I have a concern that I feel is extremely important for all of us living in Concord. I have become aware that Concord is in the planning stages of allowing the manufacturing of marijuana products, (baked goods, etc.) and retail stores for recreational marijuana. There are many people that are "gung ho" to get Concord to allow this because they want to own these companies/stores. There is a lot of money involved with these businesses and these folks obviously aren't concerned about the heart ache and tragedy that will be caused to individuals and families.

I have friends from Colorado, and since the legalization of marijuana, the theft in their little hometown has skyrocketed. In the past, people never locked their homes. Her dad even kept his wallet and car keys in his truck which was parked outside every night. Not any more! There is a neighboring community with THREE marijuana retail stores - the town only has a population of 600! So many young people have resorted to theft because smoking weed is an expensive habit. My hometown only has 900 people and everybody knows everybody, everybody talks, and they all know who the thieves are and what they are using it for.

I also have friends that have left their homes up North because of the legalization of Marijuana. It is tragic. The cities are dependent on the money, but crime is up. The air stinks and land is being ruined.

I was recently at a park in San Francisco. I could not stay with my children for more than five minutes. The air smelled and we could not breathe!

I knew many in high school that started with marijuana and moved on to many other drugs. I know people who became addicted to marijuana and lost all interest in life and had no motivation. In Pueblo, CO that had anonymously interviewed students and 45% had used marijuana in the past month. When asked about the revenues promised to the school district after legalization in CO the superintendent of the Cherry Creek School District in Denver said, "The only thing marijuana has brought to our schools is marijuana". I don't want this for the high school students here in Concord. If it is sold here it will be much too easy to get.

I think it is ironic that Concord's mission statement is: "Our mission is to join with our community to make Concord a city of the highest quality". I'm wondering how the manufacturing and sales of marijuana contributes to that!

Thanks for reading all of this. Please save Concord!!!

Elizabeth Leal
47 Ceemar Court
Concord, CA
From: Lanette Hopkins [mailto:lanettehopkins@gmail.com]
Sent: Thursday, March 01, 2018 5:40 AM
To: Cityinfo; cannihas@cityofconcord.org
Cc: Simpson, Laura; Cass, Michael
Subject: Cannabis in Concord - please forward to all City officials

Please put me on the cannabis planning mailing list.

I have just been made aware of the proposal to bring the manufacture and sale of cannabis to Concord. I have been a resident of Concord for over 30 years. My husband and I have raised our children here and now our grandchildren are growing up in Concord.

I trust our leaders are interested in doing everything they can to continue to make Concord a safe, happy place to live. I do not wish to enter the debate about marijuana legalization but I do want to state my strong objection to allowing the manufacture and sale of marijuana in Concord. It will do nothing to improve the quality of the lives of Concord families.

Your first question should always be, “how can we make Concord a better, safer place to live.” Please take revenue out of the conversation and think about the safety and well-being of our citizens. I love Concord, it is my home, please protect it.

Sincerely,
Lanette Hopkins

Sent from my iPhone
Further to my earlier email, below, here are my relevant personal information for your information:
- My name is: Mohamed Z Khlafallah
- Resident of the neighborhood of Turtle Creek for 41 years, since 1977.
- Our son went to Mountain View elementary, El dorado middle school and De la Salle high school

On Mar 3, 2018, at 11:56 AM, Mohamed Khlafallah <khlafallah@astound.net> wrote:

To Concord City Council members:

Please vote against any proposal or amendment to current status as relates to growing, manufacture, distribution or display of marijuana plants or products in the city of Concord. As a long time resident and voter of Concord I strongly oppose any expansion to the current rules and I urge you to vote NO.

Mohamed Z. Khlafallah
Concord resident and voter
Dear Planning Commission members,

Thank you for doing your part in making Concord a good city to live in. I really hope with all my heart that you will continue to keep Concord a family oriented city and not let it go to pot.

They, starting with the state of California and all the other states that legalized it, want to make sure they destroy our young generation and keep people high so they can be easily controlled into the liberal, 'progressive' mentality. And if you think for a minute 'progressive' is good, think again. Growing up in communist Romania, I lived through the worse of the beauty of communism and trust me, it's not a society you'd want to live in. This 'progressive' movement is nothing more than communism under a different name. And BTW, if you think the homeless population in Concord is bad now (which BTW, a lot of those people started with smoking pot and moved on to the harder stuff but of course that truth is not politically correct so nobody wants to admit it), wonder how legalizing pot will contribute to the problem? Another reason I'm opposed to it is because it will bring more crime. And if you think it won't, think again. Maybe not from the people buying it but certainly from the ones that will want to rob people of their weed. And all that's going to do is get however is going there to buy the legal pot robbed and hurt (with whatever other collateral damage). I assure you that the regular potheads that already have a source of where they get their weed, they won't want to pay almost double for it to get legally. It will be the citizens that don't have a street connection that will buy it legally. Please, don't let this happen to Concord!

Sincerely,
Raul
Attention staff! Please forward this email to all members of the Planning Commission as listed:

- Chair Jason Laub
- Vice Chair Ray Barbour
- Commissioner Dominic Aliano
- Commissioner John Mercurio
- Commissioner Mark Weinmann

I am vehemently opposed to having retail centers for sale of marijuana in Concord. I have two main reasons for my concern. I work with patients who are suffering from some form of cognitive impairment, which is so very tragic. To make this substance that has the known potential for causing cognitive decline and actually lowers the IQ of young users available for recreational use and sold in neighborhoods where families live is irresponsible and pretty outrageous. I have a good friend who is from Colorado, and she tells me of the higher crime rates in neighborhoods where marijuana is sold and that the suspected criminals who are trying to support their habit "hang around" the area, making that area unsafe for others. This, of course, results in having an exodus of the kind of businesses we would like to have in our neighborhoods.

In summary:

- marijuana retail centers for recreational "weed" support a habit that potentially causes mental illness, cognitive decline and lower IQ among youth
- marijuana sales for recreational use brings crime to neighborhoods, lowers property values and drives other businesses out of the area

This is one website that details some of the known harmful effects of long term use of marijuana:
https://www.therecoveryvillage.com/marijuana-addiction/side-effects/

Please do not allow this to happen to Concord!

Jeanne Barta, D.C.
Chiropractic, Nutrition, and Energy Medicine
(925)682-4941
Please forward this email to all members of the Concord Planning Commission listed below for the March 7 agenda.

Chair Jason Laub
Vice Chair Ray Barbour
Commissioner Dominic Aliano
Commissioner John Mercurio
Commissioner Mark Weinmann

Dear Commissioners:

I strongly urge you to oppose legalizing marijuana sales in our community. This would be a misguided venture that will unquestionably result in a drastic deterioration of our quality of life. Supporters are predominantly potential owners of marijuana dispensaries, seeking to gain huge profits if these businesses are allowed. This short-sighted approach ignores the enormous negative impact of promoting a dangerous psychoactive drug that has a profound effect on mental processes. If you need evidence of the tremendous harm this proposal will cause, look at Colorado. Since the legalization of marijuana, Colorado traffic fatalities involving marijuana have surged significantly and thefts by youths in neighborhoods surrounding marijuana dispensaries have skyrocketed because smoking weed is an expensive habit.

Concord's mission statement is: "Our mission is to join with our community to make Concord a city of the highest quality." Please live up to this standard by refusing to follow in Colorado’s disastrous footsteps.

Respectfully,

Kurtis Kearl
5183 Brookside Ln.
Concord
From: LISA HANSEN <lisadhansen@icloud.com>
Date: March 4, 2018 at 10:28:35 PM PST
To: <CityInfo@cityofconcord.org>
Cc: <Laura.Simpson@cityofconcord.org>
Subject: STOP the manufacturing & retail sales of recreational marijuana-PLEASE FORWARD TO ALL MEMBERS OF THE CONCORD PLANNING COMMISSION FOR THE MARCH 7th AGENDA

My name is Lisa Hansen. I live in the Springwood Development area in Concord. We have lived in Concord for 33 years and have raised 4 daughters. They all attended Silverwood Elementary School, Pinehollow Middle School and graduated from Clayton Valley High School. My daughter’s family lives in Concord with two of my grandsons. We have loved living in Concord because it was a great place to raise our family. My girls were involved in swim team and high school sports and we were very active in many church activities. My husband has been very involved in scouting and has helped many young men achieve the rank of Eagle Scout. I am very concerned about marijuana being sold and raised in our city. The first goal listed in ‘The City of Concord Corporate Goals’ is: Continue to make Concord a desirable place to live, work, and raise a family. How does it help our children, the safety of our roadways, the crime, and safety of our neighborhoods? I have seen what marijuana does to young people’s minds. They get complacent, unmotivated and addicted to a drug that can ruin their life. People who need it for medicinal purposes can get it elsewhere. The last thing we need is people spending money on drugs that alter their minds. I have worked as a nurse for over 35 years and know that this is bad for our community. Please don’t let the idea of increased revenue for our city be the deciding factor in this issue.

A concerned citizen,
Lisa Hansen

Please forward this email to members of the planning commission:
Chair Jason Laub
Vice Chair Ray Barbour
Commissioner Dominic Aliano
Commissioner John Mercurio
Commissioner Mark Weizmann

Sent from my iPad
From: Steve Leininger <steve@twdadvisors.com>
Date: March 4, 2018 at 7:17:17 PM PST
To: "CityInfo@cityofconcord.org" <CityInfo@cityofconcord.org>
Cc: "laura.simpson@cityofconcord.org" <laura.simpson@cityofconcord.org>
Subject: Please

Please forward my email to all members of the Concord Planning Commission and City Council for the March 7 agenda:
Chief Jason Laub, Vice Chair Ray Barbour, Commissioner Dominic Aliano, Commissioner John Mercurio, and Commissioner Mark Weinmann

To All,

I would like to make known my very strong disagreement with the creation of retail outlets for recreational marijuana. This is an insane proposal. It will do nothing but increase crime and the corruption of our youth. All to line the pockets of a few "enterprising" individuals that talk loud and have slick campaign slogans. This would do nothing to add to the quality of our city. We will be known as a joke for taking the bait of easy money and good times.

The rest of us who raise our children and our grandchildren here have to pick up the pieces of broken lives due to the easy access of pot in all of its many forms. At times politicians can be so caught up in the sophistry of the day they forget to actually consider the consequences of their actions. I believe even entertaining such an idea is an example of that. Don't be persuaded by money grubbers.

My wife, Marilyn Leininger, and I strongly oppose this boondoggle. If you go ahead with this, the average citizen in Concord will abandon this city. Faith groups will want nothing to do with such a misguided approach. We beg you to think with a long term view for the betterment of Concord – a city I have lived in for 30 years.

Kindest Regards,

Steve Leininger
1116 Glenwillow Lane
Concord, CA 94521

Steven E. Leininger, CPA/PFS

Thomas Wirig Doll
165 Lennon Lane, Suite 200
Walnut Creek, CA 94598

Click here to check out my blog!
To All Members of the Concord Planning Commission,

My name is David Zarri. I'm a longtime resident - 1536 Lucky Dr. having lived in the city for over 40 years. My family and friends are active in various church groups and community activities, and care deeply about keeping Concord family friendly.

I'm very concerned about the Cannabis agenda:

- Why are we using only 600 foot buffers? That is the bare minimum required by law. Most marijuana friendly cities are using much larger buffer zones, and buffer all public parks, not just “amusement parks”

- The map shows 4 locations for this drug manufacturing testing and distribution. Why would we place this dangerous, cash-only business next to Costco, or over by Waterworld and Willows? Or right behind residential neighborhoods next to Solano Way? The only place this should even be considered is the industrial district North of Highway 4.

Planning Commission, please ask staff to come back with a couple more alternative maps which show larger buffer zones more consistent with other cities in the area and in the state.

- Most people are certainly willing to allow medical marijuana use by cancer patients or others with serious illnesses, but that is NOT what is up for discussion at this meeting. The city has already legalized home delivery to seriously ill people. At this meeting we will decide whether Concord allows businesses producing and selling recreational marijuana, most of which will be sold in the form of dangerous smoking products.

- According to the National Institute of Mental Health: "Marijuana use can lead to the development of problem use, known as a marijuana use disorder, which takes the form of addiction in severe cases. Recent data suggest that 30 percent of those who use marijuana may have some degree of marijuana use disorder. People who begin using marijuana before the age of 18 are four to seven times more likely to develop a marijuana use disorder than adults."
Long term brain damage:
Habitual marijuana use correlates to lower IQ and less grey matter in frontal cortex:

Suicide, Paranoia and Brain Changes all linked to Pot:

Teenagers who start smoking pot daily before the age of 17 are seven times more likely to commit suicide, and 60% less likely to finish high school.
Even those who only smoke a few times a week have significant brain abnormalities in the areas that control emotion and motivation. “There is this general perspective out there that using marijuana recreationally is not a problem — that it is a safe drug,” Anne Blood, an assistant professor at Harvard Medical School and a co-author of the study, told Time.com. “We are seeing that this is not the case.”

Addictive Potential of Marijuana
A drug is addicting if it causes compulsive, often uncontrollable drug craving, seeking, and use, even in the face of negative health and social consequences. Marijuana meets this criterion. More than 120,000 people enter treatment per year for their primary marijuana addiction. In addition, animal studies suggest marijuana causes physical dependence, and some people report withdrawal symptoms.

Effects of Heavy Marijuana Use on Learning and Social Behavior
A study of college students has shown that critical skills related to attention, memory, and learning are impaired among people who use marijuana heavily, even after discontinuing its use for at least 24 hours. Researchers compared 65 "heavy users," who had smoked marijuana a median of 29 of the past 30 days, and 64 "light users," who had smoked a median of 1 of the past 30 days. After a closely monitored 19- to 24-hour period of abstinence from marijuana and other illicit drugs and alcohol, the undergraduates were given several standard tests measuring aspects of attention, memory, and learning. Compared to the light users, heavy marijuana users made more errors and had more difficulty sustaining attention, shifting attention to meet the demands of changes in the environment, and in registering, processing, and using information. These findings suggest that the greater impairment among heavy users is likely due to an alteration of brain activity produced by marijuana.

- From American Lung Association website – marijuana contains cancer causing chemicals and does other bad things to the lungs:

From American Lung Association website – Decide for yourself……
**Tobacco vs. Marijuana**

“Like tobacco smoke, marijuana smoke contains cancer-causing chemicals. There are 33 cancer-causing chemicals contained in marijuana. Marijuana smoke also deposits tar into the lungs. In fact, when equal amounts of marijuana and tobacco are smoked, marijuana deposits four times as much tar into the lungs. This is because marijuana joints are un-filtered and often more deeply inhaled than cigarettes.”

“Marijuana smoke is also an irritant to the lungs, and frequent marijuana smokers can have many of the same respiratory problems experienced by people who smoke tobacco. These include coughing and phlegm production on most days, wheezing, bronchitis, and greater risk of lung infection.”

Someone who smokes marijuana regularly may have many of the same respiratory problems as tobacco smokers. These individuals may have daily cough and phlegm, symptoms of chronic bronchitis, and more frequent chest colds. Continuing to smoke marijuana can lead to abnormal functioning of lung tissue injured or destroyed by marijuana smoke.

Regardless of the THC content, the amount of tar inhaled by marijuana smokers and the level of carbon monoxide absorbed are three to five times greater than among tobacco smokers. This may be due to the marijuana users' inhaling more deeply and holding the smoke in the lungs and because marijuana smoke is unfiltered.

- Prop 64 is not the first bad idea that has passed in California. Money works in elections. In spite of objections from most reputable health and law enforcement organizations in California prop 64 passed by a wide margin because the proponents outspent opponents 10:1. Thankfully, Prop 64 does allow individual cites freedom to decide whether or not to allow storefront retail sales of marijuana in residential neighborhoods. Keeping pot shops out of our struggling strip malls in Concord is a battle worth fighting for. I don’t want more crime, and vagrancy in my neighborhood

- There are a lot of drugs on the market that have some beneficial effects but also have serious side effects. That is why we require doctor’s prescriptions and have pharmacies where strict controls exist. That is where legal marijuana belongs: In the pharmacy managed under typical medical protocols so the well documented negative effects can be minimized.

- This is not about medical marijuana pills, creams, or inhalers. Those meds are already available legally to them through home delivery! This push for commercial and retail storefronts is about $$$ from recreational marijuana smoking and manufacturing of THC-laced cookies and candy.
Please seriously consider these concerns for the future of our special city.

Most Sincerely,

David Zarri
1536 Lucky Dr.
Concord, CA 94519
From: Email [mailto:galeshtlist@yahoo.com]
Sent: Monday, March 05, 2018 11:09 PM
To: Cityinfo <Cityinfo@cityofconcord.org>
Subject: Marijuana in Concord

Please forward this message to all the members of the city planning commission.

I strongly urge you to reject any plans to manufacture or distribute marijuana products in the city of Concord. I believe that the negative impact of bringing this business into our city will far outweigh any benefits.

I ask you as a long time citizen of Concord and a public school teacher to reject any proposal to bring the production and sales of marijuana into our city.

I ask you to consider if you would like this business in your neighborhood. Think of the message that you will be sending to the children in our city and make the decision to keep Concord family friendly.

Respectfully yours,
Gale Westover

Sent from my iPhone
This e-mail is being shared with all Planning Commissioners

Commissioner Weinmann,

Thank you for your email in advance of the Planning Commission meeting. The proposed definitions mirror State law and are included in the Municipal Code and not the Development Code and are therefore not subject to the Planning Commission’s review. However, per your request, below please find the notable proposed definitions (that the Council will review) for your reference:

- **Cannabis business or commercial activity** means a business, enterprise, collective or cooperative engaged in commercial cannabis activity, including, but not limited to, planting cultivation, harvesting, transporting, manufacturing, compounding, converting, processing, preparing, storing, packaging, distributing, researching, testing, providing, or selling wholesale and/or retail sales of cannabis. A cannabis business includes any facility, building, structure or location, expressly including dispensaries and deliveries, and shall expressly include those commercial cannabis activities authorized and/or licensed by state law.

- **Distributor** means the cannabis business that involves the procurement, sale and transport of cannabis and cannabis products between state licensees, as that term is defined by Business and Professions Code Section 26001(r), or any successor statute thereto.

- **Manufacture** means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product, as that term is defined by California Business and Professions Code Section 26001(ag), or any successor statute thereto.

- **Testing laboratory** means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products and is accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity and is also licensed by the Bureau of Cannabis Control, as that term is defined by California Business and Professions Code Section 26001(at), or any successor statute thereto. Testing laboratory activity or uses may also include research and development of cannabis and cannabis products for scientific purposes.

Please let me know if you have further questions.

Thank you.

Michael P. Cass | Principal Planner: Long-Range & Sustainability Policy
Community & Economic Development Department
City of Concord | Website: [www.cityofconcord.org](http://www.cityofconcord.org)
From: Mark Weinmann  
Sent: Monday, March 05, 2018 8:59 PM  
To: Cass, Michael  
Cc: Simpson, Laura  
Subject: Cannabis Development Code Changes - Question

Michael,

In reviewing the materials for our consideration of the Cannabis Overlay District additions to the Development Code, the proposed changes to section 18.20 General Terms includes references to the different types businesses (ex. Cannabis Manufacturing – A) that will be defined in Chapter 5.80.020. However, I see no changes to that section that would include those definitions. I’m very interested in how these businesses will be defined and would think we’d need to understand that to assess the code change.

Can you let me know what the plans are for these definitions and when they will come before the Commission or Council for review?

Thanks,

Mark Weinmann  
Planning Commissioner
From: Mary [mailto:mmaruri@sbcglobal.net]
Sent: Sunday, March 04, 2018 8:23 AM
To: Cityinfo <Cityinfo@cityofconcord.org>
Subject: Canibus Sales in Concord

As long time residents of Concord we are opposed to having retail stores selling canibus in Concord neighborhoods. As a compromise I would like to suggest that they be located in industrial areas if necessary to sell in Concord at all. Please consider this option at your next meeting.
Mary Maruri

Sent from my iPhone
Hello, this email is on behalf of myself and my husband, Michael, and Misty Muhlestein, my address is 2345 hess rd. Concord ca. 94521

My husband has lived in concord for his entire 35 year life, I have lived here for the past 14 years, and our children are 3rd generation concord residents, with cousins, aunts, uncles, and grandparents all being native concord residents.

Michael and I have six children, and we planned to continue raising them here in concord, as long as concord stays the same family friendly community that we love.

We are sending this email with a hope that we can ask the planning commision #1 to choose and more industrial area of comcord or #2 if they can come up with an alternative map, with buffers more consistent with what other cities are considering or currently doing.

While marijuana production and distribution may now be legal, it still attracts a certain undesired demographic, and crime, that is not worth the potential monetary gains, and negative impact on the city.

Please consider the family residents of this city.

Thank you! Michael and Misty Muhlestein
From: Debbie Berrett [mailto:wordsculpt@hotmail.com]
Sent: Wednesday, March 07, 2018 3:08 AM
To: Cityinfo <Cityinfo@cityofconcord.org>
Cc: Laura.Simpson@cityfconcord.org
Subject: Please forward immediately to all members of the Concord Planning Commission for the March 7, 2018 Agenda
Importance: High

Dear Planning Commission Member,

My parents built their first home in Concord in 1953. I was 2. Most of my first family has lived in Concord ever since. We outgrew that first house on Altura Drive, where they had kindly moved the library to a block from home, sparing me my 3 or 4 trips a week to what is now Todos Santos Park where the original library was. In 1963–1964, we built the home where I’m now living, in the Clayton Valley area. It was a walnut orchard then.

I attended Wren Avenue Elementary, Glenbrook and El Dorado Intermediate, then was in the charter class graduating from Pine Hollow Intermediate, going on to graduate from Clayton Valley High School. My siblings also attended Wren Avenue and Ayers Elementary, Pine Hollow, and CVHS. My own children attended Highlands Elementary, Pine Hollow, and my oldest attended CVHS before my work took me to Silicon Valley.

As a kid, I worked in two of the school cafeterias, played in the district honor band 2 years, and worked 4 years in the student affairs office at CVHS. I helped with summer activities at Wren Avenue, and faithfully attended summer school each summer, so I could take classes I wanted to take. Thank you MDUSD! As an adult, I am involved with community organizations, and enjoy volunteering at the food bank when I can. Mom worked in one of the school cafeterias for several years and for about 20 years at Mt. Diablo Hospital, now John Muir Concord.

Three of my five siblings live within one mile of my home, and one is near Buchanan Field. Several of my nieces and nephews also live in Concord with their families. Two of my sisters currently work for MDUSD, and another retired from the district to take care of her husband as he was dying of cancer.
With this long history here, I am gravely concerned about the manufacturing and retail sales of recreational marijuana in Concord. I don’t want Concord to become like San José. In my 4 years in San José, I never felt safe. I moved home to Concord last year from there—I’d been living in a “nice” area across the street from Evergreen High School, and all sorts of contraband was both sold and used openly on the other side of the street, which backed on the HS playing fields. In the summer months, with no air conditioning, the stench literally made me ill. The windows had to be open, or the bedrooms got to 90°+ and didn’t cool off. The house was broken into less than a month after I had moved in. I don’t want Concord, the city I consider my home town, to go down that path.

Now I’m home in Concord, but the feeling of the neighborhood is changing. We have 6 speed bumps on the street now, between Ayers Road and Kirker Pass. They slowed traffic when they were first installed about 18± years ago; but now, great big, jacked-up trucks fly over them as if they weren’t there, typically at well above the 25-mph speed limit. The drivers know the street isn’t patrolled. There are a lot of children on this street and its side streets. They can’t play here the way we did when we were young. It's no longer safe.

If individuals licensed for medical marijuana use-and-production decide to sell their surplus, that will increase the traffic on this street, and you can bet that some of those buyers will be in less than a fully sober state when they come shopping. It’s bad enough that we already have drunk drivers coming through at high speeds and damaging property and vehicles—no people yet that I’m aware of, but I work a lot, and don’t hear everything.

Additionally, I have been studying neurobiology for the past few years, and regardless of all the reports that marijuana is “harmless,” the researchers, psychologists, psychiatrists, and doctors I’ve been studying talk about the patients and research participants who struggle with the effects marijuana has in their lives, and the difficulty of getting clean. Frankly, I have been very surprised at the number of researchers discussing this issue. Of course, this is not the sort of research the marijuana proponents are reading.

One of my neighbors is obviously “growing his own” and appears to have been doing so for a very long time. Since I’ve been back (Feb 2017), lean-tos have appeared during the summer months (they didn’t during the previous 4 years). Black lights are obvious at night, and spotlights have been mounted pointing toward the inside of the house at the windows on the shady side of the house. I believe the man is on permanent disability, and probably has a medicinal license. However, last summer, suddenly the house underwent a lot of remodeling. It had been status quo for decades until then. In my experience, disability does not provide any surplus of money to work with; it’s subsistence with very tight budgeting for most.
This raises a lot of questions in my mind:

- When the marijuana bill got onto the ballot last year, did my neighbor decide to go commercial?
- How many others do we have producing on this street?
- How much more traffic would be coming through here if manufacture and selling is allowed? We already have more than twice the number of vehicles regularly parked on the street than we had growing up here. All the vehicles fit in the garages and driveways back then.
- How do we protect the children: from both the traffic, and exposure to the drugs themselves via second-hand pot smoke? Or even being encouraged to join the smokers from a very young age? I’ve seen parents give beer to 5-year-olds. Do you think those same parents would hesitate to share a little marijuana? (And laugh at the child’s subsequent antics under the influence?) How would that impact the children’s behavior and ability to learn at school? And who will pay for the children’s rehabilitation later?
- Who will pay for the extra wear-and-tear on the street?
- How many of these private growers would still be under the radar, and invisible to the City, County, State, and other regulatory entities?
- What non-marijuana retailer wants a marijuana store next to their store? I wouldn’t.
- What landlord wants the associated risks of renting to marijuana retailers? For example, increased risk of fire… I wouldn’t.
- Who wants the increased potential for break-ins? I wouldn’t.
- Who wants to shop where marijuana is being sold next door to fresh vegetables, fruit, bread? And who wants the Girl Scouts selling cookies next to a marijuana store? I wouldn’t.
- Who wants to navigate through recreational users to get to the merchant whose shop you want to shop in? I wouldn’t.
- Who wants small business owners to feel compelled to move or close their business because of a new tenant in the next space selling marijuana? Are we ready for our strip malls to empty around marijuana shops?
- Who wants to be around people whose inhibitions have gone up in smoke? I wouldn’t.

Please keep this city free of all that goes with the manufacture, sales, and use of marijuana. I want to feel safe here. The easier we make it to get marijuana, the higher the likelihood that its use will spread more rapidly through our neighborhoods. Residents will feel less safe walking their dogs or themselves. And most of us will not want to be exposed to the smell or the smoke in our neighborhoods.

I’ve lived with it. I moved far away from that neighborhood. I also lived with a friend for 5 months, whose son was on medicinal marijuana for a worker’s comp injury. The plants smell sickening. Thankfully, he had a bubble pipe device that kept us from smelling it being smoked.
Using marijuana did not make him mellow. It made him obnoxious and argumentative. I don’t think we need any more of that than we already have in this world.

Please do not let Concord become a mecca for marijuana for both local and not-so-local recreational users. I love my family, friends, and neighbors. I don’t want any of us exposed to marijuana or closely associated illicit drugs.

Thank you for your careful consideration of this matter.

Debbie
From: Cass, Michael  
Sent: Wednesday, March 07, 2018 9:36 AM  
To: Cass, Michael  
Cc: Simpson, Laura; Kotzebue, Margaret  
Subject: FW: Cannabis item

This e-mail is being shared with all Planning Commissioners

From: Cass, Michael  
Sent: Wednesday, March 07, 2018 9:35 AM  
To: 'John Mercurio'  
Cc: Kotzebue, Margaret; Simpson, Laura; Garcia, Pedro  
Subject: RE: Cannabis item

Commissioner Mercurio,

You are correct with your understanding. The Planning Commission will consider creating a commercial cannabis overlay district for cannabis manufacturing, testing laboratories, and distribution, along with development standards. Additionally, staff will share an overview of how the land use framework fits into the overall proposed licensing framework, which is proposed to also include a City Cannabis License, State License, and business license. I will ensure that is clear as part of my presentation this evening.

Additionally, per your request, I will verbally clarify what the notable zoning districts abbreviations, specifically Office Business Park (OBP) and Industrial Business Park (IBP) where the proposed overlay district is located.

I am not aware of a residence within the Community Land Districts as they are open space, parks and recreation, rural conservation, and wetlands/resource conservation areas. However, it is possible that there is either an illegal residence or a non-conforming situation. As we must comply with State law, staff recommends retaining personal indoor cultivation of up to 6 plants as a permitted use in these zoning districts, but understand that it is highly unlikely that it will occur in this location, compared to other locations that are zoned for residential uses.

Thank you.

Michael P. Cass | Principal Planner: Long-Range & Sustainability Policy  
Community & Economic Development Department  
City of Concord | Website: www.cityofconcord.org  
📞 (925) 671-3332 | ✉️ Michael.Cass@cityofconcord.org  
1950 Parkside Drive, MS/53, Concord, CA 94519-2578

Please take a moment to fill-out our customer satisfaction form here!
From: John Mercurio  
Sent: Tuesday, March 06, 2018 11:53 AM  
To: Cass, Michael  
Subject: Cannabis item

Michael,

I hope I am not being Captain Obvious here, but it looks like that despite the thick packet for this item, all we are really doing is amending the Development Code to create an overlay district and changing some standards. Do I read that correctly? There is so much other material with so many passionate viewpoints presented that I kind of got thrown off for a bit. Please be sure that you make that clear early in your presentation to the PC. Some of us tend to get a bit afield at times, so clearly indicating what’s being asked for here would be helpful to keep us focused, I think.

I don’t know if standardized formats will allow this, but in the tables showing the changes, each district indicates the zoning classifications by code (e.g. DMX). I had to go to my “cheat sheet” (could have used the Zoning Map) to know what those are. Most people don’t know that stuff. Would it be possible to spell out those classifications fully so that it is crystal clear what they are? I’m suggesting maybe putting it in the large rectangle at the top where there is a pretty big blank space.

As I looked at those districts, I came across the Community Land Districts. Does anyone live in those? They look like they would be uninhabited and undevelopable by definition. Therefore, if that is the case, why not ban any cannabis activities there? Policing those areas would be especially difficult anyway...

Thanks!

John
To all whom it may concern,

I am writing to express my objection to the production of marijuana products in my home of Concord, California. I am a 25+ year resident of Concord with a young family and have generally been happy with the concern for the people of Concord that our local government has shown. For example when a Walmart was proposed to be built in Concord the negative impact on local stores and community was avoided. I feel that allowing the commercial production of Marijuana products in Concord will have an equal if not greater damaging effect to the people, culture, community and families of this city.

Just as the toxic byproducts and wastes of other manufacturing processes need to be weighed before allowing them in, the far reaching cultural effects and byproducts of Marijuana production are greater than we can currently completely understand. Please do not experiment with our community and families to get a short term supposed revenue gain. Keep us free from producing recreational drugs here in Concord.

Sincerely,

--

Korance and Clare Goodwin
Please forward this email to all members of the Concord Planning Commission listed below for the March 7 agenda.
Chair Jason Laub
Vice Chair Ray Barbour
Commissioner Dominic Aliano
Commissioner John Mercurio
Commissioner Mark Weinmann

Dear Commissioners:

I would like to object in the strongest possible terms the proposal to become involved in the recreational marijuana trade.

The same reasons for keeping marijuana illegal all this time apply to why a family-oriented city like Concord should stay far away from involvement in the pot business. Would this decision help build stronger families? Encourage healthy development of our youth? Increase productivity of our workforce? Decrease traffic fatalities? Diminish substance addiction? Absolutely not. In fact, the opposite is true in most cases.

By its own admission, One pot enthusiast group lists the following as “advantages of recreational weed“: ‘it allows you to Give yourself a break from reality,’ ‘let’s you test your limits’ and ‘allows you to feel giddy’. Of course, it will also generate revenue for the city, supposedly, but this Has proven to be quite problematic in those areas in which pot was legalized earlier.

Our city’s slogan is “Concord: where families come first.” The ramifications for moving forward with this proposal could alter the perception of Concord as one of the most family friendly cities in California, and possibly steer potential new residence away.

Please keep Concord healthy and safe. Reject the pot trade in Concord.

Thank you,
Melissa Kearl
Hi Michael and Laura,

Just a heads up. I will be commenting tonight at the planning meeting. I did some further research on buffer zones and found more examples of cities with 1,000 foot buffers than I did cities with just the state minimum. In fact, even Contra Costa County has two maps and is offering different buffering solutions to the public in multiple public meetings. I will be asking the question: why would our buffers be smaller and more restrictive than the County or other cities?

I am going to ask the Commission to delay any approval until the public is provided an opportunity to input on alternative buffering locations and distances, and I will be handing a copy of city buffering examples (attached) to each Commissioner at the meeting.

I hope my criticisms of this particular work product don’t come across as unfair or harsh. I very much admire and appreciate the work you and your planning team are doing for our city.

I do have one kinda technical question: I looked through state regulations and the buffer zones proposed by other cities, and I could not find any reference to "amusement parks". All I saw were buffers for parks in general. Can you point me in the right direction for that reference? I don’t need an answer today... just when you have a chance.

Thanks!!!

Mike McDermott
E-Mail: MTMCDER@PACBELL.NET
Home Phone: 925-676-2384
Cell: 925-451-1072
Concord Planning Commission Members and Planning Staff:

It took me just a few minutes using Google to find data regarding California cities’ various cannabis business buffer parameters. With the exception of a few places like Berkeley and San Francisco, most cities licensing cannabis businesses seem to be establishing buffers significantly larger and more expansive than the minimum state requirement reflected in the map produced by Concord city staff.

Some examples of rules either currently in place or pending:

**Contra Costa County:** Considering two buffer maps: One alternative with a 1,000 foot school, playground, park, and library buffer and a 500 foot residential buffer. The other alternative would keep the 1,000 foot buffer and drop the 500 foot residential buffer. Important note: Contra Costa County currently has a 1,000 foot school, park, playground, and library buffer for TOBACCO sales. Obviously Marijuana should have at least as large a buffer. [http://www.co.contra-costa.ca.us/DocumentCenter/View/48696](http://www.co.contra-costa.ca.us/DocumentCenter/View/48696)

**Long Beach:** 1,000 foot school or beach. 600 foot buffer for parks, libraries, day care centers. [http://www.longbeach.gov/finance/business-info/business-licenses/marijuana-business-information/medical-marijuana-information/#acceptablelocation](http://www.longbeach.gov/finance/business-info/business-licenses/marijuana-business-information/medical-marijuana-information/#acceptablelocation)


**San Bernardino:** 600 foot schools buffer AND a 600 foot residential buffer. Additional buffers for libraries and churches are also being considered. [https://www.pe.com/2018/02/22/san-bernardino-adopts-new-pot-regulations/](https://www.pe.com/2018/02/22/san-bernardino-adopts-new-pot-regulations/)

**San Diego:** 1,000 feet from public parks, churches, childcare, playgrounds, libraries, minor oriented facilities, residential care facilities and schools. 100 feet from residential zones. [https://www.sandiego.gov/blog/marijuana-cultivation-testing-sales-and-delivery](https://www.sandiego.gov/blog/marijuana-cultivation-testing-sales-and-delivery)

**San Jose:** 1,000 feet of public or private preschools, elementary schools, or secondary schools; child daycare centers; community and recreation centers; parks; or libraries, 500 feet of substance abuse rehabilitation centers or emergency residential shelters, 150 feet of places of religious assembly; adult daycare centers; or residential uses (including legal non-conforming residential uses) [http://www.sanjoseca.gov/medicalmarijuana](http://www.sanjoseca.gov/medicalmarijuana)

**Stockton:** 1,000 feet from all schools and parks. 600 feet from childcare centers; child care, in-home (family day care home); religious facilities; drug abuse or alcohol recovery/treatment facility, theaters. 300 feet from all residences [http://www.stocktongov.com/files/MedicalCannabisRegulations.pdf](http://www.stocktongov.com/files/MedicalCannabisRegulations.pdf)

I am asking the Planning Commission to direct planning department staff to present the public with full information about what other California cities are doing with respect to buffers and develop a variety of alternative maps to engage the public in a full discussion about buffers and appropriate location(s) for these businesses in Concord. Contra Costa County is setting a good example in this regard.

Sincerely,

Mike McDermott 925-451-1072 mtmcder@pacbell.net
Hi Michael,
Thanks so much for the hard work and thought that went into your report. You walk a fine line with the division in the community but, thankfully remain focused on what more that 60% of the voters in Concord want.

We believe that a few of the recommendations form the cornerstone of the progressive and compassionate path that Concord is forging:

1) Keeping the State barriers at 600' and resisting the temptation to add more restrictions.
2) Not capping permits and letting market forces operate.
3) Producing a regulatory framework that begins with manufacturing, testing and distribution overlay zones and simple, reasonable licensing and permitting procedures.
4) A clear path to the most urgent public health and cannabis industry crisis allowing grow operations, retail, delivery and microbusinesses.
5) Replacing "marihuana" with "cannabis."
6) Replacing "prohibited uses" with codes for regulation.

One suggestion for your final report to Council would be to approve the language ending the bans. We would love to work with you on that or any other strategy that would allow patients to get their medicine before August. While the meaning of the section from page 6 of the Department Code amendment is a little unclear to us, we think it means to continue instead of end prohibited uses.

"The proposed Development Code amendment also includes the additional of all other cannabis businesses (consistent with the City and State license types) as prohibited uses until such time as the City adopts regulations, if deemed appropriate by the City Council."

Thank you for your work, for meeting with us and listening,
Greg

--
Greg Kremenliev
Cell: (925)451-4135
To City council members and Planning commission:

Please note, I am not a Cannabis user, nor planning to be involved in any Cannabis business at all.
I do have empathy for the 100's of sick people coming to the Council meetings asking their medicine be available.
I also have empathy for all the BART riders because jobs are not in Concord.
I have empathy for Concord City employees potentially being laid off due to the projected shortages.
Chasing away real business does nothing good for anyone.

I watched the Planning commission deal with the Cannabis factory rulings on Weds. 3/7. Ray Barbour said he planned to vote Yea, but heard the citizen complaints and ended up abstaining. Dominic Aliano voted against all as he felt cannabis a "gateway drug" ; that is not what he was asked to approve. They both are not representing the citizens as they were selected to do. They both need to understand the majority of Cal voters approved not only retail sales, but also manufacture and safety testing. You all know the % of Prop.64 approval- a landslide in voting nowadays. And as planning commissioners, they need to decide upon lawful locations and controls only on these businesses- not the very right for these companies and products to exist and attempt to legislate away the business and product from Concord.

We are hearing NIMBY cries from some citizens. Are they burying their head in the sand? These companies will exist, if not here, somewhere else. Allowing people to work and earn wages in our city in a legal company does not destroy family values, nor destroy children's lives.
These Cannabis shops will be indoor factories hiring 100's of Concord citizens and paying real wages without people climbing on trains to go work in some city that had the foresight to accept these type of companies. So Concord builds 20K more bedrooms for commuters @ CNWS only to leave the town every day to go to work and pay taxes in another town. Chasing away legitimate business is not what I believe elected and appointed governors should be doing.
I really do not even understand a 600 ft buffer zone (2 football fields). These companies have no noise, nor contamination issues. These buildings are unmarked. As J. Mercurio stated, "This will be trucks coming in, and trucks leaving". The legal products are to be created by Concord non-commuting employees. And currently some of our surrounding cities are outlawing these companies, Good!, this causes these job-creating companies to locate here, and once they do, our City & citizens benefits.

And to Commissioner Aliano, on a personal note, wine and beer is a gateway drug as well, if not more so than cannabis. I grew up in a family with a drunk (always just beer)
Every night. Hammered. Are liquor stores, breweries, and wineries outlawed or banned from Concord? And cigarettes and beer are sold at all the local grocery stores. 26% of Americans engage in binge drinking once a month, 7% in "heavy Drinking" (my father would be in 7%). [https://www.niaaa.nih.gov/alcohol-health/overview-alcohol-consumption/alcohol-facts-and-statistics](https://www.niaaa.nih.gov/alcohol-health/overview-alcohol-consumption/alcohol-facts-and-statistics)

And in the end, I would like all of you to consider yet-to-be approved retail cannabis stores no differently than a liquor store.

Tim Carr
Citizen of Concord and Sun Terrace resident
[tcarr925@yahoo.com](mailto:tcarr925@yahoo.com)
Mr Cass,

First of all, thank you for a job well done in researching the ever-changing and evolving cannabis regulatory landscape with by far the most progressive report East of the Caldecott tunnel.

I write you and the Council wearing a somewhat unique combination of three hats:

1) Concord father, husband and homeowner on Ryan Road for 35 years. My wife is retired as a middle school math teacher from the Mt. Diablo School district. Our four children attended Woodside, Oak Grove and YV; all graduated from excellent universities. Our 4 year old grandson spends most of his time in Concord.

2) Board member of the recently formed Contra Costa Chapter of NORML. We are looking forward to working with the City to develop a positive business climate for what has been called the fastest growing industry in the country.

3) Bay Area manager for a company (Theramu) that provides an all natural pain relieving product made from industrial hemp.

Not long ago, as my wife and I were contemplating how we wanted to spend the last few decades of our life, one thing was certain: we were going to move out of Concord. But then when Concord was named as one of the ten best places to retire in the world, we began to re-think moving. Instead we decided to invest in solar energy and air conditioning and stay.

In order to continue as a nice place to raise a family (and a community that provides its ever increasing senior population with easy access to their medication), it is important to welcome the cannabis community and partner with it to help grow the city.

Although I know that these comments are supposed to be limited to proposed regulations for manufacturers, distributors and testing labs (with which I heartily agree), I can't help but reflect on something I heard at a public hearing in San Francisco recently. The concept was that we all have a perhaps once in a lifetime opportunity to create a business framework from scratch. It is my belief that (especially given recent hearings of the BCC Advisory Council) Concord can provide leadership for all of Contra Costa County in partnership with the industry using the micro business model that is phase two of your work.

Please accept my apologies for the length of this email. Again, thanks for your work and that of the staff that collaborated.

Greg
-----Original Message-----
From: ginaarino10@gmail.com [mailto:ginaarino10@gmail.com]
Sent: Sunday, March 11, 2018 1:52 PM
To: Cityinfo <Cityinfo@cityofconcord.org>
Subject: Canibus Pot Shops

As a long time resident of Concord I am opposed to retail pot shops. All of the proposed retail areas are around my house and workplace. I do not think it is good idea to have them close to our neighborhoods. Please consider locating them in industrial areas instead.

Thank you,

Gina Arino

Sent from my iPhone
Hello,

My family and I strongly opposed Marijuana pot shops in our neighborhood shopping areas, or anywhere for that matter. Our family, parents and grandparents have been residents of Concord since the 1950s. We believe that opening such shops would be detrimental to our community and especially our children.

Please add us to the growing number of opponents to all legalized marijuana businesses opening in Concord initiatives.

Thank you,

Jeannie Stadler
City Council
% Michael Cass
Principal Planner
Michael.Cass@cityofconcord.org

Dear City Council Members,

My name is Allen Baron. I am an owner of three buildings on Stanwell. I am eighty sum years old. I have been an owner for over 43 years. I understand that you are considering zoning the area as a green zone for marijuana businesses. I support that decision. I support the ordinance as proposed and recommend keeping reviews at the administrative level.

Regards,

Allen Baron
March 16, 2018

City of Concord Council  
1950 Parkside Dr.  
Concord, CA 94519

Dear City Council:

I am a commercial building owner in the North Industrial Park area. I am writing to you to let you know that I am in favor of and support the ordinance as proposed and recommended for cannabis manufacturing, testing laboratory, and microbusiness regulations. I am not in a position to do any immediate lease deals, due to my current lease commitments for the next couple of years. However, I would be very interested in leasing my spaces for the purpose of the cannabis ordinance in the future. I also recommend keeping reviews at the administrative level to avoid a full Conditional Use Permit.

If you have any questions or would like to discuss this further, please feel free to contact me at 925-586-4981.

Thank you,

Paul Pollino  
Commercial Building Owner
Thank you for these updates. Marcia and I are visiting our daughter in ME this month. We value your work in this matter.

We are opposed to any cannabis economic activity in our community.

Anthony Damiano
Hi Michael,
While your report suggests that you know this already, perhaps it can be added to the record as part of the factual research. Would it be helpful for you or the Council to have cannabis related facts at your fingertips?
Thanks,
Greg

Why California lawmakers are now considering lower taxes on cannabis

Mar 19, 2018, 7:53am PDT

Two California assemblymen have proposed a bill that would lower taxes on the sale of retail cannabis in the state, as regulators look for ways to lure more buyers away from the cheaper black market when they shop for marijuana.

The plan is sponsored by Assemblyman Rob Bonta (D-Oakland) and Assemblyman Tom Lackey (R-Palmdale) and aims to trim back state excise and cultivation taxes in a bid to lower how much retail buyers pay by as much as 9 percent.

Taxes on cannabis go as high as 45 percent in some areas of California and have begun to hit consumers in the wallet, just as the supply to them is simultaneously drying up because few retail licenses have been issued. Those taxes and priced-in fees related to new state regulations have pushed the average price of one-eighth of an ounce of cannabis flower up from $25 in 2017 to nearly $40 this year.

Reports Capital Radio:

The state imposes a 15 percent excise tax, then local governments can add taxes, too, which vary around the state. There are separate state taxes on cultivation, along with regular sales taxes. There are new costs for testing and distribution, which could also be rolled into the counter price.

State cultivation taxes include $9.25 for each ounce of cannabis buds, and $2.75 for an ounce of leaves, which can also be included in the sales price. The lawmakers' proposal would trim the state excise tax to 11 percent from 15 percent, and suspend the cultivation taxes for three years.

Oakland is one of several cities considering lowering the taxes it currently has in place on retail cannabis. At the beginning of March, the town's City Council said it is considering a possible ballot measure to find a "sweet spot" for its taxing of the industry; Oakland currently charges a tax rate of 10 percent for retail marijuana operators and 5 percent for medical marijuana businesses. Proponents of lowering the tax say those rates are too high and could push (or keep) the market into the shadows, where city's won't be able to regulate them.

Riley McDermid
Digital Producer
San Francisco Business Times
Michael – Thanks for presenting once again at the Concord Chamber yesterday. It was an engaged crowd!

I do want to formally request that you create a 600-foot buffer around the Andeavor sports fields that currently abut the zone you have north of Arnold Industrial Way. Like a school or park, this property often hosts thousands (literally) of young students playing baseball, soccer and the Blue Devils Marching Bands. It is utilized at least 300 days per year.

Though I know you said there would be no selling to the public or external signage, I think this property should be considered “sensitive use” as you do an amusement park or community center.

Let me know if you need to see the property.

Patty Deutsche | Government & Public Affairs Director
Andeavor
o: 925.370.3290
patricia.a.deutsche@andeavor.com
Hi Michael,

Thanks for the update. Can you ask them to analyze a micro business as opposed to a bunch of separate businesses in terms of quality control, transportation and cross contamination. We have a building that is currently split into 3 ten thousand square feet premises. We could grow, manufacture and sell all in the same building with a smaller "footprint". More likely to not have pesticides, less transportation and easier to regulate, which means it is more likely you will get your taxes.

Thanks,

Eric Whitaker  
Executive Vice President  
ABCO Laboratories, Inc.

www.abcolabs.com  
2450 South Watney Way  
Fairfield, CA 94533  
Office: (707) 432-2200  
Cell: (707) 372-2818
While it is clear from your report that you understand the tax issue, thought you might want to put this in the file. Pittsburg has kind of beat Concord to the punch but with a couple of caveats:
1) Their 10% tax will discourage businesses from locating there.
2) Limited to 9 permits.
3) The first permit appears to be headed to a pharmaceutical company, not what we want in Concord.

---------- Forwarded message ----------
From: Brett Stone zz4320@gmail.com [mmjnews] <mmjnews-noreply@yahoogroups.com>
Date: Wed, Mar 21, 2018 at 1:12 PM
Subject: [mmjnews] CA: Santa Barbara Co: No new taxes: Lompoc Council declines to put additional expenses on cannabis industry
To: mmjnews@yahoogroups.com, mmjnews2@yahoogroups.com


No new taxes: Lompoc Council declines to put additional expenses on cannabis industry

- Willis Jacobson wjacobson@leecentralcoastnews.com
- Mar 20, 2018 Updated 4 hrs ago

In a move seemingly aimed at attracting more businesses, the Lompoc City Council voted Tuesday night to not attempt to place any additional taxes on commercial cannabis operations in the city.

The decision to not seek out additional tax revenue was not made easily. The council debated the topic for more than an hour, and the conclusion was reached with a split 3-2 vote. Councilman Jim Mosby led the push for not attempting to implement any new taxes and made the motion that ultimately succeeded. He was supported by fellow councilmen Dirk Starbuck and Victor Vega.

“We have a lot of vacant buildings out there, a lot of empty buildings, and I really think that we need to do what we can to entice (business) into this community,” Mosby said during the discussion.
Along with the vacant commercial spaces, Mosby also cited the city’s high unemployment rate while arguing his position. He suggested that the city would be better-served in the long run by having an edge over nearby communities — like Santa Barbara, for example — in attracting marijuana operators and could potentially go back and look at taxes after seeing how the market establishes itself in Lompoc.

Interim City Manager Teresa Gallavan confirmed Tuesday night that the city has received just two completed commercial cannabis applications since beginning to accept them on March 1, a low figure that Mosby also used to defend his plan to not seek any new taxes.

Following the meeting, Mosby added that he didn't want the city council to be "blinded" by tax dollars and have that affect any potential future moves to limit or ban cannabis activities in the city.

Mayor Bob Lingl and Councilwoman Jenelle Osborne both voted against the motion to decline local taxation.

Osborne, who helped draft the city’s cannabis ordinance, first began advocating for bringing the commercial cannabis industry into Lompoc during her 2016 campaign. She said Tuesday that a big reason she supported having the industry in the city was because it would enable the city to bring in funding that could be used for services like public safety.

“I am not looking to strip the industry of its profits, and this will not solve our budget issues, but this is a new revenue stream,” she said.

“For us to claim to be (fiscally) responsible and (that we) want to solve some of our current issues with public safety and paying our employees well enough so they want to stay and work and protect our community and improve our parks, this is income that I can’t leave on the table,” she added. “I don’t want to over-tax. I don’t want to go above and beyond what the county and city of Santa Barbara is doing, but it is irresponsible of us to think that zero tax is an incentive.”

If the council had decided to seek out additional city taxes, it would have needed to introduce a ballot measure to be voted on by the public.

The council’s vote Tuesday doesn’t mean the industry won’t be taxed in the city, just that it won’t pay added city taxes. State and county taxes would still be implemented where appropriate, and a small percentage of those tax dollars would ultimately go back to the city.

Tuesday’s discussion began with a presentation from John Bliss, the president of SCI Consulting Group, which was contracted by the city to help it regulate the local marijuana industry.

Bliss, who said his firm is working or has worked with several other communities, went over different tax methodologies and recommended that the council institute low taxes on retail, cultivation, manufacturing and distribution, and no taxes on testing.
Using figures from other communities, he suggested that Lompoc could bring in an additional $700,000 to $1 million per year if it were to set taxes based on his company’s models. He said a tax measure would probably be successful since most voters likely wouldn’t be cannabis users and therefore wouldn’t have to pay any additional taxes.

In other action Tuesday night, the council approved a zoning change that helped clear the way for Community Health Centers to build a 28,000-square-foot medical facility on a 5.18-acre parcel of land in the 1200 and 1300 blocks of West Ocean Avenue.

The council voted 5-0 to follow a recommendation from the city’s Planning Commission and approve the first reading of an ordinance that would convert the land from being zoned residential to commercial. With the vote, the council also directed city staff to return at a later date with more information on how the project will affect the city economically, and to engage in negotiations with the developers of the project on potential Payment In Lieu of Taxes, or TOTAL, funding to the city since representatives of the CHC, a nonprofit, have indicated that they will seek to have the property be tax-exempt.

By making the move to switch the land from residential, the city effectively eliminated the prospect of having 51 homes built on the property.

The initial plans for the project were approved by the Planning Commission on Feb. 14.

The next Lompoc City Council meeting is scheduled for 6:30 p.m. April 3 at Lompoc City Hall, 100 Civic Center Plaza.

Willis Jacobson covers the city of Lompoc for Lee Central Coast Newspapers. Follow him on Twitter @WJacobsonLR.

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Greg Kremenliev
Cell: (925)451-4135


I will say that there are 2 sides to every story and when working in high level executive positions you count on key personnel and sometimes you are not in control of everything. I have spoken to several people who worked for him and the story has been the same, he knew what was going on and profiting from the contracts he was overpaying.

I hope you reconsider who the city of Concord will be relying on to come up with a viable taxation solution that will not drive cannabis businesses to the black market.

Warm wishes,
Gretel
My name is Mohamed Khalfallah
I reside in the Turtle Creek Area
Resident of Concord since 1977

I oppose any changes to current city of Concord regulations that could end up in allowing the cultivation, manufacture, or store front availability of cannabis. I urge the city council to vote NO.

Sincerely,
Mohamed Khalfallah
Council
Have you totally lost your morals by going ahead with this. Is any other city in our valley doing anything about degrading their communities by incorporating this environment into their community. There are case and cases of communities that have found this as degrading to their area. You certainly are not listening to the citizens that have values and want this community to stand guard against this issue.

I am pleading with you to stop this effort and regain the standard that the community has held over the years of "Concord Is For Families". Counting a loaded meeting of the council that was composed with residents of other cities was not right. This should be a ballot measure and not a council decision.

This is an election year and you are being watched.

Rosanne Nieto
frnieto@yahoo.com
Dear Mr. Cass,

I am writing today to express my support for commercial cannabis in Concord.

Regulating and licensing these activities, particularly cannabis retail shops and delivery, will ensure that the unregulated, untaxed black market will not be able to thrive in its place. This will increase the safety of the consumers and the public at large, and will lead to increased tax revenue for the city.

Thank you for your time and consideration!

Best,
Max
Gov. Brown, California pols may ease recreational marijuana rules. That’d be a start.

By The San Diego Union-Tribune Editorial Board

MARCH 23, 2018

California’s reputation for hostility to business is tough to exaggerate. Citing high taxes and heavy regulations, Chief Executive magazine has rated the Golden State as the worst state for business six years in a row. Despite this history, state lawmakers every year propose bills with new taxes and regulations that the state Chamber of Commerce desperately tries to stave off by labeling them “job killers…”

This history was what made a March 21 Sacramento Bee story seem so unusual. It detailed the worries of a bipartisan group of state lawmakers that the state’s recreational marijuana industry had gotten off to a slow start after 2016’s passage of Proposition 64. This concern was shared by Brown administration officials who told a California Cannabis Industry Association conference in Sacramento this week that “they are committed to making the regulatory changes needed to help the industry achieve success,” in the Bee’s words.

The story cited costly taxes and the regulatory obstacles created by “local control” provisions in the state law governing recreational marijuana sales as driving marijuana buyers to the black market. The story also noted that Assembly members Tom Lackey, R-Palmdale, and Rob Bonta,
D-Oakland, had introduced a bill to suspend a tax on marijuana cultivation and to lower the state excise tax on marijuana from 15 percent to 11 percent.

This response to real-world headaches faced by legit businesses is thoughtful and reasonable. It should also be far more common in Sacramento.

It shouldn’t be so hard for entrepreneurs and business leaders to get a sympathetic response to complaints about onerous government edicts.

Twitter: @sdutIdeas

Facebook: San Diego Union-Tribune Ideas & Opinion
Ms. Reid,

Please accept this letter as an official comment for Tuesday's meeting regarding the decision to retain HDL as an advisor for Concord's cannabis tax plan.

HDL is widely perceive as a foe in the cannabis industry. They are notorious for recommending high tax rates, resulting in city policies that undermine a legitimate local cannabis industry. Their fee schedule of collecting 15% for taxes on all sales and/or use tax is distasteful and frankly a conflict of interest.

As I'm sure you're aware, Mr. McPherson's background with the City of Oakland is deeply concerning:


As a former HR Director I understand that there is often more behind stories like this, but I've heard from several sources close to the matter that he knew full well what was going on there. Contract fixing is a serious issue that shouldn't be rewarded with a lucrative civic business contract.

Surely there are other better agencies to source this kind of service from? Muni Services Data has a better reputation in our industry... shouldn't that count for something?

http://www.muniservices.com/services/

Rebecca

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Rebecca Byars
(925) 899-8638
Council of the City of Concord
1950 Parkside Drive
Concord, CA 94519

Re: Pending Cannabis Ordinance

Dear Council Members,

I am a lifelong resident of Concord (since I was 5). I live here and have raised my now three adult children in Concord. I also own a commercial building at the above address in which I operate my law firm with my son, who is a third-generation lawyer.

I am writing to urge you to adopt the proposed Cannabis Ordinance. I endorse the city’s approach to handle review and issuance of Conditional Use Permits in-house by city staff. However, I oppose limiting licenses to three. Instead, I recommend that the city leave the number up to the market. I am confident that the number of applicants will be few given factors including (1) the limited physical areas in the city which cannabis can be manufactured, tested and distributed, (2) the extremely low number of buildings in those areas that are owned outright by their owners (i.e., with no bank loan), (3) the currently very low tenancy vacancy rate in the city’s chosen areas, and (4) the probably low number of building owners who will embrace the risk of having cannabis tenants in their buildings.

I urge you to pass the proposed Cannabis Ordinance, subject to the above suggested changes.

Very truly yours,

ROBERT J. HOOD

RJH/rh
In case you are really bored today.

---------- Forwarded message ----------
From: Brett Stone zz4320@gmail.com [mmjnews] <mmjnews-noreply@yahoogroups.com>
Date: Mon, Mar 26, 2018 at 8:49 PM
Subject: [mmjnews] Tax Foundation.org: Gross Receipts Taxes in the Marijuana Industry Found to Cause Distortionary Effects
To: mmjnews@yahoogroups.com, mmjnews2@yahoogroups.com

https://taxfoundation.org/gross-receipts-taxes-marijuana/

**Gross Receipts Taxes in the Marijuana Industry Found to Cause Distortionary Effects**

March 26, 2018

Amir El-Sibaie

The legalization of marijuana is becoming a reality in many states, and with that exists rare opportunities for state and local governments to experiment with new structural approaches to taxation. One such natural experiment occurred in Washington State in June of 2015, when lawmakers during a special session of the Washington Legislature changed a 25 percent gross receipts tax that applied to the marijuana industry to a 37 percent excise tax assessed on the retail price of marijuana sold.

A recent National Bureau of Economic Research study by Benjamin Hansen, Keaton Miller, and Caroline Weber analyzed the shift in policy and found that the gross receipts tax caused significant distortionary effects on the industry and directly encouraged inefficient vertical integration among firms. The new empirical evidence highlights the distortionary effects of gross receipts taxes and bodes bad news for Washington State’s existing, unrelated gross receipts tax, the Business & Occupation tax, and for other states currently imposing or considering gross receipts taxes.

Before the reform, Washington had essentially split the cannabis industry into three sectors: cultivators, processors, and retailers. The state levied a 25 percent gross receipts tax on
transactions among the three sectors of the marijuana industry and at retail. This meant that a 25 percent tax was applied when cultivators sold their freshly harvested product to processors, when processors sold the finished goods to retailers, and when retailers sold the finished goods to customers. Despite Washington banning vertical integration between retailers and other types of firms (only two of the three sectors), the old tax regime heavily encouraged vertical integration between cultivators and processors. This allowed firms that specialized at both cultivating and processing marijuana to avoid one layer of taxation entirely.

After the reform, Washington replaced its somewhat convoluted system with a simple 37 percent sales tax applied solely at the retail level. Being a much less distortionary policy, this allowed firms to organize in whichever way they thought was most efficient given their specializations. Given Washington’s “seed-to-sale” tracking system, Hansen et al. were able to empirically estimate the effects of switching from a gross receipts tax to a traditional retail excise tax with much more data than would have otherwise been available.

The authors noticed that ending the gross receipts tax led to a statistically significant decrease in vertical integration. They found that, after an adjustment period, the fraction of vertically integrated marijuana sales in Washington fell by 3.7 percent, which was driven by a 42 percent long-run increase in non-vertically produced marijuana sold. In other words, with the layer of tax between cultivators and processors gone, some businesses found it more profitable to specialize in only one aspect of production. This shows that gross receipts taxes discourage otherwise efficient trades between firms, leading to a relatively large deadweight loss when compared to traditional retail sales taxes.

The authors also measured the price elasticity of the marijuana market, a wonkish term used to describe a market’s sensitivity to changes in price. They measured the amount of marijuana sold in the days surrounding the price increase and found that customers were mostly unresponsive to the increased cost in the short-run. However, the authors noted a reduction in the quantity of marijuana sold in the medium-run when compared to its previous trend, which could indicate that marijuana still faces significant competition from black market sales. Raising taxes on the product any further might price individuals out of the legal market altogether. Consequently, this also implies that when compared to Washington’s 37 percent sales tax, “considerable state revenue may be left on the table” by other states that have considerably lower excise tax rates ranging between 3.75 and 15 percent.

The study also warns against other potentially distortionary taxes in the marijuana industry, such as cultivation taxes. Cultivation taxes directly tax the weight of cultivated marijuana, which has unintended consequences such as discouraging the production of less potent, cheaper marijuana. For example, a pound of relatively cheap marijuana would have the same tax burden as a pound of high-quality, expensive marijuana because cultivation taxes depend on the product’s weight and not its value. Currently three states, Alaska, California, and Colorado, have cultivation taxes, which may be encouraging suppliers to produce higher quality marijuana than customers would prefer. Cultivation taxes effectively price out firms which may have been able to specialize in the production of less potent marijuana, which could potentially be a health concern to marijuana users.
States that consider marijuana legalization have the unique opportunity to observe natural experiments occurring all over the country in other states. It is crucial that lawmakers utilize proven and principled tax policy when tackling this new and booming industry.
Since the Council voted on a contract with HdL, can you ask them to consider Lompoc's approach?


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Greg Kremenliev
Cell: (925)451-4135
Council,

Concord resident Mrs. Lee called to express her (and her family’s) opposition to the Council making the sale of cannabis legal in Concord. Mrs. Lee said that her family had lived in Concord for three generations. She did not want to leave her address but she wanted the Council to know about the family’s concern and to specifically ask the Council not to allow the sale of cannabis. She said that she understood the City needed to generate revenue but she would prefer that the Council pursue revenues other than from the sale of cannabis. I offered to add Mrs. Lee to our registry of those interested in the topic so that she could be notified of future meetings on this topic but she declined saying that she suffered from ill health and would not be able to attend meetings.

Kind regards,

Trish

Trish Beirne | Executive Assistant
City of Concord | Website: www.cityofconcord.org
📞 (925) 671-3038 | ✉️ trish.beirne@cityofconcord.org