Consideration of an Ordinance amending Concord Municipal Code Chapter 5.80 (Cannabis) and Development Code (Title 18) to: allow adult-use City Cannabis Licenses for manufacturers and Type 13 distributors; increase the maximum number of City Cannabis Licenses for manufacturers, Type 13 distributors, and testing laboratories; and allow City Cannabis Licenses for retail (storefront and non-storefront), microbusinesses, and Type 11 distributors by reading of the title only and waiving further reading.

CEQA: Not a “project” under CEQA Guidelines Sections 15060(c), 15378 and Public Resources Code 21065; in the alternative, if deemed a “project,” exempt pursuant to CEQA Guidelines Section 15061(b)(3) and Business and Professions Code Section 26055(h).

Report in Brief
The City Council has directed staff to prepare revisions to the existing cannabis regulations. These revisions are proposed to remove the distinction between medicinal and adult-use cannabis uses in the allowable City Cannabis License types, and to increase the maximum number of City Cannabis Licenses allowed for the three currently permitted license types: manufacturers, Type 13 distributors, and testing laboratories. The regulations would also allow for four new city cannabis license types:
The proposed Ordinance (Attachment 1) incorporates amendments to the Concord Municipal Code Chapter 5.80 - Cannabis (Cannabis Ordinance) and Concord Municipal Code Title 18 (Development Code), as reflected in Table 1 (above).
Please note that consideration and deliberation of the competitive selection process and evaluation criteria is tentatively scheduled for the May 26, 2020 City Council meeting.

**Recommended Action**
Introduce the attached Ordinance (Attachment 1) by reading of the title only and waiving further reading; and

**Background**

**History of Existing Concord Regulations (Summary)**
On September 27, 2005, the City Council adopted Ordinance No. 05-9, which amended the Concord Municipal Code by prohibiting the establishment of medicinal cannabis retailers, 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 medicinal cannabis.

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 legalized the use and cultivation for personal use of adult-use cannabis for persons 21 years or older. AUMA also permitted local jurisdictions to regulate and/or prohibit adult-use cannabis related to the cultivation, distribution and delivery, transportation, manufacturing, testing laboratories, dispensaries, and microbusiness facilities.

On January 10, 2017, the City Council adopted Ordinance No. 16-9, which prohibited outdoor cannabis cultivation (medicinal and non-medicinal) and reinforced the existing policy. On July 25, 2017, the City Council subsequently adopted Ordinance No. 17-10, which amended the Concord Municipal Code to allow delivery of medicinal 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 activities, 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 activities.

On June 12, 2018, the City Council adopted Ordinance No. 18-3 amending the Municipal Code and Development Code to establish the City’s Commercial Cannabis Overlay District, associated development standards, and a licensing framework for medicinal-only cannabis manufacturing and distribution, as well as adult-use and medicinal testing laboratories.
On April 2, 2019, the City Council and Planning Commission conducted a Joint Study Session and directed staff to pursue revisions to the existing cannabis regulations to potentially allow additional cannabis activities including adult-use and medicinal non-storefront retail. While both the Planning Commission and City Council were less supportive of storefront retail and microbusinesses, the two bodies directed staff to address both business types in the proposed regulations, for consideration by the Council. The Council and Commission were also supportive of maintaining a 600-foot buffer for sensitive uses, exploring additional sensitive uses such as parks and state-licensed drug treatment centers, and creating a competitive process for new cannabis retail-related business. The City Council also requested staff provide additional information on certain topics such as how to address cash transactions and to investigate the use of a development agreement or similar mechanisms to generate revenue for the City from cannabis businesses.

At the May 28, 2019 Council meeting, Vice Mayor McGallian requested that the Council clarify the direction provided to staff at the April 2, 2019 Joint Study Session regarding two topics: (1) removing the existing cap on the quantity of City Cannabis Licenses for manufacturing, distribution, and testing laboratories, and (2) allowing for adult-use in addition to medicinal cannabis activities for manufacturing and distribution.

On August 13, 2019, the Council provided further direction to staff to expand cannabis manufacturing and distribution licenses to allow for adult-use, in addition to medicinal license types, and to increase the number of licenses for manufacturing/distribution, and testing laboratories, above the current cap of two for the aforementioned license types.

On November 5, 2019, the City Council considered an ordinance amending Concord Municipal Code Chapter 5.80 (Cannabis Ordinance) based on the direction provided at the April 2 and August 12, 2019 meetings. The ordinance was proposed to:

- Add adult-use City Cannabis Licenses for manufacturing and distribution;
- Increase the maximum number of City Cannabis Licenses for manufacturing;
- Allow City Cannabis Licenses for medicinal and adult-use retail (storefront and non-storefront); and
- Allow City Cannabis Licenses for microbusinesses.

The ordinance was not introduced at the meeting, but a majority of the Council supported changes to the City’s cannabis regulations for consideration for adoption, as shown in Table 1.

The Council also provided the following direction to City staff regarding proposed changes to the Development Code related to the Cannabis Ordinance:
- Maintain the physical locations and boundaries of the existing Commercial Cannabis Overlay District (Overlay District) in its current form;
- Allow microbusinesses and non-storefront retailers (or delivery-only retail sales), in addition to the already allowed manufacturers and testing laboratories in the Overlay District;
- Allow storefront retailer licenses outside of the Overlay District in the West Concord Mixed-Use (WMX) and Downtown Mixed-Use (DMX) zoning districts; and
- Potentially allow stand-alone Distributor (Type 11) businesses in the Overlay District.

In addition, the Council also directed staff to research a number of issues for future Council consideration:
- Update and map the list of known sensitive uses;
- Provide additional information regarding the stand-alone distribution license type;
- Develop criteria for a merit-based competitive Request for Proposal (RFP) selection process for consideration by the Council Committee on Policy Development & Internal Operations (PD&IO) for later recommendation to the full Council (scheduled to come before Council on May 26);
- Provide information regarding how the City could potentially ban the sale of vaping products at retail cannabis businesses (storefront, non-storefront, and microbusinesses); and
- Provide details on retail cannabis regulations in neighboring Contra Costa County jurisdictions.

On February 5, 2020 the Planning Commission considered the Council’s direction and staff recommendations, and adopted Resolution 20-01 PC (with a 4:0 vote, Weinmann absent), recommending the City Council amend the Development Code with text amendments to the land use tables (18.30-18.60), Commercial Cannabis Overlay District (18.110), Signs (18.180), Development Agreements (18.460), and General Terms (18.20), relating to commercial cannabis regulation. At the Planning Commission hearing, one person spoke during public comment relating to the cannabis retail competitive selection/RFP process, which was not under the purview of the Planning Commission. However, a majority of the Commissioners also expressed a preference that the selection process recognize a local preference, or locally based applicant, as a criteria.

In February, 2020 the City retained HdL Companies to design the framework for an RFP process and community benefit agreement structure for commercial cannabis
businesses. This includes assistance reviewing business proposals, development of cost recovery fees, and other technical assistance as needed.

On February 24, 2020 the Council Committee on Policy Development & Internal Operations (PD&IO) considered recommendations regarding the cannabis RFP process and criteria, presented by the RFP project consultant (HdL Companies), and provided direction to staff and the consultant. Staff will be bringing the Committee’s recommendations on the competitive selection process to the full Council, currently targeted to be heard on May 26, 2020.

In addition, the Committee provided the following recommendations to be evaluated by the full Council as part of the consideration of the subject Ordinance:

- That microbusinesses should be included in the competitive selection process;
- To increase the number of allowed microbusiness licenses; and
- To allow storefront retail to be included as a component of microbusinesses.

The Committee’s proposed recommendations have been included for the full Council’s consideration in an alternative Exhibit to the Ordinance (Attachment 6). However, the analysis below discusses the recommendations received by the full Council at the November 5, 2020 meeting and does not address the Committee’s recommended policy changes, as they were not put forward by a majority of the Council.

Analysis

*Existing Regulatory approach*

Under the City’s existing Commercial Cannabis Regulations, cannabis businesses are regulated through a two-pronged approach:

1. **Municipal Code (CMC Chapter 5.80 - Cannabis):** regulates the number and type of allowable cannabis businesses such as manufacturers, testing laboratories, and retailers. The Municipal Code also regulates adult-use and medicinal license types¹, places limits on the number of certain cannabis license types, general conditions for all types of licenses as well as conditions for specific license types, and outlines the license issuance process.

2. **Development Code (Title 18):** regulates which zoning districts allow or prohibit each type of cannabis land use as allowed pursuant to the Municipal Code. The Development Code also regulates the Commercial Cannabis Overlay District, Signage, and Development Agreements; as they relate to cannabis businesses.

¹ As referenced above, the City Council has indicated its preference to remove the distinction between adult-use and medicinal license types in the City’s cannabis regulations (all licensees would be permitted to include both types of cannabis and cannabis products). This change is reflected in the proposed code amendments.
Summary of existing cannabis business regulatory framework.

Cannabis businesses are required to obtain each of the following approvals prior to operation in the City:

1. The appropriate City Cannabis License, issued by the Police Department;
2. The appropriate land use approval (e.g. use permit, minor use permit, administrative permit, or zoning clearance);
3. The appropriate state cannabis license(s); and,
4. A City business license.

The Municipal Code and Development Code are separate, but interconnected, and cross reference one another. Both code sections are required to be adopted by the Council in order for new City Cannabis Licenses to be issued. The proposed amendments to the Municipal Code regulations are included as Exhibit A to Attachment 1, and were prepared based on the last review by the Council at its November 5, 2019 meeting. In addition to addressing the Council’s direction made at its November 5, 2019 meeting, the proposed amended Development Code regulations (Exhibit B to Attachment 1) also incorporate the Planning Commission’s recommendation from its February 5, 2020 meeting.

Proposed Cannabis Regulation Amendments

Staff is not recommending substantial changes to the existing regulatory framework in connection with the issuance of cannabis licenses by the Police Department. However, in connection with the new proposed retail license types (storefront and non-storefront), staff proposes to amend Chapter 5.80 to include a requirement that prospective storefront and non-storefront retailer licensees be selected by the City Council through a competitive, merit-based, Request for Proposal (RFP) selection process before applying for a City Cannabis License. The proposed amendments would also mandate that all cannabis businesses be required to enter into a community benefit agreement or development agreement before final issuance of a City Cannabis License.

The following sections summarize the proposed changes included in the Municipal Code (Chapter 5.80) and Development Code (Title 18). Specific follow-up items directed by Council are also discussed in detail.

A. Land Use Approval

The existing cannabis business types that are allowed in the City are permitted by right or Zoning Clearance (“ZC”) if located within the Overlay District and appropriate zoning district as regulated by the Development Code. As amended in the Development Code (Exhibit B to Attachment 1), staff is recommending that all

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2 As of the date of this report, two City Cannabis Licenses have been issued for manufacturing businesses and one City Cannabis License has been issued for a testing laboratory.
commercial cannabis uses be required to obtain an Administrative Permit ("AP") instead of being allowed by right (ZC). This change will allow additional controls on businesses in the form of conditions of approval related to their operations. The AP requirement would also facilitate the City and cannabis business owners entering into development agreements or community benefit agreements, which was identified as a City Council objective for all licensees. This recommended change was supported by the Planning Commission.

B. **Distributor license types**
The City's existing regulations only allow a Distributor (Type 13) license in conjunction with a medicinal manufacturer license; and stand-alone Distributor (Type 11) licenses are prohibited. At the November 5, 2019 meeting, a majority of the Council supported potentially allowing stand-alone Distributor (Type 11) businesses in the Overlay District. A Distributor (Type 11) license would allow a stand-alone distribution business to operate, independent of another city cannabis license type. (See C. 6 & 7, below, for a detailed definition of the two distributor license types). The proposed amendments, would allow a maximum two Distributor (Type 11) licenses.

C. **Recommended Amendments by Cannabis Business Types**
The following is a summary of the proposed amendments to the City's Cannabis Ordinance based on Council’s direction at the November 5, 2019 meeting, and incorporated into the regulations included in Exhibit A and B to Attachment 1:

1. **Manufacturer:** A cannabis business that intends to compound, blend, extract, infuse, or otherwise make or prepare cannabis products.
   - **Current regulations:** Allowable in the Overlay District. Restricted to medicinal only. Maximum of two licenses (both of which have been issued).
   - **Proposed amendments:** Allow adult-use cannabis manufacturing.
   - **Proposed number of licenses:** Up to five.
   - **Allowable zoning districts:** Cannabis manufacturing land use allowable in IBP and OBP zoning districts within Overlay District. No change proposed.
   - **Proposed land-use permit:** Staff recommends requiring an Administrative Permit (AP).

2. **Testing Laboratory:** A cannabis business, facility, or entity that offers or performs tests of cannabis and/or cannabis products.
   - **Current regulations:** Allowable in the Overlay District. Maximum of two licenses (one issued).
Proposed amendments: Clarifying language added for consistency with state law. No other change except to number of licenses (below).

Proposed number of licenses: No limit.

Allowable zoning districts: Cannabis testing laboratory land use allowable in IBP and OBP zoning districts within Overlay District. No change proposed.

Proposed land-use permit: Staff recommends requiring an Administrative Permit (AP).

3. Non-storefront retailer: A cannabis business or commercial activity, closed to the public, which provides for the retail sale of cannabis and cannabis products to customers from a physical location exclusively via delivery. No direct retail sales to the customer is allowed on-site.
   - Current regulations: Prohibited by ordinance.
   - Proposed amendments: Allow non-storefront retail in the Overlay District through a competitive selection process.
   - Proposed number of licenses: Up to three.
   - Proposed zoning districts: Non-storefront retail land use proposed to be allowable in IBP and OBP zoning districts within Overlay District.
   - Proposed land-use permit: Staff recommends requiring an Administrative Permit (AP).

4. Storefront retailer: A cannabis business or commercial activity which provides for the retail sale of cannabis and cannabis products to customers from a fixed location with direct physical access for the public.
   - Current regulations: Prohibited by ordinance.
   - Proposed amendments: Allow storefront retail cannabis businesses through a competitive selection process.
   - Proposed number of licenses: Up to three
   - Proposed zoning districts: Storefront retail land use proposed to be allowable in DMX and WMX zoning districts, subject to 600-foot “sensitive land use” buffer. Would not be permitted in the Overlay District.
   - Proposed land-use permit: Staff recommends requiring an Administrative Permit (AP).
5. Microbusiness: A cannabis business that conducts three of the following activities: cultivation (indoor only) of cannabis in an area less than 10,000 square feet, distribution, manufacturing, and/or non-storefront retail.

- **Current regulations**: Prohibited by ordinance.
- **Proposed amendments**: Allow microbusinesses in the Overlay District through the existing first-come first-served procedures. Prohibit storefront retail as a permissible component of microbusinesses.
- **Proposed number of licenses**: Up to two.
- **Proposed zoning districts**: Microbusiness land use proposed to be allowable in IBP and OBP zoning districts within Overlay District.
- **Proposed land-use permit**: Staff recommends requiring an Administrative Permit (AP).

6. Distributor (Type 13): A cannabis business that only transports cannabis and cannabis products between State licensees, and is not permitted to transport any cannabis or cannabis products, except for immature cannabis plants and/or seeds, to a licensed retailer or to the retailer portion of a licensed microbusiness. This license type includes “self-distribution” of manufactured or cultivated cannabis and cannabis products.

- **Current regulations**: Distribution licenses are only allowable in conjunction with an approved manufacturing license.
- **Proposed amendments**: Allow with an affiliated primary cannabis license type.
- **Proposed number of licenses**: Limited to the number of licenses issued for the above license types 1.-5., with the exception of testing laboratories.
- **Proposed zoning districts**: Distributor (Type 13) land use proposed to be allowable in IBP, OBP, WMX, and DMX zoning districts in conjunction with an affiliated primary cannabis license type.
- **Proposed land-use permit**: Included as part of the Administrative Permit (AP) issued for primary cannabis license type.

7. Distributor (Type 11): A stand-alone cannabis business that transports cannabis and cannabis products between State licensees, which may include arranging for testing of cannabis and cannabis products, and conducting the

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3 This proposal is based on Council direction at the November 5, 2019 meeting. PD&IO’s recommendation to the full Council at the February 24, 2019 meeting differed regarding the competitive selection process, number of licenses, and retail storefront component. See Attachment 6.
quality assurance review of cannabis and cannabis products to ensure compliance with all state packaging and labeling requirements.

- **Current regulations**: Standalone Distributor (Type 11) licenses are currently prohibited.
- **Proposed amendments**: Allow a limited number of stand-alone Distributor (Type 11) licenses in the Overlay District.
- **Proposed number of licenses**: Up to two.
- **Proposed zoning districts**: Distribution (Type 11) land use proposed to be allowable in IBP and OBP zoning districts within Overlay District.
- **Proposed land-use permit**: Staff recommends requiring an Administrative Permit (AP).

8. **Delivery**: Delivery is an activity associated with a retailer (storefront or non-storefront) or microbusiness located outside of Concord city limits that delivers cannabis to customers within the City. Delivery is an activity and not a land use classification in the Development Code.

- **Current regulations**: Medicinal delivery is currently a license type listed in the Development Code applying to retailers or microbusinesses licensed by the state and located outside city limits, to deliver within the City. There is no current limit listed in the Development Code.
- **Proposed amendments**: Allow both adult-use and medicinal delivery in conformance with State law. Revisions to regulations include the removal of delivery from the land use tables and restrict delivery to the residence of the consumer, or at the secure exchange location at the Concord Police Department.
- **Proposed number of licenses**: Maintain no limit.

D. **Sensitive Land Uses and Buffer Areas**

Sensitive land uses and buffer distances from those sensitive land uses are defined in Section 5.80.020 and regulated in Section 5.80.080 of the Municipal Code. State law mandates that, unless otherwise regulated by local ordinance, the state’s buffer area for cannabis businesses is 600 feet from a sensitive uses in existence at the time an initial state cannabis license is issued.

The current sensitive uses listed in the Code include:

- Public or private schools;
- Youth community center; and
- Child day care facility.
Pursuant to state law, the 600 foot radius is the horizontal distance measured in a straight line from the property line of the sensitive use to the closest property line of the lot on which the cannabis business is located. (Health and Safety Code Section 11362.768).

The City Council adopted these sensitive uses and the state’s recommended 600-foot buffer when establishing the Overlay District. As such, no cannabis business is able to locate within 600 feet of the above uses per state law and the City’s Cannabis Ordinance. At the direction of Council, no new sensitive uses are proposed. However, per the proposed amendments, the same 600-foot buffer would also be required and applied to storefront retail cannabis businesses locating in the DMX or WMX zoning district.

At the November 5, 2019 meeting, a majority of the Council supported not including additional sensitive uses beyond those outlined in the state’s cannabis regulations. Staff’s recommendation is consistent with that direction; however, staff does propose an additional change to the definition of “child day care facility” for consistency with state law, as explained below.

Each sensitive use and its current and proposed definition is included below:

- Public or private schools
  - **Existing definition:** a public or private school that provides instruction from kindergarten to grade 12.
  - **Proposed amendments:** None

- Youth community center
  - **Existing definition:** 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.
  - **Proposed amendments:** None.

- Child day care facility
  - **Existing definition:** a large family day care, home or child day care center, preschool, or nursery school.
  - **Proposed amendments:** Modify the definition to conform to state law: “a child day care facility other than a large or small licensed family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers.”
Analysis: This amendment is recommended for consistency with state law. Each of the other sensitive use definitions in Chapter 5.80 are consistent with the state’s definitions. By having a different definition for “child care facility,” the city is responsible for compliance, independent of the state’s role in reviewing sensitive uses. Further, due to recent legislation, the city is no longer able to require permits for large family day care facilities and the State has restricted the public disclosure of the locations of small and large family day cares — which tend to be smaller facilities in residential areas — due to privacy and safety concerns. This restriction of information prevents the City from identifying and providing accurate information regarding this particular sensitive use as currently defined.

At the November 5, 2019 meeting, staff was asked to revise the consultant created map showing locations of sensitive uses, due to concerns about whether certain sensitive uses might have been overlooked. Staff subsequently compiled data from a variety of sources to create a new sensitive use map, included as Attachment 3.

Attachment 3 shows known, potentially sensitive uses as of December, 2019 when the data were collected. This map includes additional sensitive uses that were not accounted for at the time the original cannabis regulations were adopted by Council in June, 2018 (Ordinance No. 18-3). Of particular note, sensitive uses are not static and some of the uses on this map may no longer be present. Alternatively, new sensitive uses may have located in Concord between the time the data was collected and the time this report was published. As previously stated, a cannabis business may not be located within 600 feet from a sensitive use at the time an initial state license is issued, per state law. Therefore, staff anticipates that this sensitive use map will be updated at the time the RFP is issued to include the most up-to-date information possible for prospective applicants.

The proposed amendments to Chapter 5.80 as it relates to the application process also includes a hardship provision for applicants in connection with sensitive uses and buffer areas. As proposed, the Chief of Police (or City Council, upon referral by the Chief) may grant a hardship exception upon making certain findings, including that the relative locations of the sensitive use and cannabis business contains a physical barrier or impediment in the path of travel between the two activities, or that the nature of the sensitive use or the cannabis business would not lead to undue exposure or danger of illegal activity directed towards minors.

E. **Sale of Cannabis Vaping Products**

At the November 5, 2019 meeting, Council asked staff to provide information regarding how the City could potentially ban the sale of vaping products at retail cannabis businesses (storefront, non-storefront, and microbusinesses). While the City could adopt regulations within the Ordinance prohibiting the sale of cannabis vaping products
at these retail establishments (a maximum of eight businesses), staff does not recommend this action for the following reasons:

- The State is taking steps to address vaping issues related to unlicensed and illegal cannabis products, which appear to be linked to vaping illnesses. Licensed cannabis businesses are highly regulated, including laboratory testing meant to protect consumer safety. As a result, the Bureau of Cannabis Control recently adopted new emergency regulations requiring licensees to conspicuously display and/or carry if delivering cannabis or cannabis products, the QR Code certificate issued by the Bureau.

- The Police Department has also expressed concerns regarding the enforcement and lack of resources for this type of restriction applying to certain products and not others, and verifying compliance.

- Prohibiting cannabis vaping products from retail stores in Concord would not address e-vaping products sold in other types of stores throughout the City containing CBD, tobacco, or nicotine.

- State law allows cannabis retail businesses located outside of Concord to deliver to customers within Concord. Because of this, a cannabis vaping product ban would not stop the products from being sold in Concord, while also making the cannabis retail establishments in Concord less competitive by offering fewer product lines, which could also result in the businesses being less successful.

- Banning vaping products would also encourage the illicit cannabis market due to the vacancy and opportunity in the marketplace, which could result in the opposite effect of trying to prevent health issues and protect consumers by creating an environment allowing the illegal market to thrive and provide illegal and untested products.

- A ban on the sale of cannabis vaping products would prevent the only operational cannabis manufacturing business in Concord from selling products to retail businesses within the City.

However, if the Council desires to ban the sale of cannabis vaping products, staff has included language that could be incorporated into the proposed amendments, as Attachment 5.

F. Competitive Selection Process – Retail Uses (Storefront and Non-storefront)
At the November 5, 2019 Council Meeting, staff was directed to develop a competitive Request for Proposal (RFP) selection process for both storefront and non-storefront cannabis retailers. The RFP process would invite applications for up to three of each type of cannabis retailer (three storefront and three non-storefront).

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The proposed RFP process was presented to the PD&IO Council Committee on February 24, 2020. The full Council will consider this direction in detail at the May 26, 2020 Council meeting.

The Committee also recommended the full Council consider as part of the Cannabis Ordinance, the following:

- That microbusinesses should be included in the competitive selection process;
- To increase the number of allowed microbusiness licenses; and
- To allow storefront retail to be included as a component of microbusinesses.

G. Community benefit Agreements/Development Agreements

Based on Council’s direction at the November 5, 2019 meeting, new cannabis businesses are proposed to enter into either a community benefit or development agreement with City. The intent of the agreement would be a revenue sharing mechanism in lieu of a cannabis tax. The proposed community benefit will be a scored criteria as part of the competitive selection process for the applicable license types as well as incorporated into the City Cannabis License application form for businesses not selected through the competitive selection process.

Staff recommends that cannabis businesses enter into a community benefit agreement rather than development agreement with the City, as the approval of a development agreement would be treated as an ordinance, with two readings. In comparison, community benefit agreements could be entered into by the City Manager, if that duty is delegated to her by Council. In any event, in order to provide for the option of entering into a development agreement with a cannabis applicant, staff has included text amendments to Chapter 18.460 (Development Agreements) in order to specify that development agreements are available for the City and cannabis business owners.

H. Miscellaneous Minor Code Changes (Chapter 5.80 and Title 18)

In addition to the revisions listed above, additional minor edits and revisions are proposed to Chapter 5.80 and Title 18 to conform to state law, provide clarifying language, and update the code to simplify sections that have been shown to be confusing to applicants and staff when processing cannabis applications through the City’s current regulations.

Neighboring Jurisdictions

At the November 5, 2019 meeting, the Council also requested staff to provide details on retail cannabis regulations in neighboring Contra Costa County jurisdictions. Staff researched regulations in the following jurisdictions: Martinez, Antioch, Pleasant Hill, Richmond, El Cerrito, Walnut Creek, San Ramon, Vallejo, and Contra Costa County. A summary of this information is included as Attachment 4.
Next Steps
Assuming adoption of the Ordinance by the Council, the second reading of the Ordinance would be scheduled for May 26, 2020. Staff anticipates that the merit-based competitive RFP selection process and criteria endorsed by PD&IO will be presented to the full Council for consideration on May 26, 2020. Lastly, the Ordinance (Attachment 1) would become effective on June 25, 2020.

Based on the tentative timeline described above, applications for new manufacturer, microbusiness, and distributor (Type 11 and Type 13) licenses could be accepted by the Police Department as early as the latter part of June, 2020. The RFP for retailers (storefront and non-storefront) is projected to be issued around the same time and would be open for approximately for 60 to 90 days. The City would continue to accept applications for cannabis testing laboratory licenses.

Financial Impact
The requirement for community benefit/development agreements in relation to new cannabis uses is expected to result in additional revenue for the City. Additionally, the City could consider placing a cannabis tax revenue measure before voters in the future.

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”), the proposed amendments to the Municipal Code and Development Code do not constitute a “project” within the meaning of Public Resources Code Section 21065 and CEQA Guidelines Sections 15060(c)(2), or 15378 because there is no potential that the activity will result in a direct or reasonably foreseeable indirect or direct physical change in the environment. Although the subject ordinance is designed to expand the existing licensing framework for City Cannabis Licenses and cannabis uses, the proposed amendments would not alter the underlying land uses (such as manufacturing, light industrial or retail uses) that are currently permitted in the subject zoning districts without a cannabis use component. Subsequent applications for a commercial cannabis use would be subject to individual review under CEQA. Moreover, even if the proposed amendments did 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.” Here, the proposed amendments would allow for only a limited number of commercial cannabis businesses, which would not cause any significant impacts apart from underlying land uses that are already permitted in the subject zoning districts. In addition, Business and Professions Code Section 26055(h) provides that CEQA does not apply to the adoption of an ordinance, rule, or regulation that requires discretionary review and approval of permits, licenses or other authorizations to engage in commercial cannabis activity as long as
each subsequent discretionary approval involves applicable CEQA review. Accordingly, no further environmental review is required.

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://www.cityofconcord.org/cannabis.

Attachments
1. Draft Ordinance with Text Amendments attached thereto as Exhibit A-C:
   A. Exhibit A: Draft Municipal Code Amendments (5.80)
   B. Exhibit B: Draft Development Code Amendments
   C. Exhibit C: Amended Commercial Cannabis Overlay District Map
2. Map: Overlay District and Proposed Retail Storefront Zoning Districts
3. Map: Sensitive Uses, as of December 2019
4. Table: Commercial Cannabis Regulations in Neighboring Jurisdictions
5. Anti-Vaping Language
6. PD&IO Direction Redlines to Municipal Code Amendments (5.80)
ORDINANCE NO. 20-XX

AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE
CHAPTER 5.80 (CANNABIS) AND DEVELOPMENT CODE (TITLE 18)
TO: ALLOW ADULT-USE CITY CANNABIS LICENSES FOR
MANUFACTURERS AND TYPE 13 DISTRIBUTORS; INCREASE THE
MAXIMUM NUMBER OF CITY CANNABIS LICENSES FOR
MANUFACTURERS, TYPE 13 DISTRIBUTORS, AND TESTING
LABORATORIES; AND ALLOW CITY CANNABIS LICENSES FOR
RETAIL (STOREFRONT AND NON-STOREFRONT),
MICROBUSINESSES, AND TYPE 11 DISTRIBUTORS

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; 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
(“MAUCRSA”); 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 also directed staff to work with a consultant to conduct a statistically valid survey; 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; 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 June 12, 2018, the City Council adopted Ordinance No. 18-3, which amended the Municipal Code and Development Code to establish a Commercial Cannabis Overlay District, associated development standards, and a licensing framework for medicinal-only cannabis manufacturing and distribution, and adult-use and medicinal testing laboratories; and

WHEREAS, on April 2, 2019, the City Council and Planning Commission conducted a Joint Study Session and directed staff to pursue revisions to the existing cannabis regulations to potentially allow additional commercial cannabis uses including adult-use and medicinal non-storefront retail; and consideration of allowing adult-use and medicinal storefront retail and microbusinesses; and

WHEREAS, on August 13, 2019, the City Council provided direction to staff on permitting adult-use, in addition to medicinal, cannabis manufacturing and distribution licenses; and provided direction on increasing the amount of City Cannabis Licenses available for cannabis manufacturing, distribution, and testing laboratories; and

WHEREAS, on November 5, 2019, the City Council considered introduction of an Ordinance amending Concord Municipal Code Chapter 5.80 (Cannabis) to add adult-use City Cannabis Licenses for manufacturing and distribution; to increase the maximum number of City Cannabis Licenses for
manufacturing, distribution, and testing laboratories; to allow City Cannabis Licenses for medicinal and
adult-use retail (storefront and non-storefront); and allow City Cannabis Licenses for microbusinesses.

At the meeting, the City Council provided direction to staff regarding the allowable number of each
cannabis license type, and directed staff to bring the Development Code amendments required for
implementing corresponding changes to the Concord Development Code to the Planning Commission
for consideration and recommendation to the City Council; and

WHEREAS, on February 5, 2020, the Planning Commission held a duly noticed public hearing
and adopted Resolution No. 20-01PC (with a 4:0 vote, Weinmann absent), recommending City Council
amend the Development Code with text amendments to the land use tables (18.30-18.60), Commercial
Cannabis Overlay District (18.110), Signs (18.180), Development Agreements (18.460), and General
Terms (18.20), relating to commercial cannabis regulation

WHEREAS, the adoption of this Ordinance and attached text amendments (collectively referred
to as “Amendment,” attached hereto as Exhibits A-C) to the Concord Municipal Code is necessary to
allow adult-use City Cannabis Licenses for manufacturers and Type 13 distributors; increase the
maximum number of City Cannabis Licenses for manufacturers, Type 13 distributors, and testing
laboratories; and allow City Cannabis Licenses for retail (storefront and non-storefront),
microbusinesses, and Type 11 distributors; 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 proposed amendments to the
Municipal Code and Development Code do not constitute a “project” within the meaning of Public
Resources Code Section 21065 and CEQA Guidelines Sections 15060(c)(2), or 15378 because there is
no potential that the activity will result in a direct or reasonably foreseeable indirect or direct physical
change in the environment. Although the subject ordinance is designed to expand the existing
licensing framework for City Cannabis Licenses and cannabis uses, the proposed amendments would
not alter the underlying land uses (such as manufacturing, light industrial or retail uses) that are
currently permitted in the subject zoning districts without a cannabis use component. Subsequent
applications for a commercial cannabis use would be subject to individual review under CEQA.
Moreover, even if the proposed amendments did 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.” Here, the proposed amendments would allow for
only a limited number of commercial cannabis businesses, which would not cause any significant
impacts apart from underlying land uses that are already permitted in the subject zoning districts. In
addition, Business and Professions Code Section 26055(h) provides that CEQA does not apply to the
adoption of an ordinance, rule, or regulation that requires discretionary review and approval of
permits, licenses or other authorizations to engage in commercial cannabis activity as long as each
subsequent discretionary approval involves applicable CEQA review; and

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 28, 2020, on the proposed
Amendment, considered testimony and information received at the public hearing and the oral and
written reports from City staff dated April 28, 2020, 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 proposed amendments to the
Municipal Code and Development Code do not constitute a “project” within the meaning of Public
Resources Code Section 21065 and CEQA Guidelines Sections 15060(c)(2), or 15378 because there is
no potential that the activity will result in a direct or reasonably foreseeable indirect or direct physical
change in the environment. Although the subject ordinance is designed to expand the existing licensing framework for City Cannabis Licenses and cannabis uses, the proposed amendments would not alter the underlying land uses (such as manufacturing, light industrial or retail uses) that are currently permitted in the subject zoning districts without a cannabis use component. Subsequent applications for a commercial cannabis use would be subject to individual review under CEQA. Moreover, even if the proposed amendments did 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.” Here, the proposed amendments would allow for only a limited number of commercial cannabis businesses, which would not cause any significant impacts apart from underlying land uses that are already permitted in the subject zoning districts. In addition, Business and Professions Code Section 26055(h) provides that CEQA does not apply to the adoption of an ordinance, rule, or regulation that requires discretionary review and approval of permits, licenses or other authorizations to engage in commercial cannabis activity as long as each subsequent discretionary approval involves applicable CEQA review. 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 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 Amendment maintains the four part regulatory framework to evaluate certain cannabis businesses and commercial activities and includes conditions of licenses to lessen potential impacts that may result from allowing adult-use cannabis and additional cannabis licenses.

**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 is hereby amended as set forth in Exhibit A, 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.

Timothy A. McGallian
Mayor

ATTEST:

By: Joelle Fockler, MMC
    City Clerk
    (Seal)
Ordinance No. 20-XX was duly and regularly introduced at a regular meeting of the City Council of the City of Concord held on April 28, 2020, and was thereafter duly and regularly passed and adopted at a regular meeting of the City Council held on May 26, 2020, 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: Amendments to CMC Chapter 5.80
Exhibit B: Amendments to CMC Title 18
Exhibit C: Amended Commercial Cannabis Overlay District Map
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 application and appeals.
5.80.060 City cannabis license term.
5.80.070 City cannabis license transfer or 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 passed 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.

(Ord. No. 18-3, § 7 (Exh. B))

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 sheds, storage sheds, carports, greenhouses, pool cabanas, and other outbuildings or 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 separation distance that must be maintained between a particular commercial cannabis activity or use and a particular “sensitive land use” or activity, e.g., schools, child day care centers, community centers, or youth centers, as designated by state laws or regulations, or as set forth in this chapter and in the relevant Development Code land use tables. The separation distance shall be the horizontal distance measured in a straight line from the property line of the sensitive use to the closest property line of the lot on which the commercial cannabis activity or use is to be located, without regard to intervening structures.

Bureau of Cannabis Control (BCC) means the lead state agency or successor agency responsible for developing regulations and licensing commercial medicinal and adult use cannabis in California, which is also responsible for licensing retailers, distributors, testing laboratories and microbusinesses, and temporary cannabis events.

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, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin in which whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalk, 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 11018.2 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 or cannabis land use, including, but not limited to, planting, cultivation, harvesting, transporting, manufacturing, compounding, converting, 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 Business and Professions Code Section 26001(f), or any successor statute thereto.

Cannabis business owner or owner means a person who is entitled to a share of at least 20 percent of the profits of the commercial cannabis business, by the following, as that term is as defined by California Business and Professions Code Section 26001(f), or any successor statute thereto, including:

1. A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.

2. The chief executive officer of a nonprofit or other entity.

3. A member of the board of directors of a nonprofit.

4. An individual who will be participating in the direction, control, or management of the person applying for a license.
(5) Any individual who is entitled to a financial interest in the commercial cannabis business, including individuals who have entered into an agreement to share in the profits of the commercial cannabis business.

(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, director, and stockholders of every corporation, nonprofit corporation, limited liability company, or general or limited partnership that owns at least 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 a topical product containing cannabis, or concentrated cannabis and other ingredients, as that term is defined by Health and Safety Code Section 11018.1, or any successor statute thereto.

Cannabis regulation or cannabis regulations means, collectively, the regulations codified at: California Business and Professions Code Section 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.

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.

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.

City Manager means the City of Concord City Manager or designee.

Community Benefit Agreement means an agreement entered into between the City and a City Cannabis Licensee, which sets forth the terms and conditions under which a City Cannabis License holder may operate that are in addition to the requirements of this Chapter, including but not limited to public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety, and welfare of the City and its residents.

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 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.

**Dispensary,** *See “Retailer,”* 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.

**Distributor (Type 11)** means a cannabis business that transports cannabis and cannabis products between licensees, which may include arranging for testing of cannabis and cannabis products, and conducting the quality assurance review of cannabis and cannabis products to ensure compliance with all state packaging and labeling requirements, as allowed with a state-issued Type 11 distribution license.

**Distributor Transport Only (Type 13)** means the a cannabis business that only transports cannabis and cannabis products between licensees, and is not permitted to transport any cannabis or cannabis products, except for immature cannabis plants and/or seeds, to a licensed retailer or to the retailer portion of a licensed microbusiness, as allowed with a state-issued Type 13 distribution license. This definition also includes distributors who are licensed by the state for self-distribution and are permitted to transport cannabis and cannabis products that the licensee has cultivated or manufactured. A Distributor Transport Only self-distribution licensee is not permitted to transport cannabis and cannabis products cultivated or manufactured by other licensees, 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(o), or any successor statute thereto.

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

**Industrial hemp** means a crop that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; 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 produced therefrom.

**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 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.

**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.

**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 allowed to engage in the cultivation of cannabis on an area less than 10,000 square feet, and to act as a licensed includes distributing, Level 1 manufacturing (Type 6 license), and/or retail or activity, if duly licensed by the Bureau of Cannabis Control, as that term is defined by California Business
A microbusiness shall engage in at least three (3) of these four (4) commercial cannabis activities: retail, distribution, manufacturing, or cultivation.

*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 and only sells cannabis, cannabis products, and cannabis accessories exclusively through delivery, as defined by California Business and Professions Code Section 26001(p), or any successor statute thereto.

*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, receiver, 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 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 card 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 cannabis or cannabis products 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.

*Retailer* means a cannabis business, either “storefront retailer” or “non-storefront retailer”, which provides for the retail sale and/or delivery of cannabis, cannabis products, and cannabis accessories 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 use 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; a child day care facility, other than a large or small licensed family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers; 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 and Professions Code Section 26050(a), or any successor statute thereto.

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 and/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.

(Ord. No. 18-3, § 7 (Exh. B))

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 commercial 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 licenses for each license type, as described in subsection (d) of this section.

(b) Conditional city cannabis license. A conditional city cannabis license consistent with subsection (a) may be issued by the Chief of Police to initiate the State licensing process as an interim step prior to issuance of the city cannabis license.

(c) Required approvals for operation. 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 use or activity;

3. A business license from the city;

4. A fully executed development agreement or community benefit agreement, if required by the City.

(ed) 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, use, or cannabis commercial activity with the city.

(de) 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). If no designation of “M” or “A” is listed for the license type, the city license includes both adult and medicinal uses:
(1) **City cannabis manufacturer license.** A city cannabis manufacturer license is required for a cannabis business that intends to sell or distribute cannabis for medicinal use. City cannabis manufacturer licenses are expressly prohibited.

(1) **City cannabis manufacturer license.** A city cannabis manufacturer license is required for a cannabis business that intends to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product for use.

(2) **City cannabis distributor transport only (Type I3) license.** A city cannabis distributor transport only license (Type I3) is required for a cannabis business that intends to only procure, sell, and transport cannabis and/or cannabis products between state licensees, and is not permitted to transport any cannabis or cannabis products, except for immature cannabis plants and/or seeds, to a licensed retailer or to the retailer portion of a licensed microbusiness. This license also allows self-distribution transportation of cannabis and cannabis products that the licensee has cultivated or manufactured, but does not permit transportation of cannabis or cannabis products cultivated or manufactured by other licensees for adult use. A city cannabis distributor license A can only be issued in conjunction with a city cannabis testing laboratory license.

(3) **City cannabis distributor (Type I1) license.** A city cannabis distributor license (Type I1) is required for a cannabis business that intends to transport cannabis between licensees, which may include arranging for testing of cannabis and cannabis products, and conducting the quality assurance review of cannabis goods to ensure compliance with all state packaging and labeling requirements.

(3) **City cannabis distributor license.** A city cannabis distributor license is required for a cannabis business that intends to procure, sell, and transport cannabis and cannabis products between state licensees for medicinal use. A city cannabis distributor license M can only be issued in conjunction with a city cannabis testing laboratory license or a city cannabis manufacturer license M.

(4) **City cannabis microbusiness license.** A city cannabis microbusiness license is required for a cannabis business that conducts three of the following activities: a) cultivation (indoor only) of cannabis in an area less than 10,000 square feet; b) distribution; c) manufacturing; and/or d) retail (non-storefront only, storefront restricted as part of a microbusiness in the city).

(5) **City cannabis non-storefront retailer license.** A city cannabis non-storefront retailer license is required for a cannabis business or commercial activity which provides for the retail sale of cannabis and cannabis products to customers from a physical location via delivery, and is closed to the public.

(6) **City cannabis storefront retailer license.** A city cannabis storefront retailer license is required for a cannabis business or commercial activity which provides for the retail sale of cannabis and cannabis products to customers from a fixed location with direct physical access for the public.

(7) **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, facility, or entity that offers or performs tests of cannabis products and is accredited and licensed by the appropriate state agencies. Cannabis testing laboratory licenses cannot be paired with other city cannabis license types.

(8) **City cannabis delivery license.** A city cannabis delivery license is required for dispensaries, retailers, (storefront or non-storefront), or microbusinesses which are licensed by the state and located outside the 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) **Limitation on quantity of commercial cannabis licenses.** The Chief of Police may approve up to the following number of city cannabis licenses in an amount not to exceed within the commercial cannabis overlay district:
(1) Five city cannabis manufacturer licenses;

(2) Two city cannabis microbusiness licenses;

(3) Three city cannabis non-storefront retailer licenses;

(4) Three city cannabis storefront retailer licenses;

(5) Two city cannabis distributor Type 11 licenses;

(1) Two city cannabis testing laboratory licenses;

(2) Two city cannabis manufacturer-M licenses; and

(6) City cannabis distributor transport only Type 13 license shall only be issued in conjunction with a corresponding city cannabis license issued by the Chief of Police (such as manufacturing). Six The number of city cannabis distributor transport only Type 13 licenses shall not exceed the amount of licenses issued for each that are associated with either an approved city cannabis manufacturer-M or city cannabis testing laboratory license with the exception of cannabis testing laboratory. No standalone distributor transport only Type 13 license shall be allowed. A city cannabis distributor license cannot be issued without a corresponding cannabis manufacturer or testing laboratory license issued by the Chief of Police.

(eh) Exceptions to city cannabis license requirement. The following noncommercial activities are allowed and do not require a city cannabis license under this chapter, provided the use or activity does not constitute a commercial cannabis business or activity and complies with state and local laws:

(1) Possession of not more than 28.5 grams of cannabis is 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 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 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.

(Ord. No. 18-3, § 7 (Exh. B))

5.80.040 City cannabis license application.
The form and content of the application for a permit license, shall be specified by the Chief of Police and shall include the following minimum information, as applicable to the city cannabis license type:

(1) 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.

(2) 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.

(3) 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.
(4) **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.

(5) **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.

(6) **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.

(7) **Security plan.** A description and documentation of how the applicant will secure the premises 24 hours per day, seven 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:

   a. Preventing individuals from remaining on the premises if they are not engaged in activity expressly related to the operations of the commercial cannabis activity;

   b. 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;

   c. 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, or immediate sale, if applicable;

   d. 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;

   e. Providing tamper-proof and tamper-evident packaging for finished cannabis products;

   f. Preventing off-site impacts to adjoining or near properties;

   g. Limiting the amount of cash on the premises and providing a cash management plan for the safe handling and transferring of money;

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

   i. Providing an adequate alarm system;

   j. 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 three 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;

   k. 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;

   l. Providing a cannabis business contact who can respond to the city and neighbors regarding complaints; 

   and

   m. Identifying measures to prevent unlawful loitering and excessive noise.
(8) **Tracking system.** A description of how the cannabis business will track inventory of cannabis product, consistent with state law.

(9) **For cannabis businesses applying for a city cannabis delivery or distributor (Type 11 or 13) license, or a retail (storefront or non-storefront) or microbusiness conducting sales via delivery:**
   
   a. Listing of all vehicles and devices to be used for delivery or transportation of cannabis or cannabis product within the city, which includes the vehicle’s make, model, year, license plate number and vehicle identification number.
   
   b. Identifying all persons who will deliver cannabis or cannabis product in the city. Such individuals must be at least 21 years of age at the time of submittal of the application.
   
   c. Copies of applicable authorizing state and local licenses and permits issued to cannabis business allowing it to engage in commercial cannabis activity.

(10) **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.

(11) **Indemnification and release.** An agreement, in a form approved by the City Attorney, whereby the applicant:
   
   a. Releases the city, its officers, officials, agents, and employees from any and all claims, injuries, damages, or liabilities of any kind arising from (1) 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 (2) any arrest or prosecution of applicant or its managers, employees or staff for violation of state or federal laws; and
   
   b. 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.

(12) **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.

(13) 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.

(Ord. No. 18-3, § 7 (Exh. B))

**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 10 calendar days after the date of the Chief of Police’s 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 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 15 calendar 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:

a. A violent felony conviction, as specified in Penal Code Section 667.5(c).

b. A serious felony conviction, as specified in Penal Code Section 1192.7.

c. A felony conviction involving fraud, deceit or embezzlement.

d. 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.

e. 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:

a. Distribution, providing or exposing cannabis or cannabis products to minors;

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

c. Diversion of cannabis or cannabis products to jurisdictions outside of the state where cannabis and cannabis products are unlawful under state or local law;

d. Trafficking of other illegal drugs or facilitation of other illegal activity;

e. Violence and the use of firearms in the cultivation and distribution of cannabis and cannabis products;
f. The illegal or unauthorized use of public lands in the cultivation of cannabis; or

g. 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)(d) and (e) 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.

(9) Is in violation of the Concord Municipal Code (including development code).

(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.

(12) Is in violation of any city approval, including conditions of approval imposed on the license for the commercial cannabis activity or underlying land use.

(e) Suspension and revocation.

(1) If the Chief of Police deems continuation of the operation of the cannabis retailer business 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.

(f) Prohibition of multiple licenses for the same commercial cannabis activity or use at same location. No cannabis business owner or person may possess multiple city cannabis licenses for the same license type or substantially same cannabis use (e.g., a cannabis manufacturer license and a microbusiness license with a manufacturing component) at the same location. Upon approval of a subsequent city cannabis license at the same location for the substantially the same activity or use, the prior license shall be deemed to automatically have been surrendered, and will be null, void, and superseded by the new license. The Chief of Police shall determine whether the cannabis activities or uses are at the same location or are substantially similar.

(Ord. No. 18-3, § 7 (Exh. B))

5.80.060 City cannabis license term.

(a) Duration. The city cannabis license shall be valid for one 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 years from the date of issuance. The license term may also be extended by the City Council for a period of up
Section 5.80.080(b) of this existing cannabis business, the cannabis business may request an exception to the sensitive license, if it is determined that a sensitive license is required due to circumstances beyond their control. Any extension shall be subject to any additional fees.

Any extension shall have any entitlement or vested right to receive a license under this chapter.

(c) Application Deemed Withdrawn. To promote efficient review and timely decisions, any cannabis license application governed under this chapter will be automatically deemed withdrawn by the applicant, without any further action by the City, if the applicant fails to tender a substantive response to the City within 45 calendar days after the Police Department deems the application incomplete in a written notice to the applicant. The Police Department may, in its sole and absolute discretion, grant a written extension for up to a total of 15 calendar days if the applicant submits a written request prior to the deemed withdrawn date that shows good cause to grant the extension. Any extension shall be subject to additional fees.

(d) License Expiration. Any city cannabis license approved pursuant to this chapter or pursuant to a competitive selection process shall automatically expire and become null and void, without any further action by the City, unless the proposed cannabis use is established within six months from the date of approval by the decision-making body or if the cannabis use ceases for a period of six months as determined by the Planning Division, at any time after its commencement. The Planning Division may, at its sole and absolute discretion, grant a written extension for an additional six months, if the applicant submits a written request prior to the expiration date that demonstrates that they have diligently attempted to exercise the license but were unable due to circumstances beyond their control. Any extension shall be subject to any additional fees.

(e) Resubmittal.

(1) Resubmittal Prohibited Within 12 Months. For a period of 12 months following expiration of a cannabis license application or expiration of a cannabis license, no application for the same or substantially similar license for the same site shall be submitted. If a new application is allowed pursuant to subsection ii, a completely new application shall be filed, including all submittal requirements and current filing fees, in accordance with the requirements of this chapter.

(2) City Determination. The Planning Division shall determine whether the new application is the same or substantially similar to the expired application or license, and shall issue a written determination to the applicant.

(3) Appeal. The determination of the Planning Division may be appealed to the Chief of Police within 10 calendar days of the date of decision. The decision of the Chief of Police shall be final.

(f) Sensitive Land Use Hardship Application. Upon the written application of a new or renewal of a city cannabis license, if it is determined that a sensitive land use, as defined by this chapter, is located within 600 feet of the existing cannabis business, the cannabis business may request an exception to the sensitive land use requirement of Section 5.80.080(b) of this chapter, which may be granted or denied by the Chief of Police pursuant to this chapter.

(1) The Chief of Police shall consider the following factors in his or her consideration of granting the hardship application:

a. The relative locations of sensitive uses and the proposed cannabis business and whether there are any existing physical barriers or impediments in the path of travel between the sensitive use and proposed cannabis business activity.

b. In the case of a renewal application, whether the licensee has satisfactorily complied with all of the conditions of each respective license(s), including but not limited to compliance with state licensing standards and the approved Security Plan, or whether there have been repeated
violations, acts of negligence or receipt of complaints from the public concerning the commercial cannabis operations.

c. Whether there are other factors, such as the respective nature and day-to-day operations of the sensitive use and the proposed commercial cannabis activity, which would not lead to undue exposure or danger of illegal activity directed to minors.

(2) The Chief of Police’s denial of a hardship application may be appealed in writing to the City Manager within ten (10) days of notice of the Chief’s decision. The City Manager’s decision on the appeal shall be final.

(Ord. No. 18-3, § 7 (Exh. B))

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. The Chief of Police may also refer the request for transfer or modification to the City Council for consideration.

(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 60 days prior to the anticipated transfer of ownership, or, in the case of change of management employees, within 15 calendar days, together with any applicable fee(s). Requests submitted later 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 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 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 30 days prior to the anticipated change, together with the applicable fee.

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

(Ord. No. 18-3, § 7 (Exh. B))

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, the cannabis business shall hold a valid state license (provisional or permanent) for the equivalent state license type for the entire duration of the city cannabis license.

(b) Buffer zone. Sensitive Land Use. Chapter 18.110 of the Development Code establishes a Commercial Cannabis Overlay District, where certain cannabis land uses (such as manufacturing, testing laboratories, microbusinesses, non-storefront retail and distribution (Type 11 and 13) may be allowed in conjunction with obtaining the appropriate city cannabis license pursuant to this chapter. Notwithstanding the establishment of the Commercial Cannabis Overlay District, no cannabis business shall be located within 600 feet of a sensitive land use, as defined in Section 5.80.020, except as provided in Section 5.80.060(c) (Sensitive Land Use Hardship) or unless otherwise directed by
Council through the competitive selection process. No sensitive land use shall be located in the buffer area that is within 600 feet of the Commercial Cannabis Overlay District.

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 permitted to be located in the buffer zone.

(c) Alcohol and tobacco Prohibited products prohibited. No cannabis business may sell, store, distribute or allow the consumption of any alcoholic beverages or tobacco products 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, with the exception of storefront retail, shall be closed to the general public. No direct sales of cannabis or cannabis products to the general public shall occur except via delivery from a licensed business to a private residence. The Chief of Police may limit the hours for transporter deliveries and pick-ups. No direct sales of cannabis or cannabis products to the general public may occur. Storefront retail cannabis businesses shall not be open to customers outside of 7:00 a.m. to 10:00 p.m. daily without authorization from the Chief of Police.

(f) Odor control. Odors shall be contained on the property within the licensed tenant space on which the commercial cannabis activity is located. Cannabis licensees shall prevent all odors generated from the cannabis use from escaping buildings to the extent that odor cannot be detected by a reasonable person of normal sensitivity outside the buildings, on adjacent properties or public rights-of-way, or within any other unit located within the same building as the cannabis licensee, if the use only occupies a portion of a building. If the city receives any odor complaints that rise 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 the 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 thereto.

(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 immediately, and within 24 hours after discovering any of the following:

1. Diversion, theft, loss, or any criminal activity involving the cannabis or cannabis products or any agent or employee of the licensee.

2. The loss or unauthorized alteration of records related to cannabis or cannabis products, 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 or more persons, property damage and personal injury with limits of not less than $2,000,000 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 or more persons, property damage and personal injury, with limits of not less than $2,000,000. 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 noncontributory, 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 or in connection with license e’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 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 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 Title 15 for any electrical, plumbing, or other construction activities.

(r) **Planning permits.** The cannabis business shall obtain all planning permits, as required by the city’s Development Code. Cannabis businesses are required to upgrade any property that does not meet current development standards and shall submit a complete design and site review application for review and approval prior to occupancy.

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

(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 refuse or the trash receptacle.

(u) **Waste disposal.** Disposal of cannabis, cannabis products, and cannabis waste shall occur in accordance with state law.

(v) **Temporary cannabis events.** Temporary cannabis events shall be prohibited.
Other agency approvals. The cannabis business shall be required to obtain approval from the Fire District, Health Department, and Central Contra Costa Sanitary District.

(Ord. No. 18-3, § 7 (Exh. B))

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 commercial cannabis activity and underlying use:

1. City cannabis manufacturer license - M. City cannabis licenses shall only be issued for manufacturing products for medicinal uses, otherwise known as a manufacturer license - M. No adult use manufacturing (city cannabis manufacturer license - A) shall be allowed or permitted within the city. All city cannabis manufacturer licenses - M shall be subject to the following conditions:
   a. A manufacturer - M licensee shall employ at least one full-time quality control personnel.
   b. A manufacturer - M licensee must establish standard operating procedures and batch records that comply with good manufacturing practices and any applicable state law.
   c. All finished cannabis products produced by a manufacturer - M licensee must be labeled and packaged in child-resistant packaging prior to leaving the manufacturing premises in accordance with state law.
   d. A manufacturer - M licensee using volatile solvents must comply with state law, procure approval from the Contra Costa County Fire Protection District, and operate in a manner to reduce the risk of explosion or danger to public health.

2. City cannabis distributor (Type 11 and Type 13) license. A city cannabis distributor license shall be subject to the following conditions:
   a. A city cannabis distributor transport only Type 13 license cannot be issued without a corresponding city cannabis manufacturer - M or testing laboratory license (e.g. manufacturing) issued by the Chief of Police.
   b. A city cannabis distributor licensee shall only transport cannabis or cannabis products between duly licensed cannabis businesses. Vehicles used for distribution of cannabis or cannabis products shall not advertise any activity related to cannabis nor shall they advertise the name of the licensee.
   c. 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.

3. City cannabis delivery licenses - M. A city cannabis delivery license - M (or a retailer [storefront or non-storefront] or microbusiness license conducting sales via delivery) shall comply with all state regulations on cannabis delivery and shall be subject to the following conditions:
   a. Maintain at all times all licenses and permits as required by the State of 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 state license or permit is suspended or revoked.
   b. Delivery licensee - M may only deliver cannabis or cannabis products to customers for medicinal purposes. Delivery of cannabis to a customer for adult use is expressly prohibited.
   c. 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.
   d. Delivery vehicles shall not advertise any activity related to cannabis nor shall it advertise the name of the licensee.
ec. Delivery of the cannabis shall be directly to the private physical residence or secure exchange location at the Concord Police Department; deliveries to any other location are prohibited.

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

gd. 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.

gh. All orders to be delivered shall be packaged by the names of the customer.

(4) *City cannabis testing laboratory license.* A city cannabis testing laboratory license is subject to the following conditions:

a. Testing laboratory licensee shall employ at least one full-time quality control personnel.

b. Testing laboratory licensee shall operate and test all cannabis or cannabis products in accordance with state law.

c. All testing devices used by testing laboratory licensee must be Underwriters Laboratories (UL) listed or otherwise approved by the city’s Building Official and Contra Costa County Fire Protection District Fire Department.

d. Testing laboratory licensee must notify the Chief of Police within one business day after the receipt of any notice that its accreditation has been denied, suspended or revoked.

(5) *City cannabis microbusiness license.* A city cannabis microbusiness license is subject to the following conditions:

a. A retail storefront component shall be prohibited.

b. Submittal of a dimensioned floor plan showing location of separate components of microbusiness (type of cannabis uses) and their square footage.

c. If non-storefront retail is proposed the business shall comply with all conditions included in number (6), with the exception of 6.A.

d. If cultivation is proposed:

i. Outdoor cultivation shall be prohibited.

ii. Cultivation of cannabis shall be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides. Any fumigation or insecticidal fogging shall comply with the California Fire Code Chapter 26 (Fumigation and Insecticidal Fogging).

iii. All cultivation operations shall submit an odor control and mitigation plan with detailed information about the proposed ventilation system, including technical specifications indicating that the system is capable of preventing the release of cannabis odors from the cultivation operation.

iv. All cultivation operations shall submit a wastewater and water conservation plan.

(6) *City cannabis non-storefront retailer license.* A city cannabis retail non-storefront license is subject to the all of the following conditions:

a. An applicant for a non-storefront retailer license shall be selected by the City Council as part of a competitive selection process, as established by the City Council.
b. All cannabis products shall be loaded and unloaded inside a building.

c. The number, location, and hours of security guards shall be included in the application submittal.

d. A theft prevention plan shall be reviewed and approved by the Chief of Police or designee.

e. Any other specific conditions as directed by the City Council as part of the competitive selection process.

(7) *City cannabis storefront retailer license.* A city cannabis retail storefront license is subject to all of the following conditions:

a. An applicant for a storefront retailer license shall be subject to a competitive selection process, as established by the City Council.

b. A security plan must include procedures for verifying identification of customers both before entering the retail establishment and again before receiving cannabis or cannabis products.

c. The number, location, and hours of security guards shall be included in the application submittal.

d. A theft prevention plan shall be reviewed and approved by the Chief of Police or designee.

e. On-site security guard(s) shall monitor activity within 150 feet of building entrance to ensure no cannabis consumption is occurring in the vicinity of the business, including parking areas.

f. A neighborhood responsibility plan that demonstrates how the business will reduce adverse impacts to the surrounding neighborhood, including neighborhood outreach, methods for future communication, and dispute resolution, shall be submitted and approved by the city.

g. Cannabis and cannabis products that are not used for display purposes or immediate sale shall be stored in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.

h. The business owner shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises during business hours if directly related to the patrons of the subject retailer. For purposes of this subsection, “Reasonable steps” shall include calling the police in a timely manner; and requesting those engaging in nuisance activities to cease those activities, unless personal safety would be threatened in making the request.

i. The public entrance shall be ADA accessible.

j. A storefront retail licensee shall not conduct sales exclusively by delivery.

k. The business owner shall remove litter on and in front of the premises and, if necessary, on public sidewalks within one hundred feet (100') of the facility two (2) times, with a minimum of four (4) hour intervals, each operating day.

l. Any other specific conditions as directed by the City Council as part of the competitive selection process.

(Ord. No. 18-3, § 7 (Exh. B))

5.80.100  **Prohibited cannabis uses.**
The following cannabis businesses, uses and activities are expressly prohibited in the city:

(1) Cannabis commercial activity. No person shall engage in, conduct, operate, manage, or carry on, or permit to be engaged in, conducted or carried on, any cannabis commercial cannabis use or activity, other than as expressly permitted by city licensing under this chapter.
(2) Dispensaries/retailers. No person shall engage in, conduct, operate, manage, or carry on, or permit to be engaged in, conducted or carried on, the operation of a dispensary or retail establishment (storefront or non-storefront) in the city.

(3) 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.

(4) Manufacturing. 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 manufacturing of adult use cannabis within the city.

(5) 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 for personal, commercial, or any other purposes.

(6) 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, and may possess up to six plants for noncommercial use/purposes consistent with state law.

a. 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.

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

(4) Industrial Hemp 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 industrial hemp for personal, commercial, or any other purpose.

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

(Ord. No. 18-3, § 7 (Exh. B))

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.

(Ord. No. 18-3, § 7 (Exh. B))

5.80.120 Taxation. (Reserved)
(Ord. No. 18-3, § 7 (Exh. B))

5.80.130 Penalties.
(a) As set forth in Section 1.05.200, 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 is 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 1.05.230.

(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.

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

(Ord. No. 18-3, § 7 (Exh. B))

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.

(Ord. No. 18-3, § 7 (Exh. B))
Chapter 18.20

GENERAL TERMS

Sections:

Article I. Use Classifications

18.20.020 Use classifications.

Cannabis Uses. Commercial cannabis land uses are only allowed after approval of a corresponding City Cannabis License. See CMC Chapter 5.80. 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 Cultivation. See CMC 5.80.020.

______ Cannabis Cultivation – A. See CMC 5.80.020.

Cannabis Cultivation – M. See CMC 5.80.020.

Cannabis Delivery – A. See CMC 5.80.020.

Cannabis Delivery – M. See CMC 5.80.020.

Cannabis Distribution – A (Type 11). See “Distributor (Type 11)” in CMC 5.80.020.

______ Cannabis Distribution Transport Only (Type 13) – M. See “Distributor transport only (Type 13)” in CMC 5.80.020.

______ Cannabis Manufacturing – A. See “Manufacturer” in CMC 5.80.020.

______ Cannabis Manufacturer – M. See CMC 5.80.020.

Cannabis Microbusiness – A. See CMC 5.80.020.

______ Non-storefront retail Cannabis Microbusiness – M. See “Non-storefront retailer” in CMC 5.80.020.

______ Storefront retail. See “Storefront retailer” in CMC 5.80.020.

______ Cannabis Retailer – A. See CMC 5.80.020.

Cannabis Retailer – M. See CMC 5.80.020.

Cannabis Testing Laboratory. See CMC 5.80.020.

______ Indoor Personal Cannabis Cultivation. See CMC 5.80.020.

______ Industrial Hemp Cultivation. See CMC 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 18.30.020**

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required by District</th>
<th>Additional Requirements</th>
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<td>RR</td>
<td>RS</td>
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<tr>
<td>Cannabis Uses*</td>
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<tr>
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<td>Cannabis Distributor (Type 11) M</td>
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<td>Cannabis Distributor (Type 13) M</td>
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<td>Cannabis Manufacturing - A</td>
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<td>Cannabis Manufacturing - M</td>
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<td>Non-storefront Retail - A</td>
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<td>Cannabis Retailer - M</td>
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<td>Storefront Retail</td>
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<td>Cannabis Testing Laboratory</td>
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<td>Indoor Personal Cannabis Cultivation</td>
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<td>Industrial Hemp</td>
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</tbody>
</table>
Table 18.30.020
Residential Districts
Allowed Uses and Permit Requirements

<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>
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<tr>
<td>Cultivation</td>
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</table>

(1) Permitted where a legal detached single-family dwelling exists.

(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 CMC 5.80.080.

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

[Ord. 18-3 § 7 (Exh. A); Ord. 17-13 § 3 (Exh. A); Ord. 17-11 § 3 (Exh. 10); Ord. 17-5 § 2 (Exh. I); Ord. 17-2 § 2 (Exh. D); Ord. 14-6 § 1; Ord. 12-5; Ord. 12-5; DC 2012 § 122-78]
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>Table 18.35.020*</th>
<th>ZC = Permitted Use, Zoning Clearance Required</th>
<th>AP = Administrative Permit Required</th>
<th>MP = Minor Use Permit Required</th>
<th>UP = Use Permit Required</th>
<th>ADU = Accessory Dwelling Unit Application</th>
<th>6409 = Section 6409 Application</th>
<th>– = Use Not Allowed</th>
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<tbody>
<tr>
<td>North Todos Santos District Allowed Uses and Permit Requirements</td>
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<td>Land Use Classifications</td>
<td>Permit Required by District</td>
<td>Additional Requirements</td>
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<td>Public/Quasi-Public and Recreational Uses</td>
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<td>Cannabis Uses**</td>
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<td>Cannabis Delivery—M</td>
<td>ZC</td>
<td>Only permitted from licensed dispensary, subject to the restrictions in CMC 5.80.030</td>
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<td>Cannabis-Distribution-Type 11—A</td>
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<td>Cannabis-Distribution-type only—M (Type 13)</td>
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<td>Cannabis-Manufacturing—A</td>
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<td>Cannabis-Manufacturer—M</td>
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<td>Cannabis-Microbusiness—A</td>
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<td>Non-storefront retail Cannabis Retailer—A</td>
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<tr>
<td>Indoor Personal Cannabis Cultivation</td>
<td>ZC</td>
<td>Up to six plants per residence, pursuant to state law</td>
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<td>Industrial Hemp Cultivation</td>
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</table>

(1) Permitted where a legal detached single-family dwelling exists.
(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 CMC 5.80.080.
(3) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

[Ord. 15-3 § 7 (Exh. A); Ord. 17-15 § 3 (Exh. A); Ord. 17-11 § 3 (Exh. I); Ord. 17-5 § 2 (Exh. I); Ord. 17-2 § 2 (Exh. A); Ord. 14-6 § 2; Ord. 12-14; DC 2012 § 122-1023]
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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<th>Additional Requirements</th>
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<tbody>
<tr>
<td></td>
<td>CO</td>
<td>CMX</td>
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<tr>
<td>Cannabis Uses</td>
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<tr>
<td>Cannabis Cultivation</td>
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<tr>
<td>Cannabis Cultivation</td>
<td>ZC</td>
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<tr>
<td>Cannabis Delivery</td>
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<tr>
<td>Cannabis Delivery</td>
<td>M</td>
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<td>Cannabis Distribution A</td>
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<td>Cannabis Distribution M</td>
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<td>Cannabis Manufacturing A</td>
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<tr>
<td>Cannabis Manufacturing 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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<tr>
<td>Non-storefront retail A</td>
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<tr>
<td>Cannabis Retailer A</td>
<td>ZC</td>
<td>ZC</td>
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<tr>
<td>Cannabis Retailer M</td>
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<tr>
<td>Storefront retail</td>
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ZC = Permitted Use, Zoning Clearance
AP = Administrative Permit Required
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ADU = Accessory Dwelling Unit Application
6409 = Section 6409 Application
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Up to six plants per residence, pursuant to state law.
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<tr>
<td></td>
<td>CO</td>
<td>CMX</td>
</tr>
<tr>
<td>Industrial Hemp Cultivation</td>
<td>-</td>
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</tbody>
</table>

(1) Not allowed on ground floor.
(2) Allowed to occupy up to 20 percent gross area of shopping center or multi-tenant building or 20 percent street frontage of one building.
(3) No outdoor facilities, storage, or activities are allowed.
(4) Requires a minimum lot size of 10,000 square feet.
(5) Allowed with residential use only.
(6) A facility which exceeds 3,000 square feet.
(7) Permitted where a legal detached single-family dwelling exists.
(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 CMC 5.80.080.
(9) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

Ord. 18-3 § 7 (Exh. A); Ord. 17-13 § 3 (Exh. A); Ord. 17-11 § 3 (Exh. B); Ord. 17-5 § 2 (Exh. D); Ord. 17-2 § 2 (Exh. F); Ord. 15-5 § 3 (Exh. B); Ord. 14-6 §§ 3, 4; Ord. 13-5; Ord. 12-4; DC 2012 § 122-131.
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.

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<td>Cannabis Uses</td>
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<tr>
<td>Cannabis Cultivation, Commercial Cultivation</td>
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<td>Cannabis Cultivation</td>
<td>ZC</td>
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<tr>
<td>Cannabis Delivery</td>
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<td>AP</td>
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<tr>
<td>Cannabis-Distributor A</td>
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<tr>
<td>Cannabis-Distributor M</td>
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<tr>
<td>Cannabis Manufacturing A</td>
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<tr>
<td>Cannabis Manufacturing 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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<tr>
<td>Non-storefront retail</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>Storefront retail</td>
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<td>AP</td>
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<tr>
<td>Cannabis-Testing Laboratory</td>
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<tr>
<td>Indoor Personal Cannabis Cultivation</td>
<td>ZC</td>
<td>ZC</td>
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<tr>
<td>Industrial Hemp Cultivation</td>
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</tbody>
</table>

6409 = Section 6409 Application
Concord Municipal Code
Chapter 18.45 DOWNTOWN DISTRICTS (DP, DMX, AND WMX)

(1) Not allowed on ground floor.
(2) Allowed on upper floors subject to use permit approval.
(3) Allowed to occupy up to 20 percent gross area of shopping center or multi-tenant building, or 20 percent street frontage of one building.
(4) Allowed on ground floor subject to a minor use permit approval.
(5) Allowed on upper floors subject to an administrative permit approval.
(6) Allowed with residential use only.
(7) A facility which exceeds 3,000 square feet.
(8) Permitted where a legal detached single-family dwelling exists.
(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 CMC 5.80.080.
(10) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.
[Ord. 18-3 § 7 (Exh. A); Ord. 17-13 § 3 (Exh. A); Ord. 17-11 § 3 (Exh. 6); Ord. 17-5 § 2 (Exh. 1); Ord. 17-3 § 2 (Exh. G); Ord. 14-6 §§ 5, 6; Ord. 14-3 § 2; Ord. 12-5; Ord. 12-4; DC 2012 § 122-154].
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>
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</thead>
<tbody>
<tr>
<td></td>
<td>OBP</td>
<td>IBP</td>
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<tr>
<td>Cannabis Uses**</td>
<td></td>
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<tr>
<td>Cannabis. Cultivation. Commercial Cultivation. A</td>
<td>–</td>
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<tr>
<td>Cannabis. Cultivation. M</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Cannabis. Delivery. A</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Cannabis. Delivery. M</td>
<td>ZC</td>
<td>ZC</td>
</tr>
<tr>
<td>Cannabis. Distributor. (Type 11) – A</td>
<td>APZC**</td>
<td>APZC**</td>
</tr>
<tr>
<td>Cannabis. Distributor. transport only (Type 13). M</td>
<td>APZC**</td>
<td>APZC**</td>
</tr>
<tr>
<td>Cannabis. Manufacturer. A</td>
<td>AP</td>
<td>AP</td>
</tr>
<tr>
<td>Cannabis. Manufacturer.</td>
<td>ZC</td>
<td>ZC</td>
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</table>
### Table 18.50.020 – Business Park and Industrial Districts

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required by District</th>
<th>Additional Requirements</th>
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<tr>
<td></td>
<td>OBP</td>
<td>IBP</td>
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<tr>
<td>M</td>
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<tr>
<td>Cannabis Microbusiness – A</td>
<td>AP</td>
<td>AP</td>
</tr>
<tr>
<td>Cannabis Microbusiness – M</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-storefront Retail Cannabis Retailer – A</td>
<td>AP</td>
<td>AP</td>
</tr>
<tr>
<td>Cannabis Retailer – M</td>
<td></td>
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<tr>
<td>Storefront Retail</td>
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<tr>
<td>Cannabis Testing Laboratory</td>
<td>ZC</td>
<td>ZC</td>
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<tr>
<td>Indoor Personal Cannabis Cultivation</td>
<td>ZC</td>
<td>ZC</td>
</tr>
<tr>
<td>Industrial Hemp Cultivation</td>
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</tbody>
</table>

(1) Allowed to occupy up to 20 percent of gross area of shopping center, multi-tenant building, or 20 percent street frontage of one building.
(2) Outdoor sales, activities, or storage allowed in side or rear yards when enclosed by an eight-foot-tall masonry wall and materials do not exceed wall height.
(3) No outdoor facilities, storage, or activities are allowed.
(4) Allowed if occupying less than 80,000 square feet of gross floor area.
(5) Allowed with residential use only.
(6) A facility which exceeds 3,000 square feet.
(7) 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).
(8) Permitted where a legal detached single-family dwelling exists.
(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 CMC 5.80.080.
(10) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.
(11) Subject to the limitations on the quantity of city cannabis licenses issued by the chief of police, pursuant to CMC 5.80.020(4).

[Ord. 18-3 § 7 (Exh. A); Ord. 17-13 § 3 (Exh. A); Ord. 17-11 § 3 (Exh. S); Ord. 17-5 § 2 (Exh. I); Ord. 17-2 § 2 (Exh. H); Ord. 15-5 § 1, amended during 2014 recodification; Ord. 11-6 § 7; Ord. 13-5; Ord. 12-5; Ord. 12-4; DC 2012 § 122.177]
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>
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</thead>
<tbody>
<tr>
<td>Public/Quasi-Public and Recreational Uses</td>
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<tr>
<td>Cannabis Uses (1)</td>
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<tr>
<td>Cannabis CultivationCommercial Cultivation—A</td>
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<tr>
<td>Cannabis Cultivation—M</td>
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<tr>
<td>Cannabis Delivery—A</td>
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<td>Cannabis Delivery—M</td>
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<tr>
<td>Cannabis-Distribution—A</td>
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<tr>
<td>Cannabis-Distribution—M</td>
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<td></td>
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<tr>
<td>Cannabis-Manufacturing—A</td>
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<tr>
<td>Cannabis-Microbusiness—M</td>
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<tr>
<td>Non-storefront retail Cannabis Retailer—A</td>
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<tr>
<td>Cannabis Retailer—M</td>
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<tr>
<td>Storefront retail</td>
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<tr>
<td>Cannabis-Testing Laboratory</td>
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<td></td>
</tr>
<tr>
<td>Indoor Personal Cannabis Cultivation</td>
<td>ZC</td>
<td>Up to six plants per residence, pursuant to state law</td>
</tr>
<tr>
<td>Industrial Hemp Cultivation</td>
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</tbody>
</table>

1. Permitted where a legal detached single-family dwelling exists.
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 CMC 5.80.080.
3. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

[Ord. 18-3 § 7 (Exh. A); Ord. 17-13 § 3 (Exh. A); Ord. 17-11 § 3 (Exh. 9); Ord. 17-5 § 2 (Exh. 1); Ord. 17-2 § 2 (Exh. 1); Ord. 14-6 § 8; Ord. 12-12, DC 2012 § 122-2003].
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>Permit Required by District</th>
<th>Additional Requirements</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>OS</td>
<td>PR</td>
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<tr>
<td>Cannabis Uses</td>
<td></td>
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<tr>
<td>Cannabis Cultivation</td>
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<tr>
<td>Commercial ZC</td>
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<tr>
<td>Cannabis Cultivation – M</td>
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<td>Cannabis Delivery – A</td>
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<tr>
<td>Cannabis Delivery – M</td>
<td>ZC</td>
<td>ZC</td>
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<tr>
<td>Cannabis Distribution – A (Type 11)</td>
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<tr>
<td>Cannabis Distribution – M transport only (Type 11) – M</td>
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<tr>
<td>Cannabis Manufacturing – M</td>
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<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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<tr>
<td>Non-storefront retail Cannabis Retailer – A</td>
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<tr>
<td>Cannabis Retailer – M</td>
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<tr>
<td>Storefront retail</td>
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</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>
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<tr>
<td>OS</td>
<td>PR</td>
<td>RLC</td>
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<tr>
<td>Cannabis Testing Laboratory</td>
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<tr>
<td>Indoor Personal Cannabis Cultivation</td>
<td>ZC</td>
<td>ZC</td>
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<tr>
<td>Up to six plants per residence, pursuant to state law</td>
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</tr>
<tr>
<td>Industrial Hemp Cultivation</td>
<td>–</td>
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</tr>
</tbody>
</table>

(1) Permitted where a legal detached single-family dwelling exists.
(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 CMC 5.80.080.
(3) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.
[Ord. 19-2 § 6 (Exh. A); Ord. 18-3 § 7 (Exh. A); Ord. 17-11 § 3 (Exh. A); Ord. 17-5 § 2 (Exh. J); Ord. 17-2 § 2 (Exh. J); Ord. 16-6 § 9; Ord. 12-4, DC 2012 § 122-223].

ZC = Permitted Use, Zoning Clearance Required
AP = Administrative Permit Required
MP = Minor Use Permit Required
UP = Use Permit Required
ADU = Accessory Dwelling Unit Application
6409 = Section 6409 Application
– = Use Not Allowed
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. [Ord. 18-3 § 7 (Exh. A)].

18.110.020 Definitions.
Refer to CMC 5.80.020 for definitions. [Ord. 18-3 § 7 (Exh. A)].

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: allows for the following commercial cannabis land uses: manufacturing, testing laboratories, microbusiness, non-storefront retail and distribution (Type 11 and Type 13), as permitted by the underlying base zoning district and subject to the licensing regulations set forth in Chapter 5.80 of the Municipal Code. Distribution transport only (Type 13) uses are only allowable in conjunction with a permitted manufacturer, microbusiness, or non-storefront retailer license pursuant to Chapter 5.80.

B. Buffer zone. Subject to the exception set forth in 18.110.040 below, no sensitive land use or cannabis business (as those terms are defined in Section 5.80.020 of the Municipal Code) shall be located within 600 feet of the Commercial Cannabis Overlay District, which is otherwise designated as a buffer zone in Figure 18.110.030(A).

[Reserved]

[Insert map here—refer to Exhibit C]

Figure 18.110.030(A) – Commercial Cannabis Overlay: Manufacturing, Testing Laboratories, Microbusinesses, Non-Storefront Retail, and Distribution (Type 11 and Type 13)
[Ord. 18-3 § 7 (Exhs. A, C)].

18.110.040 Commercial cannabis overlay district exception. Storefront retailer cannabis licenses, and distributor transport only (Type 13) licenses issued in conjunction with a storefront retailer license, may be allowable in locations outside of the commercial cannabis overlay districts, subject to selection by the City Council after a competitive selection process; refer to the land use tables in Chapter 18.45, Downtown Districts (DP, DMX, and WMX) and Chapter 5.80 of the Municipal Code.
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. In addition to any planning permits required in the underlying zoning district, each permitted cannabis business or commercial activity shall also be required to obtain a city cannabis license, in conformance with CMC 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. [Ord. 18-3 § 7 (Exh. A)].

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. [Ord. 18-3 § 7 (Exh. A)].

18.110.060 Other discretionary permits.
Nothing in this chapter 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. [Ord. 18-3 § 7 (Exh. A)].

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. [Ord. 18-3 § 7 (Exh. A)].

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. [Ord. 18-3 § 7 (Exh. A)].
Chapter 18.180

SIGNS

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 are prohibited for commercial cannabis businesses; with the exception of storefront retailers, which are allowed one sign for identification purposes that may only contain the name of the business. On-site or off-site signage, advertising, or depicting depiction of any paraphernalia, prohibited substances, cannabis products, cannabis uses (including but not limited to personal and commercial cultivation, manufacturer, testing laboratory, retailer, distributor, microbusiness, delivery), and/or any other uses or activities for which the state of California issues cannabis licenses with the exception of storefront retailer, are prohibited; and
Chapter 18.460

DEVELOPMENT AGREEMENTS

Sections:
18.460.010 Purpose and applicability.
18.460.020 Parties to agreement.
18.460.030 Application.
18.460.040 Review, notice, and hearing.
18.460.050 Planning commission action.
18.460.060 City council action.
18.460.070 Amendment or cancellation.
18.460.080 Recodification.
18.460.090 Periodic review.
18.460.100 Modification or termination.
18.460.110 Enforcement.

18.460.010 Purpose and applicability.
This chapter establishes procedures and requirements for the review and approval of development agreements as authorized by Government Code Section 65864 et seq. It is the intent of the city council that development agreements are not appropriate for routine or ordinary development applications but may be desirable for large multi-phase developments where a developer is called upon to make substantial investment at the early stages of the project for planning and engineering the entire project and public facilities and services. [Ord. 12-4. DC 2012 § 122-1132]. In addition, the City Council has determined that commercial cannabis business development projects, such as retail (storefront or non-storefront), manufacturing, testing laboratories, distribution, and microbusinesses, may enter into a development agreement with the city in accordance with this Chapter.

18.460.020 Parties to agreement.
A. Applicant. Only a qualified applicant may file an application to enter into a development agreement in compliance with this chapter. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement. “Applicant” includes an authorized agent of the applicant. The planning division may require an applicant to submit proof of their interest in the real property and of the authority of the agent to act for the applicant, and may further require an applicant or agent to submit a title report or other evidence to verify the applicant’s legal or equitable interests in the subject property.

B. Other Parties. In addition to the city and the property owner, any federal, state, or local governmental agency or body and any other private party may be included as a party to any development agreement.

C. Property Subject to Annexation. A qualified applicant whose property is located within the city’s sphere of influence, or who has a pending application for inclusion of their property into the sphere of influence, may file an application to enter into a development agreement. The agreement shall not become operative unless annexation proceedings annexing property to the city are completed within the period specified by the agreement. If the annexation is not completed within the time specified in the agreement or any extension of the agreement, the agreement shall be invalid. [Ord. 12-4. DC 2012 § 122-1133].

18.460.030 Application.
A. An application for a development agreement shall be filed and processed in compliance with this chapter and shall be accompanied by required fees, information, and supporting data determined by the planning division as necessary to process the application.

B. An application for a development agreement shall be accompanied by the general terms and conditions of the agreement proposed by the applicant and shall include:
1. The duration of the agreement;
2. The permitted uses of the property;
3. The density or intensity of use;
4. The maximum height and size of proposed buildings;
5. The provisions for reservation or dedication of land for public purposes;
6. Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time;
7. Construction start date and phasing;
8. Required compliance with Uniform Building Code standards for construction; and
9. Any additional conditions, terms, or restrictions, and any requirement for subsequent discretionary actions, as deemed necessary to ensure the project’s completion to the satisfaction of the city. [Ord. 12-4. DC 2012 § 122-1134].

18.460.040 Review, notice, and hearing.
A. Review.

1. The planning division shall receive and review the application. The planning division shall review the application to determine if additional information is necessary and may reject it if it does not meet the requirements of this chapter. The completeness determination shall be sent to the applicant in writing;
2. The planning division shall forward a copy of the proposed agreement to the city attorney for review; and
3. After all required information is received the planning division shall prepare a staff report and recommendation to the planning commission, which shall state if the agreement, as proposed or in an amended form, is consistent with the general plan and any applicable specific plan.

B. Notice. A hearing shall be held by the planning commission and by the city council. The planning division shall provide notice of intention to consider adoption of a development agreement in compliance with Division VIII of this title (Administration) and Government Code Sections 65090 and 65091. The failure of any person entitled to receive notice required by law does not affect the authority of the city to enter into a development agreement.

C. Hearing. Notice of the public hearing shall be provided and the hearing conducted in compliance with Division VIII of this title (Administration). Each person interested in the matter shall be given an opportunity to be heard. The applicant has the burden of showing the public benefit of adopting the proposed development agreement. [Ord. 12-4. DC 2012 § 122-1135].

18.460.050 Planning commission action.
A. Purpose and Use. The planning commission may recommend a development agreement as a method of implementing any discretionary recommendation or approval of the planning commission, including but not limited to:

1. Zoning or rezoning;
2. Issuance of a minor use permit or use permit;
3. Approval of a major or minor subdivision;
4. Conditions of approval imposed on any discretionary permit;
5. Conditions imposed in connection with the adoption of any specific plan;
6. Conditions imposed on any planned unit development use permit;

7. Site-specific conditions imposed in any zoning district; and

8. Mitigation measures imposed upon a project in compliance with an environmental impact report (EIR) or mitigated negative declaration in which such mitigation measures have been adopted as a mechanism for eliminating or reducing environmental impacts.

B. Recommendation to City Council. After the planning commission has held a public hearing, it shall render its decision in the form of a written recommendation to the city council. The recommendation shall be based on whether the development agreement:

1. Is consistent with the objectives, policies, general land uses, and programs specified in the general plan and any applicable specific plan;

2. Substantially complies with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is located; and

3. Will not be detrimental to the health, safety, and general welfare of the residents of the city. [Ord. 12-4. DC 2012 § 122-1136].

18.460.060 City council action.

A. Acceptance or Disapproval of Recommendation. After the city council closes the public hearing, it may approve, modify, or disapprove the development agreement. Matters not previously considered by the planning commission during its hearing and any significant modifications may be referred back to the planning commission for a report and recommendation. The planning commission need not hold a public hearing on these referrals.

B. Findings. The city council shall not approve the development agreement, unless it finds that the agreement:

1. Is consistent with the general plan and any applicable specific plan;

2. Is in conformity with public convenience, general welfare, and good land use practices;

3. Will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the city as a whole;

4. Will not adversely affect the orderly development of property or the preservation of property values; and

5. Is consistent with the provisions of Government Code Sections 65864 through 65869.5.

C. Approval of Agreement. If the city council approves the development agreement, it shall adopt an ordinance approving the agreement. The development agreement shall not take effect until the effective date of the ordinance. [Ord. 12-4. DC 2012 § 122-1137].

18.460.070 Amendment or cancellation. The development agreement may be amended or canceled, in whole or in part, pursuant to Government Code Section 65868. [Ord. 12-4. DC 2012 § 122-1138].

18.460.080 Recordation. A. Within 10 days after the city council enters into the development agreement, the city clerk shall cause the agreement to be recorded with the office of the county recorder.

B. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Government Code Section 65868, or if the city council terminates or modifies the agreement as provided in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms and conditions of the agreement, the city clerk shall have notice of such action recorded with the office of the county recorder. [Ord. 12-4. DC 2012 § 122-1139].
18.460.090 Periodic review.
A. Annual Review. The planning division shall review the development agreement every 12 months from the date the agreement is recorded. The planning division shall determine, based on substantial evidence, that the property owner has or has not complied in good faith with the terms and conditions of the agreement during the period under review.

B. Evidence of Noncompliance. If the planning division finds and determines that the property owner has not complied in good faith with the terms and conditions of the agreement, a public hearing shall be held by the city council, at which time the property owner must demonstrate good faith compliance with the terms and conditions of the agreement. The burden of proof of compliance is on the property owner.

C. Council Determination. The city council shall determine, upon the basis of substantial evidence, whether or not the property owner has, for the time period under review, complied in good faith with the terms and conditions of the development agreement.

1. If the city council finds and determines, based on substantial evidence, that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, no further action is required.

2. If the city council finds and determines, based on substantial evidence, that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the city council may modify or terminate the agreement or extend the time or waive compliance upon a showing of good cause. The decision to terminate or modify the development agreement is final. As part of that final determination, the council may impose conditions as necessary to protect the interests of the city. The decision of the council shall be final and any court action or proceeding to attack, review, set aside, void, or annul any decision of the determination by the council shall be commenced within the time period specified in Government Code Section 65009. [Ord. 12-4. DC 2012 § 122-1140].

18.460.100 Modification or termination.
Any development agreement may be amended or terminated, in whole or in part, by following the procedures as set forth in this chapter. Notice of intention to amend or terminate any portion of the agreement shall be given in the manner provided by Government Code Section 65867. [Ord. 12-4. DC 2012 § 122-1141].

18.460.110 Enforcement.
Unless amended or canceled, pursuant to Government Code Section 65868, or modified or suspended, pursuant to Government Code Section 65869.5, and except as otherwise provided in Government Code Section 65865.3(b), a development agreement shall be enforceable by any party thereto notwithstanding any change in any applicable general or specific plan, zoning, or subdivision regulation adopted by the city entering the agreement, which alters or amends the rules, regulations, or policies specified in Government Code Section 65866. [Ord. 12-4. DC 2012 § 122-1142].
Cannabis Overlay District & Proposed Storefront Retail Cannabis Zoning Districts

Legend:
- Existing Cannabis Business Overlay
- Downtown Mixed Use (DMX)
- Existing Cannabis Overlay 600ft Buffer
- West Concord Mixed Use (WMX)
- CNWS
- Concord City Limit

1 Storefront retail prohibited
2 Storefront retail only

Map Created: 11/7/2019
By GIS Division of Information Technology
Cannabis Overlay District & Proposed Storefront Retail Cannabis Zoning Districts
Sensitive Use Locations

Legend
- Existing Cannabis Business Overlay
- Downtown Mixed Use (DMX)
- West Concord Mixed Use (WMX)
- Existing Cannabis Overlay 600ft Buffer
- 600ft Buffer
- Child Day Care Facilities
- Schools K-12
- Youth Community Center

Concord Naval Weapons Station
Concord City Limit

Map Created: 2/13/2020
By GIS Division of Information Technology

Attachment 3
## Cannabis Regulation Summary
(A) – Allowed | (P) – Prohibited

Prepared By: Coleman Frick, Senior Planner  
January, 2020

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Medicinal</th>
<th>Adult-Use</th>
<th>Municipal Code Section</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contra Costa County</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Martinez</td>
<td>A</td>
<td>A</td>
<td><a href="#">Chapter 5.29 Commercial Cannabis</a></td>
<td>RFP process</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ordinance (1422) Adopted April 3, 2019</td>
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<tr>
<td>Antioch</td>
<td>A</td>
<td>A</td>
<td>Ordinance No. 2143-C-S adopted in 2018.</td>
<td>Overlay districts where cannabis industry can be located. No merit based system.</td>
</tr>
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<td>Allowable uses</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>“All types of cannabis businesses that are allowed by the State are allowed within the cannabis overlay district”</td>
<td></td>
</tr>
<tr>
<td>Pleasant Hill</td>
<td>A</td>
<td>P</td>
<td>Ordinances passed in 2018 and 2019 to regulate cannabis uses, businesses, and competitive selection process.</td>
<td>RFP process</td>
</tr>
<tr>
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<td>Allowable uses</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Non-storefront (delivery-only) of medical cannabis – cap of 2</td>
<td></td>
</tr>
<tr>
<td>Richmond</td>
<td>A</td>
<td>A</td>
<td>Most recent Ordinance: No. 16-19 passed on November 5, 2019.</td>
<td>Allowable uses</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Cultivation</td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>AM</td>
<td>PP</td>
<td>Municipal Code</td>
<td>RFP Process</td>
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</tr>
</tbody>
</table>
| El Cerrito          | A  | A  | 6.80           | RFP Process for selection. | Allowable uses  
|                     |    |    |                |              | • Storefront retail/non-storefront retail (cap of 2)                           |
| Walnut Creek        | A  | P  | Ordinances passed in 2018 and 2019. | Allowable uses  
|                     |    |    |                |              | • Non-storefront (delivery-only) of medical cannabis – cap of 2               |
|                     |    |    |                |              | All other cannabis commercial businesses are prohibited at this time.         |
| San Ramon           | P  | P  | B-10           | Commercial medicinal and adult-use cannabis activity types are prohibited to the extent allowable by state law. |
| Contra Costa County |    |    | RFP issued 2.14.19 | RFP process. | Type of businesses (medicinal and adult-use)  
|                     |    |    | Chapters 88-28 and 84-86 of the County Code | | • Storefront retailer (cap of 4)  
|                     |    |    |                |              | • Commercial cultivation (cap of 10)  
|                     |    |    |                |              | • Manufacturing (cap of 2)  
|                     |    |    |                |              | • Vertically integrated manufacturer and cultivator  
|                     |    |    |                |              | • Non-storefront retailer  
|                     |    |    |                |              | • Testing laboratory  
| Other               |    |    |                |              |
Vallejo

<table>
<thead>
<tr>
<th>A</th>
<th>A</th>
<th>Ordinance No. 1810 N.C. (2d), 1812 N.C (2d), and 1811 N.C (2d). December, 2018.</th>
</tr>
</thead>
</table>

**Allowable business types**
- Cultivation
- Manufacturing
- Distribution
- Testing Laboratory
- Retail

However, the City is not accepting applications for new businesses except for testing laboratories.
Cannabis Vaping Ban Language (provided per Council direction on November 5, 2019)

5.80.020 (Definitions):

*C-liquid.* Any substance containing THC, tetrahydrocannabinolic acid, cannabidiolic acid, cannabigerol, cannabinol, any other cannabinoid, or any Cannabis product that is intended to be or is consumed in aerosolized or vaporized form using an Electronic Cannabis Device.

*Electronic Cannabis Device.* An electronic device that can be used to deliver an inhaled dose of THC, tetrahydrocannabinolic acid, cannabidiolic acid, cannabigerol, cannabinol, any other cannabinoid, or any Cannabis product, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic Cannabis Device" includes any such device whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vaporizer or vape pen, or any other product name or descriptor.

5.80.080 (General Conditions for All City Cannabis Licenses):

(c) Alcohol and tobacco Prohibited products prohibited. No cannabis business may sell, store, distribute or allow the consumption of any alcoholic beverages, or tobacco products on or at any premises where cannabis is sold. No cannabis business shall sell, store, or distribute any Electronic Cannabis Device or C-liquid.
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 application and appeals.
5.80.060 City cannabis license term.
5.80.070 City cannabis license transfer or 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 passed 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.

(Ord. No. 18-3, § 7 (Exh. B))

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 sheds, storage sheds, carports, greenhouses, pool cabanas, and other outbuildings.
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 separation distance that between a particular commercial cannabis activity or use must be separated from a particular "sensitive land use" or activity, e.g., schools, child care centers, senior citizen centers, or youth community centers, as designated by state laws or regulations, or as set forth in this chapter and in the in the relevant Development Code land use tables. The separation distance shall be the horizontal distance measured in a straight line from the property line of the sensitive use to the closest property line of the lot on which the commercial cannabis activity or use is to be located, without regard to intervening structures.

Bureau of Cannabis Control (BCC) means the lead state agency or successor agency responsible for developing regulations and licensing commercial, medicinal and adult use cannabis in California, which is also responsible for licensing retailers, distributors, testing laboratories and microbusinesses, and temporary cannabis events.

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, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resins, 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 or cannabis land use, including, but not limited to, planting, cultivation, harvesting, transporting, manufacturing, compounding, converting, 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 owner or owner means a person who is entitled to a share of at least 20 percent of the profits of the commercial cannabis business, as the following, as that terms is defined by California Business and Professions Code Section 26001(f)(1), or any successor statute thereto, including:

1. A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.

2. The chief executive officer of a nonprofit or other entity.

3. A member of the board of directors of a nonprofit.

4. An individual who will be participating in the direction, control, or management of the person applying for a license.
Concord Municipal Code
Chapter 5.80 CANNABIS

(5) Any individual who is entitled to a financial interest in the commercial cannabis business, including individuals who have entered into an agreement to share in the profits of the commercial cannabis business.

(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, nonprofit corporation, limited liability company, or general or limited partnership that owns at least 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, an edible, or a topical product containing cannabis, or concentrated cannabis and other ingredients, as that term is defined by Health and Safety Code Section 11018.1, or any successor statute thereto.

Cannabis regulation or cannabis regulations means, collectively, the regulations codified at: California Business and Professions Code Section 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.

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.

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.

City Manager means the City of Concord City Manager or designee.

Community Benefit Agreement means an agreement entered into between the City and a City Cannabis Licensee, which sets forth the terms and conditions under which a City Cannabis License holder may operate that are in addition to the requirements of this Chapter, including but not limited to public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety, and welfare of the City and its residents.

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 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.

Dispensary. See “Retailer,” 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.

Distributor (Type 11) means a cannabis business that transports cannabis and cannabis products between licensees, which may include arranging for testing of cannabis and cannabis products, and conducting the quality assurance review of cannabis and cannabis products to ensure compliance with all state packaging and labeling requirements, as allowed with a state-issued Type 11 distribution license.

Distributor Transport Only (Type 13) means the a cannabis business that only transports cannabis and cannabis products between licensees, and is not permitted to transport any cannabis or cannabis products, except for immature cannabis plants and/or seeds, to a licensed retailer or to the retailer portion of a licensed microbusiness, as allowed with a state-issued Type 13 distribution license. This definition also includes distributors who are licensed by the state for self-distribution and are permitted to transport cannabis and cannabis products that the licensee has cultivated or manufactured. A Distributor Transport Only self-distribution licensee is not permitted to transport cannabis and cannabis products cultivated or manufactured by other licensees, 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(o), or any successor statute thereto.

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

Industrial hemp means a crop that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; 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 produced therefrom.

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 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.

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.

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 is allowed to engage in the cultivation of cannabis on an area less than 10,000 square feet, and to act as a licensed distributor, Level 1 manufacturing (Type 6 license), and/or retailer or activity, if duly licensed by the Bureau of Cannabis Control, as that term is defined by California Business
A microbusiness shall engage in at least three (3) of the following four (4) commercial cannabis activities: retail, distribution, manufacturing, or cultivation.

Minors 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 and only sells cannabis, cannabis products, and cannabis accessories exclusively through delivery, as defined by California Business and Professions Code Section 26001(p), or any successor statute thereto.

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, receiver, 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 requires 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 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 card 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 cannabis or cannabis products for medical purposes as defined in California Health and Safety Code Section 11362.7, or any successor statute 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.

Retailer means a cannabis business, either “storefront retailer” or “non-storefront retailer”, which provides for the retail sale and/or delivery of cannabis, cannabis products, and cannabis accessories 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 use 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 care center, preschool, or nursery school, a child day care facility, other than a large or small licensed family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers; 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 and Professions Code Section 26050(a), or any successor statute thereto.

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 and/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.

(Ord. No. 18-3, § 7 (Exh. B))

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 commercial 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 licenses for each license type, as described in subsection (d) of this section.

(b)  Conditional city cannabis license. A conditional city cannabis license consistent with subsection (a) may be issued by the Chief of Police to initiate the State licensing process as an interim step prior to issuance of the city cannabis license.

(c)  Required approvals for operation. 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 use or activity;

(3)  A business license from the city;

(4)  A fully executed development agreement or community benefit agreement, if required by the City.

(d)  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, use, or cannabis commercial activity with the city.

(e)  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). If no designation of “M” or “A” is listed for the license type, the city license includes both adult and medicinal uses:
(1) City cannabis manufacturer license. A city cannabis manufacturer license is required for a cannabis business that intends to sell or distribute cannabis for medicinal use. City cannabis manufacturer licenses are expressly prohibited.

(1) City cannabis manufacturer license. A city cannabis manufacturer license is required for a cannabis business that intends to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product for use.

(2) City cannabis distributor transport only (Type 13) license. A city cannabis distributor transport only license (Type 13) is required for a cannabis business that intends to only procure, sell, and transport cannabis and cannabis products between state licensees, and is not permitted to transport any cannabis or cannabis products, except for immature cannabis plants and/or seeds, to a licensed retailer or to the retailer portion of a licensed microbusiness. This license also allows self-distribution transportation of cannabis and cannabis products that the licensee has cultivated or manufactured, but does not permit transportation of cannabis or cannabis products cultivated or manufactured by other licensees for adult use. A city cannabis distributor license A can only be issued in conjunction with a city cannabis testing laboratory license.

(3) City cannabis distributor (Type 11) license. A city cannabis distributor license (Type 11) is required for a cannabis business that intends to transport cannabis between licensees, which may include arranging for testing of cannabis and cannabis products, and conducting the quality assurance review of cannabis goods to ensure compliance with all state packaging and labeling requirements.

(3) 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. A city cannabis distributor license M can only be issued in conjunction with a city cannabis testing laboratory license or a city cannabis manufacturer license M.

(4) City cannabis microbusiness license. A city cannabis microbusiness license is required for a cannabis business that conducts three of the following activities: a) cultivation (indoor only) of cannabis in an area less than 10,000 square feet, b) distribution, c) manufacturing, and/or d) retail.

(5) City cannabis non-storefront retailer license. A city cannabis non-storefront retailer license is required for a cannabis business or commercial activity which provides for the retail sale of cannabis and cannabis products to customers from a physical location via delivery, and is closed to the public.

(6) City cannabis storefront retailer license. A city cannabis storefront retailer license is required for a cannabis business or commercial activity which provides for the retail sale of cannabis and cannabis products to customers from a fixed location with direct physical access for the public.

(7) 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, facility, or entity that offers or performs tests of cannabis or cannabis products and is accredited and licensed by the appropriate state agencies. Cannabis testing laboratory licenses cannot be paired with other city cannabis license types.

(8) City cannabis delivery license M. A city cannabis delivery license M is required for dispensaries, retailers, (storefront or non-storefront), or microbusinesses which are licensed by the state and located outside of Concord city limits, to deliver medicinal cannabis to qualified patients/customers located in the city.

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.

Limitation on quantity of commercial cannabis licenses. The Chief of Police may approve up to the following number of city cannabis licenses in an amount not to exceed within the commercial cannabis overlay district:
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(1) Five city cannabis manufacturer licenses;
(2) Two city cannabis microbusiness licenses;
(3) Three city cannabis non-storefront retailer licenses;
(4) Three city cannabis storefront retailer licenses;
(5) Two city cannabis distributor Type 11 licenses;
(1) Two city cannabis testing laboratory licenses;
(2) Two city cannabis manufacturer-M licenses; and

(6) City cannabis distributor transport only Type 13 license shall only be issued in conjunction with a corresponding city cannabis license issued by the Chief of Police (such as manufacturing). Six The number of city cannabis distributor transport only Type 13 licenses shall not exceed the amount of licenses issued for each that are associated with either an approved city cannabis manufacturer or city cannabis testing laboratory license with the exception of cannabis testing laboratory. No standalone distributor transport only Type 13 license shall be allowed. A city cannabis distributor license cannot be issued without a corresponding cannabis manufacturer or testing laboratory license issued by the Chief of Police.

(gh) Exceptions to city cannabis license requirement. The following noncommercial activities are allowed and do not require a city cannabis license under this chapter, provided the use or activity does not constitute a commercial cannabis business or activity and complies with state and local laws:

(1) Possession of not more than 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 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 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.

(Ord. No. 18-3, § 7 (Exh. B))

5.80.040 City cannabis license application.
The form and content of the application for a permit license, shall be specified by the Chief of Police and shall include the following minimum information, as applicable to the city cannabis license type:

(1) 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.

(2) 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.

(3) 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.
(4) **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.

(5) **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.

(6) **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.

(7) **Security plan.** A description and documentation of how the applicant will secure the premises 24 hours per day, seven 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:

   a. Preventing individuals from remaining on the premises if they are not engaged in activity expressly related to the operations of the commercial cannabis activity;

   b. 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;

   c. 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, or immediate sale, if applicable;

   d. 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;

   e. Providing tamper-proof and tamper-evident packaging for finished cannabis products;

   f. Preventing off-site impacts to adjoining or near properties;

   g. Limiting the amount of cash on the premises and providing a cash management plan for the safe handling and transferring of money;

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

   i. Providing an adequate alarm system;

   j. 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 three 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;

   k. 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;

   l. Providing a cannabis business contact who can respond to the city and neighbors regarding complaints; and

   m. Identifying measures to prevent unlawful loitering and excessive noise.
(8) **Tracking system.** A description of how the cannabis business will track inventory of cannabis product, consistent with state law.

(9) **For cannabis businesses applying for a city cannabis delivery or distributor (Type 11 or 13) license, or a retail (storefront or non-storefront) or microbusiness conducting sales via delivery:**

   a. Listing of all vehicles and devices to be used for delivery or transportation of cannabis or cannabis product within the city, which includes the vehicle’s make, model, year, license plate number and vehicle identification number.

   b. Identifying all persons who will deliver cannabis or cannabis product in the city. Such individuals must be at least 21 years of age at the time of submittal of the application.

   c. Copies of applicable authorizing state and local licenses and permits issued to cannabis business allowing it to engage in commercial cannabis activity.

(10) **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.

(11) **Indemnification and release.** An agreement, in a form approved by the City Attorney, whereby the applicant:

   a. Releases the city, its officers, officials, agents, and employees from many and all claims, injuries, damages, or liabilities of any kind arising from (1) 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 (2) any arrest or prosecution of applicant or its managers, employees or staff for violation of state or federal laws; and

   b. 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.

(12) **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 she 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.

(13) 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.

(Ord. No. 18-3, § 7 (Exh. B))

**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 10 calendar days after the date of the Chief of Police’s 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 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 15 calendar 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:

   a. A violent felony conviction, as specified in Penal Code Section 667.5(c).

   b. A serious felony conviction, as specified in Penal Code Section 1192.7.

   c. A felony conviction involving fraud, deceit or embezzlement.

   d. 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.

   e. 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:

   a. Distribution, providing or exposing cannabis or cannabis products to minors;

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

   c. Diversion of cannabis or cannabis products to jurisdictions outside of the state where cannabis and cannabis products are unlawful under state or local law;

   d. Trafficking of other illegal drugs or facilitation of other illegal activity;

   e. Violence and the use of firearms in the cultivation and distribution of cannabis and cannabis products;
f. The illegal or unauthorized use of public lands in the cultivation of cannabis; or

g. 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)(d) and (e) 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.

(9) Is in violation of the Concord Municipal Code (including development code).

(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.

(12) Is in violation of any city approval, including conditions of approval imposed on the license for the commercial cannabis activity or underlying land use.

(e) Suspension and revocation.

(1) If the Chief of Police deems continuation of the operation of delivery by a the cannabis retailer business 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.

(f) Prohibition of multiple licenses for the same commercial cannabis activity or use at same location. No cannabis business owner or person may possess multiple city cannabis licenses for the same license type or substantially same cannabis use (e.g., a cannabis manufacturer license and a microbusiness license with a manufacturing component) at the same location. Upon approval of a subsequent city cannabis license at the same location for the substantially the same activity or use, the prior license shall be deemed to have been surrendered, and will be null, void, and superseded by the new license. The Chief of Police shall determine whether the cannabis activities or uses are at the same location or are substantially similar.

(Ord. No. 18-3, § 7 (Exh. B))

5.80.060 City cannabis license term.

(a) Duration. The city cannabis license shall be valid for one 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 years from the date of issuance. The license term may also be extended by the City Council for a period of up
to five (5) years, pursuant to the terms of a community benefit agreement, development agreement, or as part of a competitive selection process.

(b) Renewal. A license renewal application and any applicable fees must be submitted at least 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.

(c) Application Deemed Withdrawn. To promote efficient review and timely decisions, any cannabis license application governed under this chapter will be automatically deemed withdrawn by the applicant, without any further action by the City, if the applicant fails to tender a substantive response to the City within 45 calendar days after the Police Department deems the application incomplete in a written notice to the applicant. The Police Department may, in its sole and absolute discretion, grant a written extension for up to a total of 15 calendar days if the applicant submits a written request prior to the deemed withdrawn date that shows good cause to grant the extension. Any extension shall be subject to additional fees.

(d) License Expiration. Any city cannabis license approved pursuant to this chapter or pursuant to a competitive selection process shall automatically expire and become null and void, without any further action by the City, unless the proposed cannabis use is established within six months from the date of approval by the decision-making body or if the cannabis use ceases for a period of six months as determined by the Planning Division, at any time after its commencement. The Planning Division may, at its sole and absolute discretion, grant a written extension for an additional six months, if the applicant submits a written request prior to the expiration date that demonstrates that they have diligently attempted to exercise the license but were unable due to circumstances beyond their control. Any extension shall be subject to any additional fees.

(e) Resubmittal.

(1) Resubmittal Prohibited Within 12 Months. For a period of 12 months following expiration of a cannabis license application or expiration of a cannabis license, no application for the same or substantially similar license for the same site shall be submitted. If a new application is allowed pursuant to subsection ii, a completely new application shall be filed, including all submittal requirements and current filing fees, in accordance with the requirements of this chapter.

(2) City Determination. The Planning Division shall determine whether the new application is the same or substantially similar to the expired application or license, and shall issue a written determination to the applicant.

(3) Appeal. The determination of the Planning Division may be appealed to the Chief of Police within 10 calendar days of the date of decision. The decision of the Chief of Police shall be final.

(f) Sensitive Land Use Hardship Application. Upon the written application of a new or renewal of a city cannabis license, if it is determined that a sensitive land use, as defined by this chapter, is located within 600 feet of the existing cannabis business, the cannabis business may request an exception to the sensitive land use requirement of Section 5.80.080(b) of this chapter, which may be granted or denied by the Chief of Police pursuant to this chapter.

(1) The Chief of Police shall consider the following factors in his or her consideration of granting the hardship application:

a. The relative locations of sensitive uses and the proposed cannabis business and whether there are any existing physical barriers or impediments in the path of travel between the sensitive use and proposed cannabis business activity.

b. In the case of a renewal application, whether the licensee has satisfactorily complied with all of the conditions of each respective license(s), including but not limited to compliance with state licensing standards and the approved Security Plan, or whether there have been repeated...
violations, acts of negligence or receipt of complaints from the public concerning the commercial cannabis operations.

c. Whether there are other factors, such as the respective nature and day-to-day operations of the sensitive use and the proposed commercial cannabis activity, which would not lead to undue exposure or danger of illegal activity directed to minors.

(2) The Chief of Police’s denial of a hardship application may be appealed in writing to the City Manager within ten (10) days of notice of the Chief’s decision. The City Manager’s decision on the appeal shall be final.

(Ord. No. 18-3, § 7 (Exh. B))

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. The Chief of Police may also refer the request for transfer or modification to the City Council for consideration.

(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 60 days prior to the anticipated transfer of ownership, or, in the case of change of management employees, within 15 calendar days, together with any applicable fee(s). Requests submitted later 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 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 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 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 30 days prior to the anticipated change, together with the applicable fee.

(Ord. No. 18-3, § 7 (Exh. B))

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, the cannabis business shall hold a valid state license (provisional or permanent) for the equivalent state license type for the entire duration of the city cannabis license.

(b) Buffer zone. Sensitive Land Use. Chapter 18.110 of the Development Code establishes a Commercial Cannabis Overlay District, where certain cannabis land uses (such as manufacturing, testing laboratories, microbusinesses, non-storefront retail and distribution (Type 11 and 13) may be allowed in conjunction with obtaining the appropriate city cannabis license pursuant to this chapter. Notwithstanding the establishment of the Commercial Cannabis Overlay District, no cannabis business shall be located within 600 feet of a sensitive land use, as defined in Section 5.80.020, except as provided in Section 5.80.060(c) (Sensitive Land Use Hardship) or unless otherwise directed by
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Council through the competitive selection process. No sensitive land use shall be located in the buffer area that is within 600 feet of the Commercial Cannabis Overlay District.

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 uses shall be permitted to be located in the buffer zone.

(c) Alcohol and tobacco. Prohibited products prohibited. No cannabis business may sell, store, distribute or allow the consumption of 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, with the exception of storefront retail, shall be closed to the general public. No direct sales of cannabis or cannabis products to the general public shall occur except via delivery from a licensed business to a private residence. The Chief of Police may limit the hours for transporter deliveries and pick-ups. No direct sales of cannabis or cannabis products to the general public may occur. Storefront retail cannabis businesses shall not be open to customers outside of 7:00 a.m. to 10:00 p.m. daily without authorization from the Chief of Police.

(f) Odor control. Odors shall be contained on the property within the licensed tenant space on which the commercial cannabis activity is located. Cannabis licensees shall prevent all odors generated from the cannabis use from escaping buildings to the extent that odor cannot be detected by a reasonable person of normal sensitivity outside the buildings, on adjacent properties or public rights-of-way, or within any other unit located within the same building as the cannabis licensee, if the use only occupies a portion of a building. If the city receives any odor complaints that rise to the level of a public nuisance, the cannabis business shall work with the city staff to correct odor conditions. Unresolved or repeated odor complaints may be the 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 thereto.

(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 immediately, and within 24 hours after discovering any of the following:

1. Diversion, theft, loss, or any criminal activity involving the cannabis or cannabis products or any agent or employee of the licensee.

2. The loss or unauthorized alteration of records related to cannabis or cannabis products, 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 or more persons, property damage and personal injury with limits of not less than $2,000,000 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 or more persons, property damage and personal injury, with limits of not less than $2,000,000. 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 noncontributory, 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 license e’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 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 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 Title 15 for any electrical, plumbing, or other construction activities.

(r) **Planning permits.** The cannabis business **shall** obtain all planning permits, as required by the city’s Development Code. Cannabis businesses are required to upgrade any property that does not meet current development standards and shall submit a complete design and site review application for review and approval prior to occupancy.

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

(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 refuse or the trash receptacle.

(u) **Waste disposal.** Disposal of cannabis, cannabis products, and cannabis waste shall occur in accordance with state law.

(v) **Temporary cannabis events.** Temporary cannabis events shall be prohibited.
(w4) Other agency approvals. The cannabis business shall be required to obtain approval from the Fire District, Health Department, and Central Contra Costa Sanitary District.

(Ord. No. 18-3, § 7 (Exh. B))

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 commercial cannabis activity and underlying use:

1) City cannabis manufacturer license - M. City cannabis licenses shall only be issued for manufacturing products for medicinal uses, otherwise known as a manufacturer license - M. No adult use manufacturing (city cannabis manufacturer license - A) shall be allowed or permitted within the city. All city cannabis manufacturer licenses - M shall be subject to the following conditions:

- a. A manufacturer - M licensee shall employ at least one full-time quality control personnel.

- b. A manufacturer - M licensee must establish standard operating procedures and batch records that comply with good manufacturing practices and any applicable state law.

- c. All finished cannabis products produced by a manufacturer - M licensee must be labeled and packaged in child-resistant packaging prior to leaving the manufacturing premises in accordance with state law.

- d. A manufacturer - M licensee using volatile solvents must comply with state law, procure approval from the Contra Costa County Fire Protection District, and operate in a manner to reduce the risk of explosion or danger to public health.

2) City cannabis distributor (Type 11 and Type 13) license. A city cannabis distributor license shall be subject to the following conditions:

- a. A city cannabis distributor transport only Type 13 license cannot be issued without a corresponding city cannabis manufacturer - M or testing laboratory license (e.g. manufacturing) issued by the Chief of Police.

- b. A city cannabis distributor licensee shall only transport cannabis or cannabis products between duly licensed cannabis businesses. Vehicles used for distribution of cannabis or cannabis products shall not advertise any activity related to cannabis nor shall they advertise the name of the licensee.

- c. 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.

3) City cannabis delivery licenses - M. A city cannabis delivery license - M (or a retailer [storefront or non-storefront] or microbusiness license conducting sales via delivery) shall comply with all state regulations on cannabis delivery and shall be subject to the following conditions:

- a. Maintain at all times all licenses and permits as required by the State of 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 state license or permit is suspended or revoked.

- b. Delivery licensee - M may only deliver cannabis or cannabis products to customers for medicinal purposes. Delivery of cannabis to a customer for adult use is expressly prohibited.

- c. 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.

- d. Delivery vehicles shall not advertise any activity related to cannabis nor shall it advertise the name of the licensee.
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ec. Delivery of the cannabis shall be directly to the private physical residence or business address of the customer or secure exchange location at the Concord Police Department; deliveries to any other location are prohibited.

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

g. 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.

gh. All orders to be delivered shall be packaged by the names of the customer.

(4) City cannabis testing laboratory license. A city cannabis testing laboratory license is subject to the following conditions:

a. Testing laboratory licensee shall employ at least one full-time quality control personnel.

b. Testing laboratory licensee shall operate and test all cannabis or cannabis products in accordance with state law.

c. All testing devices used by testing laboratory licensee must be Underwriters Laboratories (UL) listed or otherwise approved by the city’s Building Official and Contra Costa County Fire Protection District Fire Department.

d. Testing laboratory licensee must notify the Chief of Police within one business day after the receipt of any notice that its accreditation has been denied, suspended or revoked.

(5) City cannabis microbusiness license. A city cannabis microbusiness license is subject to the following conditions:

a. An applicant for a microbusiness license shall be subject to a competitive selection process, as established by the City Council.

b. Submittal of a dimensioned floor plan showing location of separate components of microbusiness (type of cannabis uses) and their square footage.

c. If non-storefront retail is proposed the business shall comply with all conditions included in number (6).

d. If storefront retail is proposed the business shall comply with all conditions included in number (7).

e. If cultivation is proposed:

i. Outdoor cultivation shall be prohibited.

ii. Cultivation of cannabis shall be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides. Any fumigation or insecticidal fogging shall comply with the California Fire Code Chapter 26 (Fumigation and Insecticidal Fogging).

iii. All cultivation operations shall submit an odor control and mitigation plan with detailed information about the proposed ventilation system, including technical specifications indicating that the system is capable of preventing the release of cannabis odors from the cultivation operation.

iv. All cultivation operations shall submit a wastewater and water conservation plan.

(6) City cannabis non-storefront retailer license. A city cannabis retail non-storefront license is subject to the all of the following conditions:
a. An applicant for a non-storefront retailer license shall be selected by the City Council as part of a competitive selection process, as established by the City Council.

b. All cannabis products shall be loaded and unloaded inside a building.

c. The number, location, and hours of security guards shall be included in the application submittal.

d. A theft prevention plan shall be reviewed and approved by the Chief of Police or designee.

e. Any other specific conditions as directed by the City Council as part of the competitive selection process.

(7) City cannabis storefront retailer license. A city cannabis retail storefront license is subject to all of the following conditions:

a. An applicant for a storefront retailer license shall be subject to a competitive selection process, as established by the City Council.

b. A security plan must include procedures for verifying identification of customers both before entering the retail establishment and again before receiving cannabis or cannabis products.

c. The number, location, and hours of security guards shall be included in the application submittal.

d. A theft prevention plan shall be reviewed and approved by the Chief of Police or designee.

e. On site security guard(s) shall monitor activity within 150 feet of building entrance to ensure no cannabis consumption is occurring in the vicinity of the business, including parking areas.

f. A neighborhood responsibility plan that demonstrates how the business will reduce adverse impacts to the surrounding neighborhood, including neighborhood outreach, methods for future communication, and dispute resolution, shall be submitted and approved by the city.

g. Cannabis and cannabis products that are not used for display purposes or immediate sales shall be stored in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.

h. The business owner shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises during business hours if directly related to the patrons of the subject retailer. For purposes of this subsection, “Reasonable steps” shall include calling the police in a timely manner, and requesting those engaging in nuisance activities to cease those activities, unless personal safety would be threatened in making the request.

i. The public entrance shall be ADA accessible.

j. A storefront retail licensee shall not conduct sales exclusively by delivery.

k. The business owner shall remove litter on and in front of the premises and, if necessary, on public sidewalks within one hundred feet (100') of the facility two (2) times, with a minimum of four (4) hour intervals, each operating day.

l. Any other specific conditions as directed by the City Council as part of the competitive selection process.

(Ord. No. 18-3, § 7 (Exh. B))

5.80.100 Prohibited cannabis uses.
The following cannabis businesses, uses and activities are expressly prohibited in the city:
(1) **Cannabis commercial activity.** No person shall engage in, conduct, operate, manage, or carry on, or permit to be engaged in, conducted or carried on, any cannabis commercial cannabis use or activity, other than as expressly permitted by city licensing under this chapter.

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

(3) **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.

(4) **Manufacturing.** 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 manufacturing of adult use cannabis within the city.

(5) **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 for personal, commercial, or any other purposes.

(6) **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, and may possess up to six plants for noncommercial use/purposes consistent with state law.

   a. 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.

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

(4) **Industrial Hemp 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 industrial hemp for personal, commercial, or any other purpose.

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

(Ord. No. 18-3, § 7 (Exh. B))

### 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.

(Ord. No. 18-3, § 7 (Exh. B))

### 5.80.120 Taxation. (Reserved)
(Ord. No. 18-3, § 7 (Exh. B))

### 5.80.130 Penalties.
(a) As set forth in Section 1.05.200, 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 is 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 1.05.230.

(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.

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

(Ord. No. 18-3, § 7 (Exh. B))

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.

(Ord. No. 18-3, § 7 (Exh. B))