

**ORDINANCE NO. 25-17 N.S.**

**AN ORDINANCE OF THE CITY OF RICHMOND REGARDING CANNABIS  
REGULATION**

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**WHEREAS**, in 1996, California voters approved Proposition 215 (the Compassionate Use Act), which was intended to enable persons in need of marijuana for specified medical purposes to obtain and use marijuana under certain circumstances; and

**WHEREAS**, in 2003, the Legislature enacted the Medical Marijuana Program (Health and Safety Code Sections 11362.7-11362.83), which established regulations and procedures regarding use of medical marijuana; and

**WHEREAS**, in 2010, the City Council adopted Ordinance No. 28-10 adding Chapter 7.102 Medical Marijuana Collectives to the Richmond Municipal Code to regulate the collective cultivation and dispensing of medical marijuana; and

**WHEREAS**, the Medical Marijuana Regulation and Safety Act (MMRSA) was signed by the Governor on October 9, 2015, regulating cultivation, dispensing, manufacturing, distribution, and transportation of medical marijuana, and affirming the authority of cities to regulate commercial medical marijuana activities through adoption of land use ordinances; and

**WHEREAS**, on November 8, 2016, the voters of the State of California adopted Proposition 64, which enacted the Adult Use of Marijuana Act (“AUMA”), which allows cultivation, manufacturing, and retail sale of cannabis and cannabis-related products for recreational purposes subject to certain restrictions; and

**WHEREAS**, on November 16, 2016, the City of Richmond adopted Ordinance No. 16-16, repealing Chapter 7.102 and adding Article 15.04.610.270 “Medical Marijuana Uses,” which requires a conditional use permit for medical marijuana businesses under the framework of MMRSA; and

**WHEREAS**, on June 27, 2017, the Governor signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), which became effective immediately and consolidates medical and recreational cannabis regulations and provides that state commercial cannabis licenses (including licenses for both medical and adult-use) will be available January 1, 2018 for various activities; and

**WHEREAS**, under MAUCRSA, cities retain local authority to license, regulate, limit or ban all cannabis businesses within their jurisdiction (Business and Professions Code Section 26055), and the state cannot approve an application for a state license if approval of the state license will violate the provisions of any local ordinance or regulation; and

**WHEREAS**, the California Bureau of Cannabis Control (“Bureau”) is the state agency charged with enacting cannabis regulations; and

**WHEREAS**, in September 2017, the Bureau issued a Notice of Decision not to Proceed with its medical cannabis regulations, and issued a Notice of Intent to Adopt an Initial Study and Proposed Negative Declaration (“IS/ND”) for its proposed regulatory licensing and enforcement program under MAUCRSA for both medical and adult use commercial cannabis activities, held a formal comment period for the IS/ND ending in October 2017, and has not yet issued MAUCRSA regulations; and

**WHEREAS**, in light of the rapid changes in California law regarding cannabis affecting all cities, the City of Richmond requires sufficient time to engage with community stakeholders, and study and enact well-conceived land use regulations for adult-use non-medical cannabis; and

**WHEREAS**, other cities in the Bay Area, such as Berkeley, which have permitted medical cannabis, have disallowed permanent approval of recreational cannabis businesses until their City Council approves a permitting process for recreational uses (*see, e.g.*, Berkeley Municipal Code Section 12.26.035), and other cities, such as El Cerrito, are conducting community meetings regarding regulation of cannabis businesses; and

**WHEREAS**, adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the proposed ordinance may have a significant effect on the environment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND** does ordain as follows:

**SECTION 1.** The City Council finds and determines the recitals set forth in this ordinance are true and correct and hereby makes them part of this ordinance.

**SECTION 2.** Notwithstanding any other provision of law, including Richmond Municipal Code Section 15.04.610.270(I), any commercial cannabis activity involving cannabis or cannabis products that are intended for adults twenty-one years of age and over who do not possess physician's recommendations (adult-use cannabis) may not be approved in any zoning district in the City of Richmond until the City Council adopts zoning regulations and standards for such uses. Nothing herein affects commercial cannabis activity involving medicinal cannabis as allowed by Article 15.04.610.270 of the Richmond Municipal Code, which remains in full force and effect. Notwithstanding the foregoing, cannabis businesses (e.g., dispensaries, cultivators, manufacturers) permitted by the City as of the effective date of this ordinance shall be allowed to engage in equivalent adult-use commercial cannabis activities under their existing permit, consistent with state law and with the required state license(s) for a temporary period from January 1, 2018 until the City regulations regarding adult-use cannabis businesses go into effect. Upon the effective date of such City regulations, all such permittees must apply for a modification of their use permits in compliance with the new regulations.

**SECTION 3.** The City Council hereby initiates the zoning amendment process of Article 15.04.610.270 pursuant to Section 15.04.814.030 of the Richmond Municipal Code. City staff shall initiate a thoughtful, methodical, inclusive process, which shall include a study session before City Council (open to all community stakeholders) in January-February 2018 regarding regulation of adult-use commercial cannabis and updates to Article 15.04.610.270 reflecting MAUCRSA. City staff shall present proposed zoning text amendments reflecting Council direction to the Planning Commission in February-March 2018 for Planning Commission Action under Section 15.04.814.060 of the RMC, and shall present an ordinance for introduction and adoption to the City Council as soon as practicable thereafter.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days after its final passage and adoption.

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First read at a regular meeting of the Council of the City of Richmond held December 5, 2017, and finally passed and adopted at a regular meeting thereof held December 19, 2017, by the following vote:

AYES: Councilmembers Choi, Martinez, Myrick, Recinos, Willis,  
Vice Mayor Beckles, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

**PAMELA CHRISTIAN**  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:  
**TOM BUTT**  
Mayor

Approved as to form:  
**BRUCE GOODMILLER**  
City Attorney

State of California            }  
County of Contra Costa        }       : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Ordinance No. 25-17 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 19, 2017.



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Pamela Christian, City Clerk of the City of Richmond