

15.04.610.270 - Marijuana/Cannabis Commercial Uses.

Commercial Cannabis activities, including but not limited to cultivation, manufacturing, testing, distribution, and retail are subject to the standards and procedures of the Municipal Code, State Law, and the regulations set forth in these Zoning Regulations.

- A. **Applicability.** These standards apply to all establishments that are involved in any commercial cannabis activity.
- B. **Definitions**¹ [□](#). The following words or phrases, whenever used in this section, have the following definitions:
 1. *A-license.* A State license issued for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess physician's recommendations.
 2. *Attending Physician.* An individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient's medical record the physician's assessment of whether the patient has a serious medical condition and whether the medical use of cannabis is appropriate.
 3. *Bureau of Cannabis Control ("the Bureau").* The bureau within the California Department of Consumer Affairs created to develop, administer and enforce comprehensive rules for medicinal and adult-use cannabis in California. The Bureau is responsible for the regulation and licensing of all commercial cannabis retail, distribution, testing, microbusinesses and temporary cannabis events in California.
 4. *California Department of Food and Agriculture — CalCannabis Cultivation Licensing ("the CDFA").* A division of the California Department of Food and Agriculture, responsible for the regulation and licensing of commercial cannabis cultivation in California.
 5. *California Department of Public Health — Manufactured Cannabis Safety Branch ("the DPH").* A division of the California Department of Public Health, responsible for the regulation and licensing of all commercial cannabis manufacturing in California.
 6. *Cannabis.* All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the crude or purified resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purposes of these zoning regulations, "cannabis" does not include "industrial hemp" as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
 7. *Cannabis Business.* Establishments, properties, parcels, and/or structures involved in any commercial cannabis activity, including retailers, non-storefront retailers, cultivators, manufacturers, transporters, testers, and distributors.
 8. *Cannabis Plant.* Any immature, flowering, or dried flower in accordance with State Law. Immature cannabis plant means a cannabis plant that has a first true leaf measuring greater than one-half inch long from base to tip (if started from seed) or a mass of roots measuring greater than one-half inch wide at its widest point (if vegetatively propagated), but which is not flowering. Flowering cannabis plant means that a cannabis plant has formed a mass of pistils measuring greater than one-half inch wide at its widest point. Dried flower means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

9. *Cannabis Products.* Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
10. *Collective.* See Retail Facility.
11. *Commercial Cannabis Activity.* The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of adult-use or medicinal cannabis or cannabis products, as provided for in this Ordinance and in accordance to State Law.
12. *Cultivation.* Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis within an enclosed structure.
13. *Cultivation Site.* An in-door location, including greenhouses, where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.
14. *Customer.* A natural person 21 years of age or older, a natural person 18 years of age or older who possesses a physician's recommendation, or a qualified patient or a primary caregiver.
15. *Delivery.* The commercial transfer of cannabis or cannabis products from a retail or non-storefront retail facility to a customer.
16. *Dispensary.* See Retail Facility.
17. *Distributor.* A person or licensed entity engaged in the business of procuring, selling, storing, packaging, labeling, rolling and transporting cannabis or cannabis products from a licensed cultivator, manufacturer, or from any other State cannabis licensees for sale to any State cannabis licensee, in accordance with State Law. A distributor shall distribute only cannabis goods, cannabis accessories, and licensees' branded merchandise or promotional materials.
18. *Distribution.* Means the procurement, sale, and transport of cannabis and cannabis products between licensees pursuant to Section 26000 of the California Business and Professions Code.
19. *Edible Cannabis Products.* Manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the California Food and Agricultural Code.
20. *Enclosure.* An area fully surrounded by a fence, wall, or other solid barrier that prevents access to cannabis. Enclosures must be equipped with a locked gate or door.
21. *Greenhouse.* A building, room, or structure, usually chiefly of transparent material, used for cultivation of cannabis which meets State requirements for mixed-light cultivation.
22. *Indoor Cultivation.* The cultivation of cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light.
23. *License.* A State issued cannabis license, which includes both an A-license and an M-license, as well as a testing laboratory license.
24. *Licensee.* Any person or entity holding a State issued commercial cannabis A-license or an M-license, and includes the holder of a cannabis testing laboratory license.
25. *M-license.* A State license issued for commercial cannabis activity involving medicinal cannabis.
26. *Manager.* A person with responsibility for the establishment, organization, registration, supervision, or oversight of the operation of a cannabis business, including but not limited

to persons who perform the functions of president, vice president, director, operating officer, financial officer, secretary, treasurer, or manager of the business.

27. *Manufacturer.* A State-licensee that manufactures cannabis by compounding, blending, extracting, infusing, or otherwise making or preparing cannabis products. "Manufacture" includes extraction, infusion, packaging or repackaging, and labeling or relabeling packages of cannabis products, in accordance with State law.
28. *Marijuana.* See Cannabis.
29. *Mixed-Light Cultivation.* The cultivation of mature cannabis in a greenhouse, glasshouse, conservatory, or other similar structure using light deprivation and/or one of the artificial lighting models described below:
 - a. Mixed-light Tier 1, the use of artificial light at a rate of six watts per square foot or less;
 - b. Mixed-light Tier 2, the use of artificial light at a rate above six and below or equal to 25 watts per square foot.
30. *Non-Storefront Retail Facility.* A facility that is closed to the public where cannabis, cannabis products, edible cannabis products, or devices for the use of cannabis or cannabis products are offered for retail sale exclusively by delivery, in accordance with State Law.
31. *Owner or Ownership Interest.* An interest held by a person who is an owner as defined by State of California commercial cannabis regulations or who has a financial interest in the commercial cannabis business of five percent or more.
32. *Personal Cultivation.* The cultivation of no more than six cannabis plants conducted by an individual strictly for that individual's personal use, possession, processing, transporting, or giving away without any compensation whatsoever in accordance with State law, including but not limited to Health and Safety Code sections 11362.1 and 11362.2, as may be amended. Personal cultivation also means and includes cultivation of medicinal cannabis conducted by a qualified patient exclusively for his or her personal medicinal use, and cultivation conducted by a primary caregiver for the personal medicinal purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, in accordance with State law, including Health and Safety Code sections 11362.7 and 11362.765, as may be amended. Except as herein defined, personal cultivation does not include, and shall not authorize, any cultivation conducted as part of a business or commercial activity, including cultivation for compensation or retail or wholesale sales of cannabis.
33. *Primary Caregiver.* The individual, designated by a qualified patient or by a person with an identification card issued pursuant to California Health and Safety Code Section 11362.7, who has consistently assumed responsibility for the housing, health, or safety of that patient or person. The primary caregiver may be a licensed clinic, residential care facility, hospice, or home health agency.
34. *Private Residence.* A house, apartment unit, mobile home, or any other similar dwelling.
35. *Qualified Patient.* A person who is entitled to the protections of California Health and Safety Code Section 11362.5, for patients who obtain and use cannabis for medicinal purposes upon the recommendation of an attending physician, whether or not that person applied for and received a valid identification card issued pursuant to State Law.
36. *Retail Facility.* A facility where cannabis, cannabis products, edible cannabis products, or devices for the use of cannabis or cannabis products are offered for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale.
37. *State.* The State of California.

38. *Testing Laboratory.* The facility where tests are performed on cannabis or cannabis products and that holds a valid certificate of accreditation and license from the Bureau, if required.
39. *Volatile Solvent.* Is the same as defined by the California Department of Health in § 40100 of the California Code of Regulations, as may be amended, and 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.
- C. **Permits Required.** A Conditional Use Permit (CUP) and a Cannabis Business Permit (CBP) are both required for all commercial cannabis activities prior to operation. Cannabis businesses shall first obtain a CUP by submitting an application pursuant to Section 15.04.610.270(H) of this article and any application forms and fees required in accordance with Article 15.04.803 as a requisite for obtaining a CBP. The provisions of Article 15.04.806 Use Permits apply, including but not limited to procedures for appeals, modifications, and approval. Once building permits are obtained and finalized, if required, the required State licenses are obtained, and Police Regulatory fees paid, a CBP will be granted. CUPs and CBPs will only be granted to entities operating legally according to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), other applicable State Law, and the State regulations. Reasonable conditions of approval may be imposed, including but not limited to requirements for permits from the County for retail sales of edible cannabis products and from the State for food product manufacturing.
- D. **Operating Without Permits.** It shall be unlawful for any person as defined by this article to engage in, conduct or carry on, in or upon any premises within the City any commercial cannabis business without a CUP and CBP. Persons operating in violation of this article shall be given an amnesty period to come into compliance by submitting a complete CUP application within 120 days of the effective date of this article and securing both the required CUP and CBP within 180 days of application submittal. Failure to submit a complete CUP application within the amnesty period will result in further enforcement. Any persons in violation of this subsection shall be prohibited from applying for a CUP for one year anywhere in the City of Richmond. In addition, commercial cannabis uses shall be prohibited on the subject property for one year.
- E. **Existing Medicinal Cannabis Businesses.** Existing permitted medicinal cannabis businesses, including those temporarily authorized for A-license activities, operating within the City are required to submit an application for an AUP within 90 days of this article taking effect to continue to conduct A-license activities for authorized medicinal uses and/or to conduct distribution activities. Any expansion of use beyond an A-license addition or addition of distribution activities requires a CUP modification. Applications for a CBP shall be required within 30 days of final approval of an AUP or CUP modification. If a complete application is not made within the required time, A-license activities temporarily authorized shall cease. All other authorized medicinal cannabis businesses shall submit a CBP application within 30 days of this article taking into effect.
- F. **Locations Where Allowed and Number Allowed.**
1. *Cultivators, Manufacturers, Mixed-light Cultivators, Testing Laboratories, and Distributors.* All commercial cannabis cultivation, manufacturing, mixed-light cultivation, testing, and distributor operations shall be conditionally permitted as provided for in the City's Land Use Regulations Tables in Chapter 15.04.
 2. *Retail Facilities.*
 - a. Existing Retail Facilities. Existing retail facilities may expand at their current location subject to Planning Commission approval of a modified CUP, upon making the following findings:
 - i. The retail facility has operated in compliance with all local and State regulations; and
 - ii. The expanded use will not negatively impact the surrounding community.

- b. **New Retail Facilities.** Any new commercial cannabis retail and non-storefront retail facilities are only allowed to locate in a CR, Regional Commercial Zoning District with a conditional use permit unless, following a public hearing, the Planning Commission makes all of the following findings to authorize a retail facility to locate on a site in the CG General Commercial Zoning District:
 - i. The retail facility has demonstrated that it considered locations within the CR District and found no location meeting the requirements of this section that serves the needs of its customers; and
 - ii. The proposed location within the CG District would complement the surrounding community while providing necessary services to its customers; and
 - iii. The proposed location is not abutting a residential use.
3. *Distance from Schools, Parks, Community Centers, Youth Center, Child-Care Center, or Nursery School.*
- a. All commercial cannabis activity must be located a minimum of 1,500 feet from any public or private high school and a minimum of 600 feet from any public or private kindergarten, elementary, middle or junior high school that is in existence at the time the permit is issued.
 - b. All commercial cannabis activity shall be located a minimum of 600 feet from any park, community center, youth center, and public or private child-care center that is in existence at the time the permit is issued.
 - c. Following a public hearing, the Planning Commission may make exceptions to the distance requirements for all commercial activities if all of the following findings are made based on specific facts:
 - i. The location, design and proposed operating characteristics of the cannabis business is such that it is highly improbable that persons on, in or travelling to or from nearby parks, community centers, youth centers, or child-care centers would be able to view persons in, entering, or leaving the cannabis facility; and
 - ii. Allowing the cannabis business to locate within 1,500 feet of a public or private high school or within 600 feet of a park, community center, youth center, and public or private child-care center, will not grant the cannabis business a special privilege not available to other commercial cannabis businesses within the City; and
 - iii. The cannabis business has demonstrated that it considered other locations and selected the location that would have the least negative impact on the surrounding community while providing necessary services to its customers.
4. *Number of Commercial Cannabis Businesses.*
- a. No more than three commercial cannabis retail facilities shall be permitted or allowed to operate in the City. The City has established a competitive selection process in Section 15.04.601.010(I) of this article to objectively award permits for which there are a limited number of permits available, such as for retail facilities. All competitive-based considerations shall be included with the application forms.
 - b. There shall be no limit on the number of commercial cannabis cultivators, distributors, testing laboratories, or manufacturing businesses in the City as long as they obtain valid State and local permits and licenses, including CUP and CBP from the City of Richmond for each location.

G. Delivery of Commercial Cannabis and Cannabis Products.

- a. The delivery of commercial cannabis or cannabis products from a State licensed retail facility or non-storefront retail facility to a customer is permitted, provided such

deliveries are conducted in accordance with this article and State law, including obtaining a Richmond Business license. All other unpermitted and unlicensed delivery services within the City are prohibited.

- b. Existing permitted retail cannabis businesses operating within the City are not required to obtain a CUP modification before conducting delivery activities. Notice of intent to commence delivery activities shall be provided prior to conducting such activities.

H. **Conditional Use Permit Application Process.**

1. *Conditional Use Permit Applications.* In addition to any application forms and fees required in accordance with Article 15.04.803, an application for a commercial cannabis business must provide specific information, as determined by the Zoning Director, based on this section, State law and regulations, and County input relative to edible cannabis products. This information includes, but is not limited to, the following:

- a. *Requirements for All Commercial Cannabis Businesses.* A commercial cannabis business is required to provide the following information in support of its permit application.

- i. Information Regarding the Proposed Property.

- (1) The address of the property where the proposed commercial cannabis business will operate.
- (2) A site plan with fully dimensioned interior and exterior floor plans, including electrical, mechanical, plumbing, parking, and disabled access compliance pursuant to Title 24 of the State of California Code of Regulations and the federal Americans with Disabilities Act. For a retail facility, the site plan must show that there are separate rooms or partitioned areas within the retail facility for the receipt of supplies and for the delivery of cannabis to customers.
- (3) Exterior photographs of the entrance(s), exit(s), street frontage(s), parking, front, rear and side(s) of the site.
- (4) Photographs depicting the entire existing interior of buildings on the site.
- (5) If the site is being rented or leased or is being purchased under contract, a copy of such lease or contract.
- (6) If the site is being rented or leased, written proof that the property owner, and landlord if applicable, were given notice that the property will be used as a commercial cannabis business, and that the property owner, and landlord if applicable, agree(s) to said operations. If the retail facility is to be a subtenant, then "landlord" shall mean the primary tenant.

- ii. Information Regarding Each Business Owner and Manager. For each owner and manager, the following information must be provided, to the extent applicable:

- (1) The name, address, telephone number, title and function(s);
- (2) A fully legible copy of one valid government-issued form of photo identification, such as a driver's license; and
- (3) A summary criminal history ("LiveScan") prepared by the Richmond Police Department not more than 30 days prior to the date of application.

- iii. Information Regarding the Commercial Cannabis Business.

- (1) Written confirmation as to whether the commercial cannabis business, or a commercial cannabis business with one or more owner or managers in common with the applicant, previously operated in the City or any other

county, city or state under a similar license/permit, and whether the business applicant ever had such a license/permit revoked or suspended and the reason(s) therefore.

- (2) The name and address of the commercial cannabis business' current Agent for Service of Process.
 - (3) Information pertaining to a Notice of Violation for unpermitted cannabis operations or any cannabis related enforcement violations or within the City.
- iv. Plan for Unsold Cannabis. A plan for the disposal of any unsold cannabis or cannabis product must be submitted that renders or prevents any portion thereof from being recognizable and useable by any person or animal.
 - v. Neighborhood Responsibility Plan. A neighborhood responsibility plan that demonstrates how the business will fulfill its responsibilities to the neighborhood, including neighborhood outreach, methods for future communication, and dispute resolution.
 - vi. Security Plan. A security plan indicating how the applicant will comply with the requirements of this section and any other applicable law, rule, or regulation.
 - vii. Affirmation that the Application is True. A statement dated and signed by each management member, under penalty of perjury, that the management member has personal knowledge of the information contained in the application, that the information contained therein is true and correct, and that the application has been completed under the supervision of the management member(s).
- b. *Supplemental Application Requirements for Retail Facilities.* In addition to the application requirements applicable to all commercial cannabis businesses, the following apply to commercial cannabis retail facilities.
- i. Security Plan. A retail facility's security plan must include procedures for verifying identification of customers and primary caregivers both before entering the retail facility and again before receiving cannabis; the number, location and hours of security guards; and a theft prevention plan including a detailed description of all surveillance and video equipment, location and coverage of cameras and how law enforcement or their representatives will be given real-time and stored access.
 - ii. Daily Customer Limits. A retail facility or non-storefront facility shall adhere to daily limits on adult-use and medicinal cannabis and cannabis products by its customers in accordance to State law.
- c. *Supplemental Application Requirements for Manufacturers.* In addition to the standards applicable to all commercial cannabis businesses, the following apply to commercial cannabis manufacturing operations.
- i. Safety of Manufacturing Process. A commercial cannabis manufacturer must demonstrate one or both of the following:
 - (1) The only manufacturing processes used are either solventless or employ only nonflammable, nontoxic solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).
 - (2) The manufacturing processes only use solvents exclusively within a closed-loop system that meets all of the following requirements:
 - (a) The system uses only solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).

- (b) The system is designed to recapture and contain solvents during the manufacturing process and otherwise prevent the off-gassing of solvents into the atmosphere to mitigate the risks of ignition and explosion during the manufacturing process.
 - (c) A licensed engineer certifies that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including, but not limited to, the American Society of Mechanical Engineers, the American National Standards Institute, Underwriters Laboratories, the American Society for Testing and Materials, or OSHA Nationally Recognized Testing Laboratories.
 - (d) The system has a certification document that contains the signature and stamp of a professional engineer and the serial number of the extraction unit being certified and that the certification is renewed either annually or according to the manufacturer's recommendations.
 - ii. Fire, Safety, and Building Code Requirements. The manufacturer must meet all State, county and locally required fire, safety, and building code requirements.
 - iii. Approval from Richmond Fire Prevention Services Division or designee. The commercial cannabis manufacturer must receive and maintain approval from the Richmond Fire Prevention Services Division for the closed-loop system and for other equipment used for manufacturing and extraction operations, per guidelines adopted by the Richmond Fire Prevention Services Division.
 - iv. Edible Cannabis Products. Commercial cannabis manufacturers that prepare edible cannabis products must demonstrate compliance with State, County and local requirements regarding the preparation, distribution, labeling, and sale of food.
 - d. *Supplemental Application Requirements for Cultivators and Manufacturers.* In addition to the application requirements applicable to all commercial cannabis businesses, the following apply to commercial cannabis cultivation and manufacturing operations.
 - i. Plans for Use of Renewable Electricity. All cultivation and manufacturing operations must submit detailed plans demonstrating that the electricity used in the cultivation and manufacturing operations is from a renewable energy source or arrangements have been made to offset use of nonrenewable electrical energy with renewable energy from another source. If written evidence of enrollment in the Deep Green 100 percent renewable energy program administered by Marin Clean Energy (MCE) is provided, no further details need to be submitted with the application. Enrollment shall be maintained, and evidence provided annually in order to renew CBP.
 - ii. Plans for Water Conservation. All cultivation and manufacturing operations must submit detailed plans demonstrating strict water conservation methods will be instituted and maintained at all times, and such plans must include records of monthly water consumption. These plans also must show that the cultivation facility will be equipped with water collection and filtration systems to reduce irrigation water to the maximum extent possible as determined by the Zoning Director or the State, if its regulations are more restrictive.
 - iii. Plans for Wastewater. All cultivation and manufacturing operations must demonstrate compliance with the limitations on discharge into the City's wastewater system, as set forth in Richmond Municipal Code Chapter 12.18. This shall include the submittal of an Industrial User Permit Application (Baseline Monitoring Report) to the Water Resource Recovery Department.

- iv. Plans for Stormwater. All cultivation and manufacturing operations must demonstrate compliance with the limitations on discharge into the City's municipal separate storm sewer system (MS4), as set forth in Richmond Municipal Code Chapter 12.22. This shall include any and all provisions required under the Municipal Regional Permit (NPDES Permit No. CAS612008).
 - v. Plans to Prevent Mold. All cultivation and manufacturing operations must submit a plan that specifies the methods to be used to prevent the growth of harmful mold.
 - vi. Ventilation Plan. All cultivation and manufacturing operations must submit detailed information about the proposed ventilation system, including technical specifications indicating that the system is capable of preventing the release into the atmosphere of cannabis odors from the cultivation or manufacturing operation.
2. *Duration of Conditional Use Permit.* Permits issued under this section will be subject to time limits, renewal, and reporting requirements as specified in conditions of approval. These conditions shall include resubmittal requirements for any change in circumstances, including substantive changes in ownership, management, sources of electricity, or operations, from those described in the original application.
 3. *Expiration and Extension.* A commercial cannabis CUP is subject to the expiration and extension procedures in RMC Section 15.04.803.110.
 4. *Modification of Permit Conditions.* Modifications to the permit or the conditions of approval may be requested in accordance with Section 15.04.803.110 and with prior notification and approval from the appropriate State cannabis regulatory agency.
 5. *Revocation or Suspension of Conditional Use Permit.*
 - a. The CUP for a commercial cannabis business may be revoked if the State denies or revokes a State license for the operation of commercial cannabis business.
 - b. A CUP for commercial cannabis business may be revoked after the business is operational, if the business ceases to be in regular and continuous operation for 90 days.
 - c. Whenever a CUP for a commercial cannabis business has been revoked or suspended, no permit application by any of the owners or managers of that commercial cannabis business shall be considered for a period of three years from the date that the notice of the revocation or suspension was mailed to the business owner.
 - d. The procedures provided in RMC Section 15.04.803.130 Revocation apply.

I. Cannabis Business Permit Application Process.

1. *Cannabis Business Permit Applications.* Following the issuance of a CUP, a cannabis business is required to submit an application for a CBP specific to the business activity defined by the State pertaining to that activity for any medicinal or adult-use or any other commercial cannabis activity the State may license. It shall be unlawful for any person to engage in, conduct or carry on, in or upon any premises within the City any commercial cannabis business without a CBP.
 - a. *Requirements for All Commercial Cannabis Businesses.* A commercial cannabis business is required to provide the following information in support of its permit application.
 - i. A copy of its CUP, containing a statement dated and signed by each business owner, under penalty of perjury, that they have read, understand and shall ensure compliance with the conditions of the CUP.

- ii. A copy of its State license (for renewals).
 - iii. A copy of its Certificate of Occupancy Permit, if applicable.
 - iv. A copy of its Permit to Operate from the Richmond Fire Prevention Services Division, if applicable.
 - v. A copy of its City of Richmond Business License.
 - vi. A copy of the cannabis business operating conditions, containing a statement dated and signed by each owner and manager, under penalty of perjury, that they have read, understand and shall ensure compliance with all operating standards set forth in this article.
 - vii. A statement dated and signed by each owner and manager, under the penalty of perjury, that the information regarding each business owner and manager submitted with the CUP application is current and accurate, or proof that Zoning Administrator approval has been obtained for any changes in management or ownership.
 - viii. A valid seller's permit from the California Department of Tax and Fee Administration or successor agency.
 - ix. Proof that payment of all City of Richmond fees and taxes is current.
2. *Issuance of Cannabis Business Permit.* The Zoning Administrator or designee after receiving the completed application and aforementioned information will grant the permit where the above-listed requirements are met.
 3. *Duration of Cannabis Business Permit.* A CBP shall be valid for one year or until December 31 each year, unless sooner revoked. No permit granted herein shall confer any vested right to any person or business for more than the above-referenced period.
 4. *Cannabis Permit Annual Renewal.* Applications for the renewal of a permit shall be filed with the Zoning Administrator or designee at least 60 calendar days before the expiration of the current permit. Any cannabis business allowing their permit to lapse, or which permit expired during a suspension shall be required to submit a new application, pay the corresponding application fees.
 5. *Transfer of Cannabis Business Permit/Business Modifications.* A CBP does not run with the land or business. A CBP is not transferable or assignable to another person or owner, except as approved by the Zoning Administrator. Notwithstanding the foregoing, the Zoning Administrator may administratively approve any changes in management or ownership or change in business name or structure and may require additional background check(s) or additional information for such approvals.
 6. *Revocation or Suspension of Cannabis Business Permit.* Any CBP issued under this section may be immediately suspended or not renewed for any of the reasons listed below. Any CBP issued under this ordinance may be revoked by the City following notice and opportunity for a hearing before the Zoning Administrator or designee for any of the following reasons:
 - a. A cannabis business fails to comply with the requirements of this article or any conditions of approval of CUP.
 - b. A cannabis business's State license for commercial cannabis operations is revoked, terminated or not renewed.
 - c. The cannabis business's State license for commercial cannabis operations is suspended. The City shall not reinstate the CBP until documentation is received showing that the State license has been reinstated or reissued. It shall be up to the City's discretion whether the City reinstates any permit
 - d. The cannabis business fails to become operative within one year of obtaining its CBP.

- e. Once operational, the business ceases to be in regular and continuous operation for 90 days unless given prior approval by the City for extenuating and unusual circumstances.
 - f. State law permitting the use for which the license was issued is amended or repealed resulting in the prohibition of such use, or the City receives credible information that the federal government will commence enforcement measures against such businesses and/or local governments that permit them.
 - g. Circumstances under which the CBP was granted have significantly changed and the public health, safety and welfare require the suspension, revocation, or modification.
 - h. The CBP was granted, in whole or part, on the basis of a misrepresentation or omission of a material statement in the permit application.
 - i. The cannabis business is not current on City taxes or fees.
 - j. The owner was found to operate another cannabis facility illegally within the City.
- J. **Competitive Selection Process.** The City has established a competitive selection process to objectively award permits for which there are a limited number of permits available, such as for retail facilities.
1. *Competitive Application Period.* In the event that a permit for a commercial cannabis activity with a limited permit number becomes available, the Director shall open the competitive application period and make permit applications available.
 - a. Notice of the competitive selection period shall be published by means determined necessary by the Director to provide public notice of the opportunity to apply.
 - b. The competitive application period shall be a minimum 30 calendar days from the date the applications are released. Should the last day fall on a day when City Hall is closed, the application period shall be extended to the next open day.
 - c. Following the application period, the Director or designee shall stop accepting applications and review all applications received.
 2. *Initial Application Review.* The Director or designee shall determine whether each application demonstrates compliance with minimum requirements required in the permit application and be entered into a pool of applicants for the Final Application Review and Scoring. These requirements include but are not limited to:
 - a. Application was submitted during the application period.
 - b. Application forms are filled out completely and demonstrate compliance with minimum requirements required in the permit application.
 - c. Any application forms required in accordance with Article 15.04.803 are completed and required fees per master fee schedule are paid.
 - d. A signed statement that the proposed location of the commercial cannabis business on the application meets the zoning criteria established in this article including, but not limited to, any and all sensitive use separation criteria required by this article.
 3. *Final Application Review and Scoring.* The Director or designee, after reviewing the applications approved in the initial application review shall convene a selection panel composed of the Fire, Police, Finance and Planning, or their designees, to make the final decision, based on the priority point system to objectively award the top applicant(s). A complete description of the priority point system and all priority point considerations shall be included with the application forms.
- K. **Minimum Standards Related to the Operation of Commercial Cannabis Businesses.** Any permits issued, renewed, or modified pursuant to this section includes the following conditions of operation. Each permittee is required to comply with the following conditions. The Planning

Commission may impose additional conditions as necessary to preserve the public health, safety and welfare.

1. *Standards Applicable to All Commercial Cannabis Businesses.* The following standards are applicable to all commercial cannabis businesses.
 - a. *Compliance with State and Local Law Required.* The applicant shall fully comply with all State laws and local laws for commercial cannabis businesses.
 - b. *Maintain Licenses and Permits.* All commercial cannabis businesses must maintain all licenses and permits required by the State, the county and the City.
 - c. *Compliance with Laws Regarding Edible Cannabis Products.* Commercial cannabis businesses that manufacture, prepare, dispense, and/or sell food, including cannabis-infused foods and/or edible cannabis products, must comply with and are subject to the provisions of all relevant State and local laws and county regulations regarding the preparation, distribution, labeling and sale of such items.
 - d. *Job Opportunities for Richmond Residents.* All commercial cannabis business shall provide maximum feasible opportunities for Richmond residents to apply for jobs through outreach, advertising, and contacts with local job centers. The City encourages "local hires" whenever possible, consistent with General Plan policies and State and federal employment law. Commercial cannabis businesses shall coordinate hiring opportunities with the City's Employment and Training Department.
 - e. *Exterior Lighting.* Exterior building and parking area lighting at the commercial cannabis businesses must be in compliance with all applicable provisions of Article 15.04.604.
 - f. *Roof Hatches.* The commercial cannabis business's windows and roof hatches shall be secured so as to prevent unauthorized entry; equipped with latches that may be released quickly from the inside to allow exit in the event of emergency; and comply with all applicable Building and Fire Code provisions.
 - g. *Ventilation.* The commercial cannabis business must provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the property is not detected outside the property, anywhere on adjacent property or public rights-of-way, or within any other unit located within the same building as the cannabis retail facility, cultivation site, cannabis product manufacturer or any other subsequently approved cannabis business.
 - h. *Video Surveillance System.* The commercial cannabis business must be monitored at all times by digital surveillance system for security purposes. The digital surveillance system must be of adequate quality, color rendition and resolution in accordance to State law. The cameras shall record continuously 24 hours per day at a minimum of 15 frames per second and shall be maintained at the property for a minimum of 90 calendar days. Failure to maintain the cameras in good working condition at all times is a violation of this section and cause for permit revocation or suspension.
 - i. *Alarm System.* A permittee shall maintain an alarm system as defined in Business and Professions Code section 7590.1(n) at the licensed premises in accordance with California Code of Regulations Title 16, Division 42.
 - j. *Consent to Inspection.* Authorized City, county, and State representatives may enter and inspect the property of every commercial cannabis business between the hours of 9:00 a.m. and 5:00 p.m. during the week (Monday through Friday), or at any reasonable time to ensure compliance and enforcement of the provisions of this section, 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. It is unlawful and cause for immediate suspension or revocation of the CBP for any property owner, landlord, lessee, commercial

cannabis business, and/or its owner, agent, employee to refuse to allow, impede, obstruct or interfere with an inspection.

- k. *Restrictions on Access and Sale.* No commercial cannabis retail facility shall cause or permit the access, sale, or exchange of cannabis to any person who is not 21 years of age or a qualified patient who is 18 years of age or older. No commercial cannabis manufacturer, distributor, testing laboratory, or cultivator shall cause, permit or allow any sale, distribution or exchange of cannabis to any person at the manufacturing, testing, distribution, or cultivation location, nor shall the manufacturer, testing laboratory, distributor, or cultivator permit any walk-ins or allow any person into the site, unless such person is authorized to engage in commercial cannabis business under State and local law.
- l. *Visibility of Cannabis.* No cannabis or cannabis products on the site of a commercial cannabis business shall be visible with the naked eye from any adjacent public or private property, nor shall commercial cannabis or commercial cannabis products be visible from the building exterior. No cultivation shall occur at the retail facility's location unless the business owner has the appropriate local and State permits, and the area devoted to the cultivation is secured from public access by means of a locked gate and any other security measures necessary to prevent unauthorized entry, and has been inspected and approved by the Richmond Fire Prevention Services Division and Richmond Building Departments.
- m. *Age Restriction.* Employees or persons retained by a permittee to work within or on a permitted premises or to handle cannabis goods shall be at least 21 years of age. No customer under the age of 21 shall be allowed at an adult-use cannabis business and no person under the age of 18 shall be allowed at a medicinal cannabis business.
- n. *No Alcoholic Beverages or Tobacco Products.* No commercial cannabis business and/or commercial cannabis permittee shall cause or permit the sale, dispensing, or consumption of alcoholic beverages or tobacco products at a commercial cannabis business or its parking area, except that employees of the commercial cannabis business and/or commercial cannabis permittee may consume tobacco products in outdoor areas designated in accordance with applicable provisions of the Richmond Municipal Code and State law.
- o. *No Cannabis Consumption.* No commercial cannabis business and/or commercial cannabis permittee shall cause or permit the smoking, ingesting, or otherwise consuming cannabis on the premises of a commercial cannabis business or in its parking area.
- p. *Secure Storage.* All cannabis and cannabis products shall be stored on-site in structures that are completely enclosed, in a locked vault or safe that is not bolted to the floor, or in any other secured storage structure. No off-site storage is allowed.
- q. *No Retail Sales in Cultivation, Distribution, Testing or Manufacturing Facilities.* No commercial cannabis cultivator, distributor, manufacturer or tester shall allow or permit retail sale of its product at the facility location.
- r. *Maintenance of Records.* Records of commercial cannabis activity must be maintained in accordance with State and local law, be maintained in order to show compliance with this section and be made available to the City upon request electronically as well as in hard copy if requested. Failure to provide such records is grounds for revocation of the conditional use permit and Cannabis Business Permit. Records maintained must include but are not limited to the following.
 - i. All commercial cannabis businesses must maintain:
 - (1) Proof of a valid conditional use permit issued by the Planning Commission in conformance with this section. A copy of the CUP shall be displayed at all times in a place visible to the public.

- (2) Proof of a valid CBP issued by the Planning Department in conformance with this section. A copy of the CBP shall be displayed at all times in a place visible to the public.
 - (3) The full name, address, and telephone number(s) of the owner, landlord and/or lessee of the property.
 - (4) The full name, address, and telephone number(s) of each person engaged in the management of the business and the exact nature of the participation in the management of the business, and for cultivators, the full name, address, and telephone number(s) of each employee engaged in the cultivation of cannabis at the property.
 - (5) A written accounting of all cash and in-kind contributions, revenues received, reimbursements, and compensation to the business and all expenditures and costs incurred by the business.
- ii. A retail facility shall maintain the following records on the property:
- (1) An inventory record documenting the dates and the daily amounts of cannabis and cannabis products stored on the property and an inventory record of all cannabis shipments distributed to the facility, as required by the State's track and trace system.
 - (2) Copies of the prohibited activity checklist, available from the Richmond Police Department, containing a statement dated and signed by each manager, under penalty of perjury, that they read, understand and shall not engage in any prohibited activity.
 - (3) Evidence of: (a) verification that all manufactured products are manufactured, packaged, and labeled in compliance with all applicable State and local laws; and (b) laboratory testing as required by State and local laws.
- iii. A manufacturer shall maintain the following records on the property:
- (1) Evidence of: (a) verification that all cannabis products manufactured and packaged at the location are manufactured, packaged, and labeled in compliance with all applicable State and local laws; and (b) laboratory testing as required by State and local laws.
 - (2) A list of any commercial cannabis distributor that the manufacturer has provided or intends to provide its product to. The list shall include the name of the distributor, its address, the date the cannabis product was sold or transferred to the distributor, and the type and amount of the product that was distributed as required by the State's track and trace program.
- iv. A cultivator shall maintain the following records on the property:
- (1) The current address of all sites at which cannabis is cultivated.
 - (2) An inventory record documenting the dates and amounts of cannabis cultivated at the property, the daily amounts of cannabis stored on the property, and an inventory record of all cannabis transferred to a commercial cannabis distributor. The inventory records shall include total plants grown and total weight of cannabis cultivated by the cultivator, the total weight of all cannabis sold or transferred to a distributor, and receipts and documents detailing the sale or transfer of cannabis as required by the State's track and trace program.
 - (3) Copies of the prohibited activity checklist, available from the Richmond Police Department, containing a statement dated and signed by the

permittee(s) for the cultivation site, under penalty of perjury, that they read, understand and shall not engage in any prohibited activity.

- (4) Evidence to verify that all cannabis is cultivated in compliance with all applicable State and local laws.
- v. A distributor shall maintain the following records on the property:
 - (1) A list of any commercial cannabis businesses that the distributor has provided or intends to provide its product to. The list shall include the name of the cannabis business, its address, the date the cannabis product was sold or transferred to the business, and the type and amount of the product that was distributed as required by the State's track and trace program.
- vi. A commercial cannabis business that produces edible cannabis products shall maintain the following records on the property:
 - (1) Proof of inspections and approvals by Contra Costa Environmental Health Department and the County Health Officer for food manufacturers, packagers and/or distributors, when such inspections or approvals become required.
 - (2) Producers of edible cannabis products shall maintain a written or computerized log documenting:
 - (a) The source of the cannabis used in each batch of product;
 - (b) The contaminant testing date; and
 - (c) The testing facility for the cannabis.
- s. *Use of Pesticides.* No pesticides or insecticides that are prohibited by applicable law for fertilization or production of edible produce may be used on any cannabis cultivated, produced, or distributed by a commercial cannabis business. A commercial cannabis business shall comply with all applicable laws regarding use of pesticides.
- t. *Disposal of Cannabis and Cannabis Byproducts.* All cannabis and any product containing a usable form of cannabis must be made unusable and unrecognizable prior to removal from the business in compliance with all applicable State laws.
- u. *On-site Community Relations Contact.* Commercial cannabis businesses must provide the Police Department and all residents, businesses and property owners within 100 feet with the current name, phone number, secondary phone number and e-mail address of an on-site community relations contact person to whom notice of any operating problems associated with the commercial cannabis business may be reported.
- v. *On-Site Manager.* All commercial cannabis businesses must have an on-site manager, at each commercial cannabis business, who is responsible for overall operation at all times that employees are conducting operations, and provide the Police Department with contact information for such person, including a telephone number and e-mail address.
- w. *Discouraging Nuisance.* Commercial cannabis businesses must take all reasonable steps to discourage and correct objectionable conditions that constitute a public or private nuisance in parking areas, sidewalks, alleys and areas surrounding the commercial cannabis business and adjacent properties. Such conditions include but are not limited to smoking, creating a noise disturbance, loitering, littering, and graffiti.
- x. *State Licenses.* Any commercial cannabis business that fails to obtain or qualify for the required State license, or is refused such license, shall immediately cease all operations in the City.

- y. *Testing and Labeling.* All cannabis, cannabis products, and edible cannabis products, must be tested and labeled as follows and as required by State law.
 - i. Baked goods, such as cookies and brownies, shall be exempt from testing for contaminants. These products are still subject to testing for potency, as required for the label information, and must use cannabis or cannabis products that have been tested for contaminants. All baked products must contain a list and warning of any known food allergens, like nuts, etc., and comply with CCR Title 17, Division 1, Chapter 13, §40254 and any other food safety requirement of local or State regulations.
- 2. *Supplemental Standards for Retail Facilities.* In addition to the standards applicable to all commercial cannabis businesses, the following apply to commercial cannabis retail facilities.
 - a. *Signage.* A sign must be posted in a conspicuous location inside the commercial cannabis business and advise that:
 - i. You must be at least 21 years old or at least 18 years old with a valid physician's recommendation to purchase, possess, or consume cannabis or cannabis products.
 - ii. The use of cannabis may impair a person's ability to drive a motor vehicle or operate heavy machinery;
 - iii. Loitering at the location of a cannabis retail facility for an illegal purpose is prohibited by California Penal Code Section 647(h); and
 - iv. This retail facility is permitted in accordance with the Municipal Code, and State law, including the MAUCRSA, and Bureau regulations.
 - b. *Hours of Operation.* A licensed cannabis retail facility or non-storefront retail facility may sell and deliver cannabis between the hours of 8:00 a.m. and 9:00 p.m.
 - c. *Safety of Products.* The retail facility must ensure that the cannabis, cannabis products, and edible cannabis it offers for sale are manufactured, packaged, tested, and labeled in compliance with all applicable State and local laws. No retail facility may obtain or distribute cannabis products from any commercial cannabis business unless such business has a valid permit or license issued by the Bureau and a California city or county.
 - d. *Onsite Consumption.* On-site consumption of cannabis or cannabis products is specifically prohibited on the premises at all times.
- 3. *Supplemental Standards for Cultivators.* In addition to the standards applicable to all commercial cannabis businesses, the following apply to commercial cannabis cultivators.
 - a. *Outdoor Cultivation Prohibited.* All cultivation must be done inside a fully enclosed structure, which may be a greenhouse, and the cultivation operation shall not be visible from the exterior of the structure. Outdoor cultivation of cannabis is not permitted in any zoning district.
- 4. *Supplemental Standards for Retail Facilities Engaged in Deliveries.*
 - a. Commercial cannabis deliveries may be made only from a commercial cannabis retail facility permitted by the City or from a State licensed retail facility outside of the City limits in compliance with this section, and in compliance with all State regulations.
 - b. All deliveries of cannabis goods shall be performed by a delivery employee of a retailer.
 - c. While carrying cannabis goods for delivery, a retailer's delivery employee shall ensure the cannabis goods are not visible to the public.

- d. Persons engaged in delivery of cannabis or cannabis products on behalf of a licensed retailer, shall adhere to the delivery vehicle requirements and restrictions on the amount of cannabis and cannabis goods stored in the vehicle during delivery as set forth under State law.
 - e. No cannabis delivery vehicle shall display signs, decals or any other form of advertisement.
5. *Supplemental Standards for Distributors.*
- a. A distributor shall not store or distribute non-cannabis goods on or from the premises permitted for distribution of cannabis goods.
 - b. A distributor shall ensure a label with the following information is physically attached to each container of each batch:
 - i. The manufacturer or cultivator's name and license number;
 - ii. The date of entry into the distributor's storage area;
 - iii. The unique identifiers and batch number associated with the batch;
 - iv. A description of the cannabis goods with enough detail to easily identify the batch; and
 - v. The weight of or quantity of units in the batch.
 - c. Employee breakrooms, eating areas, changing facilities, and bathrooms shall be completely separated from the storage areas.
 - d. A distributor shall adhere to all requirements for transportation of cannabis goods as set forth in State law.
6. *Supplemental Standards for Testing Laboratory Businesses.*
- a. A permitted cannabis testing facility shall comply with all State regulations contained in California Code of Regulations Title 16, Division 42 and as it may be amended from time to time.
 - b. Any cannabis testing facility must maintain all certifications required by the State.
 - c. A permitted cannabis testing facility business, its owners and its employees may not hold an interest in any other cannabis business except another testing business.
7. *Supplemental Standards for Commercial Cannabis Businesses Producing Edible Cannabis Products.*
- a. The manufacturer and seller of edible cannabis products must ensure that all cannabis products and edible cannabis products it manufactures and/or sells complies with the any applicable provisions of all State and local laws, including regulations of the Contra Costa County Environmental Health Officer regarding the testing, preparation, distribution, labeling and sale of food.
 - b. *Preparation of Edibles.*
 - i. Individuals involved in the production or distribution of edible cannabis products must thoroughly wash their hands before commencing production and before handling the finished product.
 - ii. Gloves must be worn when packaging edible products containing cannabis.
 - iii. In order to reduce the likelihood of foodborne disease transmission, individuals who are suffering from symptoms associated with acute gastrointestinal illness or are known to be infected with a communicable disease that is transmissible through foodstuffs are prohibited from preparing edible products containing cannabis until they are free of that illness or disease, or are incapable of

transmitting the illness or disease through foodstuffs. Individuals who have sores or cuts on their hands must use gloves when preparing and handling edible products containing cannabis.

- iv. Edibles that are sold at a retail facility may only be prepared by a locally-permitted, and State-licensed manufacturing facility.
- v. Any and all persons who produce edible cannabis products must be a State-certified food handler. The valid certificate number of such persons must be on record at each manufacturing facility where the edible product is distributed, and a copy of the certificate kept either on-site, or made available during inspections if kept off-site.
- vi. Hand-washing facilities shall be adequate and convenient and be furnished with running water at a suitable temperature. Hand-washing facilities shall be located in the facility in edible cannabis product preparation areas and where good sanitary practices require employees to wash and/or sanitize their hands and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.

c. *Packaging of Edibles.*

- i. Edible cannabis products shall comply with State packaging requirements contained in California Code of Regulations Title 17, Division 1, as it may be amended.

d. *Labeling.*

- i. Edible cannabis products shall comply with State labeling requirements contained in California Code of Regulations Title 17, Division 1, as it may be amended.

8. *Prohibited Activity.* On-site consumption of cannabis or cannabis products is specifically prohibited on all commercial cannabis premises at all times. Cannabis may not be inhaled, smoked, eaten, ingested, or otherwise consumed anywhere on the property of a commercial cannabis business, in the parking areas of the business, or in those areas restricted under the provisions of California Health and Safety Code Section 11362.3.

L. **Fees and Taxes.** All commercial cannabis businesses shall pay applicable fees and taxes, which may include one or more of the following:

- 1. *Application Fees.* The applicant shall pay all fees required by the master fee schedule to cover the costs of processing commercial cannabis business permits, including but not limited to use, design review, building, fire, and CBP permits.
- 2. *Business License Fee.* The business owner shall at all times maintain a current and valid business license and pay all business taxes required by the City of Richmond Municipal Code, including but not limited to those due under Richmond Municipal Code Section 7.04.139.
- 3. *Commercial Cannabis Regulatory Fee.* The business owner shall pay an annual regulatory fee to cover the costs of anticipated enforcement and inspections relating to the cannabis operation. The amount of the fee shall be set by Resolution of the City Council and be supported by the estimated additional costs of enforcement and monitoring associated with the cannabis operation. The regulatory fee shall be due upon issuance of the CBP. The Regulatory Fee may be amended from time to time based upon actual costs.
- 4. All required taxes including sales and use taxes, business, payroll etc.
- 5. Additional cannabis-specific taxes approved by the voters of the City of Richmond.

M. **Liability and Indemnification.**

1. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this section shall not become a personal liability of any public officer or employee of the City.
2. To the maximum extent permitted by law, the permittee(s) under this section shall defend (with counsel acceptable to the City), indemnify and hold harmless the City, the City Council, and its respective officials, officers, employees, representatives, agents and volunteers (hereafter collectively called "City") from any liability, damages, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings, or judgment (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "action") against the City to attack, set aside, void or annul, any cannabis-related approvals and actions and strictly comply with the conditions under which such permit is granted, if any. The City may elect, in its sole discretion, to participate in the defense of said action and the permittee shall reimburse the City for its reasonable legal costs and attorneys' fees.
3. Within ten calendar days of the service of the pleadings upon the City of any action as specified in paragraph [(M)(2)] above, the permittee shall execute a letter of agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the letter of agreement shall survive termination, extinguishment or invalidation of the cannabis-related approval. Failure to timely execute the letter of agreement does not relieve the applicant of any of the obligations contained in this section or any other requirements or performance or operating standards that may be imposed by the City.

N. Violations and Enforcement. In addition to Article 15.04.815 (Enforcement Provisions):

1. Any person violating any provision of this section, including engaging in a commercial cannabis business without a CUP and CBP or knowingly or intentionally misrepresenting any material fact in procuring a CUP and CBP, shall be deemed guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 for each day or portion thereof of the violation or by imprisonment for not more than 12 months, or by both such fine and imprisonment;
2. Any violation of this section shall be subject to injunctive relief, revocation of the certificate of occupancy for the property, disgorgement and payment to the City of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity; and
3. Any violation of any condition of a CUP or CBP for a commercial cannabis business, including failure to remit any fees required to maintain the permits and/or failure to remit the quarterly gross receipt taxes, shall be grounds for permit suspension or revocation.

([Ord. No. 16-19 N.S.](#), § I(Exh. A), 11-5-2019)

Editor's note— [Ord. No. 16-19 N.S.](#), § I(Exh. A), adopted Nov. 5, 2019, repealed the former § 15.04.610.270 and enacted § 15.04.610.270 as set out herein. The former § 15.04.610.270 pertained to Medical Marijuana Uses and derived from Ord. No. [16-16 N.S.](#), adopted November 15, 2016.

Footnotes:

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Additional terms, such as "applicant" and "person", "permit" and "use", are defined in Zoning and Subdivision Regulations, Series 100, General Provisions, and are not repeated here.

15.04.610.275 - Marijuana/Cannabis: Personal Use.

- A. **Purpose.** The purpose of this section is to provide, pursuant to California Health and Safety Code section 11362.2, rules to regulate the non-commercial cultivation or consumption for medicinal or adult-use of the six living cannabis plants authorized to be grown under California Health and Safety Code Section 11362.1 to mitigate the negative impacts and secondary effects associated with the cultivation of cannabis.
- B. **Prohibited Activities.** It is unlawful and shall constitute a public nuisance for any person to cultivate cannabis for their personal, non-commercial use in violation of the provisions of this section or State law.
- C. **Restrictions Related to Personal Cultivation of Cannabis for Non-Commercial Uses.** The following restrictions apply to any person who cultivates cannabis for their personal, non-commercial use within the City limits of the City of Richmond. Any person who complies with these restrictions does not require a CUP or CBP.
1. No more than six cannabis plants may be cultivated at any one time at a single private residence or on a single parcel of property within the approved zones.
 2. Indoor personal cultivation of cannabis shall not interfere with the primary occupancy of the building or structure, including regular use of kitchen(s) or bathroom(s).
 3. The private residence containing the cannabis plants must be occupied by, and the cannabis plants must be cultivated by, persons 21 years of age or older, or by persons 18 years or older with a valid physician's recommendation for cannabis.
 4. Cannabis plants must not be visible with normal unaided vision from a public right-of-way.
 5. Cultivation of cannabis for personal use is limited to parcels with a residence and a full-time resident on the premises where the cultivation is occurring.
 6. The use of CO2 or any volatile solvents as defined by the State and this section to manufacture cannabis products is prohibited.
 7. All structures and equipment used for personal indoor cultivation, such as indoor grow lights, shall comply with all applicable building, electrical, mechanical, plumbing and fire code regulations by the City, County or State.
 8. No cannabis odors shall be detectable from offsite, and the use of odor prevention devices, such as a ventilation system with a carbon filter, shall be utilized if necessary.
 9. Grow lights shall not exceed 1,200 watts per light and are prohibited from producing a glare that interferes with other residents' reasonable enjoyment of life or property.
 10. Cannabis plants cultivated indoors must remain at least 12 inches below the ceiling.
 11. The use of generators other than as back-up for emergency purposes is prohibited.
 12. Nothing in this section is intended, nor shall it be construed to preclude any landlord from limiting or prohibiting cannabis cultivation by tenants.
 13. Nothing in this section is intended, nor shall it be construed, to authorize any public or private nuisance as specified in the Richmond City Municipal Code and any violation of this section is declared to be a nuisance and may be abated by the City pursuant to this ordinance or any applicable City code.
 14. Nothing in this section is intended, nor shall it be construed, to authorize any cannabis activity in violation of State law. All personal cannabis consumption, cultivation, or any other personal cannabis activity must comply with all current State laws and regulations.
- D. **Consumption.** All regulations regarding smoking contained in the City of Richmond Municipal Code are applicable to smoking of cannabis or smoking of any cannabis products. Cannabis may not be

inhaled, smoked, eaten, ingested, or otherwise consumed in areas restricted under the provisions of California Health and Safety Code Section 11362.3

- E. **Enforcement and Penalties.** The City may pursue one or more of those alternatives set forth in the City of Richmond Municipal Code to enforce this section. It shall be a separate offense for each and every day during any portion of which any violation of, or failure to comply with, any provision of this section is committed, continued or permitted. In the event of any conflict between the penalties set forth in this section and any penalties set forth in State law, the maximum penalties allowable under State law shall govern.
1. The City may issue administrative citations and fines as set forth in Chapter 2.62 of this Code.
 2. Whenever the City determines that a violation of this section exists at any location within the City of Richmond, the City is authorized to issue a Notice of Violation and demand to abate. Any failure to comply with said notice shall constitute a violation subject to the penalties and legal actions as set forth in Chapter 1.04 of this Code.
 3. Nothing in this section shall be construed as imposing on the City of Richmond any duty to issue a notice of violation, nor to abate any unlawful cannabis activity, nor to take any other action with regard to any unlawful cannabis activity, and the City shall not be held liable for failure to issue an order to abate any unlawful cannabis activity, nor for failure to abate any unlawful cannabis activity, nor for failure to take any other action with regard to any unlawful cannabis activity.

([Ord. No. 16-19 N.S.](#), § I(Exh. A), 11-5-2019)

15.04.610.280 - Nontraditional Financial Institutions ("Check-cashing").

Nontraditional Financial Institutions (e.g., check-cashing facilities) must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Conditional Use Permit Criteria.** A conditional use permit for any Nontraditional Financial Institution may only be granted upon determining that the proposal conforms to the use permit criteria set forth in Article 15.04.806 (Use Permits), and to all of the following performance standards:
1. *Location.*
 - a. Minimum distance from another Nontraditional Financial Institution: 1,000 feet.
 - b. Minimum distance from an educational, religious, or cultural institution or public park: 500 feet.
 - c. Minimum distance from liquor stores: 500 feet.
 2. *Performance Standards.*
 - a. Exterior lighting with shielded fixtures shall be provided on all frontages. Such lighting shall be designed to illuminate persons standing outside such that they can be identified 30 feet away.
 - b. A minimum of 60 percent of a storefront shall have glass or transparent glazing in the windows and doors providing views into the building's interior within a zone of transparency of between two feet and six feet above the adjacent sidewalk grade. No more than 10 percent of any window or door area shall be covered by signs, banners, or opaque coverings of any kind so that law enforcement personnel will have clear view of the entire public area in the premises from the public sidewalk.
 - c. Days and hours of operation shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday.

- d. The site must be maintained free of litter and graffiti at all times. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. The owner or operator must remove graffiti within 72 hours. One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building.
- e. Patrons shall be discouraged from loitering prior to, during and/or after hours. A sign shall be posted in the front of the business indicating that no loitering is permitted per the Municipal Code.

15.04.610.290 - Nurseries and Garden Centers.

Nurseries and garden centers must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Products for Sale.** Products offered for sale are limited to nursery stock and related materials incidental to the planting, care, and maintenance of plants, including fertilizer, pesticides, seeds, and planting containers, and exclude general building materials, hardware, tools other than for soil preparation and general landscaping.
- B. **Enclosure.** All storage, display, and sale of products other than nursery stock must be conducted within a completely enclosed building or within an area enclosed by a solid wall or fence and gate between five and six feet in height.

15.04.610.300 - Outdoor Dining and Seating.

Outdoor Dining and Seating facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public-right-of-way requires an encroachment permit issued by the Public Works Department.
- B. **Accessory Use.** Outdoor dining and seating must be conducted as an accessory use to an eating or eating and drinking establishment located on the same lot or an adjacent lot.
- C. **Enclosure.** Awnings or umbrellas may be used, but must be adequately secured and/or retractable.
- D. **Furnishing and Fixtures.** Furnishing may consist only of movable tables, chairs, and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the principal building.
- E. **Litter Removal.** Outdoor dining and seating areas must remain clear of litter at all times.
- F. **Hours of Operation.** The hours of operation are limited to the hours of operation of the associated eating or eating and drinking establishment.
- G. **Parking.** Where an outdoor dining and seating area occupies less than 200 square feet, no additional parking spaces for the associated eating and drinking establishment is required. Otherwise, parking must be provided according to Article 15.04.607 (Parking and Loading Standards).
- H. **Pedestrian Space.** Tables and chairs must be placed in a way that allows for an unobstructed pedestrian walkway with a minimum width of four feet.
- I. **Accessibility.** At least 25 percent of the seating must be accessible to persons using wheelchairs.

15.04.610.310 - Outdoor Sales.

Outdoor sales must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Seasonal and Temporary Sales.** For seasonal and temporary sales, such as holiday tree and pumpkin lots, refer to Section 15.04.610.410 (Temporary Uses).
- B. **Permanent Outdoor Display and Sales.** The permanent outdoor display of merchandise, except for automobile/vehicle sales and leasing, which is subject to Section 15.04.610.080 Automobile/Vehicle Sales and Leasing, requires administrative use permit approval and must comply with the following standards:
 1. *Relationship to Main Use.* The outdoor display and sales area must be directly related to a business occupying a primary structure on the subject parcel.
 2. *Display Locations.*
 - a. Outdoor sales and display located in the public-right-of-way requires an encroachment permit issued by the Public Works Department.
 - b. The displayed merchandise must not disrupt the vehicle and pedestrian circulation on the site, obstruct driver visibility or otherwise create hazards for vehicles or pedestrians.
 - c. A four-foot pedestrian pathway to the main entrance of the use must be maintained and not blocked by merchandise. If there is more than a four-foot-wide pathway provided, merchandise may be displayed in an area outside of the required four feet.
 3. *Allowable Merchandise.* Only merchandise generally sold at the business is permitted to be displayed outdoors.
 4. *Refuse/Litter.* The operator is responsible for collecting trash due to outdoor sales.

15.04.610.320 - Outdoor Vendors (Mobile Food Vendors).

Outdoor vendors (mobile vending units) must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Permits Required.** In addition to an administrative use permit, outdoor vendors shall submit proof of compliance with the following to the Zoning Administrator:
 1. *Business License.* Every outdoor vendor shall obtain a City business license prior to operation.
 2. *County Health Department.* If food and/or beverages are being sold, a valid permit from the County Health Department is required for the commissary as well as for the mobile vending unit.
 3. *State Certified Vehicle.* Any mobile food vending unit owner shall provide proof that the vehicle is State-certified for operation as a mobile food preparation truck, including compliance with plumbing and electrical standards.
 4. *Vehicle Insurance and Registration.* Proof of current insurance and registration of the vehicle must be present with the administrative use permit application.

All permits and licenses shall be displayed at the place of business at all times.

- B. **Exemptions.** The following activities shall be excluded from the requirements of this outdoor vendors ordinance:
 1. Outdoor activities that take place within the public right-of-way (e.g., peddler businesses);
 2. Pumpkin sales from October 1 to October 31, inclusive;
 3. Holiday tree sales from November 1 to December 25, inclusive;

4. Residential yard sales activities up to three days within any three-month period;
 5. Nonprofit activities related to religious establishments, community events, and fundraisers up to three days within any three-month period; and
 6. Special events that take place on land within the PCI zoning district for no more than a maximum of 30 calendar days within any twelve-month period.
- C. **Site Criteria/Operational Characteristics.** The following criteria shall apply to the siting and operational characteristics of outdoor vendors:
1. Outdoor vending activities shall be allowed only in Mixed-Use, Commercial and Industrial zoning districts with an administrative use permit as identified in the land use tables for the applicable zoning district.
 2. The minimum distance between outdoor vendors is 300 feet.
 3. Outdoor vendors located on the premises of an already established business shall be allowed to operate their business on that location only if it can be shown that there is adequate parking for both the established business and for customers of the outdoor vendor business.
 4. The off-site location where the mobile vending unit is to be stored overnight must be identified in the application. Mobile vending units shall not be parked in Residential zoning districts.
 5. Wash down of the mobile vending unit shall be only permitted at an approved facility that will capture the wastewater in an approved sanitary sewer.
 6. The outdoor vendor shall be responsible for cleaning up the site and adjacent surrounding area of the trash and debris generated by the business during and at the end of each business day.
 7. The mobile vending unit shall not be located within a 12-foot radius of the outer edge of any entranceway to any building or facility used by the public.
 8. The mobile vending unit shall not be located where space for pedestrian passage will be reduced to less than six feet.
 9. The administrative use permit for outdoor vendors is considered temporary and is granted only for a maximum of two years. It may be renewed.
- D. **Signage.** One sign per vendor not to exceed 20 square feet in size.

(Ord. No. [30-18 N.S.](#), § I(Exh. A), 12-18-2018)

15.04.610.330 - Pawn Shops; Secondhand Dealers.

Pawn shops and secondhand dealers must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **License Review Required.** An operator shall submit a California Department of Justice Secondhand Dealer or Pawnbroker License Application form to the Police Department for review and processing. The completed application must include a request for a live scan, processing fees, and a money order or check payable to the Department of Justice. If the application is for a pawnbroker license, a surety bond must be attached to the application package.
- B. **Site Location and Access.**
 1. Pawn shops and secondhand dealers are only permitted in CM-3, Commercial Mixed-Use, Commercial Emphasis; CM-4, Commercial Mixed-Use, Gateway/Node; and CM-5, Commercial Mixed-Use, Activity Center zoning districts.

2. A minimum separation distance of 1,000 feet is required from each secondhand dealer business.
3. No pawn shops or secondhand dealers are allowed on lots that abut a residential zoning district.

C. Operation and Development Standards.

1. An on-site lighting plan must be submitted and approved by the Zoning Administrator prior to issuance of a business license.
2. A security plan must be submitted to and approved by the Police Department prior to issuance of a business license.
3. Windows of the business shall not be tinted or obscured in any way, including by temporary or painted window signs, and the interior lighting of the business shall remain at adequate levels to clearly see into the business from the exterior of the business.
4. Patrons shall be discouraged from loitering prior to, during and/or after hours. A sign shall be posted in the front of the business indicating that no loitering is permitted per the Municipal Code.
5. Hours of operation shall be between 9:00 a.m. and 6:00 p.m., Monday through Saturday.

D. Standard Conditions of Approval.

1. All businesses that engage in secondhand dealer operations shall be subject to Chapter 7.60 and inspection by the Chief of Police or any police officer of the City.
2. The applicant shall fully comply with all requirements for secondhand dealers set forth in the California Business and Professions Code, Section 21625 et seq. and any other applicable statutes or ordinances.
3. The business owner or operator shall maintain in good repair all building exteriors, walls, drainage facilities, landscaping, driveways and parking areas. The premises shall be kept clean and free of litter and weeds. Any graffiti shall be removed within 72 hours of occurrence.
4. All businesses are subject to inspection by the Police Department every year to determine compliance with these conditions. The business owner shall pay a fee based on the City's master fee schedule for this inspection.
5. The facility shall have a digital video recording system that covers all points of entry, exit and areas of purchase. The video recording shall also cover areas where cash and gold/precious metals are stored within the facility. Records of this recording capability shall be of good quality and have archives up to 45 days. These video archives shall be accessible to members of the Police Department and California Department of Justice upon request. The hard-drive or computer storing all digital records shall be maintained in a secured area and away from the view of the public.
6. The facility shall be equipped with an alarm system that has instant panic-button/robbery notification capabilities and silent monitoring. The applicant shall maintain a valid alarm permit on file with the Police Department.
7. A separate room/area shall be maintained and alarmed for the storage of gold and cash. Tangible property may be stored off-site for the Department of Justice 30-day holding requirements.
8. The applicant shall properly document all property taken in trade or exchanged for cash and documented by the Secondhand Dealer Report Form (JUS123).
9. The following forms of documentation/processes shall be administered during each customer transaction:

- a. A clear photo or digital copy of each person's driver's license, identification card, passport, military identification or any valid government issued form of identification.
- b. No sales will be conducted without proper identification. The identification provided will be photocopied and attached to the sales receipt or slip. A description of the property shall be entered on the sales receipt.
- c. A digital photograph of each item of property taken in trade or exchanged for cash. This photograph shall be maintained by the business for a minimum of five years.
- d. Items purchased from a customer shall be stored and maintained by the business for 30 days prior to disposition and these shall be available for inspection at any time by the Police Department or any other law enforcement agency.
- e. All Secondhand Dealer Report Forms shall be submitted weekly to the Police Department (Regulatory Unit).

15.04.610.340 - Personal Services.

Personal services must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Hours of Operation.** Hours of operation are limited to 7:00 a.m. to 9:00 p.m., seven days a week unless otherwise specified.
- B. **Massage Establishments.** Massage establishments, including massage establishments conducted as Accessory Uses, are subject to the requirements listed in this Section, in Municipal Code Chapter 9.38 (Massage Establishments and Services), and the following standards.
 - 1. *Permits Required.* An administrative use permit and a massage service permit issued pursuant to Chapter 9.38.020 of the Municipal Code are required.
 - 2. *Facility Requirements.* Every massage establishment shall meet the following requirements:
 - a. Minimum lighting shall be provided in accordance with the National Electrical Code, and, in addition, at least one light of not less than forty watts shall be provided in each room or enclosure where massage services are performed on patrons.
 - b. Minimum ventilation shall be provided in accordance with the Building Code.
 - c. Hot and cold running water shall be provided at all times.
 - d. Closed cabinets shall be provided for storage of clean linens.
 - e. Adequate dressing, locker and toilet facilities shall be provided for patrons.
 - f. A minimum of one sink shall be provided at all times. The sink shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each sink.
- C. **Tattoo or Body Modification Parlor.**
 - 1. *Registration Required.* Any person who is engaged in the business of tattooing or body modification must provide evidence of registration with the County Department of Health.
 - 2. *No Persons under 18.* A sign must be posted on the door or in view of the entrance, stating that no person under the age of 18 is allowed on site, unless accompanied by a parent or legal guardian.

15.04.610.350 - Recycling Facilities.

Recycling facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. Reverse Vending Machines.

1. *Accessory Use.* Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.
2. *Location.* Machines must be located adjacent or as near as feasibly possible, to the entrance of the commercial host use and must not obstruct pedestrian or vehicular circulation. Machines can be located against a wall, but not in parking areas.
3. *Identification.* Machines must be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
4. *Trash Receptacle.* Machines must provide a minimum 40-gallon garbage can for non-recyclable materials located adjacent to the reverse vending machine.
5. *Hours of Operation.* No restrictions. Machines shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

B. Recycling Collection Facilities.

1. *Size.* Recycling collection facilities must not exceed a building site footprint of 350 square feet.
2. *Setback.* Facilities must not be located within a required setback.
3. *Use.* Collection Facilities shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with approval of the Fire Chief and in accord with all federal, State, and City regulations.
4. *Equipment.* No power-driven processing equipment, except for reverse vending machines, can be used.
5. *Containers.* Recycling collection facilities shall use containers that are constructed and maintained with durable waterproof and rust-proof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule. Containers for the 24-hour donation of materials shall be at least 30 feet from any lot zoning districts or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.
6. *Site Maintenance.* Recycling facility sites must be maintained clean, sanitary, and free of litter and any other undesirable materials.
7. *Location.* Recycling collection facilities must not be located in residential zoning districts. Recycling collection facilities located within 75 feet of a lot zoning districts or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.
8. *Identification.* Containers must be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator, and the hours of operation.
9. *Signs.* The maximum sign area is limited to 20 percent of the area of the side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container.
10. *Parking.* No additional parking spaces are required for customers of a small collection facility located at the established parking lot of a host use. One space must be provided for the attendant. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

C. Recycling Processing Facility.

1. *Location.* Facilities must be at least 100 feet from a Residential District. If the facility is located within 500 feet of land zoning districts, developed, or planned for residential use, it shall operate only during the hours between 9:00 a.m. and 7:00 p.m.
2. *Operations.* The facility must be administered by on-site personnel during the hours the facility is open.
3. *Screening.* The facility must be screened from public rights-of-way. Power-driven processing shall be permitted, provided all noise level requirements are met.
4. *Use.* Used motor oil may be accepted with approval of the Fire Chief and in accordance with state and local regulations.
5. *Landscaping.* Landscaping and irrigation plan shall be approved by the Zoning Administrator.
6. *Outdoor Storage.* Exterior storage of material must conform to applicable requirements.
7. *Maintenance.* Site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present.
8. *Site Design.* Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the Planning Commission determines that allowing overflow traffic will not adversely affect surrounding businesses and public safety.
9. *Parking.* One parking space shall be provided for each commercial vehicle operated by the processing center.
10. *Identification.* Containers shall be clearly marked to identify the type of material that may be deposited, the name and number of the facility operator, and the hours of operation; facility shall display a notice stating that no material shall be left outside the recycling containers.
11. *Nuisance.* No dust, fumes, smoke, vibration or odor above ambient level shall be generated that adversely affects the health, peace, or safety of people residing or working on the premises or in the vicinity.

D. Composting and Waste Disposal Facilities.

1. *Maintenance—Pest Infestation Prohibited.* Waste disposal facilities must be maintained in such a manner that vermin and pest infestation cannot take place.
2. *Covering or Wetting to Prevent Dust.* The owner, proprietor, or caretaker of any composting facility or solid waste landfill must use a tarp, covering or wet down the waste disposal facility with water or chemical stabilizers at intervals sufficiently frequent to prevent dust.

E. Conversion Technology Facilities and Transformation (Waste-to-Energy) Facilities.

1. *Location.* Facilities must not be located within 250 feet of a Residential District.
2. *Adjacency.* Conversion technology facilities and transformation (waste-to-energy) facilities must be located next to existing solid waste facilities unless an applicant can demonstrate that a location adjacent to existing solid waste facilities is not feasible.
3. *Permit.* The permittee shall submit evidence of the following permits and approvals or proof of an exemption:
 - a. A Spill Prevention, Control and Countermeasure Plan approved by the U.S. Environmental Protection Agency.

- b. Permits to construct and to operate from the Bay Area Air Quality Management District (BAAQMD), or documentation that the facility is exempt from BAAQMD's permitting requirements.
 - c. An industrial discharge permit from the City Wastewater Division, or documentation that the facility is exempt from the Wastewater Division's permitting requirement.
 - d. A permit from the State or Fire Chief for the storage and use of combustible liquids.
 - e. Permits for all storage tanks (above-ground and underground) from the State or Fire Chief.
 - f. A solid waste permit from the Contra Costa Health Services Department of Environmental Health, if applicable.
 - g. A permit from the Bay Conservation and Development Commission if the proposed project is within 100 feet of the shoreline.
 - h. A Hazardous Materials Safety Permit from the U.S. Department of Transportation or California Department of Transportation if the permittee will be transporting hazardous materials over State highways.
 - i. A seller's permit from the California Board of Equalization.
4. *Standards.*
- a. The permittee shall follow the most up-to-date version of Biodiesel Handling and Use Guide prepared by the U.S. Department of Energy National Renewable Energy Laboratory.
 - b. The permittee shall comply with the California Regional Water Quality Control Boards' C.3 Stormwater Control Management requirements.

15.04.610.360 - Residential Facility.

General residential facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Location.** Minimum distance from any other residential facility: 300 feet.
- B. **Common Open Space.** At least 20 square feet of common open space must be provided for each person who resides in the facility.

(Ord. No. [30-18 N.S.](#), § I(Exh. A), 12-18-2018)

15.04.610.370 - Schools.

Non-exempt schools must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones:

- A. **Use Permit Required.**
 - 1. An administrative use permit is required if a new school will be located in an existing building, and any new space added to the building will not exceed 20 percent of existing floor area, excluding space if portable classrooms.
 - 2. A conditional use permit is required for all new construction of schools and for additions to existing building that exceed 20 percent of existing floor area.
 - 3. To grant the use permit, the Zoning Administrator or the Planning Commission as the case may be, must determine, based on the information presented by the applicant and the standards of this Section, that the school location is appropriate for the use, and that adjacent uses will not be adversely affected; that adequate access, student drop-off areas

and required off-street parking is provided; and that outdoor play areas are appropriately-sized, furnished with facilities and equipment, safe, and secure.

B. **Site Plan Required.** The applicant shall provide a site plan with the use permit application that includes all of the following information:

1. The proposed enrollment and student capacity of the school;
2. The number and size of all classrooms;
3. The size and location of all indoor and outdoor areas for physical education;
4. The pedestrian and traffic circulation systems proposed for the site, include student drop-off areas;
5. The proposed parking, both on-site and off-site; and
6. A development phasing schedule, if the school will be developed in phases.

C. **Locational Standards.**

1. If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be submitted with the use permit application, prepared by a competent professional trained in assessing the frequency, speed, and schedule of railroad traffic and pedestrian and vehicle safeguards at railroad crossings. In addition to the analysis, reasonable and feasible mitigation measures to address existing or potential safety issues must be identified, which shall be incorporated into conditions of approval, as appropriate.
2. If the proposed site is within 1,500 feet of an above-ground fuel storage tank or high pressure oil or gas pipeline, or within 2,000 feet of a hazardous waste disposal site, a hazards risk assessment shall be submitted with the use permit application, and recommendations of that assessment shall be incorporated into conditions of approval, as appropriate.
3. The Zoning Administrator may waive submission of the studies required above if a safety or hazards risk assessment has been previously prepared for the site and submitted to the City or another permitting agency, and the applicant agrees to the recommendations and mitigation measures of such an assessment.

D. **Site Standards.**

1. The site shall be easily accessible from arterial or collector streets and shall allow minimum peripheral visibility from planned driveways and drop-off areas.
2. Parent drop-off areas, bus loading areas if provided, and on-site parking shall be separated from walkways to allow students to enter and exit the school grounds safely.
3. Adequate outdoor or indoor play areas shall be provided to meet the needs for the planned enrollment. The minimum standard is 50 square feet of active play area per student. The Zoning Administrator or the Planning Commission, whichever has use permit approval authority, may reduce this requirement upon finding that (1) public parks are within one-quarter mile of the school and a joint-use agreement with the City has been executed, or (2) the scheduling of physical education (e.g., staggered recess times) permits more efficient use of on-site facilities. All outdoor play facilities that border a street or parking area shall be enclosed by a minimum six-foot high fence or wall.
4. Delivery and service areas shall be located to provide vehicular access that does not jeopardize the safety of students and staff. Delivery/utility vehicles must have direct access from the street to the delivery area without crossing over playground or field areas or interfering with bus or parent loading unless a fence or other barrier protects students from large vehicle traffic on playgrounds.

E. **Parking Required.** As prescribed by Article 15.04.607 (Parking and Loading Standards).

- F. **Accessory Uses.** Accessory uses customarily found in conjunction with schools, including dormitories, gymnasiums, stadiums, performing arts facilities, and auditoriums, are permitted with an administrative use permit or a conditional use permit, as required for the principal use, provided such accessory uses are located on the same lot or a contiguous lot adjoining the school.
- G. **Design Standards.**
1. Schools shall be designed at a neighborhood scale, and new or replacement elementary schools, kindergarten through grade 5 or 6, generally shall not exceed 500 students in size, unless the Planning Commission determines that a larger facility is warranted at a specific location.
 2. The design of structures shall incorporate setbacks, recesses, projections, upper-story setbacks, and similar architectural measures to help diminish visible building bulk as seen from adjoining public streets.
 3. Larger structures with high levels of activities and parking areas shall be located away from surrounding residential development that is smaller in scale or less intense.
 4. School campuses, excluding outdoor recreational areas, shall be subject to the minimum lighting standards set in Section 15.04.604.050 that apply to multi-family development. Entries shall be lighted to ensure the safety of persons and the security of buildings. Outdoor lighting that is not required for security shall be turned off when a building or outdoor recreational area is not in use.

(Ord. No. [27-18 N.S.](#), § I(Exh. A), 11-20-2018)

15.04.610.380 - Service Stations.

Service stations must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Site Design.**

1. *Site Dimensions.*
 - a. *Minimum site size:* 15,000 square feet.
 - b. *Minimum primary street frontage:* 120 feet.
 - c. *Exceptions:* Where property to be used for service station purposes was under lease for such purposes at November 8, 1971, the minimum site size shall be 10,000 square feet, and the minimum primary street frontage shall be 100 feet.
2. *Landscape Plan.* An acceptable landscape plan shall be submitted at the time of application. In addition to the specific standards established below, landscape plans shall comply with the provisions of Article 15.04.613 (Water-Efficient Landscaping).
 - a. At least a five-foot planting strip located inside of and parallel to the street frontage or frontages (except for necessary driveways) and in other locations as may be designated by the Director of Engineering and Capital Improvement Projects. Probable planting areas would be adjacent to buildings, fencing or storage areas.
 - b. The location and type of watering system which meets the approval of the Director of Engineering and Capital Improvement Projects shall service all landscaped areas.
 - c. The landscape plan shall specify the size, number, location and type (genus, species or variety) of plant materials to be planted.

3. *Maintenance.* The applicant shall submit a written statement to the effect that landscaping, watering systems and fencing shall be maintained to standards acceptable to the Director of Engineering and Capital Improvement Projects.
4. *Illumination.* Any area lighting, including illuminated signs, shall be installed in such a manner so as not to distract passing traffic, or to produce any glare or excessive illumination on adjacent lots.
5. *Trash Storage.* An outdoor refuse or storage area shall be provided on the site and shall be enclosed by a six-foot-high solid wall that complement the design and appearance of other fences and walls on the site. No used or discarded automotive parts of equipment or permanently disabled, junked, wrecked or damaged vehicles shall be located outside the buildings, except within this enclosed refuse or storage area.
6. *Activity Locations.*
 - a. *Sale, Storage and Display of Merchandise.* The exterior display and storage of merchandise, except for oil can racks and new tire display cabinets, shall be subject to design review.
 - b. *Ancillary Activities.* The sale or rental of equipment, such as spare parts not installed on the premises, lawn mowers, concrete mixers, automobiles, trucks, trailers, garden equipment or the conduct of any other commercial enterprise not directly related to the operation of a motor vehicle service station, shall be permitted subject to such conditions as to exterior or interior location, quantity and screening as deemed appropriate through design review.
7. *Access.* There must be no more than two vehicular access points to/from a single public street. However, fleet fuel stations in Industrial districts may provide additional access points.
8. *Tanks and Utility Boxes.* Propane tanks, vapor-recovery systems, air compressors, utility boxes, garbage, recycling containers/enclosures, and other similar mechanical equipment must be screened from public view.
9. *Air and Water Stations.* Air and water stations must be identified on plans. They cannot be located within required setback areas.
10. *Pump Islands.* Pump islands must be located a minimum of 15 feet from any lot line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.

15.04.610.390 - Single Room Occupancy Housing.

Single Room Occupancy (SRO) Housing, also called residential hotels, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Maximum Number of Units.** If an SRO contains a common kitchen that serves all residents, the maximum allowable number of individual units shall be 20 percent above the maximum number otherwise allowed by the base density applicable to residential development in the zoning district where the SRO is located.
- B. **Maximum Occupancy.** Each living unit must be designed to accommodate a maximum of two persons.
- C. **Minimum Width and Minimum Size.** A unit comprised of one room, not including a bathroom, must not be less than 12 feet in width and include at least 180 square feet of habitable space.
- D. **Entrances.** All units must be independently accessible from a single main entry, excluding emergency and other service support exits.

- E. **Cooking Facilities.** Cooking facilities must be provided either in individual units or in a community kitchen. Where cooking is in individual units, each unit must have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or a properly engineered cook top unit pursuant to Building Code requirements; at minimum a small refrigerator; and cabinets for storage.
- F. **Bathroom.** A unit is not required to, but may contain partial or full bathroom facilities. A partial bathroom facility must have at least a toilet and sink; a full facility must have a toilet, sink, and bathtub or shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities must be provided that meet the standards of the Building Code for congregate residences with at least one full bathroom per floor.
- G. **Closet.** Each unit must have a separate closet.
- H. **Common Area.** Four square feet per living unit of common area must be provided, excluding janitorial storage, laundry facilities, and common hallways. At least 200 square feet of common area must be on the ground floor near the entry to serve as a central focus for tenant social interaction and meetings.
- I. **Tenancy.** Tenancy of residential hotel units is limited to 30 or more days.
- J. **Facility Management.** A facility with 10 or more units must provide full-time on-site management. A facility with fewer than 10 units must provide a management office on site.
- K. **Management Plan.** A management plan must be submitted with the conditional use permit application for an SRO project for review and approval by the Planning Commission. At minimum, the management plan must include the following:
 - 1. *Security/Safety.* Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
 - 2. *Management Policies.* Management policies, including desk service, visitation rights, occupancy restrictions, and use of cooking appliances;
 - 3. *Rental Procedures.* All rental procedures, including the monthly tenancy requirement;
 - 4. *Maintenance.* Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

15.04.610.400 - Storage Containers.

Storage Containers must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Location.**
 - 1. *For Construction Projects.* One storage container shall be allowed on a lot in conjunction with an active construction project for which a building permit has been issued. The storage container must be removed prior to issuance of a certificate of occupancy. An administrative use permit is required to place more than one storage container on a lot.
 - 2. *In Residential and Mixed-Use Zoning Districts.* Cargo storage containers may be allowed in residential and mixed use zoning districts with a Temporary Use Permit as a temporary use for up to one year. In order to approve a cargo storage container, the Zoning Administrator must find that: the placement of a container does not adversely affect access to and use of any required parking or loading space; is not located within a required setback area; and is screened from view from a public right-of-way and any adjacent residences by solid screening materials at least the same height as the storage container.
 - 3. *In IL, IG and IW Industrial Districts.* Cargo storage containers are allowed in the IL, IG, and IW Industrial districts anywhere on a lot, except in required front and street side setback areas and in required parking and loading areas. Such containers shall be fully screened from view from public rights-of-way and adjacent residential and mixed use zoning districts

with solid screening materials at least the same height as the storage containers. Transport storage containers shall not be stacked higher than two containers.

B. **Business Activity.** All personal storage facilities must be limited to inactive items. No retail sales, repair, or other commercial use can be conducted out of an individual rental storage unit.

C. **No Hazardous Materials Storage.** No storage of hazardous materials is permitted.

15.04.610.410 - Temporary Uses.

This Section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical features of the site where they occur.

A. **Exempt Temporary Uses.** The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Other permits, such as Building Permits, may be required.

1. *Car Washes.* Car washes conducted by a qualifying sponsoring organization on non-residential properties. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the federal Internal Revenue Code. Temporary car washes shall not occur on a site more than four times per calendar year and may not operate for a continuous period of more than 12 hours.
2. *Emergency Facilities.* Emergency public health and safety needs/land use activities.
3. *Garage/Yard Sales.* Garage/yard sales of personal property conducted by a resident of the premises may be conducted in accordance with the following standards.
 - a. A nonprofit organization or association of persons may conduct a garage/yard sale at the residence of one or more of its members pursuant to all of the requirements of this Section. One such sale may be held per year without such sale being deemed one chargeable to the premises in question for the purpose of applying the two sales per quarter limitation set forth below.
 - i. No more than two garage/yard sales shall be conducted on a site per quarter, for a maximum of three consecutive days each.
 - ii. Garage/yard sales shall not be held for more than two consecutive weekends. Each weekend that sales are conducted constitutes a single sale event.
 - iii. Signs may be displayed 24 hours before and during the hours the garage/yard sale is actively being conducted and shall be removed at the completion of the sale.
 - iv. The conduct of general retail sales or commercial activities in residential zoning districts, except as is otherwise expressly authorized under this Article, shall be prohibited.
4. *On-site Construction Yards.* On-site contractors' construction yards, including temporary trailers and storage of equipment, in conjunction with an approved construction project on the same site. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction, whichever occurs first.
5. *Temporary Real Estate Sales Office.* A temporary real estate sales office within the area of an approved development project, solely for the first sale of units, approved as part of the overall project.

B. **Temporary Use Permit Required.** The following uses may be permitted pursuant to Article 15.04.807 (Temporary Use Permits) subject to the following standards.

1. *Special Events and Sales.* Short term special events, outdoor sales, and displays that do not exceed three consecutive days, may be permitted in accordance with the following standards:
 - a. *Location.* Events are limited to non-residential districts.
 - b. *Number of Events.* No more than four events at one site shall be allowed within any 12-month period.
 - c. *Time Limit.* When located adjacent to a Residential District, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m., seven days a week.
2. *Temporary Outdoor Sales.* Temporary outdoor sales—including, but not limited to, grand opening events, and other special sales events—may be permitted in accordance with the following standards:
 - a. Temporary outdoor sales shall be part of an existing business on the same site.
 - b. Outdoor display and sales areas must be located on a paved or concrete area on the same lot as the structure(s) containing the business with which the temporary sale is associated.
 - c. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
3. *Commercial Filming.* The temporary use of a site for the filming of commercials, movies, videos, provided the Zoning Administrator finds the approval would not result in a frequency of uses likely to create incompatibility between the temporary filming activity and the surrounding neighborhood.
4. *Off-site Construction Yards.* Off-site contractors' construction yards, in conjunction with an approved construction project. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.
5. *Real Estate Sales.* Onsite real estate sales from a manufactured or mobile unit office for the temporary marketing, sales, or rental of residential, commercial, or industrial development.
6. *Temporary Structure.* A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum time period of two years, as an accessory use or as the first phase of a development project, in a non-residential district. A one-year extension may be granted.
7. *Temporary Work Trailer.*
 - a. A trailer or mobile home may be used as a temporary work site for employees of a business:
 - i. During construction of a subdivision or other development project when a valid Building Permit is in force; or
 - ii. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
 - b. A permit for temporary work trailers may be granted for up to 12 months.
8. *Similar Temporary Uses.* Similar temporary uses which, in the opinion of the Zoning Administrator, are compatible with the district and surrounding land uses, and are necessary because of unusual or unique circumstances beyond the control of the applicant.

9. *Temporary Eating and Drinking Establishments.* A temporary eating and drinking establishment, such as a beer garden, including containers and other temporary structures, may be approved for a maximum period of two years, as a temporary use on an arterial street in a Mixed Use District upon finding that it would not affect long-term implementation of the General Plan land use vision for the corridor. Conditions of approval may be imposed to ensure land use compatibility. Up to three successive one-year extensions may be approved upon finding that the use is compatible with surrounding uses.

(Ord. No. [30-18 N.S.](#), § I(Exh. A), 12-18-2018)

15.04.610.420 - Transient Lodging.

Transient lodging must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Limitation on Long-term Stays.** All hotels and motels, including hotels that are operated as hotel condominiums, time-shares, or under a fractional ownership model, are limited to occupancy of up to 30 consecutive days at any one time and must be available for overnight stays by the general public.
- B. **Residential Use Prohibition.** Residential uses are prohibited.
- C. **When located on the Shoreline.** Any hotel or motel located on the shoreline of San Francisco Bay and San Pablo Bay will be required to provide and maintain public access facilities and expand existing access, including parking for visitors, as required by the Bay Conservation and Development Commission, if feasible, unless expansion would adversely affect natural resources or natural processes.

15.04.610.430 - Urban Agriculture.

Urban Agriculture facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Maintenance.** Urban agriculture uses shall be maintained in an orderly manner, including litter removal, irrigation, weeding, pruning, pest control and removal of dead or diseased plant materials.
- B. **Equipment.** Use of mechanized farm equipment is prohibited in residential districts.
 1. Heavy equipment may be used initially to prepare the land for agriculture use, and landscaping equipment designed for household use is permitted.
 2. All equipment, when not in use, must be enclosed or otherwise screened from sight.
- C. **Accessory Structures.** Structures to support urban agriculture, such as storage sheds, chicken coops, hop-houses, and greenhouses, are permitted, subject to the regulations of the underlying zoning district and the standards for accessory structures in Article 15.04.601 (General Site Regulations) and animal-keeping enclosures in Section 15.04.610.070.
- D. **Best Practices.** Urban agriculture activities shall include best practices to prevent animal waste and pollutants from entering the stormwater conveyance system and shall comply with all applicable federal, state, and local laws, ordinances, or regulations, including, but not limited to, Chapter 12.22, Stormwater Management and Discharge Control Code of the Municipal Code.
- E. **Animal Keeping.** See Section 15.04.610.070.
- F. **Garbage and Compost.** Garbage and compost receptacles must be screened from the street and adjacent properties by utilizing landscaping, fencing or storage within structures and all garbage must be removed from the site weekly. Compost piles and containers must be set back at least 20 feet from residential buildings when an urban agriculture use abuts a residential use.

- G. **Hours of Operation in Residential and Mixed-Use Zoning Districts.** In residential and mixed-use zoning districts, urban agricultural operations may begin at sunrise or 7:00 a.m., whichever is earlier, and must end at sunset or 9:00 p.m., whichever is later, seven days a week. Automatic equipment functioning, such as sprinklers, is not considered an operation.
- H. **Home Gardens.** The maximum size of a home garden shall not exceed 25 percent of the total floor area of the dwelling unit on the lot.
- I. **Community Gardens.** Community gardens can be organized by community groups, nonprofit organizations, the City, or land owners. A manager must be designated for each community garden who will serve as liaison between gardeners, property owner(s), and the City.
- J. **Food Membership Distribution.** Food Membership Distribution is an all allowable accessory to food and beverage sales and retail sales uses, and with an administrative use permit, other commercial uses.
 - 1. The maximum number of members who may come to the site to pick up items delivered on one delivery day is 100, and the number of delivery days allowed in a calendar year is 70. The operator of a site is responsible for compliance with the regulations that apply to the frequency of delivery days and maximum number of members who may come to the site. This may require limiting the number of members who may participate in each order, or moving some deliveries to other locations.
 - 2. Members may pick up items at the site only between 7:00 a.m. and 9:00 p.m.
 - 3. Truck deliveries are allowed between 8:00 a.m. and 5:00 p.m.

15.04.610.440 - Wind Energy Conversion Systems.

Wind Energy Conversion Systems must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Applicability.** This Section applies to wind energy conversion systems (WECS) that are used for electrical energy generation only.
- B. **Permit Requirements.** WECS with a rated microturbine capacity up to 25 kW are permitted in all zoning districts subject to a conditional use permit except as provided below.
 - 1. *Exemptions.* The following systems only require approval of an administrative use permit:
 - a. Microturbines that generate two kW or less of electrical energy each, to a maximum cumulative total of 10 kW per lot; and
 - b. WECS that generate less than 10 kW per system.
- C. **Development Standards.** The development standards in Table 15.04.610.440-C apply to all WECS, including those that only require an administrative use permit.

TABLE 15.04.610.440-C: WECS DEVELOPMENT STANDARDS				
<i>Rated Microturbine Capacity</i>	<i>Minimum Lot Size</i>	<i>Minimum Setbacks - Freestanding Systems</i>	<i>Maximum Height¹</i>	<i>Minimum Separation Distance from other WECS</i>
Up to 2 kW	Subject to Zone in District Standards			Manufacturer's Recommendations
2–25 kW	1 acre	Greater of tower height or zoning district standard	50 feet	240 feet

Notes:

1. The height from base grade to the top of the system, including the uppermost extension of any horizontal axis blades.

D. Additional Standards.

1. *Minimum Blade Height—Horizontal Axis WECS.* To prevent harmful wind turbulence from existing structures, the lowest extension of any horizontal axis blade must be at least 30 feet above the highest structure or tree within a 250-foot radius. Modification of this standard may be allowed when the applicant demonstrates that a lower height will not jeopardize the safety of the system.
2. *Separation Distance—Vertical Axis WECS.* Vertical axis systems must be placed at a distance of at least 10 rotor diameters from any structure or tree. A modification may be granted by the Zoning Administrator or Planning Commission for good cause shown, however, in no case can the turbine be located closer than three blade diameters to any occupied structure.
3. *Guy Wires.* Anchor points of any guy wires for a system tower must be located within the property that the system is located on. Guy wires must not cross any above-ground electric transmission or distribution lines. The points of attachment for the guy wires must be either enclosed by a fence six feet high or sheathed in bright orange or yellow coverings from three to eight feet above the ground.

E. Minimum Performance Standards.

1. *Electromagnetic Interference.* The WECS must be designed, installed, and operated so that no disrupting electromagnetic interference is caused. Disruptive interference from the facility must be promptly rectified to include the discontinued operation of one or more WECS.
2. *Noise.* All WECS are subject to the noise standards of Article 15.04.608 (Performance Standards).
3. *Maintenance.* Maintenance and inspection records shall be maintained on the site and shall be made available for inspection by the building official on request.

F. Tower Access. Towers must either:

1. Have tower-climbing apparatus located no closer than 12 feet from the ground;
2. Have a locked anti-climb device installed on the tower;
3. Be completely enclosed by a locked, protective fence at least six feet high; or
4. Have a tower-access limitation program approved by the review authority.

G. Rotor Safety. Each WECS must be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor.

H. Utility Notification and Undergrounding. For interconnected systems, no wind turbine can be installed until evidence has been given to the Zoning Administrator that the electric utility service provider has been notified and has indicated that the proposed interconnection is acceptable. On-site electrical wires associated with the system must be installed underground, except for "tie-ins" to the electric utility service provider and its transmission poles, towers, and lines.

I. Color. Structural components, including, without limitation, towers, blades, and fencing must be of a non-reflective, unobtrusive color.

- J. **Exterior Lighting.** Exterior lighting on any structure associated with the WECS is prohibited, with the exception of that specifically required by the Federal Aviation Administration.
- K. **Notices.**
1. At least one notice shall be posted with the following information:
 - a. Maximum power output (kw), rated voltage (volts) and current;
 - b. Normal and emergency shutdown procedures;
 - c. The maximum wind speed the WECS in automatic, unattended operation can sustain without damage to structural components or loss of the ability to function normally;
and
 - d. Emergency telephone numbers.
 2. No advertising sign or logo can be placed or painted on any WECS or tower.
- L. **WECS for Common Use.** Contiguous property owners may construct a WECS for use in common. In such cases, the Planning Commission may permit a WECS machine to have a diameter blade configuration greater than 23 feet.