

**CITY OF WALNUT CREEK
ORDINANCE NO. 2183**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
AMENDING THE WALNUT CREEK MUNICIPAL CODE (ZONING ORDINANCE) TO
REGULATE PERSONAL CULTIVATION OF CANNABIS AND TO ESTABLISH LAND USE
STANDARDS INCLUDING ZONING RESTRICTIONS APPLICABLE TO COMMERCIAL
CANNABIS BUSINESSES IN THE CITY OF WALNUT CREEK**

The City Council of the City of Walnut Creek does ordain as follows:

Section 1. Findings.

- a. In 2015, the State of California passed three assembly bills (AB 243, 266, and SB 643) which established the state-level licensing and regulatory framework for medical cannabis (MCRSA) as well as created a new California Bureau of Medical Cannabis Regulation. Historically, the City interpreted its permissive zoning provisions (WCMC Chapter 2, Article 10, Subsection E) to prohibit medical cannabis commercial activity because such activities are prohibited under federal law. That position did not change after State passage of the three medical cannabis bills, as the bills contained provisions that supported local agencies reliance on permissive zoning.
- b. On November 8, 2016, Proposition 64 (Adult Use of Marijuana Act) was approved by California voters and authorized the use, possession, cultivation, and processing of cannabis and its products for non-medical (or recreational) uses. As with the previous legislation in 2015, Proposition 64 provides local agencies the ability to ban commercial cannabis uses completely or allow those uses consistent with local ordinances. The only exception is they must allow the personal cultivation, possession, and use of cannabis and may not prohibit cultivation of up to six plants within an individual's personal residence (or accessory building to the residence). After passage of Prop 64 (AUMA), the City adopted an urgency ordinance to create a moratorium on adult uses because, unlike the medical cannabis bills, the language for adult use did not provide support for reliance on permissive zoning. The moratorium extends through March 2019.
- c. On June 15, 2017, the State passed the Medical and Adult Use of Cannabis Regulation and Safety Act (MAUCRSA), which effectively merged the recreational statutory framework under AUMA and the medical statutory framework under MCRSA and created one uniform licensing and regulatory structure for both medical and recreational marijuana operations. MAUCRSA is administered and enforced by the Bureau of Cannabis Control within the State Department of Consumer Affairs. Pursuant to the new merged framework under MAUCRSA, the State began issuing both commercial medical and commercial recreational licenses on January 1, 2018, unless expressly prohibited by local jurisdictions.

As discussed above, though the City Council adopted a moratorium on recreational uses, the City still relied on permissive zoning to prohibit medical cannabis establishments. In addition, due to the merging of the two bills it was unclear if permissive zoning could still be relied upon to prohibit commercial medical cannabis uses. Therefore, in December 2017, the City Council adopted an urgency measure that established a City-wide moratorium prohibiting the establishment of any commercial medical cannabis activity. The urgency ordinance extends through March 2019, matching the lifespan of the recreational use moratorium. Therefore, both recreational and medical commercial cannabis uses are expressly prohibited by the City currently.

However, the City must adopt a permanent ban or a regulatory framework prior to March 2019 to avoid the State's issuing licenses without City input.

- d. MAUCRSA authorizes local jurisdictions to adopt and enforce local ordinances to regulate cannabis businesses licensed pursuant to state law, including local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed pursuant to state law.
- e. On February 20, 2018, the City Council held a study session on the implementation of the MAUCRSA and considered potential regulatory frameworks for commercial cannabis operations and personal cultivation of cannabis.
- f. On April 26, 2018, the Planning Commission held a public hearing and adopted a resolution recommending City Council adopt this ordinance, which mimics the alternative ordinance but prohibits outdoor open air personal cultivation on properties with multi-family uses.
- g. On June 08, 2018, a public hearing notice was posted for the proposed zoning ordinance amendment in the Contra Costa Times, a newspaper of general circulation.

Section 2. CEQA Exemption.

The proposed Zoning Ordinance amendments are exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines, as they constitute minor amendments to the Zoning Code necessary for consistency with the Municipal Code and state law, and that any potential project enabled under the amendments will be subject to review under CEQA. The proposed Zoning Ordinance amendments are exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines, as they constitute minor amendments to the Zoning Code necessary for consistency with the Municipal Code and state law, and that any potential project enabled under the amendments will be subject to review under CEQA. The general rule exemption also applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment, and thus are not subject to CEQA.

MAUCRSA (Business and Professions Code section 26055(h), also provides an exemption until July 1, 2019, for the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity provided that the project-level discretionary review includes applicable environmental review pursuant to CEQA.

Section 3. Creating Walnut Creek Municipal Code; Chapter 2; Part III; Article 14 Personal and Commercial Cannabis Activities

10-2.3.1401 Title.

This article shall be known as the Personal and Commercial Cannabis Activities Ordinance.

10-2.3.1402 Findings.

The California Compassionate Use Act of 1996 authorizes the use of marijuana for personal medical purposes by patients pursuant to physicians' recommendations and exempts certain acts by those patients and their primary caregivers related to that personal medical use. The Medical Marijuana and Regulation and Safety Act (MMRSA later renamed MCRSA), effective January 1, 2016, established a comprehensive state licensing and regulatory framework for the cultivation, manufacturing, testing, distribution, transportation, dispensing, and delivery of medical cannabis and recognized the authority of local jurisdictions to prohibit or impose additional restrictions on any such medical cannabis activities. The Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) enacted by voter approval of Proposition 64 at the November 8, 2016 statewide election, authorized persons 21 years of age or older to possess and use up to 28.5 grams of marijuana and up to 8 grams of concentrated cannabis, and to cultivate and possess up to 6 living marijuana plants and the marijuana produced by those plants for personal use and created a state licensing structure for commercial adult-use marijuana operations. On June 27, 2017, the state approved the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which aimed to reconcile the existing medical marijuana statutory framework under MCRSA and the adult-use statutory framework adopted under the AUMA and created a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of cannabis, including cannabis products, and to tax the commercial growth and retail sale of cannabis.

Many individuals in the City of Walnut Creek rely on medical cannabis to manage illnesses. This article aims to provide access to this product for medical purposes, while imposing strict requirements on commercial cannabis operations in order to protect the health, safety, and general welfare of the community from the potential negative consequences associated with such operations. Accordingly, this article permits a limited number of non-storefront delivery-only medical cannabis operations and imposes strict safety and operational requirements on such operations, including requiring these businesses to obtain operator permits and Conditional Use Permits. Further, this article imposes specific restrictions on the personal cultivation of cannabis allowed under state law in order to minimize potential safety, security, land use and nuisance issues associated with such activity. This ordinance also prohibits all other forms of commercial cannabis operations related to medical or recreational cannabis.

10-2.3.1403 Purpose.

This article specifies location and operating standards for personal cannabis cultivation and specific types of commercial cannabis businesses to ensure neighborhood compatibility, minimize potential environmental impacts, provide safe access to cannabis for medical use and provide opportunities for economic development.

10-2.3.1404 Definitions.

The definitions contained in Section 10-2.1.303 shall apply to the provisions of this article. Notwithstanding the foregoing, the following definitions shall apply only to this article:

CANNABIS. Cannabis means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified,

extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin as defined in California Business and Professions Code Section 19300.5(f). "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972, as amended from time to time.

CANNABIS DELIVERY. The commercial transfer of Cannabis or Cannabis Products to a customer pursuant to MAUCRSA or to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code.

CANNABIS SPECIAL EVENT. Cannabis Special Event means a temporary gathering for the sale and/or on-site consumption of cannabis, cannabis products, and/or cannabis paraphernalia, such events may include conferences, trade shows, or meetings where such sale and/or on-site consumption is intended to take place.

EDIBLE CANNABIS PRODUCT. Edible Cannabis Product means a cannabis product 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 Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

INDOOR PERSONAL CULTIVATION. Indoor Personal Cultivation means the personal cultivation of six (6) cannabis plants that takes place completely within the interior of a private residence in accordance with the requirements of state and local law.

MARIJUANA. See "CANNABIS".

MEDICAL AND ADULT USE CANNABIS REGULATION AND SAFETY ACT OR MAUCRSA. MAUCRSA means the state of California statute governing the licensing and personal use of medical and adult-use cannabis and cannabis products.

MEDICAL CANNABIS OR MEDICAL CANNABIS PRODUCT. Medical Cannabis or Medical Cannabis Product means cannabis or a cannabis products, respectfully, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medical cannabis patient in California who possesses a physician's recommendation.

MEDICAL MARIJUANA. See "MEDICAL CANNABIS".

OPEN-AIR OUTDOOR CULTIVATION. Open-Air Outdoor Cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis outdoors outside of an enclosed structure. This definition does not include cultivation of cannabis within a structure, including but not limited to a shed, hoop house, greenhouse or other accessory structure.

OPERATOR. Operator means a natural person, persons, or entity responsible for the direction, control, management, and/or operation of any state-licensed and locally-permitted non-storefront delivery-only operation.

OWNER. Owner means each person or entity having an ownership interest in or a financial interest in a commercial cannabis business.

OPERATOR PERMIT. Operator Permit means a permit issued by the City pursuant to Article 10-2.3.1400 et seq. granting a non-storefront delivery-only operation authorization to conduct business within the City.

OUTDOOR PERSONAL CULTIVATION. Outdoor Personal Cultivation means the personal cultivation of up to six (6) cannabis plants that takes place outside the interior of a private residence. This definition includes open-air outdoor cultivation and personal cultivation that occurs within secure accessory structures on the grounds of private residences.

PERSONAL CANNABIS CULTIVATION OR PERSONAL CULTIVATION. Personal Cannabis Cultivation or Personal Cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or processing of cannabis for personal medical or non-medical adult recreational use.

PRIVATE RESIDENCE. Private Residence means a house, an apartment unit, a mobile home, or other similar dwelling.

YOUTH CENTER. Youth Center means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

10-2.3.1405 Applicability of Regulations.

- A. The provisions of this article shall apply, to the maximum extent permissible under law, to all commercial cannabis businesses permitted within the City.

- B. Whenever any provision of this article or any other provision of state law, whether included in the Municipal Code, or in any other state law, ordinance, or regulation of any kind, imposes overlapping or contradictory regulations, or contains restrictions covering any of the same subject matter, the provision that is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in this article.

10-2.3.1406 Administration.

- A. Operator Permit Administration. The Director of Community and Economic Development, or his or her designees, shall be responsible for administering the approval, conditional approval, denial, modification, and revocation of operator permits under this article.

- B. Conditional Use Permit Administration. The Planning Commission shall be responsible for administering the approval, conditional approval, denial, modification, and revocation of Conditional Use Permits under this article. .

- C. Enforcement of Article. The Director of Community and Economic Development, or his or her designees, are authorized and directed to enforce all provisions of this article, pursuant to Section 10-2.4.1502.

10-2.3.1407 Prohibited Activities.

To the fullest extent permitted by law, the following commercial cannabis businesses and uses are prohibited in every zoning district in the City: commercial cannabis cultivation, commercial cannabis distribution, commercial cannabis manufacturing, commercial cannabis retail dispensaries, non-storefront recreational cannabis delivery-only operations, cannabis special events, and commercial cannabis testing laboratories. Notwithstanding the foregoing, commercial cannabis distributors may legally distribute medical cannabis and medical cannabis products to properly permitted and licensed delivery-only operations located in the City.

10-2.3.1408 Personal Cannabis Cultivation Permitted.

- A. **Regulations Applicable to All Personal Cultivation.** Individuals may only cultivate cannabis for personal use within the City if done in accordance with the regulations prescribed in this section:
 - 1. No more than six (6) living plants may be planted, cultivated, harvested, dried, or processed at a private residence, whether indoors, outdoors, or combination thereof, at any one time.

2. If a person intending to cultivate cannabis at his or her residence pursuant to this section is not the owner of the property, then such person shall obtain written and signed consent of the property owner prior to engaging in such cultivation.
3. Odors associated with cultivation shall not be detectable on or at neighboring properties or units. If the City receives complaints of odors, the City may cause the inspection and abatement of the nuisance pursuant to **10-2.3.1420**, or any other remedy available at law.
4. Generators or gas products used to power electrical or lighting fixtures for indoor or outdoor cultivation shall be prohibited in order to decrease the risk of explosion.
5. Any cannabis products resulting from personal cultivation must be kept in a fully enclosed, secure space inside the residence or outdoor accessory structure. No cannabis products shall be visible by normal unaided vision from any public place.
6. Use of volatile solvents for indoor or outdoor personal cultivation shall be prohibited, including, but not limited to: (a) explosive gases, such as butane, propane, xylene, styrene, gasoline, kerosene, or hydrogen; and (b) dangerous poisons, toxins, or carcinogens, such as methanol, isopropyl alcohol, methylene chloride, acetone, benzene, toluene, and trichloroethylene.

B. Indoor Personal Cultivation

1. **Permitted.** Indoor personal cultivation of up to six (6) cannabis plants is permitted in accordance with the provisions of this section and state law. No more than six (6) cannabis plants may be possessed, planted, cultivated, harvested, dried, or processed within a private residence at any one time.
2. **Restrictions.**
 - a) The portion of the private residence where indoor cultivation of cannabis takes place shall be secure and locked to prevent access by children or other unauthorized entry.
 - b) All indoor personal grows must not result in noise, vibration, light, odor, dust, smoke, particulate or other air pollution outside of the interior of a private residence, including beyond any shared walls between connected private residences.
 - c) All cannabis plants and cannabis by-products may not be visible from outside the residence.
 - d) All indoor cultivation must comply with all applicable Building Code and Health and Safety regulations, including such regulations pertaining to residential ventilation, mold growth, electrical wiring, and energy usage.

C. Outdoor Personal Cultivation**1. Permitted.**

- a) Open Air. Open-air outdoor personal cultivation of up to six (6) cannabis plants is permitted in the rear yards on the grounds of residences designated Dwelling Single Family, Detached and Dwelling Single Family, Attached in accordance with the provisions of this section and state law.
- b) Secure Accessory Structures. Outdoor personal cultivation of up to six (6) plants per dwelling unit is permitted on the grounds of all private residences in secure accessory structures in accordance with the provisions of this section and state law.

2. Restrictions.**a) Open Air Outdoor Cannabis Cultivation Restrictions.**

- i. Open-air outdoor cultivation may only be conducted in rear yards exclusive of required setbacks. Open-air cultivation is prohibited in all front, side, and corner side yards.
- ii. Open-air outdoor cultivation is prohibited at all residences designated Dwelling, Multiple Family.
- iii. Open-air outdoor cultivation must be obscured by a solid, visually impenetrable fence or wall.
- iv. Open-air outdoor cultivation must take place in a secure, locked space to prevent access by children or other unauthorized entry.
- v. All cannabis plants produced during open-air outdoor cultivation shall not be visible by normal unaided vision from any public place.

b) Outdoor Cultivation in Accessory Structures.

- i. All accessory structures used for personal cannabis cultivation must be legally constructed pursuant to applicable Building permits and shall adhere to the development standards of the underlying zoning district and as outlined in 10-2.3.103 (Accessory Structures).
- ii. All accessory structures used for personal cannabis cultivation must obscure all cannabis, cannabis by-products, and equipment for cannabis cultivation within the structure. No visible markers or evidence indicating that cannabis is being cultivated on the site shall be visible by normal unaided vision from any public place.
- iii. All accessory structures used for personal cannabis cultivation must be secured and locked to prevent access by children or other unauthorized entry.

10-2.3.1409 Medical Cannabis Delivery Operations Permitted.

A. Medical Cannabis Delivery Operations Based Outside the City Permitted.

1. **Permitted.** Medical cannabis delivery operations based outside of the City may deliver medical cannabis and medical cannabis products to qualified patients and their caregivers within the City.
2. **Delivery Restrictions.** All deliveries must be to a fixed residential address.
3. **Operational Requirements.**
 - a) **Visibility.** No visual display, signage, or condition on the exterior of delivery vehicles shall indicate the types of products being transported in the delivery vehicles.
 - b) **Hours of Operation.** Deliveries may only be conducted between the hours of 6 a.m. and 10 p.m.
 - c) **Compliance with Law.** All deliveries must be conducted in accordance with all local and state laws.
 - d) **In-Transit Requirements**
 - i. Only owners, operators, or employees of commercial cannabis businesses engaged in delivery-only operations may be present in vehicles during deliveries within the City.
 - ii. Delivery vehicles may only travel between the fixed locations of delivery-only operations and the residential addresses specified by customers for delivery while transporting cannabis and/or cannabis products in the City.
 - iii. All delivery drivers shall carry valid identification and proof of employment at a licensed delivery-only operation.
 - iv. All drivers shall carry an inventory log of cannabis and cannabis products being transported.

B. Non-Storefront Medical Cannabis Delivery-Only Operations Based in Walnut Creek Permitted.

1. **Permitted.** A maximum of two (2) non-storefront medical cannabis delivery-only operations that are conditionally permitted and licensed by the City pursuant to this article are permitted to operate in the City.
2. **Zoning Districts.** Delivery-only operations permitted pursuant to this article may only be located in the following zoning districts: Service Commercial (S-C) and Business Park (B-P). Deliveries may take place in all zoning districts that include residential addresses.
3. **Distance Requirements.** Delivery-only operations must be located a minimum of 1,000 feet from schools serving grades pre-Kindergarten through 8th grade, day care centers, youth centers, churches/religious worship facilities, and City of Walnut Creek public parks,

excluding Shadelands Ranch Museum Park. Delivery-only operations must be located a minimum of 1,500 feet from schools serving grades 9th through 12th.

4. ***Delivery Restrictions.*** All deliveries must be to a fixed residential address.

5. ***Operational Requirements.***

- a) **Operator Permit Required.** All delivery-only operations must obtain and maintain a valid operator permit issued by the City and comply with all conditions of that permit at all times.
- b) **Conditional Use Permit Required.** All delivery-only operations must obtain and maintain a valid Conditional Use Permit pursuant to this Chapter, and comply with all conditions of approval at all times.
- c) **Medicinal Cannabis Only.** Delivery-only operations licensed pursuant to this article may only engage in the sale and delivery of medical cannabis and medical cannabis products to qualified patients and their caregivers.
- d) **Fees.** All delivery-only operations must pay all applicable fees in order to commence and continue operations.
- e) **Visibility**
 - i. No cannabis or cannabis products may be visible from outside the delivery-only operation's fixed location or vehicles.
 - ii. No visual display, signage, or condition on the exterior of delivery-only operations' fixed locations or delivery vehicles shall indicate the types of products being stored inside the fixed location or transported in the delivery vehicles.
- f) **Compliance with Law.** All delivery-only operations must be conducted in accordance with all local and state laws.
- g) **Hours of Operation.** Delivery-only operations may only serve customers and conduct deliveries or receive deliveries between the hours of 6 a.m. and 10 p.m.
- h) **Safety and Security Requirements.** All delivery-only operations must implement and maintain a security plan approved by the Police Department. Such plan shall include, at a minimum, the following security measures:
 - i. No public access. Delivery-only operations shall not permit public access to fixed locations or delivery vehicles. Only employees, operators, and owners of delivery-only operations may access businesses' fixed locations or delivery vehicles.
 - ii. No on-site sales. Delivery-only operations shall only conduct sales via delivery. On-site sales are strictly prohibited.

- iii. No cannabis paraphernalia. No delivery-only operation shall sell or display any cannabis-related paraphernalia.
- iv. Surveillance systems. Security surveillance cameras and video recording systems shall be installed to monitor the entire interior (except bathrooms), main entrance, and exterior areas, including parking areas, of all delivery-only operation's fixed locations to discourage loitering, crime, and illegal or nuisance activities. The camera and recording system must be of adequate quality, color rendition, and resolution to allow the identification of any individual present in the fixed locations of delivery-only operations.
- v. Security Video Retention. Video from the security surveillance cameras shall be maintained for a period of not less than 30 days and shall be made immediately available to City representatives upon request.
- vi. City Surveillance System. A delivery-only operation permitted under this article may elect to purchase all necessary equipment to integrate their video surveillance system into any comprehensive video surveillance system implemented by the City.
- vii. Alarm System. Professionally and centrally-monitored fire, robbery, and burglar alarm systems shall be installed and maintained in good working condition at the premises.
- viii. Right of Inspection. All vehicles and facilities permitted pursuant to this article are subject to inspection by City personnel any time the operator is exercising privileges under an operator permit. Prior notice of an inspection is not required.
- ix. Secure Storage. Each delivery-only operation shall have adequate locked storage at the fixed location for after-hours storage of cannabis and cannabis products. Cannabis shall be stored at the fixed delivery-only location in secured rooms with limited or key-card access that are completely enclosed or in a safe that is bolted to the floor.
- x. On-site Security Guard. Delivery-only operations shall employ at least one uniformed security guard present during normal business hours to include one half (½) hour before and after normal business hours. The security guard shall be charged with preventing violations of the law, reporting suspicious persons, vehicles, circumstances and all criminal offenses to the Police Department. Security guards shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of the state law. The sole purpose of the security guard shall be to provide for the protection and safety of

the business and its authorized personnel and said guard shall not be required to perform additional, non-security related duties within the business. The Chief of Police reserves the right to review the number of guards and may require that the number of guards be increased as necessary.

- xi. Report of Criminal Activity. Delivery-only operators shall immediately report to the Police Department: (1) any criminal conduct committed by owners, operators, agents, or employees, (2) any crimes that occur at the fixed location or in a vehicle owned or used by the business, (3) any crimes against any employee, agent, operator, or owner of the business during the performance of his/her duties, and/or (4) any crimes against any customer of the business during any transaction conducted by the business.
- xii. Delivery Vehicle Requirements.
 - a. All delivery vehicles shall be equipped with GPS tracking devices. GPS data shall be made available to the Police Department upon request.
 - b. All cannabis, cannabis products, and cash must be stored during transport in secure safes or lockboxes permanently affixed to the delivery vehicle.
 - c. All delivery vehicles must be registered with the Police Department, including the make, model, license plate, and registration numbers of such vehicles.
- xiii. Owner/Employee Rosters and Notice of Change. Delivery-only operations shall keep a roster on file with the Police Department with the names and birth dates of all current employees, operators, and owners of the delivery-only operation. Delivery-only operations shall provide written notice to the Community and Economic Development Director and the Police Department of any change in ownership or employees within thirty (30) days of such change.
- xiv. Other necessary security requirements. The Police Chief may prescribe additional safety or security measures that he or she deems reasonable and necessary in light of the nature and location of a specific operation or existing operational circumstances in order to (1) prevent the diversion of legal cannabis to the illegal market, (2) prevent the inversion of illegal cannabis into the delivery-only operation's business activities, (3) prevent robbery and theft in the course of the delivery-only operation's business activities, (4) prevent quality of life issues in connection with the delivery-only operation, including odor, litter, loitering, and noise, and (5) ensure the safety and security of the operation, its employees, surrounding properties and the general community.

- i) Odor Control. All delivery-only operations shall incorporate and maintain adequate on-site odor control measures pursuant to an odor mitigation plan such that the odors as a result of storing, or transport of cannabis and cannabis-related products cannot be readily detected from outside of the structure or vehicle in which the business operates.
- j) In-Transit Requirements
 - i. Only owners, operators, or employees of delivery-only operation's may be present in vehicles during deliveries.
 - ii. No more than \$2,500 in total value of product and cash may be transported at any one time in an individual vehicle during deliveries.
 - iii. Delivery vehicles may only travel between fixed locations of delivery-only operations and the residential addresses specified by customers while transporting cannabis and/or cannabis products.
 - iv. All delivery drivers shall carry valid identification and proof of employment at a licensed delivery-only operation.
 - v. All drivers shall carry an inventory log of cannabis and cannabis products being transported.
 - vi. All vehicles must have an internal partition between the driver and any passengers from the cannabis and cannabis products that prevents access by the driver and passengers to cannabis products from inside the vehicle.
 - vii. Delivery drivers shall be trained by the delivery service provider in the process for verifying that the medical cannabis products are delivered to qualified patients and their caregivers and that the delivery drivers are trained in the proper usage of medical cannabis.
- k) Recordkeeping Requirements. Delivery-only operations shall keep the following records:
 - i. All delivery vehicle maintenance records.
 - ii. All delivery vehicle ownership records.
 - iii. All shipping manifests for completed and in-transit deliveries.
 - iv. A contemporaneous inventory log.
 - v. Delivery log including location, time and delivery driver.
 - vi. Quality-assurance details for all cannabis and cannabis products stored and/or delivered by the delivery-only operation.

l) Notification Requirements

An operator shall notify the Police Department within 24 hours of discovering any of the following:

- i. Significant discrepancies identified during inventory. The level of significance shall be determined by the Police Chief or designee.
 - ii. The loss or unauthorized alteration of records related to cannabis, cannabis products, registered qualifying patients, primary caregivers, or a delivery-only operation's agents, owners, operators, investors, partners, or employees.
 - iii. Any other material breach of security.
- m) Owner, Operator, and Employee Requirements

In order to be eligible to obtain an operator permit from the City, the delivery-only operation must meet the following criteria:

- i. All owners, operators, partners, investors, employees, and agents must be 21 years of age or older.
- ii. All owners, operators, partners, investors, employees, and agents, must submit to a background search.
- iii. No owner, operator, investor, partner, employee, or agent of a delivery-only operation has been convicted of a felony or crime of moral turpitude nor has been found by any state or local jurisdiction to have committed a violation of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). The Police Chief reserves the right, in his or her sole discretion, to waive this requirement in relation to violations of MAUCRSA, in the event that he or she determines that the violation of MAUCRSA was minor in nature and would not undermine the safe and effective operation of the proposed business in accordance with applicable laws.
- iv. All owners, operators, employees, security personnel, and agents must obtain a certificate of completion from the State of California Licensee Education on Alcohol and Drugs (LEAD) program.

10-2.3.1410 Operator Permit Required.

No person shall engage in commercial cannabis activity or operate a commercial cannabis business pursuant to this article without possessing a valid operator permit from the City and without possessing all other approvals or licenses that may be required pursuant to state law and regulations.

- A. Additional permits or entitlements may be required depending on construction or improvements necessary for a building or site.
- B. The City may refuse to issue any discretionary or ministerial permit, license, variance or other entitlement, which is sought pursuant to this article, including zoning clearance for a building

permit, where the property upon which the use or structure is proposed is in violation of the Walnut Creek Municipal Code, or any other local, state or federal law.

- C. The City may require an operating agreement as a condition of receiving an operator permit. Such operating agreement shall set forth the terms and conditions under which the delivery-only business will operate, that are in addition to the requirements of the Walnut Creek Municipal Code. The terms and conditions may include, but are not limited to the payment of fees, charges, and contributions as mutually agreed, and any such other terms which promote the public health, safety, and welfare and mitigate negative impacts of such use.
- D. No property interest, vested right, or entitlement to receive a future permit to operate a delivery-only operation shall ever inure to the benefit of such operator permit holder, as such permits are revocable. Operator permits issued pursuant to this article are specific to the owner, do not run with the land and are not transferable.
- E. Under no circumstances will the City grant more than two (2) operator permits or allow more than two (2) cannabis delivery-only operations to locate and operate within the City at any given time.

10-2.3.1411 Application for Operator Permit--Form and Content

Applicants for operator permits must submit applications to the Community and Economic Development Department. Any confidential information submitted by applicants pursuant to this section shall be marked as such. Confidential information submitted to the City may be withheld from public disclosure in accordance with the requirements of applicable law. Applications shall include, at a minimum, the following:

- A. Applicant Contact Information. The name, address, and telephone number of the applicant. If the applicant is a corporation, the applicant shall set forth the name of the corporation exactly as shown in its articles of incorporation
- B. Owner Information. All necessary information related to the business owner(s), including names, birth dates, addresses, social security numbers, criminal histories, relevant work histories, names of businesses owned or operated by the owner(s) within the last ten (10) years with a signed authorization from each such owner authorizing the City to conduct a background check to determine eligibility for a delivery-only operator permit. Qualifying private information will be exempt from disclosure to the public, pursuant to applicable law, to protect an individual's privacy interests and public health and safety.

- C. Investor/Partner Information. If applicable, names, birth dates, addresses, social security numbers, criminal histories, and relevant work histories for all investors and/or partners of the proposed business. For purposes of this subsection, partners and investors include those individuals with a five percent (5%) or more financial interest in the proposed business or any other person to whom a share or percentage of the income of the business is to be paid with a signed authorization from each such investor/partner authorizing the City to conduct a background check to determine eligibility for a delivery-only operator permit. Qualifying private information will be exempt from disclosure to the public, pursuant to applicable law, to protect an individual's privacy interests and public health and safety.
- D. Operator/Manager Information. If applicable, applicants shall submit the name(s), birth date(s), addresses, social security numbers, criminal histories, and relevant work histories for any operator or manager of the business, if different than the owner(s). Qualifying private information will be exempt from disclosure to the public, pursuant to applicable law, to protect an individual's privacy interests and public health and safety.
- E. Employee Roster. Each applicant shall submit an employee roster with the names and birth dates of each proposed employee of the operation with a signed authorization from each such employee authorizing the City to conduct a background check to determine employees' eligibility for employment at delivery-only operations licensed by the City. If the business does not have employees at the time the of application, such roster must be submitted prior to issuance of an operator permit. Qualifying private information will be exempt from disclosure to the public, pursuant to applicable law, to protect an individual's privacy interests and public health and safety. Written notice of any change to the employee roster shall be provided to the Community and Economic Development Director and Police Department within thirty (30) days of such change.
- F. Agent for Service of Legal Notices. Applicants shall submit the name, address, and telephone number of the person authorized to accept service of legal notices.
- G. Payment of Application Fee. Applicants shall submit the application fee amount with their applications.
- H. Property Information and Owner Permission. Applicants shall submit the street address and Assessor Parcel Number (APN) number of the parcel upon which the business will be located.

Applicants shall also submit written (and notarized) authorization from the property owner and/or landlord to operate a medical cannabis delivery-only operation on the site.

- I. Name of Business and Operating Plan. Each application shall include the name of the proposed business and a detailed operating plan identifying the operating features of the proposed business.
- J. Safety and Security Plan as required under Section 10-2.3.1409(B)(h).
- K. Operational Narrative. Applicants shall submit a narrative explaining how the proposed operation, includes operational measures sufficient to (1) prevent the diversion of legal cannabis to the illegal market, (2) prevent the inversion of illegal cannabis into the delivery-only operation's business activities, (3) prevent robbery and theft in the course of the delivery-only operation's business activities, (4) prevent quality of life issues in connection with the delivery-only operation, including odor, litter, loitering, and noise, and (5) ensure the safety and security of the operation, its employees, surrounding properties and the general community. Applicants should specifically identify any measures that are in addition to the measures required by the City pursuant to the Safety and Security Plan.
- L. Odor Mitigation Plan. Applicants shall submit an Odor Mitigation Plan certified by a professional engineer or industrial hygienist that includes the following:
 - 1. Operational processes and maintenance plan, including activities to ensure the odor mitigation system remains adequate and functional;
 - 2. Odor mitigation training and operational procedures for all employees; and
 - 3. Engineering controls, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources. All odor mitigation systems and plans submitted pursuant to this subsection shall be consistent with accepted and best available industry-specific technologies designed to effectively mitigate cannabis odors.
- M. Site Plans. Each application shall include a detailed site plan identifying the layout and configuration of the proposed operation, as well as any proposed improvements to the site. The site plan shall identify all areas of the proposed site, including storage areas, and vaults.
- N. Buffer Zone. The names and addresses of all schools, churches/religious worship facilities, youth centers and day care centers and City of Walnut Creek public parks, excluding Shadelands Ranch Museum Park within one thousand (1,000) feet of the proposed location and the names and

addresses of all schools serving grades 9th through 12th within one thousand five hundred (1,500) feet of the proposed location.

- O. Public Benefits Proposal. The applicant shall submit a list and description of any public benefits that the applicant intends to provide to the City or community in connection with the delivery-only operation's business activities and shall indicate whether or not the applicant is willing to enter into an operating agreement with the City.
- P. State License Information. The type of license that the applicant is seeking from the state and status of that application.
- Q. Signed Affidavit. The property owner and applicant, if other than the property owner, shall sign the application under penalty of perjury and shall include affidavits agreeing to abide by and conform to the conditions of the operator and Conditional Use Permits and all provisions of the Walnut Creek Municipal Code pertaining to the establishment and operation of the delivery-only operation. The affidavit(s) shall acknowledge that the approval of the operator permit and conditional use permit shall, in no way, permit any activity contrary to the Walnut Creek Municipal Code, or any activity which is in violation of any applicable laws.
- R. Signed indemnity provision. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this article shall not become a personal liability of any public officer or employee of the City. To the maximum extent permitted by law, owners shall defend (with counsel acceptable to the City), indemnify and hold harmless the City of Walnut Creek, the Walnut Creek City Council, and its respective officials, officers, employees, representatives, agents and volunteers (hereafter collectively called "City") from any liability, damages, costs, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings, prosecutions for violations of state or federal law, or judgments (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "action") caused, in whole or in part, by the owner's operation of a delivery-only operation in the City or associated with any action against the City to attack, set aside, void or annul, any cannabis-related approvals and/or determinations. The City may elect, in its sole discretion, to participate in the defense of said action, and the owner shall reimburse the City for its reasonable legal costs and attorneys' fees. Owners shall be required to agree to the above obligations in writing and submit said writing as part of the operator permit application.

10-2.3.1412 Action on Application for Operator Permit**A. Application Review and Approval Procedures**

1. ***Solicitation of Applications.*** City will issue a notice soliciting applications for delivery-only operations. Such notice will specify when the City will begin accepting applications and the deadline for receipt of applications.
2. ***Selection Process.*** The method for selecting the two (2) applicants that will be eligible to receive operator permits shall be set by resolution of the City Council.
3. ***Six Month Time Period to Seek Conditional Use Permit.*** An applicant has six (6) months from the selection of an application by the City to obtain a Conditional Use Permit pursuant to **Section 10-2.3.1413**. If an applicant fails to obtain a Conditional Use Permit during that time period, another qualified applicant will be selected in accordance with the method outlined per the City Council resolution and such applicant will be permitted six months from the date of selection by the City as an operator to seek a Conditional Use Permit from the Planning Commission.
4. ***Site and Vehicle Inspections Required.*** If an applicant successfully obtains a Conditional Use Permit from the Planning Commission, City will conduct a site and vehicle inspections to confirm compliance with the operational requirements and submitted application materials.
5. ***Operating Agreement.*** If the City elects to require an operating agreement, owners and City must successfully negotiate said operating agreement prior to issuance of Operator Permit.
6. ***Permit Issuance.*** The City will issue an operator permit to a selected applicant upon the occurrence of all of the following events: (1) the applicant successfully obtains a Conditional Use Permit from the Planning Commission, (2) the City inspects the applicant's proposed business site and vehicles and determines that both conform to the submitted application materials and are in compliance with all applicable rules and regulations; (3) the applicant has paid all applicable fees; and (4) the City confirms that the applicant has met all required conditions pursuant to this article.
7. ***State Licensing.*** Applicants who are granted an operator permit and Conditional Use Permit must obtain a state cannabis license prior to commencing operations. If an applicant fails to obtain a state cannabis license within six (6) months of being granted an operator permit, said operator permit shall expire and the City will select another qualified applicant in accordance with the method outlined per the City Council resolution and such applicant will be permitted to seek a Conditional Use Permit from the Planning Commission.

B. Grounds for Rejection of Applications/Revocation, Modification, or Suspension of Operator Permits.

The Community and Economic Development Director, or designee, has the authority and discretion to reject, suspend, modify or revoke any application or operator permit. Applicants providing false or misleading information in the permitting process will result in rejection of the application and/or nullification or revocation of any issued permit. Grounds for rejection of an application or suspension, modification, or revocation of an operator permit include, but are not limited to:

1. Providing incomplete, late, or unresponsive applications.
2. Making false or misleading statements to the City.
3. Any owner, operator, investor, partner, employee, or agent has been convicted of a felony, crime of moral turpitude or has been found by any state or local jurisdiction to have violated the provisions of MAUCRSA.
4. Any owner or operator has had a cannabis-related license or approval revoked from another jurisdiction.
5. Failure to comply with any provisions of this article, the Zoning Code, state law, or any other applicable laws or regulations.
6. Unpaid fees, fines, taxes, or administrative penalties.
7. Facts or circumstances exist which indicate that the operation does or would very likely constitute a threat to public health, safety and/or welfare.
8. Failure to obtain the necessary planning approvals or revocation of said planning approval in accordance with this article and the Zoning Code.
9. The operation as proposed would violate any provision of state or local laws or regulations.
10. Failure to implement and maintain a Safety and Security Plan in conformance with Section 10-2.3.1409(B)(h).
11. The applicant has engaged in unlawful, fraudulent, unfair or deceptive business acts or practices.
12. The applicant's state license for the commercial cannabis operations is suspended or revoked. The City shall not reinstate the operator permit until documentation is received showing that the state license has been reinstated or reissued. It shall be within the City's sole discretion whether the City reinstates any permit after suspension or revocation of a state license.
13. State law permitting the use for which the permit 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 such uses.

10-2.3.1413 Conditional Use Permit Required.

No person, group, business, or other entity shall establish a non-storefront medical cannabis delivery-only operation in the City or substantially change the mode or character of operation of an existing non-storefront cannabis delivery-only operation in the City without first obtaining or modifying, as the case may be, a Conditional Use Permit in the manner provided by this article.

10-2.3.1414 Application for Conditional Use Permit--Form and Content.

- A. An application for a Conditional Use Permit required by this article shall be in the form prescribed by the Planning Manager and shall be accompanied by an application processing fee pursuant to Section 10-2.4.202.
- B. The application shall contain all of the information required by Article 2 of Part IV and shall also include all of the following additional information:
1. The name, address, and telephone number of the applicant. If the applicant is a corporation, the applicant shall set forth the name of the corporation exactly as shown in its articles of incorporation.
 2. The true and complete name(s) and address(es) of each partner or investor with a five percent (5%) or more financial interest in the proposed business or any other person to whom a share or percentage of the income of the operation is to be paid.
 3. The name, address, and telephone number of the person who shall manage and operate the delivery-only operation for which Conditional Use Permit is requested.
 4. The name, address, and telephone number of the person authorized to accept service of legal notices.
 5. The proposed business name of the delivery-only operation and a business plan describing all operational aspects of the proposed business.
 6. Street address of the proposed delivery-only operation and the Assessor Parcel Number (APN) for the property.
 7. A plot plan for the property depicting the location of the building in which the delivery-only operation is proposed to be located and all existing and proposed parking, exterior lighting, signage, landscaping, and trash enclosures.
 8. A floor plan of the establishment showing all designated areas of the proposed operation and any other information necessary to establish the mode and character of operation.

9. The names and addresses of all schools, churches/religious worship facilities, youth centers, day care centers, and City of Walnut Creek public parks, excluding Shadelands Ranch Museum Park within one thousand (1,000) feet of the proposed location and the names and addresses of all high schools within one thousand five hundred (1,500) feet of the proposed location.

10. The type of state cannabis license that the applicant is seeking under MAUCRSA.

10-2.3.1415 Additional Findings for Action on Application for Conditional Use Permit.

The Planning Commission shall consider each application for a Conditional Use Permit required by this article within the time and in the manner provided for by Article 2 of Part IV of the Zoning Ordinance, and shall: (1) deny or (2) approve or conditionally approve the permit upon making the findings required by Section 10-2.4.605 and each of the following findings:

- A. The proposed use will not cause adverse noise, blight, criminal activity, parking or traffic impacts;
- B. The proposed use will not create objectionable conditions that constitute a nuisance.
- C. The proposed use will otherwise be compatible with existing and potential uses within the general area; and
- D. The cannabis operation will not place a burden on the provision of public services disproportionate to other commercial uses.

10-2.3.1416 Conditional Use Permit Conditions of Approval.

The Planning Commission may, in approving, conditionally approving, or modifying the Conditional Use Permit of a delivery-only operation, impose conditions that it deems reasonably necessary or desirable to ensure that the use authorized by the Conditional Use Permit will be established, operated, and maintained in accordance with the findings required by **Section 10-2.3-1415**, the Zoning Ordinance, the Municipal Code, and other applicable provisions of law. Such conditions may address any factors relating to the establishment, operation, or maintenance of the proposed use, including, but not limited to, the following:

- A. Hours and days of operation.
- B. Adequacy of loading and parking areas for delivery vehicles.
- C. Adequacy of security provisions to assure safety of employees on the site, as well as users of adjacent sites, including, but not limited to, lighting, alarm systems, security personnel, and the appropriate type and placement of landscape materials.

- D. A requirement that the ownership or management of a delivery-only operation take reasonable steps to assure the safe conduct of its operation and to timely respond and work cooperatively with the Community and Economic Development Department and Police Department about problems related to the operation or management of the establishment.

10-2.3.1417 Appeals.

- A. Operator Permit Appeals. A decision by the Community and Economic Development Director or designee on the rejection of a delivery-only operation operator permit application or issuance, suspension, modification, or revocation of an operator permit is appealable to the City Manager or designee in accordance with the administrative appeal procedures promulgated by the City Manager.
- B. Conditional Use Permit Appeals. A decision by the Planning Commission regarding a Conditional Use Permit for a delivery-only operation may be appealed to the City Council as provided by Article 5 of Part IV of the Zoning Ordinance.

10-2.3.1418 Operator Permit Term/ CUP Expiration.

- A. Delivery-Only Operator Permit Term. Operator permits issued pursuant to this article shall be valid for one (1) year. Delivery-only operations are required to renew their permits with the City each year to continue lawful operations. The Planning Manager shall have the authority and discretion to design renewal application procedures and approve renewal applications. Any renewal application shall require, at a minimum, site and delivery vehicle inspections, confirmation that the business is being operated in accordance with all laws and regulations, confirmation that all information previously submitted as required by **10-2.3.1410** above is still accurate, and payment of all applicable fees. If any information required by **10-2.3.1410** has changed since the previous application approval, updated information must be submitted.
- B. Conditional Use Permit Expiration for Failure to Commence Operations. An operator permit and/or Conditional Use Permit shall expire by operation of law without any further action by the City staff or the Planning Commission, or by the appropriate decision-making body if on appeal, if the use authorized by such operator permit and/or Conditional Use Permit is not commenced on or before the time limit specified in the conditions of approval of such permit or, if no time is specified, on or before one (1) year after the date such permit was effective. Notice of permit expiration need not be provided by the City. Notwithstanding the foregoing, the Planning Manager

and his or her designees may grant no more than one (1) administrative extension of such time limit if the approved business plan has not substantially changed and if there has been no substantial change in the circumstances of the surrounding vicinity, in the reasonable determination of the Planning Manager and his or her designees.

10-2.3.1419 Conditional Use Permit Modification and/or Revocation.

A Conditional Use Permit exercised in violation of this article or a condition of approval may be modified or revoked as provided in Section 10-2.4.412 and Section 10-2.4.608. Failure to comply with any term or condition of an approved Conditional Use Permit is a violation of the Zoning Ordinance subject to the enforcement provisions prescribed by Part IV, Article 15 of this chapter and any and all other penalties and remedies provided by law. A Conditional Use Permit may be modified or revoked as provided by Part IV, Article 6 of this chapter.

10-2.3.1420 Violations and Penalties.

- A. It shall be unlawful and constitute a public nuisance for any person to operate a non-storefront delivery-only business, to deliver medical cannabis from outside the City to locations within the City, or to cultivate cannabis for personal use in violation of any provision of this article.
- B. A person who violates, causes, or permits another person or entity to violate any provision of this article shall be subject to the enforcement provisions of Article 15 of Part IV of the Zoning Ordinance and Chapter 6 of Title 1.

10-2.3.1421 Remedies Cumulative.

All remedies and penalties prescribed by this article, or that are available under any other provision of law or equity, are cumulative and not exclusive. The use of one (1) or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this article.

10-2.3.1422 Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, that subsection, subdivision, sentence, clause, phrase, or portion thereof shall be deleted as though it never existed and the remainder of the article shall continue in full force and effect. The City Council hereby declares that it would have adopted this article and each section, subsection, subdivision, sentence, clause, phrase, or

portion thereof, irrespective of the fact that any one (1) or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 5. Adding Commercial Use Classifications.

Section 10-2.1.403(B) of the Walnut Creek Municipal Code is hereby amended to add a “Commercial Cannabis Business” use classification and the following sub-classifications. The “Commercial Cannabis Business” use classification shall be added alphabetically to section 10-2.1.403(B) and the sub-classifications shall be added alphabetically under the “Commercial Cannabis Business” use. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

COMMERCIAL CANNABIS BUSINESS. An entity engaged in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products for commercial purposes.

- a. COMMERCIAL CANNABIS CULTIVATION. Any commercial activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis.
- b. COMMERCIAL CANNABIS DISTRIBUTION. The procurement, sale, and transport of medical and non-medical adult recreational use Cannabis and medical and non-medical adult recreational use Cannabis Products between Commercial Cannabis Businesses.
- c. COMMERCIAL CANNABIS MANUFACTURING. The production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by mean of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container.
- d. COMMERCIAL CANNABIS RETAIL DISPENSARY. A facility where Commercial Cannabis or Commercial Cannabis Products are offered, either individually or in any combination, for retail sale.

(1) WITH CANNABIS DELIVERY. The commercial transfer of Cannabis or Cannabis Products to a customer pursuant to MAUCRSA or to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code as an accessory use.

- e. NON-STOREFRONT MEDICAL CANNABIS DELIVERY- ONLY OPERATION. A commercial operation that is closed to the public but delivers medical Cannabis and/or medical

Cannabis products as part of retail sale transaction to customers at fixed locations in accordance with state law. No on-site sales, nor public access to commercial facilities or delivery vehicles is permitted.

- f. NON-STOREFRONT RECREATIONAL CANNABIS DELIVERY- ONLY OPERATION. A commercial operation that is closed to the public but delivers recreational Cannabis and/or recreational Cannabis products as part of retail sale transaction to customers at fixed locations in accordance with state law. No on-site sales, nor public access to commercial facilities or delivery vehicles is permitted.
- g. COMMERCIAL CANNABIS TESTING LABORATORY. A laboratory, facility, or entity in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:
 - (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
 - (2) Licensed by the Bureau of Cannabis Control.

Section 6. Adding Residential Use classifications.

Section 10-2.1.403(F)(3) of the Walnut Creek Municipal Code is hereby amended to add a “Personal Cannabis Cultivation” sub-classification to the existing accessory use classification. The “Personal Cannabis Cultivation” use classification shall be added alphabetically to section 10-2.1.403(F)(3). The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

PERSONAL CANNABIS CULTIVATION. Personal Cannabis Cultivation or Personal Cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or processing of cannabis for personal medical or non-medical adult recreational use.

Section 7. Amending Land Use Tables (Commercial Use Classifications)

- 1. Sections 10-2.2.102.B (R District), 10-2.2.202.B (D-3 District), 10-2.2.302.B (M District), 10-2.2.402.B (M-H-D District), 10-2.2.506.B (H-P-D District), 10-2.2.602.B (P-R District), 10-2.2.702.B (C-R District), 10-2.2.802.B (O-C District), 10-2.2.903.B (M-U District), 10-2.2.1002.B (A-S District), 10-2.2.1302.B (C-C District), 10-2.2.1402.B (O-S-R District), 10-2.2.1502.B (C-F District), 10-2.2.1602.B (HO P-D District), 10-2.2.2002.B (SFH-PD1 District), 10-2.2.2102.B (MU-C District), and 10-2.2.2202.B (MU-R District) of the Walnut Creek Municipal Code are

hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Commercial Cannabis Business		
a. Commercial Cannabis Cultivation		
b. Commercial Cannabis Distribution		
e. Commercial Cannabis Manufacturing		
d. Commercial Cannabis Retail Dispensary		
(1) With Cannabis Delivery		
e. Non-Storefront Medical Cannabis Delivery Only Operation		
f. Non-Storefront Recreational Cannabis Delivery Only Operation		
g. Commercial Cannabis Testing Laboratory		

2. Section 10.2.2.1102.B (S-C District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Commercial Cannabis Business		
a. Commercial Cannabis Cultivation		
b. Commercial Cannabis Distribution		
e. Commercial Cannabis Manufacturing		
d. Commercial Cannabis Retail Dispensary		
(1) With Cannabis Delivery		
e. Non-Storefront Medical Cannabis Delivery Only Operation	L(21)	
f. Non-Storefront Recreational Cannabis Delivery Only Operation		

g. Commercial Cannabis Testing Laboratory		
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3. Section 10.2.2.1102 Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(21) to read as follows:

L(21) Permitted subject to the issuance of a Conditional Use Permit and Operator’s Permit pursuant to Article 14 of Part III of the Zoning Ordinance.

4. Section 10-2.2.1202.B (B-P District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Commercial Cannabis Business		
a. Commercial Cannabis Cultivation		
b. Commercial Cannabis Distribution		
e. Commercial Cannabis Manufacturing		
d. Commercial Cannabis Retail Dispensary		
(1) With Cannabis Delivery		
e. Non-Storefront Medical Cannabis Delivery –Only Operation	L(12)	
f. Non-Storefront Recreational Cannabis Delivery Only Operation		
g. Commercial Cannabis Testing Laboratory		

5. Section 10.2.2.1202 Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(12) to read as follows:

L(12) Permitted subject to the issuance of a Conditional Use Permit and Operator’s Permit pursuant to Article 14 of Part III of the Zoning Ordinance.

6. Section 10.2.2.102.F.3 (R District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation	L(14)	(H)

7. Section 10.2.2.102 (R District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(14) to read as follows:

L(14) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

8. Section 10.2.2.102 (R District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (H) to read as follows:

(H) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

9. Section 10.2.2.202.F.3 (D-3 District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation	L(13)	(H)

10. Section 10.2.2.202 (D-3 District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(13) to read as follows:

L(13) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

11. Section 10.2.2.202 (D-3 District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (H) to read as follows:

(H) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

12. Section 10.2.2.302.F.3 (M District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation	L(15)	(I)

13. Section 10.2.2.302 (M District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(15) to read as follows:

L(15) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

14. Section 10.2.2.302 (M District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (I) to read as follows:

(I) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

15. Section 10.2.2.402.F.3 (M-H-D District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation	L(11)	(J)

16. Section 10.2.2.402 (M-H-D District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(11) to read as follows:

L(11) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

17. Section 10.2.2.402 (M-H-D District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (J) to read as follows:

(J) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

18. Section 10.2.2.506.F.3 (H-P-D District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation	L(11)	(H)

19. Section 10.2.2.506 (M-H-D District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(11) to read as follows:

L(11) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

20. Section 10.2.2.506 (M-H-D District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (H) to read as follows:

(H) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

21. Section 10.2.2.602.F.3 (P-R District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation	L(30)	(K)

22. Section 10.2.2.602 (P-R District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(30) to read as follows:

L(30) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

23. Section 10.2.2.602 (P-R District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (K) to read as follows:

(K) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

24. Section 10.2.2.702.F.3 (C-R District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation	L(23)	(K)

25. Section 10.2.2.702 (C-R District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(23) to read as follows:

L(23) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

26. Section 10.2.2.702 (C-R District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (K) to read as follows:

(K) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

27. Section 10.2.2.802.F.3 (O-C District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation	L(22)	(K)

28. Section 10.2.2.802 (O-C District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(22) to read as follows:

L(22) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

29. Section 10.2.2.802 (O-C District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (K) to read as follows:

(K) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

30. Section 10.2.2.903.F.3 (M-U District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation	L(16)	(H)

31. Section 10.2.2.903 (M-U District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(16) to read as follows:

L(16) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

32. Section 10.2.2.903 (M-U District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (H) to read as follows:

(H) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

33. Section 10.2.2.1102.F.3 (S-C District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation	L(21)	(J)

34. Section 10.2.2.1102 (S-C District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(21) to read as follows:

L(21) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

35. Section 10.2.2.1102 (S-C District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (J) to read as follows:

(J) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

36. Section 10.2.2.1302.F.3 (C-C District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation	L(29)	(K)

37. Section 10.2.2.1302 (C-C District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(29) to read as follows:

L(29) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

38. Section 10.2.2.1302 (C-C District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (K) to read as follows:

(K) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

39. Section 10.2.2.2002.D.3 (SFH-PD1 District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
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Personal Cannabis Cultivation	L(11)	(H)

40. Section 10.2.2.2002 (SFH-PD1 District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(11) to read as follows:

L(11) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

41. Section 10.2.2.2002 (SFH-PD1 District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (H) to read as follows:

(H) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

42. Section 10.2.2.2102.F.3 (MU-C District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation	L(23)	(M)

43. Section 10.2.2.2102 (MU-C District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(23) to read as follows:

L(23) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

44. Section 10.2.2.2102 (MU-C District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (M) to read as follows:

(M) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

45. Section 10.2.2.2202.F.3 (MU-R District) of the Walnut Creek Municipal Code is hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation	L(18)	(N)

46. Section 10.2.2.2202 (MU-R District) Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row L(18) to read as follows:

L(18) Personal Cannabis Cultivation is permitted subject to the regulations outlined by Article 14 of Part III of the Zoning Ordinance.

47. Section 10.2.2.2202 (MU-R District) Additional Use Regulations Table of the Walnut Creek Municipal Code is hereby amended to add row (N) to read as follows:

(N) See Part III, Article 14. **Personal and Commercial Cannabis Activities Ordinance**

48. Sections 10-2.2.1002.F.3 (A-S District), 10-2.2.1202.F.3 (B-P District), 10-2.2.1402.B (O-S-R District), 10-2.2.1502.F.3 (C-F District), and 10-2.2.1602.F.3 (HO P-D District) of the Walnut Creek Municipal Code are hereby amended to read as follows. The City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Accessory Uses		
Personal Cannabis Cultivation		

Section 8. Amending 8-6.03 with deletions in ~~strike through~~ and additions in double underline:

8-6.03 A Business License Does Not Permit Business Otherwise Prohibited.

No business license issued pursuant to the provisions of this chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business or the provision or sale of any service or product that is illegal under the laws of the United States, the laws of the state of California, or any ordinance or regulation of the City. All business licenses are issued pursuant to and subject to all laws and ordinances that are applicable to the conduct of such business and the sale of any service or product in the

City. Business licenses issued to unlawful businesses or businesses providing or selling illegal services or products under the laws of the United States, the laws of the state of California, or any ordinance or regulation of the City, or businesses that provide false information to or mislead the City in obtaining approval of a business license, shall be null and void. Notwithstanding the foregoing, businesses permitted to operate in the City pursuant to Chapter 2; Part III; Article 14 may be issued a valid business license pursuant to the provisions of this chapter. (Ord. 647, eff. 4/5/63; §1, Ord. 1231, eff. 11/6/74; §1, Ord. 2091, eff. 10/22/10)

Section 9. Amending 10.2.3.206, Table A with deletions in ~~strike through~~ and additions in double underline:

TABLE A

PARKING REGULATIONS

LAND USE CLASSIFICATION	OFF STREET PARKING REQUIREMENTS	NOTES	LOADING SPACES REQUIRED (SEE TABLE B)
A. Residential Use Classifications			
1. Adult Day Care Home		(2)	
2. Congregate Living Facility	.25 per dwelling unit or .25 per bedroom (whichever is greater)		Group I
3. Family Day Care Home			
a. <i>Small Family Day Care Home</i>		(2)	
b. <i>Large Family Day Care Home</i>	1 per employee + 1 per 12 children		
4. Group Residential	1 per bedroom		
5. Multiple Family Residential	1.25 per studio unit; 1.5 per 1 bedroom unit; 2 per 2 bedroom unit; 2.25 per 2+ bedroom units. Every dwelling unit shall have one covered space.	(3) (4) (24)	

TABLE A

PARKING REGULATIONS

LAND USE CLASSIFICATION	OFF STREET PARKING REQUIREMENTS	NOTES	LOADING SPACES REQUIRED (SEE TABLE B)
a. Senior Housing		(5)	
6. Residential Care Home	<p>1 space more than required for single-family residential (uncovered). Notwithstanding the foregoing, no additional parking is required in any of the following situations:</p>	(2)	
7. Accessory Dwelling Unit	<ol style="list-style-type: none"> 1. The accessory dwelling unit is contained entirely within the footprint of an existing building. 2. The accessory dwelling unit is located on a parcel which is within 0.5 miles from the closest point of the Walnut Creek or Pleasant Hill BART station property; or within 0.5 miles from a public bus stop served at least 6 hours each weekday by a route with headways no longer than 20 minutes between arrival times. This distance shall be measured along street frontages using the most reasonably direct, legally permissible path. The determination of which developments meet this requirement shall rest with the City's Transportation Planning Manager. 3. The accessory dwelling unit is located within 1 block of a car share vehicle station. 	(6)	
8. Single Family Residential	2 covered per dwelling unit	(4)	
B. Commercial Use Classifications		(1) (7)	

TABLE A

PARKING REGULATIONS

LAND USE CLASSIFICATION	OFF STREET PARKING REQUIREMENTS	NOTES	LOADING SPACES REQUIRED (SEE TABLE B)
1. Ambulance Services	1 per 250 sq. ft. of RFA (pertaining to office or administrative use)+ 1 per Ambulance		Group I
2. Animal Sales and Service			
<i>a. Animal Hospital</i>	1 per 250 sq. ft. of RFA. (Area devoted to housing animals is excluded.)		Group I
<i>b. Animal: Retail Sales and Grooming</i>	1 per 250 sq. ft. of RFA.		Group I
<i>c. Horse Stables</i>	1 space for each 4 horses boarded on site + 1 per employee.		
<i>d. Kennel</i>	1 per 250 sq. ft. of RFA. (Area devoted to housing animals is excluded)		Group I
3. Artist Studio	1 per 450 sq. ft. of GFA		
4. Banks and Savings and Loans			
<i>a. Banks and Savings and Loans</i>	1 per 250 sq. ft. of RFA		Group I
(1) <i>With Drive-up Service</i>	1 per 250 sq. ft. of RFA		Group I
(2) <i>With Automated Teller Machine</i>	1 per 250 sq. ft. of RFA + 1.0 per exterior teller machine.	(8)	Group I
5. Catering Services	1 per 450 sq. ft. of GFA		Group I

TABLE A

PARKING REGULATIONS

LAND USE CLASSIFICATION	OFF STREET PARKING REQUIREMENTS	NOTES	LOADING SPACES REQUIRED (SEE TABLE B)
6. Communication Facilities	1 per 250 sq. ft. of GFA devoted to administrative and office uses + 1 per 2000 sq. ft. of remaining floor area.		Group I
7. Custom Manufacturing	1 Per 450 sq. ft. of GFA devoted to manufacturing + 1 per 250 sq. ft. of RFA devoted to Retail Sales		Group I
8. Eating and/or Drinking Establishments			
a. Eating and/or Drinking Establishments	1 for each 5 permanent seats and 1 per 75 sq. ft. of floor area available for portable seats and/or tables	(9)	Group I
(1) With Wine and Beer Service	1 for each 5 permanent seats and 1 per 75 sq. ft. of floor area available for portable seats and/or tables	(9)	Group I
(2) With Full Alcoholic Beverage Service	1 for each 5 permanent seats and 1 per 75 sq. ft. of floor area available for portable seats and/or tables	(9)	Group I
(3) With Live Entertainment	1 for each 5 permanent seats and 1 per 75 sq. ft. of floor area available for portable seats and/or tables for the area devoted to Eating and Drinking + 1 per 45 sq. ft. of public assembly area	(10)	Group I
(4) With Dancing	1 for each 5 permanent seats and 1 per 75 sq. ft. of floor area available for portable seats and/or tables for the area devoted to Eating and Drinking + 1 per 45 sq. ft. of public assembly area	(10)	Group I

TABLE A

PARKING REGULATIONS

LAND USE CLASSIFICATION	OFF STREET PARKING REQUIREMENTS	NOTES	LOADING SPACES REQUIRED (SEE TABLE B)
(5) With Take-out Service	1 per 50 sq. ft. of GFA	(1) (9)	Group I
(a) Drive-up	1 per 50 sq. ft. of GFA		Group I
(6) With Permanent Outdoor Seating		(11)	
(7) With Off-site Distribution	1 for each 5 permanent seats and 1 per 75 sq. ft. of floor area available for portable seats and/or tables	(1) (9)	Group I
(a) Micro-brewery	1 for each 5 permanent seats and 1 per 75 sq. ft. of floor area available for portable seats and/or tables	(a) (9)	Group I
9. Food and Beverage Sales	1 per 250 sq. ft. of RFA		Group I
10. Funeral and Interment Services	1 per 45 sq. ft. of public assembly areas	(12)	Group I
11. Health Clubs	1 per 250 sq. ft. of RFA		Group I
12. Home Improvement Sales and Service	1 per 400 sq. ft. of GFA + 1 per 2000 sq. ft. of exterior storage area		Group II
13. Horticultural Establishment	1 per employee		
14. Lumber and Building Material Yard	1 per 400 sq. ft. of GFA + 1 per 2000 sq. ft. of exterior storage area		Group II
15. Maintenance and Repair Service/Small Equipment	1 per 400 sq. ft. of GFA		

TABLE A

PARKING REGULATIONS

LAND USE CLASSIFICATION	OFF STREET PARKING REQUIREMENTS	NOTES	LOADING SPACES REQUIRED (SEE TABLE B)
16. Mini Storage	3 (customer parking at office)		
<u>17. Non-storefront, delivery only commercial cannabis operation or delivery-only operation</u>	<u>1 per 2,000 square feet of gross floor area and 1 per delivery vehicle</u>		<u>Group II</u>
<u>187. Nursery</u>	1 per 400 sq. ft. of GFA of manufactured stock + 1 per 2000 sq. ft. of nursery stock area		Group I
<u>198. Offices, Business and Professional</u>	In the Core Area, 1 per 250 sq. ft. of RFA on the ground floor; 1/285.7 sq. ft. of RFA above the ground floor. Outside the Core Area, 1 per 250 of RFA.	(13)	Group I
a. Offices, Business and Professional	(1) Offices, Medical	(14)	Group I
<u>2049. Pawn Shop</u>	1 per 250 sq. ft. of RFA		Group I
<u>219. Personal Improvement Services</u>	1 per 250 sq. ft. of RFA		
<u>224. Personal Services</u>	1 per 250 sq. ft. of RFA		Group I
<u>232. Recreation and Entertainment, Commercial</u>		(15)	
a. Movie Theater	1 per 4 seats		Group I

TABLE A

PARKING REGULATIONS

LAND USE CLASSIFICATION	OFF STREET PARKING REQUIREMENTS	NOTES	LOADING SPACES REQUIRED (SEE TABLE B)
243. Research and Development Services	1 per 450 sq. ft. of GFA		Group I
254. Retail Sales/Rental	1 per 250 sq. ft. of RFA		Group I
265. Vehicle/Equipment Sales and Service			
a. Automobile Rental and Leasing	1 per 400 sq. ft. of GFA + 1 per 2000 sq. ft. of site area	(16) (17)	Group II
b. Automobile Sales/New and Used	1 per 400 sq. ft. of GFA + 1 per 2000 sq. ft. of site area	(16) (17)	Group II
c. Automobile Washing	7 per site		
d. Automobile Wrecking	1 per 400 sq. ft. of GFA + 1 per 2000 sq. ft. of site area		
e. Service Stations (1) Automobile Washing	3 per service bay 3 per service bay + 7 for auto wash	(18) (1)	
f. Vehicle/Equipment Repair	1 per 400 sq. ft. of GFA + 1 per 2000 sq. ft. of site area	(16)	Group I
(1) Limited Vehicle Service	See Vehicle/Equipment Repair	(1)	Group I
g. Vehicle/Equipment Sales and Rentals	1 per 400 sq. ft. of GFA + 1 per 2000 sq. ft. of site area	(17)	Group I
276. Visitor Accommodations			

TABLE A

PARKING REGULATIONS


LAND USE CLASSIFICATION	OFF STREET PARKING REQUIREMENTS	NOTES	LOADING SPACES REQUIRED (SEE TABLE B)
a. Bed and Breakfast Inns	.9 per guest room		
b. Hotels	.9 per guest room	(19)	Group II
c. Motels	0.9 per guest room	(19)	Group II

Section 10. Effective date.

Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk’s Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk’s Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting. This Ordinance shall become effective on the 60th day after its adoption.


PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 10th day of July, 2018 by the following called vote:

- AYES: Councilmembers: Carlston, Haskew, Silva, Wilk, Mayor Wedel
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None




 Justin Wedel
 Mayor of the City of Walnut Creek

Attest:



Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

I HEREBY CERTIFY the foregoing to be a true and correct copy of Ordinance No. 2183 duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 10th day of July, 2018.



Suzie Martinez, CMC
City Clerk of the City of Walnut Creek