

**CITY OF WALNUT CREEK
RESOLUTION NO. 22-50**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
APPROVING A SUSTAINABILITY MEASURES AND COMMUNITY BENEFITS
CRITERIA POLICY RELATED TO SELECTION PROCEDURES FOR NON-
STOREFRONT CANNABIS DELIVERY-ONLY OPERATOR PERMITS**

WHEREAS, in 2018, the City Council adopted Title 10, Chapter 2, Article 14 “Personal and Commercial Cannabis Activities” into the Walnut Creek Municipal Code through Ordinance No. 2183 (“Cannabis Ordinance”);

WHEREAS, the Cannabis Ordinance provides that the method for selecting applicants that will be eligible to receive operator permits shall be set by resolution of the City Council;

WHEREAS, in 2018, the City Council adopted Resolution No. 18-41 which provided that applicants would be selected through a lottery process;

WHEREAS, on April 19, 2022, the City Council waived reading and introduced Ordinance No. 2216 and on May 3, 2022, the City Council adopted Ordinance No. 2216, which amended the Cannabis Ordinance to allow non-storefront cannabis delivery-only operations located in the City to deliver both medical and adult-use cannabis and cannabis products and to provide that the maximum number of delivery-only operations permitted to operate in the City shall be set by resolution of the City Council (“Amended Ordinance”);

WHEREAS, on April 19, 2022, the City Council adopted Resolution No. 22-16 prescribing new Request for Proposal (RFP) selection procedures for selecting applicants eligible to pursue operator permits for non-storefront delivery only operations in the City pursuant to the Amended Ordinance and setting the maximum number of available operator permits at three (3); and

WHEREAS, pursuant to this resolution, the City Council is adopting a Sustainability Measures and Community Benefits Criteria Policy prescribing specific sustainability measures and community benefits that potential applicants must propose in order to be eligible for the available points allotted for those categories in any RFP for operator permits.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALNUT CREEK DOES RESOLVE AS FOLLOWS:

1. The City Council adopts the Sustainability Measures and Community Benefits Criteria Policy, attached hereto and incorporated herein as Exhibit A, and authorizes the City to utilize the Policy to evaluate whether an applicant has proposed adequate Sustainability Measures and Community Benefits to be eligible to receive points for those categories in connection with an RFP for available operator permits.

2. This Resolution shall become effective upon the date that it is adopted.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a special meeting thereof held on the 11th day of October 2022 by the following called vote:

AYES: Councilmembers: Darling, Haskew, Wilk, Silva, Mayor Francois

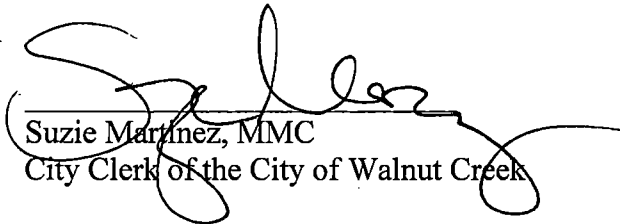
NOES: Councilmembers: None

ABSENT: Councilmembers: None



Matt Francois
Mayor of the City of Walnut Creek

Attest:



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

EXHIBIT A**Sustainability Measures and Community Benefits Criteria Policy**

City Council Resolution No. 22-16 authorizes the City to utilize an RFP process to select applicants that are eligible to pursue operator permits for non-storefront cannabis delivery-only operations pursuant to the Cannabis Ordinance. Resolution No. 22-16 provides that applications will be evaluated and ranked based on the following: Quality and Thoroughness of Application Materials, Experience and Qualifications, Sustainability Measures, and Community Benefits Plan. This Policy outlines the types of Sustainability Measures and Community Benefits that an applicant must propose in order to be eligible to receive points for those categories in connection with an RFP issued by the City related to operator permits.

1. ***Sustainability Elements.*** An applicant for a non-storefront cannabis delivery-only business operator permit shall include in their proposal a minimum of one of the Sustainability Elements identified in the following list:
 - Electric or Hybrid delivery vehicle fleet;
 - EV charging stations on site;
 - Stocking organic/pesticide-free and/or locally-sourced cannabis products;
 - Stocking products that use certified sustainable manufacturing and processing methods;
 - The proposed business is certified or qualifies for Green Business certification; and/or
 - Other equivalent sustainability measures or practices that the City Manager determines, in his/her sole discretion, furthers the City's climate action goals and policies.

2. ***Community Benefits.*** An applicant for a non-storefront cannabis delivery-only operator permit shall include in their proposal a community benefit to the City. Such community benefit may be structured in the following ways:
 - Provide an annual payment to the City of a percentage of gross revenue earned;
 - Provide a one-time, upfront, lump sum payment to the City to either
 - i. fund specific City-identified projects or facilities, or
 - ii. to be deposited into City General Fund;
 - Provide an annual fixed payment to City's General Fund;
 - Provide an annual payment to local City-identified non-profit providing
 - i. drug addiction and abuse services and support,
 - ii. youth services and support; and/or

- iii. services and support for unhoused persons;
 - Provide other equivalent community benefits that the City Manager determines, in his/her sole discretion, furthers the City's goals and policies and meet the minimum value stated above.
3. ***Evaluation and Ranking Process.*** The Sustainability Measures and Community Benefits elements of an application shall be assessed and assigned a point value consistent with the overall Evaluation and Ranking Process identified in Resolution No. 22-16, and the remainder of the selection process shall continue as specified in Resolution No. 22-16.