



NOTICE AND AGENDA
CITY OF UNION CITY

SPECIAL JOINT MEETING OF THE CITY COUNCIL AND PLANNING COMMISSION

Thursday, September 7, 2017
6:30 PM

Council Chamber
34009 Alvarado-Niles Road

1. CALL TO ORDER

1.a. Pledge of Allegiance

1.b. Roll Call

City Council:

Mayor Dutra-Vernaci, Vice Mayor Gacoscas, Councilmember
Duncan, Councilmember Ellis, Councilmember Singh

Planning Commission:

Chairperson Mann, Vice Chairperson Guio, Commissioner Gonzalez,
Commissioner Lew, Commissioner Mojadedi, Alternate
Commissioner Sakakihara, Alternate Commissioner Singh

**2. ORAL COMMUNICATIONS - Comments limited to items on the
Special Meeting Agenda**

3. STAFF REPORT

3.a. Cannabis Study Session

4. ADJOURNMENT

Posted: September 1, 2017

/s/ Carol Dutra-Vernaci

Carol Dutra Vernaci
Mayor



Agenda Item

DATE: 9/7/2017

TO: HONORABLE MAYOR, CITY COUNCIL and PLANNING COMMISSION

FROM: MARK EVANOFF, DEPUTY CITY MANAGER

SUBJECT: CANNABIS STUDY SESSION

The purpose of the Study Session is to provide the City Council and the Planning Commission:

- A broad overview of cannabis ordinances and regulations proposed for Union City;
- Proposed zoning ordinance for commercial cannabis uses and personal cultivation;
- Types of permits that the City Council can issue for commercial cannabis operations; and
- Summary of resident attitudes toward cannabis.

BACKGROUND

The City Council authorized the City Manager to enter into a contract with HdL Companies to educate the public, staff, and City Council on regulatory options for cannabis operations in Union City. The City Attorney is drafting the proposed Regulatory and Zoning Cannabis Ordinances that will be presented to the Planning Commission and City Council September and October for proposed adoption.

Staff presented a broad overview on cannabis regulatory policy to the City Council during a study session in August. Staff conducted extensive outreach to inform the community of the study session and offered the public an opportunity to express its opinion through a web page question and answer format. Community members who attended the City Council Study Session had the opportunity to express their viewpoint through a written survey. Stakeholder Community Leaders, which consist of City Commissioners, Faith-based leaders, School District officials and Neighborhood Watch Captains were sent their own survey. Staff published two Cannabis Information weekly briefings for the City Council that were posted on the City Cannabis web page that present the proposed cannabis regulatory policies in easy to understand segments using a question and answer format.

Godbe Research conducted a scientific poll of 529 likely Union City voters in November 2020. The survey examined voter attitudes toward the different types of cannabis business; regulations to protect public health, public safety, and the environment; and taxing cannabis operations.

DISCUSSION

California voters and the California Legislature approved key regulatory measures pertaining to both medicinal cannabis and adult use (recreation) of cannabis:

- *Medicinal Cannabis Regulation and Safety Act, 2015* (“MCRSA”). MCRSA established a comprehensive regulatory framework for the production, transportation, and sale of medicinal marijuana. The City currently prohibits medicinal cannabis dispensaries.
- Voter approved *Proposition 64 Adult Use of Marijuana Act, 2016* (“AUMA”). AMUA allows for the adult use of cannabis products. Proposition 64 passed by 55 percent of the California voters and 55 percent of the Union City voters.
- *Trailer Bill SB 94: Medicinal and Adult Use Cannabis Regulation and Safety Act, 2017* AMUA established a broad, unified regulatory procedure for all aspects of medicinal, adult use, cultivation, manufacturing, distribution, dispensing, and sale of cannabis products. The state will start to process permits for the various types of cannabis production on January 2, 2018. Cities and counties retain the authority to regulate cannabis use in their community.

Staff recommends that the City Council adopt strong regulations governing the types of cannabis businesses that can operate in Union City, the location of the businesses, the number of businesses, and the process for qualifying to operate a business. City staff and the Police Department will have more tools and the financial resources to monitor and audit cannabis businesses through regulation, and to prosecute and shut down illegal cannabis sales pursuant to a regulatory ordinance.

60.8 percent of likely voters support environmental regulations on cannabis operations to ensure no discharge of pesticides or other hazardous materials during the cultivation and manufacturing of cannabis products. 58.4 percent of likely voters support the Police Department monitoring large commercial sales to ensure the product is not sold illegally by unlicensed dealers. See **Attachment 7 for the complete results of the scientific survey conducted by Godbe Research**. Bryan Godbe will present summary results of the poll to the City Council and Planning Commission during the Study Session. See [hyperlink unioncity.org/cannabis](http://unioncity.org/cannabis) for a detailed report with cross tabs.

People attending the August 8 City Council Study Session supported adult use-sales by a 70 percent margin. See Attachment 9.

Stakeholder Community Leaders who include Commissioners, School District Officials, Faith based leaders, and Neighborhood Watch Captains are by far the most concerned about cannabis activity in Union City. **Of the 16 Stakeholder Community Leaders who responded to the survey, 62 percent had concerns about cannabis businesses. See Attachment 10.**

See Appendix 8 for to view the comments submitted by 30 people who submitted comments on the City cannabis web page.

Staff recommends that the City Council set the broad regulatory framework through the adoption of a **Regulatory Cannabis Ordinance**. The Cannabis Ordinance would allow for the cultivation, manufacturing, testing, medicinal retail sales, and adult use retail sales. The Ordinance would allow the City Council to establish by Resolution the type, number, and process for soliciting and awarding cannabis licenses for the different types of cannabis businesses. Adult Use would not be allowed unless the City Council allowed it by

Resolution. See **Attachments 1 and 2**, previously sent to the City Council for a more detailed summary on the types of cannabis business licenses and process for screening and awarding permits. **Appendix 3, Draft Cannabis Ordinance, Chapter 5** contains the full text of a draft proposed ordinance governing cannabis licensing, operations, and the process for awarding business permits. **Appendix 6** contains the **Application Procedure to Operate Commercial Cannabis Businesses in Union City**, the process for reviewing and scoring applications, and the background check application.

The Planning Commission would hold a public hearing to consider recommending to the City Council and the City Council would consider adopting the **Zoning Ordinance Text Amendment for Personal Cultivation of Cannabis**. The proposed zoning text amendment would allow up to six plants per household for personal use as allowed by state law. Cultivation would be limited to indoor use or an accessory structure. Outdoor use would be limited to a screened back yard or side yard. A property owner would have the authority to prohibit tenants from personal cultivation on a rental property. See **Attachment 5** for the complete text of the **Draft Zoning Text Amendment for Personal Cultivation**.

The Planning Commission would hold a public hearing to consider recommending to the City Council, and the City Council would consider adopting the **Zoning Ordinance Text Amendment for Commercial Cannabis**. The cultivation, manufacturing, and testing of cannabis products would be limited to the ML Zoning District. The ML Zoning District includes the Horner Veasy Area, the Central Bay, Alvarado Business Park, and the Lincoln Business Park. Medicinal sales, adult use sales, and testing would be limited to the ML Zoning District and the MS Zoning District. The MS Zoning District includes the business parks along Alvarado-Niles Road, Union City Boulevard, and Whipple Road.

FISCAL IMPACT

Permit fees for cannabis businesses would be levied to enable the City to recover all regulatory and administrative costs by City staff.

RECOMMENDATION

Members of the City Council and Planning Commission are encouraged to ask questions of staff and to express any concerns they may have.

1. The Planning Commission will consider two **Zoning Text Amendments** that identify where the different types of cannabis businesses may be located and where cannabis may be grown for personal use. The Planning Commission will conduct a Public Hearing on the Zoning Text Amendments September 21, 2017.
2. The City Council will consider conducting a **First Reading of the Cannabis Regulatory Ordinance and the two Zoning Text Amendments on September 26, 2017 and consider the Second Reading and Public Hearing will be held on October 10, 2017**. The Ordinances establish where uses may be located; the regulatory structure that identifies all the safety, environmental, and security needed to operate a business; and the permit policy, the process for applying for and awarding operating permits to the different types of cannabis businesses.

Prepared by:

Mark Evanoff, Deputy City Manager

Submitted by:

Mark Evanoff, Deputy City Manager

ATTACHMENTS:

Description	Type
Attachment 1: August 18, 2017 City Council Briefing Focusing on Voter Survey Results, Broad Regulatory Policy Overview, and Why Allow Medicinal Retail	Attachment
Attachment 2: August 24, 2017 City Council Briefing Focusing on Types of Cannabis Licenses; Number of Licenses Recommended for Issuance; Process for a Businesses to Apply for a License; Process to Review and Award a License Application and the Proces	Attachment
Attachment 3: Draft Text Amendment Cannabis Ordinance (regulatory framework)	Attachment
Attachment 4: Draft Zoning Amendment for Commercial Cannabis	Attachment
Attachment 5: Draft Zoning Text Amendment for Personal Cultivation of Cannabis	Attachment
Attachment 6: Draft Application Procedure to Operate a Commercial Cannabis	Attachment
Attachment 7: Godbe Scientific Survey Results	Attachment
Attachment 8: Comments Received on City Web Page	Attachment
Attachment 9: Comments Received at the August 8, 2017 City Council Study Session	Attachment
Attachment 10: Comments Received from Stakeholder Community Leaders: City Commissioners, Faith-based leaders, School District Officials, and Neighborhood Watch Captains	Attachment

Attachment 1

August 18, 2017 City Council Briefing Focusing on *Voter Survey Results, Broad Regulatory Policy Overview, and Why Allow Medicinal Retail Cannabis Sales First*

Cannabis Policy Update

August 18, 2017

This is the first of many weekly updates designed to provide the City Council and the public on background information on cannabis. The intent is to introduce the content of the proposed ordinance in easy-to-understand segments as we venture through the timeline.

Cannabis Timeline



Cannabis FAQ

What do likely voters think about medicinal cannabis and cannabis regulations?

Union City staff commissioned Godbe Research to conduct a scientific poll of 529 likely Union City voters on this topic.

- 62.7 percent of the respondents support the sale of medicinal cannabis.
- 59.8 percent support safe cultivation, manufacturing and testing of medicinal cannabis in industrial areas.
- 71 percent support medicinal dispensary employees to undergo background checks, installation of physical security measures at the facility, and regulations to ensure patients meet new criteria to fill prescriptions.
- 52.6 percent support issuing business licenses for cultivation, manufacturing, testing, and sale of recreational cannabis products.
- 60.8 percent want environmental regulations to ensure no discharge of pesticides and other hazardous materials during cultivation and manufacturing.
- 58.4 percent support Police Department monitoring of large commercial sales to ensure the produce is not sold illegally by unlicensed dealers.
- 60 percent support a 10 percent gross receipts tax on cannabis products.
- 28 percent support the City issuing 1 to 3 medicinal cannabis dispensary licenses, 11.8 percent support 4 to 6 dispensaries, 4.3 percent support 7 to 10 dispensaries licenses, 5.7 percent support more than 15 dispensary licenses, and the remainder are undecided.

Why adopt cannabis regulatory policies?

The State will begin issuing state licenses for commercial cannabis businesses on January 1, 2018. However, state law prohibits the state from issuing a license to a commercial cannabis business if that would violate a local ordinance. **Thus, cities should adopt a local ordinance regulating cannabis by January 2, 2018 if they wish to impose local regulations beyond State regulations.**

There is no downside to adopting comprehensive cannabis regulations now, because doing so does not necessarily entitle such businesses to locate in Union City. An ordinance can be structured to require a discretionary City permit for any cannabis business to actually set up shop in Union City, and the City Council has the authority to set the number of permits in any and all business categories, despite having a regulatory structure in place (see below). For example, if the City Council does not wish to have adult use cannabis retail businesses in Union City, it can adopt a resolution that it will not issue any permits for such use.

The City Council also has authority to revise its initial determination with the understanding that each revision must be reviewed for potential legal implications. The City Council also has the right to amend any ordinance that it adopts consistent with legal standards.

The proposed regulations that the City Council will consider will clearly define:

- Where cannabis businesses can be located;
- The type of cannabis businesses that will be permitted:
 - Cultivation
 - Manufacturing
 - Distribution
 - Testing facilities
 - Delivery services
 - Medicinal sales
 - Recreational sales
- The number of cannabis business permits that will be issued;
- The conditions on a cannabis businesses permit to ensure public safety;
- The process and procedures for the Police Department and the City to conduct inspections and audits to ensure compliance with regulations;
- The process and procedures for the City to revoke cannabis business permits if an operator violates law or the conditions of the permit;
- The ability of the City to recover regulatory and administrative expenses to issue cannabis business permits and monitor cannabis businesses.

Why adopt medicinal cannabis retail permits first?

There is strong voter support for regulated medicinal cannabis sales. Issuing Medicinal Cannabis Retail Permits first provides the opportunity to meet a real health need, test the regulatory framework to ensure it is problem free, and enable the City Council to consider issuing Adult Use (Recreational) Cannabis Sales Permits at a future time.

State law licenses can be issued for medicinal and adult use cannabis cultivation, manufacturing, distribution and testing. Each use requires a unique state license and local approval. Medicinal Cannabis retail and adult use cannabis retail require a unique state license and local approval.

The proposed cannabis ordinance would allow commercial, manufacturing, distribution, testing, medicinal sales, and adult use sales, in specified locations consistent with the zoning ordinance.

The City Council would decide when to issue permits, the types of cannabis business permits to be issued, and the number of permits to be issued. Staff is recommending that the City Council adopt a procedure to issue cannabis business permits for cultivation, manufacturing, distribution, and sale of medicinal cannabis. If the City Council elects to issue permits for adult sales, no amendment would be needed to the ordinance or change in the zoning ordinance.

For more information

Follow our website, www.unioncity.org/cannabis, for updated information about cannabis policy.

Attachment 2

August 24, 2017 City Council Briefing Focusing on Types of Cannabis Licenses; Number of Licenses Recommended for Issuance; Process for a Businesses to Apply for a License; Process to Review and Award a License Application and the Process for Conducting Background Checks

Cannabis Policy Timeline



Cannabis Policy Update

This is the second informational email on cannabis to prepare you for consideration of the Cannabis Ordinance on September 26, 2017. Today's email focuses on the different types of cannabis licenses, the process a business owner to apply for a license, the process for screening license applications, and the process for awarding licenses.

What are the different types of cannabis business licenses?

Each type of cannabis business requires a unique state and local license. The types of licenses include:

- **Cultivation** – Under state law, a business may grow cannabis for both medicinal use and adult use. The product would be sold whole sale. Staff is recommending allowing only indoor cultivation in ML Zoning District.
- **Manufacturing** - Manufacturing is the business that converts cannabis plants into medicinal and adult use products. Products could include candies, creams, teas, and smoking products in precise dosages. The product would be sold whole sale and distributed to retail outlet. Staff is recommending that Manufacturing and distribution only be allowed in the ML Zoning District. The ML Zoning District includes the Central Bay, the Horner Veasy Area, Alvarado Business Park, and the Lincoln Business Park.
- **Retail/Medicinal Sales and Adult Use Sales** - Medicinal Sales and Adult Use sales each require a unique state license and a unique local license. The facilities must be located separately with a wall separation and unique independent entrances to the outside. Medicinal sales are only medicinal products. Adult use sales are only adult products. Medicinal sales and Adult Use sales would be allowed in the ML Zoning District and MS Special Industrial District. The MS District includes the offices in business parks along Alvarado-Niles Road, Whipple Road, and Union City Boulevard. Although the zoning policy would allow for medicinal and adult use sales, staff is recommending issuing licenses only for medicinal sales at this time. The regulatory framework of Union City would enable potential investors to make a business decision to locate in Union City.
- **Testing** - Testing facilities are independent laboratories that test the purity of the product. Manufacturers send cannabis plants to a lab for testing to ensure there are not pesticides in the plants before conversion to medical product.

- **Delivery** - Delivery Licenses allow delivery of product. Staff recommends issuing licenses for delivery only for medicinal products that is associated with a licensed commercial cannabis use in the ML Zoning District. Home occupation delivery would not be allowed. Delivery inside Union City, where the business is located outside of Union City would not be allowed and would not be issued a license. It will be difficult to control, regulate, and collect fees for cannabis delivery inside Union City when the business of origin is outside Union City.
- **Wholesale/Distribution** - Wholesale and Distribution Licenses would not be allowed unless it was associated with a licensed commercial cannabis use in Union City. The City would capture gross receipts on the commercial operation in Union City. A standalone wholesale and distribution facility would not generate gross receipts for Union City and would be similar to existing warehouse facilities.

How many licenses make sense for Union City?

Staff is recommending limiting the number of licenses to **three for each type of cannabis license other than testing licenses**. Staff is not recommending limiting the number of testing licenses. Staff recommends issuing up to three licenses per type of cannabis business would enable investors to make a decision to locate in Union City and staff would have the capacity to regulate the businesses.

A poll of Union City residents found that 28 percent of likely voters support issuing one to 3 business licenses for each of the types of businesses, 22 percent support of likely voters support issuing more than three business licenses, 23 percent of likely voters have no opinion, and 27 percent oppose issuing any licenses.

How do businesses apply for a license?

Hdl Companies, the City's cannabis consultant, has developed a very detailed license application. Required documentation in an application includes:

- The principals of a business would need to provide a criminal history.
- Zoning Verification Letter from Economic and Community Development that the potential business is located in a zoning district that allows the use.
- Union City Commercial Cannabis Business
- Form and payment of application fee.
- Proof of property ownership or lease agreement.
- Presentation of business plan, security plan, air quality plan, and employment and labor plan.

Who reviews the license application?

- Applications will be available October 11, 2017. Applicants must submit completed applications by November 10, 2017.
- Applications would be initially screened by HdI Companies to **insure compliance with City regulations in a Phase 1 review.**
- Applications deemed eligible by HdI Companies would go through **Phase 2, a ranking system** based on location, business plan, neighborhood compatibility, safety and security plan, air quality plan, and labor and employment plan.
- Only applicants that score a minimum of 80 percent of the eligible points in Phase 2 would be allowed to **Phase 3, which is an interview and evaluation Selection Committee composed of City staff.**
- Each **Phase 3 applicant would have their proposed site inspected** by designated City representatives. The Phase 3 applicants would again be ranked by the City Selection Committee and the Phase 3 scores would be added to the Phase 2 scores. **All applicants that achieved an 80 percent score would be referred to the City Manager.**

How are licenses awarded?

- The top scoring applicants for each license category in **Phase 3** would participate in a publically meeting with notices sent to all property owners within 300 feet of the proposed business. Members of the public could state their positions and any recommendations for additional conditions for the business.
- The City Manager would make a recommendation and ranking to the City Council in **Phase 4.**
- The City Council would approve the Final recommendations to issue licenses.

Who is responsible for conducting and reviewing background checks?

The application asks extensive background information. The background checks will be verified by an independent firm designated by the Union City Police Department.

If a licensee fails to perform or violates the city ordinance, what options does the city have to discipline the business?

The City Manager has the authority to immediately revoke any license for violation of the ordinance, the state license has been suspended, and business fails to operate for three consecutive months, non-payment of taxes, misrepresentation, change in circumstances that threaten public health and welfare. A business with a revoked license may appeal to the City Council for reinstatement of the license.

A license must be renewed each year. Licenses are not transferable.

For more information

Follow our website, www.unioncity.org/cannabis, for updated information about cannabis policy.

Attachment 3

Draft Text Amendment Cannabis Ordinance (regulatory framework)

EXHIBIT A

Chapter 5.44

CANNABIS

5.44.010 Purpose and Intent.

A. The purpose of this chapter is to identify and establish standards for uses related to cannabis cultivation, use, and commercial activities that are permitted, but which have the potential to create significant effects on the community and surrounding properties.

Furthermore, it is the purpose and intent of this chapter to:

1. Assist law enforcement agencies in performing their duties effectively and in accordance with California law.
2. Acknowledge that the cultivation of medical and nonmedical cannabis is illegal under federal law, while granting limited immunity from local prosecution to those medical and nonmedical cannabis activities that do not violate the restrictions and limitations set forth in this chapter or California law.
3. Ensure that cannabis grown for medical and nonmedical purposes remains secure and does not find its way to minors or illicit markets.
4. Implement state law by providing an equitable approach for regulating the cultivation of medical and nonmedical cannabis in a manner that is consistent with state law and balances the needs of businesses, medical patients and their caregivers with the health, safety, morals and general welfare of the residents and businesses within the city.
5. Require that medical and nonmedical commercial cannabis and commercial cannabis products be cultivated in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the public domain, to provide for the health, safety and welfare of the public, to prevent odor created by cannabis plants from impacting adjacent properties, and to ensure that cannabis remains secure and does not find its way to minors or illicit markets.

5.44.020 Definitions

A. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means marijuana as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt,

derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

B. “Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.

C. “Cannabis cultivation area” means the total aggregate area(s) of cannabis cultivation on a single premise as measured around the outermost perimeter of each separate and discrete area of cannabis cultivation at the drip-line of the canopy expected at maturity and includes, but is not limited to, the space between plants within the cultivation area, the exterior dimensions of garden beds, garden plots, hoop houses, green houses, and each room or area where cannabis plants are grown.

D. “Cannabis indoor cultivation” means cultivation of cannabis using exclusively artificial lighting.

E. “Cannabis mixed-light cultivation” means cultivation of cannabis using any combination of natural and supplemental artificial lighting. Greenhouses, hoop houses, hot houses and similar structures, or light deprivation systems are included in this category.

F. “Cannabis outdoor cultivation” means cultivation of cannabis using no artificial lighting conducted in the ground or in containers outdoors with no covering. Outdoor cultivation does not include greenhouses, hoop houses, hot houses or similar structures.

G. “Cannabis cultivation site” means the premise(s), leased area(s), property, location or facility where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where all or any combination of those activities.

H. “Cannabis dispensary” or “dispensary” means any commercial cannabis facility, whether fixed or mobile, operated in accordance with state and local laws and regulations, where cannabis and/or cannabis products are offered for retail sale, including an establishment that delivers cannabis and/or cannabis products as part of a retail sale, operated pursuant to a cannabis license Type 10, or a cannabis license subsequently established.

I. “Cannabis distribution facility” means the location or a facility, whether fixed or mobile, where a person conducts the business of procuring, selling, and transporting cannabis licensees, and the inspection, quality assurance, storage, labeling, packaging and other related processes. This facility requires a Type 11 license pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”) or a state cannabis license type subsequently established.

J. “Cannabis license” means a state license issued pursuant to MAUCRSA.

K. “Cannabis licensee” means a person issued a state license under MAUCRSA to engage in commercial cannabis uses or activity.

L. “Cannabis manufacturer” means a person that produces, prepares, propagates, or compounds cannabis or cannabis products, either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container, that holds a valid cannabis license Type 6 or 7, or a state cannabis license type subsequently established, and that holds a valid local license or permit.

M. “Cannabis manufacturing facility” means a facility, whether fixed or mobile, that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is operated by a cannabis manufacturer.

N. “Cannabis nursery” means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis

O. “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

P. “Cannabis testing service” or “cannabis testing laboratory” means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products, including the equipment provided by such laboratory, facility, or entity.

Q. “Chief of Police” means the Police Chief of the City, or his or her designated representative.

R. “Child care center” shall have the same meaning as “child day care facility” in Health and Safety Code section 1596.750, and as “day care center” in Health and Safety Code section 1596.76, as both may be amended from time to time: any child care facility, including infant centers, preschools, extended day care facilities, and school-age child care centers where nonmedical care is provided to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

S. “City” means the City of Union City.

T. “City Manager” means the City Manager of the City of Union City, or his or her designated representative.

U. “Commercial Cannabis Permit,” “Cannabis Permit,” or “Permit” shall mean a permit issued by the City pursuant to this chapter for the operation of a commercial cannabis use within the City.

V. “Commercial cannabis use” means any commercial cannabis activity licensed pursuant to MAUCRSA, including but not limited to, cultivation, possession, distribution, laboratory testing, labeling, retail, delivery, sale or manufacturing of cannabis or cannabis products. “Commercial cannabis use” also means any cannabis activity licensed pursuant to additional state laws regulating such businesses. Commercial cannabis uses shall not include legal medical cannabis or cannabis activities carried out exclusively for one’s personal use that do not involve commercial activity or sales.

W. “Council” or “City Council” means the City Council of the City of Union City.

X. “Distributor” means any commercial cannabis operation that distributes cannabis or cannabis products under a valid state Type 11, or a state cannabis license type subsequently established.

Y. “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

Z. “Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

AA. “Medical cannabis” or “medicinal cannabis” means cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act (“CUA,” Health and Safety Code section 11362.7 *et seq.*), the Medical Marijuana Program Act (“MMPA,” Health and Safety Code section 11362.7 *et seq.*) and the Medical Cannabis

Regulation and Safety Act (“MCRSA,” Business and Professions Code section 19300 *et seq.*) and MAUCRSA.

BB. “Microbusiness” means a commercial cannabis facility operating under a state Type 12 license, or a state cannabis license type subsequently established, and meeting the definition of microbusiness Business and Professions Code section 26070(a)(3)(A), as may be amended from time to time, which cultivates less than 10,000 square feet of cannabis and acts as a licensed distributor, Level 1 cannabis manufacturer, and retailer.

CC. “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, tribe, or any other group or combination acting as a unit and includes the plural as well as the singular number.

DD. “Premises” means a legal parcel, or a leasehold interest in land, or a leased or owned space in a building where the commercial cannabis use will be or is conducted.

EE. “Primary caregiver” shall have the same meaning as set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.

FF. “Public place” means any publicly owned property or property on which a public entity has a right of way or easement. Public place also means any private property that is readily accessible to the public without a challenge or barrier, including but not limited to front yards, driveways, and private businesses.

GG. “Qualifying patient” or “qualified patient” shall have the same meaning as set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.

HH. “Operator” means the natural person or designated officer responsible for the operation of any commercial cannabis use and issued a permit pursuant to this chapter.

II. “Sale,” “sell,” and “to sell” shall have the same meaning as set forth in Business and Professions Code section 26001(aa), as the same may be amended from time to time: any transaction whereby, for any consideration, title to cannabis is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom such cannabis or cannabis product was purchased.

JJ. “School” means any public or private school providing instruction to students in kindergarten or any grades 1 through 12.

KK. “Volatile solvent” means volatile organic compounds, including but not limited to: (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O₂ or H₂; and (2) dangerous poisons, toxins, or carcinogens, such as Methanol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene as determined by the Fire Marshall

LL. “Youth center” shall have the same meaning as in Section 11353.1 of the Health and Safety Code, as may be amended from time to time: 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.

5.44.030 Standards for All Commercial Cannabis Uses

A. Purpose. This Section provides the application, development, operating, and permit standards for all commercial cannabis uses within the City. Additional standards may

apply to particular commercial cannabis uses, as established in other Sections of this chapter and as imposed by a commercial cannabis permit.

B. **Applicability.** Commercial cannabis uses shall be permitted only in compliance with the requirements of this chapter, state law and all applicable requirements of the Union City Municipal Code and a commercial cannabis permit issued pursuant to this chapter. Except for hospitals and research facilities that obtain written permission for cannabis cultivation under federal law, it is unlawful to cultivate, distribute, manufacture, test or transport cannabis, in amounts that exceed personal use allowances under California law, within the City without a valid permit issued pursuant to the provisions of this chapter. Possession of other types of State or City permits or licenses does not exempt an applicant from the requirement of obtaining a permit under this chapter.

C. **Limitations on Use.** Commercial cannabis uses shall only be allowed in compliance with this chapter, and all applicable codes set forth in the Union City Municipal Code, including but not limited to: building, plumbing, electrical, fire, hazardous materials, and public health and safety. The operator shall comply with all laws and regulations applicable to the type of use, and shall comply with all permit, license, approval, inspection, reporting and operational requirements of other local, state or other agencies having jurisdiction over the type of operation. The operator shall provide copies of other agency and department permits, licenses, or certificates to the City to serve as verification for such compliance.

D. **Permit Requirements and Application Procedure.** A commercial cannabis permit shall be required for any commercial cannabis use operating within the City. Commercial cannabis uses shall also be subject to permit requirements and regulations established by the state and those established by the City Council through resolution or ordinance. Commercial cannabis permits shall be subject to the requirements and limitations set forth in this chapter and shall be issued according to the following procedure:

1. The City Council shall establish the number of permits issued for each type of commercial cannabis use by resolution, as may be adjusted from time to time. The City Council is not obligated to adopt a resolution to issue permits for any type of commercial cannabis use.

2. The City Council may in its sole discretion elect, by resolution, to open the process for accepting applications for permits for specified commercial cannabis uses. Nothing in this chapter obligates the City Council to open the process for accepting applications. The City Council shall adopt the procedures to govern the application process and the manner in which the City Council will determine the most qualified applicant to receive the permit(s). Following an open application period and review of applications by City staff and recommendations by the City Manager consistent with the City Council adopted procedures, the City Council shall consider commercial cannabis permit applications meeting minimum qualifications at a public hearing. The City shall provide notice to properties and property owners within 300 feet of the boundaries of the property upon which the commercial cannabis business is proposed at least fifteen (15) days prior to the public hearing for consideration of the permit application(s). The City Council may issue permits to up to the maximum number of qualified commercial cannabis permits, as established by resolution, with any and all conditions that the City Council deems necessary. The City Council is not required to issue any permits following the application process and may issue fewer permits than there are qualified applicants.

3. If a commercial cannabis permit becomes available within twelve (12) months following the close of a previous application period, City staff may first review all minimally

qualified applications from the prior application process, and consider them for submittal to the City Council pursuant to the public hearing process in Section 5.44.030(D)(2).

4. The City Council may adopt by resolution such forms, fees, and procedures as are necessary to implement this chapter with respect to the initial selection, future selection, investigation process, renewal, revocation, and suspension of any permit. Such procedures may include a priority ranking system, and appointment of staff review panel for cannabis permits.

5. The City reserves the right to reject any or all applications. Prior to permit issuance, the City may also modify, postpone, or cancel any request for applications at any time without liability, obligation, or commitment to any party, firm, or organization. Applicants for permits assume the risk that the City may elect to terminate or not issue permits for any commercial cannabis uses at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application.

6. The application must include, at a minimum, the following:

a. Signed Affidavit. The property owner and applicant, if other than the property owner, shall sign the application for the cannabis permit, and shall include affidavits agreeing to abide by and conform to the conditions of the permit and all provisions of the Union City Municipal Code pertaining to the establishment and operation of the commercial cannabis use, including, but not limited to, the provisions of this Section. The affidavit(s) shall acknowledge that the approval of the cannabis permit shall, in no way, permit any activity contrary to the Union City Municipal Code, or any activity which is in violation of any applicable laws.

b. All necessary information related to the proposed commercial cannabis use and its proposed operators, including names, birth dates, addresses, social security numbers, relevant criminal history, relevant work history, names of businesses owned or operated by the applicant within the last ten (10) years, investor and/or partner information, and APN number of the parcel upon which the commercial cannabis use will be located. Certain 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. Operating Plan as required under Section 5.44.050(D).

d. Security Plan as required under Section 5.44.030(J).

e. A Zoning Verification Letter from the Economic and Community Development Department that the proposed location of the commercial cannabis use is consistent with Title 18.

f. Property Owner Consent. Permits for commercial cannabis uses shall only be issued where written permission from the property owner and/or landlord is provided. The applicant shall provide evidence of such written consent.

g. Air Quality. The applicant shall provide a calculation of the businesses anticipated emissions of air pollutants. Applicants are encouraged to design their project so as to minimize or avoid air pollutant emissions.

h. Greenhouse Gas Emissions. The applicant shall provide calculations of the anticipated greenhouse gas emissions for the operation of the commercial cannabis use. The applicant shall further demonstrate compliance with any applicable state, regional, or local plan for the reduction of greenhouse gas emissions. No cannabis permit shall be granted for any business that would violate any state, regional, or local plan for the reduction of greenhouse gases, nor shall any cannabis permit be issued where the construction and/or operation of the business would exceed any applicable threshold of significance for greenhouse gas emissions under the California Environmental Quality Act.

i. Hazardous Materials. To the extent that the applicant intends to use any hazardous materials in its operations, the applicant shall provide a completed Building Occupancy Classification form, identifying all hazardous materials proposed for storage, use or handling on the premises, including compressed and cryogenic gases such as carbon dioxide, nitrogen, and others. . “Hazardous materials” includes any hazardous substance regulated by any federal, state, or local laws or regulations intended to protect human health or the environment from exposure to such substances.

j. Water Supply. The applicant shall demonstrate to the satisfaction of the City that sufficient water supply exists for the use.

k. Wastewater. The applicant shall demonstrate to the satisfaction of the City that sufficient wastewater capacity exists for the proposed use. To the extent the proposed use will result in agricultural or industrial discharges to the City’s wastewater system, the applicant shall provide a plan for meeting all federal, state, and local requirements for such discharges.

l. Parking. Application shall be accompanied by a site plan that demonstrates compliance with applicable parking requirements.

m. New or Improved Structures. If new structures or exterior and/or interior building improvements are proposed, including additions to existing buildings and installation of equipment such as tanks for storing hazardous materials, a site plan, floor plan, and elevation plan detailing the location and design shall be submitted with the application.

n., Deferred Maintenance. Any deferred maintenance issues associated with the building and site shall be addressed prior to establishment of the use. This includes, but is not limited to, replacement of dead or deficient landscaping, re-painting of the building, repaving or restriping of parking lot area, replacement of damaged fencing, removal or replacement of uplifted sidewalks, and removal of any trash or debris. A site plan shall be submitted with the application detailing any proposed improvements necessary to comply with this provision.

E. Limited Term and Interests. Permits shall be limited-term, and shall be issued for a maximum period of one (1) year. No property interest, vested right, or entitlement to receive a future permit to operate a commercial cannabis use shall inure to the benefit of such operator as such permits are revocable. The City may elect at any time to cease issuing commercial cannabis permits, including upon receiving credible information that the federal government will commence enforcement measures against such businesses and/or local governments that permit them.

F. Permit Requirements. In addition to state permitting requirements and the requirements of this chapter, all commercial cannabis uses shall be subject to the applicable requirements of Title 18. The City may refuse to issue any discretionary or ministerial permit, license, variance or other entitlement, which is sought pursuant to this Code, including a building permit, where the property upon which the use or structure is proposed is in violation of the Union City Municipal Code, or any other local, state or federal law. Commercial cannabis uses shall also be subject to permit requirements and regulations established by the Union City Municipal Code and any additional requirements established by other sections of this chapter, resolution or ordinance of the City Council. Operators must also obtain a City business license.

1. Operator Qualifications. Commercial cannabis operators must meet the following qualifications:

a. Operators must be 21 years of age or older.

b. Operators shall be subject to a background investigation by the Chief of Police at the time of application for a permit. Permits for commercial cannabis uses shall not be permitted for operators that:

- i. are on parole or probation for the possession, sale, manufacture, use, distribution or transportation of a controlled substance; or
- ii. have been convicted of a crime of moral turpitude; or
- iii. have been convicted of any misdemeanor or felony within the last ten years involving the following: the use of violence, force, fear, fraud or deception; or the unlawful possession, sale, manufacture, use, distribution or transportation of a controlled substance; or the use of money to engage in criminal activity; or the unlawful possession or use of a firearm.

Permits for commercial cannabis uses shall not be permitted for operators with criminal convictions that substantially relate to the qualifications, functions, or duties of the business or profession, including a felony conviction involving fraud, deceit, or embezzlement, a criminal conviction for the sale or provision of illegal controlled substances to a minor, or any criminal conviction for a crime moral turpitude as determined by the Chief of Police.

2. Exercise and Renewal of Permit. Commercial cannabis permits shall be exercised only by the operator and shall expire upon termination of the business for which it was issued, or upon sale or transfer of ownership of the business engaged in the commercial cannabis use, unless the operator obtains City approval. All permits issued shall include the following provision: "This permit shall expire upon change of tenancy or sale or transfer of the business or property." Any permit that is abandoned for a period of six (6) months shall automatically expire, and shall become null and void with no further action required on the part of the City. Permits for commercial cannabis uses, other than dispensaries, shall be issued to the operator for a period not to exceed one (1) year from the date of permit approval and shall be subject to annual permit renewals. The operator must apply for permit renewal a minimum of 30 days prior to the expiration of the limited term permit. A commercial cannabis permit may have its renewal request administratively approved by the City Manager only if all of the following findings are made:

- a. The use has been conducted in accordance with this chapter, with the operator's approved operating and security plans, and with all applicable permit conditions of approval, state and local laws and regulations.
- b. The business for which the permit was approved has not been transferred to another owner or operator.
- c. There are no outstanding violations of health, safety, or land use.
- d. The commercial cannabis use for which the permit was approved has remitted all City taxes and fees due.

3. Revocation and Suspension. Any permit issued under this chapter for commercial cannabis uses may be immediately suspended for any of the reasons listed in (a) through (h) below. Any permit issued under this chapter may be revoked by the City Manager, following notice and opportunity for a hearing, upon any of the following:

- a. An operator fails to comply with the requirements of this chapter, this Code or any conditions of approval of the permit.
- b. An operator's state license for commercial cannabis uses is revoked, terminated, or not renewed.
- c. The commercial cannabis use has not been in regular and continuous operation for three (3) consecutive months.

d. State law permitting the use for which the permit was issued is amended or repealed resulting in prohibition of such use, or the City receives credible information that the federal government will commence enforcement measures against such businesses and/or local governments that permit them.

e. Circumstances under which the permit was granted have changed and the public health, safety, and welfare require the suspension, revocation, or modification.

f. The permit was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the permit application.

g. The operator fails to remit City taxes or fees when due.

h. The operator's state license for commercial cannabis uses is suspended. The City shall not reinstate the permit until documentation is received showing that the state license has been reinstated or reissued. The City shall have discretion as to whether to reinstate any permit.

4. False or misleading information. 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.

5. Appeals.

a. Within ten (10) calendar days after the date of a decision of the City Manager to revoke, suspend or not renew a permit, an aggrieved party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was improper.

b. At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council.

c. Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before the City Council. The City Council shall hear the matter de novo, and shall conduct the hearing pursuant to the procedures set forth by the City.

d. The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than ninety (90) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing. The operator shall not operate the commercial cannabis use while awaiting appeal.

e. At the hearing, the appellant may present any information the appellant deem relevant to the decision appealed.

f. At the conclusion of the hearing the City Council may affirm, reverse or modify the decision of the City Manager. The decision of the City Council shall be final.

G. Compliance with County Health Officials. Commercial cannabis uses shall be subject to any permit requirements and regulations, including inspections, established by the Alameda County Public Health Department. All such permit requirements and regulations shall be interpreted to implement the purpose and intent of this chapter, and shall not prohibit or unreasonably restrict any commercial cannabis use allowed under this chapter.

H. Development Standards.

1. Building Requirements. All structures used for commercial cannabis uses shall comply with all applicable sections of the Union City Municipal Code and shall obtain all required approvals, including any required discretionary approvals or building permits, prior to occupation of the structure. Commercial cannabis uses that provide access to the public including, but not limited to, employees, vendors, contractors, business partners, members, customers or patients shall meet Union City Municipal Code requirements for accessibility including accessible parking, accessible path of travel, restrooms, and washing facilities.

2. Emissions Control. All commercial cannabis uses shall utilize appropriate measures in construction and, where applicable, operations to prevent the emissions of dust, smoke, noxious gases, or other substances that have the potential to impact local or regional air quality.

3. Odor Control and Ventilation. Commercial cannabis uses shall comply with all current and future state laws and regulations related to odor control and ventilation, in addition to any specific requirements for the particular use established in this chapter. No commercial cannabis use may operate in a manner whereby cannabis odors are detectable from adjacent and nearby properties. All commercial cannabis uses must install a ventilation system that adequately controls for odor, humidity, and mold.

I. Health and Safety. Commercial cannabis uses shall not create a public nuisance or adversely affect the health or safety of the nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.

J. Security. The following security measures shall be required by all operators. Additional security measures may apply to particular commercial cannabis uses, as established in this chapter.

1. A site security plan shall be required at the time of permit application and shall be subject to review and approval by the Chief of Police and the City Manager. All site security plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Such plans shall include, at a minimum, information regarding the implementation of the requirements of this Section. The Chief of Police may require additional information, including but not limited to, required on-site security personnel, identification of security personnel and proper certification of personnel, be included in the site security plan.

2. Commercial cannabis uses must have security cameras installed that shall be motion-sensored and capable of recording activity on the property, including entry points to the property, and within all buildings and structures on the property, including all entrances, exits, perimeter windows and all areas where customers and employees may have access, with the exception of any restroom area. Security cameras shall record 24 hours per day, 7 days per week. The premises shall be equipped with, and at all times be monitored by, a secure web-based surveillance system. The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of an individual committing a crime on the premises and the ability to capture license plates entering and exiting the premises. The operator shall provide the Chief of Police remote access of any on-site web-based video surveillance to monitor remotely at any time. Additionally:

a. Areas where cannabis is grown, tested, cured, manufactured, or stored shall have camera placement in the room facing the primary entry door at a height which will provide a clear unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment.

b. Cameras shall also be placed at each location where weighing, packaging, transport preparation, processing, or labeling activities occur. Cameras shall be positioned to record all weighing, packaging, transport preparation, processing, or labeling activities

c. At least one camera must be dedicated to record the access points to the secured surveillance recording area.

d. At each point-of-sale location, camera coverage must enable recording of the customer(s) and employee(s) facial features with sufficient clarity to determine identity.

3. Surveillance video shall be kept for a minimum of sixty (60) days in a format that can be easily accessed for viewing. Operators shall be required to cooperate with all law enforcement investigations and provide video footage related to any such investigation upon request. Motion-sensor lighting and alarms shall be required and shall be professionally installed and monitored to insure the safety of persons and to protect the premises from theft. Alarm and surveillance systems shall be equipped with a failure notification system that provides prompt notification to the operator and any prolonged surveillance interruption and/or failure of the system. All surveillance equipment, records and recordings must be stored in a secured area that is only accessible to management staff. Operators must keep a current list of all authorized employees who have access to the surveillance system and/or alarm system.

4. An operator shall maintain up-to-date and current records and existing contracts on the premises that describe the location and operation of each security alarm system, a schematic of security zones, the name of the alarm installation company, and the name of any monitoring company. All monitoring companies shall be licensed by the Bureau of Security and Investigative Services to monitor motion-sensor lighting and alarms. Off-site monitoring and video recording storage of the premises by the operator or an independent third-party is authorized as long as standards exercised at the remote location meet or exceed all standards for on-site monitoring.

5. All security measures installed on the premises shall have the capability to remain fully operational during a power outage.

6. Weapons and firearms are prohibited on the premises, unless authorized by the Chief of Police. This provision shall not apply to public officials engaged in official duty.

7. Security measures shall be designed to ensure emergency access in compliance with fire safety standards.

8. All structures used for commercial cannabis use shall have locking doors, with commercial-grade non-residential locks, to prevent free access.

9. Security measures shall prevent individuals from remaining on the premises of the commercial cannabis business if they are not engaging in activities expressly related to the operations of the commercial cannabis use.

10. Security measures shall include a transportation plan that details the procedures established for the safe and secure transport of cannabis, cannabis products, and currency to and from the commercial cannabis use premises, including the transfer of currency for remitting City tax payments

11. Except for live growing cannabis plants and products on display for sale at dispensaries during hours which the business is open to the public, all cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault that meets approval of the Chief of Police. To the fullest extent possible, all cannabis and cannabis products shall be kept in a manner that prevents theft and loss, except for limited amounts used for the purposes of display or immediate sales.

12. Panic buttons shall be installed in all commercial cannabis use premises with easy access by employees and all employees shall be properly trained on its use.

13. Any security bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building in compliance with all applicable codes.

14. Windows and roof hatches of the premises shall be secured from the inside with effective means so as to prevent unauthorized entry, and shall be equipped with latches or a similar mechanism that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable provisions in this Code.

15. Each commercial cannabis business shall identify a liaison and provide contact information to the Chief of Police who shall be reasonably available to meet with the Chief of Police regarding security measures and operational issues.

16. Minimum lighting level of one-foot candle shall be provided at building entrances and in parking lot areas. All lighting shall be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. Exterior lighting on the premises shall be balanced to complement the security/surveillance systems to ensure all areas of the premises are visible, and shall provide increased lighting at all entrances to the premises. The lighting required shall be turned on from dusk to dawn. Site security plan shall include a photometric plan meeting these requirements and fixture details if new or upgraded lighting is required.

K. Operating Standards. In addition to any other requirements, the following are the minimum development criteria and operational standards applicable to commercial cannabis uses:

1. The commercial cannabis use shall provide adequate security on the premises pursuant to Section 5.44.030(J), and any additional requirements in this section, including lighting and alarms, to insure the safety of persons and to protect the premises from theft.

2. The site plan, circulation, parking, lighting, facility exterior, and any signage shall be subject to the requirements of Title 18 and City review and approval.

3. No exterior signage or symbols shall be displayed which advertises the availability of cannabis, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior.

4. No person shall be allowed onto the premises of a cannabis dispensary unless they are an employee, customer, vendor or contractor of the dispensary, a primary caregiver, and/or a qualified patient or an employee of an agency having jurisdiction monitoring or investigating the terms of regulatory compliance. If the cannabis dispensary denies entry for monitoring and inspection to any employee of an agency having jurisdiction, the permit may be suspended by the City Manager. In strict accordance with California Health and Safety Code Section 11362.5 et seq., no person under the age of eighteen (18) shall be allowed on a medical cannabis dispensary site, and no person under the age of twenty-one (21) shall be allowed on a nonmedical cannabis dispensary premises pursuant to California Business and Professions Code section 26140. All persons entering the premises shall present a photo identification and shall establish proof of doctor's recommendation, except as representing a regulatory agency; a doctor's recommendation shall not be required for customers of a nonmedical cannabis dispensary. The operating plan submitted pursuant to Section 5.44.050(D) shall specify how the operator will comply with and enforce this provision.

5. Odor control devices and techniques shall be incorporated in all commercial cannabis uses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis uses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation and is not detected outside of

the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis use. As such, commercial cannabis uses must install and maintain the following equipment or any other equipment which the Building Official or designee determines has the same or better effectiveness:

a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or,

b. An air system that creates negative air pressure between the commercial cannabis use's interior and exterior so that the odors generated inside the commercial cannabis use are not detectable on the outside of the commercial cannabis use site.

6. No cannabis dispensary shall conduct or engage in the commercial sale of any product, good or service unless otherwise approved by the permit. A dispensary may sell live starter plants, clones and seeds from qualified nurseries, but shall not cultivate or clone cannabis. An operator of a cannabis dispensary may sell manufactured cannabis, including edible products, and vaporizing devices if the operator has obtained all other necessary permits for such activities.

7. No cannabis shall be consumed on the premises of any commercial cannabis use, unless allowed under a permit. On-site consumption of cannabis may be allowed if expressly permitted by the permit, and if consumption occurs in accordance with state laws and regulations, as may be amended from time to time, and any conditions placed on the permit, including those related to ventilation and odor control.

8. No commercial cannabis use may increase in size without amending the permit and seeking City approval.

9. **Record Keeping.** A medical cannabis dispensary shall maintain records of its members using only the State of California Medical Marijuana Identification Card number issued by the County or the County's designee, pursuant to California Health and Safety Code Section 11362.7 et seq., or a copy of a written doctor's prescription or recommendation, as a protection for the confidentiality of the cardholders. The dispensary shall track when members' medical cannabis recommendations and/or identification cards expire and enforce conditions of membership by excluding members whose identification cards or recommendations are invalid or expired. The dispensary shall maintain member records in a manner to protect confidential information in the records if the records contain information protected by applicable law, including but not limited to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and Public Law 104-191. A dispensary shall exclude members who are caught diverting cannabis for nonmedical use. All membership records shall be maintained on-site.

a. A dispensary shall, by using the patient or caregiver's identification number, keep an accurate account of the number of members that visit the dispensary each month, and also for the entire permit year.

b. The dispensary shall keep accurate records, follow accepted cash handling practices and maintain a general ledger of cash transactions. A medical dispensary shall maintain records of all members' contribution of labor, resources or money to the dispensary.

c. The dispensary shall allow the City to access the books, records, accounts and all data relevant to its operations for purposes of conducting an audit or examination to determine compliance with the Municipal Code, conditions of approval, and applicable laws. Books, records, accounts and all relevant data shall be produced no later than twenty-four (24) hours after receipt of the City's request.

d. The dispensary shall maintain a log of member or customer complaints and shall make the log available to the City upon request. The log shall contain at a minimum: the date of the complaint, the complaining member's identification number or reference to his or her written recommendation, the nature of the complaint, and the action taken by the dispensary to address the complaint.

10. Required Signage. The following signs, in measurements of not less than eight by ten inches (8x10"), shall be clearly and legibly posted in a conspicuous location inside the cannabis dispensaries where they will be visible to customers in the normal course of a transaction, stating:

a. "The sale of cannabis without a state license is illegal."

b. "Smoking cannabis on this property, within twenty feet (20') of the dispensary, or in any public place is illegal under California law."

c. For medical cannabis dispensaries: "No one under the age of eighteen (18) shall be allowed on the premises, unless they are a qualified patient or a primary caregiver."

d. For nonmedical cannabis dispensaries: "No one under the age of twenty-one (21) shall be allowed on the premises."

L. Employees.

1. All employees of operators must be at least 21 years of age.

2. All employees of operators shall be subject to a background investigation and approval by the Chief of Police prior to performing any work for an operator. Applications for City authorization for an employee to work for an operator of a commercial cannabis use shall be developed and processed by the Chief of Police.

3. The Chief of Police may deny authorization to an employee seeking to work for an operator of a commercial cannabis use if the employee:

a. is on parole or probation for the possession, sale, manufacture, use, distribution or transportation of a controlled substance; or

b. has been convicted of a crime of moral turpitude; or

c. has been convicted of any misdemeanor or felony within the last ten years involving the following: the use of violence, force, fear, fraud or deception; or the unlawful possession, sale, manufacture, use, distribution or transportation of a controlled substance; or the use of money to engage in criminal activity; or the unlawful possession or use of a firearm. Employee authorization may be denied for individuals with criminal convictions that substantially relate to the qualifications, functions, or duties of the business or profession, including a felony conviction involving fraud, deceit, or embezzlement, a criminal conviction for the sale or provision of illegal controlled substances to a minor, or any criminal conviction for a crime moral turpitude as determined by the Chief of Police.

4. An operator shall not employ and individual that has not received authorization from the Chief of Police.

5. Each operator of a commercial cannabis use shall maintain on-site a current register of all the employees currently employed by the operator, and shall produce such register to the Chief of Police, designee, or any other City official authorized to enforce the Union City Municipal Code for purposes of determining compliance with this Section.

6. The Chief of Police is authorized to take all actions necessary in order to implement an employee authorization system, which may include requiring any employee of an operator to obtain a work permit from the City. The Chief of Police may establish a fee for the cost of issuing such authorization.

7. An employee that changes employment from the operator of one commercial cannabis use to another commercial cannabis use shall notify the City in writing of the change within ten (10) business days.

8. The Chief of Police may revoke authorization to an employee to upon any of the grounds for denial of authorization pursuant to Section 5.44.030(L)(3).

9. The applicant or authorized employee may appeal the denial or revocation of authorization within ten (10) business days of after notice of the denial is served on the applicant or authorized employee to the City Manager by filing with the City Clerk a written notice of appeal specifying the grounds for such appeal. The appeal must also include the appeal fee established by resolution of the City Council. The date, time, and place of the appeal hearing shall be provided in writing to the applicant or authorized employee with at least ten (10) days' notice and copies of hearing rules. If the applicant or authorized employee fails to present evidence establishing that the denial or revocation is improper, the City Manager shall uphold the determination of the Chief of Police and give written notice to the applicant or authorized employee. The authorized employee shall cease working for an operator of a commercial cannabis use within five (5) days of service of the notice of the City Manager's determination.

M. Tracking. Commercial cannabis operators shall comply with any track and trace program established by the City or state agencies. Commercial cannabis operators must maintain records tracking all cannabis production and products, and shall make all records related to commercial cannabis use available to the City upon request.

N. Police Notification. Operators shall notify the Union City Police Department within 24 hours of discovering any of the following:

1. Significant discrepancies identified during inventory. The level of significance shall be 2% of inventory or per state regulations, whichever is stricter.

2. Diversion, theft, or loss, or any criminal activity involving the commercial cannabis use or any agent or employee of the commercial cannabis use.

3. Any other breach of security.

O. Inspections and Monitoring. Commercial cannabis uses and operations shall be subject to inspections by appropriate local and state agencies, including but not limited to, the Chief of Police and the City. Inspections by the City shall be conducted during regular business hours, with at least 24-hours' notice unless public health or safety otherwise requires. Administrative monitoring shall be required for each commercial cannabis use. An annual inspection and monitoring fee may be adopted by Resolution of the City Council.

P. Restriction on Alcohol Sales. No alcoholic beverages may be sold, dispensed, or consumed on or about the premises of any commercial cannabis use.

Q. Record Keeping.

1. Each operator shall maintain accurate records detailing all revenues and expenses of the commercial cannabis use and all assets and liabilities. On no less than an annual basis, at or before the time of the renewal of a permit, or at any time upon reasonable request of the City, each operator shall file a sworn statement detailing the number of sales by the operator during the previous twelve-month period, or shorter period based upon the timing of the request, provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each operator shall submit to the City a financial audit of the operator's operations conducted by an independent certified public accountant. Each operator shall be subject to a regulatory compliance review and financial audit as determined by the City Manager.

2. Each operator shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis use, and separately of all the officers, managers, employees, and agents currently employed or otherwise engaged by the commercial cannabis use. The register required by this paragraph shall be provided to the City Manager upon request.

3. Each operator shall maintain a record of all persons, patients, collectives and primary caregivers served by the operator as required by MAUCRSA.

4. All operators shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth MAUCRSA.

R. Liability and Indemnification. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this chapter shall not become a personal liability of any public officer or employee of the City. To the maximum extent permitted by law, the operators under this chapter shall defend (with counsel acceptable to the City), indemnify and hold harmless the City and its respective officials, officers, employees, representatives, agents and volunteers from any liability, damages, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings, or judgment (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) against the City to attack, set aside, void or annul, any cannabis-related approvals and actions and strictly comply with the conditions under which such permit is granted, if any. The City may elect, in its sole discretion, to participate in the defense of said action and the operator shall reimburse the City for its reasonable legal costs and attorneys' fees. Operators shall be required to agree to the above obligations in writing.

5.44.040 Standards for Commercial Cannabis Cultivation

A. Purpose. This Section establishes development, operating, and permit standards for commercial cannabis uses related to cannabis cultivation in locations permitted by Title 18.

B. Applicability. This Section shall apply to all commercial cannabis uses related to cannabis cultivation, including but not limited to, cannabis indoor cultivation and cannabis mixed-light cultivation and associated drying, curing, grading, and trimming facilities. Cannabis cultivation does not include operations that manufacture cannabis products such as oils, tinctures, or edibles which are classified separately. Operators engaged in commercial cannabis uses related to cannabis cultivation shall comply with state laws and regulations and the following standards in addition to the requirements of Section 5.44.030. Permits shall only be issued to commercial cannabis cultivation uses identified pursuant to state cannabis license classification Types, 1A, 1B, 1C, 2A, 2B, 3A, 3B and 4, pursuant to Business and Professions Code section 26050. Commercial cannabis use related to cannabis outdoor cultivation is prohibited.

C. Permit Requirements. In addition to the requirements of Section 5.44.030, commercial cannabis uses related to cannabis cultivation shall be subject to requirements of Title 18 and this Section.

D. Limitations on Use. All commercial cannabis uses related to cultivation shall be conducted and maintained in compliance with applicable state laws and regulations, this chapter, and with any other standards adopted by the City Council through resolution or ordinance. All structures related to commercial cannabis uses related to cultivation shall be subject to all

applicable laws, including the California Building Code, California Fire Code, and the Union City Municipal Code.

E. Development Criteria.

1. Number of Permits. Multiple permits may be issued for multi-tenant operations on a single parcel provided that the total cultivation area of all tenants does not exceed the maximum cultivation area allowed under the state license with the largest allowable cultivation area and provided such permits are allowed under state law.

2. Square Footage Limitations. The total combined square footage of the cultivation area shall not exceed the maximum size thresholds as allowed by Title 18 and in the requirements for cannabis license classification Types, 1A, 1B, 1C, 2A, 2B, 3A, 3B, and 4. Structures and areas where cannabis is processed, dried, aged, stored, trimmed, packaged or weighed, and areas where equipment is stored and washed, shall be limited to the on-site cultivation use only.

3. Distance Requirements. Establishment of cannabis cultivation for commercial uses shall be consistent with Title 18 and unless otherwise allowed under state law:

a. Shall not be established on any parcel containing a dwelling unit used as a residence, nor within _____ (____') of a residential zoning district.

b. Shall not be established within _____ feet (____') from any school or child care facility.

c. Shall not be established within _____ feet (____') of any park, library, or youth center.

d. The distance requirements of subsection (E)(3)(a) above may be waived or modified by the City Council when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur, unless otherwise prohibited under state law.

e. All structures used for cannabis indoor cultivation and all structures used for drying, curing, grading or trimming and all indoor cultivation structures shall comply with the setbacks required by this chapter and Title 18. Structures associated with the cultivation shall not be located in the front yard setback area and shall be screened from public view. There shall be no exterior evidence of cultivation either within or outside the structure..

5. Fire Code Requirements. The operator shall prepare and implement a fire prevention plan for construction and ongoing operations and obtain an operational permit from the Fire Department. The fire prevention plan shall include, but not be limited to, emergency vehicle access and turn-around at the facility site(s), vegetation management and fire break maintenance around all structures.

6. Lighting. All indoor and mixed light operations shall be fully contained so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. .

7. Runoff and Stormwater Control. Runoff containing sediment, or other waste or by-products, shall not be allowed to drain to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator shall prepare and implement a stormwater management plan and an erosion and sediment control plan, approved by the City. The plan must include best management practices for erosion control during and after construction, and permanent drainage and erosion control measures pursuant to Chapter 15.85 of the Union City Municipal Code.

8. Security and Fencing. In addition to the security requirements in Section 5.44.030(J), the following security and fencing standards apply to commercial cannabis uses related to cannabis cultivation.

a. Security cameras shall be motion-sensored and be installed with capability to record activity beneath the canopy from surrounding parcels and shall not be pointed at or recording activity on surrounding parcels.

b. All mixed-light cultivation sites shall be screened by native, fire resistant vegetation and fenced with locking gates consistent with height limitations of the base zoning district to screen cultivation operations from public view. Fencing shall be consistent with the surrounding area and shall not diminish the visual quality of the site or surrounding area. Razor wire, chain-link and similar fencing shall not be permitted.

c. Security measures shall be designed to ensure emergency access in compliance with fire safety standards. All structures used for cultivation or storage of cannabis shall have locking doors, using commercial-grade locks, to prevent free access.

F. Operating Standards. In addition to standards contained in Section 5.44.030, the following standards shall apply to all commercial cannabis uses related to cannabis cultivation.

1. Air Quality and Odor. All cannabis cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities. Cultivation sites may not create odors amounting to a nuisance and must comply with the Union City Municipal Code.

2. Energy Use. Use of renewable resources for cannabis indoor cultivation and cannabis mixed-light operations is encouraged, and the City's commercial cannabis permit application procedures may award credit for use of renewable resources.

3. Hazardous Materials. All commercial cannabis uses related to cultivation that utilize hazardous materials shall comply with applicable hazardous waste generator, underground storage tank, above ground storage tanks requirements and maintain any applicable state or local permits for these programs including permits required by the Certified Unified Program Agency ("CUPA").

4. Hours of Operation. The hours of operations for commercial cannabis uses related to cultivation shall be specified in the permit.

5. Waste Management. A waste management plan addressing the storing, handling and disposing of all waste by-products of the cultivation and processing activities shall be submitted for review and approval by the City. This plan shall characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose or reuse the wastes in compliance with any regulations adopted by the City Council through resolution or ordinance.

All garbage and refuse on the site shall be accumulated or stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on the site shall not be accumulated or stored for more than seven (7) calendar days, and shall be properly disposed of before the end of the seventh day. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with local and state codes, laws and regulations. All waste generated from

commercial cannabis uses related to cultivation must be properly stored and secured to prevent access by the public.

6. **Waste Water Discharge.** A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation and domestic waste water anticipated, pre-treatment method (when applicable), as well as disposal method. All commercial cannabis uses related to cultivation shall comply with all state regulations, any regulations adopted by the City Council through resolution or ordinance and the discharger shall submit to the City verification of compliance with the waste discharge requirements of the applicable Regional Water Quality Control Board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sanitary sewer, septic, irrigation, greywater or bio-retention treatment systems.

7. **Water Supply.** An on-site water supply source adequate to meet all on site uses on a sustainable basis shall be provided. Trucked water shall not be allowed, except as noted below and for emergencies requiring immediate action as determined by the City. The onsite water supply shall be considered adequate with documentation of any one of the following sources:

a. **Municipal Water:** The public water supplier providing water service to the site has adequate supplies to serve the proposed use.

b. **Recycled Water:** The use of recycled process waste water from an onsite use or connection to a municipal recycled water supply for the cultivation use, provided that an adequate on-site water supply is available for employees and other uses.

5.44.050 Standards for Commercial Cannabis Dispensaries

A. **Purpose.** This Section provides the location, operational, and permit standards for any cannabis dispensary within the City in order to promote the health, safety, and general welfare of its residents and businesses. The standards in this section shall be in addition to standards contained in Section 5.44.030 for all commercial cannabis uses.

B. **Applicability.** Cannabis dispensaries shall be permitted only in compliance with the requirements of this Section, and all other applicable requirements of this chapter, and Title 18.

C. **Permit Requirements.** Permits shall only be issued to cannabis dispensaries with state cannabis license Types 10 and 12. In addition to the requirements of Section 5.44.030, commercial cannabis uses related to cannabis dispensaries shall be subject to requirements of Title 18 and this Section.

D. **Compliance with Operating Plan and Conditions Required.** In addition to the general requirements of Section 5.44.030, a cannabis dispensary shall submit, as a part of the permit application, an operating plan that specifies the manner in which operations will be handled and security provided, and which details the number of employees, hours and days of operation allowed and approved. The operating plan shall provide that the cannabis dispensary shall require, at a minimum, a doctor's written recommendation in compliance with state law for medical cannabis sales, as well as a photo identification for any person entering the site. Any commercial cannabis use issued a permit for a dispensary shall be operated in conformance with the approved operating plan and shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval to ensure that the operation of the dispensary is consistent with protection of the health, safety and welfare of the community,

customers, qualified patients, and primary caregivers, and will not adversely affect surrounding uses.

E. Distance Requirements. Establishment of cannabis dispensaries shall be consistent with Title 18 and unless otherwise allowed under state law and approved by the City:

1. Shall not be established on any parcel containing a dwelling unit used as a residence, nor within ____ feet (____') of a residential zoning district.

2. Shall not be established within _____ feet (____') of any other medical cannabis dispensary.

3. Shall not be established within _____ feet (____') from any school or child care facility.

4. Shall not be established within _____ feet (____') of any park, library, or youth center.

5. The distance requirements of subsections (E)(1)—(2) above may be waived or modified by the City Council when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur, unless otherwise prohibited under state law.

5.44.060 Standards for Cannabis Manufacturing Facilities, Cannabis Testing Services, Cannabis Distribution Facilities, Deliveries, and Microbusinesses

A. Permits under this Section shall only be issued to operators of commercial cannabis uses with state cannabis license classification Types 6, 7, 8, 10, 11, and 12.

B. Additional Operating Standards. In addition to the requirements of Section 5.44.030 and any requirements of Title 18, commercial cannabis uses permitted under this Section shall not be open to the general public and shall implement a track and trace program that records the movement of cannabis and cannabis products through the business.

C. Distance Requirements. Establishment of commercial cannabis uses under this Section shall be consistent with Title 18 and unless otherwise allowed under state law and approved by the City:

1. Shall not be established on any parcel containing a dwelling unit used as a residence, nor within ____ feet (____') of a residential zoning district.

2. Shall not be established within _____ feet (____') of any other medical cannabis dispensary.

3. Shall not be established within _____ feet (____') from any school or child care facility.

4. Shall not be established within _____ feet (____') of any park, library, or youth center.

5. Notwithstanding, the subsections (E)(1)—(2) may be waived or modified by the City Council when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur, unless otherwise prohibited under state law.

D. Manufacturing and delivery operations shall be subject to additional permitting and inspection requirements of the Alameda County Health Official, per Section 5.44.030(G).

E. Delivery. Deliveries of cannabis in the City shall only be permitted for operators that obtain a permit under this chapter for cannabis dispensaries and operates from a premises within the City. Such operators shall be in conformance with state law, shall be subject to the

permit procedures and requirements for cannabis dispensaries under Section 5.44.050 and comply with the following:

1. Deliveries can only be conducted between the hours of 8:00 a.m. to 8:00 p.m.
2. A delivery business wishing to make deliveries must obtain a state license Type 10, or a state cannabis license type subsequently established.
3. Deliveries shall be made by an employee of the delivery business and said employee shall carry with him/her at all times a physical copy of the permit, business license and state license, when such a license is available. Delivery businesses shall comply with all state law and regulations pertaining to cannabis delivery businesses.

G. Microbusinesses. Any commercial cannabis permit issued to a microbusiness with a Type 12 state license, or a state cannabis license type subsequently established, that contains a dispensary operation, shall be subject to the permit procedures and requirements for cannabis dispensaries under Section 5.44.050. Any commercial cannabis permit issued to a microbusiness with a cultivation component will also be subject to the requirements of Section 5.44.040 for cultivation operations.

5.44.070 Enforcement

- A. Violations.
1. Any activity performed contrary to the provisions of this chapter is hereby declared to be a public nuisance.
 2. Any violation of a term, condition, or the approved plans and specifications of any permit issued pursuant to this chapter shall constitute a violation.
- B. Remedies. In addition to the revocation and suspension provisions in Section 5.44.030(G) and any all available remedies under the law, the following remedies shall be available to the City or other enforcement agency regarding violations of this chapter:
1. Administrative enforcement pursuant to Chapter 1.18 of the Municipal Code.
 2. Civil enforcement.
 3. Criminal enforcement.
- C. In any enforcement action brought pursuant to this Section, whether by administrative or judicial proceedings, each person who causes, permits, suffers, or maintains the unlawful cannabis use shall be liable for all costs incurred by the City, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible person to undertake, any abatement action in compliance with the requirements of this Section. In any action by the agency having jurisdiction to abate unlawful cannabis uses under this Section, whether by administrative or judicial proceedings, the prevailing party shall be entitled to a recovery of the reasonable attorney's fees incurred. Recovery of attorneys' fees under this subdivision shall be limited to those actions or proceedings in which the City elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the City in the action or proceeding.

Attachment 4

Draft Zoning Text Amendment for Commercial Cannabis

EXHIBIT A

Chapter 18.117

COMMERCIAL CANNABIS BUSINESSES

18.117.010 Purpose and Intent.

A. The purpose of this chapter is to impose zoning restrictions on various commercial cannabis uses authorized and licensed by the State of California pursuant to state law. This chapter is not intended to give any person or entity independent legal authority to operate a commercial cannabis use, it is intended to impose zoning restrictions regarding commercial cannabis businesses that may operate in the City pursuant to the Union City Municipal Code and state law. This chapter is in addition to any other business license and regulatory requirements imposed on cannabis businesses by this Code or other applicable state law. If a commercial cannabis use is not specifically permitted in this chapter it is not allowed in any zone within the City.

18.117.020 Applicability.

A. Nothing in this section shall be construed to allow any conduct or activity relating to the cultivation, distribution, dispensing, sale, or consumption of cannabis that is otherwise illegal under local or state law. No provision of this section shall be deemed a defense or immunity to any action brought against any person by the Alameda County District Attorney's office, the Attorney General of the State of California or the United States of America.

18.117.030 Definitions.

A. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

B. "Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.

C. “Indoor cannabis cultivation” means cultivation of cannabis using exclusively artificial lighting.

D. “Mixed-light cannabis cultivation” means cultivation of cannabis using any combination of natural and supplemental artificial lighting. Greenhouses, hoop houses, hot houses and similar structures, or light deprivation systems are included in this category.

E. “Outdoor cannabis cultivation” means cultivation of cannabis using no artificial lighting conducted in the ground or in containers outdoors with no covering. Outdoor cultivation does not include greenhouses, hoop houses, hot houses or similar structures.

F. “Cannabis dispensary” or “dispensary” means any commercial cannabis facility, whether fixed or mobile, operated in accordance with state and local laws and regulations, where cannabis and/or cannabis products are offered for retail sale, including an establishment that delivers cannabis and/or cannabis products as part of a retail sale, operated pursuant to a cannabis license Type 10, or a cannabis license subsequently established.

G. “Cannabis distribution facility” means the location or a facility, whether fixed or mobile, where a person conducts the business of procuring, selling, and transporting cannabis licensees, and the inspection, quality assurance, storage, labeling, packaging and other related processes. This facility requires a Type 11 license pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”) or a state cannabis license type subsequently established.

H. “Cannabis license” means a state license issued pursuant to MAUCRSA or a subsequently applicable state law.

I. “Cannabis manufacturer” means a person that produces, prepares, propagates, or compounds manufactured cannabis or cannabis products, either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or re-labels its container, that holds a cannabis license Type 6 or 7, or a cannabis license type subsequently established.

J. “Cannabis manufacturer” means a person that produces, prepares, propagates, or compounds cannabis or cannabis products, either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container, that holds a valid cannabis license Type 6 or 7, or a state cannabis license type subsequently established, and that holds a valid local license or permit.

K. “Cannabis manufacturing facility” means a facility, whether fixed or mobile, that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is operated by a cannabis licensee for these activities.

L. “Cannabis nursery” means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

M. “Cannabis testing service” or “cannabis testing laboratory” means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products, including the equipment provided by such laboratory, facility, or entity.

N. “Commercial Cannabis Permit,” “Cannabis Permit,” or “Permit” shall mean a permit issued by the City pursuant to chapter 5.44 of the Union City Municipal Code for the operation of a commercial cannabis use within the City.

O. “Commercial cannabis use” means any commercial cannabis activity licensed pursuant to the MAUCRSA, including but not limited to, cultivation, possession, distribution, laboratory testing, labeling, retail, delivery, sale or manufacturing of cannabis or cannabis products. “Commercial cannabis use” also means any cannabis activity licensed pursuant to additional state laws regulating such businesses. Commercial cannabis uses shall not include legal medical cannabis or cannabis activities carried out exclusively for one’s personal use that do not involve commercial activity or sales.

P. “Microbusiness” means a commercial cannabis facility operating under a cannabis Type 12 license, or a cannabis license type subsequently established, and meeting the definition of microbusiness Business and Professions Code section 26070(a)(3)(A), as may be amended from time to time, which cultivates less than 10,000 square feet of cannabis and acts as a licensed distributor, Level 1 manufacturer, and retailer.

18.117.040 General conditions.

A. Commercial cannabis uses are prohibited from operating in all zoning districts in the City except as expressly permitted by and in conformance with the provisions of this chapter as well as Chapter 5.44.

B. All commercial cannabis uses permitted by this chapter must, prior to establishing and operating any such commercial cannabis use, obtain and maintain at all times a valid cannabis license, as may be applicable, and any local permit, license, variance or other entitlement required by this Code, including a commercial cannabis permit.

C. All commercial cannabis uses permitted by this chapter must comply with distance and setback requirements of this Code, including Title 18 and Chapter 5.44, and any established as conditions of approval with a commercial cannabis permit.

D. No commercial cannabis use may operate without a commercial cannabis permit issued by the City.

E. The City is not obligated to issue commercial cannabis permits, but may do so pursuant to Chapter 5.44.

18.117.050 Cannabis manufacturing facility.

A. A Cannabis manufacturing facility is permitted subject to the requirements of this section, the granting of, and compliance with all provisions of, a commercial cannabis permit issued pursuant to Chapter 5.44, and any other required permits or approvals including administrative site development review pursuant to Chapter 18.72 or site development review pursuant to Chapter 18.76 , in the following zone:

1. Light Industrial (ML), subject to any applicable requirements of Chapter 18.40, Article II, ML (Light Industrial) District Regulations.

18.117.060 Cannabis testing service.

A. Cannabis testing services are permitted subject to the requirements of this section, the granting of, and compliance with all provisions of, a commercial cannabis permit, and any other required permits or approvals including administrative site development review pursuant to Chapter 18.72 or site development review pursuant to Chapter 18.76, in the following zones:

1. Light Industrial (ML), subject to any applicable requirements of Chapter 18.40, Article II, ML (Light Industrial) District Regulations.
2. Special Industrial (MS), subject to any applicable requirements of Chapter 18.40, Article III, MS (Special Industrial) District Regulations.

18.117.070 Cannabis distribution facility.

A. Cannabis distribution facilities are permitted subject to the requirements of this section, the granting of, and compliance with all provisions of, a commercial cannabis permit issued pursuant to Chapter 5.44, and any other required permits or approvals including administrative site development review pursuant to Chapter 18.72 or site development review pursuant to Chapter 18.76, in the following zone:

1. Light Industrial (ML), subject to any applicable requirements of Chapter 18.40, Article II, ML (Light Industrial) District Regulations.

18.117.080 Cannabis cultivation.

A. Indoor cannabis cultivation and mixed-light cannabis cultivation is permitted subject to the requirements of this section, the granting of, and compliance with all provisions of, a commercial cannabis permit issued pursuant to Chapter 5.44, and any other required permits or approvals including administrative site development review pursuant to Chapter 18.72 or site development review pursuant to Chapter 18.76, in the following zone:

1. Light Industrial (ML), subject to any applicable requirements of Chapter 18.40, Article II, ML (Light Industrial) District Regulations.

B. Outdoor cannabis cultivation for commercial purposes is prohibited in all zoning districts.

18.117.090 Cannabis dispensary/retail under state license type 10.

A. Cannabis dispensaries, including non-storefront retail cannabis businesses, are permitted subject to the requirements of this section, the granting of, and compliance with all provisions of, a commercial cannabis permit issued pursuant to Chapter 5.44, and any other required permits or approvals including administrative site development review pursuant to Chapter 18.72 or site development review pursuant to Chapter 18.76, in the following zones:

1. Light Industrial (ML), subject to any applicable requirements of Chapter 18.40, Article II, ML (Light Industrial) District Regulations.
2. Special Industrial (MS), subject to any applicable requirements of Chapter 18.40, Article III, MS (Special Industrial) District Regulations.

18.117.100 Microbusiness.

A. Microbusinesses are permitted subject to the requirements of this section, the granting of, and compliance with all provisions of, a commercial cannabis permit issued pursuant to Chapter 5.44, and any other required permits or approvals including administrative site development review pursuant to Chapter 18.72 or site development review pursuant to Chapter 18.76, in the following zone:

1. Light Industrial (ML), subject to any applicable requirements of Chapter 18.40, Article II, ML (Light Industrial) District Regulations.

Attachment 5

Draft Zoning Text Amendment for Personal Cultivation of Cannabis

EXHIBIT A

Chapter 18.118

PERSONAL CULTIVATION OF CANNABIS

18.118.010 Purpose and Intent.

A. The purpose of this chapter is to impose zoning restrictions on the personal cultivation of cannabis pursuant to state law. This chapter is not intended to interfere with a patient's right to use medical cannabis pursuant to state law, as may be amended, nor does it criminalize cannabis possession or cultivation otherwise authorized by state law. This article is not intended to give any person or entity independent legal authority to operate a cannabis business, as it is intended simply to impose zoning restrictions regarding personal cultivation of cannabis in the City pursuant to this Code and state law.

18.118.020 Applicability.

A. Nothing in this article shall be construed to allow any conduct or activity relating to the cultivation, distribution, dispensing, sale, or consumption of cannabis that is otherwise illegal under local or state law. No provision of this article shall be deemed a defense or immunity to any action brought against any person by the Alameda County District Attorney's office, the Attorney General of the State of California or the United States of America.

18.118.030 Definitions.

A. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

B. "Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.

C. "Personal cultivation" means cannabis cultivation conducted by an individual strictly for that individual's personal use, possession, processing, transporting, or giving away without any compensation whatsoever in accordance with this Code and state law, including but not limited to Health and Safety Code Sections 11362.1 and 11362.2, as may be amended.

Personal cultivation also means and includes cultivation of medical cannabis conducted by a qualified patient exclusively for his or her personal medical use, and cultivation conducted by a primary caregiver for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, in accordance with state law, including Health and Safety Code Sections 11362.7 and 11362.765, as may be amended. Except as herein defined, personal cultivation does not include, and shall not authorize, any cultivation conducted as part of a business or commercial activity, including cultivation for compensation or retail or wholesale sales of cannabis.

D. “Indoor cannabis cultivation” means cultivation of cannabis using exclusively artificial lighting.

E. “Mixed-light cannabis cultivation” means cultivation of cannabis using any combination of natural and supplemental artificial lighting. Greenhouses, hoop houses, hot houses and similar structures, or light deprivation systems are included in this category.

F. “Outdoor cannabis cultivation” means cultivation of cannabis using no artificial lighting conducted in the ground or in containers outdoors with no covering. Outdoor cultivation does not include greenhouses, hoop houses, hot houses or similar structures.

G. “Primary caregiver” shall have the same meaning as set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.

H. “Qualifying patient” or “qualified patient” shall have the same meaning as set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.

I. “Medical cannabis” or “medicinal cannabis” means cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act (“CUA,” Health and Safety Code section 11362.7 *et seq.*), the Medical Marijuana Program Act (“MMPA,” Health and Safety Code section 11362.7 *et seq.*) and the Medical Cannabis Regulation and Safety Act (“MCRSA,” Business and Professions Code section 19300 *et seq.*) and the MAUCRSA.

18.118.040 Indoor Cannabis Cultivation and Mixed-Light Cannabis Cultivation for personal use.

A. Indoor cannabis cultivation and mixed-light cannabis cultivation for personal use is permitted within all private residential dwellings and accessory structures to all private residential dwellings within all zoning districts, subject to all of the following minimum standards:

1. All indoor cannabis cultivation and mixed-light cannabis cultivation for personal use, including by a qualified patient or primary caregiver, shall occur in a private residential dwelling or accessory structure to a private residential dwelling, as those terms are defined in Chapter 18.08.

2. No more than six (6) cannabis plants may be cultivated indoors or outdoors (or a combination of both) by either a qualified patient, primary caregiver, or an individual over twenty-one (21) years old at each private residential dwelling regardless of the number of qualified patients or adults twenty-one (21) and older who reside at such private residential dwelling. For example, a qualified patient or adult over the age of twenty-one (21) may grow three (3) plants outdoors and (3) plants indoors for a total of six (6) plants maximum at one residence.

3. Medical cannabis shall only be cultivated by:

a. A qualified patient exclusively for his or her own personal medical use but who does not provide, donate, sell, or distribute medical cannabis to any other person and who can provide a written doctor's recommendation to the City; or

b. A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides medical cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with California Health and Safety Code Section 11362.765(c).

4. Nonmedical cannabis cultivation. For persons other than qualified patients or primary caregivers, all personal cultivation shall be conducted by persons twenty-one (21) years of age or older. The cumulative total of cannabis plants on the property, indoor and outdoor, shall not exceed six (6) cannabis plants, regardless of the number of persons residing at the private residential dwelling.

5. Indoor cannabis cultivation of medical and nonmedical cannabis for personal use may occur inside a private residential dwelling and/or an accessory building or structure on the same parcel, subject to the following restrictions:

i. Structures and equipment used for indoor cannabis cultivation and/or mixed-light cannabis cultivation, such as indoor grow lights, shall comply with all applicable zoning, building, electrical and fire code regulations as adopted by the City.

ii. All accessory buildings and structures used for indoor cannabis cultivation and/or mixed-light cannabis cultivation shall comply with the locational and other requirements set forth in Title 18.

iii. Personal cultivation of cannabis shall not interfere with the primary occupancy of the building or structure, including regular use of kitchen(s) or bathroom(s).

iv. No exterior evidence of cannabis cultivation occurring at the property shall be discernable from the public right-of-way.

v. Nothing in this section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation of cannabis by tenants.

vi. Nothing in this section is intended, nor shall it be construed, to authorize commercial cultivation of cannabis.

vii. Nothing in this section is intended, nor shall it be construed, to authorize any public or private nuisance as specified in this Code.

viii. The cultivation area shall not be accessible to minors.

18.118.050 Outdoor cannabis cultivation – personal use.

A. Outdoor cannabis cultivation for personal use is permitted at all private residential dwellings and accessory structures to all private residential dwellings within all zoning districts of the City., subject to all of the following minimum performance standards:

1. Outdoor cannabis cultivation is only permitted in a rear or side yard that is entirely enclosed by a solid, opaque fence at least six feet high that is associated with a private residential dwelling or an accessory dwelling unit.

2. The height of the cannabis plants shall not exceed the standard fence height applicable to the parcel, or six feet, whichever is lesser.

3. The cannabis plants shall be placed at a minimum setback of ten feet from the edge of canopy to the property line.

4. No exterior evidence of cannabis cultivation occurring at the property shall be visible from the public right-of-way.

5. For persons other than qualified patients or primary caregivers, all outdoor cannabis cultivation for personal use shall be conducted by persons twenty-one (21) years of age or older, and the cumulative total of cannabis plants on the property, indoor and outdoor, shall not exceed six (6) cannabis plants, regardless of number of persons residing at the private residential dwelling.

6. For qualified patients and primary caregivers, the cumulative total of cannabis plants outside and inside shall not exceed six cannabis plants, regardless of the number of qualified patients and primary caregivers residing at the private residential dwelling.

7. Nothing in this section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting cannabis cultivation by tenants.

8. Nothing in this section is intended, nor shall it be construed, to authorize commercial cultivation of cannabis.

9. Nothing in this section is intended, nor shall it be construed, to authorize any public or private nuisance as specified in this Code.

10. Outdoor cannabis cultivation shall not be permitted at residences where minors reside.

18.118.060 Enforcement.

A. Nuisance. Any violation of this article is declared to be a public nuisance and may be abated by the city pursuant to this Code.

B. Penalty. A violation of this section shall either be a misdemeanor or an infraction at the discretion of the prosecuting attorney. However, notwithstanding anything in this code to the contrary, persons violating this section shall not be subject to criminal liability under this Code solely to the extent such conduct or condition is immune from criminal liability pursuant to state law, including the Compassionate Use Act of 1996 (Health and Safety Code Section 11362.5), the Medical Marijuana Program (Health and Safety Code Section 11362.7 et seq.), or the Adult Use of Marijuana Act, as they may be amended. This section does not prohibit the city from abating violations of this section by any administrative, civil or other non-criminal means. In such cases, a violation of this section may be considered the civil or administrative equivalent of an infraction or misdemeanor as applicable.

Attachment 6

Draft Permit and License Application Process for Cannabis Businesses



APPLICATION PROCEDURE TO OPERATE A COMMERCIAL CANNABIS BUSINESS IN UNION CITY

The application process to operate a Commercial Cannabis Business (“CCB”) in Union City will open on Wednesday, **October 11, 2017**. Applications will be available at the Economic & Community Development Department located at City Hall. For questions regarding the application process please review the FAQ’s, at the Union City webpage: www.ci.union-city.ca.us. This outlines the application process, required materials, and other information necessary to operate a CCB in Union City. To be considered, final applications **must be** submitted by **4:00 PM on Friday, November 10, 2017** at the Economic & Community Development Department located at 34009 Alvarado-Niles Road, Union City, CA, 94587. This application process is adopted pursuant to the Union City Municipal Code Section 5.44.010, 5.44.040, and 5.44.090.

BEFORE YOU APPLY:

- Review the information to learn about the application process and which documents you will need.
- Review the application in its entirety to ensure that it is complete and accurate.
- Review the information regarding the commercial cannabis business permit application on the City webpage: www.ci.union-city.ca.us which includes the following information:
 - Local regulations governing Union City CCB’s: Union City Municipal Code (“UCMC”) Chapters 5.44.010, 5.44.040, and 5.44.090.
 - Background authorization form and/or Live Scan
 - Additional application information: Ordinance **No. XX-XXX**.
 - Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)
 - Title 5.44
 - Local Zoning Ordinances Title 18
 - Frequently Asked Questions

- (1) **Application Process: Evaluation and Ranking:** The selection process shall consist of the following Four Phases:

Phase 1: Preliminary determination of eligibility. \$X,XXX

Phase 2: Initial ranking. \$X,XXX

Phase 3: Second ranking. \$X,XXX

Phase 4: City Managers Final Recommendation to City Council. \$X,XXX

For more information, see Evaluation and Selection Process below.

- (2) **Criminal History Check:** As part of Phase 1 of the Application Process each principal/owner must undergo a criminal background check demonstrating that they do not provide “good cause” for denial per UCMC Section 5.44.070 (d) or 5.44.300(m), and the background check fee shall be **\$XXX**. The application for the Live Scan will be available on the City website or at the Economic & Community Development Department in City Hall. Please provide proof of completing your background form and/or Live Scan form by providing proof of a receipt with your application on or before November 10, 2017. This process will be required to meet the minimum threshold qualifications pursuant to UCMC Section 5.44.090. Principals who do not meet criminal history eligibility requirements will be disqualified.

- (3) Applicants will be required to obtain a **“Zoning Verification Letter”** from the Economic & Community

Development Department in City Hall, located at 34009 Alvarado-Niles Road, to ensure that the location proposal the applicant is applying for meets locational requirements prior to submitting their CCB application. The review process typically takes approximately ten (10) working days and will cost \$XXX. The "Zoning Verification Letter" will need to be included with the application package. Please note the issuance of a "Zoning Verification Letter" does not mean the written evidence of permission given by the City of Union City or any of its officials to operate a CCB, nor does it not mean "permit" within the meaning of the Permit Streamlining Act, nor does it constitute an entitlement under the Zoning or Building Code. A regulatory permit for regulating a CCB does not constitute a permit that runs with the land on which the CCB is established. Request for Zoning Verification Letters require a written request from the Economic & Community Development Department and will not be completed over the counter since it may require additional research and review.

- (4) **Application:** Applicants must hand deliver two (2) complete comprehensive and signed copies of the City of Union City Commercial Cannabis Business Form, and all attachments, if any, along with a flash drive which contains one comprehensive and signed copy of the application in a pdf format, and payment of \$X,XXX for the initial application fee by **4:00 PM on Tuesday October 31, 2017**. Payment must be made by a certified check, cashier's check or money order made payable to the City of Union City. Please note the City will not accept cash and Application Fees are non-refundable. A complete application will consist of the following information:
- a. The City of Union City Commercial Cannabis Business Form;
 - b. Background Authorization Form and/or Proof of Live Scan payment for each of the Principals;
 - c. Zoning Verification Letter; and
 - d. All the information about the CCB to be evaluated in Phase 1, Phase 2 and Phase 3 which is described in the Application and Evaluation Process section below in this procedure. The only information that can be submitted after the initial application is proof of property ownership or lease agreement. However, any change in location will require a new "Zoning Verification Letter" and must be submitted with the application package prior to being interviewed as part of Phase 3 of the selection process. Please note that should you choose to submit a different location prior to Phase 3 you can only do so if your initial proposed site was approved as part of your original application package on or before November 10, 2017.

LATE APPLICATIONS WILL NOT BE CONSIDERED.

(5) **Amendments to the Application:** Applicants will not be allowed to make amendments to their application or to supplement their application, except as otherwise specifically permitted in these procedures or as authorized in writing by the City Manager or his/her designee. During Phase 1, applicants will be notified if any of the Principals are ineligible and/or if their application is incomplete and will not move forward in the application process. However, in some cases the City may move forward in the application process to other phases should it anticipate that the Live Scan or background check may be delayed expediting the application process in a timely manner. In this case Applicants wishing to move forward in the process acknowledge by signing the application that they agree to these terms and should they be disqualified because of a background or a Live Scan disqualification they will not be eligible for a refund of any fees collected resulting from the modification of this procedure.

(6) **Payment of Application Fees:** The individual designated as the CCB contact on the application will be notified by e-mail as to whether the application is advancing to Phase 2 and, subsequently, to Phase 3. A payment of \$X,XXX will be due before Phase 2 and a payment of \$X,XXX will be due before Phase 3. As part of Phase 4 all eligible Applicants as determined by the Ordinance or by resolution will be presented to City Council and must pay a fee of \$X,XXX to move forward for final consideration. Deadlines for these payments will be included in the e-mail notification to the primary contact person.

EVALUATION AND SELECTION PROCESS:

The evaluation and selection process shall consist of the following four phases:

➤ **Phase 1: Determination of Eligibility and Application**

- Each Principal must undergo a criminal history check demonstrating compliance with the eligibility requirements of UCMC Section 5.44.070 (d) and 5.44.300 (m).
- Applications must be complete to be considered. Applications will be considered complete only if they include all the information required for Phases 1, 2, and 3.
- Proposed location of business.
- Execute an agreement indemnifying the City from liability.

➤ **Phase 2: Initial Ranking (1,500 Points)**

- Applications will be evaluated based on the following criteria:
 - Proposed Location of business (200 Points)
 - Business Plan (400 Points)
 - Neighborhood Compatibility Plan (300 Points)
 - Safety and Security Plan (300 Points)
 - Air Quality Plan (100 Points)
 - Labor and Employment Plan (200 Points)
- Those applicants who scored a minimum of 80% in Phase 2 will move on to Phase 3.

➤ **Phase 3: Second Ranking (2,500 Points)**

- All applications who score at least 80% in Phase 2, will be interviewed and evaluated by the Selection Committee based on the criteria listed below.
- Prior to the scheduling of the interviews in Phase 3 each of the applicants will be required to have their proposed site inspected by the assigned City designee to ascertain current conditions of the facility.
- The second ranking will be scored based on the following criteria:
 - Final Location (proof of ownership or a signed and notarized statement from the Property Owner (200 Points)
 - Business Plan (300 Points)
 - Community Benefits (300 Points)
 - Enhanced Product Safety (200 Points)
 - Environmental Benefits (200 Points)
 - Labor & Employment (200 Points)
 - Local Enterprise (200 Points)
 - Neighborhood Compatibility Plan (200 Points)
 - Qualifications of Principals (300)
 - Safety and Security Plan (200 Points)
 - Air Quality Plan (200 Points)
- After all the applicants from Phase 3 scores have been tabulated they will be combined with Phase 2 to establish a new ranking of the top applicants. All the applicants who continued to maintain a score of at least 80% or as determined by resolution will move onto Phase 4 of the selection process.

➤ **Phase 4: City Manager's Recommendations and City Council's Final Approval**

Phase 4 Steps to be followed:

1. Selection Committee's final review and evaluation.
2. City Manager presents final rankings and recommendation report to City Council.
3. City Council Approves Final recommendations.

After Phase 3, and before Phase 4, the final applicants chosen from each category shall participate in a public meeting which will be held in the City of Union City Council Chambers on a date and time to be determined by City staff. Notice of the public meeting shall be noticed in the same manner pursuant to UCMC Section 18.52.082. Notice of the public meeting shall be sent to all property owners located within three hundred (300) feet of the proposed business locations of each of the top finalists in each permitted category.

At the Public Meeting, the community will be allowed to present concerns and/or support and provide additional considerations for potential permit conditions that may be implemented by staff. The Public Meeting will not be determinative as to who gets the permit but shall inform staff of potential concerns for which a condition or conditions may be necessary to address. Furthermore, decisions, recommendations, and conditions will be based primarily on-site inspection results, business feasibility, and the viability of the proposed location. After the completion of the Public Meeting and prior to the Selection Committee's final recommendation to City Council, the City reserves the right to request and obtain additional information from any candidate who submitted a proposal. Upon the completion of the final review process, the Selection Committee will tabulate its final scores of the all applicants who were interviewed in Phase 3. The City Manager will present to the City Council the final ranking along with his/her recommendation in which the City Council may award up to the amount permitted by UCMC Section 5.44.080 (a). The City Council reserves the right to award a lesser number of permits, or to award no permits at all. Only those applicants on the final list will be eligible to be issued a permit from the initial permit process. The top Applicants which are being recommended by the City Manager for consideration to the City Council should be prepared to attend a City Council meeting in City of Union City to provide a public presentation before the Mayor and City Council introducing their team and providing an overview of their proposal if requested by the City Manager.

- Please note that being awarded a CCB does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including electrical, plumbing, fire, planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits. Nor does it guarantee that the plans submitted via the CCB application process meet the standards or requirements in Chapter 18 and any other permit requirements from other city departments or agencies.

DESCRIPTION OF EVALUATION CRITERIA:

- **Proposed Location.** Your application must include the address and a detailed description of the proposed location. (Note that proof of ownership, or a notarized letter of the owner's willingness to lease will not be given any additional consideration until Phase 3). This section should also describe all sensitive uses described in within six hundred (600) feet of the proposed location from the property line of a K-12 school, daycare center and youth center. The CCB must be in the appropriate zoning and meet all the locational requirements as described in UCMC Chapter 18.12.010, UCMC Chapter 5.44.090 and 5.44.170.
- **Business Plan.** With as much detail as possible, the Business Plan should describe:
 - Description of day-to-day operations which meet industry best practices for the specific type of permit in which they will be applying for in the City.
 - How the CCB will conform to local and state law. See UCMC Sections 5.44.040, 5.44.210, 5.44.260, 5.44.280, 5.44.300 and Ordinance XX-XXX.
 - Mechanisms for ensuring that the CCB will operate on a Not-for-Profit basis if for medical cannabis until the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) is fully in effect

- or until amendments are made to Chapter 5.44.
- How medical and adult-use will be tracked and monitored to prevent diversion.
- A schedule for beginning operation, including a narrative outlining any proposed construction and improvements and a timeline for completion.

The Business Plan should include:

- A **budget** for construction, operation, maintenance, compensation of employees, equipment costs, utility costs, and other operation costs. The budget must demonstrate sufficient capital in place to pay startup costs and at least three months of operating costs, as well as a description of the sources and uses of funds.
Proof of capitalization, in the form of documentation of cash or other liquid assets on hand, Letters of Credit or other equivalent assets.
 - A **pro forma** for at least three years of operation.
-
- **Neighborhood Compatibility Plan.** For the proposed location, your application should address how the CCB, including its exterior areas and surrounding public areas, will be managed, to avoid becoming a nuisance or having impacts on its neighbors and the surrounding community. Furthermore, a site plan (accurate, dimensioned and to-scale [minimum scale of 1/4"]) should be included for each potential location.
 - **Safety and Security Plan.** For each proposed location, your application should include:
 - A detailed **safety plan**. This plan should describe the fire prevention, suppression, HVAC and alarm systems the facility will have in place. **It should include an assessment of the facility's fire safety by a qualified licensed fire prevention and suppression consultant.** An appropriate plan will have considered all possible fire, hazardous material, and inhalation issues/threats and will have both written and physical mechanisms in place to deal with each specific situation.
 - A detailed **security plan**. This plan should include a description and detailed schematic of the overall facility security. It should have details on operational security, including but not limited to general security policies for the facility, employee specific policies, training, sample written policies, transactional security, visitor security, 3rd party contractor security, and delivery security. In particular, applications should address ingress and egress access, perimeter security, product security (at all hours), internal security measures for access (area specific), types of security systems (alarms and cameras), and security personnel to be employed. **The security plan shall also include an assessment of site security by a qualified licensed security consultant.** Security plans will not be made public.
 - A **floor plan** showing existing conditions. If changes are proposed as part of the project, then a proposed floor plan should also be submitted. The floor plan(s) should be accurate, dimensioned and to-scale (minimum scale of 1/4").
 - **Community Benefits.** The application should describe benefits that the CCB would provide to the local community, such as employment for residents of the City, community contributions, or economic incentives to the City.
 - **Enhanced Product Safety.** The application should state how the CCB will ensure enhanced consumer safety as required by State and/or local law.
 - **Environmental Benefits.** The application should describe any proposed "green" business practices relating to energy and climate, water conservation, and materials and waste management.
 - Labor & Employment.** The application should describe to what extent the CCB will adhere to heightened pay and benefits standards and practices, including recognition of the collective bargaining rights of employees. Specific practices that are subject to consideration include the following:
 - Providing compensation to and opportunities for continuing education and training of employees/staff (applications should provide proof of the CCB policy and regulations to employees);
 - Providing a "living wage" to facility staff and employees. Wage scale should be provided in writing for all levels of employment at the facility. "Living Wage" shall mean 150% of the minimum wage mandated by California or Federal law, whichever is greater.
 - **Local Enterprise.** The application should state the extent to which the CCB will be a locally

- managed enterprise whose Principals reside within Union City and/or the County of Alameda.
- **Qualifications of Principals.** The application should include information concerning any special business or professional qualifications or licenses of principals that would add to the number or quality of services that the CCB would provide, especially in areas related to medical cannabis, such as scientific or health care fields.
 - **Air Quality Plan.** Must demonstrate the air circulation does not impact the employees' health and welfare nor the surrounding businesses.


The City's Reservation of Right's

The City reserves the right to reject any and/or all proposals, with or without any cause or reason. The City may also, modify, postpone, or cancel the request for permit applications without liability, obligation, or commitment to any party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any candidate submitting a proposal. Late proposals WILL BE REJECTED. Furthermore, a proposal RISKS BEING REJECTED for any of the following reasons:

1. The application or documents submitted are incomplete, filed late, or not responsive to the requirements of this code.
2. The issuance of the permit or operation of the commercial cannabis business at the proposed location is inconsistent with State law, Chapter 5.44, or other applicable City of Union City Municipal Codes.

CONTACT:

If you have any questions or would like an update on the status of your application, please contact (Joan Malloy at 510-675-5319) or by email at Jmalloy@unioncity.org.

	<p align="center">Union City Economic & Community Development Department</p>	<p>FEE PAID \$ _____</p>
	<p>34009 Alvarado-Niles Road, Union City, CA 94587</p> <p align="center">Tel: 510-675-5319 Email: jmalloy@unioncity.org</p>	<p>DATE STAMP HERE</p>

COMMERCIAL CANNABIS BUSINESS PERMIT APPLICATION FORM

Business Name: _____

Business Primary Contact: _____

Contact Title: _____

Contact's Mailing Address: _____

Phone #: _____ **E-mail:** _____

24-Hour Contact Information: _____

Type(s) of Permit Being Requested: _____

Please select from one or more of the following categories for which you are applying for a Commercial Cannabis Business Permit.

- ☐ Cultivation
- ☐ Distribution
- ☐ Manufacturer
- ☐ Retailer-Store Front
- ☐ Retailer- None Store Front
- ☐ Testing Lab
- ☐ Please check this box to indicate whether there are other related applications

For details about the information required as part of the application process, please see the Implementation Procedures to Operate a Commercial Cannabis Business in Union City, Ordinance No. XX-XX and additional requirements to complete the application process. All these documents can be found on the Union City webpage: www.ci.union-city.ca.us

Phase II**Section A: Principal Background Information (Must be signed by all Principals)**

Under penalty of perjury, I acknowledge that I have personal knowledge of the information stated in this application and that the information contained herein is true. I also understand that the information provided in this application, except the Safety and Security Plan in Section C and certain confidential information such as driver's license and social security number which can be redacted, may be public information and subject to disclosure under the California Public Records Act.

Principal Name: _____

Principal Title: _____

Principal Home or Cell Phone: _____

Principal Home Address: _____

Principal Signature: _____ **Date:** _____

Attachments:

____ Receipt from background check (Live Scan)

____ Picture of applicant (two passport quality photographs 2X2)

____ Copy of Social Security Card

____ Copy of Driver's License, or DMV issued ID Card, or Passport

____ Proof of address (DMV-issued ID/driver's license, and/or recent utility bill under Principal's name)

Staff use only: Pass background check

☐

Principal Name: _____

Principal Title: _____

Principal Home or Cell Phone: _____

Principal Home Address: _____

Principal Signature: _____ **Date:** _____

Attachments:

____ Receipt from background check (Live Scan)

____ Picture of applicant (two passport quality photographs 2X2)

____ Copy of Social Security Card

____ Copy of Driver's License, or DMV issued ID Card, or Passport

____ Proof of address (DMV-issued ID/driver's license, and/or recent utility bill under Principal's name)

Staff use only: Pass background check

☐

Principal Name: _____

Principal Title: _____

Principal Home or Cell Phone: _____

Principal Home Address: _____

Principal Signature: _____ Date: _____

Attachments:

____ Receipt from background check (Live Scan)

____ Picture of applicant (two passport quality photographs 2X2)

____ Copy of Social Security Card

____ Copy of Driver's License, or DMV issued ID Card, or Passport

____ Proof of address (DMV-issued ID/driver's license, and/or recent utility bill under Principal's name)

Staff use only: Pass background check

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Add more pages as necessary to accommodate signatures of all Commercial Cannabis Business Principals.

1. List whether, the applicant(s) has other licenses and/or permits issued to and/or revoked from the applicant, in the three years prior to the year of the permit application, such other licenses and or permits relating to similar business activities as in the permit application. If yes, please list the type, current status, issuing/denying for each license/permit. (Please attach a separate document explanation if necessary)

2. List any and all partners who have been convicted of a felony, or has engaged in misconduct that is substantially related to the qualifications, functions or duties of a commercial cannabis operator, applicant, owner or employee. A conviction within the meaning of this section means a plea or verdict of guilty, or a conviction following a plea of nolo contendere. (Please attach a separate document explanation if necessary)

Section B: Business Organization Status

1. Describe the Commercial Cannabis Business organizational status:

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Attach proof of status, such as articles of incorporation, by-laws, partnership agreements, and other documentation as may be appropriate or required by the City.

Section C: Commercial Cannabis Business Description and Location

1. Statement of Purpose of the Commercial Cannabis Business (a separate sheet may be attached):

2. Proposed Location and APN # of Business: _____

3. Name and address of property owner: _____

4. Name and address of school closest to Proposed Location: _____

5. Name and address of existing alcohol related establishment closest to Proposed Location:

6. Have you received a Zoning Verification Letter? (Please check the appropriate response)

Yes _____ (If yes, include documentation with this section of the application) No _____

7. Description of neighborhood around the proposed location (surrounding uses, nearby sensitive uses (such as schools, youth center, churches, parks, daycares, or libraries), transit access to site, etc. A separate sheet may be attached.
-
-
-
-
-

8. Site plan must be dimensioned and show the entire parcel including parking and additional structures. In addition, please, show elevations and photos of proposed location (Attach to application). If any exterior alterations are proposed for the existing building, also attach proposed site plans (accurate, dimensioned and to-scale [minimum scale of $\frac{1}{4}$ "]) should be included for each potential location and elevations.

9. Floor Plans (Attach to application accurate, dimensioned and to-scale [minimum scale of $\frac{1}{4}$ "]) should be included for each potential location). If any interior alterations are proposed for the existing building, also attach proposed floor plans.

10. Signage Plan.

11. Vicinity Map.

12. Photos of the site and building(s).

Section D: Required supplemental information

This information is required for this application to be considered complete. Attach the following reports to the application. For explanation about the information required, see the Implementation Procedures handout.

- ☐ Business Plan
- ☐ Neighborhood Compatibility Plan
- ☐ Safety and Security Plan

PHASE III

Section E: Final Location Information

Attach proof of ownership of the site OR signed and notarized statement from the owner.

Section F: Essential Supplemental Information

This information is required and you must submit this as part of meeting the requirements for a completed application. Check the box evidencing that you have read the Description of Evaluation Criteria related to these specific categories in the Implementation Procedures and attach the relative report(s) to the application.

- ☐ Air Quality Plan
- ☐ Enhanced Product Safety
- ☐ Environmental Benefits
- ☐ Community Benefits
- ☐ Labor and Employment
- ☐ Local Enterprise
- ☐ Qualifications of Principals

Staff use only:

Date of initial application: _____

Number assigned to application: _____

Date fee received for Phase II: _____

Date application reviewed for Phase II: _____

Points Awarded in Phase II: _____

☐

Continued to Phase III

☐

Denied

Date fee received for Phase III: _____

Date Proof of ownership was verified or a signed and notarized statement from the property owner was received for Phase III: _____

Date application reviewed for Phase III: _____

☐

Approved

☐

Denied

Date fee received for Phase IV: _____

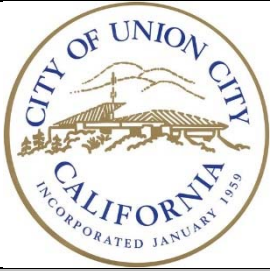
Date application reviewed for Phase IV: _____

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Approved

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Denied



CITY OF UNION CITY

**Commercial Cannabis Business
Employee/Owner Background Application**

34009 Alvarado-Niles Rd.
Union City, CA 94587
(510) 675-5319

Page 1 of 2

COMMERCIAL CANNABIS BUSINESS APPLICANT INFORMATION

Name as Shown On Application →	LAST NAME ON APPLICATION	FIRST NAME ON APPLICATION	MIDDLE NAME ON APPLICATION
---------------------------------------	--------------------------	---------------------------	----------------------------

APPLICANT INFORMATION

Social Security Number → [] →	LAST NAME ON SOCIAL SECURITY CARD	FIRST NAME ON SOCIAL SECURITY CARD	MIDDLE NAME ON SOCIAL SEC. CARD
California Driver's License → [] →	LAST NAME ON CALIFORNIA DRIVER'S LICENSE	FIRST NAME ON CAL. DRIVER'S LICENSE	MIDDLE NAME ON CAL. DRIVER'S LIC.

SEX <input type="checkbox"/> Male <input type="checkbox"/> Female	AGE	DATE OF BIRTH	RACE	HEIGHT	WEIGHT	HAIR	EYES
LIST YOUR CURRENT HOME ADDRESS, CITY, ZIP CODE (<u>NO P.O. BOXES ALLOWED</u>)						CELL PHONE #	
LIST ANY OTHER NAMES YOU HAVE EVER USED (Maiden, Married, Nicknames, etc.)				BIRTH COUNTRY/STATE		LANGUAGES SPOKEN	

CRIMINAL HISTORY

List all arrest or convictions other than infractions for traffic violations IF ADDITIONAL SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS TO THE APPLICATION. **PLEASE NOTE ANY FALSE STATEMENTS, MISLEADING STATEMENTS OR OMISSIONS ON THIS APPLICATION OR ON THE CCB PERMIT SHALL BE GROUNDS FOR DISQUALIFICATION.**

1	ARREST DATE	ARRESTING AGENCY / LOCATION / COURT NAME	CHARGE / REASON FOR ARREST
	DISPOSITION (WHAT WAS THE OUTCOME OF THE CASE: Were you sentenced? Did you have to pay a fine? Probation? Parole? Etc.)		
2	ARREST DATE	ARRESTING AGENCY / LOCATION / COURT NAME	CHARGE / REASON FOR ARREST
	DISPOSITION (WHAT WAS THE OUTCOME OF THE CASE: Were you sentenced? Did you have to pay a fine? Probation? Parole? Etc.)		
3	ARREST DATE	ARRESTING AGENCY / LOCATION / COURT NAME	CHARGE / REASON FOR ARREST
	DISPOSITION (WHAT WAS THE OUTCOME OF THE CASE: Were you sentenced? Did you have to pay a fine? Probation? Parole? Etc.)		

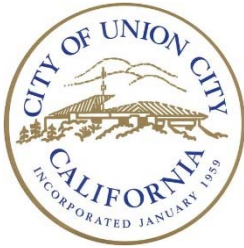
STATEMENT OF PERJURY

I DECLARE UNDER THE PENALTY OF PERJURY, UNDER THE LAWS OF THE STATE OF CALIFORNIA AND THE CITY OF UNION CITY, THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

APPLICANT'S SIGNATURE x	JOB TITLE (POSITION ON THE APPLICATION)	DATE
----------------------------	---	------

CITY STAFF USE ONLY

DATE / TIME	\$ FEE AMOUNT PAID	\$ RECEIPT #	CITY STAFF'S NAME	CITY DEPARTMENT
-------------	--------------------	--------------	-------------------	-----------------



CITY OF UNION CITY
Commercial Cannabis Business
Employee/Owner Background Information

34009 Alvarado-Niles Rd.
Union City, CA 94587
(510) 675-5319

Page 2 of 2

ADDITIONAL ARREST INFORMATION

ARREST DATE	ARRESTING AGENCY / LOCATION / COURT NAME	CHARGE / REASON FOR ARREST
DISPOSITION (WHAT WAS THE OUTCOME OF THE CASE: Were you sentenced? Did you have to pay a fine? Probation? Parole? Etc.)		
ARREST DATE	ARRESTING AGENCY / LOCATION / COURT NAME	CHARGE / REASON FOR ARREST
DISPOSITION (WHAT WAS THE OUTCOME OF THE CASE: Were you sentenced? Did you have to pay a fine? Probation? Parole? Etc.)		
ARREST DATE	ARRESTING AGENCY / LOCATION / COURT NAME	CHARGE / REASON FOR ARREST
DISPOSITION (WHAT WAS THE OUTCOME OF THE CASE: Were you sentenced? Did you have to pay a fine? Probation? Parole? Etc.)		

LIST ALL REGULATED ONLY COMMERCIAL CANNABIS EMPLOYMENT HISTORY

BUSINESS NAME	CITY / STATE	PHONE	START DATE	END DATE

BACKGROUND INVESTIGATION RELEASE

To Whom It May Concern:

I am an applicant/employee with a Commercial Cannabis Business in the City. I desire and request the City Manager, or Chief of Police of the City of Union City, and/or his/her agents, employee or lawful representative(s) to take my photograph and fingerprints or use the information in this application for the purpose of conducting a background check to verify that I meet the qualifications required to obtain a Commercial Cannabis Business Permit to operator or to be employed with such business as required by the City Municipal Code and/or State Law.

I agree to provide any information requested or deemed necessary to provide the State of California Department of Justice and the Federal Bureau Investigation, or any other law enforcement agency or third party consultant authorized by the City Manager or Chief of Police.

I understand this will serve to disclose any record of arrests to which I have been the subject that resulted in conviction. I further agree to hold the City of Union City, its officers, agents, or lawfully delegated representatives, harmless from any action(s), or damages whatsoever or at all, which may result from the taking of such fingerprints or forwarding them to the appropriate law enforcement agency for a record's check and/or obtaining access to any other documentation which pertains to meeting the qualification for a Commercial Cannabis Business Permit or Employee Permit.

By signing this form I am acknowledge and agree to comply with all the conditions and terms of this application. I also understand that falsifying and/or omitting any information on this application may be grounds for denial of a permit or is grounds for termination of employment per the Union City Ordinance.

APPLICANT'S SIGNATURE	DATE	PERSON REVIEWING APPLICATION:	DATE
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Attachment 7

Godbe Scientific Survey Results



GODBE RESEARCH
Gain Insight

CITY OF UNION CITY

2017 Cannabis Planning Survey

Topline Report

n=529

18-minutes

Likely November 2020 Voters

August 9, 2017

www.godberesearch.com

Northern California and Corporate Offices
1575 Old Bayshore Highway, Suite 102
Burlingame, CA 94010

Nevada
59 Damonte Ranch Parkway, Suite B309
Reno, NV 89521

Pacific Northwest
601 108th Avenue NE, Suite 1900
Bellevue, WA 98004

METHODOLOGY

Sample Universe:

26,561 Likely November 2020 Voters

Sample Size:

n=529 Likely November 2020 Voters

Data Collection: Landline, Cell Phone, Online Interviewing from email invitation, and Online from a text invitation

Landline = 73

Cell phone = 67

Email/Online = 112

Text/Online = 277

Margin of Error: $\pm 4.22\%$

Interview Dates: July 29 to August 7, 2017

UNION CITY CLIMATE

		Column N %	Count	Σ or Mean
1. In your opinion, is the City of Union City going in the right direction, wrong direction or staying about the same?	Right direction	26.5%	140	
	Staying about the same	41.6%	220	
	Wrong direction	10.3%	54	
	DK/NA	21.6%	114	

GENERAL AWARENESS & SUPPORT OR OPPOSITION

		Column N %	Count	Σ or Mean
2. Before taking this survey, had you seen, heard or read anything about the City of Union City's efforts to plan for the commercial cultivation, manufacturing, testing, and sale of marijuana products?	Yes, have seen, heard or read	17.0%	90	
	No, have not seen, heard or read	81.4%	430	
	DK/NA	1.6%	8	
3. Do you support or oppose the legalization of marijuana for recreational purposes?	Strongly support	31.2%	165	
	Somewhat support	22.1%	117	
	Somewhat oppose	11.1%	59	
	Strongly oppose	32.5%	172	
	DK/NA	3.2%	17	
	Total Support	53.3%		
	Total Oppose	43.6%		
4. Do you support or oppose the sale of medical marijuana in the City of Union City?	Strongly support	36.8%	195	
	Somewhat support	25.9%	137	
	Somewhat oppose	9.4%	50	
	Strongly oppose	22.8%	121	
	DK/NA	5.1%	27	
	Total Support	62.7%		
	Total Oppose	32.2%		
5. A majority of Union City voters supported Proposition 64. Does knowing this change your opinion opposing the sale of medical marijuana in the City of Union City?	Yes, knowing this I would consider supporting the sale of medical marijuana	3.6%	6	
	No, still oppose the sale of medical marijuana	93.6%	160	
	DK/NA	2.8%	5	

LOCATION OF MARIJUANA FACILITIES IN UNION CITY

		Column N %	Count	Σ or Mean
6. Do you support or oppose the legal sale of medical marijuana in retail zoned areas in the City of Union City?	Strongly support	29.2%	155	
	Somewhat support	22.8%	120	
	Somewhat oppose	9.8%	52	
	Strongly oppose	30.2%	160	
	DK/NA	8.0%	42	
	Total Support	52.0%		
	Total Oppose	40.0%		
7. Do you support or oppose the legal sale of medical marijuana in industrial zoned areas in the City of Union City?	Strongly support	31.3%	166	
	Somewhat support	20.3%	107	
	Somewhat oppose	13.4%	71	
	Strongly oppose	28.4%	150	
	DK/NA	6.6%	35	
	Total Support	51.6%		
	Total Oppose	41.8%		
8. Do you support or oppose the City of Union City's efforts to create a comprehensive marijuana program for the commercial cultivation, manufacturing, testing, and sale of medical marijuana products?	Strongly support	39.6%	209	
	Somewhat support	26.5%	140	
	Somewhat oppose	7.5%	40	
	Strongly oppose	21.2%	112	
	DK/NA	5.2%	27	
	Total Support	66.1%		
	Total Oppose	28.7%		

POSSIBLE MARIJUANA BUSINESS REGULATIONS

		Column N %	Count	Σ or Mean
9. Why is that?	Opposed to marijuana/Program	14.0%	21	
	Exposure to youth	11.8%	18	
	Crime/Invites crime/Drug dealing	11.4%	17	
	Not legal/Federal drug laws	10.5%	16	
	Dangerous/Unhealthy/Addiction/Impaired mind	10.5%	16	
	Not in Union City/My neighborhood	9.0%	14	
	Smell/Air pollution	5.9%	9	
	Available elsewhere/Other cities	5.9%	9	
	Medical use is acceptable	5.6%	8	
	Driving while high/Accidents	5.6%	8	
	Distributed by pharmacists/Hospitals	3.7%	6	
	No recreation use	3.2%	5	
	Tax revenue not a benefit	2.7%	4	
	Public safety/SecuritySafety	2.6%	4	
	Abuse/Medical use abused by recreational users	2.5%	4	
	Medical cards obtained illegally/Used for recreation use instead	2.4%	4	
	Opposed to city involvement	2.3%	3	
	Its a drug	2.1%	3	
	Reduce quality of life/Hurt community	2.0%	3	
	Needs to be controlled	2.0%	3	
	People smoking in car/street/close to kids/homes/parks	1.9%	3	
	Effect on individuals/After consumption	1.7%	3	
	Will be too readily available	1.7%	3	
	Police services will increase/Can't keep up now	1.5%	2	
	No way to enforce regulations	1.4%	2	
	More important issues to address/Traffic/Housing	1.0%	2	
	Lack trust in city/System to control	0.8%	1	
	Environment/Water/Soil	0.4%	1	
	Use of fertilizers/Pesticides	0.4%	1	
	Water/Power requirements needed	0.4%	1	
	Regulations could be circumvented/Loopholes	0.4%	1	
	No test for impairment	0.3%	1	
	Leads to stronger drugs	0.3%	0	
	Retail is acceptable	0.2%	0	
	Robbery of marijuana related businesses	0.0%	0	

		Column N %	Count	Σ or Mean
9. Why is that? (continued)	Problems in Denver	0.0%	0	
	Grow/Sold controlled by government	0.0%	0	
	Grown only on special farms	0.0%	0	
	No cultivation	0.0%	0	
	Will encourage illegal sales/Manufacturing/Cultivation	0.0%	0	
	Not all users are responsible	0.0%	0	
	Secured dispensary is acceptable	0.0%	0	
	Need to know more about the program/Plan	0.0%	0	
	No way to control it	0.0%	0	
	Other Mention - Positive	0.0%	0	
	Other Mention - Negative	1.7%	3	
	Other	0.0%	0	
	DK/NA/Not sure	14.5%	22	
10. Do you support or oppose the safe cultivation, manufacturing and testing of medical marijuana in industrial zoned areas in the City of Union City?	Strongly support	36.1%	191	
	Somewhat support	23.6%	125	
	Somewhat oppose	7.4%	39	
	Strongly oppose	26.5%	140	
	DK/NA	6.3%	34	
	Total Support	59.8%		
	Total Oppose	33.9%		
11. How concerned are you that the cultivation, manufacturing, testing, and sale of medical marijuana in Union City would create public safety issues?	Extremely concerned	25.1%	133	
	Very concerned	15.3%	81	
	Somewhat concerned	28.7%	152	
	Not at all concerned	27.8%	147	
	DK/NA	3.0%	16	

		Column N %	Count	Σ or Mean
12. Why is that?	Crime/Invites crime/Drug dealing	19.1%	41	
	Exposure to youth	18.1%	39	
	Public safety/SecuritySafety	8.8%	19	
	Driving while high/Accidents	8.0%	17	
	Police services will increase/Can't keep up now	4.2%	9	
	Not in Union City/My neighborhood	4.0%	9	
	Leads to stronger drugs	3.7%	8	
	Robbery of marijuana related businesses	3.4%	7	
	Effect on individuals/After consumption	3.2%	7	
	Needs to be controlled	3.2%	7	
	Abuse/Medical use abused by recreational users	2.8%	6	
	Dangerous/Unhealthy/Addiction /Impaired mind	2.7%	6	
	Will be too readily available	2.5%	5	
	Opposed to marijuana/Program	2.5%	5	
	No recreation use	1.9%	4	
	Reduce quality of life/Hurt community	1.8%	4	
	Environment/Water/Soil	1.6%	3	
	Not all users are responsible	1.4%	3	
	Medical use is acceptable	1.3%	3	
	Not legal/Federal drug laws	1.3%	3	
	No cultivation	1.2%	2	
	Retail is acceptable	1.2%	2	
	Available elsewhere/Other cities	0.7%	2	
	Grow/Sold controlled by government	0.7%	2	
	People smoking in car/street/close to kids/homes/parks	0.7%	1	
	Regulations could be circumvented/Loopholes	0.6%	1	
	Lack trust in city/System to control	0.5%	1	
	No way to control it	0.5%	1	
	More important issues to address/Traffic/Housing	0.5%	1	
	Problems in Denver	0.4%	1	
	Smell/Air pollution	0.3%	1	
	Need to know more about the program/Plan	0.2%	1	
	Tax revenue not a benefit	0.2%	1	
	Its a drug	0.2%	0	
	No test for impairment	0.1%	0	
	Opposed to city involvement	0.1%	0	

		Column N %	Count	Σ or Mean
12. Why is that? (continued)	Medical cards obtained illegally/Used for recreation use instead	0.1%	0	
	Will encourage illegal sales/Manufacturing/Cultivation	0.0%	0	
	Distributed by pharmacists/Hospitals	0.0%	0	
	Use of fertilizers/Pesticides	0.0%	0	
	Water/Power requirements needed	0.0%	0	
	Grown only on special farms	0.0%	0	
	Secured dispensary is acceptable	0.0%	0	
	No way to enforce regulations	0.0%	0	
	Other Mention - Positive	0.2%	0	
	Other Mention - Negative	1.6%	4	
	Other	6.5%	14	
	DK/NA/Not sure	16.3%	35	
13. How concerned are you that the cultivation, manufacturing, testing, and sale of medical marijuana in Union City would create environmental issues?	Extremely concerned	14.5%	77	
	Very concerned	10.5%	55	
	Somewhat concerned	29.0%	153	
	Not at all concerned	38.1%	202	
	DK/NA	7.9%	42	
14. Why is that?	Environment/Water/Soil	17.7%	23	
	Use of fertilizers/Pesticides	11.4%	15	
	Smell/Air pollution	9.9%	13	
	Crime/Invites crime/Drug dealing	6.9%	9	
	Exposure to youth	6.5%	9	
	Water/Power requirements needed	6.2%	8	
	Distributed by pharmacists/Hospitals	4.0%	5	
	No way to enforce regulations	3.2%	4	
	Abuse/Medical use abused by recreational users	3.1%	4	
	Grown only on special farms	3.1%	4	
	Not in Union City/My neighborhood	2.7%	4	
	Not all users are responsible	2.7%	3	
	Opposed to marijuana/Program	2.4%	3	
	Reduce quality of life/Hurt community	2.3%	3	
	Not legal/Federal drug laws	2.2%	3	
	Lack trust in city/System to control	2.0%	3	
	Needs to be controlled	1.8%	2	
	Driving while high/Accidents	1.5%	2	
	Dangerous/Unhealthy/Addiction /Impaired mind	1.3%	2	
	Opposed to city involvement	0.9%	1	

		Column N %	Count	Σ or Mean
14. Why is that? (continued)	Public safety/SecuritySafety	0.8%	1	
	Tax revenue not a benefit	0.6%	1	
	Its a drug	0.2%	0	
	People smoking in car/street/close to kids/homes/parks	0.2%	0	
	Need to know more about the program/Plan	0.2%	0	
	Police services will increase/Can't keep up now	0.2%	0	
	No cultivation	0.1%	0	
	Regulations could be circumvented/Loopholes	0.0%	0	
	Robbery of marijuana related businesses	0.0%	0	
	Available elsewhere/Other cities	0.0%	0	
	No test for impairment	0.0%	0	
	Medical cards obtained illegally/Used for recreation use instead	0.0%	0	
	Medical use is acceptable	0.0%	0	
	No recreation use	0.0%	0	
	Problems in Denver	0.0%	0	
	Grow/Sold controlled by government	0.0%	0	
	Retail is acceptable	0.0%	0	
	Will encourage illegal sales/Manufacturing/Cultivation	0.0%	0	
	Will be too readily available	0.0%	0	
	Leads to stronger drugs	0.0%	0	
	Secured dispensary is acceptable	0.0%	0	
	Effect on individuals/After consumption	0.0%	0	
	No way to control it	0.0%	0	
	More important issues to address/Traffic/Housing	0.0%	0	
	Other Mention - Positive	0.4%	1	
	Other Mention - Negative	2.9%	4	
	Other	2.3%	3	
	DK/NA/Not sure	19.0%	25	
15. If the City of Union City requires a medical marijuana dispensary to undergo strict background checks and screening of employees by Union City Police; installation of a physical security system that secures both the property and the building, and uses security guards to keep employees and customers safe; and regulation ensuring that patients meet the new criteria for prescription holders to purchase the medical marijuana, would you support or oppose the cultivation, manufacturing, testing, and sale of medical marijuana in the City of Union City?	Strongly support	41.5%	220	
	Somewhat support	29.5%	156	
	Somewhat oppose	5.0%	26	
	Strongly oppose	21.0%	111	
	DK/NA	3.1%	16	
	Total Support	71.0%		
	Total Oppose	26.0%		

		Column N %	Count	Σ or Mean
16. Why is that?	Police services will increase/Can't keep up now	9.3%	13	
	Regulations could be circumvented/Loopholes	8.1%	11	
	Not in Union City/My neighborhood	7.3%	10	
	Opposed to marijuana/Program	7.0%	10	
	Abuse/Medical use abused by recreational users	6.4%	9	
	Crime/Invites crime/Drug dealing	5.7%	8	
	Dangerous/Unhealthy/Addiction /Impaired mind	4.8%	7	
	Public safety/SecuritySafety	3.8%	5	
	Lack trust in city/System to control	3.3%	5	
	Opposed to city involvement	3.3%	4	
	Will be too readily available	2.9%	4	
	Exposure to youth	2.9%	4	
	Not legal/Federal drug laws	2.5%	3	
	Tax revenue not a benefit	2.4%	3	
	Robbery of marijuana related businesses	2.3%	3	
	Driving while high/Accidents	2.3%	3	
	Reduce quality of life/Hurt community	2.3%	3	
	Medical cards obtained illegally/Used for recreation use instead	1.7%	2	
	More important issues to address/Traffic/Housing	1.4%	2	
	No cultivation	1.4%	2	
	No way to enforce regulations	1.3%	2	
	No way to control it	0.9%	1	
	Smell/Air pollution	0.9%	1	
	Distributed by pharmacists/Hospitals	0.8%	1	
	Available elsewhere/Other cities	0.5%	1	
	Effect on individuals/After consumption	0.5%	1	
	Secured dispensary is acceptable	0.4%	1	
	People smoking in car/street/close to kids/homes/parks	0.3%	0	
	Its a drug	0.3%	0	
	Grown only on special farms	0.3%	0	
	Leads to stronger drugs	0.2%	0	
	Environment/Water/Soil	0.0%	0	
	No test for impairment	0.0%	0	
	Use of fertilizers/Pesticides	0.0%	0	

		Column N %	Count	Σ or Mean
16. Why is that? (continued)	Water/Power requirements needed	0.0%	0	
	Medical use is acceptable	0.0%	0	
	No recreation use	0.0%	0	
	Problems in Denver	0.0%	0	
	Grow/Sold controlled by government	0.0%	0	
	Retail is acceptable	0.0%	0	
	Will encourage illegal sales/Manufacturing/Cultivation	0.0%	0	
	Not all users are responsible	0.0%	0	
	Need to know more about the program/Plan	0.0%	0	
	Needs to be controlled	0.0%	0	
	Other Mention - Positive	1.6%	2	
	Other Mention - Negative	2.8%	4	
	Other	7.4%	10	
	DK/NA/Not sure	20.1%	28	
17. On January 1, 2018, the State of California will begin issuing business licenses to companies that want to sell recreational marijuana. Cities will have discretion on whether to allow the commercial sale of recreational marijuana products. Do you support or oppose the City of Union City issuing business licenses for cultivation, manufacturing, testing, and sale of recreational marijuana products?	Strongly support	31.9%	169	
	Somewhat support	20.8%	110	
	Somewhat oppose	10.5%	55	
	Strongly oppose	33.1%	175	
	DK/NA	3.8%	20	
	Total Support	52.6%		
	Total Oppose	43.6%		

		Column N %	Count	Σ or Mean
18A. There would be police supervision of the business	Much more likely	29.9%	158	52.8%
	Somewhat more likely	22.9%	121	
	No effect	24.8%	131	
	Somewhat less likely	5.6%	30	
	Much less likely	14.3%	76	
	DK/NA	2.5%	13	
18B. Physical security systems that secure both the property and the building, including security cameras and security guards to keep employees and customers safe, would be required	Much more likely	40.4%	213	59.3%
	Somewhat more likely	18.9%	100	
	No effect	21.9%	116	
	Somewhat less likely	5.0%	27	
	Much less likely	11.2%	59	
	DK/NA	2.7%	14	
18C. There would be increased law enforcement focusing on the illegal use and sales	Much more likely	32.4%	171	50.1%
	Somewhat more likely	17.8%	94	
	No effect	25.3%	134	
	Somewhat less likely	4.5%	24	
	Much less likely	17.6%	93	
	DK/NA	2.5%	13	
18D. The Union City Police Department would increase its substance abuse education at local schools	Much more likely	37.1%	196	58.5%
	Somewhat more likely	21.4%	113	
	No effect	23.8%	126	
	Somewhat less likely	2.4%	13	
	Much less likely	11.7%	62	
	DK/NA	3.7%	19	
18E. Marijuana businesses would be required to have odor control that would ensure no smell came from the business location	Much more likely	34.4%	182	54.9%
	Somewhat more likely	20.6%	109	
	No effect	28.8%	152	
	Somewhat less likely	2.2%	11	
	Much less likely	12.7%	67	
	DK/NA	1.5%	8	
18F. All medical marijuana sold would be pesticide free	Much more likely	38.6%	204	57.5%
	Somewhat more likely	18.8%	100	
	No effect	27.9%	148	
	Somewhat less likely	1.9%	10	
	Much less likely	11.7%	62	
	DK/NA	1.0%	5	
18G. There would be environmental regulations to ensure there is no discharge of pesticides and other hazardous materials during cultivation or manufacturing	Much more likely	42.2%	223	60.8%
	Somewhat more likely	18.6%	98	
	No effect	22.8%	121	
	Somewhat less likely	3.3%	17	
	Much less likely	12.0%	63	
	DK/NA	1.2%	6	

		Column N %	Count	Σ or Mean
18H. Fire prevention procedures would be required at all facilities	Much more likely	39.7%	210	58.6%
	Somewhat more likely	18.9%	100	
	No effect	25.4%	134	
	Somewhat less likely	3.0%	16	
	Much less likely	10.6%	56	
	DK/NA	2.4%	13	
18I. The Union City Police Department would enforce strict background checks and screening of employees at all marijuana businesses	Much more likely	38.9%	206	58.9%
	Somewhat more likely	20.0%	106	
	No effect	23.9%	126	
	Somewhat less likely	3.7%	19	
	Much less likely	11.2%	59	
	DK/NA	2.4%	13	
18J. There would be regulation ensuring that patients meet the new criteria for prescription holders to purchase medical marijuana	Much more likely	32.6%	172	54.1%
	Somewhat more likely	21.6%	114	
	No effect	27.0%	143	
	Somewhat less likely	3.6%	19	
	Much less likely	12.2%	64	
	DK/NA	3.1%	17	
18K. The Police Department would monitor all large commercial sales to ensure the product is not being resold illegally by unlicensed dealers	Much more likely	37.2%	197	58.4%
	Somewhat more likely	21.1%	112	
	No effect	23.1%	122	
	Somewhat less likely	2.7%	14	
	Much less likely	13.5%	71	
	DK/NA	2.3%	12	

	Column N %	Count	Σ or Mean
18G. There would be environmental regulations to ensure there is no discharge of pesticides and other hazardous materials during cultivation or manufacturing			0.77
18H. Fire prevention procedures would be required at all facilities			0.76
18B. Physical security systems that secure both the property and the building, including security cameras and security guards to keep employees and customers safe, would be required			0.74
18I. The Union City Police Department would enforce strict background checks and screening of employees at all marijuana businesses			0.73
18D. The Union City Police Department would increase its substance abuse education at local schools			0.72
18F. All medical marijuana sold would be pesticide free			0.71
18K. The Police Department would monitor all large commercial sales to ensure the product is not being resold illegally by unlicensed dealers			0.67
18E. Marijuana businesses would be required to have odor control that would ensure no smell came from the business location			0.63
18J. There would be regulation ensuring that patients meet the new criteria for prescription holders to purchase medical marijuana			0.61
18A. There would be police supervision of the business			0.50
18C. There would be increased law enforcement focusing on the illegal use and sales			0.44

		Column N %	Count	Σ or Mean
19. Are there any other requirements or regulations regarding medical and recreational marijuana that you want to see in place in the City of Union City?	Not in Union City/My neighborhood	5.2%	28	
	Not near schools	5.1%	27	
	Don't allow it	4.4%	23	
	Don't allow use in public areas	3.1%	16	
	Opposed to marijuana	2.7%	14	
	Opposed to recreational marijuana	2.5%	13	
	Education for drug/Alcohol addiction	2.1%	11	
	No sales to minors/Protect kids	2.1%	11	
	Enforce regulations/Have penalties	1.7%	9	
	Do not over regulate/Too much regulation	1.6%	8	
	Additional cost for police/Implementation	1.4%	8	
	Medical marijuana is acceptable	1.4%	7	
	Educate/Train police not to profile/Harass marijuana users	1.4%	7	
	If all regulations/Requirements met should be good	1.4%	7	
	Treat like any other business/Alcohol establishments	1.3%	7	
	Limit hours of operations	1.2%	7	
	Will be a burden on police resources	1.1%	6	
	Product are safe/Tested	1.1%	6	
	Abuse	0.8%	4	
	Safety/Security	0.8%	4	
	Penalties for driving under the influence of marijuana	0.8%	4	
	Not in residential areas	0.8%	4	
	Dispense like prescription/Dosage/Labels/Warnings	0.7%	4	
	Prescriptions issued under strict requirements	0.7%	4	
	Make it illegal	0.7%	4	
	No pesticides/Chemicals	0.6%	3	
	Those involved now get first chance at a license	0.6%	3	
	Need more information	0.5%	3	
	Hurt community/Quality of life	0.5%	3	
	Concerned about other important issues	0.5%	3	
	Limit number of store/dispensary	0.5%	3	
	Not near parks	0.5%	3	

		Column N %	Count	Σ or Mean
19. Are there any other requirements or regulations regarding medical and recreational marijuana that you want to see in place in the City of Union City? (continued)	Periodic review/Inspections/Police checks	0.3%	2	
	Limit store front advertisement	0.3%	1	
	How will tax revenues be used	0.2%	1	
	Funding to schools/Education	0.2%	1	
	Tax it	0.2%	1	
	Possible corruption/Need consequences	0.2%	1	
	Dangerous/Unhealthy	0.1%	1	
	Protection for home growers	0.1%	1	
	City can benefit financially	0.1%	1	
	Use revenue wisely	0.1%	1	
	Need complaint resolution process	0.1%	1	
	High water use/Drought	0.1%	0	
	Not near library's	0.0%	0	
	Penalties for under age use	0.0%	0	
	Other Mention - Positive	0.1%	0	
	Other Mention - Negative	0.3%	2	
	No/None/Nothing	26.4%	140	
	Other	0.5%	3	
	DK/NA/Not sure	29.3%	155	
20. How many medical marijuana retail outlets should be allowed in the City of Union City?	0	27.4%	145	
	1	11.6%	61	
	2	9.5%	50	28.0%
	3	6.9%	37	
	4	2.8%	15	
	5	7.5%	40	11.8%
	6	1.5%	8	
	7	0.1%	1	
	8	0.6%	3	4.3%
	10	3.6%	19	
	15	0.5%	3	
	19	0.1%	0	
	20	0.5%	3	
	25	0.9%	5	
	35	0.5%	2	
	40	0.2%	1	
	50	1.2%	7	5.7%
	60	0.1%	0	
	100	0.9%	5	
	110	0.5%	3	
	500	0.0%	0	
	900	0.1%	0	
	1000	0.2%	1	
	Not sure/DK/NA	22.9%	121	

		Column N %	Count	Σ or Mean
21. How many marijuana cultivation or manufacturing facilities should be allowed in the City of Union City?	0	29.5%	156	
	1	13.5%	71	
	2	11.1%	59	28.9%
	3	4.3%	23	
	4	2.2%	12	
	5	5.4%	29	7.8%
	6	0.2%	1	
	7	0.1%	0	
	8	0.5%	2	3.3%
	10	2.7%	15	
	15	0.5%	3	
	20	0.3%	1	
	25	0.4%	2	
	30	0.3%	1	
	50	0.3%	1	3.2%
	60	0.1%	0	
	100	0.2%	1	
	500	0.1%	1	
	900	0.7%	4	
	1000	0.4%	2	
	Not sure/DK/NA	27.3%	144	

GROSS RECIEPTS TAX

		Column N %	Count	Σ or Mean
<p>22. To maintain and enhance the City of Union City, with funding that cannot be taken by Sacramento, including:</p> <ul style="list-style-type: none"> • supervision of cannabis businesses, • enforcement of cannabis (marijuana) licensing requirements and environmental regulations, • substance abuse educational programs, and • other general city services, <p>shall the City of Union City levy an ongoing tax of up to 10% of gross receipts of cannabis businesses in the City, providing \$500,000 annually, requiring independent financial oversight and audits, and that all funds stay in the City of Union City?</p>	Definitely Yes	35.7%	189	
	Probably Yes	25.4%	134	
	Probably No	9.9%	52	
	Definitely No	19.9%	105	
	DK/NA	9.2%	48	
	Total Yes	61.1%		
	Total No	29.7%		

DEMOGRAPHICS

		Column N %	Count	Σ or Mean
A. Now, just a few background questions for comparison purposes. Do any children under the age of 18 live in your household?	Yes	34.8%	184	
	No	64.3%	340	
	DK/NA	0.9%	5	
B. Respondent's Gender	Male	46.5%	246	
	Female	52.4%	277	
	Other	1.1%	6	
C. Age	18-29	15.8%	83	
	30-39	15.6%	83	
	40-49	16.9%	89	
	50-64	27.7%	147	
	65+	24.1%	127	
	Not coded	0.0%	0	
D. Ethnic Surname	Japanese	0.6%	3	
	Chinese	9.7%	51	
	Hispanic	17.4%	92	
	Jewish	0.5%	3	
	Armenian	0.0%	0	
	Vietnamese	1.3%	7	
	Italian	2.9%	15	
	Korean	0.4%	2	
	African American	3.2%	17	
E. Homeownership Status	Owner	64.5%	341	
	Renter	35.5%	188	
F. Survey Type	Cell phone	6.0%	32	
	Landline	39.9%	211	
	Email to online	30.0%	158	
	Text to online	24.1%	127	
G. Party	Democrat	57.7%	305	
	Republican	12.0%	64	
	Other	3.3%	17	
	DTS	27.0%	143	
H. Household Party Type	Dem 1	21.8%	115	
	Dem 2+	21.0%	111	
	Rep 1	4.2%	22	
	Rep 2+	3.1%	16	
	Other 1	12.4%	65	
	Other 2+	6.6%	35	
	Dem & Rep	4.6%	24	
	Dem & Other	17.7%	93	
	Rep & Other	5.2%	28	
	Dem, Rep & Other	3.6%	19	

		Column N %	Count	Σ or Mean
I. Registration Date	2013 to 2017	43.4%	230	
	2009 to 2012	11.3%	60	
	2005 to 2008	15.9%	84	
	2001 to 2004	6.8%	36	
	1997 to 2000	7.3%	39	
	1993 to 1996	3.1%	16	
	1981 to 1992	7.0%	37	
	1980 or before	5.2%	27	
	Not Coded	0.0%	0	
J. Voting History		See detailed crosstabs		
K. Times Voted in Last Elections	0	12.9%	68	
	1	10.6%	56	
	2	8.4%	45	
	3	4.9%	26	
	4	8.1%	43	
	5	6.1%	32	
	6	3.9%	21	
	7	4.0%	21	
	8	6.3%	33	
	9	4.3%	23	
	10	5.2%	27	
	11	7.5%	40	
	12	8.1%	43	
	13	9.6%	51	
	14	0.1%	0	
L. Absentee Voter	0	40.3%	213	
	1	11.7%	62	
	2	4.9%	26	
	3	3.9%	21	
	4	4.4%	23	
	5	4.4%	23	
	6	2.4%	13	
	7	3.3%	17	
	8	3.4%	18	
	9	3.3%	18	
	10	2.1%	11	
	11	3.4%	18	
	12	6.0%	32	
	13	6.4%	34	
M. Likely November 2020 Voter	Yes	100.0%	529	
	No	0.0%	0	
N. Likely June 2020 Voter	Yes	67.1%	355	
	No	32.9%	174	

		Column N %	Count	Σ or Mean
O. Likely November 2018 Voter	Yes	81.5%	431	
	No	18.5%	98	
P. Likely June 2018 Voter	Yes	43.0%	228	
	No	57.0%	301	
Q. Permanent Absentee Voter	Yes	70.7%	374	
	No	29.3%	155	
R. Likely Absentee Voter	Yes	55.1%	291	
	No	44.9%	238	

Attachment 8

Comments Received on City Web Page

I hope union city takes a progressive approach regarding cannabis.

Let us be the city that embraces this industry! It's a harmless plant that can bring tons of revenue.
=)

Because AUMA allows indoor personal cultivation regardless of regulations by local jurisdictions, I think Union City should re-allow outdoor cultivation. Indoor cultivation is more costly, unsafe, and is less eco-friendly.

Union City originally passed a law against all cultivation due to a vague section of the version of the MCRSA that was originally passed. The section in question seemed to imply that if local jurisdictions did not pass their regulations before May of 2016, they'd forced to accept the state-level defaults. In a rush, Union City (along with many other California cities) passed a ban on delivery and cultivation.

This section of the MCRSA was subsequently repealed by an amendment to the original bill. The repeal of that section combined with the fact that state law (AUMA) now prevents cities from banning personal indoor cultivation leads me to believe the city should re-allow outdoor cultivation, though perhaps with

I would like the City Council to keep in mind that the current marijuana law includes the following limitations (listed below), as does the current Union City Smoking Ordinance 7.13. This is of utmost importance to me and my husband as owners of two rentals in a condo complex where ourselves, and adult and child neighbors can be negatively impacted by second-hand smoke.

State of CA:

11362.79. Nothing in this article shall authorize a qualified patient or person with an identification card to engage in the smoking of medical marijuana under any of the following circumstances:

***** (a) In any place where smoking is prohibited by law.*****

Thank you.

Merrill & Floyd Keeth

I am not interested in having a store or stores in Union City selling cannabis. I don't like the possibilities of having problems in our city, due to selling it here. The only cannabis sales I am interested in seeing in Union City would be for medical purposes only. - I was disappointed when I got a phone call yesterday asking me to answer questions regarding Union City, but was disqualified when she asked if I worked for Union City, or was on a Commission, or a committee here. - Thanks for giving me this opportunity to give my opinion.

I'm glad it will be legal. That seems much safer to me, you can choose milder or no-high types that help with certain medical conditions. I hope Union City doesn't overreact and ban stores.

For the record, I do not use any illegal drugs and I don't like the smell of pot. It would be nice to be able to have a legal transaction and safe, trusted place to purchase in the future, if needed.

Better over-the-counter than in-the-back alley.

I work for a medical cannabis company that provides, capsules, tinctures and rollons for folks fighting cancer, epilepsy, drug addiction, insomnia, fibromyalgia, etc. Cannabis does not have the side effects that big pharma does. No one has ever been cured by chemotherapy....but folks have been cured on cancer because of it.

Step into the 21st century and listen to the people of your area....it is time to accept medical cannabis/recreations cannabis...it is far safer than alcohol.

I am a Union City resident and, although, I am NOT a cannabis user, I feel we should allow the responsible use, growth, and sale of cannabis. It is a waste of my tax dollars to enforce anti-cannabis policies. Focus on bigger issues and real drugs.

This law has split families. I come from a law abiding background, however, my spouse comes from a more liberal background.

Her two relatives have moved onto our property and at least one of them is a card carrying pothead. This has led to smoking on our property. With weekly pot parties.

I have complained to my spouse to no avail. I am afraid of what example our youngest child is seeing from these people.

Is there no place where these people can smoke their poison and leave law abiding citizens alone???

I am fearful of a pending divorce.

I don't like smelling pot in public. I don't mind if people smoked in their own homes or their own backyards but I sincerely hope Union City never allows this in public.

I was a pothead in high school and I stopped smoking because it screwed up my short-term memory. It took a long time for me to recover from it and now I stay away from the stuff.

I hope it remains illegal for those 21 and under. Children should not be around this stuff. Just like alcohol it needs to be used only if required for medical reasons. If people will smoke it for recreational use, it needs to be tightly controlled - how it is grown, how it is sold, the THC levels, who sells it, who it is sold to. Human beings don't need extremely high levels of THC unless there is a medical reason such as cancer where pain levels are extremely high. Otherwise use for other reasons such as stress or anxiety,

I am unable to attend this meeting. I would like to register my position that personal growing be legal in Union City. I use serious pain killers and would like to transition into pain management with cannabis, however, it is quite expensive. I live on a fixed income and the ability to grow my own would make this possible

Bad idea! Don't want drugs and intoxicants in my community. Don't do it.
I think we would need more police driving around neighborhoods both Decoto side and the West side. I can already assume private sales and drug crimes will increase.
Good Job
Wish to learn more about the rules regarding Cannabis
My concern is increase in driving under the influence of this substance.
I am a union city resident and cannabis user with doctor recommendation.
I support all who use cannabis for both nonmedical and medical use.
Not only does it help those who truly need it for medical reasons, it honestly brings the community together in a positive view.
For example, 2 complete strangers can have nothing in common but could easily bond and have a peaceful experience sharing cannabis socially.
Cannabis is also a great revenue for the City. I think its a great idea to bring businesses to our community for locals and tourists.
Its a fact that people love weed - whether it helps out their stress, comforts their physical pain, makes socializing fun with friends or just seems cool to wear weed leaf merchandise as self experssion. Legal or not, its always been around and more people feel comfortable to admit they rather "wine down" after a hard days work with a joint than alcohol. Besides, its a natural plant grown from earth - no weird chemicals or man made crap added to it. No one can overdose on weed, you cant dumb yourself down (sativa actually gives you a great creative thoughts & ideas), and it doesnt make you do crime. All that taboo is oldschool nonsense, the worst a stoner could do is grow a big appetite and eat tons of munchies. Other than that, were are just hippies who love to spread love, positive vibes and appreciate
I don't smoke marijuana personally and have never had an issue with it. I understand the issues with illegal use and drug dealing but don't feel that I will ever be affected by it. I do believe there are some benefits to it. I am very neutral on the topic.
I hope smoking will continue to be severely regulated. I will not tolerate second hand smoke.
State and local governments cannot legalize marijuana on their own. First, marijuana must be legalized at the Federal level. And, since the government has not legalized recreational or medicinal marijuana use, it is still illegal. It doesn't matter what Jerry Brown or California voters do. Marijuana will continue to be illegal until the law at the Federal is changed.
My thoughts are NO...this is something that we do not need in our city. I am currently doing research in Denver which has had many problems associated with cannabis dispensing. I am strictly opposed to any commercial cultivation, manufacturing and dispensing of cannabis. The Police has better things to do instead of monitoring cannabis dispensing.

To whom it may concern,

As a resident of the city, I believe the cultivation of cannabis for commercial or non-commercial use should be allowed in Union City. By restricting the cultivation of cannabis we are only delaying the inevitable and would let the surrounding cities get ahead start in this industry.

Any concerns for law enforcement getting burden with extra responsibility to provide security to the cannabis farms and shops should be alleviated by levying appropriate tax to support extra police force.

I think benefit of passing favorable local laws outweighs any disadvantages. As a state, we have approved the AUMA. Please do not delay enacting it in the city and deprive the city for sizable tax income.

Please NO recreational marijuana or cannibus in Union City.

Opening up delivery will drastically cut into traffic concerns. Most folks prefer delivery in my

While I don't advocate anyone taking inebriating drugs, criminalising them has been a complete and disastrous failure. Regulate and tax, like alcohol and cigarettes, and most importantly educate.

Medical marijuana is a different situation, and should be available to patients with a prescription at pharmacies like any other medication.

Cannabis saved my life. After several surgeries, addiction to opiates developed. Ten years I battled with this addiction and tried all the other pharmaceuticals to get me off the ones I was addicted to. Cannabis finally did the trick for me, and for so many others. It has so many REAL medical benefits that can help a variety of ailments.

I hope my city, Union City, will adopt a policy that will allow for the safe purchase of adult use

Attachment 9

Comments Received at the August 8, 2017 City Council Study Session

CANNABIS POLICY STUDY SESSION

SURVEY 08.08.17



SHOULD THE CITY OF UNION CITY ALLOW:

RETAIL/SALES	Yes	No	Not sure
MEDICAL cannabis dispensaries within the city?	32	6	3
ADULT-USE cannabis sales within the city?	28	8	4
DELIVERIES	Yes	No	Not sure
Delivery of MEDICAL cannabis to private residences within the city?	32	5	4
Delivery of ADULT-USE cannabis to private residences within the city?	28	7	5
CULTIVATION/GROWING	Yes	No	Not sure
Commercial cultivation of cannabis on private property?	27	9	5
MANUFACTURING	Yes	No	Not sure
Commercial manufacturing of cannabis/cannabis products within the city?	30	9	2

CITY OF RESIDENCE (REQUIRED) _____

OPTIONAL INFORMATION

If you would like updates on city cannabis policy discussions, please print your name and email:

NAME _____

EMAIL _____

please print clearly

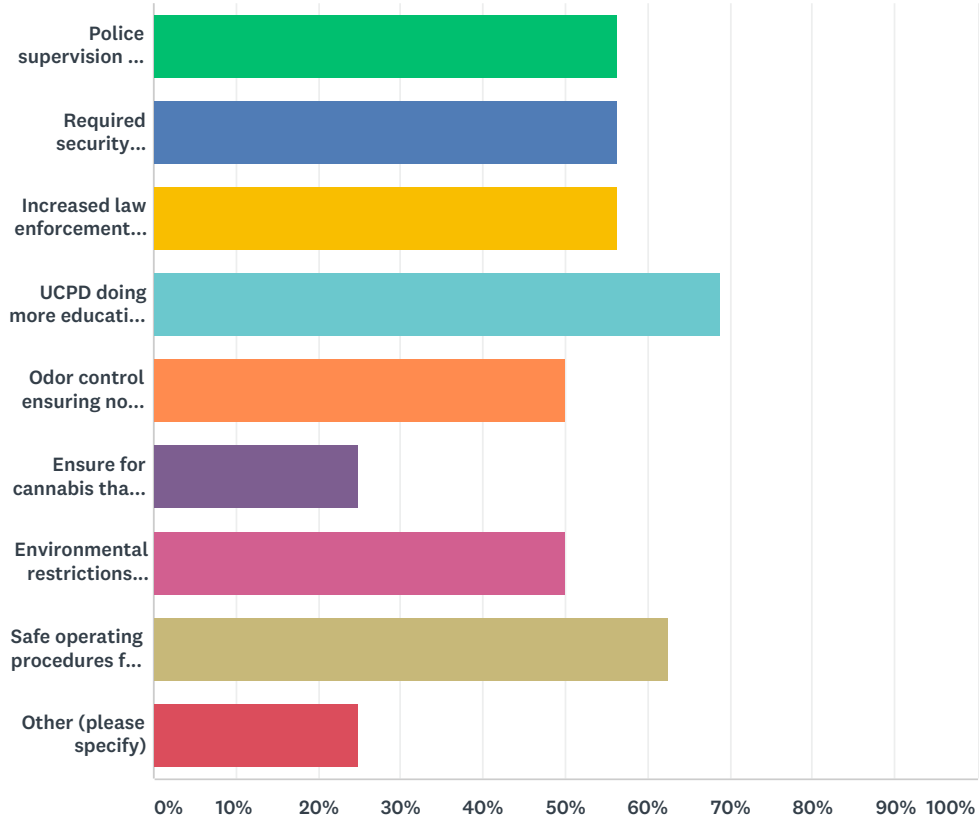
Attachment 10

Comments Received from Community Leaders

Union City Cannabis Policy

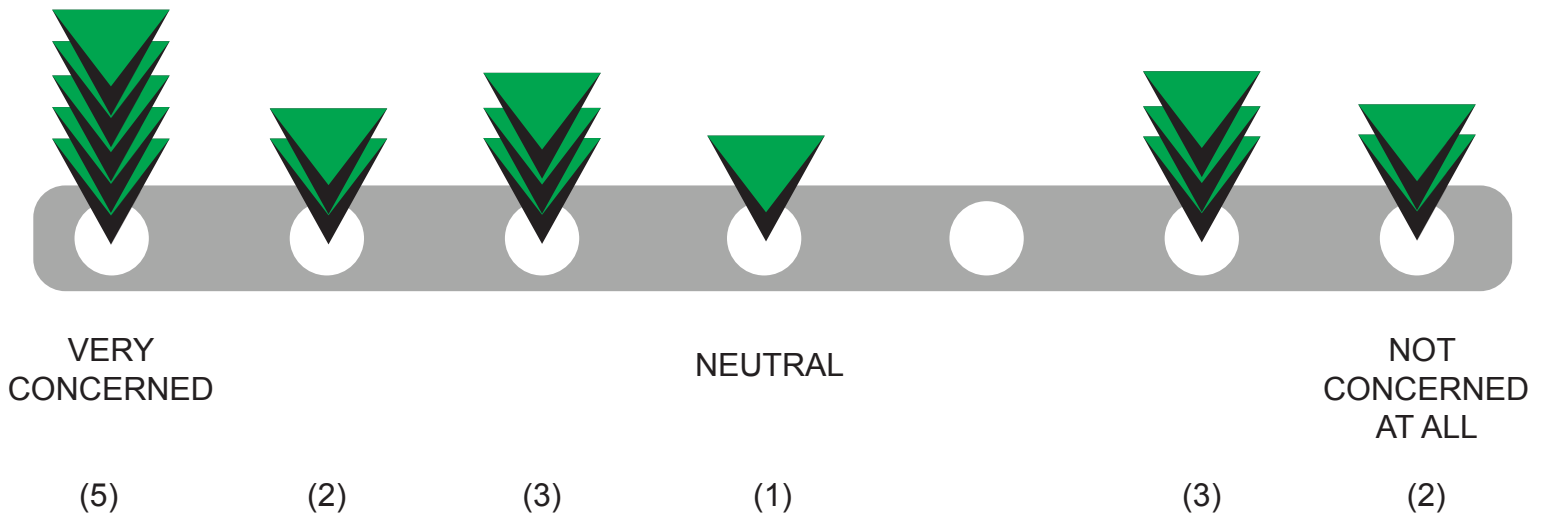
Q1 When it comes to the limited number of cannabis companies that may operate in Union City, what education and safety measures are most important to you? Please check all that apply.

Answered: 16 Skipped: 0

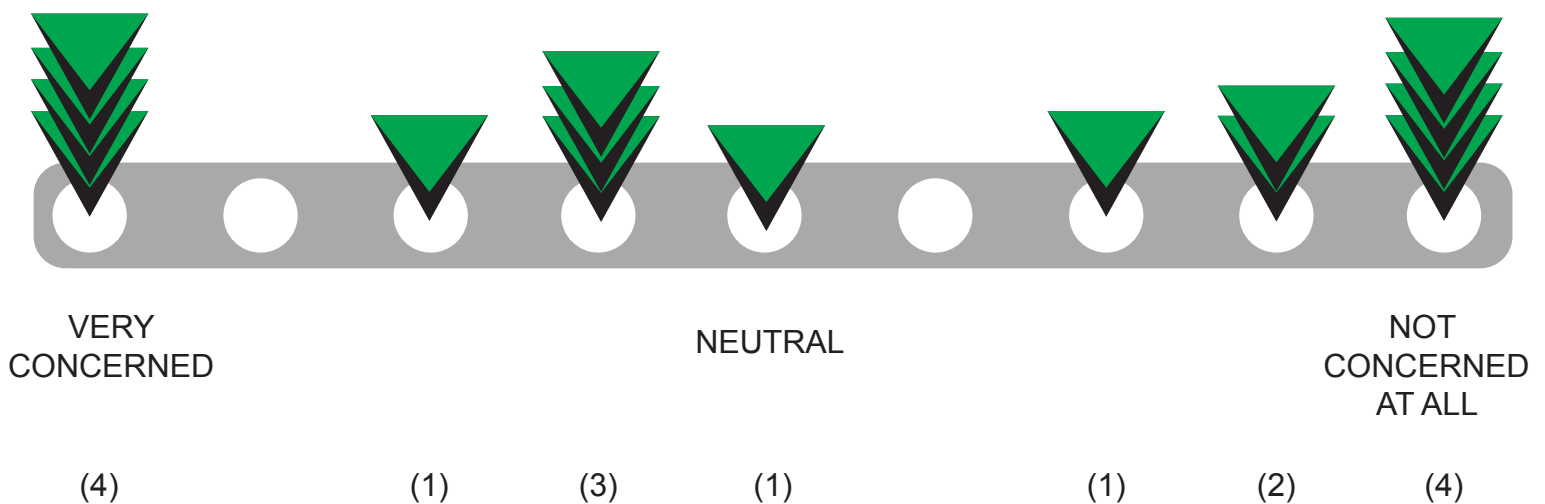


ANSWER CHOICES	RESPONSES	
Police supervision of the business	56.25%	9
Required security cameras and/or guards at the business location	56.25%	9
Increased law enforcement around illegal use	56.25%	9
UCPD doing more education on the effects of drug use at local schools	68.75%	11
Odor control ensuring no smell came from the location	50.00%	8
Ensure for cannabis that is pesticide free	25.00%	4
Environmental restrictions to ensure no discharge of pesticides and other hazardous materials	50.00%	8
Safe operating procedures for fire prevention	62.50%	10
Other (please specify)	25.00%	4
Total Respondents: 16		

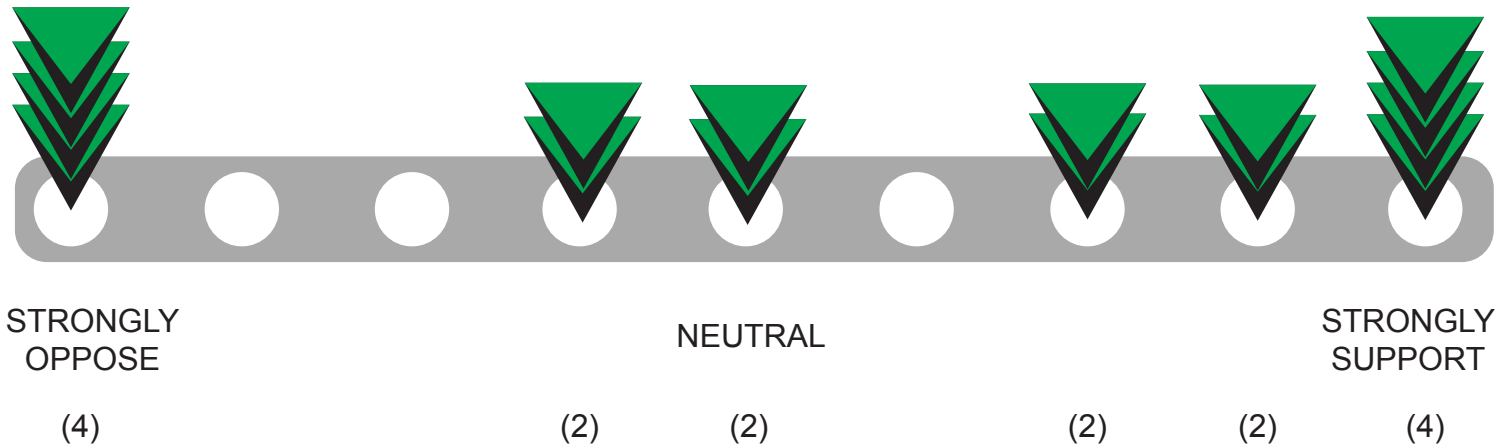
Q2 How concerned are you that the cultivation, manufacturing and sale of medicinal cannabis in Union City would create public safety issues? Use the rating scale below.



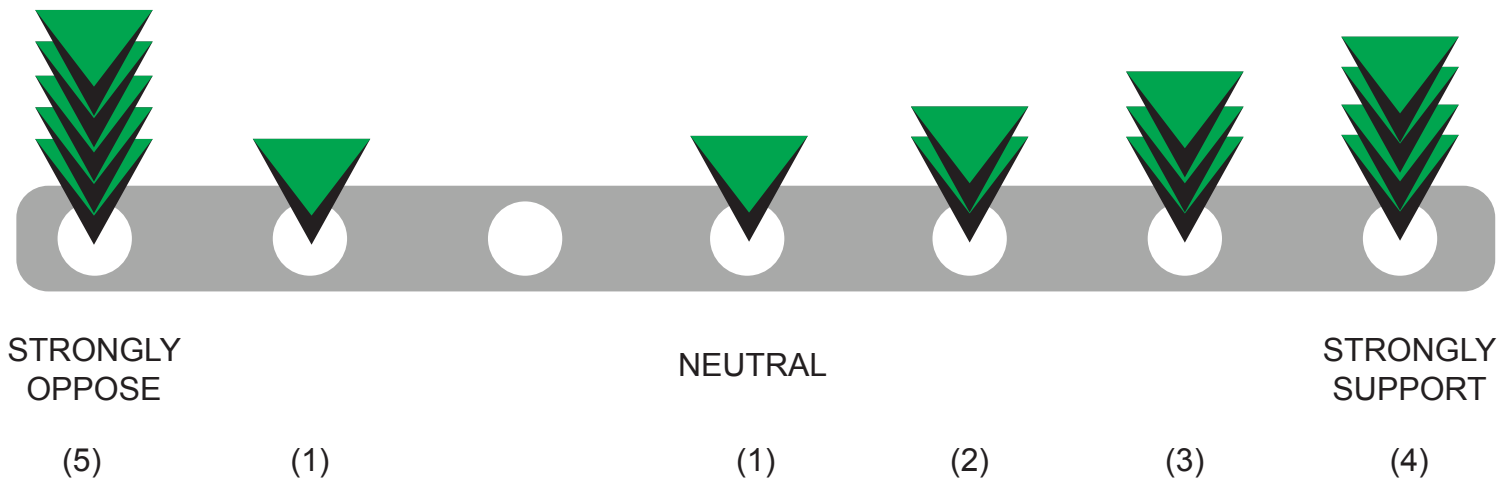
Q3 How concerned are you that the cultivation, manufacturing and sale of medicinal cannabis in Union City would create environmental issues? Use the rating scale below.



Q4 If Union City requires a medicinal cannabis business to undergo, a review of employee background checks by Union City police; the installation of a physical security system that secures both the property and the building and uses security guards to keep employees and customers safe; regulation ensuring that patients meet the new criteria for prescription holders to purchase the product; Are you more likely to support the cultivation, manufacturing and sale of medicinal cannabis in Union City? Use the rating scale below.



Q5 On January 2, 2018, the State of California will begin issuing business licenses to recreational cannabis companies. How do you feel about Union City issuing business licenses for cultivation, manufacturing and sale of recreational cannabis products?



Q6 Do you have any other thoughts you would like to share with us regarding medicinal cannabis and/or recreational cannabis in Union City?

Answered: 11 Skipped: 5

#	RESPONSES	DATE
1	I would support decisions that would bring additional tax revenue to our city.	8/17/2017 12:22 PM
2	Union City should stay out of the Cannabis business. There is no law that says every city must have cannabis shops.	8/12/2017 5:47 AM
3	Medicinal cannabis is OK. Opposed to recreational cannabis.	8/9/2017 9:48 PM
4	I think the same rules for smoking cigarettes in public should at least apply ... I don't care much if other people smoke it, but I prefer that they don't smoke it around me.	8/9/2017 8:42 PM
5	I'm a health care provider and I think, if rules are followed, medicinal cannabis is a strength not a weakness to offer people with health issues.	8/9/2017 3:51 PM
6	As a non-user of cannabis I believe that plenty of evidence has shown that it is no worse health wise than alcohol or tobacco. If we regulate & tax the sale of it as is done with the others, not only will it reduce illegal sources of it but will also allow the city to make some income from it. My only concern would be the education of young minds that the effects are far more profound on the growing brain than the adult one. Education without the scare tactics of the past, just facts would be something I would love to see. Thank you.	8/9/2017 1:05 PM
7	Yes Why do we want this drug in our City? No matter how you sugar coat it a drug is still a drug. Do we have a whole generation that are druggies? We know that the drugged up law makers in Sacramento think that tax money will be collected from the sale of this drug. I could go on and on and on.	8/9/2017 1:04 PM
8	Medical cannabis and recreational cannabis should be outlawed	8/9/2017 12:52 PM
9	I am concerned about increased drug use among our youth, increased crime, and increased number of driving impaired related traffic accidents. I am opposed to legal sanction of drug use by our State government, and think that Federal law should take precedence over State laws.	8/9/2017 12:32 PM
10	No	8/9/2017 12:18 PM
11	I know many people who use cannabis products to treat legitimate conditions such as chemotherapy reactions or anxiety disorder. However I do have concerns that young people who can not legally use will access more substance if we have it nearby, and there must be safety measures and treatment measures for youth.	8/9/2017 12:16 PM