

RESOLUTION NO. 136-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA ESTABLISHING THE RATING CRITERIA TO BE USED IN EVALUATING COMPLETE APPLICATIONS TO ESTABLISH A MEDICAL MARIJUANA COLLECTIVE IN THE CITY OF RICHMOND

WHEREAS on September 21, 2010 the City Council of the City of Richmond adopted Ordinance Number 28-10 which creates a permitting program for up to three medical marijuana collectives Citywide; and

WHEREAS Ordinance Number 28-10 sets forth the basic requirements that all applicants must fulfill in order for the application to be deemed complete; and

WHEREAS Ordinance Number 28-10 also provides that all complete applications shall be reviewed and evaluated by the Planning and Building Services, Fire, and Code Enforcement Departments (the “Reviewing Departments”); and

WHEREAS the Reviewing Departments are to score all complete applications based on criteria adopted by the City Council; and

WHEREAS following evaluation by the Reviewing Departments, all complete applications will be considered at a public hearing or series of public hearings; and

WHEREAS after the close of the public hearing(s), up to three permits may be issued; and

WHEREAS, the City Council finds that the establishment of standard criteria for evaluating all complete applications prior to the public hearing(s) will promote fair decision-making and protect the public’s interest in permitting safe and attractive collective operations,

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF RICHMOND resolves as follows:

- A. The fact that a Collective or one or more Management Members of a Collective continued to operate a medical marijuana facility after the City issued a demand to close but before a court determined that the facility could not continue to operate shall not be a factor in rating any complete applications to establish a medical marijuana collective in the City.
- B. In evaluating complete applications to establish medical marijuana collectives in the City of Richmond, staff shall evaluate all of the following criteria for each application:
 - 1. The Collective Management Members, officers, operators, and owners have the professional competence to operate the collective safely and prevent diversion of marijuana to the criminal market.
 - 2. The Collective’s security and theft prevention plans include on-site security officers from a licensed and bonded security agency, and a security camera system.
 - 3. The Management Members, officers, operators, and owners of the proposed Collective and of the proposed Collective site do not have a history of non-compliance with the City of Richmond Municipal Code (including but not limited to zoning, building, fire and business license requirements), or have shown or demonstrated willingness to cooperate with the City of Richmond and its staff.
 - 4. The proposed Collective site is not in a high-crime area.
 - 5. The type of site and building improvements proposed by the Collective will enhance the visual appearance of the site and surrounding neighborhood.
 - 6. The Collective is located near other land uses that could help optimize natural surveillance and safety.
 - 7. The site layout and building design promote surveillance by police and persons in the surrounding area.
 - 8. The Collective will use environmentally conscious practices in its business operations.
 - 9. The Collective will provide adequate off-street parking for its employees and members.
 - 10. The Collective will be adequately capitalized to meet all of its permit conditions.

11. The Management Members, officers, operators, and owners of the proposed Collective have the demonstrated ability to maintain records and remit taxes in accordance with all City and state requirements.
 12. In addition to medical marijuana, the Collective will provide social or health-related services that benefit the patient members.
 13. The Collective has demonstrated additional characteristics that would provide a social benefit to its members and/or to the community at large.
- C. Staff shall prepare a scoring matrix that awards points to applications for the following three categories:
1. Competence to operate a collective and prevent diversion of marijuana to the criminal market.
 2. Strength of the security plan.
 3. Provision of social or health-related benefits to the member population in addition to supplying medical marijuana.

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I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a joint regular meeting thereof, held on December 7, 2010, by the following vote:

AYES: Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Bates.

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

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

I certify that the foregoing is a true copy of Resolution No.136-10, finally passed and adopted by the City Council of the City of Richmond at a joint regular meeting held on December 7, 2010.