



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: February 28, 2023

Subject: Embarc Contra Costa Community Benefits Agreement

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a community benefits agreement with Embarc Contra Costa LLC, effective upon approval of a use permit, to pay the County amounts based on annual gross sales and provide specified community benefits in connection with Embarc Contra Costa LLC's storefront commercial cannabis dispensary in the unincorporated Pacheco/Martinez area.

FISCAL IMPACT:

Approval of this agreement will allow the County to receive from Embarc Contra Costa LLC on an annual basis two percent (2%) of gross sales among other community benefits as set forth in the attached Community Benefit Agreement. These payments may be used by the County, at its sole discretion, consistent with the County's "Policy for Allocating Community Benefits Funds Received from Approved Commercial Cannabis Business," or any subsequent policy then in effect, and are intended for use to benefit the community.

The current allocation policy provides that the County Supervisor in whose district the cannabis business operates will bring recommendations to the Board on the expenditure of community benefit funds originating from that business, with the expenditure to benefit the

☒ APPROVE ☐ OTHER
☒ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/28/2023** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Ken Carlson, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 28, 2023

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Antonia Welty, Deputy

Contact: Gary Cupp, (925)
655-2871

cc:

immediate community.

BACKGROUND:

On June 26, 2018, the County Board of Supervisors (Board) adopted Zoning Ordinance Chapter 88-28 - Cannabis Regulation. Following that Board action, a request for proposals (RFP) was issued by County staff seeking qualified applicants. The RFP was issued as part of the selection process required by the ordinance for the limited number of potential commercial cannabis cultivators (maximum of 10) and retail storefronts or “dispensaries” (maximum of 4). A multi-departmental team of County staff scored and ranked each proposal. On December 10, 2019, the Board of Supervisors reviewed the results of the scoring and selection process and chose Embarc Contra Costa LLC along with three other applicants to have an opportunity to establish storefront retail dispensaries within the unincorporated area of the county.

In response, Embarc Contra Costa LLC submitted the required land use permit application (County File# CDLP20-02017). This application was subsequently approved at the January 9, 2023, Zoning Administrator public hearing. As part of the Embarc Contra Costa LLC submittal and

BACKGROUND: (CONT'D)

consistent with the proposal it submitted in response to the County's RFP, Embarc Contra Costa LLC pledged a voluntary annual monetary payment to the County that the County would use to fund actions to benefit the community. Additionally, to the extent permitted by applicable local, state, and federal laws and regulations, and to the extent practicable, Embarc Contra Costa LLC has also pledged to hire locally and purchase materials and supplies locally. The proposed community benefits agreement memorializes these commitments.

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, the County will not receive funding for various services and programs, and without such an agreement Embarc Contra Costa LLC may not be allowed to operate within the county.

CHILDREN'S IMPACT STATEMENT:

This action will not negatively affect or impact children or children's services in the county.

ATTACHMENTS

Embarc Community Benefits Agreement