



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

P L A N N I N G D E P A R T M E N T

February 7, 2018

Chris Bazar
Agency Director

Albert Lopez
Planning Director

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NOTICE OF DECISION OF ADMINISTRATIVE APPEALS PANEL REGARDING CANNABIS DISPENSARIES

Dear Appellant/Interested Party:

Pursuant to Section 6.108.130 and 6.108.140 of the Alameda County Ordinance Code, an Administrative Appeals Panel was convened on February 2nd, 2018 to hear appeals submitted related to the approval of cannabis dispensaries in the unincorporated East County area of Alameda County. The results of the administrative panel are as follows:

APPLICATION PLN2017-00224: The Royal Herb/Leslie Flannery
ORIGINAL APPELLANT: The Royal Herb/Leslie Flannery
ADDRESS: 1113 Greenville Road, Livermore area of unincorporated Alameda County
ASSESSOR'S PARCEL NUMBER(S): 099A-1475-004-14 and 099A-1475-004-13
ORIGINAL DECISION ON APPLICATION: Denial of operator permit
PANEL DECISION: **Denied the appeal, thereby upholding CDA's denial of the application for approval.**

APPLICATION PLN2017-00226: 3220 Andrade partners, LLC/Garden of Eden
ORIGINAL APPELLANT: Shartsis Friese LLP/Sunol Ranch LLC
ADDRESS: 3220 Andrade Road, Sunol area of unincorporated Alameda County
ASSESSOR'S PARCEL NUMBER(S): 096 -0001-007-14
ORIGINAL DECISION ON APPLICATION: Approval of operator permit
PANEL DECISION: **Denied the appeal, thereby upholding CDA's selection of the application for approval**

APPLICATION PLN2017-00227: Larry Gosselin
ORIGINAL APPELLANT: City of Livermore
ADDRESS: 7699 Altamont Pass Road, N. Livermore area of unincorporated Alameda County
ASSESSOR'S PARCEL NUMBER(S): 099B-5500-004-00
ORIGINAL DECISION ON APPLICATION: Approval of operator permit
PANEL DECISION: **Sustained the appeal, thereby reversing CDA's selection of the application for approval resulting in a denial of the application**

Pursuant to Section 6.108.140(C) of the Alameda County Ordinance Code, any appellant may file an appeal of the determination of the administrative panel within ten days after the date of the notice of the decision. Because the 10th day falls on a holiday weekend, appeals will be accepted and must be filed by 5:00 pm on Tuesday, February 20, 2018, by submitting a letter to the Planning Department, located at 224 W. Winton Avenue, Hayward, CA 94544, along with an appeal fee of \$250.00.

Appeals received pursuant to Section 6.108.140(C) will be heard by the Alameda County Board of Supervisors on Tuesday, February 27, 2018, at 1:00 pm, at the Board Chambers, Fifth Floor, Alameda County Administration Building, 1221 Oak Street, Oakland, CA 94612.

Notice of Decision of Administrative Appeals

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Please contact Assistant Planning Director Rodrigo Orduña via email at rodrigo.orduna@acgov.org or via telephone at (510) 670-6503 if you wish to discuss the above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Bazar". The signature is fluid and cursive, with the first name "Chris" and last name "Bazar" clearly distinguishable.

Chris Bazar, Director
Community Development Agency

Attachment: Sections 6.108.130 through 6.108.150 of the Alameda County Ordinance Code

Excerpts of the Medical Cannabis Dispensary Ordinance explaining the appeals process:

6.108.130 - Appeal from administrative determinations.

- A. An appeal may be filed by an applicant, permittee or the owner or occupant of property within one thousand (1,000) feet of any existing or proposed dispensary or by an applicant, permittee or owner or occupant of property within the unincorporated area of the County for any existing or proposed delivery operation.
- B. Any appellant may appeal an administrative determination that is made in relation to any of the following actions:
 - 1. Finding that an application is incomplete;
 - 2. Determination that an application does not comply with the requirements of Section 6.108.100;
 - 3. Establishment or modification of operating conditions;
 - 4. Denial of a permit; or
 - 5. Suspension or revocation of a permit.
- C. Any appeal shall be filed with the director within ten days after the date of the notice of any such administrative determination.
- D. Within ten days after the filing of an appeal, notice shall be given in accordance with Section 6.108.050. Such notice shall set forth the grounds for the appeal, the method of submitting comments to the county regarding the appeal and the date and location of the hearing of the appeal.
- E. Any appeal that is not timely filed will be deemed ineffective and the administrative determination that is being appealed will become final.

6.108.140 - Administrative review of appeal.

- A. Within thirty (30) days after the filing of an appeal of an administrative determination, the director shall convene a panel consisting of one or more representatives of the county administrator, community development agency, health care services agency, and the sheriff at which the appeal shall be heard in public session. The appellant and any interested parties will be allowed to address the panel regarding the appeal.
- B. Within ten days after conclusion of the hearing of the appeal by the administrative panel, the director shall give notice of the decision of the panel.
- C. Any appellant may file an appeal of the determination of the administrative panel within ten days after the date of the notice of the decision of the administrative panel.

6.108.150 - Hearing by the board of supervisors.

- A. Within ninety (90) days after the filing of an appeal of the administrative panel's decision, the board of supervisors shall conduct a hearing of the appeal.
- B. At least ten days prior to the hearing of the appeal by the board of supervisors, notice shall be given in accordance with Section 6.108.050. Such notice shall set forth the grounds for the appeal, the method of submitting comments to the county regarding the appeal and the date and location of the hearing of the appeal by the board of supervisors. The board of supervisors may give such additional notice of hearing as it deems appropriate in a particular case.
- C. The board of supervisors may take any appropriate action upon the original administrative action that was appealed pursuant to Section 6.108.130, including granting or denying the appeal or imposing, deleting or modifying operating conditions of the permit. The decision of the board of supervisors shall be final.