



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

Chris Bazar
Agency Director

Albert Lopez
Planning Director

224 West Winton Ave
Room 111

Hayward, California
94544-1215

phone
510.670.5400
fax
510.785-8793

www.acgov.org/cda

February 23, 2018

Agenda Item ~~#1~~
February 27, 2018

The Honorable Board of Supervisors
County Administration Building
1221 Oak Street, Fifth Floor
Oakland, CA 94612

Dear Board Members:

SUBJECT: Appeal submitted by The Royal Herb / Leslie Flannery of a decision by the Administrative Cannabis Dispensary Appeals Panel for denial of a Medical Cannabis Dispensary Operator Permit application from The Royal Herb / Leslie Flannery, on property located at 1113 Greenville Road, in the Livermore area of unincorporated Alameda County with County Assessor's Parcel Numbers: 099A-1475-004-14 and 099A-1475-004-13 (case number: PLN2017-00224).

RECOMMENDATION:

Staff recommends that the Board of Supervisors deny the appeal and sustain the decision of the Administrative Appeals Panel to deny the Cannabis Dispensary Operator Permit application for The Royal Herb / Leslie Flannery.

SUMMARY:

Pursuant to Section 6.108.130 and 6.108.140 of the Alameda County Ordinance Code, an Administrative Appeals Panel composed of County staff was convened on February 2, 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 described below. All three applications, PLN2017-00224, PLN2017-00226, and PLN2017-00227, have been further appealed to the Alameda County Board of Supervisors.

PLN2017-00224 Applicant: The Royal Herb/Leslie Flannery

Location: 1113 Greenville Road, Livermore area of unincorporated Alameda County

Original application decision: Denial of Cannabis Dispensary Operator Permit

Original appellant: The Royal Herb/Leslie Flannery

Appeal Panel decision: Denied the appeal, upholding CDA's denial of the application

Appellant to the Board of Supervisors: The Royal Herb/Leslie Flannery

PLN2017-00226 Applicant: 3220 Andrade partners, LLC/Garden of Eden

Location: 3220 Andrade Road, Sunol area of unincorporated Alameda County

Original application decision: Approval of Cannabis Dispensary Operator Permit

Original appellant: Shartsis Friese LLP, representing Sunol Ranch LLC

Appeal Panel decision: Denied the appeal, upholding CDA's approval of the application

Appellant to the Board of Supervisors: Buchalter, representing Sunol Ranch LLC

PLN2017-00227 Applicant: Larry Gosselin

Location: 7699 Altamont Pass Road, North Livermore area of unincorporated Alameda County

Original application decision: Approval of Cannabis Dispensary Operator Permit

Original appellant: City of Livermore

Appeal Panel decision: Sustained the appeal, reversing CDA's decision, resulting in a denial of the application

Appellant to the Board of Supervisors: Larry Gosselin

The scoring and ranking of the original application decisions are listed below. Only the top two applications were approved as Cannabis Dispensary Permit Operations:

Rank	Case Number	Applicant	Average Score	Total Score
1	PLN2017-00226	3220 Andrade Partners, LLC 3220 Andrade Road, Sunol	373.92	1,121.75
2	PLN2017-00227	Larry Gosselin 7699 Altamont Pass Road, N. Livermore	330.00	990.00
3	PLN2017-00225	DPH Enterprises/Elemental Wellness 9950 Calaveras Road, Sunol	327.58	982.75
4	PLN2017-00228	Have a Heart CC Grant Line Road at I-580, Altamont Pass	312.42	937.25
5	PLN2017-00224	The Royal Herb 1113 Greenville Road, outside of Livermore	180.15	540.45

APPEAL:

This letter to the Board specifically references the appeal by Leslie Flannery to the Board of Supervisors regarding the denial of PLN2017-00224.

The appeal letter submitted on February 5, 2018 by Leslie Flannery makes the following assertions. Staff responses are provided below each assertion.

DISCUSSION:

Appellant comments:

The location of one of the approved cannabis dispensary applications, PLN2017-00227, is located at 7699 Altamont Pass Road, across the street on Greenville Road from Club Moto Motocross Track. The Appellant asserts that the Club Moto business should be considered a recreation center. This makes the site at 7699 Altamont Pass Road too close (within 1,000 feet) of a recreation center and in violation of Section 6.108.30. This would disqualify that application and move Ms. Flannery's application up in the ranking. The Grant Line Road application, PLN2017-00228, is located too far away from the residents of Alameda County and therefore Ms. Flannery argues that her application should consequently be awarded a higher ranking.

The Appellant also notes that submittal of a sample cannabis box with the application was meant only to contain the requested thumb drive, and was not an attempt to influence staff; the appellant expresses concern that initial confusion over the contents of the sample cannabis box could have resulted in a bias against this application.

Staff Response:

Section 6.108.30 of the cannabis dispensary ordinance prohibits a dispensary from being within 1,000 feet of a "recreation center." Planning staff and the CDA Director considered this issue prior to awarding the permit to PLN2017-0227 and concluded that the Club Moto business is not a recreation center, but rather a private business that is used by adults and families alike. The private business is not a public facility or a non-profit meant for the benefit of children, but a private business open to use by anyone.

In terms of how the ranking was determined, the points awarded to Ms. Flannery were appropriate considering the evaluation criteria of the Request for Proposal and the Cannabis Dispensary Ordinance, Section 6.108.060. As described in the RFP, an application with a high weighted total will be deemed of higher quality than an application with a lesser-weighted total, and having a total score nearly 400 points lower than the next highest application would likely be too great a deficiency to overcome, even with reconsideration of PLN2017-00227. Although the Grant Line Rd. application (PLN2017-00228) was also not successful, the overall application, in spite of the proposal's remote location, was scored higher than that of Ms. Flannery and would be considered of higher quality.

As to the claim of bias, the County Selection Committee was not aware of the concern about the contents of the cannabis sample box, and the proposal was reviewed, scored and ranked with the other cannabis dispensary applications received. The Evaluation Criteria for this application is included in the packet.

CONCLUSION:

Based on the results of the County Selection Committee, the determination of the Community Development Director, and the decision of the Administrative Appeals Panel, it is recommended that the Board of Supervisors confirm the decision of the Administrative Appeals Panel and deny the appeal.

Very truly yours,



Chris Bazar, Director
Community Development Agency

Attachments: Appeal by Leslie Flannery
Decision by Administrative Appeals Panel
Application Packet



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
P L A N N I N G D E P A R T M E N T**

February 15, 2018

**Chris Bazar
Agency Director**

**Albert Lopez
Planning Director**

224 West Winton Ave
Room 111

Hayward, California
94544-1215

phone
510.870.5400
fax
510.785-8793

www.acgov.org/cda

**NOTICE OF DECISION OF ADMINISTRATIVE APPEALS PANEL
REGARDING CANNABIS DISPENSARIES**

AND

NOTICE OF APPEAL HEARING AT BOARD OF SUPERVISORS

Dear 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 2, 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**

Please note that all three applications, PLN2017-00224, PLN2017-00226, and PLN2017-00227, are being further appealed to the Alameda County Board of Supervisors.

Board of Supervisors Appeals Hearing:

**Date: Tuesday, February 27, 2018
Time: 1:00 pm
Location: Board Chambers, Fifth Floor, Alameda County Administration Building
Address: 1221 Oak Street, Oakland, CA 94612**

**Notice of Decision of Administrative Appeals and
Notice of Upcoming Appeal Hearing at Board of Supervisors
Page 2**

Applications being appealed to the Alameda County Board of Supervisors:

**Appealed to the Board of Supervisors by The Royal Herb/Leslie Flannery:
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
REASON for APPEAL: Disagreed with decision by Appeals Panel.**

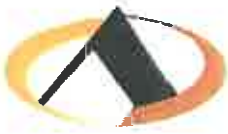
**Being Appealed to the Board of Supervisors by Shartsis Friese LLP/Sunol Ranch LLC:
APPLICATION PLN2017-00226: 3220 Andrade partners, LLC/Garden of Eden
ORIGINAL APPELLANT: Shartsis Friese LLP/Sunol Ranch LLC
ADDRESS: 3220 Andrade Road, Sunol area of unincorporated Alameda County
ASSESSOR'S PARCEL NUMBER(S): 096 -0001-007-14
REASON for APPEAL: Disagreed with decision by Appeals Panel.**

**Appealed to the Board of Supervisors by Larry Gosselin:
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
REASON for APPEAL: Disagreed with decision by Appeals Panel.**

Please contact me via email at rodrigo.orduna@acgov.org or via telephone at (510) 670-6503 if you wish to discuss the above or to submit comments regarding any of the above appeals.

Regards,


Rodrigo Orduna, AICP
Assistant Planning Director



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

February 7, 2018

Chris Bazar
Agency Director

Albert Lopez
Planning Director

224 West Winton Ave
Room 111

Hayward, California
94544-1215

phone
510.870.5400
fax
510.785-8793

www.acgov.org/cda

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
February 7, 2018
Page 2

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".

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.



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

MEMORANDUM

Albert Lopez
Planning Director

Date: January 23, 2018
To: Cannabis Dispensary Administrative Appeals Panel
From: Albert Lopez, Planning Director
RE: Appeals of Medical Cannabis Dispensary Permits February 2nd, 2018

224 West Winton Ave
Room 111

Hayward, California
94544-1215

phone
510.670.5400
fax
510.785-8793

www.acgov.org/cda

Background

On September 12, 2017, the Alameda County Board of Supervisors approved an ordinance amending Chapter 6.108 of the Ordinance Code, which regulates medical cannabis dispensaries in the Unincorporated Area of the County.

The Ordinance allowed for the approval of up to two (2) Permits for medical cannabis dispensaries in the East County subject to a competitive Request for Proposals (RFP) process. The purpose of the cannabis RFP is to allow for the dispensing of medical cannabis in appropriate locations to help ensure that medical cannabis will be available to patients in need of it while preserving the character, health and safety of the surrounding area.

The RFP was the first of two steps in allowing new dispensaries, to be followed by the standard Conditional Use Permit (CUP) process where site specific impacts can be identified and mitigated. The CUP process includes a public hearing where community concerns can be aired, and adjacent property owners are notified in advance.

RFP applications were due November 13th, 2017, and five (5) total applications were received. In order to conduct the selection process required by the ordinance, a County Selection Committee (CSC) was formed and convened by the CDA Director to review, score and rank the applications. The CSC consisted of the Planning Director, the Director of Environmental Health, and a Commander from the Sheriff's Office. At the completion of the final scoring, the CSC provided their results to the CDA Director, who reviewed and affirmed their conclusions; letters of Notice of Intention to Grant a Permit were mailed on December 15, 2017.

The published RFP required a scoring and ranking, clearly stating that an application with a high weighted total will be deemed of higher quality than an application with a lesser-weighted total. Also, the RFP clearly explained that a site visit and oral interview were an optional 2nd stage of the final evaluation process, thereby allowing the CSC to complete the evaluation process based solely on what was submitted in the applications. After the first stage of scoring and ranking was complete, it was the consensus of the CSC that a site visit and interview would not be necessary. As required by the RFP, successful proposals would be selected based on their responses to a set scoring criteria, including security plan, site

suitability, operating plan, mitigations of potential impacts, environmental considerations and community benefits. The complete results are below:

Rank	Applicant	Average Score	Total Score
1	3220 Andrade/Garden of Eden	373.92	1,121.75
2	Larry Gosselin	330	990
3	DPH Enterprises/Elemental Wellness	327.58	982.75
4	Have a Heart CC	312.42	937.25
5	The Royal Herb	180.15	540.45

Appeals to an Administrative Panel

The RFP process described above included an appeals provision (excerpted on last page of this memo) whereby an appellant may appeal the results of the CSC. The role of the assembled administrative panel is to convene a public session where they can hear directly from the appellant about their appeal, with the panel's decision on the appeal to be issued by the CDA Director within 10 days. As the public session is scheduled for February 2nd, a decision is expected by close of business February 13th, accounting for weekends and County holidays. Staff recommends the panel select a chairperson, and that the forum be similar to other quasi-judicial boards and commissions of the County, and that a decision be made in the public session. Staff will take minutes of the panel, and relay the results of the panel to the CDA Director.

CDA/Planning received three appeals, one from an unsuccessful applicant, and two from adjacent property owners appealing the approval of dispensaries near them. A full description of each appeal is described below, with Planning staff's response to the claims of the appeal following in italics.

(1) Appeal by The Royal Herb/Leslie Flannery PLN2017-224

The appeal letter submitted on January 3, 2018 by Leslie Flannery makes a number of assertions, many of them not related to the RFP scoring process itself. Insofar as the appeal letter relates to specific grievances with the overall RFP and scoring process, those items are described in some detail in the following narrative.

The appeal raises a question about the RFP deadlines.

In preparation for this memorandum, staff consulted the principal staff charged with administering the RFP, and they maintain that all applications were given the same due dates with respect to the Exhibit B (background info) as well as the main Exhibit A proposal, that no exceptions was given to any of the applicants. One date was changed as a result of the Application Information Sessions, in an addendum clearly allowing all the applicants five additional days to submit their Exhibit B material. No applications were received after the stated deadlines.

The Royal Herb also states that it is ready to open a dispensary within 30 days of the permit award, as opposed to the successful applications that require new construction and other site improvements that could take 6-12 months to complete. The appellant asked for a temporary operating permit to conduct business while the other dispensaries are not yet in business..

The RFP did not award points for readiness, and there is no provision in the ordinance for temporary cannabis dispensary permits. It should also be noted that the cannabis ordinance for dispensaries does not allow any two dispensaries to be closer than 5 miles to each other, meaning that unless the ordinance is changed to allow it, a possible dispensary run by Ms. Flannery could not operate at the same time as another nearby dispensary.

The appeal letter also describes negotiations with a property owner (Gosselin) Ms. Flannery and asserts that he (or County staff) should have let her know that Gosselin himself was applying for a permit. Ms. Flannery states the process was unfair to her, asserting that a Gosselin was a "friend" of the County applying for a dispensary permit, and that she should have been informed that Gosselin was applying before risking her application fee.

The identity of the applicants was not known until the applications were received. Neither the ordinance nor the RFP required disclosure of the identity of the applicants to the other applicants.

The appeal letter concludes by asking for a refund of the application fees (\$12,000) based on the grievances described above.

There is no allowance to refund applications fees in the cannabis dispensary ordinance. Fees were paid by all applicants that elected to participate in the RFP process. Significant staff resources were used to administer the RFP including preparation for the current appeals panel hearing.

Recommendation

The panel should review the material provided by the applicant as well as their original proposal and determine whether the appellant has stated adequate grounds for reversing the decision of the CDA Director to deny the permit application.

Note: The following two appeals submitted by adjacent property owners are appealing the grant of a permit to an applicant proposing a site within 1000 feet of their property. The appeals process in the County ordinance is limited to the following actions taken by the County:

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.

The granting of a permit is expressly not one of the appealable actions. Nevertheless, the appeals were received prior to the appeal deadline and a discussion of the merits of the appeals is provided below for the panel's consideration.

(2) Appeal by the City of Livermore – Granting of permit to Larry Gosselin, 7699 Altamont Pass Rd. PLN2017-227

The City of Livermore submitted an appeal letter on January 2, 2018 in which they make several claims as to why the subject permit should not be granted.

The City states that the manner in which the subject permit was approved is not consistent with certain East County Area Plan (ECAP) policies which encourage a cooperative approach to land use planning (ECAP policy 3), especially if plans or projects have a sub-regional impact (ECAP policy 4). The City states that the County should have coordinated with them more closely because this project falls within the City's Urban Growth Boundary as well as their Sphere of Influence.

Staff has coordinated with the City of Livermore during the ordinance formation process, and the City did submit a comment letter on April 25th of 2017 with several suggestions on how to improve the draft cannabis dispensary ordinance. Some changes were made to the ordinance in response to that letter. Future notice and coordination will occur if and when the subject permittee submits a Conditional Use Permit (CUP) application, at which point the project in its entirety is open for public review and comment, including a public hearing/appeals process. The City is encouraged to participate in that process where concerns listed such as traffic, aesthetics and environmental impacts can be addressed through the CEQA process.

The appeal letter states that the dispensary use is not consistent with the City's General Plan or Municipal code, and claims that due to the proximity to the City, and the Urban Growth Boundary/ Sphere of Influence, that a dispensary conflicts with City land use policy.

The County recognizes that the City boundary is very near the proposed dispensary, but ultimately the site is within the County's jurisdiction and subject to the County's ordinances. If there are specific aspects of the project of concern to the City, the City is encouraged to become involved during the CUP process.

The appeal letter also claims that the dispensary violates the County's own ordinance due to its proximity to Club Moto, a facility for off road motorcycle recreation, where both adults and minors may be present.

The ordinance prohibits a dispensary from being within 1,000 feet of a "recreation center." The CDA Director considered this issue prior to awarding the permit and concluded that the Club Moto business does not fall into this category.

The appeal letter states the County should have completed a complete California Environmental Quality Act (CEQA) review for the Gosselin permit, to assess site specific impacts such as biology, utilities, traffic and public services. The City states that the approval of this permit constitutes a "project" for CEQA purposes and that environmental impacts should have been considered prior to approving the operator permit.

Staff considered this issue and determined that, because the dispensary permit alone does not authorize the permittee to open a dispensary at the proposed site, the County has not approved or committed to the project in a manner that would trigger CEQA review. The RFP selection was the first step to qualify to apply for a CUP, a discretionary land use permit. The required subsequent CUP is a project, and CEQA review will be completed at that time. The City is encouraged to become involved during the CUP process which will include an environmental review.

Finally, the appeal letter expresses concerns with the proximity of the dispensary to the City, and potential for community character impacts, stating that negative associations to the project will be attributed to the City.

The proximity to the City and the specific location at a major freeway interchange were viewed as positive elements of the project, and contributed to its high scoring. If there are specific aspects of the project of concern to the City, they are encouraged to become involved during the CUP process which will include an environmental review.

Staff appreciates the concern of the City that more coordination should take place, and that what happens near the Livermore city limit does impact them, be it positive or negative. Staff believes the County has rightly exercised its jurisdiction in this case and adequately included the City in the early formation of the cannabis dispensary ordinance. The County is committed to having a full and transparent process if the permittee moves forward with applying for a CUP, including public hearings and environmental review.

Recommendation

The panel should review the material provided by the City of Livermore and determine whether the appellant has submitted a valid appeal. If the appeal is considered valid, the panel should determine whether the appellant has stated adequate grounds to reconsider the decision of the CDA Director to approve the permit application.

(3) Appeal by Shartsis Friese LLP/Sunol Ranch LLC – Granting of permit to 3220 Andrade Partners LLC/Garden of Eden, 3220 Andrade Rd, Sunol PLN2017-226

An appeal letter was received signed by an attorney representing Sunol Ranch LLC, objecting to the issuance of the permit, and the operating conditions established therein. The appellant believes the project will pose a safety concern and a disruption to the surrounding neighborhood.

Specifically, the appeal letter states the area around the project is rural and agricultural and is incompatible with a medical cannabis dispensary.

Pursuant to County ordinances, a cannabis dispensary is a conditionally permitted use in the A – Agricultural zone, and this location is within the A zone. The site under consideration is now a vacant driving range and has been out of business for several months. Adapting the building to a new use, and utilizing existing infrastructure (i.e. access roads and parking lot) were considered positive elements of the project, reflected in it receiving the highest score.

The appeal letter also states the site is near numerous residences with young children, and is incompatible with the operation of a medical cannabis dispensary.

There are no distance restrictions in the cannabis dispensary ordinance that would preclude a dispensary from operating at the proposed location. The site is not in a residential zone, and is not incompatible with the existing context.

The appeal includes concerns about traffic and loitering, suggesting the operation will have detrimental impacts on the immediate neighborhood.

The subsequent Conditional Use Permit process can control for these operational aspects that may be a concern. A CEQA review will be part of the process and will likely include a traffic analysis. Loitering is not permitted as part of the basic set of operational standards, and will be further emphasized during the CUP process. The appellant is encouraged to participate in the CUP deliberations that will include a public hearing at both the Sunol Advisory Council as well as the East County Board of Zoning Adjustments.

Finally, the appeal letter states that customers of the dispensary may use cannabis after leaving the dispensary and will drive impaired along nearby roads and freeways, leading to an increase in traffic accidents.

Driving under the influence of cannabis is illegal in California, even though cannabis is now legal for adult use. Operating conditions for new dispensaries includes language that prohibits ingestion on-site, including the parking lot, which will discourage impaired driving. The appellant is encouraged to participate in the CUP deliberations that will include a public hearing at both the Sunol Advisory Council as well as the East County Board of Zoning Adjustments.

Generally, this appeal is not opposed to cannabis dispensaries in East County, but believes other, more suitable locations may exist. There are concerns with this specific location, and the appeal letter concludes by asking that if the permit is issued, that operating conditions be modified to better address the safety and disruption concerns set forth above.

Recommendation

The panel should review the material provided by Sunol Ranch LLC and determine whether the appellant has submitted a valid appeal. If the appeal is considered valid, the panel should determine whether the appellant has stated adequate grounds to reconsider the decision of the CDA Director to approve the permit application.

Attachments:

Appeal letters submitted
Map of Dispensary applications received
Copy of applications subject to appeal
Copy of scoring sheets for applications subject to appeal
Copy of Cannabis Dispensary RFP
Copy of Cannabis Dispensary Ordinance 6.108 (includes standard conditions for dispensaries)

**APPEAL LETTERS
TO THE ADMINISTRATIVE APPEAL PANEL**

1/2/18
Dear Albert,

PLN2017-00224

Thank you for taking your time with me today. Please accept my appeal on the recent cultivation and dispensary permit outcomes.

Firstly I question the lack of date stamps on the applications and I take you at your word that Rodrigo did not allow variances for the submissions because I had several emails that made innuendo to some flexibility being provided. For those that weren't land owners finding a facility was quite a Houdini and in my case I did not secure the Dispensary property until 12 hours before the deadline and in the case of the Cultivation 6 days too late for me to present a competitive location with a viable building already intact. Had I had more time I could have made a better site specific case for the dispensary and the cultivation. So, I assume others did not get more time? I did not appeal the cultivation in the prescribed time but I argue that until I was able to review the scoring and compare my packet there was no basis for an appeal....so asking me to figure that out during the holiday is not reasonable or logical. I was the only applicant to apply for both permits and as such I posit that this deadline is sufficient for me to make my case.

On the one hand I lost the cultivation permit because the only option I had at the time was for a lot that was inferior to the other contenders; I see that. Not only was the lot difficult for security but that it lacked a viable building made the application a bit of a "wish" rather than the better positioned landowners that were plant-ready. On the other hand I lost the dispensary permit because the two men who scored higher had a better site location but the rest of their plans are a "wish" too. In fact I was told by three or more planners and Env. Health that sewer, water, and buildings were iffy and could not be guaranteed. It could be as long as a year for Larry Gosslin to get his facility ready, if at all; Charles Boyden too...while my facility is only 30 days from being business ready. Losing each permit for the inverse of the other looks on the surface to be upside down. Add the fact that Larry's lot is across the street from a children's park is questionable and also being near the freeway will dramatically increase the odds of a strong-arm robberies, nor did I see proof of funds to do what he wants. I also noticed that the negatives were not evaluated by the board which was why I was looking forward to the interview portion of the application, as described in the RFP. Had I been allowed, I would have pointed out the negatives of other sites because I knew that the only person who would have been able to compete with me was a land owner with barren land as I had secured the only viable building on Greenville that met proper zoning. Perhaps the applicant won't highlight his negatives but that is the purpose of the speaking with the competitors; especially those who scored lower than the winner. Imagine my surprise when my family left for vacation while I waited back for the interview but one never came. Rodrigo settled on telling me it was a "stand by" situation. Stand-by for what? Had I known of this change in protocol I'd have preserved 11 days of my holiday and I also may not have risked my 12K. Omitting the interview portion tells me the county didn't want lesser applicants to expound and improve their case nor wanted adverse information to be learned on the applicants they favored.

As I mentioned in my dispensary application, the facility I eventually secured would have ultimately made my cultivation prospect competitive but there was no way to amend the application. Since I was the only one to apply to both I ask for consideration to be re-evaluated. If I had time to make a site specific plan and/or do like the winner, just say I'll hire a company to provide security I may have fared better. I ask the county, since the entire cultivation permit is a pilot program then why are they limiting it to only four permits? It's in everyone's best interest to accommodate all of the qualified

applicants. The county would get more permit money, more tax money, the cannabis monopoly would be weaker and the people would have more options, products, and locations. I request that the remaining six applicants get cultivation permits.

Regarding the dispensary application. I don't disagree that the two men who scored higher are not worthy of their score or the permit but I do argue that some unfairness has made this an impossible competition for someone like me. I recognize through Albert that the county did not know who was going to apply but once it was known that a "friend" of the county was in the running it would have been relevant to me and I would not have submitted the second package and risked the money. According to Larry's packet he's been working with the county for as long as 14 years in capacity at East County Board of Zoning, Agriculture Advisory Board, East Bay Regional Park District, and Cannabis Education for Alameda County. Being part of the Cannabis Education Board... and me not getting to know that seems unethical. Also it's hard for me to believe that the county didn't know he was going to apply because he says in his RFP that he was working with Phil Sawrey-Kubicek...and I was also working with Phil on Larry's exact property! When I asked Phil and others I was told all infrastructure was not guaranteed. I went back and forth between Larry and the planners in an attempt to get his land and all the while Larry claimed in his RFP he had already gotten the same approvals from the same planning department...while at the same time concealing the fact that he himself, Larry, was going to apply. Had any of these folks been forthcoming I would have known that I could have never prevailed in the arena of landowners who are already dispensary owners in other places with up to 3million in contributions for Charles and in the case of Larry a land owner who was a member of the voting membership. I ask the Board to consider refunding my 12K for the dispensary application because of lack of disclosures and fair bidding practices. I don't begrudge Larry the win; I'm happy for him but this is not to say the process was equal, or that either men are actually prepared for business.

In lieu of a refund please consider a temporary permit for me to do business until Larry can show a viable facility and then at that time I would annex the property 1113 Greenville road into the city of Livermore and then the city would get the benefit of a tax boost without having to put it out to public bid...maybe? Livermore does not want a dispensary in their realm but the county moves forward anyhow; therefore the city is going to get a dispensary no matter what but without the tax windfall? That's strange business; yet I'm here, ready to bridge the gap, and ready to give the county or the city a pile of hard earned tax revenue by the end of the month. That way the county gets money until Larry or Charles prevails and then Leslie will have a track record of best practices to soothe the city into adopting me, with the county as my ombudsman. Isn't it possible that everyone can win? Also, I'd like to point out that my plan was to give 100% of my cultivation profits to charity and additional 20% from the dispensary while the winners do not promise gross giving. Preventing me from dedicating my time to raising this money for our citizens does not advance anyone. I ask you to find a compromise.

Finally, I ask you, "how can something legal be rationed?" Today, even alcohol licenses are not rationed. Since the law is now open to recreational users; a.k.a. Everyone. What's to ration? The only thing the rationing does is enrich the current permit holders. Not only does the county pick and choose who may profit but then they go to the extra step of protecting the dispensary owner's territory by giving a 1 or 5 mile exclusion zone as if the permit holders were a franchise? Already there are lawsuits that have been filed regarding permits being tied to the politics of who knows who; determining who gets what and Alameda could avoid it all if there was a will to mitigate the program. Thank you for hearing my concerns. Leslie Flannery



SHARTSIS FRIESE LLP

One Maritime Plaza ♦ Eighteenth Floor
San Francisco, California 94111-3598

Joseph V. Mauch
jmauch@sflaw.com

December 29, 2017

VIA HAND DELIVERY

Planning Department
Alameda County Community Development Agency
224 W. Winton Avenue
Hayward, CA 94544

Re: Approval of Permit No. PLN2017-00226 to allow an East County Medical Cannabis Dispensary Operator

Dear Planning Department:

We represent Sunol Ranch LLC and its managing member, Ernest L. Goble, Jr. Sunol Ranch LLC ("Appellant") is the owner of the real property at 3515 Andrade Road in Sunol ("Appellant's Property"). I write regarding Permit No. PLN2017-00226 (the "Permit"), which was issued to 3220 Andrade Partners LLC ("Permitee") to allow it to operate an East County Medical Cannabis Dispensary at 3220 Andrade Road in Sunol (the "Project Address"), which Project Address is within 1,000 feet of Appellant's Property.

Appellant objects to the operation of a Medical Cannabis Dispensary at 3220 Andrade Road and hereby appeals the issuance of the Permit and establishment of operating conditions for the proposed Medical Cannabis Dispensary. Appellant contends that, contrary to Section 6.108.110 of the Alameda County Ordinance Code, Permitee has not and cannot demonstrate "that the collective has a business plan, including its safety and security plan, that is likely to prevent the collective from posing a safety concern or disruption to the surrounding neighborhood." Operation of a Medical Cannabis Dispensary at the Project Address will pose a safety concern and a disruption to the surrounding neighborhood for the following reasons:

- The area around the Project Address is rural and agricultural, which setting is incompatible with the operation of a Medical Cannabis Dispensary;
- The area around the Project Address contains numerous residences, some of which are home to young children, which setting is incompatible with the operation of a Medical Cannabis Dispensary

- The operation of a Medical Cannabis Dispensary at the Project Address will increase traffic problems in the neighborhood, particularly congestion on Andrade Road;
- The operation of a Medical Cannabis Dispensary at the Project Address will lead to loitering in the neighborhood; and
- Customers of the proposed Medical Cannabis Dispensary, who are likely to use the purchased cannabis after leaving the Dispensary, must access Highway 680 to exit the neighborhood, which will lead to increased traffic accidents due to impaired driving.

Appellant notes that it is not against the operation of a Medical Cannabis Dispensary anywhere in the East County or Sunol. Rather, Appellant contends that there are other areas of Sunol and the East County where the above issues – particularly the existence of residences with children – would be significantly mitigated, which areas would be better suited for a Dispensary. Appellant also notes that the notification process, which provides for notices to be sent only to property owners within 1,000 feet and only after the permit has been issued, is insufficient for a rural area where properties are more dispersed and contrary to the best interests of the residents of Alameda County.

For all the foregoing reasons, among others, Appellant appeals the issuance of the Permit for the operation of a Medical Cannabis Dispensary at the Project Address. While Appellant contends the Permit should not be issued and a Medical Cannabis Dispensary should not be allowed at the Project Address, if the Planning Department determines that the operation of a Dispensary at the Project Address can go forward, then the required operating conditions should be modified to better address the safety and disruption concerns set forth above.

Please contact me if you have any questions or concerns regarding the foregoing. A check in the amount of \$250.00 for the appeal fee is being submitted with this letter.

Sincerely,

/s/ Joseph V. Mauch

Joseph V. Mauch

JVM:jli
Enclosure

cc via email:

Rodrigo Orduna (rodrigo.orduna@acgov.org)

8107868



January 2, 2018

Alameda County Planning Department
224 W. Winton Avenue
Hayward, CA 94544

Subject: Appeal of East County Medical Cannabis Dispensary Operator Permit for Larry Gosselin at 7699 Altamont Pass Road.

Dear Sir/Madam:

With the submittal of this letter, the City of Livermore is appealing the East County Medical Cannabis Dispensary Operator Permit (PLN2017-00227) for Larry Gosselin at 7699 Altamont Pass Road (APN 099B-5500-004-00) pursuant to Section 6.108.130 of the Alameda County Ordinance Code.

The City's appeal are based on the following:

1. The proposed site of the medical cannabis dispensary is located within the City of Livermore Urban Growth Boundary (UGB) and Sphere of Influence (SOI). The dispensary site is also located in the East County Area Plan (ECAP) area. The ECAP sets forth policies pertaining to Interjurisdictional Cooperation to foster cooperative planning and implementation in East County. Specifically, Policy 3 states, "The County shall work with cities and other agencies in planning land use and infrastructure to achieve the goals of the *East County Area Plan* using a **cooperative approach** that recognizes those environmental, social, and economic characteristics of the subregion (*see Figure 2*) that extend beyond jurisdictional boundaries." (Emphasis is in the original.) Furthermore, Policy 4 states, "The County shall actively consult with East County cities during formulation of County land use plans and projects that have potential **subregional impact**, and shall encourage cities to reciprocate." (Emphasis is in the original.)

The manner in which the subject permit was approved is inconsistent with the ECAP policies noted above. The City of Livermore was not consulted prior to approval of the subject permit. City Planning staff contacted County Planning staff via email on November 15, 2017, requesting information on any applications for medical cannabis dispensaries and their proposed locations. County Planning staff responded via email on November 16, 2017, with general information on the applications, including the following statement: "We are not publicizing the names of the applicants or the proposed locations of the facilities during the selection

process." Due to the lack of consultation and sharing of information, the City did not have an opportunity to provide input during the selection process for the Medical Cannabis Dispensary Operator Permits.

Considering the proposed location of the selected dispensary is adjacent to the city of Livermore and within the city's UGB and SOI, the City should have been consulted regarding the selection of this dispensary for the operator permit in accordance with the ECAP policies. Furthermore, the dispensary is a land use that has a potential subregional impact, including but not limited to traffic impacts, aesthetic impacts, and environmental impacts that affect both the city and unincorporated county. The lack of interjurisdictional coordination and cooperative approach during the selection process are inconsistent with East County Area Plan policies. The City submitted comments in a previous letter regarding the inconsistency with the ECAP in permitting stand-alone medical cannabis dispensaries in Agricultural Zones (see attached letter dated April 25, 2017). The City's comments were not addressed at the time and have not been addressed with this medical cannabis dispensary operator permit approval.

2. The proposed location of the selected medical cannabis dispensary is inconsistent with the City of Livermore General Plan and Municipal Code. The General Plan land use designation for the subject site is Highway Commercial. The Highway Commercial land use designation is intended for areas near freeway interchanges to be developed with uses that serve the traveling public. The General Plan states, "Appropriate uses include hotels and motels, restaurants, and gasoline service stations." A medical cannabis dispensary does not serve the traveling public and would not be permitted on Highway-Commercial-designated land.

The Livermore Municipal Code prohibits medical cannabis dispensaries in the city. The city's sphere of influence and urban growth boundary have been determined by the Alameda County Local Agency Formation Commission and are the "probable ultimate physical boundaries and service areas" of the city. Considering the import of the SOI and UGB, the approval of a land use that is not permitted in the City of Livermore at the proposed location conflicts with City land use policies.

3. The selected medical cannabis dispensary conflicts with the location requirements set forth in the Alameda County Ordinance Code. Specifically, Section 6.108.030.E.2 of the Code states, "No dispensary may be closer than one thousand (1000) feet from any school, and licensed child or day care facility, public park or playground, drug recovery facility or recreation center." Club Moto is a recreation facility located within 1,000 feet of the proposed dispensary. It is a popular recreation facility where minors gather. The dispensary is not compatible with this existing recreation use and is inconsistent with the Code section noted

above, which is intended to locate dispensaries away from land uses that attract minors.

4. The City did not receive any documentation of environmental review conducted for the approval of the subject permit. The California Environmental Quality Act (CEQA) requires compliance with CEQA prior to project approval. Project approval is broadly defined to include a commitment to a "definite course of action."

Approving a permit to operate would qualify as a commitment to a definite course of action, because the County has not retained discretion to disapprove the project altogether upon completion of CEQA review. An Initial Study/Mitigated Negative Declaration (IS/MND) was adopted for the recent amendment of the Alameda County Ordinance Code that established regulations for approving medical cannabis dispensaries in the East County. However, that IS/MND is inadequate in reviewing the potential environmental impacts that may result from the approval of the dispensary at its proposed location. The subject site is a vacant, unimproved parcel. The establishment of a dispensary on the site will require, at a minimum, the construction of a new building, parking lot, septic system, and water well; and extension of electric and gas utilities; and possible road improvements. The potential environmental impacts of these physical changes must be reviewed in accordance with the California Environmental Quality Act (CEQA). There are project- and site-specific impacts that should have been reviewed and disclosed to the public prior to the approval of the operator permit. They include, but are not limited to, the following:

- A. **Biological impacts.** The subject site is located in an identified San Joaquin kit fox migration corridor. The San Joaquin kit fox is an endangered species that have been documented to be present in the vicinity. Greenville Road is one of the few grade-separated crossings of Interstate 580 that connect the kit fox population at the northernmost range of the kit fox, north of I-580, with the core population south of I-580. The project has potential impacts on the kit fox migration corridor as the result of the development of the subject site with a new building and outdoor lighting and the generation of additional traffic in the area. Furthermore, the subject site is located near Altamont Creek, which is approximately 300 feet north of the project site.

The subject site is also within the US Fish & Wildlife Service Livermore Vernal Pool Region and adjacent to the Altamont Hills Vernal Pool Recovery Unit and critical habitat for the Vernal Pool Fairy Shrimp. Considering the presence of the creek, seasonal ponds, and other wetlands in the area, the project site should have been evaluated as potential habitat for the Vernal Pool Fairy Shrimp, California red legged frog and the California tiger salamander.

- B. Utilities. Since the project site is outside the City's current boundary and service area, any development on the site would not be connected to the City's sanitary sewer system. The development would require a septic system to treat wastewater. The ECAP Policy 273 states, "The County shall support Zone 7's policy which discourages commercial and industrial development using septic tanks." Although a medical cannabis dispensary is a conditional use in the Agricultural zone in the County zoning ordinance, the use will generate wastewater at a commercial rate. Furthermore, the project site is less than two acres in area. The environmental review of the project should have reviewed whether the site is suitable for a septic system required to serve the proposed dispensary.
- C. Traffic. The project site is located at the Greenville Road-Altamont Road intersection. According to a recent traffic study prepared by TJKM, the existing condition at the Greenville Road-Altamont Pass Road intersection is Level of Service (LOS) F during the AM and PM peak hours. A traffic study should have been prepared for the proposed dispensary to analyze the potential traffic impacts of additional vehicle trips generated by the project, as well as potential measures to mitigate these impacts. The traffic study should also have analyzed vehicle access to the site. The project site is an irregularly shaped parcel with limited frontage on Greenville Road, near the Altamont Road intersection. Providing a safe means of vehicle access to the site is a concern that must be addressed. Furthermore, providing safe vehicle access may require potential road improvements such as the addition of a left turn lane and a deceleration lane that could have additional environmental impacts.
- D. Public services. A review of whether the County is able to provide adequate fire and police service for the medical cannabis dispensary should have been conducted. The review should also have analyzed whether the proposed use would increase demand on the Livermore Police Department and the Livermore-Pleasanton Fire Department.

In summary, the approval of the medical cannabis dispensary permit is a project as defined by CEQA and subject to environmental review in accordance with CEQA. Such environmental review was not conducted prior to the approval of the permit. As noted above, there are a number of potential environmental impacts of the project that are of concern to the City. These potential environmental impacts should have been considered prior to approving the operator permit.

5. Finally, the City has concerns regarding the development of the medical cannabis dispensary at the proposed location, as it will have community character impacts at a major gateway into Livermore. The I-580 corridor is designated as a scenic route in the Livermore General Plan, which includes a number of policies to preserve the

views and character of this corridor. Because the project site is outside the City's jurisdictional boundary, it will not be subject to the General Plan scenic corridor policies and may have aesthetic impacts at a major entry point to the City. The City is also concerned that the County has selected one of the highest profile locations possible, at the eastern gateway to Livermore, as the location for a land use that is not currently permitted in the City. This very high profile location, which is focused on the traveling public, will be associated with the City of Livermore, and its aesthetic, operational, traffic, and public safety impacts will be attributed to and directly impact Livermore. The proposed medical cannabis dispensary will impact the community character of Livermore. It will have impacts on City streets, public services, and neighborhoods.

City staff regrets it did not have the opportunity to comment on the proposed medical cannabis dispensary during the selection process. The City would have strongly preferred to have shared these comments early in the process rather than during the appeal period after the decision had been made. The decision by the County to approve the dispensary operator permit has the potential to significantly impact the City and the subregion. For that reason, the County should have consulted with the City prior to making a decision, as set forth in the East County Area Plan policies.

Respectfully,



Paul Spence
Community Development Department Director

Attachment: City of Livermore letter to Chris Bazar, Alameda County Community Development Agency Director, dated April 25, 2017



April 25, 2017

Chris Bazar, Agency Director
Alameda County Community Development Agency
224 West Winton Avenue, Room 110
Hayward, CA 94544

RE: Proposed Medical Cannabis Dispensary and Cultivation Ordinance

Dear Mr. Bazar:

On April 3, 2017, the City of Livermore (City) submitted a letter to the County regarding the County's proposed Medical Cannabis Dispensary and Cultivation Ordinances. Based on the recommendations of the County's Planning Commission, we would like to renew the City's concerns regarding some aspects of the Medical Cannabis Dispensary and Cultivation Ordinances being reviewed by the Board of Supervisors on April 25, 2017. The City requests that this letter be provided to the Board of Supervisors for their consideration for the April 25th meeting.

The City's concerns are summarized below, along with an overview of any action taken by the Planning Commission and a City recommendation:

1. Stand-alone Medical Cannabis Dispensaries Conditionally Permitted in Agricultural Zones

City concern: The City remains concerned that stand-alone dispensaries are inconsistent with the definition of "agricultural enhancing commercial uses" in the East County Area Plan, noted below.

***Agricultural Enhancing Commercial Uses:** These uses include stables, fruit stands, feed stores, sampling rooms, bed and breakfasts, and other uses which can demonstrate an economic connection to agricultural use or production.*

Since the proposed dispensary ordinance would not require the dispensary to be directly tied to the agricultural use of the land, the City does not find that a stand-alone dispensary would constitute an agriculture-enhancing use.

County Planning Commission Action: None.

City recommendation: The City recommends that a stand-alone medical cannabis dispensary would be more appropriately located in a commercial zone.

2. Sensitive Receptors

City concern: The City requested confirmation or inclusion in the draft ordinance that the County's 1,000 foot sensitive receptor buffer be applied to the City's sensitive receptors as well. The City recommended including churches and places of worship into the 1,000 foot buffer. In addition, the City requested a 1,000 foot buffer be applied to residential zones or their equivalent and that this revised standard apply to the City's residential zones or their equivalent as well.

County Planning Commission Action: The Planning Commission agreed to add "places of worship" to the list of sensitive receptors, but did not include residential zones or their equivalent to the list.

City recommendation: The City recommends a 1,000-foot buffer from permitted medical cannabis dispensaries be applied to the City's residential zones or their equivalent.

3. Potential Concentration of Medical Cannabis Dispensaries

City concern: The City remains concerned about the number of medical cannabis dispensaries that could be located near the City. The City is already exploring the possibility of permitting one or two dispensaries on the east side of town. The City's understanding is that dispensaries permitted in West County are required to be geographically distributed. Broader distribution will ensure that all Alameda County residents have equal access to these facilities and the potential traffic and public safety impacts are not all concentrated in one geographic County area.

County Planning Commission Action: None.

City recommendation: The City recommends that the County require dispensaries permitted in East County to be geographically distributed and allow no more than one dispensary in the East County area surrounding Livermore.

Thank you for this opportunity to comment and I would be happy to further discuss our letter with you.

Proposed Medical Cannabis Dispensary and Cultivation Ordinances
April 25, 2017
Page 3 of 3

If you have any questions, please call me at (925) 960-4474 or email me at prspence@cityoflivermore.net. You may also contact Principal Planner Scott Lee at (925) 960-4473 or sslee@cityoflivermore.net.

Sincerely,

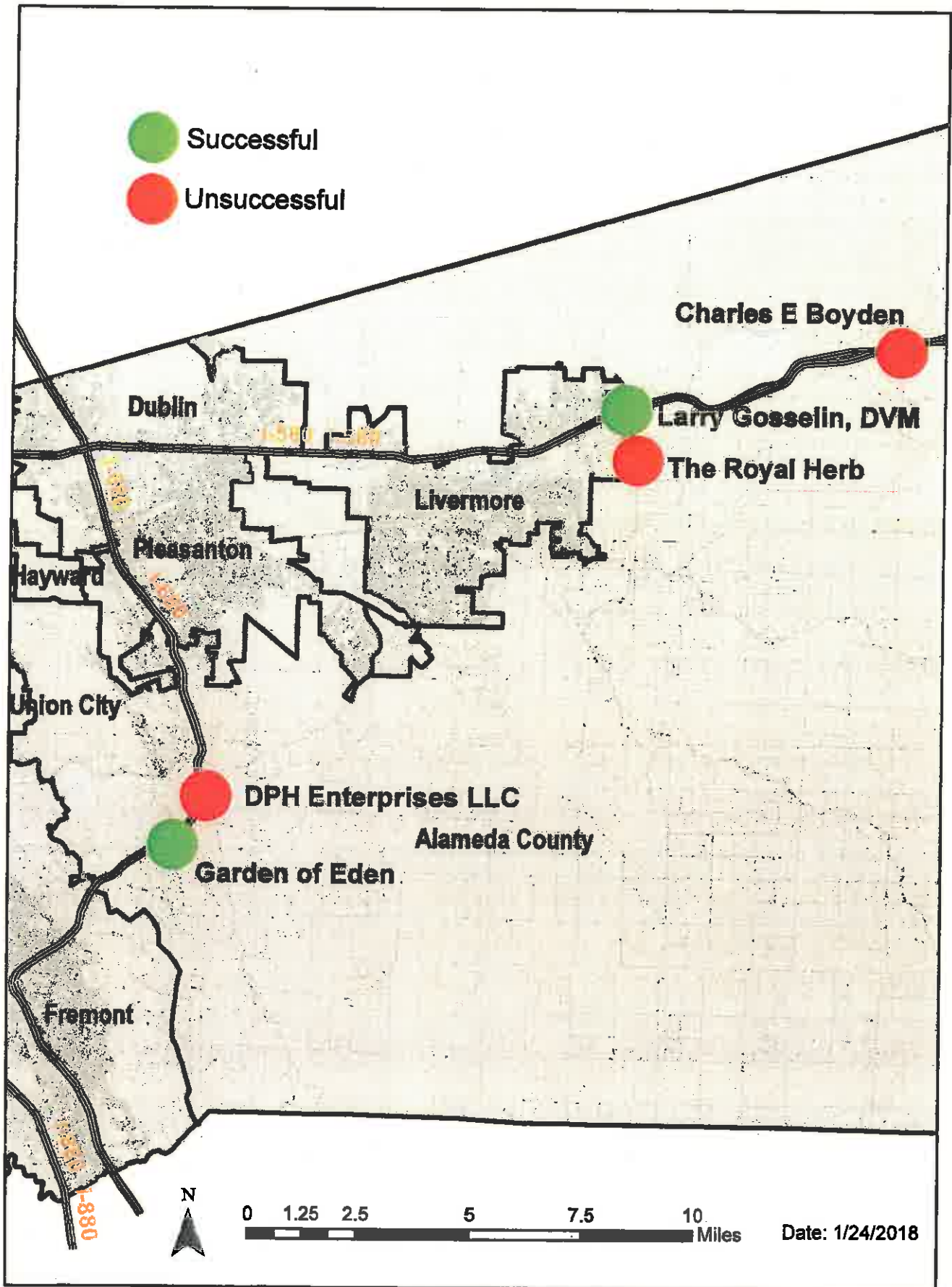


Paul Spence
Community Development Director

cc: **Marc Roberts, City Manager**
Steve Stewart, Planning Manager
Steve Riley, Principal Planner
Scott Lee, Principal Planner
Ashley McBride, Assistant Planner

**MAP OF DISPENSARY
APPLICATIONS RECEIVED**

Dispensaries Locations



CANNABIS DISPENSARY RFP



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

COUNTY OF ALAMEDA

REQUEST FOR PROPOSAL

For East County

Medical Cannabis Dispensary Operator Permits ("MCDOP")

For complete information regarding this project, see RFP posted at <https://www.acgov.org/cda/planning/landuseprojects/medical-cannabis.htm> or contact the County representative listed below.

Contact Person: Liz McElligott, Assistant Planning Director.

Phone Number: (510) 670-5400

E-mail Address: elizabeth.mcelligott@acgov.org

RESPONSE DUE

by

5:00 p.m.

on

13th November 2017

at

**Alameda County, CDA-Planning
224 West Winton Avenue, Suite 111
Hayward, CA 94544.**



Alameda County is committed to reducing environmental impacts across our entire supply chain. If printing this document, please print only what you need, print double-sided, and use recycled-content paper.



COUNTY OF ALAMEDA
REQUEST FOR PROPOSAL
for East County
Medical Cannabis Dispensary Operator Permits (“MCDOP”)

TABLE OF CONTENTS

		Page
I.	DISPENSARY PERMIT PROCESS OVERVIEW	4
	A. INTENT	4
	B. BACKGROUND	4
II.	CALENDAR OF EVENTS	5
III.	PRE-APPLICATION PROCESS	6
	A. APPLICANT INFORMATION SESSIONS	6
	B. RFP ADDENDUM (RESPONSE TO QUESTIONS)	6
	C. APPLICANT AND EMPLOYEE INFORMATION	7
IV.	APPLICATION REVIEW AND EVALUATION PROCESS	8
	A. INITIAL APPLICATION EVALUATION	8
	B. FINAL APPLICATION EVALUATION	11
	C. NOTICE OF INTENTION TO GRANT	18
	D. GRANT OF PERMIT(S)	19
	E. FEES	20
V.	INSTRUCTIONS TO APPLICANTS	20
	A. COUNTY CONTACTS	
	B. SUBMITTAL OF APPLICATIONS	21
	C. RESPONSE FORMAT	23

ATTACHMENTS

- EXHIBIT A – APPLICATION RESPONSE PACKET
- EXHIBIT B - SITE, APPLICANT AND EMPLOYEE INFORMATION

I. DISPENSARY PERMIT PROCESS OVERVIEW

A. INTENT

Thank you for your interest in applying for an East County Medical Cannabis Dispensary Operator Permit ("Permit") pursuant to Chapter 6.108 of the Alameda County Ordinance Code ("Ordinance Code").

This Request for Proposals ("RFP") outlines the process for solicitation of permit applications ("Applications") and selection of the Applicants who will be granted Permits. The County intends to grant a maximum of two (2) Permits in the East County to the Applicants whose responses conform to the RFP, meet the County's requirements, and are ranked highest in the competitive selection process described below. This Permit is the first of two permits required to operate a commercial medical cannabis dispensary in the Unincorporated Area of Alameda County.

The successful Applicants will be offered a Permit, subject to specified operating conditions and standard conditions. Each Permit shall expire two (2) years after the date of its issuance. If the Applicant(s) certify acceptance of the operating conditions and standard conditions of the Permit, the Applicant(s) will be eligible to apply for a Conditional Use Permit ("CUP") for a cannabis dispensary pursuant to Title 17 of the Alameda County General Ordinance Code ("Zoning Ordinance").

A Medical Cannabis Dispensary Operator Permit (MCDOP) and a Conditional Use Permit (CUP) must be obtained prior to commencement of operation of a medical cannabis dispensary.

B. BACKGROUND

On September 12, 2017, the Alameda County Board of Supervisors approved an ordinance adding Chapter 6.108 to the Ordinance Code and an ordinance introducing amendments to Sections 17.04.010, 17.06.040, 17.38.030, and 17.40.030 of the Zoning Ordinance to authorize and regulate medical cannabis dispensaries in the Unincorporated Area of the County.

Chapter 6.108 of the Ordinance Code allows for the approval of up to two (2) Permits for medical cannabis dispensaries in the East County subject to the processes and relevant considerations for application, review, and selection of Permits detailed in Sections 6.108.030 to 6.108.060 and 6.108.090 to 6.108.120 of Chapter 6.108.

The purpose of the program permitted under these sections is to allow for the dispensing of medical cannabis in appropriate locations to help ensure that medical cannabis will be available to patients in need of it while preserving the character, health and safety of the surrounding area.

Solicitation of Applications
for East County Medical Cannabis Dispensary Operator Permits (MCDOP)

Chapter 6.108 of the Ordinance Code identifies several decision-making and administrative processes which are required to be conducted by the Director of the Community Development Agency ("CDA") or his designee. For the purposes of permitting medical cannabis dispensaries, the CDA Director has designated the Planning Director as his designee.

II. CALENDAR OF EVENTS

EVENT	DATE/LOCATION	
County post Request for Proposals (RFP)	16 th October 2017	
Applicant Information Session #1	18 th October 2017 @ 2:00 p.m	at: Martinelli Center, Executive Conference Room, 3585 Greenville Road, Livermore, CA 94550
Applicant Information Session #2	19 th October 2017 @ 10:00 a.m	at: Alameda County Public Works Building Auditorium, First Floor 399 Elmhurst Street, Hayward, CA 94544
Applicants submit Written Questions to the County by email	by 5:00 p.m. on 23 rd October 2017	
Last date for Applicants to submit Exhibit B – Site, Applicant and Employment Information to the County by email for verification and background checks by the Sheriff	by 5:00 p.m on 27 th October 2017	
County post RFP Addendum (Response to Questions)	by 27 th October 2017	
Applicants submit Application (Exhibit A – Application Response Packet) and pay Application Fee	by 5:00 p.m on 13 th November 2017	
Initial Evaluation Period	13 th November to 17 th November 2017	
County notify Applicants outcome of Initial Evaluation	by 17 th November 2017	
Last date for successful Applicants to pay Final Selection Fee	by 5:00 p.m. on 28 th November 2017	
Last date for Applicants notified of incomplete or incorrect applications to amend and refile Application	by the earlier of 10 days from the date Notice of Rejection issued or by 5:00 p.m on 27 th November 2017	

Solicitation of Applications
for East County Medical Cannabis Dispensary Operator Permits (MCDOP)

Final Evaluation Period	20 th November to 14 th December 2017
Applicant Interview Period	4 th December to 14 th December 2017
County issue Notice of Intention to Grant to highest ranked Applicants	15 th December 2017
Last date for Applicant to accept or appeal Operating Conditions contained in Notice of Intention to Grant and pay Permit Issuance Fee	by 5:00 p.m. on 28 th December 2017
County issue Permits	When Applicant certifies acceptance of Operating Conditions and Permit Issuance Fee has been paid

Note: The dates in the above Calendar of Events are subject to amendment by the County if required as the process progresses.

III. PRE-APPLICATION PROCESS

A. APPLICANT INFORMATION SESSIONS

Applicants are strongly encouraged, but not required, to attend either one of the two Applicant Information Sessions identified in the Calendar of Events. The Applicant Information Sessions will:

- Provide the County with an opportunity to present more detail about the RFP and Selection Process; and
- Provide an opportunity for Applicants to ask specific questions about the permitting process and requirements and request RFP clarification.

If you require further information regarding information session arrangements or have any difficulty locating the meeting room, please contact Maria Palmeri (details below):

Maria Palmeri
Alameda County Planning Department
224 W. Winton Avenue, Rm 111, Hayward, CA 94544
E-Mail: maria.palmeri@acgov.org
PHONE: (510) 670-5421

B. RFP ADDENDUM (RESPONSE TO QUESTIONS)

Following the Applicant Information Sessions, Applicants have the opportunity to submit in writing to the County any questions of clarification regarding the RFP. Questions are required to be submitted by email to elizabeth.mcelligott@acgov.org by the due date for Written Questions specified in the Calendar of Events.

The County will issue an RFP Addendum which will be posted on the County website following the Applicant Information Sessions. The RFP Addendum will address all relevant questions:

- Raised in the Application Information Sessions; and
- Submitted by email to elizabeth.mcelligott@acgov.org by the due date for Written Questions specified in the Calendar of Events.

C. APPLICANT AND EMPLOYEE INFORMATION

Prior to submitting the Application, Applicants are required to complete Exhibit B - Site, Applicant and Employee Information and submit it by email to elizabeth.mcelligott@acgov.org by the date specified in the Calendar of Events.

The information in Exhibit B is required to enable the Sheriff's Office to verify the information required under Ordinance Code Section 6.108.060.A.1-10 and Section 6.108.100.A.4, including the requirements that:

- The Applicant must be eighteen (18) years of age or older;
- A background check is required for every owner, manager, supervisor and employee specified in the Application; and
- No person convicted of a felony within the past three years may be actively engaged in the dispensary operation (Alameda County Ordinance Code Section 6.108.100.A.4). A conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Individuals with a drug violation which was reclassified from a felony to a misdemeanor by Proposition 47 must have taken the necessary action to have their violation reclassified to prevent it from appearing as a felony on the background check.

In addition to submitting Exhibit B - Site, Applicant and Employee Information to CDA-Planning by email, the specified personnel identified in Exhibit B will be required to attend the County Sheriff's Office to complete a background check. **Applicants should contact the County Sheriff's Office at (510) 667-3620 or by email at acsopermits@acgov.org as soon as possible to schedule an appointment for each person to submit the required information for a background check, to be fingerprinted and to be photographed for identification purposes. A fee of \$57.00 per person must be paid at the time of the appointment to cover the cost of the fingerprinting.**

IV. APPLICATION REVIEW AND EVALUATION PROCESS

A. INITIAL APPLICATION EVALUATION

1. **Initial Review:** Applicants are required to complete the Application Response Packet provided in Exhibit A. After the County receives an Application, the Initial Application Evaluation will begin, using the criteria outlined in Table A below. During the Initial Application Evaluation, the following County agencies will review and comment on specific portions of the Application (Ordinance Code Section 6.108.090.A):
 - The Sheriff will be responsible for verifying the factual information in the Application, including names, addresses and other information on the Applicant and employees of the proposed dispensary, as required in Ordinance Code Section 6.108.060.A.1-10.
 - The Sheriff will comment on the adequacy of security measures that are described in the application, the security plan, the floor plan, and other relevant aspects of the Application.
 - The Community Development Agency will comment on:
 - The requirement that no permit shall be issued for a dispensary within five miles of another dispensary in the area shown in Exhibit B (East County) or within one mile of a permitted dispensary location in an incorporated city (Ordinance Code Section 6.108.030.D.2);
 - The requirements that:
 - No dispensary may be closer than one thousand (1,000) feet from any other dispensary (Ordinance Code Section 6.108.030.E.1);
 - No dispensary may be closer than one thousand (1,000) feet from any school, any licensed child or day care facility, public park or playground, drug recovery facility or recreation center (Ordinance Code Section 6.108.030.E.2); and
 - No dispensary shall be located in a residential zone or its equivalent (Ordinance Code Section 6.108.030.E.3);
 - The general responsiveness to the solicitation process in Ordinance Code Section 6.108.050;
 - The proposed location's compliance with zoning regulations;
 - The conditions that are needed to mitigate adverse impacts on surrounding uses.

- The Health Care Services Agency will comment on the services to be provided and the mission statement set forth in the Application.
 - The Environmental Health Department will comment upon the application's compliance with the requirements of Section 6.108.190.
2. **Application Completeness:** After the Initial Application Evaluation, the Planning Director will reject any Application that has been deemed to be improperly completed or incomplete, and will notify the Applicant of the rejection. The Applicant may amend and refile the application within 10 days after receiving notification from the Planning Director. If an Amended Application is not received within 10 days of notification or if the Amended Application is still deemed to be improperly completed or incomplete, the Application will receive no further consideration. (Ordinance Code Section 6.108.090.B)
3. **Completion of the Initial Review:** Upon completion of the Initial Application Evaluation, the Planning Director will reject any Application that meets any of the following criteria (Ordinance Code Section 6.108.100.A):
- The proposed dispensary does not comply with requirements of Chapter 6.108 of the Ordinance Code.
 - The Applicant has knowingly made a false statement of material fact or has knowingly omitted a material fact from the Application.
 - The operation of the proposed dispensary at the proposed location is prohibited by any state or local law or regulation.
 - Any person who is listed on the Application pursuant to subsection (A)(10) of Section 6.108.060 has been convicted of a felony within the past three (3) years. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
 - The Applicant or operator listed in the Application is less than eighteen (18) years of age.
 - The Health Care Services Agency has determined that the application for a dispensary has failed to state a health care purpose that fulfills the purposes of Section 11362.5 et seq. of the California Health and Safety Code.
4. **Determination of Eligible Applications:** Any Application that is not rejected upon completion of the Initial Application Evaluation will be deemed an Eligible Application and will be submitted to the Final Application Evaluation phase of the solicitation process. At the conclusion of the Initial Application Evaluation, the Planning Director will notify each Applicant of the results of the Initial Application Evaluation of their Application. All

	<ul style="list-style-type: none"> ● No permit shall be issued for a dispensary within: <ul style="list-style-type: none"> ○ five (5) miles* of another dispensary in the unincorporated area shown in Exhibit B of Chapter 6.108 (East County); or ○ one (1) mile of a permitted dispensary location in an incorporated city. ● Each dispensary shall comply with the zoning requirements in the Zoning Ordinance, the Alameda County General Plan and any Specific Plan applicable to the location of the dispensary, and shall meet all of the following locational standards: <ul style="list-style-type: none"> ○ No dispensary may be closer than one thousand (1,000) feet from any school, any licensed child or day care facility, public park or playground, drug recovery facility or recreation center. ○ No dispensary shall be located in a residential zone or its equivalent. <p>*Because compliance with the 5-mile spacing requirement cannot be evaluated in advance, confirmation of compliance with this requirement will be deferred until after the Applications are scored in the Final Evaluation Process.</p>	
--	---	--

B. FINAL APPLICATION EVALUATION

1. Final Selection Process: The Final Application Evaluation phase of the solicitation process will include selection from the eligible Applications and the establishment of Operating Conditions for any permits issued to the selected eligible Applicants. The County's goal is to grant Permits to the Applicants that represent the best quality applications as determined by the combined weight of the evaluation criteria. The County intends to grant up to two (2) Permit(s):

- If the number of eligible applications is the same as or less than two (2), then all eligible Applications will be submitted for establishment of Operating Conditions.
- If the number of eligible applications exceeds two (2), then a competitive evaluation process will be conducted in which Applicants are scored and ranked with the Planning Director recommending issuance of a Permit to the highest ranked, eligible applicants that meet the spacing requirements of Section 6.108.030.D.2.

- If the proposed locations of the two highest ranked Applications are within 5 miles of one another, the highest ranked Applicant will be submitted for establishment of Operating Conditions and the second highest ranked application will be deemed ineligible due to failure to comply with the spacing requirement (see Table A, Section C). The Director may then recommend issuance of the second permit to the next highest ranked, eligible applicant(s).

Note that Applicants wishing to propose more than one location must submit complete, separate applications for each proposed location. Each Application will be evaluated separately. (Ordinance Code Section 6.108.110)

2. **County Selection Committee ("CSC"):** If the number of Eligible Applications exceeds two (2), the CSC will evaluate and score each eligible application in accordance with the Final Evaluation Criteria set forth below in Table B. The CSC will be composed of County staff comprising representatives of the Planning Department, the Environmental Health Department and the Sheriff's Office. The evaluation of the Applications shall be within the sole judgment and discretion of the CSC.

All contact during the evaluation phase shall be through CDA-Planning staff only. Applicants shall neither contact nor lobby evaluators during the evaluation process. Attempts by any Applicant to contact and/or influence members of the CSC may result in disqualification of the Applicant.

3. **Assessment of Final Evaluation Criteria:** Each of the Final Evaluation Criteria below will be used in ranking and determining the quality of Applications. Applications will be evaluated according to each Final Evaluation Criteria, and scored on the zero to five-point scale outlined below. The scores for all Final Evaluation Criteria will then be added, according to their assigned weight (below), to arrive at a weighted score for each proposal. An Application with a high weighted total will be deemed of higher quality than an Application with a lesser-weighted total. The final maximum score for any project is 550 points, including the local agricultural community commitment points (maximum 10% of final score).

The Final Evaluation Process may include a two-stage approach comprising an evaluation of the written application and preliminary scoring (Stage 1) to develop a short list of Applicants that will continue to the final stage of oral interviews and site visits (Stage 2). The preliminary scoring will be based on the total points, excluding points allocated to the oral interview and site visit.

If the two-stage approach is used, up to eight Applicants receiving the highest preliminary scores and with at least 200 points will be invited to an oral interview and asked to host a site visit. All other Applicants will be deemed eliminated from the process at this point.

**Solicitation of Applications
for East County Medical Cannabis Dispensary Operator Permits (MCDOP)**

All Applicants will be notified of the short list; however, the preliminary scores at that time will not be communicated.

The zero to five-point scale range is defined as follows:

0	Not Acceptable	Non-responsive, fails to meet RFP specification. The application has no probability of success. If a mandatory requirement this score will result in disqualification of proposal.
1	Poor	Below average, falls short of expectations, is substandard to that which is the average or expected norm, has a low probability of success in achieving objectives per RFP.
2	Fair	Has a reasonable probability of success, however, some objectives may not be met.
3	Average	Acceptable, achieves all objectives in a reasonable fashion per RFP specification. This will be the baseline score for each item with adjustments based on interpretation of proposal by CSC members.
4	Above Average / Good	Very good probability of success, better than that which is average or expected as the norm. Achieves all objectives per RFP requirements and expectations.
5	Excellent / Exceptional	Exceeds expectations, very innovative, clearly superior to that which is average or expected as the norm. Excellent probability of success and in achieving all objectives and meeting RFP specification.

4. **Final Evaluation Criteria:** The Final Evaluation Criteria and their respective weights are as follows:

TABLE B		
FINAL EVALUATION CRITERIA – STAGE 1		
	Evaluation Criteria	Weight
A.	<p>Security Plan (Ordinance Code Section 6.108.060.A.11): An adequate Security Plan must contain a detailed description of the proposed security arrangements for ensuring the safety of persons from theft and robbery and protection of the premises from theft and burglary.</p> <p>The Security Plan must:</p> <ul style="list-style-type: none"> • be submitted for review by the Sheriff; • include a lighting plan showing existing and proposed exterior premises and interior lighting levels; • include alarms and security surveillance cameras; • demonstrate that security video shall be maintained for 30 business days and shall be made available to the Sheriff upon request. The video system for security cameras must be located in a locked, tamper-proof compartment. A professionally monitored robbery alarm system shall be installed and maintained in good working condition; and • include the provision of a suitable locked safe on the premises for after-hours storage of medical cannabis. <p>In evaluating this criterion, the CSC will have regard to the comments of the Sheriff (Section 6.108.090.A.2).</p>	20 Points
B.	<p>Appropriateness of Site and Design of Proposed Facility (Ordinance Code Section 6.108.060.A.12&13 and 17.06.040, 17.38.030 and 17.40.030, as applicable):</p> <p>The proposed dispensary site:</p> <ul style="list-style-type: none"> • conforms with all applicable zoning requirements, • is consistent with the setbacks required in Sections 	20 Points

	<p>6.108.030.D.2 and 6.108.030.E of the County General Code,</p> <ul style="list-style-type: none"> ● provides adequate car parking; ● provides adequate customer access from a county road, and through proximity to population centers, ● is consistent with the Floor Area Ratio restrictions in Measure D, included in the land use description section of the East County Area Plan (ECAP), and ● minimizes visual impacts with appropriate measures, including fencing and screening. <p>In evaluating this criterion, the CSC will have regard to the comments of the Community Development Agency in relation to the proposed location's compliance with zoning regulations (Section 6.108.090.A.3).</p>	
<p>C.</p>	<p>Operating Plan (General Code Section 6.108.060.A.21):</p> <p>The Operating Plan must specifically describe how the dispensary will operate consistent with state and local law, including but not limited to:</p> <ul style="list-style-type: none"> ● the minimum staffing levels for operation of the dispensary; ● policies and procedures for record keeping; ● specific details of the dispensary's track and trace program; ● specific details of the dispensary's product testing; ● specific details of the dispensary's proposed odor absorbing ventilation and exhaust systems; ● other relevant information regarding the operation of the proposed dispensary; and ● a copy of the dispensary's labor peace agreement when the dispensary is required by California Business & Professions Code Section 26051.5 to enter into or abide by a labor peace agreement. <p>If the operation of the dispensary is proposed to include the sale of edibles, the Operating Plan must include a description of how the dispensary will achieve compliance</p>	<p style="text-align: right;">20 Points</p>

Solicitation of Applications
for East County Medical Cannabis Dispensary Operator Permits (MCDOP)

	<p>with the requirements for the packaging and labelling of edibles in Ordinance Code Section 6.108.190.B. In evaluating compliance with Ordinance Code Section 6.108.190, the CSC will have regard to the comments of the Department of Environmental Health (Section 6.108.090.A.2).</p>	
D.	<p>Mitigation of Potential Impacts (Ordinance Code Section 6.108.060.A.16):</p> <p>The Application must include a description of the methods by which the applicant will mitigate any potentially adverse impacts, such as loitering, traffic, light, odors or noise, on surrounding property owners.</p> <p>The dispensary shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the dispensary is not detected outside the building in which it operates, on adjacent public rights-of-way or within other units located within the same building as the dispensary if it occupies only a portion of the building.</p> <p>In evaluating this criterion, the CSC will have regard to the comments of the Community Development Agency in relation to the conditions that are needed to mitigate adverse impacts on surrounding uses (Ordinance Code Section 6.106.090.A.3).</p>	10 Points
E.	<p>Environmental Considerations</p> <p>The Application must describe any proposed "green" business practices relating to energy and climate, water conservation, and materials and waste management.</p> <p>Examples of "green" practices could include energy efficiency and renewable energy, the use of green building measures, and conservation and recycling/re-use programs, among others.</p>	5 Points
F.	<p>Community Benefit:</p> <p>Applicants must provide a description of a proposed Community Benefits Program.</p> <p>Examples of benefits could include, but are not limited to, supporting or funding community programs, employment</p>	5 Points

	and job training programs, local substance abuse, cannabis youth education, or domestic violence programs, or other activities that benefit the residents of the County.	
FINAL EVALUATION CRITERIA – STAGE 2 (OPTIONAL)		
G.	Oral Interview: The oral interview on the Application shall not exceed 60 minutes. The oral interview may include responding to standard and specific questions from the CSC regarding the Application.	10 Points
H.	Site Visit: The CSC may arrange an inspection of the site to enable the CSC to review the Application having regard to relevant site features and constraints.	10 Points
LOCAL AGRICULTURAL COMMUNITY COMMITMENT		
I.	Local Commitment: Points equaling up to ten percent of the Applicant’s total score for the above Final Evaluation Criteria (Stage 1 + Stage 2) will be added based on the extent to which the Applicant(s) demonstrate an historic and/or a long-term commitment to improving the local agricultural community.	Ten Percent (10%)

Note: The assessment based on the Final Selection Criteria will be the Applicant’s final score for the purposes of grant evaluation.

5. **CSC Recommendations:** Applications will be evaluated by the CSC and ranked in accordance with the Final Evaluation Criteria. The CSC will recommend the grant of a Permit to the Applicant(s) who, in its opinion, has submitted the Application that attains the highest overall point score. On receiving the CSC’s recommendations, the Planning Director shall recommend issuance of a Permit(s) to the highest ranked, eligible applicants, that meet the spacing requirements of Section 6.108.030.D.2 (as discussed more fully in Sections IV.A.5 and IV.B.1 above), subject to Operating Conditions.
6. **Operating Conditions:** Prior to issuing Notice of Intention to Grant a Permit(s), the Planning Director shall establish Operating Conditions for each Permit (General Code Section 6.108.110.C), in addition to the Standard Conditions contained in Section 6.108.120. The Operating Conditions for each Permit shall:

- a. **Be limited to the conditions necessary to carry out the purpose of Chapter 6.108 and to mitigate specific and foreseeable adverse impacts on properties in the vicinity (General Code Section 6.108.110.C);**
- b. **Include the requirement for the Applicant to obtain (General Code Section 6.108.110.E):**
 - (1) **Any required state permits or licenses for the operation of a dispensary, if and when applicable; and**
 - (2) **All land use entitlements required to operate a dispensary, if and when applicable.**

C. NOTICE OF INTENTION TO GRANT

1. **At the conclusion of the final selection process, all Applicants will be notified in writing by personal delivery or certified US Mail, postage prepaid, return receipt requested, of the Permit grant recommendations, if any, by CDA-Planning.**
2. **Successful Applicants will receive a Notice of Intention to Grant, providing the following information:**
 - a. **Confirmation that the Applicant's Application was successful and is being recommended for grant of a Permit pursuant to this RFP;**
 - b. **The Operating Conditions that would attach to the Permit; and**
 - c. **The name of all Applicant(s) who are being recommended for grant of a Permit pursuant to this RFP.**
3. **Unsuccessful Applicants will receive notice in writing providing the following information:**
 - a. **Notification that the Applicant's Application was unsuccessful; and**
 - b. **The name of all Applicant(s) who are being recommended for grant of a Permit pursuant to this RFP.**
4. **An Applicant who has received a Notice of Intention to Grant shall, within ten (10) days after receiving that notice, either (General Code Section 6.108.110.D):**
 - a. **Certify acceptance of the Operating Conditions, including the standard conditions, of the Permit; or**
 - b. **Refuse to certify acceptance of the Operating Conditions.**

D. GRANT OF PERMIT(S)

1. If the Applicant certifies acceptance of the Operating Conditions within ten (10) days, the Permit shall be issued immediately by CDA-Planning. If the Applicant refuses or fails to certify acceptance of the Operating Conditions within ten (10) days, the Application shall be denied.
2. The County reserves the right to reject any or all responses that materially differ from any terms contained in this RFP or from any Exhibits attached hereto, to waive informalities and minor irregularities in responses received, and to provide an opportunity for Applicants to correct minor and immaterial errors contained in their submissions. The decision as to what constitutes a minor irregularity shall be made solely at the discretion of the County.
3. Any Applications that contain false or misleading information may be disqualified by the County.
4. The County reserves the right to grant the Permit(s) to a single or multiple Applicant(s).
5. The RFP specifications, terms, conditions and Exhibits, RFP Addenda and Applicant's Application, may be incorporated into and made a part of any Permit that may be granted as a result of this RFP.
6. The procedures regarding appeals from administrative determination are provided in Ordinance Code Sections 6.108.130 - 6.108.150. As outlined in the Ordinance, an Applicant may appeal a decision made by the Planning Director that an Application is incomplete, that an Application does not comply with the requirements of Ordinance Code Section 6.108.100, in relation to the establishment or modification of Operating Conditions or the refusal to grant a Permit. The appeal must be filed within 10 days following the issuance of the decision. The appeal will be considered at a public hearing by an Administrative Panel. The Applicant may file an appeal to the Board of Supervisors of the decision of the Administrative Panel within 10 days following the issuance of the decision. The Board of Supervisors will consider the appeal at a public hearing at which the Board may grant or deny the appeal or impose, delete or modify operating conditions of the permit.

E. FEES

1. Each Applicant progressing through the stages of the evaluation process pursuant to this RFP will be required to pay the following fees, on the dates specified in the Calendar of Events:
 - a. Application Fee: \$8,000;
 - b. Final Selection Fee: \$4,000;
 - c. Permit Issuance Fee: \$2,000.
2. Applicants should also be aware that if they successfully obtain a Permit pursuant to this RFP, they may also incur further fees pursuant to the following processes:
 - a. Any appeal pursuant to Alameda County General Code Section 6.108.130, pursuant to which the appellant may be liable to bear the County's reasonable costs associated with an appeal;
 - b. Obtaining a CUP for a dispensary;
 - c. Quarterly monitoring and compliance; and
 - d. A potential future taxation measure, which may be implemented by the County.

V. INSTRUCTIONS TO APPLICANTS

A. COUNTY CONTACTS

CDA-Planning is managing the competitive process for this RFP on behalf of the County. All contact during the competitive process is to be through the CDA Planning Department only, through the contact persons listed below.

The evaluation phase of the competitive process shall begin upon receipt of Applications until a Permit(s) has been granted. Applicants shall not contact or lobby evaluators during the evaluation process. Attempts by an Applicant to contact evaluators may result in disqualification of the Applicant.

The following website will be the official notification posting place of all Requests for Interest, Proposals, Quotes and Addenda:

<https://www.acgov.org/cda/planning/landuseprojects/medical-cannabis.htm>

General Questions Regarding the RFP: Potential Applicants may submit questions regarding ordinance requirements or the contents of this RFP to Planning Department staff by 5:00 p.m. on the due date specified in the Calendar of Events. Responses to all general questions received regarding the RFP or ordinance requirements will be included in the Addendum described above.

Please submit general questions to:

Liz McElligott, Assistant Planning Director
Alameda County Planning Department
224 W. Winton Avenue, Rm 111, Hayward, CA 94544
E-Mail: elizabeth.mcelligott@acgov.org
PHONE: (510) 670-5400

Questions Regarding the Zoning of Specific Properties: If you have a question about the zoning designation of a specific property, please contact the County Permit Center either in person at 399 Elmhurst Street, Hayward; or by phone at: (510) 670-5400.

Questions Regarding Whether a Specific Property Meets Other Ordinance Requirements: If you have a question about whether a specific property meets other ordinance requirements, please direct those questions to:

Rodrigo Orduña, Assistant Planning Director
Alameda County Planning Department
224 W. Winton Avenue, Rm 111, Hayward, CA 94544
E-Mail: rodrigo.orduna@acgov.org
PHONE: (510) 670-5400

B. SUBMITTAL OF APPLICATIONS

1. All applications must be hand delivered and must be received at the CDA Planning Department of Alameda County by 5:00 p.m. on the due date specified in the Calendar of Events.

NOTE: LATE APPLICATIONS CANNOT BE ACCEPTED. PLEASE ALLOW TIME FOR METERED PARKING OR PARKING IN PUBLIC PARKING LOTS.

Applications will be received only at the address shown below, and by the time indicated in the Calendar of Events. Any Application received after said time and/or date or at a place other than the stated address cannot be considered and will be returned to the Applicant.

All Applications must be hand delivered and must be received and time stamped by the Planning Department at the stated address prior to the time designated. The timestamp applied by a Planning Department staff member shall be considered the official submission time for the purpose of establishing the actual receipt of Applications.

2. Applications are to be addressed as follows:

Medical Cannabis Dispensary Operation Permits
East County MCCOP RFP 2017
Alameda County, Planning Department
224 W. Winton Avenue, Rm 111
Hayward, CA 94544

The Applicant's name, return address, and the RFP title ("East County MCDOP RFP 2017") must also appear on the package.

3. Applicants are to submit one original hardcopy Application (Exhibit A – Application Response Packet, including additional required documentation), with original ink signatures, plus 6 copies of the Application. The original Application is to be clearly marked "ORIGINAL" with copies to be marked "COPY". All Applications should be printed on plain white paper, and must be in a 3-ring binder (NOT bound). It is preferred that all Applications submitted shall be printed double-sided and on minimum 30% post-consumer recycled content paper. Inability to comply with the 30% post-consumer recycled content recommendation will have no impact on the evaluation and scoring of the Application.

Applicants must also submit an electronic copy of their proposal. The electronic copy must be in a single file (PDF with OCR preferred), and shall be an exact scanned image of the original hard copy Exhibit A – Application Response Packet, including additional required documentation. The file must be on disk or USB flash drive and enclosed with the sealed original hardcopy of the bid.

4. All costs required for the preparation and submission of an Application shall be borne by the Applicant.
5. All other information regarding the Application responses will be held as confidential until such time as the County Selection Committee has completed its evaluation and Permit(s) have been granted by the County.
6. Each Application received, with the name of the Applicant, shall be entered on a record, and each record with the successful Application indicated thereon shall, after the grant of the Permit, be open to public inspection.

C. RESPONSE FORMAT

- 1. Application responses are to be straightforward, clear, concise and specific to the information requested.**
- 2. In order for Application to be considered complete, the Applicant must provide responses to all information requested. See Exhibit A – Application Response Packet. .**
- 3. Application responses, in whole or in part, are NOT to be marked confidential or proprietary. The County may refuse to consider any Application response or part thereof so marked. Application responses submitted in response to this RFP may be subject to public disclosure. The County shall not be liable in any way for disclosure of any such records.**

**THIS IS THE FINAL PAGE OF THE EAST COUNTY MCDOP RFP 2017
(NOT INCLUDING EXHIBITS A AND B, WHICH ARE IN SEPARATE DOCUMENTS)
** THIS PAGE IS INTENTIONALLY LEFT BLANK ****

**CANNABIS DISPENSARY
ORDINANCE 6.108**

ORDINANCE NO. 2017-_____

AN ORDINANCE AMENDING CHAPTER 6.108 OF THE ALAMEDA COUNTY GENERAL ORDINANCE CODE TO REGULATE MEDICAL CANNABIS DISPENSARIES, TO PERMIT AND REGULATE THE DELIVERY OF MEDICAL CANNABIS IN THE UNINCORPORATED AREA OF THE COUNTY OF ALAMEDA, AND TO REGULATE THE SALE, DISPENSING AND DELIVERY OF EDIBLES

SECTION 1

The Board of Supervisors makes the following findings of fact in support of this ordinance:

1. In 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code section 11362.5 and titled the "Compassionate Use Act of 1996"); and
2. The intent of Proposition 215 was to enable persons who are in need of cannabis for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances; and
3. In 2004, Senate Bill 420 was enacted (codified as California Health and Safety Code section 11362.7 *et seq.* and titled the "Medical Marijuana Program Act") to clarify the scope of the Compassionate Use Act of 1996. The Medical Marijuana Program Act allows counties to adopt and enforce rules and regulations consistent with its provisions; and
4. In 2011, Assembly Bill 2650 was enacted (codified as California Health and Safety Code section 11362.768). This law affirms that counties can adopt ordinances that restrict the location and establishment of medical cannabis collectives and cooperatives; and
5. In 2015, Assembly Bill 243, Assembly Bill 266 and Senate Bill 643 were enacted (codified in part as California Business and Professions Code section 19300 *et seq.* and titled the "Medical Marijuana Regulation and Safety Act"). These bills also amended provisions of the Medical Marijuana Program Act related to the cultivation of medical cannabis; and
6. In 2016, Senate Bill 837 was enacted to change all references to medical marijuana or marijuana to medical cannabis or cannabis, including changing the name of the Medical Marijuana Regulation and Safety Act to the Medical Cannabis Regulation and Safety Act; and
7. The Medical Cannabis Regulation and Safety Act established a comprehensive framework to license and regulate commercial medical cannabis cultivation, manufacturing, distribution, transportation, sales, and testing; and
8. On November 8, 2016, the voters of the State of California approved Proposition 64 (codified, in part, as California Business and Professions Code sections 26000 *et seq.* and titled the "Control, Regulate and Tax Adult Use of Marijuana Act"), which decriminalized the adult use of cannabis for non-medical purposes and established a regulatory scheme at the state level; and

9. On June 27, 2017, Senate Bill 94 (codified, in part, as California Business and Professions Code sections 26000 *et seq.* and titled the "Medicinal and Adult-Use Cannabis Regulation and Safety Act", or, "MAUCRSA") repealed and replaced MCRSA. MAUCRSA consolidates the medical and non-medical cannabis statutes (MCRSA and Proposition 64).
10. Pursuant to California Business and Professions Code section 26200, nothing in the Medicinal Cannabis Regulation and Safety Act shall be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local permit or licensing requirements; and
11. This Ordinance is enacted, consistent with the Compassionate Use Act of 1996, the Medical Marijuana Program Act, and the Medicinal and Adult-Use Cannabis Regulation and Safety Act to protect the public health, safety, and welfare of residents of the County of Alameda in relation to the distribution and delivery of medical cannabis; and
12. In *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, the California Supreme Court concluded that nothing in the Compassionate Use Act nor the Medical Marijuana Program Act precludes a local jurisdiction from regulating or prohibiting facilities that distribute medical cannabis; and
13. Although not authorized by the County, it is believed that the delivery of medical cannabis has been occurring in the unincorporated area of the County; and
14. Permitting the delivery of medical cannabis provides an important service to those who are seriously ill, elderly, and persons with disabilities who are otherwise unable to easily access "brick and mortar" dispensaries; and
15. Absent appropriate regulation, the delivery of medical cannabis in the unincorporated area of the County poses a potential threat to the public peace, health, and safety; and
16. Medical cannabis dispensaries have been dispensing food products containing cannabis, commonly referred to as "edibles", that may constitute a unique health hazard to the public because, unlike other ingestible items, edibles are not presently regulated, inspected, or analyzed for concentration by state or federal government; and
17. The County intends to proceed with further study and public meetings to consider additional ordinances that most effectively regulate and license all facets of medical cannabis activities, including cultivation and manufacturing; and
18. The County has a compelling interest in protecting the public health, safety, and welfare of its residents, visitors and businesses, in preserving the peace and quiet of the neighborhoods within the unincorporated areas of the County by regulating the distribution and delivery of medical cannabis and the packaging, labeling and sale of edibles; and
19. In adopting the East County Area Plan (ECAP) in 1994 and Measure D in 2000, the Board of Supervisors and the voters established an urban growth boundary and associated goals and policies to protect agricultural and open space uses while allowing some limited development, including "agriculture enhancing commercial uses" that can demonstrate an economic connection to agricultural use and production and "visitor-serving commercial uses" that promote agriculture and are subordinate and directly related to the area's

agricultural production; and

20. The Board of Supervisors has determined that, with appropriate conditions, cultivation of medical cannabis may be an appropriate conditionally permitted use in the agricultural districts and outside of the urban growth boundary established by Measure D; and
21. The Board of Supervisors has determined that, with appropriate conditions, a dispensary may be an appropriate conditionally permitted use in the agricultural district and outside of the urban growth boundary established by Measure D as an "agriculture enhancing commercial use" and a "visitor-serving commercial use" that is economically related to and supports the area's cannabis cultivation; and
22. This Ordinance regulates the dispensing and delivery of medical cannabis and medical cannabis products in the unincorporated areas of the County and does not address the dispensing or delivery of cannabis for non-medical use under Proposition 64, MAUCRSA or otherwise; and
23. Nothing in this Ordinance shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. § 801 *et seq.* or to license any activity that is prohibited under said Act except as mandated by State law; and
24. Nothing in this Ordinance shall be construed to: (1) allow persons to engage in conduct that endangers others or causes a public nuisance; (2) allow the use of cannabis for non-medical purposes; (3) exempt dispensaries or delivery operations from compliance with zoning and land use regulations, or, (4) allow any activity relating to the cultivation, distribution, or consumption of cannabis that is illegal under state or federal law.

SECTION 2

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Alameda, as follows:

Chapter 6.108 of the Alameda County General Ordinance Code is hereby amended to read as follows:

Chapter 6.108 – Medical Cannabis Dispensaries, Delivery Operations and Edibles

6.108.010 - Purpose and intent.

The purpose and intent of this chapter is to implement state law by providing a means for regulating the operation of medical cannabis dispensaries, the delivery of medical cannabis, and the packaging, labeling and sale of medical cannabis edibles in a manner that is consistent with state law and which promotes the health, safety and general welfare of the residents and businesses within the unincorporated portions of the county.

6.108.020 - Definitions.

The following words and phrases shall have the following meanings when used in this chapter:

- A. "Applicant" means a person who shall seek a permit under this chapter by filing an application as provided for in this chapter.

- B. "Application" means that form provided by the director in accordance with this chapter for the purpose of seeking a permit.
- C. "Bureau" means the Bureau of Cannabis Control within the California Department of Consumer Affairs.
- D. "Brick and mortar" dispensary means a cannabis dispensary with a permanent physical location for which a license or permit to dispense medical cannabis from a store-front retail premise for direct physical access to qualified patients and primary caregivers has been issued by the local jurisdiction in which the dispensary is located and by the state, once state licenses become available.
- E. "Cannabis" shall have the same definition as in Business and Professions Code section 26001(f), which defines "cannabis" as all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; 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" 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. For purposes of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the California Health and Safety Code.
- F. "Cannabis concentrate" or "Concentrate" shall have the same definition as in Business and Professions Code section 26001(h), which defines "cannabis concentrate" to mean cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this chapter. A cannabis concentrate is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.
- G. "Cannabis cultivation," "Cultivate" or "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of medical cannabis. Cannabis cultivation includes the operations of a cannabis nursery. Cannabis cultivation does not mean the temporary maintenance and selling of clones from a permitted dispensary, where such activities are incidental and subordinate to the primary dispensary operation.
- H. "Cannabis Delivery" or "Delivery" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the Bureau, or, until the Bureau establishes an allowed amount, the amount allowed by California Health and Safety Code Section 11362.77, to a primary caregiver, qualified patient or person with an identification card as defined in Section 11362.7 of the California Health and Safety Code, or a testing laboratory. "Delivery" also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the Bureau, that enables qualified patients, persons with an identification card or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

- I. **"Cannabis Delivery Operator"** means a person holding a permit under this chapter to engage in the delivery of medical cannabis or medical cannabis products.
- J. **"Cannabis Dispensary" or "Dispensary"** means a premises where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, medical cannabis and medical cannabis products as part of a retail sale under the authority of the California Compassionate Use Act, the Medical Marijuana Program Act, or the medical provisions of the California Medicinal and Adult-Use Cannabis Regulation and Safety Act and as regulated by this chapter; provided, however, that the following facilities are exempt from the requirement of a permit:
 - 1. A clinic that is licensed under Chapter 1 of Division 2 of the California Health and Safety Code.
 - 2. A health care facility that is licensed under Chapter 2 of Division 2 of the California Health and Safety Code.
 - 3. A residential care facility for persons with chronic life-threatening illness that is licensed under Chapter 3.01 of Division 2 of the California Health and Safety Code.
 - 4. A residential care facility for the elderly that is licensed under Chapter 3.2 of Division 2 of the California Health and Safety Code.
 - 5. A residential hospice or a home health agency that is licensed under Chapter 8 of Division 2 of the California Health and Safety Code. **"Cannabis Operator"** means the natural person or designated officer responsible for the operation of any permitted cannabis operation.
- K. **"Clone"** means the cutting of a cannabis plant that has been re-planted and is non-flowering.
- L. **"Community Development Agency"** means the community development agency of the County of Alameda.
- M. **"County"** means the County of Alameda.
- N. **"Director"** means the director of the Community Development Agency or his designee.
- O. **"Dispensing"** means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.
- P. **"Distribution"** means the procurement, sale, and transport of medical cannabis and medical cannabis products between entities licensed pursuant to the medical provisions of Division 10 of the California Business and Professions Code.
- Q. **"Edible cannabis product", "Edible" or "Edibles"** shall have the same definition as in Business and Professions Code section 26001(t), which defines "edible cannabis product" as a cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the California Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.

- R. "Eligible application" means an application that complies with the requirements of the initial review and is submitted for final selection, as provided for in Section 6.108.110.
- S. "Identification card" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.
- T. "Labeling" means any label or other written, printed, or graphic matter upon a medical cannabis product, or upon its container or wrapper, or that accompanies any medical cannabis product.
- U. "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.
- V. "Medical cannabis," "medical cannabis product," or "cannabis product" means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this chapter, "medical cannabis" does not include "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
- W. "Nursery" means a cannabis operation that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.
- X. "Permit" means a permit issued by the county to a medical cannabis dispensary or delivery operator under this chapter.
- Y. "Permittee" means a person who holds an effective and current permit under this chapter.
- Z. "Person" means any human being or an incorporated or unincorporated business entity or association established under the laws of the state.
- AA. "Person with an identification card" means an individual who is a qualified patient who has applied for and received a valid identification card pursuant to Article 2.5 of the California Health and Safety Code
- BB. "Premises" means the building in which a medical cannabis dispensary is operated and, in addition, any accessory structures and appurtenant areas.
- CC. "Primary caregiver" means the individual, designated by a qualified patient or a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, and may include those persons identified in subdivision (e) of Section 11362.5 of the California Health and Safety Code, as it may be amended.
- DD. "Qualified patient" means a person who is entitled to the protections of Section 11362.5 of the California Health and Safety Code, but who does not have an identification card issued pursuant to Article 2.5 of the California Health and Safety Code.
- EE. "School" means an institution of learning for minors, whether public or private, that offers a regular course of instruction.

FF. "Sheriff" means the sheriff of the County of Alameda and his or her authorized representatives.

GG. "State" means the state of California.

6.108.030 – Cannabis dispensary permit required.

- A. It shall be unlawful for any person to conduct, engage in or allow to be conducted or engaged in, the operation of a medical cannabis dispensary in the unincorporated portion of Alameda County, unless such medical cannabis dispensary has been granted a legally effective permit issued under this chapter. Notwithstanding the above, the permits issued under this chapter do not provide any protection or immunity for any person from state or federal laws, or from prosecution pursuant to any applicable state or federal laws.
- B. The owner, managing partner, officer of a corporation or such other person who shall be primarily responsible for the operation of a proposed medical cannabis dispensary shall apply for a permit under this chapter and, if granted, shall maintain the operation of the medical cannabis dispensary in conformity with the terms of this chapter and of the permit.
- C. The fact that an applicant possesses other types of state or county permits or licenses other than those identified in Section 6.108.020 shall not exempt the applicant from obtaining a permit under this chapter, nor shall the terms and conditions of any other such permit or license modify the requirements of a permit granted under this chapter.
- D. At no time shall the county have in effect more than five permits.
 - 1. In the West County, in no event shall the total number of permits for all areas shown in Exhibit A (West County) exceed three. No more than two permits shall be issued in any one of the two areas shown in Exhibit A (West County). No more than one permit shall be issued in the other area shown in Exhibit A (West County).
 - 2. In the East County, in no event shall the total number of permits for all areas shown in Exhibit B (East County) exceed two. No permit shall be issued for a dispensary within five miles of another dispensary in the area shown in Exhibit B (East County) or within one mile of a permitted dispensary location in an incorporated city.
 - 3. No permit shall be issued in any portion of the unincorporated area that is not within one of the areas delineated in Exhibit A or Exhibit B.
- E. Notwithstanding subsection D of this section, each medical cannabis dispensary shall comply with all zoning requirements in Title 17 of the Alameda County General Ordinance Code, the Alameda County General Plan, and any Specific Plan applicable to the location of the dispensary, including the requirement to obtain any conditional use permits, and shall also meet all of the following locational standards:
 - 1. No dispensary may be closer than one thousand (1000) feet from any other dispensary.
 - 2. No dispensary may be closer than one thousand (1000) feet from any school, any licensed child or day care facility, public park or playground, drug recovery facility or recreation center.
 - 3. No dispensary shall be located in a residential zone or its equivalent.

6.108.035 – Cannabis delivery permit required.

- A. It shall be unlawful for any person, including a legally permitted medical cannabis dispensary, to conduct, engage in or allow to be conducted or engaged in the delivery of

medical cannabis or medical cannabis products in the unincorporated portion of Alameda County, unless such person has been granted a legally effective delivery permit issued under this chapter. Notwithstanding the above, the permits issued under this chapter do not provide any protection or immunity for any person from state or federal laws, or from prosecution pursuant to any applicable state or federal laws.

B. The owner, managing partner, officer of a corporation or such other person who shall be primarily responsible for the operation of a proposed medical cannabis delivery operation shall apply for a permit under this chapter and, if granted, shall maintain the operation of the medical cannabis delivery operation in conformity with the terms of this chapter and of the permit.

C. The fact that an applicant possesses other types of state or county permits or licenses shall not exempt the applicant from obtaining a delivery permit under this chapter, nor shall the terms and conditions of any other such permit or license modify the requirements of a permit granted under this chapter.

D. A medical cannabis delivery permit shall be issued only to a "brick and mortar" dispensary holding a valid license or permit to dispense medical cannabis issued by the State of California or by a California city, county, or city and county. Mobile dispensaries that do not have a permanent physical dispensary location (a "brick and mortar" dispensary) are not eligible for and shall not be issued a delivery permit.

E. A delivery permit shall automatically expire, be suspended or revoked when the permit holder's dispensary license or permit expires, is suspended or revoked. The expiration, suspension or revocation of a delivery permit will not automatically affect the status of the delivery permit holder's dispensary license.

6.108.040 - Term of cannabis dispensary permits and renewals.

A. Each cannabis dispensary permit shall expire two years after the date of its issuance.

B. The term of each delivery permit shall run concurrent with the term of the delivery permit holder's dispensary permit, but in no event longer than two years after the date of its issuance.

C. Any permit may be renewed by the director for successive two-year periods upon the submission of a renewal application by the permittee. At the time of consideration of a renewal application, the county shall consider compliance with conditions in the prior term.

D. Any application for renewal shall be filed at least forty-five (45) days before expiration of the permit.

E. Any application for renewal shall be rejected if:

1. The application is filed less than forty-five (45) days before its expiration.
2. The permit is suspended or revoked at the time of the application; provided, however, that an application for renewal may be filed within ten days after the granting of a permittee's appeal of the suspension or revocation of a permit.
3. The dispensary authorized by the dispensary permit has not been in regular operation in the four months prior to the renewal application.
4. The dispensary fails to conform to the criteria set forth in Section 6.108.100 or, for a delivery permit, the dispensary fails to conform to the criteria set forth in Section 6.108.125.

6.108.050 – Cannabis dispensary permit application and renewal procedures.

- A. When one or more cannabis dispensary permits authorized by Section 6.108.030 is available for award, the director will initiate a process to solicit applications for the establishment of a dispensary within an area where a dispensary could be established based upon the provisions of Section 6.108.030.
- B. Each application for the establishment of a dispensary or renewal of an existing cannabis dispensary permit shall be filed with the director and the director shall be responsible for administering the application solicitation and renewal application processes as set forth in this chapter.
- C. The director shall adopt such forms and procedures as are necessary to implement this chapter with respect to the initial selection, future selection, renewal, revocation and suspension of permits.
- D. Wherever this chapter requires the county to give notice to an applicant, appellant or permittee, such notice shall be given by the director, in writing, and shall be delivered either by personal delivery or by certified U.S. mail, postage prepaid, return receipt requested. In addition, any such notice shall be posted at the address of the dispensary on the date of the mailing of notice.
- E. No person or facility that purports to have distributed or delivered cannabis prior to the enactment of this chapter shall be deemed to have been a legally established dispensary or delivery operation under the provisions of this chapter, and such person or facility shall not be entitled to claim a legal nonconforming status.

6.108.060 - Contents of cannabis dispensary permit application.

- A. In response to a solicitation for applications initiated by the director, each application for a cannabis dispensary permit shall set forth or incorporate by reference the following information and such other relevant information determined by the director to be reasonably required, all in a standard form adopted by the director:
 - 1. Address of the proposed cannabis dispensary and the name and address of the owner of the premises.
 - 2. The full name, date of birth, social security number, present address and telephone number of the applicant.
 - 3. The address to which notice of action on the application is to be mailed.
 - 4. All residential addresses of the applicant for the five years immediately prior to the date of the application.
 - 5. Written proof that the applicant is eighteen (18) years of age or older (i.e., California driver's license, California identification card or birth certificate).
 - 6. The height and weight and the color of eyes and hair of the applicant.
 - 7. Photographs of the applicant for identification purposes to be taken by the sheriff.
 - 8. The names and addresses of all businesses operated by and the employment of the applicant for the five years immediately prior to the date of the application.
 - 9. The address of any dispensaries that had previously been operated by the applicant and a statement of whether the authorization for any such operation had been revoked or suspended and, if so, the reason therefor.

10. The names and telephone numbers of the person or persons to be regularly engaged in the operation of the proposed cannabis dispensary, whether an employee, volunteer or contractor. The application shall also identify those persons, including telephone numbers (i.e., emergency contact), having management and supervisory responsibilities for the proposed dispensary. Every person listed as owner, manager, supervisor or employee must submit fingerprints and other necessary information for a background check to the Alameda County Sheriff's Office, and be photographed for identification purposes. In addition, any new employees, independent contractors, other persons and/or volunteers regularly engaged in the proposed medical cannabis dispensary must submit their information to the sheriff's office within five days prior to their employment pursuant to Section 6.108.120(A)(11).
11. A security plan containing a detailed description of the proposed security arrangements for ensuring the safety of persons from theft and robbery and protection of the premises from theft and burglary. The security plan shall be approved by the Sheriff, and shall include a lighting plan showing existing and proposed exterior premises and interior lighting levels, alarms and security surveillance cameras. Security video shall be maintained for 30 business days and shall be made available to the Sheriff upon request. The video system for security cameras must be located in a locked, tamper-proof compartment. A professionally monitored robbery alarm system shall be installed and maintained in good working condition. The security plan shall include the provision of a suitable locked safe on the premises for after-hours storage of medical cannabis.
12. A floor plan, consisting of a sketch or diagram showing the interior configuration of the premises of the cannabis dispensary, including a statement of the total floor area occupied by the dispensary. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus twelve (12) inches. The dispensary must have a lobby waiting area at the entrance to receive clients, and a separate and secure designated area for dispensing medical cannabis to qualified patients, persons with an identification card or designated caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping or similar obstructions so that it is clearly visible from public streets, sidewalks, or site driveways.
13. A description of external appearance of the dispensary, including a precise depiction of any signage, which shall not obstruct the entrance or windows of the dispensary. All signage shall comply with the County Zoning Ordinance.
14. A description of products to be sold or dispensed by the dispensary.
15. The mission statement of the dispensary with respect to meeting the medical needs of patients in its area, as delineated by subsection D of Section 6.108.030.
16. A description of the methods by which the applicant will mitigate any potentially adverse impacts, such as loitering, odors or noise, on surrounding property owners. The dispensary shall be designed to provide sufficient odor absorbing ventilation and exhaust systems to that any odor generated inside the dispensary is not detected outside the building in which it operates, on adjacent public rights-of-way, or within other units located within the same building as the dispensary if it occupies only a portion of the building.
17. Authorization for the county, its agents and employees to seek verification of the information contained in the application.

9. The entrance to a dispensary shall be posted with a notice that states the restrictions on the presence of persons under the age of eighteen (18) and that smoking, ingesting or consuming cannabis on the premises is prohibited. In addition, each dispensary shall conspicuously display the permit.
10. No dispensary may hold a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, nor may it include a business that sells alcoholic beverages. No alcohol may be stored, sold, dispensed or used on the premises.
11. Each permittee shall maintain a current registry of persons, including, but not limited to, employees, contractors and volunteers, who are regularly engaged in the operation of the dispensary. The registry shall be provided to the director at any time upon request. The registry shall include the name, current residential address, telephone number, date of birth and the height, weight and color of eyes and hair of each such person. In addition, any new employees, independent contractors, other persons and/or volunteers to be regularly engaged in the operation of the proposed medical cannabis dispensary must submit their information to the sheriff's office within five days prior to their employment or engagement.
12. No person who has been convicted of a felony within the past three years may be actively engaged in the operation of any dispensary. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
13. A dispensary shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.
14. The permittee shall provide the director with the name, telephone number and facsimile number of a community relations contact to whom one can provide notice of problems associated with the dispensary. The permittee shall make a good faith effort to resolve problems without the need for intervention by the county.
15. A dispensary shall provide litter removal services twice each day of operation on and in front of the premises and, if necessary, on public sidewalks within one hundred (100) feet of the premises.
16. A dispensary shall comply with county building, zoning and health codes, and shall allow inspections to ensure conformance with such regulations.
17. A dispensary shall not be delinquent in the payment of fees required by this chapter.
18. All activities of the dispensary must take place within the interior of the building.
19. A dispensary must have appropriate restroom facilities that will accommodate both male and female customers.
20. Once the Bureau begins issuing licenses to testing laboratories, a dispensary shall ensure that a representative sample of its cannabis and cannabis products have been submitted for analytical testing at a licensed testing laboratory, as defined in Business and Professions Code section 26001(as), before the cannabis and cannabis products are delivered to the dispensary.
21. A dispensary shall package all cannabis flowers sold on its premises in child resistant packaging.
22. A dispensary shall implement a track and trace program with a unique identifier for every product, both for inventory stored in a safe and inventory packaged for sale. A dispensary shall implement a track and trace program that shall be in compliance with

Section 26067, 26068 and 26069 of the California Business and Professions Code and all applicable regulations, once that program is established and becomes operational.

23. A dispensary shall use devices that meet the standards of the California Department of Food and Agriculture's Division of Measurement Standards for all weighing and measuring devices, including but not limited to scales and scanners; register with Alameda County Sealer of Weights of Measures; allow inspections and sealing of all weighing and measuring devices, including scanners or POS systems; and comply with all other requirements in Division 5 of California Business and Professions Code related to weights and measures, Title 4 Division 9 of the California Code of Regulations, and any relevant Alameda County ordinance.
24. No dispensary shall (a) enter into any agreement with or employ a physician for the purpose of evaluating patients for the issuance of a medical cannabis recommendation or identification card; (b) allow a physician to locate on the dispensary premises at any time for the purpose of issuing a medical cannabis recommendation or identification card; (c) give or offer to give any form of remuneration to a physician if the physician or his or her immediate family have a financial interest (as that term is defined in California Business and Professions Code section 650.01) in the dispensary; and (d) not distribute any form of advertising for physician recommendations for medical cannabis in California unless the advertisement bears the notice to consumers contained in California Business and Professions Code section 2525.5.
25. Each dispensary shall fully comply with the terms of its approved security plan, floor plan and operating plan.
 - B. In order to minimize any adverse impacts on surrounding properties or residents, the standard operating conditions that are set forth in this section may be modified upon the issuance of the permit or upon ten days' notice during the term of the permit.
 - C. During the term of each permit, the county shall require the permittee to comply with the standard operating conditions that are set forth in this section or as they may be modified in accordance with subsection B of this section and, in addition, any such operating conditions that may be established pursuant to subsections C and D of Section 6.108.110.
 - D. At any time during the operation of a dispensary and without notice, the director, acting in conjunction with other appropriate county officials, may enter the premises for the purpose of observing compliance of the dispensary with the conditions of its permit.
 - E. Release of the county from liability. The owner and permittee of each dispensary and delivery operation shall release the county, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution of dispensary or delivery operator owners, operators, employees, or clients for violation of state or federal laws in a form satisfactory to the director.
 - F. County indemnification. The owners and permittee of each dispensary and delivery operator shall indemnify and hold harmless the county and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the dispensary or by the delivery operator, and for any claims brought by any of their clients for problems, injuries, damages or liabilities of any kind that may arise out of the distribution, delivery and/or on- or off-site use of cannabis provided at the dispensary or delivered by the delivery operator in a form satisfactory to the director.

6.108.125 - Standard conditions for cannabis delivery operations.

A. Throughout the term of the medical cannabis delivery permit, each permit holder shall not violate this chapter and shall comply with the following standard conditions:

- 1. It shall be a violation of this chapter for a delivery operation to deliver, distribute, provide or allow to be provided cannabis to any person except those persons who are primary caregivers, qualified patients or persons with an identification card, as defined by California Health and Safety Code section 11362.7. All deliveries that do not comply with provisions of Sections 26000, et seq., of the Business and Professions Code applicable to medical operations, associated state regulations, and the terms of the permit and this chapter are prohibited. It shall be the responsibility of the permit holder to ensure that a good faith effort is made to verify the validity of any identification card or the written recommendation from a licensed physician provided to the delivery operator.**
- 2. All employees of a delivery operator delivering medical cannabis or medical cannabis products shall carry a copy of the dispensary's current dispensary license or permit and the dispensary's current delivery permit authorizing those services with them during deliveries and the employee's government-issued identification, and shall present that license, permit and identification upon request to state and local law enforcement, employees of regulatory authorities, and other state and local agencies enforcing this chapter.**
- 3. During any delivery, the permittee shall maintain a physical copy of the delivery request and shall make it available upon request of the director or law enforcement officers. The delivery request documentation shall comply with state and federal law regarding the protection of confidential medical information.**
- 4. The qualified patient, person with an identification card or primary caregiver requesting the delivery shall maintain a copy of the delivery request and shall make it available, upon request, to the director or law enforcement officers.**
- 5. No deliveries shall be made between the hours of 12:00 a.m. and 9:00 a.m. or between the hours of 9:00 p.m. and 11:59 p.m. on any day.**
- 6. No person who is less than eighteen (18) years of age may be employed or otherwise engaged in the delivery of medical cannabis.**
- 7. It shall be unlawful for any delivery operation to provide medical cannabis to any person under the age of eighteen (18) unless that person is a qualified patient or a primary caregiver with a valid identification card in accordance with California Health and Safety Code section 11362.7 or has a verifiable written recommendation from a licensed physician for medical cannabis.**
- 8. Each permittee shall maintain a current registry of persons, including, but not limited to, employees, contractors and volunteers, who are regularly engaged in delivery operations. The registry shall be provided to the director at any time upon request. The registry shall include the name, current residential address, telephone number, date of birth and the height, weight and color of eyes and hair of each such person. Every person listed as owner, manager, supervisor or employee must submit fingerprints and other necessary information for a background check to the Alameda County sheriff's office, and be photographed for identification purposes. In addition, any new employees, independent contractors, other persons and/or volunteers to be regularly engaged in the delivery operation must submit their information to the sheriff's office within five days prior to their employment.**

9. No person who has been convicted of a felony within the past three years may be actively engaged in delivery operations. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
10. Delivery vehicles shall not include signage or markings that identify the vehicle as a cannabis delivery vehicle.
11. Delivery operators shall provide adequate security for their delivery personnel and vehicles, to ensure the safety of persons and to protect the vehicle operators from theft.
12. The delivery permit holder will satisfy the release of liability and county indemnification requirements in subdivision E and F of Section 6.108.120.

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.

6.108.160 - Suspension and revocation.

- A. The director may initiate the revocation or suspension of a permit when it shall appear that the permittee has committed any of the following actions:
 - 1. Violates the operating or standard conditions of the permit or the requirements of state or local laws.
 - 2. Fails to take reasonable measures to control disturbances, loitering or such other problems on the premises.
- B. No permit shall be revoked or suspended by virtue of this section until a hearing has been held in the same manner as described in Section 6.108.140. Notice of the hearing shall contain a brief statement of the grounds for revoking or suspending the permit and the time and date for the hearing.
- C. The decision of the administrative panel may include suspension, revocation or the modification of the permit by adding conditions that are designed to reduce or remove the problems that caused the proposed revocation or suspension of the permit.
- D. 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.
- E. Any appellant may appeal the determination of the administrative panel to the board of supervisors within ten days after the date of the notice of the decision of the administrative panel. The board of supervisors shall act upon the appeal in accordance with Section 6.108.150.

6.108.170 - Transfer of the permit.

- A. No permittee may transfer a permit without authorization by the county, granted in accordance with this section.
- B. A permittee shall apply for transfer of a dispensary permit by submitting an application that complies with Section 6.108.060. The director shall verify information in the application and shall approve the transfer unless it fails to comply with the standards set forth in Section 6.108.100.
- C. A permittee shall apply for transfer of a delivery permit by submitting an application that complies with Section 6.108.070. The director shall verify information in the application and

shall approve the transfer unless it fails to comply with the standards set forth in Section 6.108.100.

- D. Before a transfer of a permit may become effective, the transferee shall certify acceptance of the operating conditions and the standard conditions of the permit.

6.108.180 - Prohibited operations.

The permittee and or his or her agents shall at all times comply with Section 11326.5 *et seq.* of the California Health and Safety Code and this chapter in the operation of the dispensary and the delivery operation. This includes, but is not limited to, the prohibition of delivery of medical cannabis off the site of the dispensary premises unless the dispensary holds a valid delivery permit.

6.108.190 – Sale, Distribution and Dispensing Edibles.

The sale, distribution and delivery of edibles shall be conducted in a manner that complies with all applicable food safety laws for the protection of consuming medical cannabis patients. It shall be unlawful for any dispensary or delivery operation to sell, distribute or deliver edibles not prepared, packaged or labeled as required by this Section.

A. Preparation of Edibles.

1. A facility, such as a commercial kitchen, that proposes to prepare, store, dispense, and distribute edibles must comply with the relevant provisions of all state and local laws regarding the preparation, distribution, labeling and sale of food. No food production will be allowed in the same facility to avoid the unintentional contamination of food with cannabis. Facilities shall be constructed, permitted, operated and inspected in accordance with the applicable building code and applicable food safety requirements by the Alameda County Department of Environmental Health.
2. Individuals involved in the production or distribution of edibles shall thoroughly wash their hands before commencing production and before handling the finished product. Gloves must be worn when packaging edibles.
3. To reduce the likelihood of foodborne disease transmission, individuals who are suffering from symptoms associated with acute gastrointestinal illness or are known to be infected with a communicable disease that is transmissible through foodstuffs are prohibited from preparing edibles until they are free of that illness or disease, or are incapable of transmitting the illness or disease through foodstuffs. Individuals who have sores or cuts on their hands must use gloves when preparing and handling edibles.
4. Producers of edibles must be state certified food handlers. The valid certificate must be onsite at the facility where the edible is produced and made available during inspections.
5. Hand-washing facilities shall be adequate and convenient and be furnished with 100F hot running water. Hand washing facilities shall be located in the facility in edible preparation areas and where good sanitary practices require employees to wash their hands and provide effective hand-cleaning (liquid soap) and disposable paper towel or suitable drying devices.

B. Packaging and Labeling of Edibles. Edibles shall be labeled and packaged in accordance with Section 26120 of the California Business and Professions Code and all applicable regulations and as provided in this subdivision.

1. All edibles shall be individually wrapped at the original point of preparation. Labeling shall be distinctly and clearly legible on the front of the package and must include: (a) a warning if nuts or other known allergens are used in the manufacturing of the edibles; (b) a warning that the item is a medication containing cannabis and the total weight (In ounces or grams) and amount of active ingredients in the package; (c) the cultivation and manufacture date and source; (d) a statement that the contents are not a food product; and (e) information indicating any caloric impact on the consumer. The package label must have a warning clearly legible emphasizing that the product is to be kept away from children.
 2. Labels of edibles that are not tested for contaminants (baked goods) shall include a statement that the cannabis used in the product was tested for contaminants.
 3. Packaging of edibles shall be opaque (non see-through), and may not make it appear as if the edible is a food product. Packaging that makes the product attractive to children or imitates candy is prohibited.
 4. Packaging of edibles shall be tamper proof and child resistant.
- C. Edible Product Log. Producers of edibles that are tested for contaminants shall maintain a written or computerized log documenting:
1. The source of the cannabis used in each batch of product;
 2. The contaminant testing date; and
 3. The testing laboratory that analyzed the sample of the medical cannabis product.

6.108.200 - Misdemeanor violation.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter or the permit is committed, continued or allowed in conjunction with the dispensary or delivery operation and is punishable accordingly. For purposes of this section, each and every day of violation includes each day on which a failure to comply with this chapter or any conditions of a permit issued pursuant to this chapter continues.

6.108.210 - Civil injunction.

In addition to the penalties provided in this chapter, any condition caused or allowed to exist in violation of any of the provisions of this chapter shall be deemed a public nuisance and shall, at the discretion of county, create a cause of action for injunctive relief.

6.108.2220- Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of this chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

6.108.230 - Judicial review.

Judicial review of a final decision made under this chapter may be had by filing a petition for a writ of mandate with the Superior Court in accordance with the provisions of Section 1094.5 of the California Code of Civil Procedure. Any such petition or any other action seeking judicial review shall be filed within ninety (90) days after the day the decision becomes final.

Chapter 6.108 of the Alameda County General Ordinance Code is hereby further amended as follows:

Delete Exhibit A, including the list of Assessor parcel numbers for each area, and insert the revised Exhibit A attached to this Ordinance.

Delete Exhibit B and insert the revised Exhibit B attached to this Ordinance.

SECTION 3

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the ___ day of _____, 2017, by the following called vote:

AYES:

NOES:

EXCUSED:

WILMA CHAN
President of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors,

By: _____
Deputy Clerk

APPROVED AS TO FORM:
DONNA R. ZIEGLER, COUNTY COUNSEL

By: _____
Heather Littlejohn
Deputy County Counsel

PLN 2017-00224

From: Leslie Flannery <generalflannery@gmail.com>
Sent: Monday, February 5, 2018 4:02 PM
To: Lopez, Albert, CDA
Subject: Re: Appeal update

Thank you. I object to Larry having any consideration because he did not meet the criteria to be eligible for the contest; interviews and site visits would have spared all of us. I object to you automatically giving the permit to Charles because you told me there was no procedure were Larry to be disqualified...for lying on a material fact or for not meeting the foundational criteria; either one. The rules state the permit was to go to the highest score, not the second highest score. I'd like you to consider giving me a temporary until Charles is ready or to consider two clubs, 11 miles apart. I object to Charles getting the permit only because the location of the site is useless to our community. There isn't even a mailbox out there...it's in the middle of absolutely no where. If you're gonna put a club in Tracy then it seems reasonable, even logical, to allow a club in Livermore for our citizens.

Let me tell your staff and you, I apologize for giving your staff a sample box making Rodrigo think I was bribing him. I did not mean to get on your bad side or for your group to think I was doing anything other than bragging about my cute box. I absolutely just thought he'd open the box and that's it. I told him when I dropped the package off, "the thumb drive is in the box" I told Sophie in her email when she said she couldn't find the thumb drive, "It's in the little box" ...I told Rodrigo as he was holding the box, "it's in the box". I told your people over and over and over, "it's in the box!" I regret it, I'm sorry, please forgive me. I don't know why there is such resistance to me, especially since you've surely learned by now that Larry lied to the board about he sensitive boundary distance. Anyhow forgive me...please. I'm trying to do honest business with all of you.

Respectfully
Leslie

On Mon, Feb 5, 2018 at 2:21 PM, Lopez, Albert, CDA <Albert.Lopez@acgov.org> wrote:
Hi Leslie, this is enough to accept an appeal for your project, but just to confirm – are you appealing Larry's project or yours?

Albert V. Lopez | Planning Director
ALAMEDA COUNTY | Community Development Agency
Planning Department
[224 W. Winton Avenue, Room 111 • Hayward, CA 94544](http://224.W.Winton.Avenue.Room.111.Hayward.CA.94544)
Office [510-670-5426](tel:510-670-5426) | Fax [510-785-8793](tel:510-785-8793)
albert.lopez@acgov.org | www.acgov.org/cda

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person(s) or entity(ies) to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Leslie Flannery [mailto:generalflannery@gmail.com]
Sent: Monday, February 5, 2018 12:04 PM
To: Lopez, Albert, CDA <Albert.Lopez@acgov.org>
Subject: Appeal update

Dear Albert,

As you might imagine, I'd like to appeal the appeal to the Board of Supervisors; please let me know if you want me to do anything else but this notice. Also, I wanted to show you a picture: the issue might be moot...but it might not.

You see this picture? The post in the forefront is on Larry's lot or front sidewalk easement facing Greenville Rd. Do you see the green cyclone fence across the street? And the black scoreboard platform in the left corner...right up against the fence? That's Club Moto. Larry told you and the board that his property was over 600' but less than 1000 feet...as you can see that is not even remotely true. His front door is 40' from the park. Also, the person that lobby'd you during the hearing and gave you the last minute tidbit of "children aren't unattended at the park" to sway the board toward your original assessment is false as well. People drop their kids off in bulk. Why would staff assert that when you don't even know? At best Larry's disingenuous, dishonest at worst.

I can't understand why you are trying so hard for him to win that you would overlook a foundational issue? By overlooking things that were supposed to prevent Larry from entering the arena you changed the odds from a 1 in 3 judging situation when it should have been a 1 in 2 judging situation. That may not have helped me prevail over Charles, I see that unlike Larry, he is a more qualified applicant than me...but on the other hand it may have as his site is inferior. At our meeting you told me that if the winner was disqualified you didn't have a procedure for what happens next. Since Charles wasn't the highest scoring RFP I don't agree that he should win because he's the 2nd highest score. Please consider a re-submission so that I can improve and address my competitor. The sign on Grant line road says Livermore is 11 miles away and his address is even a Tracy address. How is a club that far out on the edge of the county supposed to help Alameda County residents? You will be selling 95% of all product to people in counties where clubs are banned and not voted for. Nobody from this county would go on the other side of the Altamont Pass for weed; it's counter intuitive. Please consider giving me a temporary until Charles is ready or even consider two clubs. Being 11 miles apart is wildly okay given your concentration of clubs in the other areas of the county. My store is not going to compete with a freeway drug mill out in the middle of nowhere...and nowhere is an understatement. Have you seen Grant Line road at I-580? I encourage you to go look at what the situation would look like relative to the topography and see for yourself where Larry's lot is relative to Club Moto. My club is going to be like a winery. Please consider this since the dynamic seems to be changing.

Thank you for the considerations.
Leslie Flannery

County Selection Committee member:

Committee K. Miles

Date

12-13-17

Applicant:

The Royal Herb

A. FINAL APPLICATION EVALUATION

1. **Final Selection Process:** The Final Application Evaluation phase of the solicitation process will include selection from the eligible Applications and the establishment of Operating Conditions for any permits issued to the selected eligible Applicants. The County's goal is to grant Permits to the Applicants that represent the best quality applications as determined by the combined weight of the evaluation criteria. The County intends to grant up to two (2) Permit(s):
 - If the number of eligible applications is the same as or less than two (2), then all eligible Applications will be submitted for establishment of Operating Conditions.
 - If the number of eligible applications exceeds two (2), then a competitive evaluation process will be conducted in which Applicants are scored and ranked with the Planning Director recommending issuance of a Permit to the highest ranked, eligible applicants that meet the spacing requirements of Section 6.108.030.D.2.
 - If the proposed locations of the two highest ranked Applications are within 5 miles of one another, the highest ranked Applicant will be submitted for establishment of Operating Conditions and the second highest ranked application will be deemed ineligible due to failure to comply with the spacing requirement (see Table A, Section C). The Director may then recommend issuance of the second permit to the next highest ranked, eligible applicant(s).

Note that Applicants wishing to propose more than one location must submit complete, separate applications for each proposed location. Each Application will be evaluated separately. (Ordinance Code Section 6.108.110)

2. **County Selection Committee ("CSC"):** If the number of Eligible Applications exceeds two (2), the CSC will evaluate and score each eligible application in accordance with the Final Evaluation Criteria set forth below in Table B. The CSC will be composed of County staff comprising representatives of the Planning Department, the Environmental Health Department and the Sheriff's

Applicant: _____

Office. The evaluation of the Applications shall be within the sole judgment and discretion of the CSC.

All contact during the evaluation phase shall be through CDA-Planning staff only. Applicants shall neither contact nor lobby evaluators during the evaluation process. Attempts by any Applicant to contact and/or influence members of the CSC may result in disqualification of the Applicant.

- 3. **Assessment of Final Evaluation Criteria:** Each of the Final Evaluation Criteria below will be used in ranking and determining the quality of Applications. Applications will be evaluated according to each Final Evaluation Criteria, and scored on the zero to five-point scale outlined below. The scores for all Final Evaluation Criteria will then be added, according to their assigned weight (below), to arrive at a weighted score for each proposal. An Application with a high weighted total will be deemed of higher quality than an Application with a lesser-weighted total. The final maximum score for any project is 550 points, including the local agricultural community commitment points (maximum 10% of final score).

The Final Evaluation Process may include a two-stage approach comprising an evaluation of the written application and preliminary scoring (Stage 1) to develop a short list of Applicants that will continue to the final stage of oral interviews and site visits (Stage 2). The preliminary scoring will be based on the total points, excluding points allocated to the oral interview and site visit.

If the two-stage approach is used, up to eight Applicants receiving the highest preliminary scores and with at least 200 points will be invited to an oral interview and asked to host a site visit. All other Applicants will be deemed eliminated from the process at this point.

All Applicants will be notified of the short list; however, the preliminary scores at that time will not be communicated.

The zero to five-point scale range is defined as follows:

0	Not Acceptable	Non-responsive, fails to meet RFP specification. The application has no probability of success. If a mandatory requirement this score will result in disqualification of proposal.
---	----------------	--

County Selection Committee member: _____

PLN 2017-00224 Date _____

Applicant: _____

1	Poor	Below average, falls short of expectations, is substandard to that which is the average or expected norm, has a low probability of success in achieving objectives per RFP.
2	Fair	Has a reasonable probability of success, however, some objectives may not be met.
3	Average	Acceptable, achieves all objectives in a reasonable fashion per RFP specification. This will be the baseline score for each item with adjustments based on interpretation of proposal by CSC members.
4	Above Average / Good	Very good probability of success, better than that which is average or expected as the norm. Achieves all objectives per RFP requirements and expectations.
5	Excellent / Exceptional	Exceeds expectations, very innovative, clearly superior to that which is average or expected as the norm. Excellent probability of success and in achieving all objectives and meeting RFP specification.

4. **Final Evaluation Criteria:** The Final Evaluation Criteria and their respective weights are as follows:

FINAL EVALUATION CRITERIA – STAGE 1

Applicant:

	Evaluation Criteria	Weight
<p>A.</p>	<p>Security Plan (Ordinance Code Section 6.108.060.A.11): An adequate Security Plan must contain a detailed description of the proposed security arrangements for ensuring the safety of persons from theft and robbery and protection of the premises from theft and burglary.</p> <p>The Security Plan must:</p> <ul style="list-style-type: none"> • be submitted for review by the Sheriff; • include a lighting plan showing existing and proposed exterior premises and interior lighting levels; • include alarms and security surveillance cameras; • demonstrate that security video shall be maintained for 30 business days and shall be made available to the Sheriff upon request. The video system for security cameras must be located in a locked, tamper-proof compartment. A professionally monitored robbery alarm system shall be installed and maintained in good working condition; and • include the provision of a suitable locked safe on the premises for after-hours storage of medical cannabis. <p>In evaluating this criterion, the CSC will have regard to the comments of the Sheriff (Section 6.108.090.A.2).</p>	<p>3x 20 Points</p>
<p>B.</p>	<p>Appropriateness of Site and Design of Proposed Facility (Ordinance Code Section 6.108.060.A.12&13 and 17.06.040, 17.38.030 and 17.40.030, as applicable):</p> <p>The proposed dispensary site:</p> <ul style="list-style-type: none"> • conforms with all applicable zoning requirements, • is consistent with the setbacks required in Sections 6.108.030.D.2 and 6.108.030.E of the County General Code, • provides adequate car parking; 	<p>2x 20 Points</p>

Applicant: _____

	<ul style="list-style-type: none"> ● provides adequate customer access from a county road, and through proximity to population centers, ● is consistent with the Floor Area Ratio restrictions in Measure D, included in the land use description section of the East County Area Plan (ECAP), and ● minimizes visual impacts with appropriate measures, including fencing and screening. <p>In evaluating this criterion, the CSC will have regard to the comments of the Community Development Agency in relation to the proposed location's compliance with zoning regulations (Section 6.108.090.A.3).</p>	
C.	<p>Operating Plan (General Code Section 6.108.060.A.21):</p> <p>The Operating Plan must specifically describe how the dispensary will operate consistent with state and local law, including but not limited to:</p> <ul style="list-style-type: none"> ● the minimum staffing levels for operation of the dispensary; ● policies and procedures for record keeping; ● specific details of the dispensary's track and trace program; ● specific details of the dispensary's product testing; ● specific details of the dispensary's proposed odor absorbing ventilation and exhaust systems; ● other relevant information regarding the operation of the proposed dispensary; and ● a copy of the dispensary's labor peace agreement when the dispensary is required by California Business & Professions Code Section 26051.5 to enter into or abide by a labor peace agreement. <p>If the operation of the dispensary is proposed to include the sale of edibles, the Operating Plan must include a description of how the dispensary will achieve compliance with the requirements for the packaging and labelling of</p>	<p>2x 20 Points</p>

County Selection Committee member: _____ Date _____

Applicant: _____

	<p>edibles in Ordinance Code Section 6.108.190.B. In evaluating compliance with Ordinance Code Section 6.108.190, the CSC will have regard to the comments of the Department of Environmental Health (Section 6.108.090.A.2).</p>	
D.	<p>Mitigation of Potential impacts (Ordinance Code Section 6.108.060.A.16):</p> <p>The Application must include a description of the methods by which the applicant will mitigate any potentially adverse impacts, such as loitering, traffic, light, odors or noise, on surrounding property owners.</p> <p>The dispensary shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the dispensary is not detected outside the building in which it operates, on adjacent public rights-of-way or within other units located within the same building as the dispensary if it occupies only a portion of the building.</p> <p>In evaluating this criterion, the CSC will have regard to the comments of the Community Development Agency in relation to the conditions that are needed to mitigate adverse impacts on surrounding uses (Ordinance Code Section 6.106.090.A.3).</p>	<p>3 x 10 Points</p>
E.	<p>Environmental Considerations</p> <p>The Application must describe any proposed "green" business practices relating to energy and climate, water conservation, and materials and waste management.</p> <p>Examples of "green" practices could include energy efficiency and renewable energy, the use of green building measures, and conservation and recycling/re-use programs, among others.</p>	<p>3 x 5 Points</p>
F.	<p>Community Benefit:</p> <p>Applicants must provide a description of a proposed Community Benefits Program.</p>	<p>4 x 5 Points</p>

PLN 2017-00224

County Selection Committee member: _____ Date _____

Applicant: _____

	Examples of benefits could include, but are not limited to, supporting or funding community programs, employment and job training programs, local substance abuse, cannabis youth education, or domestic violence programs, or other activities that benefit the residents of the County.	
FINAL EVALUATION CRITERIA – STAGE 2 (OPTIONAL)		
G.	Oral Interview: The oral interview on the Application shall not exceed 60 minutes. The oral interview may include responding to standard and specific questions from the CSC regarding the Application.	10 Points
H.	Site Visit: The CSC may arrange an inspection of the site to enable the CSC to review the Application having regard to relevant site features and constraints.	10 Points
LOCAL AGRICULTURAL COMMUNITY COMMITMENT		
I.	Local Commitment: Points equaling up to ten percent of the Applicant’s total score for the above Final Evaluation Criteria (Stage 1 + Stage 2) will be added based on the extent to which the Applicant(s) demonstrate an historic and/or a long-term commitment to improving the local agricultural community.	<p style="font-size: 2em; margin: 0;">5%</p> <p>Ten Percent (10%)</p>

Notes: _____

County Selection Committee member: _____ Date _____

Applicant: Royal Herb

	Criteria	0-5 Point scale range	X possible points	Total Points
A	Security Plan	3	20	60
B	Appropriateness of Site and Design of Proposed Facility	2	20	40
C	Operating Plan	2	20	40
D	Mitigation of Potential impacts	3	10	30
E	Environmental Considerations	3	5	15
F	Community Benefit:	3	5	15
			SUBTOTAL	200
G	Oral Interview:		10	
H	Site Visit:		10	
I	Local Commitment:	5% (10)	10% max	10
			GRAND TOTAL	210

County Selection Committee member:

Albert Lopez

Date

12/13/17

Applicant:

The Royal Herb

A. FINAL APPLICATION EVALUATION

1. **Final Selection Process:** The Final Application Evaluation phase of the solicitation process will include selection from the eligible Applications and the establishment of Operating Conditions for any permits issued to the selected eligible Applicants. The County's goal is to grant Permits to the Applicants that represent the best quality applications as determined by the combined weight of the evaluation criteria. The County intends to grant up to two (2) Permit(s):
 - If the number of eligible applications is the same as or less than two (2), then all eligible Applications will be submitted for establishment of Operating Conditions.
 - If the number of eligible applications exceeds two (2), then a competitive evaluation process will be conducted in which Applicants are scored and ranked with the Planning Director recommending issuance of a Permit to the highest ranked, eligible applicants that meet the spacing requirements of Section 6.108.030.D.2.
 - If the proposed locations of the two highest ranked Applications are within 5 miles of one another, the highest ranked Applicant will be submitted for establishment of Operating Conditions and the second highest ranked application will be deemed ineligible due to failure to comply with the spacing requirement (see Table A, Section C). The Director may then recommend issuance of the second permit to the next highest ranked, eligible applicant(s).

Note that Applicants wishing to propose more than one location must submit complete, separate applications for each proposed location. Each Application will be evaluated separately. (Ordinance Code Section 6.108.110)

2. **County Selection Committee ("CSC"):** If the number of Eligible Applications exceeds two (2), the CSC will evaluate and score each eligible application in accordance with the Final Evaluation Criteria set forth below in Table B. The CSC will be composed of County staff comprising representatives of the Planning Department, the Environmental Health Department and the Sheriff's

Applicant: _____

Office. The evaluation of the Applications shall be within the sole judgment and discretion of the CSC.

All contact during the evaluation phase shall be through CDA-Planning staff only. Applicants shall neither contact nor lobby evaluators during the evaluation process. Attempts by any Applicant to contact and/or influence members of the CSC may result in disqualification of the Applicant.

- 3. **Assessment of Final Evaluation Criteria:** Each of the Final Evaluation Criteria below will be used in ranking and determining the quality of Applications. Applications will be evaluated according to each Final Evaluation Criteria, and scored on the zero to five-point scale outlined below. The scores for all Final Evaluation Criteria will then be added, according to their assigned weight (below), to arrive at a weighted score for each proposal. An Application with a high weighted total will be deemed of higher quality than an Application with a lesser-weighted total. The final maximum score for any project is 550 points, including the local agricultural community commitment points (maximum 10% of final score).

The Final Evaluation Process may include a two-stage approach comprising an evaluation of the written application and preliminary scoring (Stage 1) to develop a short list of Applicants that will continue to the final stage of oral interviews and site visits (Stage 2). The preliminary scoring will be based on the total points, excluding points allocated to the oral interview and site visit.

If the two-stage approach is used, up to eight Applicants receiving the highest preliminary scores and with at least 200 points will be invited to an oral interview and asked to host a site visit. All other Applicants will be deemed eliminated from the process at this point.

All Applicants will be notified of the short list; however, the preliminary scores at that time will not be communicated.

The zero to five-point scale range is defined as follows:

0	Not Acceptable	Non-responsive, fails to meet RFP specification. The application has no probability of success. If a mandatory requirement this score will result in disqualification of proposal.
---	----------------	--

PLAN 2017-00224

County Selection Committee member: _____ Date _____

Applicant: _____

1	Poor	Below average, falls short of expectations, is substandard to that which is the average or expected norm, has a low probability of success in achieving objectives per RFP.
2	Fair	Has a reasonable probability of success, however, some objectives may not be met.
3	Average	Acceptable, achieves all objectives in a reasonable fashion per RFP specification. This will be the baseline score for each item with adjustments based on interpretation of proposal by CSC members.
4	Above Average / Good	Very good probability of success, better than that which is average or expected as the norm. Achieves all objectives per RFP requirements and expectations.
5	Excellent / Exceptional	Exceeds expectations, very innovative, clearly superior to that which is average or expected as the norm. Excellent probability of success and in achieving all objectives and meeting RFP specification.

4. **Final Evaluation Criteria:** The Final Evaluation Criteria and their respective weights are as follows:

County Selection Committee member:

TABLE B

Date

FINAL EVALUATION CRITERIA – STAGE 1

Applicant:

	Evaluation Criteria	Weight
A.	<p>Security Plan (Ordinance Code Section 6.108.060.A.11):</p> <p>An adequate Security Plan must contain a detailed description of the proposed security arrangements for ensuring the safety of persons from theft and robbery and protection of the premises from theft and burglary.</p> <p>The Security Plan must:</p> <ul style="list-style-type: none">● be submitted for review by the Sheriff;● include a lighting plan showing existing and proposed exterior premises and interior lighting levels;● include alarms and security surveillance cameras;● demonstrate that security video shall be maintained for 30 business days and shall be made available to the Sheriff upon request. The video system for security cameras must be located in a locked, tamper-proof compartment. A professionally monitored robbery alarm system shall be installed and maintained in good working condition; and● include the provision of a suitable locked safe on the premises for after-hours storage of medical cannabis. <p>In evaluating this criterion, the CSC will have regard to the comments of the Sheriff (Section 6.108.090.A.2).</p>	20 Points
B.	<p>Appropriateness of Site and Design of Proposed Facility (Ordinance Code Section 6.108.060.A.12&13 and 17.06.040, 17.38.030 and 17.40.030, as applicable):</p> <p>The proposed dispensary site:</p> <ul style="list-style-type: none">● conforms with all applicable zoning requirements,● is consistent with the setbacks required in Sections 6.108.030.D.2 and 6.108.030.E of the County General Code,● provides adequate car parking;	20 Points

Applicant: _____

	<ul style="list-style-type: none"> ● provides adequate customer access from a county road, and through proximity to population centers, ● is consistent with the Floor Area Ratio restrictions in Measure D, included in the land use description section of the East County Area Plan (ECAP), and ● minimizes visual impacts with appropriate measures, including fencing and screening. <p>In evaluating this criterion, the CSC will have regard to the comments of the Community Development Agency in relation to the proposed location's compliance with zoning regulations (Section 6.108.090.A.3).</p>	
C.	<p>Operating Plan (General Code Section 6.108.060.A.21): The Operating Plan must specifically describe how the dispensary will operate consistent with state and local law, including but not limited to:</p> <ul style="list-style-type: none"> ● the minimum staffing levels for operation of the dispensary; ● policies and procedures for record keeping; ● specific details of the dispensary's track and trace program; ● specific details of the dispensary's product testing; ● specific details of the dispensary's proposed odor absorbing ventilation and exhaust systems; ● other relevant information regarding the operation of the proposed dispensary; and ● a copy of the dispensary's labor peace agreement when the dispensary is required by California Business & Professions Code Section 26051.5 to enter into or abide by a labor peace agreement. <p>If the operation of the dispensary is proposed to include the sale of edibles, the Operating Plan must include a description of how the dispensary will achieve compliance with the requirements for the packaging and labelling of</p>	<p style="text-align: right;">20 Points</p>

Applicant: _____

	<p>edibles in Ordinance Code Section 6.108.190.B. In evaluating compliance with Ordinance Code Section 6.108.190, the CSC will have regard to the comments of the Department of Environmental Health (Section 6.108.090.A.2).</p>	
<p>D.</p>	<p>Mitigation of Potential Impacts (Ordinance Code Section 6.108.060.A.16):</p> <p>The Application must include a description of the methods by which the applicant will mitigate any potentially adverse impacts, such as loitering, traffic, light, odors or noise, on surrounding property owners.</p> <p>The dispensary shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the dispensary is not detected outside the building in which it operates, on adjacent public rights-of-way or within other units located within the same building as the dispensary if it occupies only a portion of the building.</p> <p>In evaluating this criterion, the CSC will have regard to the comments of the Community Development Agency in relation to the conditions that are needed to mitigate adverse impacts on surrounding uses (Ordinance Code Section 6.106.090.A.3).</p>	<p>10 Points</p>
<p>E.</p>	<p>Environmental Considerations</p> <p>The Application must describe any proposed "green" business practices relating to energy and climate, water conservation, and materials and waste management.</p> <p>Examples of "green" practices could include energy efficiency and renewable energy, the use of green building measures, and conservation and recycling/re-use programs, among others.</p>	<p>5 Points</p>
<p>F.</p>	<p>Community Benefit:</p> <p>Applicants must provide a description of a proposed Community Benefits Program.</p>	<p>5 Points</p>

County Selection Committee member: _____ Date _____

Applicant: _____

	<p>Examples of benefits could include, but are not limited to, supporting or funding community programs, employment and job training programs, local substance abuse, cannabis youth education, or domestic violence programs, or other activities that benefit the residents of the County.</p>	
FINAL EVALUATION CRITERIA – STAGE 2 (OPTIONAL)		
G.	<p>Oral Interview: The oral interview on the Application shall not exceed 60 minutes. The oral interview may include responding to standard and specific questions from the CSC regarding the Application.</p>	10 Points
H.	<p>Site Visit: The CSC may arrange an inspection of the site to enable the CSC to review the Application having regard to relevant site features and constraints.</p>	10 Points
LOCAL AGRICULTURAL COMMUNITY COMMITMENT		
I.	<p>Local Commitment: Points equaling up to ten percent of the Applicant's total score for the above Final Evaluation Criteria (Stage 1 + Stage 2) will be added based on the extent to which the Applicant(s) demonstrate an historic and/or a long-term commitment to improving the local agricultural community.</p>	Ten Percent (10%)

Notes: Decent site, not sure if other biz stays or goes away.

20% in addition recovery. Testing: Steep Hill
TET MT freeway
Operations Plan: sketchy
Inv't - Solar, paperless

County Selection Committee member: A. Lopez Date 12/13/17

Applicant: The Royal Herb.

	Criteria	0-5 Point scale range	X possible points	Total Points
A	Security Plan	2	20	40
B	Appropriateness of Site and Design of Proposed Facility	3	20	60
C	Operating Plan	2	20	40
D	Mitigation of Potential impacts	2	10	20
E	Environmental Considerations	2	5	10
F	Community Benefit:	3	5	15
			SUBTOTAL	185
G	Oral Interview:		10	
H	Site Visit:		10	
I	Local Commitment:	7%	10% max	197.95
			GRAND TOTAL	

County Selection Committee member:

FB

PLN207-00224

Date

12/19/17

Applicant:

Wesley M. Fawcett

A. FINAL APPLICATION EVALUATION

1. Final Selection Process: The Final Application Evaluation phase of the solicitation process will include selection from the eligible Applications and the establishment of Operating Conditions for any permits issued to the selected eligible Applicants. The County's goal is to grant Permits to the Applicants that represent the best quality applications as determined by the combined weight of the evaluation criteria. The County intends to grant up to two (2) Permit(s):

- If the number of eligible applications is the same as or less than two (2), then all eligible Applications will be submitted for establishment of Operating Conditions.
- If the number of eligible applications exceeds two (2), then a competitive evaluation process will be conducted in which Applicants are scored and ranked with the Planning Director recommending issuance of a Permit to the highest ranked, eligible applicants that meet the spacing requirements of Section 6.108.030.D.2.
- If the proposed locations of the two highest ranked Applications are within 5 miles of one another, the highest ranked Applicant will be submitted for establishment of Operating Conditions and the second highest ranked application will be deemed ineligible due to failure to comply with the spacing requirement (see Table A, Section C). The Director may then recommend issuance of the second permit to the next highest ranked, eligible applicant(s).

Note that Applicants wishing to propose more than one location must submit complete, separate applications for each proposed location. Each Application will be evaluated separately. (Ordinance Code Section 6.108.110)

2. County Selection Committee ("CSC"): If the number of Eligible Applications exceeds two (2), the CSC will evaluate and score each eligible application in accordance with the Final Evaluation Criteria set forth below in Table B. The CSC will be composed of County staff comprising representatives of the Planning Department, the Environmental Health Department and the Sheriff's

Applicant: _____

Office. The evaluation of the Applications shall be within the sole judgment and discretion of the CSC.

All contact during the evaluation phase shall be through CDA-Planning staff only. Applicants shall neither contact nor lobby evaluators during the evaluation process. Attempts by any Applicant to contact and/or influence members of the CSC may result in disqualification of the Applicant.

- 3. **Assessment of Final Evaluation Criteria:** Each of the Final Evaluation Criteria below will be used in ranking and determining the quality of Applications. Applications will be evaluated according to each Final Evaluation Criteria, and scored on the zero to five-point scale outlined below. The scores for all Final Evaluation Criteria will then be added, according to their assigned weight (below), to arrive at a weighted score for each proposal. An Application with a high weighted total will be deemed of higher quality than an Application with a lesser-weighted total. The final maximum score for any project is 550 points, including the local agricultural community commitment points (maximum 10% of final score).

The Final Evaluation Process may include a two-stage approach comprising an evaluation of the written application and preliminary scoring (Stage 1) to develop a short list of Applicants that will continue to the final stage of oral interviews and site visits (Stage 2). The preliminary scoring will be based on the total points, excluding points allocated to the oral interview and site visit.

If the two-stage approach is used, up to eight Applicants receiving the highest preliminary scores and with at least 200 points will be invited to an oral interview and asked to host a site visit. All other Applicants will be deemed eliminated from the process at this point.

All Applicants will be notified of the short list; however, the preliminary scores at that time will not be communicated.

The zero to five-point scale range is defined as follows:

0	Not Acceptable	Non-responsive, fails to meet RFP specification. The application has no probability of success. If a mandatory requirement this score will result in disqualification of proposal.
---	----------------	--

County Selection Committee member: _____

Applicant: _____

1	Poor	Below average, falls short of expectations, is substandard to that which is the average or expected norm, has a low probability of success in achieving objectives per RFP.
2	Fair	Has a reasonable probability of success, however, some objectives may not be met.
3	Average	Acceptable, achieves all objectives in a reasonable fashion per RFP specification. This will be the baseline score for each item with adjustments based on interpretation of proposal by CSC members.
4	Above Average / Good	Very good probability of success, better than that which is average or expected as the norm. Achieves all objectives per RFP requirements and expectations.
5	Excellent / Exceptional	Exceeds expectations, very innovative, clearly superior to that which is average or expected as the norm. Excellent probability of success and in achieving all objectives and meeting RFP specification.

4. **Final Evaluation Criteria:** The Final Evaluation Criteria and their respective weights are as follows:

County Selection Committee member:

TABLE B

Date

FINAL EVALUATION CRITERIA – STAGE 1

Applicant:

	Evaluation Criteria	Weight
A.	<p>Security Plan (Ordinance Code Section 6.108.060.A.11):</p> <p>An adequate Security Plan must contain a detailed description of the proposed security arrangements for ensuring the safety of persons from theft and robbery and protection of the premises from theft and burglary.</p> <p>The Security Plan must:</p> <ul style="list-style-type: none">● be submitted for review by the Sheriff;● include a lighting plan showing existing and proposed exterior premises and interior lighting levels;● include alarms and security surveillance cameras;● demonstrate that security video shall be maintained for 30 business days and shall be made available to the Sheriff upon request. The video system for security cameras must be located in a locked, tamper-proof compartment. A professionally monitored robbery alarm system shall be installed and maintained in good working condition; and● include the provision of a suitable locked safe on the premises for after-hours storage of medical cannabis. <p>In evaluating this criterion, the CSC will have regard to the comments of the Sheriff (Section 6.108.090.A.2).</p>	20 Points
B.	<p>Appropriateness of Site and Design of Proposed Facility (Ordinance Code Section 6.108.060.A.12&13 and 17.06.040, 17.38.030 and 17.40.030, as applicable):</p> <p>The proposed dispensary site:</p> <ul style="list-style-type: none">● conforms with all applicable zoning requirements,● is consistent with the setbacks required in Sections 6.108.030.D.2 and 6.108.030.E of the County General Code,● provides adequate car parking;	20 Points

County Selection Committee member: _____

PLN2017-00224 Date _____

Applicant: _____

	<ul style="list-style-type: none">● provides adequate customer access from a county road, and through proximity to population centers,● is consistent with the Floor Area Ratio restrictions in Measure D, included in the land use description section of the East County Area Plan (ECAP), and● minimizes visual impacts with appropriate measures, including fencing and screening. <p>In evaluating this criterion, the CSC will have regard to the comments of the Community Development Agency in relation to the proposed location's compliance with zoning regulations (Section 6.108.090.A.3).</p>	
C.	<p>Operating Plan (General Code Section 6.108.060.A.21):</p> <p>The Operating Plan must specifically describe how the dispensary will operate consistent with state and local law, including but not limited to:</p> <ul style="list-style-type: none">● the minimum staffing levels for operation of the dispensary;● policies and procedures for record keeping;● specific details of the dispensary's track and trace program;● specific details of the dispensary's product testing;● specific details of the dispensary's proposed odor absorbing ventilation and exhaust systems;● other relevant information regarding the operation of the proposed dispensary; and● a copy of the dispensary's labor peace agreement when the dispensary is required by California Business & Professions Code Section 26051.5 to enter into or abide by a labor peace agreement. <p>If the operation of the dispensary is proposed to include the sale of edibles, the Operating Plan must include a description of how the dispensary will achieve compliance with the requirements for the packaging and labelling of</p>	<p>20 Points</p>

County Selection Committee member: _____ Date _____

Applicant: _____

	<p>edibles in Ordinance Code Section 6.108.190.B. In evaluating compliance with Ordinance Code Section 6.108.190, the CSC will have regard to the comments of the Department of Environmental Health (Section 6.108.090.A.2).</p>	
D.	<p>Mitigation of Potential impacts (Ordinance Code Section 6.108.060.A.16):</p> <p>The Application must include a description of the methods by which the applicant will mitigate any potentially adverse impacts, such as loitering, traffic, light, odors or noise, on surrounding property owners.</p> <p>The dispensary shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the dispensary is not detected outside the building in which it operates, on adjacent public rights-of-way or within other units located within the same building as the dispensary if it occupies only a portion of the building.</p> <p>In evaluating this criterion, the CSC will have regard to the comments of the Community Development Agency in relation to the conditions that are needed to mitigate adverse impacts on surrounding uses (Ordinance Code Section 6.106.090.A.3).</p>	<p>10 Points</p>
E.	<p>Environmental Considerations</p> <p>The Application must describe any proposed "green" business practices relating to energy and climate, water conservation, and materials and waste management.</p> <p>Examples of "green" practices could include energy efficiency and renewable energy, the use of green building measures, and conservation and recycling/re-use programs, among others.</p>	<p>5 Points</p>
F.	<p>Community Benefit:</p> <p>Applicants must provide a description of a proposed Community Benefits Program.</p>	<p>5 Points</p>

PLAN 2017-00224

County Selection Committee member: _____ Date _____

Applicant: _____

	Examples of benefits could include, but are not limited to, supporting or funding community programs, employment and job training programs, local substance abuse, cannabis youth education, or domestic violence programs, or other activities that benefit the residents of the County.	
FINAL EVALUATION CRITERIA – STAGE 2 (OPTIONAL)		
G.	Oral Interview: The oral interview on the Application shall not exceed 60 minutes. The oral interview may include responding to standard and specific questions from the CSC regarding the Application.	10 Points
H.	Site Visit: The CSC may arrange an inspection of the site to enable the CSC to review the Application having regard to relevant site features and constraints.	10 Points
LOCAL AGRICULTURAL COMMUNITY COMMITMENT		
I.	Local Commitment: Points equaling up to ten percent of the Applicant’s total score for the above Final Evaluation Criteria (Stage 1 + Stage 2) will be added based on the extent to which the Applicant(s) demonstrate an historic and/or a long-term commitment to improving the local agricultural community.	Ten Percent (10%)

Notes: _____

County Selection Committee member: BB Date 12/13/17

Applicant: FURNERBY

	Criteria	0-5 Point scale range	X possible points	Total Points
A	Security Plan	2	20	20
B	Appropriateness of Site and Design of Proposed Facility	2	20	20
C	Operating Plan	2	20	40
D	Mitigation of Potential impacts	2	10	20
E	Environmental Considerations	2	5	10
F	Community Benefit:	3	5	15
			SUBTOTAL	125
G	Oral Interview:		10	
H	Site Visit:		10	
I	Local Commitment:	6%	10% max	1.5
			GRAND TOTAL	132.5

PLN 2017-0022

PUBLIC
REVIEW





TABLE OF CONTENTS

	<u>PAGE(S)</u>
1 Table of Contents	1 & 1A
2. Letters of Transmittal	
Greetings Alameda County	2
Zen Makers Destiny	3
Summary	4
3. Exhibit A. Application Response Packet	
RFP Response 11/20	4a - b
Required Submittals List	5 - 7
Live Scan Ed and Leslie	8 & 9
a. Applicant Information & Acceptance	10-12
Qualifications of Leslie Flannery	13
Documents and personal data	14-15
Preliminary legal review	16
b. Landowner Information and Acceptance	17 & 18
c. Applicant and Employee Information	
Exhibit B Amended form 11/6	19-24
Exhibit B. Original 10/27	25-30
Attachment E: Ed Flannery	31
d. Security Plan: Amended & Improved	31a - 31d, l
Floor Plan of Dispensary	31e & 31e.1
Plot overview layout.	31f
Cannabis Handling/Labeling template	31g
Seed to Sale Software: MJ Freeway	31h- 31 i
Money Handling/banking exhibit	31 j
Vault door cut sheet	31 k
Intercom/walkie talkie/emergency comm.	31l-31o
Old Security Plan	32
e. Site Plan	33-34
f. Description of External Appearance	35
Site description	36
Aerial & site real estate photos	37-38
Site photos	33-38
g. Description of Product	39-44
h. Mission Statement	45-46
Cannabinoids we're targeting	47
i. Mitigation Measures	48
j. Operating Plan	49-50
Steep Hill sample test result form	51
k. Environmental Considerations	52
Solar array schematic	53
Sharp P.V. panel cut sheet	54
Sharp inverter cut sheet	55
l. Community Benefit	56-57

	Livermore City Flower	58
	Livermore Moonshine	59
	High Times trophy	60
	My gift to Alameda County addiction recovery	61
m.	Local Commitment & Ag history	62
	My future contribution to agriculture	63
	My promise to the County	64
	Livermore Moonshine edibles are coming.	65





Letters of Transmittal
Welcome to The Royal Herb

Dear Sirs and Madames,

As you can see from our amended Exhibit B there was a short time to convey the site specific details; we ask for your understanding regarding the aesthetics of this RFP but we promise not to waste your time or disappoint the panel on matters of substance. I am competent at all critical aspects of a dispensary owner except at secretarial work I'm only adequate. My printer quality? Please forgive Hewlett Packard.

Leslie

*Hand edits are on all copies
and on scanned copy.*

C

Letters of Transmittal



Dear Alameda County,

Thank you for your time and consideration. I petition you today in an effort to persuade you to support my vision, as it relates to cannabis in Alameda County, Livermore, and the industry in general. I hope to obtain a cultivation and dispensary permit but also we strive for more. When manufacturing permits become available I will also apply so that we can make Livermore specific products. When outdoor growing is allowed we will again expand to create a winery type facility that is customer interactive and brings the agriculture closer to the people. Vertical integration is paramount to the long term viability of our mission and provides the stability required for two people, my husband and I, to provide the 5000 sq.ft. grow for non-profit benefit due to the shelf space provided by the brick and mortar store. Were we to only obtain a cultivation permit it would take a small army of sales people to market the product and a different level of monitoring due to the introduction of employees... then our charitable margin would shrink. We intend upon cultivating our own strain of cannabis and marketing it with the moniker Livermore Moonshine, which if you didn't know is the official flower for the City of Livermore and an endangered species that only grows in Livermore. Also, when manufacturing is available we will be able to process our cannabis into resins that we will market as Livermorium.

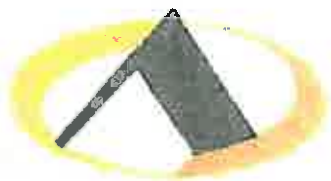
The site that we submitted for our cultivation could be temporary holding place, and option to Alameda County, on whether you prefer us to plant at indoors and in-ground at 25 Greenville or plant indoors and in pots at 1113 Greenville? We can do either! We have no less than three separate buildings that afford growing, selling and manufacturing. The Royal Herb submitted an in-ground plan because we believe that marketing the Terroir of the county is an important element of our product. Others, who market a cannabis terroir such as The Emerald Triangle, are frequently growing indoors and in pots and this is deceptive; a true terroir product requires the agriculture be in the earth. BUT, if you did not like the location of our cultivation then per the rules of transfer we would revise our cultivation plan to include the facility in this package and/or file for a second grow if there were still available permits? Until manufacturing is allowed this facility will also be available for our drying & curing house. Except crossing the road on Greenville from driveway to driveway we would not even have to hire a transport company because the drive is on private locked road. Most other groups are going to have to traverse all over the state all of the time.

For the dispensary we suggest this building because it is ready for business and will allow for uninterrupted distribution of medicine only weeks after obtaining the permit. This however would be a temporary building for our store. Inside of two years I will remove one of the existing buildings and replace it with a beautiful modern barn replete with polished concrete floors, marble counters and crystal chandeliers. I can give the people a beautiful destination that reflects the area, the product, and the progress of humanity at the county's first winery, I mean Canna-ry. Please help me make this a reality so that I can provide these crucial services to our people.

Sincerely,
Leslie Flannery

SUMMARY

In this petition combined with our cultivation petition I will demonstrate LOCAL funds to begin a dispensary for short term relief and then build a better dispensary, on the same lot, for long term pride. I have a specific degree in DESIGN for the public interest in the fields of science and agriculture for this task. My vision is inextricably linked to the renovation of the property at 1113 Greenville Rd and giving the County and her people a beautiful modern yet rustic barn replete with polished concrete floors, crystal chandeliers and marble counters where they can get what they need while having a pleasant experience. I will demonstrate my dedication to the field of agriculture with thirty years of participation to include the advancement of ground cannabis and my product of Zen cannabis. I have a degree in addiction for all involved, 16 years business experience for the government, 24 years experience managing employees, training in law enforcement for the management of customers and drugs. I will also show a support infrastructure to include my genius friend and benefactor, Mike Fuller, Mountain Cascade, Inc. and Tri-Valley Pools Inc. Together we have executed hundreds of jobs right here in Livermore; thousands in the State and already own every piece of equipment required to do nearly anything. Finally I will demonstrate my commitment and plan to the charitable endeavor of addiction recovery and my local community. For my staff I will be hiring full time people at above the minimum wage with full medical benefits. We aren't interested in the young or the pedigreed; where possible we will attempt to recruit older Americans and the disenfranchised who share a passion for our mission to generate health & well being, taxes for local coffers, and addiction recovery dollars.



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

November 20, 2017

Jerric Bazar
Agency Director

Albert Lopez
Planning Director

224
West Winton Ave
Room 111

Hayward
California
94544

phone
510.670.5400
fax
510.785.8783

www.aacgov.org/cda

Leslie Marie Flannery
The Royal Herb
1664 Rutgers Way
Livermore, CA 94550
generalflannery@gmail.com

SUBJECT:

- **NOTICE OF INCOMPLETE APPLICATION**
- **PLN2017-00224:** To allow an East County Medical Cannabis Dispensary operator
- **APPLICATION TYPE:** East County Medical Cannabis Dispensary Operator Permit (East County MCDOP)
- **ADDRESS:** 1113 Greenville Road, Livermore area of unincorporated Alameda County
- **ASSESSOR'S PARCEL NUMBER(S):** 099A-1475-004-14 and 099A-1475-004-13

Dear Ms. Flannery:

Staff has reviewed the application and accompanying information submitted for an East County Medical Cannabis Dispensary Operator Permit (East County MCDOP) on November 13, 2017. The Planning Director has rejected the application on the basis that the application has been improperly completed or is incomplete. The application is missing items/information described in the East County MCDOP Request for Proposals (East County MCDOP RFP), Alameda County General Ordinance Code, and/or pertinent application submittal checklists, as specified below. The requested information is necessary in order to determine whether the application is an eligible application that will be submitted for the Final Application Evaluation process pursuant to the East County MCDOP RFP.

Pursuant to section 6.108.090.B of the Alameda County Ordinance Code, you have ten (10) days from the date of this notice to amend and refile your application. If you do wish to refile your application, please follow the instructions in Attachment A - Submittal of Applications. If you do not amend and refile your application, the application will not be submitted to the County Selection Committee for Final Application Evaluation.

Please provide the following items/information, which were missing from the application package:

1. Proposal is lacking a floor plan for the cannabis dispensary facility. Please submit a legible floor plan drawn to scale fully labeled for all rooms and uses.
2. Proposal is lacking on-site security plan that includes security alarm system, access control, money handling, and an emergency plan. Please submit a description of an on-site security plan that includes security alarm system, access control, money handling, and an emergency plan.

Once the amended resubmitted application is received, the application will be evaluated for compliance with the requirements of the East County MCDOP RFP:

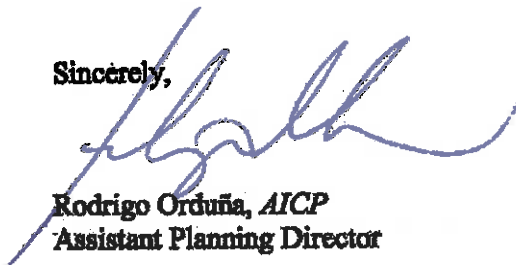
HA

November 20, 2017
PLN2017-00224

1. If the application is complete and passes the Initial Evaluation Criteria in Table A of the East County MCDOP RFP, you will receive a Notice of Eligible Application, and the application will progress into the Final Application Selection phase;
2. If the application is incomplete or fails the Initial Evaluation Criteria in Table A of the East County MCDOP RFP, you will receive a Notice of Application Rejection, and the application will receive no further consideration.

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

Sincerely,



Rodrigo Orduña, AICP
Assistant Planning Director

enc: Attachment A – Re-Submittal of Applications

cc: Dennis & Cynthia Moore, 2602 Superior Drive, Livermore, CA 94550
File

HB

REQUIRED DOCUMENTATION AND SUBMITTALS

All of the documentation listed below is required. Applicants shall submit all documentation, in the order listed below and clearly label each section with the appropriate title (i.e. Table of Contents).

1. **Table of Contents:** Application responses shall include a table of contents listing the individual sections of the Application and their corresponding page numbers. Tabs should separate each of the individual sections.

2. **Letter of Transmittal:** Application responses shall include a description of Applicant's capabilities and approach and provide a brief synopsis of the highlights of the Application and overall benefits of the Application to the County. This synopsis should not exceed three pages in length and should be easily understood.

3. **Exhibit A – Application Response Packet:** Every Applicant must complete and submit the complete Exhibit A – Application Response Packet, which includes the following components:

(a) **Applicant Information and Acceptance**

The Applicant Information and Acceptance on pages 2 to 3 of Exhibit A (above) shall be completed and signed by the Applicant and submitted as Item (a) in the Application Response Packet.

(b) **Landowner Information and Acceptance**

The Landowner Information and Acceptance on page 4 of Exhibit A (above) must be completed and signed by each owner of the land where the cannabis dispensary is proposed. If the site has more than one owner, provide a completed Landowner Information and Acceptance for each landowner and clearly identify the total number and names of all relevant landowners. The completed and signed page 4 (plus any additional pages for additional landowners) shall be submitted as Item (b) in the Application Response Packet.

(c) **Applicant and Employee Information**

Exhibit B – Applicant and Employee Information was required to be completed, signed and submitted prior to filing this portion of the Application. The Applicant shall submit an exact copy of the previously submitted Exhibit B as Item (c) in the Application Response Packet.

(d) **Security Plan**

A Security Plan shall be submitted as Item (d) in the Application Response Packet. The Security Plan shall respond to the requirements of Section 6.108.060.A.11 of the Alameda County Ordinance Code.



(e) Floor Plan

A Floor Plan shall be submitted as **Item (e)** in the Application Response Packet. The Floor Plan shall respond to the requirements of Section 6.108.060.A.12 of the Alameda County Ordinance Code.



(f) Description of External Appearance

A Description of External Appearances shall be submitted as **Item (f)** in the Application Response Packet. The Description of External Appearances shall respond to the requirements of Section 6.108.060.A.13 of the Alameda County Ordinance Code.



(g) Description of Products

A Description of Products shall be submitted as **Item (g)** in the Application Response Packet. The Description of Products shall respond to the requirements of Section 6.108.060.A.14 of the Alameda County Ordinance Code.



(h) Mission Statement

A Mission Statement shall be submitted as **Item (h)** in the Application Response Packet. The Mission Statement shall respond to the requirements of Section 6.108.060.A.15 of the Alameda County Ordinance Code.



(i) Mitigation Measures

A statement of Mitigation Measures shall be submitted as **Item (i)** in the Application Response Packet. The Mitigation Measures shall respond to the requirements of Section 6.108.060.A.16 of the Alameda County Ordinance Code.



(j) Operating Plan

An Operating Plan shall be submitted as **Item (j)** in the Application Response Packet. The Operating Plan shall respond to the requirements of Section 6.108.060.A.21 of the Alameda County Ordinance Code.



(k) Environmental Considerations

A statement of Environmental Considerations shall be submitted as **Item (k)** in the Application Response Packet. The statement of Environmental Considerations shall respond to Section E of the Final Evaluation Criteria contained in the RFP.



(l) Community Benefit

A statement of Community Benefit shall be submitted as **Item (l)** in the Application Response Packet. The statement of Community Benefits shall respond to Section F of the Final Evaluation Criteria contained in the RFP.





(m) Local Commitment

If applicable, a statement of Local Commitment shall be submitted as **Item (m)** in the Application Response Packet. The statement of Local Commitment shall respond to Section I of the Final Evaluation Criteria contained in the RFP.

If the Applicant does not seek to apply for the additional points available in the evaluation process to Applications that respond to the Local Commitment criteria, the Applicant shall submit as **Item (m)** a statement that this criteria is not applicable.

EXHIBIT A

APPLICATION RESPONSE PACKET

East County MCDOP RFP 2017

To: The County of Alameda, Community Development Agency

From: LESLIE MARIE FLANNERY
(Official Name of Applicant)

- AS DESCRIBED IN THE SUBMITTAL OF APPLICATIONS SECTION OF THIS RFP, APPLICANTS ARE TO SUBMIT ONE ORIGINAL HARDCOPY APPLICATION (EXHIBIT A – APPLICATION RESPONSE PACKET), INCLUDING ADDITIONAL REQUIRED DOCUMENTATION), WITH ORIGINAL INK SIGNATURES, PLUS 6 COPIES AND ONE ELECTRONIC COPY OF THE APPLICATION IN PDF
- ALL PAGES OF THE APPLICATION RESPONSE PACKET (EXHIBIT A) MUST BE SUBMITTED IN TOTAL WITH ALL REQUIRED DOCUMENTS ATTACHED THERETO; ALL INFORMATION REQUESTED MUST BE SUPPLIED
- EACH APPLICANT MUST SIGN AND SUBMIT THE APPLICANT INFORMATION AND ACCEPTANCE FORM BELOW
- EACH LANDOWNER MUST SIGN AND SUBMIT THE LANDOWNER INFORMATION AND ACCEPTANCE FORM BELOW
- ALL NOTATIONS MUST BE PRINTED IN INK OR TYPEWRITTEN; ERRORS MAY BE CROSSED OUT AND CORRECTIONS PRINTED IN INK OR TYPEWRITTEN ADJACENT, AND MUST BE INITIALED IN INK BY PERSON SIGNING THE APPLICATION

APPLICANT INFORMATION AND ACCEPTANCE

Official Name of Applicant: LESLIE MARIE FLANNERY

Street Address Line 1: 1664 RUTGERS WY

Street Address Line 2: _____

City: LIVERMORE State: CA Zip Code: 94550

Webpage (if applicable): TheRoyalHerb.com

Type of Entity / Organizational Structure (check one):

- | | |
|--|---|
| <input type="checkbox"/> Corporation | <input checked="" type="checkbox"/> Joint Venture |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Partnership |
| <input type="checkbox"/> Limited Liability Corporation | <input checked="" type="checkbox"/> Non-Profit |
| <input type="checkbox"/> Other: _____ | |

Jurisdiction of Organization Structure: California

Date of Organization Structure: 3-27-17

Primary Contact Information:

Name / Title: LESLIE FLANNERY OWNER

Telephone Number: 9255703802 Fax Number: 9254474402

E-mail Address: general.flannery@gmail.com

[SIGNATURE AND ADDITIONAL INFORMATION AND ACCEPTANCE FOLLOW ON NEXT PAGE]

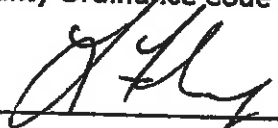
APPLICANT INFORMATION AND ACCEPTANCE (CONTINUED)

1. The undersigned Applicant declares that the Application Documents, including, without limitation, the RFP, Addenda, and Exhibits have been read.
2. The undersigned Applicant has reviewed the Application Documents and fully understands the requirements in this RFP.
3. The undersigned Applicant authorizes the County, its agents and employees, to seek verification of the information contained in the Application.
4. The undersigned Applicant agrees to hold harmless and indemnify the County from all costs and expenses including attorney's fees that the County may incur in connection with processing the Applicant's Application.
5. The undersigned Applicant declares, under penalty of perjury, that:
 - a. I am the Applicant or have legal authority to sign on behalf of the Applicant;
 - b. The Applicant has the ability to comply with laws regulating businesses in the state of California and shall maintain compliance with all relevant laws during the term of the permit;
 - c. The Applicant and every person listed in the Application as an owner (being a person with an ownership interest of more than ten (10) percent in the proposed dispensary), manager, supervisor or employee has not been convicted of a felony within the past three years; and
 - d. The Applicant is at least eighteen (18) years of age.

The undersigned Applicant certifies, under penalty of perjury, that:

- a. All the information contained in this Application is true and correct; and
- b. The Applicant has reviewed and understands and accepts the standard conditions set forth in the Alameda County Ordinance Code Section 6.108.120.

SIGNATURE: _____



Name and Title of Signer: _____

LESLIE MARIE FLANNERY

Dated this

12th

day of

November

2017



QUALIFICATIONS OF LESLIE FLANNERY

After college I married and graduated from the CHP academy and became an officer. Police work is good training for a dispensary owner and cultivator too. Tight controls on people, keeping an eye on customers and knowing the hallmarks of addiction is well served for an industry that requires accountability for money and drugs. I'm adept at working with law enforcement and community officials and I'm skilled in de-escalating problems. I retired from the CHP out of Oakland with an honorable discharge, pension, and medical benefits for the remainder of my life. Next, I went to work in my hometown for Mountain Cascade, Inc. I began as Safety Engineer and was soon promoted to Safety Director. I was charged with writing and implementing best practices for 200-300 workers including a drug testing policy and human resource policy. I'm expert in the detection and classification of drugs and the conditions, reasons, signs & symptoms of the people who take them. I also have a degree in Chemical Dependency Studies from Hayward State University. After 8 years at Mountain Cascade, the owner, Mike Fuller, sponsored my application with the CSLB for a construction license. I was the RMO for the first eleven years until my husband, Ed Flannery, took over in 2011. I'm the Chief Ed Officer too but we each own 50% of our company. Sixteen years of business later we have never declared bankruptcy, been sued, or had a conflict with customer or vendor and maintain concurrent licenses, bond, & insurances. Ed and I also do not have criminal backgrounds and are solvent in our own right. We're homeowners for our 29 year marriage and own 90% of our home and enjoy no other debts or obligations. We own a lifetime of tooling to include; six trucks, dump truck, tractors. As licensed C-10 electricians we're able erect the photo voltaic arrays in order to implement the Green Plan.

This venture, by nature of the product is a public/private endeavor and I'm highly suited to balancing the enforcement of government while also answering to the people of my own community. If we only prevail in this cultivation permit then my charitable goal will have no vehicle for sales and my mission will become limited. I have a degree in argri-science, addiction, & law enforcement and have the business acumen, experience, training, knowledge and infrastructure and I have demonstrated the funds to fulfill the plan. In this multi-billion dollar industry we can and should take our rightful place as a viable appellation and claim our Californian heritage from the hippies of the North by thinking bigger than a grungy industrial building. Including a canna plantation I will bring dignity, and discipline to Livermore's first legal weed store and the county's 3rd dealer. Please partner with me so that we can generate money for addiction and allow me to run this critical operation for the people as their A.O.Z.

Leslie M. Flannery@ LinkedIn or IMDB

1664 Rutgers Wy, Livermore, Ca. 94550

(925) 447-4400 work (925) 570-3802 cell

poolsync@sbcglobal.net generalflannery@gmail.com

Work Experience

- 2004 - Present CEO, Secretary of Tri-Valley Pools, Inc. DBA: Pools Inc.
Licensed RMO from 2004-2011. Still responsible for
every single solitary thing. 50% owner interest.
- 1997- 2004 Safety Director, Mountain Cascade, Inc.
Implementation of the Injury and Illness Prevention
Policy for company. Oversee Return to Work Policy,
Drug Enforcement Policy, H.R. Department.
- 1989-1993 California Highway Patrol, Oakland. State Traffic Officer
#13363. Enforcement of Penal and Vehicle Code. Report
writing & accident investigation. Honorably retired
with pension from PERS.

Education

Professional Safety Institute. Safety Specialist; Course list attached- 1998-2004
University of California, Davis. B.S. Design 1988 .
Napa Valley College. Peace Officer recertified & weaponless defense instructor 1997.
Cal State University, Hayward. A.A in Chemical Dependency 1996
Fashion Institute of Design and Merchandising, S.F. A.A. 1994
Tri-Valley Haven for Women, Livermore. Phone counselor and restraining order
drafts preparations 1993-1996.

EXHIBIT A.

A. Applicant Information



Sellers Permit for The Royal Herb:#SR CH 103053157. EIN# 82-0898774



FBN from Alameda County Dec 8, 2016; #525318: The Royal Herb. DBA: Her Majesty's Collective (the non profit entity) and Clan Flan is the growers logo.

IRS 501C for Her Majesty's Collective; #C4004435.

Ca. Physician Statement & Recommendation 215 license; #1812513.

Tri-Valley Pools Inc. CSLB; C-10 electrical & C-53 Swimming Pools. #838372.

Tri-Valley Pools Inc. Bond 16+ concurrent years; #9376169.



Tri-Valley Pools Inc. Work Comp. 16yr+ concurrent; State Fund #9147929-16.

Tri-Valley Pools Inc. G. L. 16yr+ concurrent; Colony Insurance #101GL0065544

Ed Flannery credit rating with Experian 812 on 9/19/17. Leslie Flannery with Experian 814 on 9/19/17. We've been married since 1987 and live at 1664 Rutgers Wy, Livermore, Ca. for 20 yrs.



Leslie Flannery Hon. Ret. State Traffic Ofc. Badge #13363. California Association of Highway Patrolmen (800)352-2238 for verification.



Ed Flannery was honorably discharged after 13 yrs with the Marine Corp: is a Veteran of Foreign War in the combat aircrew; DD214 NOV 88 0102LF-006-55C



Founder & Director: Mike Fuller @ www.rebuildca.org

(916) 446-2259 1415 L.St. Sacramento, Ca.



Founder & Director : Mike Fuller

(925) 846- 4903

1A

Bruce N. Furukawa
Partner

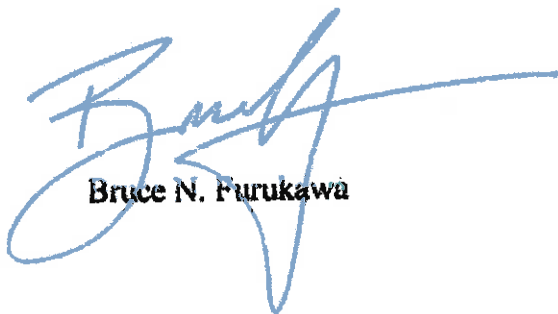
bfurukawa@longlevit.com
Direct Dial: 415-438-4413

March 16, 2017

Dear Sir or Madam

I represent Her Majesty's Collective, dba The Royal Herb. In connection with its business, Her Majesty's Collective desires to use ExpiTrans debit and credit card services to process payments for its customers. Please be advised that Her Majesty's Collective's business and practices have been evaluated for compliance with state and federal law. To the undersigned's knowledge, Her Majesty's Collective is a nonprofit mutual benefit corporation operating in California pursuant to Health and Safety Code §11362.775, aka California Compassionate Use Act (California Health & Safety Code §11362.5) and the Medical Marijuana Program Act (California Health & Safety Code §§ 11362.7-11362.83). Furthermore, Proposition 64 has made it legal to sell in California and the Rohrabacher-Farr Amendment limits the Federal government from enforcing cannabis laws in states that have legalized it. To the undersigned's knowledge, Her Majesty's Collective is in full compliance with said laws and regulations. Furthermore it has not been alleged at any time that Her Majesty's Collective or its owners have violated any state or federal law or regulation regarding its business practice.

Sincerely,



Bruce N. Furukawa

16

LANDOWNER INFORMATION AND ACCEPTANCE

- 1. The undersigned Landowner declares, under penalty of perjury, that:
 - a. I am the owner of the proposed dispensary site identified in Exhibit A;
 - b. -I consent to the proposed use of the land by the Applicant for the purpose of a medical cannabis dispensary.

If the site has more than one landowner, the signature of each landowner is required. Provide a completed Landowner Information and Acceptance for each landowner and clearly identify the total number and names of all relevant Landowners.

Official Name of Landowner: CYNTHIA L MOORE

Street Address Line 1: 1113 GREENVILLE RD

Street Address Line 2: _____

City: LIVERMORE State: CA Zip Code: 94550

Type of Entity / Organizational Structure (check one):

- Corporation
- Limited Liability Partnership
- Limited Liability Corporation
- Other: LANDOWNER
- Joint Venture
- Partnership
- Non-Profit

Jurisdiction of Organization Structure: _____

Date of Organization Structure: _____

Primary Contact Information:

Name / Title: CINDY MOORE OWNER

Telephone Number: 9259805985 Fax Number: _____

E-mail Address: Cindym@sierradm.com

SIGNATURE: Cynthia L Moore

Name and Title of Signer: CYNTHIA L MOORE

Dated this 12th day of NOVEMBER 2017

LANDOWNER INFORMATION AND ACCEPTANCE

- 1. The undersigned Landowner declares, under penalty of perjury, that:
 - a. I am the owner of the proposed dispensary site identified in Exhibit A;
 - b. I consent to the proposed use of the land by the Applicant for the purpose of a medical cannabis dispensary.

If the site has more than one landowner, the signature of each landowner is required. Provide a completed Landowner Information and Acceptance for each landowner and clearly identify the total number and names of all relevant Landowners.

Official Name of Landowner: DENNIS G. MOORE

Street Address Line 1: 1113 GREENVILLE RD

Street Address Line 2:

City: LIVERMORE State: CA Zip Code: 94550

Type of Entity / Organizational Structure (check one):

- Corporation
- Limited Liability Partnership
- Limited Liability Corporation
- Other: LANDOWNER
- Joint Venture
- Partnership
- Non-Profit

Jurisdiction of Organization Structure:

Date of Organization Structure:

Primary Contact Information:

Name / Title: CINDY MOORE OWNER

Telephone Number: 925 980 5985 Fax Number:

E-mail Address: cindym@sierradm.com

SIGNATURE: Dennis G Moore

Name and Title of Signer: DENNIS G. MOORE

Dated this 12th day of NOVEMBER 2017

E. Site
1113 Greenville Rd.



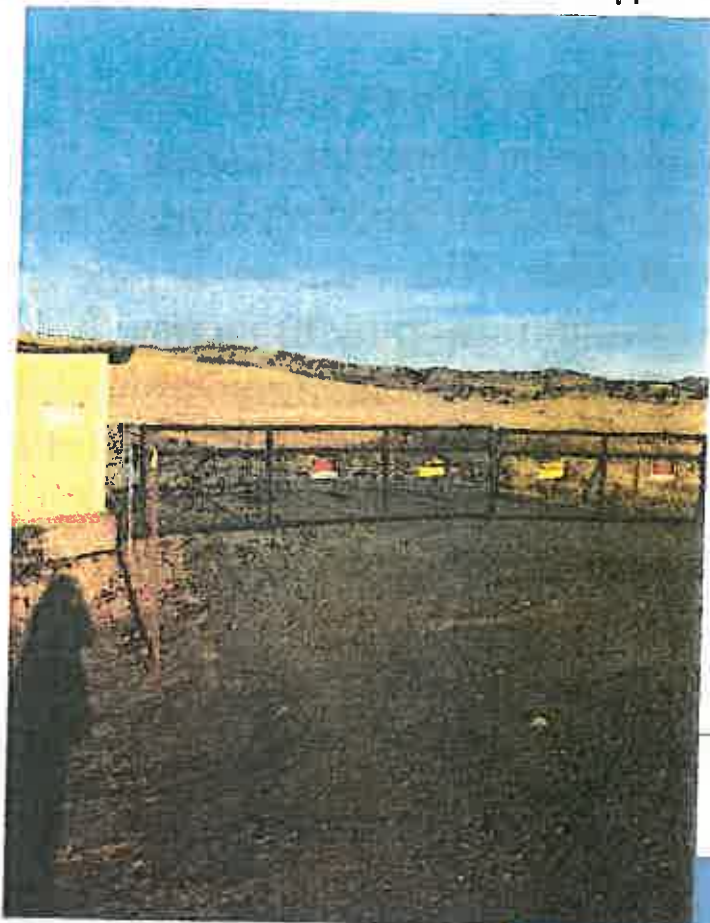
E. Site

The 2000 sq.ft. building at the front of the facade will be the dispensary but the front will not be visible once we plant a line of Oleanders in the front of the building.

The property is already equipped with camera's, restrooms, parking, and private access. We do not have access to the inside but suffice it to say there is nothing yet to see. This is an industrial building currently being used. Once permits are near we will gut the interior and build from up from the studs.

In our design we will ensure cameras at all entry points. We will build a product vault that is connected to the foundation. We will erect photo-voltaic power panels for solar power. We will clean the debris so that it cannot be seen from the street. Once the current tenants leave, 2 years, we will have all of the debris on the property removed and dedicate the site to 100% cannabis operations to include manufacturing, growing, and selling.

F. Exterior Appearance

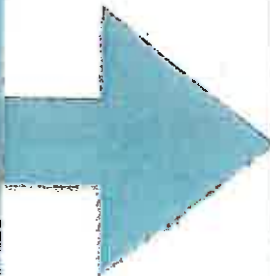


This gate, drive and photo is same as photo entry for cultivation site.

Do you see the driveway where the car is? That's the driveway with the gate to the grow.



This is our driveway at 1113 Greenville Rd.



F. Exterior Description

1113 Greenville Rd. is in a commercial pocket of four businesses; RC Readymix a concrete batch plant, Clearwater water storage, Cochran Building Supply, and finally would be The Royal Herb. The address is over one mile from the cultivation site and roughly the same distance to the freeway. There are no schools or sensitive businesses in the area; rather the area is highly guarded due to the Lawrence Livermore Lab just a few blocks down the street and receives mostly commute traffic and winery traffic.

The rest of the area alternates from rural to commercial along the road.

The back access road to the cultivation can be seen from the driveway.

As for the property, there are three buildings all properly zoned for manufacturing, selling, or growing. All buildings have power and water. The property has sewer. One of the buildings is insulated.

FOR SALE

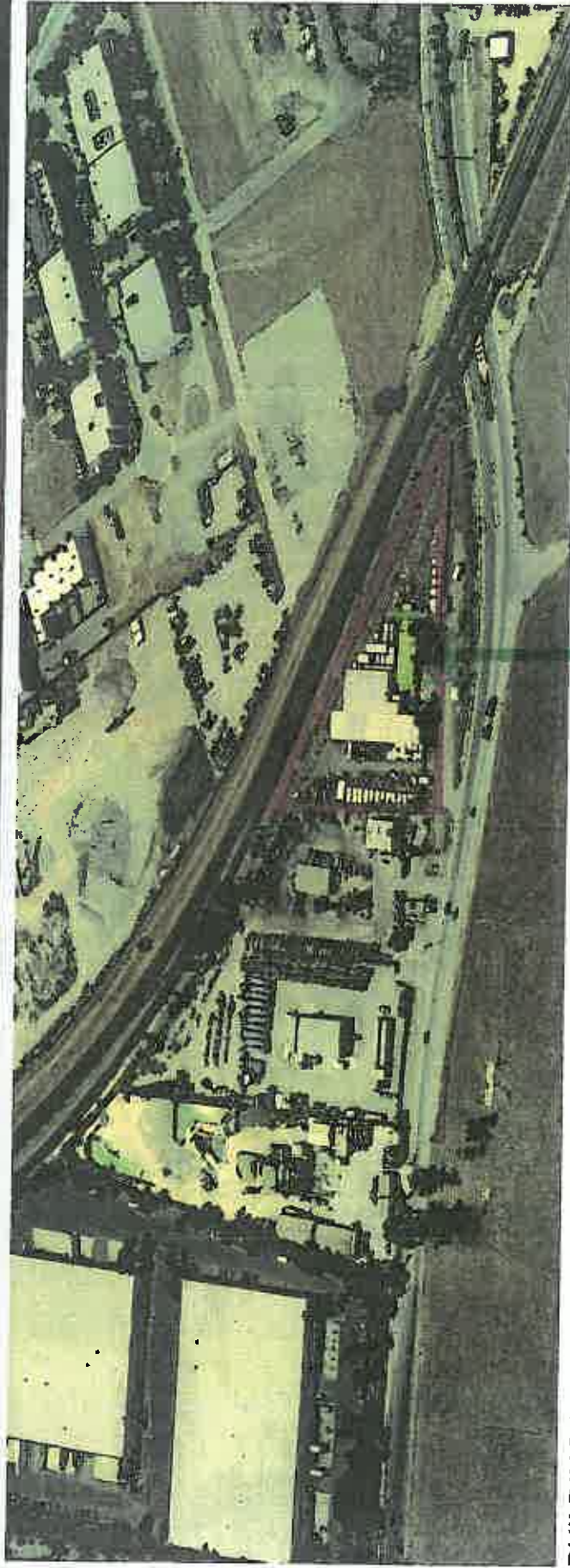
1113 GREENVILLE ROAD, LIVERMORE

THREE BUILDINGS TOTALING 14,160±SF SITUATED ON 1.91± ACRES



**LEE &
ASSOCIATES**

COMMERCIAL REAL ESTATE



BUILDING FEATURES:

- Three (3) separate industrial buildings:
- Building 1: 2,160±SF
- Building 2: 4,000±SF
- Building 3: 8,000±SF
- Metal construction
- Multiple roll up doors
- Heavy power: 1,400 AMPS total (buyer confirm)
- Two (2) secured large yard areas

LOCATION & PROPERTY OVERVIEW:

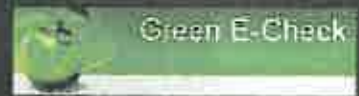
- Located in unincorporated area of Alameda County
- City of Livermore address
- Off of Greenville Road and I-580
- Seller will lease back portion of the property
- Sale price: \$2,995,000

**FOR MORE INFORMATION
PLEASE CONTACT:**

SEAN OFFERS, SIOR
LIC.ID#01858116
PRINCIPAL
(925) 737-4159

Lee & Associates - East Bay, Inc.
5890 Stoneridge Drive
Suite 210
Pleasanton, California 94588

All information furnished regarding property for sale, rental or financing is from sources deemed reliable, but no warranty or representation is made to the accuracy thereof and same is submitted to errors, omissions, change of price, rental or other conditions prior to sale, lease or financing or withdrawal without notice. No liability of any kind is to be imposed on the broker herein.



THE WORLDS 1ST
 Best Award For Marijuana

ENJOY

THE RAINBOW

WITHOUT THE WORK



By the way
 Master Zennaker



NIRVANATHER
 INDICA



THCV PIXIE DUST
 SATIVA/INDICA HYBRID BLEND



HEAVENESSENCE
 INDICA/SATIVA BLEND



HAPPIMENT
 HYBRID



SHANGRILOSOPHY
 SATIVA/INDICA BLEND



DIVINERGY
 SATIVA



G. Product Description

ZEN's are little; about 1 1/4"X 1"

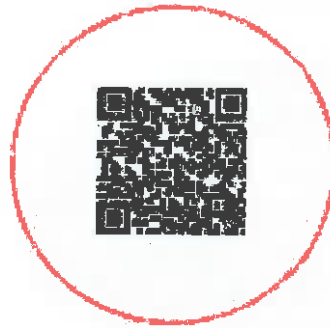


Inside we hide a little spoon.

We will gift 2 gram Zens filled with Livermore Moonshine to visiting dignitaries, new patients, famous cannabis and potential vendors.

G. Product Description

We have 4 sizes



**Zen 2g,
Zenten 10g,
Zentin 28.5g,
Zentun 1/4lb.**
Large size for licensed
wholesalers.

**We use this logo to represent
our growing team.**

**We use this logo for our
sovereign: The Royal Herb or
Her Majesty's Collective (501c)**



Heavenessence
 26% THC Gorilla Glue Sativa Hybrid
 X
 19% THC Canni Changer Indica Hybrid

Shangrilosophy
 20% THC Grand Daddy Purple Indica
 X
 20% THC Canni Changer Indica Hybrid

Pixie Dust
 Girl Scout Cookies Hybrid
 20% THC 3% THCV

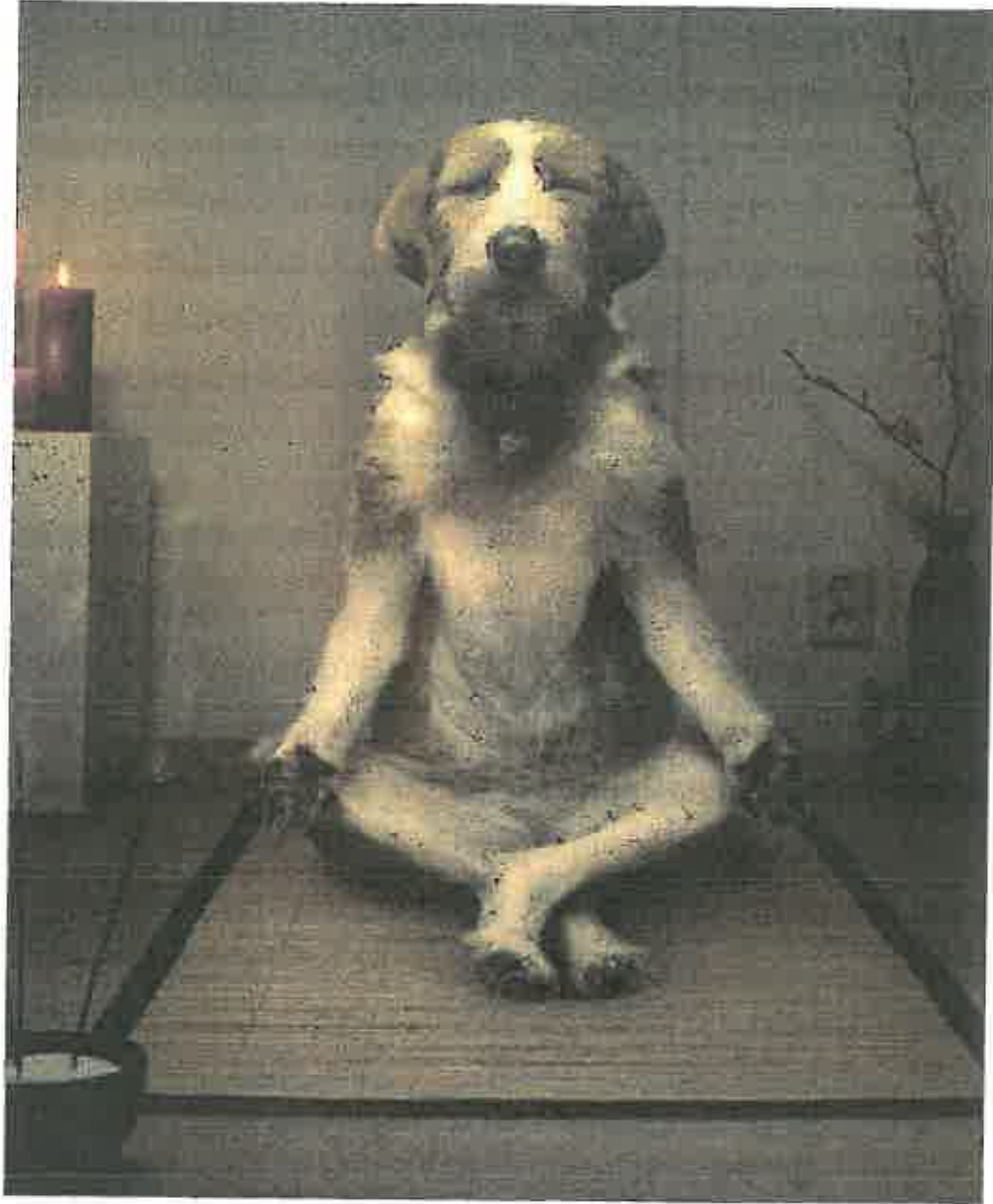
Happiment
 19% THC Blackberry Kush Indica
 Hybrid
 X
 19% THC O.G. Kush Indica Hybrid

Divinergy
 20% THC Jack Herer Sativa
 X
 20% Blue Dream Sativa

Nirvanather
 27% THC Berry White Indica
 X
 24% Passion Kush Indica

<p>VERIFY ALL CONTENT FOR ACCURACY</p>		<p>CUTLINE </p>	<p>3" x 1.5" <small>W x H</small></p>
<p>STICKERS MAY HAVE BEEN MODIFIED TO FOLLOW OUR 1/8" MARGIN AND 1/8" BLEED.</p>		<p>VIEW PDF AT 100%. MONITOR COLORS MAY NOT MATCH PRINTED COLORS.</p>	

h. Mission Statement



H. Mission Statement

Our Mission and prayer is to open a dispensary and cultivation in order to provide the highest quality medicine to the people of Livermore, East Bay, commuters of San Joaquin and Stanislas Counties... at the best price possible. The dispensary will donate **20%** of our profits to addiction recovery while the cultivation operation will be dedicated to breeding medical strains that are high in THC, THCV, THCA, that are also rich with selected terpenes. In addition to our grow we will curate premium bud from other reputable growers to address conditions that our stock does not treat. We will cultivate and sell our trio of strains.

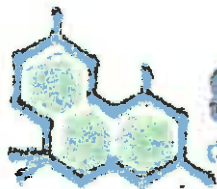
Livermore Moonshine ★ Livermore White Lightning ★ Livermore Mountain Dew

I Promise to also donate **100%** of our cultivation profits toward addiction recovery, the Alameda County Food Bank and free or subsidized medicine for hospice patients. In **2023** we will seek outdoor grow permits enabling us to complete the landscape of our 3 acre parcel and create the counties first **100%** green Canna Plantation tourist destination.

To *Alameda County, the City of Livermore, & House Fuller,*

I Pledge to be physically present during **100%** of all store operations and be available to the community and authorities at all times for the first year.

Ambassador of Zen



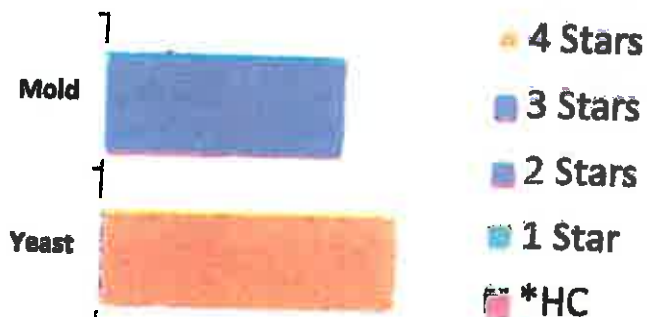
Steep Hill Halent

CANNABIS ANALYSIS AND RESEARCH

473 Roland Way, Suite A
 Oakland CA, 94621
 Phone: (800) 658-0955
 Fax: (877) 398-5279
 Web: www.steepphilllab.com

Customer Name: The Apothecarium	Lab Sample ID: S3250806F6D	Intake Date: 11/22/2014
Customer Sample ID: APOT	Sample Type: Flower	Report Date: 11/25/2014
Strain/Name: Outdoor AK	Sample Test Weight in Grams: 0.495	Exp date: 12/25/2014

Sample Rating



Yeast and Mold CFU/g



Results		Score
Mold CFU/g	9,374	3 Stars
Yeast CFU/g	28,283	4 Stars
TOTAL	37,657	3 Stars

Star ratings are based on United States Pharmacopoeia, National Science Foundation, World Health Organization and European Pharmacopoeia microbial limits for non-sterile products and are not necessarily related to safe consumption levels for cannabis. Steep Hill Lab is not responsible in the case of adverse reactions from consumption.

Mold: Filamentous fungi whose presence may cause health issues especially in immune compromised patients

Yeast: Presence has not been shown to have adverse health effects

Test results are determined using USP Method 61 for Mold and Yeast and 3M PetriFilm for Total Aerobic Count, Enterobacteriaceae, and E.coli.

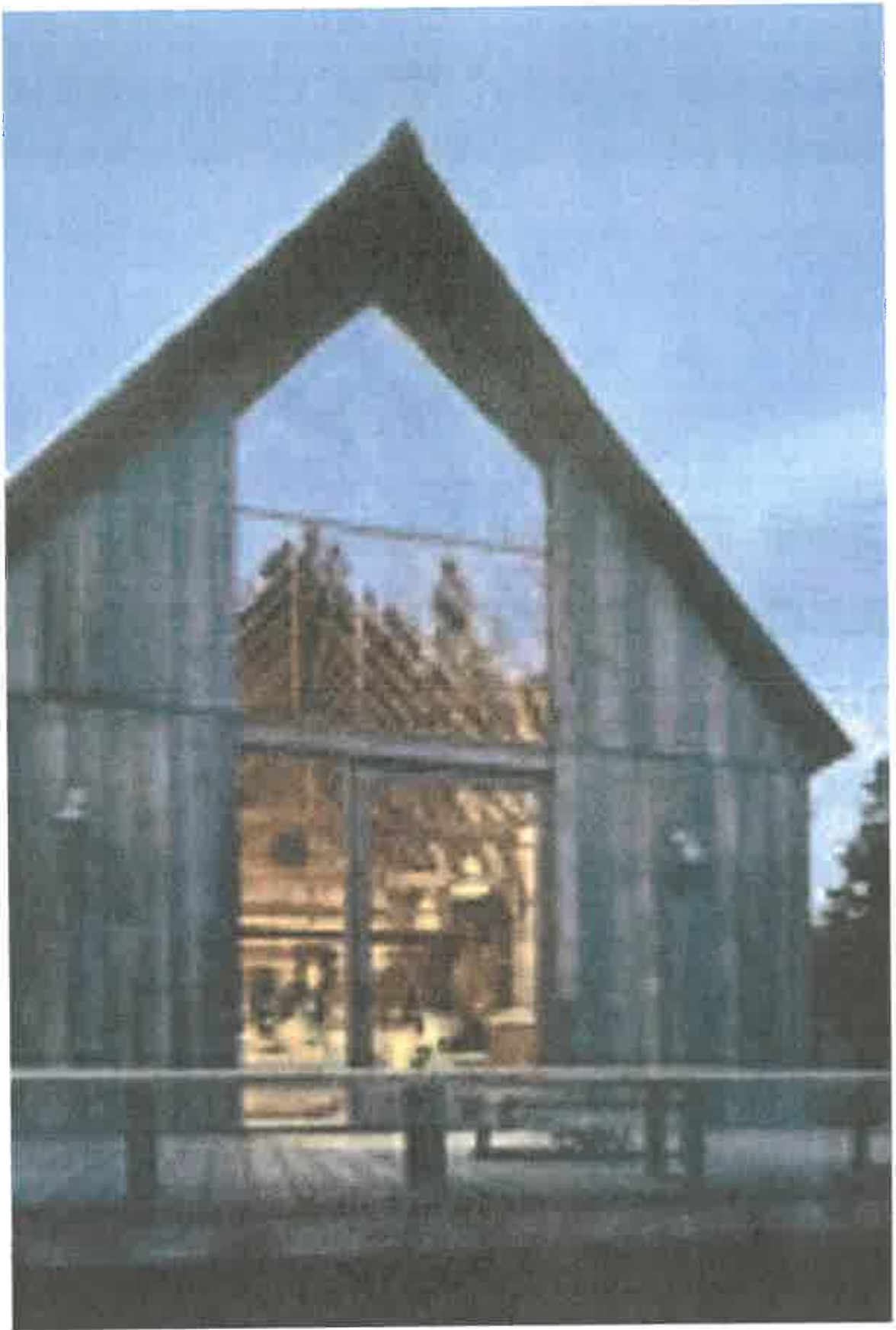
Star Rating	CFU/g Range	CFU/g Range
4 Stars	0-1,000	0-100,000
3 Stars	1,001-10,000	100,001-1,000,000
2 Stars	10,001-100,000	1,000,001-10,000,000
1 Stars	100,001-200,000	10,000,001-100,000,000
*Heavy Contamination	> 200,000	100,000,001

h. Mission Statement

THCv, THCa, THC are the cannabinoids we're targeting for



Give me two years and I will build this barn with modern glass and tile for the forward facing building and our dispensary.





MOUNTAIN CASCADE INC.

P.O. Box 5050
Livermore, CA 94551
(925) 373-8370 FAX (925) 373-0940

11/12/17

Dear Alameda County Cannabis Commission,

Leslie Flannery worked for me for 8 years at Mountain Cascade so I know first hand that she is suited for supervising drugs, employees, and customers, while ensuring proper accounting and oversight. I have agreed to lend her my property for her cultivation and I will fund her store sight. If she obtains the permit I will also help her renovate to build Ganna Land. I believe in her mission and hope you will too.

Mike Fuller

PERSONAL FINANCIAL STATEMENT
MICHAEL & SHARON FULLER
 Jun-17

ASSETS		LIABILITIES	
CASH			\$ 1,103,364
US Bank Checking 153459604341	\$ 241,208		
US Bank Saving 15345385483x	\$ 38,383		
Wells Fargo Savings 1277975080	\$ 819,765		
Wells Fargo Checking 3062930577	\$ 4,008		
Receivable MCI stock receivable		\$ 4,389,748	
MCI Notes Receivable		\$ 4,700,000	
Retirement Accounts		\$ 1,437,082	
Investments NFP	\$ 49,981		
Pension Trust Fund for Operating Engineers	\$ 1,166,319		
Wells Fargo	\$ 5,357		
Business Interests	\$ 215,424		
Mountain Cascade Holding Company	\$ 1,970,975	\$ 6,243,811	
Mike Fuller Motor Sports	\$ 4,272,836		
Real Estate			
Residence - Ranch	\$ 4,600,000		
Ukiah, CA - Rental	\$ 250,000		
San Felipe, Mexico - Vacation	\$ 2,000,000		
Hawaii Property	\$ 200,000		
Plane Pilatus		\$ 2,125,000	
TOTAL ASSETS		\$ 27,049,005	Total Liabilir \$

NET WORTH \$ 27,049,005



MOUNTAIN CASCADE INC.

P.O. Box 5050
Livermore, CA 94551
(925) 373-8370 FAX (925) 373-0940

B. LANDOWNER INFO

11/1/17

Dear Alameda County

I support Leslie Flannery and her bid to run a cannabis cultivation operation in Livermore and I've agreed to fund her endeavor to provide a non profit venture on my land. Leslie worked for me for eight years and I know her to be the perfect person for this post. If she is successful and the pilot program renewed then I will fund a state of the art greenhouse operation on a particular 84 acre parcel also within the county.

Sincerely,
Mike Fuller
(dictated but not read)
Mountain Cascade, Inc.
Mike Fuller Motorsports

LANDOWNER INFORMATION AND ACCEPTANCE

- 1. The undersigned Landowner declares, under penalty of perjury, that:
 - a. I am the owner of the proposed dispensary site identified in Exhibit A;
 - b. I consent to the proposed use of the land by the Applicant for the purpose of a medical cannabis dispensary.

If the site has more than one landowner, the signature of each landowner is required. Provide a completed Landowner Information and Acceptance for each landowner and clearly identify the total number and names of all relevant Landowners.

Official Name of Landowner: Mountain Cascade Inc

Street Address Line 1: 24 Greenville

Street Address Line 2: _____

City: Livermore State: CA Zip Code: 94550

Type of Entity / Organizational Structure (check one):

- Corporation
- Limited Liability Partnership
- Limited Liability Corporation
- Other: _____
- Joint Venture
- Partnership
- Non-Profit

Jurisdiction of Organization Structure: CA

Date of Organization Structure: 3-31-1982

Primary Contact Information:

Name / Title: Janet Renkenberger Controller

Telephone Number: 925-373-8370 Fax Number: 925-373-8379

E-mail Address: JanetR@mountaincascade.com

SIGNATURE: 

Name and Title of Signer: Michael D Fuller President

Dated this 2nd day of November 2017

EXHIBIT A.
I Mitigation

The dispensary location is already not attractive but, despite the neighborhood, I'm going to improve my end. First I'm going to plant a row of 15' tall pink Oleanders such that the building facade cannot be seen at all. Do you see the Oleanders behind me? I own 150' of these jumbo specimens.

Next we are going to improve the parking lot and tend to the shabby embankment between us and the street. We are going to shield the entire lot from the dispensary such that the dispensary looks like the only building from the street.

Already security video cameras, perimeter fence, buildings, power, water, sewer, and infrastructure are already in place. Except interior renovations there will be no need for construction to begin business.

Over time we will remove ALL of the junk on the property and landscape it all. The Landowners will be renting from us for 2 years....after that the place turns into a Canna plantation. Inside of three years we will make our new address an oasis.

We have a separate driveway so our traffic will not affect the other three businesses.



54

J. Operations

As template, **The Royal Herb** will us follow best practices, procudures & processes of **The Apothecarium** in Berkeley. Already detailed in their public bid are established best practices in this industry. Manuals and procedures will be fleshed out and personalized, for departmental approval, during the CUP and State permit months.

1. Except baked goods and pre-packaged products, **Steep Hill Halent** offers analytical testing with detailed reports on pollutants, potency, and terpene profile. We will test all cannabis batches purchased from outside vendors with independent testing; sample selections chosen by The Royal Herb and not the vendor. Product will be held for sale until purity verified. We will also test our own product but only 1 test per grow. We will post our testing threshold for each parameters in the lounge and offer an educational handout.
2. Labeling of medicine will be child resistant and detail all required information. The label will give guidance on how to use, and not use, each product, and will have a phone number to call us.
3. Procedures on how employees handle the medicine will be established.
4. All patients must sign a **New Patient Membership Agreement Form** before being able to purchase medicine. Patients will be scrutinized for proper age, current physician recommendation 215, and mental condition. Patients will agree that medicine is for medical purposes and to non diversion terms. Caregivers will agree to the same but must also confirm that they are a caregiver consistent with the legal definition.
5. We will use **MJ Freeway Software Solutions** to track patient profiles in an integrated way with capability to addresses patient privacy & HIPPA compliant, purchasing volume totals and history, and 215 dates. This software also tracks inventory from seed to sale. Allows for online, prepaid, pickup orders. Track 215 expiration dates.
6. Store hours will be less than most clubs and more balanced our of respect for our local law enforcement and the community. We will plan to open late March, 2018: Mon-Saturday 10 a.m. – 7 p.m. Sunday 11 a.m. – 4 p.m.
7. We will utilize and approved Track & Trace company when buying outside cannabis. We will not buy product from un-manifested sale. All purchases will be from licensed cannabis businesses within California. We Give Good Bud from Clan Flan (Ed and Leslie) harvests will be brought from 24 Greenville to 1113 Greenville. MCDOP RFP #3 Attachment A. f. Exterior Description, Page 35 shows you that the distance from driveways is the width of the road; walking distance. Ed or Leslie Flannery only will transport the product across the street.
8. We will standardize product handling and personal protective gear to be worn by employees to protect the person and/or the flowers.
9. Employees will only make purchase through me.

10. Holly Thurston, my college roommate and newly minted doctor will oversee the charitable donation program of Her Majesty's Collective. This entity will collect all Clan Flan cultivation sales, and 20% of the dispensary profits; Doctor Thurston will study and evaluate which recovery centers in Alameda County and/or which Alameda County residents can be sponsored into licensed, bonifide, confirmed to be relevant, recovery programs. My friend and colleague has worked 30 years for Child Protective Services as senior manager and dedicated her life to the frailest in our community. She is the perfect person to dole out our compassion and deliver our mission to the people. Holly will distribute our charitable dollars under the Angel Lisa Hollarman Scholarship. The Royal Herb will publish, to the county, our gross sales and contributions.
11. Competent bookkeeping will be hired out. Business records will be maintained on all purchases for the required term.
12. Money will be deposited locally at an accredited banking institution daily or multiple times a day. Approved accounting software such as MJ Freeway and/or integrated Quickbooks will be used.
13. Metal Detector at the outside entry will be posted by several signs in the parking lot. The detector will be hidden and disguised in the awning/entry system to be erected such that it will not be visible.
14. Employees will be 26 years or older.
15. Wages begin at 15.00 per hour and all will be offered medical benefits.
16. Leslie & Ed Flannery will be unpaid for the 5000 sq.ft. cultivation operation.
17. Leslie will be unpaid for the dispensary operation until there are receipts. After receipts she will make 25.00per hour for dispensary hours only. After profits she will top out at 100.00 per hour during dispensary hours only.
18. Mike Fuller will not be involved in the business or even on the property, possibly ever. He knows nothing of marijuana, never touched the stuff, and is only financial backer of my mission.
19. The Royal Herb will maintain timely tax payments and workers compensation insurance.
20. Restrooms are already on the property for employees; they will be maintained; clean and functioning.

J. Operations Attachment

The Royal Herb will detail compliance with the following agencies in a company manual by the time we open the dispensary.

- Calif Dept Food & Agriculture
- Calif Dept Fish & Wildlife
- Calif Water Quality Control Board
- Bay Area Water Mgmt District
- Cal Fire
- Calif Dept Pesticide Regulation
- Calif Environmental Protection Agency
- Calif Franchise Tax Board
- Livermore City Ordinances
- Alameda County Public Works
- Alameda County Agriculture Commission
- Alameda County Environmental Health
- Alameda County Sheriff's Office
- Zone 7 Water
- Cal OSHA & Weekly Toolbox meetings
- Calif Agriculture Labor Relations Act
- Labor & Peace Agreement
- Injury & Illness Prevention Policy (IIPP)
 - Employee Manual
 - Emergency Action Response
 - PPE
 - Fire Prevention
 - Employee Accident Reporting
 - Hazard Communications
 - Drug abuse/addiction resources



ISN'T EVERYTHING BETTER GREEN?

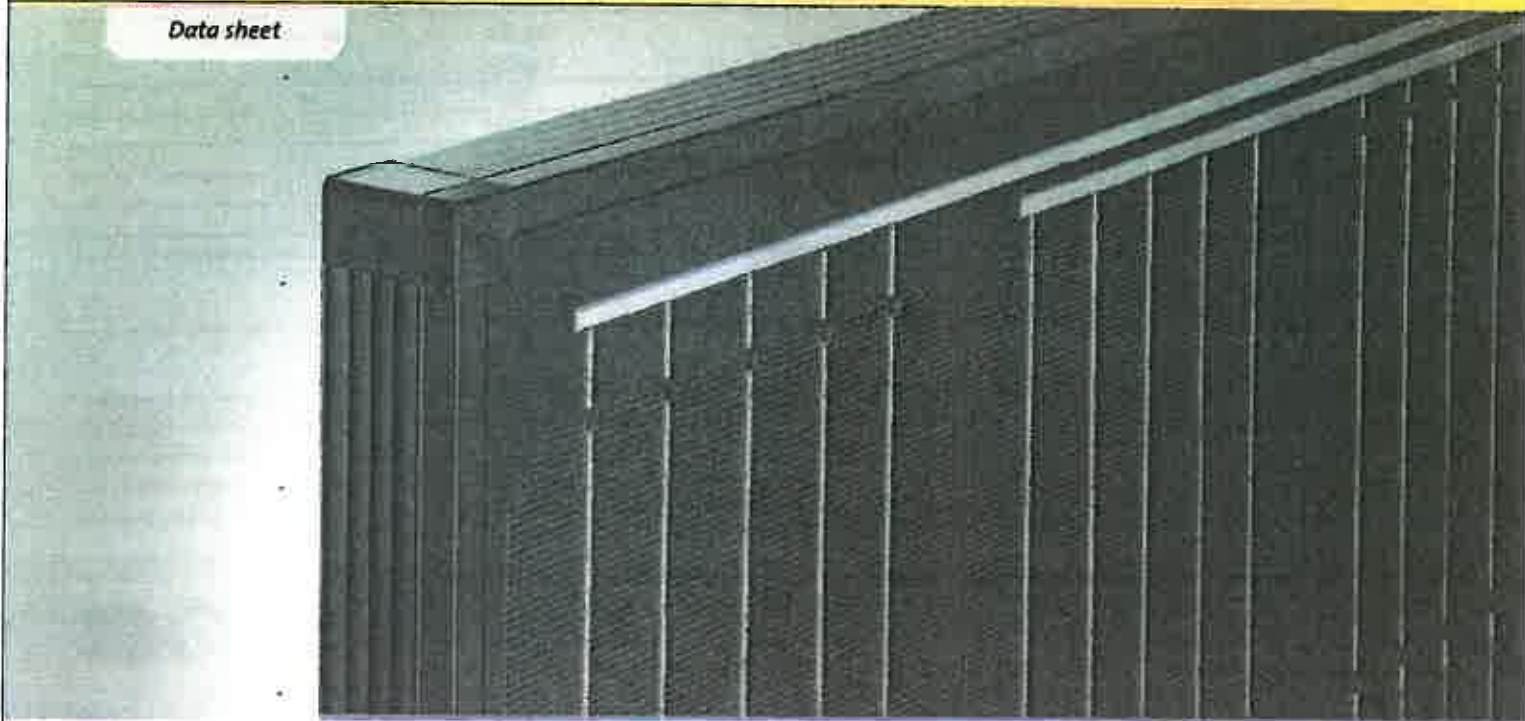
Green Plan

- 1. Photovoltaic panels providing 100% of the dispensary energy will be installed prior to operations. Solar World's Submodule Plus will be installed on the roof or on a rack to the side of the building, yet behind the fence. Tri-Valley Pools Inc is a licensed C-10 electrical contractor. We are competent with high and low voltage installations.**
- 2. The Royal Herb will conduct paperless operations.**
- 3. We will produce enough energy to run the dispensary and the cultivation (if it is relocated to this address) and the manufacturing if the permit is ever allowed. ALL of our energy uses will be 100% solar generated and we will further endeavor to contribute back to the energy grid.**

Sunmodule⁺ Plus SW 285 - 290 MONO BLACK



Data sheet



QUALITY BY SOLARWORLD

SolarWorld's foundation is built on more than 40 years of ongoing innovation, continuous optimization and technology expertise. All production steps from silicon to module are established at our production sites ensuring the highest possible quality for our customers. Our modules come in a variety of different sizes and power, making them suitable for all global applications – from residential solar systems to large-scale power plants.

- Elegant aesthetic design—entirely black solar module, from the cells and frame to the module corners
- Extremely tough and stable, despite its light weight – able to handle loads up to 178 psf (8.5 kN/m²)
- Tested in extreme weather conditions – hail-impact tested and resistant to salt spray, frost, ammonia, dust and sand
- Proven guarantee against hotspots and PID-free to IEC 62804-1
- SolarWorld Efficells™ for the highest possible energy yields
- Patented corner design with integrated drainage for optimized self-cleaning
- High-transmissive glass with anti-reflective coating
- Long-term safety and guaranteed top performance – 25-year linear performance warranty; 20-year product warranty



www.solarworld.com

Sunmodule Plus

SW 285 - 290 MONO BLACK



PERFORMANCE UNDER STANDARD TEST CONDITIONS (STC)*

		SW 285	SW 290
Maximum power	P_{max}	285 Wp	290 Wp
Open circuit voltage	V_{oc}	39.2 V	39.5 V
Maximum power point voltage	V_{mpp}	32.0 V	32.2 V
Short circuit current	I_{sc}	9.52 A	9.60 A
Maximum power point current	I_{mpp}	9.00 A	9.12 A
Module efficiency	η_m	17.0 %	17.3 %

Measuring tolerance (P_{max}) traceable to TUV Rheinland: +/- 2% (TUV Power controlled, ID 0000039351)

*STC: 1000W/m², 25°C, AM 1.5

PERFORMANCE AT 800 W/m², NOCT, AM 1.5

		SW 285	SW 290
Maximum power	P_{max}	214.8 Wp	220.0 Wp
Open circuit voltage	V_{oc}	36.2 V	36.6 V
Maximum power point voltage	V_{mpp}	29.5 V	29.9 V
Short circuit current	I_{sc}	7.80 A	7.86 A
Maximum power point current	I_{mpp}	7.27 A	7.37 A

Minor reduction in efficiency under partial load conditions at 25 °C: at 200 W/m², 97% (+/-3%) of the STC efficiency (1000 W/m²) is achieved.

PARAMETERS FOR OPTIMAL SYSTEM INTEGRATION

Power sorting	-0 Wp / +5 Wp
Maximum system voltage SC II / NEC	1000 V
Maximum reverse current	25 A
Number of bypass diodes	3
Operating temperature	-40 to +85 °C
Maximum design loads (Two rail system)*	113 psf downward, 64 psf upward
Maximum design loads (Three rail system)*	178 psf downward, 64 psf upward

*Please refer to the Sunmodule Installation Instructions for the details associated with these load cases.

COMPONENT MATERIALS

Cells per module	60
Cell type	Monocrystalline PERC
Cell dimensions	6 in x 6 in (156 mm x 156 mm)
Front	Tempered safety glass with ARC (EN 12150)
Back	Multi-layer polymer backsheet, black
Frame	Black anodized aluminum
J-Box	IP65
Connector	PV wire (UL4703) with Amphenol UTX connectors
Module fire performance	(UL 1703) Type I

DIMENSIONS / WEIGHT

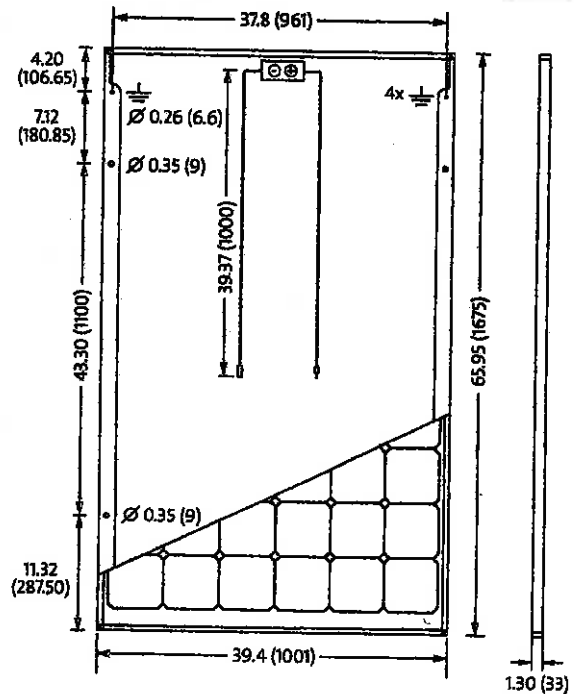
Length	65.95 in (1675 mm)
Width	39.40 in (1001 mm)
Height	1.30 in (33 mm)
Weight	39.7 lb (18.0 kg)

THERMAL CHARACTERISTICS

NOCT	46 °C
TC I_{sc}	0.07 % / °C
TC V_{oc}	-0.29 % / °C
TC P_{mp}	-0.39 % / °C

ORDERING INFORMATION

Order number	Description
82000248	Sunmodule Plus SW 285 mono black
82000260	Sunmodule Plus SW 290 mono black



All units provided are imperial. SI units provided in parentheses.

CERTIFICATES AND WARRANTIES

Certificates	IEC 61730	IEC 61215	UL 1703
	IEC 62716	IEC 60068-2-68	IEC 61701
Warranties	Product Warranty		20 years
	Linear Performance Guarantee		25 years



SolarWorld AG reserves the right to make specification changes without notice.

Off - Grid

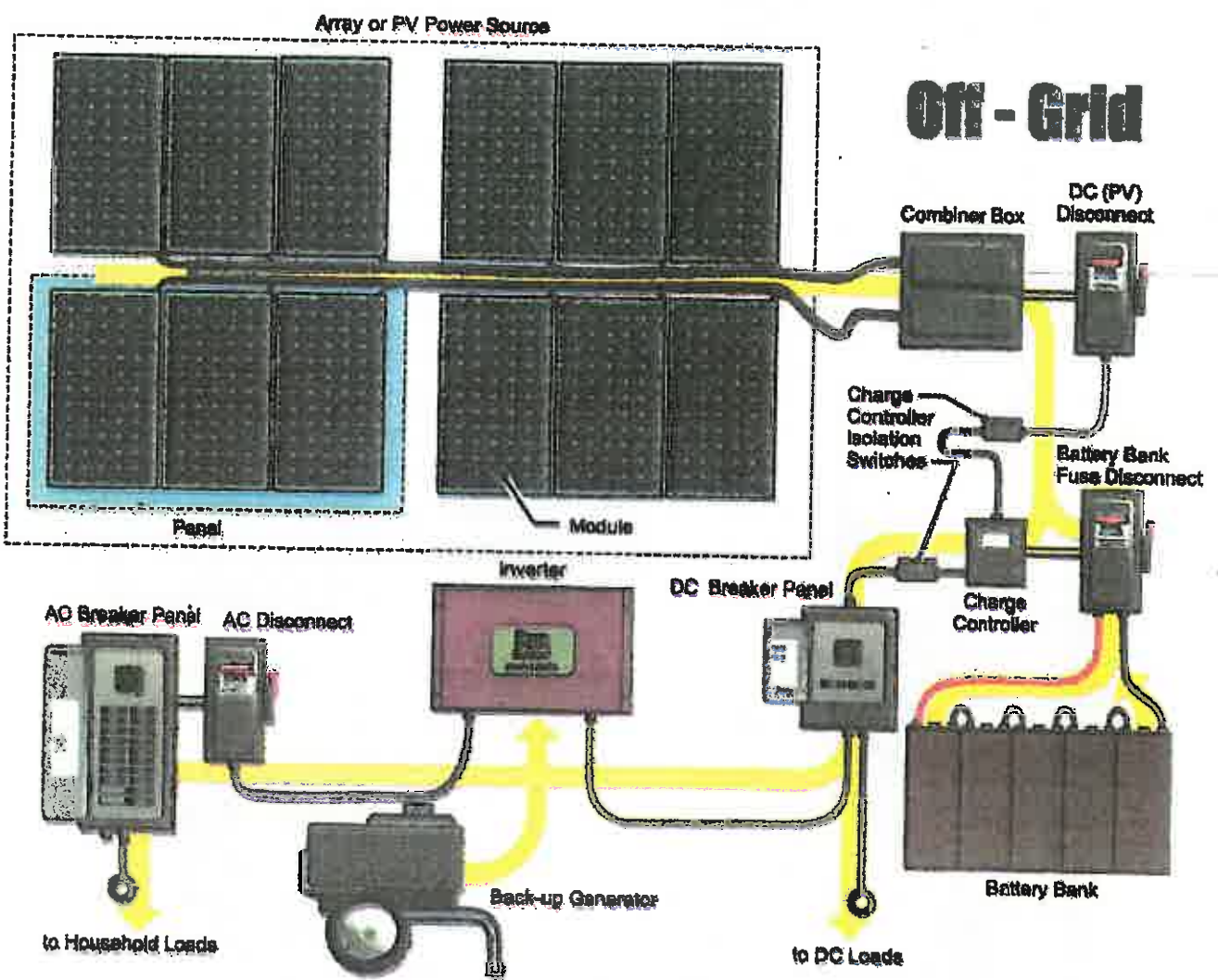


EXHIBIT A. Community Benefit

500TH ISSUE SPECIAL COLLECTOR'S EDITION

HIGH TIMES

5000

Behold The Royal Herb trophy.

High Times charges 5 grand a month for a full page ad: They gave me 25K in scholarship ; including this issue.

0028129601099

L. Community Benefit



Not a giant contribution to agriculture just yet. When manufacturing is allowed we'll be the "Foldgers" of ground cannabis.

Zen cannabis

Reduces cooking time; thus improves flavor and terpene preservation.
Reduces waste and cost.

Easier and more convenient.

Improves vaporizer ventilation and life..

Suitable to can for wholesale sales.

Can be used with a spoon rather than one's bacteria laden fingernails.

Is delicious smoked but we don't recommend smoking

Community News

Livermore agrees to make smelly tarplant its city flower



Courtesy Heath Bartosh

By ANGELA RUGGIERO | aruggiero@bayareanewsgroup.com

| Bay Area News Group

PUBLISHED: March 1, 2017 at 12:09 pm | UPDATED: March 1, 2017 at 11:16 pm

LIVERMORE — It's a plant only Livermore could love, and now it is the official city flower.

The City Council on Tuesday bestowed the honor on the endangered tarplant, a plant that looks like an ugly version of a sunflower and smells like paint thinner.

But the yellow flower won't appear inside the walls of City Hall anytime soon. That's because the tarplant, or *Deinandra baccigalupii*, as it's known to botanists, was placed on the endangered species list, making it illegal to cut or harvest it.

If Livermore residents like the smell of fresh asphalt, then they should take a whiff of the tarplant. Andy Ross, the city's assistant planner, said the unique flower was given its name mostly due to the paint-thinner, tar-like smell it emits.

"It's part of its charm," he said.

The tarplant is only found in northern and eastern areas of Livermore near Springtown. According to the California Fish and Wildlife Commission, only four known species of the tarplant are known to exist, all of which are found in Livermore and some portions of unincorporated Alameda County.

The plant is also resilient: it grows in tough conditions in an area known as the alkali sink, an area where water stops flowing and creates salty soil conditions that can resemble a desert.

The plant is only found on one piece of land owned by the city of Livermore and two privately held parcels nearby. In 2009 there were 303,720 plants growing on city-owned land.

The majority of the plant is located on 75 acres of city-owned property on the Springtown Preserve. Nearby, part of the area that was once the Springtown golf course is undergoing a process that will turn some of the land into open space.

The alkali sink, where the tarplant is found, has had damage from trespassing from off-road vehicles and off-leash dogs, according to a city report. The city will receive another report this spring for more information on possible funds from an eastern Contra Costa County development project that could cover the costs for invasive weed removal, fencing and signs on the property.

Ross said there are no plans, for now, to make the city flower appear on city insignia, although that could come later.

It appears Livermore once considered another flower in the 1930s, during the time of the Golden Gate Exposition, a World's Fair held in San Francisco, Ross said. Although there was an effort to make Livermore a petunia city, there are no records of official action taken by the city at the time, he said.

Angela Ruggiero Angela Ruggiero covers criminal justice and the Alameda County Superior Court. She previously covered the Tri-Valley cities of Pleasanton,

WIKIPEDIA

Deinandra bacigalupii

Deinandra bacigalupii (sometimes misspelled *bacigalupi*) is a rare species of flowering plant in the aster family known by the common names **Livermore tarplant** and **Livermore moonshine**. It is endemic to Alameda County, California, where there are only about five known occurrences around Livermore.^{[1][2]} It grows in open areas with alkali soils, such as alkali sinks and meadows.^[3] This plant was previously included within *Deinandra increscens* ssp. *increscens*, but it was separated and elevated to species level in 1999.^[4]

This is an annual herb producing a solid stem 10 to 40 centimeters (16 inches) tall. The hairy, glandular leaves have narrow linear or lance-shaped blades with smooth or lobed edges. The inflorescence is a cluster of flower heads each surrounded by the upper bracts on the stem branches. The head contains 6 to 9 lobed yellow ray florets each a few millimeters long and several yellow disc florets with yellow or brown anthers.^[3]

References

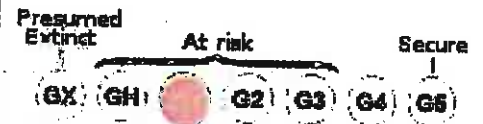
1. California Native Plant Society Rare Plant Profile (<http://www.rareplants.cnps.org/detail/1890.html>)
2. Calflora taxon report, University of California, *Deinandra bacigalupii* B.G. Baldwin, Livermore moonshine, Livermore tarplant (http://www.calflora.org/cgi-bin/species_query.cgi?where-calrecnum=9090)
3. Flora of North America (http://www.efloras.org/florataxon.aspx?flora_id=1&taxon_id=250066462)
4. Baldwin B. G. (1999). *Deinandra bacigalupii* (Compositae-Madiinae), a new tarweed from eastern Alameda county, California. *Madroño* 46:1 55-57.

External links

- Jepson Manual Treatment - *Hemizonia bacigalupii* (*Deinandra bacigalupii*) (<http://ucjeps.berkeley.edu/tjm2/review/treatments/compositae.html#77607>)
- United States Department of Agriculture Plants Profile: *Deinandra bacigalupii* (<http://plants.usda.gov/java/profile?symbol=DEBA10>)
- *Deinandra bacigalupii* - Calphotos Photo gallery, University of California (http://calphotos.berkeley.edu/cgi/img_query?query_src=photos_index&where-taxon=Deinandra+bacigalupii)

Deinandra bacigalupii

Conservation status



Critically Imperiled (NatureServe)

Scientific classification

Kingdom:	Plantae
(unranked):	Angiosperms
(unranked):	Eudicots
(unranked):	Asterids
Order:	Asterales
Family:	Asteraceae
Subfamily:	Asteroideae
Tribe:	Heliantheae
Genus:	<i>Deinandra</i>
Species:	<i>D. bacigalupii</i>

Binomial name

Deinandra bacigalupii

B.G.Baldwin

M.- Local Commitment

As a dispenser of cannabis we will be committed to funding addiction recovery for Alameda County citizens and will fund bonfide recovery centers with lump sum donations at the end of each calendar year and will publish the amount to the county.

As a grower of cannabis we are committed to funding the Alameda County food bank, local 4H, & FFA too.

Our mission is to grow 100% of our product for our charitable goals and then donate an additional 20% of our work product from the dispensary

Also, I commit to my community that when employees are hired I will provide a living wage of 15.00 per hour minimum, or more, plus medical benefits with disenfranchised and older Americans who want to dedicate their lives to our mission.

Leslie Flannery

Ambassador of Zen

M. Local Commitment

People should not smoke at all let alone at The Royal Herb: We will remind people with signage, labeling & education.

We will recommend sublinguals, salves, edibles, and teas for new users as this is the lowest level and slowest acting dosage. Livermore Moonshine, White Lightning, and Mountain Dew, my 100% charitable grow side of the business will make lozenges like these when manufacturing is allowed. Unlike Halls, Sucrets, and Riccola, these will heal a cough, your aching back, and give you a good night sleep all at once.



For those with more severe pain we will recommend vaporizers rather than smoking as we patently do not recommend smoking. Vaporization vaporizes the moisture in the material at a lower heat, just prior to combustion, so there is no burning taking place. Some high end vaporizers are said to remove 98% of carcinogens.



FAQ: In 1998 my kids and dad were featured on Tele Tubbies on our ranch for an episode to teach city kids that oranges grow on trees not in stores.



My father and I guard the oranges in 1983

M. Local Commitment

4H is shown on Alameda County's website and I too am a card carrying long time member of 4H and FFA from Ventura County. This kid's life was forever altered by the experience of growing up on a 30 acre orange ranch in Fillmore and raising pigs for fair. Not knowing my true destiny and calling, and a few pigs later, I went to U.C.Davis ag school where I paid my dues with a job cleaning AIDES infected monkeys...which in 1983 that was no small deed. After I got good at monkey poop I went on to live in the single most historic and oldest building on campus; The Hog Barn. I lived in the hog barn as Master Herdsman, rent free, for scoring highest on a test. For the reward of free rent I was expected to clip teeth, notch and tag ears, and clean pups as the sows farrowed after hours. Everything I owned and wore was dotted with fly turds and my hair smelled like pig crap no matter how clean I was. To pay for my education I drove tomatoes up and down I-5 from Sacramento to Riverdale.

In 1988 after graduating with a bachelor of science degree from Davis I relocated to Livermore with my new husband and became a local tax paying resident here in Alameda County.

Until I was 40 I had no relationship with cannabis other than enforcement. After a back injury I became familiar with the miracle of the herb and found my true calling. I grow, 6 plants a year, and no more. I do not, and never have, profited from cannabis. I raise my plants for research and development, throw most out, but donate what I don't use to several ill friends. For myse I was tired of picking sticky weeds apart with my fingers and longed for a spoon so I spent time learning which strains could be successfully ground and then had to develop a technique on how to grind it. It might seem as easy as ground coffee but it isn't. Crossing the bridge required the knowledge of best organic farming practices, food science and preservation, and the time and money to repeat repeat repeat. While my concept is not an invention it is an advancement of a product genre that will crest at some point. I suppose people laughed at Folders coffee, "who would buy pre-ground beans?" but build it and they will come. This product has the potential to distribute medicine to the masses in a more effective, more hygienic and less expensive manner. I'm two years ahead of my competition in branding, concept and packaging only but I'll always be the first in the State, Nation and World to stake my claim. To document my product and protect the provenance I paid for one month in trade magazine WEED WORLD and aficionado magazine, HIGH TIMES. So impressed with a product that is alone in it's class, High Times featured my full page ad for five additional months including their 500 special edition issue last August at no cost.

Please consider supporting The Royal Herb in making Livermore an appellation du terroir for Alameda County cannabis a destination royale for our beautiful canna plex.

