



# ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

## PLANNING DEPARTMENT

Chris Bazar  
Agency Director

February 23, 2018

Agenda Item #6  
February 27, 2018

Albert Lopez  
Planning Director

224 West Winton Ave  
Room 111

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

Hayward, California  
94544-1215

phone  
510.670.5400  
fax  
510.785-8793

[www.acgov.org/cda](http://www.acgov.org/cda)

Dear Board Members:

**SUBJECT:** Appeal submitted by Larry Gosselin of a decision by the Administrative Cannabis Dispensary Appeals Panel for denial of a Medical Cannabis Dispensary Operator Permit application from Larry Gosselin, on property located at 7699 Altamont Pass Road, Livermore area of unincorporated Alameda County, with County Assessor's Parcel Number: 099B-5500-004-00 (case number: PLN2017-00227)

### RECOMMENDATION:

That the Board of Supervisors approve the appeal and reverse the decision of the Administrative Appeals Panel to deny, thereby approving the Cannabis Dispensary Operator Permit Application for Larry Gosselin.

### 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 proposals 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 Larry Gosselin to the Board of Supervisors of the denial of PLN2017-00227.

The appeal letter submitted on February 11, 2018 by Larry Gosselin makes the following assertions. Staff responses are below each assertion.

**DISCUSSION:**

**Appellant comments:**

The appeal letter received by Mr. Gosselin is in response to the City of Livermore Letter of Appeal dated January 2, 2018, and to testimony and comments made at the Administrative Appeals Panel hearing of February 2, 2018. The Appeals Panel sustained the appeal of the City of Livermore resulting in the denial of the application. The appellant's request to the Board of Supervisors is to affirm the Community Development Agency's selection of Application- PLN2017-00227 for approval.

Staff Response:

The City of Livermore's appeal letter (attached) contained several arguments against the proposed dispensary, focusing mostly on land use compatibility and proximity as reasons to deny the project. The issue which seemed to influence the decision of the Administrative Appeals Panel to deny the application was Section 6.108.30 of the cannabis dispensary ordinance, which prohibits a dispensary from being within 1,000 feet of a "recreation center." A nearby business, Club Moto, provides a riding track for off-road motorcycles, and the panel determined that because there were youth and children present at the site, the 1,000 foot separation requirement applied. When making the original decision to take in the application and award the permit, Planning staff and the CDA Director considered this issue 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.

Staff believes that a for-profit business is fundamentally different than a non-profit or government-run recreation center. The former may change its business model or activities to accommodate profitability at any time, and the local jurisdiction has no influence on the business model. The latter, a recreation center, in the common use of the term, is meant to benefit a social cause and usually includes an indoor gymnasium, ballfields, and a variety of other indoor or outdoor facilities. In this case, the Club Moto business is not a public facility or a non-profit meant for the benefit of youth, but a private business open to the general public. Other uses that cannot be within 1,000 feet of a cannabis dispensary include a school, licensed child or day care facility, public park or playground, and drug recovery facility. These other uses are generally not private businesses in the traditional sense, and their users are typically considered to be "sensitive receptors". The patrons of a private for-profit business are not generally considered sensitive receptors and therefore a use such as Club Moto should not trigger the 1,000 foot separation requirement.

The language of the County ordinance related to this appeal is excerpted below:

6.108.030 – Cannabis dispensary permit required.

- 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.

**CONCLUSION:**

Staff recommends that the Board of Supervisors sustain the appeal and reverse the decision of the Administrative Appeals Panel to deny application PLN2017-00227, thereby approving the Cannabis Dispensary Operator Permit for Larry Gosselin.

Very truly yours,

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

Chris Bazar, Director  
Community Development Agency

Enc: Appeal by Larry Gosselin  
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](http://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](mailto: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](http://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 10<sup>th</sup> 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](mailto: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**  
**P L A N N I N G   D E P A R T M E N T**

**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 2<sup>nd</sup>, 2018

224 West Winton Ave  
Room 111

Hayward, California  
94544-1215

phone  
510.670.5400  
fax  
510.785-8793

[www.acgov.org/cda](http://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 2<sup>nd</sup>, a decision is expected by close of business February 13<sup>th</sup>, 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 25<sup>th</sup> 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 25<sup>th</sup> 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](mailto:prspence@cityoflivermore.net). You may also contact Principal Planner Scott Lee at (925) 960-4473 or [sslee@cityoflivermore.net](mailto:sslee@cityoflivermore.net).

Sincerely,



**Paul Spence**  
**Community Development Director**

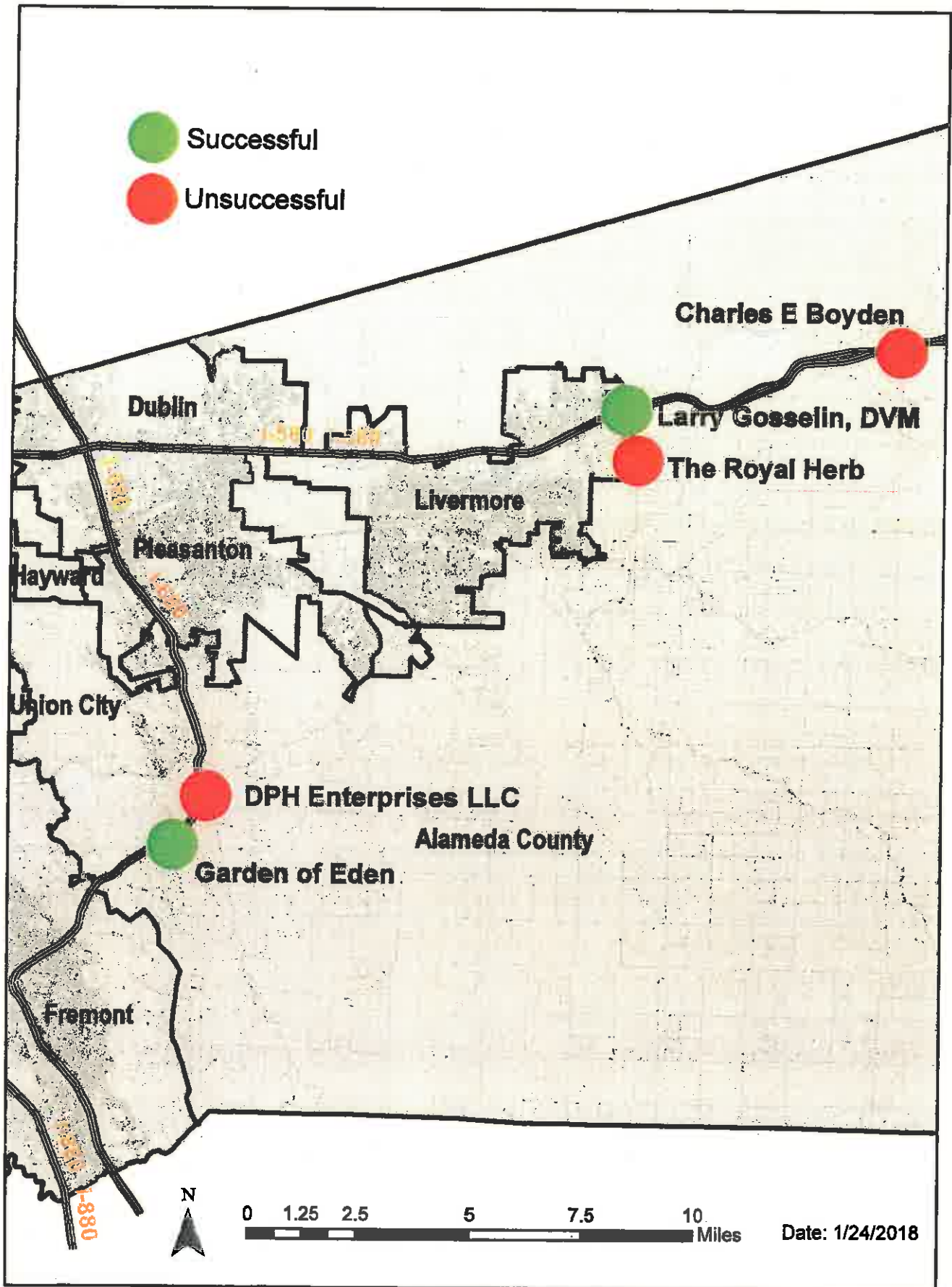
cc: **Marc Roberts, City Manager**  
**Steve Stewart, Planning Manager**  
**Steve Riley, Principal Planner**  
**Scott Lee, Principal Planner**  
**Ashley McBride, Assistant Planner**

**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](mailto:elizabeth.mcelligott@acgov.org)**

### **RESPONSE DUE**

by

**5:00 p.m.**

on

**13<sup>th</sup> 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**

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

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



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

Final Evaluation Period	20 <sup>th</sup> November to 14 <sup>th</sup> December 2017
Applicant Interview Period	4 <sup>th</sup> December to 14 <sup>th</sup> December 2017
County issue Notice of Intention to Grant to highest ranked Applicants	15 <sup>th</sup> 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 <sup>th</sup> 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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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

Applications that pass the Initial Application Evaluation will be submitted to the County Selection Committee ("CSC") for Final Application Evaluation.

5. **Initial Evaluation Criteria:** The Initial Evaluation Criteria, which will be determined on a Pass/ Fail basis, are as follows.

<b>TABLE A</b>		
<b>INITIAL EVALUATION CRITERIA</b>		
	<b>Evaluation Criteria</b>	<b>Evaluation Measure</b>
<b>A.</b>	<p><b>Background Check:</b></p> <p>If any person listed on the Application as an owner, manager, supervisor or employee for the proposed dispensary fails to pass a background check, the Application will be rated a Fail in the Evaluation Criteria and will receive no further consideration.</p>	Pass/ Fail
<b>B.</b>	<p><b>Completeness of Application:</b></p> <p>An Applicant must amend and refile an Application within 10 days after receiving notification that the application has been deemed by the Planning Director to be improperly completed or incomplete (Ordinance Code Section 6.108.090.B). 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 be rated a Fail in the Evaluation Criteria and will receive no further consideration.</p>	Pass/Fail
<b>C.</b>	<p><b>Compliance with Ordinance Code Section 6.108.100.A:</b></p> <p>Any Application that meets any of the criteria in Section 6.108.100.A. of the Ordinance Code will be rated a Fail in the Evaluation Criteria and will receive no further consideration.</p> <p>Assessment of compliance with the requirements of Chapter 6.108 includes consideration of the following requirements in Section 6.108.030.D.2 and 6.108.035.E.1-3:</p> <ul style="list-style-type: none"> <li>• The proposed dispensary site must be within the East County, as shown on the map contained in Exhibit B of Chapter 6.108 of the Ordinance Code.</li> </ul>	Pass/Fail

	<ul style="list-style-type: none"> <li>● No permit shall be issued for a dispensary within:             <ul style="list-style-type: none"> <li>○ five (5) miles* of another dispensary in the unincorporated area shown in Exhibit B of Chapter 6.108 (East County); or</li> <li>○ one (1) mile of a permitted dispensary location in an incorporated city.</li> </ul> </li> <li>● 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"> <li>○ 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.</li> <li>○ No dispensary shall be located in a residential zone or its equivalent.</li> </ul> </li> </ul> <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:

<b>0</b>	<b>Not Acceptable</b>	<b>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.</b>
<b>1</b>	<b>Poor</b>	<b>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.</b>
<b>2</b>	<b>Fair</b>	<b>Has a reasonable probability of success, however, some objectives may not be met.</b>
<b>3</b>	<b>Average</b>	<b>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.</b>
<b>4</b>	<b>Above Average / Good</b>	<b>Very good probability of success, better than that which is average or expected as the norm. Achieves all objectives per RFP requirements and expectations.</b>
<b>5</b>	<b>Excellent / Exceptional</b>	<b>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.</b>



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

<b>TABLE B</b>		
<b>FINAL EVALUATION CRITERIA – STAGE 1</b>		
	<b>Evaluation Criteria</b>	<b>Weight</b>
<b>A.</b>	<p><b>Security Plan (Ordinance Code Section 6.108.060.A.11):</b> 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"> <li>• be submitted for review by the Sheriff;</li> <li>• include a lighting plan showing existing and proposed exterior premises and interior lighting levels;</li> <li>• include alarms and security surveillance cameras;</li> <li>• 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</li> <li>• include the provision of a suitable locked safe on the premises for after-hours storage of medical cannabis.</li> </ul> <p>In evaluating this criterion, the CSC will have regard to the comments of the Sheriff (Section 6.108.090.A.2).</p>	<b>20 Points</b>
<b>B.</b>	<p><b>Appropriateness of Site and Design of Proposed Facility (Ordinance Code Section 6.108.060.A.12&amp;13 and 17.06.040, 17.38.030 and 17.40.030, as applicable):</b></p> <p>The proposed dispensary site:</p> <ul style="list-style-type: none"> <li>• conforms with all applicable zoning requirements,</li> <li>• is consistent with the setbacks required in Sections</li> </ul>	<b>20 Points</b>

	<p>6.108.030.D.2 and 6.108.030.E of the County General Code,</p> <ul style="list-style-type: none"> <li>● provides adequate car parking;</li> <li>● provides adequate customer access from a county road, and through proximity to population centers,</li> <li>● 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</li> <li>● minimizes visual impacts with appropriate measures, including fencing and screening.</li> </ul> <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><b>C.</b></p>	<p><b>Operating Plan (General Code Section 6.108.060.A.21):</b></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"> <li>● the minimum staffing levels for operation of the dispensary;</li> <li>● policies and procedures for record keeping;</li> <li>● specific details of the dispensary's track and trace program;</li> <li>● specific details of the dispensary's product testing;</li> <li>● specific details of the dispensary's proposed odor absorbing ventilation and exhaust systems;</li> <li>● other relevant information regarding the operation of the proposed dispensary; and</li> <li>● a copy of the dispensary's labor peace agreement when the dispensary is required by California Business &amp; Professions Code Section 26051.5 to enter into or abide by a labor peace agreement.</li> </ul> <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;"><b>20 Points</b></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>	
<p><b>D.</b></p>	<p><b>Mitigation of Potential Impacts (Ordinance Code Section 6.108.060.A.16):</b></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 style="text-align: right;">10 Points</p>
<p><b>E.</b></p>	<p><b>Environmental Considerations</b></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 style="text-align: right;">5 Points</p>
<p><b>F.</b></p>	<p><b>Community Benefit:</b></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>	<p style="text-align: right;">5 Points</p>

	and job training programs, local substance abuse, cannabis youth education, or domestic violence programs, or other activities that benefit the residents of the County.	
<b>FINAL EVALUATION CRITERIA – STAGE 2 (OPTIONAL)</b>		
<b>G.</b>	<b>Oral Interview:</b> 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.	<b>10 Points</b>
<b>H.</b>	<b>Site Visit:</b> 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.	<b>10 Points</b>
<b>LOCAL AGRICULTURAL COMMUNITY COMMITMENT</b>		
<b>I.</b>	<b>Local Commitment:</b> 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.	<b>Ten Percent (10%)</b>

**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](mailto: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](mailto: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



February 11, 2018

Alameda County Board of Supervisors c/o  
Alameda County Planning Department  
224 W. Winton Ave  
Hayward, CA 94554

**Regarding:**

Application- PLN2017-00227

Applicant- Larry Gosselin DVM

Appeal of Decision of Administrative Appeals Panel

Dear Board of Supervisors:

This letter is in response to the City of Livermore Letter of Appeal dated January 2, 2018; and to testimony and comments made at the Hearing of the Ad Hoc Administrative Appeals Panel convened on February 2nd, 2018. The Ad Hoc Appeals Panel sustained the appeal of the City of Livermore resulting in the denial of the application. I request the Board of Supervisors affirm the Community Development Agency's selection of Application- PLN2017-00227 for approval.

This letter will respond to six points:

- 1) The City of Livermore asserts that the location of the project within Livermore's UGB and SOI, as well as ECAP policies 3 & 4, entitles the City to collaborative planning authority.

*Response:*

- a) *LAFCO informs that "Counties possess sole land use jurisdiction over unincorporated territory whether located outside or inside of a city's SOI." (LAFCOs, General Plans, and City Annexations, Governor's Office of Planning and Research, 2012. p14)*
  - b) *ECAP policies 3 & 4 are clearly not specific to a single project on a single parcel. ECAP does not create authority for any jurisdiction, other than Alameda County, to judge the merits of a County applicant or project.*
- 2) The City of Livermore asserts the project is inconsistent with the Livermore General Plan which considers appropriate uses to be "hotels and motels, restaurants, and gasoline service stations".  
*Response: The project parcel is designated Large Parcel Agriculture by Alameda County. That land use conditionally permits agricultural supporting commercial uses such as a Medical Cannabis Dispensary. The County of Alameda has developed programs and policies to prevent the urbanization suggested by the City. It is inconsistent with ECAP for the county to deny agricultural supporting commercial uses for the benefit of a city's unchecked urban expansion.*
  - 3) The City of Livermore asserts it did not have adequate notice and should have been allowed "opportunity to provide input during the selection process for the Medical Cannabis Dispensary Operator Permits." (City of Livermore Appeal Letter; January 2, 2018; p2)

*Response:*

- a) *The development of the Medical Cannabis Ordinance was a lengthy process that encouraged the sharing of information and collaboration amongst many citizens, neighborhood groups, committees, stakeholder groups, planning staff, the Sheriff's Department and the offices of the Supervisors. The permitting timeline was detailed and could be clarified by attending meetings, obtaining the information from the County, or communicating directly with staff. I cannot recall any process in Alameda County that has received more notice. The City of Livermore had adequate opportunity to participate.*
  - b) *It is disconcerting that the City of Livermore wished to extend its decision-making authority to an Alameda County administrative process. To properly do so, the City and the County would normally give public notice, receive public comment, and possibly create a joint powers authority. None of these procedures were followed. The City has no authority to "provide input" during the selection process other than through the public process.*
- 4) *The City of Livermore asserts the permit applications should have undergone CEQA review. Response: Before CEQA review can be considered, a CUP applicant must be selected by an administrative process. CEQA review is feasible after an applicant is selected, but not before.*
- 5) *The City of Livermore believes a medical cannabis dispensary "will have community character impacts at a major gateway into Livermore." (City of Livermore Appeal Letter; January 2, 2018; p2)*

*Response:*

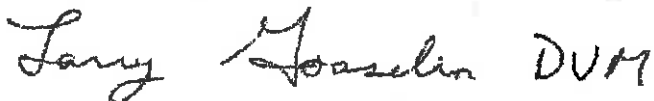
- a) *Dense urban warehouses, miscellaneous commercial uses, and traffic corridor commercial services describes the "community character" established by the City of Livermore in the area south of I-580. A mitigated Medical Cannabis Dispensary located to the north of I-580 will not detract from the City of Livermore's urban "major gateway" presentation. Please see Attachment 1.*
  - b) *The benefit of agriculture enhancing commercial uses, including a Medical Cannabis Dispensary, has already been decided by the voters of Alameda County, Board of Supervisors, and Community Development Agency Staff. As a conditional use, a Dispensary is consistent with the community character of a newly evolving agricultural economy in Alameda County.*
  - c) *This application included description of an Executive Management Team that reflects the social and cultural diversity of Alameda County. The highest score possible was received for Local Agricultural Community Commitment. These attributes reflect the "community character" of rural Alameda County much more than the City of Livermore's urbanization of Greenville Road.*
- 6) *The City of Livermore asserts that the motocross track located at 7727 Altamont Pass Rd, within 1000 feet of the dispensary, is a recreation center. The Ad Hoc Appeal Panel focused on the California State Health and Safety Code definition of "Youth Center" to grant the appeal. That HSC definition states a youth center is "primarily used...for minors"; the definition can be read at Attachment 2.*
- Response:*
- a) *The motocross track is closing. The finding that the motocross track was a "youth center" or "recreation center" is not applicable to this application. Norman Cornett, the property owner at 7727 Altamont Pass Rd, has notified me he wishes to develop the property with uses consistent with Policies 77-84 of ECAP. Mr. Cornett has already paid for, and has done,*

engineering to begin his project and will be developing his land use plan after meeting with Planning Department staff.

- b) Regardless of the closing of the track, a motocross track is not a "recreation center". As a conditionally permitted project it is described as an "outdoor recreation facility". A recreation center is not strictly defined but is traditionally thought of as a complex of rooms or buildings used for multiple recreational uses and by multiple organizations. If a motocross track is considered a recreation center then the same standard should be applied to any horse boarding stable, bed and breakfast inn, event center, wine tasting room, roping arena, hiking trail, and all rural roads used for bicycling. A singular use does not make a recreation center.
- c) The California State Health and Safety code clearly states that to be a "Youth Center" the facility must be "primarily used" "for minors". The examples given in the HSC definition reflect relatively passive activities that require minimal adult supervision consistent with the intent to have minors as the primary users. Club Moto's use is inconsistent with this definition for several reasons including:
- The Club Moto web site (Attachment 3) states "Club Moto is enjoyed by many riders of various skill levels from beginner's (sic) to AMA Pro's (sic), both young and old." All age groups use the facility. It is not "primarily used" by youth.
  - Youth dirt-track motorcycle riding is an adult supervised activity. Due to this level of adult supervision it is inaccurate to characterize the facility as "primarily used" by minors.
  - The track is open an average of only 16.5 hours per week. It is "primarily used" as open space, and not "for minors".
  - The county assessor describes the property as: "Rural Property used for agriculture" (Attachment 4), not as a "private facility that is primarily used to host recreational or social activities for minors".
  - The presence of minors, with intense adult supervision, is not consistent with the definition of "primarily used" "for minors".

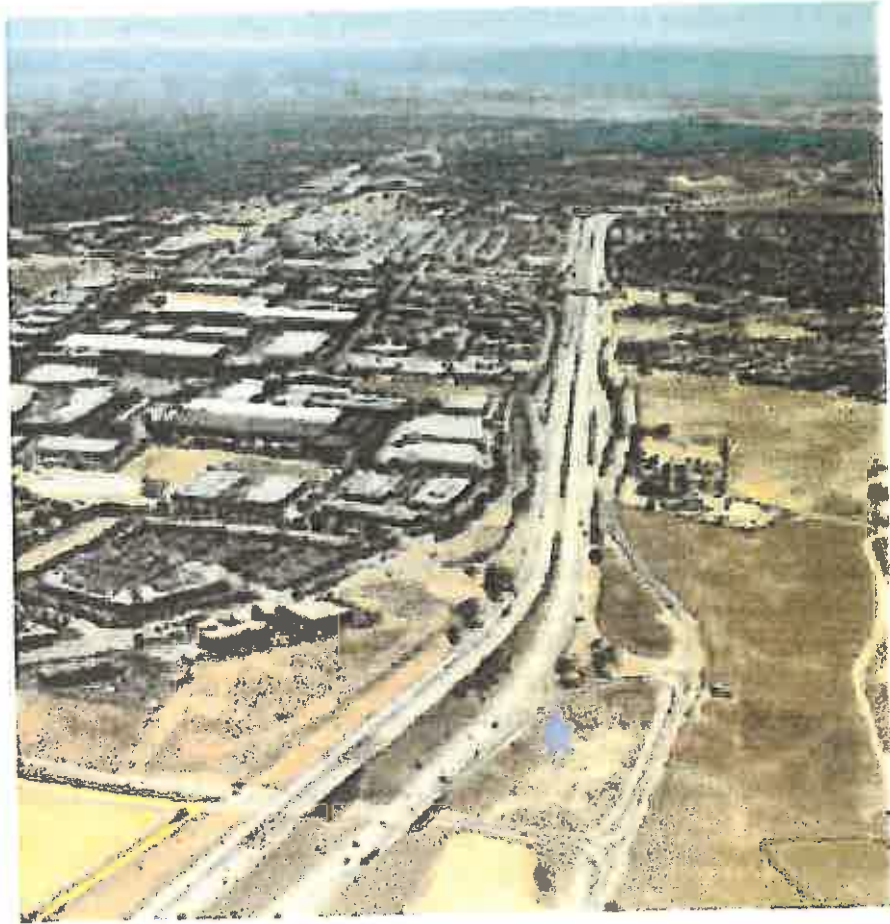
Thank you for your consideration of this matter.

Sincerely,



Larry Gosselin DVM

## Attachment 1



Looking to the west at I-580. The intense urban development that serves as Livermore's Greenville Rd "major gateway" is to the left of I-580. The Dispensary is proposed for agricultural property that is ideally located for agricultural supporting commercial uses and is marked by the blue star.

## Attachment 2

**HEALTH AND SAFETY CODE – HSC**

**DIVISION 10. UNIFORM CONTROLLED SUBSTANCES ACT [11000 - 11651]**

**CHAPTER 6. Offenses and Penalties [11350 - 11392]**

**ARTICLE 1. Offenses Involving Controlled Substances Formerly Classified as Narcotics [11350 - 11356.5]**

**Section 11353.1.**

(e) (2) "Youth center" means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

**Highlights added**

## Attachment 3

# CLUB MOTO

**Welcome to Club Moto!**

**Established in 1995, Club Moto is enjoyed by many riders of various skill levels from beginner's to AMA Pro's, both young and old. The facility is Owned and Operated By Mike Sexton, a well established track builder and designer who also Operates ArgyllMX Park in Dixon.**

Highlights added

Logo and text can be found at:

<http://www.clubmoto.com/>

# Attachment 4

ONLINE SERVICES

Assessor's Office | Treasurer-Tax Collector | New Query

**PROPERTY ASSESSMENT INFORMATION**

**ASSESSOR'S OFFICE**

### 2017 - 2018 Assessment Information

<input type="checkbox"/> Parcel Number:	99B-5700-1-38
<input type="checkbox"/> Assessor's Map: (Map image is not to scale)	<a href="#">Map</a> <a href="#">Disclaimer</a>
<input type="checkbox"/> Use Code:	5500
<input type="checkbox"/> Description	Rural property used for agriculture, 10+ acres
<input type="checkbox"/> Land	\$153,018.00
<input type="checkbox"/> Improvements	0
<input type="checkbox"/> Fixtures	0
<input type="checkbox"/> Household Personal Property	0
<input type="checkbox"/> Business Personal Property	0
<input type="checkbox"/> Total Taxable Value	\$153,018.00
<b>Exemptions</b>	
<input type="checkbox"/> Homeowner	0
<input type="checkbox"/> Other	0
<input type="checkbox"/> Total Net Taxable Value	\$153,018.00

[Additional Assessment Information](#) | [Property Tax Information](#)

Adobe Acrobat Reader is required to view the maps. [Click here](#) to download.





County Selection Committee member: Commander K. Miles Date 12-13-17

Applicant: LARRY GOSSELIN DVM

## 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: \_\_\_\_\_

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><b>Security Plan (Ordinance Code Section 6.108.060.A.11):</b></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"><li>• be submitted for review by the Sheriff;</li><li>• include a lighting plan showing existing and proposed exterior premises and interior lighting levels;</li><li>• include alarms and security surveillance cameras;</li><li>• 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</li><li>• include the provision of a suitable locked safe on the premises for after-hours storage of medical cannabis.</li></ul> <p>In evaluating this criterion, the CSC will have regard to the comments of the Sheriff (Section 6.108.090.A.2).</p>	4x 20 Points
B.	<p><b>Appropriateness of Site and Design of Proposed Facility (Ordinance Code Section 6.108.060.A.12&amp;13 and 17.06.040, 17.38.030 and 17.40.030, as applicable):</b></p> <p>The proposed dispensary site:</p> <ul style="list-style-type: none"><li>• conforms with all applicable zoning requirements,</li><li>• is consistent with the setbacks required in Sections 6.108.030.D.2 and 6.108.030.E of the County General Code,</li><li>• provides adequate car parking;</li></ul>	3x 20 Points

County Selection Committee member: \_\_\_\_\_

Date \_\_\_\_\_

Applicant: \_\_\_\_\_

	<ul style="list-style-type: none"><li>● provides adequate customer access from a county road, and through proximity to population centers,</li><li>● 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</li><li>● minimizes visual impacts with appropriate measures, including fencing and screening.</li></ul> <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><b>C.</b></p>	<p><b>Operating Plan (General Code Section 6.108.060.A.21):</b></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"><li>● the minimum staffing levels for operation of the dispensary;</li><li>● policies and procedures for record keeping;</li><li>● specific details of the dispensary's track and trace program;</li><li>● specific details of the dispensary's product testing;</li><li>● specific details of the dispensary's proposed odor absorbing ventilation and exhaust systems;</li><li>● other relevant information regarding the operation of the proposed dispensary; and</li><li>● a copy of the dispensary's labor peace agreement when the dispensary is required by California Business &amp; Professions Code Section 26051.5 to enter into or abide by a labor peace agreement.</li></ul> <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>4x 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>	
<b>D.</b>	<p><b>Mitigation of Potential impacts (Ordinance Code Section 6.108.060.A.16):</b></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>4x 10 Points</p>
<b>E.</b>	<p><b>Environmental Considerations</b></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>4x 5 Points</p>
<b>F.</b>	<p><b>Community Benefit:</b></p> <p>Applicants must provide a description of a proposed Community Benefits Program.</p>	<p>4x 5 Points</p>

County Selection Committee member: \_\_\_\_\_ Date \_\_\_\_\_

Applicant: \_\_\_\_\_

	<b>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.</b>	
--	--	--

**FINAL EVALUATION CRITERIA – STAGE 2 (OPTIONAL)**

<b>G.</b>	<b>Oral Interview:</b> 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.	<b>10 Points</b>
-----------	---	------------------

<b>H.</b>	<b>Site Visit:</b> 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.	<b>10 Points</b>
-----------	--	------------------

**LOCAL AGRICULTURAL COMMUNITY COMMITMENT**

<b>I.</b>	<b>Local Commitment:</b> 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.	<b>10%</b> <b>Ten Percent (10%)</b>
-----------	---	--

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

County Selection Committee member: \_\_\_\_\_ Date \_\_\_\_\_

Applicant: Gosselin

	Criteria	0-5 Point scale range	X possible points	Total Points
A	Security Plan	4	20	80
B	Appropriateness of Site and Design of Proposed Facility	3	20	60
C	Operating Plan	4	20	80
D	Mitigation of Potential Impacts	4	10	40
E	Environmental Considerations	4	5	20
F	Community Benefit:	4	5	20
			SUBTOTAL	300
G	Oral Interview:		10	
H	Site Visit:		10	
I	Local Commitment:	10% (30)	10% max	30
			GRAND TOTAL	330



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

Applicant: Larry Gosselin

**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

County Selection Committee member: \_\_\_\_\_ Date \_\_\_\_\_

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: \_\_\_\_\_ 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
<b>A.</b>	<p><b>Security Plan (Ordinance Code Section 6.108.060.A.11):</b></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"><li>● be submitted for review by the Sheriff;</li><li>● include a lighting plan showing existing and proposed exterior premises and interior lighting levels;</li><li>● include alarms and security surveillance cameras;</li><li>● 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</li><li>● include the provision of a suitable locked safe on the premises for after-hours storage of medical cannabis.</li></ul> <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>B.</b>	<p><b>Appropriateness of Site and Design of Proposed Facility (Ordinance Code Section 6.108.060.A.12&amp;13 and 17.06.040, 17.38.030 and 17.40.030, as applicable):</b></p> <p>The proposed dispensary site:</p> <ul style="list-style-type: none"><li>● conforms with all applicable zoning requirements,</li><li>● is consistent with the setbacks required in Sections 6.108.030.D.2 and 6.108.030.E of the County General Code,</li><li>● provides adequate car parking;</li></ul>	20 Points

Applicant: \_\_\_\_\_

	<ul style="list-style-type: none"> <li>● provides adequate customer access from a county road, and through proximity to population centers,</li> <li>● 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</li> <li>● minimizes visual impacts with appropriate measures, including fencing and screening.</li> </ul> <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><b>C.</b></p>	<p><b>Operating Plan (General Code Section 6.108.060.A.21):</b>  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"> <li>● the minimum staffing levels for operation of the dispensary;</li> <li>● policies and procedures for record keeping;</li> <li>● specific details of the dispensary's track and trace program;</li> <li>● specific details of the dispensary's product testing;</li> <li>● specific details of the dispensary's proposed odor absorbing ventilation and exhaust systems;</li> <li>● other relevant information regarding the operation of the proposed dispensary; and</li> <li>● a copy of the dispensary's labor peace agreement when the dispensary is required by California Business &amp; Professions Code Section 26051.5 to enter into or abide by a labor peace agreement.</li> </ul> <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;"><b>20 Points</b></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>	
<b>D.</b>	<p><b>Mitigation of Potential Impacts (Ordinance Code Section 6.108.060.A.16):</b></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>
<b>E.</b>	<p><b>Environmental Considerations</b></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>
<b>F.</b>	<p><b>Community Benefit:</b></p> <p>Applicants must provide a description of a proposed Community Benefits Program.</p>	<p>5 Points</p>

County Selection Committee member: \_\_\_\_\_ Date \_\_\_\_\_

Applicant: \_\_\_\_\_

	<b>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.</b>	
<b>FINAL EVALUATION CRITERIA – STAGE 2 (OPTIONAL)</b>		
<b>G.</b>	<b>Oral Interview:</b> 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.	<b>10 Points</b>
<b>H.</b>	<b>Site Visit:</b> 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.	<b>10 Points</b>
<b>LOCAL AGRICULTURAL COMMUNITY COMMITMENT</b>		
<b>I.</b>	<b>Local Commitment:</b> 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.	<b>Ten Percent (10%)</b>

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

County Selection Committee member: Albert Lopez Date 12/13/17

Applicant: Larry Gosselin

	Criteria	0-5 Point scale range	% possible points	Total Points
A	Security Plan	5	20	100
B	Appropriateness of Site and Design of Proposed Facility	4	20	80
C	Operating Plan	4	20	80
D	Mitigation of Potential impacts	3	10	30
E	Environmental Considerations	4	5	20
F	Community Benefit:	5	5	25
			SUBTOTAL	335
G	Oral Interview:		10	
H	Site Visit:		10	
I	Local Commitment:	10%	10% max	
			GRAND TOTAL	369.5



County Selection Committee member: R BROWDER Date 12/13/17

Applicant: LARRY GOSSELIN

## **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

County Selection Committee member: \_\_\_\_\_ Date \_\_\_\_\_

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: \_\_\_\_\_ 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:

	<b>Evaluation Criteria</b>	<b>Weight</b>
<b>A.</b>	<p><b>Security Plan (Ordinance Code Section 6.108.060.A.11):</b> 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"><li>• be submitted for review by the Sheriff;</li><li>• include a lighting plan showing existing and proposed exterior premises and interior lighting levels;</li><li>• include alarms and security surveillance cameras;</li><li>• 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</li><li>• include the provision of a suitable locked safe on the premises for after-hours storage of medical cannabis.</li></ul> <p>In evaluating this criterion, the CSC will have regard to the comments of the Sheriff (Section 6.108.090.A.2).</p>	<b>20 Points</b>
<b>B.</b>	<p><b>Appropriateness of Site and Design of Proposed Facility (Ordinance Code Section 6.108.060.A.12&amp;13 and 17.06.040, 17.38.030 and 17.40.030, as applicable):</b></p> <p>The proposed dispensary site:</p> <ul style="list-style-type: none"><li>• conforms with all applicable zoning requirements,</li><li>• is consistent with the setbacks required in Sections 6.108.030.D.2 and 6.108.030.E of the County General Code,</li><li>• provides adequate car parking;</li></ul>	<b>20 Points</b>

County Selection Committee member: \_\_\_\_\_ Date \_\_\_\_\_

Applicant: \_\_\_\_\_

	<ul style="list-style-type: none"><li>● provides adequate customer access from a county road, and through proximity to population centers,</li><li>● 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</li><li>● minimizes visual impacts with appropriate measures, including fencing and screening.</li></ul> <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>	
<b>C.</b>	<p><b>Operating Plan (General Code Section 6.108.060.A.21):</b></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"><li>● the minimum staffing levels for operation of the dispensary;</li><li>● policies and procedures for record keeping;</li><li>● specific details of the dispensary's track and trace program;</li><li>● specific details of the dispensary's product testing;</li><li>● specific details of the dispensary's proposed odor absorbing ventilation and exhaust systems;</li><li>● other relevant information regarding the operation of the proposed dispensary; and</li><li>● a copy of the dispensary's labor peace agreement when the dispensary is required by California Business &amp; Professions Code Section 26051.5 to enter into or abide by a labor peace agreement.</li></ul> <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>	
<p><b>D.</b></p>	<p><b>Mitigation of Potential impacts (Ordinance Code Section 6.108.060.A.16):</b></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><b>E.</b></p>	<p><b>Environmental Considerations</b></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><b>F.</b></p>	<p><b>Community Benefit:</b></p> <p>Applicants must provide a description of a proposed Community Benefits Program.</p>	<p>5 Points</p>

County Selection Committee member: \_\_\_\_\_ Date \_\_\_\_\_

Applicant: \_\_\_\_\_

	<b>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.</b>	
<b>FINAL EVALUATION CRITERIA – STAGE 2 (OPTIONAL)</b>		
<b>G.</b>	<b>Oral Interview:</b> 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.	<b>10 Points</b>
<b>H.</b>	<b>Site Visit:</b> 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.	<b>10 Points</b>
<b>LOCAL AGRICULTURAL COMMUNITY COMMITMENT</b>		
<b>I.</b>	<b>Local Commitment:</b> 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.	<b>Ten Percent (10%)</b>

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

County Selection Committee member: R. BROWNER Date 12/05/19

Applicant: LARRY GOSSELIN

	Criteria	0-5 Point scale range	X possible points	Total Points
A	Security Plan	4	20	80
B	Appropriateness of Site and Design of Proposed Facility	2	20	40
C	Operating Plan	4	20	80
D	Mitigation of Potential Impacts	3	10	30
E	Environmental Considerations	3	5	15
F	Community Benefit:	4	5	20
			SUBTOTAL	265
G	Oral Interview:		10	
H	Site Visit:		10	
I	Local Commitment:	10	10% max	20.5
			GRAND TOTAL	294.5



PLN 2017-227

PUBLIC REVIEW

# Applicant Response Packet Exhibit A

Applicant: Larry Gosselin DVM  
12200 Mendenhall Rd  
Livermore, CA  
94550

## East County MCDOP RFP 2017

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



## Table of Contents

Letter of Transmittal.....	Transmittal
Applicant Information and Acceptance.....	item (a)
Landowner Information and Acceptance.....	item (b)
Applicant and Employee Information.....	item (c)
Security Plan.....	item (d)
Floor Plan.....	item (e)
Description of External Appearance.....	item (f)
Description of Products.....	item (g)
Mission Statement.....	item (h)
Mitigation Measures.....	item (i)
Operating Plan.....	item (j)
Environmental Considerations.....	item (k)
Community Benefit.....	item (l)
Local Commitment.....	item (m)



## Letter of Transmittal

Larry Gosselin DVM is the applicant, property owner, and controlling partner submitting this MCDOP RFP. His long history of agricultural engagement, professional responsibility, and community commitment has prompted his collaboration with Medical Cannabis professional Aaron Silverman and a highly qualified and experienced team of medical cannabis business professionals and technicians. Their plan is to serve the health and well-being of eastern Alameda County citizens, provide for their safety, integrate a Medical Cannabis Dispensary with offsite traditional health care services, and create other benefits for Alameda County and its citizens.

Medical Cannabis is an agricultural crop. Dispensing it is a professional responsibility that is transitioning from a grey market service provided by those with technical experience, to a professional service with increasing regulatory and ethical obligations. Local citizens approve this new industry, yet their approval is tempered with concerns regarding implementation. For this industry to mature and meet the standard desired by the community, a diverse team is needed. The team behind this permit application, and the location they have chosen for a dispensary, is unparalleled to address the positive services of the industry as well as the concerns of the local community.

Dr. Gosselin has been engaged with commercial agricultural service and production since his youth. In 1981, after graduating from U.C. Davis College of Veterinary Medicine, he began his veterinary practice in Alameda County where he recognized the unique opportunities provided by the Bay Area's diverse economy and culture. He grew his practice to provide hospital level services, developed and managed a biotech research facility, and provided case consulting and expert witness services in the legal industry. As a veterinary professional he had federal and state licensing obligations and was registered by the Drug Enforcement Agency to purchase, store, prescribe and dispense controlled pharmaceuticals. He was responsible for meeting federal and state requirements to protect public welfare by examining and providing certificates of health for transported animals. In addition, he has advised to ensure humane treatment of animals used for federal research projects.

As an agriculturist, Dr. Gosselin acquired and developed agricultural land in the Tri-Valley. Although he was forced to leave veterinary practice due to a significant disabling injury in 2000, he continued his engagement with agriculture by advancing agricultural and conservation uses on his agricultural properties. He serves his community as a rural lands advocate. In addition to serving on and chairing numerous planning committees, he has been recognized for innovation in conservation, commended by the Supervisors for 14 years of service on the East County Board of Zoning Adjustments, recently elected by his peers in agriculture to Chair the Agricultural Advisory Committee, and innovatively collaborated with East Bay Regional Park District to provide public access across his working ranch to critical public land. He is now on the strategizing committee for Cannabis Education in Alameda County.

Aaron Silverman is the minority equity partner participating in this MCDOP RFP and will also be the full time General Manager. He has had an eight-year career in commercial banking, reaching the position of Regional Sales Manager. He is now a partner in a private equity investment company, has started a manufacturing business, is co-founder of a San Francisco restaurant, and has advised on other start-up food service businesses. He has had a long career as a former medical cannabis dispensary operator and continuing consultant in the industry. Mr. Silverman is the co-founder and CEO of Canna Group, Inc., a full-service consulting company based in Alameda County. CGI provides a comprehensive suite of business development, strategic, and industry-specific consulting services to companies currently operating or seeking to operate within the cannabis industry. He has served as a member on the American Herbal Products Association Cannabis Committee since 2010. As a national level featured speaker, he is recognized as an expert on medical cannabis business, processes, and products. He is a highly-sought trainer, mentor and educator in the cannabis industry. In addition to his busy professional career, Mr. Silverman teaches the Faith Formation class at St. Isadore Catholic Parish. He coaches youth football and baseball teams on which his children participate.

Joining Dr. Gosselin and Mr. Silverman is a team of management professionals with demonstrated organizational leadership and experience in the Medical Cannabis industry. Leading that team are:

- Ms. Jess Sun MBA who received her advanced business degree from U.C. Berkeley Haas College of Business. At Haas, she was the Reaching Out MBA Fellow, the Haas Leadership Scholarship recipient, Gender Equity Initiative Co-President, VP of Education for the club Q@Haas, founding member of Asian American affinity club, co-founder and facilitator of High Margins, a legal cannabis student organization and speaker series. In addition to her primary responsibility with Business Development and Human Resources, Ms. Sun has interest in the integration of this new industry with traditional agriculture and wellness.
- Mr. Ryan Miller MBA received his advanced degree from Harvard Business School after a lengthy recovery from military service related injuries. He is President of Warriors Rising, and serves as a member of the Nuclear Engineering Advisory Board to the United States Military Academy at West Point. In addition to his responsibilities to the Dispensary as Business Manager, Mr. Miller will integrate his interests to create employment and business opportunities for veterans across the food to fork spectrum of agriculture He will also develop health and counseling services for veterans.

ABC Security, Oakland, CA, has created the security plan for the premises and personnel. ABC Security provides a broad spectrum of security services. Their clientele and experience include other large, well established Medical Cannabis businesses. The General Manager, W. Ray Thrower, has visited the project location and advised the high visibility, and proximity to I-580, enhance the ability to provide security services. He has agreed his organization will collaborate to hire and provide training to local veterans and retired first responders for security positions at the Dispensary. Although not necessary, he has advised that it will be beneficial to take advantage of the "A" zoning to have an agricultural caretaker for additional security.

This project will be in unincorporated Alameda County on a one plus acre flat parcel at 7699 Altamont Pass Rd. The parcel is undeveloped and currently Zoned "HC" with assignment pending to "A District" uses as a step of the CUP process. A gabled roof Commercial Modular Unit with a waiting room, dispensary area, other office spaces, and separate entrance and exists, has been selected as the temporary dispensary pending design-build of a permanent multi-tenant agriculture supporting commercial use building. A deck, awnings, arbors, and landscaping of the grounds will give the building a permanent look. All landscaping will be located to create a mature presence and interrupt the profile of the building without obstructing doors or windows.

This Dispensary will be moved to a permanent Agricultural Supporting/Commercial Tourism building to be built on the property and the adjoining parcel. The concept for this permanent building has been considered for zoning compliance by Senior Planner Phil Sawrey-Kubicek and former Senior Planner Jana Beatty-Weldon.

Solar panels and power packs, connected to the grid, will provide electric service. The property is located over an aquifer allowing a well to provide water to low flow plumbing fixtures. Holding tanks will initially be used for effluent to facilitate opening of the facility while an advanced wastewater treatment system is being approved. Treated water will be potable but will be limited to use for landscaping and high value crops.

Products will include flowers, concentrates, edibles, topicals, tinctures, oils and all other standard ingestible forms. Clones will be on site but there be no nursery activity. We will also include merchandise that assists treatment. Educational material will be readily available.

In addition to medicinal products, we will cooperate with traditional health care professionals to provide education, and counseling services in addition to those provided by our technical staff. As importantly, Dr. Gosselin has had professional training in public health, understands analytical testing techniques, and will be bringing colleagues familiar with high level analytic techniques to consult regarding quality control that exceeds the existing industry standard.

Granted, all projects have environmental impacts. However, the impacts of this project are minimal due to its location on continuously disturbed land that was once the old Altamont Highway immediately adjacent to the current I-580. The only active uses in the area are a small motorcycle park across the street and commercial uses south of I-580

within the city of Livermore. Since 1984 the property has at various times been used for materials and equipment storage, Cal-Trans permitted uses related to freeway maintenance, and commercial sign rental. The parcel is mowed or harrowed periodically for weed control. The public regularly illegally dumps debris on the property, throws litter out of their cars onto the shoulder, and knocks down the perimeter fence. The closest residential uses are about 2000 feet from the project. Any odors from cannabis storage will be mitigated by the use of a recirculating/venting carbon filter.

The Standard Operating Plans will include:

- Dispensary Manager
- Delivery
- Vendor
- Odor Control
- Patient Flow
- Patient Wellness

These major Standard Operating Plans will have subcategories.

The Applicant and the Team behind this application is committed to continued community benefit and agricultural enhancement. Their commitment is reflected in the Team's histories, the life choices they have made, and the organizations and activities in which they engage. This Management Team has been selected based on equally weighted criteria of diversity, exceptional education and experience for position, and interest in continued community service. The project location has been selected due to the potential to create an Agricultural Supporting Commercial Project that provides a location for other agricultural supporting businesses, including the arts and tourism as allowed. From that base, they will continue to engage in and contribute financially and by action to professional advancement of the Medical Cannabis industry, Cannabis Education, agricultural enhancement through business and job creation, coordination with traditional health care providers, and support of local proactive non-profits.

The Team's actions into the future will reflect their actions of the past.





**APPLICANT INFORMATION AND ACCEPTANCE**

Official Name of Applicant: Larry Gosselin DVM

Street Address Line 1: 12200 Mendenhall Rd

Street Address Line 2: \_\_\_\_\_

City: Livermore State: CA Zip Code: 94550

Webpage (if applicable): \_\_\_\_\_

Type of Entity / Organizational Structure (check one):

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

Jurisdiction of Organization Structure: \_\_\_\_\_

Date of Organization Structure: \_\_\_\_\_

Primary Contact Information:

Name / Title: Larry Gosselin DVM

Telephone Number: 925 455 1222 Fax Number: \_\_\_\_\_

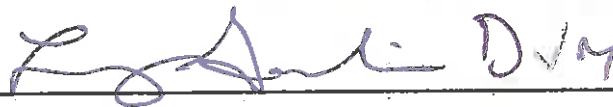
E-mail Address: gosselinlindvm@aol.com

[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.
6. 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: Larr Gosselin DVM

Dated this 13th 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: Larry Gosselind DVM

Street Address Line 1: 12200 Mendenhall 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: Individual
- Joint Venture
- Partnership
- Non-Profit

Jurisdiction of Organization Structure: \_\_\_\_\_

Date of Organization Structure: \_\_\_\_\_

**Primary Contact Information:**

Name / Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

SIGNATURE: Larry Gosselin DVM

Name and Title of Signer: Larry Gosselin DVM

Dated this 13th day of November 2017



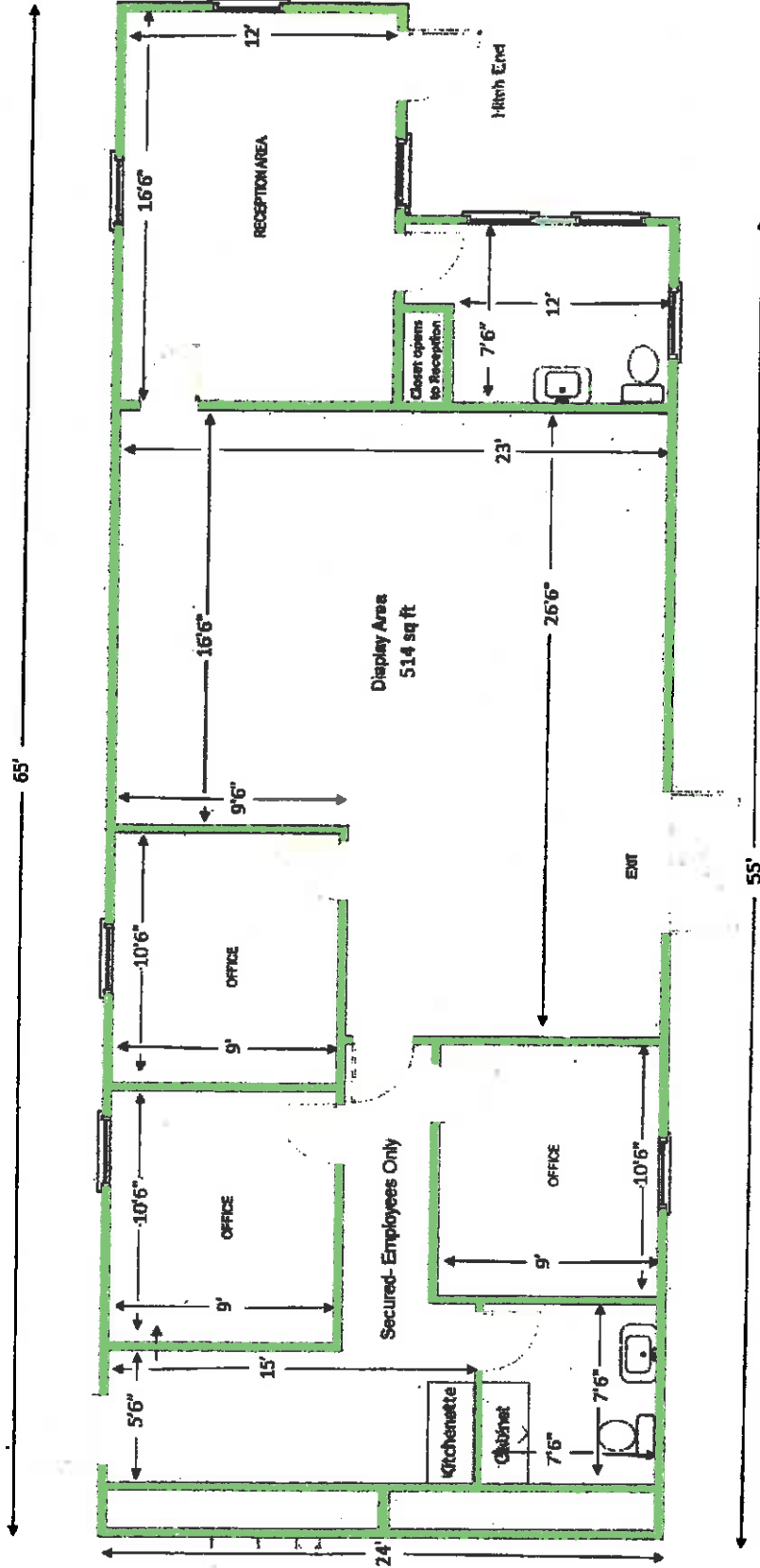
# COPY

## Floor Plan

Applicant: Larry Gosselein DVM

A commercial modular unit has been chosen for the start-up phase of this business as the design-build of the permanent building progress on the parcel. The total area of the commercial modular unit will be 1440 square feet. The design allows a clear line of sight of the main entrance and exit doors from Altamont Pass Road.

Commercial modular units are remarkably adaptive. If there is a need for more floor area during the design-build for the permanent building, we can readily integrate additional commercial modular units into the design and floor plan of the existing unit.



**MEDICAL CANNABIS DISPENSARY FLOOR PLAN**  
7689 Altamont Pass Rd, Livermore, CA, 94551  
Applicant: Larry Gosselein DVM  
Total Floor Area- 1440 square feet



## External Appearance

Applicant: Larry Gosselin DVM

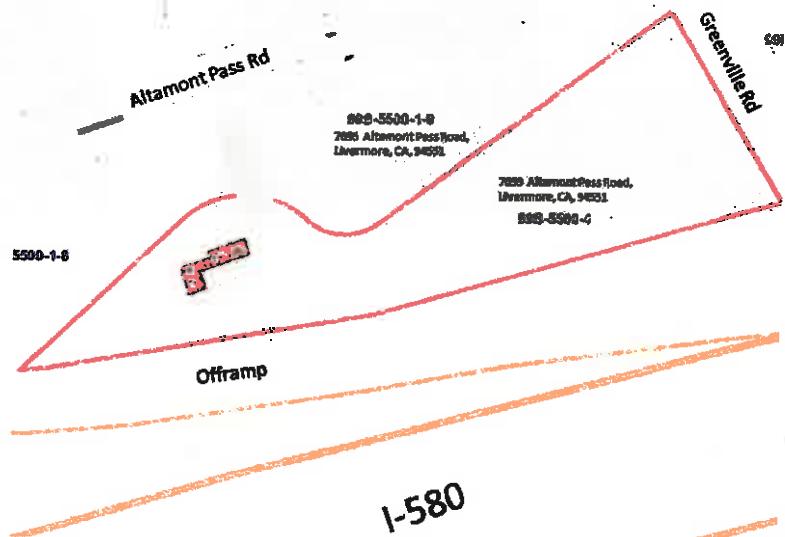
The Medical Cannabis Dispensary will be located at 7699 Altamont Pass Road. Dr. Gosselin also owns the adjoining parcel 7695 Altamont Pass Rd. Total area of these two parcels exceeds 100,000 square feet.

Access to the parcel by East County patients and first responders is unparalleled. It is within several hundred feet to westbound I-580 onramp and offramp. The eastbound offramp is on the southside of I-580 with access via improved Southfront and Greenville Roads. The location is immediately adjacent to the city of Livermore for which "the City Council directed staff to prepare an ordinance prohibiting all commercial cannabis activities in Livermore, with a limited exception for the delivery of medicinal cannabis from a property licensed dispensary outside Livermore to qualified patients and primary caregivers in Livermore." (Livermore Website). This location is tailored to the City Councils directive as well as the need of other Alameda County citizens.



Uses in the area are a commercial motorcycle park to the east, a former school site to the west now privately owned and used as a non-compliant fencing company storage yard, a residential development over 2000 feet to the west, and undeveloped land and dense industrial and commercial uses within the city of Livermore on the south side of I-580. The undeveloped area to the north is a future BART maintenance yard. Although the South Livermore Valley Area Plan asked that the Greenville Road corridor be considered a "Gateway" to the South Livermore Valley Area, there are no projects in the area supporting the vision for agriculture supporting commercial uses. This Medical Cannabis Dispensary will propel a larger agricultural supporting commercial use project.

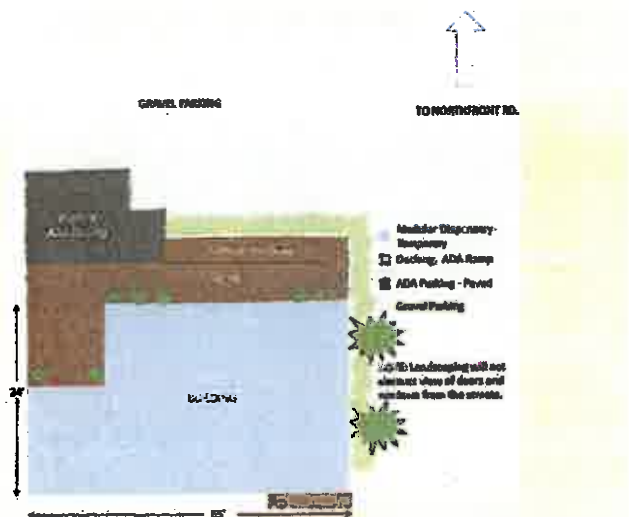
The driveway will be located at the approximate mid-point between the I-580 westbound offramp and Greenville Road. The parking area will be graveled other than the ADA compliant spaces that will be paved. The large parcel size allows parking can be expanded as needed.



Although the property remains zoned H-1, the land use designation has been changed to Large Parcel Agriculture with the Measure D changes to the East County Area Plan. With approval of a Conditional Use Permit there will be a concurrent change of Zoning to "A" District. A Medical Cannabis Dispensary is an Agricultural Supporting Commercial Use consistent with A District Zoning. The FAR limit is 20,000 square feet.

Fencing will be at the perimeter of the property and will be closely spaced high tensile wire with fence stays to prevent spreading of wires. Trellised vines will be low enough to not block the view of the building from an automobile at the road. The driveway will be gated and locked when the Dispensary is closed.

The building will be parallel to and approximately 120 feet from the road frontage of Altamont Pass Road, Livermore. The grass covered elevated ramp of the westbound I-580 traffic lanes is the backdrop for the building. Since this grassland backdrop transitions from green to gold to brown with the changing seasons, the building will be painted light tan with forest green trim. Arbors, awnings, and decking will be used to give the building a look of permanence. Landscaping, potted plants and arbors will be placed, sized, and maintained to break the façade and straight lines of the building without obscuring the doors or windows, or providing hiding spots. In addition, use of this parcel will allow the remainder of the property to put into high value agriculture such as cut flowers or high value salad crops.



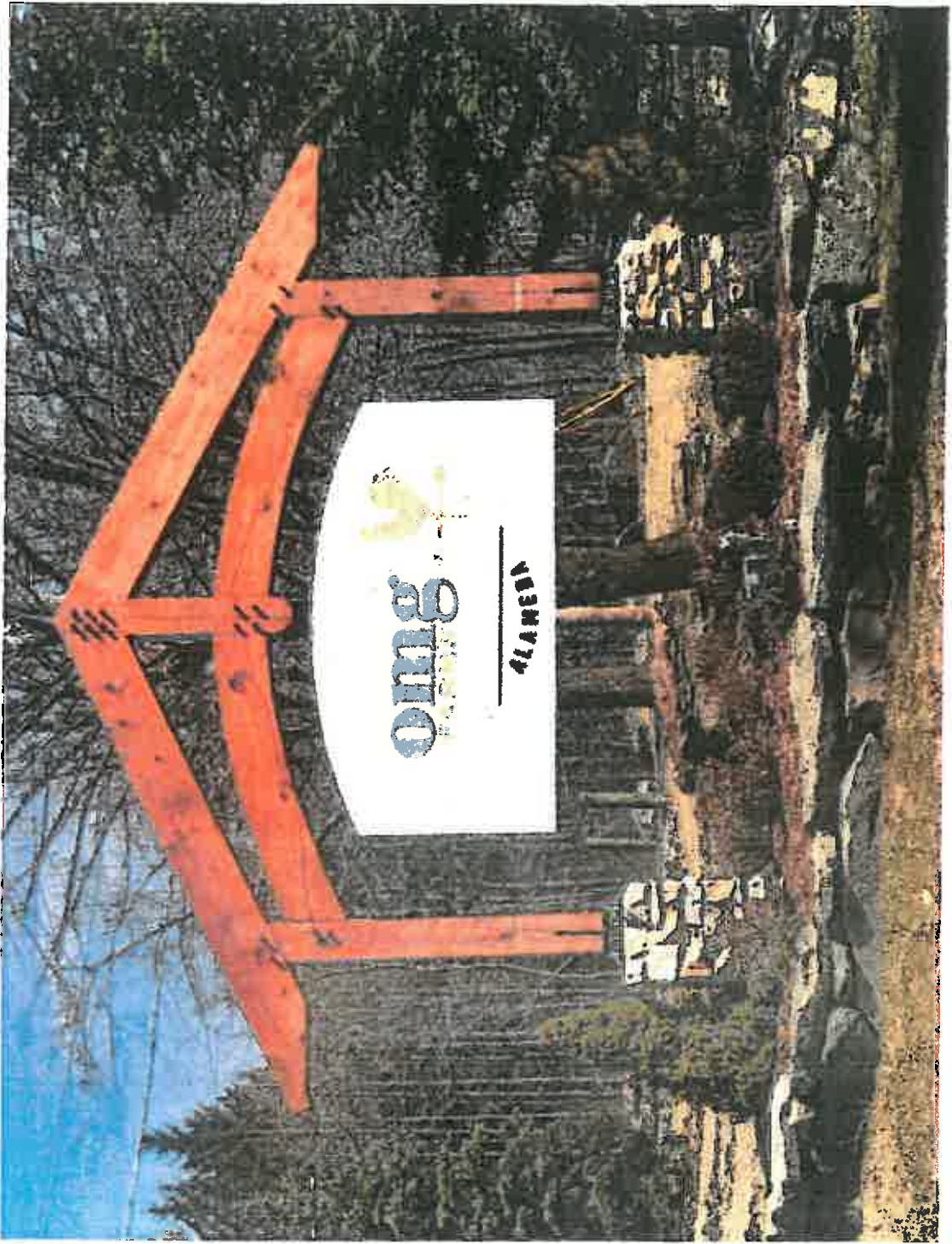
The commercial modular buildings are shown below.



**Signage will be**

- including a precise depiction of any signage
  - signage shall comply with the County Zoning Ordinance
  - You can describe this in writing and/or plans, and may support this with images or photographs
- photographs, as appropriate







## Description of Products

Our products will represent a wide spectrum of cannabis ingestion methods to best serve a community of patients that is diverse in experience level, health needs, ingestion preferences, and lifestyle. Product categories will include cannabis flowers, pre-rolls, concentrates and extracts, vaporizers, edibles, drinks and capsules, tinctures and sprays, topicals, and cannabis accessories.

Various cannabis strains and cannabinoids will be represented across product categories. Different cannabis strains, which contain different levels of cannabinoids, terpenes (scent molecules) and flavonoids (flavor molecules) have different effects. Sativa strains are commonly known to be uplifting, while indica is commonly known to have a sedative effect. Hybrid strains combine the effects of the two. Cannabinoids are what makes the cannabis plant unique. They react with the human body's endocannabinoid system to provide psychoactive effects and treat symptoms. The two most well known cannabinoids are THC and CBD. CBD, in contrast to THC, is a non-psychoactive cannabinoid. High CBD products provide medical relief for patients who do not wish to get "high." Inventory will include a large CBD-only product category to serve those individuals.

Flower (bud), is the unprocessed, dried and cured material from the cannabis plant. Almost all flower is very high in THC, the psychoactive component of cannabis. Flower can either be combusted (smoked), or vaporized (heated without fire, usually electronically). Pre-rolls are rolled cannabis cigarettes (joints) made from flowers. Concentrates and extracts refer to resins, oils, waxes, hash, and rosin. These products are processed by a manufacturer and deliver a higher dosage than flower, hence the name. Cannabis oils are popularly consumed via vaporizer pens, which can be all in one devices, or come in the form of systems consisting of replaceable cartridges and batteries. Vape pens are a discreet, portable option for smoking oil. "Dabbing" is another common way to consume concentrates. Edibles and drinks are food and drink containing THC and/or CBD that are taken orally. Capsules are pills, often high in CBD. Tinctures, sprays and other "sublinguals" are other non-smoking options that are taken under the tongue for a quicker effect and can range from high to low dosages. Topicals are cannabis-infused lotions, balms, oils, salves, patches, etc. that are applied externally to the skin for localized relief of pain and other conditions. Because topicals cannot penetrate very deeply into the body they are not systemic and as such generally non-psychoactive.

The facility will follow a conservative approach when it comes to brands and wholesalers, only carrying market-tested, reputable brands. Examples of such brands for each category are as follows. Flow Kana is a California-based, small batch provider

of cannabis flowers and pre-rolls that represents craft farmers. Bloom Farms is a similar California-based, artisanal cannabis brand that sells flowers and vaporizer cartridges. Jetty Extracts is a concentrate company that is known for being 100% with no additives. Auntie Dolores sells organic, gourmet cannabis edibles with vegan, gluten-free, sugar-free, and paleo options. Moonmans Mistress is another award-winning, paleo-centric edibles brand. Papa & Barkley is an award-winning topicals and tinctures brand.

All products will be lab tested for chemicals, bacterial growth, molds, etc., that may be hazardous to health, in compliance with local and state law. All products will also be packaged to be child-proof and labeled to advise patients on correct dosages, again in accordance with the law.

## **Mission Statement**

**Applicant: Larry Gosselin DVM**

**OMG Farms of Alameda exists to dispense quality Medical Cannabis and associated products to patients who are ambulatory, home-bound, or receiving care in a sympathetic health care facility. Dispensary services will be operated with procedures that protect the peace, health, and safety of the public and patients. We will remain in full compliance with the rules and regulations of Alameda County and the State of California. From our formative stages we will embrace a sustainability strategy that includes employee benefit, environmental protection, community outreach and continued commitment to agricultural enhancement.**

**To fulfill our Mission, we will expand our management and employee team while benefitting from the diverse education, skills, culture, and life experience of Alameda County's population. We will continue to integrate the Medical Cannabis business with pre-existing agriculture, wellness, health care, and agricultural supporting commercial uses to create high value jobs and business opportunities. We will enhance the professional performance of the Medical Cannabis industry by collaborating to create new analytic and production processes. We will educate health care professionals, the public, and patients regarding the benefits and risks of this product and service.**

**Our individual past commitments to goodness and professional fulfillment will compel our future success.**



## Mitigation Measures

Applicant: Larry Gosselin DVM

The categories below are sourced from the CEQA Environmental Checklist. They are for organization purposes only.

### Aesthetics

This project will improve the aesthetics of the area.

Light glare from vehicles on I-580, Greenville Road, and Altamont Pass Road are greatly more significant than the project lighting.

This project will enhance the visual character of the site and its surroundings. Presently the undeveloped lot is used by the public for illegal dumping, the fence is regularly damaged by passing vehicles, and weed growth requires management. The project will include an attractive building, landscaping and routine grounds maintenance.

### Agriculture and Forest Resources

There will be no conversion of prime farmland. The project is an agricultural supporting commercial use. It will be primary use that will allow other intense agricultural supporting commercial to develop later. The use is consistent with the Zoning Ordinance and consistent with the goals of other local plans calling for a freeway fronting agricultural presence.

### Air Quality

The only significant air quality impact will be odor associated with cannabis products. This will be mitigated by:

- 1) locating the project away from other residential and commercial uses
- 2) utilizing recirculating carbon filter ventilation scrubbers- our odor control plan follows this document.

### Biological Resources

There are not sensitive biological resources or native habitats on the property. There are no conservation plans that apply to this property. However, the applicant has been active with conservation projects on his ranches and been recognized for innovative contributions to conservation. This project will contribute to community benefit that includes enhancement of habitat and other bioresources.

### Cultural Resources

There are no cultural resources on the property.

### Geology and Soils

There will be soil and geotechnical investigations before a building permit is granted for permanent structures.

### Greenhouse Gas Emissions

See Environmental Considerations section of this application.

### Hazards and Hazardous Materials

There are no significant hazards or hazardous materials associated with this project.

### Hydrology and Water Quality

This property has no water bodies or regional flow across its surface. Surface flow drains to roadside swales and a Cal Trans maintained drainage ditch on the I-580 right of way. The project will have no significant impacts to hydrology or water quality.

### Land Use and Planning

The public has expressed concerns regarding anticipated impacts that could be associated with a Medical Cannabis Dispensary developing a club like atmosphere, or being linked to the "drug culture". These impacts have been described as noise, loitering, and various types of criminal activity including theft or violence. This applicant and the management team are motivated by their professional accomplishments and community responsibility to ensure these activities are not present with this project. There will be four policies to prevent these inappropriate uses or activities:

- 1) All standard and added conditions of the Medical Cannabis Dispensary Operator's Permit and CUP will be strictly adhered to.
- 2) The Security Plan describes our mitigation strategies to prevent these activities. The Dispensary will always operate to reflect the culture of responsibility of providing for the care of citizens and safety of citizens
- 3) In addition,
- 4) We will have a zero tolerance policy. Violation of any rule will result in exclusion as a patient.

The project is compatible with the Land Use designation and recommended plans for the parcel.

### Mineral Resources

There will be no impact on mineral resources.

### Noise

There will be no significant noise from the project. Any noise from people, automobiles, or service vehicles will be less than the background freeway noise.

### Population and Housing

There will be no significant impacts related to population and/or housing

### Public Services

The Security Plan and ease of access to the project mitigate any significant impact to the Sheriff's Department for added patrols.

### Recreation

The project will have no significant impact on recreational facilities or activities.

### Transportation/Traffic

The project will have no significant impact on traffic or any traffic plan.

### UTILITIES AND SERVICE SYSTEMS

Grid sourced electricity is available to the project but will be supplied by a solar system. The property sits over the fringe water basin with accessible potable water. The property is large enough to accommodate an advanced waster water treatment system that will provide water for landscaping and non-food crops.

### MANDATORY FINDINGS OF SIGNIFICANCE

There are no mandatory findings of significance.



# Delivery SOP

## I. Order Management

### 1. Delivery Staffing

- i. Between the hours of 12:00pm and 6:00pm we will have one delivery associate.
- ii. Between the hours of 6:00pm and closing we will have a second delivery associate.
- iii. As our business expands we plan on increasing this number.

### 2. Set-Up

- i. Pre-Order and Delivery Managers must have a laptop with Tookan (a mobile tracking app), as well as windows for all of our delivery menu partner sites open (GetNugg, Leafly, MMJ Menu, etc.).
- ii. Manager ensures Delivery Associate's (driver's) car is in working order with license and registration in good standing. Ensure vehicle has adequate gasoline.
- iii. Delivery Associate needs Tookan and Square loaded with the appropriate account information on their phones.

### 3. Execution

- i. Order comes in through our website, menu partner sites, or direct call line.
- ii. Order gets validated and transferred to the Pre-order and Delivery Manager who assembles the products. *(Note: This is an additional duty for the Pre-Order Manager)*
- iii. Manager ensures all items are properly labeled and the receipt is included. Also, a second receipt is created that will go with Delivery Associate, but will be returned and filed after a successful delivery.
- iv. Products are put into a temporary hold status in inventory.
- v. In the Tookan manager menu:

- a) Go to "Add New Task" near upper right of page.
  - b) Enter patient name, delivery address, and phone number.
  - c) Enter patient email if available.
  - d) For assignment select "Manual"; for the select team dropdown choose "Alameda County" and finally choose the delivery associate from the "Select Agent" dropdown list.
- vi. Delivery Associate accepts the delivery via the Tookan app on their phone and manager confirms.
  - vii. Manager holds and paces deliveries in order to minimize trips by driver (i.e. will wait up to 30 minutes after first order before delivery, taking into account traffic and road condition factors). Also plan multiple order deliveries based on location and order time.
  - viii. An ETA is established and sent to the patient.
  - ix. Driver confirms with manager they have all bags for delivery and that they are properly fulfilled, label and identified. Ensures their Square reader/app is ready and up to date.
  - x. Exit bags are placed into into smellproof backpack before leaving office.

## **II. Delivery Associate Procedures**

### **1. Pre-Transaction**

- i. As Tookan at times has poor mapping functionality, it is highly recommend delivery associate uses Google or Apple maps directly for navigation.
- ii. Upon leaving dispensary, Delivery Associate hits "Start" in Tookan.
- iii. When 2 minutes out from delivery, hit "Arrived".

- iv. If patient does not arrive within 5 minutes, text patient through Tookan kindly letting them know you have arrived with the delivery.
- v. If 5 additional minutes pass with no patient, inform call center and manager, then call patient through Tookan. If after another 10 minutes they are a no-show and are not reachable, mark delivery as unsuccessful and move on to next delivery or return to dispensary.

## 2. Patient Interaction

- i. Welcome patient into car or to window – whatever seems most natural and safest at the time. Thank them for their order and reiterate the price.
  - ii. Receive cash, count it, then hand over bag. For credit cards, have them give their card or information to swipe/input into Square and hand over bag once complete (ensure it is THEIR order!).
  - iii. Thank them again for their order, and mention if they like the product and service to leave a review!
  - iv. If paid by cash, put it and the receipt together for easy tracking.
3. Identify and continue to next delivery, hitting "Start" as driving begins.



## Dispensary Manager SOP

The Dispensary Manager position involves broad retail management duties and responsibilities. The position oversees all business and personnel operations within the medical marijuana center, including the maintenance of stock levels, and assessing what stock, including strains and types of cannabis, the dispensary needs to operate effectively and meet patient needs. The Dispensary Manager and Assistant Manager(s) are acting authorities on all aspects of the dispensary, whether that is price setting, creating the daily specials, or being the point of contact for all questions relating to dispensary operations.

During operations, it is the manager's duty to encourage and maintain high levels of professionalism, including cleanliness and organization within the workplace at all times. While on duty, they must hold Patient Wellness Advisors and receptionists accountable for appearance, attitude and quality of service to our patients. To provide the best service possible, managers are expected to engender teamwork among staff, maximizing the efficiency and quality of the patient experience, and maintain all standards in day-to-day operations.

In addition, the Dispensary Manager organizes the team, scheduling work shifts for all staff a month in advance. Monthly audits of all inventory and overseeing compliance with all local and national regulations is also part of the day-to-day duties of management, and managers must report any concerns about those operations to their immediate supervisor or appropriate management level. The manager must organize and enact payments to third parties and ensure all appropriate paperwork involved with transportation, delivery and transfers of medical cannabis is completed as required by regulation.

Dispensary Managers must oversee and ensure that all employees, including wellness advisors and receptionists, correctly use the POS and inventory systems to accurately track all aspects of the business, not only for legal compliance but to ensure exemplary service to each patient. Managers must be aware of, and abide by, the maximum number of patients the dispensary can maintain at any one time, and limit the amount of packaged medical cannabis in the dispensary to an amount appropriate for the client-base.

Finally, managers must ensure that all tools and equipment are properly maintained, and monitor patient satisfaction by collecting feedback on service as well as the strains and types of product available for patients. The information gathered should be discussed with Patient Wellness Advisors, as well as regional management in

regular meetings. Collected data, especially from POS and inventory systems, is crucial to maintaining the correct inventory, both in volume and type, and a key aspect of a manager's duties is to ensure that data is accurately entered each day.

## **I. Before Opening**

1. Security - For the initial opening of the store for staff, only one person is needed, and this should always be the Dispensary Operations Manager or another qualified manager.
  - i. Use the security codes to deactivate the alarm system.
  - ii. Ensure all doors to the administrative offices, product serving room, and all other areas needed by staff to prepare for the day are unlocked.
  - iii. Keep the front door locked but be ready to let in the patient wellness advisor staff and support employees as they arrive for the day. In addition, the locked front door needs to be monitored for any special needs patients arriving early for an appointment.
  - iv. Keep an eye on the security monitor displays and any activity that may be going on around the store outside. Be aware of potential problems.
2. Point of Sale Register(s)
  - i. Conduct a complete count of all cash amounts from the previous night's security process.
  - ii. Review the daily register notes to ensure all payouts were correct.
  - iii. Carry out a complete double count of how much money is physically present in the retail store.
  - iv. Move starting cash from the safe to the register(s).
  - v. Total up the registers for the new day so the starting amounts are correct in both the point of sale and inventory software systems.
3. Inventory and Daily Sales Plan
  - i. Upload the previous day's sales totals to the approved State mandated software System.
  - ii. Retrieve the day's featured products out from the safes and prepare all items for sales display.
  - iii. Choose edibles close to the expiration dates for special pricing.
  - iv. Choose overstocked flower strains for special pricing.
  - v. Create the concentrate specials and discuss with the scheduled wellness advisors for the day. Choose hash products that have been in inventory for a long time or are showing signs of 'buttering' for special pricing.
  - vi. Update all social media platforms with product images, sales displays, special events, and any other retail shop items of interest.
  - vii. Put up and make visible all product menus on television/computer screens, serving room chalkboard, and in the waiting room area.
4. General Maintenance

- i. Ensure the bathroom facilities are clean and presentable.
  - ii. Make sure that any customer drinking services (to include water and snacks at reception) are fully stocked.
  - iii. Complete any necessary general cleaning for a high-quality retail shopping experience.
5. Special Patients
- i. Prepare for any scheduled special needs patients who have arranged for early product pick-up and consultation.
6. Daily Staff Meeting
- i. Every morning 20 minutes before opening staff meets for a daily huddle. Must be 15 minutes or less.
  - ii. Staffing issues and concerns for the day and week are addressed.
  - iii. Discuss the current edible inventory with wellness advisors for vendor ordering purposes and deals for the day.
  - iv. Discuss the pre-rolled joint and kief inventory with the wellness advisors for effective sales points.
  - v. Discuss flower specials for the day.
  - vi. Get feedback from staff and ensure any pertinent issues are voiced.
  - vii. Discuss product evaluation notes.
  - viii. Give accolades for positive staff performance.

## II. Retail Procedures

### 1. General Management of the Dispensary

- i. Spot-check the patient check-in process from time to time.
- ii. Be available to assist with any employee or patient inquiry, assisting patient wellness advisors with questions regarding dosing, product information or other issues. Also ensure that wellness advisors keep the facility clean and healthy at all times.
- iii. Engage with customers and ask them about their experience and what we are doing right, and where we can improve.
- iv. Oversee the customer service engagement for new and repeat patients by reviewing the day's menu items, including new products and highlighting the diversity of strains offered.
- v. Ensure all purchase orders for edible, concentrate, and accessory vendors are complete and correct.
- vi. Supervise staff break times for lunch and other allowable time off.
- vii. Update all employees on any new State or Local ordinances, laws, and regulations. These topics can include specific cannabis rules, patient related amendments, or industry updates.

### 2. Vendor Operations

- i. See Vendor SOP

### 3. Patient Relation Issues

- i. Evaluate the situation that is causing the issue - is the problem an unsatisfied patient, uncommunicative patient or a patient complaining about the service or product they have received?
- ii. Identify the exact cause of the problem.
- iii. If possible, check for signs of intoxication in the patient.
- iv. Staff can also help inform if it is possible the patient was under the influence of drugs or alcohol.
- v. If video footage could be of help in investigating any discrepancy involved with staff or patient behaviors on the dispensary property, you must review the footage yourself, either alone or with an approved third party who is not involved with the issue.
- vi. Interview all staff involved and compare their stories with the actions seen on the recordings.
- vii. Work towards a solution that could include:
  - a) Prohibiting sales to a specific patient
  - b) Patient apology and consultation
  - c) Disciplinary action for staff

### 4. Bank Deposits

- i. Acquire cash from the restricted access safe. Only the Dispensary Manager should have access to the combination to this safe.
- ii. In a secure, locked room that is out of view of the public and other staff members, but covered by the camera system, count cash and checks from the safe.
- iii. Check the authenticity of checks and look for any potential counterfeit currency or any discrepancy associated with transactions or payments of any kind.
- iv. Use tamper evident packaging to secure funds to be deposited.
- v. Deposits to a cash-services company should be scheduled twice weekly using armored-vehicle transportation.
- vi. Upon arrival of armored-vehicle cash-service representative, instruct the representative to sign the Deposit Logbook stored onsite and provide a well-lit, secure area on camera to verify the transaction

### 5. Monthly 100% Inventory Audit

- i. Carry out 100% monthly inventory to ensure all reporting is accurate. Reconcile each system and check against physical stock, if there are errors it is essential that the cause is identified and rectified immediately. Internal reports will be made for error tracking and mitigation, and when required outside authorities will be made aware of any serious discrepancies.

### 6. Edibles Weekly Inventory



- i. At the beginning of each week, product inventory levels for edibles should be checked in the inventory system. Using sales trends and market understanding, note all edibles that will need ordering within the next fortnight, and create a list of products needed to begin the purchase process.
7. Destroying cannabis products
- i. Each item that is to be destroyed should be recorded, including the reason for destruction, and the contents of the packages placed into a trash bag. Soil or other waste products must be added to ensure that the cannabis is unusable and unrecognizable. This additional waste must make up at least 50% of the total material in the trash bag. The product can then be disposed of in the waste bin.

### III. Closing Procedures

#### 1. Registers

- i. A complete count of every register for total cash, debit, and personal check amounts.
- ii. After this process is complete, reconcile these amounts in associated point of sale and inventory software systems.
- iii. Fill out and complete the company's internal daily register notes record, closely observing and noting any inaccuracies.
- iv. Double-check all the payouts from each point of sale register.
- v. Set-up and organize each point of sale register for the shop's next day of operation in associated point of sale and inventory software systems.
- vi. Print off daily summary of debit card use that then needs to be filed.
- vii. After completing the register totals, set aside starting cash for each register, \$200 in \$1, \$5 and \$10 bills.
- viii. Enter amount set aside in total for starting cash.
- ix. Recount what is left, that is the day's total deposit to be entered into the notes
- x. Itemize and record all payments made to vendors in that day.
- xi. Prepare cash to be placed into the safe, bundle cash in \$1000 increments. Place all cash and checks in envelopes, dated and numbered appropriately. Seal the envelopes and sign across the seal for a tamper evident mark.
- xii. Drop the envelopes in the drop-safe.
- xiii. Record the total amount of cash, and total amount of checks put into the drop safe
- xiv. Sign off on all entries once you are satisfied they are accurate.

#### 2. Flower Inventory

- i. Reweigh all master containers at the end of day amount and reconcile against inventory system amounts.
  - ii. Reconcile variances between physical flowers amounts and what the inventory shows on the State sanctioned inventory software system.
3. Security
- i. Be aware of the security monitor displays and any activity that may be initiating on the outside premises of the retail store.
  - ii. Close all blinds, drapes, or any other window coverings to the serving room, administrative offices, employee break room, and any other limited access area.
  - iii. Lock and secure all safes, file cabinets, administrative offices, serving room doors, storage closets, and any other items and/or areas of high importance.
  - iv. Set the alarm system for the building.
  - v. Ensure that all employees closing the store exit the premises in pairs of two or more in order to establish a physical safety presence.

#### IV. Personnel Management

- 1. Minimal Staffing, in addition to security personnel, will be
  - a. The General Manager or Assistant General Manager
  - b. Intake Specialist
  - c. Two Wellness Advisers
- 2. Work Schedule
  - i. On the first business day of each month, work schedule for the month ahead should be created for all employees. Employees should submit any requests to change schedule two weeks prior to the affected shifts, in busy periods such as the holidays, requests should be one month in advance.
- 3. Workstream Organization
  - i. Maintain a to-do list for the dispensary, with completed and in-progress projects noted clearly. Additionally, a list of required purchases should also be maintained.
- 4. Employee Counseling and Reviews
  - i. Conduct quarterly performance review meetings with staff (30 minutes).
  - ii. Conduct yearly '360' reviews for all staff (1 hour plus 1 hour prep work on paid time).
  - iii. If any staff member is suspected of, or has committed a policy infraction, they must meet with the dispensary manager about the incident. During that meeting evaluate the situation, identify the cause

of the issue, and determine how severe the problem is. In terms of severity there are three levels:

- a) Verbal warning (typically for 1st offense).
  - b) Written notice of disciplinary action (typically 2nd offense).
  - c) Further consideration including suspension or termination.
- iv. Documenting disciplinary action requires the following information to be filled out on each form and then placed in the employees specific employment history folder:
- a) Name of staff member being disciplined
  - b) Date of disciplinary action
  - c) Reason for disciplinary action
  - d) Plan of action to avoid situation in the future
  - e) Signature of staff member being disciplined
  - f) Signature of manager submitting written documentation
5. Maintain employment history folder for all employees, past and present. The following records should be included in this folder:
- i. Disciplinary Write-ups
  - ii. Tax forms
  - iii. Copies of Identification and Recommendation
  - iv. Salary/wage adjustments
  - v. Notes
  - vi. Employee evaluations
6. Plan and execute other staff-wide meetings as necessary.
7. Hire New Staff
- i. Identify staffing needs and hiring timeline (goal should be to have a new hire start 4 weeks from this step).
  - ii. Create job description.
  - iii. Create job tracker, communication strategy and pipeline.
  - iv. Advertise job.
  - v. Ensure all communications and records of communications are kept between the employee candidates and the organization.
  - vi. Screen candidates and determine whom to interview.
  - vii. Interview candidate with at least one other staff member (either together or separate).
  - viii. Hiring decision turnaround within 48 hours of interview.
8. Onboarding New Staff
- i. All new staff must fill out a W-4 tax form and an I-9 worker eligibility form
  - ii. New staff should be asked to submit either a driver's license and social security card, or passport to comply with the requirements of the I-9 eligibility form.

- iii. (If required) Ask the new staff member to provide their occupational badge issued by the Marijuana Enforcement Agency so that it may be photocopied. Make a photocopy and place it in the new employment data folder you create for the employee
- iv. Provide each new employee with the employee handbook that details the rights and privileges of employment in our organization. Ensure that any questions they may have are dealt with appropriately.
- v. Before starting work, a new employee must conform they have read and understood the handbook by signing it.

## Odor Control

Cannabis has a strong inherent odor, particularly in its whole plant form. Ensuring this odor is well controlled, both inside and outside the building, is of paramount importance to providing the best customer experience possible, and of being good neighbors to the community. Our goal is no odor detection anywhere near the immediate exterior of the building, and minimal odors in the patient accessible rooms as well.

### I. Specific Odor-emitting activities

1. Cannabis flower products in storage.
2. Cannabis extracts in storage.
3. Cannabis flower and extract samples in retail area.
4. Cannabis clones in retail area.

### II. Engineering controls

In order to mitigate odors we will incorporate active charcoal filtering into our HVAC system, which will pull in fresh air from outside, filter it normally, and push it into the building while the system removes odorized air from the inside of the building and sends it through these active charcoal scrubbing filters before being released back to the outside environment.

We have determined our initial filter requirements to require 2205 CFM (Cubic Feet per Minute) of scrubbing via the following calculations:

Internal floorspace of building = 1225 sqft.  
Total interior dimension = 1225 sqft x 9 foot ceiling = 11025 cubic feet  
@ 12 air changes per hour = 132,300 cubic feet per hour  
132,300 cubic feet per hour = **2205 cubic feet per minute.**

This is the minimum airflow rating we need for both our HVAC system and carbon filters for our current building plan.

### **III. Administrative controls**

1. Exterior door to patient waiting area remains open during operating hours to increase direct airflow into this part of the building.
2. Staff ensures all intakes and outlets are clear of items or debris at all times.
3. All flowers will be pre-packaged in airtight packaging with the exception of the sample jars. Patient Wellness Advisors will ensure these jars are completely closed in airtight jars with a seal when not being actively examined by patients.
4. All pre-rolls will be in airtight containers.
5. All edibles and extracts will be kept in the refrigerator.
6. No consumption is currently allowed on the premises.

### **IV. Maintenance Plan**

1. Staff will replace carbon filters yearly or sooner if they begin to foul earlier.
2. Staff will have HVAC system inspected and service at regular recommended intervals.

## Patient Flow

The following set of operational procedures describes the flow of a patient through the dispensary. It contains a set of sub processes that will be discussed in detail inline with the overall flow below.

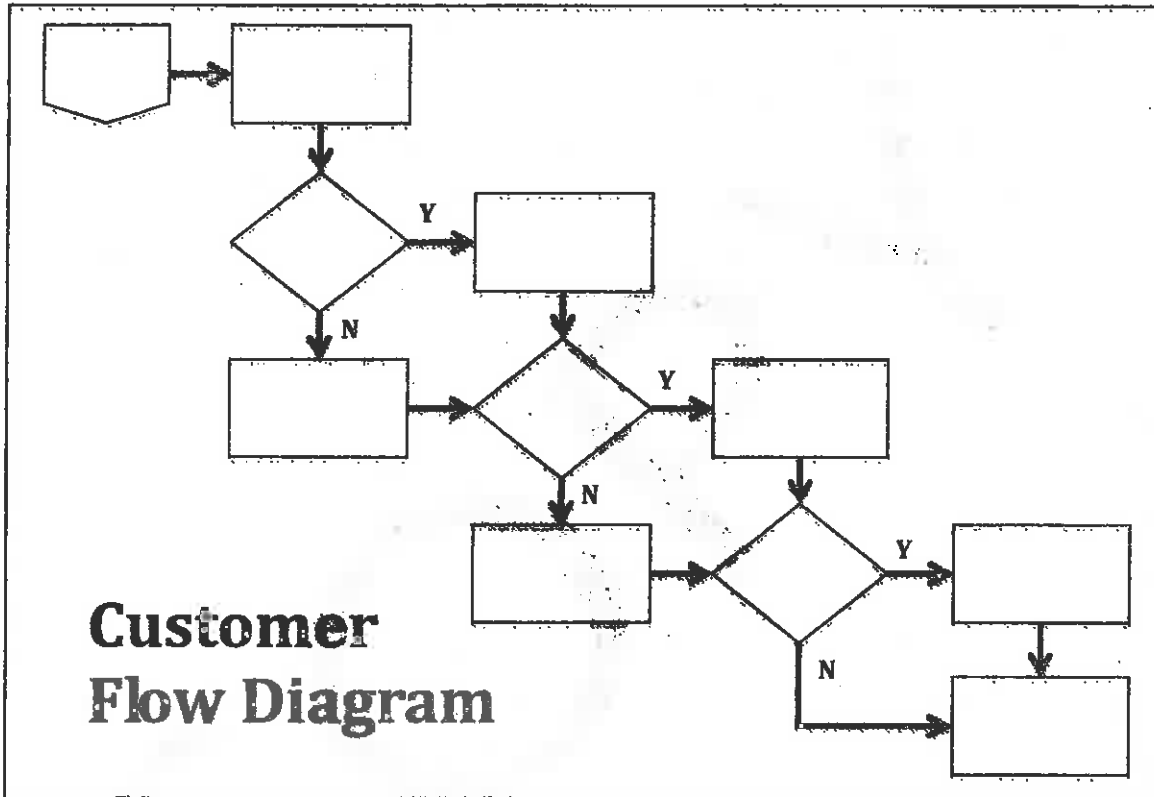


Figure 1: Customer Flow Diagram

### I. Patient Arrives

1. Patient enters well-lit parking lot that is monitored 24/7. A roving security guard will patrol the parking lot as part of their duties. Parking lot will maintain a single entrance and single exit point.

### II. Security Check

1. After parking, patients arrive at the front door, which is the single point of entrance and exit for all non-employees. (*Note: employees will generally enter and exit this door as well.*)
2. Patient presents a valid, non-expired, government-issued ID for the security guard to check. Video cameras will also cover this process.
3. Guards can utilize a metal detection wand to check individuals at random or upon suspicion.
4. Guards ensure an orderly line and pace of folks entering the check-in/waiting area, and only allow patients to enter this area when there is adequate room and attention from the reception team. They also ask if a patient is new or returning, and alerts the reception staff.
5. Patients then proceed inside into the reception area.

### **IIIa. New Patient Sign-Up**

1. Reception warmly greets our patient, thanks them for visiting our dispensary, asks them their name and offers them water and a snack.
2. Reception asks for both the ID presented to security, as well as a valid medical cannabis recommendation. An electronic copy of the recommendation can also be emailed to the reception desk.
3. Patient is given a Dispensary Policies and Terms of Service they must sign, along with a welcome packet containing a list of services offered, additional information, and a Patient Information Form they must fill out. They are asked whether they are a veteran, and reception notes from their ID if they are of 65 years of age or older. (*Note: Veterans must present a valid VA identification card or their DD214. If they do not have it on them, reception adds a note to their file allowing a veteran discount for their first visit, but the discount will be removed if they do not return with appropriate documentation.*)
4. While patient is reading information and filing out the forms, reception is entering patient data into the system:



- i. A new account is created within our HIPPA and MAUCSRA compliant system. Name and address are added, along with time and date of creation, and an indication of senior and/or veteran status if applicable.
  - ii. ID is scanned into their file.
  - iii. Recommendation is scanned into the system and expiration date is noted in the file.
5. When patient complete forms, they return to reception who completes the file with the following information:
  - i. Phone number and email address of the patient, and whether they choose to receive text and email communications.
  - ii. Any self-identified status or program interests are added. These include low income and terminal illness status, both of which require proof but allow for substantial discounts.
  - iii. Signed Dispensary Policies and Terms of Service are also scanned into their file.
  - iv. Patient Information Form is stored as a hard copy.
6. Reception completes check-in and patient name and info are put into a live queue in the system for our Patient Wellness Advisors to easily find them, "opening" the visit.
7. Reception goes over the general flow and procedures within the retail area, and informs patient about ability to pre-order in the future.
8. Reception will maintain awareness of amount of patients currently in retail area and can also check via video monitoring. Once they determine ample space exists (no more than 3 patients per staff and no more than 18 patients total) they will buzz the patient into the retail area.

*Note: If patient does not have proper ID or a recommendation, they are unqualified and cannot be allowed to enter. Reception staff should give*

*them information on how to obtain a doctor's medical cannabis recommendation.*

### **IIIb. Existing Patient Check-In**

1. Reception warmly welcomes the patient back and thanks them for choosing us. Offers them water and a snack while taking their ID and finding them in the system.
2. Reception finds patient, reviews if there are any outstanding notes (examples include if they are less than 30 days from rec expiration, recent/upcoming birthday, recent/upcoming anniversary with dispensary, specials they may like, and if they owe us anything, like a veteran status proof or proof of low income). Also reception will relay account balance if applicable and if they have any gifts upcoming.
3. Reception will ask whether this was a pre-order sale or not. If so will alert pre-order staff of patient's arrival.
4. Reception will maintain awareness of amount of patients currently in retail area and can also check via video monitoring. Once they determine ample space exists (no more than 3 patients per staff and no more than 18 patients total) they will buzz the patient into the retail area.

### **IVa. Pre-Order Sale**

1. Prior to arrival, existing patients can access our menu via a website, and using a sign-in linked to their account can select items to pick up in store at a later time. If we are able to take online payments (credit card, debit, Venmo, Paypal, etc.) we can offer a small discount.
2. As pre-orders come into the system the Pre-Order and Delivery Manager dedicated to satisfying these orders will fill them as they come in (note: this is not the same individual working the pre-order counter and the rest of their time is dedicated to store upkeep). Pre-

order items are pre-populated into the system but not removed from inventory until transfer to patient occurs.

3. Patient proceeds to dedicated pre-order line, which is a separate counter with the pre-orders stored there in the white paper bags we use to dispense our medicine in.
4. If pre-order not yet packed because of a miss on our end; the Pre-Order Patient Wellness Advisor will apologize to the patient and thank them for their patience and prioritize this order to fill; if pre-order is not ready because patient did not give enough time between order and pickup (typically 30 minutes) thank them for their patience and inform them we typically need 60 minutes to guarantee we will be ready for them next time.
5. Pre-order customer is allowed to check bag against order. Order changes can be performed on the spot, and unwanted items cancelled. If patient pays with cash or debit on the spot, Patient Wellness Advisor simply returns cash. Change collection points will be at each counter for causes important to the community.
6. Customer is thanked again and issued a receipt, the products are removed from inventory, any notes are inputted into the patient file, and the patient visit is "closed" unless they are also purchasing clones.

#### **IVb. Standard Sale**

1. Patient enters and gets on line. Seats should be available for those who choose to sit if they self-identify as being unable able to stand in a line.
2. Vendor led product demos should be scheduled as often as possible. In addition merchandise and cannabis consumption equipment should be displayed for sale.
3. Informational posters on medicinal cannabis will be displayed for individuals to peruse while on line as well.

4. Menus should be large, clear and easy to read, and on numerous TV screens located throughout the room. Hard copies of menus should also be available on line and at the counter.
5. Once a patient arrives to front of the line and a spot at the counter opens up, they are called over to that spot. The Patient Wellness Advisor introduces themselves and thanks them for being a patient at our dispensary. They ask the patient their name and pull them up from the queue of names on the system of patients currently in the store.
6. If it is a new patient the Patient Wellness Advisor quickly goes over the menu and how the sales process works. They are also prepared to conduct a new patient orientation which consists of the following:
  - i. Ask if they have ever been to a dispensary before. If no congratulate them and thank them again for choosing us.
  - ii. Assess their experience level with cannabis and familiarity with cannabis products.
  - iii. Describe the various methods of ingestion – smoke, vape, topical, edible, tincture, suppository, liquid, etc.
  - iv. Describe the various cannabinoids and terpenes and how they relate to strains and effects.
  - v. Provide product recommendations. When able, recommend two similar products to not favor one brand over others.
  - vi. Answer any questions and do not be afraid to ask other Patient Wellness Representatives or a manager for help.
7. Patient Wellness Advisor informs them of any gifts/specials based on the patient's individual notes and asks if they would like more info on the days' dispensary-wide specials and if they have any questions in general.
8. Patient Wellness Advisor offers representative flower samples for folks to examine and smell.
9. Patient Wellness Advisor collects all items patient wishes to purchase, keeping them on the other side of the counter out of easy reach from

patient side if they have to step away to look at other products. Each counter station will have a dedicated or shared video monitoring as well.

10. Patient Wellness Advisor asks if there was any additional items or non-cannabis merchandise they were interested in.
11. When patient has finished selection, Patient Wellness Advisor inputs them into the system, factors in any specials, and presents charge to patient.
12. If patient pays with cash or debit, advisor simply returns cash change. Loose change collection points will be at each counter for causes important to the community.
13. Customer is thanked again and issued a receipt, the products are removed from inventory, any notes are inputted into the patient file, and the patient visit is closed unless they are also purchasing clones.

## **V. Clone Sales**

1. Patient is asked if they have clones reserved (different process than a pre-order, a patient calls or goes online beforehand to reserve a clone/clones)
2. Patient is presented clone(s) of their choice for examination.
3. Patient purchases clone with understanding that no returns are allowed and pays cash or debit. Patient is given receipt and patient visit is closed.

## **VI. Exit Procedure**

1. Upon conclusion of business patients should exit as soon as they are ready, but will not immediately be asked to leave if they are perusing vendor demos or informational displays.
2. If they decide to make an additional purchase they must be checked back in.

3. If retail area or reception/waiting fills beyond capacity patient will kindly be asked to depart.

## Patient Wellness Advisor SOP

A Patient Wellness Advisor is perhaps the most important position in the dispensary, as they are at the center of the defining point of a medical cannabis operation - helping patients to find the medicinal solutions that make a difference to their lives. While not a medical professional in the way most people would accept, advisors must offer the trust, treatment knowledge and care towards a patient's needs that any medical practitioner would recognize as central to their activities.

In that sense, a Patient Wellness Advisor is the trusted expert who provides the medical cannabis products that help so many with chronic or debilitating conditions. Medical cannabis is often a last resort treatment for many who arrive at our facility, having exhausted all traditional medical solutions, and who have often suffered chronic issues for many years before turning to medical cannabis, and advisors must greet these people with professionalism, integrity, care and compassion for their situations, not just for those patients right now, but so that in the future, medical cannabis doesn't come as a last resort, and more people can be helped before suffering for years.

For many patients, disclosing their personal health information is not something they are comfortable with, and prefer to avoid that. As with all patient choices, this is something we must accept and respect. A Patient Wellness Advisor should treat each patient as an individual, remembering that cannabis affects each person differently, and seeks to build a relationship with a patient through conversation to understand their needs better. Talking about cannabis in a less formal conversation can reveal consumption habits and their preferences for medical cannabis products. In return, the advisor can provide information to patients on new avenues of cannabis self-care they can implement in their daily lives to enhance their physical and mental wellbeing.

Providing the right environment appropriate for medical care is a crucial aspect of a Patient Wellness Advisor's day. Keeping cannabis products organized and secure, ensuring cannabis is dispensed in compliant packaging, and storing inventory in locked safes are all a part of providing the professional atmosphere and appearance that gives patients confidence in the advice they receive.

Accurate administration is also essential, including entering patient orders for cannabis products into the point of sale and inventory control systems, ensuring the data is always reflective of the active inventory levels. Advisors also need to be adept at dealing with payments, explaining methods and ensuring patients understand the billing name and such on card payments to ensure trust and professionalism.

Patient Wellness Advisors need to be knowledgeable about all aspects of the products themselves, including consumption methods that suit a physician's recommendations and the particular needs of the patient. This means understanding the benefits and issues with edibles, smoking, vaporizing, topical applications, transdermal use and dabbing. This knowledge needs to be backed up by in-depth understanding of the various forms of cannabis available to patients, including the different cannabinoids, and how they can be used to help alleviate particular symptoms or conditions.

Finally, a Patient Wellness Advisor needs to be able to help patients understand correct, safe dosing when using any of the products with any delivery method.

This is why advisors need to be proactive with their own education, seeking out new knowledge in the industry to include products, techniques, ideas or approaches, and be able to talk with confidence to patients when providing advice on the options available.



## **I. Before Opening – Setup**

1. Remove edibles, concentrates refrigerated products, pre-packaged cannabis flowers as well as their samples from the safes or other storage.
2. Ensure there are enough pre-packaged cannabis products ready for sale that day. If the number is lower than expected sales, put together additional pre-packaged flowers to cover 120% over forecasted need.  
*(Note: Manager will drive this process).*
  - i. Remove strain specific master container for required flowers from safe.
  - ii. Using a scale weigh out the appropriate amount of flower (1/8<sup>th</sup> Oz., ½ Oz., etc.).
  - iii. Place into pre-packaged bag. Seal with sealer.
  - iv. Print out specific label for strain and place label on bag.
  - v. Transfer the inventory from the master container to the bags (i.e. master container tracked by weight, bags tracked as individual SKUs).
3. Set up the retail room with stock, launch software, and check POS records against cash on hand.
4. Place all edibles for sale into the retail room refrigerator.
5. Ensure all display items correspond to items available to the dispensary.
  - i. Arrange display items in a way that fills out the display case.
  - ii. Wipe down the display case with cleaner and ensure all surfaces dust free.
6. Set-Up Register Stations
  - i. Remove clutter from service counter and wipe down.
  - ii. Check for any notes indicating issues that need to be addressed, and deal with issues as required.

- iii. Log on to the inventory and POS systems and ensure system is connecting and running properly.
- iv. Ensure there is enough cash in register to sustain sales to start the day (\$200 in \$1s, \$5s and \$20s provided by manager).
- v. Ensure there are enough compliant exit bags available to sustain sales throughout the day.
- vi. Ensure there are ballpoint pens, scotch tape and scissors available.

## II. Retail Procedures

### 1. Greeting the patient

- i. Be friendly and courteous at all times. Welcome the patient and thank them for being a patient with us.
- ii. Ask them if they are a new patient. If so, quickly go over the menu and how the sales process works. Also be prepared to conduct a new patient orientation which consists of the following:
  - a) Ask if they have ever been to a dispensary before. If no congratulate them and thank them again for choosing us.
  - b) Assess their experience level with cannabis and familiarity with cannabis products.
  - c) Describe the various methods of ingestion – smoke, vape, topical, edible, tincture, suppository, liquid, etc.
  - d) Describe the various cannabinoids and terpenes, and how they relate to strains and effects.
  - e) Provide product recommendations. When able, recommend two similar products to not favor one brand over others.
  - f) Answer any questions and do not be afraid to ask other Patient Wellness Advisors or a manager for help.

- iii. Inform patient of any gifts/specials based on the patient's individual notes and ask if they would like more info on the days' dispensary-wide specials and if they have any questions in general.

## 2. Dispensing (Standard Sale)

- i. Offer flower samples for folks to examine and smell.
- ii. Take the patient's order, double-check all weights and the strain name to ensure accuracy.
- iii. Enter order into system.
- iv. Retrieve items from inventory to complete order, whether from the safe, containers, or refrigerator. Keep items on the other side of the counter out of easy reach from patient side.
- v. Double-check physical product against patient's order to ensure accuracy again.
- vi. Check that everything is entered into the inventory management system.
- vii. Check every package is compliant and labeled properly.
- viii. If patient pays with cash or debit, return cash change. Loose change collection points will be at each counter for causes important to the community.
- ix. Print out receipt for patient.
- x. Use an exit bag as required.
- xi. Hand over order to patient and thank them again for their purchase.

## 3. Dispensing (Pre-Order)

- i. The Pre-Order and Delivery Manager receives orders from our online system, or takes order via phone call and assembles order and secures in the area behind the pre-order counter.
- ii. Check the pre-order list to ensure bags are filled within 30 minutes from order coming in. If order is missing inform manager.

- iii. When patient arrives, greet them as normal; know they will be an existing patient, but still be prepared to counsel the individual on their order.
- iv. If pre-order is not yet filled because of a miss on our end, apologize to the patient, thank them for their patience, and prioritize this order to fill; if pre-order is not ready because patient did not give enough time between order and pickup (typically 30 minutes) thank them for their patience and inform them we typically need 60 minutes to guarantee we will be ready for them next time.
- v. Double-check physical product against patient's order to ensure accuracy. Check to ensure every package is compliant and labeled properly, and that the sale has been inputted into the inventory management POS system.
- vi. Allow patient to double-check order.
- vii. If patient pays with cash or debit, return cash change. Loose change collection points will be at each counter for causes important to the community.
- viii. Ensure receipt is printed and given to the customer.
- ix. Hand over bag to patient and thank them again for their purchase.

#### 4. Clone Sales

- i. Patient is asked if they have clones reserved (different process than a pre-order, a patient calls or goes online beforehand to reserve a clone/clones)
- ii. Patient is presented clone(s) of their choice for examination.
- iii. Patient purchases clone with understanding that no returns are allowed and pays cash or debit. Patient is given receipt and patient visit is closed.

### III. Closing Duties

1. Clean off and wipe down counter.
2. Sweep behind serving bar.
3. Vacuum the service bar area.
4. Reconcile and close POS registers.
  - i. Acquire Inventory Reconciliation Sheet.
  - ii. Date the form.
  - iii. Examine the stock level of each item name and record the number of each SKU.
  - iv. Enter all relevant information required into POS and inventory tracking software.
  - v. Initial the inventory reconciliation confirmation on the Inventory Reconciliation Sheet, and confirm all software databases are also updated.
  - vi. File the sheet in the appropriate location.
5. Refill and tidy products out on display shelves.
6. Wipe down computers and printers.
7. Wipe down all glass in retail area.
8. Sweep retail area floor.
9. Clean employee break room.
10. Break down boxes in storage area.
11. Lock all safes.
12. Lock all refrigerators and freezers.
13. Ensure all center doors are locks.
14. Turn off all lights and electronics.



## Vendor SOP

### I. Receiving new vendors (ie products not yet in store)

1. Vendors will be seen by appointment only. Appointments will be submitted and managed electronically.
2. Goal for appointments is no further than 1 week out.
3. Vendors will be required to fill in Vendor Information Sheet online before visiting. This will require details such as licensing and testing information, operating history, and supply chain information. Vendors are also given an opportunity to upload additional supporting documentation such as informational brochures, press mentions, customer feedback, social media presence, etc.
4. Tests are required with all samples. Testing must be done by a State-approved, high quality laboratory. Tests should include cannabinoid content, pesticides, biologics, chemical residue, and residual solvent (if applicable).
5. On the day of their appointment, vendors are asked to be on time, or to call ahead with any delays. Vendors are encouraged to bring in additional samples and hard copies of the additional supporting documentation they submitted online.
6. All vendor samples must be electronically added to a special section of our POS/Inventory management system that specifically tracks samples.
7. Product will be examined for quality of appearance and packaging. For non-bulk flower manufactured products, at least one sample must be in its retail packaging with all state required information and warnings.
8. Testing and additional information will be reviewed. This will include questions regarding licensing, viability of supply, and review of all the promotional items. Also, price points will be discussed, but no negotiation over price or quantity will be conducted at this time.
9. Decisions to accept item are not made on the spot; within 48 hours we will respond with one of the following responses:

- i. Thank you, but we are not interested at this time.
- ii. Thank you, but we would like more information before moving forward (testing, proof of supply, etc.).
- iii. We are interested and would like to place a trial order of [x] units. Cost and terms to be negotiated.
- iv. We are highly interested and would like to place a full order. Cost and terms to be negotiated.

## **II. Ordering and Contracts**

1. Supply levels and trends monitored closely, and automatic warnings will be built into the software we use to alert us when we are running low on a certain item (usually when we have less than 2 weeks of projected supply on hand).
2. Orders will be placed by the Buyer or Dispensary Manager directly with the vendor.
3. Due to competition amongst vendors, we generally do not need long-term contracts, and also can use this as leverage when vendors ask for renegotiation of prices or terms. However, we should seek to lock exceptional vendors into favorable long term contracts to minimize price fluctuations of our supply.
4. Monthly menu reviews will be conducted to determine which products to sunset vs. which to pursue.
5. Vendor demo days are highly encouraged and will be factored into negotiation terms.

## **III. Vendor Drop-Offs**

1. Vendors must arrange drop off with the staff to make sure there is someone to receive them, enter them into the track and trace POS/Inventory system, and pay if applicable. Also allows us to prepare a slightly higher security posture.



#### **IV. Vendor Cash Outs**

1. If vendor is on non-COD terms, we will make arrangements for vendor or money service to pick up payment. These arrangements must be made in advance to ensure proper staff is there and security posture adjusted when large amounts of cash are moving through the building.



## Environmental Considerations

Applicant: Larry Gosselin DVM

Environmental protection is one of this Medical Cannabis Dispensary's missions. As a new business, we have the ability to implement a progressive strategy that will grow as the business grows. Our environmental practices are extensive and include:

- The start-up transitional building will be a completely rebuilt commercial modular unit provided by ModSpace. Refurbishment was an intentional decision to conserve building supplies, decrease shipping distance, and create an alternative to complete demolition of a used unit with construction of a replacement. All lighting will be LED. All water fixtures will be low flow. All grounds and security lighting will be LED.
- Electricity will be generated by solar panels integrated with the electrical grid. We will be a customer of Alameda County's Community Choice Aggregation program.
- The Mobile Dispensary vehicles will be all exclusively battery powered.
- The parcel sits over the fringe basin aquifer. A well will be bored to provide water.
- Wastewater will be treated with an advanced onsite wastewater treatment system. AOWTS' are now being used in the bay area to produce water suitable for re-use. Although the water will be treated to potable standards, we will use our treated water to irrigate landscaping as well as ornamental flowers and or nursery plants.
- Standard solid waste recycling programs for office and loungeroom waste will be implemented.
- The project's permanent building will be LEED certified at the highest level feasible.
- For the long term capture of carbon, tree's will be planted at the perimeter property and onsite where they do not obscure the security view of the building.



## Community Benefit

Applicant: Larry Gosselin

The Applicant and Management Team have a broad history of public service.

They recognize the unique opportunity this new business offers to continue their individual volunteer activities while scaling to a scope that reflects the success of the Medical Cannabis Dispensary. Their community benefit interests are synergistic with one another as well as existing programs in the community. Their continued contributions will be enhanced by funds and staff sourced from the business. Following are examples of individual interest and future community benefit the business will participate in:

- Larry Gosselin DVM has been greatly involved with planning and implementation of conservation, rural recreational, and agricultural enhancement programs and projects. His future open space outreach efforts will include enhancement of the agricultural economy, providing agricultural housing, and enhancement of agricultural and bio-resources. His background in research, the biotech industry and veterinary services will enable collaboration to create enhanced analytical testing procedures and targeted services specific to traditional medicine. He will work with other the Management Team and other medical professionals to develop targeted education programs that address consistency and quality of cannabis product, appropriate treatment, and integration with traditional medicine. He will continue his work on the CEYAA strategizing committee to develop and implement cannabis education programs for youth, adults, and professionals.
- Aaron Silverman has exceptional business organization and financial skills that have been developed in the banking industry and as a financial and business development entrepreneur. He has, and will continue, to provide business creation services on a pro bono basis for businesses in the medical cannabis and farm to fork industries. He is active with youth groups and his church. He will develop matching funding and fundraising efforts to support these traditional community non-profit groups.
- Jessica Sun MBA is a graduate of one UC Berkeley Haas School of Business. She has professional and volunteer experience with new business development, organization of new community groups, leadership skills, education across diverse subjects and groups, gender equity, LGBT outreach, and diversity recruitment. Her agricultural experience includes developing new agricultural supporting businesses, and creating community gardens. She will ensure locally hired diversity and inclusion amongst management and employees as the business grows, contribute to agricultural business development, and guide support to existing non-profits that support these interests.
- Ryan Miller MBA has exceptional talents that reflect his education at the United States Military Academy-West Point, and Harvard Business School as well as his military service in a combat theater. After a lengthy recovery from combat injuries he has gained experience in new business development, worked in a management position in traditional medical care, and created a new business to expand hiring opportunities in agriculture. He is President of Warrior Rising, a non-profit dedicated to creating new business opportunities for veterans. He is interested in collaborating with Las Positas College and local land owners to develop veteran agricultural training programs and land resources, provide counseling resources to veterans and victims of domestic violence.
- Jarin Purvis is proud to be the first in his family to obtain his university degree. As a university student he learned the value of goal setting and perseverance. His outreach goal is to continue to provide counseling and mentorship opportunities to youth. He will also oversee rural recreational, and agricultural engagement opportunities for youth.
- Kevin Brand is a Persian Gulf War veteran who worked in traditional medicine after discharge from the military. His career transitioned to horticulture, growing Medical Cannabis for an organized cooperative, and providing consulting services. Although work keeps him busy he finds time to coach youth athletics. He is eager to participate in agricultural training programs and counseling services for veterans and supports the contribution of the business to youth sports.
- Ari Tarver has extensive marketing, outreach, and business organization experience. His volunteer history includes job counseling services at ProMatch and community food bank services with Second Harvest. His

professional experience will be applied to amplify and coordinate the community benefits provided by this Medical Cannabis business.

Laez Fernandez was exposed to the benefit of medicinal cannabis as a youth and young man working in his family's senior care facility. That experience had a strong effect on his desire to understand the technical aspects of cannabis as a medication that could provide benefit to elders without the profound sedative effects of traditional opiate pain relievers or mood-altering medications. Although he was drawn to youth service after college, working as a Supervisor and Educator for YMCA for nearly 7 years, developed professional skills in the hospitality industry. His goal is to work with traditional health care professionals to develop medical cannabis education programs for seniors and senior care providers. He would also like to participate in youth counseling and youth rural event planning

Following is a draft plan prepared by one of the Management Team. It is presented here as an example of the scope of community benefit that is already being recognized by one Management Team member. Our policy will be to present these concepts to the entire Management Team, refine concepts, develop resources and partnerships, and implement.

### **DRAFT Community Programs To Consider Ryan Miller MBA**

#### **I. Veterans Program**

1. Hosting Veteran Group Therapy – Partnering with Operation EVAC.
2. Veterans Hiring Preference program.
3. Supporting a Veteran Horticultural Training Center.
4. Creating and supporting new businesses for veterans in the rural economy.

We plan on partnering with Operation EVAC – one of the most highly regarded group therapy models in the veteran community. Operation EVAC conducts weekly group meetings where a topic related to the veteran experience is explored in a roundtable, inclusive approach. After the discussion, 20 minutes of guided meditation is performed, and the veterans are given a selection of therapeutic items donated to them from the cannabis community.

We will actively engage and recruit men and women from the veteran community and provide jobs not only in our dispensary, but with our partners in the industry who are also highly interested in hiring vets. Veterans have already proven themselves as leaders in this industry, and unlike most other industries where 65% of veterans don't last in their job 2 years, many truly find a home in our burgeoning field. In addition, the rural economy has significant unrealized new business opportunity that also match veterans interests. We will coordinate with learning institutions, non-profit organizations, and private parties to grow these business opportunities.

A particularly exciting development we plan to get involved, is bringing veterans into the agricultural industry by supporting agricultural training at Las Positas College, and developing agricultural enhancement strategies with existing Alameda County ranchers and farmers. When permitting allows, or by collaborating with existing growers, we will also create a horticultural training center where recently discharged veterans can attend a 16-24 week residential cannabis training program. This program will prepare them for jobs as growers, processors, dispensary managers and many other jobs within the industry as these opportunities expand in Alameda County and other agricultural counties. Currently there are two of these projects launching in Santa Cruz county and coastal San Mateo county.

We will also work with Warrior Rising, a 501.c.3 dedicated to veteran employment through the creation of sustainable veteran owned businesses. Sustainable Food Network LLC, has agreed to provide land and building resources to compound the effectiveness, support, and new business opportunity of any veteran training program we partner with.

#### **II. Women's Programs**

1. Hosting women in cannabis groups.
2. Host domestic violence support groups.

We plan on offering space, financial and product support to women's programs which encourage women's participation in cannabis (both for the industry workforce and as patients and caregivers) as well as support groups for women who have suffered from domestic violence. Using a group therapy model based off of our veteran program, we hope to help women empower themselves and return to being the best they can be for themselves and their families. Plus as a lifetime law enforcement officer was recently quoted as saying "In all my career I was never called to a case of domestic violence where cannabis was the primary or only substance involved".

### III. Community Gardening/Agricultural Program

The location of the parcels on which the Medical Cannabis Dispensary will be located is ideal for a high value intense agricultural project. A nursery, cut flowers crops, lavender, or private contract specialty vegetables for restaurants are examples of crops that are appropriate for this highly visible property. We will also collaborate with existing farmers and ranchers to provide support to enhance existing operations and create new businesses.

### CLOSING NARRATIVE REGARDING COMMUNITY BENEFIT

The applicant, the General Manager, and every member of the Management Team has had their lives significantly affected by disabling injury, family tragedy, socio-economic disadvantage, or cultural challenge. We understand the need to provide community benefit and consider it an opportunity rather than an obligation.





**GOSSELIN  
FOOD HUB PROJECT**

**GREENVILLE and INTERSTATE 580  
LIVERMORE, CA**

## **CONTENTS with COMMENTS**

- 1) Narrative
- 2) **WINE MAP: FOOD-WELLNESS-LIFESTYLE HUB** is marked with a blue star. Note the location on I-580 at Greenville Rd. This location makes the project a "Gateway Project" to the existing wineries in South Livermore. A gateway project has been cited as a necessary project for the success of agro-tourism in Livermore.
- 3) **Aerial View Parcel Map**- The parcels are outlined, one in red, the other blue.
- 4) **Architecture- Dutch Gambrel with silo**- this is the architectural concept promoted with positive responses from the community and planners.
- 5) **BART to Livermore May 2015** - The building has future potential as a commercial, mixed use project located in a prime "Transit Hub" location. The long term real estate payoff is significant.
- 6) **Independent Article July 3 2014**- The project has had community exposure and received positive responses.
- 7) **PHASEIII Graphic**- The larger project is a regional food hub that could include any of many uses either on site, or supported offsite. This graphic represents many potential uses. All businesses would be tenants as separate business entities. The community has embraced the Regional Food Hub concept.
- 8) **Organization Year 1-2**- There are two organizational concepts associated with this graphic. The top demonstrates stacked funding/development teams composed of project investors, a management team, and investment tenants. The percentage ownership is not fixed. The bottom demonstrates the progression of temporary structures and organizations moving to a permanent building with synergistic businesses on the two adjoining parcels.

## **NARRATIVE**

The Regional Food Hub has been identified by the USDA as a feasible model to advance local agriculture and farm-to-fork startup businesses. In the Bay Area the Ferry Building in San Francisco, and Oxbow Market in Napa, are examples of successful Regional Food Hub projects. Food Hub that would serve as a "Gateway Project" to the South Livermore Wine Country.

Gosselin has two parcels, totaling 100,000 square feet, located at the southwest corner of Greenville and North Front Rds. These parcels are entitled to a combined common wall building totaling 40,000 square feet with no limit to basement levels, or height, other than engineering feasibility. The building can also have at least 24,000 square feet of residential uses divided amongst four "residences". Several years ago I completed pre-project consultations with staff regarding potential uses of the property. Of note, a winery is considered a Permitted Use that would allow fast tracking of project construction; other uses could be added during building construction.

Gosselin was a member of the Board of Zoning Adjustments for 14 years. He now chairs the Agricultural Advisory Committee, has co-written ordinance and an initiative for Alameda County, and has written or reviewed conservation documents. He has developed four rural-agricultural commercial projects in Alameda County. Prior to his community engagement he had a career as a horse veterinarian working out of a hospital facility he developed. He is very familiar with the opportunities, as well as frustrations, of development in Alameda County. His knowledge of the County Ordinance, and experience with permitting, allow him to readily discuss the advantages and disadvantages of strategies for staging project development.

The properties are immediately adjacent to the City of Livermore with the potential to be annexed either during project construction or at a later time. Immediately across the street is a 160acre parcel owned by BART. It is anticipated there will eventually be a BART station within a half mile radius of my property and high speed rail is a few hundred yards away. With proximity to the freeway the parcel location will undoubtedly be a targeted Transit Oriented Development area. The properties are not encumbered by a mortgage and pre-project consultations with Alameda County and the City of Livermore have occurred.

# LIVERMORE VALLEY

## *Wine Country*



From Walnut Creek - 22 miles

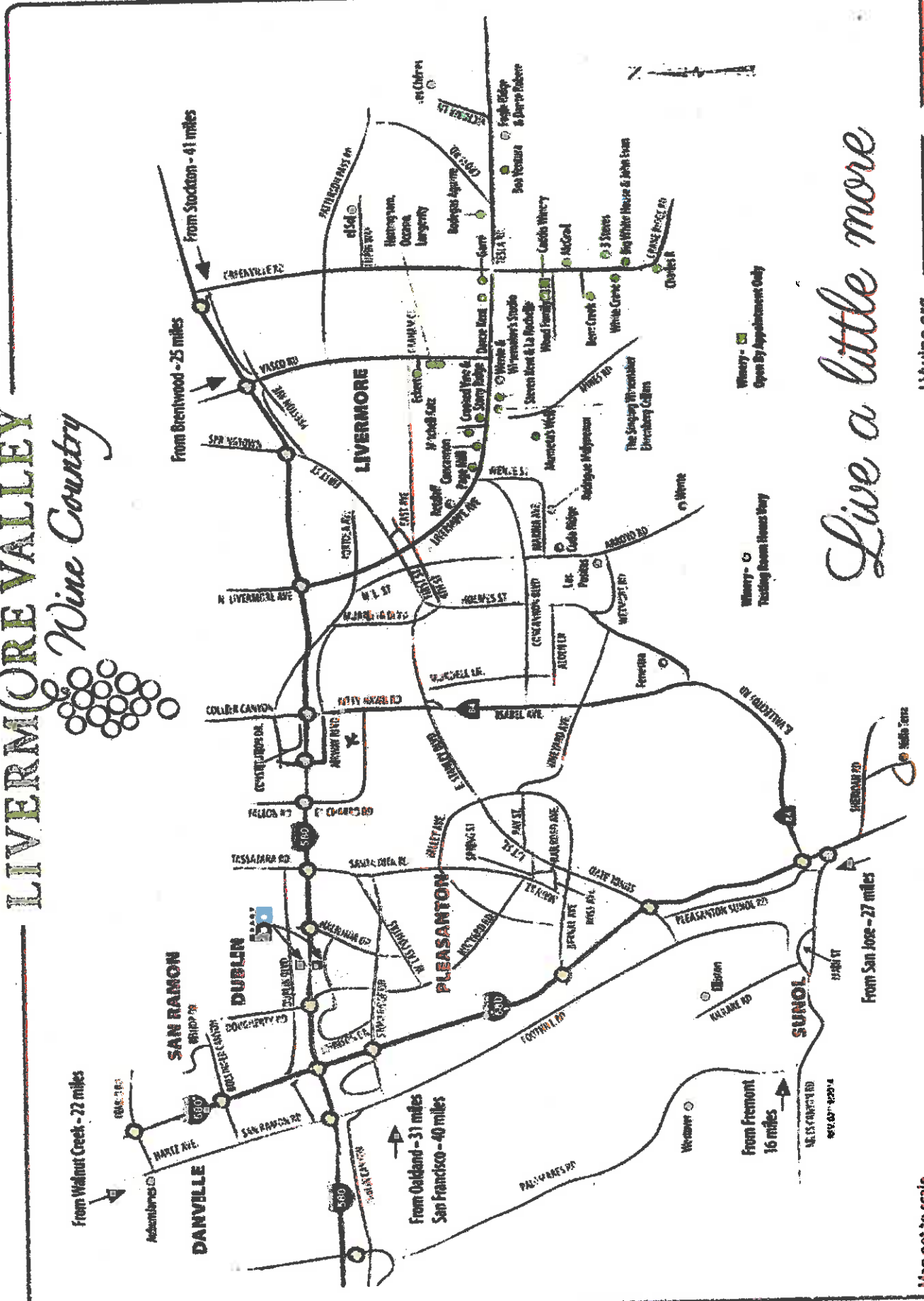
From Brentwood - 25 miles

From Stockton - 41 miles

From Oakland - 31 miles  
From San Francisco - 40 miles

From Fremont  
16 miles

From San Jose - 27 miles



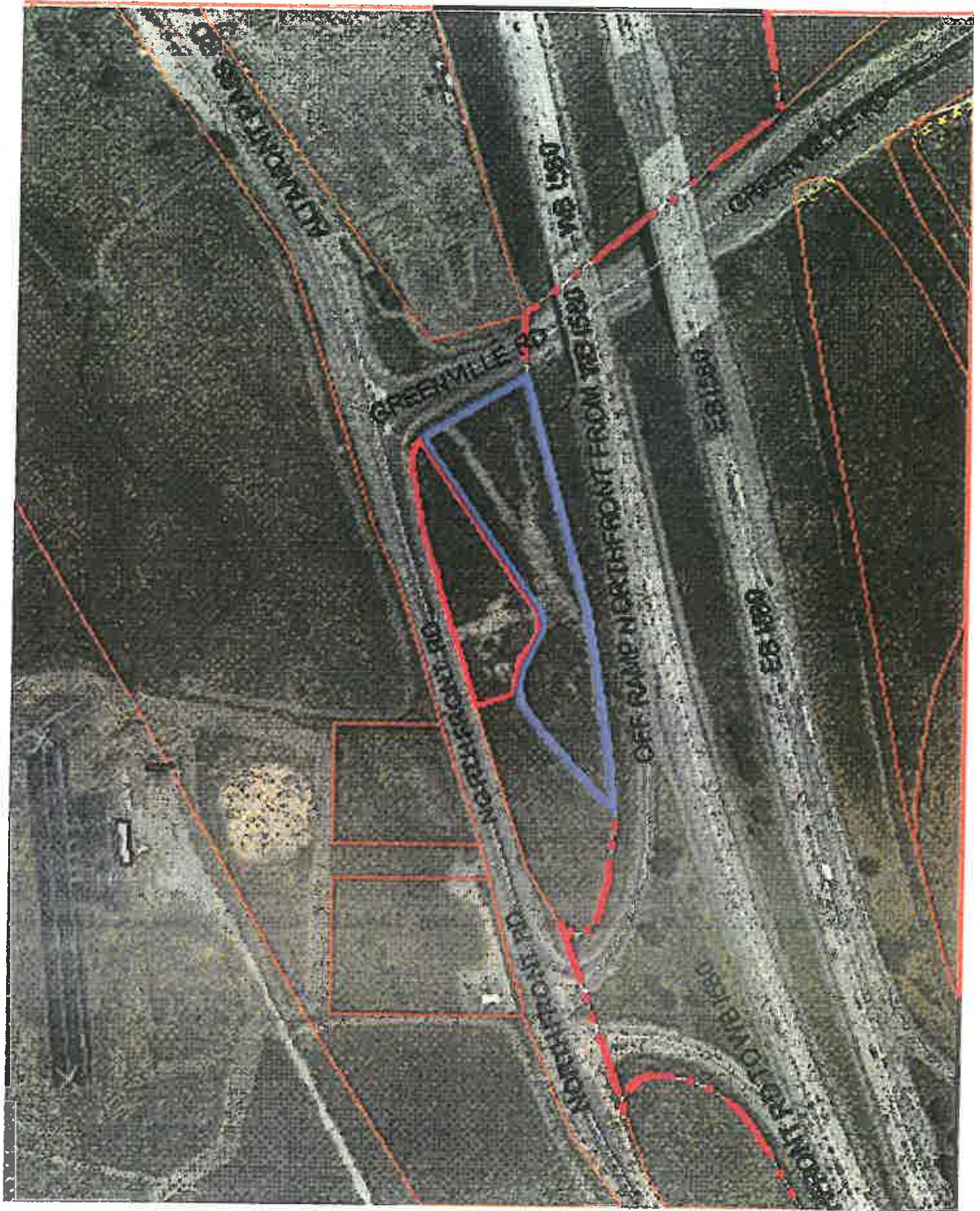
Winery - Open By Appointment Only

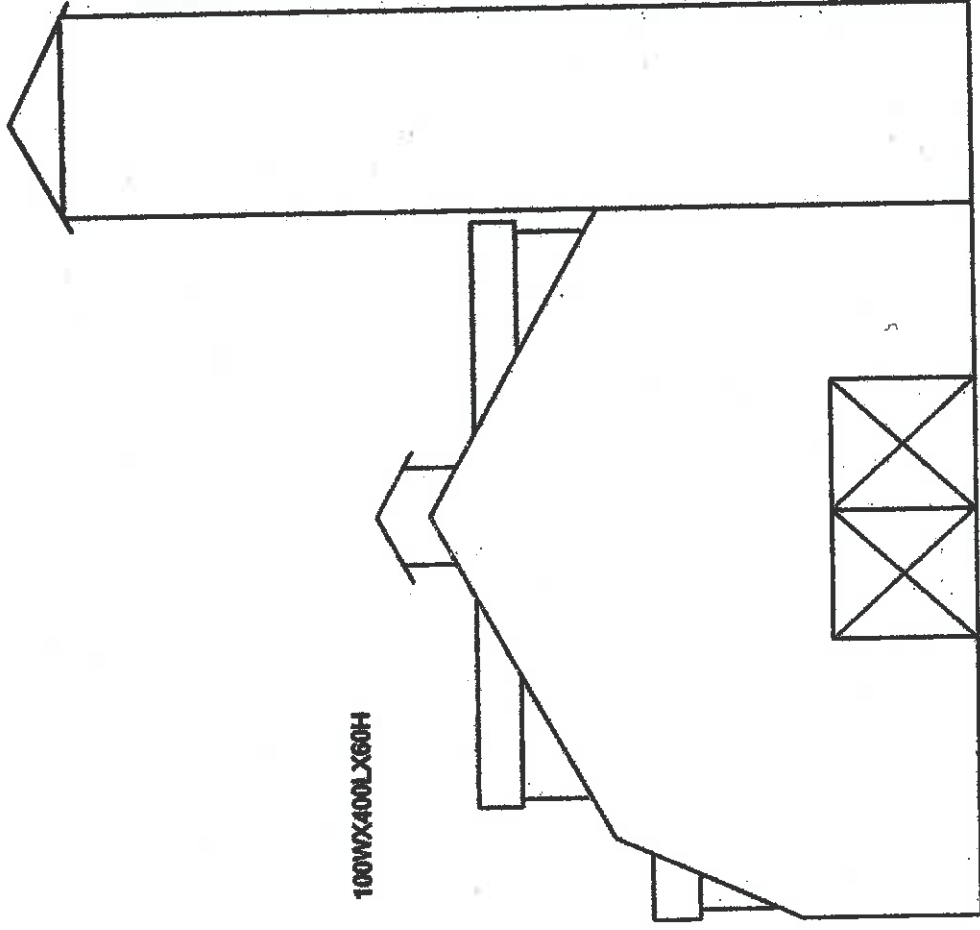
Winery - Tasting Room House Only

*Live a little more*

Map not to scale.

LWwine.org





100Wx400Lx60H



**Livermore Valley Regional Food Hub – Architectural Example of Gambrel Roof Style**  
Fusion of Easily Recognizable Agricultural Statement with Modern Architectural Elements  
Line elevation and photos are examples only and do not represent final plans

# LIVERMORE

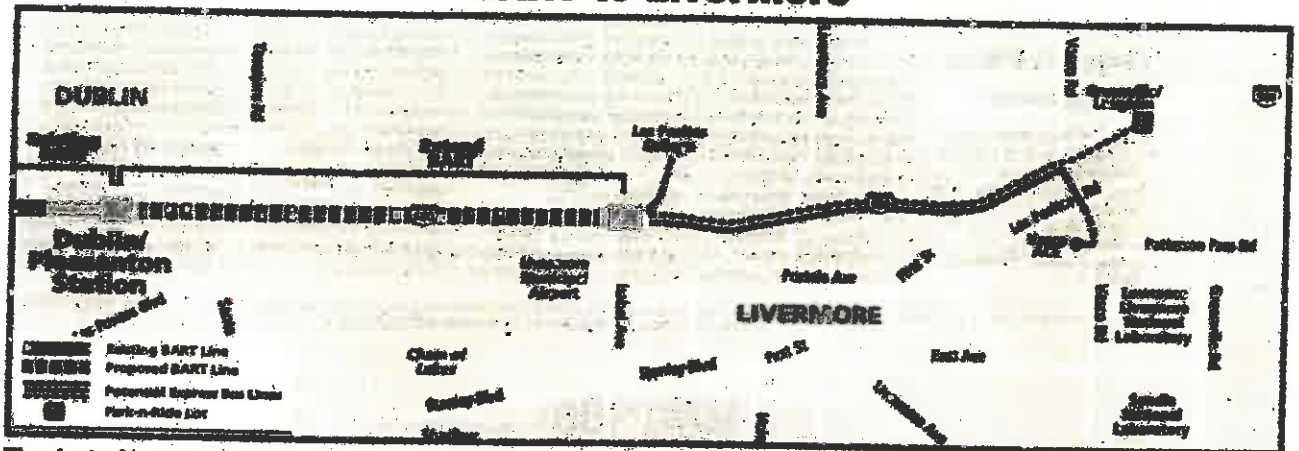
There's More Here...



OFFICIAL COMMUNITY NEWSLETTER OF THE CITY OF LIVERMORE

SPRING 2015 • Issue 42

## BART to Livermore



Thanks to Alameda County voters, Measure BB approval allocates \$400 million for the BART to Livermore project which will relieve congestion on I-580. Project funding now stands at \$550 million or half the total money needed to construct the extension from Pleasanton/Dublin to Livermore along the I-580 freeway. BART and the City are presently collaborating on a project-level environmental impact report on the BART extension along the I-580 median to a station at Isabel Avenue. City staff is presently preparing a Land Use Plan for the area around the proposed station. This Plan will show how the station area will serve the Livermore community, while making the station project competitive for regional,

state, and federal funding. This Plan addresses several development aspects, including residential, retail or office spaces and building densities and heights. Station connections to bus, car, and pedestrian and bicycle access will also be key issues for the Land Use Plan. Several workshops will be scheduled for community input on the Land Use Plan. Upcoming workshop dates and locations will be posted on the City's website at [www.cityoflivermore.net](http://www.cityoflivermore.net), City Facebook pages, [www.nextdoor.com](http://www.nextdoor.com), and local papers. For questions, contact the City's Engineering Division at (925) 960-4500. Information on Measure B and BB programs, visit [www.alamedactc.org](http://www.alamedactc.org).

### Tri-Valley Rising

The Bay Area Council prepared a report highlighting the Tri-Valley and its importance to the region, "Tri-Valley Rising: Its Vital Role in the Bay Area Economy." The report concludes that the Tri-Valley has become a vital node in the Bay Area innovation system, and that improving transportation connections between the Tri-Valley and the broader region, including extending BART to Livermore, will support growing economic activity and strengthen the Bay Area's competitiveness. The report can be viewed here: [www.bayareaeconomy.org/media/files/pdf/BACEI\\_Tri\\_Valley\\_report.pdf](http://www.bayareaeconomy.org/media/files/pdf/BACEI_Tri_Valley_report.pdf)

### What's Inside

- ◆ San Francisco Premium Outlets Page 2
- ◆ 2015 Summer Reading Program Page 3
- ◆ Household Hazardous Waste Page 4

### We're Social

-  [www.cityoflivermore.net](http://www.cityoflivermore.net)
-  [twitter.com/CityofLivermore](https://twitter.com/CityofLivermore)
-  [www.nextdoor.com](http://www.nextdoor.com)
-  [facebook.com/cityoflivermore](https://facebook.com/cityoflivermore)



# THE Independent

VOLUME 11, NUMBER 27

Your Local News Source Since 1963

SERVING DUBLIN • LIVERMORE • PLEASANTON • SUNOL

THURSDAY, JULY



## Find Out What's Happening

### Check Out Section A

Section A is filled with information about arts, people, entertainment and special events. There are education stories, a variety of features, and the arts and entertainment and bulletin board.

# Food Hub Intended to Increase Valley Wine, Agriculture Production

By Ron McNeill

A small group of local investors plans to build a food hub at Greenville Road and North Front Road, next to Interstate 580, to help boost Valley agricultural production. They have most of their executive team in place.

Their business name will be the Sustainable Food Network (SFN). Their first project will involve construction of a community crush

pad winery, with associated winery services, storage, marketing and distribution.

Generally, crush pads have catered to individuals who want to bottle their own wine, but they could also be used by boutique wineries that are too small to have their own facilities.

The hope is that more winners will be attracted to the Livermore Valley. However, it won't be only

the crush pads that would attract more growers. The whole hub idea provides the underlying structure, said Larry Gosselin, a spokesperson for SFN. Gosselin is a long-time Valley vintner and home rancher.

The whole food hub would occupy 40,000 square feet on a site already acquired by the group. They expect to take one and one-half years to two years to

make it operational.

Besides wine, there will be a variety of foods for the table. Customers are anticipated to include restaurants, institutions such as schools and hospitals, and even fresh-food buying clubs.

The operation of the food hub brings together product and customers. Trucks drive out to agricultural producers and pick up their products, return to the hub,

and are unloaded. Then the customers -- the restaurants and institutions -- send their own trucks to the hub to pick up the products. Customers would order on-line the night before, or in the wee hours of the morning.

By 5 a.m., customers' trucks would be at the hub to pick up the products. Showing up at 7 a.m. might be too late to get the pick of (See FOOD HUB, page 4)

to receive, 3. ANNUAL IS DE- carry on with programs.

## FOOD HUB

(continued from page one)

the crop, said Gosselin.

The hub would undertake a process used by Big Agriculture and the supermarket chains, but on a smaller scale for a niche market. It's a more efficient way of getting locally grown food to customers than just having them show up once each week at a Farmers Market, according to Gosselin.

The hub system is expected to drive the expansion of agriculture in the Valley. Such growth is a Valley subject to droughts might would counter-inductive. However, SFN is contacting an expert working in hydroponic agriculture. Using efficiencies from modern inventions, much less water would be needed to grow more crops, said Gosselin.

Another benefit would be preservation of farmland, which would help the county meet the goals set by Measure D for the encouragement of agriculture

and the preservation of open space. The more income that landowners can generate, the better able they will be able to stay on the land, and make a living, said Gosselin.

Part of the vision involves creating leadership jobs for younger people, paying attention to diversity throughout the county, said Gosselin. SFN has also talked to a veterans association, which is enthusiastic about providing jobs for some of its members.

Gosselin said that Alameda County Supervisor Scott Haggerty is aware of the food hub, and has given staff time for assistance. Haggerty's office helped set up an event in June at the fairgrounds, which gave SFN a chance to bring together veterans groups and representatives of the state Employment Development Department, the Small Business Development Center, and the Department of Veterans Affairs.

## THE Independent

(INLAND VALLEY PUBLISHING CO.)

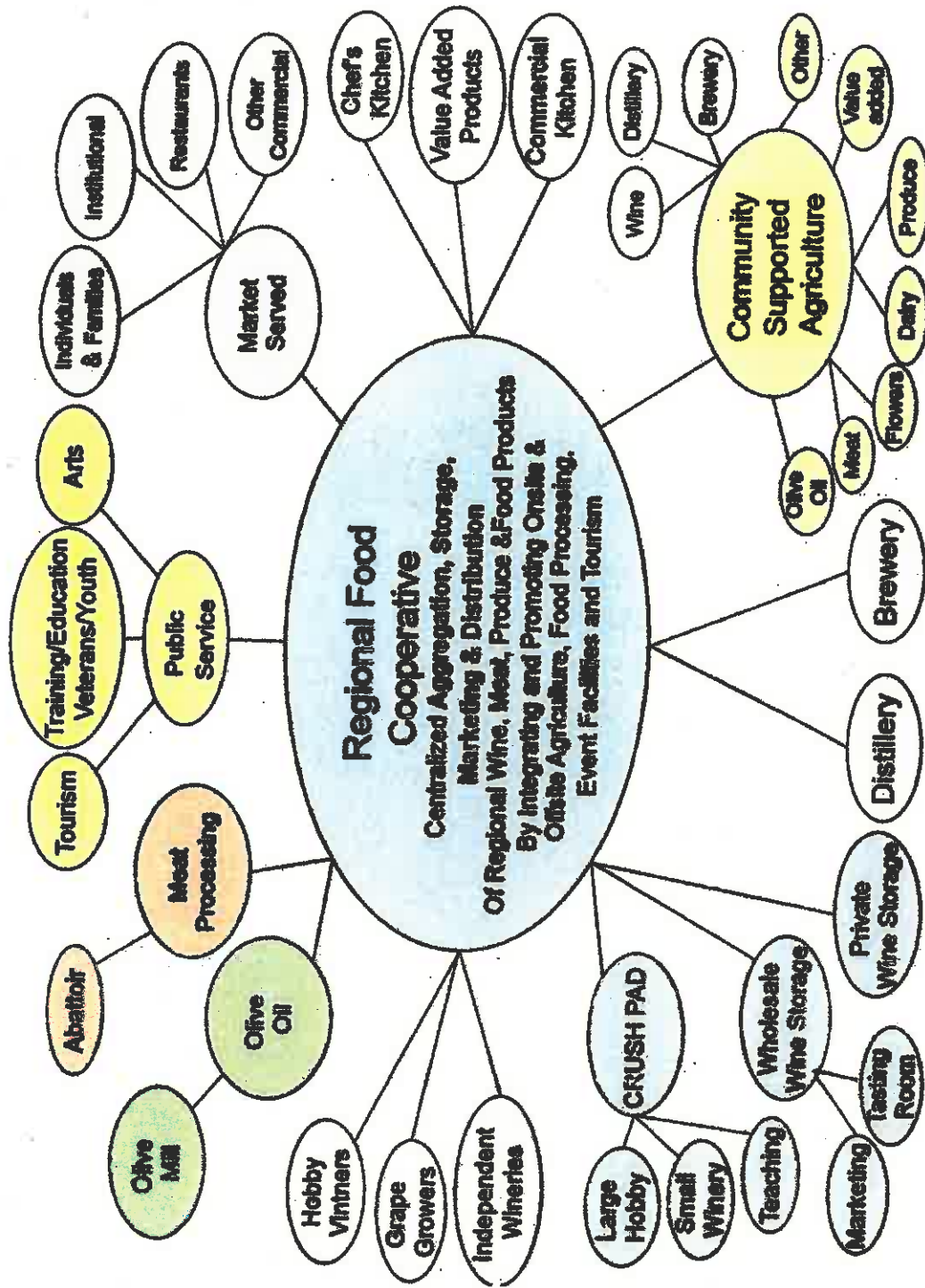
Publisher: Jean Kinney Bessie  
Associate Publisher: David T. Lewis  
Editor: Janet Anderson

THE INDEPENDENT (ISSN 1091-1001) is published every Thursday by Inland Valley Publishing Company, 2015 First St., Livermore, CA 94550 (925) 447-4200. Member of Publishing Heritage. Prices of the Inland Valley Publishing Co. and additional city offices: Pleasanton, CA 94566, \$2.00; The INDEPENDENT is a 4-page, 24-page, 24-page newspaper published every Thursday and for news information, P.O. Box 10101, Livermore, CA 94550. Second-class postage paid at Livermore, CA 94550.

Advertisements and subscription rates may be obtained by calling (925) 447-4200. Copyright © 2001 by Inland Valley Publishing Co. All rights reserved. Printed and published by Inland Valley Publishing Co., 2015 First St., Livermore, CA 94550. Website: www.independent.com

n  
b  
q  
p  
e  
s  
h  
L  
F  
L  
d  
p  
n  
L  
h  
h  
c  
h  
a  
E  
R  
T  
b  
E  
C  
h  
s  
h  
L  
h  
o  
F  
U  
T  
C  
E  
S  
O  
R  
T  
C  
L  
h





### PHASE III Graphic

The Phase III Graphic represents potential interrelationships that could be developed onsite and offsite to enhance the marketability of local wine, wineries, sustainable regional food, wellness efforts, the arts, event centers, and tourist activities. It is intended to continue to serve as a discussion aid and is not a project description even though many components could be incorporated into a regional food hub. Medical Cannabis and associated professional services can easily integrate into this cluster of businesses.

**Organization Chart Removed**

**Proprietary**

## Local Commitment

Applicant: Larry Gosselin DVM

This application has a theme that recognizes Dr. Gosselin's agricultural experience, the benefit of his agricultural related professional degree, and his agricultural supporting team building, as a driving force behind the proposed Medical Cannabis Dispensary Operator Permit application. His resume, included in section Item (c), states his agricultural activities and rural lands planning work in Alameda County back to 1981. His historical contribution has been recognized the Natural Resource Conservation Service, the Supervisors, and his colleagues on the Agricultural Advisory Committee. He has engaged in innovative negotiations to open park resources to the community. He engages in official bio resource conservation projects to support government organizations; but he also enhances bio-resources on his properties due to his devotion to nature and the rural lifestyle.

The highest compliment paid him is his neighbors asking him to organize and assist to mitigate the impact of urban encroachment on agricultural lands. He has done so in response to North Livermore development proposals, loitering and vandalism on Mendenhall Rd, and recently with the proposed BART and Dublin Blvd extensions being proposed to the area of the Doolan and Collier Canyons greenbelt area.

His mainstay professional employment, residence, working ranch activities, and community service have been devoted to agriculture and agricultural enhancement. The authors of Measure D consulted with him as they wrote their Initiative, while he was concurrently recruited to co-author the competing Measure C that was placed on the ballot by the Supervisors. Despite the uncertainty of land use created by Measure D, and the resulting highly impactful zoning change to the Highway Commercial parcel that is proposed for this application, Dr. Gosselin has continued to work on his ranches, and contribute to agricultural enhancement in Alameda County rather than retreating to the financial security that his degree and research experience offer.

Dr. Gosselin has demonstrated his strong commitment to the rural landscape and agricultural economy. With this application he has discussed his intent to advance analytic techniques for Medical Cannabis while developing standards for medical cannabis product consistency. But he also will be supporting local agriculture because of new opportunities offered by this industry as one component of the comprehensive agricultural economy. For example, a farmer in North Livermore has asked him to collaborate to develop a University supported industrial hemp farming operation to explore options for hemp as a high value crop for livestock feed and textiles.

The greatest local agricultural benefit of this project will be the development of a permanent agricultural supporting commercial complex on the combined 100,000 square foot parcels for which this project is proposed. This use has been vetted over the years with planners Daryl Grey, Jana Weldon Beatty, and Phil Sawry-Kubicek, and has been deemed feasible. Pre-project consultations with the Fire and Building Departments have reached the same conclusion. Advanced Onsite Wastewater treatment units are available to advance this use within the limits of the foot print of the project area. This project would be a "Gateway Project" to the South Livermore Area consistent with the South Livermore Area Plan and planning objectives expressed in the Vision 2010 agricultural plan. Economic projections show the Medical Cannabis Dispensary to be a credible economic driver of the larger project that could be discreetly place to not overshadow other agricultural and tourism supporting uses.

An agricultural supporting commercial complex had been well supported by the community. The "Food Hub" attachment to this section shows more of the project concept.

Otherwise, Dr. Gosselin will continue the local commitment to agriculture that he has shown in the past.

