



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

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January 3, 2018

Agenda Item #6

January 09, 2018

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

Dear Board Members:

**SUBJECT:** Appeal submitted by Frank Imhof, of a decision of the Community Development Agency Director for a Medical Cannabis Cultivation Operator Permit application, PLN2017-00209, for property located at 8558 Tesla Road, in the South Livermore area of unincorporated Alameda County

**RECOMMENDATION:**

**CDA/Planning:** The Community Development Agency Director recommends that the Board of Supervisors deny the appeal and sustain the decision that the Imhof application be considered an Unsuccessful Application.

**SUMMARY:**

In response to a County Request for Proposals (RFP) to issue Medical Cannabis Cultivation Operator Permits (MCCOP), CDA/Planning received 10 applications which were all found to be complete and forwarded to the County Selection Committee (CSC) for evaluation. The CSC reviewed all 10 applications and ranked them in order of preference against the following Final Evaluation Criteria:

- Security Plan
- Appropriateness of Site and Design of Proposed Facility
- Operating Plan
- Mitigation of Potential impacts
- Environmental Considerations
- Community Benefit
- Local Commitment

Pursuant to County ordinances and the RFP process, the top four applicants were granted Cultivation Operator Permits (see table below for final results). By ordinance (6.106.120), an appeals process is available, and Frank Imhof has submitted an appeal described more fully below. Section 6.106.120 also stipulates that the Board of Supervisors will consider the appeal at a public hearing at which the Board may sustain, modify, or overrule the decision. The Board may also remand the decision back to the Community Development Director for reconsideration based on new information not previously presented to the Director.

The total scores for each cultivation application given by the three members of the County Selection Committee are listed below. The maximum number of points possible from each selection committee member is 440.

<b>Cultivation Permits</b>				
<u>Ranking</u>	<u>Applicant</u>	<u>PLN number</u>	<u>Total score</u> (out of a possible 1320 points)	<u>Average score</u> (out of a possible 440 points)
1	ACGH, Inc.	PLN2017-00213	1155	385.00
2	Sunol 3C, Inc.	PLN2017-00214	1116.5	372.17
3	CCSAC, Inc.	PLN2017-00216	1100.45	366.82
4	5840 Lindemann, LLC	PLN2017-00211	1071.75	357.25
5	Eagle Valley Farms, Inc.	PLN2017-00207	922.4	307.47
6	Rosciano Farms, LLC	PLN2017-00208	888.4	296.13
7	Oasis Venture, LLC	PLN2017-00215	884.35	294.78
<b>8</b>	<b>Frank Imhof</b>	<b>PLN2017-00209</b>	<b>765.2</b>	<b>255.07</b>
9	Chretien Maynes	PLN2017-00210	738.1	246.03
10	The Royal Herb	PLN2017-00212	636.65	212.22

**APPEAL:**

On December 20, 2017, Frank Imhof submitted an appeal advocating in favor of his application, noting that he has been an involved member of the community for 56 years, and that he is a local business man and farmer. He also states that the proposal is in a location that is ideal for cannabis cultivation in that it is located miles away from any other cannabis cultivator, and not close to schools or shopping. The applicant requests reconsideration of denial of his application.

**DISCUSSION**

The County Selection Committee (CSC) consisted of the Planning Director, the Agricultural Commissioner and a Commander from the Sheriff’s Office. As the Planning Director was on the CSC, the Community Development Agency (CDA) Director served as the final administrative decision-maker on the applications, with appeals going straight to the Board of Supervisors. 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 were mailed on December 14, 2017.

Although the majority of the applications for cultivation received were competitive, the process as described in 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 2<sup>nd</sup> 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, based on the distribution of the points (evenly spread, clear top candidates), a site visit and interview would not be necessary. As scored, this application was 8<sup>th</sup> out of 10 on the final list, indicating this proposal was of a lesser quality than others submitted.

Frank Imhof  
January 09, 2018  
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With respect to the appeal letter, the applicant's local commitment was specifically reflected in the applicable possible bonus points allotted, and points were given for the appropriateness of the site, however, the proposal still did not rank competitively. Although not explicit, the appeal letter suggests that the application be reconsidered, implying that either: (1) a successful application/permit be rescinded; or (2) a fifth cultivation permit be issued to Frank Imhof.

Staff recommends against a re-examination of the scoring outcome, as the three-person panel sitting as the CSC ranked the Imhof application similarly (scoring sheets attached). Also, given where Mr. Imhof ranked out of the ten applications, there is no basis for considering his a higher quality application than any of the four successful proposals.

In terms of considering additional cultivation sites, staff believes there is a potential path forward to do so if that was the direction of the Board, but it would require additional ordinance work that builds on the foundation already laid by the Board of Supervisors. The ordinance allowing the County to issue cultivation permits is based on a two year pilot program model, and a revision to the ordinance would be required to allow additional permits to be issued. Should the Board be interested in pursuing this path, staff would require additional guidance on some key questions.

**CONCLUSION:**

Based on the Final Evaluation Criteria, the results of the County Selection Committee, and the determination of the Community Development Director, it is recommended that the Board of Supervisors deny the appeal and sustain the decision that the Imhof application be considered an Unsuccessful Application.

Very truly yours,

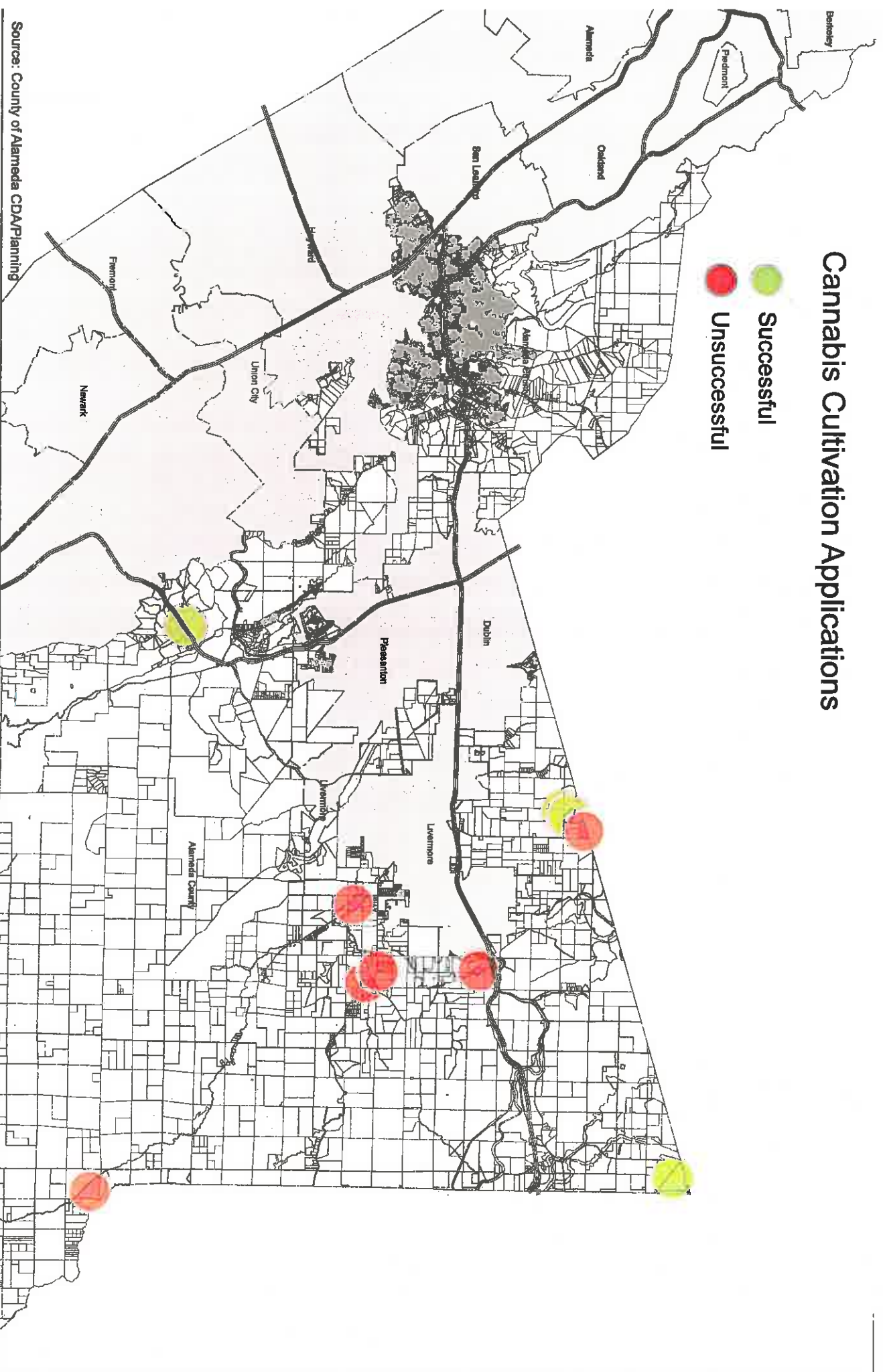


Chris Bazar, Director  
Community Development Agency

Enc: Appeal Letter from Frank Imhof  
Scoring sheets for Frank Imhof  
RFP submittal from Frank Imhof  
RFP final  
County Ordinance Chapter 6.106 (cultivation)

# Cannabis Cultivation Applications

- Successful
- Unsuccessful



Source: County of Alameda CDA/Planning



**Frank Imhof**

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962 Happy Valley Road  
Pleasanton, CA 94566  
Cell: 510-377-9556  
Home: 925-600-7735  
onetracman@earthlink.net

December 20, 2017

Alameda County Community Development Agency  
Chris Bazar  
Agency Director  
224 West Winton Avenue, Room 111  
Hayward, CA 94544

Dear Mr. Chris Bazar:

RE: Appeal of Unsuccessful Application for a Medical Cannabis Cultivation Operator  
PLN2017-00209

This letter is a formal request for reconsideration of a denial of our Application for a Medical Cannabis Cultivation Operator Permit. We received the denial letter dated December 14, 2017 which stated we were not within the four highest ranked applications which had been recommended for grant of a Permit.

I have been a community member in Alameda County for 56 years (my whole life). I have been a law abiding citizen who is honest with strong morals. I have donated, contributed and stood up for positive change in Alameda County in all aspects of my life. I have been involved in this community as a 4H Leader, President of Swiss Club, Vice President of the Cattlemen's, a member of Livermore Rodeo Association and an Honorary Deputy Sheriff of Alameda County. My involvement in the county is thru many different ventures which I am proud of and also which have a positive effect on the community.

My business has been around since 1979 which is 38 years. I started this business when I was first out of high school and I have grown it to what it is today. I have never filed for bankruptcy or had any kind of financial difficulties. I have also been in the farming community most of my life. When my grandpa started farming in Fremont, CA almost 100 years ago he never thought I would still be continuing his dream of being in the farming business 97 years later.

Our location for our permit has no other Cannabis Cultivator within miles. It is out in the country not close to schools or shopping. It is a prime location for this type of business to be located. I hope you would appreciate and defend our application to be comparable to the others that you accepted or at least more desirable.

Applicant: *Frank Tumbolt*

*PCN 2013-00209*

LOCAL AGRICULTURAL COMMUNITY COMMITMENT	
<b>I.</b>	<p><b>Local Commitment:</b></p> <p>Points equaling up to ten percent of the Applicant's total score for the above Final Evaluation Criteria (Stage 1 + Stage 2) will be added based on the extent to which the Applicant(s) demonstrate an historic and/or a long-term commitment to improving the local agricultural community.</p> <p style="text-align: right;">Ten Percent (10%)</p>

**Notes:** *this proposal has most of what was asked but not detailed enough.*

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	Criteria	0-5 point scale range	X possible points	Total Points
A	Security Plan	<i>3</i>	20	<i>60</i>
B	Appropriateness of Site and Design of Proposed Facility	<i>3</i>	20	<i>60</i>
C	Operating Plan	<i>3</i>	20	<i>60</i>
D	Mitigation of Potential impacts	<i>2</i>	10	<i>20</i>
E	Environmental Considerations	<i>2</i>	5	<i>10</i>
F	Community Benefit:	<i>3</i>	5	<i>15</i>
G	Oral Interview:		10	
H	Site Visit:		10	
I	Local Commitment:		10% <i>10%</i>	<i>22.5</i>
			<b>Grand Total</b>	<i>247.5</i>

Applicant: Frank Imhof

PLN 2017-209

LOCAL AGRICULTURAL COMMUNITY COMMITMENT		
I.	<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.	Ten Percent (10%)

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

	Criteria	0-5 point scale range	X possible points	Total Points
A	Security Plan	3	20	60
B	Appropriateness of Site and Design of Proposed Facility	3	20	60
C	Operating Plan	3	20	60
D	Mitigation of Potential impacts	3	10	30
E	Environmental Considerations	2	5	10
F	Community Benefit:	4	5	20
G	Oral Interview:		10	
H	Site Visit:		10	
I	Local Commitment:	8% (19.2)	10%	19.2
			SUBTOTAL	240
			Grand Total	259.2



LOCAL AGRICULTURAL COMMUNITY COMMITMENT	
I.	<p><b>Local Commitment</b></p> <p>Points equalir score for the Stage 2) will i Applicant(s) r commitment</p> <p><i>Math error</i></p> <p><math>235 \times 1.1 =</math></p> <p><math>258.50</math></p>
	<p>Local Agricultural Community.</p> <p>Ten Percent (10%)</p>

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Life

Base

/Livernor Resident,

	Criteria	0-5 point scale range	X possible points	Total Points
A	Security Plan	3	20	60
B	Appropriateness of Site and Design of Proposed Facility	3	20	60
C	Operating Plan	3	20	60
D	Mitigation of Potential Impacts	3	10	30
E	Environmental Considerations	2	5	10
F	Community Benefit:	3	5	15
G	Oral Interview:		10	
H	Site Visit:		10	
I	Local Commitment:	10%	10%	
				245
			Grand Total	

Due: November 6, 2017 @ 5:00pm

PLN 2017 -209

# County of Alameda

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**RFP for Medical  
Cannabis Cultivation  
Operator Permit  
("MCCOP")**

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Frank Imhof

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COPY

RECEIVED  
NOV 27 2017  
BY: \_\_\_\_\_

RECEIVED  
NOV 27 2017  
BY: \_\_\_\_\_

# EXHIBIT A

## APPLICATION RESPONSE PACKET

MCCOP RFP 2017

To: The County of Alameda, Community Development Agency

From: Frank J. Imhof  
(Official Name of Applicant)

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

## **APPLICANT INFORMATION AND ACCEPTANCE**

- 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 any person with an ownership interest of more than ten (10) percent in the proposed cultivation operation 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 accepts the Performance Standards and Standard Conditions for Pilot Program Medical Cannabis Cultivation Sites adopted by the Planning Director.**

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

**APPLICANT INFORMATION AND ACCEPTANCE (CONTINUED)**

Official Name of Applicant: Frank J. Imhof

Street Address Line 1: 962 Happy Valley Road

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

City: Pleasanton State: CA Zip Code: 94566

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

Jurisdiction of Organization Structure: California

Date of Organization Structure: Pending

Primary Contact Information:

Name / Title: Frank J. Imhof

Telephone Number: 510-377-9556 Fax Number: 925-600-7131

E-mail Address: jimhof@earthlink.net

SIGNATURE: 

Name and Title of Signer: Frank J. Imhof

Dated this 6 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 cultivation 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 cultivation operation.

*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: James Halter

Street Address Line 1: 8588 Telsa Road

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

City: Livermore State: CA Zip Code: 94550

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 checked="" type="checkbox"/> Other: <u>Privately owned</u> |  |

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

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

Primary Contact Information:

Name / Title: James Halter/Owner

Telephone Number: 925-596-8824 Fax Number: \_\_\_\_\_

E-mail Address: jameshalter82@yahoo.com

SIGNATURE: 

Name and Title of Signer: James Halter/Owner

Dated this 6 day of November 2017

## REQUIRED DOCUMENTATION AND SUBMITTALS

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

- 1. **Table of Contents:** Application responses shall include a table of contents listing the individual sections of the Application and their corresponding page numbers. Tabs should separate each of the individual sections.
- 2. **Letter of Transmittal:** Application responses shall include a description of Applicant's capabilities and approach and provide a brief synopsis of the highlights of the Application and overall benefits of the Application to the County. This synopsis should not exceed three pages in length and should be easily understood.
- 3. **Exhibit A – Application Response Packet:** Every Applicant must complete and submit the complete Exhibit A – Application Response Packet, which includes the following components:
  - (a) **Applicant Information and Acceptance** (signed pages 2 to 3 of Exhibit A)
  - (b) **Landowner Information and Acceptance** (signed page 4 of Exhibit A)
  - (c) **Applicant and Employee Information** (Exhibit B, as signed and submitted)
  - (d) **Security Plan**
  - (e) **Site Plan**
  - (f) **Description of External Appearance**
  - (g) **Description of Products**
  - (h) **Mission Statement**
  - (i) **Mitigation Measures**
  - (j) **Operating Plan**
  - (k) **Environmental Considerations**
  - (l) **Community Benefit**
  - (m) **Local Commitment** (if applicable – if not applicable, state “Not Applicable”)

**SECTIONS C & D**  
**REDACTED**



## **C. Operating Plan**

### **Staffing**

The cultivation center security is enhanced by the selection of qualified personnel to assist with the operation of the business. To promote public perception and the security interests of Applicant, all prospective employees and vendors shall be stringently vetted during the application process. Each employment candidate shall undergo a thorough background check, drug test, and character assessment and review. Only the most desirable candidates will be selected. Approximately 3 employees (excluding security personnel) will be onsite.

However, in any event, a person who:

1. Has been convicted of an excluded felony offense.
2. Does not work pursuant to the Regulations of the Division or
3. Is less than 21 years of age

will not serve as a Cultivation Center employee.

Employees shall, at all times during employment, display their valid agent card. An employee needing to update or report a lost agent card must report the same to Security Manager or Agent-in-Charge. Employee shall not be permitted to report to work until they obtain a corrected or replacement card. Valid identification card will assist in building safety in that only authorized and trained personnel shall be allowed into the Cultivation Center.

Employee Expectations & Security Training in addition to obtaining the agent card, each successful employee applicant shall undergo safety, security and cultivation training before beginning work. As a part of the employee orientation process, and as an ongoing regimen, all employees will be provided with a copy of the Employee Handbook, the Security Plan, as well as security and safety training. Security and safety training shall consist of examination and discussion of the Security Plan, premises orientation, emergency training, and situational training. Situational training consists of instruction related to particular employees' job duties. For instance, the Cultivation Manager will have different day-to-day safety concerns than a Trimmer in the Cultivation Center. Refresher training will be provided to each employee on a consistent basis and intermittently as necessary. Initial employee safety and security training shall include:

- 1) Building orientation and access authority which shall include:
  - a) The proper use of employee's access badge for entry into the premises and main building entrance;

- b) The proper use of employee's access badge for entry into employee's authorized access areas;
- c) The proper use of employee's agent card;
- d) Employee's authorized entry and exit points;
- e) Employee's locker; and f) Restroom and sink facilities.

2) Measures and controls for the prevention of diversion, theft or loss of marijuana which shall include:

- a) Necessity of keeping all facility doors locked and secure at all times
- b) Prohibited activities such as entrance into unauthorized access areas
- c) Awareness of video monitoring
- d) ICS training for the tracking of all product-related activities and information
- e) Requirement to report any unusual activity, security concern, or loitering

3) Procedures and instructions for responding to an emergency that will include:

- a) Accident prevention training
- b) How to respond to an emergency
- c) Emergency service provider location
- d) Emergency service contact information
- e) Emergency first aid kit locations
- f) Emergency exits and panic button locations

To promote professionalism and organization, all employees will be expected to follow the established safety practices set forth in the Security Plan, be in compliance with the approved uniform dress code for their respective position of employment, display proper hygiene, keep a professional physical appearance, and wear their agent card at all times.

### **Record Keeping**

- Records will be created as close as possible to the event to which they relate, by a person with the appropriate oversight of the activity to which the record relates.
- Records will be managed in a system that supports the use, tracking and understanding of records.
- The records will be stored in a way that maintains continuity.
- Employees responsible for the maintenance of records will be clearly identifiable.
- Distribution of records will be limited to those with a legitimate business need to access the records.
- The bookkeeper will record details of plant mortality to reconcile with permit requirements

- The bookkeeper will have records that document chain of custody of the cannabis during transportation
- The bookkeeper will ensure that appropriate resources are allocated to implementing and accurately maintaining their record keeping arrangements.

### **Report Stock**

- Records should include the number of plants cultivated, the size of the growing space and the yields.
- The bookkeeper will have mechanisms to record separation of plant components and undertake both wet and dry weighing of crops
- The bookkeeper shall maintain records of all transactions involving cannabis distribution or movement events.
- The bookkeeper shall provide annual forecasts of anticipated production and projected end of year' stock for each calendar year.

### **Report Incidents**

- In the case of known or suspected criminal activity (theft or breach), the license holder should immediately engage with their local law enforcement agency.
- The bookkeeper shall provide local law enforcement with formal, written notification of any such events.
- The bookkeeper shall provide local law enforcement with a description of the matter being reported, including but not limited to:
  - details of the volume of cannabis unaccounted for
  - when and how the issue was detected
  - when and how the event was believed to occur
  - the current status of security at the cannabis site
  - any action taken by the license holder
  - any records that can support investigation into the matter.

## **Track and Trace**

We have selected SICPA to provide the CalOrigin System to support our cultivation program. CalOrigin system will track the plant to sale inventory of the permittees. The CalOrigin system has been used successfully for the pilot programs in Humboldt and Yolo Counties and is now being used to extend the pilot user base in Yolo County. SICPA is partnered with Form 10 Group, who will be providing training and user support services for the system.

Patients and dispensaries can use it to:

- Verify that an item is a genuine product
- Obtain information about the product's origin, including when and where it was produced.
- View information about producers, products, and product test result

When the California Department of Food and Agriculture (CDFA) develops regulations for statewide medical and adult-use (non-medical) cannabis track and trace system we will implement that program into our program with CalOrigin.

## **Product Testing**

We have chose Excelsior Analytical, Union City as our testing Lab.

Medical Cannabis quality control has 2 primary goals

- Determine the levels of active ingredients
- Determine if the product is free from potentially harmful contaminants

## **Mitigation of Potential Impacts**

With only 3 full time employees traffic impact mitigation will be at a minimum. Additional traffic on the surrounding roads system could not be impacted with so few vehicles accessing the grow site.

Odor mitigation can be a major concern in populated areas. Misting vapor units and automatic pneumatic control systems help keep the grow facility in compliance with municipal laws resulting in far fewer complaints from neighbors. The use of activated carbon filters along with forcing the air thru these filters will allow no odor to escape.

## **Environmental Considerations**

Our plan is to install solar panels to use for any electricity that is used.

Installation of a reclaimed water system.

Hybridized green houses reduce the environmental impact of the cannabis produced.

All material in the nursery/green house to be reused with composting practices

Plant containers in the nursery/green house to be sterilized and reused.

## **Community Benefit**

We will be making donations each year to but not limited to:

- Alameda County HealthCare System
- DARE Program in the East County Schools
- Livermore Rodeo Association

## **Addendums: added November 27, 2017**

### **A. Security Plan**

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#### **Physical Security Plan**

##### **Building Access**

**We will be using Tyco Integrated Systems Access Control Card Lock**

**The facility will be accessible only to authorized individuals. Visitors will be limited to having prior permission and authorization by management. Anyone entering the property will have an Electronic access Control Card.**

- **Electronic access control cards and readers.**  
**Allowing only people with correct cards and credentials onto the property and into the correct areas on the property. These will be installed on all doors and will control and track their movement of each employee/visitor.**
- **Management of employees and visitor permission remotely**
- **Alarm activity reporting**
- **Remote management live video look-in when cards are activated**
- **Intrusion access control remotely locking down building**

##### **Emergency Plan**

**An emergency coordinator will be onsite and the designated Manager will have remote access to the sites video surveillance cameras and alarm system.**

##### **Evacuation Routes**

**Evacuation route maps will be posted in each work area. The following information will be marked on evacuation maps:**

- **Emergency exits**
- **Primary and secondary evacuation routes**
- **Locations of fire extinguishers**
- **Fire alarm pull stations locations**
- **Assembly points**

**Site personnel should know at least two evacuation routes.**

## Emergency Numbers

Posted at all exits

Fire Department:  
Police Department:  
Federal Protective Services:  
Security:  
Building Manager:

### Utility Company Emergency Contacts

Electric:  
Gas:  
Water:  
Telephone:

## Emergency Reporting and Evacuation Procedures

Types of emergencies to be reported by site personnel are:

- Medical
- Fire
- Severe Weather
- Bomb threat
- Chemical spill
- Power loss

## Medical Emergency

Provide the following information:

Nature of medical emergency

Location of the emergency (address, building, room number, etc)

Your name and phone number from which you are calling

Do not move victim unless absolutely necessary

Call the following personnel trained in CPR and First Aid to provide the required assistance prior to the arrival of the professional medical help.

Name:

Phone:

In case of rendering assistance to personnel exposed to hazardous material, consult the Material Safety Data Sheet (MSDS) and wear the appropriate personal protective equipment. Attempt first aid only if trained and qualified.

## Fire Emergency

### When fire is discovered

- Activate the nearest fire alarm
- Notify the local Fire Department
- If the fire alarm is not available, notify the site personnel about the fire emergency

### Fight the fire only if

- The fire department has been notified
- the fire is small and is not spreading to other areas
- Escaping the area is possible by backing up to the nearest exit
- The fire extinguisher is in working condition and personnel are trained to use it

### Upon being notified about the fire emergency, occupants must

- Leave the building using the designated escape routes
- Assemble in the designated area
- Remain outside until the competent authority announces that it is safe to reenter

### Designated official must

- Disconnect utilities and equipment unless doing so jeopardizes his/her safety
- Coordinate an orderly evacuation of personnel
- Perform an accurate head count of personnel reported to the designated area
- Determine a rescue method to locate missing personnel
- Provide the Fire Department personnel with the necessary information about the facility.
- Perform assessment and coordinate weather forecast office emergency closing procedures

## **B. Appropriateness of Site and Design of Proposed Facility**

The East County's Area Plan large parcel agriculture (LPA) designates that we may have 20,000 sq. ft. of Agriculture Building.

Onsite there is an existing Agriculture Barn totaling 1,600 sq.ft. which will leave a 18,400 sq.ft. grow site building.

The site will be surrounded by a 12 ft. cyclone fence with coverage (i.e. ivy, slats, privacy material). From the west the facility is blocked by Coastal Redwoods. From the South there will be Olive Trees planted. Therefore the only 2 views of the site will be blocked first by trees and then the cyclone fence.



### Building Design

The light dep greenhouse will be aesthetically easy on the eyes and will not stand out to the public. It will be a spotless 18,400 square foot facility lined with cannabis plants at various stages of development. Automated lighting and roofing systems. A water system for irrigation for stock plants, and drip water for the plants nearing harvesting.



## **C. Operating Plan**

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### **Money Handling**

The CFO will be the only personnel allowed into the money vault which will be electronically monitored using biometric finger print-reading locks as well as time lock devices to control access. The CFO will only allow money on the property up to 24 hours. The money will then be moved off the property using under cover security to a secure and discreet location.

#### **Modular Vault within concrete casing**

- Burglary resistant
- High grade PSI concrete
- Fire rated at 1,700 degrees for 1.5 hours
- Emergency release
- Chip carbide hardplate
- Exceeds FEMA P-361 and ICC 500 safe room specifications
- Thick bolt work
- Barrier Material
  - 1 1/4 Ballistic armor
  - 1 1/4 Copper
  - 1/2 Ballistic armor

### **Product**

**High Grade Medicinal Cannabis in all stages of product**

**Indica**

**Stavia**

**Hybrids**

#### **Stages of Product**

- Seeds
- Mother
- Clones
- Vegetative State
- Flowering
- Drying
- Processing
- Packaging

**Ready for Transportation**

## Product Storage

### Drying Stage

#### Locked and Environmentally Controlled Room

The room will be a Walk-in Chamber and with Access Control Card Lock allowing only pertinent personnel into the room.

### Finished Product

#### Modular Vault within concrete casing

Only management will be allowed into the Finished Product vault which will be electronically monitored using biometric finger print-reading locks .

- Burglary resistant
- High grade PSI concrete
- Fire rated at 1,700 degrees for 1.5 hours
- Emergency release
- Chip carbide hardplate
- Exceeds FEMA P-361 and ICC 500 safe room specifications
- Thick bolt work
- Barrier Material
  - 1 1/4 Ballistic armor
  - 1 1/4 Copper
  - 1/2 Ballistic armor

## Product Transport

We will only transport cannabis between our facility and our third-party laboratory and not off site to patients or caregivers (i.e. no "delivery service"), to another state, or within federal lands. Transport employees will have a valid driver's license and clean record and receiving training in transport protocols. Company vehicles will be registered and insured, fuel-efficient, non-descript and equipped with locking storage area. Transport will require a managers approval and containers will be packed, secured, and loaded in full view of surveillance cameras. All containers will be bar-coded and tracked within the Track and Trace system.

Once the State of California and/or The County of Alameda has issued guidelines regarding transportation licensing we will implement those procedures and follow all rules and regulations.

962 Happy Valley Road  
Pleasanton, CA 94566  
(925) 600-7735  
timhof@earthlink.net

Alameda County, CDA Planning  
Liz McElligott  
Assistant Planning Director  
224 West Winton Avenue, Suite 111  
Hayward, CA 94544

Dear Liz McElligott,

RE: Letter of Transmittal

I have lived in Alameda County all 56 years of my life. I have been in the agriculture community just as many years. My grandfather came from Switzerland in the 1920's and started a dairy in Fremont, CA. I grew up knowing what hard work was and learning to love the agriculture community. I always wanted and hoped someday I would make my grandpa happy to see that I continued his dream. He died when I was in high school but I was already involved in rodeo and helping family friends on their farms.

I raise cattle and grow crops of hay (approximately 500 acres) all in Alameda County. Currently I am the Vice President in The Alameda County/Contra Costa Cattlemen's and President of the Board of Directors of the Alameda County Fair. I was president of the Swiss Park, Newark, CA and I belong to the Native Sons of Golden West, A member of Livermore Rodeo Association, a 4H Leader, and a Honorary Deputy Sheriff of Alameda County. To say that I was born and raised in Alameda County is just a portion of what I have done so far in my life time. With this new adventure I hope to continue with my agriculture background and hope to help others to succeed in this County.

Our site that we have chosen is located in Livermore Valley which supports many types of agriculture. From wineries, horse stables, dog kennels, hay crops, cattle, goats, swine, fruits, grazing and nurseries. The nurseries in the area which use greenhouses just like the one that we plan on constructing on our site. A nursery which will grow crops of medicinal cannabis with the most state of the art technology and using the least amount of electricity. This site is off the road and will be secluded by many trees that have been on site many years along with new Olive Trees to obscure the buildings which will be aesthetically nice on the eyes if you could see them. The building is a soft color tan to blend into the property. We will take all odor, site and sound from being produced so no one will know there is a building growing medicinal cannabis.

We will be taking all precautions for high security in the area. This will be an area that is secluded but will have security at all positions on the property. The property will have 24 video surveillance, security lights, secured locked doors, security guards around the perimeter, and vaults on site and remote access to all of these. Security is of the most important development plan we can have to make this a successful business. We want our neighbors and community to

be appreciative of us in this new venture in this County.

To me this is all part of another endeavor of agriculture and of growing another type of crop. It is a new change that is hard to understand to a few but it is a new beginning. It was a new beginning for my grandpa who came over here almost a 100 years ago but he made it work. I want this to be a success for Alameda County, Livermore and its community so that I may give back to a community that has treated me so well for so many years.

With Kind Regards,

Frank J. Imhof

## **Mission Statement**

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**Imhof Farms is dedicated to maintaining an environmentally friendly, fully organic medicinal cannabis farm. We recognized our customer's needs for a vast variety of medicine and our high standards and commitment to maintaining a safe environment will provide this service for our consumers.**





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

# COUNTY OF ALAMEDA

## REQUEST FOR PROPOSAL for

### Medical Cannabis Cultivation Operator Permits (“MCCOP”)

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

**6<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  
**Medical Cannabis Cultivation Operator Permits (“MCCOP”)**

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**ATTACHMENTS**

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

## **I. CULTIVATION PERMIT PROCESS OVERVIEW**

### **A. INTENT**

Thank you for your interest in applying for a Medical Cannabis Cultivation Operator Permit (“Permit”) to participate in Alameda County’s Medical Cannabis Cultivation Pilot Program (“Pilot Program”) pursuant to Chapter 6.106 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 four (4) Permits 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 commercially cultivate medical cannabis 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 or upon the sunset and termination of the Pilot Program, whichever is earlier. 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 cannabis cultivation pursuant to Title 17, Section 17.52.585 of the Alameda County General Ordinance Code (“Zoning Ordinance”).

**A Medical Cannabis Cultivation Operator Permit and a Conditional Use Permit (CUP) must be obtained prior to commencement of cannabis cultivation.**

### **B. BACKGROUND**

On September 12, 2017, the Alameda County Board of Supervisors approved an ordinance adding Chapter 6.106 to the Ordinance Code and an ordinance introducing amendments to Sections 17.04.010, 17.52.585, and 17.54.130 of the Zoning Ordinance to implement a Pilot Program authorizing and regulating the cultivation of medical cannabis in the Unincorporated Area of the County.

The Pilot Program allows for the approval of up to four (4) Permits for commercial cultivation of medical cannabis subject to the processes and relevant considerations for application, review, and selection of Permits detailed in Sections 6.106.070 to 6.106.110 of Chapter 6.106.

The purpose of the Pilot Program is to allow for the cultivation 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 County intends to proceed with further study and public meetings to consider a permanent ordinance

that effectively regulates and licenses cultivation of medical cannabis, including commercial cultivation.

The adoption of the Pilot Program allowing the short-term, small-scale cultivation of medical cannabis will enable the County to evaluate appropriate districts, performance standards and prohibitions prior to consideration of a permanent, countywide ordinance regulating all aspects of cannabis cultivation and implementing state regulations. Participants in the Pilot Program will be permitted to cultivate medical cannabis through the duration of the Program only and will have no right to continue cultivation beyond the expiration of the Program or the expiration or revocation of the Permit.

Chapter 6.106 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 the Pilot Program, the CDA Director has designated the Planning Director as his designee.

## II. CALENDAR OF EVENTS

EVENT	DATE/LOCATION	
County post Request for Proposals (RFP)	by 6 <sup>th</sup> October 2017	
Applicant Information Session #1	18 <sup>th</sup> October 2017 @ 10:00 a.m	at: Martinelli Center, Executive Conference Room, 3585 Greenville Road, Livermore, CA 94550
Applicant Information Session #2	19 <sup>th</sup> October 2017 @ 2:00 p.m	at: Alameda County Public Works Building Auditorium, First Floor 399 Elmhurst Street, Hayward, CA 94544
Applicants submit Written Questions to the County	by 5:00 p.m. on 23 <sup>rd</sup> October 2017	
Last date for Applicants to submit Exhibit B – Site, Applicant and Employment Information for verification and background checks by the Sheriff	by 5:00 p.m on 27 <sup>th</sup> October 2017	
County post RFP Addendum (Response to Questions)	by 27 <sup>th</sup> October 2017	

**Solicitation of Applications  
for Medical Cannabis Cultivation Operator Permits (MCCOP)**

Applicants submit <b>Application</b> (Exhibit A – Application Response Packet) and pay <b>Application Fee</b>	by 5:00 p.m on 6 <sup>th</sup> November 2017
Initial Evaluation Period	6 <sup>th</sup> November to 17 <sup>th</sup> November 2017
County notify Applicants outcome of Initial Evaluation	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 Application	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
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 <b>Notice of Intention to Grant</b> to highest ranked Applicants	15 <sup>th</sup> December 2017
Last date for Applicant to accept or appeal <b>Operating Conditions</b> contained in Notice of Intention to Grant and pay <b>Permit Issuance Fee</b>	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 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 in writing, 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 this to the County 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 6.106.080.A.1-10, 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 operation of any cultivation site in the County (Alameda County Ordinance Code Section 6.106.100.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, 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 6.106.090.A):
  - The Sheriff will be responsible for verifying the factual information in the Application, including names, addresses and other information on the Applicant and any manager, supervisor and employees of the proposed cultivation operation, as required in Ordinance Code Section 6.106.080.A.1-10.
  - The Sheriff will comment on the adequacy of security measures that are described in the application, the security plan, the site plan, and other relevant aspects of the Application.
  - The Community Development Agency will comment on the proposed location's compliance with zoning regulations and 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.
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 6.106.090.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:
- The proposed cultivation operation does not comply with requirements of Chapter 6.106 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 proposed cultivation operation 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 6.106.080 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 the 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 cannabis cultivation site 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.
  - The Applicant is delinquent in the payment of any applicable state or County taxes and fees.
- 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 cultivation site 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 6.106.090.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 General Code Section 6.106.100.A:</b></p> <p>Any Application that meets any of the criteria in Section 6.106.100.A. of the Ordinance Code will be rated a Fail in the Evaluation Criteria and will receive no further consideration.</p>	Pass/Fail



**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 four (4) Permit(s):

- If the number of eligible applications for cannabis cultivation sites is the same as or less than four (4), then all eligible Applications will be submitted for establishment of Operating Conditions.
- If the number of eligible applications exceeds four (4), 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.

(Ordinance Code Section 6.106.110)

- 2. County Selection Committee ("CSC"):** If the number of Eligible Applications exceeds four (4), 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 Agricultural/Weights and Measures 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. 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	<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>
1	<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>
2	<b>Fair</b>	<b>Has a reasonable probability of success, however, some objectives may not be met.</b>
3	<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 Evaluation Committee members.</b>
4	<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>
5	<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 6.106.080.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 approved by the Sheriff;</li> <li>• include a lighting plan showing existing and proposed exterior premises and interior lighting levels; and</li> <li>• include alarms and security surveillance cameras.</li> </ul> <p>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.</p> <p>In evaluating this criterion, the CSC will have regard to the comments of the Sheriff (Section 6.106.090.A.2).</p>	<b>20 Points</b>
<b>B.</b>	<p><b>Appropriateness of Site and Design of Proposed Facility (Ordinance Code Section 6.106.080.A.12&amp;13, 17.52.585):</b></p> <p>The proposed cultivation site, in either the East County or the Castro Valley Canyonlands:</p> <ul style="list-style-type: none"> <li>• conforms with all applicable zoning requirements,</li> <li>• is consistent with the setbacks required in Section 17.52.585 of the County General Code,</li> </ul>	<b>20 Points</b>

	<ul style="list-style-type: none"> <li>● provides adequate access to a county road,</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 and conditions that are needed to mitigate adverse impacts on surrounding uses (Section 6.106.090.A.3).</p>	
<p><b>C.</b></p>	<p><b>Operating Plan (General Code Section 6.106.080.A.21):</b></p> <p>The Operating Plan must specifically describe how the cannabis cultivation site 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 cannabis cultivation site;</li> <li>● policies and procedures for record keeping;</li> <li>● specific details of the cultivation operation's track and trace program;</li> <li>● specific details regarding product testing;</li> <li>● other relevant information regarding the operation of the proposed cannabis cultivation site; and</li> <li>● a copy of the cultivation operation's labor peace agreement when required by California Business &amp; Professions Code Section 26051.5 to enter into or abide by a labor peace agreement.</li> </ul>	<p>20 Points</p>
<p><b>D.</b></p>	<p><b>Mitigation of Potential Impacts (General Code Section 6.106.080.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 traffic, light, odors or noise, on surrounding property owners.</p> <p>The cannabis cultivation site shall be designed to provide</p>	<p>10 Points</p>

Solicitation of Applications  
for Medical Cannabis Cultivation Operator Permits (MCCOP)

	<p>sufficient odor absorbing ventilation and exhaust systems so that any odor generated on the premises is not detected outside property on which it operates.</p> <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 and conditions that are needed to mitigate adverse impacts on surrounding uses (General Code Section 6.106.090.A.3).</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>	5 Points
<b>F.</b>	<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 and job training programs, local substance abuse, cannabis youth education, or domestic violence programs, or other activities that benefit the County.</p>	5 Points
<b>FINAL EVALUATION CRITERIA – STAGE 2 (OPTIONAL)</b>		
<b>G.</b>	<p><b>Oral Interview:</b></p> <p>The oral interview on the Application shall not exceed 60 minutes. The oral interview may include responding to standard and specific questions from the CSC regarding the Application.</p>	10 Points
<b>H.</b>	<p><b>Site Visit:</b></p> <p>The CSC may arrange an inspection of the site to enable the CSC to review the Application having regard to relevant site features and constraints.</p>	10 Points

<b>LOCAL AGRICULTURAL COMMUNITY COMMITMENT</b>	
<b>I.</b>	<p><b>Local Commitment:</b></p> <p>Points equaling up to ten percent of the Applicant’s total score for the above Final Evaluation Criteria (Stage 1 + Stage 2) will be added based on the extent to which the Applicant(s) demonstrate an historic and/or a long-term commitment to improving the local agricultural community.</p>
	<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, 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 6.106.110.C). The Operating Conditions for each Permit shall:
  - a. Include a condition requiring compliance with the County of Alameda Community Development Agency Performance Standards and Standard Conditions for Pilot Program Cultivation Sites, established by the Planning Director pursuant to General Code Section 17.52.585.D;
  
  - b. Be limited to the conditions necessary to carry out the purpose of Chapter 6.106 and to mitigate specific and foreseeable adverse impacts on properties in the vicinity (General Code Section 6.106.110.C);
  
  - c. Include the requirement for the Applicant to obtain (General Code Section 6.106.110.E):
    - (1) Any required state permits or licenses for the operation of a cultivation operation, if and when applicable; and
  
    - (2) All land use entitlements required to operate a cultivation operation, 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 6.106.110.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. **An Applicant may appeal a decision made pursuant to County General Code Section 6.106.110 to the Board of Supervisors. The appeals process is outlined in County General Code Section 6.106.120. The appeal must be filed 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 sustain, modify, or overrule the decision. The Board may also remand the decision to the Community Development Director for reconsideration based on new information not previously presented to the director.**

**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 6.106.120, pursuant to which the appellant will be liable to bear the County's reasonable costs associated with an appeal;**
  - b. **Obtaining a CUP for cultivation;**
  - 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 timepiece for the purpose of establishing the actual receipt of Applications.

2. Applications are to be addressed as follows:

Medical Cannabis Cultivation Operation Permits  
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 ("MCCOP RFP 2017") must also appear on the mailing 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 MCCOP RFP 2017**  
**\*\* THIS PAGE IS INTENTIONALLY LEFT BLANK \*\***



# EXHIBIT A

## APPLICATION RESPONSE PACKET

MCCOP RFP 2017

To: The County of Alameda, Community Development Agency

From: \_\_\_\_\_  
(Official Name of Applicant)

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

## **APPLICANT INFORMATION AND ACCEPTANCE**

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 any person with an ownership interest of more than ten (10) percent in the proposed cultivation operation 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 accepts the Performance Standards and Standard Conditions for Pilot Program Medical Cannabis Cultivation Sites adopted by the Planning Director.

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

**APPLICANT INFORMATION AND ACCEPTANCE (CONTINUED)**

Official Name of Applicant: \_\_\_\_\_

Street Address Line 1: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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: _____                  |  |

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

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

Primary Contact Information:

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

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

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

**SIGNATURE:** \_\_\_\_\_

Name and Title of Signer: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017



## LANDOWNER INFORMATION AND ACCEPTANCE

1. The undersigned Landowner declares, under penalty of perjury, that:
  - a. I am the owner of the proposed cultivation 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 cultivation operation.

*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: \_\_\_\_\_

Street Address Line 1: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Type of Entity / Organizational Structure (check one):

Corporation

Joint Venture

Limited Liability Partnership

Partnership

Limited Liability Corporation

Non-Profit

Other: \_\_\_\_\_

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

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

Primary Contact Information:

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

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

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

**SIGNATURE:** \_\_\_\_\_

Name and Title of Signer: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017

## REQUIRED DOCUMENTATION AND SUBMITTALS

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

- 1. **Table of Contents:** Application responses shall include a table of contents listing the individual sections of the Application and their corresponding page numbers. Tabs should separate each of the individual sections.
- 2. **Letter of Transmittal:** Application responses shall include a description of Applicant's capabilities and approach and provide a brief synopsis of the highlights of the Application and overall benefits of the Application to the County. This synopsis should not exceed three pages in length and should be easily understood.
- 3. **Exhibit A – Application Response Packet:** Every Applicant must complete and submit the complete Exhibit A – Application Response Packet, which includes the following components:
  - (a) **Applicant Information and Acceptance** (signed pages 2 to 3 of Exhibit A)
  - (b) **Landowner Information and Acceptance** (signed page 4 of Exhibit A)
  - (c) **Applicant and Employee Information** (Exhibit B, as signed and submitted)
  - (d) **Security Plan**
  - (e) **Site Plan**
  - (f) **Description of External Appearance**
  - (g) **Description of Products**
  - (h) **Mission Statement**
  - (i) **Mitigation Measures**
  - (j) **Operating Plan**
  - (k) **Environmental Considerations**
  - (l) **Community Benefit**
  - (m) **Local Commitment** (if applicable – if not applicable, state "Not Applicable")



# EXHIBIT B

## SITE, APPLICANT AND EMPLOYEE INFORMATION

### MCCOP RFP 2017

The following information is required to enable the Sheriff's Office to verify the information required to be included in the Application pursuant to Alameda County Ordinance Code 6.106.080.A.1-10.

In addition to submitting this Exhibit B to CDA-Planning, the Applicant will also be required to arrange all specified personnel to attend an appointment at the Sheriff's Office as detailed in Section F below.

#### A. Proposed Medical Cannabis Cultivation Site

If you need more space to provide site or landowner details, please provide this on a separate sheet marked "Attachment A".

<b>Site</b>	Street Address:	
	Suite/ Apt:	
	City:	
	State:	
	Zip code:	
<b>Assessor's Parcel Number(s) (APN)</b>		
<b>Landowner #1</b>	Name:	
	<b>Primary contact person:</b> (if the Landowner is a business)	
	Street address:	
	Suite/ Apt:	
	City:	
	State:	
	Zip code:	

<b>Landowner #2</b> (If applicable)	Name:	
	Primary contact person: (if the Landowner is a business)	
	Street address:	
	Suite/ Apt:	
	City:	
	State:	
	Zip code:	

**B. Applicant**

If you need more space to provide Applicant details, please provide this on a separate sheet marked "Attachment B".

<b>Applicant Name</b> (Business or individual)		
<b>Applicant type</b> (Please check one only)	<input type="checkbox"/> business;    or <input type="checkbox"/> individual.	
<b>Primary Contact Person Name</b> (If the Applicant is a business)		
<b>Mailing Address</b> (Please check one only)	<input type="checkbox"/> Applicant;    or <input type="checkbox"/> Primary Contact Person.	
	Street address:	
	Suite/ Apt:	
	City:	
	State:	
	Zip code:	

<b>Personal details</b> (Of Applicant, or; Primary Contact Person if Applicant is a business)	Date of birth:			
	Social security number:			
	Street address: (If different from above)			
	Suite/ Apt:			
	State:			
	Zip code:			
	Phone:			
	Email address:			
<b>Residential addresses in previous 5 years</b> (Of Applicant, or; Primary Contact Person if Applicant is a business)	<u>Previous Address 1:</u>			
	Dates occupied:	From: ..... / ..... / ..... MM / DD / YY	To: ..... / ..... / ..... MM / DD / YY	
	Street address:			
	Suite/ Apt:			
	State:			
	Zip code:			
	<u>Previous Address 2:</u>			
	Dates occupied:	From: ..... / ..... / ..... MM / DD / YY	To: ..... / ..... / ..... MM / DD / YY	
	Street address:			
	Suite/ Apt:			
	State:			
	Zip code:			

**C. Applicant's previous businesses and employment**

If you need more space to provide the Applicant's previous business and employment details, please provide this on a separate sheet marked "Attachment C".

<b>Businesses operated by and employment of the Applicant in previous 5 years</b>  (Of Applicant, or; Primary Contact Person if Applicant is a business)	<b>Previous Business Operated By/ Employer #1:</b>		
	Business operated or employer (Please check one only)	<input type="checkbox"/> business operated by Applicant;      or <input type="checkbox"/> employment of the Applicant.	
	Dates operated or employed by:	From: ..... / ..... / ..... MM / DD / YY	To: ..... / ..... / ..... MM / DD / YY
	Street address:		
	Suite/ Apt:		
	State:		
	Zip code:		
	<b>Previous Business Operated By/ Employer #2:</b>		
	Business operated or employer (Please check one only)	<input type="checkbox"/> business operated by Applicant;      or <input type="checkbox"/> employment of the Applicant.	
	Dates operated or employed by:	From: ..... / ..... / ..... MM / DD / YY	To: ..... / ..... / ..... MM / DD / YY
	Street address:		
	Suite/ Apt:		
	State:		
	Zip code:		

**D. Applicant's other cannabis cultivation sites or dispensaries (if applicable)**

- If the Applicant has **not** previously operated any other cannabis cultivation site or dispensary, please check this box.
- If the Applicant has previously operated any other cannabis cultivation sites or dispensaries, please check this box, and please provide the following information on a separate sheet marked "Attachment D":
  - The address of any cannabis cultivation sites or dispensaries that are currently or have previously been operated by the Applicant;
  - A statement of whether the authorization for any such operation had been revoked or suspended; and
  - If so, the reason for the revocation or suspension.

**E. Employees**

Please provide on a separate sheet marked "Attachment E" the details of all persons who will be regularly engaged in the operation of the proposed cannabis cultivation site, including all:

- Owners. This includes each person with an ownership interest of 10 percent or more in the proposed cannabis cultivation operation;
- Employees;
- Volunteers; and
- Contractors.

The following details should be provided for each person named:

- Name;
- Telephone number;
- Capacity in which the person is or will be engaged (e.g. owner, employee, volunteer, contractor or other);
- Whether the person has or is proposed to have any management or supervisory responsibilities for the proposed cannabis cultivation site.



**F. Background checks and fingerprinting**

Every person identified in Section E above as an owner, manager, supervisor or employee must:

- Submit fingerprints and other necessary information to the County Sheriff's Office for a background check; and
- Be photographed for identification purposes.

The Applicant will also be required to attend the Sheriff's Office to:

- Provide 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);
- Provide details of the height, weight, eye color and hair color of the Applicant; and
- Be photographed for identification purposes.

The Applicant 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 specified person to submit the required information.

ORDINANCE NO. 2017- 36

AN ORDINANCE ADDING CHAPTER 6.106 TO THE ALAMEDA COUNTY GENERAL ORDINANCE CODE TO IMPLEMENT A PILOT PROGRAM AUTHORIZING AND REGULATING THE CULTIVATION OF MEDICAL CANNABIS IN THE UNINCORPORATED AREA OF THE COUNTY OF ALAMEDA

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. Pursuant to the Medical Marijuana Program Act, patients and caregivers may provide and acquire medical cannabis in a cooperative or collective manner wherein caregiver members may cultivate cannabis for the use of patient members, with costs and revenues of the cooperative or collective allocated accordingly; and
6. In 2015, Assembly Bill 243, Assembly Bill 266, Senate Bill 643 were enacted and were subsequently revised by Assembly Bill 21 in 2016 (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
7. 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

8. 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
9. 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
10. 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).
11. Pursuant to California Business and Professions Code section 26200, nothing in the Medicinal and Adult-Use 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
12. The County adopted an ordinance prohibiting delivery and cultivation of cannabis on January 16, 2016 (Ordinance No. 2016-6, codified as Chapter 6.106 of the County General Ordinance Code) in response to a provision of the Medical Cannabis Regulation and Safety Act that included a March 1, 2016 deadline for local jurisdictions to act, which provision was repealed by Assembly Bill 21 on February 3, 2016; and
13. Ordinance No. 2016-6 provided, "This Ordinance shall be repealed by its own terms upon the adoption of state legislation repealing or eliminating the March 1, 2016 deadline in Health and Safety Code section 11362.777(c)(4)" and accordingly, Chapter 6.106 of the Alameda County General Ordinance Code was repealed on February 3, 2016.
14. 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 cultivation of medical cannabis; and
15. The cultivation of medical cannabis in appropriate locations will help ensure that medical cannabis will be available to the patients in need of it while preserving the character, health and safety of the surrounding area; and

16. Absent appropriate regulation, the cultivation of medical cannabis in the unincorporated area of the County poses a potential threat to public peace, health, and safety; and
17. The County of Alameda intends to proceed with further study and public meetings to consider a permanent, countywide ordinance that effectively regulates and licenses cultivation of medical cannabis, including commercial cultivation; and
18. The County has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, in preserving the safety, peace and quiet of the neighborhoods and agricultural districts within the unincorporated areas of the County by regulating the cultivation of medical cannabis; and
19. Pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act, the California Department of Food and Agriculture is responsible for promulgating regulations governing commercial cannabis cultivation and issuing cultivation licenses, which are anticipated to become effective in or around the year 2018; and
20. The adoption of a pilot program allowing the short-term, small-scale cultivation of medical cannabis will allow the County to evaluate appropriate districts, performance standards and prohibitions prior to consideration of a permanent, countywide ordinance regulating all aspects of cannabis cultivation and implementing state regulations; and
21. Participants in the pilot cultivation program would be permitted to cultivate medical cannabis through the duration of the pilot program only and would have no right to continue cultivation beyond the expiration of the pilot program or the expiration or revocation of the permit; and
22. The existing dispensaries operating in the County have demonstrated an ability to operate secure and responsible medical cannabis dispensary establishments and to comply with existing county and state laws concerning the dispensing of medical cannabis; and
23. Allowing these dispensaries to expand operations to limited cultivation in an approved location will allow the County to study cultivation-specific issues, including any effects on neighboring uses and mechanisms to track the product from cultivation through ultimate sale with a consistent, responsible entity at both the beginning and end of the supply in a vertically integrated structure; and
24. Allowing limited additional cultivation operations during this pilot program will allow the County to study cultivation-specific issues, including any effects on neighboring uses and mechanisms to track the product from cultivation through ultimate sale with multiple parties participating in the supply chain outside of a vertically integrated structure; and
25. During the term of the pilot program, the County will retain the authority to modify the terms, duration or requirements of the pilot program, including the authority to cancel the

pilot program, revoke or modify permits issued, adopt a moratorium on cultivation, and take any other actions within its power to protect the health, safety and welfare of County residents.

26. This Ordinance regulates the cultivation of medical cannabis in the unincorporated areas of the County and does not address the cultivation of cannabis for non-medical use under Proposition 64, MAUCRSA or otherwise;
27. The Board of Supervisors acknowledges that regulation of cannabis activities is an evolving field at the state level, as evidenced by the recent adoption of the Medicinal and Adult-Use Cannabis Regulation and Safety Act, passage of Proposition 64 and the related regulations being drafted by various state agencies that are not expected to be finalized and implemented until 2018. As a result, the field of local regulation is also expected to continue to evolve over the next several years including possible further revisions to the County ordinances, policies and performance standards; and
28. 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
29. 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 cultivation of cannabis for non-medical purposes; (3) exempt cultivation operations from compliance with zoning and land use regulations, or, (4) allow any activity relating to the manufacturing, 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 6.106 is hereby added to the Alameda County General Ordinance Code and reads as follows:

### **Chapter 6.106 – Medical Cannabis Cultivation Pilot Program**

#### **6.106.010 Purpose.**

The purpose and intent of this chapter is to provide a means for permitting and regulating the operation of a limited number of medical cannabis cultivation sites on a pilot basis 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 areas of the County of Alameda.

**6.106.020 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. "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.
- D. "Cannabis cultivation" or, as used in this chapter, "Cultivation" or "Cultivate", means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming, including any associated storage, 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.
- E. "Cannabis cultivation area" means the portion of the premises used for cultivation activities including all buildings, accessory structures, storage and parking areas, other than as may be required for security purposes.
- F. "Cannabis nursery" means an operation that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.
- G. "Cannabis Operator" or "operator" as used in this chapter means the natural person or designated officer responsible for the operation of any permitted cannabis operation.

- H. "Clone" means the cutting of a cannabis plant that has been re-planted and is non-flowering.
- I. "Community Development Agency" means the community development agency of the County of Alameda.
- J. "County" means the County of Alameda.
- K. "Director" means the director of the Community Development Agency or his designee.
- L. "Indoor cannabis cultivation" means the cultivation of medical cannabis within an enclosed structure using artificial light, at a rate of or greater than 25 watts per square foot or such other threshold for indoor cultivation as may be established by the California Department of Food and Agriculture.
- M. "Manufacture" means the process by which the raw agricultural cannabis product is transformed into a concentrate, an edible product, or a topical product. Manufacturing includes producing, preparing, propagating, or compounding manufactured cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.
- N. "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.
- O. "Mixed-light cannabis cultivation" means the cultivation of medical cannabis using light deprivation and/or artificial lighting below 25 watts per square foot or such other maximum threshold for mixed-light cultivation as may be established by the California Department of Food and Agriculture.
- P. "Permit" means a cannabis cultivation permit issued by the county to operate a cannabis cultivation site under this chapter.
- Q. "Permitted cannabis dispensary" or "cannabis dispensary" means a facility in possession of a permit issued pursuant to Chapter 6.108 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, under the authority of the California Compassionate Use Act, the Medical Marijuana Program Act, and/or the California Medicinal and Adult-Use Cannabis Regulation and Safety Act and as regulated by chapter 6.108.

- R. "Permittee" means a person who holds an effective and current permit under this chapter.
- S. "Person" means any human being or an incorporated or unincorporated business entity or association established under the laws of the state.
- T. "Premises" means the parcel or parcels containing a medical cannabis cultivation site, including any buildings, greenhouses, accessory structures and appurtenant areas.
- U. "Sheriff" means the sheriff of the County of Alameda and his or her authorized representatives.
- V. "State" means the State of California.

**6.106.030 General requirements and program terms.**

- A. It is unlawful for any person to conduct, engage in or allow to be conducted or engaged in, cannabis cultivation in the unincorporated portion of the County of Alameda, unless such cannabis cultivation operation has been granted a legally effective permit issued under this chapter. Permits to cultivate medical cannabis under this chapter shall be issued on a temporary basis until such time as the county adopts a permanent ordinance regulating or banning cannabis cultivation in the unincorporated area of the county. 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 county shall have in effect no more than six cannabis cultivation permits throughout the duration of the pilot program, to be selected pursuant to sections 6.106.050 through 6.106.110 herein. A maximum of two permits will be available for indoor cannabis cultivation operations. A maximum of four permits will be available for mixed-light cannabis cultivation operations.
- C. Each cannabis cultivation permit shall expire two years after the date of its issuance or upon the sunset and termination of this pilot program pursuant to section 6.106.190 herein, whichever is earlier.
- D. The fact that an applicant possesses other types of state or local permits or licenses shall not exempt the applicant from obtaining a cannabis cultivation permit under this chapter.
- E. A permittee may cultivate medical cannabis during the term of the permit only. A permittee shall have no right to cultivate medical cannabis before or after the expiration of the permit.



F. Each medical cannabis cultivation site shall comply with all requirements in the Alameda County General Plan, including Measure D (Save Agriculture and Open Space Lands), any applicable specific plans, and Title 17 of the Alameda County General Ordinance Code.

**6.106.040** Land use approval.

Prior to commencement of cannabis cultivation activities, a permittee must obtain a conditional use permit pursuant to Section 17.52.585 of the Alameda County Zoning Ordinance for operation of a cannabis cultivation site.

**6.106.050** Cannabis cultivation permit application procedures – vertically integrated operations.

A. Each application for a cultivation permit by a permitted cannabis dispensary in the unincorporated area of the county shall set forth or incorporate by reference the following information:

1. The full name, date of birth, social security number, present address and telephone number of the applicant.
2. Name and location of applicant's permitted cannabis dispensary.
3. The address to which notice of action on the application is to be mailed.
4. A statement by the applicant that it has the ability to comply with all laws regulating businesses in the state of California and that it shall maintain compliance during the term of the permit.
5. The names of each person with an ownership interest of more than 10 percent in the proposed cultivation operation.
6. Certification, under penalty of perjury, that all the information contained in the application is true and correct.
7. Authorization for the county, its agents and employees to seek verification of the information contained in the application.
8. The applicant's agreement to hold harmless and indemnify the county from all costs and expenses, including attorney's fees, that the county incurs or that is held to be the liability of the county in connection with the county's defense of its actions in any proceeding challenging the county's actions with respect to the permit or cultivation project.

B. The filing of an application shall be deemed complete upon the submission of an application in conformance with this section and payment of the application fees required by Section 6.106.130 and any fee schedule adopted by the County.

**6.106.060** Application review and action – vertically integrated operations.

A. The director shall commence review of any application upon its filing. Within thirty business days after the filing of an application, the director shall reject any

application and so notify the applicant if the application has been improperly completed or if it is incomplete. The applicant may amend and refile the application within thirty days after such rejection.

B. Upon receipt of a complete application, the director shall approve the application and grant the cultivation permit if each of the following conditions are met:

1. The applicant operates a permitted cannabis dispensary;
2. The applicant's permitted cannabis dispensary has a record of good standing with the county for at least one year. For the purposes of this section, "good standing" means that the cannabis dispensary permit has not been suspended or revoked and that there are no pending proceedings for the suspension or revocation of the cannabis dispensary permit.
3. No person who is listed on the application pursuant to subsection (1) or (5) of Section 6.106.050(A) has been convicted of a felony within the past three 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.
4. The applicant or the operator listed in the application is at least eighteen (18) years of age.

C. Upon receipt of a complete application, the director shall deny the application if one or more of the conditions set forth in subsection (B) above are not met.

**6.106.070 Cannabis cultivation permit application procedures – cultivation only.**

A. The director will initiate a process to solicit applications for the establishment of one or more cannabis cultivation sites that need not be affiliated with a permitted cannabis dispensary.

B. Each application for the establishment of a cannabis cultivation site pursuant to this section 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 selection, 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.

E. No person or facility that purports to have cultivated cannabis prior to the enactment of this chapter shall be deemed to have been a legally established cultivation

operation under the provisions of this chapter, and such person or facility shall not be entitled to claim a legal nonconforming status.

**6.106.080 Contents of cannabis cultivation permit application – cultivation only.**

A. In response to a solicitation for applications initiated by the director, each application for a cultivation permit pursuant to section 6.106.070 shall set forth or incorporate by reference the following information in a standard form adopted by the director:

1. Address of the proposed cannabis cultivation site 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 cannabis cultivation sites or dispensaries that currently is or previously had 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 cultivation site, 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 cannabis cultivation site. 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 who will be regularly engaged at the proposed cannabis cultivation site must submit their information to the sheriff's office within five days prior to their employment.
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 site plan, consisting of a sketch or diagram showing the entire parcel and the cannabis cultivation area designated for cultivation activities, including the interior configuration of the greenhouse or other structure housing cultivation activities, including a statement of the floor area occupied by each structure at the cannabis cultivation site. 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.

13. A description of the external appearance of the cannabis cultivation site, including a precise depiction of any signage and access roads. All signage shall comply with the County Zoning Ordinance.

14. A description of products to be cultivated on the premises.

15. The mission statement of the cannabis cultivation site with respect to meeting the medical needs of patients.

16. A description of the methods by which the applicant will mitigate any potentially adverse impacts, such as traffic, light, odors or noise, on surrounding property owners. The cannabis cultivation site shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated on the premises is not detected outside property on which it operates.

17. Authorization for the county, its agents and employees to seek verification of the information contained in the application.

18. Written certification that the applicant has reviewed and understands and accepts any performance standards for cannabis cultivation that may be adopted by the director.

19. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

20. A statement by the applicant that it has the ability to comply with all laws regulating businesses in the state of California and that it shall maintain compliance during the term of the permit.

21. An operating plan specifically describing how the cannabis cultivation site will operate consistent with state and local law, including but not limited to: the minimum staffing levels for operation of the cannabis cultivation site, policies and procedures for record keeping, specific details of the cultivation operation's track and trace program, specific details regarding product testing, and other relevant information regarding the operation of the proposed cannabis cultivation site and including a copy of the cultivation operation's labor peace agreement when required by California Business & Professions Code Section 26051.5 to enter into or abide by a labor peace agreement.

B. The filing of an application shall be deemed complete upon the submission of an application in conformance with this section and payment of the application fees required by Section 6.106.130.

**6.106.090 Initial review of application – cultivation only.**

A. The director shall commence review of any application received pursuant to section 6.106.080 immediately upon its filing and shall complete such initial review within the time period established in the solicitation process for cannabis cultivation permits, but in no event shall the initial review exceed sixty (60) days. In conducting this review, the following county agencies shall comment on specific portions of the application:

1. The sheriff shall be responsible for verifying factual information in the application, including names, addresses and other information on the applicant operator and its employees of the proposed cultivation operation.
2. The sheriff shall comment upon the adequacy of security measures that are described in the application, the security plan, the site plan, and other relevant aspects of the application.
3. The community development agency shall comment upon the proposed location's compliance with zoning regulations and conditions that are needed to mitigate adverse impacts on surrounding uses.
4. The health care services agency shall comment upon the services to be provided and the mission statement set forth in the application.

B. Within twenty (20) business days after the filing of an application, the director shall reject any application and so notify the applicant, if the application has been improperly completed or if it is incomplete. The applicant may amend and refile the application within ten days after such rejection.

C. At the conclusion of the initial review, the director shall notify the applicant of the results of the initial review of the application.

**6.106.100 - Action upon completion of initial review – cultivation only.**

A. Upon completion of the initial review, the director shall reject any permit application that meets any of the following criteria:

1. The proposed cultivation operation does not comply with requirements of this chapter.
2. The applicant has knowingly made a false statement of material fact or has knowingly omitted a material fact from the application.
3. The proposed cultivation operation at the proposed location is prohibited by any state or local law or regulation.
4. Any person who is listed on the application pursuant to subsection (A)(10) of Section 6.106.080 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.
5. The applicant or the operator listed in the application is less than eighteen (18) years of age.
6. The health care services agency has determined that the application for a cannabis cultivation site 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.

7. The applicant is delinquent in the payment of any applicable state or County taxes and fees.

B. Any application that is not rejected upon completion of the initial review shall be deemed an eligible application and submitted to the final selection phase of the solicitation process.

**6.106.110 - Final selection of medical cannabis cultivation sites – cultivation only.**

A. The final selection phase of the solicitation process shall include selection from the eligible applications and the establishment of operating conditions for any permits issued under this chapter to the selected eligible applicants. The final selection process shall not exceed sixty (60) days in the absence of an appeal.

B. If the number of eligible applications is the same as or less than the allowable number of cannabis cultivation sites allowed pursuant to section 6.106.030, then all applications shall be submitted for establishment of operating conditions as set forth in subsection C of this section. If the number of eligible applications exceeds the maximum number of cannabis cultivation sites pursuant to 6.106.030, then a competitive evaluation process shall be conducted in which applicants are scored and ranked with the director recommending issuance of a permit to the highest ranked, eligible applicants.

C. The director shall establish operating conditions for cannabis cultivation sites for each eligible application that has been submitted for final selection. The operating conditions shall be limited to those that are necessary to carry out the purposes of this chapter and to mitigate specific and foreseeable adverse impacts on properties in the vicinity.

D. At the conclusion of the final selection process outlined above, the director shall give notice to the cultivation permit applicant of the operating conditions that would attach to the permit. Within ten days after notice, the applicant shall either:

1. Certify acceptance of the operating conditions and the standard conditions of the permit, and the permit shall thereupon issue immediately.
2. If the applicant refuses or fails to certify agreement with any operating condition, the application shall be denied. The applicant may appeal any condition within ten days after notice of the conditions. Upon either the failure to file a timely appeal or the rejection of the appeal, the application shall be deemed denied.

E. The operating conditions established by the director shall include the requirement for each eligible applicant to obtain (1) any required state permits or licenses for the operation of a cultivation operation, if and when applicable, and (2) all land use entitlements required to operate a cultivation operation, if and when applicable. No cultivation permit shall be effective unless and until these conditions of approval are satisfied.

#### **6.106.120 Appeal.**

- A. An applicant aggrieved by the decisions described in Section 6.106.060 or Section 6.106.110 may appeal that decision to the board of supervisors within ten (10) days following the date of issuance of that decision by filing with the clerk of the board of supervisors or the director a notice of appeal specifying the grounds for such appeal. Filing such notice shall stay all proceedings in furtherance of the decision appealed from. The director is designated as an agent of the clerk of the board for purposes of receiving a notice of appeal.
- B. The board of supervisors shall give written notice of the time and place for hearing any appeal filed pursuant this section. Such notice shall be given to the applicant and to the agency which made the order appealed, and to any other person requesting such notice and depositing with the clerk of the board a self-addressed, stamped envelope to be used for that purpose.
- C. The board of supervisors may hear additional evidence and may sustain, modify, or overrule any order brought before it on appeal, and may make such findings and decisions as are not inconsistent with state law and county ordinances. The board of supervisors may also remand the decision to the director for reconsideration of his or her decision in light of new information not previously presented to the director. If no motion relative to the order appealed attains a majority vote of the board of supervisors within thirty (30) days from the date of the hearing by said board thereon, said order of the director shall stand sustained and be final.

#### **6.106.130 Fees.**

Each applicant shall reimburse the county for all staff costs, any consultant costs and any direct costs attributable to reviewing the application, conducting any required studies, acting upon the application, and verifying and enforcing compliance. The board of supervisors may establish a nonrefundable fee in order to reimburse the county for such costs.

#### **6.106.140 Prohibited operations.**

A permittee shall not conduct any manufacturing of cannabis on the premises. A permittee shall not dispense or deliver cannabis from the premises unless separately permitted by a cannabis dispensary or delivery permit pursuant to Chapter 6.108 of this code.

#### **6.106.150 Violations**

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 operation of a cannabis cultivation site 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.

**6.106.160 Limitations.**

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 cultivation of cannabis or cannabis for non-medical purposes; (3) exempt cannabis cultivation operations from compliance with zoning and land use regulations, or, (4) allow any activity relating to the manufacturing, distribution, or consumption of cannabis that is illegal under state or federal law.

**6.106.170 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.

**6.106.180 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.

**6.106.190 Sunset and termination.**

The pilot program for cultivation of cannabis shall terminate two years from the effective date of this ordinance. Any rights or privileges granted to a permittee pursuant to this Chapter existing on that date shall also terminate on that date. Unless an ordinance is adopted to amend this provision, this Chapter shall be repealed automatically on the second anniversary of the effective date of 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 12 day of Sep, 2017, by the following called vote:



AYES: Supervisors Haggerty, Miley, Valle & President Chan  
NOES: None  
EXCUSED: Supervisor Carson



\_\_\_\_\_  
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