

Responses to Questions Not Fully Answered During March 8, 2019 Meeting Regarding Commercial Cannabis Requests For Proposals (RFP)

1. Under Chapter 88-28, can a single property owner/landlord authorize use of their property for multiple Letters of Intent (LOI)?

Response: Yes, so long as the person submitting the LOI provides evidence of a secured location consistent with the standards set forth in the RFP. A single property can have multiple leasable areas (*e.g.* business park). Also, LOIs for precisely the same space on the same parcel will not automatically be disqualified (evidence of secured location may be conditional on being invited to apply for a Land Use Permit (LUP)). The requirements for a state license must be satisfied before commercial cannabis activities may be undertaken on the premises. The requirements of state law may differ from the requirements in Chapter 88-28. Applicants are encouraged to review the requirements of state law.

2. If only a portion of a vertically-integrated business covered by an LOI is deemed compatible with the zoning, will the County consider the proposal?

Response: Yes, the County will invite the acceptable portion to proceed.

3. Can an application for non-capped commercial cannabis businesses be submitted separately from an LOI submitted for a capped use on the same site?

Response: Yes. However, the LOI must disclose all commercial cannabis activities proposed for the site, including uses not subject to a cap. Further, applicants are cautioned that processing permit applications in parallel may be burdensome for the applicant and the County, requiring separate applications, additional fees and a significant amount of extra effort dedicated to planning for contingencies. Although not required for commercial cannabis activities that are not subject to a cap, waiting until the completion of the RFP process and filing an application covering all activities may result in fewer burdens for the applicant.

4. Will the County reconsider owner/operator requirements for delivery vehicles? (citing safety concerns)

Response: Section 88-28.412(d)(3) requires all delivery vehicles to be owned by the retailer (permittee). The County Ordinance Code can only be amended by the Board of Supervisors.

5. Will the applicant's intellectual property submitted with a proposal be protected?

Response: As a public agency the County is required to disclose public records upon request, subject to the provisions of the California Public Records Act (PRA) (Gov. Code, § 6250, *et seq.*) and the County's Better Government Ordinance (BGO) (Division 25 of the County Ordinance Code). A proposal is a public record under the PRA and BGO.

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6. After a LOI is accepted, will the site be exempted from buffers of sensitive uses established subsequently?

Response: No. Proposed commercial cannabis activities will not be insulated from changes to buffers until the land use permit is issued.

7. How much time does an applicant have after a full proposal is invited to move from a term sheet to purchase agreement or other real property interest sufficient to meet the County standards for a qualified applicant for a Land Use Permit (LUP) (site code section)?

Response: As indicated in the LOI template, following an invitation to apply for an LUP, applicants will have 90 days to submit an LUP application. To apply for an LUP, an applicant must meet the requirements of Ordinance Code Sections 82-6.002 and 88-28.408(a)(2), among other requirements in the Code.

8. Does the 10,000 square foot limit building size for indoor commercial cannabis cultivation apply to hoop houses?

Response: No, Chapter 88-28 does not currently include a hoop house within the definition of a building.

9. Does evidence of a secure location need to be notarized?

No, notarized signatures will not be required. However, if invited to apply for a land use permit, and if the applicant is not the owner of the property where the business will be located, a notarized, written authorization from each owner of the property will be required (see Ordinance Code, Section 88-28.408(a)(2)).

10. The Ordinance doesn't list A-4 as a zoning district eligible for commercial cultivation. But the maps on the website that show the preliminary buffers seem to color all agricultural zoning districts green. Is A-4 zoning eligible for commercial cultivation?

Response: No. Commercial cannabis uses are not permitted in the Agricultural Preserve zoning district (A-4). As noted on the maps with buffers, those maps were preliminary and predated development of the ordinance. Since the A-4 zoning district is for properties with a Williamson Act Contract, if a property is within the A-4 zoning district and is not under Williamson Act Contract, a letter of intent indicating a proposed rezoning of the subject property to another appropriate agricultural zoning district, where commercial cannabis uses are permitted, could be accepted.