



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: December 18, 2018

Subject: Board Review of Request for Proposals for Selecting Certain Cannabis Land Use Permit Applicants

RECOMMENDATION(S):

REVIEW the Preliminary Draft Request for Proposals (RFP) describing the process to solicit and select respondents to invite to apply for a numerically-limited commercial cannabis activity Land Use Permit. PROVIDE direction to staff to revise the RFP and report back on January 22, 2019 for Board consideration of approving and releasing the final RFP.

FISCAL IMPACT:

A separate item to the Board on December 18, 2018 will establish fees relative to this RFP. Applicants for the RFP process will be required to pay separate filing fees for review of their Letters of Intent and Proposals. These fees cover anticipated Department of Conservation and Development costs of reviewing those submittals. For those ultimately invited to submit a Land Use Permit, the Land Use Permit application fees will cover staff costs for that portion of the review.

BACKGROUND:

The County's Cannabis Zoning Ordinance, (Chapters 88-28 and 84-86 of the County Code) (the "Zoning Ordinance") sets numeric limits on the number of land use permits that may be issued for three categories of commercial cannabis activities: storefront retailer (four),

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **12/18/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 18, 2018

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Jami Napier, Deputy

Contact: Ruben Hernandez,
925-674-7785

cc:

commercial cultivation (ten) and cannabis manufacturing in agricultural zoning districts (two). The Zoning Ordinance also provides for Board review

BACKGROUND: (CONT'D)

and approval of the solicitation process to be used to request and evaluate proposals for these three permit categories and determine which proposals to invite to apply for a land use permit.

Staff has prepared a Preliminary Draft RFP (attached) and is seeking Board input and direction. Before the RFP is finalized and published, staff proposes to add more specificity in certain sections, in particular related to submission requirements and scoring criteria, but would welcome general direction from the Board on the preliminary draft document as it currently stands. Staff proposes to implement Board direction, refine the RFP and return to the Board on January 22, 2019 for Board approval.

In particular, Board input would be most appreciated on the general approach to scoring and ranking projects. Staff is proposing that a minimum score be set both for each scoring category and overall. Such an approach has been used for other jurisdictions and makes clear that projects deficient in one area will not be selected. This approach would be helpful, for instance, in the case of geographic equity, providing a basis to not select a proposal in the same area as a better proposal.

An issue raised by staff at the November 13, 2018 Board meeting was the potential for receiving fewer Letters of Intent than allowed under the permit cap. There was consideration for eliminating the requirement for submitting a full proposal if this were ever the case. However, following additional discussions with the interdepartmental staff team, staff is now not recommending that approach. Maintaining the requirement for submitting a proposal regardless of the number of proposals submitted will ensure that the quality of proposals is always evaluated. The Board may, in its discretion, determine on the basis of the proposals submitted not to invite any respondents to the RFP to apply for a land use permit, or to invite a number of land use permit applications that is less than the cap for the applicable category of commercial cannabis activity.

CLERK'S ADDENDUM

Speakers: Michaela Toscas, Higher Elevaiton and Alameda County stakeholders; Mark Unterbach, resident of Brentwood; Matt Light, resident of Walnut Creek; Jim Gonzalez, Unique Solutions, Martinez Family Farmers; Ashley Bargaquast, Tully & Weiss Attorneys at Law; Nate Landau, Showtill. Marcos Parra, Casa Rasta Farms, did not wish to speak, but left written commentary (attached).

ATTACHMENTS

Cannabis RFP Draft