

Commercial Cannabis Ordinance

Frequently Asked Questions

Updated May 24, 2019

1. Where can I find Ordinance 1421 (Commercial Cannabis Ordinance)?

The City Council adopted this ordinance on April 3, 2019. The link to the Ordinance approved at that hearing is found here:

[Ordinance 1421 – Regulating Commercial Cannabis](#)

It may also be found in the RFP as Attachment 2.

2. Where can I find the Ordinance that amended Title 22 of the Martinez Municipal Code related to commercial cannabis to permit such uses in specified zoning districts?

The City Council adopted this ordinance on April 3, 2019. The link to the Ordinance approved at that hearing is found here:

[Ordinance 1422 – Amending Title 22 to Permit Use in Specific Zoning Districts](#)

3. Where can I locate my commercial cannabis business?

Commercial cannabis businesses shall only be placed in certain locations within the City of Martinez. This information has been assembled to assist interested parties in selecting locations that will be compliant with the regulations. It is the responsibility of the interested party to find a location that will meet this list of criterion and their needs. Final verification that any particular location is in compliance shall be completed by the City as part of the review of the proposals.

A. Permitted by-Right Locations, Only

All commercial cannabis businesses, except for out-of-City commercial cannabis businesses issued Cannabis Delivery Permits, must be located in areas of the City in which they are permitted by-right to be located, pursuant to the zoning regulations in place at the time of their original application. Please see Title 22 (Zoning Ordinance) for additional information.

B. Sensitive Uses

In addition to being located in the designated zoning district restrictions listed above, commercial cannabis businesses must be at least 600 feet from the following uses:

1. Schools. Any school providing instruction in kindergarten or any grades 1 through 12, (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12) that is in existence at the time the commercial cannabis business' Proposal is first submitted to the City.
2. Daycare. Any commercial daycare center licensed by the State, City or County that is in existence at the time the commercial cannabis business's Proposal is first submitted to the City.
3. Youth center. Any public or private entity that is exclusively used to host recreational or social activities for minors that is in existence at the time the commercial cannabis business' Proposal is first submitted to the City.

The distances set forth in this section shall be measured as a straight line, without regard to intervening structures or objects. Distances between commercial cannabis businesses and any existing Sensitive Receptors shall be measured from the property line of the property containing the Sensitive Receptor to the property line of the lot on which the commercial cannabis business is located. This measurement is in compliance with the Business and Professions Code sec. 26054(b).

C. No commercial cannabis business may be located on Main Street or Ferry Street.

4. Where can I find the city's zoning map?

It is located here:

[Martinez CommunityView™ Maps](#)

Please remember that there are other restrictions to keep in mind when you are attempting to identify a location. Please see Attachment 3 of the RFP for details.

5. What are "sensitive uses?"

Sensitive Uses

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- C. Youth center. Any public or private entity that is exclusively used to host recreational or social activities for minors that is in existence at the time the commercial cannabis business' Proposal is first submitted to the City.

Please see Attachment 3 of the RFP for additional restrictions related to location of cannabis businesses.

6. What is the cost to submit a proposal?

A deposit of \$10,000 is required to be submitted along with each proposal.

7. How are the proposals being scored and ranked?

The Proposal Review Committee will use the criteria detailed in each category in the table located in Section 4 of the RFP to evaluate, score and rank proposals and will prepare a report to the City Council. To be considered as a finalist, a proposal must receive a minimum score of 80% of the available points overall. The City Council will review each finalist and may select up to the maximum number of each type of use noted in the RFP.

8. When are proposals due back to the City?

Proposals are due no later than July 3, 2019 at 4:00 P.M.

All submittals must be delivered in person to the following location:

Front Permit Counter, City Hall
Community and Economic Development Department
525 Henrietta Street, Martinez, 94533

9. Can one party make multiple proposals if they find multiple properties?

Yes, each proposal needs to completely respond to the all the information included in the Request for Proposals, but one applicant can make multiple complete submittals.

10. Can we move our location once the proposals are submitted?

No, to maintain a fair process for all, the location of the business must be identified in the proposal and cannot be modified during this process.

11. Can a party submit a “vertically integrated” proposal?

(A proposal for more than one use in the same location)

Yes, but each of the uses have to meet the location requirements prescribed to that particular use. Please see Attachment 3 of the RFP for additional restrictions related to location of cannabis businesses.

12. How does a party demonstrate that they have control of a possible business location?

Evidence of a secured location for the proposed cannabis business shall include at least one of the following:

1) Real Estate Letter of Intent: A signed written term sheet, letter of intent, or exclusive negotiating agreement between two or more parties to sell, lease, or sublease property for a commercial cannabis use. To be acceptable, this document must provide an outline of the terms of the proposed agreement and clearly indicate that the property will be used for a commercial cannabis use. These terms can be further negotiated but must provide the basis for the proposed written agreement.

2) Real Estate Purchase or Lease Option: This is a signed written agreement for the purchase or lease of a specific piece of real property. With this document, the proposed buyer or lessee gains the exclusive right to purchase or lease the property for a commercial cannabis use. Once a potential buyer or lessee has an option to buy or lease a property, the owner cannot sell or lease the property to anyone else during the term of the option. The potential buyer or lessee pays for this option for a specific time period.

3) Purchase Agreement: This is a signed written agreement that a potential buyer will purchase a specific piece of property and the owner cannot sell to anyone else unless the terms of the agreement are not fulfilled.

4) Lease Agreement: This is a signed written agreement that gives a lessee certain rights to use and occupy specific property for a specified period of time and for a commercial cannabis use.

5) Proof of Ownership: This is a deed that shows that title to the real property belongs to the applicant/proposer.

Whichever option is chosen, the City requires written proof that the property owner has knowledge that their property is being submitted as part of a commercial cannabis application.

Wet signatures are required.

Please see RFP for details.

13. The RFP asks for a description of the nature of the proposed commercial cannabis use, including product types, average or expected sales amounts by product type, average or expected amount of cannabis storage. How much detail does the City want in this response? Do you want to know the brands?

This is a chance for potential cannabis business owners to share some of details of their business plan. The more the information included in this response, the better. Remember, the goal of this process is to pick the best businesses (80% or better score) and move them before the City Council for final selection. We do not need to know what specific brands of cannabis will be associated with your business, but we do want to know if the business is offering edibles, plants, oils, etc.

14. There is a section of the proposal that asks for “Additional identifying information for proposed Owners and all employees.” Does that include the requirement of Live Scan fingerprinting services? And, should I include any litigation history of all owners and operators, or just litigation history for the business?

Yes, please submit a Live Scan fingerprinting application form. This form may be found [here](#). At this time, you need to submit the form as part of your proposal for each person that is required to be included, however this information may change so please check back frequently. And, all litigation history for each owner and operator should be included. If the business has litigation history, please include that too.

15. Another section in the proposal requires odors to be contained on the property on which the commercial cannabis business is located. How might this performance standard be verified?

Different sections of the proposal highlight the importance of odor control. Odor control devices and techniques need to be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable offsite. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business.

To meet this standard, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the Community and Economic Development Director determine is a more effective method or technology:

- a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally.
- b. An air system that creates negative air pressure between the commercial cannabis business's interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

A person responding to the proposal should note how they intend to meet these standards, based on their particular type of business. While building permit level plans are not needed at this point in the process, the proposal should identify what odor control measures are planned and why they believe what they intend to do is sufficient.

16. Does the City need to have information on every possible employee? We may not select our employees until we are granted a conditional certificate. Is that a problem?

The City is looking at each proposal with the purpose of evaluating them on each of the criteria included in the ranking system found in the RFP. If one business has all its owners, operators and employees listed and their background information included, they will have responded more thoroughly than another proposal that has not assembled this information. That will likely be reflected in the score of each proposal.

17. The RFP notes that the two retail dispensaries need to be 1,000 feet apart. If there is a dispensary approved in Contra Costa County already, would all the properties in Martinez that were 1, 000 or closer to this subject property be considered to be in this buffer and therefore no longer eligible for consideration?

Yes, there cannot be two commercial cannabis dispensaries within 1,000 feet of each other, regardless if one is in another jurisdiction.