



OFFICE OF THE  
COUNTY ADMINISTRATOR

June 18, 2019

Matthew H. Hymel  
COUNTY ADMINISTRATOR

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903

Daniel Eilerman  
ASSISTANT COUNTY  
ADMINISTRATOR

**SUBJECT:** Update Regarding Staff Administration of Medicinal Cannabis Delivery-Only  
Retailer Licensing for Same-Site Applications

Angela Nicholson  
ASSISTANT COUNTY  
ADMINISTRATOR

Dear Board Members:

**RECOMMENDATION:** Accept Report

Marin County Civic Center  
3501 Civic Center Drive  
Suite 325  
San Rafael, CA 94903  
415 473 6358 T  
415 473 4104 F  
CRS Dial 711  
[www.marincounty.org/cao](http://www.marincounty.org/cao)

Staff would like to update your Board and the public regarding a situation not specifically contemplated in Chapter 5.90 of Marin County Code's Ordinance No. 3678 (Medicinal Cannabis Delivery-Only Retailer Licensing).

Specifically, Chapter 5.90's provisions regarding the "Site Review" phase of licensing did not contemplate the possibility that multiple applicants would propose to use the same site. Since Chapter 5.90 is not clear on this point, staff is interpreting "site" to mean "location of undeveloped or developed land under the same ownership." This interpretation is issued under the authority of Chapter 5.90.071(a).

Marin County Code 5.90.071(a)(4) states that proposed sites must be "compatible with the existing and future uses in the vicinity." Because staff has determined that co-location of more than one licensee on the same site may impact the ability of individual licensees to effectively implement security measures at a site, and may create cross-licensing complications associated with licensee- and site-specific conditions, staff is clarifying how "same site" applications would be processed to avoid the outcome of multiple licensees at the same site.

Specifically, if one or more applicants have chosen office suites within the same building complex located on the same site, only one application will proceed to the site review phase of the licensing program.

To determine which qualified and eligible applicant would proceed, staff is proposing a lottery process. County Counsel has reviewed staff's proposal and determined that a further lottery is consistent with the intent and terms of the Ordinance. The Clerk of the Board will conduct a public lottery, and one "same site" applicant will be selected. Those qualified and eligible applicants that are not selected will be allowed to identify a new site within six (6) months and reapply without prejudice.

There is no net county cost as a result of this policy clarification. Please let me know if you have any questions or concerns.

Respectfully submitted,

Matthew H. Hymel  
County Administrator

Brian Crawford  
CDA Director