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Embarc Meyers LLC - Meyers Commercial Cannabis Retail Selection & Award Procedures

1 message

Marissa Fox <fox@scalefirm.com>

Mon, Apr 19, 2021 at 5:17 PM

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Dear Members of the Planning Commission:

Please find the attached correspondence related to the matter referenced above. Should you have questions or require additional information, please do not hesitate to contact me directly.

Best,
Marissa

Marissa C. Fox

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 **MCF to EDC Planning Commission re Meyers Commercial Cannabis Scoring Appeal (04.19.21).pdf**
8171K

April 19, 2021

Sent via Electronic Mail only

Planning Commission
El Dorado County
Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667

Re: Embarc Meyers LLC's Commercial Cannabis Permit Application.

Dear Chair Vegna and Members of the Planning Commission,

Our office represents Embarc Meyers LLC (“**Embarc Meyers**”) with respect to the application referenced above. We appreciate El Dorado County’s (“**County**”) thoughtful merit-based selection process and diligent review of the preliminary applications submitted in connection with the permit for a commercial cannabis retail location in the Meyers Community District (“**Meyers**”). The County’s predetermined scoring criteria was applied fairly, objectively, and in accordance with a clear and unbiased process. This letter provides a brief summary of that framework, responds to appeals filed by Tahoe Honey Company, Inc. (“**THC**”) and 2020068 420-0001 LLC (“**Boldwyn**”), and affirms the continued willingness of Embarc Meyers to be a transparent, proactive, and responsive applicant, both now and going forward. Thank you for your commitment to this process and for your thoughtful and deliberative review.

1. Summary of Background and Underlying Facts.

Over the past decade, the County has developed a clear and comprehensive commercial cannabis ordinance (County Code of Ordinances (“**Code**”) Section 130.31.100 et. seq.) The Code sets forth an equitable approach to retail cannabis permitting that was carefully applied by County staff in their review of the preliminary applications.

a. Regulatory History and the Meyers Advisory Council’s Opinion that Cannabis Conforms With the Meyers Area Plan.

As the Planning Commission is aware, Meyers faces unique challenges as a result of its geography and location within the Lake Tahoe basin. In response to these local issues, the County developed the Meyers Area Plan (“**MAP**”) as the comprehensive long-term vision for Meyers. The County also established the Meyers Advisory Council (“**MAC**”) to advise on conformance with the MAP and make

appropriate recommendations to the Planning Commission and the County Board of Supervisors (“**BOS**”). (County Resolution No. 150-2018, attached as Exhibit 1 to this letter.) The MAC serves in an advisory capacity only and does not have the authority to approve or deny projects. (*Id.*)

When the initial version of the Code omitted a potential retail cannabis location within Meyers, the County asked the MAC to provide a recommendation on whether allowing such a use would be consistent with the goals and policies of the MAP. At its meeting on October 2, 2019, the MAC weighed the potential benefits and impacts of retail cannabis against the MAC’s goals and policies and encouraged the community to provide comment and feedback. (October 2, 2019 MAC Minutes, attached as Exhibit 2 to this letter.) The MAC considered this issue again on November 5, 2019 and similarly encouraged the community to participate in the ongoing discussion. (November 5, 2019 MAC Minutes, attached as Exhibit 3 to this letter.)

Over six (6) months later on April 22, 2020, the MAC found a retail cannabis storefront to be consistent with the MAP and voted to recommend that the BOS approve a permit for a retail location in Meyers. (April 22, 2020 MAC Minutes, attached as Exhibit 4 hereto.) This recommendation is consistent with the MAP’s emphasis on redevelopment projects that advance the long-term stability of the region and improve the scenic quality of the corridor. Specifically, the MAP encourages a “diverse mix” of land uses, development projects and activities that will “enhance the ‘year round’ economy.” (MAP, Goals 1, 2.) The MAP also promotes projects that “improve the visual and aesthetic quality” of the region through the “remodeling, upgrading, landscaping and aesthetic improvements of buildings, other structures, and signage.” (MAP, Goals 4, 5.) Improving “scenic resource and related community design improvements within the US 50 corridor” is also of critical importance throughout the plan. (MAP, Goal 7.)

On May 12, 2020, the BOS concurred with the MAC’s recommendation and amended the Code to provide for the allowance of one (1) retail cannabis permit within Meyers (“**Meyers Permit**”). The County then invited applicants to submit preliminary applications for scoring based on five (5) criteria that had been predetermined by County staff in connection with the first phase of the Commercial Cannabis Use Permit (“**CCUP**”) process. That framework was clearly set forth in an application overview (“**Application Overview**”) that was provided to all applicants prior to application submittal and scoring.¹ Applicants were informed that preliminary applications would be “reviewed by County staff with expertise in the corresponding fields” and “numerically scored by a multi-departmental, blind panel.”² To ensure that the process was fair and unbiased, individual category scores were not shared or discussed between departments.³ The applicant receiving the highest numerical score would be invited to submit a full CCUP application for the Meyers Permit. Embarc Meyers, THC, and Boldwyn each submitted preliminary applications in accordance with this process.

¹ Application Overview, available at <https://www.edcgov.us/Government/planning/Cannabis/Documents/Pre-Application.pdf>.

² Retail Selection Criteria, available at <https://www.edcgov.us/Government/planning/Cannabis/Pages/Meyers-Commercial-Cannabis-Retail-Selection.aspx> (“**Selection Criteria**”).

³ Notification Letter dated March 5, 2021, available at <https://www.edcgov.us/Government/planning/Cannabis/Documents/Planning%20and%20Building%20Department%20Meyers%20Scoring%20results%20-%20Final.pdf> (“**Notification Letter**”) and attached as Exhibit 5 to this letter.

b. Embarc Meyers’s Preliminary Application.

Gregory Daum is a local entrepreneur with deep ties to the Meyers community. Mr. Daum is the owner and operator of several small family businesses in the County, including LAD Sierra LLC (“**LAD Sierra**”). LAD Sierra has owned the real property located at 3008 U.S. Highway 50 (“**Property**”) since 2009.⁴ When the County announced the Meyers Permit, Mr. Daum realized that the Property was ideally situated for a retail cannabis storefront and undertook a comprehensive review of existing cannabis operations on the South Shore.

Mr. Daum’s investigation led him to Embarc Tahoe LLC (“**Embarc Tahoe**”), a retail cannabis business located in South Lake Tahoe that is owned by Christina Wilson, another local entrepreneur and County resident. Mr. Daum was particularly impressed with Embarc Tahoe’s careful approach to cannabis, which emphasizes community engagement, wellness, and ongoing investment in philanthropic initiatives that benefit local residents. To that end, Embarc Tahoe donates a percentage of all sales to a Community Investment Fund directed by a Community Advisory Board comprised of local residents (“**Embarc Tahoe Community Fund**”).⁵ Mr. Daum was similarly encouraged by Embarc Tahoe’s successful conversion of a dilapidated building to a vibrant, community-oriented business. Accordingly, upon deciding to submit a preliminary application for the Meyers Permit, Mr. Daum approached Ms. Wilson to discuss a potential collaborative effort. Ms. Wilson ultimately agreed to serve as Chief Strategy Officer for Embarc Meyers. Lauren Carpenter, an executive with extensive experience in cannabis operations and organizational leadership, and a longtime friend and colleague of Christy Wilson, and who played a formative role in Embarc Tahoe, decided to fund the initiative and serve as the Chief Executive Officer.

After finalizing their team, Embarc Meyers initiated the formation of a special purpose entity (Embarc Meyers LLC) owned by Mr. Daum and Ms. Carpenter and secured the permission of LAD Sierra to lease the Property. On June 30, 2020, Embarc submitted its preliminary application to operate a retail cannabis storefront at the Property. On March 5, 2021, the County announced that Embarc Meyers had secured the highest score on its preliminary application and was therefore invited to submit a full CCUP application for the Meyers Permit. Embarc Meyers submitted its application for a CCUP to the County on the next day.

2. Embarc Meyers is the Only Applicant Eligible to Proceed With the Commercial Cannabis Use Permit Application.

County staff followed a careful process and scored the preliminary applications correctly and in accordance with clearly established rules. The fact that Embarc Meyers received the highest score is unsurprising because neither Boldwyn nor THC may satisfy the Code’s requirements for a CCUP. Specifically, neither Boldwyn nor THC are in control of and authorized to conduct commercial cannabis activities at the locations they have proposed. Additionally, and although setbacks were not part of the

⁴ At the time Embarc Meyers submitted its preliminary application, Mr. Daum’s mother (Marjorie Daum) authorized the use of the Property as a member of the LLC. Sadly, Ms. Daum has recently passed away. As a result, Mr. Daum is the sole owner of LAD Sierra LLC.

⁵ Most recently, the Embarc Tahoe Community Fund committed fifty thousand dollars (\$50,000) to local youth programs. (See Green Wave: Cannabis Industry Blooming in South Lake Tahoe, Tahoe Daily Tribune (April 16, 2021), *available at* <https://www.tahoe-dailytribune.com/news/green-wave-cannabis-industry-blooming-in-south-lake-tahoe/>.)

scoring process and will be addressed in the CCUP application, Embarc Meyers is the only applicant that is eligible for a reduced setback in accordance with the express terms of the Code as detailed below.

a. Neither Boldwyn Nor THC Have Standing To Appeal Because They Cannot Demonstrate Control Over or Authorization to Use Property Proposed for Cannabis Operations.

The location of an applicant’s proposed cannabis activity is a critical component of the County’s preliminary application review and scoring process. To that end, applicants must either be the record title owner of the parcel proposed for cannabis operations or must demonstrate control over such parcel by providing the owner’s express written authorization for the applicant to conduct cannabis activities there. (Preliminary Application, Section 2(1); Code §130.41.100(F)(3).) To comply with this requirement, the preliminary application requires each applicant to submit the notarized written consent of the property owner. (*Id.*) Notwithstanding these statutory mandates, this requirement is grounded in logic and reason. As a practical matter, it would be functionally impossible for the County to evaluate the merits of any preliminary application for a cannabis retail store without assurances regarding the proposed location of such operations. As the County is well aware, a private property owner would be well within its rights to deny a request to allow cannabis activity on its property. Allowing an applicant to proceed without demonstrating that it has secured the control of the proposed project site would amount to nothing more than an exercise in futility and a misuse of limited County staff time.

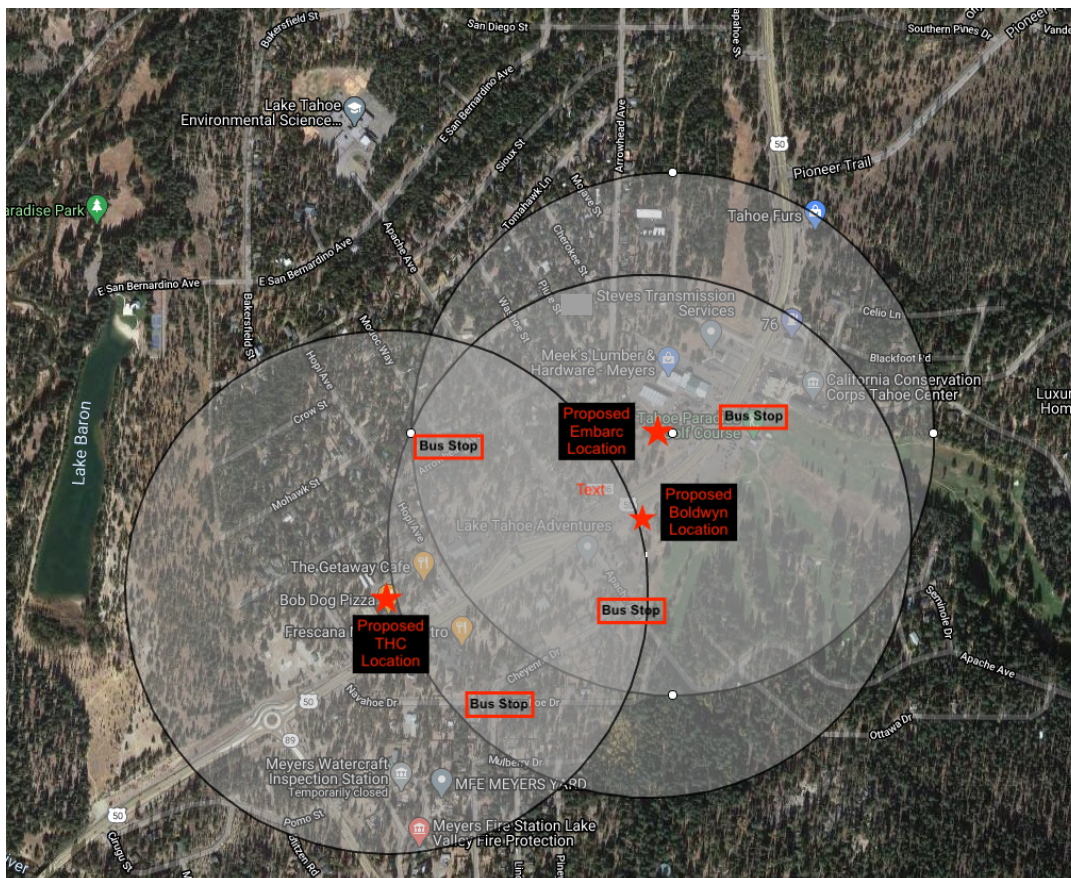
As discussed previously, LAD Sierra LLC is the owner of the Property. Embarc Meyers’s preliminary application includes a signed and notarized consent authorizing Embarc Meyers to conduct retail cannabis operations on the Property. Accordingly, Embarc Meyers has received the written consent of the property owner and has satisfied the property authorization requirements imposed by the preliminary application and by the Code.

Boldwyn’s preliminary application does not meet this requirement. Boldwyn’s application indicates that Boldwyn was in escrow for the real property located at 3025 U.S. 50, South Lake Tahoe CA 96150 (“**Chapel Parcel**”) but ultimately failed to consummate the sale because the transaction did not close by August 15, 2020. (*see* Addendum 2 to Purchase and Sale Agreement attached as Exhibit 6 to this letter.) Tax Assessor’s records indicate that no change of ownership occurred (*see* Exhibit 7 attached hereto). Accordingly, Boldwyn’s rights, if any, to the Chapel Parcel expired almost *eight months* ago, Boldwyn has not secured the consent of the owner of the Chapel Parcel to operate a retail cannabis storefront at this location, and Boldwyn is not authorized to proceed with a CCUP application. Boldwyn therefore lacks standing to bring this appeal.

THC may also not demonstrate control over or authorization to use the real property located at 3160 U.S. 50, South Lake Tahoe CA 96150 (“**Pizza Parcel**”). The record indicates that THC previously secured an option to purchase the Pizza Parcel that expired on March 31, 2021. (*See* Option (To Buy) Agreement attached as Exhibit 8 hereto.) Joe King (DRE # 01957156) is the realtor representing the seller of the Pizza Parcel in this transaction. (*Id.*) Mr. King omits this relationship or Mr. King’s financial interest in this transaction in the extensive public comment he has provided to this Commission. Regardless, neither THC nor Mr. King have provided evidence that THC has control of the Pizza Parcel. THC therefore has no standing to bring this appeal.

b. Embarc Meyers is the Only Applicant Eligible for a Reduced Setback Pursuant to the Code.

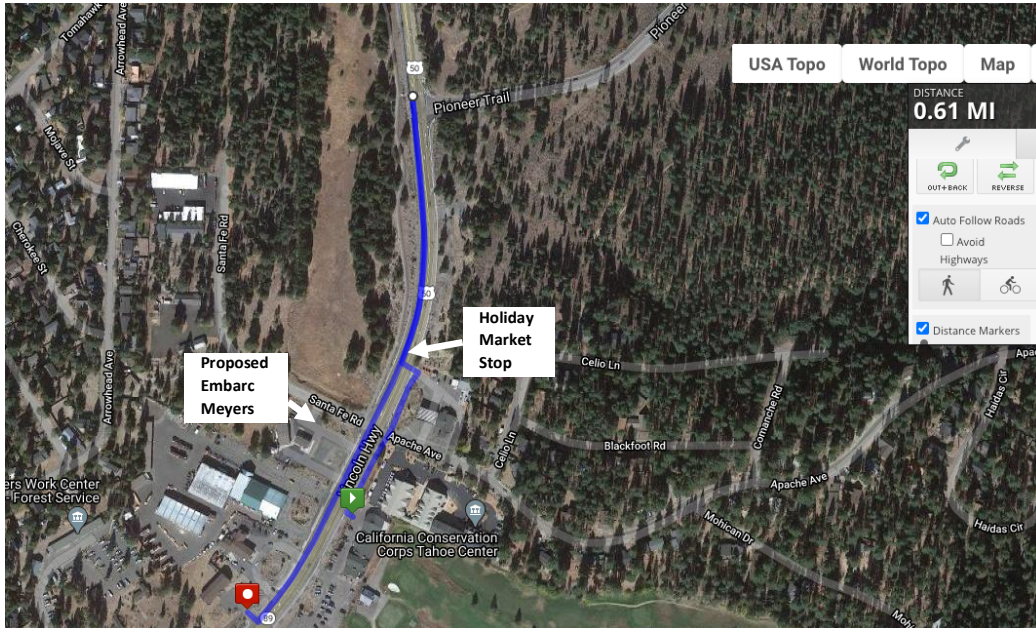
Generally, the Code precludes any commercial cannabis activity from occurring within one thousand five hundred (1,500) feet of certain existing uses, including school bus stops. (Code, §130.41.300(4)(C).) This school bus setback is illustrated by the following diagram showing the locations proposed by each applicant in relation to existing school bus stops:



The Code only allows for a reduction in the setback requirement if the applicant satisfies two conditions: (1) the actual setback must substantially achieve the purpose of the required setback; and (2) the applicant must demonstrate continuity in ownership of the parcel. Both requirements are discussed below in greater detail.

First, the applicant must demonstrate that the actual setback will “substantially achieve the purpose of the required setback.” (Code, §130.41.300(4)(C).) Here, the purpose of the setback is ostensibly to maximize the distance between locations frequented by minors and locations where cannabis is sold. As demonstrated on the foregoing map, Boldwyn’s proposed location is immediately adjacent to a parcel containing a school bus stop. Similarly, THC’s proposed location is a short walk away from a neighborhood stop. In contrast, the closest school bus stop to Embarc’s Property is located on the *opposite side of Highway 50* at Holiday Market (“**Holiday Market Stop**”).

To access the Property from this bus stop, pedestrians would be required to travel to the crosswalk located at the intersection of Highway 50 and Pioneer Trail. This effectively creates a setback of approximately 0.6 miles (3,168 feet) between the Holiday Market Stop and the Property, as demonstrated by the following map:



The actual setback resulting from the highway and the pedestrian access described above exceeds the required setback and will substantially achieve the purpose of distancing children from cannabis. Accordingly, Embarc meets the first condition for a reduced setback pursuant to the Code.

Second, the parcel on which commercial cannabis activity is proposed must have been “owned or leased by the applicant before voter approval of the ordinance from which this Section is derived on November 6, 2018.” (Code, §130.41.300(4)(C).) As previously discussed, Mr. Daum is an owner of Embarc Meyers, LAD Sierra is Mr. Daum’s family business, and LAD Sierra has owned the Property since 2009. Accordingly, Embarc Meyers is the only applicant that meets the second requirement to be eligible for a reduced setback.

Pursuant to the express terms of the Code, Embarc Meyers is the only applicant that may qualify for a reduced setback. Although this is not the subject of the instant preliminary application, this makes Embarc Meyers the only candidate eligible to receive a CCUP.

3. The Preliminary Application Appeals.

We understand that this is a competitive process. However, Meyers is a small community and Appellants’ attacks regarding the integrity of County Staff, Embarc Meyers’s leadership team, and this process are disappointing at best. Consistent with Embarc Meyers’s community values, we decline to dignify any of these baseless claims with a response and continue to reaffirm our ongoing commitment to productive and inclusive community engagement.

The County’s framework for reviewing and scoring the preliminary applications has been clearly defined and transparent since day one County staff’s review was objective and thorough, the process was followed correctly, and the resulting scores are supported by the underlying facts and the Code. Despite the fact that THC and Boldwyn were willing and active participants in this process and consented to its terms, THC and Boldwyn now claim it is unfair. If Boldwyn and THC had legitimate objections to the County’s process, they had ample opportunity to express those concerns prior to scoring. These challenges do not constitute satisfactory factual proof sufficient to overturn the County’s well-reasoned scoring decisions and the appeals filed by Boldwyn and THC must be rejected.

Before we address claims raised by each appeal in detail, we first note that the appeals demonstrate a basic fundamental misunderstanding as to how private businesses may be owned and operated, and as to whether an individual may own and/or operate more than one business concurrently. There are a number of reasons businesses may choose to hold property or conduct operations through different entities, none of which are relevant to Embarc Meyers’s preliminary application or these appeals. However, for the sake of clarity, we feel the need to repeat the following essential facts:

- Embarc Meyers is the applicant. Gregory Daum and Lauren Carpenter are the only members of Embarc Meyers.
- Christina Wilson is the Chief Strategy Officer for Embarc Meyers. Ms. Wilson is not an owner of Embarc Meyers.
- Embarc Meyers proposes to operate a retail cannabis operation at the Property. The Property is owned by LAD Sierra. Greg Daum is the sole member of LAD Sierra.

The fact that Christina Wilson is also the owner of Embarc Tahoe does not indicate nefarious conduct or reveal a “clear intent to mislead” the County. (Boldwyn Application, Section III(G).) Rather, it demonstrates a concerted and coordinated effort by Embarc Meyers to select a team of the most qualified professionals having experience in the industry and the community. Boldwyn’s allegations amount to nothing more than a last-ditch effort to create confusion and must be rejected.

Additionally, both Boldwyn’s and THC’s appeal argue that the County should disqualify Embarc Meyers’s preliminary application on the grounds that it is incomplete. This claim is not supported by the County’s process, which explicitly provides that the County could request additional information from applicants if necessary to complete the scoring process. Boldwyn and THC were both advised of this standard prior to submitting preliminary applications:

Be advised that if the application content is considered deficient and staff is unable to adequately review the proposal due to incomplete responses . . .or other required data, the applicant will be asked to provide clarifications and make corrections before staff can proceed with pre-application review.

(Application Overview, p.3.)

Consistent with the County’s established process, the County requested additional information as needed from applicants, including Boldwyn and THC. THC’s appeal provides pages of exhibits demonstrating that THC was a willing and active participant in this process. The County should not allow appellants to retroactively revise the rules to provide for harsh disqualification measures based on alleged technicalities that were never defined in the original scoring process. Boldwyn and THC’s claims must therefore be rejected.

a. Boldwyn’s Appeal.

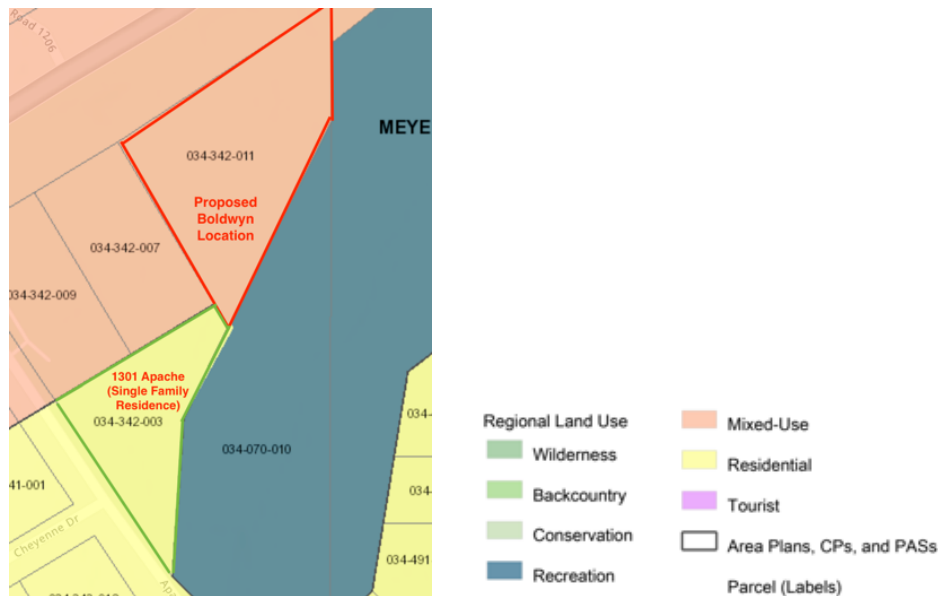
i. *The Code Does Not Provide for a “Relative” Standard of Review.*

As discussed, the County undertook an objective examination of the independent merits of each preliminary application. This process was clear, unambiguous, and unbiased. Despite that, Boldwyn’s appeal claims that the County inexplicably abandoned that approach in favor of a subjective process that is contingent on the *relative* merits of each application. (Boldwyn Appeal, p.3.) This conclusion is not supported by the facts. In fact, the County expressly rejected a subjective standard by adopting a blind review process and establishing a firewall between each department to prevent scoring information from being shared among reviewers. (See Notification Letter, p.1.) It is therefore not “reasonable to assume” that the County engaged in subjective scoring based on the relative merits of other applications. While Boldwyn is welcome to challenge the scores assigned to other applicants, he may not retroactively amend the County’s underlying standard of review to do so.

ii. *The County Correctly Assigned a Low Score to Boldwyn’s Property Because it Contains a Residence and is Immediately Adjacent to a Residential Zoning District and a Residential Parcel.*

Generally, the Code prohibits any commercial cannabis activity “on any parcel containing a dwelling unit used as a residence or within 500 feet of a residential zoning district.” (Code, § 130.41.300(4)(c).) Given that this prohibition would disqualify most property in Meyers, the Code allows the County to consider the “proximity of a residence” in evaluating the compatibility of commercial cannabis location within Meyers (*Id.*) For the purpose of determining distance and proximity, the County must measure “from the nearest point of the property line of the premises that contains the commercial cannabis activity to the nearest point of the property line of the enumerated use.” (*Id.*) Stated differently, the measurement will be taken “from the closest property line to the closest property line of the two parcels.” (Selection Criteria, p.1.) “A location that is directly adjacent to a residence will be given a score of 1.” (*Id.*)

We first note that Boldwyn’s argument is particularly surprising because the Chapel Parcel **currently contains an occupied residential unit** that Boldwyn intends to demolish if it is awarded the Meyers Permit. (Boldwyn Application, p.12.) Moreover, as indicated below, Boldwyn’s proposed site for retail cannabis operations *directly* borders both a residential zoning district *and* a parcel containing an existing residential use.



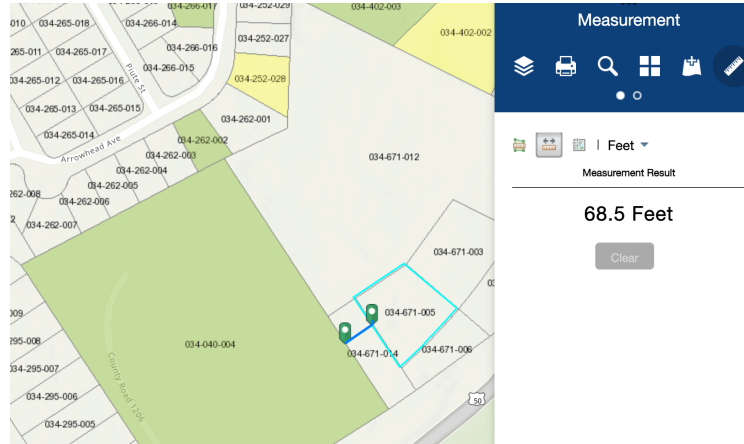
Boldwyn is therefore entitled to receive no more than a score of “1” with respect to this criterion.

In connection with its preliminary application, Embarc Meyers submitted a site plan (“**Site Plan**”) that includes three (3) parcels: (i) a 0.41-acre parcel containing an existing structure currently operated for commercial use (“**Structure**”) (Assessor’s Parcel Number (“**APN**”) 034-617-005) (“**Building Parcel**”); (ii) a 0.22-acre access parcel located between Highway 50 and the Building Parcel (“**Access Parcel**”) (APN 034-67-1006); and (iii) a 0.2-acre parcel of vacant land located to the southwest of the Building Parcel (APN 034-671-014) (“**Buffer Parcel**”). The express language of the Site Plan confirms that Embarc Meyers will conduct all commercial cannabis activity only within the interior of the Structure on the Building Parcel. Embarc has not proposed any commercial cannabis activity on the Buffer Parcel or on the Access Parcel.

For the purposes of evaluating the scoring criteria for “Distance to a Residence,” distance must be measured from the nearest part of the property line of the parcel that contains the commercial cannabis activity to the property line of the nearest residence. Boldwyn argues that the “nearest residential parcel” is the U.S. Forest Service Meyers Work Center (“**Work Center**”). The Work Center is located within a mixed-use zoning district, not a residential zoning district.⁶ This is evidenced by the fact that the Work Center includes offices, a fleet garage, laboratory, and dormitory space, and sometimes hosts vehicle and equipment auctions and chainsaw certification courses.⁷ We find it unlikely that the intent of the Code was to provide a buffer between properties like the Work Center and retail cannabis locations.⁸ Regardless, even if the Work Center were deemed to be a “residence,” the Buffer Parcel still provides distance between the property line of the Building Parcel and the property line of the Work Center, affording it a score based on the County’s scoring criteria of a “2.”

⁶ MAP, Figure 2-1, available at https://edcgov.us/Government/TPS/meyers/Documents/MeyersAreaPlan_Final_March2018_Combined.pdf

⁷ See MAP, p.6-2; Chainsaw Certification Course, April 27-28, 2019, available at <https://takecaretahoe.org/events/chainsaw-certification-course>; Forest Service Vehicle Auction, available at <https://www.mtdemocrat.com/news/forest-service-vehicle-equipment-auction-open/>



Boldwyn’s proposal would require the removal of an existing residence. Despite that, Boldwyn argues that County should essentially effect an involuntary merger of the parcels included in the Embarc Site Plan. California law is clear that contiguous parcels of land are not automatically merged by virtue of common ownership. (Cal. Gov’t Code § 66451.10(a).) This rule, which is codified by the Subdivision Map Act, preempts any local agency decision regarding merger. (*Id.* at § 66451.10 (b).) Regardless, the only commercial cannabis activity proposed on the Site Plan will occur within the interior of the Structure, which is located on the Building Parcel. The Access Parcel and the Buffer Parcel were included on the Site Plan only for the purposes of demonstrating that the Building Parcel has both access and an open space buffer. Consistent with its preliminary application, Embarc Meyers will not conduct any cannabis activity on the Buffer Parcel or on the Access Parcel. The County’s scores therefore reflect an accurate review of the proximity to a residence and Boldwyn’s claims must be rejected.

iii. Boldwyn Has Not Been Prejudiced by Embarc Meyers’s Redactions.

The gravamen of Boldwyn’s appeal is that Boldwyn was materially disadvantaged by Embarc Meyers’s redactions of trade secrets and confidential and proprietary information. Boldwyn is unable to provide any support for this claim because he is not entitled to this information.

Government Code §6255 provides that the County may withhold records which are exempt under the express provisions of the California Public Records Act (“CPRA”) or where the particular facts indicate that public interest served by not making the record public would clearly outweigh the public interest served by disclosure of the record. One such express exemption to the CPRA’s disclosure requirement is as follows:

Nothing in this chapter shall be construed to require the disclosure of records that are any of the following: *corporate financial records, corporate proprietary information including trade secrets*, and information relating to siting within the state furnished to a government agency by a private company for the purpose of permitting the agency to work with the company in retaining, locating, or expanding a facility within California.

(Cal. Gov’t Code § 6254.15 (emphasis added).)

Here, the County has gone above and beyond its obligation to serve the public interest by providing all applicants with full and fair disclosures of all information related to this process. The County provided Boldwyn with the Embarc Meyers's redacted application and gave Boldwyn the opportunity to dispute such redactions. The County then further limited its redactions to sensitive background check information, security plans and information not required to be disclosed pursuant to state law. Boldwyn has had the opportunity to review Embarc's application with the reduced redactions, including information regarding Embarc's odor control plans. Boldwyn's claims are therefore moot.

The County's ability to attract developers and private investment hinges, in part, on its willingness to protect the proprietary information of private companies in accordance with the explicit terms of the CPRA. Boldwyn's attempt to leverage the County's review of a preliminary proposal to obtain the trade secrets of a competitor is disingenuous at best. Like Boldwyn, Embarc Meyers has redacted certain proprietary information from its preliminary application. Boldwyn cannot and does not provide a single example to support its claim that it has been materially disadvantaged by any of these redactions at this stage in the process. Nor can Boldwyn explain why it requires access to any of this information now, rather than participate in the public process required by the CCUP application. Boldwyn's ability to make "evidenced based factual arguments" regarding the strength of its own application should not be contingent on the disclosure of Embarc's proprietary information, particularly because Boldwyn proposes to use this information to retroactively re-score the preliminary applications using a subjective standard. (*See Boldwyn Application, p.5.*) Boldwyn's claims must therefore fail.

Finally, Boldwyn's claims related to public participation are premature. The preliminary application is only the first step in the CCUP process. Embarc Meyers's CCUP application will undergo a robust review by the County that will include opportunities for public review and comment in accordance with the Code. (Code § 130.52.021.) Boldwyn is correct that the CCUP application process is designed to ensure that the public may review and comment on potential development projects. (*See Boldwyn Appeal, p.5.*) However, the subject of Boldwyn's appeal is Embarc Meyers's preliminary application, not its CCUP application. Boldwyn may not properly claim that it has somehow been disadvantaged by a process that has yet to occur. Accordingly, this issue is not ripe for appeal.

b. THC's Appeal.

i. *THC is not Entitled to the Meyers Permit as a Result of its Preliminary Discussions With County Staff.*

The County has adopted process for obtaining a commercial cannabis license that is clearly outlined on the County's website and consistent with the County's established process relating to pre-application/conceptual review (*See Application Overview, Code § 130.51.090.*) The purpose of the first phase of the pre-application review is to determine the basic eligibility of the proposed cannabis business operation and work to identify potential issues as early in the process as possible. (*Application Overview, p. 2.*) The County is clear that this process is intended to be iterative and non-binding:

While staff will take utmost care to accurately represent County Codes, Policies and applicable past positions of staff, the Planning Commission and the Board of Supervisors, it should be noted that matters discussed in the Pre-Application meeting should not be construed to bind, restrict or obligate

the staff or review boards when processing a subsequent application. A more thorough review that occurs during the formal application process could reveal issues and circumstances that were not known or reviewed during the much shorter review of the Pre-Application Review process. Further, it is incumbent on the part of the Applicant to obtain and understand all applicable Codes and policies.

(Application Overview, p. 2.)

The County followed this process objectively and fairly. Despite that, THC apparently believes it is entitled to receive the Meyers Permit because of discussions with County staff, including claims that THC had been assured it had achieved first position on a “wait list” for the Meyers Permit, and also that THC was told that it was doing a good job. (See THC Appeal pp. 3, 18.) This is reiterated in the “Declaration of Charles E Willett,” in which Mr. Willett also describes public and private meetings he had with County staff and members of the MAC to support his application. (Willett Declaration, ¶¶ 15-19.)

This Commission must reject THC’s transparent attempts to throw County staff under the bus here. Pursuant to the preliminary application process clearly set forth in the Application Overview, THC is not entitled to receive the Meyers Permit based on informal conversations between Mr. Willitt and County staff. This is not how the public process for entitlements works. Mr. Willett was repeatedly advised that no assurances by MAC members or County staff would be relevant to scoring or guarantee the approval of THC’s permit application. The County established an objective process that was duly followed by County staff and scores were based on the underlying merits of each application. Regardless of what Mr. Willetts believes he was promised, Mr. Willett’s personal expectations cannot override the public process.

ii. *Subjective Preference May Not Override the Private Property Rights of County Landowners.*

THC claims that it should have received a higher score on its preliminary application because a gym is “better for the community.” (Willett Declaration, ¶17.) This implies that the County somehow has the authority to mandate that the landowner limit its use of the Property to a gym. This is not how private property rights work. We understand that some local residents would prefer that a gym be located at the Property. However, this does not constitute demonstrative evidence that Embarc Meyers “would not be a good addition to the community in this location” sufficient to support a successful appeal. (See THC Application, p.20.)

LAD Sierra is the owner of the Property. As a private property owner, LAD Sierra exercised its rights to terminate the gym’s tenancy in accordance with California law and the gym has no further interest in the Property. Although it was certainly not required to do so, Embarc and LAD Sierra offered the gym significant relocation assistance. This was nothing more than a gesture of goodwill and evidence of LAD Sierra’s and Embarc’s ongoing commitment to supporting small business in the Meyers community. Regardless, the gym declined Embarc and LAD Sierra’s offer of support and has since vacated the Property. As a private property owner, LAD Sierra may choose who it may or may not lease the Property to. Neither the County nor any members of the public may dictate this decision. The authority delegated

to the County (including, without limitation, the MAC and this Planning Commission) does not include the discretionary ability to pick and choose businesses based on subjective preferences.

iii. *THC's Appeal Confuses the Preliminary Application Process with the County's Commercial Cannabis Use Permit Process.*

THC's allegation that the County has not complied with Code requirements related to CCUP applications demonstrates THC's fundamental misunderstanding of this process. As previously discussed, the application that THC submitted that is now the subject of THC's appeal is a **preliminary application**, not an application for a CCUP. The County's process was clear at the time THC submitted its preliminary application, and it is clear now. The preliminary application process, which is specifically authorized by Section 130.51.090 of the Code, is clearly set forth in the Application Overview that was provided to THC and available on the County's website. Because "it is incumbent on the part of the Applicant to understand all Codes and policies," THC's misunderstanding of the underlying law and process does not constitute appropriate grounds for appeal. (Application Overview, p.2.)

Because Embarc Meyers received the highest score on its preliminary application, it may now apply for a CCUP that is "subject to the public hearing procedures and recommendation from the Planning and Building Director." (Code § 130.41.100(4)(A).) We note that THC's unsupported allegation that MAC meetings were inadequately noticed is particularly misleading in light of its concurrent claims that Mr. Willett's robust advocacy and outreach efforts entitle THC to the Meyers Permit. Regardless, THC will have the opportunity to participate in the public hearing on this matter before the Planning Commission, and at any public meetings required as part of the County's review of the CCUP application. THC's attempts to circumvent this process must fail.

iv. *Embarc Meyers LLC is a California Limited Liability Company in Good Standing.*

THC's claims that Embarc Meyers's application should be invalidated as a result of its status as a limited liability company are entirely without merit. Corporate status was not identified as a criterion for scoring. At the time Embarc submitted its preliminary application, Embarc Meyers LLC was in the process of perfecting its formation and was acting in good-faith and colorable compliance with all statutory requirements (*See Cooper v. Leslie Salt Co.* (1969) 70 Cal. 2d 627.) Embarc Meyers is properly organized as a limited liability company in good standing with the State of California and THC's claim is entirely moot.

Boldwyn's claims regarding the adequacy of the background check performed in connection with Embarc Meyers's preliminary application are similarly baseless. This process was administered by the County Sheriff's office, which is comprised of qualified law enforcement personnel with decades of experience in conducting background investigations. The County Sheriff's office determined the information necessary to score the applications and requested such information from Embarc Meyers. Embarc Meyers complied with this process in full.

Finally, Embarc Meyers objects to THC's public disclosure of certain confidential personal information that was included in THC's appeal, notwithstanding assurances made by THC to the County that it would not disclose such information. Embarc Meyers reserves its right to address this matter at a future date.

4. **Issues Not Raised on Appeal.**

a. **Conflict of Interest.**

Finally, although neither Boldwyn nor THC raised this issue in their appeals, Embarc Meyers is compelled to correct certain allegations regarding to Mr. Daum’s volunteer service on the MAC. To be clear, neither Boldwyn nor THC raises this issue and Embarc Meyers is not obligated to address this matter. Regardless, in the interest of expediting this process and minimizing County staff time, we have provided a summary of the applicable standard and underlying facts as it relates to a potential claim that Mr. Daum’s participation on the MAC constitutes a conflict of interest under applicable law.

The conflict of interest provisions of the Political Reform Act (“**PRA**”) are limited to “public officials” and do not apply to citizens serving on an advisory panel. (2 Cal. Code Regs. § 18700(b).) “Public Officials” does not include individuals serving on a board or commission that does not have decision making authority (*Id.* at § 18700(c)(2).) “A committee, board, commission, group, or other body does not possess decision making authority if it is formed or engaged for the sole purpose of researching a topic and preparing a report or recommendation for submission to another public official or governmental agency that has final decisionmaking authority. . .” (*Id.* at § 18700(c)(2)(B).)

The MAC serves in an advisory capacity only and does not have the authority to approve or deny projects. (County Resolution No. 150-2018.) The members of the MAC do not have final decision-making authority. (*Id.*) Accordingly, absent clear evidence that the BOS was essentially rubber stamping the MAC’s recommendations, then the members of the MAC are not “public officials” for purposes of the PRA. Moreover, and as a practical matter, the MAC did not write the County’s Code regarding commercial cannabis permits or the Meyers Permit. The MAC made no recommendations, nor did it have any involvement in the development of the scoring criteria, which was developed by County staff and made public to all potential applicants at the same time. The MAC did not review or score any applications. Accordingly, no conflict of interest exists under the PRA or otherwise.

b. **Public comment.**

Finally, we reaffirm Embarc Meyers’s commitment to productive community engagement and decline to respond to allegations regarding Embarc Meyers or County staff. However, we find it important to note that Joe King (DRE # 01957156) is the author of *seven out of the ten* public comments provided to this Commission. Mr. King is the realtor representing the seller in an expired contract of the Pizza Parcel. (Option (To Buy) Agreement, p.3 attached as Exhibit 8 hereto.) THC has confirmed that it would not exercise its option unless its project was selected to receive the Meyers Permit. (THC Application, p.28.) Accordingly, Mr. King has a vested financial interest in supporting THC’s application.

5. **Conclusion.**

County staff reviewed the preliminary applications and assigned scores to each applicant using predetermined criteria in accordance with the blind scoring process laid out in the Application Overview. The Code does not provide “sore losers” with an opportunity to overturn these reasoned decisions based on technicalities or unsubstantiated baseless claims. Boldwyn and THC accepted the terms of the County’s

preliminary application and CCUP application process and were willing participants in submitting applications for scoring. Now, after the fact, they may not now retroactively claim that this process is somehow unfair. The false allegations, foundational misunderstandings of process, and conspiratorial theories of corruption and scandal contained in the appeals must be rejected. The County engaged in a thoughtful and fair process that was diligently carried out by County staff. Embarc Meyers followed the rules and was selected by the County as the most qualified applicant to proceed with the CUP application. The County should not allow this process to be taken hostage by frivolous appeals.

As the County is well aware, private capital is a limited resource and the opportunity for beneficial redevelopment projects at Lake Tahoe are rare. The project proposed by Embarc Meyers will provide a year-round business that will not only improve the scenic quality of the Highway 50 corridor, but also contribute substantial economic development benefits to the County and to Meyers. This is important for the County’s planning objectives and the long-term economic health of the community. Embarc Meyers is a committed partner to the future of Meyers and looks forward to working with the County towards meaningful community engagement and economic growth.

Thank you for your time and attention to this matter. If you have any questions or if you would like to discuss, please do not hesitate to reach out to me anytime.

Sincerely,



Marissa Fox
Counsel, Scale LLP

EXHIBIT 1
County Resolution No. 150-2018



RESOLUTION NO. 150-2018

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

ESTABLISHING THE MEYERS ADVISORY COUNCIL

WHEREAS, an ad hoc Meyers Advisory Council was formed with the sole purpose of drafting language for the Meyers Area Plan (MAP), which has since been disbanded; and

WHEREAS, the Board of Supervisors adopted the MAP on March 20, 2018; and

WHEREAS, Policy 1.2 in Chapter 7 of the MAP states that the County of El Dorado shall establish a formal Meyers Advisory Council (MAC) with regularly scheduled and publicly noticed meetings to provide recommendations to the Tahoe Regional Planning Agency (TRPA), the Planning Commission and/or Board of Supervisors on the implementation of the MAP; and

WHEREAS, the MAC shall include no fewer than five members and not more than seven members that are residents or property owners in the Lake Tahoe Region of the unincorporated County; and

WHEREAS, the MAC shall include community members representing business, environmental, recreation, and other appropriate interests necessary to carry out the vision of the MAP; and

WHEREAS, the MAC shall be appointed by the Board of Supervisors of the County of El Dorado; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of El Dorado hereby establishes a Meyers Advisory Council with the following provisions:

SECTION 1. ROLES AND RESPONSIBILITIES. At the direction of the Board of Supervisors, the Planning Commission or the TRPA Governing Board, the MAC shall have the following responsibilities:

- A. Review potential projects within the MAP boundary for conformance with the Plan's vision, goals, policies, and design standards and guidelines.
- B. Advise and make recommendations to the Planning Commission, Board of Supervisors, and/or TRPA on matters relating to project conformance with the MAP's vision, goals, policies, and design standards and guidelines.
- C. Serve as a conduit between the Meyers community and County government to foster enhanced communication, provide feedback and make recommendations on community and development projects and other associated issues.
- D. All members shall actively participate in the Council and any ad-hoc committee(s) thereof whose membership shall be comprised solely of less than a quorum of the Council.

SECTION 2. MEMBERSHIP. Members of the MAC shall be appointed by the Board of Supervisors as follows:

- A. The MAC shall consist of no fewer than five (5) and not more than seven (7) direct appointments, selected from the pool of applicants.
- B. All members shall be appointed by a majority of the Board of Supervisors after completion of a County application process.
- C. All members shall at the time of appointment and at all times during term of office be residents or property owners in the Lake Tahoe Region of the unincorporated County. Failure to maintain such status shall result in a vacancy in office.
- D. The MAC shall include community members representing business, environmental, recreation, and other appropriate interests necessary to carry out the vision of the MAP.
- E. All members shall have relevant knowledge, experience, and/or expertise in community and/or development issues.

SECTION 3. MEETINGS. The MAC shall hold regular meetings at least quarterly or more often, if necessary. The MAC, in coordination with County staff, shall establish a regular time and place for meetings. Special meetings of the MAC may be called at any time by the chair or a majority of the members of the Council and shall be noticed as required by law. All MAC meetings and members shall comply with the requirements of the Ralph M. Brown Act. The MAC shall endeavor to avoid unnecessary meetings.

SECTION 4. PROCEDURAL RULES. The Council shall propose rules, regulations and procedures as are reasonable and appropriate for its activities and shall submit such rules, regulations and procedures to the Board of Supervisors for approval. If approved by the Board of Supervisors, the Council shall adopt and be governed by such rules, regulations and procedures. In the absence of procedures to the contrary, the Council shall be governed by Robert's Rules of Order.

SECTION 5. TERMS OF OFFICE. Members of the MAC shall take office upon their appointment by the Board of Supervisors. The term of office for MAC members shall be four years. MAC members may serve more than one term if reappointed by the Board of Supervisors. The terms of the inaugural members shall be staggered in the following manner to ensure continuity in the membership:

- 2-3 inaugural members shall serve a four (4) year term (Depending on whether there are 5 or 7 MAC members)
- 3-4 inaugural members shall serve a two (2) year term (Depending on whether there are 5 or 7 MAC members)

For the inaugural membership appointment process administered by the Clerk of the Board of Supervisors, applicants to the MAC will be asked to voluntarily state their preference of a four (4) or two (2) year term on their council application. Based on these preferences, the Clerk of the Board of Supervisors will include a notation as to the term preference for each applicant on the Board agenda item to effect the appointments. In the event there are greater or fewer volunteers to serve a given inaugural term, the Clerk of the Board of Supervisors shall select at random a sufficient number of applicants to fulfill each inaugural term category from the pool of applicants. All MAC members shall serve at the pleasure of the Board of Supervisors and may be removed by a majority vote of the Board of Supervisors at any time.

SECTION 6. LAPSE OF MEMBERSHIP. If a member of the MAC fails to attend two consecutive regular meetings, the Chair of the Council shall notify the absent member. If the member fails to attend three

consecutive regular meetings, the Chair of the Council shall notify the Clerk of the Board. The Board of Supervisors then may declare the office vacant and fill the vacancy by appointment for the remainder of the unexpired term.

SECTION 7. ELECTION OF OFFICERS. At the first meeting of the MAC held after January 1 in each calendar year, the Council shall select one of its members as chair, one of its members as vice-chair, and one of its members as secretary; all of whom shall hold office for one year and until the election of their successors. The chair shall be responsible for chairing Council meetings and conferring with staff regarding meeting agendas. If the chair is absent, the vice chair shall assume the chair's responsibilities. The secretary is responsible for drafting meeting agendas, taking notes at the meetings and preparing the minutes of meetings.

SECTION 8. VACANCIES. a. In the event of a vacancy in the position of the chair, vice-chair or secretary, there shall be an election at the next meeting of the Council to fill the vacant position. b. In the event of a vacancy of any MAC member, the chair or staff shall notify the Clerk of the Board who will publish a Notice of Vacancy.

SECTION 9. AD HOC SUB-COMMITTEES. The MAC may establish a limited-duration ad-hoc sub-committee or sub-committees comprised of less than a quorum of Council members to assist the Council on such specific issues, programs and projects as the Council identifies and assigns.

SECTION 10. COMPENSATION. All MAC members shall serve without compensation. Participation shall be on a strictly volunteer basis.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 28th day of August, 2018, by the following vote of said Board:

Attest:
James S. Mitrison
Clerk of the Board of Supervisors

By:  _____
Deputy Clerk

Ayes: Hidahl, Frentzen, Veerkamp, Ranalli, Novasel
Noes: None
Absent: None

 _____
Chair, Board of Supervisors
Michael Ranalli

EXHIBIT 2
Minutes of the Meyers Advisory Council
October 2, 2019

Meyers Advisory Council

Wednesday, October 2, 2019; 3:00 pm – 5:00 pm

California Conservation Corps Building
1949 Apache Ave, Meyers, CA
meyersadvisorycouncil@edcgov.us

<https://www.edcgov.us/meyers>

Members:

Leon Abravanel
Joseph V. Cardinale
Trevor Coolidge, Secretary
Greg Daum
Carl Fair
Josh Marianelli
James Marino
Amanda Ross, Chair
Judith Wood, Vice Chair

1. Call Meeting to Order and Establish Quorum

The meeting was called to order by Vice Chair Wood and a quorum was established with Cardinale, Coolidge, Daum, Fair, Marianelli, and Wood present. Marino, Ross, and Abravanel were absent due to work conflicts or illness.

2. Approve Agenda

The proposed agenda as proposed was unanimously adopted.

3. Correspondence

Mr. Ferry noted that he received an email update from Chair Ross that included a transit update and that she was ill.

4. Minutes: July 29, 2019

The minutes as prepared were unanimously adopted.

5. Public Matters: Informational items and persons wishing to address the Council regarding non-agenda items

Mr. Tony Risso addressed the council on behalf of Meyers residents regarding ongoing traffic issues and requested that traffic be put on the next agenda. Mr. Risso is requesting turn restrictions to limit traffic going through residential neighborhoods. The idea has been heard by El Dorado Traffic Advisory Board, and Mr. Risso indicated that they like the idea, but are delaying to May 2020 to review/implement the idea. Mr. Risso noted a change.org petition is active to provide information and demonstrate resident support to address the issue sooner rather than later. MAC Vice Chair Jude Wood noted concern from living on Mandan and thought that EDC didn't have that level of control over roads. Mr. Risso indicated that at a past community meeting in June, the "Super Nudge 2.0" was brought up in addition to the turn restriction idea was brought up. Mr. Risso indicated that from meeting with EDC, CHP, and Caltrans that

it is possible to restrict, but the County would like to delay for studies. Mr. Risso's group would like to see something more aggressive and sooner.

Mr. Casey Howard from Meyers spoke on the topic of traffic as well, but stated that he felt that the issue wasn't with turn restrictions; it was a problem with GPS navigation re-routing drivers in circular detours. He noted requests from City and EDC being ignored by navigation applications. Mr. Howard implored MAC to put pressure on County to pressure app companies.

Mr. John Dayberry of Meyers addressed the MAC and requested to start a dialogue regarding public art element of the Meyers Area Plan to implement pieces of public art. He noted that the Tahoe Art Alliance can help with funding and develop a masterplan for Meyers. Mr. Dayberry noted that there was an original plan to include seven historic themes through different art installations in Meyers, and it is important to have a consistent theme for art and/or signage in Meyers.

MAC member Joe Cardinale noted that Tahoe Paradise Park is in the application process for grant funding for a new park restroom. He requested a letter of Support from the MAC to include in the CTC application. Vice Chair Wood indicated that she would prepare a letter of support both on behalf of the MAC and a second one from Boys and Girls Club of Lake Tahoe, of which she is the Executive Director. Wood noted that she also uses the park with the Boys and Girls club and understood the need.

6.A. Presentation and Discussion on Economic Development

Mr. Kyle Zimbleman with EDC provided a presentation on the County's Economic Development Fiscal Year 2019-20 Work Plan. During his introduction, Zimbleman noted support of Tahoe Chamber, with Mr. John Krueger, a regional business development consultant, and Mr. Steve Teshara, the Tahoe Chamber's CEO, in the audience.

Zimbleman noted advancements with EDC development structure; on 1/29/19 the EDC Board of Supervisors transferred Economic Development from the CAO office to the Planning and Building Department to encourage collaboration, followed by Board approval on 3/12/19 for the addition of a Senior Administrative Analyst and reassignment of an Analyst to improve staffing to support the new structure and strategic goals.

A key opening message was the mission to "Retain, Develop and Attract Business that Provide Economic Sustainability and Quality Job Creation." Mr. Krueger noted that as a consultant in 2015, he started an organization that supports six counties, and has subsequently moved on to consult on best practices in economic development. He stated that the County's program had been both formed and staffed, which was a big jump forward. EDC is now focused on existing businesses that form a foundation for growth. Sources of leads for growth and areas of focus include the County's surveying office that receives initial inquiries and industrial type businesses, along with TOT generators. Based on surveys, areas for improvements will be identified in moving forward. Krueger focused on economic development as a "team sport" and the need to find best practices from a broad variety and range of sources. A member

of the audience noted that a dean at LTCC focused on connecting students with careers or jobs in demand based on past experience from economic development in Nevada. Krueger agreed and noted the importance of the workforce in businesses considering locating to a given area, and that no amount of incentives can make development happen without a workforce.

Zimbleman subsequently highlighted other areas of economic development focus, including:

- Increase employment opportunities by improving workforce development skill
- Invest in infrastructure needs to improve maintain competitiveness, such as broadband and wifi infrastructure, the Missouri flat interchange, and addressing transportation needs for economic development.
- Nurture the County and Community's Business - Friendly Reputation – identify opportunities to improve processes and make business development less onerous.
- Provide Attainable Housing Options – Balance Jobs with Housing – focus on workforce housing development and review the potential long term impacts that age-restricted housing can have on schools and economic growth.

The presentation stressed the interconnected nature of business development, citing an example of the survey group contacting the economic development group about a potential development, which was able to engage with other County resources and receive help through the development process. EDC business development includes ongoing coordination with local chambers of commerce, collaboration with CAO, grants, development of industry relationships.

Examples of the partnerships to promote development and commerce included 2019-20 funding agreements such as Tahoe Prosperity Center (\$30k), EDC Chamber of Commerce Film Commission (\$150k), EDC Chamber of Commerce Visitors Authority (\$240k), El Dorado Hill Chamber of Commerce (\$110k), and Lake Tahoe South Shore Chamber of Commerce (\$79K).

MAC Member Cardinale asked about help with dealing with TRPA regulations as they impact businesses – EDC Planning Manager Mr. Brendan Ferry indicated that TRPA is still a separate challenge for implementation. Mr. Krueger noted that the cost and time of a certain regulation generally drive business determinations, but when the costs and times are unknown, businesses won't attempt to develop. Mr. Ferry noted that EDC and TRPA have an MOU that is transferring more and more responsibility to EDC, including larger projects such as multifamily and business projects.

6B. Discussion of County's Cannabis Ordinance

Mr. Ferry provided an update on cannabis regulations in the County. In September, the County adopted regulations related to cannabis covering medicinal, delivery, cultivation, distribution, and research operations. Cannabis is legal in the County, with applications being received as of yesterday. The County is creating a new work group to handle the applications.

Mr. Ferry noted that MAP areas were left out, unintentionally, from the cannabis regulations for uses being allowed. A proposal is being considered to add Town Center (retail) and industrial for (R&D and manufacturing) zones to the recent County ordinances to include zones included in the MAP. There are currently seven existing licenses available in the County, and consideration is being made to potentially add one or two licenses for Meyers. Meyers is hard due to the density of the area and existing setbacks as they pertain to cannabis. Ferry indicated that TRPA is deferring to local entities for cannabis regulation and is not taking a stand. MAC Vice Chair Jude asked about amending the MAP, Ferry indicated that it was not an amendment to the MAP, but was instead a modification to what activities are allowed in the different districts as identified in the MAP. Wood also asked about possibly using a ratio to determine how many licenses should be available, using the City of South Lake Tahoe as an example with a recommended ratio of approximately one dispensary per 5000 people. Ferry note that EDC currently has seven retail, 150 cultivation, unlimited delivery services, unlimited manufacture and laboratory licenses available.

During discussion, MAC Member Cardinale expressed a desire to bring the amendment question to a larger audience and ask to community. Wood noted that cannabis is a challenging topic, but that it is legal. One Meyers resident in the audience expressed a desire for EDC to look at the costs of cannabis for things such as treatment and ODs associated and compared it to cigarettes, concern was also expressed regarding the “cash nature” and potential criminal elements associated with cannabis operations.

Mr. Ferry noted that the amendment will require that it has to go before the Board of Supervisors, requiring an additional reading and adoption at the Board, in addition to potentially requiring planning commission action. Mr. Cardinale again pressed that the community should weigh in; Jude asked if the ratio of voters in the area that supported cannabis could be provided to determine the community’s level of support. MAC member Coolidge asked if there were benefits to either having or not having a shop present, and if not having one could actually provide a greater economic benefit. MAC member Marianelli asked about the timing of the decision, due to licenses currently being applied for. Ms. Ariana Van Alstine, representing with Tahoe Honey Company noted the potential benefits of locally based cannabis business versus the pending arrival of larger national companies. Mr. Charles Willett with Tahoe Honey Company indicated that if he was successful in opening a local business, he would commit 1% of sales to the Meyers Community Foundation and other economic benefits to the County and Meyers community.

MAC Vice Chair Wood concluded that EDC Supervisor Novasel should be requested attend the next MAC meeting, with the next MAC meeting being scheduled sooner than normal due to the impacts of licenses potentially being taken by the time the adjustments are worked out for Meyers.

6.C. Discussion of Closed Visitor Center in Meyers

Mr. Ferry noted that he had not heard back from USFS from his inquiry for the visitor center. Some history was provided that the USFS owns the land, CTC provided grant to USFS to run the facility for a

number of years, but that the grant expired and the center closed, with the USFS having to decide between running the Taylor Creek visitor center or the Meyers visitor center, and chose to use available funding to maintain the salmon center.

A member of the audience noted extreme amount of human waste being left in yards and impacts on businesses due to a lack of restrooms during road closures and traffic jams in Meyers. Ms. Paula Petersen with South Tahoe Now shared a USFS PIO response that the “USFS is exploring opportunities with several partners to re-open the facility.” Mr. Danberry noted that he had heard in the past that the USFS would potentially pass or permit the property to a willing partner – he suggested moving the boat wash station there or aquatic invasive center. Due to USFS not being present and in the interest of time, Vice Chair Wood requested that the topic be tabled.

6.D. Update from Public Transit Service Sub-Committee

Due to the sub-committee lead, Chair Ross, being absent due to illness, a brief discussion occurred regarding transit, with Mr. Ferry reading an update from Chair Ross. Ross had made contact with TRPA to discuss barriers to bringing transit to Meyers. Background was provided that transit to Meyers was implemented in 2019, but ended in March due to only one or two riders using the service. Alternative opportunities are being explored, such as approaching El Dorado Transit to implement a reverse commuter bus, similar to the Placerville-Sacramento commute option. Ross is reaching out to El Dorado Transit with support from TRPA to identify over the hill opportunities. TRPA indicated that they would gladly provide grant writing support and recognized the challenge of transit over the hill. Vice Chair Wood noted that TTD has faced a reduction in service to match demand and funding, which further reduces the potential for Meyers. Mr. Ferry encouraged participation in the One Tahoe outreach effort to identify transit and travel habits and needs in Tahoe. Dial-a-ride is still available (para transit service), it is usually only available per federal regulation within 3/4mile of fixed route service, but has been maintained at a higher cost to users in Myers due to extended mileage costs.

6.E. Update on Chain Control Action Plan

MAC member Coolidge discussed what was include in Caltran’s Environmental Impact Statement (EIS) document for the roundabout regarding chain control – the document indicated that a plan was still be determined and included consideration of advance notice of sign boards.

Discussion ensued regarding the design and operation of the new roundabout – it was noted that the bypass lane had not yet opened. A member of the audience asked if the roundabout was complete, noting a lack of reflectors, paint, and signage. Coolidge noted art was included in the EIS, but that aesthetic elements are not included, such as stamped or colored concrete and art. Another complaint was the uneven lighting and darkness on the 89 approach – it was again noted that the EIS indicated that even lighting would be provided, but was not. Concerns noted by Lake Valley Fire from a prior MAC

meeting were also noted, which included major concerns about the roundabout obstructing the roadway and traffic blocking LVFD from responding to emergencies. Questions from the audience also included how snow removal would occur with the presence of splitter islands, and why two through lanes were included due to the merge that it then caused. It was recommended that a listing of complaints be made and that they be send to Supervisor Novasel.

6.F. Update From and Selection of New Chair for Sub-Committee on Welcome to Meyers Sign

Jude motioned that Coolidge become that sign liaison contact for the Meyers Community Foundation with support from MAC Member Marino. A brief discussion of the sign locations was mentioned (CTC, USFS, and Caltrans), but not updates had been received from the MAF regarding location. Reducing the sub-committee was deemed appropriate because it also clarified that the MAC is not the lead entity for the signage, but instead the MAF.

7. Adjourn

The meeting was adjourned with a discussion on when to hold the next meeting. Ferry would provide a Doodle poll to select the next meeting date, tentatively during the first full week of November.

EXHIBIT 3
Minutes of the Meyers Advisory Council
November 5, 2019

Meyers Advisory Council

November 5, 2019; 3:00 pm – 5:00 pm

California Conservation Corps Building
1949 Apache Ave, Meyers, CA
meyersadvisorycouncil@edcgov.us

<https://www.edcgov.us/meyers>

Members:

Leon Abravanel
Joseph V. Cardinale
Trevor Coolidge, Secretary
Greg Daum
Carl Fair
Josh Marianelli
James Marino
Amanda Ross, Chair
Judith Wood, Vice Chair

1. Call Meeting to Order and Establish Quorum

The meeting was called to order by Chair Ross. Abravanel, Cardinale, Coolidge, Ross, and Wood were present. Daum joined at 3:19 PM during public comment on item 6A.

Marino, Fair, and Marianelli were absent. It was noted that Marino may be leaving the MAC due to other commitments.

2. Approve Agenda

The proposed agenda as proposed was unanimously adopted after confirming that Mr. Risso could present on Traffic. Wood motioned, Cardinale seconded

3. Correspondence

No correspondence was received for anything not on the agenda.

4. Minutes: October 29, 2019

The minutes as prepared were unanimously adopted. Cardinale motioned, Ross seconded.

5. Public Matters: Informational items and persons wishing to address the Council regarding non-agenda items

No members of the audience wished to speak.

6. Agenda Items:

6A. Letter of Support Request – Tahoe Paradise Park

Cardinale provided an update that the park is pursuing a grant for restrooms and other improvements. Cardinale would appreciate a letter of support, but wished to have a formal approval of the MAC, and would include more than just restrooms. An example was using Lake Baron for irrigation instead of South Tahoe Public Utility water, in addition to the restrooms, and possibly other project elements, such as recreation or event facilities. To properly pursue the grant, the park will go through a master planning process. Wood noted that she had drafted a letter following the last meeting, but that it was not currently on letterhead. EDC Planning Manager, Mr. Brendan Ferry, did not believe that the MAC could use supervisor Novasel's letterhead and requested that Coolidge create a letter head. Cardinale requested we create our own letterhead and write a letter in support of a planning effort to make the project more than just a bathroom. Cardinale elaborated on the projects that might be considered as part of the planning process that include a one-mile walking trail around the lake that would require a

minor bridge/boardwalk for completion of a wetland area, refurbishment of the No. 1 tennis court to include basketball, volleyball, and pickleball, trail restoration, and fire protection/thinning, and a snack shop in the clubhouse.

Ty Dayberry, a member of the public, noted that past Lake Baron meetings had mention of cross training facility such as aerial water jump, trampoline and foam pit: features that would be Olympic training oriented, along with a small auditorium. Cardinale responded that his hope was to have planning effort separate from the MAC meetings that would cover the scope of the improvements that would include opportunities for public outreach and input. Ty Dayberry wanted to make sure that the training facility remained at the forefront. Cardinale again requested a letter from the MAC that was less specific than a restroom request and would support a master planning effort. Ross closed public comment and indicated that she would provide updates as the planning effort advanced.

6B. Discussion of Closed Visitor Center in Meyers

Ferry provided a brief background regarding the closed visitor center and noted that a USFS representative was not present. Ferry noted that it has been a funding issue for USFS and that he had received an update that the USFS was reviewing options for the center and would be coming to the public and the MAC to work through solutions for the property.

6C. Update on US 50/89 Roundabout and Chain Control Action Plan

Ross spoke with Mark Clark (PM for project) who was not familiar with snow removal and chainup practices surrounding the roundabout area.

A member of the public, Mr. Mike Marini commented that he had heard concerns from Lake Valley Fire regarding the roundabout and urged for Lake Valley Fire to send a letter with concerns. Mr. John Dayberry, a member of the public, expressed concerns regarding how the roundabout was built and the landscaping that was included.

Cardinale asked if the roundabout was final. Ferry indicated that Caltrans was preparing to accept the project, but that Novasel was willing to address Caltrans regarding ongoing or incomplete items and issues. Ross will draft another letter to Caltrans with concerns. Coolidge noted that the road safety audit for the corridor had chainup items noted that were not implemented as part of the project.

6D. Discussion of County's Cannabis Ordinance

Ferry provided a background on the September ordinance for cannabis that included four uses. The land uses in the MAP were unintentionally omitted from the ordinance, excluding sales in Meyers. Ferry is proposing amendments that will address the land use. Ferry is pursuing public input in the open; the ordinance has to go before the Planning Commission and the Board of Supervisors (BOS). The decision will ultimately be the BOS' decision. Ferry noted that there are seven commercial licenses; Ferry is proposing to have one more license available and restricted to Meyers. Ferry didn't want Meyers to be excluded as a result of the omission of the land use category.

A member of the audience asked about the Planning Commission date; Ferry indicated that the date is not yet known, but that it would be in 2020.

A member of the public, Charles Boldwyn asked about other changes such as allowable zones and caps. Ferry indicated that allowable zones were going to be considered (Ordinance 5.1.1, indoor ordinance); town center of Meyers would be added to retail sales and the industrial zone would be added for

manufacturing, testing, and research. Only the town center and industrial zones would be added. Due to the density of Meyers, setbacks are a challenge due to distance to homes, schools, and bus stops, and would almost exclude business from Meyers. Exceptions for Meyers could be a policy issue, because other small communities face similar issues elsewhere in El Dorado County. Ferry noted that variances can be issues when a business shows that it is meeting the intent of the ordinance. Mr. Boldwyn noted that caution should be used regarding the creation of real estate winner and losers based on setbacks that make some properties highly valuable while others are left behind. Wood indicated that from her experience with the City of South Lake Tahoe's cannabis ordinance, that some setbacks are established by the State - Mr. Boldwyn indicated that that was correct for some, but not for all. Cardinale expressed concerns about cannabis activities on the Meyers community

Mr. Mike Marini from the audience introduced his experience in the medical industry. He urged that revenue not be the only factor for approval and that the impacts of cannabis and marijuana use on public health be considered, with Napa County's ban as an example. He expressed concern that local health facilities and providers would be burdened with negative side effects from cannabis and thought that Barton should be asked or the Marshall health system.

Another member of the audience spoke that they thought that if the legalization and sale of cannabis had been voted in, then the will of the people should be respected in a democratic fashion.

Mr. Charles Willet of Tahoe Honey Company of Truckee, indicated schools, churches and day care setbacks are set at the state level and that EDC added additional facilities and residential facilities. Asked for consideration of the minimum state setbacks as opposed the EDC setbacks be considered. Boldwyn indicated that EDC measured setbacks were calculated based on property line vs. the location of the use. Wood asked for clarification on the setbacks. Ferry indicated that a letter from the MAC would be requested as part of an update to the County's cannabis policy to add the land uses present in the Meyers town center. Wood asked about Supervisor Novasel being able to help facilitate a meeting to solicit feedback from the community. The item would be brought up again when the proposed language was available for consideration to update the ordinance.

6E. Update From Sub-Committee on Welcome to Meyers Sign

An update was provided that the Meyers Community Foundation (MCF) would like to place a Meyers sign below the tree on a CTC lot, seeking to mimic Tahoe City's signage. A member of the public asked about sourcing of artwork for the sign and Ross indicated that the MCF was working with Rise designs of Meyers. Cardinale commented that the Tahoe Paradise sign could also be used as a template. Ross indicated that she would ask for the MCF to consider the Tahoe Paradise example.

6F. Traffic Advisory Board Presentation

Mr. Tony Risso of Meyers presented the concerns related to Meyers traffic problems and the search for solutions. On 9/5/19 Risso stated that he met with a number of local emergency responders, State, and County contacts to review possible turn restrictions that are in place across the State that might be applicable to Meyers. Risso noted that where turn restrictions are in place in other communities, they are largely in place to eliminate shortcuts from navigation applications. Risso noted that people familiar with the area will potentially still seek to shortcuts, but the signage will indicated that they are prohibited. Risso also noted that the restrictions would allow residents to get home without blockages on local roads. Risso reported that the EDC traffic advisory board note that there were more pros than cons to the proposal, and that it was well received by the EDC Sheriff and CHP representatives that would responsible for implementation. One challenge to Mr. Risso's proposed turn restrictions is that

Supervisor Novasel is seeking data to support the implementation; Mr. Risso's group had sought clarification of what was needed, but had not received a response to what was sought by Supervisor Novasel.

EDC DOT indicated that they would have public meeting that would go over what has been done and where they stood on the turn restrictions. Risso noted that the meeting had not been schedule and that his group was seeking to have a meeting in November or December with stakeholders in Meyers. The meeting would be noticed by NextDoor, Facebook, email, South Tahoe Now, the Tahoe Daily Tribune, and local media. Risso indicated that the turn restriction proposal was listed on change.org (Meyer's Area Turn Restriction Proposal) and nextdoor.com (Turn restriction proposal) as the Meyer's Turn Restriction. Risso noted that the turns would only be on weekends and holidays from 10 AM to 4 PM when traffic was the worst.

A resident from Mandan Street asked if pictures or comments would help, but it was indicated that traffic counts are needed and that that they would not be collected before May 2020. The most severe restrictions on turns and directional closures will not be implemented this winter due to concern over causing accidents during snow conditions. Ferry noted that counts are available on the County website for many roads. There was brief discussion from multiple members of the audience regarding what data might be needed, the success of turn restrictions in areas such as Fremont, and the thought that the proposed restrictions might not reduce trip time, but would promote circulation.

Risso noted that they were having trouble finding a location for the meeting, the Magnet School and CCC auditoriums were suggested.

6G. Public Art in the Meyers Corridor Presentation

Mr. John Dayberry had attended a meeting with the Washoe Tribe regarding art in Meyers. He shared that Caltrans indicated that there would be nothing in the roundabout and art would not be considered and that there would be not be any landscaping or non-mountable elements; this was not how the roundabout was constructed by Caltrans, as it has a mounded median and landscape features that were not vetted with the community.

Mr. Dayberry suggested creating a Meyer's area beautification plan. Dayberry spoke with John Fellows who owns Aspen Hollow and is a landscape designer; a major concern is the presence of invasive plants in the Meyers US50 corridor, Dayberry indicated that invasive weeds are highly concentrated in the Meyers area due to them taking hold in disturbed areas from past Caltrans projects.

Dayberry noted that the TRCD is based in Meyers for aquatic invasive species (AIS) inspections and that they might be a partner in addressing the proliferation of non-native and invasive plants.

Dayberry read an excerpt from the Meyers Area Plan (MAP) that right-of-way signage should be minimized, but that there are 38 in one direction and 45 in the other direction, with an example being redundant signs for a campground that doesn't exist. Dayberry wished to coordinate with Caltrans on the invasive plants and signage issues.

Dayberry also noted the language from the MAP regarding public art and that Rebecca Bryson (not in attendance) from the Tahoe Arts Council had expressed interest supporting art in Meyers. Dayberry

noted the art themes and significance of the Washoe people, Snowshoe Thompson, Wells Fargo, Pony Express, 1968 Olympics, and Meyers Olympians. Dayberry noted that Meyers could apply to the IOC to use the Olympic flags or logos, which is a long process - it was recently done for the Echo track site. Dayberry shared the history that the trials athletes being housed locally and awards occurring where the Divided Sky is now located. Dayberry suggested that one roundabout (in reference to the Caltrans and County projects) could house a Washoe Basket made from ski cable; he also noted the high (~38%) percentage of traffic that comes into the basin via US50 that makes art on the corridor highly visible and the potential to incorporate art in Meyers at the visitor center.

Cardinale inquired about maintenance and cleanup options such as County or CCC crews maintaining the corridor. He also noted that Snowshoe Thompson monument at Holiday Market is nearly buried and that it should be celebrated. Dayberry noted that Holiday executives had shared that they are planning on landscape improvements that will celebrate the monument when meeting with him. Members of the public noted that appreciation for historical elements when considering art in Meyers.

Ross closed public comment and asked if business owners were interested in forming a CSD. Wood asked if there was funding available from the County. Ferry noted that it is a State corridor, but that the Pat Lowe bike path was County maintained. He also noted that the negative impacts of the 280-foot wide highway right-of-way (ROW), and that relinquishment of the ROW has been discussed, but has not been a high priority. Getting the ROW and improving it will require a plan and show of support. Dayberry noted that the Arts Alliance could help with the ongoing effort. Cardinale recognized that the art elements would become a draw for visitors once established. A comment was also made that the Chevron station could celebrate the historic highway as a fill station.

Dayberry and Ferry discussed next steps. Options included approaching the Art Alliance, TRCD, and the League to Save Lake Tahoe. An EDC DOT staff member in the audience suggested looking at other small towns such as Lee Vining and Bridgeport to see what has been done in other communities along highway corridors.

Regarding the MAF and signage, Dayberry felt they are on the right track, but that there should be a plan for art and signage in Meyers. For leading the effort, Ross proposed a new subcommittee. Concern was expressed that Caltrans was non-response to community of Meyers. Ferry noted that EDC is looking for grant funding for other improvements in the area. There was a comment from the audience regarding the creation of a benefit zone for Meyers, similar to what exists in Tahoma for drainage maintenance, with funds restricted to an area. Caltrans was discussed as the logical lead for the invasive and signage issues in the State ROW.

After discussion, it was decided that a new subcommittee focused on artwork and beautification in Meyers should be created. Coolidge would initially work with Dayberry, with additional MAC members anticipated to join. Ross motioned to form a subcommittee to work on a Cardinale seconded with all voting in favor; it passed unanimously.

7. Adjourn

As a result of the number of items on each MAC Agenda, a brief discussion occurred and identified the need to meet bi-monthly, rather than quarterly. The next meeting was set for January 14th from 4 PM to 6 PM at the California Conservation Core Building in Meyers.

EXHIBIT 4
Minutes of the Meyers Advisory Council
April 22, 2020

Meyers Advisory Council

April 22, 2020; 4:00 pm – 6:00 pm

Virtual Meeting
Member and Public Access via Zoom

<https://www.edcgov.us/meyers>

Members:

*Leon Abravanel
Joseph V. Cardinale
Trevor Coolidge, Secretary
Greg Daum
Carl Fair
Josh Marianelli
James Marino
Amanda Ross, Chair
Judith Wood, Vice Chair*

1. Call Meeting to Order and Establish Quorum

Abravanel, Cardinale, Coolidge, Daum, Fair, Marianelli, Ross, and Wood were present, in addition to Brendan Ferry, Planning Manager with El Dorado County.

Chair Ross welcomed members of the public attending online and gave thanks after serving as the Chair of the MAC for the past year.

The meeting was called to order with a quorum established.

2. Approve Agenda

Agenda was approved without modification.

3. Correspondence

No correspondence was reported.

4. Minutes: January 14, 2020

No changes to the minutes were requested and the minutes were approved.

5. Public Matters: Informational items and persons wishing to address the Council regarding non-agenda items

No members of the public sought to speak on non-Agenda items.

6. Agenda Items:

A. Election of MAC Chair, Vice-Chair and Secretary

Following the first year, the three positions on the Council were up for nomination. Chair Ross indicated that she would not seek to Chair the MAC for another year due to numerous commitments and her recent appointment to the County Planning Commission.

Wood and Coolidge indicated an interest in continuing on in their existing roles, but did not have availability to step up to Chair the MAC. Ross outlined the duties of the Chair, that included working with County and other agency staff to set the agenda, advance projects, and coordinate with staff to address issues and provide presentations. Several members expressed an interest to support the new Chair, but did not believe that they had the time to commit to being an effective Chair. Leon Abravanel expressed interest in serving as the Chair; based on his interest, Mr. Ferry proposed moving forward with Abravanel as Chair, Wood as Vice Chair, and Coolidge as Secretary for the next year. It was unanimously accepted. Ross will work with Abravanel to transition duties, with support from Wood and Coolidge.

The item included brief discussion regarding the seat on the MAC that was left vacant after Mr. Jim Marino stepped down due to other commitments - in order to fill the seat, a public recruitment and appointment by the BOS is required.

B. COVID-19 Update & Discussion

Mr. Ferry provided a brief update regarding the current status of COVID-19 and the County's response. As identified in the Agenda, Ferry called attention to the County's website for the most recent information, available at: <https://www.edcgov.us/Government/hhsa/Pages/EDCCOVID-19.aspx>

Mr. Ferry noted that he had reached out to EDC Public Health officials, but they were not available to present at the MAC meeting. Mr. Ferry covered the major events including County, State, and Federal guidelines and restrictions related to travel and commerce. The most recent local action was an EDC order calling for a stop to non-essential travel into the El Dorado County portion of the Lake Tahoe Basin.

Cardinale asked about how travel restrictions were being enforced and if they were occurring elsewhere; Ferry and Leona Allen (a member of the audience and Lake Valley Fire Protection District Board Member) indicated that similar restrictions were occurring elsewhere, but that the means of enforcement had not been finalized. Ferry indicated that the EDC was continuing to operate as an essential service, with DOT and law enforcement continuing normal operations, but a large portion of staff was working remotely. Cardinale noted that Tahoe Paradise Park's Board is considering how they should remain open and was considering only being open on weekdays. No action was taken.

C. Local initiatives to help those struggling in the County

A general discussion occurred, with several MAC members noting services available for those in need, including:

- *Wood expressed thanks to LTUSD for giving out 900 bags of food to children in the community last Friday, approaching 5000 bags of food per week. She also noted that the Boys and Girls Club of Lake Tahoe is providing 80-100 hot meals each evening via a drive-thru system; meals have ranged from fresh pizza to donated roasted chicken.*

- *Christmas Cheer and Bread & Broth are also providing food assistance.*
- *Abravanel noted that he was working with Rise Designs of Meyers to create merchandise for Tahoe Together, a fund raising effort with proceeds to support COVID-19 relief funds administered by three local community groups: the El Dorado Community Foundation, Parasol Tahoe Community Foundation, and Tahoe Truckee Community Foundation.*
- *Wood also noted Tahoe Magic can help those in crisis in a variety of ways, following an agency referral to their services.*
- *Lake Valley Fire Protection District was thanked for getting groceries for highly vulnerable residents.*
- *Ross shared that a listing of restaurants offering take-out and to-go food is available at www.Tahoe.is*
- *Coolidge noted that the Barton Foundation is providing grants for up to \$500 to individuals and organizations in need or facing financial hardship as a result of COVID-19.*
- *MOBO Law and MacLean Financial Group were noted as providing support to local businesses for applying for business loans and federal aid.*
- *Tahoe Chamber is providing weekly presentations for current issues related to HR and business during the COVID-19 crisis.*

D. Potential impacts from loss of County sales tax and TOT revenue

Mr. Ferry noted that there would be revenue impacts to the County, but that the amount of lost revenue was not known at this time, nor was the duration of the VHR restrictions.

Cardinale asked if there was the potential for reimbursement for lost income from the State or Federal governments - it was unknown if a program existed.

Ross asked about the impacts of lost TOT on specific programs - the specific impacts were not known. Meyers Community Foundation (MCF) is working with the same group that completed the art in Tahoe City, but progress has slowed due to COVID-19. Ross suggested that MAC apply directly for TOT funding to advance projects of interest to the MAC. Wood suggested partnering with MAF due to their non-profit status, as they could act as a pass-through. Ross noted possibly making a request for an economic study or beautification effort.

E. Commercial Cannabis Ordinance Update

Ferry noted that the EDC Planning Commission was meeting tomorrow, and that Ross was a member; the Commission will hear planning zone ordinance amendments that will add Community Center and Industrial areas in Meyers to the existing EDC code for cannabis retail distribution, in addition to light manufacturing, testing, and delivery operations. There is also a request for one additional county facility to bring the county total to 8 that would be restricted to

An exception to the 500 foot setback is included in the proposed ordinance due to no properties otherwise being eligible due to the small size of Meyers; proximity to a residence will be evaluated based on the proposed use as part of the permitting process for a business. Ferry noted that all applications would require a special use permit. Following the first reading, a second reading would occur on May 12th, with changes to go into place 30 days after the second reading, if approved.

Wood asked what the process would be for a business coming into the community. She noted that the City included a consideration of a corporate responsibility and community benefit; Wood noted that there could be community benefit as a new source of revenue. Ferry indicated that the County has had an open application process and that there is a wait list, and that the wait list includes businesses that wish to locate in Meyers. Ferry indicated that businesses are scrutinized for issues ranging from security to odor as part of the permitting and application process. Ferry would pass along the desire to have a community minded business. Wood added that the City also considered locally based businesses due to the community connection and better interface with the community. Ross sought to clarify that the setback would be completely eliminated and noted that there could be a business next to a residence. Ross and Ferry noted that a conditional use permit would have to be issued, and the application process would have additional outreach and potentially result in additional conditions.

Mike Marini, a member of the online audience, noted concern surrounding the issue of marijuana sale in EDC and that the County should develop drug addiction treatment centers and programs if sales will be added.

A member of the online audience noted concern that VHRs are in neighborhoods as businesses and asked if cannabis businesses could operate in a similar fashion; Ferry clarified that the businesses would have to be in select zoning areas, and that the proposed ordinance did not include residential areas.

A member of the online audience, Mr. Charles Willett with Tahoe Honey Co of Truckee noted that he is a business owner that would like to open a business and contribute funds to a nonprofit that would benefit the community. He also noted that he seeks to operate a clean and secure business that would interface with the community.

Discussion returned from the public to the MAC members. Ross noted that the way that the cannabis licenses are structured, it is not likely that revenue would stay in the community.

Cardinale noted that the money would go to the County, but that the issue stays in Meyers. He felt that the benefits were not present to warrant opening Meyers to cannabis uses and that it might lead to community issues.

Wood asked what implications it would have for other businesses. Ferry indicated that it would only add to the possible allowable uses.

Marianelli noted that he might be concerned if a business was nearby, but was not opposed to the ordinance due to the additional permitting that would be required.

Abravanel noted that there were other businesses that either exist or are currently allowed that don't contribute in a positive way to the community, and that the right owner of a cannabis business could create positive change. He noted that there is stigma associated with cannabis and that there are significant restrictions surrounding cannabis. He thought that local ownership was important to help ensure the potential business would work with and contribute to the community.

Ross asked if money could be kept locally or if the ordinance could direct funding. It was believed that it could not.

Coolidge indicated that he struggled with the exclusion of cannabis from Meyers zoning being the result of an omission in the original ordinance, but that he did not think the change was consistent with the MAP or what the Meyers community wanted. Abravanel again noted that not every business was necessarily a productive contributor to the community, citing bars and liquor stores.

Wood indicated that she did not necessarily like it, but that it was the law, and that cannabis was in the community due to stores being present in the City.

Daum noted that he thought with the right owners and the right location, there should be the potential for cannabis in Meyers. Fair also indicated being in favor of the ordinance.

Ross requested a vote in order to inform the EDC planning commission and BOS in consideration of the cannabis ordinance. Due to her recent appointment and roll on the planning commission, Ross abstained from the vote. The MAC voted 5-2 in favor of the proposed ordinance.

F. Discussion of Measure M & Measure B Outcomes & Next Steps

Both measures M and B failed, with the majority of votes counted.

The County had found roughly 66% of voters supporting additional funding for snow removal when polled. The vote came back with 49.1% voting yes and 50.9% voting no, short of the needed two-thirds

threshold. The County was not in a position to advocate or advertise for the measure. Voter turnout was very low. There are no plans for pursuing additional funding at this time.

In response to Measure B failing to be adopted by the voters, Lake Valley Fire Protection District (LVFPD) Chief Zlendick reported that LVFD is focused on the community's needs and COVID. LVFPD will maintain service as best they can and will hold a position vacant to reduce costs. They are working with their Board and remain focused on COVID and the upcoming fire season. Leona Allen, a member of the LVFPD Board, thanked Chief Zlendick for his service and for taking over at a very difficult time.

G. MAC Subcommittee Updates

No subcommittee updates.

7. Adjourn

Based on the availability of MAC members and EDC staff, the next meeting was set for June 24, 2020 at 4:00 PM. The meeting was adjourned.

EXHIBIT 5
Notification Letter



PLANNING AND BUILDING DEPARTMENT

PLANNING DIVISION

<https://www.edcgov.us/Government/Planning>

PLACERVILLE OFFICE:

2850 Fairlane Court, Placerville, CA 95667

BUILDING

(530) 621-5315 / (530) 622-1708 Fax

bldgdept@edcgov.us

PLANNING

(530) 621-5355 / (530) 642-0508 Fax

planning@edcgov.us

LAKE TAHOE OFFICE:

924 B Emerald Bay Rd

South Lake Tahoe, CA 96150

(530) 573-3330

(530) 542-9082 Fax

March 5, 2021

**RE: Notification Letter - Meyers Commercial Cannabis Retail Selection – Merit Based Review & Scoring
Application Number's CCPA20-0011, CCPA20-0012, & CCPA20-0013**

To whom it may concern:

El Dorado County's Planning and Building Department has completed review of the Meyers Commercial Cannabis Retail Selection & Award Procedures – Merit Based Review & Scoring. On May 12, 2020, the El Dorado County Board of Supervisors adopted Ordinance amendments to County Code Section 130.41.300 – Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis. The Ordinance amendments allowed for the addition of one (1) commercial cannabis retail storefront in Meyers in the Lake Tahoe Basin. In order to determine which applicant could submit a formal application for that retail storefront permit, El Dorado County staff established a scoring system to rank potential applicants to select the highest scoring applicant to go through the Conditional Use Permit process.

Staff was unable to meet the initial October 1, 2020 scoring release goal due to a number of factors, including wanting to ensure a fair, inclusive process. Delays in obtaining the necessary federal approvals to perform Livescan background checks also required an adjustment to the background check process, requiring the need for additional staff time to review materials and determine scores.

The information disclosed as part of this pre-application background scoring process will be verified during formal application, and any failure to disclose information for purposes of scoring may be grounds for disqualification. Pre-Applications were reviewed by County staff with expertise in the corresponding fields and numerically scored by a multi-departmental panel based on the following equally-rated criteria:

- Distance to a Residence
- Security Plan
- Odor Control Plan
- Background Check
- Plan to prevent theft and access to cannabis and cannabis products by individuals under the age of 21 unless they have a valid medical cannabis card

On a spectrum from 1 to 5, with 1 being the lowest score and 5 being the highest score, applications were scored in each of the above criteria areas based on their completeness, thoughtfulness, creativity, and ability to meet and/or exceed the standards outlined in the County's application forms. The scores from the five criteria above were then added together and the applicant that received the maximum score out of a possible 25 points is selected to submit a full application for the commercial cannabis retail location in Meyers.

Applications were independently scored by the departments with expertise in the corresponding fields and the individual category scores were not shared or discussed between departments during the scoring process. The scoring criteria are generally described as follows, with more refined criteria for each category that may be viewed on Planning's website:

1. A score of 1 barely meets the minimum standards to be considered complete
2. A score of 2 marginally goes beyond minimum standards

3. A score of 3 exceeds minimum standards but is still an average plan
4. A score of 4 is greater than average but less than the best plan
5. A score of 5 is the best possible submittal

A ranked list of applicants based upon total scores has been established.

Pre-app File #	Applicant	Distance to a Residence	Security Plan	Odor Control Plan	Background Check	Plan to Prevent Theft and Access	Total
CCPA20-0011	Tahoe Honey Company	3	4	4	1	4	16
CCPA20-0012	Charles Boldwyn	1	5	3	5	5	19
CCPA20-0013	Embarc	2	4	5	5	4	20

The applicant with the highest total score must submit a full Commercial Cannabis Retail Application and the associated application fee within 5 business days of the date of this letter.

If the selected applicant fails to submit a complete Application and applicable payment within 5 business days of the date of this letter, that applicant will be disqualified and the applicant that scored second will be given the opportunity to submit a full application and payment within 5 business days of notification. Similarly, if the applicant that scored second does not submit a full application within 5 business days of notification, the applicant scored third will be given the opportunity to submit a full application and payment within 5 days of notification.

After the full application has been deemed complete by the County, the applicant will follow the outlined Conditional Use Permit process. All information submitted as part of this scoring process must be included in the full application. Compliance with the Security Plan, Odor Control Plan, and Plan to Prevent Theft and Access submitted for this scoring process will be included as conditions in any permit granted. Changes in the project or plans that negatively impact or reduce key components of those plans may be grounds for disqualification given the reliance on those plans during the scoring process.

In the event that no qualified applicants are selected during the first submittal period or all three applications are disqualified, a second 30-day application submittal window will be opened by the County to allow for a second round of merit based review and scoring.

Appeals – any applicant that submitted a timely and complete pre-application may file a written appeal to the El Dorado County Planning Commission to challenge the scoring decision made by the Planning & Building Department within 10 business days of the notification of scoring results. The burden of establishing by satisfactory factual proof the applicability and elements of a challenge to the application process or decision shall be on the applicant. The applicant must submit full information in support of their appeal. Failure to raise each and every issue that is contested in the written appeal and provide appropriate support evidence will be grounds to deny the appeal and will also preclude the applicant from raising such issues in court. Failure to file a timely appeal shall constitute a failure to exhaust administrative remedies that shall preclude such person from challenging the application process or decision in court.

If you have questions or need additional information, please call the Planning Services office at (530) 621-5355 or email cannabisinfo@edcgov.us.

TIFFANY SCHMID, Director
 Planning and Building Department
 COUNTY OF EL DORADO

cc: Applicants

EXHIBIT 6
Addendum 2 to Purchase and Sale Agreement



CALIFORNIA ASSOCIATION OF REALTORS®

ADDENDUM

(C.A.R. Form ADM, Revised 12/15)

No. 2

The following terms and conditions are hereby incorporated in and made a part of the: [] Purchase Agreement, [] Residential Lease or Month-to-Month Rental Agreement, [] Transfer Disclosure Statement (Note: An amendment to the TDS may give the Buyer a right to rescind), [X] Other Commercial Property Purchase Agreement

dated December 13, 2019, on property known as 3025 US Hwy 50 APN 034-342-011-000, South Lake Tahoe, CA 96150

in which [redacted] is referred to as ("Buyer/Tenant") and Sundeep Kang is referred to as ("Seller/Landlord").

- 1. Buyers agrees to increase the earnest money deposit with Old Republic an additional [redacted] and to release that amount immediately to the seller.
2. Seller agrees to extend buyer's inspection contingency until July 15th, 2020.
3. Closing is extended until August 15th, 2020.

The foregoing terms and conditions are hereby agreed to, and the undersigned acknowledge receipt of a copy of this document.

Date 5/19/2020 DocuSigned by: [redacted]

Buyer/Ten [redacted]

Buyer/Tenant

Date 5/19/2020 DocuSigned by:

Seller/Landlord Sundeep Kang Sundeep Kang

Seller/Landlord

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ADM REVISED 12/15 (PAGE 1 OF 1)

ADDENDUM (ADM PAGE 1 OF 1)



EXHIBIT 7
County Tax Assessor Records (Chapel Parcel)



Office of the Assessor

Historical Property Information

Parcel Number: **034-342-11-100**

Property Address: **3025 US HIGHWAY 50**

Assessor's information is for assessment and tax purposes only and should not be relied upon for status of development or building purposes.

Property Description:

Primary Use**: **31, MISC. IMPROVED COMMERCIAL**

Subdivision Tract Number: **178**

Subdivision Tract Name:

APN Status: **00, Active**

Reference: **POR L I&POR RDWY**

Tax Rate Area: **075-041**

School District:

Last Appraisal Effective Date: **10/13/2017**

Last Appraisal Reason: **100% CHANGE IN OWNERSHIP**

MPR Card: **034-342-11**

The **USE is only reviewed at the time of the last taxable event, and may not be a legal use

Associated Maps for: **034-342-11-100**

Most Recent Plat: [Assessor's Plat 034-34](#)

Historical Plat: [Historical Plat 034-34](#)

Subdivision Maps: Tahoe Par 15: C-012

Tahoe Par 15: C-012A

2020 - 2021 Taxable Property Values for: **034-342-11-100**

Property	Value
Land	\$140,000
Land Total	\$140,000
Improvement Structures	\$359,000
Improvement Total	\$359,000
Personal property Total	\$0
Total Roll	\$499,000

(Exemptions Total)	\$0
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Net Roll	\$499,000
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Event List for: 034-342-11-100

Roll	Event Date	Bill Status	Event Status	Seq #	Event Type	Stmt. Status	ID	Tax Bill #	Value
2018	1/1/2018	Active	Annual Roll	1	Roll	Pending			\$499,000
2017	10/13/2017	Active Suppl	Billed	1	Change in Ownership	Refund	0045892	316793R	\$499,000
2017	1/1/2017	Active	Annual Roll	1	Roll	Paid		024902	\$624,770
2016	1/1/2016	Active	Annual Roll	1	Roll	Paid		024864	\$612,520
2015	1/1/2015	Active	Annual Roll	1	Roll	Paid		024878	\$603,322
2014	1/1/2014	Active	Annual Roll	1	Roll	Paid		024876	\$591,506
2013	1/1/2013	Active	Annual Roll	1	Roll	Paid		024884	\$588,834
2012	1/1/2012	Active	Annual Roll	1	Roll	Paid		024888	\$577,289
2011	1/1/2011	Active	Annual Roll	1	Roll	Paid		024904	\$565,971
2010	1/1/2010	Active	Annual Roll	1	Roll	Paid		024898	\$561,743
2009	1/1/2009	Active	Annual Roll	1	Roll	Paid		024899	\$563,079
2008	1/1/2008	Active	Annual Roll	1	Roll	Paid		024901	\$552,039
2007	1/1/2007	Active	Annual Roll	1	Roll	Paid		024895	\$541,215
2006	1/1/2006	Active	Annual Roll	1	Roll	Paid		024758	\$530,604
2005	1/1/2005	Active	Annual Roll	1	Roll	Paid		024756	\$520,200
2004	3/23/2004	Inactive Suppl	Not to be billed	1	Change in Ownership		0021588		
2004	1/1/2004	Active	Annual Roll	1	Roll	Paid		024728	\$510,000
2003	3/23/2004	Inactive Suppl	Not to be billed	1	Change in Ownership		0021588		
2003	10/15/2003	Active Suppl	Billed	1	Change in Ownership	Paid	0106693	408521S	\$510,000
2003	1/1/2003	Active	Annual Roll	1	Roll	Paid		024720	\$252,291
2002	1/1/2002	Active	Annual Roll	1	Roll	Paid		024722	\$247,345

2001	7/9/2001	Inactive Suppl	Not to be billed	1	Change in Ownership		0041967		
2001	1/1/2001	Active	Annual Roll	1	Roll	Paid		024728	\$242,496
2000	1/1/2000	Active	Annual Roll	1	Roll	Paid		024775	\$237,742
1999	1/1/1999	Active	Annual Roll	1	Roll	Paid		024770	\$233,081
1998	1/1/1998	Active	Annual Roll	1	Roll	Paid		024859	\$228,843
1997	1/1/1997	Active	Annual Roll	1	Roll	Dflt_Abstr		024877	\$224,356

Property Characteristics for: **034-342-11-100**

Property Characteristic	Description
Acreage	1.030 ac
Topography	Level
Irregular Lot	Y
Sewer Service	Y
Natural Gas Service	Y
Living Area	45000 sqft
Architectural Attractiveness	Good
Building Type	Modern
Building Shape	Most Complex - 10 Corners
Construction Type	Wood Frame
Construction Quality	7.0/10
Year Built	1973
Effective Year Built	1973
Approximate Area of Improvements	1309 sqft
Total Units	1
Useable Living Area	11250 sqft
Stories	1.5
Bedrooms	3
Bathrooms	2.0
Bathrooms on First Floor	2.0

Utility Rooms	1
Total Rooms	5
Fireplace and Wood Stove Count	1
Building Design	Single Family Residence
Functional Plan	Average
Building Use	Single Family Residence
Proper Building Use	Yes
Workmanship	Average
Building Condition	Average
Garage Converted To Living Area	No
Guest House Size	842 sqft
Book Category Number	2034
Conformity Code	Fair
Cost Table Year	0373
Current Record Flag	Yes

Parcel Split Background for: **034-342-11-100**

This Parcel Was Formed From Parcel: 034-342-02-100
Parcel Change Date: 7/5/1996

Related Accounts for: **034-342-11-100**

Account Number	Property Type	Status
1-695-000-0070	Business	Inactive
1-695-000-0400	Business	Active, Non-Billable

Owner Change History for: **034-342-11-100**

Recorded Document: 2017-0045892

Record Change Date: 10/13/2017

Effective Owner Change Date: 10/13/2017

Proposition 13 Appraisal: Yes

Value Change: 100%

Document Transfer Tax: \$548.90

Preliminary Change of Ownership: **2017-0045892**

Recorded Document: 2004-0021588

Record Change Date: 3/23/2004

Effective Owner Change Date: 3/23/2004

Preliminary Change of Ownership: **2004-0021588**

Recorded Document: 2003-0106693

Record Change Date: 10/15/2003

Effective Owner Change Date: 10/15/2003

Proposition 13 Appraisal: Yes

Value Change: 100%

Document Transfer Tax: \$561.00

Preliminary Change of Ownership: **2003-0106693**

Recorded Document: 2001-0041967

Record Change Date: 7/9/2001

Effective Owner Change Date: 7/9/2001

Preliminary Change of Ownership: **2001-0041967**

Recorded Document:

Recorder's Book and Page: 4725-088

Record Change Date: 7/5/1996

Effective Owner Change Date: 7/5/1996

Proposition 13 Appraisal: Yes

Value Change: 100%

Document Transfer Tax:

Preliminary Change of Ownership: **1-4725088**

EXHIBIT 8
Option (To Buy) Agreement



CALIFORNIA
ASSOCIATION
OF REALTORS

OPTION (TO BUY) AGREEMENT

(Must be used with a Purchase Agreement. May also be used with a Lease.)
(C.A.R. Form OA, Revised 12/16)

Date February 25, 2020, at South Lake Tahoe, California
Doesn't Really Matterhorn, Llc. ("Optionor"), grants to
The Honey Company of California, Llc. ("Optionee"),

on the following terms and conditions, an option ("Option") to purchase the real property and improvements situated in
City of South Lake Tahoe, County of El Dorado,
California, described as 3100 US Hwy 50, South Lake Tahoe, CA 96150; APN:034-323-010-000 ("Property")
on the terms and conditions specified in the attached: Real Estate Purchase Agreement Other Commercial Property
Purchase Agreement dated February 25, 2020 ("Purchase Agreement"), which is incorporated by
reference as a part of this Option.

1. SEPARATE CONSIDERATION FOR OPTION:

- A. Ten Thousand Dollars (\$ 10,000.00), payable upon acceptance of this Option, or, if checked, within 3 business days after acceptance of this Option Agreement, by cash, cashier's check, personal check, or check made payable to Doesn't Really Matterhorn, Llc.
- OR B. (If checked) Mutual execution of the attached Lease specified in paragraph 2A.
- OR C. (If checked) Both 1A and 1B.

2. LEASE (if checked):

- A. The attached Lease Agreement, dated _____, between Optionee as Tenant and Optionor, as Landlord, ("Lease") is incorporated by reference as part of this Option.
- B. If the Option is exercised, the Lease shall terminate on the earliest of (i) the date scheduled for Close Of Escrow under the Purchase Agreement, or as extended in writing (ii) the Close Of Escrow of the Purchase Agreement, or (iii) mutual cancellation of the Purchase Agreement.
- C. If the Option is not exercised, the Lease shall remain in full force and effect.

3. OPTION PERIOD: The Option shall begin on (date) February 25, 2020, and shall end at 11:59 p.m. (or at), on (date) March 31, 2021.

4. MANNER OF EXERCISE: Optionee may exercise the Option only by delivering a written unconditional notice of exercise, signed by Optionee, to Optionor, or to Joe King, who is authorized to receive it. A copy of the unconditional notice of exercise shall be delivered to the Brokers identified in this Agreement.

- 5. NON-EXERCISE:** If the Option is not exercised in the manner specified, within the option period or any written extension thereof, or if it is terminated under any provision of this Option, then:
 - A. The Option and all rights of Optionee to purchase the Property shall immediately terminate without notice; and
 - B. All Option Consideration paid, rent paid, services rendered to Optionor, and improvements made to the Property, if any, by Optionee, shall be retained by Optionor in consideration of the granting of the Option; and
 - C. Optionee shall execute, acknowledge, and deliver to Optionor, within 5 (or 10) calendar Days of Optionor's request, a release, quitclaim deed, or any other document reasonably required by Optionor or a title insurance company to verify the termination of the Option.

6. EFFECT OF DEFAULT ON OPTION:

- A. Optionee shall have no right to exercise this Option if Optionee has not performed any obligation imposed by, or is in default of, any obligation of this Option, any addenda or any document incorporated by reference.
- B. In addition, if a lease is incorporated by reference in paragraph 2A, Optionee shall have no right to exercise this Option if Optionor, as Landlord, has given to Optionee, as Tenant, two or more notices to cure any default or non-performance under that Lease.

7. OPTIONOR DISCLOSURE:

- A. Unless exempt, if the Property contains one-to-four residential dwelling units, (1) Optionor shall within 7 (or _____) Days After entering into this Option provide to Optionee (i) a Real Estate Transfer Disclosure Statement, a Natural Hazard Disclosure Statement, a Notice of Private Transfer Fee and other disclosures required by Civil Code §§1102 and 1103 et seq., (ii) a preliminary title report, and (iii) All disclosures as per CPA norm
- OR (2) Optionee has already been provided all of the information specified in 7A(1) Except:

Optionee and Optionor acknowledge receipt of copy of this page.
Optionee's Initials: CTW) Optionor's Initials: BS

Property Address: 2160 US Hwy 50, South Lake Tahoe, CA 96160, APN:014-323-010-000, South Lake Tahoe, 96150 Date: February 26, 2020

- B. If any disclosure or notice specified in 7A (i) is delivered to Optionee after the Option is Signed, Optionee shall have the right to cancel this Option within 3 Days After delivery in person or 5 Days After delivery by deposit in the mail by giving written notice of cancellation to Optionor or Optionor's agent.
- 8. PURCHASE AGREEMENT:
 - A. All of the time limits contained in the attached Purchase Agreement, which begin on the date of Acceptance of the Purchase Agreement, shall instead begin to run on the date the Option is exercised.
 - B. If this Option is exercised and Optionee cancels pursuant to any contingency in the attached Purchase Agreement, including but not limited to any right of inspection or financing, all option consideration paid, rent paid, services rendered to Optionor, and improvements to the Property, if any, by Optionee, shall be retained by Optionor in consideration of the granting of the Option.
 - C. If this Option is exercised, upon close of escrow of the attached Purchase Agreement, all, or \$ _____ of the Option Consideration, and (if checked) \$ _____ per month of rent actually paid by Optionee, shall be applied toward Optionee's down payment obligations under that Agreement. Optionee is advised that the full amount of the option consideration applied toward any down payment may not be counted by a lender for financing purposes.
- 9. DISPUTE RESOLUTION: Optionee and Optionor agree that any dispute or claim arising between them out of this Agreement shall be decided by the same method agreed to for resolving disputes in the attached Purchase Agreement.
- 10. DAMAGE OR DESTRUCTION: If, prior to exercise of this Option, by no fault of Optionee, the Property is totally or partially damaged or destroyed by fire, earthquake, accident or other casualty, Optionee may cancel this Agreement by giving written notice to Optionor, and is entitled to the return of all Option Consideration paid. However, if, prior to Optionee giving notice of cancellation to Optionor, the Property has been repaired or replaced so that it is in substantially the same condition as of the date of acceptance of this Agreement, Optionee shall not have the right to cancel this Agreement.
- 11. OPTIONEE INSPECTION: Optionee has, has not conducted inspections, investigations, tests, surveys and other studies of the Property prior to entering into this Option.
- 12. RECORDING: Optionor or Optionee shall, upon request, execute, acknowledge, and deliver to the other a memorandum of this Option for recording purposes. All resulting fees and taxes shall be paid by the party requesting recordation.
- 13. OTHER TERMS AND CONDITIONS, including attached supplements.

Further to 8.C):
option consideration of \$10,000.00 to be applied towards Optionee's purchase at COE and any of
Optionee's recurring and non-recurring closing costs.

Optionee Initial: CZW

- 14. ATTORNEY FEES: In any action, proceeding, or arbitration between Optionee and Optionor arising out of this Option, the prevailing Optionee or Optionor shall be entitled to reasonable attorney fees and costs from the non-prevailing Optionee or Optionor.
- 15. BROKER COMPENSATION FROM OPTIONEE: If applicable, Optionee agrees to pay compensation to Broker as specified in a separate written agreement between Optionee and Broker.
- 16. TIME OF ESSENCE; ENTIRE CONTRACT; CHANGES: Time is of the essence. All understandings between the parties are incorporated in this Option. Its terms are intended by the parties as a final, complete, and exclusive expression of their agreement with respect to its subject matter, and may not be contradicted by evidence of any prior agreement or contemporaneous oral agreement. This Agreement may not be extended, amended, modified, altered, or changed, except in writing signed by Optionee and Optionor.
- 17. TERMS AND CONDITIONS OF OFFER: This is an offer for an option to purchase Property on the above terms and conditions. This Option and any supplement, addendum, or modification, including any photocopy or facsimile, may be signed in two or more counterparts, all of which shall constitute one and the same writing. Optionee has read and acknowledges receipt of a copy of this offer.

Optionee and Optionor acknowledge receipt of copy of this page.
Optionee's Initials: CZW Optionor's Initials: BSB

Property Address: 2189 US Hwy 50, South Lake Tahoe, CA 96150, APN: 014-323-010-000, South Lake Tahoe, 96150 Date: February 25, 2020

18. EXPIRATION OF OFFER: Unless Acceptance of Option is signed by Optionor, and a signed copy delivered in person, by mail, or facsimile, and personally received by Optionee, or by Joe King who is authorized to receive it, by (date) February 29, 2020, at 5 AM PM, the Option shall be deemed revoked.

OPTIONEE The Honey Company of California, LLC. DocuSigned by: [Signature] 2/25/2020

OPTIONEE [Signature] 71AD0: 117F-12407

Address _____

Telephone _____ Fax _____ Email thohoneyco@gmail.com

19. BROKER COMPENSATION FROM OPTIONOR: If applicable, Optionor agrees to pay compensation to Broker as specified in a separate written agreement between Optionor and Broker.

20. ACCEPTANCE OF OPTION: Optionor warrants that Optionor is the owner of the Property or has the authority to execute this Option Agreement. Optionor accepts and agrees to grant an Option to purchase the Property on the above terms and conditions.

If checked: SUBJECT TO ATTACHED COUNTER OFFER, DATED _____

OPTIONOR Doesnt Realty Mattershorn, LLC. DocuSigned by: [Signature] 2/27/2020

OPTIONOR [Signature] 3C71CF43DA7340E 3C71CF43DA7340E

Address _____

Telephone _____ Fax _____ Email ddopplza@yahoo.com

REAL ESTATE BROKERS:

- A. Real Estate Brokers are not parties to the Option or Purchase Agreement between Buyer and Seller.
- B. Agency relationships are confirmed as stated in the attached Purchase Agreement.
- C. COOPERATING BROKER COMPENSATION: Listing Broker agrees to pay Cooperating Broker (Selling Firm) and Cooperating Broker agrees to accept, out of Listing Broker's proceeds in escrow: (i) the amount specified in the MLS, provided Cooperating Broker is a Participant of the MLS in which the Property is offered for sale or a reciprocal MLS; or (ii) (if checked) the amount specified in a separate written agreement (C.A.R. Form CBC) between Listing Broker and Cooperating Broker. Declaration of License and Tax (C.A.R. Form DLT) may be used to document that tax reporting will be required or that an exemption exists.

Real Estate Broker (Selling Firm) Stearns Sotheby's International Realty DRE Lic. # 02016110
By Joe King DRE Lic. # 01857136 Date 2/27/2020
Address 2241 Lake Tahoe Blvd City South Lake Tahoe State CA Zip 96150
Telephone (530)876-0850 Fax _____ E-mail jking@stia.com

Real Estate Broker (Listing Firm) None DRE Lic. # _____
By _____ DRE Lic. # 03992158X Date _____
Address _____ City _____ State _____ Zip _____
Telephone _____ Fax _____ E-mail XXXXXXXXXXXXXXXXXXXX

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OA REVISED 12/16 (PAGE 3 OF 3)

OPTION AGREEMENT (OA PAGE 3 OF 3)

Produced with PdfForm by eXpLogic, 10070 Friarway Road, Fresno, Michigan 48829 www.pdf.com

Clarix Willard



EXHIBIT 9
County Tax Assessor Records (Pizza Parcel)



Office of the Assessor

Historical Property Information

Parcel Number: **034-323-10-100**

Property Address: **3160 US HIGHWAY 50**

Assessor's information is for assessment and tax purposes only and should not be relied upon for status of development or building purposes.

Property Description:

Primary Use**: **65, RESTAURANT**

Subdivision Tract Number: **408**

Subdivision Tract Name:

APN Status: **00, Active**

Reference: **RS 31/37/1**

Tax Rate Area: **075-041**

School District:

Last Appraisal Effective Date: **10/3/2013**

Last Appraisal Reason: **NEW CONSTRUCTION**

MPR Card: **034-323-10**

The **USE is only reviewed at the time of the last taxable event, and may not be a legal use

Associated Maps for: **034-323-10-100**

Most Recent Plat: [Assessor's Plat 034-32](#)

Historical Plat: [Historical Plat 034-32](#)

Subdivision Maps: Tahoe Par 17A: E-033

2020 - 2021 Taxable Property Values for: **034-323-10-100**

Property	Value
Land	\$150,122
Land Total	\$150,122
Improvement Structures	\$766,008
Improvement Total	\$766,008
Personal property Total	\$0
Total Roll	\$916,130

(Exemptions Total)	\$0
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Net Roll	\$916,130
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Event List for: 034-323-10-100

Roll	Event Date	Bill Status	Event Status	Seq #	Event Type	Stmt. Status	ID	Tax Bill #	Value
2018	1/1/2018	Active	Annual Roll	1	Roll	Pending			\$916,130
2017	1/1/2017	Active	Annual Roll	1	Roll	Paid		024858	\$898,168
2016	1/1/2016	Active	Annual Roll	1	Roll	Paid		024820	\$880,558
2015	1/1/2015	Active	Annual Roll	1	Roll	Paid		024834	\$867,333
2014	1/1/2014	Active	Annual Roll	1	Roll	Paid		024832	\$850,345
2013	10/3/2013	Active Suppl	Billed	1	Completion of Construction	Paid	E197906	207944S	\$849,716
2013	2/15/2013	Inactive Suppl	Not to be billed	1	Change in Ownership		0008007		
2013	1/1/2013	Active	Annual Roll	1	Roll	Paid		024840	\$177,216
2012	2/15/2013	Inactive Suppl	Not to be billed	1	Change in Ownership		0008007		
2012	10/11/2012	Inactive Suppl	Not to be billed	1	Change in Ownership		0051844		
2012	1/1/2012	Active	Annual Roll	1	Roll	Paid		024844	\$135,997
2011	1/1/2011	Active	Annual Roll	1	Roll	Paid		024860	\$133,331
2010	1/1/2010	Active	Annual Roll	1	Roll	Paid		024854	\$132,336
2009	1/1/2009	Active	Annual Roll	1	Roll	Paid		024855	\$132,651
2008	5/8/2008	Inactive Suppl	Not to be billed	1	Change in Ownership		0022049		
2008	1/1/2008	Active	Annual Roll	1	Roll	Paid		024857	\$130,050
2007	5/8/2008	Inactive Suppl	Not to be billed	1	Change in Ownership		0022049		
2007	3/23/2007	Active Suppl	Billed	1	Change in Ownership	Paid	0019822	200225S	\$127,500
2007	1/1/2007	Active	Annual Roll	1	Roll	Paid		024851	\$21,619
2006	3/23/2007	Active Suppl	Billed	1	Change in Ownership	Paid	0019822	411222S	\$127,500
2006	1/1/2006	Active	Annual Roll	1	Roll	Paid		024714	\$21,196

2005	1/1/2005	Active	Annual Roll	1	Roll	Paid		024712	\$20,781
2004	1/1/2004	Active	Annual Roll	1	Roll	Paid		024684	\$20,374
2003	1/1/2003	Active	Annual Roll	1	Roll	Paid		024676	\$20,001
2002	1/1/2002	Active	Annual Roll	1	Roll	Paid		024678	\$19,609
2001	1/1/2001	Active	Annual Roll	1	Roll	Paid		024684	\$19,225
2000	1/1/2000	Active	Annual Roll	1	Roll	Paid		024731	\$18,849
1999	1/1/1999	Active	Annual Roll	1	Roll	Paid		024726	\$18,480
1998	1/1/1998	Active	Annual Roll	1	Roll	Paid		024815	\$18,145
1997	1/1/1997	Active	Annual Roll	1	Roll	Paid		024834	\$17,790

Property Characteristics for: **034-323-10-100**

Property Characteristic	Description
Acreage	0.225 ac
Lot Depth	140 ft
Lot Width	70 ft
Square Foot Range	6,001 - 10,000 sqft
Topography	Level
Ground Cover	Pine Trees
Water Source	Public Water Service
Sewer Service	Y
Living Area	9800 sqft
Access Type	County or City Road
Road Type	Asphalt
Architectural Attractiveness	Average
Year Built	2013
Effective Year Built	2013
Approximate Area of Improvements	2589 sqft
Total Units	1
Stories	2.0

Bathrooms	2.0
Bathrooms on First Floor	2.0
Functional Plan	Average
Workmanship	Average
Building Condition	Average
Book Category Number	2034
Conformity Code	Average
Current Record Flag	Yes

Parcel Split Background for: **034-323-10-100**

This Parcel Was Formed From Parcel: 034-323-01-100
Parcel Change Date: 10/31/1996

Related Accounts for: **034-323-10-100**

Account Number	Property Type	Status
1-555-000-3950	Business	Active

Owner Change History for: **034-323-10-100**

Recorded Document: 2013-0008007
Record Change Date: 2/15/2013
Effective Owner Change Date: 2/15/2013
Preliminary Change of Ownership: **2013-0008007**

Recorded Document: 2012-0051844
Record Change Date: 10/11/2012
Effective Owner Change Date: 10/11/2012
Preliminary Change of Ownership: **2012-0051844**

Recorded Document: 2008-0022049
Record Change Date: 5/8/2008
Effective Owner Change Date: 5/8/2008
Preliminary Change of Ownership: **2008-0022049**

Recorded Document: 2007-0019822
Record Change Date: 3/23/2007
Effective Owner Change Date: 3/23/2007
Proposition 13 Appraisal: Yes
Value Change: 100%
Document Transfer Tax: \$140.25
Preliminary Change of Ownership: **2007-0019822**

Recorded Document:
Recorder's Book and Page: 4797-156
Record Change Date: 10/31/1996
Effective Owner Change Date: 10/31/1996
Proposition 13 Appraisal: Yes
Value Change: 100%
Document Transfer Tax:
Preliminary Change of Ownership: **1-4797156**

Recorded Document:
Recorder's Book and Page: 0022-050
Record Change Date: 5/8/2008
Effective Owner Change Date:
Preliminary Change of Ownership: **1-0022050**

Recorded Document:
Recorder's Book and Page: 0002-641
Record Change Date: 1/20/2010
Effective Owner Change Date:
Preliminary Change of Ownership: **1-0002641**