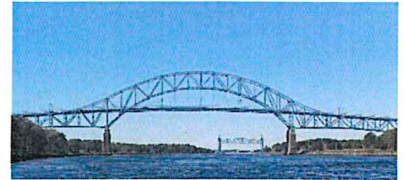


Select Board Meeting Notice AGENDA



Date

February 21, 2024

Time

3:00 PM

Location

Bourne Veterans' Community Center
239 Main St., Buzzards Bay 02532

Note this meeting is being televised, streamed or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time. Use of flash photography during Select Board meetings is prohibited.

All items within the meeting agenda are subject to deliberation and vote(s).

3:00 PM Call public session to order in open session

1. Public comments on non-agenda items - Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).
2. Policy Workshop: Marijuana
 - a. Process for developing draft Marijuana review procedures
 - i. Criteria
 - ii. Competitive scoring system
 - iii. Outline of steps in the licensing process
 - b. Dissolve ad hoc subcommittee?
 - c. Televised? Hybrid/remote option?
 - d. Future special meeting schedule

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Reasonable accommodations for people with disabilities are available upon request. Please include a description of the accommodation you require, with as much detail as possible, and include a way we can contact you if we need more information. Please allow advance notice. Send an email to kthut@townofbourne.com or call the Town Administrator's Office at 508-759-0600 x1503



Staff Report

Date: May 26, 2020

To: City Council

From: Valerie J. Barone, City Manager

Reviewed by: Andrea Ouse, Director of Community and Economic Development
Mindy Gentry, Planning Manager

Prepared by: Coleman Frick, Senior Planner
Coleman.frick@cityofconcord.org
(925) 671-3281

Subject: **Considering:**

- 1) Direction to staff regarding the procedure and criteria for a merit-based competitive process to review and select eligible applicants to apply for available City Cannabis Licenses for cannabis storefront retailers, non-storefront retailers, and microbusinesses with a storefront retail component; and
- 2) Adoption of a Resolution Amending Exhibit "A" to Resolution No. 78-6042 to establish deposit amounts for review of business proposals associated with a merit-based competitive selection process for cannabis retailers and microbusinesses.

CEQA: Not a project under Public Resources Code 21065, Guidelines Sections 15060(c)(2), 15060(c)(3), 15061(b)(3), or 15378; in the alternative, CEQA does not apply under Business and Professions Code Section 26055(h).

Report in Brief

The City of Concord is in the process of adopting amendments to Chapter 5.80 (Cannabis) of and Title 18 (Development Code) of the Concord Municipal Code (CMC) regarding the permitting, licensing, and regulation of commercial cannabis businesses within the City. These cannabis regulation amendments were considered and the

Ordinance was introduced by Council on April 28, 2020—a second reading is scheduled for this meeting, May 26th—and would allow up to: 1) five cannabis manufacturers; 2) an unlimited amount of Type 13 distributors if affiliated with a primary cannabis license type; 3) six retailers (three storefront and three non-storefront); 4) four microbusinesses (up to two of which may have a storefront retail component and up to two of which may have a non-storefront retail component); and, 5) two Type 11 distributors (standalone). No limit on the number of licenses would be placed on testing laboratories, and all license types would allow both medicinal and adult-use.

Pursuant to the retail cannabis ordinance previously approved by the City Council, licenses for storefront and non-storefront cannabis retailers and those microbusinesses with a retail storefront component would be subject to a competitive Request for Proposal (RFP) process. Applicants for the competitive licenses would be selected by the City Council to apply for a City Cannabis License to be issued by the Police Department. Staff now requests that the City Council consider the merit-selection process and criteria for reviewing and approving applications for commercial cannabis licenses for retailers (both storefront and non-storefront) and microbusinesses with a storefront retail component, and revise the City's Master Fees and Charges resolution to include a fee for staff's review of the RFP submittals.

Recommended Action

1. Provide direction to staff regarding the procedure and criteria for a merit-based competitive process to review and select eligible applicants to apply for available City Cannabis Licenses for cannabis storefront retailers, non-storefront retailers, and microbusinesses with a storefront retail component (Attachment 1).
2. Adopt a Resolution amending Exhibit "A" to Resolution No. 78-6042 to establish deposit amounts for review of business proposals associated with a merit-based competitive selection process for cannabis retailers and microbusinesses (Attachment 2).

Background

The City's current effort to amend the existing regulations on retail cannabis uses began with a Joint Study Session of the City Council and the Planning Commission on April 2, 2019, at which time staff was directed to pursue revisions to the regulations to potentially allow additional commercial cannabis activities including adult-use and medicinal retail (storefront and non-storefront). At this meeting, the Council also expressed interest in developing a competitive application process for cannabis retailers and exploring the use of a community benefit and/or development agreements to generate revenue for the City.

At its November 5, 2019 meeting, the City Council considered the introduction of an ordinance amending Concord Municipal Code Chapter 5.80 (Cannabis) to allow for both adult and medicinal use cannabis licenses for manufacturing and distribution, to

increase the number of available licenses for these uses, and to allow for retail uses, such as storefront, non-storefront and microbusinesses.

During the meeting, the Council provided consensus or unanimous support for a number of specific recommendations. The Council also directed staff to develop criteria for a merit-based Request for Proposal (RFP) process for consideration by the Council Committee on Policy Development & Internal Operations (PD&IO) for recommendation to the full Council.

To assist with development of the merit-based review and selection process, the City retained the services of HdL Companies. HdL's Cannabis Management Services ("Project Consultant") team has worked with over 150 California cities and counties to provide cannabis ordinance development and review, community outreach, merit-based application and permitting processes, cost recovery studies, fiscal analyses, regulatory/financial compliance reviews, and law enforcement training. HdL's team has reviewed, scored, and processed over 1,800 cannabis business applications in the last four years in California and has conducted over 2,500 background checks for applicants.

On February 24, 2020, City staff and Project Consultant presented a draft merit-based competitive selection process for retailers to the Council Committee on Policy Development and Internal Operations (PD&IO). The PD&IO Committee supported the recommendation that both storefront and non-storefront cannabis retailers be subject to a competitive Request for Proposal (RFP) process, but requested some additional changes for consideration by the full Council. Those recommendations included the following:

- Simplify the initial step of the application process to reduce the costs for applicants by requiring more detailed information on the safety and security plans, after being selected by the Council to apply for a license.
- Allow individual deposit amounts at the various stages of the application process, rather than one large amount upfront.
- Allow up to three Letters of Intent per property on a first come, first serve basis.
- Add a warning in the narrative of the Request for Proposals (RFP) indicating the City Council may adopt a prohibition on the retail sale of vaping products.
- Require proof of General Liability insurance as part of the application process for a City Cannabis License and not as part of the submittal in response to the RFP.

- A cursory background check for each owner would only be required as part of the initial submittal in response to the RFP and a full background check would be required toward the end of the process.
- Increase the weight of scoring on the depth of diversity within the business under the Labor & Enterprise Plan.
- Increase the weight of scoring for a business owner who lives in the City of Concord under the Labor & Enterprise Plan.
- Interested in establishing a minimum community benefit, if possible but understand the community benefit may have to be proposed by the applicant for evaluation.

The Committee also recommended the full Council consider specific recommendations related to microbusinesses as part of the Cannabis Ordinance, as follows:

- Microbusinesses be included in the competitive selection process;
- Increase the total number of microbusiness licenses; and,
- Storefront retail to be included as an allowed use as part of a microbusiness.

On April 28, 2020, the City Council introduced an Ordinance by vote of 3:2 (Ayes: McGallian, Aliano, Birsan; Noes: Hoffmeister, Obringer), amending Concord Municipal Code Chapter 5.80 (Cannabis) and Development Code (Title 18) to:

1. Allow adult-use City Cannabis Licenses for manufacturers and Type 13 distributors;
2. Increase the maximum number of City Cannabis Licenses for manufacturers (up to five), affiliated Type 13 distributors, and unlimited amount of testing laboratories; and,
3. Allow City Cannabis Licenses for retail (storefront (up to three) and non-storefront (up to three), microbusinesses (up to four), and Type 11 distributors (up to two).

The second reading and adoption of the ordinance is on the consent calendar this evening. The ordinance will go into effect in 30 days following its adoption.

The City Council action via that ordinance also included:

1. Decreasing the required buffer distance between cannabis businesses and sensitive uses (public or private schools, child day care facilities, youth community center) from 600 feet to 250 feet; and,
2. Modifications to allow additional microbusiness licenses (four total; up to two with a non-storefront retail component and up to two with a storefront retail

component). Microbusinesses with a storefront retail component would be selected through a competitive selection process.

As a result of the City Council's action, the following are the potentially new commercial cannabis licenses that the Council would allocate through a competitive selection process:

- Up to three storefront retailer licenses;
- Up to three non-storefront retailer licenses; and,
- Up to two microbusinesses with a storefront retail component. (Two other microbusinesses would be available on a first-come, first-served basis).

Analysis

Competitive Selection Process for Cannabis Retailers

As discussed above, the City Council has directed staff to develop a competitive Request for Proposal (RFP) selection process for storefront and non-storefront cannabis retailers, as well as microbusinesses with a storefront retail component. The RFP requirement is included in the Cannabis Ordinance under Section 5.80.090, "*Conditions for specific cannabis licenses.*"

As proposed, the RFP process would require cannabis business applicants to submit an application for consideration by the City Council for one of the eight available licenses (three storefront retail, three non-storefront retail, and up to two microbusinesses with storefront retail). The process would entail a merit-based approach to rank applications, using specific evaluation criteria.

Development of the RFP procedures and criteria was guided by the PD&IO Committee at its February 24, 2020 meeting. Staff's recommendations outlined in this report incorporate the requested changes directed by PD&IO at the February 24, 2020 meeting, and Council majority at the April 28, 2020 meeting. Proposed RFP requirements are detailed in the evaluation and scoring criteria drafted by staff (Attachment 1).

Application Submittal Requirements

Based on the direction from Council at this meeting, staff, with technical assistance from Project Consultant, will prepare the RFP submittal directions (RFP Application Procedures and Guidelines). This document would serve as the notice that the City is accepting proposals for a specified time period, and would provide detail on the submittal requirements, scoring criteria, process, and timeline for reviewing, scoring, ranking, and final selection of applications. The document would also include a final version of Attachment 1 based on Council direction. In order to meet the projected timeline, it is recommended that this document be finalized by the City Manager, based on Council's direction tonight, prior to RFP issuance (see Table 2).

Application Process

Applicants would be required to submit a complete application package, including responses for all the criteria being evaluated in Attachment 1. In addition, applicants would be required to submit hard copies of the following:

1. Completed Initial City Cannabis License Application form¹ (form to be developed by staff);
2. A signed and notarized Property Consent form (form to be developed by staff);
3. Lease Agreement, or a “Letter of Intent” to lease, or proof of ownership;
4. Limited Liability Waiver (form to be developed by staff);
5. Indemnification form (form to be developed by staff);
6. Zoning Verification Letter from the City; and
7. A filled-out City-issued provisional background check form for each owner.

In order to receive original wet signatures on the application documents, the hard copy packet will be required to be submitted in person. Furthermore, a fee deposit would be required at the time of application submittal. The estimated application fee would be an amount estimated to be sufficient to cover all expected City and Project Consultant costs for processing the proposal through the competitive selection process (see *Fee Structure*, below). As the fee would be a deposit, the applicant would be asked to replenish funds in the deposit account during the review process to cover unanticipated staff or Project Consultant costs. If there are funds remaining in the deposit account after the review process concludes, said funds will be returned to the applicant.

Four-Phase RFP Application Process

The application process would consist of four phases described in detail below:

- Phase I: Initial Review
- Phase II: Evaluation and Scoring
- Phase III: Eligibility List
- Phase IV: Final Section

1. Phase I (Initial Review) is an initial review of the application to determine whether it is complete and meets all of the minimum requirements described in the application.

¹ This will be a modified version of the current City Cannabis License Application form (CMC Section 5.80.040). By submitting the form as part of the RFP selection process, once selected, the applicant will receive a more streamlined review of their City Cannabis License. The form will also provide the applicant with additional required information, if their application is selected, in order to complete the license application, so that they are able to prepare in advance as desired.

During the initial review, staff would ensure that the application also includes the required criteria A through E as listed in the Evaluation Criteria document, which is provided as Attachment 1.

Complete submissions would move forward to Phase II. Applications that fail to provide all of the submittal requirements would be deemed incomplete and would not move forward to Phase II. There would be no appeal rights at this stage, as scoring is based solely on objective criteria.

2. Phase II (Evaluation and Scoring) would include the evaluation and scoring of the criteria detailed in the RFP Application Procedures and Guidelines, to be finalized by staff based on Council direction at this meeting. Applications would be reviewed and scored by Project Consultant, using a merit-based system based on the following 2,000-point scale:

- A. Business Plan = 40% (up to 800 Points): Owner qualifications, business operations, budget, finances, etc.
- B. Labor and Local Enterprise Plan = 15% (up to 300 Points): Employee wages and benefits, owners' and/or managers' city residency, work force development, etc.
- C. Neighborhood Compatibility Plan and Odor Control Plan = 15% (up to 300 Points): Plans to reduce any possible impacts to surrounding neighborhood/community at large.
- D. Community Benefits and Investments Plan = 30% (up to 600 Points): Benefits proposed to be provided by the business as part of the RFP response. These benefits could include, but are not limited to; volunteer services, monetary donations to local non-profit organizations, financial support of City sponsored activities or organizations, in-kind donations to the City or other charitable organizations, and/or any other economic incentives to the City.
- E. Preliminary Safety and Security Plan = (pass/fail): Description of planned safety and security measures (see detailed description below).

Attachment 1 provides detail on each of the above criteria. Any applicant not being permitted to move on to Phase III of the process may request a formal appeal pursuant to CMC Section 5.80.050 (see *Appeals*, below).

Preliminary Safety and Security Plan

Phase II would also include a review of a preliminary Safety Plan and Security Plan to ensure the applicant would be able to address minimum state requirements, if selected. Based on PD&IO Committee direction, this early review would ensure that the applicant is familiar with the state requirements and the

safety and security considerations of the proposed site, without creating a cost burden for applicants associated with hiring consultants before the proposal is selected. This section would be reviewed on a pass/fail basis only and would not be given a numerical score. Once selected to apply for a license, the applicant would be required to submit a comprehensive Safety and Security Plan prepared with the assistance of a professional fire prevention and suppression consultant, and a professional security consultant, subject to the review and approval of the Police Chief and Fire District.

3. In Phase III (Eligibility List), applicants that meet all submittal requirements and score a minimum of 80% (1,600 points) or higher in Phase II would be ranked from highest to lowest within each license type, in order to establish an eligibility list. This list would be forwarded to the City Manager or designee, who would prepare a report for the City Council. Only the highest scoring applications for each of the City Cannabis License types (retail storefront, retail non-storefront, and microbusinesses) shall proceed forward to Council for review. Any applicant not being recommend to Phase IV may request a formal appeal pursuant to CMC Section 5.80.050 (see *Appeals* below).
4. In Phase IV (Final Selection), a maximum of six of the highest-scoring applications for retail storefront and six for non-storefront, and four for microbusinesses with storefront retail would be forwarded to the City Council for interviews and final selection to determine which applicants are eligible to apply for a City Cannabis License. If an appellant is successful, the Council may interview additional applicants. This final selection would occur at a public meeting where the top applicants would have the opportunity to address the Council and answer any additional questions prior to a final decision being rendered. It is anticipated that these interviews (up to 16 in total) may need to be scheduled over the course of multiple City Council or Special City Council meetings if necessary, in order to provide adequate time for consideration of the final selection. The City Council has the ability to choose from any of the top applicants that are being interviewed by them.

The City reserves the right to request and obtain additional information from any candidate who advances to Phase IV. Should any of the top applicants withdraw for any reason or be subsequently disqualified prior to Council interview the City Manager shall invite the next highest-scoring applicant, of those who scored over 80% (if any), from the eligibility list to participate in the Phase IV interviews. Should a firm selected by Council drop out or be disqualified before obtaining all licenses and permits, the Council will select the next firm eligible to move forward in the licensing process at a public meeting, with or without additional interviews.

Appeals

Although the PD&IO Committee did not address the competitive selection appeal process, staff recommends following the license appeal process outlined in the Cannabis Ordinance (5.80.050.c) in connection with the issuance of Cannabis Licenses. This process involves the City Manager appointing a Hearing Officer. Staff recommends the Council consider interviewing a successful appellant (if any) prior to making its final recommendation for the selected businesses (see Table 2 below).

Post RFP Application Process

Following selection of the operators for the available cannabis business types, the applicants will need to obtain the following approvals prior to operation:

- City Cannabis License (streamlined review based on Initial City Cannabis License Application form included as part of the RFP process) (Police Chief decision)
- Administrative Permit to allow a cannabis land-use (Planning Division staff decision unless appealed or associated with a Development Agreement)
- Design and Site Review (same as above)²
- Building Permit approval (Building Official decision)
- State cannabis license (State of California decision)
- Business license (Finance Department revenue process)

Please note that these are separate licenses/processes, and that securing Council recommendation via the RFP process does not guarantee a particular outcome with respect to these items, particularly in the land use context where the City must conduct CEQA review and interested parties may appeal decisions.

Fee Structure

Costs to the applicant for the review and selection process would be apportioned based on the number of phases each participates in, as well as anticipated staff and Project Consultant (if applicable) time for each of the various steps. Based on direction from the PD&IO Committee, all applicants would be required to submit a minimum fee deposit tied to, and collected at, each phase of the selection process. This would ensure that all City costs (including Project Consultant) for reviewing and processing the application are covered, without creating an undue up-front cost burden for applicants.

The first deposit for the initial application submittal would cover Phases I and II, since it is anticipated that most applicants will at least be participating in those two phases. Then, each applicant that continues through the process will be required to pay in advance prior to Phase III of the process, and prior to Phase IV. Deposits for the various

² In certain instances a Design and Site Review application could require review by the Design Review Board.

phases include an estimate of staff and Project Consultant time. If additional funds are required, the City has the ability to request additional funds. . In addition, staff proposes an appeal fee associated with the application process, as coordination, management and evaluation of an appeal will create an additional burden on staff resources and the costs should be carried by the applicants.

Table 1: Proposed Deposit Amounts by Phase³

Phase	Consultant Costs	Staff Time	Total
Phase I/II	\$2,500	\$2,500	\$5,000
Phase III	\$1,000	\$3,000	\$4,000
Phase IV	\$1,000	\$2,000	\$3,000
Appeal	\$1,500	\$1,500	\$3,000

Next Steps and Timeline

Contingent on the nature and extent of any subsequent revisions to the application requirements, CMC Chapter 5.80, or the Development Code, staff has established the following tentative timeline for the competitive selection process. This timeline is subject to change based on a number of factors⁴:

Table 2: Tentative Timeline

July 6	Competitive application process posted on City website; open for 45 days
August 20	Last day to submit business proposal applications for evaluation
August 21- September 4	City staff conducts initial screening for completeness
September 8	HdL to review applications
September 28	HdL to report scores and ranking to the City Manager
October 5-9	City to mail ranking notices or disqualification letters to applicants
October 12-16	Retail-storefront City Council Interviews (assumes 6 interviews)
October 19-23	Retail non-storefront City Council Interviews (assumes 6 interviews)
October 26-30	Microbusinesses licenses with storefront retail City Council Interviews (assumes 4 interviews)
November 9-13	Appeal hearings scheduled and completed, if applicable

³ These are minimum deposit amounts. All funds not utilized would be returned to the applicant or rolled over to the next phase of the process. If funds are not adequate to cover staff and Project Consultant time, additional funds will be requested of the applicant.

⁴ This timeline may be adjusted based on factors including the ongoing impacts of COVID-19, number of applications received, ability to schedule interviews with the Council at regular or special meetings, etc.

November 16-20	Successful appellants interviewed by City Council, if applicable
November 23-27	City Council selection of the up to eight winning proposals (three retail storefront, three retail non-storefront, and up to two microbusinesses with storefront retail)

Financial Impact

The requirement for community benefit/development agreements in relation to new cannabis uses is expected to result in additional revenue for the City.

As the “community benefits” offered by the operators are deemed to be voluntary in nature and cannot be mandated by the City, staff has reviewed the types of “community benefits” that other jurisdictions have received in connection with similar cannabis RFP processes. These “community benefits” have included the following: 1) periodic payments of a certain percentage of the proposed cannabis operator’s revenues (ranging from 1% to 6% of certain revenues); 2) payment of a flat fee; or 3) funding of youth or addiction education programs, or programs to address homelessness in the community. As the RFP process incorporates a ranking of offered community benefits, staff anticipates that the Council will be able to select those operators who provide benefits that best address the City’s needs and impacts to the community as a result of the cannabis business operations.

According to Project Consultant (HdL), the potential revenue for the three storefront retailers and up to two microbusinesses (with storefront retail) is estimated to be between \$660,000 (4% benefit) and \$990,000 (6% benefit). The potential revenue for the three non-storefront retailers is estimated between \$64,000 (4% benefit) and \$96,000 (6% benefit). In addition, it is anticipated that the City would also receive the 1% portion of the regular sales tax from the transactions estimated at \$197,000 and 0.5% Measure Q transactions and use tax on those sales delivered within city limits estimated at \$98,500. Thus, the total projected annual revenue from the community benefit and sales tax could be between \$1,020,000 to \$1,382,000 after one year of full implementation for the eight businesses.

Environmental Determination

Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”), the development of the RFP criteria does not constitute a “project” within the meaning of Public Resources Code Section 21065 and CEQA Guidelines Sections 15060(c)(2), 15060(c)(3) or 15378 because there is no potential that the activity will result in a reasonably foreseeable indirect or direct physical change in the environment. Moreover, even if the development of the RFP criteria did comprise a project for CEQA analysis, it falls within the “common sense” CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no

possibility that the activity in question may have a significant effect on the environment.” There is also no reasonable possibility that the activity would have a significant environmental effect due to unusual circumstances.

In addition, Business and Professions Code Section 26055(h) provides that CEQA does not apply to the adoption of an ordinance, rule, or regulation that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity, as long as each subsequent discretionary approval involves applicable CEQA review. Therefore, the development of a RFP process to obtain the relevant City Cannabis License does not warrant further environmental review.

Also, the revision to the City’s Master Fees and Charges Schedule does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Reg. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In addition, the revision is categorically exempt pursuant to Section 15061(b)(3), “Review for Exemptions” of the CEQA Guidelines because there is no possibility that the update to the City’s Master Fees and Charges Schedule may have a significant effect on the environment, and no further environmental review is required. Moreover, even if the revision does comprise a project for CEQA analysis, it falls within the “common sense” CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” None of the exceptions identified in CEQA Guidelines Section 15300.2 are present. No unusual circumstances are present.

Public Contact

All appropriate public notices of this agenda item have been posted. Staff also e-notified interested parties and have posted the notification on the City’s cannabis webpage: <http://www.cityofconcord.org/cannabis>

Attachments

1. Draft Description of Evaluation Criteria for Storefront and Non-Storefront Retail (Competitive Process)
2. Resolution establishing deposit amounts for cannabis competitive selection process with Exhibit A: Master Fees and Charges Amendment

Attachment 1:
**Description of Evaluation Criteria for Commercial Cannabis Storefront and
Non-Storefront Retail and Microbusinesses with Storefront Retail
(Competitive Process)**

SECTION A (40%): BUSINESS PLAN (up to 800 Points)

The submitted Business Plan shall include the following:

1. Owner qualifications. Resumes/Curriculum Vitae are not to exceed one (1) page per owner. (Please see CMC Section. 5.80.020 for definition of owner)
2. A budget for construction, operations, maintenance, compensation of employees, equipment costs, utility costs, and other business costs.
3. Proof of capitalization by a verifiable source.
4. Pro forma for at least three years of operation.
5. Fully describe hours and days of operation.
6. Fully describe the day-to-day operations for each license type being sought.
7. Fully describe cash handling procedures, including methods of limiting the amount of cash on the premises and a detailed plan for the safe handling and transfer of cash.
8. Fully describe inventory control procedures to include, point-of-sale, and track and trace software.
9. Business formation and all related documents filed with the California Secretary of State.
10. If applicable, please describe the percentage of vaping products anticipated and the brands that will be incorporated as part of the business model. Note that the City Council may consider a ban on vaping products in the near future. Said ban would likely apply to all existing and new cannabis businesses.

SECTION B (15%): LABOR & LOCAL ENTERPRISE PLAN (up to 300 Points)

1. Describe whether the commercial cannabis business is committed to offering employees a Living Wage. ("Living Wage" shall mean 125% of the minimum wage mandated by California Labor Code Section 3511).
2. Briefly describe benefits provided to employees such as healthcare, vacation, and medical leave, to the degree they are offered as part of employment.
3. Describe opportunities for continuing education and employee training.
4. Describe the extent to which the business will be a locally owned enterprise whose owners reside within the City of Concord. In order to qualify for the residency criteria a person must provide acceptable documentation as determined by the City Manager that they have lived in the City for at least one year..
5. Describe policies and programs to attract and retain Concord residents as employees, including anticipated percentages and numbers of employees to be Concord residents.
6. Describe the number of employees, their title/position, and their respective

responsibilities.

7. Thoroughly describe employee policies and procedures (complete manuals are not required to be submitted).
8. If the commercial cannabis business has twenty (20) or more non-supervisory employees, the applicant must attest that they are committed to or have entered into a labor peace agreement and will abide by its terms.
9. Describe how the business will develop a diverse work force that meets the needs of the community. The plan will be at the discretion of the business but will be evaluated on its ability to demonstrate it has a viable plan.

SECTION C (15%): NEIGHBORHOOD COMPATIBILITY AND ODOR CONTROL PLAN (up to 300 points)

1. Describe how the commercial cannabis business will proactively address and respond to complaints related to noise, light, odor, litter, vehicle and pedestrian traffic.
 - a. Detail the process to respond to calls, emails, and other forms of complaints
 - b. Describe how these complaints will be logged, tracked, evaluated, and addressed.
2. Describe how the commercial cannabis business will be managed so as to avoid becoming a nuisance or having impacts on its neighbors and the surrounding community.
3. Describe odor mitigation practices:
 - a. Identify potential sources of odor
 - b. Describe odor control devices and techniques employed to ensure that odors from cannabis are not detectable beyond the licensed premises.
 - c. Describe all proposed staff training, and system maintenance plans.
 - d. Describe the waste management plan. The plan shall include waste disposal locations, security measures, methods of rendering all waste unusable and unrecognizable, and the vendor in charge of disposal.

SECTION D (30%): COMMUNITY BENEFITS AND INVESTMENTS PLAN (up to 600 Points)

The application should describe all quantifiable benefits the commercial cannabis business will provide to the local community. Benefits may be in the form of volunteer services, monetary donations to local non-profit organizations, financial support of City sponsored activities or organizations, in kind donations to the City or other charitable organizations and/or any other economic incentives to the City. Please note that each successful applicant will be required to enter into a Community Benefit Agreement and/or Development Agreement with the City before being issued a City Cannabis License.

SECTION E: PRELIMINARY SAFETY AND SECURITY PLAN (Pass/Fail)

Pursuant to CMC 5.80.040(13) and Government Code Section 6254(f), Safety and Security Plans marked as "Confidential" will not be disclosed to the public or in response to a Public Records Act request without the consent of the applicant.

The Preliminary Safety and Security Plan should consider all possible fire, medical and hazardous

*situations. Please provide a detailed description for each criteria; **complete policy/procedures manuals are not required at this point of the application process.***

1. Provide name(s) of the professional fire prevention and suppression consultant(s) that will be used to prepare the safety plan.
2. Identify all gases and/or chemicals proposed to be used.
3. Identify fire alarm and monitoring system intended for use.
4. Describe the proposed accident and incident reporting procedures.
5. Describe the proposed evacuation procedures.
6. Provide name(s) of the professional security consultant(s) that will be used to prepare the security plan.
7. Preliminary Premises (Security) Diagram. In addition to diagrams submitted for other sections of the application, applicants shall submit a preliminary premises diagram which, focuses on proposed security measures and how they relate to the overall business. (Pursuant to Bureau of Cannabis Control regulations, Title 16, Division 42, §5006 and CCR Title 17, Division 1, Chapter 13, § 40105, Premises Diagram, as applicable). The diagram shall be accurate, dimensioned and to scale (minimum scale $\frac{1}{4}$ ").

**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution Amending Exhibit “A” to Resolution
No. 78-6042 to Establish Deposit Amounts for Review
of Business Proposals Associated with a Merit-Based
Competitive Selection Process for Cannabis Retailers
and Microbusinesses**

Resolution No. 20-XX

WHEREAS, the City of Concord provides a variety of municipal services; and

WHEREAS, the City Council adopted Resolution No. 78-6042 on October 9, 1978,
establishing a master resolution within which various municipal fees and charges would be located;
and

WHEREAS, on April 28, 2020, at a duly noticed public hearing, the City Council introduced
Ordinance No. 20-4, amending Concord Municipal Code Chapter 5.80 (Cannabis) and Development
Code (Title 18) to: allow adult-use City Cannabis Licenses for manufacturers and Type 13
distributors; increase the maximum number of City Cannabis Licenses for manufacturers, Type 13
distributors, and testing laboratories; and allow City Cannabis Licenses for retail (storefront and non-
storefront), microbusinesses, and Type 11 distributors; and

WHEREAS, the amendments to Exhibit “A” to Resolution No. 78-6042 are necessary to
establish certain processing fees and charges for reviewing and processing commercial cannabis
retailer business proposals through a merit-based competitive selection process (the “fees”) based
upon the amendments to the Municipal Code and Development Code to ensure that the City is
reimbursed for services rendered; and

WHEREAS, such fees are based on existing hourly rates already established by the City; and

WHEREAS, the City Council, at its meeting on May 26, 2019, received an oral and written
report from City staff identifying the need therefor; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, Public Resources
Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of
the California Code of Regulations (collectively, “CEQA”), the development of the RFP criteria does
not constitute a “project” within the meaning of Public Resources Code Section 21065 and CEQA

Guidelines Sections 15060(c)(2), 15060(c)(3) or 15378 because there is no potential that the activity will result in a reasonably foreseeable indirect or direct physical change in the environment. Moreover, even if the development of the RFP criteria did comprise a project for CEQA analysis, it falls within the “common sense” CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” There is also no reasonable possibility that the activity would have a significant environmental effect due to unusual circumstances. In addition, Business and Professions Code Section 26055(h) provides that CEQA does not apply to the adoption of an ordinance, rule, or regulation that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity, as long as each subsequent discretionary approval involves applicable CEQA review. Therefore, the development of a RFP process to obtain the relevant City Cannabis License does not warrant further environmental review. Also, the revision to the City’s Master Fees and Charges Schedule does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Reg. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In addition, the revision is categorically exempt pursuant to Section 15061(b)(3), “Review for Exemptions” of the CEQA Guidelines because there is no possibility that the update to the City’s Master Fees and Charges Schedule may have a significant effect on the environment, and no further environmental review is required. Moreover, even if the revision does comprise a project for CEQA analysis, it falls within the “common sense” CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” None of the exceptions identified in CEQA Guidelines Section 15300.2 are present. No unusual circumstances are present.

WHEREAS, the City Council held a public hearing on May 26, 2020, at which time members of the public were afforded an opportunity to address the City Council regarding this matter; and

1 **WHEREAS**, upon close of the public hearing the City Council deliberated upon the oral
2 report from City staff, the written report from City staff dated May 26, 2020, together with oral and
3 written testimony and other relevant information received during the course of the public hearing
4 (“Fee Information”) and

5 **WHEREAS**, the City Council has determined that Section E “Police Fees” in Exhibit A to
6 Resolution No. 78-6042 shall be amended as indicated in Exhibit A of this resolution.

7 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES**
8 **RESOLVE AS FOLLOWS:**

9 **Section 1.** The above recitals (which are hereby incorporated by reference) are accurate and
10 constitute findings in this matter and, together with the Fee Information, serve as an adequate and
11 appropriate evidentiary basis for the findings and actions set forth in this Resolution and further makes
12 the following findings:

13 **Section 2. CEQA:** Pursuant to the California Environmental Quality Act of 1970, Public
14 Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14,
15 Chapter 3 of the California Code of Regulations (collectively, “CEQA”), the development of the RFP
16 criteria does not constitute a “project” within the meaning of Public Resources Code Section 21065
17 and CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), or 15378 because there is no potential that
18 the activity will result in a reasonably foreseeable indirect or direct physical change in the
19 environment. Moreover, even if the development of the RFP criteria did comprise a project for CEQA
20 analysis, it falls within the “common sense” CEQA exemption set forth in CEQA Guidelines Section
21 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the
22 activity in question may have a significant effect on the environment.” There is also no reasonable
23 possibility that the activity would have a significant environmental effect due to unusual
24 circumstances. In addition, Business and Professions Code Section 26055(h) provides that CEQA
25 does not apply to the adoption of an ordinance, rule, or regulation that requires discretionary review
26 and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity,
27 as long as each subsequent discretionary approval involves applicable CEQA review. Therefore, the
28

development of a RFP process to obtain the relevant City Cannabis License does not warrant further environmental review. Also, the revision to the City's Master Fees and Charges Schedule does not constitute a "project" within the meaning of Public Resources Code Section 21065, 14 Cal Code Reg. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In addition, the revision is categorically exempt pursuant to Section 15061(b)(3), "Review for Exemptions" of the CEQA Guidelines because there is no possibility that the update to the City's Master Fees and Charges Schedule may have a significant effect on the environment, and no further environmental review is required. Moreover, even if the revision does comprise a project for CEQA analysis, it falls within the "common sense" CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." None of the exceptions identified in CEQA Guidelines Section 15300.2 are present. No unusual circumstances are present.

Section 3. The City Council has reviewed, considered, and evaluated all of the Fee Information prior to acting upon the fee revision.

Section 4. The amended Commercial Cannabis Fees are to ensure that the City is reimbursed for all costs and services associated with reviewing and selecting cannabis retailer business proposals through the merit based competitive selection process, to determine a business's eligibility to apply for a limited number City Cannabis Licenses, and include Cannabis Request for Proposal (RFP) Fees for: Phase I/II Review, Evaluation & Scoring; Phase III Eligibility Ranking; Phase IV Interviews; and RFP Appeal Fee.

Section 5. Section E "Police Fees" in Exhibit "A" to Resolution No. 78-6042 is amended as recommended and set forth in Exhibit A hereto.

Section 6. The documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from the City of Concord City Clerk, 1950 Parkside Drive, Concord, CA 94519.

Section 7. The City Council does hereby amend the City of Concord Master Fee Schedule to adopt revisions to the fee schedule as shown in Exhibit “A”, attached hereto and incorporated herein, effective May 26, 2020.

Section 8. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Concord on May 26, 2020, by the following vote:

AYES: Councilmembers -

NOES: Councilmembers -

ABSTAIN: Councilmembers -

ABSENT: Councilmembers -

I HEREBY CERTIFY that the foregoing Resolution No. 20-XX was duly and regularly adopted at a regular meeting of the City Council of the City of Concord on May 26, 2020.

Joelle Fockler, MMC
City Clerk

APPROVED AS TO FORM:

Susanne Meyer Brown
City Attorney

Attachment - Exhibit “A”: Schedule E for Master Fees and Charges, Section E “Police Fees”, No. 28 (and subsections) “Commercial Cannabis License Fees”



CITY OF CONCORD CANNABIS LICENSE APPLICATION

I. Instructions to Apply for a Cannabis License

In order to operate a cannabis business in the City of Concord, businesses are required to obtain the appropriate City Cannabis License from the Police Department, pursuant to Concord Municipal Code Section 5.80. **Applications shall be submitted at the Permit Center (1950 Parkside Drive) and will be routed to the Police Department.** This Cannabis License Application packet must be completed and signed by the Cannabis Business Owner and Property Owner.

Important instructions to review before completing the application form:

1. Review the [Cannabis License Submittal Procedures](#).
2. Select the type of License(s) requested by circling one of the following:
 - A. First-come first served: Manufacturing / Testing / Distribution Type 11 / Microbusiness (without storefront retail) / Distribution Type 13
 - B. Competitive selection required (prior to submittal): Retail non-storefront / Microbusiness with storefront retail / Storefront retail
3. Read and understand sections 5.80.010 through 5.80.140 (Cannabis) of the Concord Municipal Code.
4. Read and understand sections 18.25 through 18.65, 18.110, and 18.180 of the Concord Municipal Code, pertaining to cannabis land uses.
5. Read and understand sections 9.05 (Offenses and Miscellaneous Provisions) of the Concord Municipal Code.
6. Attach all supporting documents as requested in the Cannabis License Application.
7. Understand there are fees associated with this application process. If paying by check, please make the check out to the "City of Concord." Payments shall be made at the Permit Center (1950 Parkside Drive) and a [Trust Account Agreement Form](#) is required.
8. Complete the attached Live Scan form (Exhibit 3) and take it to any Live Scan processing location of choice to submit fingerprints for a background check of all proposed owners, managers, or key employees of the cannabis business. An "owner" includes any person who would be defined as a "cannabis business owner" under CMC Chapter 5.80, including those individuals with an aggregate ownership interest of 20 percent or more in the proposed cannabis business, the chief executive officer or member of the board of directors, if a nonprofit; an individual who will be participating in the direction, control, or management of the cannabis business; any individual who is entitled to a financial interest in the cannabis business, including individuals who have entered into an agreement to share in the profits of the cannabis business. A "manager" or "key employee" is an employee who accepts responsibility for ensuring that the business is licensed under State law and is operating in compliance with the City's regulations. Any and all subsequent arrests of an owner, manager, or key employee, after a License is issued or during the review process, requires notification to the Concord Police Code Enforcement Unit. Provide a letter of explanation for any and all arrests and conviction.

9. Obtain the names, ages, telephone numbers and driver license numbers of all persons working at the cannabis business.

II. Annual License Renewal:

Registration renewal requires the Owner, Manager, or Key Employee to **submit any operational changes and the registration portion of the Cannabis License application**. Renewal registrations also require the Owner to initial his/her understanding of all the rules and regulations pertaining to the license, which includes the responsibility of ensuring all Managers, Key Employees and any other employee also understands all the rules and regulations related to the license.

PLEASE BE AWARE:

- A. The **City Cannabis License shall be valid for one (1) year from the date of issuance**; provided, however that the Chief of Police has the discretion to extend the term or renewal term of a City Cannabis License for a period of up to two (2) years from the date of issuance. The license term may also be extended by the City Council for a period of up to five (5) years, pursuant to the terms of a community benefit agreement, development agreement, or as part of a competitive selection process.
- B. **A license renewal application and any applicable fees must be submitted at least sixty (60) days before the expiration of the license. Failure to submit a renewal application prior to the expiration date of the license will result in the automatic expiration of the license on the expiration date.** License renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that the new standards are met. No person shall have any entitlement or vested right to receive a license under this chapter.

When filling out an application for license renewal:

- Use this application form and check the box “Renewal” on the following page
- For each page of the application, update any information that has changed since the time the last complete application or application renewal was submitted
- If no changes have occurred, indicate this by writing “No change” in the appropriate field
- Initial all pages of the application form
- Obtain the appropriate signatures (business owner and property owner)

III. Cannabis License Terms and Conditions

1. By signing below, the Cannabis Business Owner and Property Owner agrees to the following terms and conditions. The application shall be signed under penalty of perjury, certifying that the information submitted, including all supporting documents, is, to the best of the applicant’s knowledge and belief, true, accurate and complete, and by the property owner for purposes of certifying that s/he has reviewed the application, and approves the use of the property for purposes stated in the application. The signature of both the Cannabis Business Owner and the Property Owner shall constitute evidence of their express consent to abide by the conditions, waivers, and promises stated in the application, and to also give express consent to allow City staff to enter upon and inspect the cannabis business premises upon reasonable notice.
2. The Cannabis Business Owner is responsible for ensuring their Manager(s), Key Employees, and any and all employees and agents of the Cannabis Business understand and abide by these terms and conditions (owner shall initial the spaces provided).

- A. Compliance with the Concord Municipal Code and other Laws.** The Cannabis Business Owner, Manager, and all persons authorized as Key Employees by the Concord Police Department in connection with this License, and any and all employees and agents of the Cannabis Business for which this license is issued shall strictly comply with the provisions of the Concord Municipal Code, including the Development Code, that govern or relate to the operation of this Cannabis Business. The Cannabis Business Owner, Manager, and all employees and agents of the Business for which this License is issued shall strictly comply with all provisions of County, State and Federal law that govern or relate to the operation of this Business, and to the use and maintenance of the Business Premises.
- B. City Cannabis License Requirement.** City Cannabis License Required. No Cannabis Business shall be allowed to operate within the City unless the Cannabis Business first obtains a City Cannabis License from the Chief of Police. The City Cannabis License shall be specific to the location where the Cannabis Business will operate and shall specify the type of commercial cannabis activity. Multiple operating locations for the same cannabis business will require separate City Cannabis Licenses.
- C. Conditional City Cannabis License.** A conditional City Cannabis License consistent with subsection (a) may be issued by the Chief of Police to initiate the State licensing process as an interim step prior to issuance of the City Cannabis License.
- D. Required Approvals for Operation: After issuance of the City Cannabis License by the Chief of Police, no Cannabis Business Licensee may operate in the City until the licensee provides to the Chief of Police satisfactory proof of ALL of the following:**
1. The appropriate land use approval (use permit, minor use permit, administrative approval, or zoning clearance) from the City, including the appropriate environmental review under the California Environmental Quality Act (CEQA).
 2. The corresponding State license or regulatory approval for the specific cannabis activity.
 3. A business license from the City.
 4. A fully executed development agreement or community benefit agreement, if required by the City.
- E. Revocable License.** Any City Cannabis License issued under Chapter 5.80 is a revocable license; the issuance or granting of a license under Chapter 5.80 expressly does not constitute or provide for a permanent right or vested land use right to conduct a cannabis business, use, or cannabis commercial activity within the City.

IV. License Fee Schedule

Applicants and City Cannabis Licensees shall pay all applicable fees as set forth in the City Council adopted Master Fees and Charges for municipal services. Applicants and City Cannabis Licensees shall also pay the amount as prescribed by the Department of Justice of the State of California for the processing of applicant's fingerprints. **These fees shall be paid on new and renewed licenses.**

If a new license application or a renewal application is denied, the deposit will be refunded less the staff time and other associated costs dedicated to processing the license application.

All fees, with the exception of Live Scan fees, shall be submitted at the Permit Center, 1950 Parkside Drive, Concord, CA 94519.

CANNABIS LICENSE FEES

Description	Cost
Application Fee	Permit Center: \$15,000 deposit
Application Renewal Fee	Permit Center: Up to \$15,000 deposit (depending on current account balance)
Cannabis License Appeal Fee	Permit Center: \$5,000 deposit
Staff hourly rates	See Master Fee and Charges Schedule

V. OTHER SUBMITTAL REQUIREMENTS

As outlined in the [Cannabis License Submittal Procedures](#), the City Cannabis License Application must also be accompanied by the following:

- Zoning Verification Letter (Payment of \$537.50 per Assessor's Parcel Number (APN) subject to change on July 1, 2023)
- [Zoning Compliance Fact Sheet](#)
- Project Plans

VI. ADDITIONAL REQUIREMENTS PRIOR TO CANNABIS BUSINESS OPERATION

Once the City Cannabis License Application is submitted to Planning Division staff at the Permit Center, the Planning Division will coordinate review of the application materials with the Police Department, other City Departments, and outside agencies, as applicable. If information is missing at the time of submittal, staff may not accept the application. Application submittal materials will not be accepted electronically (except as outlined in the Cannabis License Submittal Procedures in response to Covid-19), or piecemeal.

City Cannabis License Application

CANNABIS LICENSE TYPE

(Full Business Name and Address)

Select the type of license(s) you are applying for:

- ☐ NEW ☐ ANNUAL RENEWAL
- ☐ Manufacturing
- ☐ Testing Facility
- ☐ Distribution (Type 11)
- ☐ Distribution (Type 13)
- ☐ Microbusiness (without storefront retail)
- ☐ Microbusiness (with storefront retail)
- ☐ Non-storefront retail
- ☐ Storefront retail

Applicants that have an existing and active City Cannabis License should also provide the requested information under Section 3.C below.

1. Personal & Business History Statement

To be completed separately by 1) Owner(s), who is defined as any person who would be defined as a “cannabis business owner” under Chapter 5.80, including those individuals with an aggregate ownership interest of 20 percent or more in the proposed cannabis business, the chief executive officer or member of the board of directors, if a nonprofit; an individual who will be participating in the direction, control, or management of the cannabis business; any individual who is entitled to a financial interest in the cannabis business, including individuals who have entered into an agreement to share in the profits of the cannabis business; and 2) Managers or Key Employees, who are defined as employee s who accept responsibility for ensuring that the business is licensed under State law and is operating in compliance with the City’s regulations managers of the cannabis business. (You may include multiple copies of this page for each individual, as necessary).

<input type="checkbox"/> Owner	<input type="checkbox"/> Manager	<input type="checkbox"/> Key Employee(s)
--------------------------------	----------------------------------	--

Individual Applicant Information:

Last Name:		First:		MI:	
Date of Birth:					
Height:	Weight:	Hair:	Eyes:	Gender:	
Address:			City:	St:	Zip:
Email:			Alt Email:		
Home Phone:		Cell Phone:		Alt Phone:	
California DL/ID Number:			Other Govt. ID:		

Personal History Questionnaire

Next to each question, please answer “Yes” or “No.” If you answer “Yes” to any of the questions, please attach a separate sheet of paper explaining your answer and providing all information necessary for the Police Department to confirm the information you provided, including, but not limited to the jurisdiction where the activity occurred. A “Yes” answer does not necessarily mean you will be denied a City Cannabis License. Additional documentation may be required by the Police Department if the information presented is deemed insufficient to complete the investigation.

THE FOLLOWING QUESTIONS MUST BE ANSWERED BY ALL APPLICANTS: For the purposes of this questionnaire. “You” shall mean any person who would be defined as a “cannabis business owner” in Chapter 5.80, including those individuals with an aggregate ownership interest of 20 percent or more in the proposed cannabis business, the chief executive officer or member of the board of directors, if a nonprofit; an individual who will be participating in the direction, control, or management of the cannabis business; any individual who is entitled to a financial interest in the cannabis business, including individuals who have entered into an agreement to share in the profits of the cannabis business.

1. ____ Have you ever applied for or received a license, permit, certificate, license(s), or registration to practice in a regulated profession regarding the use, distribution, transportation or sales of cannabis under any name other than the name listed on this application?
2. ____ Have you ever had a license, permit, certificate, license, or registration regarding the use, distribution, transportation or sales of cannabis to practice in a regulated profession denied, suspended or revoked, or in any way conditioned, curtailed, limited, or restricted in or by any jurisdiction?
3. ____ Is any administrative, civil, or criminal action pending against you now by a licensing or regulatory agency?
4. ____ Have you ever been convicted of a crime that is substantially related to the qualification, functions or duties of the cannabis business or the use, distribution, transportation or sales of cannabis?
5. ____ Have you ever used another name or alias?
6. ____ Have you owned or leased premises that have been the subject of an administrative, civil or criminal nuisance abatement action and court judgment or administrative determination finding the premises to be a nuisance within

the last five (5) years?

7. ____ Have you employed or otherwise contracted for, or are you planning on employing or contracting for, the services of a person who has previously had a state or local agency cannabis license denied, suspended or revoked?
8. ____ Are the premises where the cannabis business is located in violation of any building, zoning, health, fire, police or other provision of the local Municipal Code or of any county, state or federal law?
9. ____ In the last five (5) years have you applied for, but were denied, a cannabis business license in the City of Concord or license or permit in any other jurisdiction, including the State of California?
10. ____ In the last five (5) years have you had a cannabis business license or permit suspended or revoked?

2. Identifying Information for Ownership and Management.

Provide the name, address, and telephone number for each Owner, Manager, and Key Employee(s), and an explanation of the legal form of business ownership that exists (for example, sole proprietor, partnership, California corporation, etc.) must be listed and proof of provided.

Name	Address	Phone Number	Legal Form of Business Ownership

(Use additional pages if necessary)

Each Cannabis Business Owner, Manager, or Key Employee SHALL submit the following:

- A. A completed Live Scan.
- B. Proof of residency in the form of a valid State Issued identification card and current utility bill.
- C. Related information required by the Chief of Police for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests to be considered as set forth in this Chapter.
- D. Any changes as to the Owner(s), Manager, Key Employee(s) and their respective identifying information shall be promptly submitted to the Chief of Police for supplemental background checks of these individuals.

3. Business Application Information

Name of Business/DBA:			
Address:		City:	St: Zip:
Email:		Web Site:	
Phone:		Fax:	

- A. **Description of Premises.** Provide below the address and Assessor's Parcel Number(s) of the location for the proposed commercial cannabis activity, and the name and contact information for the Property Owner(s) where the proposed commercial cannabis activity will be located.

Address of Commercial Cannabis Activity	Contact Information for the Property Owner(s)	Assessor's Parcel Number

- B. **State License Type and Compliance.** Provide below a description of the specific State cannabis license(s) that the cannabis business either has obtained or plans to obtain, including the State license number and expiration date. The cannabis business shall describe how it will meet the State licensing requirements, and provide supporting documentation as required by the Chief of Police.

Attach a copy of the applicable State License(s) listed below to this application.

List State License(s) Type and Number	Date of license expiration or date of expected issuance, if not yet issued

- C. **Other Local Licenses.** Provide below a description of the specific cannabis license(s) that the applicant either has obtained or plans to obtain from the City of Concord and other local jurisdictions, agencies, departments, or special districts, including the license number (if applicable) and expiration date. **Attach a copy of the license(s) to this application.**

Description of Local License(s)

- D. **Description of Operations.** A written description of the nature of the proposed commercial cannabis activity, product type, hours of operation, number of employees, average production amounts, including a description of each product produced by type, amount, process and rate, and source(s) of cannabis. (If you wish to attach a separate written description, please note that here).

Description of Operations

Note: Attach all supporting documents to the application

4. Retail/Distribution/Microbusiness/Delivery Licenses: Please complete the following section (for new licenses, if this information is not known at the time of submittal, please indicate a date when this information will be available and provided to the Police Department):

	Name of Cannabis Delivery Driver/s	California Driver License Number	Date of Birth (must be at least 21 years old)
1			
2			
3			
4			
5			

List of Vehicles and Devices Used for Distribution or Delivery of Cannabis in the City of Concord (for new licenses, if this information is not known at the time of submittal, please indicate a date when this information will be available and provided to the Police Department):

Make	Model	License Plate	VIN	Driver	Devices used for Distribution/Delivery

5. Insurance, Release of Claims and Indemnity – For all License Types.

A. Applicant shall attach a certificate of insurance and endorsement demonstrating ability to comply with the insurance requirements for the applicable License, in a form acceptable to the City Attorney, as set forth below:

Licensee shall, at its own expense, procure and maintain in full force at all times during the term of the License the following insurance:

1. Commercial General Liability Coverage. Licensee shall maintain commercial general liability insurance with limits of no less than one million dollars (\$1,000,000) combined single limit per occurrence or two million dollars (\$2,000,000) aggregate limit for bodily injury, personal injury, and property damage.

2. Automobile Liability Coverage. Licensee shall maintain automobile liability insurance covering all vehicles used in the performance of the cannabis business providing a one million dollar (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury, and property damage.

3. Compliance with State Workers' Compensation Requirements. Licensee covenants that it will insure itself against liability for Workers' Compensation pursuant to the provisions of California Labor Code §3700, et seq. Licensee shall, at all times, upon demand of the City, furnish proof that Workers' Compensation Insurance is being maintained by it in force and effect in accordance with the California Labor Code. The insurer shall also agree to waive all rights of subrogation against the City, its officers, officials, employees and volunteers for losses arising from work performed by Licensee for City. This provision shall not apply upon written verification by Licensee that Licensee has no employees.

4. Other Insurance Provisions. The policies are to contain, or be endorsed to contain the following provisions:

a. Additional Insured. City, its officers, agents, employees, and volunteers are to be covered as an additional insured as respects: Liability arising out of activities performed by or on behalf of Licensee and operations of Licensee, premises owned, occupied, or used by Licensee. The coverage shall contain no special limitations on the scope or protection afforded to City, its officers, officials, employees, or volunteers. Except for worker's compensation and professional liability insurance, the policies mentioned in this subsection shall name City as an additional insured and provide for notice of cancellation to City. Licensee shall also provide timely and prompt notice to City if Licensee receives any notice of cancellation or nonrenewal from its insurer.

b. Primary Coverage. Licensee's insurance coverage shall be primary insurance with respect to City, its officers, officials, employees, and volunteers. Any insurance, risk pooling arrangement, or self-insurance maintained by City, its officers, officials, employees, or volunteers shall be in excess of Licensee's insurance and shall not contribute with it.

c. Reporting Provisions. Any failure to comply with the reporting provisions of the policy shall not affect the coverage provided to the City, its officers, officials, employees, or volunteers.

d. Verification of Coverage. Licensee shall furnish City with certificates of insurance and the original endorsements effecting coverage required by this License. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The aforementioned policies shall be issued by an insurance carrier having a rating of Best A-7 or better which is satisfactory to the City Attorney and shall be delivered to City before License is issued. Such policies and certificates shall be in a form approved by the City Attorney. City reserves the right to require complete certified copies of all required insurance policies at any time.

B. Release and Indemnity. By signing this application, the signator represents that he/she has the authority to bind the applicant and/or cannabis business owner and does hereby releases the City, its officers, officials, agents, and employees from any and all known and unknown claims, injuries, damages, or liabilities of any kind arising from (a) any repeal or amendment of the City's municipal and development codes related to the cannabis business or cannabis commercial activity; and (b) any arrest or prosecution of applicant, cannabis business owner, manager or key employees, employees or staff for violation of state or federal laws. The applicant is aware of the statutory language of Civil Code Section 1542, which reads as follows, as elects to waive the benefits of any and all rights any of them may have pursuant to this section:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

Also by signing this application, applicant and/or cannabis business owner does hereby indemnifies, defends and holds harmless to the fullest extent permitted by law, the City, its officers, officials, agents, and employees from and against

any and all actual and alleged damages, claims, liabilities, costs (including attorney's fees), suits or other expenses resulting from and arising out of or in connection with Licensee's operations, except such liability caused by the active negligence, sole negligence or willful misconduct of City, its officers, officials, agents and employees.

6. Security Plan: Please attach written Security Plan, which includes the following information:

- A. Security Plan. A description and documentation of how the applicant will secure the premises twenty-four (24) hours per day, seven (7) days per week, and how waste derived from any cannabis commercial activity will be disposed of in a manner to ensure it may not be utilized for unlawful purposes and that it is disposed of in a legal and acceptable manner. The security plan shall include, but is not limited to, the following:
1. Preventing individuals from remaining on the premises if they are not engaged in activity expressly related to the operations of the commercial cannabis activity;
 2. Establishing limited access areas accessible only to authorized personnel including security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products;
 3. Storing all finished cannabis and cannabis products in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples, immediate sale, if applicable;
 4. Including a minimum of a two-point security precaution that incorporates structures or physical barriers to regulate access to cannabis and money and prevents access of customers throughout the entire facility;
 5. Providing tamper-proof and tamper-evident packaging for finished cannabis products;
 6. Preventing off-site impacts to adjoining or nearby properties including odor control measures;
 7. Limiting the amount of cash on the premises and providing a cash management plan for the safe handling and transferring of money;
 8. Identifying the area(s) where distribution activities will occur on private property and outside of public view in a safe and secure environment;
 9. Providing an adequate alarm system;
 10. Provide an adequate security surveillance system. Security surveillance footage shall be retained for a minimum of 14 days and be subject to review and collection by the Police Department upon request. Such footage shall be provided within 3 days of request. Security surveillance shall include, but not be limited to, the coverage of all ingress and egress to building(s), adjoining parking lot(s), walkways, driveways, and other exterior property space;
 11. Providing armed security guard(s) that are appropriately licensed by the California Bureau of Security and Investigative Services or approved equivalent. Quantity and location of guards shall be evaluated by the Chief of Police;
 12. Providing a cannabis business contact to respond to the City and neighbors regarding complaints;
 13. Identifying measures to prevent unlawful loitering and excessive noise;
 14. Tracking System. A description of how the cannabis business will track inventory of cannabis product, consistent with state law;
 15. Distribution Security. All distribution licenses shall take the necessary precautions to prevent theft of product and money from distribution vehicles. Caged and locked product storage areas shall be installed in distribution vehicles and any and all money shall be kept secured and separate from any product; and

16. Waste and Disposal Plan shall be provided as a separate document.

7. City Cannabis License Term

- B. Duration. The **City Cannabis License shall be valid for one (1) year from the date of issuance**; provided however that the Chief of Police has the discretion to extend the term or renewal term of a City Cannabis License for a period of up to two (2) years from the date of issuance. The license term may also be extended by the City Council for a period of up to five (5) years, pursuant to the terms of a community benefit agreement, development agreement, or as part of a competitive selection process.
- C. Renewal. **A license renewal application and any applicable fees must be submitted at least sixty (60) days before the expiration of the license. Failure to submit a renewal application prior to the expiration date of the license will result in the automatic expiration of the license on the expiration date.** License renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that the new standards are met. No person shall have any entitlement or vested right to receive a license under this chapter.
- D. Application Deemed Withdrawn. To promote efficient review and timely decisions, any cannabis license application will be automatically deemed withdrawn by the applicant, without any further action by the City, if the applicant fails to tender a substantive response to the City within 45 calendar days after the Planning Division or Police Department or Planning Division deems the application incomplete in a written notice to the applicant. The Police Department may, in its sole and absolute discretion, grant a written extension for up to a total of 15 calendar days if the applicant submits a written request prior to the deemed withdrawn date that shows good cause to grant the extension. Any extension shall be subject to additional fees.
- E. License Expiration. Any City Cannabis License approved pursuant to Concord Development Code Chapter 5.80 shall automatically expire and become null and void, without any further action by the City, unless the proposed cannabis use is established within six months from the date of approval by the decision-making body or if the cannabis use ceases for a period of six months as determined by the Planning Division, at any time after its commencement. The Planning Division may, at its sole and absolute discretion, grant a written extension for an additional six months, if the applicant submits a written request prior to the expiration date that demonstrates that they have diligently attempted to exercise the License but were unable due to circumstances beyond their control. Any extension shall be subject to any additional fees.
- F. Resubmittal:
 - a. Resubmittal Prohibited Within 12 Months. For a period of 12 months following expiration of a Cannabis License application or expiration of a Cannabis License, no application for the same or substantially similar license for the same site shall be submitted. If a new application is allowed, a completely new application shall be filed, including all submittal requirements and current filing fees, in accordance with the requirements of Chapter 5.80.
 - b. City Determination. The Planning Division shall determine whether the new application is the same or substantially similar to the expired application or License, and shall issue a written determination to the applicant.
 - c. Appeal. The determination of the Planning Division may be appealed to the Chief of Police within ten (10) calendar days of the date of decision. The decision of the Chief of Police shall be final.

8. City Cannabis License Transfer or Modification of License or Application Information.

- A. A City Cannabis License is nontransferable, and no transfer to another cannabis business owner or modifications to a licensed facility may be made unless the Chief of Police approves the transfer or modification. The Chief of Police may also refer the request for transfer or modification to the City Council for consideration.
- B. A request for change in license ownership, managers or key employees who make operational or management decisions shall be submitted to the Chief of Police on a at least sixty (60) days prior to the anticipated transfer of ownership, or in the case of change of management employees, within fifteen (15) calendar days, together with any applicable fee(s). Requests submitted less than these time periods will be processed only in the City's discretion and may be subject to an expedited processing fee. A new owner(s) or key employee(s) shall meet all requirements for applicants of an initial license. The request shall include the following information:

1. Identifying information for the new cannabis business owner(s) and management as required in an initial City Cannabis License application;
 2. A written certification by the new cannabis business owner s required in an initial license application;
 3. The specific date on which the transfer is to occur; and
 4. Acknowledgement of full responsibility for complying with the existing license.
- C. **Change in Security Plan.** A request to modify the security plan shall be submitted to the Chief of Police in writing at least thirty (30) days prior to the anticipated change, together with the applicable fee.
- D. **Change of Contact Information.** A request to change the cannabis business contact information shall be submitted to the Chief of Police in writing at least thirty (30) days prior to the anticipated change, together with the applicable fee.
- E. **Change in Trade Name.** A request to change the cannabis business trade or business name shall be submitted to the Chief of Police in writing at least thirty (30) days prior to the anticipated change, together with the applicable fee.

9. General Conditions for All City Cannabis Licenses. In addition to the above-described requirements, the City Cannabis License is also subject to the following conditions:

- A. **State License.** The cannabis business shall hold a valid state license (provisional or permanent) for the equivalent state license type for the entire duration of the city cannabis license
- B. **Sensitive Land Use.** No cannabis business shall be located within 250 feet of a sensitive land use, as defined in Section 5.80.020, except as provided in Section 5.80.060(f) (Sensitive Land Use Hardship) or unless otherwise directed by the City Council through the competitive selection process. No sensitive land use shall be located in the buffer area that is within 600 feet of the Commercial Cannabis Overlay District (Chapter 18.110).
- C. **Prohibited Products.** No cannabis business may sell, store, distribute or allow the consumption of any alcoholic beverages or tobacco products on or at any premises where cannabis is sold
- D. **Cannabis consumption on-site prohibited.** No cannabis business may allow, license or provide for the consumption of cannabis products on-site where the cannabis business is located, with or without compensation.
- E. **Hours of Operation.** All permitted facilities, with the exception of storefront retail, shall be closed to the general public. No direct sales of cannabis or cannabis products to the general public shall occur except via delivery from a licensed business to a private residence. The Chief of Police may limit the hours for transporter deliveries and pick-ups. Storefront retail cannabis businesses shall not be open to customers outside of 7:00 a.m.to 10:00 p.m. daily without authorization from the Chief of Police.
- F. **Odor Control.** Odors shall be contained within the licensed tenant space on which the commercial cannabis activity is located. Cannabis licensees shall prevent all odors generated from the cannabis use from permeating buildings to the extent that odor cannot be detected by a reasonable person of normal sensitivity outside the buildings, on adjacent properties or public rights-of-way, or within any other unit located within the same building as the cannabis licensee, if the use only occupies a portion of a building. If the City receives any odor complaints that arise to the level of a public nuisance, the cannabis business shall work with the City staff to correct odor concerns. Unresolved or repeated odor complaints may be basis for suspension or revocation of the City Cannabis License or denial of City Cannabis License renewal.
- G. **Business Conducted within Building.** No production, distribution, storage, display or wholesale of cannabis and cannabis products shall be visible from the exterior of the building where the commercial cannabis activity is being conducted, except as authorized by the Chief of Police.
- H. **Protection of Minors.** No cannabis business shall employ anyone who is younger than 21 years of age. No cannabis business shall sell or advertise to sell any cannabis, cannabis product or cannabis accessory to minors, except in circumstances where the minor is over 18 years of age and is licensed or allowed by state law to purchase or possess medicinal cannabis, as set forth in California Business and Professions Code Section 26140, or any successor statute therein.

- I. **Security.** All cannabis businesses shall maintain a commercial burglar alarm monitoring system, install a video surveillance system, and comply with the security plan approved by the Chief of Police. A cannabis business shall notify the Police Department immediately, and within 24 hours after discovering any of the following:
 - 1. Diversion, theft, loss, or any criminal activity involving the cannabis or cannabis product or any agent or employee of the licensee.
 - 2. The loss or unauthorized alteration of records related to cannabis or cannabis product, registered qualifying patients, primary caregivers or employees or agents.
 - 3. Significant discrepancies identified during inventory.
 - 4. Any other material breach of security.
- J. **Labeling and Packages.** Labels and packages of cannabis and cannabis products shall meet all state and federal labeling and packaging requirements.
- K. **Inspections.** City representatives may enter and inspect the property of every cannabis business to ensure compliance and enforcement of the provisions of Concord Municipal Code Chapter 5.80, except that the inspection and copying of private medical records shall be made available to the Police Department only pursuant to a properly executed search warrant, subpoena, or court order. Such inspections shall occur during normal regular business hours unless the City has provided prior written notice to the cannabis business for an after-hours inspection. Upon request, the cannabis business shall timely provide the City official with records related to the business, including, but not limited to, utility bills from the commercial energy provider for the premises, inventory, financial records, and inventory tracking records. This section shall not limit any inspection authorized under any other provision of law or regulation.
- L. **Business License.** Obtain and maintain a business license from the City.
- M. **Recordkeeping.** Maintain for a minimum of seven (7) years a written accounting or ledger of all cash, receipts, credit card transactions, and reimbursements (including any in-kind contributions) as well as records of all operational expenditures and costs incurred by the licensee in accordance with generally accepted accounting practices and standards typically applicable to business records, which shall be made available to the City during business hours for inspection upon reasonable notice by the Chief of Police.
- N. **Notice of Violations.** Notify the Chief of Police within three (3) calendar days of any notices of violations or other corrective action ordered by a State or other local licensing authority, and provide copies of the relevant documents.
- O. **Building Permits.** The cannabis business shall obtain all building permits required pursuant to Concord Municipal Code Chapter 15 for any electrical, plumbing, or other construction activities.
- P. **Planning permits.** The cannabis business shall obtain all planning permits, as required by the City's Development Code. Cannabis businesses are required to upgrade any property that does not meet current development standards and shall submit a complete Design and Site Review application for review and approval prior to occupancy.
- Q. **Sewer Discharge.** No cannabis, cannabis byproducts, associated hazardous materials may be discharged into the sanitary sewer system (including, but not limited to, sinks, toilets, or storm drains).
- R. **Secure Trash Receptacles.** All indoor and outdoor trash receptacles shall be locked and secured in manner to prevent tampering, theft, and/or removal of any cannabis refuge or the trash receptacle.
- S. **Waste disposal.** Disposal of cannabis, cannabis products, and cannabis waste shall occur in accordance with state law.
- T. **Temporary cannabis events.** Temporary cannabis events shall be prohibited.
- U. **Other Agency Approvals.** The cannabis business shall be required to obtain approval from the Fire District, Health Department, and Central Contra Costa Sanitary District.

10. Conditions for Specific City Cannabis Licenses

In addition to the general conditions included in Concord Municipal Code Section 5.80.080, the following City Cannabis Licenses approved or issued by the Chief of Police shall also be subject to the following conditions as deemed appropriate to the proposed commercial cannabis activity or use. The City reserves the right to add additional condition of approval beyond those outlined in this section for specific cannabis businesses, uses, and/or activities.

- A. **City Cannabis Manufacturer License.** All City Cannabis Manufacturer Licenses shall be subject to the following conditions:
1. A City Cannabis Manufacturer Licensee shall employ at least one (1) full-time quality control personnel.
 2. A City Cannabis Manufacturer Licensee must establish standard operating procedures and batch records that comply with good manufacturing practices and any applicable state law.
 3. All finished cannabis products produced by a City Cannabis Manufacturer Licensee must be labeled and packaged in child resistant packaging prior to leaving the manufacturing premises in accordance with state law.
 4. A Manufacturer Licensee using volatile solvents must comply with state law, procure approval from the Contra Costa County Fire Protection District, and operate in a manner to reduce the risk of explosion or danger to public health.
- B. **City Cannabis Distributor (Type 11 and Type 13) License.** A City Cannabis Distributor License shall be subject to the following conditions:
1. A City Cannabis Distributor Transport Only Type 13 license cannot be issued without a corresponding city cannabis license (e.g. manufacturing) issued by the Chief of Police.
 2. Vehicles used for distribution of cannabis or cannabis products shall not advertise any activity related to cannabis nor shall they advertise the name of the licensee.
 3. A City Cannabis Distributor Licensee shall register with and provide the Chief of Police each location within the City where cannabis or cannabis products are stored within the City for the purposes of distribution activities.
- C. **City Cannabis Delivery License.** A City Cannabis Delivery License (or a retailer [storefront or non-storefront] or microbusiness license conducting sales via delivery) shall comply with all state regulations on cannabis delivery and shall be subject to the following conditions:
1. Maintain at all times all licenses and permits as required by the State of California, and provide immediate notification to the Chief of Police if any state license or permit is suspended or revoked.
 2. Any person who delivers cannabis to a customer must have in possession a copy of the City Cannabis Delivery License, which shall be made available upon request to law enforcement.
 3. Delivery of cannabis or cannabis products shall be directly to the private physical residence of the customer or secure exchange location at the Concord Police Department; deliveries to any other location are prohibited.
 4. No licensee shall transport nor cause to be transported cannabis in excess of the limits established by state law during the course of delivering cannabis.
- D. **City Cannabis Testing Laboratory License.** A City Cannabis Testing Laboratory License is subject to the following conditions:
1. City Cannabis Testing Laboratory Licensee shall employ at least one (1) full-time quality control personnel.
 2. City Cannabis Testing Laboratory Licensee shall operate and test all cannabis or cannabis products in accordance with state law.
 3. All testing devices used by Testing Laboratory Licensee must be Underwriters Laboratories (UL) listed or otherwise approved by the City's Building Official and Contra Costa County Fire Protection District
 4. Testing Laboratory Licensee must notify the Chief of Police within one (1) business day after the receipt of any notice that its accreditation has been denied, suspended or revoked.

E. **City Cannabis Microbusiness License.** A City Cannabis Microbusiness License is subject to the following conditions:

1. An applicant for a City Cannabis Microbusiness License with a storefront retail component, shall be subject to a competitive selection process, as established by the City Council.
2. Submittal of a dimensioned floor plan showing location of separate components of the microbusiness (type of cannabis uses) and their square footage.
3. If non-storefront retail is proposed, the business shall comply with all conditions included in F., with the exception of F.1.
4. If storefront retail is proposed, the business shall comply with all conditions included in G.
5. If cultivation is proposed:
 - i. Outdoor cultivation shall be prohibited.
 - ii. Cultivation of cannabis shall be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides. Any fumigation or insecticidal fogging shall comply with the California Fire Code Chapter 26 (Fumigation and Insecticidal Fogging).
 - iii. All cultivation operations shall submit an odor control and mitigation plan with detailed information about the proposed ventilation system, including technical specifications indicating that the system is capable of preventing the release of cannabis odors from the cultivation operation.
 - iv. All cultivation operations shall submit a wastewater and water conservation plan.

F. **City Cannabis Non-storefront Retailer License.** A City Cannabis Non-storefront Retailer License is subject to the all of the following conditions:

1. An applicant for a Non-storefront Retailer License shall be selected through a competitive selection process, as established by the City Council.
2. All cannabis products shall be loaded and unloaded inside a building.
3. The number, location, and hours of security guards shall be included in the application submittal.
4. A theft prevention plan shall be reviewed and approved by the Chief of Police or designee.
5. Any other specific conditions as directed by the City Council as part of the competitive selection process.

G. **City Cannabis Storefront Retailer License.** A City Cannabis Storefront Retailer License is subject to all of the following conditions:

1. An applicant for a City Cannabis Storefront Retailer License shall be selected through a competitive selection process, as established by the City Council.
2. A security plan must include procedures for verifying identification of customers, both before entering the retail establishment and again before receiving cannabis or cannabis products.
3. The number, location, and hours of security guards shall be included in the application submittal.
4. A theft prevention plan shall be reviewed and approved by the Chief of Police or designee.
5. On site security guard(s) shall monitor activity within 150 feet of building entrance to ensure no cannabis consumption is occurring in the vicinity of the business, including parking areas.
6. A neighborhood responsibility plan that demonstrates how the business will reduce adverse impacts to the surrounding neighborhood, including neighborhood outreach, methods for future communication, and dispute resolution, shall be submitted and approved by the city.
7. Cannabis and cannabis products that are not used for display purposes or immediate sale shall be stored in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.
8. The business owner shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises during business hours if directly related to the patrons of the subject retailer. "Reasonable steps" shall include calling the police in a timely manner; and requesting those engaging in nuisance activities to cease those activities, unless personal safety would be threatened in making the request.
9. The public entrance shall be ADA accessible.
10. A City Cannabis Storefront Retailer Licensee shall not conduct sales exclusively by delivery.
11. The business owner shall remove litter on and in front of the premises and, if necessary, on public sidewalks within one hundred feet (100') of the facility two (2) times, with a minimum of four (4) hour intervals, each operating day.
12. Any other specific conditions as directed by the City Council as part of the competitive selection process.

11. Prohibited Cannabis Uses

The following cannabis businesses, uses and activities are expressly prohibited in the City:

- A. No person shall engage in, conduct, operate, manage, or carry on, or permit to be engaged in, conducted or carried on, any commercial cannabis use or activity, other than as expressly permitted by city licensing under this chapter.
- B. Outdoor Cultivation. No person owning, renting, leasing, occupying or having charge or possession of any parcel shall cause or allow such parcel to be used for the outdoor cultivation of cannabis for personal, commercial, or any other purposes.
- C. Indoor Personal Cultivation. No person owning, renting, leasing, occupying, or having charge or possession of any parcel, building, or structure shall cause or allow indoor cultivation of cannabis on such parcel, or within any building or structure thereon, except within a private residence or inside an accessory building or structure on a parcel developed with a private residence, within a fully enclosed, secure, locked space, and may possess up to six plants for noncommercial use/purposes consistent with state law.
 - 1. No person owning, renting, leasing, occupying, or having charge or possession of any parcel, building, or structure shall cause or allow indoor cultivation of cannabis on such parcel or within any building or structure thereon to be visible by normal unaided vision from any public place including any street, sidewalk, or other place freely accessible by the public.
 - 2. Indoor cannabis cultivation for any purpose other than personal use as specified above is expressly prohibited.
- D. Industrial Hemp Cultivation. No person owning, renting leasing, occupying or having charge or possession of any parcel shall cause or allow such parcel to be used for the outdoor cultivation of industrial hemp for personal, commercial, or any other purpose.
- E. Special events, festivals, and/or fairs. The sale or consumption of cannabis is prohibited at special events, festivals, and/or fairs.

12. Denial, Renewal Denial, Suspension and Revocation

- A. **Denial of License or Renewal Denial:** Pursuant to Concord Municipal Code Section 5.80.050(d), the granting of a license or a renewal thereof may be denied and an existing license revoked or suspended if any of the following occur:
 - 1. The applicant has knowingly made a false statement in the application or in any reports or other documents furnished to the City.
 - 2. The Cannabis Business Owner, Manager or Key Employee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the cannabis business for which the application is made, which includes but is not limited to:
 - i. A violent felony conviction, as specified in Penal Code Section 667.5(c).
 - ii. A serious felony conviction, as specified in Penal Code Section 1192.7.
 - iii. A felony conviction involving fraud, deceit or embezzlement.
 - iv. A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.
 - v. A felony conviction for drug trafficking with an enhancement pursuant to Health and Safety Code Section 11370.4 or 11379.8.
 - 3. The cannabis business or a cannabis business owner has been sanctioned by a licensing authority or other city or county for unauthorized commercial cannabis activity.
 - 4. The granting or renewing of the license would perpetuate or encourage any of the following:

- i. Providing or exposing cannabis or cannabis products to minors;
 - ii. Generation of revenue from the sale of cannabis or cannabis products to fund criminal enterprises, gangs, cartels, and similar persons;
 - iii. Diversion of cannabis or cannabis products to jurisdictions outside of the state;
 - iv. Trafficking of other illegal drugs or facilitation of other illegal activity;
 - v. Violence and the use of firearms;
 - vi. The illegal or unauthorized use of public lands in the cultivation of cannabis; or
 - vii. The use of Federal property for commercial cannabis activity.
5. For any other reason that would allow the State to deny a license or license under AUMA, MCRSA, and/or MAUCRSA, or any other state law.
 6. The Cannabis Business Owner fails to pay required City fees and taxes.
 7. The Cannabis Business Owner, Manager, Key Employees and any and all employees and agents of the cannabis business violates any provision of AUMA, MCRSA, MAUCRSA, State License, City Cannabis License, or the Concord Municipal Code (including the Development Code).
 8. Except for convictions relating to drug offenses as described in Section 5.80.050(d)(2)(d) and (e) of the Concord Municipal Code, an application for a City Cannabis License shall not be denied if the sole ground for denial is based upon a prior conviction of either Section 11350 or Section 11357 of the California Health and Safety Code. An application for a license also shall not be denied if the State would be prohibited from denying a license pursuant to either Section 26057(b)(5) or Section 26059 of the California Business and Professions Code. Conviction of any controlled substance felony subsequent to license issuance shall be grounds for revocation of a license or denial of the renewal of a license.
 9. The Cannabis Business Owner, Manager, Key Employees and any and all employees and agents of the Cannabis Business is in violation of the Concord Municipal Code (including Development Code).
 10. The Cannabis Business Owner, Manager, Key Employees and any and all employees and agents of the Cannabis Business are in violation of applicable state and local laws and regulations tied to the Cannabis Business.
 11. The Cannabis Business Owner does not have a current and valid State or Regulatory approval or is in violation of a State or Regulatory approval.
 12. The Cannabis Business Owner is in violation of any City approval, including conditions imposed on the license for the commercial cannabis activity or use.

B. Suspension or Revocation of License.

1. If the Chief of Police deems continuation of the Cannabis Business will cause a significant threat to the health, safety or welfare of the public, the Chief of Police may immediately suspend the City Cannabis License and all rights and privileges thereunder until a Hearing Officer renders a written decision on the revocation of the City Cannabis License.
2. The Chief of Police shall give notice to the cannabis business of his or her intent to revoke a City Cannabis License in the same manner as the notice of the application decision and provide the City Clerk with a copy of the notice.
3. The hearing for the revocation of the City Cannabis License shall be set and conducted in the same manner as an appeal of decision. The decision of the Hearing Officer shall be final.

13. Exhibits

The documents below must be executed and submitted with the Application, if applicable.

1. Signatures on the Cannabis License Application
2. Authorization for Release of Information
3. [Live Scan Form](#)

EXHIBIT 1

SIGNATURES ON THE CANNABIS LICENSE APPLICATION

Signature of Applicant and Property Owner Required. The application shall be signed by each cannabis business owner (as defined in Chapter 5.80) under the penalty of perjury, certifying that the information submitted, including all supporting documents, is, to the best of the applicant's knowledge and belief, true, accurate and complete. The property owner's signature shall also be required for purposes of certifying that s/he has reviewed the application, and approves the use of the property for the purposes stated in the application. The signature of both the cannabis business owner and the property owner shall constitute evidence of their express consent to abide by the conditions, waivers, and promises stated in the application and to allow any City official or employee to enter upon and inspect the premises upon reasonable notice.

To the extent licensed by the state and federal law, the City shall endeavor to treat the information required by this section as confidential. Disclosure of such information shall not be deemed a waiver of confidentiality by the applicant or any individual named in the application. The City shall incur no liability for the inadvertent or negligent disclosure of such information.

I, the undersigned applicant, declare under the penalty of perjury under the laws of the State of California, that to the best of my knowledge, the information contained in this application for a Cannabis License (application and questionnaire) and its supporting documentation, is truthful, correct, and complete; and the information contained in this application and its supporting documentation discloses all material facts regarding the applicant and associated individuals necessary to allow the Chief of Police to properly evaluate the applicant's qualifications for registrant.

If the applicant is a business entity, I, as the person signing below do hereby represent and warrant that the business entity is authorized to do business in California and that I have full right, power and authority to sign on behalf of the business entity and carryout all actions contemplated by this application, and that any registration issued to the business entity constitutes valid, binding and enforceable obligations of the business. Upon the Department's request, I promise to provide the Department with evidence reasonably satisfactory to the Department confirming the foregoing representations and warranties.

I will ensure that any information subsequently submitted to the Department in conjunction with this application or its supporting documentation meets the same standard as set forth above.

I understand that this application will be classified as a public record and will be available for inspection by the public, except with regard to the release of information which is classified as controlled, private, or protected under the California Public Records Act or restricted by other law.

I acknowledge that I may be required to provide additional information, as needed, for a complete investigation (Concord Municipal Code Chapter 5.80).

I acknowledge that I have reviewed sections 5.80.010 through 5.80.140 (Cannabis) of the Concord Municipal Code as it relates to the cannabis business and penalties, Sections 9.05 of the Concord Municipal Code as it relates to Offenses, Sections 18.110 through 18.180 (Overlay Districts I am authorized by the business, to state that the business fully understands its legal obligation and agrees to comply with and obey all ordinances and statutes listed in the Concord Municipal Code. Additionally, the business recognizes its responsibility for obeying all Federal, State and local statutes.

I further understand that any misrepresentations, omissions or falsifications will be grounds for the denial of the registration and/or future suspensions or revocation of the registration.

I, the undersigned, have read and understand and agree to the above-stated terms and conditions.

If the signatory to this License is an individual signing on behalf of a firm, association, organization, partnership, business trust, company, corporation, or is any other type of business entity, the signatory hereby warrants and represents that he or she is authorized to execute this Registration on behalf of his or her principals and that his or her signature serves to legally obligate and bind his or her principals to comply with the provisions of this Registration. Upon the City's

request, the Undersigned shall provide the City with evidence reasonably satisfactory to the City confirming the foregoing representations and warranties.

Business Owner (Print)

Property Owner (Print)

Business Owner Address

Property Owner Address

Business Owner Signature

Property Owner Signature

Date:_____

Date:_____

EXHIBIT 2

Concord Police Department Cannabis License Application

AUTHORIZATION FOR RELEASE OF INFORMATION

I, the undersigned, declare that I am the applicant described and identified in this application for licensure, certification, or registration in the City of Concord.

I authorize all persons, institutions, organizations, government agencies, employers, references, or any others not specifically included in the preceding characterization, to release to the Concord Police Department ("Department") any files, records, or information of any type regarding the listed person:

(If Applicant is Business Entity, insert Legal Name of Business Entity Below:)

ENTITY

(Insert Legal Name and Date of Birth Below)

NAME

DATE OF BIRTH

The information is being requested by the Concord Police Department to properly evaluate my qualifications for licensure, certification, or registration by the City of Concord. A copy of this Authorization shall be valid and provide the same authorization as the original.

Print Name:	
Title:	
Signature:	
Date:	
Address:	
City, State, Zip:	
Phone number:	
Email address:	

Num	Description	Current Fee	Deposit ¹
E.	Police Fees		
26	Commercial Cannabis License / Renewal Fees		\$15,000 ²
26.1	Commercial Cannabis License Inspection Fees		See 2.2
26.2	Commercial Cannabis License Modification Fees		See 2.2
26.3	Commercial Cannabis License Processing Fee		See 2.2
26.4	Fingerprint Processing Fee	See E. 10 ³	
27	Commercial Cannabis License Appeal Fee		\$5,000
28	Cannabis Request for Proposal (RFP) Fees		See 28.1-4
28.1	Phase I/II: Review, Evaluation & Scoring		\$5,000
28.2	Phase III: Eligibility Ranking		\$4,000
28.3	Phase IV: Interviews		\$3,000
28.4	RFP Appeal Fee		\$3,000
	¹ Actual staff hours pursuant to Table 1 (City Employee Hourly Rates for Requested Services)		
	² The cannabis business shall maintain a minimum of \$5,000 in the deposit account at all times.		
	³ E.10 - Fingerprint Processing Fee		

Cannabis in Brookline

Diversifying Retail Cannabis: Framework & Considerations

Diversifying Cannabis Retailers in Brookline

- 1) Raise the cap for marijuana retailers and implement a policy that provides an exclusive period for priority applicants.
- 2) Have a policy in place for priority applicants in the event that a marijuana retailer ceases operations.

Regarding either option: Identify and reduce barriers to entry regarding local process (HCA, Zoning, and Licensing)

Brookline Cannabis Licenses

Marijuana License Type		Brookline Cap	Permitted Districts				Exclusivity
1	Medical Marijuana Treatment Center	Unlimited	L	G	O	I	No
2	Marijuana Independent Testing Laboratory	Unlimited	L	G	O	I	No
3	Marijuana Standards Laboratories	Unlimited	L	G	O	I	No
4	Marijuana Research Facilities	Unlimited	L	G	O	I	No
5	Marijuana Cultivator	Unlimited	L	G	O	I	No
6	Marijuana Transporter	Unlimited	L	G	O	I	No
7	Marijuana Product Manufacturer	Unlimited	L	G	O	I	No
8	Marijuana Cultivator Cooperative	Unlimited	L	G	O	I	No (but expedited)
9	Marijuana Micro-business (Under 5,000 sf)	Unlimited	L	G	O	I	YES**
10	Delivery Operator*	4	L	G	O	I	YES
11	Courier Delivery*	4	L	G	O	I	YES
12	Marijuana Retail (Storefront)	4	L	G	O	I	No
13	Social Consumption License***	4	L	G	O	I	YES

Cannabis Control Commission Data

(April 16, 2021)

Out of 794 Approved Licenses:

1st - Marijuana Retailers: 323 licenses

2nd - Marijuana Cultivators: 242 licenses

3rd - Marijuana Product Manufacturers: 184 licenses

Which Applicants Are The CCC Giving
Preference To?

Economic Empowerment Applicants (EEAs) & Social Equity Participants (SEPs)

Economic Empowerment Priority Applicants (EEAs)

To be eligible you must demonstrate three out of six criteria:

- 66% of criteria relates to ownership either residing in areas of disproportionate impact for a period of time, having provided empowerment to areas of disproportionate impact (economic or otherwise), or employing individuals that reside in areas of disproportionate impact (more than 51%).
- Remaining criteria relates to majority ownership being African American, Hispanic or Latino descent, or the majority of employees having a drug-related CORI but are otherwise employable.

EEAs are FINITE

Social Equity Participants (SEPs)

To be eligible you must demonstrate one of four criteria:

- 50% of criteria relates to residing in an area of disproportionate impact for a period of time or having income that does not exceed 400% Area Median Income for a period of time.
- 50% of criteria relates to residing in MA for the preceding 12 months and having a past drug conviction or being married to or the child of someone who has had a past drug conviction or income.

Social Equity Program

Provides training, technical assistance, and mentoring, to individuals or businesses to reduce barriers and to promote socially and economically reparative practices in the cannabis industry.

- Accounting and Sales Forecasting
- Business Plan Creation and Operational Development
- Marijuana Industry Best Practices
- Tax Preparation and Legal Compliance

SEPs are Infinite*

*kind of

Proposed Framework:

DRAFT 5/6/2021

Select Board Marijuana Retailer Host Community Agreement Prioritization Policy

Priority Applicant. A person, corporation, or other legal entity applying for a Host Community Agreement (“HCA”) with the Town of Brookline with the intention of applying for Town of Brookline Site Plan Review, a Zoning Board of Appeals Special Permit, and a Select Board Marijuana Retailer License pursuant to the Town’s Zoning and General By-Laws, and who:

- (i) has received Economic Empowerment status from the Massachusetts Cannabis Control Commission; or
- (ii) has received Social Equity status from the Massachusetts Cannabis Control Commission and is a resident of Brookline; or
- (iii) has received Minority Business Enterprise (“MBE”), Woman Business Enterprise (“WBE”), or Veteran Business Enterprise (“VBE”) status from the Commonwealth of Massachusetts.

Alignment with State and Local Values are
Essential

DRAFT 5/6/2021

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- (iii) has received Minority Business Enterprise (“MBE”), Woman Business Enterprise (“WBE”), or Veteran Business Enterprise (“VBE”) status from the Commonwealth of Massachusetts.

Feedback from other municipalities: wished they were **more inclusive** than just an exclusive period solely for EEAs.

Local Public Opinion: Preference for Retailers
That Are “Local” and Have Community Ties.

DRAFT 5/6/2021

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The CCC Also Provides Priority Status to
Disadvantaged Business Enterprises

DRAFT 5/6/2021

Select Board Marijuana Retailer Host Community Agreement Prioritization Policy

Priority Applicant. A person, corporation, or other legal entity applying for a Host Community Agreement (“HCA”) with the Town of Brookline with the intention of applying for Town of Brookline Site Plan Review, a Zoning Board of Appeals Special Permit, and a Select Board Marijuana Retailer License pursuant to the Town’s Zoning and General By-Laws, and who:

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Municipal Challenges in the Cannabis Industry

- 1) Completely New Industry
- 2) Municipal Process Varies
- 3) Alignment of Values Between State and Local Municipalities
- 4) Dedicated Cannabis Staff Person

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Considerations for the Select Board

- 1) For Social Equity Participants that are Brookline residences, should a residency length be required?
- 2) How long should the exclusive period last?
- 3) Should the cap be raised to 20% + 1, or should it be another number?
- 4) Should the exclusive policy address social consumption?

Majority of Social Equity Criteria Relates to MA Residency

50% of criteria relates to residing in MA for the preceding 12 months and having a past drug conviction or being married to or the child of someone who has had a past drug conviction.

Considerations for the Select Board

- 1) For Social Equity Participants that are Brookline residences, should a residency length be required?
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Proposed (Draft) Framework:

HCA Application Exclusivity Period for Priority Applicants

For a period of 1 year after the availability of a Select Board Marijuana Retailer License is posted on the Town's website (the "Priority Applicant Exclusivity Period"), the Town will consider applications for an HCA from Priority Applicants only. The Town will respond to HCA applications from Priority Applicants in the order in which they are received.

Considerations for the Select Board

- 1) For Social Equity Participants that are Brookline residences, should a residency length be required?
- 2) How long should the exclusive period last?
- 3) Should the cap be raised to 20% + 1, or should it be another number?
- 4) Should the exclusive policy address social consumption?

Saturation of Local and State Market

Within 10 miles there are 23 Marijuana Establishments:

Of the 23, one has DBE Status and one has EEA Status.



Considerations for the Select Board

- 1) For Social Equity Participants that are Brookline residences, should a residency length be required?
- 2) How long should the exclusive period last?
- 3) Should the cap be raised to 20% + 1, or should it be another number?
- 4) Should the exclusive policy address social consumption?

Brookline Cannabis Licenses

Marijuana License Type		Brookline Cap	Permitted Districts				Exclusivity
1	Medical Marijuana Treatment Center	Unlimited	L	G	O	I	No
2	Marijuana Independent Testing Laboratory	Unlimited	L	G	O	I	No
3	Marijuana Standards Laboratories	Unlimited	L	G	O	I	No
4	Marijuana Research Facilities	Unlimited	L	G	O	I	No
5	Marijuana Cultivator	Unlimited	L	G	O	I	No
6	Marijuana Transporter	Unlimited	L	G	O	I	No
7	Marijuana Product Manufacturer	Unlimited	L	G	O	I	No
8	Marijuana Cultivator Cooperative	Unlimited	L	G	O	I	No (but expedited)
9	Marijuana Micro-business (Under 5,000 sf)	Unlimited	L	G	O	I	YES**
10	Delivery Operator*	4	L	G	O	I	YES
11	Courier Delivery*	4	L	G	O	I	YES
12	Marijuana Retail (Storefront)	4	L	G	O	I	No
13	Social Consumption License***	4	L	G	O	I	YES

Identify Barriers That Exist in Local Process

- Host Community Agreement
 - Eliminating exorbitant upfront payments
- Zoning
 - Ensuring zoning is not restrictive
- Licensing
 - Ensuring licensing conditions are reasonable and thoughtful

Moving Forward

- Have an exclusive period for priority applicants to encourage diversity
- Have a clear marijuana application procedure that reflects process changes
- Outreach:
 - ◆ Speaking with property owners to normalize cannabis
 - ◆ Press Release
 - ◆ Maintaining a clear, informative and attractive cannabis page (status, process, cheat sheets)
 - ◆ Working alongside Economic Development, Regulatory Planning, Police, etc.
 - ◆ Creating a municipal network
 - ◆ Maintaining a close relationship with the Cannabis Control Commission
 - ◆ Staying ahead of the curve regarding Social Consumption

Policies	HCA Application	Outreach/Transparency/Website	
<p>1.Social Equity/EEA's</p> <ul style="list-style-type: none"> • Purpose • Applicability • Criteria • Procedural – exclusive period for applying? Identify and reduce barriers to entry regarding local process (HCA, Zoning, and licensing) • Lottery process? • Reduced fees or no fee? • Scoring methodologies? • Written decision? <p>2. Licensure (3)</p> <ul style="list-style-type: none"> • Purpose • Delineate the 3? • Applicability • Lottery in the event more applicants then licenses • Preference for “Local” and have community ties? • Length of enrollment period? • Lottery process? • Scoring methodologies • Written decisions? <p>3. Prioritization Policy?</p> <ul style="list-style-type: none"> • In the event that a marijuana retailer ceases operations? 	<ul style="list-style-type: none"> • Checklist • Forms • Fees • Narrative criteria (security, public health, community relations, experience, sustainability, equity, economic value, context • Electronic submittal and or hard copies? • Separate application for SE/EEA's? • Deadlines • Satisfy minimum acceptable requirements • Must include a statement of all stipulated responsibilities • Point person or committee for process? 	<ul style="list-style-type: none"> • Links (forms, regs, policies, by-laws, zoning, social equity, etc. • Information for applicants as well as general public • Programs • Local approval process • Social Equity outreach 	



TOWN OF CARVER MARIJUANA ESTABLISHMENT HOST COMMUNITY AGREEMENT PROCESS & CRITERIA

Approved by the Select Board: January 19, 2021

For the Select Board to consider negotiating and executing a final Host Community Agreement for a prospective marijuana license establishment in Carver, the following steps must be completed:

1. Applicant shall contact the Building Commissioner for preliminary review of the proposed site location, access, and conditions relative to local zoning compliance. The relevant portion of the Zoning Bylaw is attached to this Procedure for Applicant's reference.
2. After completing Step 1, The Applicant shall submit the attached application to the office of the Select Board. Upon staff verification of a complete application, the Applicant shall schedule an appointment on a Select Board meeting agenda to make an introductory presentation to the Board on the proposed type of establishment, site access and conditions, facility size, security, along with a DRAFT Host Community Agreement and other information as requested.
3. Applicant shall publicize and hold a Community Outreach Meeting at their sole expense as specified by Massachusetts Cannabis Control Commission Regulations. The meeting notice shall be publicized at a minimum on the Applicant's company website, Area 58 Community Access Media and *Carver Reporter*. The Applicant is responsible to arrange for the Community Outreach Meeting to be broadcast and recorded by Area 58.

The Outreach Meeting must include, but is not limited to discussion of the following:

- a. Type of establishment being proposed;
- b. Size and type of structure for the facility;
- c. Neighborhood and environmental impacts, including but not limited to: lighting, noise, odor, water usage, traffic, etc. and any studies or data to support conclusions; and,
- d. Steps or assurances on measures that will be taken to reduce or mitigate any identified impacts.

4. After completing Step 3, Applicant must submit to the Select Board a package containing the following:

Summary of Community Outreach Meeting including but not limited to, the following:

- Date, location and time
 - Length of the meeting
 - Number in attendance
 - Applicant's responses to primary questions/concerns raised by attendees
 - Explanation of all permits required by Carver Boards, Committees or Commissions (if applicable), including information regarding compliance with Carver's Zoning Bylaw.
5. With submission of the package in Step 4, Applicant must submit a check for \$5,000 to the Select Board to be held in escrow by the Town to pay legal costs for Town Counsel's review of Applicant's submission and support to the Town in Host Community Agreement negotiations. The Select Board will not undertake to begin any review or negotiation until such time as the funds are received and deposited by the Treasurer. The Town will track all use of such funds and supply an accounting of all expenditures attributed to the account and return any unused funds once the Host Community Agreement is executed.

Should the \$5,000 held in escrow for the Town's legal costs near depletion, the Town will supply an accounting of all expenditures from the account and will invoice Applicant for anticipated remaining legal costs. The Select Board will not undertake to continue any review or negotiation until such time as the funds are received and deposited by the Treasurer. The Town will track use of such additional funds and supply a complete accounting of all expenditures from the account and return any unused funds once the Host Community Agreement is executed.
 6. Upon execution of a Host Community Agreement, the Applicant will be allowed to apply for a Special Permit with the Planning Board. The Select Board reserves its right to withhold support or engaging in a Host Community Agreement that it deems not in the best interest of the citizens of the Town of Carver. Host Community Agreements approved by the Select Board will be contingent upon the Applicant obtaining all other licenses and permits required by the Town.

Approved by the Select Board: 1/19/2021



TOWN OF CARVER SELECT BOARD
MARIJUANA ESTABLISHMENT HOST COMMUNITY AGREEMENT (HCA)
LICENSE APPLICATION

****Notice: The following application is for the limited purpose of vetting individuals and businesses seeking a Host Community Agreement with the Town of Carver. Applicants are encouraged to read the Select Board's "Host Community Agreement Process & Criteria" for a full articulation of the HCA Selection Process in Carver.****

Section 1. Applicant Information:

Type of License: _____

Business Legal Name: _____

Business DBA, if different: _____

Business Address: _____

Phone: _____ Website: _____

Federal Employer Identifications Number (EIN): _____

Does the business currently possess any type of marijuana license in the Town of Carver?

☐ Yes ☐ No

If yes, describe: _____

Does the business currently possess any type of marijuana license in the Commonwealth?

☐ Yes ☐ No

If yes, describe: _____

(please note, subsidiary companies must identify any and all marijuana licenses held by parent companies/corporations in Massachusetts)

Primary Contact Name: _____

Mailing Address: _____

E-mail: _____ Phone: _____

Emergency Contact: _____

E-mail: _____ Phone: _____

If you would like mail sent to a different Address, provide alternate mailing information below:

Mailing Contact Name: _____

Mailing Address: _____

Section 2. Business Organization

Check only one and provide names as indicated:

☐ **Sole Proprietor:** Name of Owner: _____

☐ **Partnership (Inc. LLP):** Name of Partnership: _____

Names of all Partners Who Own More Than 10%: _____

☐ **Trust:** Name of Trust: _____

Name of all Trustees Who Own More Than 10%: _____

☐ **Corporation: (as registered):** _____

Name of President: _____

Name of Secretary: _____ Name of Treasurer: _____

☐ **Other:** (Attach a Description of the Form of Ownership and the Names of Owners)

Section 3. Operating Questionnaire

The following questions provide applicants an opportunity to respond to the qualitative criteria established by the Select Board for considering applications, which are as follows:

- a. Completeness and quality of application;
- b. Demonstrated direct experience in the cannabis industry or a similar industry, such sensitive retail and related commercial uses – package stores, establishments with other types of alcohol licenses or age-restricted products;
- c. Relevant business experience in Carver;
- d. Relevant business experience in the Commonwealth of Massachusetts;
- e. A sound preliminary business plan which evidences proposed scale of operation, inventory sources and plans for inventory management, as well as anticipated costs and revenue;
- f. A strong employee training process and plan to ensure regulatory compliance;
- g. A sound preliminary security plan including inventory security;
- h. A sound preliminary traffic and parking plan demonstrating basic feasibility of the site and/or intended traffic and parking mitigation measures;
- i. For adult-use applicants, intention to co-locate RMD operations to ensure access to Carver medical marijuana patients;
- j. Commitment to youth safety, abuse preventions, and community education; and
- k. Commitment to local hiring.

Applicants are encouraged to provide specific information, which speaks to each criterion/questions. You may respond with separate attached documents as directed and needed.

1. Describe your direct experience in the cannabis industry or a similar industry (such as sensitive commercial retail enterprises such as package stores, nicotine products, etc.)

2. Describe your business experience in Carver if any.

3. Describe your experience operating a business within the Commonwealth of Massachusetts.

4. Provide a preliminary business plan with particular attention to your proposal scale of retail operation, inventory sources, products to be sold, plan for inventory management, financial resources, marketing expectations, and anticipated costs and revenues (*please attach your full preliminary plan*).

5. If applicable, describe your employee training process and plan to ensure regulatory compliance. If available, provide copies of any employee training manuals or policies to employ or plan to employ.

6. Provide a preliminary traffic and parking plan demonstrating basic feasibility of the site and/or intended traffic and parking mitigation strategies (*please attach your full preliminary plan*).

7. Describe how you will prevent and educate youth and families about dangers of underage exposure to, and the consumption of, recreational marijuana. Describe how the Applicant will sustain these efforts over time.

8. Describe the number and type of jobs expected to be created by your business.

9. Describe how your business will support the unique character of your site locations neighborhood, as well as the Town's overall character.

Responsive applicants will be expected to provide a 20 minute presentation to the Select Board after an application have been received and examined for completeness. The Select Board HCA process is separate and distinct from all other permitting requirements. Once approved, the Host Community Agreement will be contingent upon successfully obtaining all other required licenses and/or permits.



Town of Brookline **MASSACHUSETTS**

MARIJUANA RETAILER EQUITY POLICY

Voted: August 31, 2021

(Revised November 2, 2021)

1. Purpose

The Select Board seeks to further the public interest by encouraging diversity in the local cannabis industry. Toward that end, it is seeking approval from the November 2021 Special Town Meeting to raise the Marijuana Retailer Select Board license cap set forth in General By-Law Art. 8.37 to make available two (2) additional Marijuana Retailer licenses for Equity Applicants (as defined below), and adopts this Marijuana Retailer Equity Policy ("Policy") in tandem with that effort.

This Policy is intended to provide opportunities for local and diverse applicants for Select Board Marijuana Retailer licenses who wish to establish a Marijuana Retail Establishment within the Town of Brookline. Further, this Policy establishes the procedures for Equity Applicants to apply for a Host Community Agreement with the Select Board.

2. Definitions

Marijuana Retailer - As defined or amended by 935 CMR 500, an entity licensed by the Massachusetts Cannabis Control Commission to purchase, repackage, white-label, and transport Marijuana or Marijuana Product from Marijuana Establishments and to transfer or otherwise transfer this product to Marijuana Establishments and to sell to consumers.

Equity Applicant - Individuals or entities that have received one of the following:

- CCC Economic Empowerment Status
- CCC Social Equity Status

3. Host Community Agreements and Brookline Resident Prioritization

With respect to the two additional Marijuana Retailer licenses described above, the Town will exclusively accept and consider applications for Host Community Agreements from Equity Applicants.

4. Transfers and Changes in Ownership

An Equity Applicant for a Host Community Agreement under this Policy who undergoes a transfer or change in ownership to a non-Equity Applicant loses eligibility to proceed as an Equity Applicant in the event the transferee/successor company does not qualify for a Host Community Agreement under this Policy.

5. Procedure

Following the posting of an available Marijuana Retailer license on the Town's website, applicants are required to complete and submit the Request for Marijuana Retailer Host Community Agreement for Equity Applicants with the following required supporting documents:

1. Evidence of CCC Social Equity/Economic Empowerment status
2. Evidence of a zoning-compliant location of the proposed Marijuana Establishment (see the Town's Zoning By-Law) and the applicant's legal control of the premises:
 - a. Lease, or
 - b. Letter of intent signed by a property owner to enter into a lease with the applicant for the location, or
 - c. Title;
3. Required operating policies and procedures
 - a. Traffic Management Plan
 - b. Security Plan
 - c. Diversion Plan
 - d. Diversity Plan
4. Evidence of current Brookline residency (to receive priority processing)
 - a. Lease, or
 - b. Utility bill, or
 - c. Bank Statement
5. Complete supporting documents include site plans and plan sets that are certified by a design professional such as an architect, engineer or land surveyor (and that show compliance regarding required zoning buffer zones) and floor plans that indicate square footage.



SCORING SHEET*
NEW CANNABIS LICENSE APPLICATION

HEARING DATE: _____ VOTING HEARING DATE: _____

APPLICANT ENTITY NAME: _____

PROPOSED D/B/A: _____

PROPOSED LICENSED PREMISE ADDRESS: _____

LICENSE TYPE: _____

CERTIFIED EQUITY APPLICANT BY OED? ☐ YES ☐ NO

Total points possible: 100

EVALUATION CRITERIA

1. Diversity and inclusion plan: _____/25 Total
 - a. Goals. _____/8
 - b. Programs _____/9
 - c. Measurements _____/8
 1. Does the plan include qualitative and quantitative measures that demonstrate the progress and/or success of the Plan? _____/4
 2. Do the Metrics used have an identified data source and method for tracking plans? _____/4
2. Location: _____/25 Total
 - a. Distance from a licensed retail marijuana establishment. _____/5
 - b. Residential and commercial density near the site. _____/5
 - c. Distance from schools, social services, or treatment centers. _____/5
 - d. Access to public transportation. _____/5
 - e. Accessibility and amount of on-site parking. _____/5
3. Employment plan: _____/20 Total
 - a. Plan for employment of Boston residents; _____/5
 - b. Plan for employment of minorities and women; _____/5
 - c. Plan for offering competitive wages and benefits for local residents; _____/5
 - d. Plan for employment of individuals with criminal records. _____/5
4. Community feedback/public support: _____/20 Total
 - a. Letters of support from local elected officials; _____/10
 - b. Letters of support from local community organizations. _____/10

5. Safety and Security: _____ /10 Total

- a. Plan for on-site security personnel; _____/2
- b. Plan for building and product security; _____/2
- c. Plan for protecting youth from accessing the product _____/2
- d. Plan for the transportation and delivery of the product _____/2
- e. Plan for the transportation of monies to and from the site _____/2

TOTAL SCORE: _____/100

COMMISSIONER VOTE:

☐

GRANT

☐

GRANT CONDITIONALLY

☐

DEFER

☐

REJECT WITHOUT PREJUDICE

☐

REJECT WITH PREJUDICE

COMMISSIONER NAME: _____

*Pursuant to the Ordinance Establishing Equitable Regulation of the Cannabis Industry in the City of Boston (the "Ordinance") this score sheet identifies the specific criteria on which each Commissioner must evaluate an application for a cannabis establishment. Each application is evaluated on its respective proposal and merits pursuant to the Ordinance. This score sheet is used for the purpose of evaluating the application and does not constitute the vote of the respective Commissioner or the BCB. This score sheet should be used as a guide for each Commissioner in discussing the specific application before the BCB. In determining a final vote on any application, each Commissioner shall utilize their respective scoresheet and the criteria and percentages established in the Ordinance.

SCORING GUIDE

DIVERSITY AND INCLUSION PLAN* - 25 POINTS

***The overarching goal of diversity and inclusion shall be integrated into all aspects of the applicant's business and operations..**

A Diversity and Inclusion plan presented as part of an application to the BCB must promote equity among the following demographics:

- a. Minorities;
- b. Women;
- c. Veterans;
- d. Persons with Disabilities; and
- e. People of all gender identities and sexual orientations.¹

A Diversity and Inclusion plan shall include three (3) components and shall tailor the components of its plan to affect the groups listed above. The three (3) components of the Diversity and Inclusion Plan are as follows:

1. **Goals** defined as one (1) or more desired outcomes of the plan.
2. **Programs** defined as detailed actions, activities or processes that will be utilized or implemented to achieve the outlined goals; and
3. **Measurements** defined as specific metrics that will be implemented to assess the progress and success of the programs.

SCORING

GOALS: The plan should state specific goals promoting equity for the groups listed above in operations of the Cannabis Establishment including: attracting, contracting, hiring, promoting and retaining board members, contractors, executives and service providers.

Eight (8) Points will be available for the Goals portion with those plans scoring the highest providing specific plans to promote equity across the identified demographic groups and throughout the operations of the business. Plans that fail to address the identified demographics and include equity goals throughout the business operations shall be scored accordingly.

PROGRAMS: The plan should include tailored programs to promote equity for the identified groups above and such plans shall be integrated into the ME's operations.

Nine (9) points will be available for the Programs portion with the highest scored plan including a variety of programs designed to address all groups identified above. Those programs that are found to lack variety and quality and that fail to address the identified groups shall be scored accordingly.

MEASUREMENTS: The Plan's measurements will be scored on 2 separate criteria: whether the Plan includes qualitative and quantitative measures that demonstrate the progress and/or success of the Plan, and whether the metrics have an identified data source and method for tracking plans

¹ 935 CMR 500.101(1)(c)(7)(k); 935 CMR 500.101(2)(e)(8)(k)

Eight (8) points will be available in the Measurements portion of the plan broken into two (2) categories as follows:

- a) Does the plan include qualitative and quantitative measures that demonstrate the progress and/or success of the Plan? **Four (4) points**
- b) Do the Metrics used have an identified data source and method for tracking plans? **Four (4) points**

Location - 25 POINTS

Location is scored in 5 categories as follows:

- a) Distance from a licensed retail marijuana establishment - **Five (5) points**
- b) Residential and commercial density near the site. - **Five (5) points**
- c) Distance from schools, social services, or treatment centers - **Five (5) points**
- d) Access to Public Transportation - **Five (5) points**

A score of five (5) shall indicate multiple modes of public transportation that serve a wide population of the City within a quarter (.25) of a mile from the Establishment. Scores shall be adjusted accordingly to reflect reduced access to public transportation within a quarter (.25) of a mile to a store.

- e) Accessibility and amount of On-Site Parking - **Five (5) points**

A score of (5) five shall indicate that the establishment has made arrangements for sufficient parking to serve the needs of the establishment given the operations of the establishment. Total number of parking spaces available (including Accessible spaces as required by the Americans with Disabilities Act) shall be considered. In determining the sufficiency of parking the Board shall take into account measures the store has in place to reduce parking demand both in amount and duration of stay including but not limited to “Reserve Ahead” ordering systems with specific appointment times at which a customer picks up the reserved order and whether delivery services operate out of the establishment.

SAFETY AND SECURITY - 10 POINTS

Safety and Security is scored as follows:

- a) Plan for on-site Security Personnel - **Two (2) points**

A Score of two (2) shall include on-site security personnel sufficient to address all security needs of the establishment including but not limited to positively identifying customers that meet legal requirements to enter the establishment; ensuring the safety of all employees, customers and the general public; deterrence of theft; prevention of unauthorized access to restricted areas; prevention of loitering outside the establishment and ensuring that use of purchased products does not occur within the vicinity of the establishment; prevention of litter; and keeping all locks and security equipment in working order. Plans that fail to provide a sufficient security plan to address the unique operational needs of the establishment shall be scored accordingly.

The Board shall take into account non-personnel security measures in place at the establishment in determining the sufficiency of on-site personnel as well.

- b) Plan for Building and Product Security - **2 points**

A score of two (2) shall indicate that the applicant has provided for all building security measures continued within 935 CMR 500.110(5)(a-g). Plans failing to include any aspect of building security measures required by the CCC shall be scored accordingly.

c) Plan for Protecting Youth from Accessing the Product - **2 points**

d) Plan for the transportation and delivery of the product - **2 points**

A score of three (3) shall indicate that the applicant has met all requirements of 935 CMR 500.105(13)(a-h). Delivery of the product in this section does not refer to delivery businesses that serve individual customers, but rather the transportation and delivery of cannabis between Cannabis Establishments.

e) Plan for the transportation of monies to and from the site - **2 points**

A score of two (2) shall indicate that the applicant has met all requirements of 935 CMR 500.110(7). Scores shall be adjusted accordingly where applicants fail to meet the cash handling requirements as set forth by the CCC.

EMPLOYMENT PLAN - 20 POINTS

Employment Plans are scored in four (4) categories as follows:

- a) Plan for Hiring Boston Residents - **Five (5) points**
- b) Plan for employment of minorities and women - **5 points**
- c) Plan for offering competitive wages and benefits for local residents - **5 points**
- d) Plan for employment of individuals with criminal records - **5 points**

Additional considerations may include the following for each category:

- Recruitment plan;
- Retention plan;
- Training plan;
- Continuing education plan;
- Career pathways;
- Apprenticeship programs;
- Partnership with community based organizations for job fairs and recruitment efforts;
- Incorporation of the Boston Jobs and Living Wage Ordinance;
- Worker protection plan;
- Wages and benefits to ensure employees do not have to rely on public assistance or safety net programs;
- Efforts to ensure employees have the ability and are comfortable expressing concerns in the workplace;
- Whistleblower protection policies;
- Labor peace agreement.

A plan receiving a score of five (5) in any category must contain specific, measurable goals with programs tailored to attracting and recruiting employees in that category.

COMMUNITY FEEDBACK/PUBLIC SUPPORT - 20 POINTS

Community Feedback/Public Support is scored in two (2) categories:

- a) Letters of Support from Public Officials - **Ten (10) points**
- b) Letters of support from community groups - **Ten (10) points**

Additional considerations may include:

- Letters and testimony from community members;
- Letters and testimony from abutters;
- Letters and testimony from community organizations and other stakeholders; and
- Proposed establishment of a feedback loop to provide feedback from community members and other stakeholders such as the formation of an advisory council or the scheduling of quarterly meetings with ownership and management.

A score of ten (10) shall indicate the highest level of support where a score of zero (0) shall indicate strong opposition with no indication of support.

Kathleen Thut

From: Steve Strojny [REDACTED]
Sent: Tuesday, January 9, 2024 6:28 PM
To: Mary Jane Mastrangelo; Anne-Marie Siroonian; Peter Meier; Jared MacDonald; Melissa Ferretti; Kathleen Thut; Marlene McCollem; Dan Doucette
Subject: Host Community Agreement Process
Attachments: Host Community Agreement Process.odt; ATT00001.htm

Dear Madam Chair:

As the Select Board begins its discussion of the Host Community Agreement process, I would like to offer a number of suggestions as to how the process can be shaped in order to serve the best interests of the town. As some of you may know, I have served as Chairman of the Bourne Planning Board and Chairman of the Local Comprehensive Plan Committee. It is in these rolls, I believe, I have gained valuable insight into the how the Marijuana industry can best benefit the Town of Bourne as a whole. I have also been very actively involved in the industry over the past 5 years. I am very well versed in the regulations including the most recent guidance given by the Cannabis Control Commission.

The Town of Bourne will get 3% of gross sales from each of the 3 authorized Cannabis dispensaries. These dispensaries have the potential to bring in significant tax revenue to the town. The town is in some respects a partner with the dispensaries. The better the dispensaries do financially the more money the town collects in tax revenues. To that point, it is important to award HCA's to the best applicants.

The process that has worked the best throughout the Commonwealth of Massachusetts is when Applicants have to compete for a Host Community Agreement. Similar to a Request for Proposals, a window of opportunity is opened to allow for Applicants to submit a request for an HCA. Typically, the period is 30 days. In the case of Bourne, the month of February 2024 would be an ideal window. There is significant interest by a number of businesses to open a dispensary in Bourne. The Select Board could use the month of March 2024 to allow Applicants to present their proposals to the Board. The process should be fair and equitable to all Applicants. To that end, the Select Board could create a 100 point scoring system with the top scoring Applicants being awarded HCA's. The criteria by which an HCA is awarded would be given to each Applicant. I have attached a sample scoring system by way of example. This scoring system I believe protects and advances the interests of the town.

I look forward to discussing this matter with the Select Board during the January 16th, 2024, Select Board meeting.

Respectfully submitted, Steve Strojny

Steven P. Strojny

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This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Host Community Agreement Process

The Select Board will score candidates requesting an HCA with the Town of Bourne using a 100 point scoring system. The 3 highest scoring candidates shall have the opportunity to enter into a Host Community Agreement with the Town of Bourne.

Scoring Metric

1) Equity Programs:

The Candidate qualifies under one or more of the Cannabis Control Commission's Equity Programs. If the Candidate does not qualify under one or more of the programs, the Candidate may present qualifications that are aligned with the programs.

25 points: Each Select Board member awards up to 5 points in this category

2) Local Comprehensive Plan:

The Candidate's application aligns with the Local Comprehensive Plan for the Town of Bourne.

25 points: Each Select Board member awards up to 5 points in this category

3) Local Ownership:

The legal entity that would own the Marijuana Establishment license is locally owned and will be operated by a resident or residents of the Town of Bourne

25 points: Each Select Board member awards up to 5 points in this category

4) Business Plan and Expertise:

The Candidate displays a high degree of knowledge and expertise in the Cannabis industry. The Candidate has a Business Plan and a proven record of success in the Cannabis industry or the ability to achieve success. The Candidate demonstrates the means, resources and business experience to be successful as the owner and operator of a Marijuana Establishment.

25 points: Each Select Board member awards up to 5 points in this category

A Candidate may be disqualified from consideration for a Host Community Agreement if it is determined that the Candidate is grossly unqualified to own and operate a Marijuana Establishment. Under this provision the Select Board shall state in writing the disqualifying criteria.