



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. Schedule an appointment with the Code Enforcement Unit to submit fingerprints and photographs for a background check of all Owners, Managers or Key Employees of the Cannabis Business. Contact number is (925) 671-3075. An "Owner" includes 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; 2) managers of the cannabis business; and 3) key employees of the cannabis business. "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 approved 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 fingerprinting and background check fees, shall be submitted at the Permit Center, 1950 Parkside Drive, Concord, CA 94519.

Fingerprinting and background check fees shall be paid at the Concord Police Department, located at 1350 Galindo Street (please set up an appointment with the Code Enforcement Sergeant and specify this is associated with a cannabis license application).

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
Fingerprint Processing Fee – DOJ/FBI/CPD	Police: \$97.00 (FY 19/20)
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 \$543.24 per Assessor’s Parcel Number (APN) subject to change on July 1, 2021)
- [Zoning Compliance Fact Sheet](#)

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 RENEWAL

Manufacturing (M-License) / (A-License) Check one or both

Testing Facility (M-License) / (A-License) Check one or both

Distribution
(Type 11) (M-License) / (A-License) Check one or both

Distribution
(Type 13) (M-License) / (A-License) Check one or both

Microbusiness
(without storefront retail) (M-License) / (A-License) Check one or both

Microbusiness
(with storefront retail) (M-License) / (A-License) Check one or both

Non-storefront retail (M-License) / (A-License) Check one or both

Storefront retail (M-License) / (A-License) Check one or both

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 employees 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).

Owner

Manager

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. Electronic fingerprint images
- 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 alarms 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 owners 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 entrances 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.

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 carry out 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: _____

**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:	