

COMMUNITY DEVELOPMENT DEPARTMENT
Commercial Cannabis Permit Application



Rev. 10/11/2023

NEW APPLICATION **RENEWAL**

Commercial Cannabis Permit Type Requested:

<input type="checkbox"/> Indoor Cultivation (5001 – 10,000 sf)	<input type="checkbox"/> Manufacturing, Level 1 (non-volatile solvents)
<input type="checkbox"/> Indoor Cultivation (10,001 – 22,000 sf)	<input type="checkbox"/> Manufacturing, Level 2 (volatile solvents)
<input type="checkbox"/> Nursery (Indoor only, 20,000 sf or less)	<input type="checkbox"/> Testing Laboratory
<input type="checkbox"/> Microbusiness	<input type="checkbox"/> Distributor
<input type="checkbox"/> Retail (Storefront)	<input type="checkbox"/> Retail (Non-Storefront)

State License Type(s) Business Will Hold: _____

Strikethrough represents permit applications that the City is no longer accepting

1. Applicant and Business Entity Information: *(person authorized to act on behalf of business.)*

Applicant Name: _____
 Mailing Address: _____
 Telephone No. _____ Email Address: _____

Business Owner #1	Business Owner #2
Name:	Name:
Mailing Address:	Mailing Address:
Telephone:	Telephone:
Email Address:	Email Address:
Signature:	Signature:
DOB:	DOB:
Driver License or State ID No:	Driver License or State ID No:

All Business Operating Names: _____

Form of Business Organization: _____ (Sole Proprietorship, Partnership, Corp, etc.)

Federal Tax ID: _____ State Tax ID: _____

2. Certification under penalty that all the information provided is true and correct. Applicant shall comply with all the laws regulating businesses in the State of California and shall comply during the term of the permit.

I hereby authorize the City, its agents, and/or employees to seek verification of information provided and/or additional information as deemed necessary.

Applicant Signature: _____ Dated: _____

3. Indemnification. By signing the Commercial Cannabis Application, Permittee agrees to the following:

I, the applicant, acknowledge that commercial cannabis operations are lawful in California but remain unlawful under the Federal Controlled Substances Act. I further acknowledge that as of January 4, 2018, the United States Attorney General has directed all United States Attorneys to enforce the laws enacted by Congress that criminalize the cultivation, possession and distribution of marijuana. Accordingly, I understand and agree that the indemnity, defense and hold harmless statement on my signed permit application form applies to and includes any Federal investigations and/or enforcement actions and/or arrests, prosecution, or business cessation resulting from same.”

I, the applicant, release, indemnify, hold harmless and defend with counsel acceptable to the City, the City of Cotati, its agents, officers, elected officials and employees from any and all claims, injuries, actions, judgements, damages, or liabilities of any kind arising from:

- a. *Any repeal or amendment of section 17.42.200 of the Cotati Municipal Code or any provision of the Land Use Code relating to commercial cannabis operations; and*
- b. *Any arrest or prosecution of the applicant or its managers, employees or members for violation of state or federal laws; and I will defend, indemnify, and hold harmless the City and its agents, officers, elected officials, and employees from and against any and all claims or actions; (1) brought by adjacent or nearby property owners or any other parties for any damages, injuries, or other liabilities of any kind arising from operations at the site, and (2) brought by any party for any problems, injuries, damages or other liabilities of any kind arising out of the distribution or sale of cannabis or cannabis products produced at the site.*
- c. *Any liability, damages, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings, or judgment (including legal costs, attorneys’ fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called “action”) against the City to attack, set aside, void or annul, any cannabis-related approvals and actions and strictly comply with the conditions under which such permit is granted, if any. The City may elect, in its sole discretion, to participate in the defense of said action and the Permittee shall reimburse the City for its reasonable legal costs and attorneys’ fee.*
- d. *This indemnity provision shall apply during the application process as well as after any permit is issued.*

Applicant Signature: _____ Dated: _____

FOR AGENCY USE ONLY:					
Planning:	Building:	Fire:	Police:	Admin. Services:	City Manager:

SUBMITTAL REQUIREMENTS

(See Cotati Municipal Code Section 17.42.200 and familiarize yourself with the minimum requirements before filing your application. Applications which do not meet the minimum requirements of the ordinance will be rejected without review. The ordinance is available at <http://www.codepublishing.com/CA/Cotati/>)

4. Site and Operating Information:

Business Name: _____

Business Address: _____

APN: _____ Phone # at business location: _____

24 hour Contact Name and No: _____

Description of business: _____

Proposed days and hours of operation: _____

Person(s) who will be engaged in day-to-day operations of the business: (manager, owner, etc)

Name: _____ Aliases: _____

Please be advised that all facilities will require a pre-inspection by Building and Fire staff prior to issuance of a Commercial Cannabis permit.

- 5. Proof of property owner authorization: Provide copy of lease/rental agreement which demonstrates that tenant/lessee has permission to use the property for the purpose(s) indicated on this application (must contain: name of each property owner, address, contact information and notarized signature of each property owner).
- 6. Proof of legal status of business (i.e., articles of incorporation, partnership agreements, registration or certificate of good standing from State, etc.).
- 7. Site and Floor Plans – scaled site and floor plan denoting location of business, parking, other structures, proposed improvements, entrances/exits, square feet of parcel, layout and square feet of all areas used for business including, but not limited to, cultivation, manufacturing, storage, offices, and relationship to adjacent properties. (You may include photos).
- 8. Business Signage Plan detailing the number, size and location of proposed business signage. (Note this does not substitute for any required sign permits.)
- 9. Signed waiver and release of liability, hold harmless and indemnification statement/agreement.
- 10. Proof of payment of any applicable taxes (applicable to renewals only).
- 11. Copy of Request for Live Scan and proof of payment. All applicants for a regulatory permit for a commercial cannabis facility, including any owner or manager responsible for the day-to-day operations and activities of the facility, and every employee of the applicant or licensee who participates in a commercial cannabis activity shall be required to submit to a fingerprint-based criminal history records check conducted and approved by the City Police Department.

12. A written Business/Operating Plan which shall include:
 - a. Full description of the activities and products of the business and a detailed description of how operations will comply with local and state law. For retail facilities, please include a description of anticipated design aesthetic and user experience of public areas.
 - b. Procedure for storing and tracking inventory and a plan for implementation of safeguards to prevent product diversion.
 - c. Project supply chain; i.e., expected sources of products, locations where products have been manufactured, testing labs used, transporters, distributors, etc.).
 - d. Procedure for ensuring quality of products and identifying, managing and disposing of unusable products.
 - e. Personnel policies and procedures for hiring and ensuring thorough background information is reviewed prior to hire.
 - f. If retail, include an approximate number of patients or customers the business anticipates serving.
 - g. Detailed record keeping procedures, including chain of custody controls.
 - h. Proof of application for and/or receipt for all required other agency permits and licenses (i.e., entitlement, building, health department, resource agencies, etc.).
 - i. Copy of government issued photo ID for each person engaged in the day-to-day operations or having ownership interest or decision making authority, or involved in any way with the business.
 - j. Copy of social security cards for all business owners.
 - k. Proof of status as a qualified patient or primary caregiver if applicable.
 - l. List of licenses and/or permits for similar business activities issued to and/or revoked from the business or any person who is an owner and/or has decision making capabilities, or involved in the day-to-day operations of the business. Include type of permit/license, issued by, issued to, current status, reason for denial.
 - m. List all persons who are owners and/or have decision making capabilities, or involved in the day to day operations of the business and has been investigated and/or convicted of a felony and/or misdemeanor including but not limited to violent offenses, fraud, deceit, embezzlement, moral turpitude or illegal use, possession, transportation, and/or distribution of illegal substances and/or involved in a lawsuit or other litigation.

13. An Air Quality & Energy Management Plan which shall include:
 - a. A calculation of expected emissions, by type and a detailed description of devices and techniques necessary to comply with BAAQMD standards.
 - b. A calculation of anticipated greenhouse gas emissions for the operation of the business and demonstrated compliance with any applicable state, regional or local plan for greenhouse gas reduction.
 - c. An odor control plan which details devices and techniques to prevent detectable odors outside the facility.
 - d. A detailed energy conservation plan which includes a description of devices which will enable proposed facility and activities to operate at or below energy usage parameters of building's occupancy classification.

14. A Fire Prevention/Hazardous Materials and Waste Disposal Plan which shall include:
 - a. Emergency vehicle access and turn-around at the facility site(s), vegetation management and fire break maintenance around all structures.
 - b. Procedure for handling of any hazardous materials (i.e., fertilizers, chemicals, etc.) will be stored, handled, used and disposed of. Plan shall comply with all federal, state and local requirements for management of the proposed substances. "Hazardous materials" includes any substance regulated by a federal, state or local law or regulation intended to protect human health or the environment from exposure to such substances.
 - c. Recycling, composting and waste disposal facilities and procedures.

- d. Sonoma County's Department of Emergency Services is the local CUPA tasked with implementing California's hazardous materials standards in the City of Cotati. If your business will utilize hazardous materials, please contact them at (707) 565-1152 to understand their requirements prior to completing this Plan.
15. A Water/Wastewater Management and Conservation Plan which shall include:
 - a. A calculation of planned water usage, water conservation measures and disposal of waste water.
 - b. A detailed description of devices or processes which will enable proposed facility and activities to operate at or below water usage parameters of building's occupancy classification.
 - c. A calculation of anticipated waste water, excess irrigation and domestic waste water anticipated, pre-treatment method (when applicable), as well as disposal method. All waste water discharged to the City sewer system shall comply with the City's Municipal Code. All cultivation operations shall comply with all state regulations, any regulations adopted by the City Council through resolution or ordinance and the discharger shall submit to the City verification of compliance with the Waste Discharge Requirements of the applicable Regional Water Quality Control Board and the City's sewer ordinance, or waiver thereof if needed.
 - d. The Plan shall also describe devices and procedures that will be in place to protect storm water runoff quality for any outdoor wash down or equipment clean up. Note that all site operations shall comply with the City's Storm Water Discharge Permit and limitations on outdoor activities generally.
 16. Safety and Security Plan including procedures and description of all planned physical measures meant to prevent unauthorized access and theft. This plan shall be subject to review and approval by the Chief of Police.
 - a. Plans will be kept in confidential files, exempt from public record disclosure.
 - b. All facilities shall install and maintain motion sensor security cameras which are capable of recording activity beneath any cultivation canopies and at all entries and exits to the facility. Recordings shall be kept and available for police review for no less than 90 days.
 - c. Plan shall include anticipated hours of operation. Cultivation activities may be conducted seven days a week, 24-hours per day as needed, unless otherwise conditioned in a use permit. Outdoor processing activities, deliveries and shipping is limited to the hours of 6:00 am to 6:00 pm, unless a use permit is conditioned otherwise.
 17. Provide two (2) hard copies and one (1) electronic pdf of the entire application.

APPLICATION PROCEDURE

1. Commercial Cannabis Permits are limited. The City will only accept applications for available Permits and the City does not maintain a waiting list. Please contact the City to determine which Permits are available and for which the City is accepting applications.
2. In order to establish a commercial cannabis operation, all applicants must submit a complete application accompanied by the application fee listed in the City's fee schedule. Incomplete applications are not accepted. Provide two (2) hard copies and one (1) electronic pdf of the entire application. Applications must be submitted in person. Mailed applications will not be accepted.
3. Commercial Cannabis Permit applications are reviewed and considered for permits in the order they are received.
4. After submittal of a complete application, a selection committee consisting of the Police Chief, Fire Marshal, Community Development Director, Administrative Services Director and City Manager or designee(s) will review the application.
5. Final Permit awards will be made at a public hearing in front of the City Council at a regularly scheduled City Council meeting.
6. Thereafter, all operations will be subject to a biennial renewal by the City Manager following submittal of a renewal application and demonstration of successful operation and compliance with City ordinances and regulations.