



REPORT TO CITY COUNCIL

Approved by:

Council Meeting of: December 1, 2021

Agenda Number: D-1

Arnaldo Rodriguez, City Manager

SUBJECT:

Cannabis Business Permits - Consideration of number of cannabis business permits, procedure guidelines and review criteria, and fees

RECOMMENDATION:

Adopt Resolutions:

1. Determining the Number and Type of Cannabis Business Permits that May Be Issued in the City
2. Establishing Fees for Cannabis Business Permits
3. Establishing Procedure Guidelines and Review Criteria to Govern the Application and Selection Process for Various Types of Cannabis Business Permits

SUMMARY:

This item was initially discussed by Council on August 4, September 1, and November 17. At the latter meeting, Council requested that this item be presented at this evening's meeting for consideration. It is noted that while the Municipal Code outlines how licenses would be allocated, it also requires the Council adopt, by resolution, the procedures to govern the application process, the procedures by which decisions shall be made regarding the issuance of any commercial cannabis business permit, and application renewals for a commercial cannabis business permit. This item is regarding the application process.

BACKGROUND:

Initial workshops on the cannabis regulatory ordinance and related procedures have been presented to Council on January 6, 2021, January 20, 2021, and April 21, 2021. The workshops discussed the essential components of the ordinance, procedural guidelines, selection criteria, and approval of cannabis business permits. Staff provided rationale for the recommended

approach and sought feedback and direction from Council majority on policy considerations before finalizing the drafting of the ordinance, as well as land use ordinance designating zone districts where cannabis businesses may be permitted.

Following the workshops, staff presented and Council adopted ordinances that provide access to cannabis as authorized AUMA (“Proposition 64”) approved by the California Voters in 2016 while imposing sensible regulations on the use of land to protect the City’s residents, neighborhoods, and businesses from disproportionately negative impacts. The cannabis regulatory ordinance intended to regulate the commercial cultivation, processing, manufacturing, testing, sale, delivery, and distribution of cannabis and cannabis products responsibly to protect the health, safety, and welfare of the City residents and enforce rules and regulations consistent with state law. Subsequent to the workshops, staff presented text changes to the Madera Municipal Code (MMC) to the Planning Commission on May 24, 2021, followed by presentations to the City Council. On June 16, 2021, the Council adopted amendments to the following MMC sections:

- Title X: Planning and Zoning of the Municipal Code
- Title VI, Chapters 1 and 5 (Businesses, Professions, and Trades)
- Title IV, Chapter 15 (Public Welfare)

More recently, on November 3, Council approved two amendments to the MMC. These were specific to the:

1. Location and Design of Cannabis Businesses relative to Lions Town & Country park
2. Approval Authority of Vertically Integrated, Cultivation, Distribution, Manufacturing, and/or Test Labs Permits

PROCEDURE GUIDELINES AND REVIEW CRITERIA

The MMC amendments codified the process for obtaining a cannabis permit. This includes the initial application procedure, permittee selection process, renewal, revocation, and transfer of a commercial cannabis permit. The MMC also requires the Council adopt, by resolution, the procedures to govern the application process, the procedures by which decisions shall be made regarding the issuance of any commercial cannabis business permit, and application renewals for a commercial cannabis business permit.

In short, staff is recommending that cannabis businesses permits be separated into three distinct categories. Said categories include:

1. Standard Applications or Microbusiness
2. Social Equity Applications
3. Vertically Integrated, Cultivation, Distribution, Manufacturing, Test Labs Applications

The MMC details the minimum application requirements for any applicant. Additionally, applicants for any type of permit will be required to submit a formal application. The following table provides a side-by-side comparison highlighting some of the proposed nuances of each. Note that the table is not intended to be exhaustive, rather it is intended to provide an overview.

Table 1: Overview of permit types			
	<i>Standard Applications or Microbusiness</i>	<i>Social Equity</i>	<i>Vertically Integrated, Cultivation, Distribution, Manufacturing, Test Labs ⁽¹⁾</i>
Competitive process	Yes	Yes	No
Maximum number of permits	6	2	Unlimited
Informational kick-off meeting to discuss process with applicants	Yes	Yes	Yes
Owner criminal background check required	Yes	Yes	Yes
Zoning Verification: letter required prior to Phase 1	Yes	Yes	Yes
Phase 1: Completeness Review			
Preliminary evaluation of application	Yes	Yes	Yes
Phase II: Scoring of Application	<i>Points reflect the maximum number per category</i>		
Business Plan	400 points	400 points	400 points
Labor, Equity, Diversity & Inclusion Plan	400 points	400 points	400 points
Safety Plan	300 points	300 points	300 points
Security Plan	300 point	300 point	300 point
Qualification of Owners	400 points	400 points	400 points
Neighborhood Compatibility	400 points	400 points	400 points
Community Benefits Plan	500 points	500 points	500 points
Proposed Location	300 points	N/A	300 points
Maximum # of points per application	3,000	2,700	3,000
Minimum # of points needed to advance to Phase III	90% or 2,700 points	90% or 2,430 points	80% or 2,400 points
Phase III: Community Meeting			
Meeting to solicit feedback required	Yes	Yes	Yes
Phase IV: Action			
Minimum number of applications that will advance to Phase IV	10	10	N/A
City Council Interview	Yes	Yes	N/A
Decision Making Body	City Council	City Council	City Staff ⁽²⁾
Social Equity Applications			
Required to comply with Exhibit B	No	Yes	No
<p>(1) Should an applicant hold a minimum of 3 non-retail cannabis permit which includes manufacturing, distribution, and at least one cultivation license which shall cultivate at least 20,000 square feet of canopy in the City, a Vertical Integrated business may also be eligible to operate a retail or non-storefront retail business upon evidence of actual operation of at least three non-retail cannabis permits in the City. Said retail permit shall not count towards the 6 retail permits under Standard or Microbusiness applications.</p> <p>(2) As approved by Council on November 3, 2021. May be appealed by applicant for Council consideration.</p>			

Since the workshops, staff updated the guidelines inclusive of Council action.

PROCESSING FEES

Expenses associated with the operation and administration of the cannabis regulatory program are built into commercial cannabis permit fees. The fees are based on a reasonable estimate of costs, including staff time, necessary to provide these services. The attached resolution establishes the fees at outlined in Table 2.

Table 2: Cannabis Fee Schedule	
<i>Permit Type</i>	<i>Fee Amount</i>
Business Application	\$9,991
Zoning Verification	\$187.50
Background Check (to HdL)	\$300
Live Scan (fingerprints)	\$73
Total	\$10,551.50

To determine the appropriate application fees, staff conducted an analysis determining the extent of the fiscal impact (see Attachment 2: Cost Recovery Analysis). To determine individual application fees, the cost recovery analysis assumes the City will receive at least 20 applications for cannabis permits. Based on the size of the City and number of permits available, 20 applications appear reasonable.

FINANCIAL IMPACT:

Costs associated with cannabis related work includes the following:

- Contract with HdL totaling \$30,000. It is noted that on September 1, 2021 Council approved an amendment to the City's agreement with HdL where they will assist staff review applications and prepare reports for City consideration at a flat rate of \$5,900 per each.
- Cost to place the ballot measure on the November 3, 2020 election was approximately \$100,000.
- Various staff time and City Attorney fees.

Note that HdL contract cost may be recovered by fees from potential applicants should the City permit cannabis activities in the City.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

While not specifically addressed, the requested action is consistent with the Vision Madera 2025 Plan; Effective Government: Strategy 115. – Ensure sufficient economic resources to provide adequate City services and prepare for future growth.

ALTERNATIVES:

The Council may choose to not adopt one or any of the proposed resolutions. Council could also select a later opening date for the application period. If the Council chooses to not approve the resolutions, the City would be unable to accept applications for a commercial cannabis business permit.

ATTACHMENTS:

1. Resolution: Determining the number and type of Cannabis Business Permits that may be issued in the City
2. Resolution: Establishing fees for Cannabis Business Permits (including Cost Recovery Analysis)
3. Resolution: Establishing Procedure Guidelines and Review Criteria to govern the application and selection process for various types of Cannabis Business Permits
 - a. Commercial Cannabis Business Permit – Standard Applications or Microbusiness
 - b. Commercial Cannabis Business Permit – Social Equity Applications
 - c. Commercial Cannabis Business Permit – Vertically Integrated, Cultivation, Distribution, Manufacturing, and Test Labs Applications

Attachment 1:

Resolution: Determining the number and type of Cannabis
Business Permits that may be issued in the City

RESOLUTION NO. 21-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
DETERMINING THE NUMBER AND TYPE OF CANNABIS BUSINESS PERMITS
THAT MAY BE ISSUED IN THE CITY OF MADERA**

WHEREAS, on June 16, 2021, the City Council of the City of Madera adopted Ordinance No. 977 C.S. adding Chapter 5 to Title VI (Cannabis Businesses) to the Madera Municipal Code to permit commercial cannabis businesses within the City and establish a regulatory program requiring all commercial cannabis uses to obtain a commercial cannabis business permit issued by the City prior to commencing operation; and

WHEREAS, Madera Municipal Code Section 6-5.10 provides that the number of each type of cannabis business that shall be permitted to operate in the City shall be established by resolution by the City Council; and

WHEREAS, Madera Municipal Code Section 6-5.10 further provides the City Council at its sole discretion may determine that the number and/or types of Cannabis Business Permits should remain the same or be modified.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Madera as follows:

Section 1. The foregoing recitals are true and correct and incorporated by reference.

Section 2. The City Council hereby determines the number and types of cannabis business permits that may be issued in the City of Madera as follows:

- A. **Standard Retail or Microbusiness:** A total of six Cannabis Business Permits (in any combination thereof) may be granted in the City of Madera for these types of businesses.
- B. **Social Equity:** A total of two Cannabis Business Permits may be granted in the City of Madera for these types of businesses.
- C. **Vertically Integrated, Cultivation, Distribution, Manufacturing, Testing Labs:** At this time, there is no limit on the number Cannabis Business Permits that may be granted in the City of Madera for these types of businesses.

Section 3. As authorized by Title VI, Chapter 5, the City Council reserves its authority to modify the number of Cannabis Business by resolution.

Section 4. This Resolution shall be effective upon adoption.

Attachment 2:

Resolution: Establishing fees for Cannabis Business Permits
(including Cost Recovery Analysis)

RESOLUTION NO. 21-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
ESTABLISHING FEES FOR COMMERCIAL CANNABIS BUSINESS PERMITS**

WHEREAS, on June 16, 2021, the City Council of the City of Madera adopted Ordinance No. 977 C.S. adding Chapter 5 to Title VI (Cannabis Businesses) to the Madera Municipal Code to permit commercial cannabis businesses within the City and establish a regulatory program requiring all commercial cannabis uses to obtain a commercial cannabis business permit issued by the City prior to commencing operation; and

WHEREAS, the Ordinance provides for various fees and charges to be paid by applicants for cannabis business permits and for operation of cannabis businesses; and

WHEREAS, Madera Municipal Code Section 6-5.37 provides that fees and charges for cannabis business operations shall be established by City Council resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Madera as follows:

Section 1. The foregoing recitals are true and correct and incorporated by reference.

Section 2. The City Council establishes the following fees and charges as authorized by Madera Municipal Code Section 6-5.37:

- A. Fees for Standard Retail or Microbusiness Applications are as follows: Refer to Exhibit A
- B. Fees for Commercial Cannabis Business Permit for Social Equity Applications are as follows: Refer to Exhibit A
- C. Fees for Commercial Cannabis Business Permit for Vertically Integrated, Cultivation, Distribution, Manufacturing, Testing Labs Applications are as follows: Refer to Exhibit A

Section 3. The foregoing fees shall be deemed a part of the City's Master Fee Schedule.

Section 4. This Resolution shall be effective upon adoption.



Madera Application Cost Recovery Fee Analysis

DRAFT - SUBJECT TO CHANGE

ASSUMPTIONS

Est. # Applications	20
Loaded rates:	
City Manager	\$121.78
Chief of Police	\$130.88
City Attorney (Contract)	\$235.00
Administrative Analyst I	\$47.38
Planning Manager	\$68.82
Associate Planner	\$39.74

APPLICATION FEE								
PROCESS	DESCRIPTION	NAME	DEPT	RATE	HOURS	UNIT	PER REGISTRANT	TOTAL
City of Madera Staff								
General Administration	Community outreach, policy development, and general management/oversight of program. Preparation of reports and presentations.	City Manager	CM	\$ 121.78	100	One-Time	\$ 608.90	\$ 12,178.00
	Development of minimum security standards, and enforcement policies for licensed cannabis businesses. Attendance at staff and City Council Meetings.	Chief of Police	PD	\$ 130.88	40	One-Time	\$ 261.76	\$ 5,235.20
	Prepared CEQA Reports, notices and attend meetings.	Planning Manager	PLD	\$ 68.82	50	One-Time	\$ 172.05	\$ 3,441.00
	Assited wth preparing CEQA Reports, notices and attend meetings	Assistant Planner	PLD	\$ 39.74	20	One-Time	\$ 39.74	\$ 794.80
	Preparation of reports, notice of meetings and responding to inquiries.	Administrative Analyst I	CM	\$ 47.38	20	One-Time	\$ 47.38	\$ 947.60
Subject Matter Expertise	Legal support for development, adoption and implementation of cannabis regulatory program.	City Attorney (Contract)	CA	\$ 235.00	115	One-Time	\$ 1,351.25	\$ 27,025.00
Consultant Services								
Application Review	Provide subject matter expertise in design and implementation of cannabis regulatory program. Includes support and presentation at community meetings, assistance with development of regulatory ordinance, preparation of a fiscal analysis and fee study, and monitoring changes to State laws and regulations, and other support.	HdL Consultant (Contract #1)	N/A	\$ 29,200.00	N/A	One-Time	\$ 1,460.00	\$ 29,200.00
Planning Assistance	Full review of cannabis business license applications, including initial screening for completeness, full quality assurance review, and scoring for the City's selection process. Attend Public Meetings and City Council Final decision.	HdL Consultant (Contract Amendment)	N/A	\$ 5,900.00	N/A	Application	\$ 5,900.00	\$ 118,000.00
Planning Assistance	Contract planner will provide technical assistance related to any Planning issue which may be requested of them during the application process.	Planner (Contract)	N/A	\$ 75.00	40	One-Time	\$ 150.00	\$ 3,000.00

Initial Application Fee \$ 9,991.08
Total \$ 199,821.60

Attachment 3:

Resolution: Establishing Procedure Guidelines and Review Criteria to govern the application and selection process for various types of Cannabis Business Permits

RESOLUTION NO. 21-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
ESTABLISHING PROCEDURE GUIDELINES AND REVIEW CRITERIA
TO GOVERN THE APPLICATION AND SELECTION PROCESS
FOR VARIOUS TYPES OF COMMERCIAL CANNABIS BUSINESS PERMITS**

WHEREAS, on June 16, 2021, the City Council of the City of Madera adopted Ordinance No. 977 C.S. adding Chapter 5 to Title VI (Cannabis Businesses) to the Madera Municipal Code to permit commercial cannabis businesses within the City and establish a regulatory program requiring all commercial cannabis uses to obtain a commercial cannabis business permit issued by the City prior to commencing operation; and

WHEREAS, Madera Municipal Code Section 6-5.13 provides that the City Council shall adopt an application procedure guidelines and review criteria to govern the application and selection process for Cannabis Business Permits.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Madera as follows:

Section 1. The foregoing recitals are true and correct and incorporated by reference.

Section 2. The City Council approves the following:

A. Application Procedure Guidelines and Review Criteria for Commercial Cannabis Business Permit for Standard Retail or Microbusiness Applications, attached as Exhibit "A" and incorporated herein by reference.

B. Application Procedure Guidelines and Review Criteria for Commercial Cannabis Business Permit for Social Equity Applications, attached as Exhibit "B" and incorporated herein by reference.

C. Application Procedure Guidelines and Review Criteria for Commercial Cannabis Business Permit for Vertically Integrated, Cultivation, Distribution, Manufacturing, Testing Labs Applications, attached as Exhibit "C" and incorporated herein by reference.

Section 3. The City Manager, or their designee, is authorized to make non-substantive corrections, clarifications, and revisions to the Application Procedure and Guidelines and Review Criteria as they deem necessary to facilitate the orderly and efficient implementation of any commercial cannabis permit application and selection process initiated or conducted by the City.

Section 4. This Resolution shall be effective upon adoption.

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Attachment 3a:

Resolution: Establishing Procedure Guidelines and Review
Criteria to govern the application and selection process for
various types of Cannabis Business Permits

Commercial Cannabis Business Permit – Standard Applications
or Microbusiness



City of Madera

Community Development Department
205 W. 4th Street
Madera, CA 93637
Phone: 559.661.5400
Email: Cannabis@Madera.gov

APPLICATION PROCEDURE GUIDELINES AND REVIEW CRITERIA FOR A COMMERCIAL CANNABIS BUSINESS PERMIT (STANDARD RETAIL OR MICROBUSINESS APPLICATIONS)

Application Period
OPENS – TBD
CLOSES – TBD

These Procedure Guidelines apply solely to Standard Retail or Microbusiness Applications. Standard Retail or Microbusiness Applications.

NUMBER OF PERMITS

During this application period the City will be allowing up to six (6) cannabis business permits under this process.

STANDARD RETAIL OR MICROBUSINESS

- “Retailer” or “Storefront Retailer” shall have the same meaning as that contained in Section 26070(a)(1) of the California Business and Professions Code.
- “Microbusiness” shall have the same meaning as that contained in Section 26070(a)(3) of the Business and Professions Code.

ORIENTATION “KICK OFF” MEETING

The City will hold a virtual Orientation “Kick Off” Meeting on TBD at 1:00 pm. Pre-registration for the Orientation Meeting is required however, attendance at the Orientation Meeting is not required to apply for a Cannabis Business Permit. The registration link is available on the City’s website at <https://www.madera.gov/Cannabis-Information>.

CONTACT

If you have any questions or would like an update on the status of your application, please contact the Community Development Department at 559.661.5400 or by email at Cannabis@madera.gov.

APPLICABLE REGULATIONS

Information regarding the Commercial Cannabis Business (CCB) Application process can be found on the City's website at <https://www.madera.gov>, and includes the following:

- Application Procedures Guidelines and Review Criteria
- City of Madera Municipal Code (MMC) Title VI, Chapter 5
- City of Madera Municipal Code (MMC) Title X, Chapter 3 (Zoning Regulations)
- Property Owner Consent/Landlord Affidavit
- Financial Responsibility, Indemnity and Consent to Inspection Terms Agreement
- Background Check Portal Link
- Commercial Cannabis Business (CCB) Permit Application
- Business Ownership Acknowledgement Form

To be considered for issuance of a Cannabis Business Permit, final applications must be submitted to the Community Development Department located at the address listed on these procedures by the deadline. There will be no exceptions. These Procedure Guidelines and Review Criteria (hereafter referred to as "Procedures." constitute the application process and are adopted pursuant to the Madera Municipal Code (MMC) Section 6-5.13 and Title X, Chapter 3 (Zoning Regulations).

Applicants should monitor the City's web page for any additional information, FAQs, or updates. It is the responsibility of the Applicant to stay informed of this information.

AMENDMENTS TO THE APPLICATION

Applicants will not be allowed to make amendments to their application or to supplement their application, except as otherwise specifically permitted in these procedures, or posted on the City's website as a clarification update, or as authorized in writing by the City Manager or his/her designee.

During Phase I, City staff and the Consultant will conduct a preliminary evaluation of the applications for completeness and will reject any application that is missing a major component (for example, a Security Plan), notifying the applicant by email that they have been disqualified.

For those Applications which are missing essential information the primary contact will be notified by email if their application is found to be missing minor requirements (for example, signatures/dates on forms, proof of payment receipts, scanned pages in one of the scoring criteria documents, or incorrect formatting or organization of files). If this is the case, the Applicant may be granted five days from the date of the email to submit the required supplemental information. Should you receive an email from the City we ask that you confirm receipt of it immediately. If the City does not get confirmation from your primary contact within two days, it may, but is not required to, make an attempt to notify the primary contact by phone in case the email went into the recipient's spam folder unnoticed. However, please note should this be the case you will not be provided additional time to complete the curing process so make sure you monitor your incoming or spam email carefully. Furthermore, you may not submit any additional information other than what was requested to cure the minor requirements. Finally, an applicant will be notified if their application is incomplete or if there is any other reason for which they will not be moving forward in the application process.

LIMITATIONS ON MULTIPLE APPLICATIONS

Applicants possessing an ownership interest of ten percent (10%), or more, in a retail, microbusiness, or vertically integrated cannabis permit application shall be limited to submitting only one application which includes retail during this initial process regardless. In order to ensure compliance with the ownership interest concerns every owner on the application which meets the criteria listed in Section 6-5.06 (T) will be required to complete the Business Ownership Acknowledgement form which is provided on the City's website. However, there will be no limitations on any other permit type which are permitted in the City, (i.e., cultivation, manufacturing, distribution, and testing labs). In addition, the City will only accept a maximum of two any combination of retail, microbusiness, or vertically integrated application Zoning Verification Letters (ZVL) per property (APN). Furthermore, without exception only one retail, microbusiness or vertically integrated Applicant will be issued a retail permit per location by the City Council in Phase IV and so each Applicant should keep that in mind when selecting a location for their business in which there is more than one Applicant.

CITY'S RESERVATION OF RIGHTS

The City reserves the right to reject any and/or all applications, with or without cause or reason. The City may modify, postpone, or cancel the request for a CCB permit without liability, obligation, or commitment to any person, party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any Applicant submitting an application in order to conduct a complete review of the application or an investigation into the truthfulness of the statements set forth in the application or provided at any stage of the application process and if it is not fully responsive to this request for a CCB application.

APPLICATION PROCESS

This application process is adopted pursuant to MMC Section 6-5.13. Review the information regarding the application process and which documents you will need. Before submitting your application, review your application in its entirety to ensure that it is complete and accurate. Review the information regarding the Cannabis Business Permit application process for a CCB on the City webpage provided on page one.

APPLICATION SUBMITTAL REQUIREMENTS

Applications must respond to all requirements outlined in the "Application Procedures & Guidelines for a Cannabis Business Permit." Applicants must submit all required application materials together in one complete comprehensive application package. This can be done in person, by U.S. Mail, or by common carrier delivery service (e.g., FED EX, UPS, etc.) as long as it is a complete application. The application process must be secured in an envelope or box addressed as follows:

Community Development Director
Attn: Cannabis Application Process
City of Madera
205 W. Fourth Street
Madera, CA 93637

The application package must include all the following documents with original signatures for each document.

1. Cannabis Business Permit Application;
2. Financial Responsibility, Indemnity and Consent to Inspection Terms Agreement;
3. Agreement on Limitations of City's Liability and Indemnification to City;
4. Application fee and Background Check fee(s); and
5. Business Owner Acknowledgment Form
6. Proof of Property Ownership or Lease Agreement/Letter of Intent to Lease
7. Property Owner Consent/Landlord Affidavit
8. Proof of Insurance or letter of insurability from the Insurance Company

SUBMITTAL DEADLINE

Applications must be received by the Community Development Department by 4:00 pm on TBD. Late applications will not be accepted. Furthermore, an application RISKS BEING REJECTED for the following reasons:

1. It is not responsive to this Cannabis Business Permit application and the Procedure Guidelines for a Cannabis Business Permit.
2. The issuance of the Cannabis Business Permit for the proposed location does not comply with State law, MMC Title VI, Chapter 5 and/or Title X, Chapter 3 (Zoning Code Regulations).

FLASH DRIVE CONTENT

In addition, all Applicants must submit a USB flash drive containing one complete copy of the application package per the requirements as outlined in the below format. The application package and application fees must be received by the Community Development Department at the same time.

Responses to the Evaluation Criteria (Sections A-H found in Appendix A of the Application Procedures & Guidelines) shall be limited to 200 pages. Responses pertaining to Backgrounds, Proof of Capitalization, Zoning Verification Letter, and Proof of Property Ownership or Lease Agreement/Letter of Intent to Lease, Property Owner Consent/Landlord Affidavit, Business Owner Acknowledgement Form shall not be included in the 200-page limitation. Those responses should be saved in PDF files that are separate from the Evaluation Criteria (see below).

All materials must be submitted on a USB flash drive in a PDF format in the following files. Please submit the files in the correct format and organized correctly or your application may be rejected.

PDF File #1	Cannabis Business Permit Application (pages 1-3), Financial Responsibility, Indemnity and Consent to Inspection Terms Agreement (pages F1-F3), Agreement on Limitations of City Liability, and Certification, Assurances, Warranties, and Indemnification to City (pages F4-F6); Proof of Property Ownership or Lease Agreement/Letter of Intent to Lease, Property Owner
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	Consent/Landlord Affidavit and Business Owner Acknowledgement Form. All copied documents shall display required signatures to be deemed complete.
PDF File #2	Evaluation Criteria (Responses to Sections A-H of Appendix A limited to 200 pages)
PDF File #3	Background Check documentation (All required documents for each owner). Upon submission of the online background application, Applicants will receive an email confirmation. This confirmation needs to be printed, scanned, and included within PDF File #3.
PDF File #4	Proof of Capitalization (Appropriate bank statements, loan documents, promissory notes, financial and commitment letters)
PDF File #5	Zoning Verification Letter (ZVL) which shows the correct location, unit, space, or suite number in the building being used. Proof of Insurance or a letter showing proof of insurability by a qualified insurance company which shows the location being insured in City of Madera, the type of activity being insured, and the name of the business being insured. Copies from another business location in another city owned by the Applicant will not be accepted.

CRIMINAL BACKGROUND CHECK

Each Owner as defined in Section 6-5.06 (T) must undergo a criminal history background check to demonstrate they do not provide “good cause” for denial per MMC Sections 6-5.08 and 6-5.38K. Owners who do not meet the criminal history eligibility requirements of Section 6-5.38K will be disqualified. The background form can be found online at:

https://hdlcompanies.formstack.com/forms/bc_maderacity.

In addition, each successful applicant will be asked to submit to a Live Scan as part of the background check as determined by the Chief of Police. Prior to being issued a permit the Applicant’s primary contact will be notified by email with the instructions on how to schedule the Live Scan appointment.

The initial background check fee for each owner shall be \$300.00. This process will be required to meet the minimum threshold qualifications pursuant to MMC Section 6-5.38K. The results of the background check along with the City-issued Zoning Verification Letter must be included with the CCB Application (Phase I).

ZONING VERIFICATION LETTER (ZVL)

Prior to submitting a CCB application (Phase I), an Applicant must obtain a Zoning Verification Letter from the Community Development Department. To secure this letter, an Applicant must make a written request to the Community Development Department which should specify the intended use of the building (i.e., Cultivation, Manufacturing, Distribution, Retail, Microbusiness or Vertically Integrated), and the proposed building location. Please advise the City if you currently occupy the premises or if there is a tenant currently occupying the premises and what type of business activity is being conducted.

The issuance of a ZVL does not constitute written evidence of permission given by the City or any of its officials to operate a cannabis business, nor does it establish a “permit” within the

meaning of the Permit Streamlining Act, nor does it create an entitlement under the Zoning or Building Code. A regulatory permit for a CCB does not constitute a permit that runs with the land on which the cannabis business is established.

FEES

All applicants will be required to submit a fee of \$TBD. This amount will be charged against time spent by City staff and the Consultant in reviewing applications and administering the application process. Applicants are advised that they may be required to pay additional amounts as required for the sole purpose of the City's completion of the application review process. However, there will also be a separate fee for the Zoning Verification Letter (ZVL) of \$TBD per site and the Background Check Fee of \$300. For the successful Applicants there will also be a Live Scan Fee of \$TBD prior to obtaining the Cannabis Business Permit or at a time determined by the Police Chief.

Payment must be made by a certified check, cashier's check or money order made payable to the City of Madera. Please note the City will not accept cash or credit cards and application fees are non-refundable once the City has begun reviewing the application.

APPLICATION REVIEW, SCORING, AND APPROVAL PROCESS

PHASE I: DETERMINATION OF ELIGIBILITY

Applications will be reviewed for completeness and compliance to meet the minimum submittal requirements. The determination of eligibility will be based on the criteria outlined in these procedures and as described in Appendix A. However, the criteria will be evaluated and scored with the process adopted in these procedures in accordance with MMC Chapter 6-5.13 and may be amended as provided in MMC Section 6-5.49 A & C in writing for clarification to application submittal questions which will be posted in the FAQ section of the Cannabis Information webpage and shall go into full effect immediately upon being posted on the website.

PHASE II: APPLICATION EVALUATION AND REVIEW (3,000 points)

During Phase II, the City and/or consultant will review and score each application using a merit-based system. At a minimum the top ten (10) applicants who score a minimum of 90% or higher (2,700 points) in Phase II may be eligible to advance to Phase III. However, the City may at its sole discretion select more than ten (10) applicants based on the quantity and the overall quality of applications the City receives. Notice of the results of Phase II will be provided in writing via email to the primary contact listed on the application.

See APPENDIX A for a description of the evaluation criteria:

- Section A. Business Plan (400 points)
- Section B. Labor, Equity, Diversity, and Inclusion Plan (400 points)
- Section C. Safety Plan (300 points)
- Section D. Security Plan (300 points)
- Section E - Qualifications of Owners (400 Points)
- Section F - Neighborhood Compatibility (400 Points)
- Section G - Community Benefits and Investments Plan (500 Points)
- Section H - Proposed Location (300 Points)

PHASE III: PUBLIC MEETING

Upon the completion of Phase II, the City Manager or his/her designee will tabulate the scores of all applicants from Phase II to create a final ranking which will be used to form the basis for determining who will be invited to participate in the Public Meeting and subsequently presented to the City Council for final consideration. Should there be a tie in any scoring, the City Manager shall force rank each of the applicants who participated in Phase II, in order to establish an eligibility list and therefore the decision on who moves on will not be solely determined by the scores alone.

The Public Meeting will be set to allow concerns of residents, businesses, and community organizations alike to be brought before the City. The City staff will conduct the Public Meeting pursuant to MMC Section 6-5.14 prior to presenting a report of its final rankings to the City Council in Phase IV. Those applicants selected to participate in the Public Meeting will be invited to attend and will be given an opportunity to address any concerns from the public presentation.

PHASE IV: CITY COUNCIL INTERVIEWS AND FINAL DECISION

Upon the completion of Phase III, the City Manager will present to the City Council the top Applicants from the Phase II process together with a summary report of the Public Meeting to the City Council. The City Council will interview those top Applicants and make a final determination as to which applicant(s) will be awarded a CCB permit. Each Applicant should be prepared to conduct a brief presentation in order to be interviewed by the City Council. Further details as to date, time, place, and length of presentation will be provided prior to the City Council interviews.

After the City Council has made a determination as to who if any Applicants will be awarded a CCB permit and as a condition of issuance of the regulatory permit, the operator of each cannabis facility shall enter into a Community Benefit Agreement with the City setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of Chapter 6-5.37.C, including, but not limited to community benefits such as public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

In addition, any community benefits that a commercial cannabis business agrees to provide shall be incorporated into the terms and conditions under which the commercial cannabis business will operate with the City of Madera's approval, if and when a Community Benefit Agreement is executed. Upon successfully negotiations in this phase of the process the Applicant will then be authorized to proceed to apply for any required land use permits and a business license and related approvals.

Any Applicant wishing to appeal Phase I through Phase III of the Application Process may appeal to the City Manager or appointed hearing officer depending on the type of appeal requested within ten (10) days of the Applicant receiving a notice that they will not move forward in the application process or be issued a permit. Such appeals shall comply with the requirements of MMC Sections 6-5.20 through 6-5.26. Any decision made by the City Council to award or not to award a cannabis permit shall be final and shall not be subject to appeal.

NOTE: Being awarded a CCB permit does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including: electrical, plumbing, fire, Community Development Department permits or reviews, and any other permits, licenses, or reviews as deemed necessary by the relevant departments or governmental entities in charge of said permits. Nor does the award of a CCB permit guarantee that the plans submitted via the CCB application process meet the standards or requirements in MMC Title X, Chapter 3 and any other permit requirements from other City departments or agencies.

APPENDIX A: EVALUATION CRITERIA

The City is a public agency subject to the California Public Records Act ("CPRA"). In the event a request for information under the CPRA seeks disclosure of application materials marked by Applicant as "Confidential Information," the City will make reasonable efforts to provide notice to Applicant prior to such disclosure to allow Applicant to seek a protective order, injunctive relief, or other appropriate remedy. If Applicant contends any designated application materials are exempt from the CPRA and wishes to prevent disclosure, it is required, at its own cost, liability, and expense to obtain a protective order, injunctive relief or other appropriate remedy from a court having jurisdiction over the matter at least two (2) days before City's deadline to respond to the CPRA request. If Applicant fails to obtain such a remedy before the deadline for the City's response to the CPRA request, the City will disclose the requested information and shall not be liable or responsible for such disclosure.

SECTION A: BUSINESS PLAN (400 points)

1. Finances* – A budget for construction, operations, maintenance, compensation of employees, equipment, property lease, security equipment and staff, City fees, state fees, utility costs, product purchases and other anticipated contingency costs. The budget must demonstrate sufficient capital in place to pay startup costs and at least three months of operating costs, as well as a description of the sources and uses of funds.
 - A. Proof of capitalization, in the form of documentation of cash or other liquid assets on hand, Letters of Credit or other equivalent assets which can be verified by the City.
 - B. A pro forma for at least three years of operations.
 - C. A schedule for beginning operation, including a narrative outlining any proposed construction and improvements and a timeline for completion.
2. Daily Operations - The Business Plan should describe the day-to-day operations which meet industry best practices for the type of cannabis business you are applying.
 - 2.1 Describe the day-to-day operations if you are applying for a RETAIL permit. This should include at a minimum the following criteria:
 - A. Describe customer check-in procedures.
 - B. Identify location and procedures for receiving deliveries during business hours.
 - C. Identify the name of the Point-of-sale system to be used and the number of Point-of-Sale locations.
 - D. Estimate the number of customers to be served per hour/day.
 - E. Describe the proposed product line to be sold and estimate the percentage of sales of flower and manufactured products.
 - F. If proposed, describe delivery service procedures, number of vehicles and product security during transportation.
 - G. How the Cannabis Business will conform to local and state laws. See MMC Sections 6-5.40 and Title X as they pertain to retail establishments in the City of Madera.
 - H. How cannabis and cannabis products will be tracked and monitored to prevent diversion. Describe the Point-of-Sale system to be used and how it will interact with the state's mandated track and trace system.

- 2.2 Describe the day-to-day operations if you are applying for a DISTRIBUTION permit. This should include at a minimum the following criteria:
- A. Identify the number of delivery drivers, hours of delivery and vehicles to be used.
 - B. Describe the transportation security procedures.
 - C. Describe how inventory will be received, processed, stored, and secured in the permitted premises.
 - D. Describe the quality control procedures designed to ensure all cannabis is properly packaged, labeled, and tested.
 - E. How the Cannabis Business will conform to local and state laws. See MMC 6-5.43 and Title X as they pertain to Distribution.
- 2.3 Describe the day-to-day operations if you are applying for a MANUFACTURING permit. This should include at a minimum the following criteria:
- A. Identify all cannabis products manufactured within the permitted premises.
 - B. Describe quality control procedures.
 - C. Describe inventory control procedures.
 - D. Describe the extraction process, equipment and room in which extractions will be conducted.
 - E. Provide detail as to whether the extraction equipment has been reviewed and certified by a Professional Engineer or Certified Industrial Hygienist.
 - F. Describe the sanitation procedures.
 - G. How the Cannabis Business will conform to local and state laws. See MMC 6-5.45 and Title X, as they pertain to Manufacturing.
- 2.4 Describe the day-to-day operations if you are applying for a TESTING permit. This should include at a minimum the following criteria:
- A. Describe the sampling standard operating procedures.
 - B. Describe procedures for transporting cannabis field samples.
 - C. Describe the chain of custody for field samples.
 - D. Describe the quality control procedures.
 - E. Describe the Laboratory Supervisor/Manager responsibilities and qualifications.
 - F. Identify location and procedures for storing cannabis products.
 - G. Describe how the cannabis business will conform to local and State laws. See MMC 6-5.44 and Title X as they pertain to testing labs in the City of Madera.
 - H. Describe how the cannabis and cannabis products will be tracked and monitored to prevent diversion.
 - I. Describe the Point-of-Sale system to be used and how it will interact with the State's mandated track and trace system.
- 2.5 Describe the day-to-day operations if you are applying for a CULTIVATION permit. This should include at a minimum the following criteria:
- A. Identify all cannabis products processed within the permitted premises.
 - B. Describe quality control procedures.
 - C. Describe inventory control procedures.
 - D. Describe the cultivation, drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured processes which will be utilized for these activities.
 - E. Describe the sanitation procedures in such a way as to ensure the health, safety, and welfare of the public, the employees working at the cultivation facility, visitors

to the area, neighboring properties, and to ensure the security of the cannabis cultivation and processing; and to safeguard against diversion of cannabis.

- F. How the Cannabis Business will conform to local and State laws. See MMC 6-5.46 and Title X, as they pertain to cultivation and other regulated activities pertaining to this license.
- G. Describe the plan for addressing public odor nuisances that may derive from the cultivation facility.

2.6 Describe the day-to-day operations if you are applying for a MICROBUSINESS permit. This should include at a minimum the following criteria:

- A. A microbusiness license engaged in retail shall describe all the requirements in subsection 2.1 of Appendix A, Section A in accordance with CCR §5500 and applicable requirements in MMC Section 6-5.40 and Title X.
- B. A microbusiness license engaged in distribution shall describe all the requirements in subsection 2.2 of Appendix A Section A in accordance with CCR §5500 and applicable requirements in MMC Section 6-5.43 and Title X.
- C. A microbusiness license engaged in manufacturing shall describe all the requirements in subsection 2.3 of Appendix A, Section A in accordance with CCR §5500 and applicable requirements in MMC Section 6-5.45 and Title X.
- D. A microbusiness license engaged in cultivation shall describe all the requirements in subsection 2.5 of Appendix A, Section A in accordance with CCR §5500 and applicable requirements in Section 6-5.46 and Title X.

2.7 Describe the day-to-day operations if you are applying for a VERTICALLY INTEGRATED permit. This should include at a minimum the following criteria:

- A. "Vertical Integration" means a Cannabis Business that will hold a minimum of three (3) non-retail cannabis permit which includes manufacturing, distribution, and at least one cultivation license which shall cultivate at least 20,000 square feet of canopy in the City. A Vertical Integrated business may also be eligible to operate a retail or non-storefront retail business upon evidence of actual operation of at least three non-retail cannabis permit in the City.
- B. "Canopy" means the designated area(s) at a licensed premise, except nurseries and processors, that will contain mature plants at any point in time, as follows:
 - i. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries.
 - ii. Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and
 - iii. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation
- C. Must demonstrate that the business is owned by one business entity and complies with the definition of 6-5.06 (DD).
- D. A vertically integrated license engaged in retail shall describe all the requirements in subsection 2.1 of Appendix A, Section A in accordance with MMC Section 6-5.40, Title X, and applicable state laws related to this permitted activity.
- E. A vertically integrated license engaged in distribution shall describe all the requirements in subsection 2.2 of Appendix A, Section A in accordance with

MMC Section 6-5.43, Title X, and all applicable state laws related to this permitted activity.

- F. A vertically integrated license engaged in manufacturing shall describe all the requirements in subsection 2.3 of Appendix A, Section A in accordance with MMC Section 6-5.45, Title X, and all applicable state laws related to this permitted activity.
- G. Premises for a Vertically Integrated permit may consist of a single parcel or multiple parcels which are adjacent, abutting, or contiguous. Parcels may not be separated by a street, alley, highway, or right-of-way, either public or private, except for Retail which may be located on separate property.

SECTION B: LABOR, EQUITY, DIVERSITY & INCLUSION PLAN (400 points)

1. The application should describe to what extent the cannabis business will adhere to heightened pay and benefits standards and practices, including recognition of the collective bargaining rights of employees in accordance with Section 6-5.13 (G).
2. Identify number of employees at initial opening and the maximum number of employees when the business is at full capacity.
3. Describe any diversity and inclusion programs that will be developed as part of the business model which embraces a rich and diverse work force with a diverse set of perspectives, work and life experiences, as well as religious and cultural differences that provide equal opportunities for employee development.
4. Identify all positions and their responsibilities.
5. Describe compensation to and opportunities for continuing education and training for employees.
6. Describe whether the cannabis business is committed to offering employees a Living Wage.
7. Briefly describe benefits provided to employees such as health care, vacation, and medical leave, to the degree they are offered as part of employment.
8. Describe to the extent to which the cannabis business will be a locally owned enterprise and the owner(s) reside within the County of Madera. In order to qualify for this criteria, an owner must have lived in the County of Madera for at least one year prior to June 1, 2021.

SECTION C: SAFETY PLAN (300 points)

1. The detailed Safety Plan shall be prepared by a California professional fire prevention and suppression consultant.
2. This plan will describe all fire prevention and suppression measures, fire extinguisher locations, evacuation routes and alarm systems the facility will have in place.

3. Describe all accident and incident reporting procedures.
4. Describe the waste management locations and procedures.

SECTION D: SECURITY PLAN (300 points)

1. The security plan shall be prepared by a professional security consultant. This can be done with in-house staff or a consultant, but it must clearly demonstrate that it meets the professional standards requested to receive the appropriate points for each criterion in this section.
 - A. The plan should demonstrate how the cannabis business wishes to develop the floor plan and address other security issues on the property.
2. Premises Diagram: In addition to the site plans submitted for the Proposed Location (in Section H of Appendix A), a separate Premises Diagram must be included in this Security Plan section (Section D) of the application. The diagram must meet the requirements of the Bureau of Cannabis Control CCR Title 16, Division 42, §5006 Premises Diagram.
 - A. The diagram shall show the boundaries of the property and the proposed location to be licensed, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, windows, and doorways, and shall include a brief statement or description of the principal activity to be conducted therein.
 - B. The diagram shall show and identify commercial cannabis activities that will take place in each area of the premises and identify all limited-access areas.
 - C. The diagram shall show where all cameras are located and assign a number to each camera for identification purposes.
 - D. The diagram should be accurate, dimensioned and to-scale (minimum scale of 1/4").
 - E. If the proposed location consists of only a portion of a property, the diagram must be labeled indicating which part of the property will be used for the licensed premises and what activities will be used for the remaining property.
3. Description of operational security, including but not limited to general security for access/visitor control, inventory control and cash handling procedures.
4. Description of perimeter security, on-site security guards, lighting, and parking.
5. Identify transportation techniques and security procedures.
6. Description of employee training and general security policies.

SECTION E: QUALIFICATION OF OWNERS (400 points)

1. Experience – Demonstrate the business owner's experience in owning, managing, and operating a cannabis business. For purposes of this section, owner shall mean the State definition of owner in the State Business and Professions Code Section 26001 and all persons, companies, and entities that will be directing, controlling, and/or managing

the day-to-day operations of the business. Evidence that prior experience was from legally permitted activities.

2. Cannabis Industry Knowledge – Demonstrate overall knowledge of the cannabis industry (as demonstrated throughout the screening application), including identification of how industry best practices and State regulations have been incorporated in existing/prior legal businesses outside the City of Madera.
3. Ownership Team – Describe the involvement of the ownership team in day-to-day operation of the business. Owner is defined based upon the State definition of owner, see Business and Professions Code Section 26001.

SECTION F: NEIGHBORHOOD COMPATIBILITY PLAN (400 points)

1. Describe how the business will proactively address and respond to complaints related to noise, light, odor, and vehicle and pedestrian traffic.
2. Describe how the business will be managed 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.
4. 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.
5. The application should include the following information about the proposed location:
 - A. Physical address and a detailed description of the proposed location, including the overall property, building, and interior floor plan.
 - B. Description of all known nearby State and local sensitive use areas. The cannabis business must have the appropriate zoning and meet all the locational requirements as described in MMC sections 6-5.33 and Title X.
 - C. List any nearby well-traveled paths to schools and describe how the cannabis business will proactively protect the youth on these paths from exposure to the cannabis business.
 - D. Describe how the business will proactively take steps about community concerns to protect the youth generally from the impacts of the cannabis business.
 - E. Proof of ownership, lease agreement, or a Letter of Intent to Lease.
 - F. Vicinity map.
 - G. Photographs of existing site and buildings.
 - H. Evidence that the location has access to public transportation for employees or customers.

SECTION G: COMMUNITY BENEFITS AND INVESTMENTS PLAN (500 points)

The cannabis business should describe the benefits the business will provide to the local community, for example by directly aiding, participating in, or funding the work of local non-profits, community-based organizations, civic organizations, or social services organizations. Benefits may be in the form of volunteer services, monetary donations, 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 which will help achieve the strategic policy goals of the City Council in permitting cannabis businesses in the City of Madera.

SECTION H: PROPOSED LOCATION (300 points)

In addition to the location related details required in the Security Plan section of this application, the application shall include a thorough narrative description of the proposed location, including but not limited to the overall site, existing and/or proposed building(s), parking spaces, driveways, pedestrian sidewalks/rights-of-way, and neighboring businesses on the parcel. Description of floor plans and interior design are not a requirement of this section. In addition to the narrative description of the proposed locations, Applicants shall also include the following items.

1. The CBP applicant must have the appropriate zoning and meet all the locational requirements as described in MMC Section 6-5.33 and Title X.
2. The application shall include photographs of the front (street facing) side of the building. In the event the proposed location is undeveloped land, photographs shall depict the property from all vantage points of the property.
3. The application must include a (Site) diagram depicting all details described in the narrative description of the proposed location. The diagram required for this section need not include a description of any building interior, floor plan or security detail.

Attachment 3b:

Resolution: Establishing Procedure Guidelines and Review Criteria to govern the application and selection process for various types of Cannabis Business Permits

Commercial Cannabis Business Permit – Social Equity Applications



City of Madera

Community Development Department
205 W. 4th Street
Madera, CA 93637
Phone: 559.661.5400
Email: Cannabis@Madera.gov

APPLICATION PROCEDURE GUIDELINES AND REVIEW CRITERIA FOR A COMMERCIAL CANNABIS BUSINESS PERMIT (SOCIAL EQUITY APPLICATIONS)

Application Period
OPENS – TBD
CLOSES – TBD

These Procedure Guidelines apply solely to Social Equity Applications.

NUMBER OF PERMITS

During this application period the City will be allowing up to two (2) Social Equity retail permits.

SOCIAL EQUITY

A “equity applicant” shall be defined per Appendix B of these guidelines.

ORIENTATION “KICK OFF” MEETING

The City will hold a virtual Orientation “Kick Off” Meeting on TBD at 1:00 pm. Pre-registration for the Orientation Meeting is required however, attendance at the Orientation Meeting is not required to apply for a Cannabis Business Permit. The registration link is available on the City’s website at <https://www.madera.gov/Cannabis-Information>.

CONTACT

If you have any questions or would like an update on the status of your application, please contact the Community Development Department at 559.661.5400 or by email at Cannabis@madera.gov.

APPLICABLE REGULATIONS

Information regarding the Commercial Cannabis Business (CCB) Application process can be found on the City's website at <https://www.madera.gov>, and includes the following:

- Application Procedures Guidelines and Review Criteria
- City of Madera Municipal Code (MMC) Title VI, Chapter 5
- City of Madera Municipal Code (MMC) Title X, Chapter 3 (Zoning Regulations)
- Property Owner /Landlord Affidavit
- Financial Responsibility, Indemnity and Consent to Inspection Terms Agreement
- Background Check Portal Link
- Commercial Cannabis Business (CCB) Permit Application
- Business Ownership Acknowledgement Form

To be considered for issuance of a Cannabis Business Permit, final applications must be submitted to the Community Development Department located at the address listed on these procedures by the deadline. There will be no exceptions. These Procedure Guidelines and Review Criteria (hereafter referred to as "Procedures." constitute the application process and are adopted pursuant to the Madera Municipal Code (MMC) Section 6-5.13 and Title X, Chapter 3 (Zoning Regulations).

Applicants should monitor the City's web page for any additional information, FAQs, or updates. It is the responsibility of the Applicant to stay informed of this information.

SOCIAL EQUITY APPLICANT ELIGIBILITY

Pursuant to the City Council's Social Equity Policy for Cannabis Businesses, applicants who are applying as Social Equity applicant must first be evaluated to verify their eligibility in accordance with the City's eligibility criteria, (see Appendix B) before any substantive review of their application can occur. Social Equity applicants must identify themselves as such at the outset by checking the appropriate box on the Commercial Cannabis Business Application. Should it be determined that the Applicant be deemed not eligible for a Social Equity Application will then be given the option to submit their application as a Standard or Vertically Integrated Applicant or withdraw from the process when notified by the City staff.

AMENDMENTS TO THE SOCIAL EQUITY APPLICATION

Applicants will not be allowed to make amendments to their application or to supplement their application, except as otherwise specifically permitted in these procedures, or posted on the City's website as a clarification update, or as authorized in writing by the City Manager or his/her designee.

During Phase IB, City staff and the Consultant will conduct a preliminary evaluation of the applications for completeness and will reject any application that is missing a major component (for example, a Security Plan), notifying the applicant by email that they have been disqualified.

For those Applications which are missing essential information the primary contact will be notified by email if their application is found to be missing minor requirements (for example, signatures/dates on forms, proof of payment receipts, scanned pages in one of the scoring criteria documents, or incorrect formatting or organization of files). If this is the case, the

Applicant may be granted five days from the date of the email to submit the required supplemental information. Should you receive an email from the City we ask that you confirm receipt of it immediately. If the City does not get confirmation from your primary contact within two days, it may, but is not required to, make an attempt to notify the primary contact by phone in case the email went into the recipient's spam folder unnoticed. However, please note should this be the case you will not be provided additional time to complete the curing process so make sure you monitor your incoming or spam email carefully. Furthermore, you may not submit any additional information other than what was requested to cure the minor requirements. Finally, an applicant will be notified if their application is incomplete or if there is any other reason for which they will not be moving forward in the application process.

LIMITATIONS ON MULTIPLE APPLICATIONS

Applicants possessing an ownership interest of ten percent (10%), or more, in a retail, microbusiness, or vertically integrated cannabis permit application shall be limited to submitting only one application which includes retail during this initial process regardless. In order to ensure compliance with the ownership interest concerns every owner on the application which meets the criteria listed in Section 6-5.06 (T) will be required to complete the Business Ownership Acknowledgement form which is provided on the City's website. However, there will be no limitations on any other permit type which are permitted in the City, (i.e., cultivation, manufacturing, distribution, and testing labs). In addition, the City will only accept a maximum of two of any combination of retail, microbusiness, or vertically integrated application Zoning Verification Letters (ZVL) per property (APN). Furthermore, without exception only one retail, microbusiness or vertically integrated Applicant will be issued a retail permit per location by the City Council in Phase IV and so each Applicant should keep that in mind when selecting a location for their business in which there is more than one Applicant.

CITY'S RESERVATION OF RIGHTS

The City reserves the right to reject any and/or all applications, with or without cause or reason. The City may modify, postpone, or cancel the request for a CCB permit without liability, obligation, or commitment to any person, party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any Applicant submitting an application in order to conduct a complete review of the application or an investigation into the truthfulness of the statements set forth in the application or provided at any stage of the application process and if it is not fully responsive to this request for a CCB application.

APPLICATION PROCESS

This application process is adopted pursuant to MMC Section 6-5.13. Review the information regarding the application process and which documents you will need. Before submitting your application, review your application in its entirety to ensure that it is complete and accurate. Review the information regarding the Cannabis Business Permit application process for a CCB on the City webpage provided on page one.

APPLICATION SUBMITTAL REQUIREMENTS

Applications must respond to all requirements outlined in the "Application Procedures & Guidelines for a Cannabis Business Permit." Applicants must submit all required application

materials together in one complete comprehensive application package. This can be done in person, by U.S. Mail, or by common carrier delivery service (e.g. FED EX, UPS, etc.) as long as it is a complete application. The application process must be secured in an envelope or box addressed as follows:

Community Development Director
Attn: Cannabis Application Process
City of Madera
205 W. Fourth Street
Madera, CA 93637

The application package must include all the following documents with original signatures for each document as outlined below.

SUBMITTAL DEADLINE

Social Equity Applications have two (2) deadlines. As follows:

1. Phase 1A: TBD
2. Phase 1B: TBD

The following table outlines submittal requirements per Phase:

Phase 1A	Cannabis Business Permit Application (pages 1-3) (Equity Only) to be used for eligibility review.
Phase 1B	Phase 1B-Items: <ol style="list-style-type: none">1. Cannabis Business Permit Application; (This item is required for Phase 1A and 1B)2. Financial Responsibility, Indemnity and Consent to Inspection Terms Agreement;3. Agreement on Limitations of City's Liability and Indemnification to City;4. Application fee and Background Check fee(s); and5. Business Owner Acknowledgment Form6. Proof of Property Ownership or Lease Agreement/Letter of Intent to Lease7. Property Owner Consent/Landlord Affidavit8. Proof of Insurance or a letter of insurability from the Insurance Company

Furthermore, an application RISKS BEING REJECTED for the following reasons:

1. It is not responsive to this Cannabis Business Permit application and the Procedure Guidelines for a Cannabis Business Permit.
2. The issuance of the Cannabis Business Permit for the proposed location does not comply with State law, MMC Title 6, Chapter 5 and/or Title X, Chapter 3 (Zoning Code Regulations).

FLASH DRIVE CONTENT

In addition, all Applicants must submit a USB flash drive containing one complete copy of the application package per the requirements as outlined in the below format. The application package and application fees must be received by the Community Development Department at the same time.

Responses to the Evaluation Criteria (Sections A-G found in Appendix A of the Application Procedures & Guidelines) shall be limited to 200 pages. Responses pertaining to Backgrounds, Proof of Capitalization, Zoning Verification Letter, and Proof of Property Ownership or Lease Agreement/Letter of Intent to Lease, Property Owner Consent/Landlord Affidavit, Business Owner Acknowledgement Form shall not be included in the 200-page limitation. Those responses should be saved in PDF files that are separate from the Evaluation Criteria (see below).

All materials must be submitted on a USB flash drive in a PDF format in the following files. You must submit the files in the correct format and organized correctly or your application may be rejected.

PDF File #1	Cannabis Business Permit Application (pages 1-3), Financial Responsibility, Indemnity and Consent to Inspection Terms Agreement (pages F1-F3), Agreement on Limitations of City Liability, and Certification, Assurances, Warranties, and Indemnification to City (pages F4-F6); and Business Owner Acknowledgement Form, Proof of Property Ownership or Lease Agreement/Letter of Intent to Lease, Property Owner Consent/Landlord Affidavit. All copied documents shall display required signatures to be deemed complete.
PDF File #2	Evaluation Criteria (Responses to Sections A-G of Appendix A limited to 200 pages)
PDF File #3	Background Check documentation (All required documents for each owner). Upon submission of the online background application, Applicants will receive an email confirmation. This confirmation needs to be printed, scanned, and included within PDF File #3.
PDF File #4	Proof of Capitalization (Appropriate bank statements, loan documents, promissory notes, financial and commitment letters)
PDF File #5	Zoning Verification Letter (ZVL) which shows the correct location, unit, space, or suite number in the building being used. Proof of Insurance or a letter showing proof of insurability by a qualified insurance company which shows the location being insured in City of Madera, the type of activity being insured, and the name of the business being insured. Copies from another business location in another city owned by the Applicant will not be accepted.

CRIMINAL BACKGROUND CHECK

Each Owner as defined in Section 6-5.06 (T) must undergo a criminal history background check to demonstrate they do not provide “good cause” for denial per MMC Sections 6-5.08 and 6-

5.38K. The background check will be used to help verify the Social Equity eligibility requirements and ensure that the applicants meet the criteria. Owners who do not meet the criminal history eligibility requirements of Section 6-5.38K will be disqualified. The background form can be found online at:

https://hdlcompanies.formstack.com/forms/bc_maderacity.

In addition, each successful applicant will be asked to submit to a Live Scan as part of the background check as determined by the Chief of Police. Prior to being issued a permit the Applicant's primary contact will be notified by email with the instructions on how to schedule the Live Scan appointment.

The initial background check fee for each owner shall be \$300.00. This process will be required to meet the minimum threshold qualifications pursuant to MMC Section 6-5.38K. The results of the background check along with the City-issued Zoning Verification Letter must be included with the CCB Application (Phase I).

ZONING VERIFICATION LETTER (ZVL)

Prior to submitting a CCB application (Phase I), an Applicant must obtain a Zoning Verification Letter from the Community Development Department. To secure this letter, an Applicant must make a written request to the Community Development Department which should specify the intended use of the building (i.e., Cultivation, Manufacturing, Distribution, Retail, Microbusiness or Vertically Integrated), and the proposed building location. Please advise the City if you currently occupy the premises or if there is a tenant currently occupying the premises and what type of business activity is being conducted.

The issuance of a ZVL does not constitute written evidence of permission given by the City or any of its officials to operate a cannabis business, nor does it establish a "permit" within the meaning of the Permit Streamlining Act, nor does it create an entitlement under the Zoning or Building Code. A regulatory permit for a CCB does not constitute a permit that runs with the land on which the cannabis business is established.

FEES

All applicants will be required to submit a fee of \$TBD. This amount will be charged against time spent by City staff and the Consultant in reviewing applications and administering the application process. Applicants are advised that they may be required to pay additional amounts as required for the sole purpose of the City's completion of the application review process. However, there will also be a separate fee for the Zoning Verification Letter (ZVL) of \$TBD per site and the Background Check Fee of \$300. For the successful Applicants there will also be a Live Scan Fee of \$TBD prior to obtaining the Cannabis Business Permit or at a time determined by the Police Chief.

Payment must be made by a certified check, cashier's check or money order made payable to the City of Madera. Please note the City will not accept cash or credit cards and application fees are non-refundable once the City has begun reviewing the application.

APPLICATION REVIEW, SCORING, AND APPROVAL PROCESS

PHASE IA: SOCIAL EQUITY REGISTRATION AND ELIGIBILITY

Upon receiving a completed (CCB) application, City staff will review the materials to determine eligibility under the City's Council Social Equity established criteria in accordance with Appendix B of these procedures. Applicants will be notified as soon as possible if they do not qualify under the Social Equity criteria and will be given the option to apply under the Standard or Vertical Integrated application process respectfully or withdraw from the process.

PHASE 1B: DETERMINATION OF ELIGIBILITY

Applications will be reviewed for completeness and compliance to meet the minimum submittal requirements. The determination of eligibility will be based on the criteria outlined in these procedures and as described in Appendix A. However, the criteria will be evaluated and scored with the process adopted in these procedures in accordance with MMC Chapter 6-5.13 and may be amended as provided in MMC Section 6-5.49 A & C in writing for clarification to application submittal questions which will be posted in the FAQ section of the Cannabis Information webpage and shall go into full effect immediately upon being posted on the website.

PHASE II: APPLICATION EVALUATION AND REVIEW (2,700 points)

During Phase II, the City and/or consultant will review and score each application using a merit-based system. At a minimum the top ten (10) applicants who score a minimum of 90% or higher (2,430 points) in Phase II may be eligible to advance to Phase III. However, the City may at its sole discretion select more than ten (10) applicants based on the quantity and the overall quality of applications the City receives. Notice of the results of Phase II will be provided in writing via email to the primary contact listed on the application.

See APPENDIX A for a description of the evaluation criteria:

- Section A. Business Plan (400 points)
- Section B. Labor, Equity, Diversity, and Inclusion Plan (400 points)
- Section C. Safety Plan (300 points)
- Section D. Security Plan (300 points)
- Section E. Qualifications of Owners (400 Points)
- Section F. Neighborhood Compatibility (400 Points)
- Section G. Community Benefits and Investments Plan (500 Points)

PHASE III: PUBLIC MEETING

Upon the completion of Phase II, the City Manager or his/her designee will tabulate the scores of all applicants from Phase II to create a final ranking which will be used to form the basis for determining who will be invited to participate in the Public Meeting and subsequently presented to the City Council for final consideration. Should there be a tie in any scoring, the City Manager shall force rank each of the applicants who participated in Phase II, in order to

establish an eligibility list and therefore the decision on who moves on will not be solely determined by the scores alone.

The Public Meeting will be set to allow concerns of residents, businesses, and community organizations alike to be brought before the City. The City staff will conduct the Public Meeting pursuant to MMC Section 6-5.14 prior to presenting a report of its final rankings to the City Council in Phase IV. Those applicants selected to participate in the Public Meeting will be invited to attend and will be given an opportunity to address any concerns from the public presentation.

In addition, since the location will not be a scored criteria for the Social Equity process Applicants which are eligible to participate in Phase III shall be given the opportunity to request a new location for their business application from any property which has qualified under the Standard, Social Equity or Vertically Integrated process and will not be used by any Applicant still in the running for Phase III, or which was subsequently not awarded a permit by the City Council in Phase IV. However, if Applicant switches properties, it must be done prior to participating in Phase III and Phase IV in order to allow for proper vetting at the Public Meeting and by the City Council during the final selection.

PHASE IV: CITY COUNCIL INTERVIEWS AND FINAL DECISION

Upon the completion of Phase III, the City Manager will present to the City Council the top Applicants from the Phase II process together with a summary report of the Public Meeting to the City Council. The City Council will interview those top Applicants to make a final determination as to which applicant(s) will be awarded a CCB permit. Each Applicant should be prepared to conduct a brief presentation in order to be interviewed by the City Council. Further details as to date, time, place, and length of presentation will be provided prior to the City Council interviews.

After the City Council has made a determination as to who if any Applicants will be awarded a CCB permit and as a condition of issuance of the regulatory permit, the operator of each cannabis facility shall enter into a Community Benefit Agreement with the City setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of Chapter 6-5.37.C, including, but not limited to community benefits such as public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

In addition, any community benefits that a commercial cannabis business agrees to provide shall be incorporated into the terms and conditions under which the commercial cannabis business will operate with the City of Madera's approval, if and when a Community Benefit Agreement is executed. Upon successfully negotiations in this phase of the process the Applicant will then be authorized to proceed to apply for any required land use permits (site plan) and a business license and related approvals.

Any Applicant wishing to appeal Phase I and Phase II of the Application Process may appeal to the City Manager or appointed hearing officer depending on the type of appeal requested within ten (10) days of the Applicant receiving a notice that they will not move forward in the application process or be issued a permit. Such appeals shall comply with the requirements of

MMC Sections 6-5.20 through 6-5.26. Any decision made by the City Council to award or not to award a cannabis business permit shall be final and shall not be subject to appeal.

NOTE: Being awarded a CCB permit does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including: electrical, plumbing, fire, Community Development Department permits or reviews, and any other permits, licenses, or reviews as deemed necessary by the relevant departments or governmental entities in charge of said permits. Nor does the award of a CCB permit guarantee that the plans submitted via the CCB application process meet the standards or requirements in MMC Title X, Chapter 3 and any other permit requirements from other City departments or agencies.

APPENDIX B

I. EQUITY PERMIT PROGRAM

The Madera City Council has expressed interest in creating a Social Equity Permitting process that addresses disparities in the cannabis industry by prioritizing the victims of the war on drugs and minimizing barriers of entry into the industry. The first step in creating such a process is the establishment of the Equity Permit Application Eligibility.

- A. An “equity applicant” shall be defined as an applicant whose ownership or owner meets the following criteria:
- Is currently a resident of the County of Madera and has been for at least five years;
 - Was arrested after November 5, 1996, and convicted of a cannabis crime in Madera County, California.
 - Has an annual household income at or less than the Madera County Area Median as specified annually by the US Census Bureau. The Madera County Area Median Income for 2021 is \$70,700 for a household size of four (4) persons. The following table identifies the adjustments to the Area Median Income limits based on different household sizes:

Household Size	Income Limit
One person	\$ 49,500
Two people	\$ 56,550
Three people	\$ 63,650
Four people	\$ 70,700
Five people	\$ 76,350
Six people	\$ 82,000
Seven people	\$ 87,650
Eight or more	\$ 93,300

B. Equity Applicant Verification Process

- An applicant’s eligibility shall be determined at Phase 1A of the Social Equity application process. If the applicant fails to qualify as an Equity Applicant, the applicant may apply for a Standard or Vertically Integrated business and be subject to those application procedure requirements respectively.
- Each owner of the Social Equity application will be required to complete the Criminal Background Check on the background portal and pay the appropriate fees. The background check will be used to help verify the eligibility requirements and ensure that the

applicant(s) meets the qualifications.

c. Proof of Income

- i. A copy of owner's federal tax returns for the past two years and at least one of the following two documents:
 - 1. Two months of pay stubs, current Profit and Loss Statement or Balance Sheet
 - 2. Proof of current eligibility for General Assistance, Food Stamps, Medical/CALWORKs or Supplemental Security Income or Social Security Disability (SSI/SSDI).

d. Proof of Residency

- i. Provide at least two of the following documents, evidencing five years of residency:
 - 1. California Driver's record or Identification Card record
 - 2. Property tax billing and payment records
 - 3. Verified copies of state or federal income tax returns where a Madera County address is listed as the primary address
 - 4. School records
 - 5. Medical records
 - 6. Banking records
 - 7. Madera County Housing Authority records
- ii. Documents demonstrating residency in 2021 can be used for proof of current residency only; they will not be considered proof of a year of residency.

e. Proof of Conviction

- i. Proof of conviction shall be demonstrated through the following documents:
 - 1. Court records
 - 2. Probation documents
 - 3. Department of Corrections or Federal Bureau of Prisons documentation that clearly indicates the arrest occurred in Madera County.

C. Definition of Owner: For purposes of Section A and B of the Social Equity Program a "Owner" shall be defined as an individual or entity who was identified as owning 51% or more of the Social Equity Application applying for a Commercial Cannabis Business Permit (CCB). The individual or entity must own at least 51% of the business entity submitting the cannabis application. If 51% or more of the ownership of the CCB is held by an entity, that entity must be the same entity requesting the CCB application.

Attachment 3c:

Resolution: Establishing Procedure Guidelines and Review Criteria to govern the application and selection process for various types of Cannabis Business Permits

Commercial Cannabis Business Permit – Vertically Integrated, Cultivation, Distribution, Manufacturing, and Test Labs Applications



City of Madera

Community Development Department
205 W. 4th Street
Madera, CA 93637
Phone: 559.661.5400
Email: Cannabis@Madera.gov

APPLICATION PROCEDURE GUIDELINES AND REVIEW CRITERIA FOR A COMMERCIAL CANNABIS BUSINESS PERMIT (VERTICALLY INTEGRATED, CULTIVATION, DISTRIBUTION, MANUFACTURING, TESTING LABS APPLICATIONS)

**Application Period
OPENS – TBD**

These Procedure Guidelines apply solely to Vertically Integrated Cultivation, Distribution, Manufacturing, and Testing Labs.

NUMBER OF PERMITS

During this application period the City will allow an unlimited number of permits.

VERTICAL INTEGRATION

“Vertical Integration” means a Cannabis Business that will hold a minimum of three (3) non-retail cannabis permits which includes manufacturing, distribution, and at least one cultivation license which shall cultivate at least 20,000 square feet of canopy in the City. A Vertical Integrated business may also be eligible to operate a retail or non-storefront retail business upon evidence of actual operation of at least three non-retail cannabis permits in the City.

The Cultivation, Manufacturer, and Distribution shall be located on the same property. A Retail business may be located on the same property where the other three license types exist, or it may be located off-site, on a separate property. The Retail business must comply with the underlying requirements of said zone district. A Retail business under this definition will not count as one of the six Retail permits.

ORIENTATION “KICK OFF” MEETING

The City will hold a virtual Orientation “Kick Off” Meeting on TBD at 1:00 pm. Pre-registration for the Orientation Meeting is required however, attendance at the Orientation Meeting is not required to apply for a Cannabis Business Permit. The registration link is available on the City’s website at <https://www.madera.gov/Cannabis-Information>.

CONTACT

If you have any questions or would like an update on the status of your application, please contact the Community Development Department at 559.661.5400 or by email at Cannabis@madera.gov.

APPLICABLE REGULATIONS

Information regarding the Commercial Cannabis Business (CCB) Application process can be found on the City's website at <https://www.madera.gov>, and includes the following:

- Application Procedures Guidelines and Review Criteria
- City of Madera Municipal Code (MMC) Title VI, Chapter 5
- City of Madera Municipal Code (MMC) Title X, Chapter 3 (Zoning Regulations)
- Property Owner Consent/Landlord Affidavit
- Financial Responsibility, Indemnity and Consent to Inspection Terms Agreement
- Background Check Portal Link
- Commercial Cannabis Business (CCB) Permit Application
- Business Ownership Acknowledgement Form

To be considered for issuance of a Cannabis Business Permit, final applications must be submitted to the Community Development Department located at the address listed on these procedures by the deadline. There will be no exceptions. These Procedure Guidelines and Review Criteria (hereafter referred to as "Procedures." constitute the application process and are adopted pursuant to the Madera Municipal Code (MMC) Section 6-5.13 and Title X, Chapter 3 (Zoning Regulations).

Applicants should monitor the City's web page for any additional information, FAQs, or updates. It is the responsibility of the Applicant to stay informed of this information.

AMENDMENTS TO THE APPLICATION

During Phase I, City staff and the Consultant will conduct a preliminary evaluation of the applications for completeness. Any amendments to the application will be in accordance with the instructions in Phase II of the application process.

LIMITATIONS ON MULTIPLE APPLICATIONS

Applicants possessing an ownership interest of ten percent (10%), or more, in a retail, microbusiness, or vertically integrated cannabis permit application shall be limited to submitting only one application which includes retail during this initial process. In order to ensure compliance with the ownership interest concerns every owner on the application which meets the criteria listed in Section 6-5.06 (T) will be required to complete the Business Ownership Acknowledgement form which is provided on the City's website. However, there will be no limitations on any other permit types which are permitted in the City, (i.e., cultivation, manufacturing, distribution, and testing labs). In addition, the City will only accept a maximum of two of any combination of retail, microbusiness, or vertically integrated application Zoning Verification Letters (ZVL) per property (APN). Furthermore, without exception only one retail, microbusiness or vertically integrated Applicant will be issued a retail permit per location by the City Council in Phase IV and so each Applicant should keep that in mind when selecting a location for their business in which there is more than one Applicant.

CITY'S RESERVATION OF RIGHTS

The City reserves the right to reject any and/or all applications, with or without cause or reason. The City may modify, postpone, or cancel the request for a CCB permit without liability, obligation, or commitment to any person, party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any Applicant submitting an application in order to conduct a complete review of the application or an investigation into the truthfulness of the statements set forth in the application or provided at any stage of the application process and if it is not fully responsive to this request for a CCB application.

APPLICATION PROCESS

This application process is adopted pursuant to MMC Section 6-5.13. Review the information regarding the application process and which documents you will need. Before submitting your application, review your application in its entirety to ensure that it is complete and accurate. Review the information regarding the Cannabis Business Permit application process for a CCB on the City webpage provided on page one.

APPLICATION SUBMITTAL REQUIREMENTS

Applications must respond to all requirements outlined in the "Application Procedures & Guidelines for a Cannabis Business Permit." Applicants must submit all required application materials together in one complete comprehensive application package. This can be done in person, by U.S. Mail, or by common carrier delivery service (e.g. FED EX, UPS, etc.) as long as it is a complete application. The application process must be secured in an envelope or box addressed as follows:

Community Development Director
Attn: Cannabis Application Process
City of Madera
205 W. Fourth Street
Madera, CA 93637

The application package must include all the following documents with original signatures for each document.

1. Cannabis Business Permit Application;
2. Financial Responsibility, Indemnity and Consent to Inspection Terms Agreement;
3. Agreement on Limitations of City's Liability and Indemnification to City;
4. Application fee and Background Check fee(s); and
5. Business Owner Acknowledgment Form
6. Proof of Property Ownership or Lease Agreement/Letter of Intent to Lease
7. Property Owner Consent/Landlord Affidavit
8. Proof of Insurance or letter of insurability from the Insurance Company

SUBMITTAL DEADLINE

The application period to apply for Vertically Integrated, cultivation, distribution, manufacturing, and testing labs applications will remain open until the City posts on its website that the process will cease 30 days from when the notice is posted.

Applications submitted within the initial 30 days will be processed prior to those submitted after the initial 30-day review period.

Furthermore, an application RISKS BEING REJECTED for the following reasons:

1. It is not responsive to this Cannabis Business Permit application and the Procedure Guidelines for a Cannabis Business Permit.
2. The issuance of the Cannabis Business Permit for the proposed location does not comply with State law, MMC Title VI, Chapter 5 and/or Title X, Chapter 3 (Zoning Code Regulations).

FLASH DRIVE CONTENT

In addition, all Applicants must submit a USB flash drive containing one complete copy of the application package per the requirements as outlined in the below format. The application package and application fees must be received by the Community Development Department at the same time.

Responses to the Evaluation Criteria (Sections A-H found in Appendix A of the Application Procedures & Guidelines) shall be limited to 200 pages. Responses pertaining to Backgrounds, Proof of Capitalization, Zoning Verification Letter, Proof of Ownership or Lease Agreement/Letter of Intent to Lease, Property Owner Consent/Landlord Affidavit, Business Owner Acknowledgement Form; and Proof of Insurance or letter of insurability from the Insurance Company shall not be included in the 200-page limitation. Those responses should be saved in PDF files that are separate from the Evaluation Criteria (see below).

All materials must be submitted on a USB flash drive in a PDF format in the following files. You must submit the files in the correct format and organized correctly or your application may be rejected.

PDF File #1	Cannabis Business Permit Application (pages 1-3), Financial Responsibility, Indemnity and Consent to Inspection Terms Agreement (pages F1-F3), Agreement on Limitations of City Liability, and Certification, Assurances, Warranties, and Indemnification to City (pages F4-F6); Business Owners Acknowledgement; Form Proof of Property Ownership or Lease Agreement/Letter of Intent to Lease, and Property Owner Consent/Landlord Affidavit. All copied documents shall display required signatures to be deemed complete.
PDF File #2	Evaluation Criteria (Responses to Sections A-H of Appendix A limited to 200 pages)
PDF File #3	Background Check documentation (All required documents for each owner). Upon submission of the online background application, Applicants will receive

	an email confirmation. This confirmation needs to be printed, scanned, and included within PDF File #3.
PDF File #4	Proof of Capitalization (Appropriate bank statements, loan documents, promissory notes, financial and commitment letters)
PDF File #5	Zoning Verification Letter (ZVL) which shows the correct location, unit, space, or suite number in the building being used. Proof of Insurance or a letter showing proof of insurability by a qualified insurance company which shows the location being insured in City of Madera, the type of activity being insured, and the name of the business being insured. Copies from another business location in another city owned by the Applicant will not be accepted.

CRIMINAL BACKGROUND CHECK

Each Owner as defined in Section 6-5.06 (T) must undergo a criminal history background check to demonstrate they do not provide “good cause” for denial per MMC Sections 6-5.08 and 6-5.38K. Owners who do not meet the criminal history eligibility requirements of Section 6-5.38K will be disqualified. The background form can be found online at:

https://hdlcompanies.formstack.com/forms/bc_maderacity.

In addition, each successful applicant will be asked to submit to a Live Scan as part of the background check as determined by the Chief of Police. Prior to being issued a permit the Applicant’s primary contact will be notified by email with the instructions on how to schedule the Live Scan appointment.

The initial background check fee for each owner shall be \$300.00. This process will be required to meet the minimum threshold qualifications pursuant to MMC Section 6-5.38K. The results of the background check along with the City-issued Zoning Verification Letter must be included with the CCB Application (Phase I).

ZONING VERIFICATION LETTER (ZVL)

Prior to submitting a CCB application (Phase I), an Applicant must obtain a Zoning Verification Letter from the Community Development Department. To secure this letter, an Applicant must make a written request to the Community Development Department which should specify the intended use of the building (i.e., Cultivation, Manufacturing, Distribution, Retail, Microbusiness or Vertically Integrated), and the proposed building location. Please advise the City if you currently occupy the premises or if there is a tenant currently occupying the premises and what type of business activity is being conducted.

The issuance of a ZVL does not constitute written evidence of permission given by the City or any of its officials to operate a cannabis business, nor does it establish a “permit” within the meaning of the Permit Streamlining Act, nor does it create an entitlement under the Zoning or Building Code. A regulatory permit for a CCB does not constitute a permit that runs with the land on which the cannabis business is established.

FEES

All applicants will be required to submit a fee of \$TBD. This amount will be charged against time spent by City staff and the Consultant in reviewing applications and administering the application process. Applicants are advised that they may be required to pay additional amounts as required for the sole purpose of the City's completion of the application review process. However, there will also be a separate fee for the Zoning Verification Letter (ZVL) of \$TBD per site and the Background Check Fee of \$300. For the successful Applicants there will also be a Live Scan Fee of \$TBD prior to obtaining the Cannabis Business Permit or at a time determined by the Police Chief.

Payment must be made by a certified check, cashier's check or money order made payable to the City of Madera. Please note the City will not accept cash or credit cards and application fees are non-refundable once the City has begun reviewing the application.

APPLICATION REVIEW, SCORING, AND APPROVAL PROCESS

PHASE I: DETERMINATION OF ELIGIBILITY

Applications will be reviewed for completeness and compliance to meet the minimum submittal requirements. The determination of eligibility will be based on the criteria outlined in these procedures and as described in Appendix A. However, the criteria will be evaluated and scored with the process adopted in these procedures in accordance with MMC Chapter 6-5.13 and may be amended as provided in MMC Section 6-5.49 A & C in writing for clarification to application submittal questions which will be posted in the FAQ section of the Cannabis Information webpage and shall go into full effect immediately upon being posted on the website.

PHASE II: APPLICATION EVALUATION AND REVIEW (3,000 points)

Application will be evaluated and scored on a pass/fail process based on the review criteria listed below. See Appendix A for a detailed description of the evaluation criteria:

- Section A. Business Plan (400 points)
- Section B. Labor, Equity, Diversity, and Inclusion Plan (400 points)
- Section C. Safety Plan (300 points)
- Section D. Security Plan (300 points)
- Section E - Qualifications of Owners (400 Points)
- Section F - Neighborhood Compatibility (400 Points)
- Section G - Community Benefits and Investments Plan (500 Points)
- Section H - Proposed Location (300 Points)

Those applications which score a minimum of 80% (2,400) in Phase II will move on to Phase III of the application process. However, should it be determined to be deficient and not meeting the minimum score of 80% the Applicant will be notified of what areas of the application needs to be cured. In order to receive a passing score, the Applicant will need to resubmit those sections of the required criteria deemed to be deficient and these materials need to be submitted all at the same time.

Should the Applicant fail to meet the requirements the second time they will be disqualified. In situations that this occurs the Applicant may reapply but will be subject to a new application fee.

Any Applicant which fails to successfully pass the application process the second time will be given up to (60) days to reapply and will only be given one more chance to pass.

PHASE III: PUBLIC MEETING

For those Applicants which pass Phase II they will be invited to participate in the Public Meeting and subsequently presented to the City Manager for final consideration. The Public Meeting will be set to allow concerns of residents, businesses, and community organizations alike to be brought before the City. The City staff will conduct the Public Meeting pursuant to MMC Section 6-5.14 prior to presenting a report of its final review and recommendations to the City Manager. Those applicants selected to participate in the Public Meeting will be invited to attend and will be given an opportunity to address any concerns from the public presentation at the Public Meeting and/or in writing to the City Manager after the Public Meeting.

PHASE IV: CITY MANAGER'S FINAL DECISION AND ISSUANCE OF PERMITS

Upon the completion of Phase III, the City Manager will review the staff's report and recommendations from the Public Meeting and any other writing submitted within five (5) days of the Public Meeting. The City Manager will then make a final decision to approve or deny a permit regarding each application. After the City Manager has made a determination as to who if any Applicants will be awarded a CCB permit and as a condition of issuance of the regulatory permit, the operator of each cannabis facility shall enter into a Community Benefit Agreement with the City setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of Chapter 6-5.37.C, including, but not limited to community benefits such as public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

In addition, any community benefits that a commercial cannabis business agrees to provide in a Community Benefit Agreement shall be incorporated into the terms and conditions under which the commercial cannabis business will operate with the City of Madera's approval. Upon completion of this Phase, the Applicant will be authorized to proceed to apply for related planning permit approvals and a business license.

Any Applicant wishing to appeal Phase I through Phase III of the Application Process may appeal to the City Manager or appointed hearing officer depending on the type of appeal requested within ten (10) days of the Applicant receiving a notice that they will not move forward in the application process or be issued a permit. Any decision made by the City Manager in Phase IV to award or not to award a cannabis permit may be appealed to the City Council by the Applicant. Such appeals shall comply with requirements established by City Council resolution.

NOTE: Being awarded a CCB permit does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including: electrical, plumbing, fire, Community Development Department permits or reviews, and any other permits, licenses, or reviews as deemed necessary by the relevant departments or governmental entities in charge of said permits. Nor does the award of a CCB permit guarantee that the plans submitted via the CCB application process meet the standards or requirements in MMC Title X, Chapter 3 and any other permit requirements from other City departments or agencies.

APPENDIX A: EVALUATION CRITERIA

The City is a public agency subject to the California Public Records Act ("CPRA"). In the event a request for information under the CPRA seeks disclosure of application materials marked by Applicant as "Confidential Information," the City will make reasonable efforts to provide notice to Applicant prior to such disclosure to allow Applicant to seek a protective order, injunctive relief, or other appropriate remedy. If Applicant contends any designated application materials are exempt from the CPRA and wishes to prevent disclosure, it is required, at its own cost, liability, and expense to obtain a protective order, injunctive relief or other appropriate remedy from a court having jurisdiction over the matter at least two (2) days before City's deadline to respond to the CPRA request. If Applicant fails to obtain such a remedy before the deadline for the City's response to the CPRA request, the City will disclose the requested information and shall not be liable or responsible for such disclosure.

SECTION A: BUSINESS PLAN (400 points)

1. Finances* – A budget for construction, operations, maintenance, compensation of employees, equipment, property lease, security equipment and staff, City fees, state fees, utility costs, product purchases and other anticipated contingency costs. The budget must demonstrate sufficient capital in place to pay startup costs and at least three months of operating costs, as well as a description of the sources and uses of funds.
 - A. Proof of capitalization, in the form of documentation of cash or other liquid assets on hand, Letters of Credit or other equivalent assets which can be verified by the City.
 - B. A pro forma for at least three years of operations.
 - C. A schedule for beginning operation, including a narrative outlining any proposed construction and improvements and a timeline for completion.
2. Daily Operations - The Business Plan should describe the day-to-day operations which meet industry best practices for the type of cannabis business you are applying.
 - 2.1 Describe the day-to-day operations if you are applying for a RETAIL permit. This should include at a minimum the following criteria:
 - A. Describe customer check-in procedures.
 - B. Identify location and procedures for receiving deliveries during business hours.
 - C. Identify the name of the Point-of-sale system to be used and the number of Point-of-Sale locations.
 - D. Estimate the number of customers to be served per hour/day.
 - E. Describe the proposed product line to be sold and estimate the percentage of sales of flower and manufactured products.
 - F. If proposed, describe delivery service procedures, number of vehicles and product security during transportation.
 - G. How the Cannabis Business will conform to local and state laws. See MMC Sections 6-5.40 and Title X as they pertain to retail establishments in the City of Madera.
 - H. How cannabis and cannabis products will be tracked and monitored to prevent diversion. Describe the Point-of-Sale system to be used and how it will interact with the state's mandated track and trace system.

2.2 Describe the day-to-day operations if you are applying for a DISTRIBUTION permit. This should

include at a minimum the following criteria:

- A. Identify the number of delivery drivers, hours of delivery and vehicles to be used.
- B. Describe the transportation security procedures.
- C. Describe how inventory will be received, processed, stored, and secured in the permitted premises.
- D. Describe the quality control procedures designed to ensure all cannabis is properly packaged, labeled, and tested.
- E. How the Cannabis Business will conform to local and state laws. See MMC 6-5.43 and Title X as they pertain to Distribution.

2.3 Describe the day-to-day operations if you are applying for a MANUFACTURING permit.

This should include at a minimum the following criteria:

- A. Identify all cannabis products manufactured within the permitted premises.
- B. Describe quality control procedures.
- C. Describe inventory control procedures.
- D. Describe the extraction process, equipment and room in which extractions will be conducted.
- E. Provide detail as to whether the extraction equipment has been reviewed and certified by a Professional Engineer or Certified Industrial Hygienist.
- F. Describe the sanitation procedures.
- G. How the Cannabis Business will conform to local and state laws. See MMC 6-5.45 and Title X, as they pertain to Manufacturing.

2.4 Describe the day-to-day operations if you are applying for a TESTING permit. This should include at a minimum the following criteria:

- A. Describe the sampling standard operating procedures.
- B. Describe procedures for transporting cannabis field samples.
- C. Describe the chain of custody for field samples.
- D. Describe the quality control procedures.
- E. Describe the Laboratory Supervisor/Manager responsibilities and qualifications.
- F. Identify location and procedures for storing cannabis products.
- G. Describe how the cannabis business will conform to local and State laws. See MMC 6-5.44 and Title X as they pertain to testing labs in the City of Madera.
- H. Describe how the cannabis and cannabis products will be tracked and monitored to prevent diversion.
- I. Describe the Point-of-Sale system to be used and how it will interact with the State's mandated track and trace system.

2.5 Describe the day-to-day operations if you are applying for a CULTIVATION permit. This should include at a minimum the following criteria:

- A. Identify all cannabis products processed within the permitted premises.
- B. Describe quality control procedures.
- C. Describe inventory control procedures.
- D. Describe the cultivation, drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured processes which will be utilized for these activities.
- E. Describe the sanitation procedures in such a way as to ensure the health, safety, and welfare of the public, the employees working at the cultivation facility, visitors

to the area, neighboring properties, and to ensure the security of the cannabis cultivation and processing; and to safeguard against diversion of cannabis.

- F. How the Cannabis Business will conform to local and State laws. See MMC 6-5.46 and Title X, as they pertain to cultivation and other regulated activities pertaining to this license.
- G. Describe the plan for addressing public odor nuisances that may derive from the cultivation facility.

2.6 Describe the day-to-day operations if you are applying for a MICROBUSINESS permit. This should include at a minimum the following criteria:

- A. A microbusiness license engaged in retail shall describe all the requirements in subsection 2.1 of Appendix A, Section A in accordance with CCR §5500 and applicable requirements in MMC Section 6-5.40 and Title X.
- B. A microbusiness license engaged in distribution shall describe all the requirements in subsection 2.2 of Appendix A Section A in accordance with CCR §5500 and applicable requirements in MMC Section 6-5.43 and Title X.
- C. A microbusiness license engaged in manufacturing shall describe all the requirements in subsection 2.3 of Appendix A, Section A in accordance with CCR §5500 and applicable requirements in MMC Section 6-5.45 and Title X.
- D. A microbusiness license engaged in cultivation shall describe all the requirements in subsection 2.5 of Appendix A, Section A in accordance with CCR §5500 and applicable requirements in Section 6-5.46 and Title X.

2.7 Describe the day-to-day operations if you are applying for a VERTICALLY INTEGRATED permit. This should include at a minimum the following criteria:

- A. "Vertical Integration" means a Cannabis Business that will hold a minimum of three (3) non-retail cannabis permit which includes manufacturing, distribution, and at least one cultivation license which shall cultivate at least 20,000 square feet of canopy in the City. A Vertical Integrated business may also be eligible to operate a retail or non-storefront retail business upon evidence of actual operation of at least three non-retail cannabis permit in the City.
- B. "Canopy" means the designated area(s) at a licensed premise, except nurseries and processors, that will contain mature plants at any point in time, as follows:
 - i. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries.
 - ii. Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and
 - iii. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation
- C. Must demonstrate that the business is owned by one business entity and complies with the definition of 6-5.06 (DD).
- D. A vertically integrated license engaged in retail shall describe all the requirements in subsection 2.1 of Appendix A, Section A in accordance with MMC Section 6-5.40, Title X, and applicable state laws related to this permitted activity.
- E. A vertically integrated license engaged in distribution shall describe all the requirements in subsection 2.2 of Appendix A, Section A in accordance with

MMC Section 6-5.43, Title X, and all applicable state laws related to this permitted activity.

- F. A vertically integrated license engaged in manufacturing shall describe all the requirements in subsection 2.3 of Appendix A, Section A in accordance with MMC Section 6-5.45, Title X, and all applicable state laws related to this permitted activity.
- G. Premises for a Vertically Integrated permit may consist of a single parcel or multiple parcels which are adjacent, abutting, or contiguous. Parcels may not be separated by a street, alley, highway, or right-of-way, either public or private, except for Retail which may be located on separate property.

SECTION B: LABOR, EQUITY, DIVERSITY & INCLUSION PLAN (400 points)

1. The application should describe to what extent the cannabis business will adhere to heightened pay and benefits standards and practices, including recognition of the collective bargaining rights of employees in accordance with Section 6-5.13 (G).
2. Identify number of employees at initial opening and the maximum number of employees when the business is at full capacity.
3. Describe any diversity and inclusion programs that will be developed as part of the business model which embraces a rich and diverse work force with a diverse set of perspectives, work and life experiences, as well as religious and cultural differences that provide equal opportunities for employee development.
4. Identify all positions and their responsibilities.
5. Describe compensation to and opportunities for continuing education and training for employees.
6. Describe whether the cannabis business is committed to offering employees a Living Wage.
7. Briefly describe benefits provided to employees such as health care, vacation, and medical leave, to the degree they are offered as part of employment.
8. Describe to the extent to which the cannabis business will be a locally owned enterprise and the owner(s) reside within the County of Madera. In order to qualify for this criteria, an owner must have lived in the County of Madera for at least one year prior to June 1, 2021.

SECTION C: SAFETY PLAN (300 points)

1. The detailed Safety Plan shall be prepared by a California professional fire prevention and suppression consultant.
2. This plan will describe all fire prevention and suppression measures, fire extinguisher locations, evacuation routes and alarm systems the facility will have in place.

3. Describe all accident and incident reporting procedures.
4. Describe the waste management locations and procedures.

SECTION D: SECURITY PLAN (300 points)

1. The security plan shall be prepared by a professional security consultant. This can be done with in-house staff or a consultant, but it must clearly demonstrate that it meets the professional standards requested to receive the appropriate points for each criterion in this section.
 - A. The plan should demonstrate how the cannabis business wishes to develop the floor plan and address other security issues on the property.
2. Premises Diagram: In addition to the site plans submitted for the Proposed Location (in Section H of Appendix A), a separate Premises Diagram must be included in this Security Plan section (Section D) of the application. The diagram must meet the requirements of the Bureau of Cannabis Control CCR Title 16, Division 42, §5006 Premises Diagram.
 - A. The diagram shall show the boundaries of the property and the proposed location to be licensed, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, windows, and doorways, and shall include a brief statement or description of the principal activity to be conducted therein.
 - B. The diagram shall show and identify commercial cannabis activities that will take place in each area of the premises and identify all limited-access areas.
 - C. The diagram shall show where all cameras are located and assign a number to each camera for identification purposes.
 - D. The diagram should be accurate, dimensioned and to-scale (minimum scale of 1/4").
 - E. If the proposed location consists of only a portion of a property, the diagram must be labeled indicating which part of the property will be used for the licensed premises and what activities will be used for the remaining property.
3. Description of operational security, including but not limited to general security for access/visitor control, inventory control and cash handling procedures.
4. Description of perimeter security, on-site security guards, lighting, and parking.
5. Identify transportation techniques and security procedures.
6. Description of employee training and general security policies.

SECTION E: QUALIFICATION OF OWNERS (400 points)

1. Experience – Demonstrate the business owner's experience in owning, managing, and operating a cannabis business. For purposes of this section, owner shall mean the State definition of owner in the State Business and Professions Code Section 26001 and all persons, companies, and entities that will be directing, controlling, and/or managing

the day-to-day operations of the business. Evidence that prior experience was from legally permitted activities.

2. Cannabis Industry Knowledge – Demonstrate overall knowledge of the cannabis industry (as demonstrated throughout the screening application), including identification of how industry best practices and State regulations have been incorporated in existing/prior legal businesses outside the City of Madera.
3. Ownership Team – Describe the involvement of the ownership team in day-to-day operation of the business. Owner is defined based upon the State definition of owner, see Business and Professions Code Section 26001.

SECTION F: NEIGHBORHOOD COMPATIBILITY PLAN (400 points)

1. Describe how the business will proactively address and respond to complaints related to noise, light, odor, and vehicle and pedestrian traffic.
2. Describe how the business will be managed 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.
4. 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.
5. The application should include the following information about the proposed location:
 - A. Physical address and a detailed description of the proposed location, including the overall property, building, and interior floor plan.
 - B. Description of all known nearby State and local sensitive use areas. The cannabis business must have the appropriate zoning and meet all the locational requirements as described in MMC sections 6-5.33 and Title X.
 - C. List any nearby well-traveled paths to schools and describe how the cannabis business will proactively protect the youth on these paths from exposure to the cannabis business.
 - D. Describe how the business will proactively take steps about community concerns to protect the youth generally from the impacts of the cannabis business.
 - E. Proof of ownership, lease agreement, or a Letter of Intent to Lease.
 - F. Vicinity map.
 - G. Photographs of existing site and buildings.
 - H. Evidence that the location has access to public transportation for employees or customers.

SECTION G: COMMUNITY BENEFITS AND INVESTMENTS PLAN (500 points)

The cannabis business should describe the benefits the business will provide to the local community, for example by directly aiding, participating in, or funding the work of local non-profits, community-based organizations, civic organizations, or social services organizations. Benefits may be in the form of volunteer services, monetary donations, 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 which will help achieve the strategic policy goals of the City Council in permitting cannabis businesses in the City of Madera.

SECTION H: PROPOSED LOCATION (300 points)

In addition to the location related details required in the Security Plan section of this application, the application shall include a thorough narrative description of the proposed location, including but not limited to the overall site, existing and/or proposed building(s), parking spaces, driveways, pedestrian sidewalks/rights-of-way, and neighboring businesses on the parcel. Description of floor plans and interior design are not a requirement of this section. In addition to the narrative description of the proposed locations, Applicants shall also include the following items.

1. The CBP applicant must have the appropriate zoning and meet all the locational requirements as described in MMC Section 6-5.33 and Title X.
2. The application shall include photographs of the front (street facing) side of the building. In the event the proposed location is undeveloped land, photographs shall depict the property from all vantage points of the property.
3. The application must include a (Site) diagram depicting all details described in the narrative description of the proposed location. The diagram required for this section need not include a description of any building interior, floor plan or security detail.