



CITY OF MODESTO

Community and Economic Development Department/Planning Division
1010 Tenth Street, Suite 3300, P.O. Box 642
Modesto, CA 95353
(209) 577-5267 (209) 491-5798 FAX

Commercial Cannabis Non Dispensary Permit Application (Phase 2)

Note: Phase 1 Application must be completed and approved by City prior to submission of Phase 2 Application

A. Business Information (should match Section A on Phase 1 Application)

Business Name: _____

Property Address (include applicable suite number): _____

Assessor Parcel Number: _____ Zoning Designation: _____

B. Related License Information

The applicant and/or interested parties has been associated with a commercial cannabis permit in the past 10 years.

Yes No (If yes, please provide the following information)

Name: _____ Start Date: _____ End Date: _____

Address: _____

City, State, ZIP: _____

Business Name: _____ Business Type: _____

Was the permit revoked or not renewed? Y/N _____ If yes, why: _____

Status of state cannabis license:

Not applied Applied for temporary license Applied for permanent license Received temporary license (attach)
 Received permanent license (attach)

Please attach additional sheets if necessary.

C. Required Submissions (Please check the box for each attachment)

Please submit eight (8) copies, tabbed and bound, of the following documents to your application:

- Security Plan:** A detailed security plan outlining the measures that will be taken to ensure the safety of persons and property on the business site. The security plan must be prepared by a qualified professional.
- Floor Plan:** A scaled floor plan for each level of each building that makes up the business site, including the entrances, exits, walls, limited access areas, storage areas, and cultivation areas, if applicable. The floor plan must be professionally prepared by a licensed civil engineer or architect.
- Site Plan:** A scaled and dimensioned site plan of the business site, including all buildings, structures, driveways, parking lots, landscape areas and boundaries. The site plan must be professionally prepared by a licensed civil engineer or architect. Site plan should also include parking calculations to demonstrate compliance with City parking standards.

- Lighting Plan:** A detailed lighting plan showing existing and proposed exterior and interior lights that will provide adequate security lighting for the business site.
- Water Efficiency Plan:** When deemed necessary by the City Engineer, the applicant shall demonstrate to the satisfaction of the City Engineer that sufficient water supply exists for the use.
- Wastewater Plan:** When deemed necessary by the City Engineer, the applicant shall demonstrate to the satisfaction of the City Engineer that sufficient wastewater capacity exists for the proposed use.
- Air Quality Plan:** When deemed necessary by the City staff for purposes of compliance with CEQA or state cannabis regulations, the applicant shall provide a calculation of the businesses anticipated emissions of air pollutants and greenhouse gas. The applicant shall also provide assurance that the business will comply with all Best Management Practices established by the San Joaquin Valley Air Pollution Control District.
- Odor Control Plan:** A detailed plan describing how the applicant will prevent all odors generated from the cultivation, manufacturing and/or storage of cannabis from escaping from the buildings on the business site, such that the odor cannot be detected by a reasonable person of normal sensitivity outside the buildings.
- Hazardous Materials Plan:** To the extent that the applicant intends to use any hazardous materials in its operations, the applicant shall provide a hazardous materials management plan that complies with all federal, state and local requirements for management of such substances.
- Energy Efficiency Plan:** Documentation that the applicant has contacted Modesto Irrigation District (MID) or Turlock Irrigation District (TID), depending on location, for help finding the best way to provide reliable and efficient energy solutions for their business. The applicant must provide the date they contacted MID/TID and the name of the MID/TID representative.
- Business Operations Plan:**
 - **Business Plan:** A brief plan describing how the cannabis business will operate in accordance with City code, state law, and other applicable regulations. The business plan must include plans for handling cash and transporting cannabis and cannabis products to and from the business.
 - **Ownership:** Evidence that the proposer owns the property on which the establishment will be located or has the written permission of the property owner to operate the establishment on that property. If in contract to purchase property or if an applicable lease exists, such agreements should be attached.
 - **Community Relations Plan:** A plan describing who is designated as being responsible for outreach and communication with the surrounding community, including the neighborhood and businesses, and how the designee can be contacted.
 - **Tax Compliance: If available,** a copy of the applicant's city business operations tax certificate, state sales tax seller's permit, and the applicant's most recent year's financial statement and tax returns (for first time applicants, the business operations tax account will be set up in-house after the application has been submitted).
 - **Insurance:** The applicant's certificate of commercial general liability insurance and endorsements and certificates of all other insurance related to the operation of the business.
 - **Budget:** A copy of the applicant's most recent annual budget for operations (If available)
 - **Financial Capacity:** Financial information such as bank balances, available loans and other sources of funding the enterprise.

D. City Authorization

- I, the applicant, provide authorization and consent for the City Manager or his/her designee to seek verification of the information contained on this application.

E. Indemnification

- I, the applicant, agree to the fullest extent permitted by law, any actions taken by a public officer, authorized agent, or employee under the provisions of Chapter 3 of Title 10, Article 7, Commercial Cannabis Uses, shall not become a personal liability of any public officer, authorized agent, or employee of the City. To the maximum extent permitted by law, the permittee under this Article 7 shall defend (with counsel acceptable to the City), indemnify and hold harmless the City of Modesto, the Modesto City Council, and its respective officials, officers, employees, representatives, agents and volunteers from any liability, damages, actions, claims, demands, litigations, loss (direct or indirect), causes of action, proceedings, or judgments (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) against the City to attach, set aside, void or annul, any cannabis-related approvals and actions and strictly comply with the conditions under which such permit is granted, in any. The City may elect, in its sole discretion, to participate in the defense of said action and the permittee shall reimburse the City for its reasonable legal costs and attorneys' fees.

F. Nonrefundable Filing Fee

I, the applicant, understand and accept that the nonrefundable filing fee of \$10,000 or \$20,000 (for facilities over 10,000 square feet) must be submitted with the completed Commercial Cannabis Business Application, Phase 2, and will be retained by the city regardless of the out-come of the application review.

G. Applicant's Certification

I agree to abide by and conform to the conditions of the permit and all provisions of the Modesto Municipal Code pertaining to the establishment and operation of the commercial cannabis use. I acknowledge that the approval of the Commercial Cannabis Permit shall, in no way, permit any activity contrary to the Modesto Municipal Code, or any activity which is in violation of any applicable law. I also understand and agree that no commercial cannabis operations or activity for which a state license is required may commence until I have received both a City Commercial Cannabis Permit and a state cannabis license.

I certify under penalty of perjury under the laws of the State of California, that I have personal knowledge of the information contained in this application, and that the information contained herein is true and correct.

Signature: _____

Date: _____

The information contained on this document is subject to disclosure under the Public Records Act, with the exception of qualifying private information such as social security and tax I.D. numbers.

NOTICE: Applicants providing false or misleading information in the permitting process will result in rejection of the application and/or nullification or revocation of any issued permit. All commercial cannabis permits must be approved by the City Council at a noticed public hearing. The City may attach conditions to any approved permit. A commercial cannabis permit may be denied if any of the following findings are made:

- (i) The application does not meet all requirements of the commercial cannabis ordinance; or*
- (ii) Approval would very likely result in harm to public safety, health, or welfare; or*
- (iii) Potential negative impacts of the use cannot be mitigated with conditions or through the (pending) ordinance requirements.*

Applicants will be notified regarding application completeness.

(staff use only)
File No.:
Tidemark
Case No.:
Date:
Rec'd by: