



Commercial Cannabis Business Permit Application-Retail

This Retail Cannabis Business Permit Application ("Application") pertains to a ministerial permit, which may be issued by the City of Baldwin Park ("City"). However, unlike typical ministerial permits, this Application is subject to a competitive process with a limited number of applications that will be selected for processing and ultimate issuance; it is also a comprehensive cannabis retailer specific application requirements. This Application may be also known as the "Retail Cannabis Business Permit Application." All Administrative Fees paid are nonrefundable regardless of outcome.

A Commercial Cannabis Agreement ("CCA", formerly entitled the "Development Agreement") will be negotiated and executed between Applicant and City, prior to issuance of a permit. This "non-vesting" CCA is also discretionary and involves a competitive process.

Due to City staffing constraints, applicants are instructed to schedule appointments with the Planning Division for initial review of the Application. All Applications must be delivered *personally* by the applicant, or agent, to the Planning Division; no U.S. Mail or electronic mailed (e-mail) Applications will be accepted. Applications are subject to initial review by a City Planner for further processing.

Pursuant to the terms of the Baldwin Park Retail Sales Regulation and Taxation Measure adopted by the voters of the City on November 8, 2022 ("Measure CB"), Applicants must meet the following requirements:

- A. Corporate and legal documents and an organizational chart demonstrating (i) the Applicant's legal creation and existence (e.g., corporate registration, articles of incorporation / organization, statement of information, etc.), (ii) ownership and management of the Applicant down to the individual / natural person level (e.g., operating agreements, bylaws, partnership agreements, capitalization tables, etc.), and (iii) an Owner or Owners of the Applicant with an aggregate ownership interest of fifty percent (50%) or more are or were an Owner or Owners on or prior to July 1, 2021, with an aggregate ownership interest of fifty percent (50%) or more of a Cannabis Business (and remains an Owner or Owners with an aggregate ownership interest of fifty percent (50%) or more on the date of Application submission in the City that entered into a development agreement approved pursuant to Chapter 127 of the BPMC prior to January 1, 2018 (BPMC § 128.06.C.3).
- B. A copy of the development agreement entered into and approved pursuant to Chapter 127 of the BPMC prior to January 1, 2018, referenced above in Requirement A (BPMC § 128.06.C.4).
- C. A copy of a State License to conduct one or more forms of commercial cannabis production activity on the Proposed Retailer Address issued by a Licensing Authority prior to January 1, 2019 (BPMC § 128.06.C.5).
- D. A copy of a certificate of occupancy to conduct one or more forms of commercial cannabis production activity on the Proposed Retailer Address issued by the City of Baldwin Park prior to January 1, 2021 (BPMC § 128.06.C.6).
- E. Sufficient evidence to demonstrate that an Owner or Owners of the Applicant with an aggregate ownership interest of fifty percent (50%) or more are or were an Owner or Owners on or prior to July 1, 2021, with an aggregate ownership interest of fifty

percent (50%) or more of a cannabis business (and remains an owner or owners with an aggregate ownership interest of fifty percent (50%) or more on the date of the application submission under this Section 127.5.06) in the City that paid at least one calendar quarter of mitigation fees due under a development agreement approved pursuant to Chapter 127 of the BPMC following issuance of the certificate of occupancy, referenced above in Requirement D (BPMC § 128.06.C.7).

- F. Sufficient evidence (to include at a minimum executed copies of any collective bargaining agreement) to demonstrate that (a) the individual or natural person Owner or Owners of the Applicant (disregarding any intervening or intermediary entity owner or owners of the Applicant) with an aggregate ownership interest of one hundred percent (100%) have entered into a collective bargaining agreement with a labor organization that currently represents cannabis workers in the United States effective since at least July 1, 2021, inclusive of renewals (and remaining effective, inclusive of renewals, on the date of the Application submission or (b) an Owner or Owners of the Applicant with an aggregate ownership interest of one hundred percent (100%) are an Owner or Owners on or prior to July 1, 2021, with an aggregate ownership interest of fifty percent (50%) or more of a Cannabis Business (and remains an Owner or Owners with an aggregate ownership interest of fifty percent (50%) or more on the date of the application submission under this Section 128.06) that entered into a collective bargaining agreement with a labor organization that currently represents cannabis workers in the United States effective since at least July 1, 2021, inclusive of renewals (and remaining effective, inclusive of renewals, on the date of the Application submission (BPMC § 128.06.C.8)
- G. After three-hundred-sixty-five (365) days following the effective date of Measure CB, the City Council may amend Measure CB to authorize the number of retail cannabis business permits for retailers based with the City to no more than three (3) additional retail licenses provided, among other things, that at least one (1) of the retail cannabis business permits for retailers shall be issued to a social equity applicant as defined by the City Council of the City; however, the provisions A-F, above, shall not be binding upon these three (3) additional cannabis business permits.

Commercial Cannabis Business Permit Applicant-Retail

Business, Entity or d/b/a Name: _____

Business Primary Contact (Individual): _____

Business Primary Contact Title: _____

Business Primary Contact Mailing Address: _____

Primary Phone No.: _____

Emergency Contact Name: _____

Emergency Contact Phone No.: _____

E-mail: _____

One Application and one Administrative Fee is required for a Retail Application. A separate Application and a separate Administrative Fee will be required for any additional category type(s): (i.e., Cultivation, Manufacturing, Distribution or Testing). Your Application package must include all the information requested. City will not process or consider Incomplete Applications, or refund any fees associated with incomplete Applications.

Retail Square Footage: _____

Section A: Primary Background Information (Must be signed by all Principals, Owners and Managers)

Under penalty of perjury, and the laws of the State of California, I hereby declare and acknowledge that I have personal knowledge of the information stated in this Application and that the information contained herein is true and correct. I also understand that the information provided in this Application, except the Safety and Security Plan in Section C and certain confidential information such as driver's license and social security number, which may be redacted, is public information and subject to disclosure under the California Public Records Act (Government Code Sections 6250, *et seq.*). As used herein, "Owner" and "Manager" has the same meaning as those terms are defined by BPMC § 128.03, Section 26001 (ao) of the California Business and Professions Code; and Regulation 15003 of the Medicinal and Adult-Use Commercial Cannabis Regulations, as amended from time to time.

Owner Name: _____

Owner Title: _____

Owner Home or Cell Phone: _____

Owner Home Address: _____

Owner Signature: _____

Date: _____

Additional Owner(s) Name: _____

Owner Title: _____

Owner Home or Cell Phone: _____

Owner Home Address: _____

Owner Signature: _____

Date: _____

Attachments:

- _____ Receipt of background check(s) and Live Scan(s)
- _____ Pictures (2) of applicant(s) (two passport quality photographs 2" x 2")
- _____ Copy of Social Security Card(s)
- _____ Copy of valid Driver's License(s), valid DMV issued ID Card or valid Passport
- _____ Proof of address (DMV-issued ID/driver's license, and/or recent utility bill under Owner's name)

Staff use only: Pass background check ☐

Add more pages as necessary to include signatures of all Application Owner(s) (and Landlord, if applicable).

1. List whether the Applicant(s), Principals, or its Owner(s) or Manager(s) has been sanctioned by a licensing authority or a city, county, or state for unlicensed commercial cannabis activities or has had a license suspended or revoked under MAUCRSA in the five (5) years immediately preceding the date the Application was submitted. This list should include such other licenses and/or permits relating to similar business activities as in this Application. If applicable, please list the type, current status, issuing/denying for each license/permit. Please attach a separate document to fully explain, if necessary.

2. List any and all partners, principals, officers, directors and Owners who have been convicted of (or pled no contest to) "an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made" as that term is defined in 26057(b)(4) of the State Business & Professions Code, including but not limited to: .
3. (a) a violent felony;
4. (b) a felony or misdemeanor involving fraud, deceit, embezzlement, or moral turpitude; or
5. (c) the illegal use, possession, transportation or distribution (or similar activities) related to controlled substances, as defined in the Federal Controlled Substance Act, with the exception of medical cannabis-related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.
6. Please attach a separate document to fully explain, if necessary.

Section B: Business Organizational Structure/Status

1. Describe the commercial cannabis business organizational structure/status:

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2. Attach proof of status, such as articles of incorporation, by-laws, partnership agreements, and other documentation as may be appropriate or required by the City.
 3. If a B-Corp, non-profit, or other mission driven organization/entity, describe the organization's goals and, if applicable, provide the mission statement:
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Section C: Commercial Cannabis Business Description and Location

Please complete Section C for each proposed location of business. Add more pages as necessary to complete Section C for each proposed location of business.

1. Statement of Purpose of Commercial Cannabis Business (a separate sheet may be attached):
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2. Proposed Location of Business (include APN's):
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3. Name and Address of Property Owner (**must provide copy of executed commercial lease**): _____

4. Name and Address of School(s) Closest to Proposed Location:
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5. Description of neighborhood surrounding the proposed location (i.e., surrounding uses, nearby sensitive uses such as churches, schools, parks, or libraries) and transit access to site. A separate sheet may be attached.
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Required Plan Submittals (Plans shall be drawn to scale):

1. Site Plan for each potential location. The Site Plan must be dimensioned and show the entire parcel, including parking and additional structures.
2. Conceptual Building Elevations if new construction. If existing buildings, include any proposed exterior building alterations if applicable.
3. Floor Plans, including any proposed interior alterations.
4. Vicinity Map. It is the Applicant's responsibility to prove to the City that the cannabis operation's location is at least 600 feet from all sensitive uses and 50 feet from all residential zones. The measurement is from property line to property line on each lot. However, in the case of commercial condominiums, measurement is taken from the airspace property line.
5. Photos of the site and building(s) from all sides/directions.

Section D: Required Supplemental Information

This information is required for this application to be considered complete.

Attach the following documents to this Application for each proposed location where appropriate:

- ___ Neighborhood Compatibility Plan
- ___ Safety and Security Plan
- ___ Air Quality Plan
- ___ Business Plan
- ___ Circulation Plan (Traffic Study to be provided before issuance of COO)
- ___ Commercial Cannabis Agreement
- ___ Personal Guaranty
- ___ Radius Map Package: 300-foot radius ownership map (from property lines), one copy of the property owner and occupants list for properties with 300 feet, two copies of property owner/occupant list prepared on gummed labels, and notarized Affidavit of Accuracy of Property Owner's List.
- ___ Assessor's Parcel Number; Legal Description of the property and a Vicinity Map
- ___ Commercial Lease (must be provided in full, without redaction, and shall not be a public record)
- ___ Background Check Authorization Form and Live-Scan Request and Receipt *
 - * Both must be submitted for clearance by the department of Cannabis Control, State of California (DCC)
- ___ State Clearance by Baldwin Park Police Department
- ___ Timelines Checklist

Section E: Final Location Information

Multiple sites per Application may be considered. Attach proof of ownership of the site by Applicant or a signed Landlord Consent and an executed commercial lease .

Section F: Essential Supplemental Information

Applicant must meet the requirements of this Section F. Check the box evidencing that you have submitted and attached to this Application the items described below:

- ☐ Suitability of the proposed property: Applicant must demonstrate that the proposed location(s) exceeds all buffer zones established in the City of Baldwin Park Commercial Cannabis Ordinance.
- ☐ Suitability of business plan and financial record keeping: The Applicant must describe a staffing plan that will provide and ensure safe dispensing, adequate security, theft prevention, and the maintenance of confidential information
- ☐ Suitability of security plan: The Applicant's security plan must include the presence of security personnel on premises or patrolling the premises twenty-four (24) hours per day. The Applicant's security plan must demonstrate a method to track and monitor inventory so as to prevent theft or diversion of cannabis. The Applicant's security plan must describe the enclosed, locked facility that will be used to secure or store cannabis when the location is open and the steps taken to ensure cannabis is not visible to the public. The Applicant's security plan must include measures to prevent the diversion of cannabis to persons under the age of twenty-one (21).
- ☐ Criminal history: No Owner, Principal or Manager related to this Application has been convicted (or pled no contest to) "an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made" as that term is defined in 26057(b)(4) of the State Business & Professions Code or been convicted of any violent or serious felony as specified in Sections 667.5 and 1192.7 of the California Penal Code or any felony conviction involving fraud, deceit or embezzlement. Applicant must identify any pending criminal complaint(s). The Applicant must certify, as a condition of maintaining the permit, that it will not employ any person that has been convicted (or pled no contest to) "an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made" as that term is defined in 26057(b)(4) of the State Business & Professions Code with any type of violent or serious felony conviction(s) as specified in Sections 667.5 and 1192.7 of the California Penal Code or any felony conviction involving fraud, deceit or embezzlement. Applicants must certify as a condition of maintaining the permit that they will not employ as managers or employees any person with any controlled substance related misdemeanor conviction.
- ☐ Regulatory compliance history: If any Owner(s), Principal(s) or Manager(s) set forth in this Application, own or operate any other businesses including, but not limited to, commercial cannabis facilities in other jurisdictions, Applicant must provide a record of any citations, sanctions, investigations, suspensions or any time in which Applicant has had their regulatory license, permit, registration or authorization revoked for any reason, including criminal, workplace safety, wage and hour discrimination. Applicant must identify whether it has had a permit or license revoked by any city or the State of California. Applicants must also identify any administrative penalties assessed against their business.

- ☐ Good legal standing: Applicant must certify that the Retail facility, including its Owners, Principals and Managers acting in their own official capacities, have not violated any local, state or federal tax, environmental, consumer protection, food safety, workplace safety, discrimination, human rights, employment, labor or other laws relevant to the operation of a cannabis business in the state.
- ☐ Community engagement: Applicants should identify any involvement in the community, other non-profit association, or neighborhood association. Applicant should identify the percentage of employees it guarantees will be hired from the City of Baldwin Park, if any. Applicant should identify if it is a minority-owned business. Applicant should have a comprehensive strategy to recruit, hire, promote and train a diverse workforce, including women, people of color, veterans, people with disabilities, LGBTQ individuals and immigrants.
- ☐ Environmental impact: Application should indicate if the business uses renewable energy sources.
- ☐ Donation: Are you willing to voluntarily donate \$50,000 to the City of Baldwin Park towards the salary of one Police Officer and Code Enforcement Officer?
- ☐ Labor relations: Applicant shall state whether it provides employer-paid health insurance benefits for its employees as required by state and/or federal law. Applicant must establish that it provides equipment, standards and procedures for the safe operation of its facilities and engages employees on best practices. Applicant should identify if it provides training and educational opportunities for employee development. Applicant must certify that neither it nor its Principals have any previous record of violating federal or state laws relating to workplace safety, wages and compensation, discrimination, or union activity.

Section G: Reimbursable Costs

Please attach a cashier's check or money order made payable to the "City of Baldwin Park" for the following fees:

- ☐ LiveScan fee: \$48.00
- ☐ Background check fee: \$937.50
- ☐ Cannabis Permit Application Fee Deposit: \$ _____

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CERTIFICATION STATEMENT RE DEPOSIT

I/We understand that the Commercial Cannabis Permit Retail Applicant shall deposit the amount of \$_____ + FBHR of staff time + actual cost of City Attorney and hourly cost of consultant per hour if applicable. Should my deposit be depleted at any time prior to the completion of the process, the process will be suspended until additional deposits, the amount of which shall be determined by the City, are made. Failure to provide additional funds within ten (10) days after notification of depletion shall be cause for termination of this application. I also understand that prior to the issuance of any future building permit(s) associated with this application, all fees must be collected, and deposit accounts settled. Further, I/we acknowledge the filing of this application and certify that all of the above information is true and accurate and that I/we have familiarized myself/ourselves with the relevant provisions of the Baldwin Park Municipal Code related to cannabis regulations.

Staff use only:

Date of Application: _____

Number assigned: _____

Date fee received: _____

Date reviewed: _____

Date Proof of ownership was verified or a signed and notarized statement from the property owner was received: _____

Planning Division

- ☐ Incomplete Application
- ☐ Complete Application

Cannabis Subcommittee

- ☐ NOT In Compliance with Commercial Cannabis Ordinance Locational Criteria
- ☐ In Compliance with Commercial Cannabis Ordinance Locational Criteria
- ☐ Recommended for City Council Consideration
- ☐ Not Recommended for City Council Consideration