



CANNABIS BUSINESS
CERTIFICATE OF APPROVAL
APPLICATION FORM

In accordance with Port Hueneme Municipal Code Articles III and X and the related Implementing Resolution, all applicants who desire to operate a cannabis business within the City of Port Hueneme shall first obtain approval of the following:

- A Certificate of Approval, approved by the City Manager or designee;
- A Development Permit - Conditional Use Permit, approved by the City Council; and
- A Development Agreement between the applicant and the City, approved by the City Council.

The purpose of the Certificate of Approval is to provide the City with an understanding of the proposed cannabis business with regard to business operations, security plan, benefits to the community, etc., as well as to provide the means by which to check the background and qualifications of all persons associated with the subject proposed business.

APPLICATION SUBMITTAL REQUIREMENTS

An application for a Certificate of Approval may be processed concurrently with an application for a Development Permit – Conditional Use Permit and Development Agreement. However, the applicant **MUST** obtain an approved Certificate of Approval **PRIOR TO** the Conditional Use Permit and Development Agreement being scheduled for public hearing before the City Council.

Applicants shall submit six hard copies and one electronic copy on a USB flash drive of each of the following documents to the Community Development Department, located at City Hall, at 250 N. Ventura Road, Port Hueneme, CA 93041. Failure to provide the required information will result in denial of the application. Note: Ensure no file on the flash drive is larger than 15 mb in size.

1. **Application Form.** A completed application form (please submit ALL pages of the form), at least one of which shall contain an original “wet” signature of the applicant.
2. **Site Control.** Evidence of site control, either as a deed of ownership, lease, or a notarized letter of intent from the property owner authorizing the application.
3. **Physical Plan.** A graphic depiction of the proposed business location including site plan, floor plan and proposed improvements of sufficient detail to clearly communicate the realm, character and physical attributes of the proposed operations. The Physical Plan may also be used as the basis of the exhibits required for the Conditional Use Permit that will also be

For Staff Use Only

Date Received: _____ By: _____ Deposit Paid: _____

required for the proposed business, as noted above. Specifically, the physical plan shall be on minimum 11" x 17" sheets and shall include the following information:

- A. Title Block of: Applicant, agent, engineer/surveyor/architect's address, email and telephone numbers
 - B. Summary legend describing project information including zoning and lot size. For new construction, provide breakdown of proposed square footage by type of use
 - C. North Arrow
 - D. Vicinity Map (unless the intersection of two streets shows on the Site Plan)
 - E. Property lines
 - F. Existing and proposed structures (identify use of each)
 - G. Abutting streets and street widths
 - H. Existing and required off-street parking spaces (numbered), including handicapped parking, parking spaces reserved for the proposed business and loading spaces
 - I. Existing site features, including signs, fences/walls/trash enclosures, exterior lighting fixtures, etc.
 - J. A map, of measurable scale, to depict the proposed business location relative to: (i) the distance to schools; and (ii) the type of land uses within 600 feet of the site
 - K. A floor plan for each level of each building, depicting the proposed uses of each area of each floor
 - L. Building elevations of each side of each building where new or modified building exterior improvements are proposed. Photographs may be provided of the building exterior if no exterior modifications are proposed
 - M. Details of all proposed window coverings (metal bars over windows are not permitted. Window treatments must maintain a commercial appearance).
4. **Qualifications Statement.** A detailed resume of each person having an ownership interest in the proposed business including all training, certifications, education, licenses and all relevant credentials demonstrating a working knowledge of federal, state and local laws, regulations and guidelines governing cannabis. The resume shall also list all relevant business experience including the location and duration of other comparable facilities operated by the owner.
5. **Business Operations.** A business operating plan consisting of: (i) a narrative outlining the scope of physical improvements and timing of occupancy; (ii) hours of operation, signage and advertising; (iii) number and classification of all employees; (iv) number and location of off-street parking spaces required to accommodate employees, customers and deliveries; (v)

availability of off-street parking and impact on shared arrangements; and (vi) staging, frequency and scheduling of deliveries to and from the site.

6. **Safety Precautions.** A detailed description of fire prevention, suppression, HVAC and alarm systems that includes an assessment of fire safety by a qualified fire prevention/suppression consultant. The analysis and associated recommendations shall consider all possible fire hazards, storage/handling of hazardous materials, and inhalation issues/threats. The assessment shall provide an evaluation of all potential risks along with recommendations to affirmatively further public health, safety and welfare.
7. **Security Plan.** A narrative and detailed security plan, prepared by a professionally licensed security consultant with extensive experience in the cannabis industry, including, without limitation, operating procedures, facility design schematics, and technological security features, measures for securing ingress and egress to the premises, protecting the building perimeter (including patrolling for vagrancy and loitering), safeguarding products and cash maintained onsite, use of cameras and video equipment to monitor activities and number/credentials of security personnel to be employed. The Security Plan must be approved by the Chief of Police, who may require modifications in the interests of public health, safety and welfare.
8. **Applicant Credentials.** A criminal history background report for each person having an ownership interest in the proposed business that demonstrates, to the reasonable satisfaction of the Chief of Police, that such individuals do not pose a threat to public health, safety or welfare by virtue of their involvement in the proposed business. Each person who is employed in the proposed business shall also submit to a criminal background investigation for review and approval by the Chief of Police as a condition of employment.
9. **Regulatory Compliance.** A detailed explanation as to: (i) how cannabis will be tracked and monitored to prevent diversion in compliance with applicable federal, state and local laws; (ii) how transactions will be recorded, monitored and audited to assure that all purchases and sales are fully documented; (iii) how cash will be managed and secured; and (iv) measures to assure that the City will receive the required amount of revenue from the proposed business.
10. **Product Handling.** A detailed description of all products to be produced, processed, packaged and sold as part of the proposed business. The description shall indicate how products will be packaged and displayed for sale, disclosures as to strength and content, quality control measures including laboratory testing, consultation with customers as to products best suited for their particular medical circumstance (applicable to medical cannabis dispensaries), and safeguards as to the type and amount of product that can be sold to a specific customer.
11. **Neighborhood Compatibility.** A narrative describing how the proposed business will be managed and operated so as to avoid becoming a nuisance or having impact on its neighbors and the surrounding community including, but not limited to: (i) compliance with the performance standards set forth in PHMC Section 10227; (ii) prevention of vagrancy, loitering and disruptive behavior; and (iii) enforcement of the terms and conditions of Permit approval.
12. **Community Benefits.** A detailed description of benefits that the proposed business would provide to the local community such as employment of local residents, voluntary contributions

to civic organizations (typically minimum one percent (1%) of gross revenues), sponsorship of community events, “green” business practices relating to energy usage, water conservation and waste management, serving a need not presently provided, and similar such opportunities.

13. **Financial Consideration.** A contractual pledge of revenue to: (i) provide a minimum of five percent (5%) of gross revenues (less required taxes) to be paid to the City's General Fund in lieu of a cannabis tax; (ii) offset the cost of application processing and permit renewal; (iii) reimburse the City for recurring costs of monitoring, auditing and enforcement; (iv) augment general revenues of the City through business license fees specific to commercial cannabis activities that are not currently recognized under the PHMC; (v) indemnify the City and pay all costs resulting from any and all legal challenges associated with issuance of a Development Permit and/or approval of a Development Agreement, and/or the Certificate of Application; and (vi) the true and accurate financial statement of the applicant, and, at the option of the City, all those having an ownership interest in the proposed or existing business.
14. **Business Acumen.** A detailed description of overall financial wherewithal and business acumen to establish, conduct and sustain the proposed operations including: (i) working capital to underwrite property improvements and start-up and recurring costs for a three-year period; (ii) experience in the successful development, marketing, and maintenance of comparable businesses; and (iii) a three-year financial proforma evidencing financial viability.
15. **Background Application.** A completed Cannabis Business Owner/Employee Background Application shall be provided by the applicant for each Principal and employee of the proposed cannabis business.

Additionally, a certified check, cashier's check or money order, payable to the City of Port Hueneme in the deposit amount of \$10,000. A separate fee of \$445.56 is required for completing a background check of EACH business Principal, which shall also be provided at the time of application submittal. These fees are a deposit toward the cost of the City evaluating the application, as well as for the costs of a background check performed by the City's consultant and a Live Scan evaluation for each business Principal and employee. If the actual cost is less than the amount of the deposit, the excess will be returned to the applicant. However, additional costs may be required above the initial deposit, depending on the actual level of review required of the application.

APPLICATION REVIEW PROCESS

Application Evaluation. Upon submittal of a complete application, the City's Selection Committee will evaluate and rank the application based upon the following criteria:

- Location – 5 points max.
- Qualifications Statement – 5 points max.
- Business Operations and Acumen – 15 points max.
- Safety and Security – 15 points max.
- Application Credentials – 5 points max.
- Regulatory Compliance – 10 points max.
- Product Handling – 5 points max.
- Neighborhood Compatibility – 15 points max.
- Community Benefits and Financial Consideration – 25 points max.

Applicant Interviews. All applicants that score at least 80 of the maximum 100 points in the staff evaluation phase of the application review may be interviewed and evaluated by the City's Selection Committee. Prior to the scheduling of the interviews, each of the applicants may be required to have their proposed site inspected by the assigned City designee to ascertain the current conditions of the facility.

City Manager Action. Upon completion of the application review and applicant interview, the Selection Committee will make a recommendation to the City Manager as to the suitability of the applicant to receive a Certificate of Approval. The City Manager will approve or deny the application. If denied, the applicant has the right of appeal to the City Council, which process is explained below.

Appeals. The decision on an application for a Certificate of Approval for a commercial cannabis business shall be made by the City Manager or his designee, with a right of appeal to City Council as provided in this paragraph. Upon reaching a final decision on such an application, the City Manager or designee shall provide written notice thereof to the applicant and to any person who has previously requested in writing notice of the decision. Any person aggrieved by the decision may, within ten calendar days following the date of the notice of decision, deliver to the City Manager in writing a written appeal describing the appellant's objections to the decision, along with the appeal fee. Upon receipt by the City Manager of a timely appeal, the City Manager or designee shall promptly give written notice to the applicant and the appellant that an appeal has been taken and that the matter will be considered and heard by the City Council at a regular or adjourned regular meeting, the date of which shall be set forth in the notice, but in no event, to be more than forty-five (45) days or less than ten (10) days after such notice is mailed to the applicant and appellant. The City Council at the time of such hearing, shall consider all matters pertinent thereto and by its next meeting after such hearing, the City Council shall render its decision either upholding or reversing the action of the City Manager or designee, and/or modifying actions and conditions of the decision appealed from. Written notice thereof, unless waived by the applicant and/or appellant at the time of the hearing, shall promptly be mailed to the applicant and appellant by the City Manager or designee. The decision of the City Council shall be deemed final and conclusive.

Disclaimer. The City reserves the right to reject any and all applications with or without cause or reason. The City may also modify, postpone or cancel the request for permit applications without liability, obligation or commitment to any party, firm or organization. In addition, the City reserves the right to request and obtain additional information from any candidate submitting an application. Being awarded a Certificate of Approval 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, building, planning permits or reviews, or any other permits, licenses or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits. Further, obtaining a Certificate of Approval does not guarantee that the plans submitted via the Certificate of Approval process meet the permitting standards or requirements from other City departments or other governmental agencies.

CERTIFICATE OF APPROVAL APPLICATION FORM

Please select from the following categories for which you are applying for a Cannabis Business Certificate of Approval.

- | | | |
|--|---|--|
| <input type="checkbox"/> Recreational | <input type="checkbox"/> Medicinal | <input type="checkbox"/> Testing Lab |
| <input type="checkbox"/> Cultivation | <input type="checkbox"/> Distribution/Transportation | <input type="checkbox"/> Manufacturing |
| <input type="checkbox"/> Dispensary-Retail | <input type="checkbox"/> Dispensary-Delivery (Non-Retail) | <input type="checkbox"/> Lounge |

CONTACT INFORMATION:

Applicant's Name: _____

Applicant's Address: _____

Applicant's Phone No. _____ Email: _____

Property Owner's Name: _____

Property Owner's Address: _____

Property Owner's Phone No. _____ Email: _____

PROJECT DESCRIPTION:

Business Name: _____

Property Address: _____

Existing Zoning: _____ Existing General Plan Land Use: _____

Present use of Property: _____

Have you checked for deed restrictions/CC&Rs which would prohibit this project? _____

PRINCIPAL BACKGROUND INFORMATION:

The following affidavit must be signed by all Principals affiliated with the proposed cannabis business. Additionally, the following documents **MUST** be submitted for **EACH** Principal:

- Two (2) 2" x 2" passport quality photographs of the Principal
- Copy of the Principal's Social Security Card
- Copy of the Principal's Driver's License, DMV-issued ID Card or Passport
- Proof of Principal's residence address (DMV-issued ID/Driver's License, and/or recent utility bill under Principal's name).

AFFIDAVIT OF APPLICANT

I hereby certify, under penalty of perjury, that I have personal knowledge of the information stated in this application and that the information contained herein is true and correct. I further certify that this application has been prepared in compliance of the Port Hueneme Municipal Code. I also understand that the information provided in this application, except the Safety and Security Plan and certain confidential information, such as driver's license and social security number, may be public information and subject to disclosure under the California Public Records Act.

Principal's Name: _____ Principal Title: _____
Principal Home Address: _____
Principal Phone: _____ Email: _____
Principal Signature: _____ Date: _____

Principal's Name: _____ Principal Title: _____
Principal Home Address: _____
Principal Phone: _____ Email: _____
Principal Signature: _____ Date: _____

Principal's Name: _____ Principal Title: _____
Principal Home Address: _____
Principal Phone: _____ Email: _____
Principal Signature: _____ Date: _____

Add more pages as necessary to accommodate signatures of all Cannabis Business Principals.

AFFIDAVIT OF PROPERTY OWNER

I hereby certify, under penalty of perjury, that I am the property owner or am authorized by the property owner(s) to submit this application. I further certify that this application has been prepared in compliance of the Port Hueneme Municipal Code, that the materials are being submitted as a formal application for the request noted on this application and that the statements and information above referred to are, to the best of my knowledge and belief, in all respects true and correct.

Owner's Signature: _____ Date: _____
Please Print Name: _____
Owner's Address: _____

2. List whether the applicant(s) has other licenses and/or permits relating to similar business activities as in the permit application, which have been issued to and/or revoked from the applicant in the three (3) years prior to the year of permit application. If yes, list the type, current status, issuing/denying agency for each license/permit. (Please attach separate pages for additional explanation, if necessary.)

3. List any and all partners who have been found guilty of a violent felony, a felony or misdemeanor involving fraud, deceit, embezzlement, or moral turpitude, or the illegal use, possession, transportation, 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. (Please attach separate pages for additional explanation, if necessary.)

BUSINESS ORGANIZATION STATUS:

Describe the Cannabis Business organizational status. Attach proof of status, such as articles of incorporation, by-laws, partnership agreements, and other documents as may be appropriate or required by the City.
