



City of Encinitas

Development Services Department
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REGISTRATION/APPLICATION PROCEDURES FOR A COMMERCIAL CANNABIS NON-RETAIL BUSINESS LICENSES

These Procedures apply solely to cannabis Non-Retail applicants. Procedures for other cannabis business types are available in a separate document.

APPLICABLE REGULATIONS

Information regarding the Commercial Cannabis Business (CCB) licensing process can be found on the City's website at encinitasca.gov/cannabis and includes the following:

- Registration/Application Procedures
- City of Encinitas Municipal Code (EMC) Chapter 9.25 – Cannabis Activity
- City of Encinitas Municipal Code (EMC) Chapter 30.09 – Zoning Use Matrix
- Cannabis Non-Retail Business License Registration/Application Forms
- Downtown Encinitas Specific Plan
- North 101 Corridor Specific Plan
- Encinitas Ranch Specific Plan
- Cardiff-by-the-Sea Specific Plan

The procedures contained in this document (hereafter referred to as “Procedures”) constitute the CCB Registration/Application Process for Non-Retailers and implement the Encinitas Municipal Code (EMC) Chapter 9.25.

Businesses submitting Registration/Application materials (hereafter referred to as “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 updates.

AMENDMENTS TO REGISTRATION/APPLICATION FORMS

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

CITY’S RESERVATION OF RIGHTS

The City reserves the right to amend or rescind any and/or all Registrations/Application materials, with or without cause or reason. In addition, the City reserves the right to request and obtain additional information from any Applicant in order to conduct a complete review of the Registration/Application forms, or an investigation into the truthfulness of the statements set forth therein.

PHASE I – REGISTRATION PROCESS

**Registration Period
OPENS – January 17, 2022
CLOSES – N/A**

Pursuant to EMC Chapter 9.25, the City will conduct a CCB Registration Process (Phase I) to determine whether an Applicant is eligible to receive a Cannabis Business License. The Registration Process will include the following:

- Submittal of Registration materials by Applicants.
- Verification of compliance with zoning and sensitive-use requirements.
- Criminal background check(s) of proposed CCB owners and representatives.

REGISTRATION SUBMITTAL PROCESS

Prior to submitting Registration materials to the City, Applicants are encouraged to review the Registration package in its entirety to ensure that it is complete and accurate. Applicants must respond to all requirements outlined in the Procedures described herein. Applicants must submit all required Registration materials together in one complete comprehensive package. The Registration package must be submitted through the City of Encinitas Customer Self Service (CSS) online portal.

The Registration package must include all the following documents (with original signatures where required):

1. Cannabis Business License Registration Form;
2. Financial Responsibility, Indemnity and Consent to Inspection Terms Agreement;
3. Agreement on Limitations of City’s Liability and Indemnification to City;
4. Background check confirmation documentation;

All materials must be submitted on CSS in a PDF format, in the order specified below.

PDF File #1	Cannabis Business License Registration Forms; Financial Responsibility, Indemnity and Consent to Inspection Terms Agreement; and Agreement on Limitations of City’s Liability and Indemnification to City. All copied documents shall display required signatures to be deemed complete.
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PDF File #2	Background Check confirmation documentation (all required documents for each owner and responsible person). 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 #2.
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There is no deadline to submit complete Registration materials to the City. Upon receipt of the Registration, the City will perform a preliminary review of materials for completeness. Applicants who are missing information from their Registration materials will be notified by email if their Registration is found to be missing minor requirements (for example, signatures/dates on forms, proof of payment receipts, scanned copies of licenses/permits, incorrect formatting, etc.). Notifications will be sent to the primary point of contact identified on the Registration forms. The Applicant may be granted 30 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 receive confirmation from your primary contact, 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. Should this be the case, you will not be provided additional time to complete the curing process. Applicants must monitor all incoming or spam email carefully.

The City reserves the right to reject Registration materials that are missing major components (e.g. proposed location, property owner authorization, etc.), notifying the Applicant by email that they have been disqualified due to major inadequacies of their Registration packet.

REGISTRATION FEE

All Applicants will be required to submit a Registration fee of \$6,527.83. This amount will offset the cost to the City to review Registration materials and administer the Registration process. Payment must be made through the City of Encinitas Customer Self Service (CSS) online portal. Registration fees are non-refundable once the City has begun reviewing the Registration materials.

In addition to the Registration fee, there will be a separate Background Check Fee of \$300 per business owner and responsible person, charged upon online submission of the request for background check service. Additional information on the background check requirement is provided further below.

CRIMINAL BACKGROUND CHECK

All business owner(s) and responsible person(s) associated with the proposed CCB must undergo a criminal history background check to verify that the owner(s) and responsible person(s) have not been convicted of a serious or violent felony. Owners who do not meet the criminal history eligibility requirements will be disqualified. The City of Encinitas has contracted with HdL Companies to perform the criminal background investigation on the City's behalf. To initiate the background investigation process, owners and responsible persons shall complete the form provided in the link below:

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

The initial background check fee for each owner shall be \$300.00. Upon submitting the background investigation form and paying the required fee, Applicants will receive email confirmation from HdL Companies verifying that the form was received. The confirmation email will include the name of the person requesting the background check, as well as the name of the CCB. Applicants shall include a copy of the confirmation email in the Registration package for each individual required to undergo a background check, to serve as verification that the background investigation process has been initiated.

Please note – the background check confirmation email is separate and distinct from the background check receipt, which includes information on the method of payment and amount charged. In order to confirm that all owners and responsible persons submitted a background investigation form, businesses shall attach the background check confirmation email, which includes identifying information for the person requesting the background check service.

ZONING AND SENSITIVE USE BUFFER REQUIREMENTS

Upon determination that Registration materials are complete, the City of Encinitas Development Services Department will initiate a review of all relevant zoning and sensitive use buffer requirements.

Pursuant to state law, Non-Retail cannabis businesses shall maintain a 600-foot separation from sensitive uses, including day care centers, youth centers, and schools. The Planning Department will measure the buffer distance in GIS as a straight line from the closest property line of the cannabis premise to the closest property line of the sensitive use. Businesses may not request a change in sensitive-use distance measurement methodology.

PHASE II – APPLICATION AN PLAN CHECK PROCESS

Applicants approved through the Registration process will be authorized to proceed to Phase II - Application Process. The Application Process will include the following components:

- Submittal of Supplemental Application Materials;
- Site Plan Review;
- Building Plan Check;
- Construction and Inspection;
- Final Pre-license Inspection and Approval.

SUPPLEMENTAL APPLICATION INSTRUCTIONS

Non-Retail Applicants approved through the Registration process must submit Supplemental Application Materials. The Application package must be submitted through the City of Encinitas Customer Self Service (CSS) online portal.

The Application package must include all the following documents:

1. Cannabis Business License Supplemental Application Form
2. Business Plan
3. Application Fee

All materials must be submitted on CSS in a PDF format, in the order specified below.

PDF File #1	Cannabis Business License Supplemental Application Form
PDF File #2	Business Plan

Applicants who have submitted a complete set of Supplemental Application Materials will be authorized to proceed to the plan check process. Applicants who are missing information from their Supplemental Application Materials will be notified by email. Notifications will be sent to the primary point of contact identified on the Supplemental Application forms.

SUPPLEMENTAL APPLICATION FEE

All Applicants will be required to submit an Application fee of \$4,712.38. This amount will offset the cost associated with time spent by City staff and the Consultant in reviewing Supplemental Application materials and administrating the Application process. Payment must be made through the City of Encinitas Customer Self Service (CSS) online portal. Application fees are non-refundable once the City has begun reviewing the Application materials.

SUPPLEMENTAL APPLICATION MATERIALS

Supplemental Application Materials for Non-Retail Applicants will be made available on the City website following release of the Registration Materials. Only Applicants selected through the Registration process will be authorized to participate in Phase II Application and Plan Check review.

ADDITIONAL INFORMATION

An Applicant may file an appeal to the City Manager within five days of the Applicant receiving a notice that they will not be issued a license. Such appeals shall comply with the requirements of EMC Section 6.02. Any decision made by the City Manager to award or not to award a cannabis license shall be final and shall not be subject to appeal.

NOTE: Being awarded a CCB license 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, Development Services 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 license guarantee that the plans submitted via the CCB application process meet the standards or requirements in the EMC and any other permit requirements from other City departments or agencies.

CONTACT

If you have any questions or would like an update on the status of your application, please contact the Development Services Department at (760) 633-2710 or by email at cannabis@encinitasca.gov.