

# City of Fairfield

City Manager's Office

1000 Webster Street

Fairfield, CA 94533

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<https://www.fairfield.ca.gov/>

## APPLICATION PROCEDURES & GUIDELINES FOR A COMMERCIAL CANNABIS BUSINESS PERMIT

Information regarding the Commercial Cannabis Business (CCB) Application process can be found on the City's website at <https://www.fairfield.ca.gov/gov/depts/cd/default.asp> and includes the following:

- California state regulations and resources
- Fairfield Municipal Code (FMC) Chapter 10E
- Commercial Cannabis Business (CCB) Application
- Application Procedures Guidelines
- Background check application and Live Scan form(s)

**The application period to apply for a permit to operate a CCB in Fairfield will open on XXX, XX, XX, 2020, and will close at 4:00 p.m. on XX, XX, XX, 2020.** Applications will be available from the City Manager's Office located at 1000 Webster Street, Fairfield, CA 94533. Applications must be submitted to the City Manager's Office prior to the deadline. Incomplete applications will not be accepted.

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

### AMENDMENTS TO THE APPLICATION

After XX, XX, 2020, 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 as authorized in writing by the City.

### CITY'S RESERVATION OF RIGHTS

The City reserves the right to reject any and/or all applications in accordance with FMC Chapter 10E and these procedures and guidelines. The City may modify, postpone, or cancel the application period or review process for CCB permits 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. Late or incomplete applications at the time of application closing (XX, XX, 2020) WILL BE REJECTED. Furthermore, an application RISKS BEING REJECTED for the following reasons:

- It is not fully responsive to this request for a CCB application.
- It exceeds 200 pages within PDF File #2 (below) or fails to respond to the Review Criteria.
- The issuance of a CCB permit at the proposed location would be inconsistent with State law, FMC Section 10E.3, or other applicable provisions of the Fairfield Municipal Code.

## APPLICATION PROCESS

This application process is adopted pursuant to FMC Chapter 10E. Review the information regarding the application process to determine which documents you will need. Before submitting it, review your application in its entirety to ensure that it is complete and accurate. Review the information regarding the Commercial Cannabis Business (CCB) Permit application on the City's website below:

<https://www.fairfield.ca.gov/gov/depts/cd/default.asp>

***The following procedures outline the application evaluation and selection process, required materials, and other information necessary to apply for a permit to operate a CCB in Fairfield.***

### CCB APPLICATION SUBMITTAL REQUIREMENTS

All required CCB Application materials must be submitted together prior to the application deadline. Applicants must hand-deliver one (1) signed original CCB Application (pages 1-7) and one (1) USB flash drive containing a scanned copy of the complete, signed CCB Application (PDF format).

**Please Note:** Responses to the Review Criteria (Sections 1-7 of Appendix A of this document) shall be limited to 200 pages. Responses pertaining to Background Checks, Proof of Capitalization, Zoning Verification Letter, and Property Owner Consent shall not be included in the 200-page limitation. Those responses should be saved in a PDF file that is separate from the Review Criteria (see below). All materials must be submitted in both hard copy and on a USB flash drive in a PDF format, in the following files:

- PDF File #1 – CCB Initial Application with signatures (pages x-x)
- PDF File #2 – Review Criteria (Responses to Sections 1-7 of Appendix A, limited to 200 pages)
- PDF File #3 – Background Check documentation (All required documents for each owner; Board of Directors; and person(s) who will control, direct, or manage the operations of the facility). Upon submission of the online background check 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 (All bank statements, loan documents, promissory notes, and, financial and commitment letters)
- PDF File #5 – Zoning Verification Letter
- PDF File # 6 – A signed and notarized Property Owner Consent form, Lease Agreement, or a "Letter of Intention" to Lease.

### BACKGROUND CHECK

Each Owner, as defined in FMC Section 10E.5(n), must undergo a criminal history background check to demonstrate that they do not provide "good cause" for denial per FMC Sections 10E.7 and 10E.21. Owners who do not meet the criminal history eligibility requirements of Section 10E.8 will be disqualified. The background check form can be found online at XXXXXXXX.

In addition, each successful applicant/owner will be asked to submit to a Live Scan prior to permit issuance in order to complete the background check process. This will require the owner(s) to submit fingerprints to the City. The process will be conducted by the Fairfield Police Department, which will submit the Live Scan to the DOJ/FBI to review for criminal offender record information (CORI). The CORI reports will be provided to the City for the sole purpose of determining eligibility for operating a CCB. Each applicant/owner's primary contact will be notified by email with the instructions on how to schedule the Live Scan appointment after the City Council determines which applicant(s) will be awarded a permit.

There will be a fee for a provisional background check. Successful applicants will also be subject to a separate Live Scan fee. This process will be required to meet the minimum eligibility requirements pursuant to FMC Section 10E.21. Proof of submission of a criminal background check request (applicants will receive an email verification) must be included with the CCB Application.

### **ZONING VERIFICATION LETTER (ZVL)**

Prior to submitting a CCB Application, an applicant must obtain a Zoning Verification Letter from the Community Development Department, confirming that the proposed location of the CCB meets City zoning requirements. To secure this letter, an applicant must make a written request specifying the proposed building location and intended use of the building (cannabis retail, manufacturing, or testing lab).

The request for or issuance of a ZVL does not constitute written evidence of permission from the City or any of its officials to operate a cannabis business, does not constitute an application for a development project under the Permit Streamlining Act, and does not create an entitlement under the Zoning or Building Code.

### **FEES**

All applicants will be required to submit a deposit of \$XX,XXX.00, which includes a background fee of \$373.00 per owner. Time spent by City staff and the Consultant in reviewing applications and administrating the application process will be charged against this amount. The deposit amount is based on the preliminary cost analysis; however, applicants are advised that they may be required to pay an additional deposit, if necessary, for the City to complete the application review process. The ZVL fee is a separate charge of \$218.00 per site and is due to the Community Development Department when a request for a ZVL is made.

Payment must be made by a certified check, cashier's check, or money order made payable to the City of Fairfield. **Please note the City will not accept cash or credit cards. Application fees are non-refundable.** However, any remaining deposit balance that is unused as a result of the applicant not participating in any phase of the application process will be returned to the Applicant.

## **APPLICATION REVIEW, SCORING AND SELECTION PROCESS**

### **SELECTION PROCESS (XX -XX, 2020)**

#### **PHASE I: DETERMINATION OF ELIGIBILITY**

Applications must be submitted in their entirety, no later than XX, XX, 2020 at 4:00 p.m. LATE APPLICATIONS WILL NOT BE CONSIDERED. Upon receiving a complete application, the City will review the application in its entirety using the Application Submittal checklist on Page 1 of the CCB Application. Applications that meet the minimum eligibility requirements will be forwarded to the Consultant for Phase II (Application Evaluation and Initial Ranking). If the City Manager determines in the initial screening that an application does not meet minimum eligibility requirements, the applicant shall be notified in writing that the application has been denied. Within five (5) business days of the date of the decision, an applicant may file a request for immediate reconsideration.

## **PHASE II: CRITERIA EVALUATION AND SCORING (1,600 points)**

Applications will be evaluated, scored, and ranked based on the criteria below. As instructed above, responses to the Review Criteria must be saved in PDF File #2 and shall not exceed 200 pages. See APPENDIX A for a description of the Review Criteria:

- Section 1. Business Plan (300 points)
- Section 2. Labor and Local Enterprise Plan (300 points)
- Section 3. Neighborhood Compatibility Plan (200 points)
- Section 4. Safety Plan (400 points)
- Section 5. Security Plan (400 points)

Applicants will not be allowed to resubmit information that is determined to be missing or deficient during the Phase II review. Those applications which score a minimum of 80% (1,280 points) in Phase II will move on to Phase III of the application process. CCB applications for testing labs which score a minimum of 80% (1,280 points) in Phase II are exempt from the requirements of Phase III and will move directly on to Phase IV of the application process.

## **PHASE III: INTERVIEWS AND SECOND RANKING (2,400 points)**

Those CCB Applications that receive a passing score as part of Phase II will be interviewed and evaluated by the City's Selection Committee. Applicants will be interviewed and evaluated based upon the Review Criteria below. See APPENDIX A for a description of the Review Criteria:

- Section 1. Business Plan (300 points)
- Section 2. Labor & Local Enterprise Plan (400 points)
- Section 3. Neighborhood Compatibility Plan (300 points)
- Section 4. Safety Plan (400 points)
- Section 5. Security Plan (400 points)
- Section 6. Location (200 points)
- Section 7. Community Relations Plan (400 points)

Phase III scores will be tabulated and combined with the Phase II scores to establish an overall ranking of the applications. The top five (5) Applicants in each category which maintain an aggregate score of at least 80% (3,200 points) will advance to Phase IV of the selection process.

## **PHASE IV: PUBLIC COMMENT PERIOD**

A public comment period shall be provided concerning the remaining applications. Notice of the public comment period shall be sent to all property owners located within five hundred (500) feet of the proposed business location of each applicant. The public comment period shall run for a minimum of 15 days.

## **PHASE V: CITY COUNCIL FINAL DETERMINATION AND ISSUANCE OF CCB LICENSE**

Only those applicants that proceed through Phase IV will be eligible to receive a CCB permit in Phase V. Prior to making a final decision, the City reserves the right to request and obtain additional information from any applicant.

The City Council will review the Selection Committee's evaluation and make a final determination. The City may award only as many CCBs as allowed by the Fairfield Municipal Code or City Council resolution. However, the City reserves the right to award a lesser number of CCB permits or to award no permits at all. If requested by the City Manager, the top Applicants who are finalists should be prepared to attend a City Council meeting to respond to questions.

**Note:** Receipt of a CCB permit does not constitute a land use entitlement and does not waive or satisfy the requirements to apply for and receive permits for any property development or construction activity 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 having responsibility for issuance of said permits. Nor does the receipt of a CCB permit guarantee that the plans submitted during the CCB application process meet the standards or requirements in Chapter 5, Chapter 10E, or Chapter 25 of the Fairfield Municipal Code or any other permit requirements from other City departments or governmental agencies.

## **CONTACT**

If you have any questions or would like an update on the status of your application, please contact the City of Fairfield 707.428.7400 or by email at [xxxxxx@fairfield.ca.gov](mailto:xxxxxx@fairfield.ca.gov).

## APPENDIX A: DESCRIPTION OF REVIEW CRITERIA

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All of the following information must be submitted on a USB flash drive in PDF format (please do not submit any documents in Word format) when the application is initially filed for consideration. As directed on page 2 (APPLICATION SUBMITTAL REQUIREMENTS), all responsive documentation must be saved in individual digital files. Responses to the Review Criteria shall be limited to 200 pages.

### **REVIEW CRITERIA**

#### **1. BUSINESS PLAN** *Criteria to be evaluated and scored in Phases II & III*

- 1.1. Owner qualifications. Resumes are not to exceed two (2) pages per owner.
- 1.2. A budget for construction, operation, and maintenance, compensation of employees, equipment costs, utility cost, and other operation costs.
- 1.3. Proof of capitalization in the form of documentation of cash or other liquid assets on hand, Letters of Credit, or other equivalent assets.
- 1.4. Financial pro forma for at least three years of operation.
- 1.5. Fully describe hours of operation and opening and closing procedures.
- 1.6. Additional criteria for **RETAIL** applications only:
  - 1.6.1. Describe the day-to-day operations for a retail license:
    - 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.

#### **2. LABOR AND LOCAL ENTERPRISE PLAN** *Criteria to be evaluated and scored in Phases II & III*

- 2.1. Describe whether the CCB is committed to offering employees a living wage.
- 2.2. Briefly describe benefits provided to employees such as health care, vacation, and medical leave, to the degree they are offered as part of employment.
- 2.3. Describe compensation to and opportunities for continuing education and employee training.
- 2.4. Describe the extent to which the CCB will be a locally managed enterprise whose owners and/or managers reside, own a commercial business, or operate a non-profit within the City of Fairfield, for at least one year prior to June 1, 2020.
- 2.5. Describe the expected number of employees, title/position, and their respected responsibilities.

#### **3. NEIGHBORHOOD COMPATIBILITY PLAN** *Criteria to be evaluated and scored in Phases II & III*

- 3.1. Describe how the CCB will proactively address and respond to complaints related to noise, light, odor, litter, and, vehicle and pedestrian traffic.
- 3.2. Describe how the CCB will be managed so as to avoid becoming a nuisance or having impacts on its neighbors and the surrounding community.
- 3.3. Describe odor mitigation practices.
- 3.4. Identify potential sources of odor.

- 3.5. Describe odor control devices and techniques employed to ensure that odors from cannabis are not detectable beyond the licensed premises.
  - 3.6. Describe all proposed system maintenance.
  - 3.7. Describe the waste management plan.
4. **SAFETY PLAN** *Criteria to be evaluated and scored in Phases II & III*
- 4.1. The Safety Plan should consider all possible fire, medical, and hazardous situations, and shall be prepared and/or assessed by a professional fire prevention and suppression consultant. **Complete policy/procedures manuals are not required with the initial application materials but may be requested by the City during the application evaluation process.** Please describe each of the following:
    - 4.1.1. Accident and incident reporting procedures.
    - 4.1.2. Evacuation routes.
    - 4.1.3. The location of fire extinguishers and other fire suppression equipment.
    - 4.1.4. Procedures and training for all fire and medical emergencies.
5. **SECURITY PLAN\*** *Criteria to be evaluated and scored in Phases II & III*
- 5.1. The Security Plan should consider all access control, inventory control, cash handling procedures, and shall be prepared and/or assessed by a professional security consultant. **Complete policy/procedures manuals are not required to be submitted with the initial application materials but may be requested by the City during the application evaluation process.** Please describe each of the following:
    - 5.1.1. Premises (Security) Diagram. Applicants shall submit a premises diagram (or site plan) which focuses on the proposed security measures and how they relate to the overall business. (This is identical to the state requirement for such a diagram contained in CCR Title 16, Division 42, § 5006. Premises Diagram).
      - a. The diagram shall be accurate, dimensioned and to scale (minimum scale ¼"). The scale may be smaller if the proposed location exceeds more than a 1/2-acre parcel but must not be printed on larger than an 11" x 17" sheet of paper. **(Blueprints and engineering site plans are not required to be submitted with the initial application materials but may be requested by the City during the application evaluation process)**
      - b. The diagram must be drawn to scale and clearly identify property boundaries, entrances, exits, interior partitions, walls, rooms, windows, and doorways. The activity in each room and the location of all cameras must be identified in the diagram.
      - c. The diagram must describe cannabis activity that will be conducted in each area of the premises. Commercial cannabis activities that must be identified on the diagram/site plan include the following, if applicable to the business operations: storage areas, batch sampling areas, loading/unloading of shipment areas, packaging and labeling areas, customer sales areas, training areas, employee break room areas, extraction areas, infusion areas, processing areas, and testing areas.
      - d. The diagram must include limited-access areas, defined as areas in which cannabis goods are stored or held and only accessible to the permittee, or its employees or contractors and areas used for video surveillance monitoring and storage devices
    - 5.1.2. Number and location of all video surveillance cameras.
  - 5.2. Identify the intrusion alarm and monitoring system including the name and contact information for the monitoring company (if the company has been selected).
  - 5.3. Briefly describe cash handling procedures.
  - 5.4. Discuss whether the CCB will utilize the services of on-site security guards. Include in the discussion:
    - 5.4.1. Number of guards.
    - 5.4.2. Hours guards will be on-site.

- 5.4.3. Locations at which they will be positioned.
- 5.4.4. Guards' roles and responsibilities.

\* Security Plans will not be made public. (See Government Code Section 6254(f)).

6. **LOCATION** *Criteria to be evaluated and scored in Phase III*

- 6.1. The application shall include a thorough description of the proposed CCB location, including but not limited to the overall property, building, and floor plan.
- 6.2. The application shall include at least one (1) photograph of the building frontage or street view of the vacant parcel.
- 6.3. Premises (Site) Diagram for each proposed location. In addition to the Premises (Security) Diagram, applicants shall submit a premises/site diagram that focuses on the overall property and building. This diagram should show the parcel and adjoining or neighboring buildings that may be affected by the CCB.
  - 6.3.1. A Premise (Site) Diagram must be accurate, dimensioned and to-scale (minimum scale of ¼"). The diagram shall provide a detailed description of all available/shared parking spaces, driveway locations, and auxiliary buildings on the parcel. **(Blueprints and engineering site plans are not required to be submitted with the initial application but may be requested by the City during the application evaluation process. Security features are not required for this section.)**

7. **COMMUNITY RELATIONS PLAN** *Criteria to be evaluated and scored in Phase III*

The CCB Application shall include a community relations plan that describes the CCB's proposal for a public outreach and educational program for youth organizations and/or to educational institutions in the community, related to the risks of youth addiction to cannabis and available resources related to drugs, drug addiction, and prevention.

**Please note that a successful applicant will be required to enter into a Community Relations Agreement with the City before being issued a City Commercial Cannabis Permit.**