

Authentic Fairfield LLC

2470 Martin Road

CRM2020-003

CITY OF FAIRFIELD

COMMERCIAL CANNABIS BUSINESS PERMIT APPLICATION REVIEW SUMMARY

BUSINESS NAME	Authentic Fairfield LLC
DBA	Authentic Fairfield
PERMIT TYPE	Retail
CITY OF FAIRFIELD LOCATION	2470 Martin Rd.
BUSINESS CONTACT INFORMATION	Brian Mitchell 1617 Amaral Ct. Fairfield, CA 94534
PHASE II SCORE	99.75% (1,596 points)
PHASE III SCORE	85.83% (2,060 points)
TOTAL COMBINED SCORE	91.40% (3,656 points)

OWNER SUMMARY

- The business has 5 owners:
 - Brian Mitchell, CEO – Brian Mitchell has founded and operates companies in each of the cannabis verticals.
 - Dr. Albert Mitchell, CMO – Dr. Albert Mitchell operates a private neurology practice in the City of Fairfield.
 - James Kim, Managing Director – James Kim is a veteran and the co-founder of multiple cannabis products brands.
 - Jon Avidor, Executive Chairman – Jon Avidor is an attorney.
 - Tony Huang, Co-owner – Tony Huang is not an active principal in the business.
- Two owners are Fairfield residents, Brian Mitchell, and Dr. Albert Mitchell.

LOCATION

- Authentic Fairfield LLC proposes to locate their business at 2470 Martin Road and has secured a lease on the property.
- The current zoning classification for the subject property is CR (Regional Commercial).
- Commercial cannabis - retail is a permitted use in the CR zone subject to the requirements of the Fairfield Municipal Code (FMC) Chapter 10E.
- The City has not identified any sensitive uses, as defined in FMC Section 10E.18 (c), within 600 feet of the subject property at the time of this writing.
- The subject site is adjacent to Interstate 80, located 1,300 feet from the Waterman Blvd. exit and is within one mile of the Air Base Parkway and N. Texas St. intersection.
- The site contains an existing 10,537 square foot single tenant building and has 101 on-site parking spaces.

COMMUNITY RELATIONS PLAN

- Authentic Fairfield has entered into Letters of Intent and provided initial contributions to the following Fairfield organizations:
 - Community Action North Bay – provided an initial contribution of \$2,000 and committed to an annual contribution of \$15,000.
 - Food Bank of Contra Costa & Solano – provided an initial contribution of \$3,500 and committed to an annual contribution of \$15,000.
- Authentic Fairfield will create a fund with the Solano Community Foundation dedicated towards youth drug prevention and education and committed to contributing 1.5% of gross profit to this fund annually.
- Authentic Fairfield will offer a Career Development Program with Solano Community College, sponsoring two years of classes for three participants.
 - It is unclear if this benefit is for employees or Fairfield residents and if this is a program continuing a yearly basis.
- Authentic Fairfield will host monthly education seminars on cannabis products and related safety issues.
- Employees will receive 24 hours of paid time off to volunteer per year.

PUBLIC COMMENTS

The City of Fairfield has received 2 letters in opposition to a cannabis business at 2470 Martin Road, attached. The first letter was provided by an operator of commercial property within the project vicinity and raises four objections to a cannabis retail business at this location. The objections are:

1. Children visit various medical and professional offices in the vicinity of the site.
 - **RESPONSE:** City staff have confirmed that the proposed business location is not within 600 feet of any sensitive uses at the time the application was deemed complete as required by the Fairfield Municipal Code. Youth Centers are considered a sensitive use and is defined as any public or private facility that is primarily used to host recreation or social activities for minors in the Fairfield Municipal Code. The definition of youth center specifically states that a “Youth center shall not include any private martial arts, yoga, ballet, music, art studio or similar studio; private gym or athletic training facility; pizza parlor; dentist office or doctor's office primarily serving children; or location which is primarily utilized as an administrative office or facility for youth programs or organizations.” This definition is in-line with state law. The existence of professional offices in the project vicinity which may serve children is not considered a sensitive use which would prohibit a commercial cannabis business at the proposed location. The site meets the locational requirements of Fairfield Municipal Code Chapter 10E.
2. The business is located close to the Fairfield Suisun School District offices which are also visited by children.
 - **RESPONSE:** See response to Objection 1 above.

3. Their existing business customers are concerned cannabis businesses have a negative image which will deter customers.
 - **RESPONSE:** The proposed cannabis retail business is a permitted use in the CR zoning district and meets the locational requirements of Fairfield Municipal Code Chapter 10E. This a retail use to be located in a commercial zone. The business will be subject to the extensive operational requirements within Fairfield Municipal Code Chapter 10E including restrictions on signage which will ensure the business maintains a positive image. The business will provide the contact information of the Community Benefits Director to neighboring businesses and has proposed a detailed good neighbor policy which includes complaint and resolution procedures to work with the neighboring business should any issues arise.
4. A cannabis business in the area will not meet their standards of maintenance and care, reflecting poorly on their business.
 - **RESPONSE:** The property is currently vacant and has not been maintained. The business will replace the dead and dying landscaping on site and enhance the building façade to provide an appealing atmosphere to customers. This will be an upgrade from the current conditions of the site. The business will also be subject to the extensive operational requirements within Fairfield Municipal Code Chapter 10E which include maintenance and care of the site. Existing property maintenance agreements with the City of Fairfield on the subject site will continue to be enforced should any issues arise.

The second comment letter was provided by a homeowner in the project vicinity and raises 3 objections. The objections are:

1. A cannabis business in this area of Fairfield would increase crime, violence, drug, and gang issues, and require an increased police presence.
 - **RESPONSE:** Commercial cannabis businesses must comply with extensive security requirements as outlined by the State of California and the City of Fairfield. This includes requirements for security lighting, security cameras, and the presence of security on site 24 hours a day. The business will be required to comply with the security requirements outlined in Fairfield Municipal Code Chapter 10E. These security measures are well in excess of what would be enacted for a typical retail establishment and will deter criminal activity on site and in the project vicinity.
2. A cannabis business would increase loitering, homelessness, noise, and traffic levels and reduce property values.
 - **RESPONSE:** The subject site is currently vacant and has become an attractive site for dumping and for the homeless to gather. The commercial cannabis business will enhance the site and make it visually appealing once more. Upgrading the site from its current condition will enhance the value of the site and the surrounding

commercial area. Those experiencing homelessness will be deterred once the business is active and operating. Loitering is strictly prohibited under the requirements of the Fairfield Municipal Code and this will be enforced by the presence of 24-hour security. The business would be subject to the requirements of the City's Noise Ordinance. The amount of traffic generated by commercial cannabis is typical of other commercial retail uses in the CR zone. The businesses prominent location adjacent to Interstate 80 will keep traffic to the business in the commercial area and is not anticipated to increase traffic in surrounding residential areas.

3. Cannabis businesses should not be allowed to operate within the City of Fairfield.
 - **RESPONSE:** Ordinance 2020-07 was approved by the City Council in June of 2020. This ordinance permits specific types and amounts of commercial cannabis businesses within City limits subject to the requirements of Fairfield Municipal Code Chapter 10E and the Zoning Ordinance.



Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2020-003

Tracking Number

Authentic Fairfield LLC

Applicant Name / DBA

2470 Martin Road, Fairfield, CA 94534

Proposed Location

Storefront Retail (A/M)

License Type

SCORE SUMMARY

1,600	Total Points Available
1,596	Points Received
99.75%	Total Score Percentage
0	Number of pages over 200 limit

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
1 Business Plan (300 pts)		300	298	
1.1 Owner qualifications. Resumes are not to exceed two (2) pages per owner.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
1.2 A budget for construction, operation, and maintenance, compensation of employees, equipment costs, utility cost, and other operation costs.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	38	Criteria addressed except for estimated utility 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.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	40	Addressed criteria.
1.4 Financial pro forma for at least three years of operation.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	40	Addressed criteria.
1.5 Fully describe hours of operation and opening and closing procedures.	All or none	30	30	Addressed criteria.
1.6 Fully describe the day-to-day operations for each license type being sought.	0% / 50% / 80% / 100% 0 / 50 / 80 / 100	100	100	Addressed criteria.
1.6.1 Additional criteria for RETAIL applications only:				
a. Describe customer check-in procedures.				Addressed criteria.
b. Identify location and procedures for receiving deliveries during business hours.				Addressed criteria.
c. Identify the name of the Point-of-sale system to be used and the number of Point-of-Sale locations.				Addressed criteria.
d. Estimate the number of customers to be served per hour/day.				Addressed criteria.
e. Describe the proposed product line to be sold and estimate the percentage of sales of flower and manufactured products.				Addressed criteria.
f. If proposed, describe delivery service procedures, number of vehicles and product security during transportation.				Addressed criteria.
Summary	Applicant provided detailed qualifications for all four principals (Brian Mitchell, Albert Mitchell, James Kim and Jon Avidor). Bank statement documented \$[REDACTED] in capital. Pro Forma included detailed itemization of operating expenses. Check-in procedures include temperature-taking (Covid), ID verification, access control to retail area. Receipt of inventory procedures include security protocols, verifying Certificate of Analysis and batch numbers. Applicant will use Indica Online point-of-sale software and have 19 sales registers, anticipates 65 customers/hour, up to 790/day. Discussion cites 12 types of products including vapes, pre-rolls, flower, oils and edibles, brands include Stiizy, Honeyleaf and Palmas. Delivery orders will be taken via phone and internet, narrative includes address verification, pre-delivery inspection, generation of delivery manifest, and vehicle loading procedures.			

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
2 Labor and Local Enterprise Plan (300 pts)		300	298	
2.1 Describe whether the CCB is committed to offering employees a living wage.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
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.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
2.3 Describe compensation to and opportunities for continuing education and employee training.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	73	Agreement w/Solano College to provide 3 scholarships for either employees or Fairfield residents is discussed, but it is not certain that employees will actually receive this benefit, and unclear as to whether it will be 3 scholarships <i>per year</i> .
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.	All or none	25	25	Addressed criteria.
2.5 Describe the expected number of employees, title/position, and their respected responsibilities.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
Summary	Applicant will pay \$17.50/hr (Living Wage for single person no dependents in Solano County is \$13.68 per MIT). Benefits include health, dental and vision (employer pays 70% of premiums); retirement benefits; 6 days of sick leave/yr.; 9 days vacation/yr.; 6 weeks maternity leave; 3 hrs. off on election days for voting. Continuing education: Option for mentoring in retail, manufacturing and cultivation training programs. Applicant is a Fairfield resident, submitted utility bills as evidence. Employees, titles and responsibilities are provided.			



Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2020-003

Tracking Number

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
3 Neighborhood Compatibility Plan (200 pts)		200	200	
3.1 Describe how the CCB will proactively address and respond to complaints related to noise, light, odor, litter, and vehicle and pedestrian traffic.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
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.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
3.3 Describe odor mitigation practices.	0% / 50% / 80% / 100% 0 / 10 / 16 / 20	20	20	Addressed criteria.
3.4 Identify potential sources of odor	All or none	10	10	Addressed criteria.
3.5 Describe odor control devices and techniques employed to ensure that odors from cannabis are not detectable beyond the licensed premises.	All or none	10	10	Addressed criteria.
3.6 Describe all proposed system maintenance.	All or none	10	10	Addressed criteria.
3.7 Describe the waste management plan.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
Summary	Applicant plans open house w/community, will share contact info for Community Benefits Director. Facility will use soundproofing and security patrols to minimize noise (only 2 neighbors w/in 100 ft), will use shielded exterior lighting. Carbon filtration, negative air pressure HVAC system and pre-packaged goods will control odor. Employees will patrol for litter, facility has 100 parking spaces of its own to minimize traffic impacts, location expected to curb pedestrian traffic. Narrative includes complaint resolution procedure and detailed Good Neighbor Policy. Odor control efforts will focus on raw flower, the most aromatic of goods sold, esp. its packaging. HVAC system will have quarterly servicing, carbon filters will be replaced every 6 months. Cannabis waste discussion covered disposal procedures thoroughly.			

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
4 Safety Plan (400 pts)		400	400	
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:	0% / 50% / 80% / 100% 0 / 100 / 160 / 200	200	200	Addressed criteria.
4.1.1 Accident and incident reporting procedures.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
4.1.2 Evacuation routes.	All or none	25	25	Addressed criteria. Evacuation routes clearly described in narrative but not easily identifiable in the diagram.
4.1.3 The location of fire extinguishers and other fire suppression equipment.	All or none	25	25	Addressed criteria.
4.1.4 Procedures and training for all fire and medical emergencies.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
Summary	Plan was prepared by The Fire Consultants, Inc., a Walnut Creek-based engineering and consulting firm. Accident reporting procedures include extensive safety rules for employees. Schematic on p. 78 clearly shows all fire suppression equipment. Medical emergency protocols (p.83) call for stopping bleeding and/or applying Heimlich maneuver in case of choking, and employees will be trained to respond to fire and medical emergencies (p.80).			

Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2020-003

Tracking Number

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
5 Security Plan (400 pts)		400	400	
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:	All or none	60	60	Addressed criteria.
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).	0% / 50% / 80% / 100% 0 / 70 / 112 / 140	140	140	Addressed criteria.
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)				Addressed criteria.
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.				Addressed criteria.
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.				Two rooms are labeled "RR" and this acronym is not explained.
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.				Addressed criteria.
5.1.2 Number and location of all video surveillance cameras				Addressed criteria.
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).	All or none	60	60	Addressed criteria.
5.3 Briefly describe cash handling procedures.	0% / 50% / 80% / 100% 0 / 5 / 8 / 10	10	10	Addressed criteria.
5.4 Discuss whether the CCB will utilize the services of on-site security guards. Include in the discussion:	0% / 50% / 80% / 100% 0 / 65 / 104 / 130	130	130	Addressed criteria.
5.4.1 Number of guards.				Addressed criteria.
5.4.2 Hours guards will be on-site.				Addressed criteria.
5.4.3 Locations at which they will be positioned.				Addressed criteria.
5.4.4 Guards' roles and responsibilities.				Addressed criteria.
Summary	The Security Plan was prepared by Sapphire Risk Advisory Group, LLC (a Texas-based firm). Proposed business is located on a roughly triangular lot with over 100 parking spaces and is bordered by Interstate 80 on the east. Neighboring buildings immediately to the west include Sutter Medical Foundation, Gateway Realty and Lincoln Financial Advisors. Farmers Insurance, Acme Glass, and Northbay Healthcare are located across Martin Road which borders Applicant's proposed facility on the north. Premise diagram shows dimensions of each room and labels activities in each, multiple security cameras and access control points for keycards, vault, safes, and alarm arming keypad. Limited access areas are clearly identified via color coding. Applicant will contract with Crime Alert Security, for alarm installation and monitoring. Panic buttons will be within [REDACTED] (p.97). Cash handling: Currency at each point of sale station will have a predetermined limit with excess cash going into drop safe. Discussion includes transfers to vault, coverage by CCTV of each point of sale station, two-person verification of all safe deposits. Applicant will have [REDACTED] security guards on duty during operating hours and [REDACTED] during non-operating hours -- discussion includes hours, posted locations, and responsibilities.			

City of Fairfield
Community Development Department
1000 Webster Street, 2nd Floor
Fairfield, CA 94533
Email: planning@fairfield.ca.gov

Delivered by email 01/27/2021

Reference: Notice of Public Comment Period Regarding Application to Operate a Commercial Cannabis Retail Business.

FORMAL OBJECTION TO APPLICATION TO OPERATE A COMMERCIAL CANNABIS RETAIL BUSINESS.

I would like to formally object to the proposed application submitted by Authentic Fairfield LLC. Based on the follow:

- Children in and around multiple medical service facilities, doctors' offices, and clinics.
- Location is within close proximity to the Fairfield Unified School District offices. Visited by families and children of all ages.
- Applicants business has a clear negative image and concerns for current customers utilizing and patronizing the existing businesses. (comments from existing lessees).
- Our association, Highland Corporation, makes every effort to uphold a standard of maintenance and care in this location to provide an atmosphere appealing to our customers and tenants, which we believe would be diminished by having a cannabis retail business as part of this community.

Respectfully Submitted



Shelley Cole, Trustee
Property Owner
2460 Hilborn Road
Fairfield, CA 94534

01/27/2021
Date

From: planning@fairfield.ca.gov
To: [Kreimeier, Amy](#)
Subject: FW: Public comment re: Application for a Cannabis Retail Business at 2740 Martin Rd, Fairfield, CA 94534
Date: Wednesday, January 27, 2021 2:07:42 PM

Cindy Garcia

Cindy Garcia | Office Specialist
City of Fairfield | Community Development Department
Office: 707-428-7452 | Fax: 707-428-7621
cgarcia@fairfield.ca.gov

Please note: Fairfield City Hall is closed the 1st and 3rd Fridays of every month

From: Michele Stavenuiter <michelestavenuiter@yahoo.com>
Sent: Wednesday, January 27, 2021 11:54 AM
To: planning@fairfield.ca.gov; Michele Stavenuiter <michelestavenuiter@yahoo.com>;
hankstavenuiter@gmail.com
Subject: Public comment re: Application for a Cannabis Retail Business at 2740 Martin Rd, Fairfield, CA 94534

Dear Planning Dept. and City Council,

As a concerned Homeowner and Fairfield resident for over 30 years, I'm writing this letter to voice concerns and request the planning dept and City Council, **deny the application for a license from Authentic Fairfield LLC, for a Cannabis Retail Business license for proposed business at 2740 Martin Road, Fairfield, CA 94534.** This type of business would be a detriment to this area and City of Fairfield, as it would increase crime levels in area, drive up City costs to operate and hire more police/law enforcement to patrol this area. This type of business should not be allowed to operate within City limits. Ultimately, this type of business would attract and increase violence, drug, and gang issues that already plague this city. In addition, there would be an increase in loitering at all hours of the day/night, increase in homelessness, increase in noise and traffic levels, and ultimately drive the property values down in West Fairfield, Waterman Highlands, Rolling Hills and all residential subdivisions in area.

This type of business should not be allowed to operate in city limits and license should be denied. Please vote NO.

Thank you.

Concerned Homeowners/Citizens/Taxpayers,
Michele and Hendrik Stavenuiter/MS/HS
2414 Tea Court
Fairfield, CA 94534
707-580-0689

**East of Eden North Bay
LLC.**

1740 Travis Blvd.

CRM2020-015

CITY OF FAIRFIELD

COMMERCIAL CANNABIS BUSINESS PERMIT APPLICATION REVIEW SUMMARY

BUSINESS NAME	East of Eden North Bay, LLC
DBA	East of Eden
PERMIT TYPE	Retail
CITY OF FAIRFIELD LOCATION	1740 Travis Blvd.
BUSINESS CONTACT INFORMATION	Mike Bitar 514 Work St. Salinas, CA 93901
PHASE II SCORE	95.00% (1,520 points)
PHASE III SCORE	90.46% (2,171 points)
TOTAL COMBINED SCORE	92.28% (3,691 points)

OWNER SUMMARY

- The business is owned entirely by the Grupo Flor Corporation which is owned by BAK Festivals Inc.
- The application listed 9 individuals as owners who own 63.4% of parent company BAK Festivals Inc. 36.6% of ownership is unaccounted for.
 - Gavin Kogan, CEO of Grupo Flor Corporation and BAK Festivals, Inc.
 - Mike Bitar, VP of Sales for Grupo Flor Corporation
 - Omar Bitar, VP of Manufacturing for Grupo Flor Corporation
 - Steven Podell, CFO of Grupo Flor Corporation and BAK Festivals, Inc.
 - Kasra Ajir, Secretary for Grupo Flor Corporation and BAK Festivals, Inc.
 - Stephen Kim, Corporate Counsel for Grupo Flor Corporation
 - Darren Dykstra, COO of BAK Festivals, Inc.
 - Howard Fisher, Board Member of BAK Festivals, Inc.
 - Michael Zupano, Fairfield Community Outreach Manager
- One listed owner is a Fairfield resident.

LOCATION

- The business is to be located at 1740 Travis Blvd. and the applicant has a signed letter of intent to lease the property.
- The current zoning classification for the subject property is CR (Regional Commercial).
- Commercial cannabis - retail is a permitted use in the CR zone subject to the requirements of the Fairfield Municipal Code (FMC) Chapter 10E.
- The City has not identified any sensitive uses, as defined in FMC Section 10E.18 (c), within 600 feet of the subject property at the time of this writing.

- The subject site is located adjacent to Interstate 80 at the Travis Blvd. exit in the Gateway Center.
- The business would be located in a 4,472 square foot space in a multi-tenant building shared with an existing Chick-fil-a and shares over 250 parking spaces with the adjacent businesses through a reciprocal access and parking easement.

COMMUNITY RELATIONS PLAN

- East of Eden proposes to contribute \$30,000 per year to the Solano Community Foundation to be split equally between their social justice and equity fund, disaster relief fund, and community impact fund.
- East of Eden proposes to partner with the Fairfield Community Services Foundation by providing \$10,000 per year to Fun on the Run and \$10,000 per year to support Assist-A-Grad Scholarships.
- East of Eden proposes to partner with Fighting Back Partnership, a Vallejo non-profit, and provide \$10,000 annually to bring the organizations "Positive Youth Development Program", which educates youth on the dangers of cannabis youth, to Fairfield students.
- East of Eden proposes to partner with the Solano Youth Commission and provide \$10,000 annually to support the organizations Solano Friday Night Live Partnership which educates youth in Solano County on the dangers of substance use.
- East of Eden proposes to join the Solano ATOD Prevention Collaborative and the Vacaville Aware Coalition.
- Employees will receive 10 hours of paid volunteer time per year.

PUBLIC COMMENTS

The City of Fairfield received one public comment letter in opposition to the business East of Eden and its parent company Grupo Flor. The letter was provided by the United Food & Commercial Workers Union, Local 5 (UCFW). The letter describes actions taken by Grupo Flor at their location in Oakland that led to the current dispute with the UCFW. The UCFW states that Grupo Flor took over operations of union represented cannabis business in Oakland that had been operating under a collective bargaining agreement since 2011. The letter states that the business temporarily shut down in June of 2020 due to the pandemic and local civil unrest and reopened with an entirely new non-union staff. Previously employed union employees were laid off permanently and lost health care coverage.

RESPONSE: City staff cannot speak to the merits of this claim. East of Eden has committed to providing employees at the City of Fairfield location with medical, dental and vision benefits and to cover 40% of the cost of the premiums. The application does not make any mention of the creation of an employee union. The City has no requirements in Fairfield Municipal Code Chapter 10E that employees be unionized nor would the City oppose efforts of employees to unionize if they so choose.



Fairfield Commercial Cannabis Application
Phase 2 Criteria Evaluation Report

CRM2020-015

Tracking Number

East of Eden North Bay LLC dba East of Eden

Applicant Name / DBA

1740 Travis Blvd. Fairfield, CA 94533

Proposed Location

Storefront Retail (A/M)

License Type

SCORE SUMMARY

1,600 Total Points Available

1,520 Points Received

95.00% Total Score Percentage

0 Number of pages over 200 limit

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
1 Business Plan (300 pts)		300	244	
1.1 Owner qualifications. Resumes are not to exceed two (2) pages per owner.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	34	Applicant provided qualifications for 7 individuals who own 62.4% of the parent company of Grupo Flor, BAK Festivals. 37.6% of ownership is unaccounted for.
1.2 A budget for construction, operation, and maintenance, compensation of employees, equipment costs, utility cost, and other operation costs.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	40	Addressed criteria.
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.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	0	Proof of capitalization inconclusive. Applicant presented generic document that does not appear to have come from a financial institution.
1.4 Financial pro forma for at least three years of operation.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	40	Addressed criteria.
1.5 Fully describe hours of operation and opening and closing procedures.	All or none	30	30	Addressed criteria.
1.6 Fully describe the day-to-day operations for each license type being sought.	0% / 50% / 80% / 100% 0 / 50 / 80 / 100	100	100	Addressed criteria.
1.6.1 Additional criteria for RETAIL applications only:				
a. Describe customer check-in procedures.				Addressed criteria.
b. Identify location and procedures for receiving deliveries during business hours.				Addressed criteria.
c. Identify the name of the Point-of-sale system to be used and the number of Point-of-Sale locations.				Addressed criteria.
d. Estimate the number of customers to be served per hour/day.				Addressed criteria.
e. Describe the proposed product line to be sold and estimate the percentage of sales of flower and manufactured products.				Addressed criteria.
f. If proposed, describe delivery service procedures, number of vehicles and product security during transportation.				Addressed criteria.
Summary	Applicant provided qualifications for roughly 2/3 of the company's ownership, and identifies start-up costs of \$ [REDACTED] in pie chart at p. 21 of Review Criteria. Proof of capitalization is inconclusive (see note above), Pro Forma has been provided. Based on description of product delivery at p.31, it appears product is unloaded from trucks outside the building. Narrative provides detailed quality control procedures for incoming products. Applicant will use Treez as its point of sale software and have six sales registers. Applicant estimates 57 customers/hour and 800 customers/day. Applicant will sell flower (50%), edibles (10.5%), tinctures (4.5%), concentrates (28.5%), topicals and ancillary items (6.5%). Applicant will begin deliveries with three vehicles.			



Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2020-015

Tracking Number

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
2 Labor and Local Enterprise Plan (300 pts)		300	300	
2.1 Describe whether the CCB is committed to offering employees a living wage.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
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.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
2.3 Describe compensation to and opportunities for continuing education and employee training.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
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.	All or none	25	25	Addressed criteria.
2.5 Describe the expected number of employees, title/position, and their respected responsibilities.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
Summary Applicant will start employees at \$16.00/hr. Applicant will provide workers compensation and medical, dental and vision benefits and cover 40% of the premiums. Life insurance will be provided with the Applicant covering 100% of the cost of policies with a \$50,000 benefit. Applicant will provide one week's paid vacation per year as well as seven paid holidays, parental and bereavement leave, military leave, leave related to domestic violence, and time off for voting. Applicant will provide training on strains of cannabis, their effectiveness, delivery methods, and state and local regulations. Applicant will support continuing education with a program for Retail Management using LinkedIn Learning, a professional development program. Fairfield resident Michael Zumpano will be the Community Outreach Manager, he holds no ownership interest. Applicant anticipates 25 employees.				

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
3 Neighborhood Compatibility Plan (200 pts)		200	200	
3.1 Describe how the CCB will proactively address and respond to complaints related to noise, light, odor, litter, and vehicle and pedestrian traffic.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
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.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
3.3 Describe odor mitigation practices.	0% / 50% / 80% / 100% 0 / 10 / 16 / 20	20	20	Addressed criteria.
3.4 Identify potential sources of odor	All or none	10	10	Addressed criteria.
3.5 Describe odor control devices and techniques employed to ensure that odors from cannabis are not detectable beyond the licensed premises.	All or none	10	10	Addressed criteria.
3.6 Describe all proposed system maintenance.	All or none	10	10	Addressed criteria.
3.7 Describe the waste management plan.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
Summary Security guards will conduct regular patrols of the neighborhood immediately surrounding the facility, and Applicant will implement a Neighbor Outreach Program providing the Community Outreach Manager's contact information for complaints re: odor, noise, etc. Applicant will have zero tolerance policy re: several activities on-site including but not limited to consumption of cannabis or alcohol, excessive noise, loitering and littering. Waste will be carefully managed, including signs stating that trash bins contain no cannabis. Applicant will have an HVAC system producing negative air pressure and will use carbon filtration. Narrative states that regular maintenance will include changing the air filters on a regular basis, but at least every month, but did not mention the schedule for the HVAC system.				



Fairfield Commercial Cannabis Application
Phase 2 Criteria Evaluation Report

CRM2020-015

Tracking Number

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
4 Safety Plan (400 pts)		400	386	
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:	0% / 50% / 80% / 100% 0 / 100 / 160 / 200	200	190	Training section (4.1.4) was missing critical components.
4.1.1 Accident and incident reporting procedures.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
4.1.2 Evacuation routes.	All or none	25	25	Addressed criteria.
4.1.3 The location of fire extinguishers and other fire suppression equipment.	All or none	25	25	Addressed criteria.
4.1.4 Procedures and training for all fire and medical emergencies.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	71	There is no mention of first aid training although first aid kits will be installed. No mention of training in use of fire extinguishers.
Summary Safety Plan was prepared by John P. Stoppi Jr., a California-licensed Architectural, Mechanical, & Fire Protection Engineer. Applicant's reporting procedures are based solely on OSHA requirements. Three fire extinguishers can be seen on the diagram on p.82. Smoke detectors will be installed as part of the fire alarm system. All staff will be CPR-trained. First aid kits and Automatic External Defibrillators will be installed, staff will be trained in the latter.				



Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2020-015

Tracking Number

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
5 Security Plan (400 pts)		400	390	
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:	All or none	60	60	Addressed criteria.
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).	0% / 50% / 80% / 100% 0 / 70 / 112 / 140	140	130	Diagram failed to show a designated area within the facility for loading and unloading of shipments.
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)				Addressed criteria.
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.				Addressed criteria.
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.				Diagram failed to designate an area within the facility for loading and unloading of shipments.
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.				Addressed criteria.
5.1.2 Number and location of all video surveillance cameras				Addressed criteria.
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).	All or none	60	60	Addressed criteria.
5.3 Briefly describe cash handling procedures.	0% / 50% / 80% / 100% 0 / 5 / 8 / 10	10	10	Addressed criteria.
5.4 Discuss whether the CCB will utilize the services of on-site security guards. Include in the discussion:	0% / 50% / 80% / 100% 0 / 65 / 104 / 130	130	130	Addressed criteria.
5.4.1 Number of guards.				Addressed criteria.
5.4.2 Hours guards will be on-site.				Addressed criteria.
5.4.3 Locations at which they will be positioned.				Addressed criteria.
5.4.4 Guards' roles and responsibilities.				Addressed criteria.
Summary	Security Plan was prepared by Matt Carroll of Safe and Sound Security based in Concord. Diagram at p. 92 clearly shows all security features (surveillance cameras, panic alarms, points of key fob access). Cash handling procedures include use of a drop safe, designated limit for individual cash drawers, and storage in a UL-rated safe. [REDACTED] armed security guards will be on duty during operating hours, [REDACTED]. There is a detailed discussion of the alarm system although the specific company or system is not named in the narrative.			



John Nunes
President

Jack Landes
Secretary - Treasurer

Main Office:
**United Food & Commercial
Workers Union, Local 5**
28870 Mission Blvd.
Hayward, CA 94544
(510) 889-0870
Fax: (510) 889-6415
Toll Free: (877) 655-FIVE
www.ufcw5.org

240 South Market Street
San Jose, CA 95113-2382
(408) 998-0428
Fax: (408) 971-8355

208 Miller Avenue
So. San Francisco, CA 94080
(650) 871-5730
Fax: (650) 871-3590

4121 Alhambra Ave.
Martinez, CA 94553
(925) 228-8800
Fax: (925) 228-8355

1145 North Main St.
Salinas, CA 93906
(831) 757-3094
Fax: (831) 757-9115

323 Geary Street, Room 709
San Francisco, CA 94102
(415) 693-0143
Fax: (415) 693-9352

85 Galli Drive, Suite H
Novato, CA 94949
(415) 883-6833
Fax: (415) 883-1043

840 E Street, Suite 8
Eureka, CA 95501
(707) 442-1751
Fax: (707) 442-9572

Dear Members of Fairfield City Council

The 30,000 members of UFCW appreciate the commitment by the city of Fairfield to ensure all new jobs that are created within the city are consider “good jobs”. We appreciate the efforts of the city to ensure that the local community benefits from the emerging cannabis industry.

We write this letter to you about the city’s process of choosing cannabis employers to be licensed to operate in the city of Fairfield. The union has appreciated the open and transparent process the city has undertaken as it relates to the applicants for licensing. The emerging cannabis industry creates an opportunity for cities like Fairfield to set a good precedent for attracting employers that value communities and the workers from those communities. UFCW 5 represents hundreds of workers in the cannabis industry in the Bay Area, and the UFCW is the largest representative of workers in the cannabis industry nationally. We have a long and deep experience with employers of all kinds in the industry.

We are taking the unprecedented step of writing to you today to comment on one employer that has applied for a license in the city of Fairfield. That employer is East of Eden/ Grupo Flor. UFCW 5 has a unique experience with this employer, because they took over a union represented operation in Oakland, named Magnolia Wellness. The company had been organized and under a Collective Bargaining Agreement since 2011 and was one of the first dispensaries organized in the country. The twin crises of the pandemic and the civil unrest in June of 2020 created a set of unique challenges that made the company temporarily shut down.

When the company reopened, they reopened under a different name, Flor Oakland, with different workers. They notified all the previously employed union workers of layoffs on December 5th and told the workers they could “reapply” for their jobs. The company did not inform the workers that they had hired replacement workers a month before. They also cancelled all the health insurance of these workers and told them they were not eligible for COBRA coverage as of December 31, 2020. This reprehensible action took place during the current pandemic.

The UFCW is fighting for these workers representation rights, and we are confident we will win. We do not believe the behavior displayed by Grupo Flor/East of Eden is the kind of company that Fairfield wants to welcome to the city, and we think this is in direct conflict with the intent of the city of Fairfield’s willingness to open the city to the cannabis industry.

We respectfully ask that you do not approve of East of Eden’s application and you consider other more qualified companies.

Thank you

Jim Araby
UFCW 5
Strategic Campaigns Director
jaraby@ufcw5.org

Element 7 Fairfield
2320 Courage Drive
CRM2020-012

CITY OF FAIRFIELD

COMMERCIAL CANNABIS BUSINESS PERMIT APPLICATION REVIEW SUMMARY

BUSINESS NAME	Element 7 Fairfield LLC
DBA	N/A
PERMIT TYPE	Retail
CITY OF FAIRFIELD LOCATION	2320 Courage Dr., Suite 101
BUSINESS CONTACT INFORMATION	Robert M. Divito, Jr. 645 W. 9 th St. #110-631 Los Angeles, CA 90015
PHASE II SCORE	100% (1,600 points)
PHASE III SCORE	86.96% (2,087 points)
TOTAL COMBINED SCORE	92.18% (3,687 points)

OWNER SUMMARY

- Element 7 Fairfield LLC has 5 owners:
 - Robert M. Divito Jr., CEO - Robert M. Divito Jr. founded Element 7 in 2018.
 - Sgt. Patrick T. Brooks, Co-Founder - Sgt. Patrick T. Brooks is a US Marine Corps representative and will assist with community programs and logistics at Element 7.
 - Greg Moreno, Co-Founder – Greg Moreno is a veteran and will oversee recruitment and training at Element 7.
 - Alexander Rincon, Co-Founder – Alexander Rincon is an active Marine Recruitment Station Commander in Fairfield.
 - Melissa Sampson, Co-Founder – Melissa Sampson is the founder of the Imagine Me Foundation and will focus on community engagement and education at Element 7.
- Three of the five owners currently live in the City of Fairfield.

LOCATION

- The business is to be located at 2320 Courage Dr., Suite 101 and has received property owner consent.
- The current zoning classification for the subject property is IL (Limited Industrial).
- Commercial cannabis retail is a permitted use in the IL zone subject to the requirements of the Fairfield Municipal Code (FMC) Chapter 10E.
- The City has not identified any sensitive uses, as defined in FMC Section 10E.18 (c), within 600 feet of the subject property at the time of this writing.
- The subject site is located in an industrial area of the City south of Highway 12 and is 1.3 miles from the Chadbourne Rd. exit and .6 miles from the Beck Ave exit off Highway 12.

- The business will be located within an existing multi-tenant building with a unit size of 4,300 square feet and 76 parking spaces.

COMMUNITY RELATIONS PLAN

- Element 7 will commit \$50,000 annually to their Element 7 Cares program to contribute to the local community. Element 7 Cares will be governed by a board of 5 members with 3 members from the local community. It is unclear if this is a separate non-profit entity.
- Element 7 has identified and reached out to 5 non-profits as potential partners including the Imagine Me Foundation, Food Bank of Contra Costa and Solano, Operation Care and Comfort, Friends and Family Services, and No Time 2 Chill Basketball Academy.
- The application does not identify a plan or potential partners for youth outreach and drug use prevention education.
- Element 7 proposes to hold 4 community educational evenings per year for adults on cannabis related topics.
- Element 7 will commit up to a proposed 3% of the common shares in the company to key staff and executives that are hired from Fairfield or the County. Staff serving longer than 24-months service will be eligible to be allocated equity through a Stock Option Agreement.
- Full-time employees will be provided 10 hours of paid time off to volunteer per quarter.
- Element 7 proposes to create a local internship and mentorship program for two twenty-one-year-old youths per year.

PUBLIC COMMENTS

The City has received two public comment letters regarding this application, attached. The first letter was provided by the group California Cannabis Association and is in general opposition to the business Element 7. City staff was unable to locate information on this association and it has no affiliation with the California Cannabis Industry Association, the largest cannabis industry association in California. The letter was addressed to the City of Salinas and dated August 7, 2020. The letter requests that Element 7 be disqualified from the application process with the City of Salinas on the grounds that Element 7 provided false and misleading information in their application. The letter provides some background on Element 7, current legal issues, lack of financial transparency, and a summary of their dispute of claims made against Element 7 in a previous application with the City of Marina.

RESPONSE: City staff cannot speak on claims raised in an application that we have not seen, in an application process that we did not conduct. Element 7 submitted an application to the City of Fairfield on October 23, 2020, three months after the date of this letter. Their City of Fairfield application has gone through extensive review by both the consultant and City staff. The owners of Element 7 have undergone a preliminary background check with the City of Fairfield. The background checks and application

review did not result in any information that would be cause for alarm or disqualification from the City's process.

Element 7 currently possesses 17 licenses in the State of California to operate cannabis businesses however, only a few businesses are currently operational. Their City of Fairfield application provided information on a line of credit to fund start-up operations in multiple jurisdictions in California, but the application did not identify how much of this funding was specifically earmarked for their Fairfield operations. Given the fact that Element 7 has 17 licenses but only a few operating businesses, staff is concerned about the businesses ability to begin operations and open to the public in a timely and successful manner.

The second comment letter was provided by a representative of the Jelly Belly Candy Company and raises an objection. The objection is:

1. Signage for the cannabis business, both physical and online, would have a negative effect on the reputation of Jelly Belly.
 - **RESPONSE:** A retail commercial cannabis business is a permitted use at 2320 Courage Dr. and there are no sensitive uses, as defined in Fairfield Municipal Code Section 10E.18 (c) within 600-feet of the site. The Jelly Belly Company is within 600-feet, as measured from parcel boundaries, but does not meet the definition of a sensitive use. Fairfield Municipal Code Section 10E.24 contains numerous restrictions on signage that cannabis businesses will be required to comply with.
 - A cannabis business is prohibited from displaying any graphics depicting cannabis or cannabis products on the exterior of the business site. This restriction also applies to any graphics on business vehicles.
 - Business signage is limited to that needed for identification only and may not contain logos or information that identifies, advertises, or lists services or products offered.
 - Cannabis businesses are prohibited from using banners, flags, a-frames, and billboards at all times.
 - Cannabis businesses are restricted from advertising by having a person holding a sign and advertising to passerby, regardless of where that person is located.
 - As a requirement for permit issuance, a cannabis business must agree to to be prohibited from advertising any commercial cannabis business located within the City utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising.
 - Cannabis Business must comply with all applicable requirements of the Sign Ordinance.

When taken together, these requirements will ensure that signage for a cannabis business is limited to on-site physical signage such as wall signs. There will be no

logos or depictions of cannabis in the business signage. To anyone passing by the site, signage depicting the business name "Element 7" would not stand out any more than the signage for adjacent businesses. There will be no off-site signage or advertising in the path of travel to the Jelly Belly Visitor Center or anywhere else in the City, including on billboards and digital billboards in the City. Further, visitors going directly to the Jelly Belly Visitor Center, such as school or tour buses, would not drive by 2320 Courage Dr. to get to Jelly Belly. The Jelly Belly Visitor Center is located on Jelly Belly Lane off of N. Watney Way which connects to Courage Dr. at two separate intersections. Visitors can only access the Jelly Belly Visitor center from these intersections, located to the east and west of the proposed cannabis business location. Whether coming from the east or west, visitors to Jelly Belly would turn on N. Watney Way before passing the proposed cannabis business on Courage Dr.

The letter also makes reference to Google Maps and their desire not to have a cannabis icon appear near their facilities when searching for Jelly Belly on the site. Google Maps is owned and operated privately and the City has no control over which business appear with logos on Google Maps. However, when searching for existing cannabis businesses in other Cities using Google Maps, the only icon and information that appears is the business name and the icon used for all retail businesses. This is the same icon that appears for the Jelly Belly Factory. There is no separate icon for cannabis businesses or anything to indicate what is sold on site that would appear when searching for Jelly Belly using Google Maps.



Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2022-012

Tracking Number

Element 7 Fairfield LLC

Applicant Name / DBA

2320 Courage Drive, Suite 101 Fairfield, CA 94533

Proposed Location

Storefront Retail (A/M)

License Type

SCORE SUMMARY

1,600	Total Points Available
1,600	Points Received
100.00%	Total Score Percentage
0	Number of pages over 200 limit

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
1 Business Plan (300 pts)		300	300	
1.1 Owner qualifications. Resumes are not to exceed two (2) pages per owner.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
1.2 A budget for construction, operation, and maintenance, compensation of employees, equipment costs, utility cost, and other operation costs.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	40	Addressed criteria. Utilities are not in budget but appear in Operating Costs charts at p. 21.
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.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	40	Addressed criteria.
1.4 Financial pro forma for at least three years of operation.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	40	Addressed criteria.
1.5 Fully describe hours of operation and opening and closing procedures.	All or none	30	30	Addressed criteria.
1.6 Fully describe the day-to-day operations for each license type being sought.	0% / 50% / 80% / 100% 0 / 50 / 80 / 100	100	100	Addressed criteria.
1.6.1 Additional criteria for RETAIL applications only:				
a. Describe customer check-in procedures.				Addressed criteria.
b. Identify location and procedures for receiving deliveries during business hours.				Addressed criteria.
c. Identify the name of the Point-of-sale system to be used and the number of Point-of-Sale locations.				Addressed criteria.
d. Estimate the number of customers to be served per hour/day.				Addressed criteria.
e. Describe the proposed product line to be sold and estimate the percentage of sales of flower and manufactured products.				Addressed criteria.
f. If proposed, describe delivery service procedures, number of vehicles and product security during transportation.				Addressed criteria.
Summary	Qualifications are provided for all five owners (Robert DiVito, Melissa Samson, Patrick Brooks, Alexander Rincon, and Greg Moreno). Applicant provided itemized start-up budget of \$[REDACTED]. Applicant has provided bank statement, indicating \$[REDACTED] in liquid assets, also Letter of Credit for \$[REDACTED] from Diverse Real Estate Solutions to fund Element 7 start-up operations in multiple California jurisdictions (Applicant should clarify how much is earmarked for Fairfield operation, given their 17 other licenses in CA (pp. 15-16); a second Letter of Credit for \$[REDACTED] from Industrial Court is included. Applicant will use Flowhub point of sale software and plans on 4 sales registers. Applicant estimates 500-600 customers/day, and two delivery vehicles initially. Delivery security is covered in detail at pp. 32-34.			

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
2 Labor and Local Enterprise Plan (300 pts)		300	300	
2.1 Describe whether the CCB is committed to offering employees a living wage.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
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.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
2.3 Describe compensation to and opportunities for continuing education and employee training.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
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.	All or none	25	25	Addressed criteria.
2.5 Describe the expected number of employees, title/position, and their respected responsibilities.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
Summary	Applicant will start employees at \$19/hour. Benefits include a medical, dental and vision plan (available to full-time employees after 6 months; also to part-time employees who would pay 100% out of pocket), a 401K plan featuring employer contributions after one year of service, tuition assistance after one year, and stock options. Training (80 hours) will be provided on internal policies and procedures and industry best practices, refresher training is mandatory. Three of the owners (Melissa Samson, Patrick Brooks, Alexander Rincon, combined total 6% ownership) are Fairfield residents, Applicant plans on 75% local hires. Applicant plans to hire 12 employees and has provided job descriptions.			



Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2022-012

Tracking Number

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
3 Neighborhood Compatibility Plan (200 pts)		200	200	
3.1 Describe how the CCB will proactively address and respond to complaints related to noise, light, odor, litter, and vehicle and pedestrian traffic.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
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.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
3.3 Describe odor mitigation practices.	0% / 50% / 80% / 100% 0 / 10 / 16 / 20	20	20	Addressed criteria.
3.4 Identify potential sources of odor	All or none	10	10	Addressed criteria.
3.5 Describe odor control devices and techniques employed to ensure that odors from cannabis are not detectable beyond the licensed premises.	All or none	10	10	Addressed criteria.
3.6 Describe all proposed system maintenance.	All or none	10	10	Addressed criteria.
3.7 Describe the waste management plan.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
Summary Applicant will create outreach program to engage with business neighbors, and implement a Good Neighbor policy entailing personal visits and development of an email database. Architecture of facility will be designed to muffle noise. Exterior lights will be directed toward the ground, product deliveries will be requested at non-peak hours to minimize contribution to traffic congestion. Applicant will work with 15000, Inc., an industry-specific engineering group from Santa Rosa, experts in design of effective and environmentally efficient odor management systems. Cleanleaf CL2500 HVAC with HEPA Filters will be used to control odor. Nasal ranger olfactometers will be used to detect odor. Will contract with MediWaste for waste disposal.				

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
4 Safety Plan (400 pts)		400	400	
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:	0% / 50% / 80% / 100% 0 / 100 / 160 / 200	200	200	Addressed criteria.
4.1.1 Accident and incident reporting procedures.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
4.1.2 Evacuation routes.	All or none	25	25	Addressed criteria.
4.1.3 The location of fire extinguishers and other fire suppression equipment.	All or none	25	25	Addressed criteria. Locations are listed in the narrative at p. 115.
4.1.4 Procedures and training for all fire and medical emergencies.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
Summary Safety Plan prepared by 3 consultants: Brian Uthe, Building Inspector, University of Arizona; Larry Frogosa, retired Battalion Chief, Tracy Fire Department; and Mohsen Gounelli, licensed architect. Reporting procedures include example of accident reporting form. Site plan photo at p. 115 shows Evacuation Assembly Area outside the facility. Training covers OSHA requirements, workplace violence, and emergency preparedness.				



Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2022-012

Tracking Number

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
5 Security Plan (400 pts)		400	400	
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:	All or none	60	60	Addressed criteria.
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).	0% / 50% / 80% / 100% 0 / 70 / 112 / 140	140	140	Addressed criteria.
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)				Addressed criteria.
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.				Addressed criteria.
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.				Addressed criteria.
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.				Addressed criteria.
5.1.2 Number and location of all video surveillance cameras				Addressed criteria.
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).	All or none	60	60	Addressed criteria.
5.3 Briefly describe cash handling procedures.	0% / 50% / 80% / 100% 0 / 5 / 8 / 10	10	10	Addressed criteria.
5.4 Discuss whether the CCB will utilize the services of on-site security guards. Include in the discussion:	0% / 50% / 80% / 100% 0 / 65 / 104 / 130	130	130	Addressed criteria.
5.4.1 Number of guards.				Addressed criteria.
5.4.2 Hours guards will be on-site.				Addressed criteria.
5.4.3 Locations at which they will be positioned.				Addressed criteria.
5.4.4 Guards' roles and responsibilities.				Addressed criteria.
Summary	Security Plan was prepared by GSG Security Services. 24-hour security will be provided. Floor plan at p. 142 clearly shows limited access areas. ADT Security Services (Fairfield office) will monitor the alarm system. Applicant has an FDIC-insured bank in the Bay Area. Individual cash registers are limited to a predetermined amount. When they reach the amount a manager must perform a cash drop [REDACTED]. Applicant will use cash counting machines. [REDACTED] guards will be on duty during business hours. After hours, there will be a security patrol. [REDACTED].			

California Cannabis Association (CCA)
2701 K Street, Suite 101A
Sacramento, CA 95816

City of Salinas
Mayor Pro Tem Christie Cromeenes & Honourable Councilmembers:
200 Lincoln Avenue
Salinas, CA 93901

August 7, 2020

Dear Mayor Pro Tem Cromeenes and Honourable Councilmembers:

It is our understanding that the City of Salinas is currently reviewing an application from Element 7 for a proposed commercial cannabis business license to operate within the City. We urge the City to reconsider the merits of this application and suggest that the application be disqualified on the grounds of the applicant providing false and/or misleading information to obtain an operating permit within the City of Salinas. We have reviewed the application Element 7 provided to the City of Marina and cannot express the offense we take at a "cannabis company" that pushes such exaggerations and half truths as the ones that are contained in Element 7's Marina application.

Background on Element 7

As a company, Element 7 has been in California's cannabis industry for less than 2 years. It shares an executive board and advisory members from a former iteration known as Genezen, which operated as a license clearing house for cannabis permits throughout California's Central Valley. In carrying over some of the executive and advisory members from Genezen, Element 7 has also carried over some of Genezen's pattern of providing false and/or misleading information about its executives accomplishments, company assets, and financial well being. However impressive their application is, their former and current business practices continue to defraud California communities.

Incorporation

Element 7 was organized, recorded, and registered with the California Secretary of State on December 18, 2018 under Element 7 CA, LLC., with its business address listed as 7936 Hillside Avenue in Los Angeles, California. This is a residential address with a current rental tenant occupying the property. The manager of Element 7 is listed as Robert DiVito, residing at 6221 Pacific Avenue in Playa Del Rey, California (see Attachment 1). Again, a residential address with a current rental tenant occupying the property. In an secondary Statement of Information recorded on March 6, 2019 the 6221 Pacific Avenue address was updated to the 7936 Hillside Avenue address (see Attachment 2) and the company was listed as being formed in Illinois.

No Operational Licenses

As a company, Element 7 has filed 45 separate registrations with the California Secretary of State. As of August 5, 2020, ten of those registrations have been cancelled by the company and there is currently no record of the remaining active registrations operating as businesses as required by the State of California, Bureau of Cannabis Control, and or the counties/cities Element 7 has been awarded licenses to operate in (see Attachment 3). None of the current 45 registrations recorded with the Secretary of State include a registration for the City of Salinas.

Further, of the 31 locations...or rather the 31 locations Element 7 has listed in their portfolio, not a single one is open as an Element 7 store, and/or a joint venture with Element 7 as an operating partner, and/or a currently operating commercial cannabis licensee. Nor is there any record of Robert DiVito or Element 7 having a pending application with the State of California or the Bureau of Cannabis Control.

As of November 2019, a confidential memorandum circulated by Element 7 listed Marshall J. Field Commercial Real Estate Advisory Group, LLC., as a broker for 21 of the 22 properties that Element 7 was awarded Conditional Use Permits to develop a cannabis retail joint venture. All 21 of the licenses Element 7 had won to date was being sold for \$1,200,000.00 for 51% of the license. This would be a direct violation of the existing State of California Bureau of Cannabis Control rules on transfer of licenses given the fact that majority ownership would be granted to the buyer.

Current Legal Issues

As of May 26, 2020 **Element 7 is being sued by their "lead investor"** as listed in their City of Marina application, ToroVerde, Inc., in Orange County Superior Court for Breach of Contract as well as 9 other charges under Case No.: 30-2020-01140087-CU-BC-CXC (see Attachment 4).

ABBREVIATED SUMMARY OF DISPUTED CLAIMS

To fact check each and every claim made throughout any of Element 7's 200 page applications would be exhaustive. However, in the interest of brevity there are several that will clearly illustrate the lack of character of Element 7's executives, unethical business practices, and false claims. The repudiation of facts will pertain to the application that Element 7 submitted in your neighboring community of the City of Marina.

Claim 1: Robert "Bobby" DiVito's claim about a management role at Riverview Farms and how the role gave him oversight across the entire industry.

Reality: Bobby was hired by Riverview by the Hackett Family and failed to perform his contracted duties and responsibilities. His total tenure lasted less than 30 days.

Claim 2: Bobby claims he was successful in lobbying the "state" to adopt the "campus model" in California's MAUCRSA.

Reality: Mr. DiVito may have attended some of the reconciliation discussions held for the general public, and provided testimony to the Business & Professions Committee (although a cursory search on the committee's public testimony yields no record of a Bobby Divito providing public comment), however the claim that he was solely successful is a **FALSE** statement.

Claim 3: Element 7 has educated over 100 cities and communities across California and "we continue to be one of the leading advocates for change, micro-development, and agile growth in an industry that will look very different tomorrow than it does today"

Reality: Attending a public meeting is not "educating". Retailers such as Berkeley Patients Group, Harborside, Green Door, Cookies, A Healthy Alternative, and others have a record of participating in forums sponsored by community organizations. As for being a leading advocate for change, without an operating business what change is Element 7 really influencing?

Claim 4: ToroVerde Inc., has committed \$10.0M in capital towards Element 7's California expansion and operations.

Reality: ToroVerde Inc., is currently suing Element 7, LLC., to recover its initial investment of \$1.3M for a Breach of Contract.

Claim 5: "Our partnership with BURPY, one of Texas' largest and best food delivery platform is powering our cannabis delivery offer.

Reality: As of August 5, 2020, BURPY is not a registered cannabis distributor with the State of California.

Claim 5: Element 7's Management Team are not Element 7 employees.

Reality: Of the seven individuals listed as "Our Element 7 team" every single summary bio is either exaggerated and/or false in regards to their professional accomplishments.

Claim 6: Board appointment to International Hemp Solutions (IHS)

Reality: International Hemp Solutions (IHS) is a private, for profit organization managed by a former insurance salesman and exaggerates its relationship to the Association of Official Seed Certifying Agencies, the California Foundation Seed Program, and the Organisation for Economic Cooperation and Development (OECD) which it also claims it has an exclusive license with. Again, untrue.

Claim 7: Industry-First Retail Cannabis Study at UCLA

Reality: Five MBA candidates at the UCLA Anderson School of Management were effectively *courted* by Element 7 to write a theses on how the company was disrupting California's Retail Industry. Again, on its surface Element 7 tries to imply that UCLA is partnering with them. At best, another exaggeration of a headline that isn't supported.

Claim 8: Partner of the Emerald Exchange

Reality: Justin Calvino is no longer a principal or a partner of the Emerald Exchange. Notably, while the Emerald Exchange was operating, it did so on private property and was an invite only event that limited access and sold products under a Prop. 215 condition without paying taxes to the State of California or Los Angeles County (where its events took place). It should also be noted that while the event was known for its support of women owned businesses, it also lacked diversity and inclusion of People of Color. **The disclosure of partnering with a non-approved, unlicensed event where cannabis and cannabis products were sold without proper licensing and/or testing contradicts every statement made by Element 7 that it is committed to eradicating the illicit market.**

Additional Points for Clarity

- The 234 Reservation Road property was purchased by the Loesch Family Trust in July 2020. While there is an Indemnification Letter signed by both parties to the contract for lease of the land it was not signed until **AFTER** the application was submitted to the City of Salinas.
- Mr. DiVito is **NOT** an investor/operator at Riverview Farms/Monterey Cannabis Co.
- Genezen, the precursor company of Element 7 (and one of Mr. DiVito's current listed employers) is **NOT** building operations in the cities of Hanford and/or Parlier. The City of Parlier actually dropped their tax rate from 10% to 2% and Genezen has still not fulfilled its contractual responsibilities.
- It is also worth noting that neither Genezen, nor Element 7, have signed **Labor Peace Agreements** (LPA's), as mandated by California State Law and the Bureau of Cannabis Control, with either the Teamsters or the UFCW at any of their locations.
- After a careful review of the application there was **no financial statement** included. Most, if not all, cities that have approved cannabis licenses in the State of California have required a Financial Statement to assess the fiduciary capacity of the licensee to meet the goals outlined in their proposal.

We hope that this letter is able to provide a little more transparency into one of the current applicants you are reviewing for licensing in the City of Salinas. It is our hope that in providing this documentation there is no doubt that the lack of character and integrity of Element 7 disqualifies their application for consideration.

Respectfully,

Jason Teramoto
Internal Compliance and Boardmember
California Cannabis Association

Cc: Ray E. Corpuz, Jr., City Manager, Christopher A. Callihan, City Attorney

Attachments:

1. CA Secretary of State: Statement of Information dated 12/18/18
2. CA Secretary of State: Statement of Information dated 3/6/19
3. CA Secretary of State: Business Search Results
4. Attachment 3: CA Secretary of State: Business Search Results

Attachment 2: CA Secretary of State: Statement of Information dated 3/6/19

	Secretary of State Statement of Information (Limited Liability Company)	LLC-12	<div style="text-align: right; font-size: 1.2em; font-weight: bold;">19-A93660</div> <div style="text-align: center; font-size: 2em; font-weight: bold; margin: 10px 0;">FILED</div> <div style="text-align: center;">In the office of the Secretary of State of the State of California</div> <div style="text-align: center; margin: 20px 0;">MAR 06, 2019</div> <div style="text-align: center; font-weight: bold;">This Space For Office Use Only</div>
IMPORTANT — Read instructions before completing this form.			
Filing Fee – \$20.00			
Copy Fees – First page \$1.00; each attachment page \$0.50; Certification Fee - \$5.00 plus copy fees			
1. Limited Liability Company Name (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions .) ELEMENT 7, LLC			
2. 12-Digit Secretary of State File Number 201905110186		3. State, Foreign Country or Place of Organization (only if formed outside of California) ILLINOIS	
4. Business Addresses			
a. Street Address of Principal Office - Do not list a P.O. Box 7936 Hillside Ave.	City (no abbreviations) Los Angeles	State CA	Zip Code 90046
b. Mailing Address of LLC, if different than item 4a 7936 Hillside Ave.	City (no abbreviations) Los Angeles	State CA	Zip Code 90046
c. Street Address of California Office, if item 4a is not in California - Do not list a P.O. Box 7936 Hillside Ave.	City (no abbreviations) Los Angeles	State CA	Zip Code 90046
5. Manager(s) or Member(s)			
If no managers have been appointed or elected, provide the name and address of each member . At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A (see instructions).			
a. First Name, if an individual - Do not complete Item 5b Robert	Middle Name M.	Last Name Divito	Suffix
b. Entity Name - Do not complete Item 5a			
c. Address 7936 Hillside Ave.	City (no abbreviations) Los Angeles	State CA	Zip Code 90046
6. Service of Process (Must provide either Individual OR Corporation.) INDIVIDUAL – Complete Items 6a and 6b only. Must include agent's full name and California street address.			
a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box	City (no abbreviations)	State CA	Zip Code
CORPORATION – Complete Item 6c only. Only include the name of the registered agent Corporation.			
c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b CORPNET, INCORPORATED (C3192531)			
7. Type of Business			
a. Describe the type of business or services of the Limited Liability Company Business Management			
8. Chief Executive Officer, if elected or appointed			
a. First Name	Middle Name	Last Name	Suffix
b. Address	City (no abbreviations)	State	Zip Code
9. The information contained herein, including any attachments, is true and correct.			
03/06/2019	Amanda J Beren	Filer	
Date	Type or Print Name of Person Completing the Form	Title	Signature
Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. SEE INSTRUCTIONS BEFORE COMPLETING.)			
Name: []			
Company:			
Address:			
City/State/Zip: []			

					INC. (C2392069)
201905710636	02/21/2019	ACTIVE	<u>ELEMENT 7 LAKEPORT, LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201835410664	12/18/2018	ACTIVE	<u>ELEMENT 7 LEMON GROVE, LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201905610561	02/20/2019	ACTIVE	<u>ELEMENT 7 MARINA, LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201934510297	12/05/2019	ACTIVE	<u>ELEMENT 7 MENDOTA LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201835810284	12/20/2018	CANCELED	<u>ELEMENT 7 MOUNTAIN VIEW, LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201835810316	12/20/2018	ACTIVE	<u>ELEMENT 7 PITTSBURG, LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201905610580	02/20/2019	ACTIVE	<u>ELEMENT 7 PLACERVILLE, LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201203010328	12/19/2011	ACTIVE	<u>ELEMENT 7 PROMOTIONS, LLC</u>	NEVADA	JAMIE S HSU
202021610185	07/30/2020	ACTIVE	<u>ELEMENT 7 SAN JACINTO LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201934510148	12/05/2019	ACTIVE	<u>ELEMENT 7 SAN JOAQUIN LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201835810288	12/20/2018	ACTIVE	<u>ELEMENT 7 SAN LUIS OBISPO, LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201835210467	12/14/2018	CANCELED	<u>ELEMENT 7 SANTA BARBARA, LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201921010228	07/26/2019	CANCELED	<u>ELEMENT 7 SANTA CRUZ COUNTY LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
202004210206	02/10/2020	ACTIVE	<u>ELEMENT 7 SF1 LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
202005211077	02/10/2020	ACTIVE	<u>ELEMENT 7 SF2 LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
202006010278	02/19/2020	ACTIVE	<u>ELEMENT 7 SF3 LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
202006010275	02/19/2020	ACTIVE	<u>ELEMENT 7 SF4 LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201909910451	04/04/2019	CANCELED	<u>ELEMENT 7 SOUTH LAKE TAHOE LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201835310381	12/17/2018	ACTIVE	<u>ELEMENT 7 SOUTH SAN FRANCISCO, LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
202021610584	07/30/2020	ACTIVE	<u>ELEMENT 7 TRACY LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201905710635	02/21/2019	ACTIVE	<u>ELEMENT 7 TRUCKEE, LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201905710640	02/21/2019	ACTIVE	<u>ELEMENT 7 UKIAH, LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201908510404	03/21/2019	ACTIVE	<u>ELEMENT 7 WALNUT CREEK LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
202012810239	05/04/2020	ACTIVE	<u>ELEMENT 7 WILLITS LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201835810253	12/20/2018	ACTIVE	<u>ELEMENT 7 WILLOWS, LLC</u>	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201905110186	02/19/2019	ACTIVE	<u>ELEMENT 7, LLC</u>	ILLINOIS	CORPNET, INCORPORATED (C3192531)

Showing 1 to 45 of 45 entities

[Previous](#)
[1](#)
[Next](#)

Attachment 3: CA Secretary of State: Business Search Results

Business Search - Business Entities - Business Programs | California Secretary of State

8/5/20, 11:13 PM

Alex Padilla
California Secretary of State

Business Search - Results

The California Business Search is updated daily and reflects work processed through Tuesday, August 4, 2020. Please refer to document **Processing Times** for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

- Select an entity name below to view additional information. Results are listed alphabetically in ascending order by entity name, or you can select a column title to change the sort order.
- To refine the search results, enter a word or a string of words in the "Narrow search results" box. The "Narrow search results" will search on all fields of the initial search results.
- For information on checking or reserving a name, refer to **Name Availability**.
- For information on requesting a more extensive search, refer to **Information Requests**.
- For help with searching an entity name, refer to **Search Tips**.
- For descriptions of the various fields and status types, refer to **Frequently Asked Questions**.

Results of search for LP/LLC Name keyword "element 7" returned 45 entity records (out of 45 records found).

Show entities per page

Narrow search results:

Entity Number	Registration Date	Status	Entity Name	Jurisdiction	Agent for Service of Process
201913310026	05/10/2019	CANCELED	ELEMENT 7 ALAMEDA LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201905610582	02/20/2019	ACTIVE	ELEMENT 7 AMERICAN CANYON, LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201928010486	10/07/2019	ACTIVE	ELEMENT 7 ANTIOCH LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201836010451	12/20/2018	CANCELED	ELEMENT 7 BANNING, LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201835810258	12/20/2018	ACTIVE	ELEMENT 7 BLYTHE, LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201834510255	12/06/2018	ACTIVE	ELEMENT 7 CA, LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201905610577	02/20/2019	CANCELED	ELEMENT 7 CAPITOLA, LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201835810293	12/20/2018	ACTIVE	ELEMENT 7 CHULA VISTA ONE, LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201909910460	04/04/2019	ACTIVE	ELEMENT 7 CONTRA COSTA LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201905610585	02/20/2019	CANCELED	ELEMENT 7 COTATI, LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
202016310373	06/10/2020	ACTIVE	ELEMENT 7 CRESCENT CITY LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201934510233	12/05/2019	ACTIVE	ELEMENT 7 EL DORADO LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201905710153	02/21/2019	ACTIVE	ELEMENT 7 EUREKA, LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201934510295	12/05/2019	ACTIVE	ELEMENT 7 FAIRFAX LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201908510415	03/21/2019	ACTIVE	ELEMENT 7 FIREBAUGH LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201905710639	02/21/2019	ACTIVE	ELEMENT 7 FRESNO, LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201835810292	12/20/2018	ACTIVE	ELEMENT 7 HESPERIA, LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201835810286	12/20/2018	CANCELED	ELEMENT 7 IMPERIAL BEACH, LLC	CALIFORNIA	CORPNET, INCORPORATED (C3192531)
201431610320	11/12/2014	CANCELED	ELEMENT 7 LABS, LLC	CALIFORNIA	REGISTERED AGENT SOLUTIONS,

Attachment 4: Superior Court of California, Count of Orange. Case No.: 30-2020-01140087-CA-BC-CXCf

Electronically Filed by Superior Court of California, County of Orange, 05/26/2020 01:56:25 PM.
30-2020-01140087-CU-BC-CXC - ROA # 2 - DAVID H. YAMASAKI, Clerk of the Court By Sarah Loose, Deputy Clerk.

LOUIS J. CISZ, III., State Bar No. 142060
lcisz@nixonpeabody.com
RYAN C. C. DUCKETT, State Bar No. 288750
rduckett@nixonpeabody.com
NIXON PEABODY LLP
300 South Grand Ave, Suite 4100
Los Angeles, CA 90071-3151
Tel: (213) 629-6000
Fax: (213) 629-6001

Attorneys for Plaintiff
TOROVERDE, INC.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

TOROVERDE, INC., a foreign corporation,
Plaintiff,

vs.

ELEMENT 7, INC., a Delaware company
doing business in California; SIGRA LLC, a
California LLC; ELEMENT 7 ALAMEDA
LLC; ELEMENT 7 CAPITOLA, LLC;
ELEMENT 7 CONTRA COSTA LLC;
ELEMENT 7 EUREKA, LLC; ELEMENT 7
FIREBAUGH LLC; ELEMENT 7 FRESNO,
LLC; ELEMENT 7 IMPERIAL BEACH,
LLC; ELEMENT 7 MARINA, LLC;
ELEMENT 7 PITTSBURG, LLC;
ELEMENT 7 SOUTH LAKE TAHOE LLC;
ELEMENT 7 UKIAH, LLC; ELEMENT 7
WALNUT CREEK LLC; ELEMENT 7
WILLOWS, LLC; and DOES 1-15,

Defendants.

Case No.: 30-2020-01140087-CU-BC-CXC

COMPLAINT FOR:

- (1) BREACH OF CONTRACT;
- (2) BREACH OF THE COVENANT OF
GOOD FAITH AND FAIR DEALING;
- (3) UNFAIR BUSINESS PRACTICES IN
VIOLATION OF B&P CODE § 17200, *et*
seq.;
- (4) CONSPIRACY;
- (5) CONVERSION;
- (6) FRAUDULENT PROMISES;
- (7) UNJUST ENRICHMENT;
- (8) NEGLIGENCE;
- (9) DECLARATORY RELIEF;
- (10) PRELIMINARY AND PERMANENT
INJUNCTION; AND

DEMAND FOR JURY TRIAL

Assigned for all purposes to: Judge Randall J. Sherman

Dept: CX105

COMPLAINT FOR DAMAGES

Plaintiff ToroVerde, Inc. ("ToroVerde" or "Plaintiff") brings its Complaint against the following parties: Element 7, Inc. ("Defendant Element 7"), a Delaware company doing business in the state of

From: [Gassaway, David](#)
To: [Kreimeier, Amy](#)
Cc: [Feinstein, David M](#); [Stepanicich, Greg](#)
Subject: FW: Commercial Cannabis Retail Business application
Date: Thursday, February 4, 2021 6:56:12 PM

Amy – this should be provided to City Council as a part of the hearings.

From: Chatwin, Stefan <schatwin@fairfield.ca.gov>
Sent: Wednesday, February 3, 2021 4:28 PM
To: Gassaway, David <dgassaway@fairfield.ca.gov>; Stepanicich, Greg <gstepanicich@rwglaw.com>
Subject: FW: Commercial Cannabis Retail Business application

From: John Jamison <JJamison@jellybelly.com>
Sent: Wednesday, February 3, 2021 3:34 PM
To: Chatwin, Stefan <schatwin@fairfield.ca.gov>
Subject: Commercial Cannabis Retail Business application

Stefan,
I hope you're doing well.

I am reaching out today as Jelly Belly has received notice of an application to operate a Commercial Cannabis Retail Business located at 2320 Courage Drive, right next door to the Jelly Belly campus.

The Jelly Belly Visitor Center, Factory Tour and the entire Jelly Belly campus of buildings draws hundreds of thousands of travelers each year. We see a large number of busses, including school busses and tour busses filled with families and teenage students. What will our family oriented or underage guests say when they see Cannabis signage along the travel route to Jelly Belly? Also, when guests Google Map our campus, you can be certain that the icon to this Cannabis store will show right next to our logo. Our reputation as a welcoming, wholesome image is a huge asset for both Fairfield and Solano County, who have used our great brand equity to attract potential businesses or when marketing to families to make Fairfield their home.

It is not our intention to stop a Cannabis store from locating in Fairfield or even within our Industrial Park. We ask that this type of business does not place

signage in the direct travel path to our world famous Visitor Center and Factory Tour, let alone locate right next door to our Jelly Belly campus so that it shows up on Google or any other maps.

I appreciate whatever guidance you can give me to express our concerns.

Thanks

John

John Jamison

Vice President Retail Operations

Jelly Belly Candy Company

707-399-2338

jjamison@jellybelly.com

FWC Inc.

150 Alaska Ave.

CRM2020-004

CITY OF FAIRFIELD

COMMERCIAL CANNABIS BUSINESS PERMIT APPLICATION REVIEW SUMMARY

BUSINESS NAME	FWC, Inc.
DBA	Fairfield Cannabis Collective
PERMIT TYPE	Retail
CITY OF FAIRFIELD LOCATION	150 Alaska Ave.
BUSINESS CONTACT INFORMATION	Hayley Andrew, CEO PO BOX 456 Dixon, CA 95620
PHASE II SCORE	94.94% (1,519 points)
PHASE III SCORE	89.13% (2,139 points)
TOTAL COMBINED SCORE	91.45% (3,658 points)

OWNER SUMMARY

- FWC, Inc. has 5 owners:
 - Deanna Garcia, CFO - Deanna Garcia has an ownership interest in eight cannabis companies.
 - Kimberly Cargile, Secretary - Kimberly Cargile is part owner of six cannabis retail businesses.
 - Hayley Andrew, CEO - Haley Andrew founded Dixon Wellness Collective in 2017.
 - David Jones, Board Member - David Jones is Product Manager at Dixon Wellness.
 - Brandi Proffitt, Community Liaison/Board Member - Brandi Proffitt has 20 years retail management experience and helped launch the Napa Cannabis Collective (retail business).
- No owners live in the City of Fairfield, 3 currently live in Solano County.

LOCATION

- FWC Inc. proposes to locate their business at 150 Alaska Ave and has secured a lease on the property.
- The current zoning classification for the subject property is CT (Thoroughfare Commercial).
- Commercial cannabis - retail is a permitted use in the CT zone subject to the requirements of the Fairfield Municipal Code (FMC) Chapter 10E.
- The City has not identified any sensitive uses, as defined in FMC Section 10E.18 (c), within 600 feet of the subject property.
- The subject property is located within 200 feet of the Air Base Parkway and N. Texas St. intersection and less than one mile from Interstate 80.

- The site contains an existing 4,000 square foot single tenant building, 12 on-site parking spaces, and is currently fully fenced and gated.

COMMUNITY RELATIONS PLAN

- FWC Inc. proposes to develop a public education plan utilizing the “Let’s Talk Cannabis Community Toolkit” designed by the California Department of Public Health.
- Application lists numerous potential partner organizations and programs within the City, no specific partner has been identified. It is unclear if these organizations have been contacted by FWC Inc.
- FWC Inc. proposes to host Youth Cannabis Awareness & Prevention Nights for parents and adults, and to provide cannabis education to the community through seminars, educational booths at community events, and guest speaking at community events.
- Will commit 5% of profits to charities within Fairfield and Solano County.
- Will provide 5% of a given days sales to specific charities through “Big days of Giving”.
- Each employee provided 8 hours of paid volunteer time per month.

PUBLIC COMMENTS

The City has received three comment letters in objection to a proposed commercial cannabis business at 150 Alaska Ave, attached. The first letter was sent by the owner of 3445-2425 N. Texas St, located east of the subject site across Air Base Parkway and contains one objection. The objection is:

1. The objection to a commercial cannabis business at the subject site is general in nature, cautioning the City on approving retail cannabis stores in the City without substantial oversight and security requirements. The letter also suggests a sunset provision.
 - **RESPONSE:** The commercial cannabis regulatory program approved by the City Council, Fairfield Municipal Code Chapter 10E, contains substantial operating requirements, security requirements, and City oversight. The program has been designed so that commercial cannabis uses operate at the highest of standards. Approval of a commercial cannabis permit is not permanent and does not run with the land. Permits must be renewed yearly and are subject to review. If a business operator does not comply with City or State requirements, Fairfield Municipal Code Chapter 10E contains numerous provisions in which an approved commercial cannabis could be revoked or terminated.

The second letter was provided by the owner of the apartment complex at 131 Alaska Ave. and contains one objection. The objection is:

1. The business should not be permitted due to the presence of children in the project vicinity.

- **RESPONSE:** The subject site meets the locational requirements of Fairfield Municipal Code Chapter 10E and is a permitted use in the CR zone. The City has not identified any sensitive uses, as defined in FMC Section 10E.18 (c), within 600 feet of the subject property at the time the project was deemed complete. Fairfield Municipal Code Chapter 10E does prohibit commercial cannabis uses from being located in the vicinity of residential zones.

The third letter was provided by the owners of 2415 and 2445-2475 N. Texas, located east of the subject site across from Air Base Parkway and contains two objections. The objections are:

1. A cannabis business in this area of Fairfield would increase crime, homelessness, loitering, drug deals, and blight, and require an increased police presence.
 - **RESPONSE:** Commercial cannabis businesses must comply with extensive security requirements as outlined by the State of California and the City of Fairfield. This includes requirements for security lighting, security cameras, and the presence of security on site 24 hours a day. The business will be required to comply with the security requirements outlined in Fairfield Municipal Code Chapter 10E. These security measures are well in excess of what would be enacted for a typical retail establishment and will deter criminal activity on site and in the project vicinity. The subject site is currently vacant and has become an attractive site for dumping and for the homeless to gather. The commercial cannabis business will enhance the site and make it visually appealing once more. Upgrading the site from its current condition will enhance the value of the site and the surrounding commercial area. Those experiencing homelessness will be deterred once the business is active and operating. Loitering is strictly prohibited under the requirements of the Fairfield Municipal Code and this will be enforced by the presence of 24-hour security.
2. The business should not be permitted because it is located within ½ mile of Fairfield High School.
 - **RESPONSE:** The subject site meets the locational requirements of Fairfield Municipal Code Chapter 10E and is a permitted use in the CR zone. The City has not identified any sensitive uses, as defined in FMC Section 10E.18 (c), within 600 feet of the subject property at the time the project was deemed complete. Fairfield Municipal Code Chapter 10E does prohibit commercial cannabis uses from being located in the vicinity of residential zones.



Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2020-004

Tracking Number

FWC, Inc. dba Fairfield Cannabis Collective

Applicant Name / DBA

2801 Waterman Blvd. #150 Fairfield, CA 94534

Proposed Location

Storefront Retail (A/M)

License Type

SCORE SUMMARY

1,600 Total Points Available

1,523 Points Received

95.19% Total Score Percentage

0 Number of pages over 200 limit

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
1 Business Plan (300 pts)		300	288	
1.1 Owner qualifications. Resumes are not to exceed two (2) pages per owner.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
1.2 A budget for construction, operation, and maintenance, compensation of employees, equipment costs, utility cost, and other operation costs.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	32	Budget is broken up into three different documents, and some contents of each appear to overlap, making establishing a conclusive start-up figure difficult.
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.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	40	Addressed criteria.
1.4 Financial pro forma for at least three years of operation.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	40	Addressed criteria.
1.5 Fully describe hours of operation and opening and closing procedures.	All or none	30	30	Addressed criteria.
1.6 Fully describe the day-to-day operations for each license type being sought.	0% / 50% / 80% / 100% 0 / 50 / 80 / 100	100	96	Failed to distinguish between those 21 and older and medical patients age 18 to 21. Age is not mentioned, nor is physician's recommendation for medical patients.
1.6.1 Additional criteria for RETAIL applications only:				
a. Describe customer check-in procedures.				Check-in process (p.26) failed to distinguish between those 21 and older and medical patients age 18 to 21. Age is not mentioned, nor is physician's recommendation for medical patients.
b. Identify location and procedures for receiving deliveries during business hours.				Addressed criteria.
c. Identify the name of the Point-of-sale system to be used and the number of Point-of-Sale locations.				Addressed criteria.
d. Estimate the number of customers to be served per hour/day.				Addressed criteria.
e. Describe the proposed product line to be sold and estimate the percentage of sales of flower and manufactured products.				Addressed criteria.
f. If proposed, describe delivery service procedures, number of vehicles and product security during transportation.				Not applicable. Narrative at p.28 indicates Applicant will not incorporate deliveries into his business model.
Summary	Haley Andrew founded Dixon Wellness Collective in 2017; Kimberly Cargyle is part owner of six cannabis retail businesses; Deanna Garcia has an ownership interest in eight cannabis companies; David Jones is Product Manager at Dixon Wellness; Brandi Proffitt has 20 years retail management experience and helped launch the Napa Cannabis Collective (retail business). Start-up budget is estimated to be \$ [REDACTED] (see Comment in 1.2 above). Pro Forma spans 4 years. Bank statements and letters of credit combined show Applicant has liquid assets of at least \$ [REDACTED]. Opening procedures include visual inspection of exterior, disarming alarm and employee login to payroll system. Closing procedures include cash counting and locking cash and inventory from sales floor into safe. Deliveries will occur in fully enclosed loading bay with door closed and locked. Applicant will use COVA point of sale software and have 3 sales registers to begin with. Applicant estimates 10 customers/day for the first year, expanding to 10 customers/hour in the second year. Products: 31% dried flower, 69% manufactured products (topicals, concentrates, edibles).			



Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2020-004

Tracking Number

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
2 Labor and Local Enterprise Plan (300 pts)		300	243	
2.1 Describe whether the CCB is committed to offering employees a living wage.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	72	Addressed criteria.
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.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	71	Health insurance provided after one year of employment, but narrative lacks detail as to scope (health, dental vision?)
2.3 Describe compensation to and opportunities for continuing education and employee training.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	50	Applicant stated at p. 56 that it will "provide options for external continuing education" but provided no further detail.
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.	All or none	25	0	Two of the five owners (40% of ownership) reside in Vacaville 10 miles away on I-80. Three of Applicant's Board Members reside in Solano County.
2.5 Describe the expected number of employees, title/position, and their respected responsibilities.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
Summary Applicant will pay equivalent of living wage for single persons with no dependents. Pay scale will be \$15 to \$25/hour. Living wage in Solano County for a single person without children is \$13.38/hour, but with one child it is \$29.18/hour. Employees will have 3 days paid sick leave and full-time employees will have one week's paid vacation. Paid family/maternal leave will be provided. Information re: CalSavers retirement plan will be made available to employees. Employees training will include but not be limited to: Standard Operating Procedures, Safety and Security Training including COVID-19 protocols, and cannabis-specific training including: State Regulations, Fairfield 10E Cannabis Ordinance, the Endocannabinoid System, and Phyto Cannabinoids and Terpenes. Detailed job descriptions are provided.				

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
3 Neighborhood Compatibility Plan (200 pts)		200	200	
3.1 Describe how the CCB will proactively address and respond to complaints related to noise, light, odor, litter, and vehicle and pedestrian traffic.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
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.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
3.3 Describe odor mitigation practices.	0% / 50% / 80% / 100% 0 / 10 / 16 / 20	20	20	Addressed criteria.
3.4 Identify potential sources of odor	All or none	10	10	Addressed criteria.
3.5 Describe odor control devices and techniques employed to ensure that odors from cannabis are not detectable beyond the licensed premises.	All or none	10	10	Addressed criteria.
3.6 Describe all proposed system maintenance.	All or none	10	10	Addressed criteria.
3.7 Describe the waste management plan.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
Summary Applicant has appointed one of its Directors, Brandi Proffitt, as Community Liaison. Applicant's Membership Guidelines will play a role in nuisance management (for example they address appropriate noise levels) and will be enforced by Security staff. Open House events will be held in part to help address any concerns neighbors have. Exterior lights will be directed toward the ground rather than outwards. Carbon and HEPA air filters in the HVAC system will eliminate potential residual odors that are detectable with child-resistant product packaging. Members will be encouraged to use Applicant's "Express Order" program to minimize traffic impacts. There will be scheduled maintenance of the air filtration system every three months.				



Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2020-004

Tracking Number

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
4 Safety Plan (400 pts)		400	396	
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:	0% / 50% / 80% / 100% 0 / 100 / 160 / 200	200	200	Addressed criteria.
4.1.1 Accident and incident reporting procedures.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
4.1.2 Evacuation routes.	All or none	25	25	Addressed criteria.
4.1.3 The location of fire extinguishers and other fire suppression equipment.	All or none	25	25	Addressed criteria.
4.1.4 Procedures and training for all fire and medical emergencies.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	71	Medical emergency discussion failed to mention first aid training
Summary Fire Safety Plan was prepared by Michael E. Gazsi of Innersec Inc., a Fire Protection Specialist. A lock box will be installed on the exterior of the building, providing keys to all locked doors within the facility. Emergency training for employees will include plans of action in event of fire, earthquake, hurricanes, weather disturbances, workplace violence and terrorist events. Emergency exits are clearly marked in the diagram a p. 98, but the evacuation routes are not. Instruction will include use of fire extinguishers and criteria for whether employees should attempt to extinguish a fire themselves. Medical emergency training includes CPR training.				



Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2020-004

Tracking Number

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
5 Security Plan (400 pts)		400	396	
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:	All or none	60	60	Addressed criteria.
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).	0% / 50% / 80% / 100% 0 / 70 / 112 / 140	140	136	Diagram failed to identify limited access areas.
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)				Addressed criteria.
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.				Addressed criteria.
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.				Addressed criteria, however there is no break room.
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.				Addressed criteria.
5.1.2 Number and location of all video surveillance cameras				Addressed criteria.
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).	All or none	60	60	Addressed criteria.
5.3 Briefly describe cash handling procedures.	0% / 50% / 80% / 100% 0 / 5 / 8 / 10	10	10	Addressed criteria.
5.4 Discuss whether the CCB will utilize the services of on-site security guards. Include in the discussion:	0% / 50% / 80% / 100% 0 / 65 / 104 / 130	130	130	Addressed criteria.
5.4.1 Number of guards.				Addressed criteria.
5.4.2 Hours guards will be on-site.				Addressed criteria.
5.4.3 Locations at which they will be positioned.				Addressed criteria.
5.4.4 Guards' roles and responsibilities.				Addressed criteria.
Summary Applicant's alarm system will be a professionally installed perimeter and interior alarm system with a valid Underwriters Laboratory (UL) Certificate, and will be monitored by Alert 360 Security, an Oklahoma-based UL Certified Security Service Company. Security guards will be on-site 24 hours/day. There will be [REDACTED] guards, [REDACTED]. During business hours, [REDACTED]. Guards will monitor surveillance cameras, provide escort to vehicles, patrol facility and discourage loitering, on-site consumption, and other prohibited activities. Cash counting will occur in an access-controlled room and will be captured on video. Cash will be stored in a safe, again in an access-controlled room.				



January 27, 2021

VIA FEDEX & EMAIL planning@fairfield.ca.gov

City of Fairfield
Planning Division
1000 Webster Street
Fairfield, CA 94533

RE: Property #3445 - 2425 N. Texas Street, Fairfield, CA ("Property")

Ladies and Gentlemen:

This office serves as managing agent for Jefan LLC, the owner of the above-referenced Property. In that capacity, we received the enclosed Notice of Public Comment Period Regarding Application to Operate a Commercial Cannabis Retail Center, by FWC INC at 150 Alaska Ave. 150 Alaska Ave. is directly across from our Property. On behalf of the owners of the Property, we strenuously object to the granting of cannabis permits to allow the operations of an adult use cannabis store at 150 Alaska Ave.

In our experience, municipal authorities must be very careful in granting licenses and approving uses for adult use cannabis stores, as these businesses, among other things, often attract and create impermissible gatherings and additional maintenance and repair concerns.

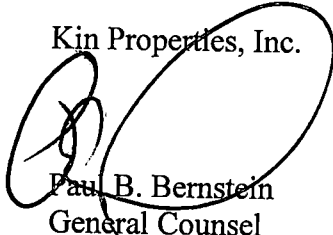
Should any permits be granted to allow such operation, we would hope that it would be subject to substantial and strong compliance oversight and increased security requirements. We also certainly encourage a sunset provision. Then, the situation can be reviewed within a short period of time to determine whether the permits and period of allowed use should be extended. Contingent and temporary permits are effective controls in such situations.

Please share this letter with any and all administrative and elected officials who have responsibility for this matter.

Thank you.

Very truly yours,

Kin Properties, Inc.



Paul B. Bernstein
General Counsel

Phone: (561) 620-9200, ext. 175

PB:wn

Enclosure

cc (via Fedex):
Dollar Tree Stores, Inc. #2341
Attn: Real Estate Department
500 Volvo Parkway
Chesapeake, VA 23320

Lee Cherney
Beth Calay
Paul Ross

From: planning@fairfield.ca.gov
To: [Kreimeier, Amy](#)
Subject: FW: Public Comment Opposing Retail Lease for FWI, Inc.
Date: Monday, February 8, 2021 11:35:25 AM

Cindy Garcia

Cindy Garcia | Office Specialist
City of Fairfield | Community Development Department
Office: 707-428-7452 | Fax: 707-428-7621
cgarcia@fairfield.ca.gov

Please note: Fairfield City Hall is closed the 1st and 3rd Fridays of every month

From: Becky Williamson <becky.williamson@yahoo.com>
Sent: Monday, February 8, 2021 11:30 AM
To: planning@fairfield.ca.gov
Cc: Cary Cheng <ccdogg2001@gmail.com>; Andrew Cheng <aycheng@aol.com>; Hung Ying Cheng <hcheng699@yahoo.com>; Marisa Cornejo <marisa@summitprops.com>
Subject: Public Comment Opposing Retail Lease for FWI, Inc.

To: The City of Fairfield Planning Committee and Fairfield City Council

From: Becky C. Williamson, Trustee of the CSC Bypass Trust, Owner of 131 Alaska Ave. Apartments

We received notification from the City of Fairfield that FWI, Inc. has recently applied for a cannabis commercial retail permit to lease the space at 150 Alaska Ave. While we appreciate that the City has determined no youth centers, commercial day care facilities, K-12 schools, etc, as defined by Fairfield Municipal code Section 10E.18(c) are located within 600 feet of the subject property, the numbers of young children living in the residential areas just west of the retail strip mall the area has not been determined.

At least 50% of our tenants have young children living at our apartment complex on 131 Alaska Ave, less than 600 feet away from the proposed retailer. There are also several other multi-family complexes and residential homes just west of our complex, potentially making cannabis easily accessible to children living in the area. Furthermore, for your consideration, Fairfield High School is just a short 3 minute drive away. While we respect adult choices for recreation, as a community, we feel it is our duty to help protect our children from potential harm.

For the reasons above, the owner of 131 Alaska Ave. would like to **OPPOSE** the City's potential lease of 150 Alaska Ave. to commercial cannabis retailer, FWI. Inc. We hope you feel the same, and will consider leasing to a more community-neutral/positive retailer.

Please let me know if you have any questions.

Sincerely,

Becky C. Williamson
Trustee of The CSC Bypass Trust, Owner of 131 Alaska Ave. Apartments

312.636.6557

CC: Marisa Cornejo, Property Manager, Summit Properties

Hung Y. Cheng, The CSC Bypass Trust, Owner of 131 Alaska Ave. Apartments

Andrew Cheng, The CSC Bypass Trust, Owner of 131 Alaska Ave. Apartments

Cary Cheng, The CSC Bypass Trust, Owner of 131 Alaska Ave. Apartments

SENT VIA EMAIL planning@fairfield.ca.gov

February 8, 2021

Community Development Department
Planning Division
1000 Webster Street, 2nd Floor
Fairfield, CA 94533

Re: 150 Alaska Street, Fairfield CA
Notice of Public Comment

To Whom It Concerns,

This letter responds to the Notice of Public Comment for 150 Alaska Avenue, Fairfield ("Alaska Site").

We are the owners of 2415 N. Texas Street (Parcel 0162-183-190) and 2445 thru 2475 N Texas Street (Parcel 0162-183-170), which properties are located within the Smart and Final shopping center across Airbase Parkway from the Alaska Site.

WE ARE NOT IN FAVOR of the opening of a commercial cannabis business at the Alaska Site for the following reasons:

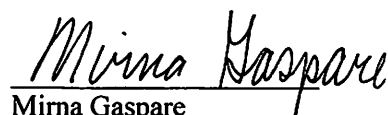
- 1) There are chronic homeless and drug sale problems at the commercial properties along N Texas Street, in particular from Air Base Parkway to Atlantic Avenue. The police are called out multiple times each week to our site to disband and/or arrest the homeless and drug dealers. The addition of a cannabis business nearby will only encourage these groups to hang out and frequent the area. The police work hard and have made great strides in their fight against the blight of this area. Let's continue to support their efforts by not approving a business use that will add problems.
- 2) While the Alaska Site falls outside the 600' minimum distance requirement for a school, Fairfield High School is 1/2 mile from the Alaska Site and easily accessible to the students. Since there are many high school students aged 18 and up, it isn't hard to imagine these adult students purchasing cannabis and then reselling it to under-age users both on and off campus. Do we really need to offer another negative distraction for students and parents in the area?

We have owned our properties more than 25 years and over the last decade the City of Fairfield has dedicated meaningful resources and effort into revitalizing this part of town. The introduction of tenants including Wal-Mart, Smart and Final, Planet Fitness, BurgerIM and Walgreens has not only improved the quality of commercial services available in the area but also the overall safety and quality of life of the surrounding neighborhoods. Let's not risk all the hard-fought progress by permitting a controversial, niche, cannabis store to operate in an area that is revitalizing, already struggling with drug related problems, and a stone's throw from the local high school.

Please feel free to contact us via email (gasparetrust@msn.com) or by phone (858-755-7171) with any questions.

Sincerely,


Martin Gaspare
Trustee of M&M Gaspare Trust


Mirna Gaspare
Trustee of the M&M Trust

**Responsible and
Compliant Retail
Fairfield LLC**

180 Serrano, Suite A

CRM2020-008

CITY OF FAIRFIELD

COMMERCIAL CANNABIS BUSINESS PERMIT APPLICATION REVIEW SUMMARY

BUSINESS NAME	Responsible and Compliant Retail Fairfield LLC
DBA	Embarc Fairfield
PERMIT TYPE	Retail
CITY OF FAIRFIELD LOCATION	180 Serrano Dr., Suite A
BUSINESS CONTACT INFORMATION	Ron Turner 180 Serrano Drive, Suite A Fairfield, CA 94533
PHASE II SCORE	99.75% (1,596 points)
PHASE III SCORE	92.46% (2,219 points)
TOTAL COMBINED SCORE	95.38% (3,815 points)

OWNER SUMMARY

- The proposed business has four owners:
 - Ron Turner, Chairman, Head of Community Engagement – Ron Turner is a former City of Fairfield police officer and the founder of the Solano County branch of the 100 Club, a non-profit based in Fairfield.
 - Lauren Carpenter, CEO – Lauren Carpenter has worked in the cannabis industry since 2018.
 - George Miller, Head of Government Affairs – George Miller is a former California Coastal Commissioner and the owner of two cannabis retail stores in Contra Costa County.
 - Dustin Moore, Chief Compliance Officer – Dustin Moore has worked in the cannabis industry since 2014 in the United States, Mexico, and Canada.
- None of the owners listed live in Fairfield, one owner lives in Solano County.

LOCATION

- The business is to be located at 180 Serrano Drive, Suite A and has secured a lease on the property.
- The current zoning classification for the subject property is CR (Regional Commercial).
- Commercial cannabis - retail is a permitted use in the CR zone subject to the requirements of the Fairfield Municipal Code (FMC) Chapter 10E.
- The City has not identified any sensitive uses, as defined in FMC Section 10E.18 (c), within 600 feet of the subject property at the time of this writing.
- The subject site is located off Auto Mall Parkway, surrounded by commercial uses and is visible from Interstate 80.

- The business will be located within a 2,800 square foot unit in a multi-tenant building with 14 dedicated parking spaces.

COMMUNITY RELATIONS PLAN

- The business will establish a community advisory board to implement their community relations plan and provide community outreach services.
- The business has identified community members who have agreed to serve on the community advisory board including Ron Turner, Debi Tavey, David Isom, Teresa Courtemanche, Elease Cheek, Ruth Forney, Brian Hooker, and Sam Morris.
- The business proposes to have the community advisory board create and implement a youth education program based on the state of California's "Let's Talk" campaign and has provided a framework for the structure, content, and delivery of the program.
- The business proposes a one-time allocation of \$50,000 to create the program and secure necessary infrastructure.
- The business will provide on-going funding in the form of grants to community partners to implement the educational program and has identified the Matt Garcia Foundation as one community partner.
- The business will dedicate 1% of gross receipts, 1% of the sales of in-house brands, and seek 1% of sales from other brands offered for sale to a community investment fund. This fund will be used to provide the grants to community partners. The fund will be managed by the community advisory board.
- The business will host monthly educational panels for adults on a variety of cannabis related topics.
- The business will provide employees up to 40 hours of paid time off to volunteer per year.

PUBLIC COMMENTS

The City has received one comment letter regarding a proposed cannabis business at 180 Serrano Dr, attached. The comment letter was provided by a residential property owner within the projects vicinity and raises 2 objections. The objections are:

1. An increase in parking congestion in the area.
 - **RESPONSE:** The business is located on a multi-tenant site with 14 dedicated on-site parking spaces. The number of parking spaces meets City of Fairfield Zoning Ordinance requirements for retail uses. Commercial cannabis is a high traffic business with high customer turnover. Customers spend significantly less time on site than customers of other retail establishments. The presence of 24-hour security will prevent loitering. The letter references current concerns with parking on the street and in nearby vacant dirt lots. These concerns should be dealt with through the appropriate City channels such as code enforcement.
2. The business should not be permitted due to the presence of children in the project vicinity.

- **RESPONSE:** The subject site meets the locational requirements of Fairfield Municipal Code Chapter 10E and is a permitted use in the CR zone. The City has not identified any sensitive uses, as defined in FMC Section 10E.18 (c), within 600 feet of the subject property at the time the project was deemed complete. Fairfield Municipal Code Chapter 10E does prohibit commercial cannabis uses from being located in the vicinity of residential zones.



Fairfield Commercial Cannabis Application
Phase 2 Criteria Evaluation Report

CRM2020-008

Tracking Number

Responsible and Compliant Retail Fairfield LLC dba Embarc Fairfield

Applicant Name / DBA

180 Serrano Drive, Suite A Fairfield, CA 94533

Proposed Location

Storefront Retail (A/M)

License Type

SCORE SUMMARY

1,600	Total Points Available
1,596	Points Received
99.75%	Total Score Percentage
0	Number of pages over 200 limit

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
1 Business Plan (300 pts)		300	300	
1.1 Owner qualifications. Resumes are not to exceed two (2) pages per owner.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
1.2 A budget for construction, operation, and maintenance, compensation of employees, equipment costs, utility cost, and other operation costs.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	40	Addressed criteria.
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.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	40	Addressed criteria (see note in Summary).
1.4 Financial pro forma for at least three years of operation.	0% / 50% / 80% / 100% 0 / 20 / 32 / 40	40	40	Addressed criteria.
1.5 Fully describe hours of operation and opening and closing procedures.	All or none	30	30	Addressed criteria.
1.6 Fully describe the day-to-day operations for each license type being sought.	0% / 50% / 80% / 100% 0 / 50 / 80 / 100	100	100	Addressed criteria.
1.6.1 Additional criteria for RETAIL applications only:				
a. Describe customer check-in procedures.				Addressed criteria.
b. Identify location and procedures for receiving deliveries during business hours.				Addressed criteria.
c. Identify the name of the Point-of-sale system to be used and the number of Point-of-Sale locations.				Addressed criteria.
d. Estimate the number of customers to be served per hour/day.				Addressed criteria.
e. Describe the proposed product line to be sold and estimate the percentage of sales of flower and manufactured products.				Addressed criteria.
f. If proposed, describe delivery service procedures, number of vehicles and product security during transportation.				Addressed criteria.
Summary	Owner qualifications are provided for Lauren Carpenter (45%), Dustin Moore (45%), Ron Turner (5%), and George Miller (5%). Applicant identifies start-up budget as \$[REDACTED]. There is proof of capital in the form of a letter of credit from Sandra Schlemm, who is not among the principals listed in the application, but there is a Leonard Schlemm, the Vice President of Finance and Corporate Development. Applicant provided a 5-year Pro Forma. Electronic access cards restrict employee entry to within one hour of the store opening and one hour of the store closing to prohibit after-hours or unauthorized access. Applicant will use Blaze for its point of sale software, with six sales registers. Applicant anticipates serving 350 customers per day, 240 in the retail store and 110 via deliveries. Applicant believes it will meet industry averages on product sales: Flower (40%), concentrates (31%), edibles (14%), and pre-rolls (10%), with the remaining 10% shared between topicals and other cannabis products. Applicant provided detailed delivery procedure discussion and anticipate using 5 vehicles.			

Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2020-008

Tracking Number

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
2 Labor and Local Enterprise Plan (300 pts)		300	296	
2.1 Describe whether the CCB is committed to offering employees a living wage.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
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.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	71	Applicant states at p. 86 that it "contributes significantly to [health insurance] programs" but does not specify a ratio. Vacation is listed among the benefits but there are no details.
2.3 Describe compensation to and opportunities for continuing education and employee training.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
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.	All or none	25	25	Addressed criteria.
2.5 Describe the expected number of employees, title/position, and their respected responsibilities.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
Summary Embarc's retail employees are paid starting salaries of at least \$17/hour up to nearly \$50/hour for senior managers. Comprehensive benefits package will include health, dental and vision, and 100% employer paid premium life insurance policies. Financial literacy training and employee stock options (ESOP) are included in the benefits package. Sick leave, time off for voting, and several other forms of available leave are detailed at p.86. Paid two-week training is provided upon hiring; period trainings will follow. Employees will have opportunities to serve as paid mentors in educating new hires and for ongoing all-staff trainings. Tuition assistance and a scholarship program are also provided. Ron Turner is a former Fairfield resident and Police Officer and current operator of the 100 Club of Solano & Yolo Counties, a nonprofit 501(c)(3) organization founded in 2016 and headquartered in Fairfield. Applicant anticipates 20 employees and provides detailed job descriptions.				

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
3 Neighborhood Compatibility Plan (200 pts)		200	200	
3.1 Describe how the CCB will proactively address and respond to complaints related to noise, light, odor, litter, and vehicle and pedestrian traffic.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
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.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
3.3 Describe odor mitigation practices.	0% / 50% / 80% / 100% 0 / 10 / 16 / 20	20	20	Addressed criteria.
3.4 Identify potential sources of odor	All or none	10	10	Addressed criteria.
3.5 Describe odor control devices and techniques employed to ensure that odors from cannabis are not detectable beyond the licensed premises.	All or none	10	10	Addressed criteria.
3.6 Describe all proposed system maintenance.	All or none	10	10	Addressed criteria.
3.7 Describe the waste management plan.	0% / 50% / 80% / 100% 0 / 25 / 40 / 50	50	50	Addressed criteria.
Summary Applicant will request that a Good Neighbor Policy be included in its conditional use permit. Applicant will designate an emergency contact and provide his/her contact information to the Chief of Police, and will maintain proper ventilation to ensure odor control, prohibit loitering, littering, on-site consumption and double parking to minimize traffic impacts. Applicant will prohibit horns/signal devices except those needed to warn of danger. Exterior lighting will be shielded LED lamps with full cutoff fixtures to limit glare and deter trespass. Applicant will use an odor absorbing HVAC system employing high-tech air scrubbing and carbon filtration systems, with negative air pressure. Discussion focuses on maintenance of HVAC system, network servers, smoke detectors and surveillance cameras. Cannabis waste on the licensed premises will be secured in a receptacle/area that is restricted to the licensee, its employees, or an authorized waste hauler. Gaica is the contracted waste hauler.				



Fairfield Commercial Cannabis Application
Phase 2 Criteria Evaluation Report

CRM2020-008

Tracking Number

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
4 Safety Plan (400 pts)		400	400	
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:	0% / 50% / 80% / 100% 0 / 100 / 160 / 200	200	200	Addressed criteria.
4.1.1 Accident and incident reporting procedures.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
4.1.2 Evacuation routes.	All or none	25	25	Addressed criteria.
4.1.3 The location of fire extinguishers and other fire suppression equipment.	All or none	25	25	Addressed criteria.
4.1.4 Procedures and training for all fire and medical emergencies.	0% / 50% / 80% / 100% 0 / 37.5 / 60 / 75	75	75	Addressed criteria.
Summary	The Safety Plan was prepared by consultants David Hoover and Bret Tresidder of HYT Corporation, a firm specializing in fire suppression. Safety Plan includes criteria that must be met before employees attempt to extinguish a fire themselves. All Embarc managers will be provided a CPR course prior to the store opening. The facility has an automatic sprinkler system, per notation on p. 122 (not shown on diagrams). In addition to Cal-OSHA training, employees will be trained in means of reporting incidents, evacuation procedures, and rescue and medical duties.			



Fairfield Commercial Cannabis Application Phase 2 Criteria Evaluation Report

CRM2020-008

Tracking Number

Criteria	Scoring Basis	Points Available	Points Received	Evaluation
5 Security Plan (400 pts)		400	400	
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:	All or none	60	60	Addressed criteria.
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).	0% / 50% / 80% / 100% 0 / 70 / 112 / 140	140	140	Addressed criteria.
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)				Addressed criteria, but no internal measurements of the interior spaces were provided.
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.				Addressed criteria.
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.				Addressed criteria.
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.				Addressed criteria.
5.1.2 Number and location of all video surveillance cameras				Addressed criteria.
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).	All or none	60	60	Addressed criteria.
5.3 Briefly describe cash handling procedures.	0% / 50% / 80% / 100% 0 / 5 / 8 / 10	10	10	Addressed criteria.
5.4 Discuss whether the CCB will utilize the services of on-site security guards. Include in the discussion:	0% / 50% / 80% / 100% 0 / 65 / 104 / 130	130	130	Addressed criteria.
5.4.1 Number of guards.				Addressed criteria.
5.4.2 Hours guards will be on-site.				Addressed criteria.
5.4.3 Locations at which they will be positioned.				Addressed criteria.
5.4.4 Guards' roles and responsibilities.				Addressed criteria.
Summary	The alarm system is manufactured by Bosch, an industry leading UL Certified intrusion alarm manufacturer. Narrative includes notification procedures for both an intrusion alarm as well as a panic alarm. DVR device/server is located in the vault. Video monitoring equipment for the entire facility can be done from [redacted] locations: [redacted]. Currency stored on site will be stored in a Underwriters Laboratory-certified burglary resistant safe. Transport of cash off-site will be done by a CHP-licensed armored carrier with armed, uniformed security. Cash counting will occur in a designated office and will be manager-supervised and captured on video. There will be [redacted] guards on-site during business hours, and [redacted] after hours. Guards will be stationed at [redacted] points in the facility involving interaction with the public/outside vendors: [redacted].			

Lippstreu Rentals
5194 Clayton Road
Fairfield, CA 94534

RECEIVED

FEB 04 2021

City of Fairfield
Community Development Dept

January 31, 2021

City of Fairfield
Community Development Department
1000 Webster Street 2nd Floor
Fairfield, CA 94533

To whom it may concern,

We have owned duplexes at 202-204-208 Hamilton Drive, Fairfield, CA for over 40 years. We have maintained our properties and we are very proud of our rentals.


Since the DMV has moved into the Hamilton/Serrano area, cars are parked on the streets for hours at a time. With the City considering a commercial cannabis business in close range of our buildings, we are extremely concerned about the clients as well as the parking congestion being created in the neighborhood.

We had to construct a \$15,000.00 fence on our properties to keep the homeless from our buildings. Cars are constantly parking in the dirt lots adjacent to our buildings. The homeless population living in the creek is extremely active and causes daily concerns for our properties.

While the commercial development of this area is happening, we are still a residential community on Hamilton Drive. Several of our tenants have families with younger family members. Is this cannabis business the only possible choice for the area?

Thank you for your attention to our concerns.

Yours truly,


Susan Lippstreu—Owner


Lynn Lippstreu -- Manager