

# Commercial Cannabis – Retail

## Conditions of Approval

Business Name: Responsible and Compliant Retail Fairfield LLC.

DBA: Embarc

Address: 180 Serrano Ave, Suite A

File No.: CRM2020-008

**RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** has been granted preliminary approval to operate a commercial cannabis – retail business in the City of Fairfield at **180 Serrano Ave, Suite A** as described in the application and shown on the site plan submitted to the City on **October 23, 2020**.

The Council may impose such terms, conditions, and restrictions on the operation, management, and conduct of the commercial cannabis business, as deemed necessary to protect the health, safety, or welfare of the City or to ensure compliance with State or local laws. This preliminary approval has been granted subject to compliance with the following conditions which must be satisfied prior to the issuance of a commercial cannabis business permit, unless noted otherwise:

### 1.0 PRELIMINARY APPROVAL/ REVOCATION

- 1.1 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall comply with (i) all of the provisions set forth in Fairfield Municipal Code (FMC) Chapter 10E applicable to a store-front retail commercial cannabis business, as the case may be; (ii) any and all applicable rules and regulations at any time promulgated by the City Manager pursuant to said chapter; (iii) any and all amendments to said chapter; (iv) any and all ordinances, rules, and policies adopted by the City which are made applicable to all store-front retail commercial cannabis businesses operating within the jurisdictional boundaries of the City; and (v) any and all laws and regulations of the State of California applicable to **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** store-front commercial cannabis retail business.
- 1.2 The City Manager shall not formally issue the commercial cannabis business permit to **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** unless and until the Community Development Director confirms that all of the required land use approvals have been obtained.
- 1.3 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall not begin operations, notwithstanding the issuance of a permit, until it has complied with all State and local laws and regulations, including but not limited to receipt of a State license.
- 1.4 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall abide by, honor, adhere to, perform, implement, and carry out all the representations, statements, promises, statements of plans and intentions, assurances, descriptions, conditions, and terms, as the case may be, set forth in **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** application. Should any conflicts exist between **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** application

and the laws, rules, policies, and/or regulations described in condition 1.1, above, the more stringent provision shall apply.

- 1.5 Notwithstanding the issuance of a commercial cannabis business permit, the contents of **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** application and the conditions of approval as set forth shall remain applicable and be fully enforceable through the City's police power. In the event **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** operations deviate from **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** application in any way, violate these conditions of approval, result in a public or private nuisance, or are otherwise inconsistent with any federal, state, or local, law, rule, or regulation, the City shall have all remedies available, in law or in equity to enforce the terms of **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** application, conditions, laws, rules and regulations. Notwithstanding the above, the City Manager may approve deviations from **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** application to the extent necessary to further the purposes of FMC Chapter 10E or to protect public health, safety, and welfare.

## **2.0 COMMUNITY RELATIONS**

- 2.1 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall provide to the City, and to all businesses and residences located within 100 feet of the business, the name, telephone number, and email address of a community relations representative to whom notice of problems associated with the commercial cannabis business can be provided.
- 2.2 During the first year of operations following receipt of a permit, the owner, manager, and community relations representative from **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall attend meetings with the City Manager, and other interested parties as deemed appropriate by the City Manager, to discuss the costs, benefits, and other community issues arising as a result of implementation of FMC Chapter 10E. After the first year of operation, the owner, manager, and community relations representative from **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall meet with the City Manager upon reasonable request.
- 2.3 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall develop a City-approved public outreach and educational program for youth organizations and educational institutions that outlines the risks of youth addiction to cannabis, and that identifies resources available to youth related to drugs and drug addiction.
- 2.4 Prior to issuance of the commercial cannabis business permit, **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall enter into a community relations agreement with the City setting forth the terms and conditions under which **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall implement its community relations program, including but not limited to those set forth below:

- 2.4.1 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall establish a community investment fund for the sole purposes of funding a youth education and drug prevention program and community outreach and engagement activities.
- 2.4.2 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall allocate a minimum of 1% of gross receipts and 1% of the sales of in-house brands to the community investment fund in perpetuity. **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** will also actively seek and request a minimum of 1% of sales from other cannabis brands sold at the business to contribute to the community investment fund.
- 2.4.3 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall establish a Community Advisory Board. The Community Advisory Board shall have the sole power and authority to distribute the community investment fund to community partners for the implementation of the youth education and drug prevention program community outreach and engagement activities in perpetuity and free of influence of **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** staff.
- 2.4.4 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall reserve up to two Community Advisory Board positions for City of Fairfield representatives. The final number of City of Fairfield representatives will be determined as part of the community relations agreement.
- 2.4.5 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall partner with the Matt Garcia Foundation, or other organization as specified in the community relations agreement, to create and implement a youth education and drug prevention program based on the National Institute on Drug Abuse's "Research Based Guide for Parents, Educators, and Community Leaders for Preventing Drug Use in Children and Adolescents" and utilizing the State of California's "Let's Talk" campaign. The structure and content of the program will include, but not be limited to, that listed in **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** application.
- 2.4.6 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall provide a one-time payment of not less than \$50,000.00 for the purposes of securing the curriculum and infrastructure necessary to execute the youth education and drug prevention program.
- 2.4.7 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall create a 'Street Team' for the purposes of organizing and implementing ongoing community revitalization and beautification efforts, committing to a minimum of one community cleanup per month.

- 2.4.8 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall host monthly educational panels, informational workshops, or non-profit partnership events for the purpose of providing community education on cannabis.
- 2.4.9 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall provide monthly free educational workshops on cannabis, led by a Senior Outreach and Educational Advisor, to Fairfield's senior citizen community. **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** will provide a discount to senior citizens on all products.
- 2.4.10 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall seek to create a cannabis subcommittee with the Fairfield-Suisun Chamber of Commerce that would include a representative of each legal cannabis business in the City.
- 2.4.11 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall seek to establish workforce development partnerships with Solano Community College or other entities as specified in the community relations agreement.
- 2.4.12 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall identify partner organizations located within the City of Fairfield with which to provide and/or support equity scholarship programs and scholarships for underrepresented groups.
- 2.4.13 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall provide financial literacy workshops for the general public to assist low income community members with issues such as budgeting, money management, and building and repairing credit.
- 2.4.14 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall offer a compassionate use program which provides reduced and no-cost medicine to low income and seriously ill patients in accordance with the regulations set forth by the Bureau of Cannabis Control.
- 2.4.15 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall provide a living wage for all retail employees starting at \$17.00 per hour.
- 2.4.16 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall offer all employees a competitive benefits package which includes health, vision, and dental programs and shall provide an employer contribution to these programs.
- 2.4.17 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall provide paid time off to all employees to be accrued based on duration of employment.
- 2.4.18 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall offer all employees 100% employer paid premium life insurance policies.

- 2.4.19 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall offer all employees additional benefits which may include, but are not limited to, financial literacy courses, transportation assistance, an emergency assistance program/fund, pet adoption stipends, and tuition assistance/scholarships.
- 2.4.20 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall provide a minimum of 40 paid volunteer hours per year to all employees.
- 2.4.21 A minimum of 75% of employees hired by **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** to work at the permitted location shall be local hires. For the purposes of this condition “local hire” means that the employee, at the time of hire, is a resident of Solano County.

### 3.0 GENERAL REQUIREMENTS

- 3.1 No person may engage in any commercial cannabis business or in any commercial cannabis activity within the City, including cultivation, manufacture, processing, laboratory testing, distributing, dispensing, or sale of cannabis or a cannabis product, unless the person (1) has a valid commercial cannabis business permit from the City; (2) has a valid State license, and (3) is currently in compliance with all applicable State and local laws and regulations pertaining to the commercial cannabis business and the commercial cannabis activities.
- 3.2 It is the responsibility of the owner(s) of **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** to ensure that it operates in a manner that complies with all applicable State and local laws, any regulations promulgated thereunder, and any licensing or permit requirements or conditions of approval.
- 3.3 Neither preliminary approval or the issuance of a commercial cannabis business permit for **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall waive compliance with all sections of the Fairfield City Code (Zoning, Subdivision, Building Codes, etc.), Fairfield General Plan, and applicable policy plans.
- 3.4 Any leases, subleases, or other agreements for the use of real property by **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** must be based on a monthly rate. No person shall be issued or hold a commercial cannabis business permit if such person has entered into a lease, sublease or other agreement for the use of property for such business at less than fair market value or such lease, sublease or agreement provides for the tenant to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the City.
- 3.5 Issuance of a commercial cannabis business permit does not create a property right or land use entitlement. Each commercial cannabis business permit shall expire 12 months after the

date of issuance. No person shall have any entitlement or vested right to receive a permit under FMC Chapter 10E.

3.6 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall pay the commercial cannabis business permit fee established by resolution of the City Council.

3.7 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit), or at any time upon reasonable request of the City, **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous twelvemonth period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes and fees paid or due to be paid. On an annual basis, **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall be subject to a regulatory compliance review and financial audit as determined by the City Manager.

3.8 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall maintain a current register of the names and contact information (including the address and telephone number) of anyone owning or holding an interest in the commercial cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the City Manager upon reasonable request.

3.9 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing, production or manufacturing, and laboratory testing until purchase as set forth in MAUCRSA.

3.10 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall allow City officials access to the business's books, records, and accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of determining compliance with FMC Chapter 10E. Books, records, accounts, and any and all relevant data or documents will be produced or made available no later than 24 hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

#### **4.0 OPERATING REQUIREMENTS**

4.1 Operating hours where the business is open to the public for both in-store and/or delivery services, shall be restricted to 8:00am – 10:00pm, seven days a week. No business activities

may occur, regardless of whether the business is open to the public or not, between the hours of 10:00pm – 6:00am, seven days a week.

- 4.2 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall comply with the requirements of Fairfield Municipal Code Chapter 10E Section 24, General Operating Requirements.
- 4.3 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall comply with the requirements of Fairfield Municipal Code Chapter 10E Section 25, Operating Requirements for Store-front Retailers.
- 4.4 Prior to commencing operations, **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall obtain a City business license.
- 4.5 The original copy of the commercial cannabis business permit and the City-issued business license shall be posted inside the commercial cannabis business in a location readily visible to the public. A copy of these conditions of approval shall be maintained on-site, and shall be provided for review upon request by any law enforcement officer or City official.
- 4.6 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City. The commercial cannabis business shall ensure that such system is compatible with the City's record-keeping systems, and can produce historical transactional data for review. The system must be approved by the City Manager prior to being used by the permittee.
- 4.7 Persons under the age of 21 shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It is unlawful and a violation of FMC Chapter 10E for any person to employ any person at a commercial cannabis business who is not at least 21 years of age. Notwithstanding the above, persons who are at least 18 years old and in possession of a valid physician's recommendation and/ or Health and Safety Code Section 11362. 71 identification card ("Medical Marijuana Card") may be granted access to a retail cannabis business for the sole purpose of purchasing medicinal cannabis or medicinal cannabis products consistent with the physician's recommendation.
- 4.8 Minimum training standards shall be established for all employees in accordance with the training standards included in **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** application and any Federal, State or local law, rule or regulation. The City Manager shall have the discretion to require additional training should the City identify deficiencies or non-compliance issues with City or State requirements.

- 4.9 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall maintain the property in a clean and orderly condition at all times and remove all litter from the exterior areas around the premises, including adjacent public sidewalk areas and parking areas, no less frequently than once each day prior to the close of business.

## 5.0 SECURITY

- 5.1 The final Security Plan shall be in substantial conformance with **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** application and shall comply with the requirements of FMC Chapter 10E Section 22, Security Measures. The final Security Plan shall be reviewed and approved by the Chief of Police prior to the issuance of a commercial cannabis business permit.
- 5.2 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall contract with a security firm licensed by the State of California's Bureau of Security and Investigative Services to provide a minimum of two licensed, uniformed, on-site security guards during operating hours and one licensed, uniformed, on-site security guard during non-business hours.
- 5.3 All owners of **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** must undergo a criminal history background check to demonstrate that they do not provide "good cause" for denial per FMC Sections 10E.7 and 10E.21. All owners shall submit to a Live Scan prior to permit issuance in order to complete the background check process. This will require the owner(s) to submit fingerprints to the City. The process will be conducted by the Fairfield Police Department, which will submit the Live Scan to the DOJ/FBI to review for criminal offender record information (CORI). The CORI reports will be provided to the City for the sole purpose of determining eligibility for operating a commercial cannabis business. The Live Scan process must be completed prior to issuance of the commercial cannabis business permit.
- 5.4 Before the date of hire or within 30 calendar days of issuance of a commercial cannabis business permit, whichever is later, **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall identify each prospective employee and submit for each: the name, address, telephone number, title, primary responsibility(ies), and a valid government-issued form of identification, together with any other related information requested by the Chief of Police for the purpose of conducting mandatory background checks. Evidence that a prospective employee has been convicted of any the offenses listed in FMC Section 10E.21(b) shall be grounds for denial of employment. If **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** wishes to hire an individual despite such conviction, it shall appeal to the Chief of Police, who at his or her sole discretion may issue a written waiver.
- 5.5 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall provide the City Manager with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall ensure such contact information remains current for the duration of the commercial cannabis permit.



- 5.6 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall prohibit loitering by persons outside the facility on the premises, and shall notify the Fairfield Police Department if anyone continues to loiter around the building or premises after all reasonable action has been taken to remove the individual(s) and the action has failed to do so in a timely manner.

## 6.0 SITE DEVELOPMENT

- 6.1 The building design and construction for the business, including, but not limited to, floor plan, site plan, landscape plan, and building façade, shall be in substantial conformance with the plans provided in **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** application.
- 6.2 Before a building permit may be issued, **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall submit all building design, construction, and/or improvement plans for the business to the Community Development Department for the purposes of verifying compliance with site development conditions of approval; provided, however, that if Minor Discretionary Review, Plan Review, or other land use approvals are required, such plans may be submitted as part of that entitlement process.
- 6.3 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall retain and maintain on-site parking which meets the requirements of the City of Fairfield Zoning Ordinance, at all times. One on-site parking space shall be required for every 200 square feet of floor area. If the business is to operate out of a multi-tenant building, **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall provide verification that the required number of parking spaces necessary to serve the business shall be reserved for said business. Verification shall be in the form of lease agreement or other binding document subject to the review and approval of the Community Development Department.
- 6.4 Prior to commencing operations, **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), Fairfield Fire Department approvals, and Health Department approvals.
- 6.5 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall comply with Fairfield Fire Department & Building Code requirements as contained in the attached document "Building and Fire Code Requirements for Cannabis Related Occupancies".
- 6.6 The final Safety Plan shall be in substantial conformance with **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** application and shall be reviewed and approved by the Fairfield Fire Department prior to the issuance of a commercial cannabis business permit.
- 6.7 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall ensure that landscaping is maintained in a healthy and well-kept manner at all times. Dead or damaged landscape

material/vegetation shall be replaced immediately per the approved landscape plan. The irrigation system shall be maintained at all times. Trees shall be permitted to grow to their maximum height.

6.8 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall ensure that the building is maintained in good condition at all times.

6.9 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall ensure that the driveway and parking areas are maintained in good condition at all times.

6.10 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights- of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** must install and maintain the following equipment, or any other equipment which the City Manager determines is a more effective method or technology:

6.10.1 An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

6.10.2 An air system that creates negative air pressure between the commercial cannabis business' s interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

## 7.0 SIGNS

7.1 Business identification signage for **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall conform to the requirements of the City's Sign Ordinance, including, but not limited to, seeking the issuance of a City sign permit.

7.2 No cannabis or cannabis products, or graphics depicting cannabis or cannabis products, shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business.

7.3 No signs shall obstruct any entrance, exit, or window of the commercial cannabis business.

7.4 Each entrance shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.

- 7.5 The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of 21 is permitted to enter the premises.
- 7.6 Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
- 7.7 No banners, flags, a- frames, inflatables or billboards, or other prohibited signs may be used at any time.
- 7.8 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** understands and agrees that it is prohibited from advertising any commercial cannabis business located in the City utilizing a billboard fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising. This paragraph is not intended to place limitations on the ability of a commercial cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.

## **8.0 INDEMNIFICATION AND INSURANCE**

- 8.1 By accepting the commercial cannabis business permit, **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** agrees to indemnify, defend (at applicant's sole cost and expense), and hold harmless the City and its officers, officials, employees, representatives, and agents, from any and all claims, damages, injuries, liabilities, or losses (including attorney and expert witness fees) which arise out of, or which are in any way related to, the City's issuance of the commercial cannabis business permit or other pertinent approvals to **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC**, the process used by the City in making its decisions, the alleged violation of any federal, state, or local laws by **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** commercial cannabis business operations, or the operations or activities of **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** or any of its officers, employees or agents. The requirements of this Section 8.1 shall survive expiration or termination of the commercial cannabis business permit.
- 8.2 By accepting the commercial cannabis business permit, **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** agrees that it shall reimburse the City for all costs and expenses, including but not limited to legal fees and costs and court costs, which the City may be required to pay as a result of any legal challenge related to the City's approval of the commercial cannabis business permit or the operations of **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** commercial cannabis business in the City. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed by this section. The

requirements of this Section 8.2 shall survive expiration or termination of the commercial cannabis business permit.

8.3 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall procure and maintain for the duration of the commercial cannabis business permit insurance against claims for injuries to persons or damages to property which may arise from or in connection with commercial cannabis activities by **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC**, its agents, representatives, employees or subcontractors.

8.3.1 MINIMUM SCOPE AND LIMITS OF INSURANCE

8.3.1.1 Commercial General Liability coverage (occurrence Form CG 00 01) with minimum limits of \$2,000,000 per occurrence for bodily injury, personal injury, products and completed operations, and property damage. If Commercial General Liability or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

8.3.1.2 Automobile Liability coverage (Form CA 00 01 with Code 1 – any auto) with minimum limits of \$1,000,000 per accident for bodily injury and property damage.

8.3.1.3 Workers' Compensation insurance as required by the State of California and Employers' Liability insurance, each in the amount of \$1,000,000 per accident for bodily injury or disease.

8.3.2 OTHER INSURANCE PROVISIONS

8.3.2.1 Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees and volunteers; or **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

8.3.2.2 The general and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

- a) The CITY, its officers, officials, employees and volunteers are to be covered as insureds as respects: liability arising out of work or operations performed by or on behalf of **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC**; products and operations of **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC**; premises owned, occupied or used by **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC**; and automobiles owned, leased, hired or borrowed

by **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC**. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees or volunteers.

- b) For any claims related to the commercial cannabis business permit or business operations, **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insured maintained by the City, its officers, officials, employees or volunteers shall be excess of **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** insurance and shall not contribute with it. **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- c) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.
- d) The policy limits of coverage shall be made available to the full limits of the policy. The minimum limits stated above shall not serve to reduce **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC's** policy limits of coverage. Therefore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified herein, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured, whichever is greater.

8.3.2.3 Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

8.3.2.4 **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** shall furnish the City with original endorsements effecting coverage required by this provision. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf; on forms equivalent to CG 20 10 11 85, subject to City approval; and submitted electronically through the Exigis insurance system to: certificates-fairfield@riskworks.com. All insurance certificates and endorsements are to be received and approved by the City before issuance of the commercial cannabis business permit. At the request of the City, **RESPONSIBLE AND COMPLIANT RETAIL**

**FAIRFIELD LLC** shall provide complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications.

**9.0 APPLICANT CONSENT**

I hereby declare under penalty of perjury that I am authorized to sign on behalf of **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** and by signing these conditions of approval **RESPONSIBLE AND COMPLIANT RETAIL FAIRFIELD LLC** agrees to all conditions contained herein and shall satisfy all conditions prior to the issuance of a commercial cannabis business permit, unless noted otherwise.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

The original, signed conditions of approval and related supporting material shall be retained on file by the City of Fairfield. A copy of these signed conditions of approval shall be maintained on-site of the business and shall be provided for review upon request by any law enforcement officer or City official.



# Fairfield Fire Department & Building Code Requirements

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## Building and Fire Code Requirements

for

## Cannabis Related Occupancies

The following regulations pertain to City of Fairfield Building Division and Fire Department requirements for the permit application, plan review, approval, and inspection of cannabis related occupancies. The requirements listed below are intended to assist the applicant with *some* of the requirements applicable to a Building Division permit submittal, and are not to be considered an all-inclusive listing of Building and/or Fire Code requirements for plan approval or permit issuance. Only items pertinent to each specific submittal are to be included. Every listed item will not necessarily be applicable to all projects.

### General Requirements

1. A building permit is required to verify occupancy for a cannabis facility, even if no improvements or modifications to the property are proposed. The building permit application must meet the City's general building permit submittal requirements.
2. Construction plans, calculations and related documentation supporting the building permit application are required per the *California Building Code* Section 105 when the owner or occupant intends to construct, enlarge, alter, remove, repair, demolish, or change the occupancy of a building or structure; or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Building and/or Fire Code; or to cause this work to be done. As a minimum, a site plan and floor plan of the proposed occupancy shall be submitted for all proposed projects.
3. All Building permit design and supporting documentation is required to be prepared, stamped, and signed by qualified design professionals licensed and registered by the state of California. *California Business and Professions Code (B&PC)* § 5536.1 and 6735.
4. An application for a building permit will not be accepted for a cannabis related business without confirmation that all discretionary approvals have been obtained or a zoning clearance has been issued.
5. All construction and related work must be performed by contractors licensed by the State of California as general and/or specialty contractors for the specific discipline of work to be performed.

6. All design and construction shall be consistent with the provisions of the City of Fairfield Municipal Code and the current edition of the *California Building and Fire Codes* as adopted by the California Building Standards Commission, and as amended by the Santa Rosa City Code.
7. A City of Fairfield building permit application form must be completed in its entirety and included with each submittal.
8. Codes and Standards regulating cannabis facilities currently adopted and/or recognized by the City of Fairfield include, but are not limited to:
  - A. *California Building Code (CBC)*
  - B. *California Electrical Code (CEC)*
  - C. *California Mechanical Code (CMC)*
  - D. *California Plumbing Code (CPC)*
  - E. *California Energy Code*
  - F. *California Fire Code (CFC)*
  - G. *California Existing Building Code (CEBC)*
  - H. *California Green Building Standards Code (CalGreen)*
  - I. *California Existing Building Code (CEBC)*
  - J. *California Health and Safety Code (H&SC)*
  - K. *California Business and Professions Code (B&PC)*
  - L. *National Fire Protection Association Standards (NFPA)*
  - M. *Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA)*
  - N. *Fairfield City Code (FCC)*
9. A project specific submittal package is required for each individual building and building address, or each tenant in multi-tenant buildings. A minimum of 3 sets of plan documents, 2 sets of Title 24 energy compliance documentation and 2 sets of CALGreen check lists are required at time of submittal. Additional documentation may be required for structural modifications and/or additions to existing building or structures. Contact the Building Permit Center for final determination of required documentation for submittal.
10. The plan review fees must be paid in full before the plans will be accepted for plan review.
11. Construction or work for which the permit is required shall be subject to inspection by the Building Division and/or Fire Department, and such construction or work shall remain accessible and exposed for inspection purposes until approved. No construction shall commence prior to the issuance of a Building permit.
12. No building or structure shall be used or occupied, and no change in the existing occupancy classification of the building or structure or portion thereof shall be made, until the Building Official has issued a certificate of occupancy. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of applicable codes and standards or the other regulations of the State of California or the City of Fairfield.
13. The owner/occupant is required to keep all City approved plans, specifications, and related documents on the premises, in an easily accessible location for City inspection staff for the required inspections.



**Building Code Requirements** (applicable to all occupancies and MAUCRSA permit types)

1. The height and area of all structures shall be designed and detailed for compliance with CBC Chapter 5.
2. The Building Official shall determine the Occupancy and Construction Type of the proposed facility, and such occupancy designation shall be clearly identified by the applicant on the construction plan documents consistent with the requirements of CBC Chapter 6.
3. All fire rated elements in the space must meet the applicable requirements of CBC Chapter 7.
4. Applicable Means of Egress requirements shall be consistent with CBC Chapter 10. The design for the occupant load based on CBC Chapter 10, § 1004. Unless otherwise determined by the Building Official, growing, storage and shipping areas are 300 sq. ft. per person; cannabis manufacturing, processing, and infused products preparation, testing and business areas are 100 sq. ft. per person.
5. The minimum required exit width shall be consistent with CBC § 1005.
6. The means of egress, including the exit discharge, shall be illuminated at all times the building space is occupied in accordance with CBC § 1008.
7. Accessible means of egress is required. Accessible means of egress shall comply with CBC § 1009. Occupiable spaces shall be provided with not less than one accessible means of egress. Where CBC requires more than one means of egress from any space, each portion of the space shall be served by not less than two accessible means of egress. § 1015.1 or § 1021.1. An accessible route of travel shall be provided and maintained between multiple required exits from any space or building including cultivation areas.
8. The minimum width of stairways shall be consistent with CBC § 1005.1, but such width shall not be less than 44 inches. CBC § 1009.2
9. Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. The path of egress travel to exits and within exits shall be marked by readily visible exit signs to clearly indicate the direction of egress travel in cases where the exit or the path of egress travel is not immediately visible to the occupants. Intervening means of egress doors within exits shall be marked by exit signs. Exit sign placement shall be such that no point in an exit access corridor or exit passageway is more than 100 feet or the listed viewing distance for the sign, whichever is less, from the nearest visible exit sign. CBC § 1011.
10. Two exits are required from all spaces when the occupant load is greater than 49 occupants and/or the *common egress path of travel* distance exceeds 75 feet, CBC § 1014.3 & § 1015.1 (NOTE: In other than H Occupancies, A 100-foot common path travel distance is allowed if the building is equipped with an automatic fire sprinkler system in accordance with CBC § 903.3.1.1).

11. Corridors shall be fire-resistance rated in accordance with CBC Table 1018.1. The corridor walls required to be fire-resistance rated shall be consistent with CBC § 709 for fire partitions.
12. All spaces within each story shall have access to the minimum number of approved independent exits as specified in CBC Table 1021.1 based upon the tributary occupant load of the space and story.
13. Exits shall discharge directly to the exterior of the building. The exit discharge shall be at grade or shall provide direct access to grade. The exit discharge shall not re-enter a building, and shall provide a compliant path of travel to the Public Way. CBC § 1027.
14. Interior finish requirements based on occupancy type of group. Interior wall and ceiling finishes shall have a flame spread index not greater than that specified in CBC Table 803.9 for the group and location designated. Interior wall and ceiling finish materials tested in accordance with NFPA 286 and meeting the acceptance criteria of CBC § 803.1.2.1, shall be permitted to be used where a Class A classification in accordance with ASTM E 84 or UL 723 is required. CBC § 803.9.
15. All materials used as interior finishes, trim and decorative materials must comply with the provisions of CBC §803 “Wall and Ceiling Finishes” and the flame spread rating for interior finishes or covered with a thermal barrier per CBC § 2603.4. Plastic film, foam plastic insulation and the paper facing on fiberglass insulation must be rated or covered with an approved thermal barrier.
16. The ventilation, temperature control, lighting, yards and courts, sound transmission, room dimensions, surrounding materials and rodent proofing associated with the interior spaces of buildings shall be consistent with CBC Chapter 12, “Interior Environment”.

**Accessibility Requirements** (applicable to all occupancies and MAUCRSA permit types)

Accessibility requirements are based on standards outlined in CBC Chapter 11-B. Access shall be provided throughout the building for individuals with disabilities.

Accessibility requirements apply to sites, building, structures, facilities, elements, and spaces, temporary or permanent to provide access to individuals with disabilities. This includes anyone who utilizes a space, including occupants, employees, students, spectators, participants, and visitors. Minimum scoping and technical requirements are set forth in CBC Chapter 11-B. New buildings, structures, facilities, elements, and spaces must comply in their entirety. Additions and alterations to existing buildings or facilities must comply with CBC § 11B-202.4. Alterations that decrease accessibility are prohibited.

The following is a list of some of the elements of required access for individuals with disabilities:

**Path of travel requirements.**

When alterations or additions are made to an existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided. The primary accessible path of travel shall include:

- A. A primary entrance to the building or facility,
  - B. Toilets and bathing facilities serving the area,
  - C. Public telephones serving the area, and
  - D. Signs.
1. Interior accessible path of travel shall address all the following:
    - A. Accessible routes to all functional areas.
    - B. Common use circulation paths with employee work areas.
    - C. Clear width of walking areas.
  2. Door or gate information should include:
    - A. Required clear width dimensions.
    - B. Maneuvering clearances.
    - C. Level landings on each side of doors or gates.
    - D. Required threshold dimensions and geometry.
    - E. Door or gate hardware should not require tight grasping, pinching, or twisting of the wrist.
    - F. Required smooth surface dimensions on push side of the door within the finish floor or ground.
  3. Restroom information should include:
    - A. Turning space within the room.
    - B. Door swing not in the clear space of any fixture (except for a single user).
    - C. Mirrors and accessories.
    - D. Clear floor space at fixtures.
    - E. Compartment configuration side and end entry, toe clearances.
    - F. Side and rear grab bars.
    - G. Accessible lavatories (sinks), heights and knee clearances.
    - H. Restroom symbols on doors.
    - I. Shower compartments (if any) must be accessible.
    - J. Drinking fountains.
  4. Miscellaneous elements include:
    - A. Dressing and locker rooms.
    - B. Storage.
    - C. Exit signs (tactile)
    - D. Signs.
    - E. Benches.
    - F. Dining or break room tables.

- G. Electrical switches, controls, and electrical receptacle outlets.
  - H. Kitchen and common sinks.
5. Site plan should include information on site accessibility features including:
- A. Arrival points including parking area access points and signage from the public way.
  - B. The location and number accessible parking stalls and the number of standard parking stalls.
  - C. Access aisles from parking.
  - D. The slope of the accessible parking spaces and access aisles.
  - E. The identification at accessible spaces and/or lot entrances.
  - F. A clear accessible egress path of travel to the adjoining public way.

**Fire Code Requirements** (applicable to all occupancies and MAUCRSA permit types)

All applicants will need to provide a detailed written scope of work related to all business activities, equipment and products utilized in their business model or process in compliance with the current Edition of the 2019 California Building and Fire Codes. List license type(s) proposed, storage configurations, equipment type and location, and hazardous materials to be stored and utilized. Prior to finalization of Building Permit, **annual operation permits will need to be secured with the Fire Department.**

1. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in CFC § 903 and as amended by the City of Fairfield Fire Code. A change in the occupancy of the space, substantial alterations, or an expansion of square footage, may require the installation of a fire suppression system for the proposed space.
2. Automatic fire-extinguishing systems, other than automatic sprinkler systems, shall be designed, installed, inspected, tested, and maintained in accordance with the provisions of CFC § 903 and the applicable referenced standards.
3. An approved fire alarm system installed in accordance with the provisions of the CFC and 2019 NFPA 72 shall be provided in new buildings and structures in accordance with CFC § 907.2 and provide occupant notification in accordance with CFC § 907.6 as well as specific requirements detailed in CFC.
4. Duct smoke detectors complying with UL 268A shall be installed in accordance with the CBC, CFC, CMC and NFPA 72.
  - a. In the main return air and exhaust air plenum of each air-conditioning system having a capacity greater than 2,000 CFM. Such detectors shall be located in a serviceable area downstream of the last duct inlet.
  - b. At each connection to a vertical duct or riser serving two or more stories from a return air duct or plenum of an air-conditioning system.

5. Portable fire extinguishers shall be installed in F, B, H, and U occupancy groups per CFC § 906. The size and distribution of portable fire extinguishers shall be in accordance with CFC § 906.
6. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the Fire Code Official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official per CFC § 506.1
7. The provisions of CFC § 407 shall be applicable where hazardous materials subject to permits under CFC § 5001.5 are used and/or stored on the premises or where required by the Fire Code Official.
8. Storage, use and handling of compressed gases in compressed containers, cylinders, tanks, and systems shall comply with CFC Chapter 53 including those gases regulated elsewhere in the CFC and/or any applicable NFPA Standards as determined by the Fire Code Official. Partially full compressed gas container, cylinders or tanks containing residual gases shall be considered as full for purposes of the controls required.
9. Compressed gases classified as hazardous materials shall also comply with CFC Chapter 50 for general requirements and chapter addressing specific hazards, including CFC Chapters 58 (Flammable Gases), 60 (Highly Toxic and Toxic Materials), 63 (Oxidizer, Oxidizing Gases, and Oxidizing Cryogenic Fluids) and 64 (Pyrophoric Materials) and/or any applicable NFPA Standards as determined by the Fire Code Official.
10. The storage, use and handling of all hazardous materials shall be in accordance with CFC Chapter 50 and California Health and Safety Code requirements. The maximum allowable quantity (MAQ) of hazardous materials per control area will be established using CFC § 5003.1. Applicant will need to contact the Fire Department for hazardous materials storage permitting and approval.
11. Hazardous Materials Inventory Statement (HMIS) per CFC § 5001.5.2. An application for building permit shall include an HMIS. The HMIS shall include the following information:
  - A. Product name.
  - B. Component.
  - C. Chemical Abstract Service (CAS) number.
  - D. Location where stored or used.
  - E. Container size.
  - F. Hazard classification.
  - G. Amount in storage.
  - H. Amount in use-closed systems.
  - I. Amount in use-open systems.
  - J. Safety Data Sheets (SDS) for all proposed materials

The business will also need to comply with electronic reporting requirements specific to the California Environmental Reporting System (CERS). Applicants will need to contact the Fire Department for direction and permitting related to hazardous materials inventory reporting amounts.

12. The smoking or carrying of a lighted pipe, cigar, cigarette or any other type of smoking paraphernalia or material is prohibited in the areas indicated in CFC § 310.
13. Storage of combustible materials in buildings shall be orderly. Storage shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur per CFC § 315.
14. Any security device or system that emits any medium that could obscure a means of egress in any building, structure or premise shall be prohibited per CFC § 316.5.
15. Reporting of emergencies, coordination with emergency response forces, emergency plans and procedures for managing or responding to emergencies shall comply with the provisions of CFC § 401.
16. Emergency evacuation drills complying with provisions of the Fire Code shall be conducted at least annually for Group H and Group F occupancies listed in section CFC § 403 or when required by the Fire Code Official. CFC § 405.
17. High-piled storage or rack storage in any occupancy group shall comply with the CFC Chapter 32.

## **MAUCRSA Permit Specific Requirements**

The requirements in this section are related to specific permit types as outlined in the *Medical and Adult Use Cannabis Regulation and Safety Act* (MAUCRSA)

### **Cultivation Facilities (MAUCRSA permit types 1-5)**

1. An Annual Fire Department Operational Permit is required for all cannabis cultivation facilities.
2. Cannabis Cultivation facilities shall be consistent with CBC, Chapter 3 requirements based upon Use and Occupancy Classification for a Factory Industrial, F-1, Moderate-hazard Occupancy. CBC § 306.2.
3. Cannabis Cultivation facilities for the *exclusive* use of plant production may be classified as a U occupancy and shall be consistent with the requirements of CBC Appendix C.
4. Cultivation areas shall be considered “wet locations” as they are subject to wash down. Indoor wet location wiring methods shall meet requirements of CEC article 300.6.
5. Grow lights must be installed per the manufacture instructions and wired per CEC article 410.
  - A. Remote ballasts shall be installed as near to the lamp as practicable to keep the secondary conductors as short as possible. CEC article 410.144(B).
  - B. Ballast secondary cord/conductors cannot pass through partitions and must be visible its entire length outside the fixture. CEC article 410.62(C)(1).
- C. All grow lights shall be controlled by a multi-level astronomical time switch.
6. High-Intensity Discharge Lighting. Luminaires that use a Metal Halide lamp, other than a thick- glass parabolic reflector lamp (PAR), shall be provided with a containment barrier (LENS) on the fixture. CEC article 410.130(F)(5).
7. NM cable (Romex) is not allowed for use in damp locations (cultivation rooms) (CEC § 334.10). Approved wiring methods utilized in cultivation facilities shall be consistent with “Wet Use” Wiring Methods and Materials, (CEC Chapter 3).

8. Cultivation areas shall be supplied with ventilation at a minimum rate of 15 cfm/person for the number of occupants. The minimum occupant load for ventilation design shall be specified by the building designer, and shall not be less than one half of the maximum occupant load assumed for egress purposes as specified in the California Building Code, whichever is greater. (CMC table 402.1 footnote 4 & CEC subchapter 120.1(b)).

9. All applications for a cultivation occupancy shall include an odor mitigation plan certified by a qualified licensed professional engineer that includes the following:

A. Operational processes and maintenance plan, including activities undertaken to ensure the odor mitigation system remains functional;

B. Staff training procedures;

C. Engineering controls, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources.

All odor mitigation systems and plans submitted pursuant to this subsection shall be consistent with accepted and best available industry-specific technologies designed to effectively mitigate cannabis odors

10. Cultivation facility exhaust outlets must be located at least 10' from the property lines, operable openings into the building and from mechanical air intakes (CMC § 506.9).

11. A separate permit from the Fire Department is required for CO<sub>2</sub> enrichment systems used within any cultivation system and room. Separate monitoring alarm systems shall be provided in all buildings, areas or rooms which use CO<sub>2</sub> enrichment

### **Manufacturing Facility (MAUCRSA permit type 6, N, P)**

1. An Annual Fire Department Operational Permit is required for all cannabis manufacturing facilities.

2. All Plant Processing and Extraction facilities shall comply with CFC Chapter 39.

3. Facilities used for processing cannabis into foods, beverages, salves, inhalants, tinctures or other forms for human consumption or use are subject to review and approval by the Solano County Environmental Health Division. A separate permit application is required through their office. Building permits will not be issued prior to plan approval from Health Department. Final occupancy will not be granted prior to field inspection and approval from Health Department.

4. Type 6 (non-volatile) manufacturing facilities shall comply with CBC, Chapter 3 requirements based upon Use and Occupancy Classification for a Factory Industrial, F-1, Moderate-Hazard Occupancy. High pressure CO<sub>2</sub> extraction may require classification as a High Hazard H-2 Occupancy based upon system pressure and/or volume. CBC § 306 and 307.

5. Type 7 (volatile) manufacturing facilities are to meet CBC, Chapter 3 requirements based upon Use and Occupancy Classification for a Factory Industrial, F-1, Moderate-Hazard Occupancy, or High Hazard Group H-2 based upon the Maximum Allowed Quantities (MAQ) of hazardous, dangerous, flammable, or combustible materials used and/or stored in the facility. CBC § 306 and 307.

6. Extraction processes utilizing flammable gasses or flammable cryogenic fluids shall not be located in a building containing a Group A, E, I, or R occupancy. CFC § 3903.2

7. Cannabis manufacturing facilities shall submit as a part of their permit application a comprehensive description of the program and all processes proposed for the operation and production at the facility. The documentation shall, as applies, include (but not be limited to) all the following:



- A. A written narrative that specifies all means, methods, materials, and equipment to be used for extracting, heating, washing, infusing, cooking, baking or otherwise combining, or changing the form of the cannabis plant; all methods and equipment used for testing any cannabis or cannabis product; all methods, materials, and equipment used for processing and packaging the final product; all means, methods, and quantities for storage of raw and processing materials, and final products.
- B. A description of all toxic, dangerous, hazardous, volatile, flammable, or other materials regulated by the CBC, CFC, or any other federal, state, or local government codes and standards that will be used, stored, processed, or created at the facility; the quantities of such materials used at each location within the facility; and the manner and quantity in which such materials will be stored.
- C. Material Safety Data Sheets for all proposed toxic, dangerous, hazardous, volatile, or health hazard materials proposed for storage and use within the facility.
- 8. Concentrations of grease, smoke, heat, steam, off-gassing, or products of combustion created when cannabis is manufactured into products including, but not limited to, foods, beverages, salves, inhalants, and tinctures are to be contained as detailed in the CMC §§ 506 and 507 (Type I and Type II hoods). Hoods that are utilized for the removal of grease laden vapors shall be protected by a fixed engineered extinguishing system. Contact the Fire Department for verification of requirements.
- 9. Sanitation requirements for facilities used for processing cannabis into foods, beverages, salves, inhalants, and tinctures shall meet the requirements of Solano County Environmental Health Department. The following are general guidelines that are to be detailed on the drawings submitted for review:
  - A. Location of hand wash sinks.
  - B. Hand sinks must be conveniently located for employees.
  - C. Hand sinks shall only be used for hand washing (maximum water temperature of 110 degrees is to be maintained through an appropriate mixing valve).
  - D. Sinks used for food or medicine preparation or for washing equipment shall not be used for hand washing.
  - E. How dishes will be washed. CPC § 802.1 requires all food handling and health care related fixtures, devices, and equipment to discharge through indirect waste lines into a floor sink.
  - F. Contact surfaces shall be smooth, free of breaks, open seams, cracks, chips, pits and similar imperfections, free from sharp internal angles, corners, crevices, finishes to have smooth welds and joints.
  - G. Equipment containing bearings and gears shall be designed, constructed, and maintained to ensure that it meets food and health requirements (washing machines are not listed for food or health related preparations).
  - H. All rooms shall have sufficient ventilation to keep them free from excessive heat, steam, condensation, vapors, odors, smoke, and fumes per CMC chapters 4 and 5.
  - I. Table or counter mounted equipment shall be installed to facilitate the cleaning of the equipment and adjacent areas by being sealed to the surface or elevated by at least four inches.
  - J. Three compartment sinks are required for washing, rinsing, and sanitizing equipment and utensils.
  - K. At least one utility or mop sink must be provided.
  - L. Garbage and refuse shall be stored in a manner to be inaccessible to insects and rodents.
  - M. Floors shall be smooth, durable, nonabsorbent, light colored and maintained in good repair.
  - N. Walls and ceilings must be smooth and easily cleanable.
  - O. Hazardous materials waste discharge to the sanitary sewer is prohibited.
- 10. Storage, use and handling of compressed gases in compressed gas containers, cylinders, tanks, and systems shall comply with CFC, NFPA Standards, H&SC and CCR, including those gases regulated elsewhere in this code. Partially full compressed gas containers, cylinders or tanks containing residual gases shall be considered as full for the purposes of the controls required.



*\*Compressed gases classified as hazardous materials shall also comply with CFC Chapters 50 and 53 for general requirements and chapters addressing specific hazards, including Chapters 58 (Flammable Gases), 60 (Highly Toxic and Toxic Materials), 63 (Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids) and 41 (Pyrophoric Materials).*

## **EXTRACTION EQUIPMENT**

11. If cannabis plant oil extraction is proposed, provide complete details of the proposed extraction process as a part of the comprehensive narrative description outlined in item # 7 above. Extraction description shall include:

- A. Types of extraction proposed (CO<sub>2</sub>, Butane, Propane, ethanol etc.)
- B. Number of extraction equipment units proposed
- C. Manufacturers cut-sheets for all listed equipment
- D. Description of basic design of non-listed equipment
- E. Resume of qualifications and experience of proposed independent equipment certification engineer
- F. Description of proposed exhaust systems
- G. Description of monitoring and alarm systems
- H. Description for storage and use of raw and production materials
- I. MAUCRSA Permit type (Type 6 or 7)
- J. Description of employee safety program

12. Extraction equipment shall be located in an enclosed room fully separated from all other areas of the facility. Multiple extraction units contained in a single room shall comply with all requirements for occupancy type and MAQ quantities allowed for type of extraction proposed. All extraction units contained in a single room shall be of the same type.

13. Exit doors from any and all rooms containing extraction equipment shall swing in the direction of egress path of travel.

14. A local hydrocarbon, solvent vapor, or CO<sub>2</sub> detection and alarm system consistent with CFC requirements shall be used in all extraction and material storage areas as determined by the Fire Code Official. A separate permit from the Fire Department is required for all detection and alarm systems.

15. The use of propane, butane, hexane, or other similar flammable hydrocarbon gasses in open systems is prohibited by Santa Rosa City Code. Closed hydrocarbon systems are approved by permit only after review to confirm that the system follows the CBC, CFC, and Fairfield City Code requirements.

16. Closed hydrocarbon system rooms shall include a low level (typically floor level) mechanical exhaust system (minimum 1 CFM/sq. ft. of floor area) or a hazardous exhaust hood or other system listed and rated for exhausting flammable vapors to capture any possible vapor release. Hydrocarbon extraction ventilation and exhaust systems shall be designed by a licensed mechanical engineer.

17. Where closed hydrocarbon systems use refrigeration recovery units, the unit must be rated for use with hydrocarbon refrigerants.

18. CO<sub>2</sub> supercritical extraction relief venting shall be piped to the exterior of the building.

19. The use of alcohol or other volatile, flammable, combustible solvents in open systems is prohibited by Fairfield City Code. Closed solvent systems are approved by permit only after review to confirm that the system follows the CBC, CFC, and Fairfield City Code requirements

20. Alcohol or other volatile, flammable, combustible solvent extractions or post production treatment where the liquid is heated, boiled, distilled, or evaporated shall be contained within a closed loop system and shall be consistent with the CFC and Fairfield City Code. The proposed solvents (typically alcohol) shall be clearly identified including type, use and storage in the narrative description noted under item # 5 above.

21. Rooms containing extraction equipment using volatile, flammable, or combustible materials and areas adjacent to extraction rooms shall include Class 1 Division 2 rated electrical fixtures, equipment, and wiring methods consistent with California Electrical Code Article 500.

22. Closed solvent extraction system rooms shall include a mechanical exhaust system (minimum 1 CFM/sq. ft. of floor area) or a hazardous exhaust hood or other system designed for or specifically listed and rated for exhausting flammable and/or volatile vapors to capture any possible vapor release. Solvent extraction ventilation and exhaust systems shall be designed by a licensed mechanical engineer.

23. Systems and/or equipment used for extraction shall be listed for the specific use. If the systems and/or equipment is not listed, then the systems and/or equipment shall be reviewed and analyzed by an independent approved California licensed professional engineer. The reviewing engineer shall prepare a technical report based upon analysis of the systems and/or equipment. The report shall be consistent with CFC § 3904.3. The report shall include but not be limited to:

1. Equipment manufacturer information
2. Name and contact information of report author
3. Date of report and revision history
4. Preparers engineering stamp and signature
5. Equipment model number and/or description
6. Description of the design and review methodology
7. Equipment description
8. General flow schematic
9. Pressure vessel analysis
10. Structural analysis of the frame supporting equipment and seismic anchorage of equipment
11. Process safety analysis
12. Comprehensive process analysis
13. Review of assembly instructions, operational and maintenance manuals
14. List of standards and references used in the analysis

Report is to be provided for review by the Building Official and Fire Code Official at the time of building permit submittal. Deferred approval of extraction equipment is not allowed.

24. Certification from a California Licensed Engineer confirming field review of the extraction facility and verifying all extraction equipment assembly, installation, and the improvements associated with such equipment are constructed and installed consistent with the approved equipment design and supporting documents. This written certification shall be submitted at final inspection. This certification shall be reviewed and approved by the Building Official and Fire Code Official prior to issuance of occupancy. CFC § 3904.4

25. All extraction equipment shall be subject to annual re-certification by a California licensed engineer. A current report shall be maintained on site for review by the Fire Department during the annual inspection of the facility.

26. Additions, alterations, or repairs to previously approved extraction equipment shall be reviewed and analyzed by an independent approved California licensed professional engineer consistent with the requirements of CFC § 3904.3. A new and/or revised report outlining all equipment modifications shall be submitted for review and approval by the Building Official and fire Code Official prior to operation of the modified equipment.

### **Testing/Laboratory (MAUCRSA permit type 8)**

1. An annual Fire Department Operational Permit is required for all Testing and Laboratory facilities.
2. Testing/Laboratory facilities are to meet CBC, Chapter 3 requirements based upon Use and Occupancy Classification for a Business Group, B, Occupancy. CBC § 304.1.
3. Exhaust hoods shall meet the requirements of CMC §§ 506, 507 and 508.
4. Hazardous materials storage, use, handling, and wastes shall be permitted and reported through the Fire Department prior to operation.

### **Retail (MAUCRSA permit 10)**

1. Cannabis Retail facilities are to meet CBC, Chapter 3 requirements based upon Use and Occupancy Classification for a Mercantile Group, M, Occupancy. CBC § 309.1.
2. Cannabis consumption areas associated with retail facilities shall meet CBC Chapter 3 requirements based upon use and occupancy classification A-2.
3. Retail areas including display cases, checkout counters, credit card readers or point of sale devices shall be accessible to persons with disabilities consistent with the requirements of CBC Chapter 11B.
4. Retail facilities where cannabis foods, beverages, salves, inhalants, tinctures, or other forms intended for human consumption or use are sold are subject to review and approval by the Sonoma County Environmental Health Division. A separate permit application is required through their office. Building permit will not be issued prior to plan approval from Health Department. Final occupancy will not be granted prior to field inspection and approval from Health Department.

### **Distribution Facilities (MAUCRSA permit type 11)**

1. An annual Fire Department Operational Permit is required for all Distributor facilities.
2. Distributor facilities are to meet CBC, Chapter 3 requirements based upon Use and Occupancy Classification for a Storage Group, S, Occupancy. CBC § 311.1.
  - A. Facilities that include storage and distribution of food products in non-combustible containers shall be classified in Occupancy Group S-2 "Low Hazard Storage". CBC § 311.3.
  - B. Facilities that include storage and distribution of all other cannabis packaged and manufactured products shall be classified in Occupancy Group S-1 "Moderate Hazard Storage". CBC § 311.2.

### **Microbusiness (MAUCRSA)**

1. Cannabis microbusiness facilities containing cultivation, manufacturing, distribution, retail, and consumption areas in any combination shall be classified as “mixed use” occupancies consistent with CBC section 508. Occupancy classifications for specific areas may include: F-1 (cultivation, manufacturing); H-2 (manufacturing); B (office and administrative); S-1/S-2 (storage, open or enclosed vehicle parking); A-2 (larger consumption areas); M (retail areas).
2. Each separate occupancy area may require fire barrier separation between adjacent occupancies as required in CBC section 508.4

### **Microbusiness (MAUCRSA permit type 12)**

1. Cannabis microbusiness facilities containing cultivation, manufacturing, distribution, retail, and consumption areas in any combination shall be classified as “mixed use” occupancies consistent with CBC section 508. Occupancy classifications for specific areas may include: F-1 (cultivation, manufacturing); H-2 (manufacturing); B (office and administrative); S-1/S-2 (storage, open or enclosed vehicle parking); A-2 (larger consumption areas); M (retail areas).
2. Each separate occupancy area may require fire barrier separation between adjacent occupancies as required in CBC section 508.4

### **Transporter (MAUCRSA permit type 13)**

1. Type 13 Transporter facilities are to meet CBC, Chapter 3 requirements based upon Use and Occupancy Classification for a Storage Group, S-1, and/or Business Group, B, Occupancy. CBC § 311.1.
  - A. Facilities that include storage, transfer, and/or temporary warehousing of cannabis products shall be classified in Occupancy Group S-1.
  - B. Facilities that do not contain any storage, transfer or warehousing of products and consists of administrative offices shall be classified in Occupancy Group B.