



City of Benicia, CA

Cannabis Process and Tips for Success

1. Local Permitting Requirements: A commercial cannabis business should expect to comply with the following city requirements:

- Pre-Application Meeting – *administered by Community Development Department*
- Public Safety License – *administered by Police Department*
- Use Permit – *administered by Community Development Department*
- Building Permit(s) – *administered by Community Development Department*
- Sprinkler Permit – *administered by Fire Department*

2. Timelines

- Pre-Application Meeting. A pre-application meeting will be conducted three full weeks following receipt of a completed preapplication request plus fee. For more information, visit www.ci.benicia.ca.us/cannabis and www.ci.benicia.ca.us/preapplication
- Public Safety License. Applicants are strongly encouraged to apply for a Public Safety License and complete at least one review of the security plan prior to filing a Use Permit application. The timeline for a Public Safety License is generally 4-6 weeks but can be delayed due to incomplete or inadequate security plans, background review and responsiveness to City comments.
- The Use Permit process typically takes 3-4 months and incorporates feedback from all relevant City departments, including Fire, Building Safety, Police, and Engineering.

3. Public Safety License (PSL)

- Lack of attention to the Public Safety License requirements and process will result in project delays.
- Contact the Benicia Police Department at 707-746-4245 to set up an appointment to submit the Cannabis Public Safety License Application, required documentation and pay all associated fees.
- Initial Meeting
 - Application completed and signed by each Stakeholder

- Conceptual Site and Floor Plans
 - Security Plan
 - Identification (Real ID or Passport) for Property Owner and each Stakeholder
 - Certified copy of Applicant's Secretary of State Chapters of Incorporation, Certificate of Amendment, Statement of Information and Bylaws
 - Contact Information for Applicant's Current Designated Agent for Service of Process
 - Contact Information for an Owner, Operator or Manager to act as an On-Site Community Relations Staff Person
- Background Investigation
 - Each Property Owner and Stakeholder must be Live Scanned for DOJ and FBI Background Check.
 - An Internal/Local Background Check for Property Owner and all Stakeholders
 - Security Plan Review
 - The City reviews the Security Plan to confirm it meets all State and Local Government Requirements.
 - This process takes the longest due to multiple amendments required and is dependent on the Applicant's urgency.
 - The Community Development Department is advised once all PSL requirements have been met so a public hearing on the use permit can be scheduled. If no objections are received, at the end of the 10-day waiting period, both permits are issued simultaneously.
 - As employees are hired, each potential applicant must be livescanned and cleared for employment prior to starting work at the cannabis business.
 - Annual Public Safety License Review
 - Two visits are performed annually with our Consultant, Matt Carroll present. Generally, there is a 24-hour notice prior to inspection.
 - Inspections are held to determine that all PSL and Security requirements are still being followed.

- During the inspection, a walk thru of the business is performed, checking for any security or state and local violations.
- Cameras and video feed are viewed and tested.
- The storage of video footage is reviewed to confirm there is a minimum of 90 days viewable.
- The business alarm is tested to determine functionality and response time of the monitoring company.
- The results of the inspection at each business will be documented. A copy is provided to each business. If there are egregious violations, the business is provided a timeline for correction and a follow up inspection is performed.
 - If all conditions are not met, the business could be subject to temporary PSL suspension until corrections are completed, or potential revocation of their PSL.
 - If there are minor corrections required, they are noted to review at the next PSL review visit.
- Additional Public Safety License Review
 - If an incident or crime occurs at a Cannabis business, a full PSL review is conducted to determine if any violations could have been a factor to the crime committed.
- Public Safety License Renewal
 - A renewal application is mailed to each business three months prior to expiration.
 - Each business must return the completed application and renewal fee.
 - The business' file is reviewed to determine if there are any violations related to the stakeholders' background check.
 - The PD receives Subsequent Arrest information from DOJ and FBI anytime an arrest occurs by a Cannabis applicant (property owner, stakeholder, or employee) during their operation in the City of Benicia. It is then reviewed to determine if it will affect employment or the PSL.
 - If all conditions are met, a PSL renewal is issued.

4. Use Permits

- The City provides a list of submittal requirements and specifications for Use Permit applications online at www.ci.benicia.ca.us/planning. Incomplete applications will result in project delays.
- There is a review period of up to 30 calendar days from the initial Use Permit submittal and each subsequent submittal.
- The Use Permit process typically does result in review comments. To avoid delays, be prepared to timely address all comments and resubmit application materials.
- Once the Use Permit application is complete and the Public Safety License has been approved, the application will be scheduled for a public hearing. The City has a standard 28-day lead time for all public hearings to provide adequate time for noticing and preparation of the agenda item.

5. Department and Division Tips for Success

Planning Division:

- The preapplication and Use Permit application must be filed via the Benicia Permit Center, available at www.ci.benicia.ca.us/permitting.
- After submittal of the application, it is important to timely complete the payment step. Generally, this becomes available within one business day of application submittal. Failure to pay required fees will result in delays.
- The pre-application is your best opportunity to understand the requirements and steps in the permitting process and to reduce the overall timeline to opening your business. A high quality pre-application submittal will allow for focused feedback that can reduce the timeframe and revisions required for the security plan, Use Permit, and subsequent building and fire permits.
- A proposal for cannabis manufacturing, testing or cultivation should be accompanied by detailed quantities of hazardous materials to be stored onsite and information about the type and location of the equipment that will be in use.
- Security improvements, such as door redundancy, new walls, and exterior fencing, will interact with State and local building, fire, and design requirements. It is important that the security consultant work closely with other design professionals to ensure a cohesive plan that meets all State and local requirements.

Police Department:

- Be aware that the livescan process can result in delays, and that specific arrangements may be required for out-of-state or out-of-country parties. Please initiate livescan early in your Public Safety License application process.
- It is in your interest to select a highly qualified and experienced security consultant who will work with this project from the preapplication stage through occupancy.
- Below are typical security plan deficiencies that will result in the need for a revision and delay your application:
 - Diagrams for multi-license uses that do not clearly delineate the distinct boundaries of each licensed use and that fail to clearly delineate common/shared areas accessible to both licenses;
 - Diagrams that lack dimensions and/or are not to scale;
 - Where co-located licenses are in play and common areas are identified, the shared security equipment is sometimes not stored in a common office/area accessible to both licenses without traversing into the other licensee's space. NOTE: This is important because if the operator elects to sell one business/license down the road, this could result in outside agents needing to traverse the distinct premises of another licensee (something to be avoided by way of a thoughtful/compliant initial design).
 - Absent or incomplete exterior security lighting plan (dusk-to-dawn, uniform, dark sky compliant, white lighting preferred)
 - Diagrams that lack the following security components:
 - Alarm, Door Contacts
 - Alarm, Motion Detectors
 - Alarm, Glass Break Detectors
 - Alarm, Panic Triggers (entry doors, reception, secure storage, monitoring station, loading doors)
 - Alarm, Panel(s) for Activation/Deactivation
 - Surveillance Camera w/Viewing Angle indicated
 - NVR/DVR, Alarm and Access Control Head Units (securely stored)
 - Video displays (surveillance viewing areas)
 - Absence or incomplete detailed information concerning:
 - Cannabis waste storage location & method
 - Secure product/currency storage location & method

- Secure Loading/Unloading location & method
 - Access control doors (descriptions of material, lock types, credentialing, etc.)
 - Fences and gates, where applicable, including indications for manual or electronic operation
 - KNOX access for doors/gates
 - Roof access (e.g. ladders, skylights, vents) and securement strategies
 - Roll up door security (e.g. removable bollards and rating)
 - Windows (e.g. intrusion resistant film, alarms)
 - Cultivation Uses: Storage for goods subject to administrative hold order
 - Cultivation Uses: Storage for fertilizers and agricultural chemicals
 - Manufacturing: Biomass storage & method
 - Manufacturing: Employee personal storage (e.g. lockers)
- An incomplete Security Plan Narrative. The following information should be provided:
 - Minimum equipment/efficacy/backup standards related to surveillance, alarm, locks/access controllers, currency/product storage;
 - Private patrol response, if applicable
 - After-hours remote monitoring details, if applicable
 - Guard services, if applicable (# of guards, armed/unarmed, hours present, roles/responsibilities)
 - Opening and Closing procedures (system arming assurances, escorts, etc)
 - Transportation procedures (intake/output of goods/currency)
 - Procedures for critical incidents (e.g. theft, burglary, robbery)
 - Key/Credential control practices/policies
 - Unique user/access codes re: all electronic security systems
 - Auditable user trails re: all electronic security systems
 - Description of how all applicable security related state regulations are to be satisfied

Building Safety Division

- It is in your interest to engage a qualified design professional early in the process to coordinate with the security consultant and appropriately plan for adequate occupancy, access and egress requirements.
- Designers should take into account seismic upgrades to the structure with a change of use to a higher hazard, especially in an older tilt-up building that has not been retro fitted.

- Design professionals account for a change of occupancy on their structure when it comes to fire assemblies and exiting and demonstrate compliance with all applicable Codes.
- Control areas shall be clearly defined and marked, and number of control areas shall be limited to the tables in the California Building Code (CBC) and California Fire Code (CFC). “Control area” are spaces within a building where quantities of hazardous materials do not exceed the maximum allowable quantities per control area including where they are stored, dispensed, used or handled. See definitions in CBC and CFC.
- Accessibility (ADA) upgrades will be required for the project and will be determined through Chapter 11B of the CBC using the valuation of materials and labor costs.
- All disciplines are required to be stamped and signed by architect/engineer of record (e.g. architectural plans to be stamped and signed by architect, structural to be stamped and signed by civil/structural, electrical plans to be stamped and signed by electrical, etc.).
- For cultivation, plans and documents should clearly show and define the hazardous materials used through the cultivation process including:
 - The maximum allowable quantities used throughout the cultivation and production process
 - Protection of hazardous areas
 - Separation of areas using hazardous materials and safe practices for those materials in use
 - Bulk handling and mixing of gases, if any
 - Clarification how odors will be mitigated
 - Handling of waste
 - Off-gassing from products, if any
- All equipment should be listed from a nationally recognized third-party testing agency.
 - If non-listed equipment is to be used or if listed equipment is to be used and modified or altered, third party testing may be required and approval of third party testing company and personnel shall to be pre-approved by the City of Benicia’s Chief Building Official.

Fire Department

- Please note the following for Exiting
 - The California Fire Code (CFC) requires that egress doors be readily openable from the egress side without using a key or special knowledge or effort. The following options are compliant methods for safe exiting that provide a higher degree of security without interfering with occupant exiting:
 - Door hardware release of electrically locked egress doors provided in CFC 1010.2.11
 - Sensor release of electrically locked egress doors provided in CFC 1010.2.12
 - Delayed egress under specified conditions provided in CFC 1010.2.13
- Please note the following for Hazardous Materials
 - The codes cannot be applied appropriately unless the building occupancy classification is known. Therefore, the first step is determining the number of hazardous materials that will be stored and used.
 - A Hazardous Materials list identifying the maximum expected quantities of hazardous materials to be stored, used in a closed system, and/or used in an open system shall be provided during the review process to further assess building and fire code requirements. Instructions for creating a hazardous materials inventory statement (HMIS) can be found in CFC Appendix H.
 - If hazardous materials exceed the maximum allowable quantities per control area listed in CFC Table 5003.1.1 and the building is classified as a hazardous occupancy, specific requirements must be followed. A determination of occupancy classification will provide a more expedited plan review response.
 - A Hazardous Materials Inventory Statement (HMIS) identifying the maximum expected quantities of hazardous materials to be stored, used in a closed system, and/or used in an open system, and further subdivided to separately address hazardous material classification shall be provided during the review process to further assess building and fire code requirement. Instructions for creating a hazardous materials inventory statement (HMIS) can be found in CFC Appendix H.

- Please note the following for Indoor Cultivation
 - Indoor cultivation with Carbon dioxide enrichment systems with more than 100 pounds of carbon dioxide and carbon dioxide enrichment systems with any quantity having a remote fill connection shall comply with California Fire Code sections 5307.4. This includes providing the following systems to areas with carbon dioxide enrichment:
 - Gas detection system complying with CFC Section 916
 - Mechanical ventilation system complying with the Mechanical Code
 - A Gas Detection system requires a fire construction permit under CFC 105.7.11 and requires submittal to the fire department demonstrating compliance with the provisions provided in CFC 916 and NFPA 72.
 - Cultivation facilities utilize fertilizers, pesticides, and other chemicals to grow plants. Some of these materials are considered hazardous and shall be reported during permitting.

- Please note the following for Cannabis Process and Extraction Facilities
 - A fire construction permit is required to install a Plant Extraction System. A permit shall be obtained for each extraction system.
 - Any extraction equipment and extraction process utilizing hydrocarbon solvents (e.g., propane, butane, and hexane) shall be located in a room or area dedicated to extraction.
 - Equipment and appliances used in the post-process purification and winterization shall be approved and listed for such use.
 - The use of flammable and combustible liquids for liquid extraction processes where the liquid is boiled, distilled, or evaporated shall be located within a hazardous exhaust fume hood, rated for exhausting flammable vapors. The exhaust hood is required to be installed in accordance with the mechanical code.
 - Systems or equipment used for the extraction of oils from plant material shall be listed and labeled in accordance with UL 1389 and installed following the manufacturer's instructions.
 - Any extraction equipment/system shall be reviewed by a registered design professional. A Technical report shall be submitted to the Fire Department for

review and approval. The firm or individual preparing the technical report shall be approved by the Fire Chief prior to performing the analysis.

- The technical report content shall contain all of the following items outlined in CFC 3904.2.
 - The technical report that has been reviewed and approved by the fire code official, as required by CFC Section 3904, is required before the equipment is located and installed at the facility.
 - Prior to the operation of the extraction equipment, the engineer of record or approved professional shall inspect the site of the extraction process once the equipment has been installed for compliance with the technical report and building analysis. The engineer of record or approved professional shall provide a report of findings and observations to the fire code official for review and final approval.
 - If the extraction process uses flammable gases as solvents, a continuous gas detection system complying with CFC 916 must be provided within the extraction room. A Gas Detection system requires a fire construction permit under CFC 105.6.10 and requires submittal to the fire department demonstrating compliance with the provisions provided in CFC 916.
- Please note the following for High-piled Combustible Storage
- Cultivation or combustible storage on racks that exceed 12 feet in height is considered high-piled combustible storage and requires a fire construction permit under CFC 105.6.13.
 - Plans demonstrating compliance with CFC Chapter 32 shall be submitted during the building permit process for all high-piled combustible storage.