

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of January 24, 2019

**FROM:** Julia Ayres, Associate Planner, via John Swiecki, Community Development Director

**SUBJECT:** Use Permit UP-9-18; 111 South Hill Drive; TC-1 Crocker Park Trade Commercial District; Use Permit to establish an approximately 4,000 square foot delivery-only retail cannabis business within an existing 15,885 square foot office/warehouse building; Kent Kroll, applicant; 101 111 South Hill Drive LLC, owner.

**REQUEST:** The applicant requests approval of a Use Permit application to establish a cannabis business for delivery-only cannabis retail within an existing office and warehouse building in Crocker Park. A Use Permit is required to allow cannabis businesses to operate within the TC-1 Crocker Park Trade Commercial District.

**RECOMMENDATION:** Approve Use Permit UP-9-18 via adoption of Resolution UP-9-18, containing the findings and conditions of approval.

**ENVIRONMENTAL DETERMINATION:** Projects that involve expansion or continuation of an existing use are categorically exempt from the provisions of the California Environmental Quality Act per Section 15301(a) of the CEQA Guidelines. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

**APPLICABLE CODE SECTIONS:** Conditionally permitted uses in the TC-1 Crocker Park Trade Commercial District are discussed in BMC §17.19.030. Cannabis business regulations are contained in BMC Chapter 17.33.

**PROJECT DESCRIPTION:** The applicant represents a proposed delivery-only retail cannabis business, NCC Brisbane LLC, that would conduct delivery-only retail operations from an approximately 4,000 square foot suite within an approximately 15,885 square foot existing office/warehouse building. Few minor tenant improvements would be required to improve the existing interior spaces' functionality and overall building security.

The business would occupy approximately a fourth of the structure, while the other building suites would be leased to other cannabis businesses. The Commission approved Use Permit UP-8-18 for cannabis distribution, delivery-only retail, and manufacturing for Peninsula Distribution Solutions and Peninsula Distribution Solutions, conducting cannabis distribution, delivery-only retail, and manufacturing businesses, which would occupy roughly half of the structure. State

cannabis business regulations require that each individual business (or “premise”) be physically separated from one another.

The delivery-only retail operations proposed by the applicant are described in the submitted Operations Plan (Attachment 3). The Operations Plan describes a maximum of 40 delivery drivers employed by the business, scheduled in staggering shifts over an approximately 14-hour workday, conducting “dynamic delivery” whereby each delivery driver makes two daily trips into the facility. Drivers would utilize their own personal vehicles for deliveries, outfitted with GPS and other security-related devices to ensure the driver’s safety.

## **ANALYSIS AND FINDINGS:**

### Cannabis Business Requirements

BMC Chapter 17.33 contains detailed requirements for cannabis business operations. The applicant has prepared a Cannabis Business Checklist and Operations Plan (Attachment 3) demonstrating how the business will comply with the performance and operating standards contained in Chapter 17.33. Pertinent standards relevant to the Use Permit approval are discussed in detail below.

*State Licensing.* This performance standard will be met subsequent to approval of the Use Permit. The applicant will obtain the appropriate State licenses from the Bureau of Cannabis Control (BCC) for the proposed delivery-only retail operations pending Commission action on this Use Permit. Consistent with State regulations, they may not receive their license from the State until such a time as the City authorizes their land use permit.

As a point of information about the State licensing process, the BCC will no longer be issuing temporary licenses, which were available to cannabis businesses with local authorization prior to December 31, 2018. The temporary licenses were offered in the interim period while the BCC was formulating annual license requirements and procedures, and will expire within eight months of issuance. Beginning January 1 of this year, the annual licensing process is now active, which subjects applicants to more stringent application review standards.

*Hours of Operation.* This performance standard will be met, per page 3 of the applicant’s Operations Plan. As recently amended by Ordinance 632, BMC §17.33.020.B allows cannabis businesses to conduct deliveries and pick-ups daily between 8 a.m. and 10 p.m.

*Odor Control.* Similar to the existing Crocker Park-wide performance standard in BMC §17.19.050, BMC Section 17.31.020.C requires all cannabis odors to be contained on the property. This performance standard will be met, per the applicant’s submitted odor control plan (Attachment 3). This performance standard will be met through a combination of interior and exterior air filters, as described in detail in the odor control plan. Compliance with the odor control plan is included as a condition of approval to Resolution UP-9-18, which also requires the applicant to work with the City to correct odor concerns if the City receives any complaints. As a point of information, BMC §17.19.050 also stipulates that “unresolved or repeated odor

complaints may be the basis for suspension or revocation of the business license or use permit, as applicable.”

*Location of Business Activities.* This standard requires that all aspects of the business, with the exception of incidental loading and off-loading of cannabis or cannabis products, occur within the building where the business is being conducted. It also requires that the interior use related to cannabis products not be visible from the exterior of the site. As described in the applicant’s Operations Plan, all business operations with the exception of product loading and off-loading will occur inside the building.

*Security and Site Inspections.* The applicant has submitted a detailed security plan to the Police Department. The Police Department has determined it to be complete with respect to the Use Permit application. Condition of Approval A in the attached Resolution UP-9-18 requires all security and safety improvements required by the Police Department to be installed prior to business operations.

#### Use Permit Analysis and Findings

In order to approve the Use Permit, the Planning Commission must determine the following, per BMC §17.40.060:

- A. “In considering an application, the planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question.”
- B. “The planning commission shall determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. If the planning commission finds that the aforementioned conditions will not result from the particular use applied for, it may grant the use permit.”

The proposal would meet both findings, as discussed below.

*Adjacent Uses and Structures-* The subject property is located in the Crocker Industrial Park, the City’s largest trade commercial district (zoned TC-1, Crocker Park Trade Commercial District). The property is occupied by two warehouse buildings with accessory office space, both formerly occupied by Aircraft Technical Publishers (ATP). The proposed business under this Use Permit would occupy the building farthest from South Hill Drive at 111 South Hill Drive. The Commission recently approved Use Permits for cannabis distribution, delivery-only retail, and manufacturing businesses to occupy portions of 111 S. Hill Drive (UP-8-18, PDeS and PDiS) and 101 S. Hill Drive (UP-5-18, Caliva).

The property is bordered to the west by existing food production and distribution uses at 123 South Hill Drive and 145 South Hill Drive (Bi-Rite Foodservice Distributors and Del Monte

Meats), and manufacturing uses (Lee Mah Electronics) at 155 South Hill Drive. To the east, adjacent uses include freight forwarding, office, and warehouse uses at 99 South Hill Drive (DHL, F.W. Spencer, Norman Wright Mechanical Equipment). The proposed cannabis delivery-only retail uses is thus consistent with the adjacent uses and structures, and Crocker Park as a whole. Additionally, it should be noted that retail sales are a permitted use in the TC-1 District.

The site is separated from the Crocker Park Recreational Trail (CPRT) by the approximately 60 foot wide South Hill Drive right-of-way and approximately 20 feet of grade separation and is thus not visible or accessible from the CPRT.

*General Plan Consistency-* The proposed delivery-only retail use is consistent with the property's Trade Commercial land use designation in the 1994 General Plan.

General Plan policies applicable to the proposed uses include the following:

**Policy 8:** Maintain and diversify the City's tax base, consistent with community character, in order to generate adequate revenues for City Government and sustain a healthy local economy. (*Local Economic Development, Ch. 4*)

**Policy CP.3:** Encourage uses that benefit the community, providing jobs, revenues and services. (*Subarea Policies, Crocker Park*)

In general, businesses that comply with the performance standards in BMC Chapter 17.33 would support the City Council's stated interest in allowing such uses to be established in the City as part of a new and expanding industry.

**Policy CP.11:** Review development plans to assure adequate parking/loading on site. (*Subarea Policies, Crocker Park*)

Under the use standards contained in BMC Chapter 17.34, there is no specific parking standard for delivery-based retail establishments. Due to the use of the space as a de facto warehouse for the storage of products, the parking standard closest matched to the proposed use would be for warehouse uses, which requires 1 parking space for every 1,000 square feet of warehouse area. The applicant's site plan (see Attachment 5) shows 35 on-site parking spaces will be available (shared with PDeS and PDiS) for the applicant's use. As described in the applicant's Operations Plan, the applicant intends to implement a shift-based schedule for employees to ensure adequate on-site parking at all times.

**Policy CP.20:** Provide the opportunity for a property owner to request police review of plans for new construction and remodeling to provide suggestions for the control of vandalism and theft.

As previously noted, the Police Department has reviewed a detailed security plan and the Use Permit application and will require security-related improvements to be installed on the premises, subject to review and compliance prior to building occupancy.

**Policy CP.24:** Contain major business activities inside buildings.

As required by the TC-1, Crocker Park Trade Commercial district regulations, as described in the applicant's business operations plan, and as reiterated in Condition of Approval J included in

Resolution UP-9-18, all major business activities with the exception of delivery loading and off-loading shall take place inside the building.

*Not Detrimental or Injurious to the Property, Neighborhood or City* – Given the conditions of approval contained in Resolution UP-9-18, particularly related to security and fire safety requirements, the proposed cannabis business would not be detrimental or injurious to the property, neighborhood or city at large. The delivery-only retail use is consistent with existing uses in the immediate vicinity and throughout Crocker Industrial Park, and would comply with all required performance standards for all businesses, and specifically cannabis-related businesses, contained in the zoning ordinance.

This application has been reviewed by the Public Works Department, Police Department and North County Fire Authority. These departments have required conditions of approval for the project that are included in the attached Resolution UP-9-18.

**ATTACHMENTS:**

1. Vicinity map
2. Draft Resolution UP-9-18 with recommended Findings and Conditions of Approval
3. Cannabis Business Checklist and Applicant's Operations Plan

BLANK

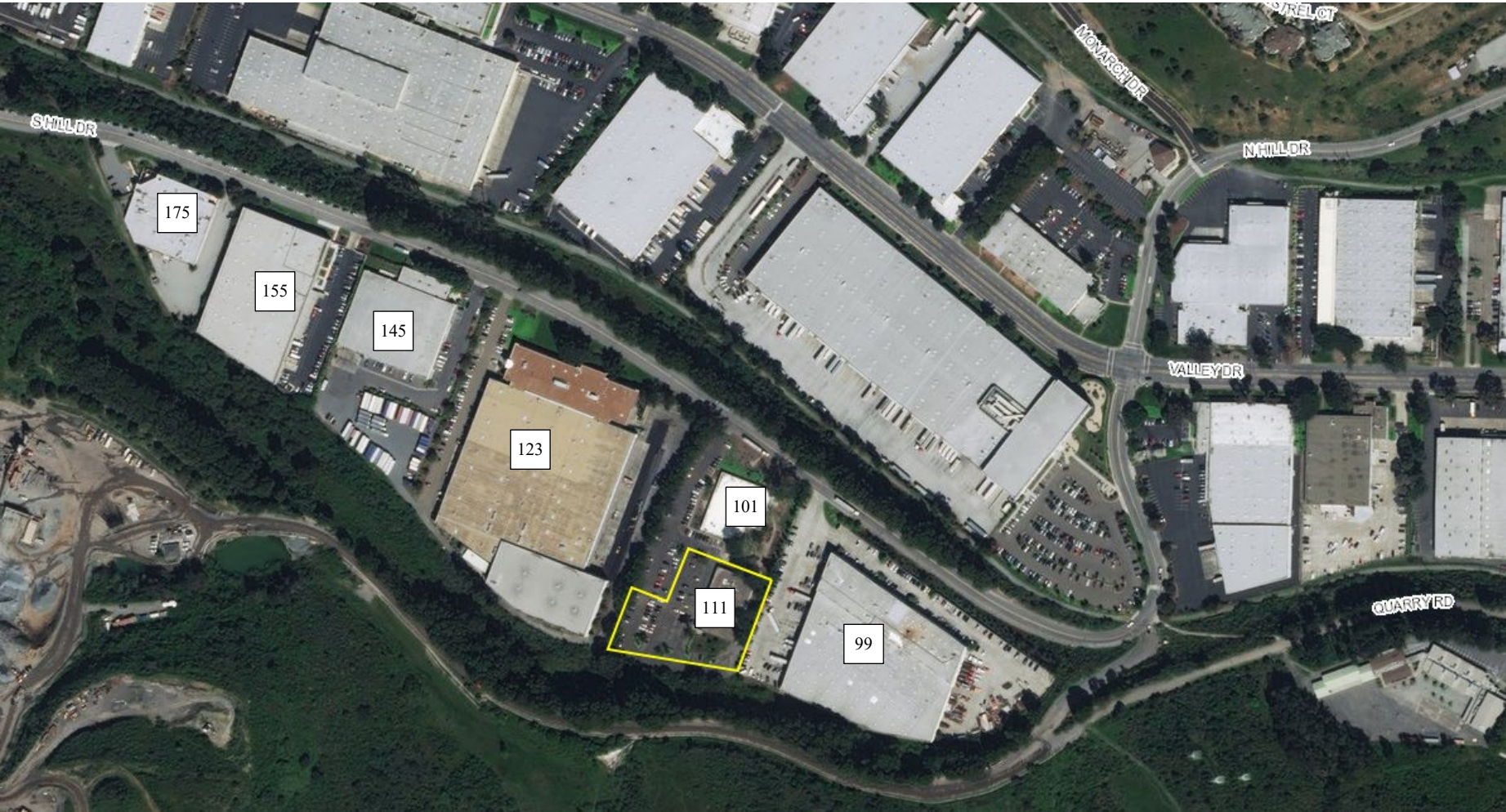
# ATTACHMENT 1

BLANK



Vicinity Map  
111 S. Hill Drive

ATTACHMENT 1



BLANK

# ATTACHMENT 2

BLANK

Draft  
RESOLUTION UP-9-18

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING USE PERMIT UP-9-18  
FOR A CANNABIS BUSINESS  
AT 111 SOUTH HILL DRIVE

WHEREAS, Kent Kroll applied to the City of Brisbane for Use Permit approval for establishment of a cannabis business consisting of delivery-only retail at 111 South Hill Drive, such application being identified as UP-9-18; and

WHEREAS, on January 24, 2019, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Section 15301(a) of the State CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein, as Exhibit A, in connection with the requested Use Permit;

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of January 24, 2019 did resolve as follows:

Use Permit UP-9-18 is approved by the Planning Commission in compliance with the conditions of approval attached herein as Exhibit A.

ADOPTED this 24<sup>th</sup> day of January, 2019, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Coleen Mackin  
Chairperson

ATTEST:

\_\_\_\_\_  
JOHN A. SWIECKI, Community Development Director

DRAFT  
EXHIBIT A

**Action Taken:** Approval of Use Permit UP-9-18, per the staff memorandum with attachments, via adoption of Resolution UP-9-18.

**Use Permit UP-9-18 Findings of Approval**

- A. The planning commission finds that, given the conditions of approval, the proposed cannabis delivery-only retail use is consistent with and complementary to the nature and condition of all adjacent uses and structures in the Crocker Industrial Park, and with the all applicable General Plan policies pertaining to permitted land uses and business operations within Crocker Park. Specifically, the use is consistent with the Trade Commercial land use designation in the 1994 General Plan, and per the applicant's site and floor plans and business operations plan, the business operations will be consistent with General Plan Local Economic Development Element Policy 8, and Crocker Park subarea policies CP.3, CP.11, CP.20, and CP.24.
- B. The planning commission finds that, given the conditions of approval and the applicant's application materials, the establishment, maintenance and operation of the cannabis delivery-only retail use will not be detrimental to the health, safety, comfort and general welfare of the persons working in Crocker Industrial Park, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

**Use Permit UP-9-18 Conditions of Approval:**

Prior to Commencing Business Operations:

- A. The applicant shall obtain a building permit demonstrating compliance with all physical improvements to the tenant space and site as required by the Building Division, Police Department, and North County Fire Authority, as listed below:
  1. Property and building security shall be installed and shown in the building permit plans, compliant with specifications required by the Police Department and subject to final approval by the Police Department.
  2. The facility and building permit plans shall conform to NFPA 1 Chapter 38 2018 Edition, the 2016 California Building Code, and the 2016 California Fire Code.
- B. The applicant shall apply for a business license from the City of Brisbane.

Other Conditions:

- C. Prior to business license approval, the applicant shall demonstrate that the appropriate license from the State of California applicable to the cannabis business has been obtained.
- D. Except where prohibited by State law, all waste generated by the business shall be serviced by the South San Francisco Scavenger Companies. The applicant shall work with South San Francisco Scavenger Companies and the Police Department to determine the appropriate waste storage and pickup protocols.
- E. The cannabis business shall comply at all times with the performance and operational standards contained in BMC §17.33.020, as may be amended from time to time. In addition

to the requirements specified under BMC §17.33.020, the Police Chief or designated representative shall have the authority to inspect the facility without prior notice during business hours to verify that conditions of the permit are being met.

- F. The Police Department shall have final approval of the proposed entry security systems and security protocols.
- G. Exterior advertising signage associated with the approved use shall be subject to separate planning applications.
- H. Drawings depicting all work completed and proposed shall be provided to the satisfaction of the City. Exposure of covered work may also be required to demonstrate compliance with building code requirements.
- I. The permittees agree to indemnify, defend and hold the City and its officers, officials, boards, commissions, employees and volunteers harmless from and against any claim, action or proceeding brought by any third party to attack, set aside modify or annul the approval, permit or other entitlement given to the applicant, or any of the proceedings, acts, or determinations taken, done or made prior to the granting of such approval, permit, or entitlement.
- J. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- K. This Use Permit is subject to the revocation procedures established in Brisbane Municipal Code Chapter 17.48 should the use not comply with its conditions of approval or in any way prove to be a nuisance, injurious or detrimental to property or improvements in the neighborhood or to the general welfare of the City.
  - 1. Failure to comply with any of the aforementioned conditions of approval shall constitute grounds for revocation of the use permit. Generally, in the event that any of the agencies with oversight authority provides a written notice of the violation and correction items have not been properly addressed in a timely manner (as may be indicated in the notice); or in the event that more than one violation is issued within a six month period, the application will be brought to the Planning Commission for revocation.
  - 2. The Community Development Director shall have discretion regarding referral of the application to the Planning Commission for revocation proceedings.

BLANK



# ATTACHMENT 3

BLANK

111 South Hill Drive, Ste. D  
UP-9-18  
Page 1 of 8

## **CONDITIONAL USE PERMIT APPLICATION**

**Applicant:** NCC Brisbane, LLC  
**Address:** 111 S Hill Drive Ste. D Brisbane, CA 94005  
**APN:** 005-280-180  
**General Plan:** Warehouse, Office  
**Zoning:** TC-1 (Crocker Park Trade Commercial Dist.)  
**Building:** 15,885 SF  
**Lot Size:** 1.425 Acres  
**Proposed Use:** Cannabis Non-storefront Delivery

---

### **TABLE OF CONTENTS**

- I. Description of Operations
  1. Introduction
    - i. Local & State Compliance
    - ii. Neighborhood Compatibility
  2. Delivery
  3. Inventory Control
  4. Storage and Waste
  5. Training and Records
  6. Odor Mitigation
  7. Security Plan
    - i. Surveillance
    - ii. Alarm System
    - iii. Access Controls
    - iv. Security Personnel

### **ATTACHMENTS**

- A. Site Plans
- B. Floor Plan & Security Plan
- C. Attachments for Odor Control System Specifications
- D. Financial Interest Holders
- E. Business Formation Documentation
- F. Site Photos

111 South Hill Drive, Ste. D

UP-9-18

Page 2 of 8

## **I. Description of Operations**

### **1. Introduction**

The Applicant proposes to operate a Commercial Cannabis Non-storefront Retail Delivery (State License Type 10) facility within the building at 111 S Hill Drive Brisbane Suite D, CA 94005. The proposed site is zoned TC-1 Crocker Park Trade Commercial District. NCC Brisbane, LLC will occupy a subleased premises of MJIC Solutions, LLC, identified as "Sublease #2" on MJIC Solutions, LLC's CUP application (Use Permit UP-8-18, approved by the Brisbane Planning Commission on December 13, 2018). The Applicant's premises will occupy approximately 4,058 square feet of the building, to be used for delivery, inventory storage, secured waste, record keeping and security surveillance storage.

The proposed project will include delivery-only activities permitted by a Cannabis Non-storefront Retail and Delivery State License - Type 10 for Medicinal & Adult use, which allows retail sales of cannabis and cannabis products to consumers. The Applicant's non-storefront retail planned for 111 S Hill Drive Suite D in Brisbane, CA will conduct retail sales exclusively by delivery.

The project will require no demolition or "hard" construction upgrades in order to become operational. Only security and IT related improvements will be necessary, all which NCC Brisbane, LLC is prepared to implement immediately upon planning commission approval.

#### **i. Local and State Compliance**

The Applicant is experienced and committed to compliance with local and state cannabis regulations. The applicant's team includes partners with extensive experience in managing cannabis retail, laboratories, cultivation, and manufacturing, as well as wine retail/tasting rooms and food retail and production which have many parallels to cannabis. . Additionally, the applicant is currently operating two cultivation businesses in Santa Rosa and a delivery dispensary in San Francisco. They are ready to expeditiously develop a first-rate cannabis delivery dispensary in Brisbane that will contribute to the local economy and community. NCC Brisbane will be a leader in the industry, setting a high standard as a responsible, compliant and customer serving delivery dispensary while maintaining high standards of compliance.

As demonstrated through the project application, the applicant is proposing to meet all state, county and city regulations and exceed them to insure compliance.

111 South Hill Drive, Ste. D

UP-9-18

Page 3 of 8

**ii. Neighborhood Compatibility**

The location provides an ideal setting for this type of land-use. With neighboring cannabis businesses and distribution centers, this location is perfect for a cannabis delivery dispensary. This project will require no “hard construction” to become operational and therefore won’t have any impact on the surrounding neighbors.

The proposed facility is well-suited to house delivery dispensary operations. The building will be upgraded where necessary to meet current California Building Code requirements and security improvements required by the Brisbane Police Department.

The applicant will be participating in “dynamic delivery”, which will only require 2 daily trips into the facility, per driver. NCC Brisbane estimates 40 drivers per day, for a total of 80 daily trips over the course of a 14 hour period. All trips will be staggered evenly throughout the day, resulting in minimal traffic in and out of the facility.

Furthermore, the applicant isn’t requesting for any additional parking spaces. NCC Brisbane will be occupying 17 parking spaces out of the 35 spaces that MJIC Solutions, LLC’s CUP application was approved for (Use Permit UP-8-18).

## **2. Delivery**

The applicant plans to deliver Cannabis and Cannabis Products to customers located outside the Cannabis non-storefront retail facility in line with Cal. Code Regs. tit. 16 § 5415 and City of Brisbane Municipal Code, Title 17, Chapter 17.33, City of Brisbane Ord. No. 617, Brisbane Ord. No 625, and Brisbane Ord. No. 632. All deliveries of cannabis goods will be performed by a delivery employee (over the age of 21) of the applicant. All deliveries of cannabis goods will be made between the operating hours established in BMC Chapter 17.33. Employees delivering cannabis will carry a copy of the retailer’s current license, the employee’s government-issued identification, and an identification badge. Delivery will only be offered to a physical address. Delivery employees will ensure the cannabis goods are not visible to the public.

Intake of products will occur once a day from a licensed distributor at the single point of entry to the applicant’s premises, identified on the floor plan as “Property Entry”. The NCC Brisbane delivery driver will enter a man-trap via biometric verification, to which the NCC Brisbane security personnel will then verify the identity of the delivery driver and said goods prior to allowing access into the common corridor. Once verified,

security personnel will remotely unlock the man-trap gate and give delivery driver access to the “common corridor” as indicated on the plan. The delivery driver will then enter the applicant’s premises via biometric verification, at which point the goods will be received and transported to the “Product Storage” rooms.

The vehicle(s) used for the delivery of cannabis goods will be outfitted with a dedicated Global Positioning System (GPS) device for identifying the geographic location of the delivery vehicle. The device will be either permanently or temporarily affixed to the delivery vehicle and will remain active and inside of the delivery vehicle during delivery.

While making deliveries, the applicant’s delivery employee will not carry cannabis goods in excess of state regulation.

The delivery service will have a menu available on the website so customers can place orders over the phone or online. The customer will send over all necessary information and will have a profile created within the point of sale system. The order will go into the system and be pulled by an employee at the retail facility at the proposed premises. Once the order is filled it will be placed in a bag with a receipt affixed to the bag. The receipt will include, the name of the customer, their assigned ID number from the POS, delivery address, description of the cannabis items, total amount paid by the customer including all taxes, name and address of the facility making the delivery, the name and id number of the employee making the delivery, and the name and id number of the employee who prepared the delivery. The driver will retain an additional copy of the receipt to be signed by the customer upon receipt of the delivery. There will be space provided to have the date and time written in of when the delivery was made.

While making deliveries of cannabis goods, the applicant’s employee will only travel from the licensed premises to the delivery address; from one delivery address to another delivery address; or from a delivery address back to the applicant’s licensed premises. The applicant’s delivery employee will not deviate from the delivery paths described in this section, except for necessary rest, fuel, or vehicle repair stops, or because road conditions make continued use of the route unsafe, impossible, or impracticable.

### **3. Inventory Controls**

The Applicant will operate in a manner to prevent diversion of Cannabis and will promptly comply with any track and trace program established by the state to ensure

that no diversion or loss occurs. Using their experience in San Francisco, the applicant will implement a point of sale system which integrates into the inventory system to permit compliance with state inventory controls. In the event of any inventory discrepancies, the Applicant will immediately notify regulators and The Brisbane Police Department within the required time periods as indicated in Brisbane Municipal Code Chapter 17.33. In addition, the applicant will perform a reconciliation of its inventory at least once every 14 days and will be made available to the California Cannabis Bureau and the Brisbane Police Department upon request.

The applicant proposes to maintain an accurate record of sale for every sale made to a customer and include the information required (CAL. CODE REGS. tit. 16 § 5426). The applicant will not make any cannabis goods available for sale or delivery to a customer unless: The cannabis goods were received from a licensed distributor, the retailer has verified that the cannabis goods have not exceeded their expiration or sell-by date if one is provided; and in the case of manufactured cannabis products, the product complies with all requirements of Business and Professions Code section 26130 and all other relevant laws.

#### **4. Storage and Waste**

All cannabis products and any cannabis waste will be stored in an area secured with commercial-grade non-residential locks, that is not visible to the public and that prevents diversion, theft, loss, hazards and nuisance. All storage and handling of hazardous materials will occur in code compliant control areas. All vendors will be pre-scheduled in advance and must present valid identification. Vendors will only be granted access to the areas required for removal of waste. All waste removal vendors will be required to document and track all waste materials removed from the site. The applicant will work with the City's franchise waste hauler, South San Francisco Scavenger Company, to develop a waste removal plan.

#### **5. Training and Records**

Management will require that employees follow necessary procedures to ensure that cannabis and any related by-products from the facility are not visible or accessible to the

public. Every employee will be required to participate in training to learn the Applicant's security and safety protocols as a condition of employment. The Applicant will mandate that all employees be well versed in all security procedures. As required by state rules and BMC Chapter 17.33, the Applicant will maintain up-to-date and current records related to the cannabis delivery operation. All surveillance equipment, records and recordings will be stored in a secure area that is only accessible to Applicant's management. Finally, the Applicant will update the security plan to comply with any new local or state laws and regulations for cannabis licensing adopted in the future.

## **6. Odor Control**

The non-storefront retail outlet will maintain adequate odor control measures such that the odors of Cannabis cannot be detected from outside of the structure. Applying these concepts will effectively mitigate cannabis odor detection from outside the structure in which the proposed business is to operate. Please see Attachment C for details.  
(Brisbane, CA Municipal Code Chapter 17.33, section A)

## **7. Visibility of Operation**

As stated in operational plans above, all aspects of the business, with the exception of incidental loading and off-loading of cannabis or cannabis products, shall occur within the building where the business is being conducted. This is in accordance with Brisbane, CA Municipal Code 17.33.020.D.

(Ord. No. 617, § 16, 9-7-17; Ord. No. 625, § 1, 4-5-18)

## **8. Labeling**

There will be no onsite labeling in the applicant's premises.

## **9. Security Plan, Security Measures, and Security Breach Response**

The Applicant's security plan is intended to prevent theft or diversion of any cannabis or currency, as well as to discourage loitering, crime, and illegal or nuisance activities. The site security plan is comprised of several layers of systems and protocols, which are



discussed in detail below. All the security systems will be capable of remaining fully operational during a power outage. No weapons or firearms will be permitted on the property. As a subtenant to Peninsula Delivery Solutions (located in adjacent suite at 111 S. Hill Drive), please refer to applicant, Peninsula Delivery Solution's, security plan for all exterior surveillance and access control. NCC Brisbane, LLC & Peninsula Delivery Solutions are coordinating to ensure both security systems are compatible and efficiently deployed. All security measures are designed to ensure emergency access is available in compliance with California Fire Code and North County Fire Authority requirements.

**i. Surveillance**

Security surveillance video cameras will be installed and maintained in good working order in the locations identified on the attached security plan to provide coverage on a twenty-four-hour basis of all internal and exterior areas where Cannabis is stored, sold and transferred. The security surveillance cameras will be oriented in a manner that provides clear and certain identification of all individuals within those areas. Cameras will remain active and operate under any lighting condition. The Brisbane Chief of Police or designee shall be provided 24-hour access to all security surveillance video cameras and recordings. Security video will use standard industry format and will be stored for ninety (90) days. All recordings will be easily accessed for viewing.

**ii. Alarm System**

The Applicant will install a professionally monitored alarm system, which provides the Applicant with notification of any unauthorized access to the premises. The alarm system will be registered with the City and an alarm permit will be kept in good standing.

**iii. Access Controls**

The proposed floor plan includes commercial security doors at all entrances, exits, and access points to restricted areas. Additionally, the applicant will be installing a caged man-trap to limit access into the single point of entry of the premises. All access points will require biometric and/or NCC Brisbane Security Personnel verification.

NCC Brisbane will conduct retail Product sales exclusively by delivery as defined in Business and Professions Code section 26001(p). NCC Brisbane's application for a State Type 9 annual license will include all the information required in an application for a state Type 10 retailer license. Applicant will comply with all the requirements applicable to Type 10 retailer licensees, except for those provisions related to public

access to the Delivery Premises, which will at all times be closed to the public and treated as limited-access areas.

**iv. Security Personnel**

In compliance with state law (CAL. CODE REGS. tit. 16 § 5045), security personnel will always be present at the location. In addition to verifying employee identify, Security personnel will also monitor the site and parking lot to prevent nuisance activity and report any criminal activities to law enforcement.

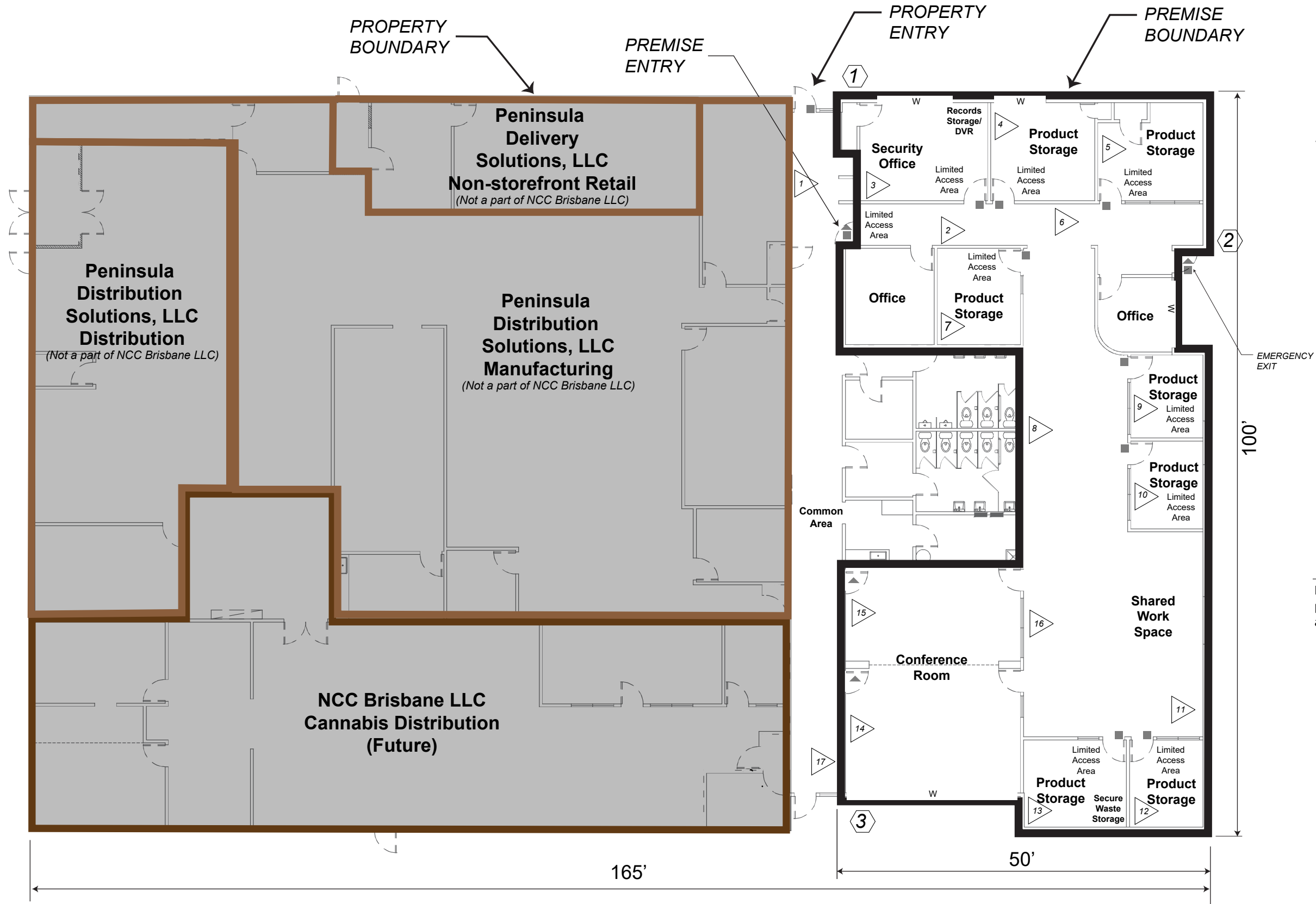
# ATTACHMENT A

## SITE PLANS



## ATTACHMENT B

# ~~FLOOR PLANS & SECURITY PLANS~~



~~PREMISE BOUNDARY~~  
**NON-STOREFRONT RETAIL**

**NCC BRISBANE LLC**  
**111 SOUTH HILL DRIVE**  
**SUITE D**  
**BRISBANE, CA 94005**  
 (CROSS STREET VALLEY DRIVE)

**APN: 005-280-170**

DOCUMENT CONTROL

Version DRAFT 4.20  
 Last updated on 11/28/2018

Scale = As Stated

PRINCIPAL ACTIVITY DESCRIPTION

Premise is used as non-storefront retail (delivery) cannabis product inventory storage, secured waste, record keeping and security DVR.

LEGEND

- EXTERIOR CAMERA
- INTERIOR CAMERA
- EXTERIOR WINDOW
- CARD KEY ENTRY
- DOOR CONTACT ALARM
- MOTION SENSOR ALARM

# ATTACHMENT C

# ODOR CONTROL



# ODOR MITIGATION PLAN

NCC BRISBANE, LLC  
111 SOUTH HILL DR., STE. D, BRISBANE CA

## Abstract

The following plan has been developed to comply with City of Brisbane, CA Municipal Code, Chapter 17.33, Section A, Odor Control requirements.



**WARNER MECHANICAL ENGINEERING, INC.**

JEFF WARNER, PE | EMAIL: [jwarner@wme-consulting.com](mailto:jwarner@wme-consulting.com) | PHONE: 707-322-0676





## Table of Contents

|  |          |
|--|----------|
| <b>Introduction.....</b>   | <b>2</b> |
| <b>Project Details.....</b>  | <b>2</b> |
| <b>Operational Processes and Maintenance Plan.....</b>                     | <b>2</b> |
| <b>Staff Training .....</b>  | <b>3</b> |
| <b>Engineering Controls .....</b>  | <b>4</b> |
| <b>Supplemental Information – Design Considerations.....</b>               | <b>5</b> |
| <b>Supplemental Information – Odor Concentrations by Application .....</b> | <b>7</b> |



## Introduction

The following plan has been developed to comply with City of Brisbane, CA Municipal Code, Chapter 17.33, Section A.

This plan has been developed based on the applicant's proposed operational criteria as outlined in the general application. Administrative, operational and engineering controls noted are consistent with the commonly accepted best available cannabis-industry-specific technologies designed to mitigate cannabis odors.

**Successful application of this plan will effectively mitigate cannabis odor detection outside the structure in which the proposed business is to operate.**

## Project Details

Please refer to the project summary included in the general application for an overview of proposed project details.

Type-9 Non Storefront Retailer: product storage areas will include inline carbon filtration and roof mounted up-blast exhaust fan(s). Fans shall be operational during normally occupied hours. Storage areas will maintain a negative pressurization.

Please refer to supplemental information, [Design Considerations](#) and [Odor Concentrations by Application](#), provided at the end of this document for additional details regarding specific systems.

On-site consumption through incineration (smoking and vaping) will not be permitted. This plan does not address incineration related odors.

## Operational Processes and Maintenance Plan

Detailed operational and maintenance plans should be developed by the applicant. The following items should be included for odor mitigation purposes:

1. Routine verification of odor mitigation effectiveness through inspection of odors in the general vicinity of the building.
2. Routine monitoring of exhaust system carbon filter differential static pressure to verify filter condition/effectiveness.

Filter replacement is required any time monitoring yields unacceptable pressure monitoring results.



## Staff Training

Standard operating procedures, including staff training, should be developed by the applicant. The following items should be included for odor mitigation purposes:

1. Routine verification of odor mitigation effectiveness monitoring: It should be clear who is responsible for this activity, where and how data is collected and cataloged. A map with clearly indicated data collection test points should be available for reference. Testing should be conducted while processing is occurring and exhaust systems are active. Testing should occur both in the morning (when winds are calm); and in the afternoons (when winds are typically greater). Results should be recorded in a log and should include: operator name, time of day, date, results by test location, relative wind speed and weather conditions.
2. Reporting of cannabis odors outside the building: It should be clear what an employee is to do in the event cannabis odors are detected outside the building. The General Manager or other supervisor should be notified immediately upon detection. The person responsible for receiving notifications should take immediate steps to remedy the problem including, but not limited to, notifying service personnel for repairs or routine maintenance. If odors persist, odor producing operations should be stopped until an effective solution can be implemented.
3. Odor mitigation effectiveness monitoring training: All employees should be trained to conduct odor mitigation effectiveness tests. Training procedures should be included in readily available employee handbooks for reference.
4. Routine carbon filter testing: It should be clear who is responsible for this activity, where, and how data is collected. Carbon filter differential pressure measurements should be collected on a weekly basis. Results should be recorded in a log for each filter and should include: operator name, values, date and time. A map with clearly indicated data collection test points should be available for reference. Testing should be conducted while processing is occurring and exhaust systems are active. Results within 20% of the manufacturer's recommended values should be reported to the maintenance team immediately.
5. Replacing carbon filters: Filters should be replaced immediately as pressure differential measurements exceed routine carbon filter testing limits (see item 4 above). The maintenance team should be trained to perform this task. Training procedures should be included in readily available employee handbooks for reference. Filter replacement dates should be recorded in a



service log including operator name, date, initial and final pressure readings. Replacement filters should be kept on-site at all times.

## Engineering Controls

Mechanical plans developed for building permit application will include the following features and capabilities:

1. Environmental exhaust systems with in-line carbon filtration will be utilized to mitigate odors.
3. Carbon filter(s) will be specified to maintain an acceptable contact time for cannabis odor exhaust and recirculation air stream(s).
4. Exhaust air inlets will be located in areas of the facility where odor generating processes occur.
5. Odors will be contained within the building through system air balancing techniques to eliminate uncontrolled exfiltration of odor to the outdoor environment.
6. Filtered exhaust air streams that are part of the odor mitigation system will be released to the environment in an upward discharge pattern.
8. Environmental exhaust fans in non-cannabis odor intensive areas (break room, rest room, etc.) will not be filtered.
9. System testing and balancing will be required of the installing contractor to demonstrate air balancing effectiveness.
10. Filters, fans and other components integral to the odor mitigation plan shall be clearly labeled in accordance with the plans.
11. Contractor shall provide a test and balance report to the applicant including: initial carbon filter differential pressure measurements; outdoor air rates at space conditioning and make-up air equipment; and environmental exhaust rates.
12. Installing contractor shall provide written monitoring instructions and provide operational training to the applicant upon placing the system in service.
13. Contractor operational training shall be the basis for routine maintenance and testing standard operating procedures.
14. Construction administration services provided by a licensed mechanical engineer are required to verify the installation is consistent with this plan, including review of test and balance report.



## Supplemental Information – Design Considerations

The design of odor control systems is dependent upon odor concentrations associated with the specific cannabis application. A general list of odor concentrations by cannabis processes has been included (see Supplemental Information – Odor Concentrations By Application, below).

Carbon filtration is commonly accepted throughout the cannabis industry as the current best engineering control technology for mitigating odors. Odors are generally captured by locating exhaust air/filter intake points in areas of the facility where odor generating activities or raw material product (flower) handling is expected; in conjunction with the implementation of common air balancing techniques. Air balancing effectively eliminates uncontrolled exfiltration of cannabis odors to the exterior of the building.

Additional systems include combination recirculation fan/filtration units and enzymatic water filtration systems. Recirculation systems are often applied where more significant odor sources are expected (E.G. flower rooms, grinding). Recirculation equipment may be fans with passive carbon filters or powered electric air purification units. Enzymatic systems are employed where exhaust air streams and vent systems do not allow for in-line carbon filtration (E.G. vacuum pump vents, carbon dioxide vents etc.). Enzymatic systems are commonly utilized in urban waste processing facilities to eliminate odors.

Carbon filtration odor removal effectiveness depends on three criteria:

1. Exhaust air contact time
2. Filter cleanliness
3. Containment

Contact time is a function of air velocity through the filter and filter surface area. The contact time should be designed to meet or exceed the filter manufacturer's specified minimum. Filter effectiveness decreases with decreased contact time and odors are passed through the filter to the environment.

Filter cleanliness can be quantified by monitoring system pressure drop across the filter and should not exceed a manufacturer's published performance rating for a given filter. This measurement quantifies the degree to which the filter media has been occluded (becomes dirty). As a filter becomes occluded the pressure drop increases and the fan exhaust rate is reduced. Reductions in the exhaust rate change the air balance and can lead to exfiltration of odor.

Containment is achieved through common air balancing techniques. Proper air balancing allows for negatively pressurizing a room (removing more air than is mechanically supplied) and insures odors pass through filters, eliminating the



exfiltration of odors to the environment or to adjacent rooms through random openings in the building (cracks, doors, etc.). These techniques are commonly and successfully implemented in many non-cannabis applications to eliminate the migration of odors to other part of the building, including commercial kitchen and rest room applications.

Engineering controls will vary depending on the severity of the odor source: negligible, minor, moderate, significant (see Supplemental Information – Odor Concentrations By Application below).

1. Negligible odor sources will be controlled via transfer to an odor mitigating exhaust system within the facility through permanent openings (I.E. air will be allowed to flow to areas of greater odor concentration for filtration).
2. Minor odor sources will be controlled via filtered demand control ventilation systems: fans will be activated when odor sources are present (I.E. fans will be activated when unloading delivery vehicles).
3. Moderate and significant odor sources will be controlled via dedicated filtered environmental exhaust systems; rooms will be negatively pressurized continuously during normally occupied hours or when odor sources are present (including during unoccupied hours).

## **Supplemental Information – Odor Concentrations by Application**

The following list includes typical cannabis odor concentrations (negligible, minor, moderate, significant) by cannabis application (cultivation, manufacturing, distribution, retail, etc.). Associated processes are listed:

1. Cultivation (types 1A, 1B, 1C, 2A, 2B, 2C, 4):
  - 1.1. Flower room – significant
  - 1.2. Vegetation and Clone rooms – negligible
  - 1.3. Drying/Curing rooms – significant
  - 1.4. Trimming rooms – significant
  - 1.5. Ag processing – significant
2. Manufacturing Level 1&2, Extraction or Ag. Processing (types 6, 7, 1P):
  - 2.1. Grinding/product handling – significant
  - 2.2. Loading/unloading extraction equipment – minor
  - 2.3. Post processing, distillation (roto-vap/vacuum pump) – moderate
  - 2.4. Post processing, curing (low temperature oven) – moderate
  - 2.5. Winterization (product handling within fume hood) – minor
  - 2.6. Packaging of extract, vape cartridge fill – minor
  - 2.7. Receiving/vehicle garage – minor
3. Manufacturing Level-1, Edibles (type 6):
  - 3.1. Preparation/mixing and handling – moderate
  - 3.2. Baking and cooking – moderate
  - 3.3. Raw product and finished product storage – negligible
4. Distribution (types 11):
  - 4.1. Product Storage, packaged (retail) – minor
  - 4.2. Product Storage, bulk – moderate
  - 4.3. Receiving/vehicle garage – minor
5. Retail/Dispensary (type 9, 10):
  - 5.1 Secure storage – minor
  - 5.2 Retail Sales – minor