

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP20-02020: LISA BORBA (Applicant), ROBERT NUNN (Owner)

Findings

A. Land Use Permit Findings

1. **Required Finding:** *The proposed project will not be detrimental to the health, safety and general welfare of the county.*

The project is to establish the Diablo Valley Farms indoor cannabis cultivation business at 4425 Sellers Avenue in the Brentwood area. Cannabis operations are required to follow a myriad of local and state regulations aimed at preventing the use from being detrimental to the health of communities in which they operate. The application submittal indicates that Diablo Valley Farms will incorporate the following measures into their business operations to ensure public health is protected: 1) security plan, 2) access restrictions, 3) odor control measures, and 4) product testing. To ensure these measures are being implemented, periodic compliance reviews will be conducted by County staff to verify the company's effectiveness at operating within the parameters of all applicable regulations. Therefore, it is expected that strict adherence to the conditions of approval contained within this permit, as well as, implementation of the above-mentioned health and safety measures will ensure the approved Diablo Valley Farms business will maintain the health, safety, and general welfare of the County.

2. **Required Finding:** *The proposed conditional land use shall not adversely affect the orderly development of the County.*

The indoor cannabis cultivation business is consistent and compatible with other surrounding agricultural land uses in the unincorporated Brentwood area. Each of the location requirements set by the County's cannabis regulations have been met by siting the Diablo Valley Farm business at this location. In the event, the operator/owner intends to expand or change the mode of operation, a new land use permit application may be required to ensure continued appropriateness of the project. Therefore, as conditioned, the project will not adversely affect the orderly development of the County.

3. **Required Finding:** *The proposed project shall not adversely affect the preservation of property values and the protection of the tax base within the County.*

The project includes a retrofit of an existing agricultural facility, which generally increases the value of a property. As improvements are periodically made to private property, the value of surrounding properties is incrementally raised as well. The applicant has also demonstrated experience in the cannabis market and has forecasted a profitable business plan that is expected to generate substantial sales tax revenue for the County. Therefore, it is expected that the Diablo Valley Farms cannabis business will positively contribute to the County's property values and tax base.

4. **Required Finding:** *The proposed project shall not adversely affect the policies and goals as set by the general plan.*

The subject property is located within an Agricultural Lands General Plan land use designation, which is intended to preserve and protect the farmlands of the County which are capable of, and generally used for, the production of food, fiber, and plant materials. As such, the site has a long history of being occupied by agricultural operations. The Diablo Valley Farms business will add an indoor commercial cannabis cultivation business and associated employment opportunities in an area where similar agricultural uses are established. Given that the project is a modification of the existing use, no substantial environmental impacts are expected. Additionally, Sellers Avenue is a designated arterial that functions to move traffic efficiently through the general area; consequently, it is expected that the existing roadway network can accommodate project related traffic. Therefore, the project is consistent with the intent and purpose of the AL land use designation, as well as the policies and goals as set by the General Plan.

5. **Required Finding:** *The proposed project shall not create a nuisance and/or enforcement problem within the neighborhood or community.*

The Diablo Valley Farms business has developed a detailed operation plan that focuses on removing or mitigating nuisances and enforcement problems at the operation. Additionally, the project site has been developed to ensure that it is secure and does not impact neighboring properties. Specifically, the facility has a secure perimeter fence, 24/7 security monitoring, odor containment design, and the buildings are centrally sited on the property, away from neighboring development. The project includes a robust security plan that has accounted for surveillance, lighting, inventory audits, transport procedures, money handling, and training for employees. Therefore, it is not expected that the project will create a nuisance and/or enforcement problem within the neighborhood or community in which it is located.

6. **Required Finding:** *The proposed project shall not encourage marginal development within the neighborhood.*

The County Board of Supervisors adopted Zoning Ordinance Chapter 88-28 – Cannabis Regulation on June 26, 2018. Following that Board action, a request for proposals was issued by County staff. A multi-departmental team of County staff scored and ranked each proposal. As a result of that scoring, the Diablo Valley Farms proposal was allowed an opportunity to operate within the County based on their location, operating procedures, experience, security plan, sustainability goals and community economic initiatives. This project is a result of that Board action. Therefore, it is expected that the approved project will be a positive contribution to the County and will not encourage marginal development within the neighborhood.

7. **Required Finding:** *That special conditions or unique characteristics of the subject property and its location or surroundings are established.*

The subject property is a 10.5-acre developed parcel that will be retrofitted to accommodate the cannabis cultivation operation. All off-street parking, ingress/egress, lighting, and frontage improvements have been well established. The surrounding development includes agricultural uses and ranchette-like rural development, typical for East Contra Costa County. Therefore, the implementation of the agricultural project will maintain the site-specific characteristics, as well as maintain the unique characteristics of the unincorporated Brentwood area in general.

B. Growth Management Performance Standards

1. **Traffic.** The subject site is located along the Sellers Avenue, approximately 0.25 miles north of Sunset Road. Sellers Avenue is a designated arterial intended to move traffic along this corridor efficiently. The Diablo Valley Farm project is projected to generate approximately 15 total peak-hour vehicular trips per day. Based on these projected traffic levels, it is expected the existing driveway at this location can accommodate the added volume. Furthermore, distribution vehicles will be entering and exiting the site from a low-traffic side road, which will ease any potential queuing issues at Sellers Avenue. Therefore, the project as conditioned will not cause any unacceptable traffic related impacts in the immediate vicinity or area in general.

2. **Water.** Water service is provided to the subject property by the East Contra Costa Irrigation District (ECCID). ECCID is the primary water source for the facility. An existing well will only be used for potable water and when the ECCID is down for their scheduled seasonal maintenance, or when ECCID informs farms that it is not available to supply water. The project proponent has committed to implementing energy conservation measures to improve efficiency and to reduce water demand for the facility. Therefore, given that water service is available to the project site, all connections are currently in-place, and all applicable water saving measures will be implemented, the project is not expected to create any water related issues.
3. **Sanitary Sewer.** A sanitary septic system is currently in use at the facility. The site would continue use of this facility. As all water used in cultivation will be recycled, there will be practically no water waste that would increase demand on the septic system.
4. **Fire Protection.** The project is within the East Contra Costa County Fire Protection District (ECCCFPD) service area. Prior to issuance of building permits for the project, detailed plans will be reviewed and approved by the Fire Protection District staff. Given that the project must comply with all applicable codes and regulations (e.g., automatic fire sprinkler systems and other minimum fire related requirements). Compliance with fire code requirements suggests that the project will not represent an undue fire risk at the site or area in general.
5. **Public Protection.** Code Section 88-28.410 (h) of the cannabis regulations requires a compliance review at least once in each of the first, second, and fourth year during the initial five-year term of a permit (5-year term maximum allowed). If a permit is approved for another five-year term, a compliance review must occur after the 2 ½ year point. If it is discovered that the business is in non-compliance with applicable conditions of approval, staff will have the ability to initiate code enforcement actions and/or revocation proceedings to effect compliance. Therefore, based on the location, overall business plan, and robust review requirements, the proposed use will not negatively affect public protection.
6. **Parks & Recreation.** The project will not increase the demand for parks or recreation facilities, as the project does not increase the housing stock in the County. Furthermore, the project can be viewed as a benefit to the community based on the tax revenue and new employment opportunities.
7. **Flood Control & Drainage.** The project is not expected to change the existing drainage pattern on the site. Since operations will take place within existing buildings, no additional permeable surface is expected; thus, there will be no

additional runoff from the site which would alter the capacity of the downstream drainage system.

C. **Cannabis Findings**

1. **Required Finding:** *The application for commercial cannabis activities has been reviewed pursuant to all appropriate environmental laws and regulations, including the California Environmental Quality Act (CEQA).*

The purpose of CEQA is to inform decision makers and the public about the possible environmental effects of a project; identify ways environmental damage can be avoided or reduced; prevent or avoid damage to the environment through alternatives or mitigations; and to maintain independence and objectivity while conducting the review of a project's potential impacts. CEQA also provides exemptions for certain types of discretionary projects where there is no "reasonable possibility" that a significant impact may occur. The general exemption categories are: 1) General Rule, 2) Statutory, and 3) Categorical.

The project qualifies for exemption under CEQA. Specifically, Categorical Exemption – Class 1: CEQA Guidelines Section 15301, Existing Facilities, including operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The section states, the key consideration is whether the project involves negligible or no expansion of use. Given that the proposal is expanding an existing agricultural facility by adding less than 10,000 square feet to an existing building, the project falls within the Class 1 exemption.

2. **Required Finding:** *All mitigation measures identified by the County during CEQA environmental review are included as permit terms.*

This finding is not applicable as the project is exempt from CEQA, therefore no mitigations have been adopted.

3. **Required Finding:** *That the permit includes conditions to avoid adverse impacts to surrounding communities, neighborhoods, and sensitive receptors, including but not limited to libraries and parks.*

As mentioned above, the project will establish the Diablo Valley Farms indoor cannabis cultivation business at 4425 Sellers Avenue in the unincorporated Brentwood area. The location of the cultivation business conforms to the location

requirements established under County Code Section 88-28.410(b) of the County's Cannabis Regulation, including: 1) must be located outside of a cannabis exclusion combining district, 2) not located within one thousand feet of a school, day care center, youth center, or drug treatment center, and 3) located within an agricultural zoning district outside the urban limit line.

Cannabis operations are also required to follow all local and state regulations aimed at preventing the use from being detrimental to the health of communities in which they operate. The Diablo Valley Farms business will incorporate the following measures into their business operations to ensure public health is protected: (1) institute measures to prevent individuals from accessing the premises of the distribution business; (2) designate limited access areas accessible only to authorized distribution business personnel; (3) store cannabis and cannabis products in secured and locked rooms, safes, or vaults, and in a manner as to prevent diversion, theft, and loss; and (4) employ an alarm system and security cameras that monitor all storage areas and entryways and that are monitored twenty-four-hours per day by a licensed alarm company operator. To ensure these measures are being implemented, periodic compliance reviews will be conducted by County staff to verify Diablo Valley Farms' effectiveness at operating within the parameters of all applicable regulations. Therefore, it is expected that strict adherence to the conditions of approval contained within this permit, as well as, implementation of the above-mentioned health and safety measures will ensure the approved business will maintain the health, safety, and general welfare of the County.

4. **Required Finding:** *That the permit includes conditions to fully mitigate the effects of a commercial cannabis activity that may pose a significant threat to the public or to neighboring uses from explosion, or from the release of harmful gases, liquids, or substances.*

The approved project includes cultivation of cannabis products. To ensure the business implements adequate safety measures to prevent these operations from posing a significant threat to the public or to neighboring uses, conditions of approval have been included (COA #'s 17, 24) as part of the permit to ensure compliance with applicable safety provisions. Additionally, the County's cannabis regulations require the business operator to follow all product disposal protocols as described in the application submittal. Therefore, based on these facts, the project is not expected to pose a significant threat to the public or neighboring uses.

5. **Required Finding:** *The applicant has entered into an indemnity agreement that meets the requirements of Section 88-28.410 (m).*

Condition of approval #14 requires the business operator to enter into an indemnity agreement that meets requirements of Section 88-28.410(m) prior to issuance of a building permit for the approved project. As part of the initial compliance review for this project, staff and the business operator will be responsible for verification that the indemnity agreement is fully executed.

6. **Required Finding:** *The applicant has paid all applicable fees and costs charged by the County and made all deposits required by the County, including but not limited to the application fee, all fees and costs required to complete CEQA environmental review, and all compliance review fees and deposits.*

Condition of approval #5, requires the applicant to demonstrate that all fees have been paid within 60 days of project approval. Therefore, it is expected that all time and material costs related to this project review will be paid in a timely manner.

CONDITIONS OF APPROVAL FOR COUNTY FILE CDLP20-02020

Land Use Permit Approval:

1. This Land Use Permit is APPROVED for the operation of the Diablo Valley Farms indoor cannabis cultivation business consisting of the following elements:
 - Indoor cultivation of cannabis products within a 10,000 square foot greenhouse, including a 9,000 sq. ft. micro plant (seedlings) growing area, and 1,000 sq. ft. of employee and office space to support the operation.
 - Retrofitting and incorporating of an additional 10,000 square foot greenhouses for cannabis microplant cultivation (Phase II).
 - This permit is for the commercial cultivation of cannabis micro plants only. No mature cannabis plants are permitted on the site at any time.
2. The Land Use Permit approval described above is granted based on the following information and documentation.
 - Land Use Permit application submitted to the Department of Conservation and Development, Community Development Division

(CDD) on March 9, 2020.

- Diablo Valley Farms Business Proposal, dated June 27, 2019.

Permit term:

3. The initial permit term shall be five years. The operator may apply for permit renewal of additional five-year terms, one additional term at a time, as set forth in Section 88-28.424.
4. Any deviation from or expansion beyond the limits of this permit approved under this application may necessitate the filing of a request for modification of the Land Use Permit.

Payment of Fees:

5. Permit application was subject to an initial deposit of \$5,500.00. The application is subject to time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

Initial Compliance Review for Building Permit:

6. At least 45 days prior to requesting a building permit, the applicant shall submit a report addressing compliance with the conditions of approval, for review and approval of the CDD. The report shall list each condition followed by a description of what the applicant has provided as evidence of compliance with that condition. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the conditions of this report prior to issuance of construction permits. The Zoning Administrator may reject the report if it is not comprehensive with respect to applicable requirements for the requested permit. The deposit for review of the Compliance Report is \$2,000.00; the actual fee shall be time and materials.

Cannabis Cultivation Use:

7. Health Permit and State License Required. No use approved as part of this permit may commence until the permittee possesses both: 1) a State license authorizing the same commercial cannabis activities that are authorized under this permit, and 2) a commercial cannabis health permit issued under Chapter 413.4. Before the business approved by this permit begins operating, the permittee shall provide the CDD: 1) a copy of the permittee's State license and a copy of the State license application, and 2) a copy of the permittee's County health permit. The permittee shall provide the CDD a copy of each renewed license and renewal application within thirty days after a State license is renewed. The permittee shall provide the CDD a copy each renewed County health permit within thirty days after the permit is renewed. All requirements of the permittee's State license shall be deemed to be incorporated as requirements of the permit issued as part of this permit.
8. Prohibited Activities. The sale of tobacco products or alcoholic beverages is prohibited as part of the approved business.
9. Age Restrictions: No persons under the age of eighteen may be present on the premises of any business that has a State M-license. No persons under the age of twenty-one may be present on the premises of any business that has a State A-license, but does not have a State M-license. No person under the age of twenty-one may be present on the premises of any testing business.
10. Inspections: The County shall have the same rights of access that the bureau has under Title 16 of the California Code of Regulations, section 5800. A permittee shall allow access to its business and records if requested by the County, its officers, employees, or agents. A permittee, upon request, shall submit to an inspection by the County for the purpose of verifying the permittee is operating its business in compliance with Chapter 88-28 – Cannabis Regulation, the terms of this permit, the State license, and all applicable requirements of the Chapter 88-28 – Cannabis Regulation, State laws and regulations. The permittee, upon request, shall provide the County with copies of records that the County requires to verify the permittee's compliance with Chapter 88-28 and other applicable requirements of Chapter 88-28 and State laws and regulations. A permittee must pay the applicable inspection fees for each County inspection.
11. Records: The permittee shall maintain all records in accordance with Business and Professions Code sections 26160 through 26162.5. The County shall have the same powers as licensing authorities under Business and Professions Code sections 26160 through 26162.5.

12. Compliance Review: The CDD may perform a compliance review at any time during the term of this permit to determine whether the permittee is complying with the permit terms and conditions, the requirements of Chapter 88-28, and all applicable laws and regulations. The CDD will perform a compliance review at least once in each of the first, second, and fourth year during the initial five-year term of this permit. If this permit is renewed under Chapter 88-28 for one or more additional five-year terms, the CDD will perform a compliance review after the first two and one-half years of each renewal term. A permittee shall cooperate with the CDD to complete the compliance review and must pay all applicable compliance review fees. At least 45 days prior to the end of the first, second, and fourth year during the initial five-year term of this permit, the permittee shall submit a report addressing compliance with the conditions of approval, for review and approval of the CDD. The deposit for review of the Compliance Report is \$2,000.00; the actual fee shall be time and materials.
13. Unique Identification Protocol: The permittee must comply with all applicable track-and-trace systems developed by the State for reporting the movement of cannabis and cannabis products throughout the distribution chain.
14. Indemnity: The permittee is required to enter into an indemnification agreement with the County that requires the permittee to indemnify, defend (with counsel reasonably acceptable to the County), and hold harmless the County, its boards, commissions, officers, employees, and agents from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages arising from or related to the permittee's land use permit, the County's discretionary approvals for the commercial cannabis activities, the County's actions pursuant to CEQA and planning and zoning laws, and the operation of the commercial cannabis activities, regardless of when those liabilities accrue.
15. Notifications: The permittee shall provide written notice to the CDD within five days after receiving any of the following from the bureau: a notice to comply, a citation, an interim order to suspend any license or impose any restrictions upon the permittee, an order revoking a license, or any other writing informing the permittee of any disciplinary action proposed to be taken or actually taken against the permittee.
16. Hours of Operation: The approved business hours are 8:00 AM to 5:00 PM, seven days per week for cultivation operations. Security operations shall always be allowed.
17. Energy Systems: The permittee shall satisfy its electricity demands by (1) providing onsite renewable energy generation, or (2) purchasing electricity that is

generated entirely from renewable sources, or a combination of (1) and (2).

18. Rural Infrastructure: The permittee shall include measures to avoid and minimize impacts on rural infrastructure, including but not limited to water, sewer, and transportation infrastructure. These measures shall be as outlined in the Business Proposal, and reviewed and approved by the CDD.

Security:

19. Security: The permittee shall implement and maintain security measures to both deter and prevent unauthorized entrance into areas of the business used for cultivation, including the following measures.
 - A. Indoor commercial cultivation areas must be locked, and no cannabis plants may be visible from outside of the indoor commercial cultivation areas. Fencing surrounding greenhouses must be designed and maintained to ensure greenhouses are not visible from adjacent lots, private roads, and public rights of way.
 - B. Access to the premises must be limited to authorized personnel.
 - C. The premises must include an alarm system and security cameras to monitor all cultivation areas and all entryways. The alarm system and security cameras must be monitored twenty-four hours per day by a licensed alarm company operator.
20. The commercial cannabis cultivation operation shall not conduct cash sales onsite and may never have mature cannabis plants onsite.
21. Applicant shall require background checks of all prospective employees through the Live Scan service provider. Live Scan uses inkless fingerprints, which are digitized and transmitted directly to the Department of Justice (DOJ). The DOJ then checks the fingerprints against known criminal history records. A response (criminal history or no criminal history) is then sent to the agency requesting the Live Scan. The project proponent shall make all hiring decisions based upon the information received from this Live Scan, with the primary concern being the safety and security of our facility's cannabis products, staff and local community.
22. All employees shall go through security training and become familiar with the business's security protocols, including, proper procedures for opening and closing facilities, proper handling of access control devices, monitoring of the video surveillance system, proper handling of cash, anti-diversion techniques, how to identify suspicious persons or activity, proper transport of cannabis products, how to respond to a variety of emergency situations from break ins to

an active shooter, as well as general medical emergencies.

23. Trained staff shall be present during business hours and will be responsible for monitoring the security systems and implementing all facility security protocols. The daily handling, processing, packaging, storing and transportation of all cannabis products will follow developed security and "track and trace" protocols. Detailed and explicit duties, responsibilities and procedures for each post and assignment shall be available to all staff in the SOP Manual. Any change made to a security protocol or procedure will be documented and distributed to all employees and any contractors or service providers that may be impacted. Training will be scheduled immediately, if any procedural change is deemed to require retraining or education of staff and others. Documentation of training shall be provided to CDD during compliance reviews.
24. The project proponent shall work with their security contractor, and local first responders to develop a robust prevention and incident Emergency Response Plan for a variety of potential emergency situations. All staff shall be thoroughly trained upon hire and annually on the Emergency Response Plan for the facility. This plan shall include protocols for the following: robbery, burglary, intruders, threats of violence, assaults, weapons possession, flood – natural or manmade, proper arming, monitoring and disarming of burglar alarms, cyber security, contacting and communicating with law enforcement, proper response when law enforcement or first responders arrive at facility, incident reporting.
25. The project proponent shall maintain a list of emergency and non-emergency police department and first responder contacts. The facility managers shall maintain regular communication with each agency contact, advising of any changes in security/safety policies or procedures. The project proponent and its staff will maintain strong partnerships with local, state and federal law enforcement and emergency response agencies. The facility managers and staff shall engage these agencies to support the security mission through: proactive meetings as needed, observation patrols, rapid response to incidents, collaborative training and exercises.
26. The project proponent shall use various security technologies, including cameras, motion and intrusion sensors, and access control systems. Surveillance camera footage shall be monitored at all times for anomalies within the area profile. All surveillance footage will be recorded and stored in compliance with local and state regulations. Security fencing, secured gates, motion sensor lighting, an intercom/announcement system, and safes/vaults, along with trained personnel and robust operating procedures shall be implemented to ensure comprehensive effective security.

27. The perimeter fence shall be clearly marked with "Private Property - No Trespassing" signage and video surveillance technology. The perimeter gates will be locked and monitored with surveillance cameras and intercom communication, and will be used for vehicle entrance and exit. The areas inside the fenced perimeter and outside the interior buildings, shall be equipped with motion-activated, downward-casting lights and video surveillance. The interior cultivation, processing and distribution facilities will be constructed with solid walls, doors, and windows. Windows and doors shall have contact and glass-break sensors, and perimeter rooms shall be equipped with motion sensors. All perimeter access points shall be equipped with locks and/or key-coded or FOB-RFID technology. Access entry to the facility shall be limited only to individuals with prior authorization to enter, and only on an as-needed and scheduled basis.
28. The facility shall be secured with 7-foot-tall, anti-climb, perimeter fencing composed of welded wire, with a locked gate. Perimeter fencing shall also be lined with landscaping hedgerows to further inhibit intrusion. The perimeter gate will be locked and monitored with surveillance cameras and intercom communication, and will be used for vehicle entrance and exit.
29. The primary entrance gate shall be equipped with an intercom and surveillance camera for communication with visitors and to remotely control gate access. The interior intercom system will provide added security and assist in communication throughout the facility. This system will also allow for the broadcasting of emergency announcements and, in the case of a break in, for communicating with unpermitted intruders, to inform them that law enforcement is en route.
30. "Limited-access area" is any area on the licensed premises in which cannabis plants or products are grown, stored or held. Entrances to all limited-access areas shall have a solid door and a lock. The door to any limited-access area shall remain closed when not in use during regular business hours. The project proponent shall ensure that only employees and other authorized individuals access the limited-access areas of the licensed premises. Authorized individuals include outside vendors, contractors, or other individuals conducting business that requires access to the limited-access areas. The project proponent shall not receive consideration or compensation for permitting an individual to enter the limited-access areas. An individual who enters the limited-access area and is not employed by Diablo Valley Farms shall at all times be escorted by an employee while within the limited-access area. The project proponent shall maintain a record of all authorized individuals who are not employees who enter the limited-access areas. This record shall include the name of the individual, the company the individual works for, the reason the individual entered the limited-access area, the date, and the times the individual entered and exited the

limited-access area. These records shall be made available to the Bureau immediately upon request.

31. The applicant shall use commercial-grade, nonresidential door locks on all points of entry and exit to the licensed premises. Limited-access areas shall require coded or keyed entry. Keys and access cards shall only be allocated to appropriate company staff. All employees and authorized visitors shall carry display identification badges to be provided to facility personnel, law enforcement, and County/State staff/inspectors.

32. A visitor is any individual, other than an authorized employee, who is conducting business at the licensed premises. All visitors must be issued a visitor identification badge upon entry into the facility. These badges will be for identification purposes only and, other than for authorized employees of a licensed testing, distribution or transportation facility, shall not grant the visitor the right to touch, handle, possess the facility's cannabis plants or products.

Authorized visitors shall sign in and out of the Visitors Log upon entering and exiting the facility. This log shall include the purpose of the visit, time, name of individual and the company they represent, and a description of their vehicle, including license plate #, if permitted access to the facility. The applicant shall collect and keep a Government form of identification (driver's license, state-issued ID, etc.) for each authorized visitor who enters the facility, and will keep this identification with the Visitor Log during each visit.

33. An authorized facility employee shall issue a visitor identification badge, which must be clearly displayed by the visitor prior to entering any part of a facility. All visitors to limited access areas of the licensed premises shall be escorted by the appropriate employee or security agent and never be left unattended at any time. All visitor badges must be returned before the visitor exits the facility. At this point the visitors ID will be returned. No visitor badges may be issued for more than one day.

34. The applicant shall employ a Video Surveillance System (VSS) throughout the facility. All VSS control equipment will be located in a secure, limited-access area of the facility and include a server, recording servers, workstation, and system software, as required to meet the video system requirements. At a minimum, the VSS will meet the following requirements: (a) Each licensed premises shall have a digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels. (b) The video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance. (c) Each camera shall be permanently mounted and in a fixed location. Each camera shall be placed in a location that allows the camera to clearly record activity occurring

within 20 feet of all points of entry and exit on the licensed premises, and allows for the clear and certain identification of any person and activities in all areas required to be filmed under subsection (d) of this section. (d) Areas that shall be recorded on the video surveillance system include the following: Areas where cannabis is cultivated and where cannabis goods are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the licensed premises; limited-access areas; security rooms; areas storing a surveillance-system storage device with at least one camera recording the access points to the secured surveillance recording area; and entrances and exits to the licensed premises, which shall be recorded from both indoor and outdoor vantage points. (e) Cameras shall record continuously 24 hours per day and at a minimum of 15 frames per second (FPS). (f) The physical media or storage device on which surveillance recordings are stored shall be secured in a manner to protect the recording from tampering or theft. (g) Surveillance recordings shall be kept for a minimum of 90 calendar days. (h) Surveillance recordings are subject to inspection by the Bureau, and shall be kept in a manner that allows the Bureau to view and obtain copies of the recordings at the licensed premises immediately upon request. The applicant shall also send or otherwise provide copies of the recordings to the Bureau upon request within the time specified by the Bureau. (i) Recorded images shall clearly and accurately display the time and date. Time is to be measured in accordance with the standards issued by the United States National Institute of Standards and Technology. (j) The video surveillance system shall be equipped with a failure notification system that provides the applicant notification of any interruption or failure of the video surveillance system or video surveillance-system storage device.

35. The applicant shall maintain an alarm system as defined in Business and Professions Code section 7590.1(n) at the licensed premises. They shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors, and responds to the alarm system. Upon request, the applicant shall make available to the County and/ or the Bureau all information related to the alarm system, monitoring, and alarm activity.
36. The facility managers and contracted professionals shall schedule and oversee the required maintenance of all security equipment in accordance with manufacturer recommendations. Should any equipment be found defective, it must be corrected immediately. All security equipment will be maintained in good working order and will be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous inspection and test. The Security Manager will also plan and coordinate with personnel the regular maintenance and testing of the emergency generator and other backup systems.

37. The applicant shall comply with all local and state laws with regard to disposal of waste cannabis products. All waste products shall be recorded in the seed-to-sale tracking system. All waste plant material will be visually inspected, weighed and then rendered harmless by designated personnel before it is loaded into waste disposal enclosures. The authorized employee shall record all mandated data including date, time, material type, weight, reason for disposal, and method of disposal. All secured waste and composting enclosures shall be maintained within the licensed premises and equipped with locks.

Permits Nontransferable:

38. This permit is not transferable or assignable to another person.
39. This permit terminates if a change in ownership results in one or more new persons owning a total of twenty percent or more of the business.
40. Any change to the information provided to the CDD as part of this permit request must be reported to the CDD within fourteen days after the change occurs.

Community/Economic Benefit:

41. Applicant shall make best efforts to hire employees, workers and subcontractor components at the job from the local community.

Odor Control:

42. The permittee shall implement an odor control plan that prevents odors from impacting neighboring parcels or creating a public nuisance. The permittee shall document and report all complaints to the CDD and take corrective actions to remedy odor impacts.

Signage:

43. No outdoor signs are approved with this permit other than address and directional signs. Any proposed future signs shall be reviewed and approved by the CDD for conformance with applicable standards and compatibility.

General Construction:

44. The permittee shall comply with the following restrictions and requirements,

which shall be stated on the face of the construction drawings:

- A. Except as otherwise stated below, construction activities are limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on the calendar dates that the following state and federal holidays are observed:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
Presidents' Day (State and Federal)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (State and Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For details on the actual date the state and federal holidays occur, please visit the following websites:

Federal holidays: <http://www.opm.gov/fedhol>

California holidays: http://www.edd.ca.gov/payroll_taxes/State_Holidays.htm

- B. The project sponsor shall require their contractor and subcontractors to fit all internal combustion engines with mufflers which are in good condition.
- C. A dust and litter control program shall be submitted for the review and approval of the Community Development Division staff. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
- D. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flow.

- E. Transporting of heavy equipment and trucks shall be limited to weekdays between the hours of 8:30 A.M. and 4:30 P.M. and prohibited on Federal and State Holidays.
- F. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- G. All construction activities shall be limited to the hours of 7:00 A.M. to 6:00 P.M., Monday through Friday, and shall be prohibited on state and federal holidays on the calendar dates that these holidays are observed.
- H. Prohibit unnecessary idling of internal combustion engines.
- I. Locate stationary noise generating equipment as far from surrounding properties as possible.

Debris Recovery:

- 45. At least 15 days prior to the issuance of a building permit the developer shall demonstrate compliance with the debris recovery program, which requires at least 50 percent of the jobsite debris generated by construction projects of 5,000 square feet or greater to be recycled, or otherwise diverted from landfill disposal.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

B. Prior to applying for a building permit, the applicant is strongly encouraged to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the project:

- Contra Costa County Building Inspection Division
- Contra Costa County Environmental Health Division
- East Contra Costa County Fire Protection District
- East Contra Costa Irrigation District
- Contra Costa County Health Services Department
- State of California