



# City of San Rafael

## Cannabis Related Businesses:

### *Frequently Asked Questions (FAQs) for Cannabis Operators with an Award Letter*

The following FAQ is designed to assist Cannabis Operators with an Award Letter to continue moving forward in the Cannabis Business Operator License Pilot Program within the City of San Rafael. Cannabis related businesses that are interested in opening a business within the City of San Rafael are required to have applied to the Cannabis Business Operator License Pilot Program and to have been granted an Award Letter by the City of San Rafael. Cannabis related businesses without an Award Letter must wait to apply for a license in the next cannabis application cycle in a future year.

### **Zoning Compliance**

Contact: Planning Division, P: (415) 485-3085

| Key Steps for Zoning   |  |  |
|--|--|--|
| Step 1:<br><input type="checkbox"/> Identify location in San Rafael to operate | Step 2:<br><input type="checkbox"/> Contact the Planning Division, verify zoning and buffer requirements | Step 3:<br><input type="checkbox"/> Secure zoning clearance from the Planning Division |

**Q:** *I have received my Award Letter but haven't identified a location. Now what?*

**A:** If you have not yet selected a location, you must do so within forty-five (45) days from the notification date of your Award Letter. Under extenuating circumstance, the operator can have this time frame extended. You must have the zoning clearance form filled out and signed by the Planning Division (see list of attachments below) to establish that a location is suitable for your cannabis related business.

**Q:** *I have received my Award Letter, but I am already operating at an existing location. Now what?*

**A:** Contact the Planning Division to have the zoning clearance form filled out and signed by the Planning Division (see list of attachments below).



**Q:** Where can I locate my cannabis related business? How do I check to see if my location meets zoning requirements?

**A:** Cannabis related business are only allowed in the following zones within the City of San Rafael. See the table below for a brief summary:

|                        |                           | Zones                  |                                     |                            |   |  |
|------------------------|---------------------------|------------------------|-------------------------------------|----------------------------|---|--|
|                        |                           | O<br>(Office District) | C/O<br>(Commercial/Office District) | I<br>(Industrial District) | LI/O<br>(Light Industrial, Office District) | CCI/O<br>(Core Canal Industrial/Office District) |
| Types of Cannabis Uses | Cannabis Testing/ Lab     | P (2)                  | P (2)                               | P (1)                      | P (1)                                       | P (1)  |
|                        | Cannabis Delivery         | P (2)                  | P (2)                               | P (1)                      | P (1)                                       | P (1)  |
|                        | Cannabis Infused Products |                        | P (1 & 2)                           | P (1)                      | P (1)                                       | P (1)  |
|                        | Cannabis Distribution     |                        |                                     | P (1)                      | P (1)                                       | P (1)  |

An empty box indicates the use is prohibited in that zone. P indicates that the cannabis related business is Permitted. Numbers (1) and (2) dictate additional buffer requirements:

(1) Shall not be located within three hundred (300) feet away of a residential zoning district (R, DR or HR), as measured from the property lines of each parcel. If within three hundred (300) feet, then use is prohibited.

(2) Shall not be located within six hundred (600) feet from schools (public and private), as measured from the property lines of each parcel.

- All cannabis related businesses must also conform to **SRMC 10.96: Medical Cannabis Business** ([https://library.municode.com/ca/san\\_rafael/codes/code\\_of\\_ordinances?nodeId=TIT10BUPROCINTR\\_CH10.96MECABU](https://library.municode.com/ca/san_rafael/codes/code_of_ordinances?nodeId=TIT10BUPROCINTR_CH10.96MECABU)), regardless of the type of business or zone.



All other zones not specifically called out above prohibit cannabis related businesses and uses.

- Please refer to **SRMC 14, Division II: Base District Regulations** ([https://library.municode.com/ca/san\\_rafael/codes/code\\_of\\_ordinances?nodeId=TIT14ZO\\_DIVIIBADIRE](https://library.municode.com/ca/san_rafael/codes/code_of_ordinances?nodeId=TIT14ZO_DIVIIBADIRE)), for more information regarding where uses are permitted.

Please contact the Planning Division (information above) to determine your zoning, buffer requirements, and if your cannabis related business can operate in a specified location in San Rafael.

**Q:** *Do I need to obtain an approval from the Planning Division?*

**A:** Yes, please have the planner provide zoning clearance in the form of a **Cannabis Business Zoning Verification** form (attached). If the proposed location meets the stipulated buffer zones and other requirements, the Planner will sign-off on the form, and in addition to providing you a copy, the Planning Division will forward a copy to the Economic Development Department for record keeping.

### Building Compliance

Contact: Building Division, P: (415) 485-3367

| Key Steps for Building   |  |   |
|--|--|---|
| Step 1:<br><input type="checkbox"/> Review the summary of general and building code requirements below | Step 2:<br><input type="checkbox"/> If required, submit plans, applications, and fees to the Building Division for plan check review and potential permit issuance | Recommended:<br><input type="checkbox"/> Contact the Building Division with any questions (the below information is not intended to be comprehensive, but merely an overview) |

### General Requirements:

**Q:** *Do I need to obtain a building permit from the Building Division?*

**A:** A building permit may be required to bring your proposed cannabis related business in compliance with current building code requirements. Other permits, such as mechanical,



plumbing, or electrical permits may also be required. Depending on the extent of the alterations, your proposal may involve routine permits that can be pulled over the counter, or the permit may include many additional steps of review. As is common with other businesses submitting building permit applications, your building permit application must meet the City's general building permit submittal requirements.

**Q:** *What do I need to submit to the Building Division?*

**A:** At a minimum, a site plan and floor plan of the proposed occupancy shall be submitted for all proposed projects. For a more detailed list of plan submittal requirements, please see: [Plan Submittal Requirements \(http://docs.cityofsanrafael.org/CommDev/building/forms-and-handouts/plan-submittal-requirements.pdf\)](http://docs.cityofsanrafael.org/CommDev/building/forms-and-handouts/plan-submittal-requirements.pdf)

**Q:** *Do I need to satisfy any discretionary approvals prior to applying for a building permit?*

**A:** If you have not been granted an Award Letter from the City of San Rafael's Cannabis Business Operator License Pilot Program and filed the Cannabis Business Zoning Verification obtained by the Planning Division, applying for a building permit will not grant you the authority to operate your cannabis related business without all of the other required approvals, as the building permit is just one of the many items you need to operate a cannabis related business in the City of San Rafael.

**Q:** *Will I need inspections for my issued building permit?*

**A:** Yes, construction or work for which a permit is required shall be subject to inspection by the Building Division and/or other departments, and such construction or work shall remain accessible and exposed for inspection purposes until approved. No construction shall commence prior to the issuance of a Building permit.

**Q:** *Do I need to change my occupancy classification?*

**A:** Please contact the Building Division. No building or structure shall be used or occupied, and no change in the existing occupancy classification of the building or structure or portion thereof shall be made, until the Building Division has reviewed and approved your building permit and the Building Official has issued a certificate of occupancy.



**Building Code & Related Requirements:**

*Q: Are there any areas of the building code or specific items I should pay particular attention to?*

**A:** Yes, see a brief overview of the following to pay particular attention to:

- Egress and exiting
- Accessibility (ADA) requirements
  - Path of travel
  - Access to restroom facilities
  - Signage
  - Parking stalls and ramp access
- Fire-rated elements (see also Fire Compliance)
- Mechanical ventilation or exhaust system: Installed to control, capture, and remove emissions or other odors generated from products (e.g., cooking or heating), confined to the area in which they are generated by air currents, hoods, or enclosures, and should be exhausted by a duct system to a safe location or treated by removing contaminants. Rooftop equipment should be appropriately located and adequately screened.

*Q: I am an Infused Product Manufacturer and may install a kitchen, heating element, hood/vent, or other equipment typically found in a commercial kitchen. Will I need a permit or inspection from the County of Marin Environmental Health Services Division for this type of work?*

**A:** No, at this time the County of Marin has taken the stance not to issue permits or approvals for cannabis related businesses, including cannabis wholesale manufacturers. Since the County is not establishing a cannabis inspection program, and if your business requires a commercial kitchen-like setup, the inspection process will be managed by the California Department of Public Health (CDPH) – Cal Cannabis Manufacturing Branch. In turn, CDPH will defer to local building code requirements for infused product manufacturers. The County’s Environmental Health Services Division will not be a part of this process, which may differ from other jurisdictions outside of the County of Marin.



## Fire Compliance

Contact: Fire Prevention Department, P: (415) 485-3308

| Key Steps for Fire   |  |  |
|--|--|--|
| <p>Step 1:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Identify tenant space to locate your cannabis related business</li> </ul> | <p>Step 2:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Be prepared to describe or visually show the existing space and the proposed improvements that will be completed in relation to your cannabis related business</li> </ul> | <p>Recommended:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Contact the Fire Prevention Department with any questions (the below information is not intended to be comprehensive, but merely an overview)</li> </ul> |

**Q:** *Do I need sprinklers in my tenant space?*

**A:** It depends; a change in the occupancy of the space, substantial alterations, or an expansion of square footage, may require the installation of a fire suppression system for the proposed space. Please contact Fire Prevention for additional information.

**Q:** *Are there any other fire prevention-related items I should pay particular attention to?*

**A:** Yes, see a brief summary of the following to pay particular attention to:

- Fire extinguishers
- Fire alarm systems
- Smoke detectors
- Hazardous material and/or compressed gas stored on-site
- Storage of combustible material



## Police Compliance

Contact: Police Department, P: (415) 485-3009

| Key Steps for Police   |  |   |
|--|--|---|
| <p>Step 1:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Identify tenant space to locate your cannabis related business</li> </ul> | <p>Step 2:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Be prepared to describe or visually show the improved tenant space that will be completed in relation to your cannabis related business, and call out security features and other relevant items for Police review</li> </ul> | <p>Recommended:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Contact the Police Department with any questions (the below information is not intended to be comprehensive, but merely an overview)</li> </ul> |

**Q:** *Do I need an Alarm Permit?*

**A:** Yes, an Alarm Permit is required for anyone who installs or causes to be installed an intrusion alarm in the City of San Rafael. You must first obtain permission from the Chief of Police by submitting an Alarm Permit Application [See **SRMC 8.20: Intrusion Detection and/or Burglar Alarm And Fire Alarm Systems**

([https://library.municode.com/ca/san\\_rafael/codes/code\\_of\\_ordinances?nodeId=TIT8MOCO\\_C\\_H8.20INDEBUALFIALSY](https://library.municode.com/ca/san_rafael/codes/code_of_ordinances?nodeId=TIT8MOCO_C_H8.20INDEBUALFIALSY)) and the attached **Alarm Permit Application** for more information]. If Department personnel respond to an alarm at a location that does not have a current permit on file with the Police Chief, a fine may be charged. For more information related to Alarm Permits, please visit the following website:

**Alarm Permits** (<https://www.srpd.org/alarm-permit>)

**Q:** *Do I need to register my Surveillance Cameras?*

**A:** Although not required, we encourage you to voluntarily register your surveillance camera with the Police Department. Police will not have access to the camera systems but will be aware that a camera exists when investigating a crime in or around their neighborhood.



If a crime occurs in the vicinity of a registered surveillance camera, investigators may use the provided contact information to request surveillance footage. Camera footage may include the actual crime, or an escape route which can provide descriptive information that can lead to the identification and ultimately the prosecution of a suspect. For more information related to Surveillance Cameras or to register your Surveillance Camera, please visit the following website:

**Surveillance Camera Registration** (<https://www.srpd.org/camera-registration>)

### **Business License Requirements**

Contact: Business License Division, P: (415) 485-3051

| <b>Key Steps for Business License</b>   |   |   |
|---|---|---|
| <b>Step 1:</b><br><input type="checkbox"/> Register your business either online or with a traditional paper application | <b>Step 2:</b><br><input type="checkbox"/> If registering online, you may be sent a follow-up email asking for payment or to fill out a brief questionnaire | <b>Step 3:</b><br><input type="checkbox"/> Contact the Business License Division for any additional questions |

**Q:** *Do I need a Business License?*

**A:** No, you will be mailed a separate Cannabis Business Operator License and Tax Registration form after you have applied for and received an award letter.

**Q:** *Do I need to pay Business Taxes?*

**A:** No extra business taxes will be collected in addition to the taxes imposed by the passage of Measure G: Commercial Cannabis Business Tax, a voter-approved initiative passed on June 5, 2018, which levies an ongoing tax of up to 8% on gross receipts of cannabis businesses operating in the city. See below for a breakdown of collected taxes:





**Cannabis Gross Receipts Tax Rates**

- Cannabis Testing Labs (State License Type 8): 1%
- Non-storefront Delivery (State License Type 9): 4%
- Infused Product Manufacturing MIPs (State License Type N): 3%
- Distribution (State License Type 11): 1%

**Master Checklist for Cannabis Related Businesses to Operate:**

| Master Checklist   |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> Application into Cannabis Business Operator License Pilot Program | <input type="checkbox"/> Award Letter Granted | <input type="checkbox"/> Development Review Completed:<br><input type="checkbox"/> Zoning<br><input type="checkbox"/> Building<br><input type="checkbox"/> Fire<br><input type="checkbox"/> Police<br><input type="checkbox"/> Business License | <input type="checkbox"/> Operator License Issued |

Attachments: **Cannabis Business Zoning Verification Alarm Permit Application**

Referenced

- Websites:
- SRMC 10.96: Medical Cannabis Business**  
[https://library.municode.com/ca/san\\_rafael/codes/code\\_of\\_ordinances?nodeId=TIT10BUPROCINTR\\_CH10.96MECABU](https://library.municode.com/ca/san_rafael/codes/code_of_ordinances?nodeId=TIT10BUPROCINTR_CH10.96MECABU)
  - SRMC 14, Division II: Base District Regulations**  
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  - Plan Submittal Requirements**  
<http://docs.cityofsanrafael.org/CommDev/building/forms-and-handouts/plan-submittal-requirements.pdf>
  - SRMC 8.20: Intrusion Detection and/or Burglar Alarm And Fire Alarm Systems**  
[https://library.municode.com/ca/san\\_rafael/codes/code\\_of\\_ordinances?nodeId=TIT8MOCO\\_CH8.20INDEBUALFIALSY](https://library.municode.com/ca/san_rafael/codes/code_of_ordinances?nodeId=TIT8MOCO_CH8.20INDEBUALFIALSY)
  - Alarm Permits**  
<https://www.srpd.org/alarm-permit>
  - Surveillance Camera Registration**  
<https://www.srpd.org/camera-registration>