

## **DRAFT City of Arcata Guidelines for Cannabis Consumption Lounges Under the Arcata Municipal Code Title V Sanitation and Health**

### **1. Authority**

The City of Arcata promulgates these rules and regulations pursuant to California State Legislature, in Division 10 (Cannabis) of the Business and Professions Code, Chapter 20 (Local Control) which authorizes local jurisdictions to allow cannabis consumption lounges. These guidelines shall apply to all Storefront Cannabis Retailers or Cannabis Microbusiness, that have procured a cannabis license and applied for or hold a cannabis consumption permit.

The guidelines are intended to protect the health and safety of consumers and employees of cannabis businesses, prevent the ingestion of adulterated cannabis products, and promote sanitary conditions within designated cannabis consumption areas. These Rules may be amended at the discretion of the city council.

### **2. Permits**

It shall be unlawful to allow the smoking of cannabis or cannabis products on the premises of a commercial business without obtaining and maintaining:

- (1) A Cannabis Consumption Use Permit issued by the Planning Department; and
- (2) A storefront Cannabis Retailer or Cannabis Microbusiness Use Permit or Zoning Clearance issued by the Planning Department; and
- (3) The required State Cannabis License.
- (4) All Required Building Permits.

### **3. Required Materials**

The applicant for a consumption use permit shall submit, in conjunction with the consumption permit application, the following documents and information:

1. A complete and detailed diagram of the proposed premises.
  - a. The diagram shall show the proposed areas to be licensed for consumption, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, windows, doorways, and common or shared entryways, and shall include a brief statement or description of the principal activity to be conducted therein in



each designated room either on the diagram or attached as a narrative. Locations of required signage shall be identified on the diagram.

- b. The diagram shall be to scale.
2. A copy of the applicant's Business License.
3. Equipment List (if applicable)
- 4.
5. If the consumption lounge is indoors, a designated cannabis consumption room ventilation proposal.

#### **4. Operational Standards**

These operational standards shall be standard conditions of approval for all cannabis consumption lounges approved by the COA.

- Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age and older.
- Licensed on-site consumption businesses must display information inside the facility reminding patrons that driving under the influence of cannabis is illegal and educational materials regarding appropriate use and suggested dosing of cannabis products.
- The permittee must develop written protocols regarding how to assist incapacitated or overly intoxicated patrons who have consumed too much cannabis. Patrons who display any visible signs of intoxication shall not be permitted to use or consumption cannabis, cannabis concentrate, or cannabis products. Employees must be educated about the availability of bus and ride-sharing services and will be trained to discourage customers from driving under the influence of cannabis.
- The designated cannabis consumption room must be located in a non-work area, separate from the designated retail or micro-business area. When hired, employees who will be working where cannabis or cannabis product are smoked shall be provided in writing the Department of Public Health or its successor's guidance regarding secondhand cannabis smoke.
- Employees are permitted at their discretion and without penalty or sanction to wear a mask for respiration, including N95 and NIOSH N95 rated masks in any area where cannabis is smoked. Employers are required to pay for the mask.
- On-duty employees shall not consume any cannabis, cannabis concentrate, or other cannabis product in the onsite consumption patio.
- The designated cannabis consumption room shall have signage to designate consumption areas.



- Permittees shall be responsible for preventing the consumption of tobacco, alcohol, hemp, or any controlled substance, other than a cannabis product, within the cannabis retailer or microbusiness, designated cannabis consumption room or area established for consumption of cannabis.
- Non-cannabis food and beverage products may be prepared and sold onsite in compliance with all applicable provisions of the California Retail Food Code. All non-cannabis food and beverages present on the premises shall be stored and displayed separately and distinctly from all cannabis and cannabis products present on the premises.
- A Permittee shall post signage in compliance with Proposition 65 within the designated cannabis consumption room or consumption area stating the following: “Detectable Amounts of Chemicals Known to the State of California to Cause Cancer, Birth Defects or Other Reproductive Harm May Be Found inside this Facility”.
- A Permittee shall post signs at locations clearly visible within the consumption area and at all exits requesting patrons to respect residents of adjacent residential neighborhoods by reducing noise levels when leaving.
- A consumption lounge shall not be allowed to operate and sell cannabis, cannabis products, and non-cannabis products between the hours of 2:00 a.m. and 6:00 a.m.
- Cannabis consumption areas shall only provide cannabis to an individual in an amount consistent with personal possession and use limits allowed by the State.
- If the City receives substantiated odor complaints (confirmed by staff from Planning, Code Enforcement, or Police) related to smoking, the business must cease smoking operations until a solution can be devised that would mitigate the odor problem.
- Pursuant to the 2016 California Fire Code section 310.6: Ash Trays: “Where smoking is permitted, suitable noncombustible ash trays or match receivers shall be provided on each table and at other appropriate locations.”

## **5. Ventilation Standards**

For cannabis consumption areas, an applicant shall submit the designated Cannabis Consumption Room Ventilation Proposal with their application. All Consumption Lounges require a Building Permit, which will evaluate proposed ventilation design in addition to other proposed improvements. Ventilation and filtration systems are considered adequate if they prevent smoke and odors from migrating to any other part of the building hosting the consumption lounge or any neighboring building or grounds. It is recommended that a letter signed and stamped by a qualified design professional be included in the application that



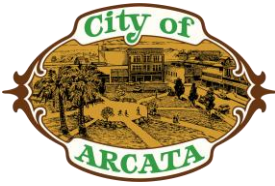
indicates performance standards described in this section will be met; other methods of achieving certainty may be discussed with the Building Official as part of the Building Permit submission. A Designated Cannabis Consumption Room Ventilation Proposal shall include:

- The name, title and license number of the person preparing the proposal.
- Explain how the project will achieve the standards mandated by State Legislature, in Division 10 (Cannabis) of the Business and Professions Code, Chapter 20 (Local Control).
- Air change for the Cannabis Consumption Room and for common areas inside Cannabis Retailer or Microbusiness.
- Filter type and odor control measures for the Cannabis Consumption Room.
- Location of air intakes and exhaust outlets (exhaust outlets located the maximum distance possible from any residential or commercial building, and no less than 15 feet). Exhaust outlets shall comply with the California Mechanical Code 502.2.2-Other Product-Conveying termination requirements.
- If negative pressure will be maintained in the Retailer or Microbusiness.
- Areas, if any, not served by enhanced ventilation.
- Area or areas of building where smoking or vaping will occur.
- If applicable, location of Z-ducts, trickle vents or similar unfiltered air system used for the Cannabis Retailer or Microbusiness.
- Percentage of total square footage, for customer use, of the permitted cannabis retailer that will be used for vaping or smoking of cannabis in the cannabis consumption room.
- Maximum occupant load for the designated cannabis consumption room.

The city shall review the Designated Cannabis Consumption Room Ventilation Proposal and may require additional modification or justification prior to the Director's approval.

## **6. Building and Facility Standards**

- The designated cannabis consumption room shall have a separate heating, ventilation and air-conditioning (HVAC) system such that none of the air in the designated cannabis consumption room will be recirculated into other parts of the cannabis business's premises or other parts of the premises.
- The designated cannabis consumption room shall be completely separated from the remainder of the premises by solid partitions or glazing without openings other than doors, and all doors leading to the designated cannabis consumption room must be self-closing..



- The designated cannabis consumption room shall exhaust 100% of the air directly to the outside through a Pollution Control Unit and Odor Control Unit that eliminates detectable odor, smoke and by-products of combustion to prevent public nuisances.
- Onsite consumption patio must not be directly visible from any public place or nonage-restricted area.
- Consumption lounge locations remain subject to the special consideration review in Land Use Code Section 9.42.105.D.1 for proximity to residential zoning districts, other cannabis retailers, schools, day care centers, and youth centers. Smoking of cannabis or cannabis products is prohibited outside the designated consumption area shown on the approved premises diagram.
- The designated cannabis consumption room shall reside within or directly adjacent to the existing permitted cannabis retailer or microbusiness.

## 7. Definitions

**“Cannabis Consumption Lounge”** is the onsite retail sale and consumption of cannabis or cannabis products by smoking, eating, drinking, chewing, applying topically or otherwise ingesting.

**“Cannabis Microbusiness”** means a fixed place of business where Cannabis and/or Cannabis Products are Cultivated, Manufactured, Distributed, and/or Sold to Customers.

**“Cannabis Products”** has the meaning set forth in Section 26001 of the California Business and Professions Code, as may be amended from time to time.

**“Commercial Cannabis Activity”** means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transporting, transportation, delivery, or sale of cannabis or a cannabis product.

**“Commercial Cannabis Activity Permit”** means a permit issued by the City of Arcata pursuant to this Chapter required to conduct commercial cannabis activity.

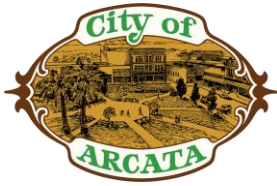
**“Consumption”** means smoking, eating, drinking, chewing, applying topically or otherwise ingesting.

**“Licensed Retailer”** is a business authorized by the city and state that sells cannabis and cannabis related products either from a physical location or by delivery.

**“Preparation”** means the heating, re-heating, or serving of Cannabis Products.

**“Storefront Cannabis Retailer”** means either of the following: Medicinal Cannabis Retailer or Adult Use Cannabis Retailer.

**“Tobacco Products”** has the meaning set forth in Section 19H2 of the Health Code, as may be amended from time to time.



Ventilation System

**Visit the City of Arcata CCAP Webpage for more information or to apply!**

<https://ca-arcata.civicplus.com/793/CCAP-Application-Individual-Components>