Marijuana Facilities: Licensing, permitting, and inspections

March 7, 2018
I. Excise & Licenses (the Licensing Process)

II. Zoning Permits and Inspections

III. Building Permits and Key Codes

IV. Denver Fire Department

V. Public Health and Inspections

VI. Environmental Quality (Odor Control Plans)

VII. Excise & Licenses’ Final Inspections and State Approval

VIII. Q&A
Introduction

What are Denver’s primary goals in regards to legal marijuana?

HEALTH    SAFETY    WELFARE

Zoning    Building    Fire    Health    Environmental Quality
Licensing Process Track 1

This path is used when there are no changes to the safety risks present in the facility.

- Renewals
- Corporate structure changes
- Request to amend floor plan

Application Submission ➔ State Approval ➔ License Issuance
Licensing Process Track 2

This path is used when there ARE changes to the safety risks present in the facility.

- New licenses
- Transfers of location
- Transfers of ownership
- Modification of premises
Modification vs. Amending Floor Plan

Modification of Premises (MOP) - TRACK 2
- Altering facility layout/sq. ft.
- POS changes
- Changing electrical fixtures
- Adding/removing a license
- Changing extraction equipment
- Changing enrichment system(s)
- Building permits *(but not security cameras)*

Request to Amend Floor Plan - TRACK 1
- Adding/removing security cameras
- Identifying licensed premises, limited access, restricted access areas for the first time
- Altering an ongoing application for a MOP, transfer of location, or new license

A new zoning stamp is only needed if you are changing the facility layout (this includes new exterior work, e.g., RTUs, landscaping and interior use/wall/sq. ft. changes).
Licensing Process Track 2

Track 2 is typically accompanied by plan review submissions and permit applications to the inspecting agencies:

- Zoning
- Fire
- Building
- Public Health
- Environmental Quality
- Excise & Licenses
Excise and Licenses – Quality Control

- Proximity measurements
- Document review
  - Completeness
  - Legibility
  - Legal execution
Zoning Review Types

**Commercial Zoning**
- Tenant-finish
- Existing buildings
- Use permits
- and more

**SDP Process**
- New construction
- Major additions
- Projects involving complex land use requirements or multiple agencies

**Simultaneous Zoning & Building Reviews**
- Any zoning project that does not require an SDP, landmark, administrative, or design review

**Commercial zoning hours:** 8 am – Noon *(Line closes at 11:30 am.)*

**How to submit by email:**
www.denvergov.org/commercialzoning
Requesting Your Zoning Records

- **Tip!** Request existing zoning records before submitting your plans. This will determine how much review is required.
  
  - Is information needed to make the property’s file current?
    - *Example:* Rooftop equipment that was installed *with* building permits but *without* zoning permits
  
  - Does the use category on the existing permit match how you are currently using the space?

  
  - [zoning.review@denvergov.org](mailto:zoning.review@denvergov.org)

  - Request copies of past zoning plans and permits via email
  - Please allow 5 days for processing
Zoning – Floor Plan Modification

- A new floor plan modification form is available

- Submittals MUST include:
  - The floor plan modification form
  - A copy of the most recent zoning use permit
  - A copy of the most recent zoning-approved floor and site plans
  - Your new floor plan that meets current codes

- Email everything to zoning.review@denvergov.org
  - **Subject line:** FLOOR PLAN MOD
What to Submit for Zoning Permits

• Zoning use permit
  - Application #UP-02 - Site plan
  - Floor plan - Narrative

• Zoning construction permit if there will be any exterior work
  - Application #CP-01 - Elevations
  - Statement of valuation - A roof plan if rooftop equipment is involved

Find zoning applications at [www.denvergov.org/CommercialZoning](http://www.denvergov.org/CommercialZoning)

Email everything to [zoning.review@denvergov.org](mailto:zoning.review@denvergov.org)

**Subject line:** NEW ZONING APPLICATION
Zoning Floor Plan Example

- Kitchen (Food Prep. Commercial): 1,500 s.f.
- Office: 270 s.f.
- Office: 270 s.f.
- Storage Room: 375 s.f.
- Grow Room: 3,200 s.f.
- Packaging: 360 s.f.
- Office: 225 s.f.
- Trim Room: 300 s.f.
- Extraction Room (Manufacturing): 1,140 s.f.
- Restroom: 195 s.f.
- Restroom: 195 s.f.
<table>
<thead>
<tr>
<th><strong>ADDRESS</strong></th>
<th><strong>SITE ADDRESS</strong></th>
</tr>
</thead>
</table>

**CODES IN COMPLIANCE:**
2010 CITY OF DENVER MUNICIPAL  
ZONING CODE LATEST ED  
BLUEPRINT DENVER IF APPLICABLE

**BUILDING AGE:** 1962  
REMODEL DATE, 2013

**ZONING:** I-A, U0-2

**SCHEDULE NUMBER:** 0509206023000

**LEGAL DESCRIPTION:** FLETCHERS WEST SIDE SUB  
B32 TO 44

**LOT SIZE:** 27,000 SF

**BUILDING SIZE:** 15,531 SF TOTAL

- HUSBANDRY: 10,516 GSF  
RETAIL / Dispensary: 830 GSF

- ADJACENT SPACE  
(HUSBANDRY): 4,185 GSF  
TOTAL HUSBANDRY: 14,701 GSF

**OCCUPANCY:** M, F-1

**STORIES:** ONE

**HEIGHT:** 23'-0" +/- AGL (VARYS)

**PARKING REQS:** 15,513 SF TOTAL

\[
\begin{align*}
830 \times 2.5/1000 &= 2 \\
14,701 \times .5/1000 &= 7.5 \\
\text{required} &= 9.5 = 10 \text{ total}
\end{align*}
\]

- TOTAL REQUIRED = 10, 1 HC  
TOTAL PROVIDED = 14, 1 HC

**TRANSPARENCY REQS:** PER CALCULATION  
ATTACH PHOTO OR ELEVATION IF REQUIRED

**LANDSCAPE REQS:** IF REQUIRED  
PER CALCULATION DIAGRAMMED ON SITE PLAN

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**Note:** List uses and square footages. Include the # of required and proposed parking spaces.
Zoning Site Plan Example
<table>
<thead>
<tr>
<th>Land Use</th>
<th>License Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plant husbandry</td>
<td>Medical MJ optional premises cultivation</td>
</tr>
<tr>
<td></td>
<td>Retail MJ cultivation</td>
</tr>
<tr>
<td>Commercial food prep &amp; sales, General mfg., Heavy mfg.</td>
<td>Medical MJ infused products manufacturer</td>
</tr>
<tr>
<td></td>
<td>Retail MJ infused products manufacturer</td>
</tr>
<tr>
<td>Retail sales, service &amp; repair, All others</td>
<td>Medical MJ centers</td>
</tr>
<tr>
<td></td>
<td>Retail MJ stores</td>
</tr>
<tr>
<td>Laboratory, R&amp;D, and Technological services</td>
<td>Retail MJ testing facility</td>
</tr>
<tr>
<td></td>
<td>Medical MJ testing facility</td>
</tr>
<tr>
<td>Terminal, freight, air courier services</td>
<td>Medical MJ transporter / off-premises storage</td>
</tr>
<tr>
<td></td>
<td>Retail MJ transporter / off-premises storage</td>
</tr>
<tr>
<td>Wholesale trade or storage, general</td>
<td>Must be associated with a Denver-licensed MJ premise:</td>
</tr>
<tr>
<td></td>
<td>Medical MJ off-premises storage</td>
</tr>
<tr>
<td></td>
<td>Retail MJ off-premises storage</td>
</tr>
</tbody>
</table>
Zoning – Sign Permits
Zoning – Sign Permits

Find applications and submittal requirements on the “Signs” webpage at www.denvergov.org/DS

- Current use permit on file?
- Landmark or design review approvals?
- Application
- Site plan
  - Zone lot / Tenant space / Dimensions of both
- Elevations
  - Sign content / Sign height above grade and right-of-way (projecting signs)
- Any additional drawings or information to show zoning code compliance
- Account for existing signage as well as proposed
Common Issues and Solutions

Missing technical items on zoning permit submissions

• Include dimensions on floor plans/site plans
• List uses in the correct zoning code terminology (e.g., “plant husbandry” and not “marijuana grow”)
• List the square footages of each use on the application, supported by accurate plans

Zoning permits expiring

• Issued zoning permits expire after 180 days, unless the permitted use has been established or a building permit for construction is issued
• Extensions are available for up to 12 months by following the procedure outlined in the Denver Zoning Code (DZC) 12.3.6.3
Common Issues and Solutions

Transformers must meet zoning codes

- Your electrical engineer is responsible for locating the transformer on the site plan
  - Must meet zoning codes and Xcel Energy’s requirements
  - Xcel does not ask permission before placing transformers, but transformers are still subject to the zoning code!
- Transformers are “detached accessory structures.”
- Setback encroachments are allowed on a limited basis
  - See DZC Articles 3-9, Design Standard Alternatives
  - Transformer between 3-8 ft. can encroach in the side interior and rear setback, but NOT on the side street or primary street setback
Common Issues and Solutions

Tips:

• Schedule a meeting with CPD to go over plan requirements, timing, etc. **before** applying for permits
  - Email zoning.review@denvergov.org to schedule

• Submit well in advance of a meeting with the state MED

• Include any items not previously approved by zoning on your latest application so we have a reliable record to reference for your building in the future

• Include approved elements on future submittals in the same level of detail

• Inspectors will verify all floor and site plans in person
Recent Innovations: Inspection Checklist

• Simple, one-page checklist of how to prepare for a zoning inspection

• Download the checklist from [www.denvergov.org/BuildingInspections](http://www.denvergov.org/BuildingInspections)
Scheduling Inspections

Dial 3-1-1 for zoning inspections for a business license

- Improved scheduling to prevent delays
- When you call...
  - Be specific about what is to be inspected
  - Provide an onsite contact we can reach, and
  - Have your E&L record number ready

Schedule zoning construction inspections online

- Bulk plane, setback verification, signs, certificate of occupancy
- [www.denvergov.org/BuildingInspections](http://www.denvergov.org/BuildingInspections)

The zoning inspection for your business license and your C/O can be done in the same visit – but you must request both!
When do you need a building permit?

• Change of occupancy or a change in the “character of occupancy” of the building
• Adding square footage
• Any construction work
  - Walls, doors, windows
  - Mechanical, electrical, and plumbing equipment and systems
  - Security hardware and access control
• Anything impacting the use or storage of hazardous materials or processes
Building Codes

www.denvergov.org/BuildingCode

• 2015 Series
  – International Building Code
  – International Existing Building Code
  – International Plumbing Code
  – International Mechanical Code
  – International Residential Code
  – International Fuel Gas Code
  – International Fire Code
  – International Energy Conservation Code

• 2016 Denver Building and Fire Code
• 2017 National Electrical Code
New Facilities and Locations: Marijuana Occupancies

• New MJ stores/centers are a Group M occupancy
• Existing stores/centers must change to Group M when...
  o Increasing square footage
  o Altering more than 50% of the total tenant space or 50% of the store/center space
  o Or, for stores/centers that include a grow facility, alterations in the grow facility impact more than 50% of the total tenant space
• Details in building code policy IBC 302.1
Gender-neutral Restrooms

- All single-occupant, family or assisted-use restrooms in Denver
- Signage must indicate that they are open for use to all persons, regardless of gender
- For existing buildings, you have until April 30, 2018, to update signage and add door locks if needed
Log In for a Building or Fire Permit by Email

PlanReview@denvergov.org

- Save all files and plans as PDFs
- Any document prepared by an architect, engineer, or surveyor must have a valid electronic signature
- Not for you? Make an appointment to log in at the counter.

- Detailed instructions and appts. online at denvergov.org/DS

2- to 4-week initial review time based on project complexity and completeness of application
Simultaneous Zoning/Building Reviews

• **Save overall review time on logged-in projects**

• Include all zoning plans and all building plans, and associated applications, in one submittal (Submit to “Log In,” not “zoning”)

• Include the simultaneous review request form signed by the design professional
  - Details/form located in the Commercial Building Permit Guide

• Not an ideal path for zoning permits that can be issued at the counter
What to Submit for Building Permits

- Structural calculations
- Mech./elec./plumbing plans
- Code analysis with code references, including method of IECC compliance
- Signed and stamped plans
- Zoning permits, SDP approval, or a simultaneous review request form (with zoning set)
- Bound plans or submitted as PDFs

Visit www.denvergov.org/DS to download the Commercial Building Permit Guide.
Tips for Building Permits

• A review is not assigned until the plan review fee is paid.
  - Apply by email and pay fees easily online
  - Or, once drawings are accepted at the Log In counter, pay the plan review fee at the cashier

• Sewer Use and Drainage Permits (SUDP)
  - A separate SUDP is usually required – apply for this before or at the same time as building permits. Log in by email and we will CC the SUDP team for you.
  - www.denvergov.org/SUDP
# Major Building Code Items by Discipline

<table>
<thead>
<tr>
<th>Electrical</th>
<th>Mechanical/Plumbing</th>
<th>Architectural/Structural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuous load</td>
<td>Plumbing fixtures</td>
<td>Plumbing fixtures</td>
</tr>
<tr>
<td>Coordinate lighting with other disciplines so plans match</td>
<td>Provide ventilation as if it is an occupied space</td>
<td>Accessibility (ADA)</td>
</tr>
<tr>
<td>Use listed equipment</td>
<td>Extraction facilities</td>
<td>Egress (Exits)</td>
</tr>
<tr>
<td>Upgraded electrical service</td>
<td>$\text{CO}_2$ enrichment</td>
<td>Use fire-rated corridors in non-sprinklered buildings</td>
</tr>
<tr>
<td></td>
<td>New health standards for odor control mean some existing businesses have had to modify their HVAC</td>
<td></td>
</tr>
</tbody>
</table>
**Resubmittals**

- Revised drawings and responses to plan review comments
- Submit via “Resubmittals” counter
- Bring project log number and 3 copies of revised, stapled plans - cloud your changes (4 if you did simultaneous review and changes impact zoning)

**Modified Drawings**

- For changes AFTER a permit is issued
- Submit via “Log in” counter or email
- Include a written description of what is modified and why
- Receives a new, separate log number
- Once approved, receives a separate permit
Denver voters passed the Green Roof Ordinance, which had an effective date of January 1, 2018.

This will impact...

• Roof replacements on buildings over 25,000 ft²
• New buildings over 25,000 ft²
• Additions that make a building over 25,000 ft²
Green Roof Submittal Requirements

- Green Roof Declaration Form
- Items on the submittal checklist at the end of the Declaration Form
  - Green roof projects
  - Variance requests
  - Exemption requests
- Also see the new Commercial Building Permit Guide
Building Inspections

**NEW!** Schedule online at [www.denvergov.org/buildinginspections](http://www.denvergov.org/buildinginspections)

Building / Electrical / Plumbing / Mechanical / Zoning
Denver Fire Department

Inspections / Plan Review / Permits

COMMON DFD INSPECTION ITEMS:
- Were construction permits obtained for any work completed / required (mechanical, electrical, fire alarm, sprinkler, construction, etc.)
- Were Fire Prevention operational permit(s) obtained (marijuana establishment/business, CO2 enrichment, extraction, etc.)
- Do means of egress comply with Denver Fire Code (locks, access control, blocked exits, exit signage, etc.)
- Does non-code compliant construction exist (use of plastic sheets to form walls, unsafe electrical, extension cords, etc.)

Construction plans submitted to Building Department typically including:
- Change of occupancy or new building
- New walls or floor plan
- Hazardous exhaust for plant extractions
- Fire alarm / sprinkler
- CO2 enrichment systems
- Electrical upgrades

DFD Inspection by Fire Prevention License & CO Unit

FAIL

PASS
DFD on MIP: Marijuana-infused Products

- Extraction room guide – www.denvergov.org/DFDMarijuanaInfo
- Denver Fire Code Ch 39 - www.denvergov.org/BuildingCode
- LPG extraction rooms (space and processes)
- Change of LPG extractor
- Flammable liquid extractions or post oil processing (NFPA 30 hazard analysis during construction permitting)
- Change of flammable liquid processes (Pentane)
Fire Inspections

- Operational inspections vs. construction inspections
- Acceptance testing: CO$_2$ enrichment, MIPs
- License transfers of ownership, new operational permits are required
- Post your DFD operational permits
Public Health
New Facilities or Facility Alterations

• Before requesting a license sign-off inspection...
  - All new and remodeled marijuana dispensary stores and MIP facilities are required to undergo a health plan review.

• After an approved plan review, a sign-off is conducted for...
  - Certificate of Occupancy
  - Temporary Certificate of Occupancy
  - Business licenses
Public Health
Transfer of Ownership

- Plan review required when...
  - New equipment is added
  - New or relocated plumbing fixtures
  - Significant change of product list
  - Floor plan revisions

- No plan review when...
  - No changes to the facility other than ownership
  - Can jump to the inspection process for the health department
Public Health
Additional Sign-offs

• Marijuana Labs
  o Only require a sign-off inspection
  o Not regulated under health department rules and regulations

• Marijuana Transport Facilities
  o Requires plan review if holding potentially hazardous edibles
  o Regulated under health regulations if cold holding potentially hazardous edibles
Public Health
MIP-Specific Requirements

• MIPs require a full health plan review and approval

• **Fixture requirements for MIPs producing consumable products:**
  - An indirectly drained 3-compartment sink for ware washing
  - A dish machine is optional but cannot replace a 3-compartment sink
  - A utility sink or mop sink equipped with hot and cold water
  - Directly drained hand sinks in all areas of food or edible extraction, preparation, and packaging
    - Hand sinks that are easily accessible and not behind a door or other barrier
Public Health Inspections

• Request a sign-off inspection:
  o Call 3-1-1 (or 720-913-1311 if outside Denver)
  o Email
    phicomments@denvergov.org

• Unannounced, routine regulatory inspections are conducted once the facility is open/operating.
Public Health Inspections

- Hot water at all hand sinks and fixtures must measure 100°F under 30 seconds of activation. Cold water must also be available.
- All construction must be completed as approved in plan review.
- All equipment must be in place and operational, including refrigeration.
- If a chemical dispenser is installed at the mop sink, an additional hose bib with hot and cold water must be installed at the mop sink.
- Floors, walls, and ceilings are smooth, durable, and easily cleanable where required in plan review.
Environmental Quality

Odor control plan

- All grow and MIP facilities must have an approved plan

Grow inspections

- Annual inspections
- Waste management
- Energy use
- Odor control

MIP inspections

- Starting in 2018
- Odor Control

Contact Environmental Quality at EQcomments@denvergov.org
Excise and Licenses – Inspections

A full checklist can be found at www.denvergov.org/businesslicensing

Highlights include:

• Verify appropriate limited and restricted access signage
• Verify appropriate camera coverage and recording
• Verify that layout matches provided floor plan
• Verify proper licensing for alarm system, security guards, etc
• Verify proper waste disposal
• Verify compliance with manifest, labeling regs
Excise and Licenses - State Approval

No licensing action is considered complete until all inspections are passed and Denver receives proof of state approval.

Proof of state approval can be emailed to exlapplications@denvergov.org

Please include your BFN and any applicable AMEND # in your email.
Questions?
Submit a modification of premises application to Denver Excise and Licenses to alter...

<table>
<thead>
<tr>
<th>You will also need a new...</th>
<th>Zoning review</th>
<th>Building &amp; fire code review</th>
<th>DDPHE review</th>
<th>Odor Control Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Square footage</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Layout (e.g., doorways, walls)</td>
<td>X</td>
<td>X</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>A point-of-sale location</td>
<td></td>
<td></td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Electrical fixtures to increase power for cultivation activities</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adding/removing a cultivation or MIP facility (does not include changing medical to recreational, or vice versa)</td>
<td>X</td>
<td>X</td>
<td>*</td>
<td>X</td>
</tr>
<tr>
<td>Extraction equipment</td>
<td>*</td>
<td>X</td>
<td>X</td>
<td>*</td>
</tr>
<tr>
<td>Enrichment systems</td>
<td></td>
<td>X</td>
<td></td>
<td>*</td>
</tr>
</tbody>
</table>

* Exact requirements may vary based on your scope of work.
A PHI inspection is needed if the MOP affects compliance with food safety regulations.