

Thursday, July 1, 2021, 6:30 pm
Teleconference Meeting

AGENDA

Pursuant to the Governor's Executive Order N-29-20, members of the Cannabis Regulatory Commission as well as City staff will participate via phone/video conference and no physical teleconference locations are required.

PUBLIC PARTICIPATION INSTRUCTIONS

TO OBSERVE:

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- Comment in advance. To send your comment to staff before the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to Greg Minor at gminor@oaklandca.gov. All submitted public comment will be provided to the Cannabis Regulatory Commission prior to the meeting.
- By Video Conference. To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to "Raise Your Hand" are available at: <https://support.zoom.us/hc/en-us/articles/205566129>, which is a webpage entitled "Raise Hand In Webinar."

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♿ This meeting is wheelchair accessible. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meetings of the Cannabis Regulatory Commission, please contact the Office of the City Clerk (510) 238-3612. Notification two full business days prior to the meeting will enable the City of Oakland to make reasonable arrangements to ensure accessibility. In compliance with Oakland's policy for people with chemical sensitivities, please refrain from wearing strongly scented products to events.

Questions or concerns regarding this agenda, or to review any agenda-related materials, please contact the Cannabis Regulatory Commission at (510) 238-6370.

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Members:

Lanese Martin	District 1	Frank Tucker	District 7
Tracey Corder	District 2	Chaney Turner	At Large
Austin Stevenson	District 3	Stephanie Floyd-Johnson	Mayor
Vacant	District 4	TiYanna Long	City Auditor
Vacant	District 5	Greg Minor	City Administrator
Vacant	District 6		

Available on-line at: <https://www.oaklandca.gov/boards-commissions/cannabis-regulatory-commission>

MEETING AGENDA

- A. Roll Call and Determination of Quorum
- B. Approval of the Draft Minutes from the CRC Meeting on June 3, 2021.
- C. Reports for Discussion and Possible Action
 1. CRC Process and Procedures and Agenda Management
 2. Formation of a Subcommittee to Develop Onsite Consumption Regulations
 3. Amendments to Allow the Transfer of Permits from Equity Applicants to Non-Equity Applicants
 4. Implementation Update on Current BCC and Go-Biz Grants
- D. Review of the Pending List and Additions to Next Month’s Agenda
 - *Costing of a Department of Cannabis (since January 2021)*
 - *Follow Up Questions re Revenue Management Bureau Report (since June 2021)*
- E. Open Forum / Public Comment
- F. Announcements
 1. Update on Cannabis Permitting Process
 2. Apply to serve on CRC here:
<https://oakland.granicus.com/boards/w/8552f8c4c0e15460/boards/6697>
- G. Adjournment

Thursday, June 3, 2021, 6:30 pm
Teleconference Meeting

MINUTES

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MEETING AGENDA

A. Roll Call and Determination of Quorum

Present: Corder, Stevenson, Turner, Floyd-Johnson, Long, and Minor
Absent: Martin, Tucker

B. Approval of the Draft Minutes from the CRC Meeting on May 6, 2021.

Member Floyd-Johnson made a motion to approve the minutes as drafted. Member Turner seconded the motion and it passed by consensus.

C. Reports for Discussion and Possible Action

1. CRC Process and Procedures and Agenda Management

Member Minor provided background then Member Turner made a motion to continue the item to the next CRC meeting. Member Corder seconded the motion and it passed by consensus.

2. Creation of Additional Cannabis Consumption Lounge License

Member Minor provided background on the item. Member Stevenson encouraged support for a tiered license process and asked a question regarding zoning. Member Corder urged the City to ensure equity applicants receive these licenses. Member Stevenson made a motion to agendaize the formation of a subcommittee at the July CRC meeting to develop onsite consumption regulations. Member Turner seconded the motion and it passed by consensus.

3. Amendments to Allow the Transfer of Permits from Equity Applicants to Non-Equity Applicants

Member Minor provided background on the item. Vice-Chair Long framed the discussion by asking how to allow for transfers while continuing the cycle of equity. Vice-Chair Long then shared the subcommittee recommendation to allow a transfer of permits from equity to general applicants if the City is reimbursed and there is a commitment to incubate another equity applicant.

Public speakers emphasized imposing the least amount of restrictions possible to avoid discouraging the purchase of equity businesses, particularly the requirement to incubate as a result of a sale. Public speakers suggested requiring a transfer fee of some sort.

Vice-Chair Long appreciated input from the public, noting the main point is to ensure the integrity of the equity program. Member Floyd-Johnson liked the idea of a transfer fee and ensuring repayment of grants and loans but concerned that all equity businesses will sell. Member Turner also appreciated the transfer fee concept and noted the importance of discussing this pre-federal legalization.

Vice-Chair made a motion to continue this item to the July CRC meeting and Member Turner seconded the motion and it passed with no objections.

4. Revenue Management Bureau Report on 2020 Cannabis Tax Revenues

Rogers Agaba with the Revenue Management Bureau summarized the report on 2020 cannabis tax revenues, highlighting the new tiered tax structure, the overall increased amount, and how the biggest businesses accounted for most of the tax revenue.

Member Corder made a motion to ask staff to report back on how the City can redirect cannabis tax revenue, including ensuring tax revenue does not go to OPD. Member Floyd-Johnson seconded the motion and it passed by consensus. Member Turner then made a motion for staff to clarify how sales tax rates can be lowered for cannabis in the City of Oakland. Vice-Chair Long seconded the motion and it passed by consensus.

5. Governor's Revised Budget and Proposed State Cannabis Legislation

Member Minor shared an update regarding potential new state funds and legislation. Member Floyd-Johnson mentioned having a calendar to track grant projects in the future.

6. Implementation Update on Current BCC and Go-Biz Grants

Member Minor provided an update on current state grants being implemented and answered questions from other members.

D. Review of the Pending List and Additions to Next Month's Agenda

- *Costing of a Department of Cannabis (since January 2021)*

Member Minor provided background on the item.

Public speakers asked how equity applicants can get their products into dispensaries and ensuring general applicants are held accountable.

Member Turner made a motion to keep the Costing of a Department on the pending list. Member Vice-Chair Long seconded the motion and it passed by consensus.

E. Open Forum / Public Comment

Members of the public emphasized the need to enforce requirements on general applicants.

F. Announcements

1. Update on Cannabis Permitting Process

Member Minor offered an update.

2. Update from Subcommittee on Updated Assessment of Equity Program

Member Floyd-Johnson provided a summary from the last subcommittee meeting. Member Turner made a motion to join the equity subcommittee. Member Vice-Chair seconded the motion and it passed by a consensus.

G. Adjournment



Cannabis Regulatory Commission

TO: Cannabis Regulatory Commission

FROM: Greg Minor
Assistant to the City
Administrator

SUBJECT: July 2021 Agenda Items

DATE: June 28, 2021

ITEM C (1) CRC Process and Procedures and Agenda Management

At the March 3, 2021 Planning Session Meeting, the CRC selected process and procedures as well as ensuring the success of the Equity Program as the CRC's top priorities. Then at the April 1, 2021 meeting Chair Martin made a motion to discuss agenda management and Vice-Chair Long seconded the motion and it passed by consensus.

This item was then scheduled to the May 6, 2021 meeting where Vice-Chair Long made a motion to continue this item to the June 2021 meeting and Member Turner seconded the motion and it passed by consensus. Similarly, at the June 3, 2021 CRC meeting Member Turner made a motion to continue the item to the next meeting; Member Corder seconded the motion and it passed by consensus.

ITEM C (2) Formation of a Subcommittee to Develop Onsite Consumption Regulations

At the December 2020 CRC meeting the CRC passed a motion to agendize the creation of an additional cannabis consumption lounge where cannabis deliveries take place (The City of Oakland currently offers an onsite-consumption permit but it only applies to

existing dispensaries in good standing). In February staff provided draft language for an onsite consumption lounge and the CRC moved to continue this item to April and to prioritize equity applicants for onsite consumption licenses.

Since February staff has connected with onsite consumption advocate Brent Bell and identified the framework and unresolved issues outlined for the CRC's consideration. At the April 1, 2021 CRC Meeting Member Turner made a motion to agendaize the issue of smoking of cannabis to the next CRC meeting and to remove smoking from the list of unresolved issues. Member Stevenson seconded the motion. Chair Martin made a friendly amendment for staff to engage with public health agencies regarding the public health impact of cannabis vs. tobacco smoke. Member Turner accepted the amendment and it passed by consensus. Chair Martin then made a motion for staff to take the framework for onsite consumption licensing and develop it into legislation for the commission to review. Member Stevenson seconded the motion and it passed by consensus.

Since April staff has spoken with public health officials for both the Counties of Alameda and San Francisco. San Francisco shared the following website with information on their onsite consumption requirements: <https://www.sfdph.org/dph/EH/MCD/default.asp> At this point, staff is still in the process of reviewing this material and gathering input on onsite consumption policies.

This item was heard at the May 6, 2021 CRC meeting where public speakers encouraged the City to adopt a tiered onsite consumption licensing system, with more intensive HVAC requirements for smoking or infused forms of consumption. Member Stevenson voted to continue this item to next month's agenda and for the City of Oakland to consider a tier based onsite consumption system. Vice-Chair Long seconded the motion and it passed by consensus.

At the June 3, 2021 CRC meeting Member Stevenson made a motion to agendaize the formation of a subcommittee to develop onsite consumption regulations. Member Turner seconded the motion and it passed by consensus.

Framework

- Location for adults to consume cannabis with others
- Allow non-infused food and (non-alcoholic) beverages in addition to cannabis
- Odor mitigation to avoid impacting neighbors
- Fire code compliance to ensure location is safe for assembly
- No purchasing of cannabis onsite, but delivery allowed
- Prioritize equity applicants for onsite consumption licenses
- Same zoning requirements as dispensaries (any commercial or industrial zone)
- 600-foot buffer from schools and youth centers (but no buffer from dispensaries or other onsite consumption lounges)

- Staff trained on CPR/First Aid, have protocols for monitoring over-consumption
- Good neighbor practices: discouraging loitering and littering outside of lounge, identify a community liaison for the lounge
- Denver: cease consumption while first responders are present
- Tiered licensing approach based on form of consumption provided, with more extensive requirements for smoking.

- Unresolved Issues
- Smoking allowed? Or only vaping, infused beverages, and edibles
- What level of security requirements? Cameras, alarms, and licensed guards?
 - Does it depend on whether there is purchasing/delivery of cannabis onsite?
- How do you define an onsite consumption area/permit?
 - What activity is the City prohibiting (intentionally/unintentionally) through this definition?
- Allow mobile lounges (buses)?
- Hours of Operation?

ITEM C (3) Amendments to Allow the Transfer of Permits from Equity Applicants to Non-Equity Applicants

The current language around transferring business permit resides in OMC 5.02.20, pasted below for reference:

No permit in this Chapter required shall be transferable, nor apply to any premises other than those originally specified as the location of the thing permitted, except upon written permission of the City Administrator, or other official originally granting such permit, granted upon written application by the transferor, made in the same manner as may be required in the instance of the original application for such permit.

Staff has interpreted this language as allowing general applicants to transfer their permits to general or equity businesses that comply with permitting requirements, but prohibit equity applicants from transferring their permits to general applicants, because the equity applicants' status as an equity applicant was a prerequisite to them obtaining their permit in the first instance. While this avoids the flipping of permits from equity to general applicants and undermining the intent of the equity program of providing business ownership opportunities to equity applicants, it also permanently restricts equity businesses from receiving the financial benefits of selling more than fifty percent of their business to general applicants.

After months of discussion in 2019, the CRC ultimately recommended allowing equity businesses to transfer their permits after three years, the same period as incubation, to provide equity applicants with the choice of keeping or transferring their business at that point. At recent meetings CRC members have discussed whether to require that as part of any transfer the City is repaid any public funds provided to an equity applicant requesting to transfer their permits to general applicant, such as grants, loans, and fee exemptions.

This item was discussed at the January 2021 CRC meeting where Chair Martin moved to place this item on the pending list, Member Turner seconded the motion and it passed by consensus. Then at the May 6, 2021 Member Floyd-Johnson made a motion to refer this topic to the equity assessment subcommittee and then have the subcommittee make a recommendation on the item for the full CRC's consideration. Vice Chair Long seconded the motion and it passed by consensus.

On May 25th, the equity subcommittee discussed whether/how the City should allow equity businesses to transfer their permits to non-equity businesses. After some discussion on this topic, the Committee proposed that the Commission consider the recommendation that allows an Equity business to be sold to a General business provided that the General pay back 80% of the amount of funds given to an Equity business. In addition, the General business agrees to incubate an Equity business.

At the June 3, 2021 CRC meeting Vice-Chair Long made a motion to continue this item to the next meeting and Member Turner seconded the motion and it passed by consensus. Subsequently, the equity subcommittee met again and formed the following recommendation: allow an equity applicant to sell their business and transfer their permit to a general applicant provided that the general applicant pay back 100% of the amount of funds provided to the equity applicant by the City of Oakland and cover any transfer processing fees.

ITEM C (4) Implementation Update on Current BCC and Go-Biz Grants

The City of Oakland has received three state grants thus far to support its cannabis equity program: in the spring of 2020 the City received a grant of approximately \$1,650,000 from the Bureau of Cannabis Control; in the summer of 2020 the City received a \$6,576,705 grant from the Governor's Office of Business and Economic Development (Go-Biz); then in the summer of 2021 the City received a \$2,434,712.51 from Go-Biz. Tables 1-3 provide an overview of the uses of each of these grants and the subsequent narrative offers an update on the various programs funded through state grants.

Table 1: 2020-2021 BCC Grant

Category	Amount
Grants to Operators	\$850,000
Commercial Kitchens	\$250,000
Commercial Kitchens OR Events Featuring Equity Businesses	\$200,000
Workforce Development	\$200,000
Program Analyst Position	\$150,000
TOTAL BCC FUNDING	\$1,650,000

Table: 2 2020-2021 Go-Biz Grant

Category	Amount
Grants to Operators for All Eligible Expenses	\$1,510,239
No Interest Revolving Loans to Operators for All Eligible Expenses	\$960,239
No Interest Loans to Purchase Property	\$2,010,239
Utilization of Shared-Use Manufacturing Facilities	\$50,000
Workforce Development	\$800,000
Loan and Grant Administration	\$350,000
Technical Assistance	\$250,000
Legal Assistance	\$165,000
City Staff Costs Administering Equity Program	\$480,987
TOTAL GO-BIZ FUNDING	\$6,576,705

Figure 3- 2021-2022 Go-Biz Grant

Proposed Use of Go-Biz Funds	
Grants and/or No-Interest Revolving Loans to Operators for All Eligible Expenses	\$1,448,475.41
Grants to Utilize Shared-Use Manufacturing Facilities	\$500,000
Loan and Grant Administration	\$160,000
Technical Assistance	\$121,500
Legal Assistance	\$121,500
Portion of City Administrator Analyst Position	\$83,237.10
TOTAL GO-BIZ FUNDING	\$2,434,712.51

In the summer of 2020, the Special Activity Permits Division launched a BCC and Go-Biz funded grant program for equity operators for all eligible expenses that is administered along with the no-interest loan program by 4Front Partners, dba Elevate Impact. At the recommendation of the CRC, staff and Elevate Impact have held monthly meetings with equity operators the Tuesday after the CRC meeting to provide any updates regarding the program and maintain an ongoing feedback loop. Every week staff and Elevate Impact monitor the programs and analyze what adjustments are needed to effectively disburse funds. More information on the loan and grant programs is available at www.elevateimpactoakland.com and the agendas for monthly loan and grant meetings with statistics regarding the loan and grant programs is available here: <https://www.oaklandca.gov/boards-commissions/cannabis-regulatory-commission/meetings>.

In September 2020 staff launched two shared-use manufacturing facilities funded by the BCC grant. The two teams managing the kitchens have selected 15 manufacturers to use the sites and obtained all necessary approvals for the locations. Now operators are utilizing the shared-use facilities. More information is available here: <https://www.oaklandca.gov/services/shared-use-manufacturing-facilities>

Next, in late October 2020 staff launched a workforce development grant program providing equity operators with grants of up to \$50,000 to recruit, train, or retain equity employees. Staff reviewed and approved all 27 applications received in 2020 and is working with the workforce grant applicants to get them under contract in order to disperse funds. To date, nineteen of the workforce grant applicants have received funding, seven are working to obtain required insurance. More information is available here: <https://www.oaklandca.gov/services/workforce-development-grant-program>

Finally, on November 20, 2020 staff released a Request for Proposals (RFP) for the approximately \$2 million that is available to equity operators to purchase property(ies) that support multiple equity operators. The City received 18 applications for Phase One of the RFP. A panel of City staff from the Departments of Race and Equity, Economic and Workforce Development and the City Administrator's Office reviewed and scored the applications, resulting in five applicants moving forward to the last phase of the RFP. The top five applicants submitted their Phase Two responses on March 12th with a letter of intent to purchase a property and a detailed budget. Staff inspected the proposed locations, held follow up meetings with applicants, and on April 30th provided the top two applicants a conditional commitment letter for the purchase of a shared-use manufacturing facility that will both support the equity applicants involved in the RFP process and equity applicants that can utilize the space each year. Staff anticipates entering into a loan agreement with this group over the coming weeks. More information is available here: <https://www.oaklandca.gov/services/purchasing-property-program>

ITEM F (1) Update on Cannabis Permitting Process

Below please find updated cannabis permitting statistics for the CRC's review, including additional categories as well as application and permit trend graphs.

Figure 1: Application Totals

APPLICATIONS	TOTALS	PENDING
Total Complete & Incomplete Applications	1599	126
Total Complete Applications	1599	
Complete General Applications	684	
Equity Applications based on residency	776	
Equity Applications based on conviction	134	
Incubators	393	
Interested in Incubating	27	
Complete Application with property	1147	
Complete Application without property (Equity)	365	
Complete Applicants without property (General)	87	

Figure 2: Permit Applications by Category

COMPLETED APPLICATIONS BY BUSINESS TYPE	GENERAL	INCUBATOR*	INTERESTED IN INCUBATING*	EQUITY
Delivery	170	66	3	241
Cultivator (Indoor)	196	124	19	158
Cultivator (Outdoor)	7	5	0	37
Distributor	148	94	3	220
Mfg. Volatile	54	43	0	43
Mfg. Non-Volatile	100	58	2	166
Transporter	6	3	0	40
Lab Testing	3	2	0	10
GRAND TOTALS	676	395	27	920

*These numbers are part of the General Total

Figure 3: Operators Locally Authorized for Provisional or Annual State License by Category

LOCALLY AUTHORIZED FOR STATE *ANNUAL/PROVISIONAL LICENSES*	GENERAL	INCUBATOR	EQUITY	
Delivery	35	45	117	
Cultivator	10	69	43	
Distributor	8	73	96	
Mfg. Volatile	5	29	6	
Mfg. Non-Volatile	21	70	102	
Transporter	1	1	5	
Lab Testing	0	2	2	
Retailers	3	1	3	
TOTALS:	83	290	374	747

*These figures represent those who have actually applied with the state for their provisional/annual license
There are additional applicants who are locally authorized, but who have not yet applied with the state.

Figure 4: New Permits Issued to Cannabis Operators Since Spring of 2017 by Category

	GENERAL NOT INCUBATING	INCUBATOR	EQUITY	TOTAL
<i>NEW ANNUAL PERMITS BY BUSINESS TYPE</i>				
Dispensary	1	1	4	6
Delivery	79	19	102	200
Cultivator (Indoor)	2	6	6	14
Cultivator (Outdoor)	0	0	0	0
Distributor	18	28	77	123
Mfg. Volatile	0	4	0	4
Mfg. Non-Volatile	6	10	46	62
Transporter	1	0	5	6
Lab Testing	0	0	0	0
GRAND TOTALS	107	68	240	415

Figure 5: Withdrawn Applications

WITHDRAWN APPLICATIONS	GENERAL	INCUBATOR	EQUITY	TOTALS
Delivery	10	23	43	76
Cultivator (Indoor)	3	15	33	51
Cultivator (Outdoor)	14	11	11	36
Distributor	3	37	41	81
Mfg. Volatile	2	14	20	36
Mfg. Non-Volatile	6	16	25	47
Transporter	5	1	15	21
Lab Testing		2	3	5
TOTALS	43	119	191	353

Figure 6: Revoked Local Authorization

REVOKED LOCAL AUTHORIZATION	GENERAL	INCUBATOR	EQUITY	TOTALS
Delivery	1	6	6	13
Cultivator (Indoor)	1	9	2	12
Cultivator (Outdoor)				0
Distributor	1	5	4	10
Mfg. Volatile		3		3
Mfg. Non-Volatile		3	1	4
Transporter		1		1
Lab Testing				0
TOTALS	3	27	13	43

Figure 7: Graph of Cannabis Permit Applications Received Since 2017

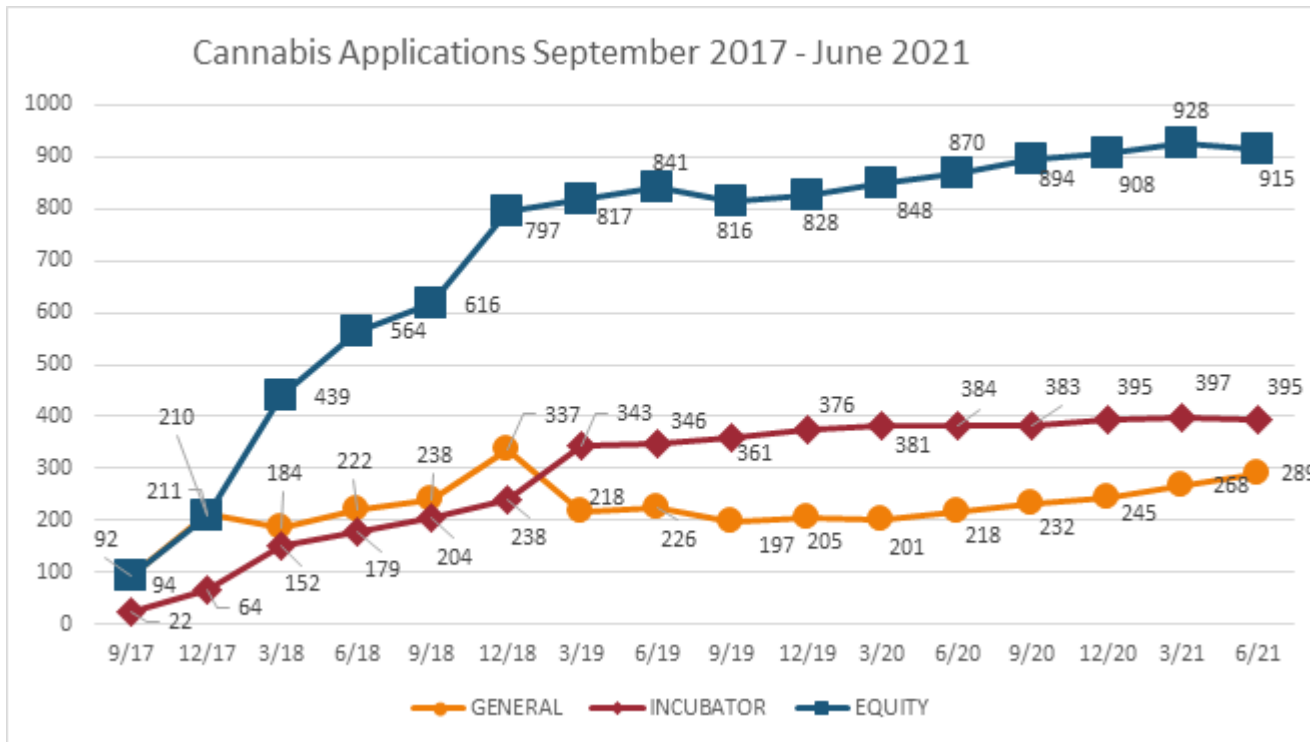


Figure 8: Graph of New Cannabis Permits Issued Since 2017

