

Thursday, November 5, 2020, 6:30 pm
Teleconference Meeting

MINUTES

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:

- To observe the meeting by video conference, please click the link below to join the webinar:
<https://us02web.zoom.us/j/81028013253>
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):
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For each number, please be patient and when requested, dial the following Webinar ID: 810 2801 3253

After calling any of these phone numbers, if you are asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled "Joining a Meeting By Phone."

TO PROVIDE PUBLIC COMMENT: There are three ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- 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."

Persons may speak on any item appearing on the agenda; however, a Speaker Card must be filled out and given to a representative of the Cannabis Regulatory Commission. Multiple agenda items cannot be listed on one speaker card. If a speaker signs up to speak on multiple items listed on the agenda, the Chairperson may rule that the speaker be given an appropriate allocation of time to address all issues at one time (cumulative) before the items are called. All speakers will be allotted 3 minutes or less – unless the Chairperson allots additional time.

♿ 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.

• **By Phone.** To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing STAR-NINE (“*9”) to request to speak when Public Comment is being taken on a eligible agenda item at the beginning of the meeting.

Once it is your turn, you will be unmuted and allowed to make your comment. After the allotted time, you will be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting by Phone.”

If you have any questions about these protocols, please e-mail Greg Minor, at gminor@oaklandca.gov

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
Debby Goldsberry	District 4	TiYanna Long	City Auditor
Claudia Mercado	District 5	Greg Minor	City Administrator
Joshua Chase	District 6		

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

MEETING AGENDA

A. Roll Call and Determination of Quorum

Present: Martin, Corder, Stevenson, Goldsberry, Mercado, Chase, Turner, Long, Minor
Absent: Tucker, Floyd-Johnson

B. Approval of the Draft Minutes from the CRC Meeting on October 2, 2020.

Chair Martin moved to approve the minutes as drafted. Member Corder seconded the motion and it passed with Members Goldsberry and Stevenson abstaining.

C. Reports for Discussion and Possible Action
1. Draft Agenda for CRC Retreat/Planning Session

Member Minor and Chair Martin provided background on the item. Member Goldsberry moved to add a conflict of interest training to the agenda. Vice-Chair Long suggested scheduling the conflict of interest training separate from the planning session.

Chair Martin moved to approve the draft planning session agenda as written. Vice-Chair Long seconded the motion and the motion passed with Member Stevenson abstaining.

2. Potential Amendments to Cannabis Ordinances:

Member Minor provided background on the different items. With regards to zoning changes, public speakers expressed concern around limiting areas for cannabis businesses and support for expanding areas for cannabis businesses. Member Turner asked about what outreach is done with residents near cannabis businesses. Chair Martin recommended in the future that staff clarify the anticipated timeline for any proposals.

With regards to the transferring of permit for equity businesses, Chair Martin noted that equity businesses may receive public funds and that should be considered before allowing any transfer.

Members then discussed which items they were prepared to vote on and which items they needed more time to discuss. Member Goldsberry moved to approve Items C(2)(a)(3) and (4) as proposed by staff. Vice-Chair Long seconded the motion and it passed with Members Mercado and Martin abstaining. Vice-Chair Long then moved to continue the remaining items under C(2) to next month. Member Stevenson seconded the motion and it passed with no objection.

a. Proposed Amendments to Overall Cannabis Program

1. Prohibit New Cannabis Permit Applications in HBX (Housing-Business Mix) Zones and New Cultivation and Volatile Manufacturing Within 300 Feet of a Residential Zone
2. Allow Non-Volatile Manufacturing in Areas Where Custom-Manufacturing Industrial Activities are Conditionally Permitted Provided the Non-Volatile Manufacturing Applicant Undergo the Same Conditional Use Permit Process as a Custom-Manufacturing Industrial Use and There Is a 300 Foot Buffer Between Cannabis Uses
3. Allow Delivery-Only Dispensaries in CN Neighborhood Center Commercial Zones and D-BV Broadway Valdez Zones Provided the Delivery-Only Dispensary Does Not Situate on the Ground Floor.
4. Remove Discretionary Language in OMC 5.80.020(D)(1) re Location of Dispensaries

b. Proposed Amendments to Equity Program

1. Authorize Equity Businesses to Transfer Permits After Three Years to Non-Equity Businesses

3. Supplemental Report from Revenue Management Bureau

Member Minor summarized the supplemental report. Public speakers supported the effort to gather data on the cannabis industry and encouraged collecting information about what cannabis sales are between Oakland cannabis businesses.

Member Goldsberry mentioned that the CRC should track where cannabis tax revenue goes. Chair Martin mentioned that the retreat is an opportunity to discuss this issue further.

Chair Martin then made a motion to request the following information from the Revenue Management Bureau:

- (1) What are the average gross receipts for Oakland cannabis businesses in 2019 and 2020?*
- (2) What is the difference in average gross receipts between 2019 and 2020?*
- (3) What sales tax was collected from Oakland cannabis businesses in 2019 and 2020 and what is the percentage difference?*
- (4) What percentage of gross receipts come from Oakland cannabis businesses doing business with other Oakland cannabis businesses in 2019 and 2020?*

Member Stevenson seconded the motion and it passed with no objections.

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

- *Updated Parliamentary Procedures (since July 2020)*
- *Public Ethics Training (since August 2020)*
- *CRC 2019 Annual Report (since August 2020)*
- *CRC Retreat (since September 2020)*
- *OPD Fiscal Data on 2019 Cannabis Enforcement and Protocol for Unpermitted Dispensaries (since September 2020)*

Member Minor provided background on the pending items. Member Goldsberry then made a motion to agendaize public testimony on the recent round of burglaries of cannabis businesses on election day and request OPD to share what OPD's response was and what preventative plans they have in place to address burglaries. Member Turner made a friendly amendment to ask OPD what their protocol is for times of unrest. Member Goldsberry accepted the friendly amendment and Member Turner seconded the motion. The motion then passed with no objections.

E. Open Forum / Public Comment

Public speakers spoke regarding extending the duration of the City sponsored shared-use manufacturing facilities, concerns regarding limiting delivery operations, and implementing an onsite consumption lounge permit.

F. Announcements

1. Update on Cannabis Permitting Process
2. Update on BCC and Go-Biz Grant Implementation

Member Minor provided an update on both the cannabis permitting process and the implementation of state grants.

G. Adjournment