

Thursday, October 3, 2019, 6:30 pm
Council Chambers, City Hall, One Frank H. Ogawa Plaza

AGENDA

Members:

Lanese Martin	District 1	Frank Tucker	District 7
Chang Yi	District 2	Jeff Hatcher	At Large
Zachary Knox	District 3	Stephanie Floyd-Johnson	Mayor
Vacant	District 4	Vacant	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
- B. Open Forum / Public Comment
- C. Review of the Pending List and Additions to Next Month's Agenda
 - *Information on private use of cannabis (since May 2019)*
 - *Potential forum/event (since August 2019)*
 - *Updated equity program assessment (since August 2019)*
- D. Approval of the Draft Minutes from the Cannabis Regulatory Commission meetings of August and September 2019.
- E. Reports for Discussion and Possible Action
 1. OPD 2018 Report on Cannabis Enforcement Activities
 2. Crimes Committed Against Cannabis Businesses
 3. Draft 2019 Dispensary Request for Permit Applications (RFPA)
 4. Transfer of Cannabis Permits
- F. Announcements
 1. As of September 27, 2019, the BCC has not notified the City of Oakland regarding its local equity grant award.
 2. The September 24th Finance Committee heard a proposal from Councilmember Taylor regarding reducing cannabis tax rates and continued the item until the October 8th Finance Committee meeting.

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.

3. Update on Cannabis Permitting Process

G. Adjournment

Cannabis Regulatory Commission

Regular Meeting

Thursday, August 1, 2019, 6:30 pm
Council Chambers, City Hall, One Frank H. Ogawa Plaza

MINUTES

Members:

Lanese Martin	District 1	Frank Tucker	District 7
Chang Yi	District 2	Jeff Hutcher	At Large
Zachary Knox	District 3	Stephanie Floyd-Johnson	Mayor
Vacant	District 4	Vacant	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, Yi, Shim, Mercado, Chase, Tucker, Hutcher, Floyd-Johnson, Minor
Absent: Knox

B. Open Forum / Public Comment

Liam Anderson shared a survey regarding cannabis advertising.

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

- *Information on Private Use of Cannabis (since May 2019)*

Member Minor mentioned that OPD's annual report should be available soon. Member Mercado asked if OPD can also report regarding crimes committed against cannabis companies in Oakland and unpermitted cannabis operations in the City of Oakland.

Member Martin asked if the CRC could agendize the SB 1294 Local Equity Grant Program Application at this meeting. Member Tucker pointed out that because the item is not already on the agenda, the CRC can discuss this item but not take any actions. Member Martin also suggested agendizing an additional assessment of the equity program.

Members discussed the issue of cannabis tax rates and how best to get the City Council to pay attention to the CRC's recommendations. Member Floyd-Johnson suggested agendizing a possible CRC forum or event.

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During Public Comment, speakers spoke about how the City of Oakland's cannabis tax rate is too high.

- D. Approval of the Draft Minutes from the Cannabis Regulatory Commission meetings of May and June 2019.

Member Floyd-Johnson moved to approve the minutes as drafted. Member Shim seconded the motion and it passed by consensus.

- E. Reports for Discussion and Possible Action

1. Implementation of Temporary Cannabis Events

Member Minor provided an update about the special event permit for temporary cannabis events moving from OPD to the City Administrator's Office Special Activity Permits Division and that applications should be available in a few weeks.

2. Transfer of Cannabis Permits

Member Minor offered background on the City of Oakland's codes regarding transferring of permits and how they currently apply to cannabis permits, including equity vs non-equity businesses.

Members then engaged in discussion of numerous related issues, including how applicants should be able to pass on permits to next of kin, how transfers are handled in similar contexts like alcohol licenses, how transfers align and do not align with the intent of the equity program, whether value is tied to brands vs. businesses, how limits on the number of permits increase their value as compared to other permit types, and avoiding predatory situations.

Member Tucker then moved for staff to research how transfers are handled in similar contexts and return with that information. Chair Yi seconded the motion and it passed by consensus.

3. Oakland Made/Owned Appellation

Members discussed whether the City of Oakland should promulgate rules regarding businesses claiming to be Oakland or Equity owned or made. Chair Yi suggested staff look at other how jurisdictions regulate appellations in other contexts and moved to continue this and the equity made/owned appellation item.

4. Equity Made/Owned Appellation
5. Quarterly vs. Yearly Reporting to City Council

Member Martin emphasized the need to report more frequently to City Council given the rapid pace of the cannabis industry. Other Members shared their perspectives. Member Tucker moved to request additional staff and to provide a quarterly report with action items before the City Council. Member Shim seconded the motion and it passed by consensus.

6. Workforce Development Programs

Chair Yi shared that CM Bas is very interested in workforce development opportunities in the cannabis industry. Member Minor provided background on lack of existing workforce programs for cannabis and next steps to gather information on opportunities available via survey of cannabis businesses. Member Martin

emphasized that any workforce development program should be thoughtful about workers and not just employers.

Chair Yi moved for staff to ask for funding for workforce development as part of the SB 1294 state Local Equity Grant Program. Member Floyd-Johnson seconded the motion and it passed by consensus.

7. SB 1294 Local Equity Grant Program

Member Minor provided an update regarding the new state application, its new funding formula, and plan to apply for funding in August. Member Martin highlighted issue for equity applicants affording inventory and suggested equity applicants work collectively. Member Mercado echoed the inventory concern and highlighted other costs facing businesses including insurance.

F. Announcements

1. Update on Cannabis Permitting Process

Member Minor provided an overview of the latest permitting statistics.

G. Adjournment

Cannabis Regulatory Commission

Regular Meeting

Thursday, September 5, 2019, 6:30 pm
Council Chambers, City Hall, One Frank H. Ogawa Plaza

MINUTES

Members:

Lanese Martin	District 1	Frank Tucker	District 7
Chang Yi	District 2	Jeff Hutcher	At Large
Zachary Knox	District 3	Stephanie Floyd-Johnson	Mayor
Vacant	District 4	Vacant	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: Yi, Knox, Mercado, Chase, Hutcher

Absent: Martin, Tucker, Floyd-Johnson, Minor

No meeting took place due to lack of quorum, however, some members of the public that were present offered public comment.

B. Open Forum / Public Comment

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

- *Information on private use of cannabis (since May 2019)*
- *OPD report on cannabis enforcement activities, plus crimes committed against cannabis businesses (since August 2019)*
- *Potential forum/event (since August 2019)*
- *Updated equity program assessment (since August 2019)*

D. Approval of the Draft Minutes from the Cannabis Regulatory Commission meetings of August 2019.

E. Reports for Discussion and Possible Action

1. Transfer of Cannabis Permits

F. Announcements

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.

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1. City of Oakland has applied for equity grant funding and will learn of its award by September 30th.
2. Special Event Permit Applications for Temporary Cannabis Events now available:
<https://www.oaklandca.gov/topics/special-event-permit-applications-for-temporary-cannabis-events>
3. Update on Cannabis Permitting Process

G. Adjournment

CANNABIS REGULATORY COMMISSION

ITEM E-1



MEMORANDUM

TO: Cannabis Regulatory Committee
FROM: Oakland Police Department
SUBJECT: Citations and Arrests for Marijuana Offenses 2018
DATE: September 26, 2019

The Oakland Cannabis Regulation and Revenue Ordinance (aka Measure Z), passed with the support of 65 percent of Oakland voters on November 2, 2004. The ordinance became effective on December 7, 2004. Measure Z provides that the City of Oakland make the enforcement of laws related to the private adult cannabis (marijuana) use, distribution, sale, cultivation and possession, the City's lowest law enforcement priority.

Measure Z does not change state law, which regulates medical and recreational cannabis use, or federal law, which prohibits cannabis use. The Oakland Police Department (OPD) maintains the discretion to continue law enforcement activities related to private adult cannabis offenses. Measure Z does not apply to minors, and thus does not mandate OPD to treat cannabis offenses committed by minors (possession, distribution, or consumption) as a low priority.

In 2005, the Office of the City Attorney (OCA) defined private adult cannabis offenses that are covered by the lowest law enforcement policy as those that occur on private property and in a setting that is not in public. "Private" does not include commercial settings such as cafes, markets, retail outlets, cabarets or on City owned or leased property. The City Council amended the ordinance to include this definition of "private."

2018 Marijuana Citations and Arrests

In 2018, OPD issued one citation to an adult who was in possession of less than one ounce of marijuana under Section 11357(b) H&S (Health and Safety Code) (see Table 1 below). The officers were dispatched to a group home on a report of a juvenile runaway. Upon arrival, the officers located the runaway along with an unrelated adult in a vehicle that was parked in the middle of the roadway (public place). The adult stated that he had met the juvenile on a dating web site and was not aware she was a minor. The adult further stated that they had smoked marijuana together and that there was additional marijuana in the vehicle. The officers released the juvenile into the custody of the group home counselor and cited the adult.

Table 1: 2018 11357(b) H&S Adult Citations by Sex and Race

Race	Male	Fem	Total
African American	0	0	0
Asian	0	0	0
Hispanic	0	0	0
White	1	0	1
Other	0	0	0
Total	1	0	1

Cannabis Regulatory Committee

Citations and Arrests for Marijuana Offenses - 2018

Date: September 26, 2019

In 2018, OPD issued one citation for marijuana cultivation (Section 11358 H&S). The evidence was recovered as a result of a search warrant served by the Ceasefire Division on an identified Ceasefire targeted individual.

Arrests for possession for sale and sales/transportation of marijuana decreased from 338 in 2016 to 120 in 2017 to 99 in 2018 – a decrease of over 70% between 2016 and 2018 (see Table 2). Of those 99 arrests, 88 arrests (89%) involved additional offenses. Those additional offenses included, in order of frequency: Violation of Felony Probation (27), Carry Concealed Firearm in Vehicle (22), Prohibited Person in Possession of Ammunition (22), Ex-felon in Possession of a Firearm (21), Possession for Sale of Narcotic/Controlled Substance (heroin/cocaine HCL/etc.) (17), Possession for Sale of Controlled Substance (methamphetamine, etc.) (17), and Carry Loaded Handgun (not registered owner) (17).

Table 2: Marijuana Arrests/Citations for Calendar Years 2016 to 2018

Statute	2016	2017	2018
Cultivation - 11358 H&S	17	2	1
Possession for Sales - 11359 H&S	286	112	93
Sales/Transportation - 11360(A) H&S	52	8	6
Total	355	122	100

Table 3: 2018 Marijuana Arrests/Citations by Sex & Race

Statute	African American		Asian		Hispanic		White		Other		Total
	Fem	Male	Fem	Male	Fem	Male	Fem	Male	Fem	Male	
11358 H&S	0	1	0	0	0	0	0	0	0	0	1
11359 H&S	3	64	0	2	0	14	0	3	0	7	93
11360(A) H&S	1	3	0	0	0	1	0	0	0	1	6
Total	4	68	0	2	0	15	0	3	0	8	100

Table 4: Marijuana Arrests/Citations by Beat

Beat	Arrests	Beat	Arrests	Beat	Arrests
30X	13	02Y	2	35X	2
33X	10	03X	2	10X	2
04X	8	17X	2	24Y	2
32X	6	18X	2	10Y	1
06X	5	18Y	2	14X	1
07X	5	20X	2	14Y	1
08X	5	21X	2	23X	1
19X	4	26Y	2	25X	1
21Y	4	28X	2	26X	1
31Y	3	29X	2	31Z	1
02X	2	34X	2	Total	13
Total	65	Total	22		

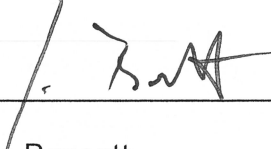
Charges: HS11358(c), HS11359, HS11359(b), HS11360(a), HS11360(a)(2)

Cannabis Regulatory Committee

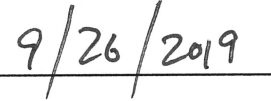
Citations and Arrests for Marijuana Offenses - 2018

Date: September 26, 2019

Page 3



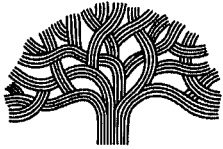
James Bassett
Captain of Police
Criminal Investigation Division
Oakland Police Department



Date

CANNABIS REGULATORY COMMISSION

ITEM E-3



CITY OF OAKLAND

Cannabis Regulatory Commission

TO: Cannabis Regulatory Commission
City Administrator

FROM: Greg Minor
Assistant to the City
Administrator

SUBJECT: Draft 2019 Dispensary RFPA

DATE: September 20, 2019

Attached please find a draft 2019 Cannabis Dispensary Permits Request for Permit Applications (RFPA) for the Cannabis Regulatory Commission's review.

The 2019 draft RFPA mirrors the 2017 Dispensary RFPA in that applicants are not required to lease or purchase a property until after they are selected through the following bifurcated application process:

1. Four dispensary permits will be available to equity applicants via public drawing who submit a complete dispensary permit application that asks questions relevant to operating a dispensary.
2. Four additional dispensary permits will be available to equity and general applicants that receive the highest score on a similar application that offers the most points on objective questions such as incubation of equity applicants, ownership's Oakland residency, and commitments to hire Oakland residents.

Like the 2017 RFPA process, the City of Oakland's technical assistance consultant will provide free business plan workshops for equity applicants and mixers to introduce equity and general applicants interested in incubation. Further, the scored applications will be reviewed by a panel of City staff from the City Administrator's Office, the Department of Race and Equity, the Economic Development Department, and the Revenue Management Bureau.

However, based on experience, the draft 2019 RFPA proposes some adjustments from the 2017 RFPA, such as those highlighted below:

1. Longer time period for submitting applications.
2. Additional time period for equity applicants to resubmit equity verification documents.
3. More points for incubating capital intensive cannabis operations, e.g. cultivation and manufacturing, as opposed to delivery and distribution.
4. More points for incubating equity applicants that have not yet been incubated.
5. Limiting the number of times an equity applicant can be incubated to three per dispensary permit application and prohibiting self-incubation.
6. Mandatory technical assistance training for equity applicants selected via public drawing.
7. Longer time period for identifying a location to operate a dispensary.
8. Mandatory closing period once a site has been approved for dispensary operation.

Thank you in advance for your review and feedback regarding the draft 2019 RFPA.

Respectfully submitted,



GREG MINOR
Assistant to the City Administrator
City Administrator's Office

Attachments:

- (1): Draft RFP Overview**
- (2): Draft Scored Dispensary Permit Application**
- (3): Draft Equity Applicant Dispensary Permit Application**



**SPECIAL ACTIVITY PERMITS DIVISION
OFFICE OF THE CITY ADMINISTRATOR**

**2019 CANNABIS DISPENSARY PERMITS
REQUEST FOR PERMIT APPLICATIONS (RFPA)**

KEY DATES

Application Period Commences:

Monday October 21, 2019

Application Discussion Meeting:

Monday October 28, 2019 10:00 a.m.-11:00 a.m.

1 Frank Ogawa Plaza, Council Chambers

Application Submission Deadline:

Tuesday January 28, 2020 3:00 p.m. Applicants must either submit their application by 3:00pm or be in line to submit their application by 2:30pm.

RFPA TIMELINE

Application Period Commences:

Monday October 21, 2019

Application Discussion Meeting:

Monday October 28, 2019 10:00 a.m.-11:00 a.m.

1 Frank Ogawa Plaza, Council Chambers

Free Business Plan Workshops for Equity Applicants:

November 6, 2019 10:00 a.m.-12:00 p.m. and 1:00-3:00 p.m.

November 20, 2019 10:00 a.m.-12:00 p.m. and 1:00-3:00 p.m.

December 4, 2019 10:00 a.m.-12:00 p.m. and 1:00-3:00 p.m.

1 Frank Ogawa Plaza, Hearing Room Three

Sign-Up Here: <https://lawandaknox.as.me/Equityworkshops>

Incubation Mixers for General and Equity Applicants

In November 2019, December 2019, and January 2020 there will be mixers to connect general and equity applicants interested in incubation. More details on the specific time, date and location will be available here:

www.cannabiz.makegreengo.com

Application Submission Deadline:

Tuesday January 28, 2020 3:00 p.m. Applicants must either submit their application by 3:00pm or be in line to submit their application by 2:30pm.

Notification of Equity Verification:

Friday March 6, 2020

Final Opportunity to Update Equity Verification:

Monday March 20, 2020 3:30 pm

Public Drawing for Equity Applicants/Notification of Top Scoring Applicants:

Late March/Early April 2020. More details on the specific time, date and location will be available here: <https://www.oaklandca.gov/topics/cannabis-permits>

RFPA OVERVIEW

INTRODUCTION

In the Spring of 2017 the Oakland City Council enacted landmark cannabis legislation centered around an Equity Permit Program that seeks to minimize disparities within the cannabis industry. The Equity Permit Program, codified in Oakland Municipal Code (OMC) 5.80 and 5.81, requires that a minimum of half of the dispensary permits issued each calendar year by the City Administrator be issued to equity applicants.¹

Accordingly, the City of Oakland is now issuing this Request for Permit Applications (RFPA) to identify qualified individuals and entities to operate eight (8) available dispensary permits of which four (4) permits will be available for equity applicants selected via public drawing and four (4) permits will be available for either general or equity applicants selected via scoring by a panel of City staff.

PURPOSE

The purpose of this RFPA is twofold:

- (1) to promote access to living wage employment, local ownership of assets, and wealth building; and
- (2) to ensure cannabis businesses are safe and a benefit to their surrounding community.

SUMMARY OF PROCESS

The RFPA process will take place in three stages:

Phase One: Application Submission

- (1) All applicant board members, partners and managers must undergo a LiveScan background check within the last year.² The LiveScan form is available at http://www2.oaklandnet.com/oakca1/groups/cityadministrator/documents/agenda/oa_k064001.pdf. Applicants that have already undergone a LiveScan as part of a City of Oakland's cannabis permit application they submitted only need to perform an additional LiveScan if they applied more than one year ago.

¹ An Equity Applicant is an Oakland resident who has an annual income at or less than 80 percent of the Oakland Average Medium Income AND either has been convicted of a cannabis crime committed in Oakland OR has lived for ten of the last twenty years in police beats that experienced a disproportionately higher amount of law enforcement with respect to cannabis.

² The purpose of the background check is to determine whether an individual has been convicted or plead guilty or nolo contender to violent offenses or those involving fraud or deceit in the last seven years. Applicants with such a conviction or guilty plea will be offered an opportunity to present evidence of mitigation or rehabilitation. Prior drug offenses will not be considered in the background check.

- (2) Before 3:00 p.m. January 28, 2020 applicants should submit one (1) full set (application plus attachments) as well as the completed LiveScan form and all applicable fees to the Special Activity Permits office in the City Administrator's Office, 1 Frank H. Ogawa Plaza, 1st floor, Room 123 (Accepted Monday through Thursday, 9:30am-12pm and 1:00pm-3:30pm). Applicants applying under the scored application process must also submit three (3) additional paper copies of their completed Dispensary Permit Application (without any attachments).
- The Dispensary Permit Application fee is \$3,005, the LiveScan processing fee is \$32 per person. *Equity Applicants are not required to pay the application fee, only the applicable LiveScan fees.*
 - Payment shall be made in check, money order or cashier's check payable to the City of Oakland. *Cash and credit card payments will not be accepted.*

Phase Two: Review and Selection

A panel of City staff will review all applications submitted by the due date and time.

All complete applications submitted by verified equity applicants will be eligible for a public drawing from which the City will select four (4) equity applicants to proceed to Phase Three. City staff will inform equity applicants on March 6, 2020 whether their application includes the documents required under OMC 5.80 to qualify as an equity applicant. Equity applicants that failed to provide this required documentation will then have until March 20, 2020 to amend their equity verifying documents to qualify as an equity applicant for the public drawing, which will be held in late March/early April 2020.

General and equity applicant submissions under the scored process will be scored and ranked based on the point structure outlined in the scored dispensary permit application. Afterwards the top four (4) applicants will be invited to proceed to Phase Three. If there is a tie for the fourth ranked general applicant position, those tied will be eligible for a public drawing in which the city will select one of these applicants to proceed to Phase Three. If an equity applicant is selected as one of the top four (4) scored applications, they will no longer be eligible for the public drawing for equity applicants.

Phase Three: Site Identification

Dispensary applicants selected for Phase Three will have up to one hundred and twenty (120) days to identify a location for their dispensary that complies with the location restrictions under OMC 5.80 that the applicant either owns, leases, or has entered an intent to lease agreement with the property owner. This proposed location shall then be subject to a public hearing as provided by OMC 5.80.020 (E) during which the community will be allowed to present concerns, support, and/or additional considerations. The City encourages Phase Three applicants to use this time to introduce themselves to potential neighbors, businesses and community groups near their proposed dispensary and listen to any concerns these neighbors might have regarding the operation of a dispensary.

After the public hearing, the hearing officer can conditionally approve the dispensary applicant subject to review and approval of the building, fire, revenue and police departments. Alternatively, the hearing officer can deny the proposed location but offer the applicant one additional sixty (60) day period to identify an alternative site and obtain approval. Once a dispensary applicant has been conditionally approved to operate at a location, they have ninety (90) days to secure a lease or purchase the site of the proposed dispensary.

If an applicant fails to obtain approval for a location or secure a lease or ownership interest in a property in the above-described timelines, or violate the restriction in OMC 5.80.020 (C) that states that no individual or entity shall have a direct or indirect interest in more than two dispensary permits, the respective general or equity applicant runner-up will be notified and allowed to proceed to Phase Three.

DRAFT

2019 CITY OF OAKLAND

EQUITY APPLICANT DISPENSARY PERMIT APPLICATION

INSTRUCTIONS

- a. Individuals and entities may only be a part of one Equity Applicant Dispensary Permit Application. The City will automatically disqualify any Applicant composed of individuals or entities that are a part of more than one equity applicant dispensary permit application.
- b. All applicant board members, partners and managers must undergo a LiveScan background check.¹ *Please use the LiveScan Form attached to this Application.* Applicants that have already undergone a LiveScan as part of a City of Oakland cannabis permit application only need to perform an additional LiveScan if their last LiveScan submitted to the City was more than a year ago.
- c. Complete the below application and gather all supporting documentation required.
- d. Before 3:00 p.m. January 28, 2020 submit one full set (application plus attachments) of the completed Dispensary Permit Application as well as the completed LiveScan form and all applicable fees to the Special Activity Permits office in the City Administrator's Office, 1 Frank H. Ogawa Plaza, 1st floor, Room 123 (Accepted Monday through Thursday, 9:30am-12pm and 1:00pm-3:30pm). Equity Applicants are exempt from the \$3,005 Dispensary Application fee, but must pay the \$32 LiveScan processing fee per person. Payment shall be made in check, money order or cashier's check payable to the City of Oakland. Cash payments will not be accepted.
- e. **Please note that Applicant's failure to provide truthful responses or fulfill any commitments made in this Application is grounds for dispensary permit disqualification as well as suspension and/or revocation of any dispensary permit issued in reliance on the responses below.**

¹ The purpose of the background check is to determine whether an individual has been convicted or plead guilty or nolo contender to violent offenses or those involving fraud or deceit in the last seven years. Applicants with such a conviction or guilty plea will be offered an opportunity to present evidence of mitigation or rehabilitation. Prior drug offenses will not be considered in the background check.

2019 CITY OF OAKLAND

EQUITY APPLICANT DISPENSARY PERMIT APPLICATION

1. Applicant Information

a. Name: _____

b. Type of Corporate Structure:

Corporation Limited Liability Company Partnership Individual

Collective Other: _____

c. Doing Business As: _____

d. Please Attach a Copy of State Registration (if applicable)

e. Partner/Owner/Manager Information:

Please list all persons directly or indirectly interested in the permit sought, including all officers, directors, general partners, managing members, stockholders, and partners. Please attach additional pages if necessary (additional pages should be on 8½ x 11” paper; single sided, and include a Header with the applicant’s name on the top right corner of each page).

Last Name:		First Name:		Middle Initial:
Alias(es):				
Title:				
Date of Birth:		Phone:		Email:
Residential Address:				
City:		State:		Zip:
Business Address:				
City:		State:		Zip:

Last Name:		First Name:		Middle Initial:
Alias(es):				
Title:				
Date of Birth:		Phone:		Email:
Residential Address:				
City:		State:		Zip:
Business Address:				
City:		State:		Zip:

Last Name:		First Name:		Middle Initial:	
Alias(es):					
Title:					
Date of Birth:		Phone:		Email:	
Residential Address:					
City:		State:		Zip:	
Business Address:					
City:		State:		Zip:	

Last Name:		First Name:		Middle Initial:	
Alias(es):					
Title:					
Date of Birth:		Phone:		Email:	
Residential Address:					
City:		State:		Zip:	
Business Address:					
City:		State:		Zip:	

Last Name:		First Name:		Middle Initial:	
Alias(es):					
Title:					
Date of Birth:		Phone:		Email:	
Residential Address:					
City:		State:		Zip:	
Business Address:					
City:		State:		Zip:	

2. Verification of Equity Status

OMC 5.80.010 and OMC 5.81 define an “Equity Applicant” as an Applicant whose ownership/owner²:

1. Is an Oakland resident; and
2. Has an annual income at or less than 80 percent of Oakland Average Medium Income (AMI) adjusted for household size; and
3. Either

(i) has lived in any combination of Oakland police beats 2X, 2Y, 6X, 7X, 19X, 21X, 21Y, 23X, 26Y, 27X, 27Y, 29X, 30X, 30Y, 31Y, 32X, 33X, 34X, 5X, 8X and 35X for at least ten of the last twenty years
OR

² “Ownership” shall mean the individual or individuals who:

- i. With respect to for-profit entities, including without limitation corporations partnerships, limited liability companies, has or have an aggregate ownership interest (other than a security interest, lien, or encumbrance) of 50% or more of the entity.
- ii. With respect to not for-profit entities, including without limitation a non-profit corporation or similar entity, constitutes or constitute a majority of the board of directors.
- iii. With respect to collective has or have a controlling interest in the collective’s governing body.

(ii) was arrested after November 5, 1996 and convicted of a cannabis crime committed in Oakland.

Please provide supporting documentation as described below under 2(A) or 2(B):

2(A): If you have already been verified as an equity applicant by the City of Oakland, please provide:

1. A copy of the email from the City Administrator's Office verifying your equity status; AND
2. Proof of Current Oakland residency in the form of one of the following documents:
 - a. California driver's record; or
 - b. California identification card record ; or
 - c. Property tax billing and payments; or
 - d. Verified copies of state or federal income tax returns where an Oakland address is listed as a primary address; or
 - e. School records; or
 - f. Medical records; or
 - g. Oakland Housing Authority records; or
 - h. Utility company billing and payment.
 - i. A 2019 tax return demonstrating current household income at or less than 80% Oakland's average median income (AMI) adjusted for household size.

2(B): For new applicants, please provide the following equity verifying documents:

For proof of ownership please provide entity formation documents or documents filed with the California Secretary of State (e.g. articles of incorporation, stock issuance records, operating agreements, partnership agreements).

For proof of income please provide federal tax returns and at least one of the following documents: two months of pay stubs, current Profit and Loss Statement, Balance Sheet, or proof of current eligibility for General Assistance, Food Stamps, Medical/CALWORKs, or Supplemental Security Income or Social Security Disability (SSI/SSDI).

For proof of conviction should be demonstrated through Court documents, Probation documents, Department of Corrections or Federal Bureau of Prisons documentation.

For proof of residency please complete the below Proof of Residency Chart and provide a minimum of two of the documents listed below, evidencing 10 years of residency shall be considered acceptable proof of residency. All residency documents must list the applicant's first and last name, and the Oakland residence address in applicable police beats

- California driver's record; or
- California identification card record ; or
- Property tax billing and payments; or
- Verified copies of state or federal income tax returns where an Oakland address is listed as a primary address; or
- School records; or
- Medical records; or
- Oakland Housing Authority records; or
- Utility company billing and payment covering any month in each of the ten years.

Proof of Residency Chart

NAME OF EQUITY INDIVIDUAL		
CURRENT OAKLAND ADDRESS	DATES	
	FROM	TO
PRIOR OAKLAND ADDRESS(ES)		

NAME OF EQUITY INDIVIDUAL		
CURRENT OAKLAND ADDRESS	DATES	
	FROM	TO
PRIOR OAKLAND ADDRESS(ES)		

NAME OF EQUITY INDIVIDUAL		
CURRENT OAKLAND ADDRESS	DATES	
	FROM	TO
PRIOR OAKLAND ADDRESS(ES)		

NAME OF EQUITY INDIVIDUAL		
CURRENT OAKLAND ADDRESS	DATES	
	FROM	TO
PRIOR OAKLAND ADDRESS(ES)		

3. Business Plan

Using only the spaces provided below, please answer the following questions.

- a) Describe Applicant's understanding of the cannabis dispensary market, what customers in this market are seeking, and how Applicant intends on capturing market share.

DRAFT

b) Describe Applicant's background and experience in cannabis dispensing or similar industries.

DRAFT

c) Explain how Applicant will cover its startup costs and working capital requirements. If Applicant's funds are currently available, please attach a letter of credit demonstrating sufficient capitalization to cover initial business costs. If these funds are not yet available, please outline how Applicant will gather enough capital to cover initial business costs. Examples include:

- I. Selling or converting other personal assets to raise funds.
- II. Borrowing against personal assets.
- III. Raising funds from investors.
- IV. Obtaining a loan from a third party.
- V. Obtaining a letter of credit from a third party.
- VI. Other (please describe)

DRAFT

d) Using the following tables, please provide Applicant's anticipated start-up expenses.

REAL ESTATE AND ADMINISTRATIVE EXPENSES	\$ AMOUNT
Purchase or Rent	
Construction or Remodeling	
Utility Deposits	
Legal and Accounting Fees	
Insurance	
Prepaid Insurance	
Pre-Opening Salaries and Benefits	
Other (please provide detail)	

CAPITAL EQUIPMENT LIST	\$ AMOUNT
Furniture	
Equipment	
Fixtures	
Machinery	
Other (please provide detail)	

OPENING INVENTORY	\$ AMOUNT
Category 1:	
Category 2:	
Category 3:	
Category 4:	
Category 5:	

ADVERTISING AND PROMOTIONAL EXPENSES	\$ AMOUNT
Advertising	
Signage	
Printing	
Travel/entertainment	
Other/additional categories	

OTHER EXPENSES	\$ AMOUNT
Reserve for Contingencies	
Other Expense 1:	
Other Expense 2:	

e) Please provide a staffing plan for the first three years using the following tables for each anticipated owner or employee:

2021

Position Title:	Salary Costs per Month	Benefit Costs per Month	Number Employed at this Position	Anticipated Month of Hiring

2022

Position Title:	Salary Costs per Month	Benefit Costs per Month	Number Employed at this Position	Anticipated Month of Hiring

2023

Position Title:	Salary Costs per Month	Benefit Costs per Month	Number Employed at this Position	Anticipated Month of Hiring

f) Please provide a forecast of your income statement (profit and loss) for each of the first three years, including:

	2021	2022	2023
REVENUES			
Product/Service 1			
Product/Service 2			
Product/Service 3			
Other Revenue			
TOTAL REVENUES			
COST OF GOODS SOLD			
Product/Service 1			
Product/Service 2			
Product/Service 3			
Salaries-Direct			
Payroll Taxes and Benefits-Direct			
Depreciation-Direct			
Supplies			
Other Direct Costs			
TOTAL COSTS OF GOODS SOLD			
GROSS PROFIT (LOSS)			
OPERATING EXPENSES			
Advertising and Promotion			
Automobile/Transportation			
Bad Debts/Losses and Thefts			
Bank Service Charges			
Business Licenses and Permits			
Charitable Contributions			
Computer and Internet			
Continuing Education			
Depreciation-Indirect			
Dues and Subscriptions			
Insurance			
Meals and Entertainment			
Merchant Account Fees			
Miscellaneous Expense			
Office Supplies			
Payroll Processing			
Postage and Delivery			
Printing and Reproduction			
Professional Services-Legal, Accounting			
Occupancy			

	2021	2022	2023
Rental Payments			
Salaries-Indirect			
Payroll Taxes and Benefits-Indirect			
Subcontractor			
Telephone			
Travel			
Utilities			
Website Development			
TOTAL OPERATING EXPENSES			
OPERATING PROFIT (LOSS)			
INTEREST (INCOME), EXPENSE & TAXES			
Interest (Income)			
Interest Expense			
Income Tax Expense			
TOTAL INTEREST (INCOME), EXPENSE & TAXES			
NET INCOME (LOSS)	\$	\$	\$

4. Security Plan

Using only the space provided below, describe what measures Applicant will take to

- i. to avoid diversion of cannabis to unregulated market;
- ii. to prevent a burglary or armed robbery;
- iii. to minimize the loss of product in the case of a burglary or armed robbery.

DRAFT

5. Compliance with State Law

Using only the space provided below, please describe how Applicant will comply with state law, including:

- i. The supply chain from which applicant will obtain cannabis and cannabis products (Applicants need not name specific vendors; identifying license categories is sufficient).
- ii. How Applicant plans to record the movement of cannabis and cannabis products in their custody, such as with a track and trace system.

DRAFT

6. Tax Rates

Using only the space provided below, please answer the following questions regarding local and state tax laws that apply to cannabis dispensaries.

i. Local Taxes:

a. What are the City of Oakland's current business tax rates for cannabis businesses?

ii. State Taxes:

a. What is the cannabis excise tax rate for adult use cannabis purchases?

b. What is the sales tax rate for adult use cannabis sales?

iii. What measures, including point of sale systems, Applicant will implement to ensure proper collection of local and state taxes.

7. Odor Mitigation

Using only the space provided below, please submit a plan for how cannabis odors will not be detectable outside of the proposed facility, such as utilization of carbon filters.



8. Neighborhood Beautification

Using only the space provided below, please submit a community beautification plan detailing specific steps your business will take to reduce illegal dumping, littering, graffiti and blight and promote beautification of the adjacent community. Examples of specific steps include participating in City of Oakland Adopt a Spot/Drain program, installing murals, removing graffiti within 48 hours and providing landscaping.



9. Supporting Documents

Please check the boxes below for each supporting document submitted with this application. Please ensure that all supporting documents include a Header with the applicant's name on the top right corner of each page.

Copy of State Registration for corporate structure

Letter of Credit if applicable

Proof of Ownership

Proof of Income

And either

Proof of Residency

or

Proof of Conviction

10. Commitment to Participate in Post-Public Drawing Training

By submitting this application, I agree to participate in a technical assistance training provided by the City of Oakland for equity dispensary applicants selected in the public drawing and I understand that failing to participate in this training is grounds for the City of Oakland proceeding with the public drawing runner-up.

11. Oath of Application

I, the undersigned, declare under penalty of perjury that to the best of my knowledge, the information contained in this application and its supporting documentation is truthful, correct and complete; and, the information contained in this application and its supporting documentation discloses all facts regarding the applicant and associated individuals necessary to allow the City Administrator to properly evaluate the Applicant's qualifications for registration.

I, the undersigned further agree and acknowledge that I may be required to provide additional information as needed, for a complete investigation by the City Administrator.

I, the undersigned, further agree and recognize that I am responsible for obeying all Federal, State, County and local laws.

I, the undersigned, further agree and understand that any misrepresentations, omissions or falsifications in the application or any documents attached thereto or amendments thereto will be immediate grounds for the City Administrator to deny this permit application and/or immediate grounds for revocation of a medical cannabis permit.

APPLICANT NAME:
SIGNATURE:
DATE:

FOR OFFICE USE ONLY:

Application:

Received by: _____ Date: _____

Receipt #: _____

DRAFT

2019 CITY OF OAKLAND

SCORED DISPENSARY PERMIT APPLICATION

INSTRUCTIONS

- a. All applicant board members, partners and managers must undergo a LiveScan background check.¹ *Please use the LiveScan Form attached to this Application.* Applicants that have already undergone a LiveScan as part of a City of Oakland cannabis permit application only need to perform an additional LiveScan if their last LiveScan submitted to the City was more than a year ago.
- b. Complete the below application and gather all supporting documentation required.
- c. Before 3:00 p.m. January 28, 2020 *submit one full set (application plus attachments) and three (3) additional paper copies of the completed Dispensary Permit Application (no attachments) as well as the completed LiveScan form and all applicable fees to the Special Activity Permits office in the City Administrator's Office, 1 Frank H. Ogawa Plaza, 1st floor, Room 123 (Accepted Monday through Thursday, 9:30am-12pm and 1:00pm-3:30pm). The Dispensary Permit Application fee is \$3,005, the LiveScan processing fee is \$32 per person.² Payment shall be made in check, money order or cashier's check payable to the City of Oakland. Cash and credit card payments will not be accepted.*
- d. **Please note that Applicant's failure to provide truthful responses or fulfill any commitments made in this Application is grounds for dispensary permit disqualification as well as suspension and/or revocation of any dispensary permit issued in reliance on the responses below.**

¹ The purpose of the background check is to determine whether an individual has been convicted or plead guilty or nolo contendere to violent offenses or those involving fraud or deceit in the last seven years. Applicants with such a conviction or guilty plea will be offered an opportunity to present evidence of mitigation or rehabilitation. Prior drug offenses will not be considered in the background check.

² The LiveScan fee covers the cost the Department of Justice charges the City to receive LiveScan results.

2019 CITY OF OAKLAND
SCORED DISPENSARY PERMIT APPLICATION

1. Applicant Information

a. Name: _____

b. Type of Corporate Structure:

Corporation Limited Liability Company Partnership Individual

Collective Other: _____

c. Doing Business As: _____

d. Please Attach a Copy of State Registration (if applicable)

e. Partner/Owner/Manager Information:

Please list all persons directly or indirectly interested in the permit sought, including all officers, directors, general partners, managing members, stockholders, and partners. Please attach additional pages if necessary (additional pages should be on 8½ x 11” paper; single sided, *and include a Header with the applicant’s name on the top right corner of each page*).

Last Name:		First Name:		Middle Initial:	
Alias(es):					
Title:					
Date of Birth:		Phone:		Email:	
Residential Address:					
City:		State:		Zip:	
Business Address:					
City:		State:		Zip:	

Last Name:		First Name:		Middle Initial:	
Alias(es):					
Title:					
Date of Birth:		Phone:		Email:	
Residential Address:					
City:		State:		Zip:	
Business Address:					
City:		State:		Zip:	

Last Name:		First Name:		Middle Initial:	
Alias(es):					
Title:					
Date of Birth:		Phone:		Email:	
Residential Address:					
City:		State:		Zip:	
Business Address:					
City:		State:		Zip:	

Last Name:		First Name:		Middle Initial:	
Alias(es):					
Title:					
Date of Birth:		Phone:		Email:	
Residential Address:					
City:		State:		Zip:	
Business Address:					
City:		State:		Zip:	

Last Name:		First Name:		Middle Initial:	
Alias(es):					
Title:					
Date of Birth:		Phone:		Email:	
Residential Address:					
City:		State:		Zip:	
Business Address:					
City:		State:		Zip:	

Last Name:		First Name:		Middle Initial:	
Alias(es):					
Title:					
Date of Birth:		Phone:		Email:	
Residential Address:					
City:		State:		Zip:	
Business Address:					
City:		State:		Zip:	

Last Name:		First Name:		Middle Initial:	
Alias(es):					
Title:					
Date of Birth:		Phone:		Email:	
Residential Address:					
City:		State:		Zip:	
Business Address:					
City:		State:		Zip:	

2. Business Plan (twenty-four points, four points per sub question)

Using only the spaces provided below, please answer the following questions.

- a) Describe Applicant's understanding of the cannabis dispensary market, what customers in this market are seeking, and how Applicant intends on capturing market share.

DRAFT

b) Describe Applicant's background and experience in cannabis dispensing or similar industries.

DRAFT

c) Explain how Applicant will cover its startup costs and working capital requirements. If Applicant's funds are currently available, please attach a letter of credit demonstrating sufficient capitalization to cover initial business costs. If these funds are not yet available, please outline how Applicant will gather enough capital to cover initial business costs. Examples include:

- I. Selling or converting other personal assets to raise funds.
- II. Borrowing against personal assets.
- III. Raising funds from investors.
- IV. Obtaining a loan from a third party.
- V. Obtaining a letter of credit from a third party.
- VI. Other (please describe)

DRAFT

d) Using the following tables, please provide Applicant's anticipated start-up expenses.

REAL ESTATE AND ADMINISTRATIVE EXPENSES	\$ AMOUNT
Purchase or Rent	
Construction or Remodeling	
Utility Deposits	
Legal and Accounting Fees	
Insurance	
Prepaid Insurance	
Pre-Opening Salaries and Benefits	
Other (please provide detail)	

CAPITAL EQUIPMENT LIST	\$ AMOUNT
Furniture	
Equipment	
Fixtures	
Machinery	
Other (please provide detail)	

OPENING INVENTORY	\$ AMOUNT
Category 1:	
Category 2:	
Category 3:	
Category 4:	
Category 5:	

ADVERTISING AND PROMOTIONAL EXPENSES	\$ AMOUNT
Advertising	
Signage	
Printing	
Travel/entertainment	
Other/additional categories	

OTHER EXPENSES	\$ AMOUNT
Reserve for Contingencies	
Other Expense 1:	
Other Expense 2:	

e) Please provide a staffing plan for the first three years using the following tables for each anticipated owner or employee:

2021

Position Title:	Salary Costs per Month	Benefit Costs per Month	Number Employed at this Position	Anticipated Month of Hiring

2022

Position Title:	Salary Costs per Month	Benefit Costs per Month	Number Employed at this Position	Anticipated Month of Hiring

2023

Position Title:	Salary Costs per Month	Benefit Costs per Month	Number Employed at this Position	Anticipated Month of Hiring

f) Please provide a forecast of your income statement (profit and loss) for each of the first three year, including:

	2021	2022	2023
REVENUES			
Product/Service 1			
Product/Service 2			
Product/Service 3			
Other Revenue			
TOTAL REVENUES			
COST OF GOODS SOLD			
Product/Service 1			
Product/Service 2			
Product/Service 3			
Salaries-Direct			
Payroll Taxes and Benefits-Direct			
Depreciation-Direct			
Supplies			
Other Direct Costs			
TOTAL COSTS OF GOODS SOLD			
GROSS PROFIT (LOSS)			
OPERATING EXPENSES			
Advertising and Promotion			
Automobile/Transportation			
Bad Debts/Losses and Thefts			
Bank Service Charges			
Business Licenses and Permits			
Charitable Contributions			
Computer and Internet			
Continuing Education			
Depreciation-Indirect			
Dues and Subscriptions			
Insurance			
Meals and Entertainment			
Merchant Account Fees			
Miscellaneous Expense			
Office Supplies			
Payroll Processing			
Postage and Delivery			
Printing and Reproduction			
Professional Services-Legal, Accounting			
Occupancy			

	2021	2022	2023
Rental Payments			
Salaries-Indirect			
Payroll Taxes and Benefits-Indirect			
Subcontractor			
Telephone			
Travel			
Utilities			
Website Development			
TOTAL OPERATING EXPENSES			
OPERATING PROFIT (LOSS)			
INTEREST (INCOME), EXPENSE & TAXES			
Interest (Income)			
Interest Expense			
Income Tax Expense			
TOTAL INTEREST (INCOME), EXPENSE & TAXES			
NET INCOME (LOSS)	\$	\$	\$

DRAFT

3. Security Plan (ten points)

Using only the space provided below, describe what measures Applicant will take to

- i. to avoid diversion of cannabis to unregulated market;
- ii. to prevent a burglary or armed robbery;
- iii. to minimize the loss of product in the case of a burglary or armed robbery.

DRAFT

4. Compliance with State Law (ten points)

Using only the space provided below, please describe how Applicant will comply with state law, including:

- i. The supply chain from which applicant will obtain cannabis and cannabis products (Applicants need not name specific vendors; identifying license categories is sufficient).
- ii. How Applicant plans to record the movement of cannabis and cannabis products in their custody, such as with a track and trace system.

DRAFT

5. Tax Rates (ten points)

Using only the space provided below, please answer the following questions regarding local and state tax laws that apply to cannabis dispensaries.

i. Local Taxes:

a. What are the City of Oakland's current business tax rates for cannabis businesses?

ii. State Taxes:

a. What is the cannabis excise tax rate for adult use cannabis purchases?

b. What is the sales tax rate for adult use cannabis sales?

iii. What measures, including point of sale systems, Applicant will implement to ensure proper collection of local and state taxes.

6. Odor Mitigation (ten points)

Using only the space provided below, please submit a plan for how cannabis odors will not be detectable outside of the proposed facility, such as utilization of carbon filters.



7. Neighborhood Beautification (ten points)

Using only the space provided below, please submit a community beautification plan detailing specific steps your business will take to reduce illegal dumping, littering, graffiti and blight and promote beautification of the adjacent community. Examples of specific steps include participating in City of Oakland Adopt a Spot/Drain program, installing murals, removing graffiti within 48 hours and providing landscaping.



8. Labor (twenty points)

- a. OMC 5.80 requires that half of all dispensary employees be Oakland residents. What percentage of Applicant’s employees will be Oakland residents?
 - 50-60%
 - 60-70%
 - 70-80%
 - 80-90%
 - 90-100%
- b. What percentage of Applicant’s employees will be formerly incarcerated current Oakland residents?
 - 0-10%
 - 10-20%
 - 20-30%
 - 30-40%
 - 40-50%
 - above 50%

9. Ownership (thirty points)

For this question, the term “ownership” shall mean the individual or individuals who:

- i. With respect to for-profit entities, including without limitation corporations partnerships, limited liability companies, has or have an aggregate ownership interest (other than a security interest, lien, or encumbrance) of 100% of the entity.
 - ii. With respect to not for-profit entities, including without limitation a non-profit corporation or similar entity, constitutes or constitute 100% of the board of directors.
 - iii. With respect to collective has or have all controlling interest in the collective’s governing body.
- a) Is Applicant’s ownership a current Oakland resident?
 - yes
 - no
 - b) Does at least half of Applicant’s ownership satisfy the definition of an Equity Applicant³?
 - yes
 - no

³ an “Equity Applicant” is an Applicant whose ownership/owner:

- 1. Is an Oakland resident; and
- 2. Has an annual income at or less than 80 percent of Oakland Average Medium Income (AMI) adjusted for household size; and
- 3. Either
 - (i) has lived in any combination of Oakland police beats 2X, 2Y, 6X, 7X, 19X, 21X, 21Y, 23X, 26Y, 27X, 27Y, 29X, 30X, 30Y, 31Y, 32X, 33X, 34X, 5X, 8X and 35X for at least ten of the last twenty years OR
 - (ii) was arrested after November 5, 1996 and convicted of a cannabis crime committed in Oakland.

If you answered yes to question 9 (a), please provide:

- two of the following supporting documents for each individual: a deed, lease agreement, utility bills, cable/internet bills, tax returns, or California driver's record; and
- entity formation documents or documents filed with the California Secretary of State (e.g. articles of incorporation, stock issuance records, operating agreements, partnership agreements).

If you answered yes to question 9 (b), please provide supporting documentation as described below.

For proof of ownership please provide entity formation documents or documents filed with the California Secretary of State (e.g. articles of incorporation, stock issuance records, operating agreements, partnership agreements).

For proof of income please provide federal tax returns and at least one of the following documents: two months of pay stubs, current Profit and Loss Statement, Balance Sheet, or proof of current eligibility for General Assistance, Food Stamps, Medical/CALWORKS, or Supplemental Security Income or Social Security Disability (SSI/SSDI).

For proof of conviction should be demonstrated through Court documents, Probation documents, Department of Corrections or Federal Bureau of Prisons documentation.

For proof of residency please complete the below Proof of Residency Chart for all qualifying individuals and provide a minimum of two of the documents listed below evidencing 10 years of residency. All residency documents must list the applicant's first and last name, and the Oakland residence address in applicable police beats.

- California driver's record; or
- California identification card record ; or
- Property tax billing and payments; or
- Verified copies of state or federal income tax returns where an Oakland address is listed as a primary address; or
- School records; or
- Medical records; or
- Oakland Housing Authority records; or
- Utility company billing and payment covering any month in each of the ten years.

Proof of Residency Chart

NAME OF EQUITY INDIVIDUAL		
CURRENT OAKLAND ADDRESS	DATES	
	FROM	TO
PRIOR OAKLAND ADDRESS(ES)		

NAME OF EQUITY INDIVIDUAL		
CURRENT OAKLAND ADDRESS	DATES	
	FROM	TO
PRIOR OAKLAND ADDRESS(ES)		

NAME OF EQUITY INDIVIDUAL		
CURRENT OAKLAND ADDRESS	DATES	
	FROM	TO
PRIOR OAKLAND ADDRESS(ES)		

10. Product (twenty-four points)

What percentage of its cannabis products will Applicant commit to purchasing from Oakland equity cultivators and manufacturers? This commitment shall be demonstrated to the City via quarterly reports and verified on an annual basis.

- 0-10%
- 10-20%
- 20-30%
- 30-40%
- 40-50%
- above 50%

11. Dispensary Incubator Program (twenty points per cultivation, testing lab, and manufacturing equity business incubated, five points per delivery and distribution equity business incubated. An additional five points per each incubatee license that is for an equity applicant who has not yet been incubated under the City of Oakland’s equity program since it was established in 2017)

General dispensary applicants that serve as incubators for cannabis equity applicants by providing free rent or real estate are entitled to bonus points for every cannabis equity business it incubates. Please note, the equity business may be any cannabis business type and it may be incubated either on the same property as the dispensary or at another site in Oakland.

In order to receive these bonus points, the General Applicant must comply with the following conditions:

- a. The free real estate or rent shall be for a minimum of three years.

- b. The Equity Applicant shall have exclusive access to a minimum of 1,000 square feet to conduct its business operations, with the exception of applicants in a Type S manufacturing space.⁴
- c. The General Applicant must provide any City required security measures, including camera systems, safes, and alarm systems for the space utilized by the Equity Applicant.
- d. The incubated equity applicant is not already being incubated in the proposed space under a separate permit application.
- e. The dispensary applicant cannot incubate themselves by possessing any ownership interest in an incubatee license.
- f. The same equity applicant cannot be incubated for more than three licenses per dispensary permit application.
- g. Should an incubated equity applicant cease operating its business within the three-year period, the General Applicant must notify the City of Oakland within 30 days and incubate a new equity applicant.

In order to receive credit for incubating an equity business, general dispensary applicants must submit a copy of the lease and/or contractual agreements between General and Equity Applicants that provides the requirements listed under (a) through (e) above.

Please use the Dispensary Incubator Chart to list all equity applicants dispensary applicant intends on incubating under the conditions outlined above. Attach additional pages as necessary.

Dispensary Incubator Chart

NAME OF EQUITY APPLICANT	ADDRESS OF EQUITY BUSINESS	BUSINESS TYPE
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

12. Supporting Documents.

Please check the boxes below for each supporting document submitted with this application. Please ensure that all supporting documents include a Header with the applicant’s name on the top right corner of each page.

- Copy of State Registration for corporate structure
- Letter of Credit if applicable

⁴ Please note that this exclusive access requirement under the Dispensary Incubator Program is different than the equity incubator program for non-dispensary uses, which allows for shared use of space.

For Oakland Owners Applicants Only:

- Proof of Oakland Residency

For Oakland Equity Applicants Only:

- Proof of Ownership

- Proof of Income

And either

- Proof of Residency

or

- Proof of Conviction

For Dispensary Incubators Only:

- Lease or other contract providing free real estate or rent for a minimum of three years indicating square footage available to the Equity Applicant

- Proof of providing required security measures, including camera systems, safes, and alarm systems for the space utilized by the Equity Applicant.

13. Oath of Application

I, the undersigned, declare under penalty of perjury that to the best of my knowledge, the information contained in this application and its supporting documentation is truthful, correct and complete; and, the information contained in this application and its supporting documentation discloses all facts regarding the applicant and associated individuals necessary to allow the City Administrator to properly evaluate the Applicant's qualifications for registration.

I, the undersigned further agree and acknowledge that I may be required to provide additional information as needed, for a complete investigation by the City Administrator.

I, the undersigned, further agree and recognize that I am responsible for obeying all Federal, State, County and local laws.

I, the undersigned, further agree and understand that any misrepresentations, omissions or falsifications in the application or any documents attached thereto or amendments thereto will be immediate

grounds for the City Administrator to deny this permit application and/or immediate grounds for revocation of a medical cannabis permit.

APPLICANT NAME:
SIGNATURE:
DATE:

FOR OFFICE USE ONLY:

Application:

Received by: _____ Date: _____

Receipt #: _____

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CANNABIS REGULATORY COMMISSION

ITEM E-4



Cannabis Regulatory Commission

Attached please find the following documents for the Cannabis Regulatory Commission's continued discussion regarding the transferability of cannabis permits, particularly those issued to equity applicants:

- a) Article on Challenges of Reselling Below Market Rate Housing.
- b) Frequently Asked Questions Regarding Transfers of Alcohol Licenses.
- c) San Francisco's Office of Cannabis Regulations for Changes in Ownership.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Greg Minor", written over a horizontal line.

GREG MINOR
Assistant to the City Administrator
City Administrator's Office

Low-income housing restrictions limiting owners' options to resell



Ryan Albizu sits down with his wife, Kevin, and son, Asher, 3, at the Denver home they bought through a low-income housing program. They say reselling it to a buyer who meets the income limits is proving difficult.

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Denver's affordable-housing program seemed like the perfect solution to help Kevin Kate Albizu and her husband, Ryan, buy a home three years ago.

Now the Albizus, like scores of others in the program, say they find it nearly impossible to resell their homes because of city restrictions.

The crunch is occurring because the program's rules require those who bought the discounted homes under income restrictions to resell only to

people who meet those same income restrictions, said Damon Knop, a real estate agent who represents many trying to resell homes in the program.

Tighter lending requirements these days make that difficult, Knop and other critics say.

"The math is just too tight," Knop said.

The Albizus aren't facing foreclosure, but they're ready to leave the three-bedroom, two-bathroom townhouse in northeast Denver they bought for \$167,500 in 2007.

When they bought the townhouse, they were just a couple. Now they must find room for a 3-year-old son, Asher, and Kevin's 82-year-old father, who moved in after he survived a stroke and the death of his wife.

They expect their income to increase now that Kevin is about to graduate with an MBA from the University of Denver, and they want to move back to California.

They've shown the home to more than 100 people. But only one interested party met the income restrictions — \$42,500 for a single person — and he couldn't qualify for a loan.

"We're definitely trapped," Kevin Albizu said. "And we're upstanding citizens, and we want to do the right thing."

"Not a day goes by that I don't get a phone call or an e-mail on this," said Councilman Michael Hancock, whose district is where most of the complaints are occurring.

Problems in reselling "affordable housing" aren't restricted to Denver. In Boulder, sales of such homes sometimes lag, primarily due to location concerns.

Boulder officials market the homes on the city's website and make sure income-qualified residents who want to buy are told when the homes come on the market for resale.

Denver statistics show about 1,300 homes in Denver are in the affordable-housing program, which offers lower-income residents the chance to buy a home at a discount.

Adopted in 2002, the city's inclusionary housing ordinance requires developers who build 30 or more units or homes to set aside 10 percent of their new construction as affordable, owner-occupied housing or pay an opt-out fee.

The developers receive a tax credit that allows them to drop the price of the homes below market rates.

A formula restricts the price of the resale to gradual, inflationary increases. The rules also restrict when the owners can rent out the homes.

One woman found the constraints difficult after she got a medical fellowship in Arizona years after buying into the program. Her lender eventually resold the home at a steep discount, and she took a big loss.

City officials say they have crafted a solution that would allow the income restrictions to ease gradually.

A person who owned the home for three years could resell to someone making 10 percent more than the original income formula cap. Then another 10 percent income increase would be allowed for another buyer after another 10 years of home ownership.

That change has stalled in part because the city is waiting for approval from the Federal Housing Administration, said Jeff Romine, chief economist for Denver's Department of Economic Development.

Romine said lifting the income restrictions for a resell entirely defeats the goal of the program by taking too many affordable homes out of the market. He added that the program isn't meant to just build wealth for participants. Controls are needed to prevent speculators from profiting by building up a cache of low-cost rental homes, Romine said.

Others say the city should explore other solutions.

Robin Kniech, program director and staff attorney for FRESA, a labor think tank, formerly known as the Front Range Economic Strategy Center, said city officials should investigate whether the homes are being properly marketed to the income qualified.

"The whole point of the program is that you want a family with a certain level of income to get into home ownership," Kniech said. "And raising the income levels of those who can buy into the program defeats that policy purpose."

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License Transfers

Can a license be transferred from one person to another person without making an application to ABC?

No. An application signed by both the present licensee and the transferee must be filed with ABC. ABC then proceeds as it would on a new application and may deny the transfer if the transferee-applicant is not qualified for a license. If such transfer also involves a change of the premises, ABC's approval of the new premises is required. (Sections 24070 and 24073)

Does the filing of the application for transfer accomplish the transfer of the license?

No. Neither the transferor nor the transferee should assume that the license will be transferred on a particular date, or at all, merely because the application has been filed. ABC may deny the application, or protests or accusations may be filed which may result in delay or denial of the transfer.

ABC is not required to investigate the personal qualifications or premises of a currently licensed person when a license is being transferred between partners and no new partner is being licensed. (Sections 23958, 23958.2, 24013 and 24070)

How long does it normally take for the issuance or transfer of a license?

Most investigations take approximately 55-65 days, and by law the license cannot be issued for a minimum of 30 days. Circumstances often result in a longer waiting period; therefore, before final approval and issuance of a license, applicants are cautioned regarding extensive financial commitments, plans for grand openings, etc. If new construction or considerable remodeling is necessary, the applicant should seek prior approval under Section 24044 before beginning any actual work.

Pending transfer of the license, may the intended transferee operate the licensed business?

The transferee may operate the licensed premises during the transfer period if a 120-day permit has been obtained. To qualify for this temporary permit, the premises must be currently licensed and have been operating within the past 30 days prior to application.

When the lease on the licensed premises is terminated and the premises must be vacated, what is required of the licensee?

A licensee must surrender his/her license to ABC within 15 days. During the maximum one year surrender period the licensee may transfer the license to other locations or transfer the license to other persons. All renewal fees must be paid during the surrender period. (Sections 23053.5, 23320, 24072, 24072.1, Rules 60 and 65)

What steps are required for the issuance or transfer of an alcoholic beverage license?

A person who wants to apply for an ABC license must start with the nearest ABC District Office. An ABC staff member will ask the applicant questions about the proposed operation and determine the type of license needed. The staff member will then advise the applicant what forms and fees are needed to file the application. Some applicants, before filing an application with ABC, must first obtain approval from zoning officials, open an escrow, or go to the office of the County Recorder for a certified copy of a Notice of Intended Transfer.

Generally, all parties must appear at the District Office. This is not generally a “mail-in” process because ABC requires personal information such as personal history affidavits. Fees are paid at this time. The applicant also views a video about ABC laws. A temporary permit may be issued under certain conditions.

Does ABC notify local officials of the license application?

Yes. ABC mails a copy of the application to local officials as required by law. If the premises is in the city, a copy goes to the police department, city council and city planning department. If the premises is in the county, a copy goes to the sheriff’s department, board of supervisors and district attorney. If local officials have concerns about the issuance of a license, they may request or impose restrictions on the business operation, or they may file a protest. (Section 23987)

Common concerns are that the license:

1. Would create a public nuisance
2. Would cause or add to crime in the area
3. Would be contrary to a zoning law
4. Is in a high-crime area or an area that has too many licenses and would not serve public convenience or necessity

In the case of number 4, the City Council or Board of Supervisors has 90 days to determine this and notify ABC. If the City Council or Board of Supervisors does not decide within 90 days, ABC may issue the license if the applicant shows ABC that issuance would serve public convenience or necessity.

Does ABC conduct an investigation of license applications?

Yes. ABC conducts a thorough investigation, as required by law, to see if the applicant and the premises qualify for a license. (Section 23958)

What are the responsibilities of a license applicant?

It is the applicant's responsibility to:

- Post the Public Notice of Application at the premises for 30 days, and
- Give information to ABC as needed for the investigation

In some cases, ABC may also require the applicant to:

- Publish a notice in the newspaper
- Mail a notice to all persons living within a 500' radius of the premises, and/or
- Obtain proof from the local planning department that the zoning permits an ABC license.

(Sections 23985, 23958, 23986, 23985.5 and 23790)

In case of death or incompetency to act as a sole licensee, who may exercise the privileges of the license?

The privileges of the license may be exercised by any person acting on behalf of the deceased or incompetent licensee or the estate for a specified period or until an administrator, executor, etc., is appointed. (Section 23102)

Does the law prohibit pledging the transfer of a license as security for a loan or as security for the fulfillment of any agreement?

Yes. The law prohibits a licensee from pledging the license as security for a loan or as security for the fulfillment of any agreement. In their transfer application both transferor and transferee must state under oath that the transfer is not being made (a) to satisfy the payment of a loan or to fulfill an agreement entered into more than 90 days before the transfer application is filed, (b) to gain or establish a preference to or for any creditor of the transferor, except as permitted by Section 24074, (c) to defraud or injure any creditor of the transferor. (Section 24076)

How long can the licensed premises be closed before the licensee must surrender possession of the license?

When licensed premises are closed, or the exercise of the privileges of the license is discontinued for any reason for a period of 15 consecutive days, the license must be surrendered to ABC. The license may be reactivated upon request of the licensee made at least 10 days in advance. (Rule 65)

May an applicant have some assurance of the issuance of a license before construction of the premises to be licensed is begun or completed?

ABC may approve an application for premises under construction. A retail license may be transferred or issued by ABC to premises which are under construction and the transferor has closed his business or surrendered his license. No alcoholic

beverages shall be sold until the premises are completed. Actual delivery of the license is withheld until ABC is satisfied that all conditions set forth in the law and rules are met. (Section 24044 and Rule 64)

1 Director shall approve the application unless the Director determines that denial is warranted
2 under any of the grounds set forth in Section 1615. The Director shall notify the Permittee of
3 the Director's decision electronically and either by mail or personal delivery.

4 ~~_____ (3) Notwithstanding this subsection (d), a Permittee must obtain a permit~~
5 ~~amendment if a change in ownership results in a decrease in an Equity Applicant's Ownership~~
6 ~~Interest in the Cannabis Business, a change in the Equity Applicant's role as Chief Executive~~
7 ~~Officer or member of the Board of Directors, or a material change in the degree of the Equity~~
8 ~~Applicant's participation in the direction, control, or management of the Cannabis Business.~~
9 ~~Applications for a permit amendment in accordance with this Subsection 1608(d)(3) must~~
10 ~~include the terms of the change in ownership.~~

11 **(c) Ownership; Changes in Ownership; Changes in Form or Structure.**

12 (1) Any change affecting any ownership interest of a Cannabis Business,
13 including, but not limited to, any change in ownership that affects an ownership interest of less
14 than 20% of the Cannabis Business, must be promptly disclosed, in writing, to the Director.

15 (2) Any change affecting any ownership interest of a Cannabis Business that
16 results in a Person holding an aggregate ownership interest of 20% or more of a Cannabis
17 Business, when that Person did not previously hold an aggregate ownership interest of 20%
18 or more in the Cannabis Business, shall require the Permittee to promptly obtain a permit
19 amendment. Such permit amendment shall be reviewed by the Director in a manner
20 consistent with subsection (c)(5), and shall not be granted unless the Director determines that,
21 if the relevant Person (i.e., the Person who newly holds an aggregate ownership interest of
22 20% or more in the Cannabis Business) had been an Owner at the time the Permittee applied
23 for a permit awarded under this Article 16, that permit would have been granted.

24 (3) Any change in the direction, control, or management of a Cannabis
25 Business must be promptly disclosed, in writing, to the Director, and such change shall

1 require the Permittee to promptly apply for and obtain a permit amendment. An application for
2 such a permit amendment shall be reviewed by the Director consistent with subsection (c)(4),
3 and shall not be granted unless the Director determines that, if the relevant Person (i.e., the
4 Person newly exercising direction, control, or management with respect to the Cannabis
5 Business) had been an Owner at the time the Permittee applied for a permit awarded under
6 this Article 16, that permit would have been granted.

7 (4) A Permittee seeking a permit amendment as required under this subsection
8 (c) shall pay the required filing fee for a permit amendment and provide such information, from
9 the categories of information described in Section 1609, as may be required by the Director.
10 The decision to grant or deny a permit amendment shall be entrusted to the Director's
11 discretion in the same manner, and subject to the same criteria, as the decision to grant or
12 deny a permit as set forth in Section 1615.

13 (5) Notwithstanding any other provision of this subsection (c), prior to the award
14 of a permanent Cannabis Business Permit and for a ten-year period thereafter, an aggregate
15 ownership interest of 50% or more in a Permittee may not be transferred to any Person or
16 combination of Persons who were not Owners of the Permittee at the time that a Cannabis
17 Business Permit was awarded under this Article 16. This restriction shall be cumulative, as to
18 each Permittee, across any permits (whether temporary or permanent) issued under this
19 Article 16. In the event that, prior to the award of a permanent Cannabis Business Permit or
20 within ten years thereafter, an aggregate ownership interest of 50% or more in a Permittee is
21 transferred to any Person or combination of Persons who were not Owners of the Permittee at
22 the time that a Cannabis Business Permit was awarded, the Permittee shall promptly
23 surrender the permit to the Director. This obligation is not dependent on the Director's
24 requesting the surrender, but arises by operation of law on the sale of the Cannabis Business.
25 If the Permittee fails to surrender the permit to the Director, the Director may, after giving the

1 Permittee notice by mail and electronically of the proposed action and an opportunity to
2 respond, revoke the permit.

3 (6) A change in the form or structure of a Permittee shall not be considered a
4 change affecting an ownership interest in a Cannabis Business for purposes of this
5 subsection (c). Notwithstanding any other provision of this subsection (c), a Permittee may
6 undertake any change in its form or structure, as long as the change in form or structure does
7 not cause any change affecting an ownership interest. The Permittee must promptly disclose
8 its change in form or structure, in writing, to the Director, and such change shall require the
9 Permittee to promptly apply for and obtain a permit amendment as set forth in subsection
10 (c)(4).

11 (7) Whenever, under this Article 16, an Owner is anything other than an
12 individual, every individual who exercises direction, control, or management of that Owner
13 shall also be treated as an Owner for purposes of this Article 16.

14 (8) Notwithstanding any other provision of this subsection (c), it shall not be
15 considered a change affecting an ownership interest in a Cannabis Business if an individual
16 transfers an ownership interest in a Cannabis Business to a Person that is entirely owned and
17 controlled by that same individual, but any subsequent transfer of an ownership interest in that
18 Person shall be considered a change affecting an ownership interest in the Cannabis
19 Business. All transfers described in this subsection (c)(8) must be promptly disclosed, in
20 writing, to the Director.

21 (9) Notwithstanding any other provision of this subsection (c), a Permittee
22 must obtain a permit amendment if a change in ownership results in a decrease in an Equity
23 Applicant's Ownership Interest in the Cannabis Business, a change in the Equity Applicant's
24 role as Chief Executive Officer or member of the Board of Directors, or a material change in
25 the degree of the Equity Applicant's participation in the direction, control, or management of

1 the Cannabis Business. Applications for a permit amendment in accordance with this
2 Subsection 1608(c)(9) must include the terms of the change in ownership.

3 (de) **Interim Cannabis Business Permits.** Once the Director receives a surrendered
4 Cannabis Business Permit to Operate, as set forth in subsection (b) of this Section 1608, the
5 new Owner of the business may apply to the Director for an Interim Cannabis Business
6 Permit, subject to any required Planning Department approvals, for a period not to exceed 90
7 days from the date of surrender (an "Interim Permit"). An Interim Permit may not be renewed.
8 The Director may grant an Interim Permit provided that:

9 * * * *

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11 **SEC. 1609. PERMIT APPLICATIONS.**

12 * * * *

13 (b) **Information Required of All Applicants for Cannabis Business Permits.** The
14 application form for all Cannabis Business Permit Applicants shall require the Applicant to
15 provide the following information and documentation:

16 (1) The name, street address, and parcel number of the business for which the
17 permit is sought;

18 (2) The name, contact information, and address of the Applicant as follows:

19 (A) If the Applicant is a corporation, the name of the corporation as
20 shown in its articles of incorporation; the date and place of incorporation; and the name and
21 address of each officer or director;

22 (B) If the Applicant is a Person other than a publicly traded company, the
23 name and address of every Person that directly or indirectly owns or controls 20% or more of
24 the assets, ownership interests, or voting interests in that Person;

CANNABIS REGULATORY COMMISSION

ITEM F-3

PROVISIONAL LICENSES as of 9/24/19

TYPE	GENERAL	INCUBATING	EQUITY	TOTALS
Delivery	18	23	67	108
Distribution	5	62	33	100
Cultivation	0	70	23	93
Mfg. V	0	29	6	35
Mfg. NV	7	52	20	79
Transporter	0	2	3	5
Lab Testing	0	2	1	3
Microbusiness*	1	15	27	43
TOTALS	31	255	180	466**

*This is only calculated as 1 in the table but in reality, totals 3 types, so the 43 total is actually 129 – the individual types are not factored out. The TOTAL would then be 552.

**This does not include all locally authorized applicants for provisional licenses who have not yet applied for their state license.

2019-2019 CANNABIS PERMIT LOG

	GENERAL NOT INCUBATING	INCUBATOR	EQUITY	TOTAL
<i>NEW ANNUAL PERMITS BY BUSINESS TYPE</i>				
Dispensary	0	1	1	2
Delivery	20	6	35	61
Cultivator (Indoor)	0	2	2	4
Cultivator (Outdoor)	0	0	0	0
Distributor	4	8	14	26
Mfg. Volatile	0	1	0	1
Mfg. Non-Volatile	1	1	6	8
Transporter	1	0	3	4
Lab Testing	0	0	0	0
NON-DISPENSARY GRAND TOTALS	26	18	60	104

9/25/2019

	TOTALS	PENDING
Total Complete & Incomplete Applications	1374	113
Total Complete Applications	1374	
Complete General Applications	558	
Equity Applications based on residency	700	
Equity Applications based on conviction	116	
Incubators	361	
Interested in Incubating	20	
Complete Application with property	1014	
Complete Application without property (Equity)	310	
Complete Applicants without property (General)	50	

COMPLETED APPLICATIONS BY BUSINESS TYPE	GENERAL	INCUBATOR*	INTERESTED IN INCUBATING*	EQUITY
Delivery	133	64	4	213
Cultivator (Indoor)	123	73	12	124
Cultivator (Outdoor)	5	4	0	36
Distributor	129	101	2	205
Mfg. Volatile	63	50	0	41
Mfg. Non-Volatile	94	62	2	144
Transporter	7	4	0	42
Lab Testing	4	3	0	11
GRAND TOTALS	558	361	20	816

*These numbers are part of the General Total

9/24/2019