

Thursday, September 2, 2021, 6:30 pm
Teleconference Meeting

AGENDA

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

PUBLIC PARTICIPATION INSTRUCTIONS

TO OBSERVE:

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

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

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

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Members:

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

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

MEETING AGENDA

- A. Roll Call and Determination of Quorum
- B. Approval of the Draft Minutes from the CRC Meeting on August 5, 2021.
- C. Reports for Discussion and Possible Action
 - 1. Establishment of Process to Certify Equity Businesses
 - 2. Local Jurisdiction Assistance Grant Program
 - 3. Develop Onsite Consumption Regulations
 - 4. Implementation Update on Current BCC and Go-Biz Grants
- D. Review of the Pending List and Additions to Next Month’s Agenda
 - *Staffing/Costing of a Department of Cannabis (since January 2021)*
 - *Follow Up Questions re Revenue Management Bureau Report (since June 2021)*
- E. Open Forum / Public Comment
- F. Announcements
 - 1. Update on Cannabis Permitting Process
 - 2. Apply to serve on CRC here:
<https://oakland.granicus.com/boards/w/8552f8c4c0e15460/boards/6697>
- G. Adjournment

Thursday, August 5, 2021, 6:30 pm
Teleconference Meeting

MINUTES

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MEETING AGENDA

A. Roll Call and Determination of Quorum

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

B. Approval of the Draft Minutes from the CRC Meeting on July 1, 2021.

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

C. Reports for Discussion and Possible Action
1. Electing Chairperson and Vice Chairperson

Member Minor provided background on the item. Member Turner expressed an interest in serving as Chair. Member Corder made a motion to nominate Member Turner as Chair. Vice-Chair Long seconded the motion and it passed by consensus.

2. Understanding Spectrum of Equity Operators and Their Needs

Member Minor offered some background and introduced LaWanda Knox, who leads Make Green Go, the City of Oakland’s technical assistance provider since 2017 who then presented on Make Green Go’s services and the various needs of equity applicants. Public speakers stressed the importance of verifying those companies that market themselves as equity businesses to preserve the integrity of equity programs. Ms. Knox echoed this recommendation as it would also allow for more data on how equity vs. non-equity businesses are doing.

Members Floyd-Johnson, Turner and Stevenson then asked questions related to certifying equity businesses, equity product commitments and the City's current equity tax rebate program. Member Floyd-Johnson then made a motion to agendize the establishment of a process to certify equity businesses. Chair Turner seconded the motion and it passed by consensus.

3. Local Jurisdiction Assistance Grant Program

Member Minor provided background on this upcoming grant opportunity, including outstanding questions re timing of funds and use of eligible funds, as well as an initial framework for utilizing the funds. A member of the public encouraged expanding the definition of an equity applicant. Member Corder expressed support for staff's initial framework other than funds for overtime for a backup police officer to carry out security inspections when Officer Romero is unavailable. Member Corder asked whether a sworn officer is needed to carry out security inspections. Member Floyd-Johnson and Chair Turner voiced concerns about the sustainability of these programs after the three-year grant period and suggested utilizing cannabis tax revenue to support these efforts over the long-term. Member Floyd-Johnson then made a motion to maintain the item on the use of cannabis tax revenue on the pending list. Chair Turner seconded the motion and it passed by consensus.

4. Develop Onsite Consumption Regulations

Member Minor offered background on the item. A public speaker encouraged the City to be mindful about existing state law regarding private consumption. Member Stevenson went through outstanding issues and suggested limiting consumption lounges to commercial zones, preserving private use, implementing a tier-based system, have hours of operation similar to a restaurant, and not yet allow for mobile lounges. Vice-Chair Long encouraged age limitations. Chair Turner suggested ensuring COVID-19 safety protocols and to continue this item in September. Member Stevenson then made a motion to continue this item to next month's meeting. Member Floyd-Johnson seconded the motion and it passed by consensus.

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

Member Minor provided background. Public speakers suggested allowing transfers after three years, allowing transfers to family members, and ensuring City loans are repaid as part of any transfer. Chair Turner shared that the equity subcommittee wants to allow transfers but also wants to ensure repayment to the City for its investment in equity businesses. Vice-Chair Long concurred and made a motion to ask staff to request the city attorney's office examine what costs can be included as part of the transfer of a permit from an equity business to a non-equity business.

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

Member Minor provided an update and moved through the tables outlining the various state grants and their underlying programs. Member Floyd-Johnson and Vice-Chair Turner noted it is important to demonstrate what Oakland is doing.

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

- *Costing of a Department of Cannabis (since January 2021)*
- *Follow Up Questions re Revenue Management Bureau Report (since June 2021)*

Member Minor shared background. Vice-Chair Long wanted to keep the costing of a department of cannabis on the pending list, but reframing the item as “staffing.” Chair Turner made a motion to keep the staffing item on the pending list. Vice-Chair Long seconded the motion and it passed by consensus.

E. Open Forum / Public Comment

Member of the public encouraged establishing an official Oaksterdam district.

F. Announcements

1. Update on Cannabis Permitting Process
2. Apply to serve on CRC here:

<https://oakland.granicus.com/boards/w/8552f8c4c0e15460/boards/6697>

Member Minor encourage interested community members to apply.

G. Adjournment



Cannabis Regulatory Commission

TO: Cannabis Regulatory Commission **FROM:** Greg Minor
Assistant to the City
Administrator

SUBJECT: September 2021 Agenda Items **DATE:** August 30, 2021

ITEM C (1) Establishment of Process to Certify Equity Businesses

At the August 2021 CRC Meeting following the discussion regarding the spectrum of equity operators and their needs, Member Floyd-Johnson made a motion to agendize the establishment of a process to certify equity businesses. Chair Turner seconded the motion and it passed by consensus.

ITEM C (2) Local Jurisdiction Assistance Grant Program

As part of the recently adopted State of California Budget, the Governor signed Senate Bill (SB) 129, which includes the Local Jurisdiction Assistance Program, which will provide a total of \$100 million over three years to local jurisdictions with commercial cannabis licensees needing the greatest assistance in transitioning from a provisional license to an annual license. The State of California identified local jurisdictions eligible for funding based on the number of provisional licenses, legacy applicants, and provisional licensees with greater California Environmental Quality Act (CEQA) compliance requirements, with jurisdictions with

existing equity programs allocated with additional funding. Accordingly, the City of Oakland is eligible for a total of \$9,905,020 over a three-year period under the Local Jurisdiction Assistance Program.

Eligible uses of funds include the following:

- (a) Local government review, technical support, and certification for application requirements.
- (b) Local government or other professional preparation of environmental documents in compliance with CEQA for permits, licenses, or other authorizations to engage in commercial cannabis activity.
- (c) Mitigation measures related to environmental compliance, including water conservation and protection measures.
- (d) Other uses that further the intent of the program as determined by the Department of Cannabis Control.

While the City of Oakland is still gathering details on the precise eligible uses of funds and when the City will receive these funds, below in Table One is a summary of staff's current proposal. This draft incorporates feedback at the August CRC Meeting; specifically rather than funding overtime for a police officer to serve as a backup to ensure no delay in security inspections, this proposal recommends funding overtime for non-sworn municipal code enforcement officers to serve as a backup for security inspections. After the three-year grant period, staff can evaluate transitioning security inspections from a police officer to non-sworn staff full time. Staff welcomes additional public input and feedback as the City finalizes its proposal to the state and City Council in the coming months.

Table One

INITIAL DRAFT LOCAL JURISDICTION ASSISTANCE GRANT BUDGET		
PROPOSED USE	COST IN YEAR ONE	COST OVER THREE YEARS
Loans/Grants to Equity Applicants	\$1,831,033	\$5,493,099
Special Activity Permit Technician	\$124,305	\$372,915
Program Analyst for Processing Loans/Grants	\$150,000	\$450,000
Process Coordinator II in Building Bureau	\$175,696	\$527,088
Overtime for Civil Engineers to Review Plans	\$150,000	\$450,000
Hazardous Materials Inspector II	\$193,546	\$580,638
Overtime for Fire Plan Engineers to Review Plans	\$73,760	\$221,280
Overtime for Municipal Code Enforcement Officers for Security Inspections	\$50,000	\$150,000
Establishing Accela Module for Cannabis Permit Tracking	\$250,000	\$250,000
Maintaining Accela Module	\$60,000	\$180,000
Consultant TBD to Administer Loan/Grant Programs	\$160,000	\$480,000
Consultant TBD to Provide Legal Assistance to Equity Applicants	\$125,000	\$375,000
Consultant TBD to Provide Technical Assistance to Equity Applicants	\$125,000	\$375,000
TOTAL	\$3,468,340	\$9,905,020

ITEM C (3) Develop Onsite Consumption Regulations

The CRC has discussed the creation of an additional cannabis consumption lounge where cannabis deliveries take place for multiple months. The City of Oakland currently offers an onsite-consumption permit but it only applies to existing dispensaries in good standing). In February staff provided draft language for an onsite consumption lounge and the CRC moved to continue this item to April and to prioritize equity applicants for onsite consumption licenses.

Below is draft language for the CRC and public's review and feedback (new language in underline). The language below is intentionally broad; staff welcomes feedback on how to narrow the requirement for obtaining an onsite consumption permit where appropriate.

DRAFT LANGUAGE

5.80.025 - Onsite consumption permit

A. A dispensary must obtain a secondary onsite consumption permit in order for cannabis to be consumed on the premises of the dispensary.

1. Any consumption of cannabis in or on a commercial or industrial property in the City of Oakland is prohibited without an onsite consumption permit. Onsite consumption permits issued to non-dispensaries shall only be granted if the location meets the same location restrictions as those that apply to dispensaries. At least half of all onsite consumption permits issued under this Subsection shall be issued to equity applicants.

2. A general applicant seeking an onsite consumption permit under Subsection (A)(1) shall have permitting priority over all other general applicants seeking a permit under this Subsection if the general applicant serves as an incubator by satisfying the following:

i. Providing free real estate or rent for a minimum of three years to an equity applicant who has exclusive access to at least one thousand (1,000) square feet to conduct their business operations.

ii. Providing any City required security measures, including camera systems, safes, and alarm systems.

iii. The equity incubatee must obtain their cannabis permit before the general incubator receives their onsite consumption permit.

3. Subsection (A)(1)-(2) shall sunset two years after its adoption unless extended further by the Oakland City Council.

B. An onsite consumption permit may be issued at the discretion of the City Administrator to existing dispensaries in good standing or to applicants under OMC 5.80.025(A)(1) following a public hearing conducted according to the requirements of [Chapter 5.02](#) and based on an evaluative point system that takes into consideration the operating history and business practices of the applicant, and any other factors that are deemed necessary to promote the peace, order and welfare of the public. An application for an onsite consumption

permit may be denied for failure to meet requirements of the City Building Code, City Fire Code, City Planning Code, this chapter, and/or any violation of State or local law relevant to the operation of dispensaries.

C. The City Administrator shall establish conditions of approval for each onsite consumption permit, including but not limited to a parking plan, ventilation plan, anti-drugged driving plan, and set hours of operation. Set hours of operation may only be adjusted by submitting a written request to and obtaining approval from the City Administrator's Office.

D. The permit shall be subject to suspension or revocation in accordance with [Section 5.80.070](#), and the owner/operator shall be liable for excessive police costs related to enforcement.

E. The application fee and annual fee for the onsite consumption permit shall be specified in the City's Master Fee Schedule.

F. All onsite consumption permits shall be special business permits and shall be issued for a term of one year. No property interest, vested right, or entitlement to receive a future license to operate a cannabis business shall ever inure to the benefit of such permit holder as such permits are revocable at any time with or without cause by the City Administrator subject to [Section 5.80.070](#).

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

The City of Oakland has received three state grants thus far to support its cannabis equity program: in the spring of 2020 the City received a grant of approximately \$1,650,000 from the Bureau of Cannabis Control; in the summer of 2020 the City received a \$6,576,705 grant from the Governor's Office of Business and Economic Development (Go-Biz); then in the summer of 2021 the City received a \$2,434,712.51 from Go-Biz. Tables 2-4 provide an overview of the uses of each of these grants and the subsequent narrative offers an update on the various programs funded through state grants.

Table 2: 2020-2021 BCC Grant

Category	Amount	Status
Grants to Operators	\$850,000	Dispersed
Commercial Kitchens	\$250,000	Dispersed
Commercial Kitchens OR Events Featuring Equity Businesses	\$200,000	Dispersed
Workforce Development	\$200,000	Dispersed
Program Analyst Position	\$150,000	Dispersal will complete in October 2021
TOTAL BCC FUNDING	\$1,650,000	

Table 3: 2020-2021 Go-Biz Grant

Category	Amount	Status
Grants to Operators for All Eligible Expenses	\$1,510,239	Approximately \$773k Remaining
No Interest Revolving Loans to Operators for All Eligible Expenses	\$960,239	Dispersed
No Interest Loans to Purchase Property	\$2,010,239	Funds to Purchase Property Dispersed; Now \$210,239 Remaining
Utilization of Shared-Use Manufacturing Facilities	\$50,000	Dispersed
Workforce Development	\$800,000	Approximately \$350k Remaining
Loan and Grant Administration	\$350,000	Approximately \$135k Remaining
Technical Assistance	\$250,000	Approximately \$100k Remaining
Legal Assistance	\$165,000	Dispersed
City Staff Costs Administering Equity Program	\$480,987	Dispersed
TOTAL GO-BIZ FUNDING	\$6,576,704	

Table 4: 2021-2022 Go-Biz Grant

Category	Amount	Status
Grants and/or No-Interest Revolving Loans to Operators for All Eligible Expenses	\$1,448,475.41	Approximately \$1.3 Million Remaining
Grants to Utilize Shared-Use Manufacturing Facilities	\$500,000	Approximately \$350,000 Remaining
Loan and Grant Administration	\$160,000	Not Yet Dispersed
Technical Assistance	\$121,500	Not Yet Dispersed
Legal Assistance	\$121,500	Not Yet Dispersed
Portion of City Administrator Analyst Position	\$83,237.10	Not Yet Dispersed
TOTAL GO-BIZ FUNDING	\$2,434,712.51	

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

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

Next, in late October 2020 staff launched a workforce development grant program providing equity operators with grants of up to \$50,000 to recruit, train, or retain equity employees. Staff reviewed and approved all 27 applications received in 2020 and is working with the workforce grant applicants to get them under contract in order to disperse funds. To date, twenty-four of the workforce grant

applicants have received funding, three are working to obtain required insurance. More information is available here: <https://www.oaklandca.gov/services/workforce-development-grant-program>

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

ITEM F (1) Update on Cannabis Permitting Process

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

Figure 1: Application Totals

<i>APPLICATIONS</i>	TOTALS	PENDING
Total Complete & Incomplete Applications	1614	141
Total Complete Applications	1614	
Complete General Applications	691	
Equity Applications based on residency	790	
Equity Applications based on conviction	133	
Incubators	387	
Interested in Incubating	27	
Complete Application with property	1147	
Complete Application without property (Equity)	376	
Complete Applicants without property (General)	91	

Figure 2: Permit Applications by Category

COMPLETED APPLICATIONS BY BUSINESS TYPE	GENERAL	INCUBATOR*	INTERESTED IN INCUBATING*	EQUITY
Delivery	171	67	4	242
Cultivator (Indoor)	202	123	17	160
Cultivator (Outdoor)	7	5	0	37
Distributor	150	90	4	225
Mfg. Volatile	54	41	0	44
Mfg. Non-Volatile	199	56	2	165
Transporter	6	4	0	40
Lab Testing	2	1	0	10
GRAND TOTALS	691	387	27	923

*These numbers are part of the General Total

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

LOCALLY AUTHORIZED FOR STATE *ANNUAL/PROVISIONAL LICENSES*	GENERAL	INCUBATOR	EQUITY	
Delivery	38	45	119	
Cultivator	10	72	43	
Distributor	10	73	99	
Mfg. Volatile	5	29	6	
Mfg. Non-Volatile	21	70	102	
Transporter	1	2	5	
Lab Testing	0	2	2	
Retailers	3	1	3	
TOTALS:	88	294	379	761

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

Figure 4: New Permits Issued to Cannabis Operators Since Spring of 2017 by Category (this Figure has not been updated since July 2021)

	GENERAL NOT INCUBATING	INCUBATOR	EQUITY	TOTAL
<i>NEW ANNUAL PERMITS BY BUSINESS TYPE</i>				
Dispensary	1	1	4	6
Delivery	80	21	111	212
Cultivator (Indoor)	2	7	6	15
Cultivator (Outdoor)	0	0	0	0
Distributor	18	30	85	133
Mfg. Volatile	0	6	0	6
Mfg. Non-Volatile	6	12	46	64
Transporter	1	0	5	6
Lab Testing	0	0	0	0
GRAND TOTALS	108	77	257	442

Figure 5: Withdrawn Applications

WITHDRAWN APPLICATIONS	GENERAL	INCUBATOR	EQUITY	TOTALS
Delivery	10	24	46	80
Cultivator (Indoor)	3	16	35	54
Cultivator (Outdoor)	14	11	11	36
Distributor	3	38	43	84
Mfg. Volatile	2	14	20	36
Mfg. Non-Volatile	6	19	28	53
Transporter	5	1	15	21
Lab Testing		2	3	5
TOTALS	43	125	201	369

Figure 6: Revoked Local Authorization

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

Figure 7: Graph of Cannabis Permit Applications Received Since 2017

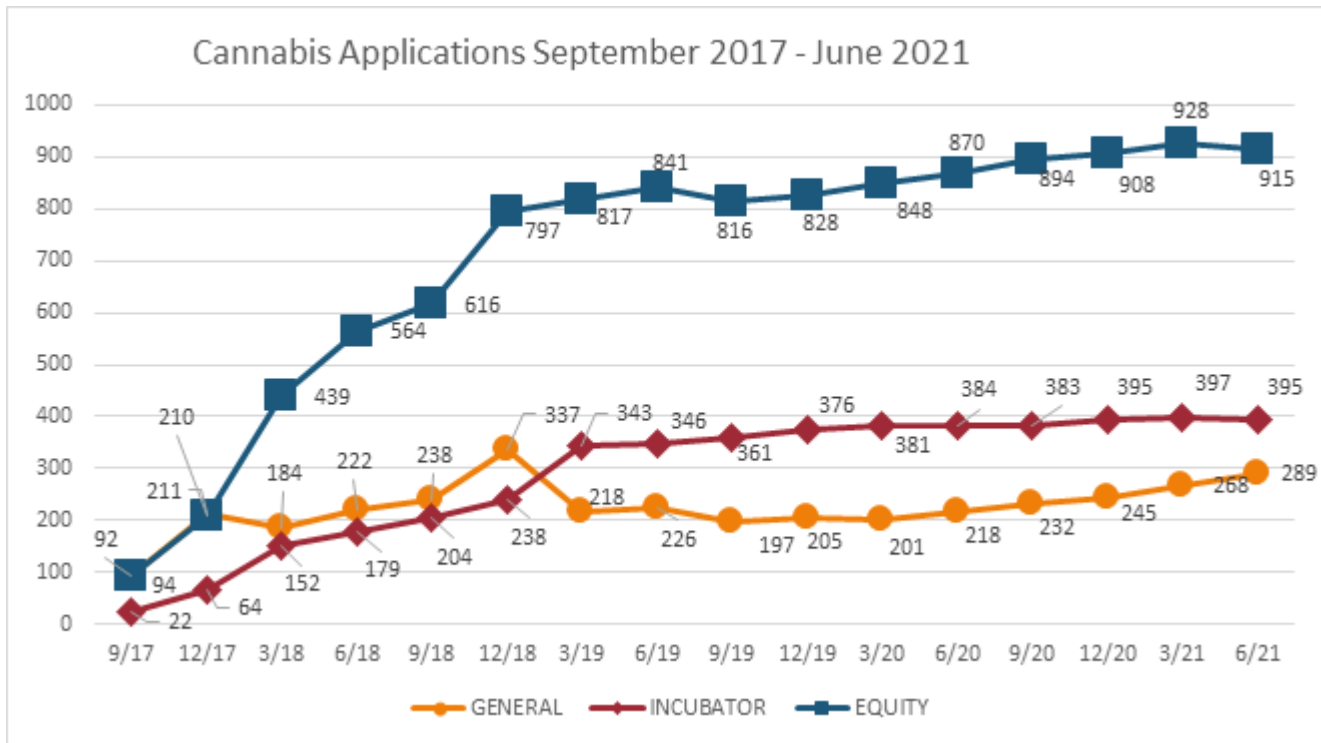


Figure 8: Graph of New Cannabis Permits Issued Since 2017

