

Cannabis Regulatory Commission

Regular Meeting

Thursday, December 3, 2020, 6:30 pm
Teleconference Meeting

MINUTES

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

PUBLIC PARTICIPATION INSTRUCTIONS

TO OBSERVE:

- To observe the meeting by video conference, please click the link below to join the webinar:
<https://us02web.zoom.us/j/83854920046>
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

For each number, please be patient and when requested, dial the following Webinar ID: 838 5492 0046

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

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

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

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

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

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

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

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

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

Members:

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

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

MEETING AGENDA

A. Roll Call and Determination of Quorum

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

B. Approval of the Draft Minutes from the CRC Meeting on November 5, 2020.

Member Floyd-Johnson recommended clarifying the Member Goldsberry’s motion at the top of page two of the November minutes. Member Stevenson then moved to continue the November minutes and for staff to clarify Member Goldsberry’s motion at the page two of the minutes. Member Floyd-Johnson seconded the motion and it passed by consensus.

C. Reports for Discussion and Possible Action

1. Oakland Police Department’s Protocol for Unpermitted Dispensaries and Times of Unrest as well as Response to Burglaries of Cannabis Businesses on Election Night

Officer Romero provided an overview of OPD’s protocol for unpermitted dispensaries and Captain Wingate gave an overview of OPD’s protocol in times of unrest and OPD’s response to burglaries of cannabis businesses on election night, including a summary of those involved in the burglaries.

Public speakers expressed concern regarding conflicts between OPD and community members burglarizing cannabis businesses while also commending OPD for improved relationship with cannabis industry.

CRC members discussed prioritizing non-criminal methods for abating unpermitted cannabis operations, such as utility shutoffs, and for exploring preventative measures to discourage community members from burglarizing businesses.

Member Corder then made a motion for staff to work the city attorney's office to explore additional methods for abating non-criminal methods for abating unpermitted cannabis activities. Member Stevenson seconded the motion and it passed by consensus. Member Goldsberry then made a motion to agendize to explore how police resources are used in Oakland related to cannabis. Member Stevenson seconded the motion and it passed by consensus.

Member Goldsberry made another motion to agendize the creation of additional cannabis consumption lounges where deliveries take place. Member Floyd-Johnson seconded the motion and it passed by consensus. Member Corder then moved to request that the City of Oakland's Re-Imagining Public Safety Task Force examine how much of the City's cannabis tax revenue goes towards policing and to explore how to make it so no cannabis tax revenue goes towards policing. Member Turner seconded the motion and it passed by consensus.

2. Taxability of City Grants and Loans

Zachary Knox of Knox and Ross, the City of Oakland's legal services provider for equity applicants, provided an overview of the taxability of City of Oakland grants and loans to equity applicants. Members of the public encouraged making equity businesses aware of this information and taking steps to reduce barriers for equity businesses.

Member Tucker then made a motion for staff to explore having the City deduct grants for equity applicants from equity applicants' local tax liability. Chair Martin seconded the motion and offered a friendly amendment to recommend that the state remove state tax liability with respect to grants to equity applicants. Member Tucker rejected the friendly amendment. Similarly, Member Stevenson offered a friendly amendment to have staff explore all mechanisms available to reduce local tax liability for equity grant recipients and Member Tucker rejected this friendly amendment as well. Member Tucker's motion then passed by consensus with Members Chase, Stevenson, Goldsberry and Minor abstaining.

Chair Martin then moved that the CRC recommend that the state deduct grants from equity applicants' state tax liability. Member Tucker seconded the motion. Member Goldsberry offered a friendly amendment to also have staff explore all mechanisms to advocate for this policy at the state level. Chair Martin accepted the friendly amendment and it passed by consensus with Member Chase and Minor abstaining.

3. BSCC Public Health and Safety Grant Program

Member Minor provided background on this grant opportunity and requested feedback from the public and commission. Members of the public encouraged not using grant funds on law enforcement and for exploring ways to assist with reducing barriers into the regulated market. Vice-Chair Long then moved to continue the item to next month's agenda. Member Floyd-Johnson seconded the motion and it passed by consensus.

4. Potential Amendments to Cannabis Ordinances:

Member Minor provided background on items under 4(a) and 4(b).

Members of the public raised concerns regarding adding barriers of entry into the regulated marketplace by limiting the location of cannabis businesses. CRC members discussed the zoning issues as well as the transfer of permits from equity businesses and whether to require the reimbursement of public funds and/or that equity businesses are provided the first right of purchasing another equity business interested in selling.

Chair Martin moved to dismiss items 4(a)(1) and (a)(2) and to continue item 4(b)(1) to next month's agenda. Member Stevenson seconded the motion and it passed by consensus.

- a. Proposed Amendments to Overall Cannabis Program
 - 1. Prohibit New Cannabis Permit Applications in HBX (Housing-Business Mix) Zones and New Cultivation and Volatile Manufacturing Within 300 Feet of a Residential Zone
 - 2. Allow Non-Volatile Manufacturing in Areas Where Custom-Manufacturing Industrial Activities are Conditionally Permitted Provided the Non-Volatile Manufacturing Applicant Undergo the Same Conditional Use Permit Process as a Custom-Manufacturing Industrial Use and There Is a 300 Foot Buffer Between Cannabis Uses
- b. Proposed Amendments to Equity Program
 - 1. Authorize Equity Businesses to Transfer Permits After Three Years to Non-Equity Businesses
- 5. Update on BCC and Go-Biz Grant Implementation
 - a. Property Purchase Program Phase One Submission Deadline is January 8, 2021

Member Minor provided updates on the launching of various equity programs funded through state grants. Public speakers expressed support for the various programs but encouraged City staff to provide more clarity to equity applicants that are not selected for competitive programs as to why they were not selected.

Chair Martin then moved for City staff to speak with runner ups for any application process as to why they were not selected. Member Turner seconded the motion and offered a friendly amendment to encourage city staff to assist people with completing applications. Chair Martin accepted this amendment and the motion passed by consensus.

- D. Review of the Pending List and Additions to Next Month's Agenda
- *Updated Parliamentary Procedures (since July 2020)*
 - *Public Ethics Training (since August 2020)*
 - *CRC 2019 Annual Report (since August 2020)*
 - *CRC Retreat/Planning Session (since September 2020)*
 - *Additional Data from Revenue Management Bureau (since November 2020)*

Member Minor provided an update on the pending list and mentioned the recently released 2021 Go-Biz Grant Solicitation.

Members of the public encouraged the CRC to examine the current Zoom format and how it could better replicate in person meetings, as well as examine how to not add barriers of entry into the regulated marketplace.

Chair Martin moved for the City to denounce the felony exclusion provision in the federal MORE act. Member Turner seconded the motion and it passed by consensus. Chair Martin then made a motion to agendize a discussion regarding the role of the CRC City Administrator's representative at the next CRC meeting. Member Turner seconded the motion and it passed by consensus.

Vice-Chair Long moved to agendize a discussion regarding the 2021 Go-Biz Grant Solicitation. Member Stevenson seconded the motion and it passed by consensus.

Chair Martin then moved to agendize a reconsideration of prohibiting delivery-only dispensaries on the first floor of new zones. Member Stevenson seconded the motion and it passed by consensus.

E. Open Forum / Public Comment

Public speakers spoke in favor of maintaining the requirement that at least half of all Oakland permits go to equity applicants, expanding areas for cannabis, reducing unpermitted operations, and providing other equity applicants with the right to purchase another equity business interested in selling.

F. Announcements

1. Update on Cannabis Permitting Process

Member Minor provided a monthly update on the cannabis permitting process.

G. Adjournment