

Frequently Asked Questions re Medical Cannabis Permits

How do I apply for a permit?

In May, electronic applications will be available on the Special Activity Permits website, <http://www2.oaklandnet.com/government/o/CityAdministration/d/SpecialPermits/index.htm>, and paper applications will be available in City Administrator's Special Activity Permits Division Monday-Friday, 9am-5pm, on the 11th floor of City Hall at 1 Frank H. Ogawa Plaza, Oakland, CA 94612.

What kinds of permits will be available?

In May operators can apply for permits to deliver, cultivate, manufacture, distribute, transport and test medical cannabis. Dispensary permits will be issued through a different process later in 2017.

Is there a limit on the number of permits?

There is no limit on the number of medical cannabis permits other than for brick and mortar dispensaries. OMC 5.80.020(C) allows the City Administrator to issue no more than eight new brick and mortar dispensary permits per year, with a minimum of half of the dispensary permits issued to Equity Applicants.

Do I need to already own or rent a property before applying for a permit?

No. An applicant may apply for conditional approval before renting/purchasing any real estate. However, in order to receive an actual medical cannabis permit, an applicant must ultimately identify where its cannabis operation will take place so the facility can be reviewed and inspected.

Where can my facility be located?

OMC 5.80 and 5.81 restrict the location of medical cannabis operation depending on the type of medical cannabis activity. Please note no medical cannabis operation may be located within a 600 foot radius of any public or private school.

If you would like to see whether medical cannabis activity may be permissible at a specific property, you may use this reference [map](#) by following these instructions:

- 1. Click on the "Content" tab in the top left corner.*
- 2. Leave the boxes next to "Port of Oakland Jurisdiction" and "School Sites 600ft. Buffer" checked.*
- 3. Select the medical cannabis activity type(s) you wish to search for by selecting the box(es) to the left of either dispensary/delivery-only dispensary, cultivator/distributor/transporter/testing lab, non-volatile manufacturer or volatile manufacturer.*
- 4. Enter the address for property you wish to search in the top right corner and hit return (note address must be actual legal address).*
- 5. Areas on the map that are shaded indicate areas where medical cannabis activity may be permitted, except for lighter shaded areas surrounded by a dotted line, which represent unpermitted areas as they are within 600 feet of a school.*

Please note this map is for reference only and not an official approval to conduct medical cannabis activity at a given location. Medical cannabis operators must submit an application and be approved by the City Administrator before any medical cannabis activity is permitted.

How is the buffer distance measured – directly to property line, path of travel, etc?

The distance between facilities shall be measured via path of travel from the closest door of one facility to the closest door of the other facility.

Are permits transferable to an alternate location?

Pursuant to OMC 5.02.070 permits only apply to the premises originally specified. However, a permit may be transferred to a new location if a medical cannabis permittee applies in writing to the City Administrator’s Office to transfer the permit to a new location and successfully undergoes an equivalent application process for the new location.

Can multiple permits be issued to the same location?

Yes as long as each medical cannabis operator obtains a permit for their medical cannabis operation.

Where can delivery services be located?

Delivery services can be located in any commercial or industrial zone. (Green and Yellow zones on the reference map mentioned above)

What is the Equity permit program?

The Equity Permit Program requires that at least half of all permits issued under OMC 5.80 and 5.81 go to Equity Applicants during the time period before the Equity Assistance Program is funded and implemented. Once funded, the Equity Assistance Program will provide Equity Applicants with financial and technical assistance, including no interest business start-up loans, and the restrictions on how many equity permits vs. general applicant permits will cease.

How is an Equity Applicant Defined?

An Equity Applicant is defined as 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 Median 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 (visit: <http://oakgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=12ae8a087be44043abc6996c5e499d5c>); or
 - (ii) was arrested after November 5, 1996 and convicted of a cannabis crime committed in Oakland.

“Ownership” is further defined as 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 percent or more in 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 collectives, has or have a controlling interest in the collective's governing body.

Can you give some examples of an Equity Applicant?

For a two person partnership, at least one of the partners must have an income at or less than 80% Oakland AMI and either have an Oakland cannabis conviction or have lived in the designated police beats for 10 of the last 20 years.

For a mutual benefit not for profit corporation that has five members on its board of directors, at least three of these directors must each have an income at or less than 80% Oakland AMI and either have an Oakland cannabis conviction or have lived in the designated police beats for 10 of the last 20 years.

What is 80 percent of Oakland Average Median Income?

In 2016, 80 percent of Area Median Income was the following:

- *\$52,650 for a one person household;*
- *\$60,150 for a two person household;*
- *\$67,650 for a three person household;*
- *\$75,150 for a four person household;*
- *\$81,200 for a five person household;*
- *\$87,200 for a six person household.*

What is an Equity Incubator?

General Applicants that serve as incubators for Equity Applicants by providing free rent or real estate are entitled to the next available General Applicant permit. In order to receive this permitting priority, 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 access to a minimum of 1,000 square feet to conduct its business operations.
- 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 General Applicant is otherwise compliant with all other requirements of OMC Chapter 5.80 or 5.81.

What are the costs of the permit inspection fees?

CATEGORY	FEE
Application Fee – Non-Dispensary Medical Cannabis Facility	\$ 2,474.00
Medical Cannabis Facility <i>Annual</i> Regulatory Fee	
Gross sales > \$999,999	\$ 11,173.00
Gross sales \$500,000 - \$999,999	\$ 5,586.00
Gross sales < \$500,000	\$ 2,790.00

Other department fees, including building and fire department inspection fees, can be found via the Master Fee Schedule, available here:

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/policy/oak059691.pdf>

Fire: H-1; Planning & Building: O-1

What type of license should a packaging operation obtain?

Distributor.

May an applicant apply for planning/zoning, fire, building, county, tax, etc. permits listed on the Inspection Card while applying for the Med Cannabis business permit?

Yes, but this may lead to inefficiency since the applicant will need to return to these respective departments to obtain approval via a signed Inspection Card.

Will enforcement take place against cannabis operations as we try to obtain permits?

Under OMC 5.81.110(B) no enforcement will take place against a permit applicant while their application is pending.

Where can I find the live scan form?

The live scan form will be available as soon as the medical cannabis applications are available.