

From: cac@Cannabis
To: [Dempsey, Christina@Cannabis](mailto:Dempsey,Christina@Cannabis)
Subject: FW: Public Comment Re: Retail Access Grant Program (9/8/22 CAC Meeting)
Date: Wednesday, September 7, 2022 10:31:13 AM
Attachments: [9.2.22 - Public Comment re Retail Access Grant Program - 9.8 CAC Meeting Public Comment.pdf](#)

From: Blair Gue <blairgue@rogowaylaw.com>
Sent: Friday, September 2, 2022 12:40 PM
To: cac@Cannabis <cac@cannabis.ca.gov>
Subject: Public Comment Re: Retail Access Grant Program (9/8/22 CAC Meeting)

[EXTERNAL]: blairgue@rogowaylaw.com

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Hello and happy Friday!

Attached below please find written public comment for the Cannabis Advisory Committee's consideration ahead of its September 8, 2022 meeting.

Warm regards,



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September 2, 2022

Department of Cannabis Control
Attn.: Cannabis Advisory Committee
2920 Kilgore Road
Rancho Cordova, CA 95670
E: CAC@cannabis.ca.gov

Delivery via e-mail


Re: Public Comment Regarding the Local Jurisdiction Retail Access Grant Program

Advisory Committee Members,

Congratulations on your appointment to the Cannabis Advisory Committee (the “Committee”). My office looks forward to engaging with the Committee as the Department of Cannabis Control (the “DCC”) continues its efforts to create a cannabis regulatory structure that works for all Californians, including California’s cannabis industry, consumers, and communities.

According to the Committee meeting agenda published to the DCC’s website on August 29, 2022, on September 8, 2022, the Committee will discuss and potentially issue recommendations to the DCC regarding the development of the DCC’s Local Jurisdiction Retail Access Grant Program (the “Grant Program”). The meeting materials published contemporaneously with the meeting agenda include five (5) discussion questions that the Committee will address during its September 8, 2022, meeting. On behalf of Rogoway Law Group, I submit the following responses to the discussion questions for consideration by the Committee as it develops its recommendations regarding the Grant Program.

Warm regards,


Blair N. Gue, Esq.
Rogoway Law Group

Discussion Question Responses

1. What should local jurisdictions be required to include in the plan for permitting cannabis retail that is submitted with the grant application?

Local jurisdictions should be required to include detailed information regarding their plans to facilitate cannabis retail permitting. Such information should include, at least, the following:

- A. A detailed description of how the local jurisdiction will staff the cannabis retail permitting program/the office that will receive and process cannabis retail permit applications to ensure such permit applications are processed completely in a timely manner. This description should include, at least,
 - i. The number of staff members needed to accommodate the cannabis retail permit program/process.
 - ii. The number of staff members that will have to be hired (new hires) to meet the staffing needs of the program/process and whether Grant Program funds will be used to hire and pay such staff members.
 - iii. The hierarchy of leadership and staffing in the department that will oversee the program/process including:
 - 1) Who will be responsible for the following things:
 - a) Program leadership
 - b) Application acceptance and processing management
 - c) Review of environmental documentation and processing of all required CEQA documentation
 - d) Review of land use and zoning documentation
 - e) Review of required operational plans
 - f) Review of premises and site plans
 - 2) The name, title, and contact information for the person that will act as the DCC's main contact for the locality with regard to cannabis retail permitting.
- B. A description of how staff will be trained to implement the cannabis retail permitting program that is ultimately established by the locality.
- C. A description of the locality's permit application processing timeline from application submission to permit issuance. Specific items to be addressed should include, at least,
 - i. Whether the permit process will be discretionary or administrative in nature.
 - ii. The type of permit/approval(s) the locality plans to offer (for example: conditional use permits, minor use permits, zoning clearances, business licenses, special permits, etc.);
 - iii. Whether a public hearing will be required as a part of the application process;
 - iv. The amount of time it will take the locality to process an application; and
 - v. A list of all local departments that will need to be consulted regarding each application submitted.
- D. The number of retail permits (both storefront and non-storefront) the locality intends to make available and whether consumption lounges will **not** be permitted within the locality.

- i. If a locality indicates within its Grant application that it will **not** permit consumption lounges, the applicant should be required to provide a detailed explanation of why not.
- E. If the number of retail permits available will be limited, whether the permitting program will be competitive, first-come-first serve, lottery based, or handled in a different manner.
- F. A list and description of any local regulations/ordinances currently in place in the locality that address commercial cannabis business.
- G. A breakdown of all ordinance amendments and/or legislative work that needs to be done to create, implement, and/or tax the cannabis retail permit process/program in the locality **and** a timeline for completing such tasks.
- H. A timeline for implementation of the permitting plan including the date by which the permit application process will be open to applicants.
- I. Whether or not the locality will require or consider social-equity-based qualifiers for applicants seeking cannabis retail permits and, if it will, a detailed description of the anticipated social-equity requirements/criteria.
- J. A written plan for how the locality plans to handle CEQA compliance with each permit applicant.
- K. A Grant Recipient Record Keeping Plan that can be used to help the DCC evaluate whether a local jurisdiction has failed to demonstrate progress toward permitting retail businesses.
- L. A detailed breakdown of how the funds requested will be used.

2. How can the additional equity program funding be constructed to incentive inclusion of meaningful support and opportunities in local retail permitting programs for individuals affected by the War on Drugs?

Response to question number two (2) will provided via oral public comment on September 8, 2022.

3. Should local jurisdictions be eligible for funding if they will permit only medicinal cannabis retail and will not permit adult-use retail?

Yes. Access to medicine is a critical issue and localities that work to increase access to medical cannabis should be eligible to receive funding. However, the Committee should consider whether localities that will permit both medical and adult use-retail should be eligible for more funding than localities that will only permit medical cannabis retail.

4. Should any specific requirements be imposed on the local permitting program that will be developed using grant funding?

Yes. The DCC should require,

- A. That the locality act as the lead agency for purposes of CEQA and conduct a project specific CEQA analysis for each application submitted, such that the final CEQA documentation

issued by the locality to the permittee can be used to show CEQA compliance on the permittee's state license application.

- B. That the local permitting program permit storefront retail with delivery capabilities **or** both storefront retail and non-storefront retail (separate businesses).
- C. That the permitting program include an educational component that requires the locality to hold at least two (2) public meetings during which (1) locality staff will explain and break down the permitting program to the public and (2) questions will be taken and answered prior to accepting applications.
- D. That the locality's retail permitting program be operational within 273 days (or nine (9) months) of the locality receiving Grant Program funds.

5. What criteria should be used to evaluate whether a local jurisdiction has failed to demonstrate progress toward permitting retail businesses for purposes of recapturing grant funds?

Potential criteria may include:

- A. Whether the program is fully implemented within the required time frame (*273-day time frame suggested in response to question number four (4)*).
- B. Whether the locality adheres to the timelines listed in its plan for permitting cannabis retail as submitted to the DCC in its application for grant funding.