

From: [NO DIGITAL BILLBOARDS IN SAN JOSE](#)
To: [CEDCommittee](#)
Cc: [City Clerk](#); [Brilliot, Michael](#); [John Miller](#); [Jason Hemp](#); [Les Levitt](#)
Subject: Public Comment for CED mtg 4/26/21
Date: Sunday, April 25, 2021 11:56:27 PM
Attachments: [NDBSJ CED Memo 21-04-25.pdf](#)

[External Email]

Dear CED Committee,

Please include the attached letter as public comment for the upcoming CED Committee meeting scheduled for Monday, April 26th @1:30pm.

The topic is in regards to acknowledging the recent Survey Results on Digital Billboards, conducted and published by the City of San Jose's Planning Dept. This would fall under the Open Forum portion of the agenda, if not discussed under any other agenda item. Thank you.

Regards,
Jason Hemp, Les Levitt, & John Miller
No Digital Billboards In San Jose - Steering Committee

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Regards,
Jason Hemp, Les Levitt, & John Miller
No Digital Billboards In San Jose - Steering Committee

Sign our petition [here](#)
Visit us on FaceBook [here](#)
Email us: NoSJBillboards@gmail.com
Follow us on Twitter [@BillboardsNo](#)

April 26th 2021

To: San Jose Community & Economic Development Committee

From: No Digital Billboards in San Jose

Subject: City of San Jose Survey Results: Digital Billboards

The CED Committee has discussed the Phase 1 and Phase 2 sign ordinance update and billboard and wayfinding projects at past meetings. Considering that this project was a top five City Council priority for many years and that some elements of these initiatives are still underway, or could be revisited in the future, **we request that the CED Committee formally acknowledge and accept the results of the City Survey about digital billboards into the record through a motion** – as is the usual procedure.

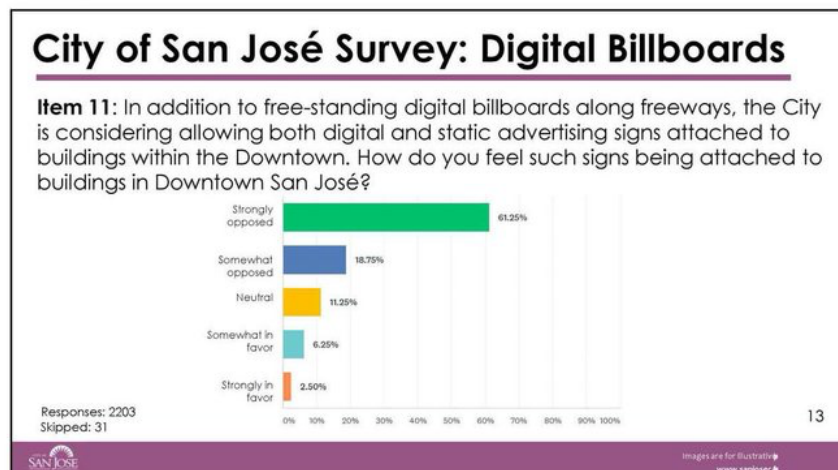
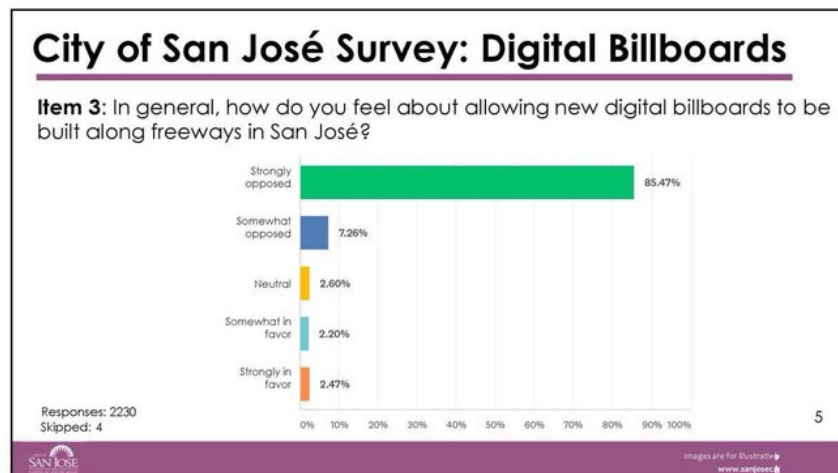
Highlights:

* 93% of people surveyed strongly oppose or somewhat oppose allowing new digital billboards to be built along freeways.

* Almost 80% of respondents strongly oppose or somewhat oppose allowing digital or static billboards attached to buildings in Downtown San Jose.

Full survey results are here:

<https://www.sanjoseca.gov/Home/ShowDocument?id=70836>



From: [Fernando E. Alvarez](#)
To: [CEDCommittee](#)
Subject: Written Public Comment - Item # CC 21-102 City Council Policy Priority #7
Date: Monday, April 26, 2021 4:25:16 AM
Attachments: [\(CED - San Jose, CA\) VaporTent Lounges, LLC - Social Consumption Policy .pdf](#)

[External Email]

CED Committee,

I'd like to add the attached "Written Public Comment" letter to the committee meeting scheduled for Monday 4/26/21 regarding item # CC 21-102 City Council Policy Priority #7.

My letter will provide additional context to the committee regarding the business & community feedback section (slide #11) specific to the "Social Consumption" captured via the online survey results.

Thank you,

Fernando E. Alvarez

Founder - VaporTent Lounges, LLC | <https://bio.site/vaportent>

██████████ | fernando@vaportent.com | ██████████



State Licensed Cannabis Events & Social Consumption # CEO14-0000005-LIC

** [Leafly Politics](#) [California Governor OKs Cannabis Events](#)

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VaporTent Lounges, LLC

State Licensed Cannabis Events & Social Consumption Focusing on Local Arts, Culture & Education.

California's Bureau of Cannabis Control License # CE014-0000005-LIC

April 26th, 2021

Community & Economic Development Committee
200 E. Santa Clara Street
San Jose, CA 95113

Re: Community & Economic Development - Cannabis Social Consumption Policy

Community & Economic Development Team,

By way of introduction, my name is Fernando Esequiel Alvarez, a San Jose resident, former 20+ year Global Support Operations professional, and current CEO & Founder of VaporTent Lounges, LLC. I founded VaporTent in August of 2014 after witnessing how innovative & forward-thinking San Jose was in adopting cannabis legalization for the City. Fast forward to 2018, VaporTent was the first business licensed by California's Bureau of Cannabis Control (<https://bcc.ca.gov/>) as a "*Cannabis Event Organizer*," and we have since been contributing to, developing, and passing "*Social Consumption Policy*" specific to Assembly Bill 2020 across the Golden State.

As we are collectively exploring innovative ways to support economic development & recovery, especially within the local arts community. I wanted to re-introduce myself and continue advocating for Cannabis Events & Social Consumption in my hometown of San Jose, California. I genuinely believe our innovative business model would be an economic tool in supporting our community and economic development for years to come.

Specifically for San Jose, I've been engaging for multiple years now with City Councilmembers & key stakeholders advocating for Social Consumption. In January of 2019, City Councilmembers Peralez & Carrasco drafted a memo on several cannabis initiatives, including consumption events. However, Social Consumption did not make the final priority list for the calendar year of 2019, and I've since been advocating for policy in the Capitol of Silicon Valley.

Meanwhile, multiple cities in California (*in addition to numerous US States*) have since developed Cannabis Event & Social Consumption Policies. I've personally contributed to, developed, and passed said policy multiple times now in California, and I'm actively engaged with additional jurisdictions on their respective policy consideration for 2022.

Please see the following "*Market Validation - Cannabis Event & Social Consumption Policy*" I created for additional background. What California cities and now multiple US States realize is there's a significant hospitality & tourism aspect to passing Cannabis Event & Social Consumption Policy.

VaporTent Lounges, LLC - Our Vision:

We envision curated experiences working exclusively with local businesses & event venues that see our business model's opportunity. Our team will collaborate, design & curate an adult-only, 21+ State-licensed designated consumption area "DCA" into the overall venue premises catering to the new, first-time, or infrequent cannabis consumer.

- DCA Example: Permitted parking lot, outdoor patio, park, or closed street.
- Think "Al Fresco" dining for Cannabis with robust State required security measures.
- Cannabis Consumption, via licensed infused beverage, edible only events.
 - Under certain approved open-air DCA's, Vaporizer or combustion of the plant will be considered. (VaporTent Odor Management Plan)

San Jose is already considered a progressive leader in developing cannabis policy for California and has always been uniquely positioned to support a Latino-owned, self-funded cannabis entrepreneur and resident of San Jose who has been at the forefront of developing cannabis event & social consumption policy across California.

I genuinely believe our vision & innovative business model of curated social events focusing on Local Arts, Culture & Education while catering to the new, first-time, or infrequent cannabis consumer would have strong consumer appeal. Simultaneously, creating an opportunity to make San Jose Local Arts Community a travel destination for future tourism while strengthening the Capital of Silicon Valley's innovative & entrepreneurial business spirit.

Mayor Sam Liccardo recently stated in his "California Exodus" Opinion:

- *"The departure of a few cranky billionaires won't doom the Bay Area, but our region's declining appeal to early-stage companies — and the talented entrepreneurs that drive them — will. Innovators came to Silicon Valley because we presented low barriers to entry — an egalitarian, open-source ethos that welcomed and celebrated immigrants, geeks, and eccentrics. Increasingly, we've erected barriers — financial, regulatory, and even cultural — to the new and the ambitious."*

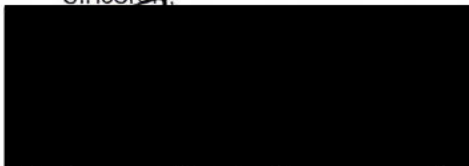
Thus, I'm asking the Community & Economic Development team, as well as the city council, to consider pushing the Social Consumption policy forward ASAP.

I feel I have not been doing my job well enough in articulating the consumer appeal & economic advantage a Social Consumption policy would create, and I take full responsibility for that. As the first business licensed in California in 2018, we've since lost what is equal to a multiple-year head start developing said policy. Now in 2021, like many small businesses impacted by COVID-19, we are in survival mode, and I feel as if the window of opportunity is closing. That said, I want to continue to advocate through this letter to push forward discussions and develop a social consumption policy in my hometown of San Jose, CA, the Capital of Silicon Valley.

I'd be happy to schedule time and provide a detailed Executive Overview, Market Validation, review of the State guidelines, and our recommended next steps for our proposed Cannabis Event & Social Consumption Pilot Program.

I want to thank you for your time & consideration.

Sincerely,



Fernando Esequiel Alvarez

Founder - VaporTent Lounges, LLC <https://www.VaporTent.com>



**** [Leafly Politics: California OK's Cannabis Events](#)**

VaporTent Lounges, LLC

Market Validation - Cannabis Event & Social Consumption Policy & Background

January 2018: California's Bureau of Cannabis Control (<https://bcc.ca.gov/>) created a licensing structure regarding commercial cannabis activities, including “*Special Events*” that allow public cannabis consumption & sales to be held at a county fairgrounds or district agricultural center.

- **Note:** VaporTent Lounges, LLC was the first business licensed for Cannabis Events by California's Bureau of Cannabis Control LIC # CEO14-0000005-LIC

September 2018: California's Governor signed [Assembly Bill 2020](#), which expands the opportunity for State Licensed Cannabis Event Organizers to host events at “*Any Venue Expressly Approved by a Local Jurisdiction*.” Organizers can stage events at public and private venues, outdoor spaces — art museums, movie theaters, performing arts theaters, parks, and urban streets; basically, anyplace local officials allow them to be held.

- **Dr. Bill Quirk, Assembly Member (D20) and author of AB2020:** “Cannabis events support local economies and small businesses. The passing of AB2020 remedies that gap by allowing local governments to approve temporary cannabis event licenses at any venue they wish to permit.”
- **Rebecca Kaplan - Oakland City Councilmember:** “With this bill now law, any local jurisdiction in California can choose to take part in this robust industry while supporting small businesses, enhancing regional economic opportunities, and maintaining safety.”

September 2018: [Leafly Article: California Governor OKs Way More Cannabis Events](#).

(<https://www.leafly.com/news/politics/california-governor-oks-way-more-cannabis-events>)

- “Alvarez said he’s approaching museums and jazz festivals and envisions highly curated events for smaller audiences, a fraction of the size of The Emerald Cup or High Times’ Cannabis Cups.”
- “The possibilities are endless,” Alvarez said. “Brand-name comedians want to work with us. Grammy Award-winning artists want to work with us. Executive chefs want to work with us. We’re just trying to land a venue.”

VaporTent Lounges, LLC

Market Validation - Social Consumption Policy Developed by VaporTent

San Francisco, CA: 2018 - 2019: Working directly with the San Francisco's Office of Cannabis, SF Entertainment Commission, Chamber of Commerce & The Cannabis Legalization Task Force to develop their Cannabis Event Pilot program. (<https://officeofcannabis.sfgov.org/node/2729>)

- [Billboard: In Historic First, Cannabis Sales and Consumption Approved For Major California Festival](#)
 - <https://www.billboard.com/articles/business/touring/8527058/cannabis-sales-outside-lands-festival-pot-grass-lands>
- [Outside Lands Becomes First-Ever California Fest to Offer Cannabis Sales, Consumption](#)
 - <https://www.hollywoodreporter.com/news/historic-first-cannabis-sales-consumption-approved-major-california-festival-1230643>
- [Outside Lands becomes first SF event to get permit for legal sales and consumption of cannabis](#)
 - <https://www.sfexaminer.com/news/outside-lands-becomes-first-sf-event-to-get-permit-for-legal-sales-and-consumption-of-cannabis/>
- [Outside Lands 2019 Allows Public Marijuana Consumption](#)
 - <https://www.newsweek.com/outside-lands-2019-cannabis-marijuana-legal-consumption-lineup-bong-1453477>
- [Outside Lands Becomes First Major Music Festival to Allow Marijuana Sales](#)
 - <https://sfist.com/2019/08/08/outside-lands-becomes-first-major-music-festival-to-allow-marijuana-sales/>

Stockton, CA: July 2020: Developed & contributed to the passing of a Cannabis Event & Social Consumption policy in the city of birth of Fernando E. Alvarez, CEO & Founder of VaporTent Lounges. (<http://www.stocktongov.com/government/departments/communityDevelop/cdPlanMedCan.html>)

- *"Cannabis Temporary Events occur in designated venues identified in SMC 12.72.380, which includes the sale and on-site consumption of cannabis products. Cannabis Temporary Events can be applied for using the Special Events Permit through Community Services starting July 23, 2020."*

VaporTent Lounges, LLC

Market Validation - Global Tourism & Economic Development

California Travel Association: (<https://www.caltravel.org/>) created a “Cannabis Tourism Division,” and President and CEO Barb Newton explained: “A progressive approach to legal cannabis with the tourism industry is now a subject that we must address. Many of our stakeholders want to know how to adopt cannabis tourism, be in compliance with local and state ordinances, and provide a safe environment for their guests.”

- [CALIFORNIA TO BECOME GLOBAL EPICENTER OF ADULT CANNABIS EVENTS](#)
 - <https://www.omarfigueroa.com/california-to-become-global-epicenter-of-adult-cannabis-events/>
- [Forbes: The Next Big Thing In Cannabis: Tourism](#)
 - <https://www.forbes.com/sites/nickkovacevich/2018/08/16/the-next-big-thing-in-cannabis-tourism/>
- [New York Times: Cannabis Tourism Is on the Rise](#)
 - <https://www.nytimes.com/2019/07/03/travel/marijuana-vacation-travel-cannabis-usa.html>
- [Travel Channel: The Brave New World of Cannabis Tourism](#)
 - <https://www.travelchannel.com/interests/food-and-drink/articles/the-brave-new-world-of-cannabis-tourism>
- [Cannabis Legalization Is Key To Economic Recovery. Much Like Ending Alcohol Prohibition Helped Us Out Of The Great Depression](#)
 - <https://www.forbes.com/sites/kriskrane/2020/05/26/cannabis-legalization-is-key-to-economic-recovery-much-like-ending-alcohol-prohibition-helped-us-out-of-the-great-depression/>
- [Desert Hot Springs: Cannabis tourism heats up in the desert](#)
 - <https://www.kcrw.com/news/shows/greater-la/weed-economy-mining-death-valley-corona-virus-memorabilia>
- [Tourism Could Benefit If New York Legalizes Recreational Marijuana](#)
 - <https://www.travelpulse.com/news/destinations/tourism-could-benefit-if-new-york-legalize-s-recreational-marijuana.html>
- [Mexico's Cannabis Legalization And The Potential Boom Of Wellness Travel: What It Means For Investors](#)
 - https://www.msn.com/en-us/money/markets/mexicos-cannabis-legalization-and-the-potential-boom-of-wellness-travel-what-it-means-for-investors/ar-BB1fjVh8?ocid=BingNewsSearch&mc_cid=6c11b47951&mc_eid=13a1607ec6

VaporTent Lounges, LLC

Market Validation - Social Consumption Lounges

- [Cannabis Consumption Lounge Coming this Summer to Sunset Strip](#)
 - <https://weherville.com/2021/01/14/cannabis-consumption-lounge-and-shop-coming-this-summer-to-sunset-strip/>
- [The Case for Cannabis Consumption Lounges](#)
 - <https://thenevadaindependent.com/article/the-case-for-cannabis-consumption-lounges>
- [Nevada lawmakers look to allow cannabis consumption lounges for economic growth, diversifying marijuana industry](#)
 - <https://carsonnow.org/story/04/03/2021/lawmakers-look-allow-cannabis-consumption-lounges-economic-growth-diversifying-mari?page=2>
- [Now that marijuana is legal in New York State, here's what you need to know](#)
 - https://buffalonews.com/news/state-and-regional/now-that-marijuana-is-legal-in-new-york-state-heres-what-you-need-to-know/article_8a9c81ba-923b-11eb-a6ea-cb12dd52723d.html
 - *"The law permits not only retail sales of marijuana but also allows for open "social consumption" sites, or pot lounges, where people can smoke a joint or vape product or chew on a gummy bear in a clublike atmosphere."*
- [West Hollywood's Next Cannabis Consumption Lounge Should Open by Spring 2020](#)
 - <https://la.eater.com/2019/10/23/20928902/west-hollywood-cannabis-consumption-lounge-opening-aeon-botanika>
- [A LOOK AT MICHIGAN'S MARIJUANA CONSUMPTION LOUNGES](#)
 - <https://michigancannabistrail.com/news/a-look-at-michigans-marijuana-consumption-lounges/>

VaporTent Lounges, LLC

Bureau of Cannabis Control - License # CE014-0000005-LIC



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From: [City Clerk](#)
To: [CEDCommittee](#)
Subject: FW: Community & Economic Development Committee (CED) - Cannabis Meeting
Date: Monday, April 26, 2021 9:58:58 AM

From: Marc Matulich <[REDACTED]>
Sent: Sunday, April 25, 2021 12:58 PM
To: Foley, Pam <Pam.Foley@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>
Cc: Sollazzi, Wendy <Wendy.Sollazzi@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Christopher Lane <[REDACTED]>
Subject: Community & Economic Development Committee (CED) - Cannabis Meeting

[External Email]

Hello CED Committee,

We look forward to the meeting tomorrow. Regarding the cannabis policy changes being contemplated, we, as stakeholders, would like to convey our position on these issues.

Rezoning

- Due to initial zoning requirements, we had no choice but to agree to an extremely expensive lease for a very long term. We cannot get out of our lease and relocate from a financial and contractual standpoint. Allowing others to relocate would put Airfield at a large, and unfair, disadvantage. Superior retail locations could potentially put us out of business due to our expensive rent and other large overhead costs. We fully complied with the City's initial requirement to produce all products in a vertical model. Rezoning would disadvantage one of the only businesses that truly tried to comply with the initial vertical requirements.
- As a business that has spent (6) years and millions of dollars to develop under the current standards, we are not in favor of rezoning. From verticalization to the shopping experience, Airfield has worked within the requirements and spirit of the law. Rezoning will drastically impact our ability to serve the community by potentially putting us out of business.

Second Licenses/Locations

- We do not believe that opening up additional licenses/locations is in the best interest of San Jose or the community. The current businesses sufficiently serve the community. Additional locations may disturb other businesses and residences. It took some time for neighboring businesses to adapt to cannabis neighbors. Additional licenses may create new disruption in business and residential communities.

- As mentioned above, our business plans were developed based on the initial requirements of the City. It has only been 6 years which is hardly enough time to recoup initial investments. Additional licenses in combination with rezoning put our business in jeopardy as a going concern.
- However, if rezoning occurs, we would need a second license in order to fairly compete with other businesses. We cannot get out of our lease. We need a second license if the zoning changes.

Equity Licenses for Storefront and Delivery

- While we fully support the important need to expand opportunity and drive inclusivity in this industry, we believe equity applicants should be able to obtain licenses for delivery only. As echoed by many leaders in the industry and evidenced in other municipalities, a program that offers retail storefront equity programs will create businesses artificially propped up with equity applications by MSOs and outside operators that do not know the community or have a vested interest in its wellbeing. Storefronts are extremely costly to open. It is nearly impossible for an economic equity applicant to open a store without financial backing from an individual or company that will ultimately be the beneficiary of the business. Delivery businesses are less costly to start and provide the opportunity for the equity applicant to open without sacrificing long term control of the business, or benefitting a financial backer more than the applicant.

Reason for Change?

- We do not understand the need or purpose of changing an existing successful program. Why change zoning and issue more permits? What is the motivation? San Jose has one the best regulated cannabis programs in the State. Why jeopardize this with changes to the code?

Thank you,

Marc Matulich
Airfield Supply Co.

[REDACTED]
[REDACTED]
[REDACTED]

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