



CITY OF OAKLAND
Office of the City Administrator

INTERDEPARTMENTAL OPERATIONS • 1 Frank H. Ogawa Plaza, 3rd Floor • Oakland, CA 94612

September 13, 2021

FINDINGS AND RECOMMENDATION OF HEARING OFFICER ON APPLICATION OF OAKLYN LEGACY HOLDINGS LLC (FORMERLY EFFET, LLC) FOR A PERMIT TO OPERATE A CANNABIS DISPENSARY AT 1211 EMBARCADERO WAY, OAKLAND, CA 94606

A public hearing on the above application was held on August 24, 2021 via Zoom. Presented below are the findings and recommendation of the Hearing Officer:

FINDINGS

1. Oaklyn Legacy Holdings submitted a dispensary permit application under the name EFFET LLC (EFFET). EFFET
2. City staff reviewed EFFET's dispensary permit application and determined it was complete and that EFFET submitted the required documentation to verify that its ownership qualified as equity under OMC 5.80 and 5.81.
3. City staff informed EFFET that it was eligible for a public drawing from which the City would select four equity applicants to proceed to RFP Phase Three: Site Identification, in which applicants have up to one-hundred and twenty (120) days to identify a location for their cannabis dispensary that complies with the location restrictions under OMC 5.80.
4. On May 22, 2020 EFFET was one of the four equity applicants selected via the dispensary public drawing.
 - Within the Phase Three 120-day period, EFFET provided the Special Activity Permits Division in the Office of the City Administrator with a letter of intent to lease a property on Ford Street for operation of a cannabis dispensary.
 - After receiving opposition from neighbors of Ford Street, EFFET identified 1211 Embarcadero as an alternative site for its dispensary.
1. A mapping of this addresses revealed no sensitive uses as defined by OMC 5.80 within 600 feet path of travel.
2. Due to COVID-19 Shelter in Place Restrictions prohibiting in-person gatherings, a public hearing on this matter was scheduled via Zoom.
3. Notice of the public hearing was timely provided to neighboring property owners within 300 feet, the applicant, and posted on the premises.
4. Prior to the public hearing the Special Permits Division received an email expressing concerns regarding a dispensary located in the commercial complex building that is next-door to Afterguard Sailing Academ. The letter spoke to the Sailing Academy's work with Oakland Youth and a fear they would be exposed to negative influences emanating from the dispensary. Afterguard is an Oakland Unified School District subcontractor.

5. Mr. Erik Murray and North Kaskazini spoke at the public hearing on behalf of OAKLYN LEGACY HOLDINGS LLC.
6. No speakers spoke in opposition to the proposal. There were roughly 8 attendees and all those that spoke expressed support for the project, including OAKLYN LEGACY HOLDINGS LLC's plans for employing formerly incarcerated Oakland residents and murals outside of its dispensary.
7. In response to the Hearing Officer's question about monitoring the actions of customers that may remain in the commercial business complex after completing their transaction, Mr. Murray indicated that dispensary security staff will monitor the entire complex. He agreed to take action to prohibit any customer from returning if they create problems for the other businesses in the complex. He also noted that the dispensary will have an online complaint form with the web address located outside the dispensary so people can register any complaints with them for corrective action to be taken.

DISCUSSION

The purpose of the public hearing process is to determine if the property at 1211 Embarcadero Way is a suitable location to operate a cannabis dispensary. 1211 Embarcadero Way is situated in a commercial zone with no official sensitive uses within a 600 foot path of travel from the entrance. However, the Afterguard Sailing Academy does have a youth education component to their programming that is located in the next building over and the concerns expressed by the academy warranted some critical questions for the dispensary applicant at the hearing. The operator was very direct about their belief in a well-managed business that prevents access to minors and their desire to be a good neighbor by having appropriate security and reporting mechanisms in place when they open. The answers provided regarding restricting access and monitoring the surrounding area were satisfactory to the hearing officer and demonstrated an understanding of the sensitive nature of the concerns and the need to be a good new neighbor in the existing community.

RECOMMENDATION

For the reasons stated above, the hearing officer recommends that the City Administrator conditionally approve OAKLYN LEGACY HOLDINGS LLC to operate a cannabis dispensary at 1211 Embarcadero Way with final approval contingent upon approvals of the building, fire, revenue and police departments.



JOE DEVRIES, HEARING OFFICER

09-14-2021

DATE

cc via email:
City Administrator Edward Reiskin
Councilmember Bas
Captain Beere, OPD
Officer Romero, OPD
CAO File