



**CITY OF OAKLAND**  
**Office of the City Administrator**

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**NUISANCE ABATEMENT • SPECIAL ACTIVITY PERMIT**  
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December 22, 2020

**FINDINGS AND RECOMMENDATION OF HEARING OFFICER ON APPLICATION OF  
LAKE MERRITT EQUITY LLC FOR A PERMIT TO OPERATE A CANNABIS DISPENSARY  
AT 2340 HARRISON STREET, OAKLAND, CA 94610**

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A public hearing on the above application was held on September 29, 2020 via Zoom. Presented below are the findings and recommendation of the Hearing Officer:

**FINDINGS**

1. Lake Merritt Equity LLC filed a cannabis dispensary permit application in February 2020 in response to the Office of the City Administrator's Request for Permit Applications (RFPA) that sought candidates to operate eight new dispensary permits.
2. Lake Merritt Equity LLC submitted a scored dispensary permit application. City staff reviewed and scored its application and determined Lake Merritt Equity LLC qualified as an equity owned business as defined by OMC 5.80 and ranked in the top four of all scored applications.
3. City staff then informed Lake Merritt Equity LLC that it was eligible to proceed to RFPA 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. Within the Phase Three 120-day period, Lake Merritt Equity LLC provided the Special Activity Permits Division in the Office of the City Administrator with a letter of intent to lease 2340 Harrison for operation of a cannabis dispensary.
5. A mapping of this addresses revealed no sensitive uses as defined by OMC 5.80 within 600 feet path of travel.
6. Due to COVID-19 Shelter in Place Restrictions prohibiting in-person gatherings, a public hearing on this matter was scheduled via Zoom.

7. Notice of the public hearing was timely provided to neighboring property owners within 300 feet, the applicant, and posted on the premises.
8. Prior to the public hearing the Special Permits Division received an email expressing concerns regarding dispensary staff utilizing parking for the Downtown Oakland Senior Center.
9. Mr. Erik Murray and Ms. Cynthia Carey-Grant spoke at the public hearing on behalf of Lake Merritt Equity LLC.
10. No speakers spoke in opposition to the proposal. There were roughly twelve attendees and all those that spoke expressed support for the project, including Lake Merritt Equity LLC's plans for employing formerly incarcerated Oakland residents and murals outside of its dispensary.
11. In response to the Hearing Officer's question about parking, Mr. Murray indicated that dispensary staff can park in locations other than the Downtown Oakland Senior Center.
12. Following the public hearing, the Hearing Officer contacted St. Paul's Elementary school to inquire if they had any concerns regarding the proposed dispensary due to its proximity. St. Paul's expressed concerns regarding the entry to the proposed dispensary along Bay Place, as students and families pass by this location on their way to the YMCA and businesses in the area during the week as late as 6pm.

## DISCUSSION

The purpose of the public hearing process is to determine if the property at 2340 Harrison Street is a suitable location to operate a cannabis dispensary. 2340 Harrison is situated in a commercial zone and while no sensitive uses are within 600 feet path of travel from the Harrison Street entrance, the Bay Place side of the proposed dispensary is near an elementary school and along the path where children may travel on their way to and from school. Any potential conflict between the dispensary and school children can be avoided, however, as long as the dispensary limits access to this entrance to days and times when no school activities are taking place and there is no signage on the Bay Place side of the dispensary.


With respect to the concern regarding dispensary staff utilizing parking at the Downtown Oakland Senior Center, Lake Merritt Equity LLC has confirmed their staff will not use this parking location, and the City can memorialize this commitment as a condition to the dispensary permit.

Ultimately, a dispensary at this location would be the first near Lake Merritt and thus realize the intent of City Council's 2016 amendments to extend the areas in which cannabis retail businesses locate so as not to unduly concentrate dispensaries in downtown, West Oakland and East Oakland.

## RECOMMENDATION

For the reasons stated above, the hearing officer recommends that the City Administrator conditionally approve Lake Merritt Equity LLC to operate a cannabis dispensary at 2340

Harrison with final approval contingent upon approvals of the building, fire, revenue and police departments. Furthermore, the hearing officer recommends that the dispensary permit conditions include no signage on the Bay Place side of the dispensary, no members of the public accessing the dispensary via the Bay Place side before 6pm on weekdays, and that no dispensary staff utilize parking at the Downtown Oakland Senior Center.



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GREG MINOR, HEARING OFFICER

December 22, 2020

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DATE

cc via email:

City Administrator Edward Reiskin

Councilmember McElhaney

Captain Bolton, OPD

Officer Romero, OPD

CAO File