



CITY OF OAKLAND
Office of the City Administrator

December 3, 2019

**FINDINGS AND RECOMMENDATION OF HEARING OFFICER ON APPLICATION OF
RON LEGGETT FOR A PERMIT TO OPERATE A CANNABIS DISPENSARY AT 3300
BROADWAY, OAKLAND, CA 94611**

A public hearing on the above application was held on October 23, 2019 in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza, Oakland, California. Present at the hearing were Ron Leggett as well as two members of the public.

Presented below are the findings and recommendation of the Hearing Officer:

FINDINGS

1. Ron Leggett, dba Root Sixty-Four, filed a cannabis dispensary permit application in the fall of 2017 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. Although its ownership met the equity applicant criteria, Root Sixty-Four applied as a general applicant as defined by Oakland Municipal Code (OMC) 5.80 and 5.81.
3. Root Sixty-Four's general cannabis dispensary permit application was scored by a panel of city staff based on the cannabis dispensary permit application's scoring criteria and the responses and commitments made by Root Sixty-Four.
4. Root Sixty-Four's total score of 284.38 ranked Root Sixty-Four second highest among all eligible general cannabis dispensary permit applicants and thus eligible to proceed to RFPA Phase Three: Site Identification in which cannabis dispensary permit applicants have up to ninety (90) days to identify a location for their cannabis dispensary that complies with the location restrictions under OMC 5.80.
5. On or about April 23, 2018, within the 90-day period, Root Sixty-Four provided the Special Activity Permits Division in the Office of the City Administrator with a letter of intent for Root Sixty-Four to lease 3405 Piedmont Avenue.
6. A public hearing regarding this proposed location then took place on May 31, 2018 and Mr. Leggett ultimately received conditional approval to operate a dispensary at 3405 Piedmont Avenue from the City Administrator on or about June 11, 2018.
7. After receiving this approval, Mr. Leggett informed the City of Oakland that he was seeking an alternative location.

8. Eventually, Mr. Leggett identified 3300 Broadway as an alternative site for his dispensary.
9. A mapping of this address revealed no schools, youth centers, or other licensed dispensaries nearby.
10. Notice of the public hearing was timely provided to neighboring property owners within 300 feet, the applicant, and posted in the Oakland Tribune newspaper and on the City's bulletin board, as well as the premises.
11. Prior to the public hearing the Special Permits Division received no opposition from members of the public regarding the proposed dispensary at 3300 Broadway.
12. At the public hearing, Mr. Leggett provided an overview of the dispensary operation as well as his background in the cannabis industry. Mr. Leggett highlighted his plans to hire 90% Oakland residents, create additional space for multiple equity Cannabis businesses, and his work with Oakland Unite to find ex-offenders who are seeking employment opportunities. He also provided detailed information about the site layout and his plans to lead neighborhood beautification efforts in the surrounding area.
13. In response to the Hearing Officer's questions regarding parking availability for customers of the proposed dispensary, Mr. Leggett offered to follow up with his landlord and provide the Special Activity Permits Office with a letter of intent that would verify adequate off-street parking was being included in this plan.
14. One speaker, Mr. Brett Moore, spoke in opposition to the proposal. Mr. Moore stated that he was involved in a partnership dispute with Mr. Leggett and that the City should postpone any approvals of the proposed dispensary until after they had resolved their dispute. The Hearing Officer explained that this was not the forum to resolve this type of dispute and Mr. Moore acknowledged that fact and stated that he simply wanted to see that his complaint was added to the public record which is why he appeared and spoke.
15. After the public hearing, the Special Activity Permits Office received a letter from the property owner of 3300 Broadway, stating that off street parking will be available at both the proposed dispensary location at 3300 Broadway and the adjacent building at 3074 and 3070 Brook Street once Mr. Leggett's dispensary is operational.

DISCUSSION

The purpose of the hearing was to determine if the property at 3300 Broadway is a suitable location to operate a cannabis dispensary. 3300 Broadway is in a commercial zone and none of the sensitive uses identified under OMC 5.80.020 are within 600 feet. Further, no objections were made against the proposed cannabis dispensary operation prior to the hearing and the only objections raised at the hearing centered on a private business dispute between Mr. Leggett and Mr. Moore. In response to the hearing officer's concerns regarding whether there will be sufficient parking at the proposed dispensary, Mr. Leggett provided a letter after the hearing from the property owner regarding off street parking availability. Accordingly, the hearing officer recommends allowing Mr. Leggett to operate a cannabis dispensary at 3300 Broadway as the location satisfies the location requirements

for a dispensary under OMC 5.80 and Mr. Leggett has taken steps to address the hearing officer's concerns regarding parking, which staff can further monitor once the dispensary commences its operations.

In regard to the issue of the private business dispute raised at the public hearing, this issue is outside the scope of 3300 Broadway's sufficiency as a location for a dispensary. Moreover, this matter can be resolved as needed through more appropriate forums, such as mediation and the civil court system, as those forums are designed to hear private disputes.

RECOMMENDATION

For the reasons stated above, the hearing officer recommends that the City Administrator conditionally approve Mr. Leggett to operate a cannabis dispensary at 3300 Broadway with final approval contingent upon approvals of the building, fire, revenue and police departments.



JOE DEVRIES, HEARING OFFICER

12/17/19

DATE

cc via email:
City Administrator Sabrina Landreth
Councilmember Kalb
Captain Bolton, OPD
Officer Romero, OPD
CAO File