



CITY OF OAKLAND
Economic and Workforce Development

SPECIAL ACTIVITY PERMITS

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August 2, 2022

**FINDINGS AND RECOMMENDATION OF HEARING OFFICER ON APPLICATION OF
BLUNTS AND MOORE LLC DBA BLUNTS AND MOORE FOR AN ONSITE
CONSUMPTION PERMIT AT 701 66TH AVENUE, OAKLAND, CA 94621**

A public hearing on the above application was held on July 11, 2022 via Zoom. Presented below are the findings and recommendation of the Hearing Officer:

FINDINGS

1. Blunts and Moore has operated a cannabis dispensary at 701 66th Avenue since 2018 without incident.
2. In late May 2022 Tucky Blunt of Blunts and Moore submitted in application for an onsite consumption permit at their dispensary location.
3. The onsite consumption application described the proposed onsite consumption lounge that would be located in the outdoor patio area between the dispensary store and the fence along 66th Avenue. Furthermore, the application included protocols for staff monitoring of over-consumption and encouraging use of ride-share along with nearby public transit options such as BART and AC Transit.
4. Due to COVID-19 Shelter in Place Restrictions prohibiting in-person gatherings, a public hearing on this matter was scheduled via Zoom on July 11, 2022.
5. Notice of the public hearing was timely provided to neighboring property owners within 300 feet, the applicant, and posted on the premises.
6. Prior to the public hearing, the Special Activity Permits Division received no phone calls or emails in opposition.
7. At the public hearing Tucky Blunt presented on behalf of the dispensary. He described how users of the consumption lounge can only access the consumption area after passing through security, purchasing cannabis from the dispensary, and registering with the consumption lounge. Additionally, Mr. Blunt noted that he

received no opposition when speaking with neighbors, all of whom are commercial or industrial uses. Mr. Blunt emphasized how this proposal would provide a safe space for community members to gather and legally consume cannabis.

8. Four speakers spoke in favor of the proposal and no public speakers spoke in opposition.
9. Those in support emphasized the importance of having a communal safe space for cannabis consumption.

DISCUSSION

OMC 5.80.25 authorizes the City of Oakland to issue an onsite consumption permit to existing dispensaries in good standing following a public hearing and taking into consideration the operating history and business practices of the applicant, and any other factors that are deemed necessary to promote the peace, order and welfare of the public.

The testimony in support of Blunts and Moore's onsite consumption permit underscores the demand for legal spaces for community members to gather and consume cannabis. Cannabis consumption is prohibited in public housing and virtually all public spaces. As a result, unpermitted cannabis consumption (and sales) often take place in public.

Blunts and Moore's proposal offers a solution to this problem by providing secure space for people to consume regulated cannabis. Furthermore, Blunts and Moore's proposal ensures that the cannabis consumption will not be visible to children passing as the lounge will locate behind fencing and users can only access the consumption area after passing through security and registering.

The outdoor location also avoids conflicting with the City's smoking ordinance, which prohibits smoking in enclosed places of employment. While Blunts and Moore is not proposing any odor mitigation measures, the lack of residential neighbors nearby and large distance between neighboring properties should result in minimal to no odor complaints.

RECOMMENDATION

For the reasons stated above, the hearing officer recommends that the City Administrator conditionally approve a cannabis onsite consumption permit to Blunts and Moore LLC, doing business as Blunts and Moore, at 701 66th avenue. The issuance of the onsite consumption permit shall be contingent upon approvals of the building and fire departments for any tenant improvements. Finally, the Hearing Officer recommends re-evaluating whether to require odor mitigation measures on a semi-annual basis.



GREG MINOR, HEARING OFFICER

August 2, 2022

DATE