



CITY OF OAKLAND
Office of the City Administrator

SPECIAL ACTIVITY PERMITS

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March 17, 2021

FINDINGS AND RECOMMENDATION OF HEARING OFFICER ON APPLICATION OF SYNERGY ALLIANCE LLC FOR A CONDITIONAL PERMIT TO OPERATE A CANNABIS DISPENSARY AT 3003 TELEGRAPH AVENUE, OAKLAND, CA 94609

A public hearing on the above application was held on March 10, 2021 via Zoom. Presented below are the findings and recommendation of the Hearing Officer:

FINDINGS

1. Synergy Alliance LLC (Synergy), doing business as 99 High Art Healing, 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 applicants to operate eight new dispensary permits.
2. Synergy submitted a scored dispensary permit application. City staff reviewed and scored its application and determined Synergy qualified as an equity-owned business as defined by OMC 5.80.
3. Initially City staff found Synergy's dispensary score ranked below the top four of all scored applications, however, after receiving an independent audit conducted by the City Auditor's Office of the scoring sheets, staff discovered that this was due to a clerical error in the adding of individual reviewer scores and that after correcting this clerical error, Synergy's score fell within the top four ranked scored dispensary permit applications.
4. City staff then informed Synergy that they were 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.
5. Within the Phase Three 120-day period, Synergy provided the Special Activity Permits Division in the Office of the City Administrator with a letter of intent to lease 3003 Telegraph Avenue for operation of a cannabis dispensary.

6. 3003 Telegraph Avenue was the site of a dispensary operated by another operator between 2013-2019. The operation of this prior dispensary at this location resulted in a significant decline in calls of service to the Oakland Police Department.
7. A mapping of this address revealed no sensitive uses as defined by OMC 5.80 within 600 feet path of travel.
8. Due to COVID-19 Shelter in Place Restrictions prohibiting in-person gatherings, a public hearing on this matter was scheduled via Zoom on March 10, 2021.
9. Notice of the public hearing was timely provided to neighboring property owners within 300 feet, the applicant, and posted on the premises.
10. Prior to the public hearing, the Special Activity Permits Division received no opposition to the proposed dispensary.
11. At the public hearing Yvonne Green, Sam Boyer, Reginald Johnson, and Victoria Lee introduced themselves and provided an overview of the proposed dispensary. Ms. Green and Mr. Boyer emphasized their experience having operated dispensaries in Venice and Malibu, California for several years. The presentation also highlighted the security measures, neighborhood clean ups, and graffiti abatement protocols Synergy intends on implementing.
12. No speakers spoke in opposition to the proposal. One neighbor spoke in support of the proposed dispensary.
13. Carlos Plazola, landlord of the proposed dispensary, confirmed that notice of the public hearing had been posted on the property and that he had informed a neighboring condominium association and encouraged them to notify their residents regarding the hearing.

DISCUSSION

The purpose of the hearing was to determine if the property at 3003 Telegraph Avenue is a suitable location to operate a cannabis dispensary. 3003 Telegraph Avenue is situated in a commercial zone and no sensitive uses as defined by the City's dispensary ordinance, OMC 5.80, are within 600 feet path of travel. Furthermore, the City received no opposition to the proposal before or during the hearing process and the operation of a dispensary at the location previously reduced crime in the area.¹ This reduction in crime is not surprising, given the security protocols in place at licensed dispensaries as well as the additional eyes on the street generated by these establishments.

RECOMMENDATION

For the reasons stated above, the hearing officer recommends that the City Administrator conditionally approve Synergy Alliance LLC to operate a cannabis dispensary at 3003

¹ City of Oakland Amendments to Medical Cannabis Ordinances Supplemental Report, April 26, 2016 Finance and Public Safety Committee, pp.2-3.

Telegraph Avenue. Final approval shall be contingent upon approvals of the building, fire, finance and police departments.



GREG MINOR, HEARING OFFICER

March 17, 2021

DATE

cc via email:
City Administrator Edward Reiskin
Councilmember Fife
CAO File