



CITY OF OAKLAND
Office of the City Administrator

SPECIAL ACTIVITY PERMITS

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**FINDINGS AND RECOMMENDATION OF HEARING OFFICER ON APPLICATION OF
GARREN POOLE DBA MARI-GO-ROUND 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 December 28, 2021 via Zoom.
Presented below are the findings and recommendation of the Hearing Officer:

FINDINGS

1. Garren Poole, doing business as Mari-Go-Round, filed a cannabis dispensary permit application in February 2020 in response to the Office of the City Administrator's Request for Permit Applications (RFP) that sought applicants to operate eight new dispensary permits.
2. City staff reviewed and scored its application and determined Mr. Poole qualified as an equity-owned business as defined by OMC 5.80.
3. City staff informed Mr. Poole that his application was eligible for a public drawing from which the City would select four equity applicants to proceed to RFP Phase Three: Site Identification.
4. On May 22, 2020 Mr. Poole was one of the four equity applicants selected via the dispensary public drawing.
5. City staff then informed Synergy that they were eligible 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.
6. Mr. Poole's attorney Leighton Burrey Synergy provided the Special Activity Permits Division a letter of intent to lease 3003 Telegraph Avenue for operation of a cannabis dispensary.

7. 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.
8. A mapping of this address revealed no sensitive uses as defined by OMC 5.80 within 600 feet path of travel.
9. Due to COVID-19 Shelter in Place Restrictions prohibiting in-person gatherings, a public hearing on this matter was scheduled via Zoom on December 28, 2021.
10. Notice of the public hearing was timely provided to neighboring property owners within 300 feet, the applicant, and posted on the premises.
11. Prior to the public hearing, the Special Activity Permits Division received no opposition to the proposed dispensary.
12. At the public hearing about a dozen panelists appeared on behalf of the applicant, with Sabir Al-Mansur leading an overview of the proposed dispensary. Mr. Al-Mansur shared that the dispensary will focus on providing wellness to the community. Additionally, Mr. Al-Mansur noted that they will provide a “facelift” to the former dispensary, while still allowing neighbors to access a portion of the property for walking their dogs, and that the dispensary will have licensed guards onsite.
13. No speakers spoke in opposition to the proposal. Mr. Al-Mansur confirmed he posted the notice of the public hearing on the property
14. Carlos Plazola, landlord of the proposed dispensary, confirmed that notice of the public hearing had been posted on the property and that he had spoken with a neighboring business who was in favor of a business utilizing the space.
15. After the public hearing, the Special Activity Permits Division received one voicemail in opposition to the proposal due to a perceived lack of parking in the neighborhood and potential increase in crime.

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, a dispensary previously operated at this location

With respect to the one email in opposition to the proposal and its concern regarding parking availability, there is no requirement to provide additional parking upon a change of activity within an existing facility, let alone the continuation of a previous use (OMC 17.116.020 (B)). Furthermore, requiring additional parking has been found to promote additional car travel (see Shoup, Donald, *The High Cost of Free Parking*, (2005) which would run counter to the City of Oakland’s Equitable Climate Action Plan.

With respect to public safety concerns, dispensary applicants must undergo a security inspection by the Oakland Police Department and comply with any security recommendations, including providing onsite licensed security, cameras, security guards, and other preventative measures to discourage burglaries. Furthermore, 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. While cannabis businesses have been targeted by burglars and robbers in recent years, so have numerous non-cannabis retail businesses, and as a result local and state resources are being made available to address this uptick in retail crime and improve the safety of these businesses and their surrounding neighborhoods.

RECOMMENDATION

For the reasons stated above, the hearing officer recommends that the City Administrator conditionally approve Garren Poole, doing business as Mari-Go-Round, to operate a cannabis dispensary at 3003 Telegraph Avenue. Final approval shall be contingent upon approvals of the building, fire, finance and police departments.



GREG MINOR, HEARING OFFICER

January 10, 2022

DATE

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