



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

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**SPECIAL ACTIVITY PERMITS**

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**FINDINGS AND RECOMMENDATION OF HEARING OFFICER ON APPLICATION OF  
RON LEGGETT DBA ROOT SIXTY-FOUR FOR A CONDITIONAL PERMIT TO OPERATE  
A CANNABIS DISPENSARY AT 3080 BROADWAY, OAKLAND, CA 94611**

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A public hearing on the above application was held on December 27, 2021 via Zoom.  
Presented below are the findings and recommendation of the Hearing Officer:

**FINDINGS**

1. Ron Leggett, doing business as 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 applicants to operate eight new dispensary permits.
2. The process was bifurcated into a public drawing for four of the dispensary permits reserved for equity applicants, as defined by Oakland Municipal Code (OMC) 5.80 and 5.81, and a scored application process for the remaining four dispensary permits available.
3. Although its ownership met the equity applicant criteria, Root Sixty-Four applied via the scored application process.
4. A panel of City staff scored Root Sixty-Four's application based on the cannabis dispensary permit application's scoring criteria and the responses and commitments made by Root Sixty-Four.
5. Root Sixty-Four scored second among all eligible applicants and thus eligible to proceed to the site identification phase of RFPA process.
6. In 2018 and 2019 Root-Sixty Four provided the City of Oakland with letters of intent to lease 3405 Piedmont Avenue and 3300 Broadway and underwent public hearings and received approvals to utilize these properties, however, Root Sixty-Four has elected to seek an alternative site.

7. In 2021 Root Sixty-Four provided the Special Activity Permits Division a letter of intent to purchase 3080 Broadway via Mr. Leggett's new partner, Martin Higgins.
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 27, 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 one email in opposition to the proposed dispensary. The email objected to the dispensary due to lack of existing parking in the area, potential increase in crime in the area, and possible drugged driving.
12. At the public hearing Mr. Leggett and Marty Higgins presented on behalf of the dispensary. Mr. Higgins showed a rendering of the project and shared his background as an operator of dispensaries in San Francisco. Mr. Leggett noted this project would be the first Native-American owned dispensary outside of a reservation. Mr. Higgins and Mr. Leggett also discussed the security features that would be onsite, their equity commitments, their community beautification strategies, and parking in the area.
13. No speakers spoke in opposition to the proposal. Mr. Leggett confirmed he posted the notice of the public hearing on the property and Mr. Leggett and Mr. Higgins both observed the notice was posted during the 30-day period prior to the hearing.

## DISCUSSION

The purpose of the hearing was to determine if the property at 3080 Broadway is a suitable location to operate a cannabis dispensary. 3080 Broadway 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.

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 (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. Mr. Higgins and Mr. Leggett identified various security measures they will implement and they have the benefit of operational experience from San Francisco. 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. What's more, prior to recent burglaries of retail establishments, the operation of dispensaries in Oakland had reduced crime in their surrounding area.<sup>1</sup> 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.

In terms of potential drugged driving, there will be no onsite consumption unless and until Root-64 applies for an onsite consumption permit, at which point the operator will have to outline their anti-drugged driving plan.

### RECOMMENDATION

For the reasons stated above, the hearing officer recommends that the City Administrator conditionally approve Ron Leggett, doing business as Root-64 to operate a cannabis dispensary at 3080 Broadway. Final approval shall be contingent upon approvals of the building, fire, finance and police departments.

  
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GREG MINOR, HEARING OFFICER

1.18.22

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DATE

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