



**CITY OF OAKLAND**  
**Economic and Workforce Development**

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**SPECIAL ACTIVITY PERMITS**

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February 12, 2024

**FINDINGS AND RECOMMENDATION OF HEARING OFFICER ON APPLICATION OF  
ECO CANNABIS TO OBTAIN A CANNABIS ONSITE CONSUMPTION PERMIT AT 2435  
TELEGRAPH AVENUE, OAKLAND, CA 94612**

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A public hearing on the above application was held on January 29, 2024 via Zoom.  
Presented below are the findings and recommendation of the Hearing Officer:

**FINDINGS**

1. Eco Cannabis has held a cannabis dispensary permit at 2435 Telegraph Avenue since 2018.
2. In December 2023 Eco Cannabis applied for a cannabis onsite consumption permit for their 2435 Telegraph Avenue location.
  - a. Eco Cannabis' application included an onsite consumption policy whose stated purpose is "[t]o provide a safe place for customers and patients to consume cannabis in vaporized, ingestible and topical forms."
  - b. The onsite consumption policy outlines responsibilities for different staff members to ensure no smoking of cannabis and to monitor overconsumption of cannabis in order to avoid drugged driving.
3. On January 29, 2024 a public hearing took place over zoom regarding the proposed cannabis onsite consumption permit. Special Activity Permits Division staff mailed notice of the public hearing to properties within 300 feet of 2435 Telegraph Avenue.
  - a. There was one public speaker at the public hearing. The speaker was a neighbor who expressed support for the proposal because it would bring people into the neighborhood and encourage customers to stay for longer period of time. The neighbor had concerns about customers smoking cannabis but was overall in support of the proposal.

4. Following the hearing Eco Cannabis staff confirmed that there will be no smoking inside their premises nor outside the dispensary as the lounge will center around edibles, infused beverages, vaping and topicals.

### DISCUSSION

Oakland Municipal Code (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 an evaluation that takes into consideration the operating history and business practices of the applicant as well as any other factors that are deemed necessary to promote the peace, order and welfare of the public.

Here, Eco Cannabis has maintained a cannabis dispensary permit since 2018 with no issues. Their proposed onsite consumption plan will not include smoking, which eliminates the concern raised by a neighbor at the public hearing and avoids any conflict with the City's smoking ordinance, OMC 8.30, which prohibits smoking in indoor places of employment. Furthermore, Eco Cannabis' dispensary is located at 2435 Telegraph Avenue, which is situated in the downtown and is rich in public transit and ride-share options.

Accordingly, as a dispensary in good standing with an onsite consumption plan that promotes peace, order and welfare of the public, the hearing office sees no reason to deny their onsite consumption permit application.

### RECOMMENDATION

For the reasons stated above, the hearing officer recommends that the City Administrator approve the issuance of an onsite consumption permit to Eco Cannabis at 2435 Telegraph Avenue.



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GREG MINOR, HEARING OFFICER

2.12.24  
DATE