



CITY OF OAKLAND
Office of the City Administrator

NUISANCE ABATEMENT • SPECIAL ACTIVITY PERMIT
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December 14, 2020

**FINDINGS AND RECOMMENDATION OF HEARING OFFICER ON APPLICATION OF
CISCO NEGOESCU FOR A PERMIT TO OPERATE A CANNABIS DISPENSARY AT 2734
E. 7th STREET, OAKLAND, CA 94601**

A public hearing on the above application was held on September 30, 2020 via Zoom. Presented below are the findings and recommendation of the Hearing Officer:

FINDINGS

1. Cisco Negoescu 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 candidates to operate eight new dispensary permits.
2. Mr. Negoescu applied as an equity applicant as defined by Oakland Municipal Code (OMC) 5.80 and 5.81.
3. City staff reviewed Mr. Negoescu's dispensary permit application and determined it was complete and that Mr. Negoescu submitted the required documentation to verify that its ownership qualified as equity under OMC 5.80 and 5.81.
4. City staff informed Mr. Negoescu that it was eligible for a public drawing from which the City would select four equity applicants 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.
5. On May 22, 2020 Mr. Negoescu was one of the four equity applicants selected via the dispensary public drawing.
6. Within the Phase Three 120-day period, Mr. Negoescu provided the Special Activity Permits Division in the Office of the City Administrator with a letter of intent to lease 2734 E. 7th Street for operation of a cannabis dispensary.

7. A mapping of this addresses 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.
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 Permits Division received one email expressing concern about the lack of parking in the area that would result by adding a dispensary at 2734 E.7th Street.
11. Mr. Negoescu, Marion Chesher, Meili Liu and Abbas Saeedi represented the proposed dispensary.
12. When asked about concerns regarding parking in the area, Mr. Saeedi mentioned that the dispensary site has space for parking onsite but that the dispensary will arrange for additional parking on the block as well as offer employees incentives to take ride-share vehicles to work.
13. At the hearing two public speakers spoke in support of the project and none spoke against the proposal.

DISCUSSION

The purpose of the hearing was to determine if the property at 2734 E.7th Street is a suitable location to operate a cannabis dispensary. 2734 E.7th Street is situated in a commercial zone and no sensitive uses are within 600 feet path of travel.

With respect to the concern regarding a dispensary negatively impacting the availability of parking in the area, there is no additional parking requirement under the Oakland Planning Code for the changing of non-residential uses within a facility. That said, if the existing parking lot proves insufficient to address the parking demand of dispensary customers, the dispensary could impact the comfortable enjoyment of neighboring properties and free passage of the public street. Furthermore, given that the area is poorly served by transit, dispensary customers are likely to arrive by personal vehicle. Ultimately, it is not clear whether the existing eight-space parking lot will be sufficient to satisfy customer demand.

Accordingly, the demand for parking generated by the dispensary shall be monitored on an annual basis for the first five (5) years by a qualified parking expert to be retained by the dispensary and approved by the City Administrator or his or her designee. The annual reports shall be presented to the City Administrator or his or her designee, who may consult with Planning Bureau and Department of Transportation staff in review of the annual report. If the annual report reveals that the dispensary operations are resulting in a negative impact on parking availability in the community, the dispensary shall provide additional off-street parking or traffic demand management measures, as recommended in the annual report, to address the negative impacts. This approach should address concerns of neighbors without unnecessarily reserving parking and burdening the dispensary operation.

RECOMMENDATION

For the reasons stated above, the hearing officer recommends that the City Administrator conditionally approve Mr. Negoesco to operate a cannabis dispensary at 2734 E.7th Street with final approval contingent upon approvals of the building, fire, revenue and police departments, and the final dispensary permit conditioned upon the dispensary's submittal to the City Administrator of an annual parking analysis for the first five (5) years of dispensary operation. If any of the five (5) annual reports reveals that the dispensary is negatively impacting parking availability in the neighborhood, the City may require the dispensary provide additional parking or other traffic demand measures.



GREG MINOR, HEARING OFFICER

December 14, 2020

DATE

cc via email:
City Administrator Edward Reiskin
Councilmember Gallo
Captain Mendoza, OPD
Officer Romero, OPD
CAO File