

Notice of Appeal pursuant to Oakland Municipal Code 5.80.070 and 5.02.100

To: City Administrator, Town of Oakland
Regarding: “FINDINGS AND RECOMMENDATION OF HEARING OFFICER ON APPLICATION OF JOSHUA CHASE INC. FOR A CONDITIONAL PERMIT TO OPERATE A CANNABIS DISPENSARY AT 3238 LAKESHORE AVENUE, OAKLAND, CA 94610”

From: Cesar Angobaldo
Date: February 11, 2021

Dear City Administrator;

This letter serves as an appeal in writing by Cesar Angobaldo and other members of the community regarding the recommendation on January 27, 2021 to approve a conditional use permit for Joshua Chase Inc. at 3238 Lakeshore Dr. We appeal this approval recommendation and request a hearing pursuant to Oakland Municipal Code 5.80.070 and 5.020.100, allowing any person to appeal a permit approval within fourteen days.

Near the time of the hearing on October 5, 2020 I emailed the City Administrators Office regarding my concerns about the proposed location because of increased traffic, a negative impact on parking, and an overall increase in intensity of use to the area. I have lived in Crocker Highlands since 2012 and am very concerned the City did not appropriately evaluate these issues at the public hearing. To now see that the only solution to this issue is to offer discounts to people who do not drive (Findings 13 and 14) does not appear to be any solution at all as it will be impossible to enforce and will not address the issues satisfactorily.

In addition, the Applicant pulled a last minute switch by presenting a “Have a Heart” dispensary at the hearing while the application material made no mention that this would be part of that chain of dispensaries based out of Washington State. This lack of information to the City and the public in advance appears to be a misrepresentation by the applicant.

Importantly, the January 27 recommendation by staff fails to recognize and even mention a City mandated Audit of the 2019-2020 Scored Dispensary permit allocation process that uncovered serious issues with the scoring of all application and specific issues with Joshua Chase Inc.’s application.¹ This goes directly against Finding 2. As the Audit was not released until after the hearing, we find it more than odd that the staff recommendation made no mention of these issues.

Various other members of my community association emailed the City before the hearing and also spoke in opposition. These concerns were minimized in Finding 9. However, in addition to concerns about the neighborhood, there are genuine questions in the community about the veracity of the contents of the application provide by Joshua Chase Inc. and the applicants qualifications for the equity program. Specifically, the eligibility for the equity program by the Applicant based on income levels could not be confirmed or appears to be based on three-year-old information. Additional representations by the Applicant failed to disclose six years of living and working in another state within the past ten years.

¹ https://www.oaklandauditor.com/wp-content/uploads/2021/01/20200106_Cannabis-Dispensary-Application-Process_Substantiated-Investigation.pdf

Taken together, the community deserves a thorough review of these issues to ensure the process has been transparent and proper. We do not oppose the growth of the cannabis industry in Oakland, however we expect the City to uphold the purpose of the equity program and ensure fairness in the permitting process.

For these reasons, we appeal this decision.

We look forward to securing a date for the hearing as soon as possible.

Sincerely,

Cesar Angobaldo