



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

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**SPECIAL ACTIVITY PERMITS**

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FINDINGS AND RECOMMENDATION OF HEARING OFFICER ON APPLICATION OF CISCO NEGOESCU DOING BUSINESS AS INTANGIBLE PARADISE FOR A CONDITIONAL PERMIT TO OPERATE A CANNABIS DISPENSARY AT 2758 E. 7<sup>th</sup> STREET, OAKLAND, CA 94601

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A public hearing on the above application was held on November 1, 2022 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 (RFPA) 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 RFPA 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. Subsequently, Mr. Negoescu underwent a public hearing on September 30, 2020 for 2734 E. 7<sup>th</sup> Street and the City Administrator conditionally approved Mr. Negoescu for a dispensary permit at this address on January 12, 2021.
8. In 2022, Mr. Negoescu advised City staff that he wished to operate a dispensary at a different location on the same street, 2758 E. 7<sup>th</sup> Street.
9. A mapping of this address revealed no sensitive uses as defined by OMC 5.80 within 600 feet path of travel.
10. Due to COVID-19 limitations on in-person gatherings, a public hearing on this matter was scheduled via Zoom on November 1, 2022.
11. Notice of the public hearing was timely provided to neighboring property owners within 300 feet, the applicant, and posted on the premises.
12. Prior to the public hearing, the Special Activity Permits Division received zero calls or emails in opposition to the proposed dispensary.
13. At the public hearing Mr. Negoescu, Meili Liu, and Mike Alcantar presented on behalf of the dispensary.
  - a. Mr. Negoescu shared his experience undergoing cancer as a teenager and utilizing cannabis to overcome chemotherapy.
  - b. Ms. Liu, partner with Mr. Negoescu, and Marion Chesher, Mr. Negoescu 's father, shared their desire to support Mr. Negoescu and give back to the Oakland community.
  - c. Mikel Alcantar put together the application and provided background. He mentioned that the prior location did not have any off street parking so they secured this new location, which has a vacant lot next door that can be used for parking.
  - d. They noted that they do not have a formal application, but did submit updated community beautification and security plans for this proposed location.
14. No speakers spoke in opposition and two spoke in support of the proposal.
  - a. Dan Bush, a property manager of the property next door, spoke in support of the proposal. He stated that that he wanted to applaud this application and the journey of Mr. Negoescu.
  - b. Oscar Sio, a property owner on the street, stated that he is looking forward to increased investment in the area, including added parking and security.
  - c. Justin Ober, another property manager of a sober household next door, expressed support for the dispensary.
15. The Hearing Officer asked the operators to share an overview of their security plan and their community outreach efforts.
  - a. Mr. Alcantar shared that they will have onsite security present and their floor plan includes a security check in.
  - b. Mr. Chesher stated that he went door to door to meet people on the block of the proposed dispensary. Ms. Li said she went to the fish supply companies on the block and they were in support of the dispensary's security measures.

16. After the public hearing, Mr. Alcantar provided a copy of an option to lease agreement for 2754 E. 7<sup>th</sup> street, the vacant lot next door to the proposed dispensary.

#### APPLICABLE LAW

- OMC 5.80.020(D)(1) Unless the City Administrator in his/her discretion determines that the location will not impact the peace, order and welfare of the public evidence that the proposed location of such dispensary is not within six hundred (600) feet of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive (but not including any private school in which education is primarily conducted in private homes), another dispensary or youth center, unless the school or youth center moved into the area after the dispensary was issued a permit under this Chapter. The distance between facilities shall be measured via path of travel from the closest door of one (1) facility to the closest door of the other facility unless otherwise prescribed by state law. The proposed dispensary must be located in a commercial or industrial zone, or its equivalent as may be amended, of the City.
- OMC 5.02.060 The City Administrator, or the investigating official acting thereon, shall deny the granting of any permit applied for if it shall appear to his or her satisfaction that the applicant has not complied with the provisions of this Code which directly pertain to the maintenance or conduct of the business, establishment, place, or other thing in question or for the violation of any law appertaining thereto... In granting or denying such permit, and in specifying the conditions, if any, upon which it is granted, the City Administrator or other official acting thereon, shall consider all pertinent facts which may concern the health, safety, and general welfare of the public, and shall exercise a reasonable and sound discretion in the premises.

#### DISCUSSION

The purpose of the hearing was to determine if the property at 2758 E. 7<sup>th</sup> Street is a suitable location to operate a cannabis dispensary. 2758 E. 7<sup>th</sup> Street 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.

There were no speakers in opposition to the proposed dispensary and those who spoke were all in support of the proposal due to the increased investment the dispensary will provide the area. Following the approval of 2734 E. 7<sup>th</sup> Street in 2021, the operators found another location on the same block, 2758 E. 7<sup>th</sup> Street, and have arranged to lease the vacant lot next door for parking. Altogether, the dispensary should add security and investment on the block while minimizing the dispensary's impact on neighbors by offering free off-street parking for dispensary customers.

However, to ensure the dispensary is in touch with neighbors on an ongoing basis, the hearing officer recommends the dispensary participate in Neighborhood Crime Prevention Council (NCPC) meetings on at least a quarterly basis going forward. This will help the dispensary remains connected to neighborhood issues and receives feedback from neighbors once the dispensary is operational.

RECOMMENDATION

Based on substantial evidence, the City finds the proposed dispensary use at 2758 E. 7<sup>th</sup> Street is consistent with the Oakland Municipal Code and meets all of the criteria to operate at the proposed location with implementation of the below conditions. Final approval shall be contingent upon approvals of the building, fire, finance, and police departments and the final dispensary permit conditioned upon Mr. Negoescu, doing business as Intangible Paradise, attending Neighborhood Crime Prevention Council (NCPC) meetings on a quarterly basis.



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GREG MINOR, HEARING OFFICER

12.16.22

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DATE