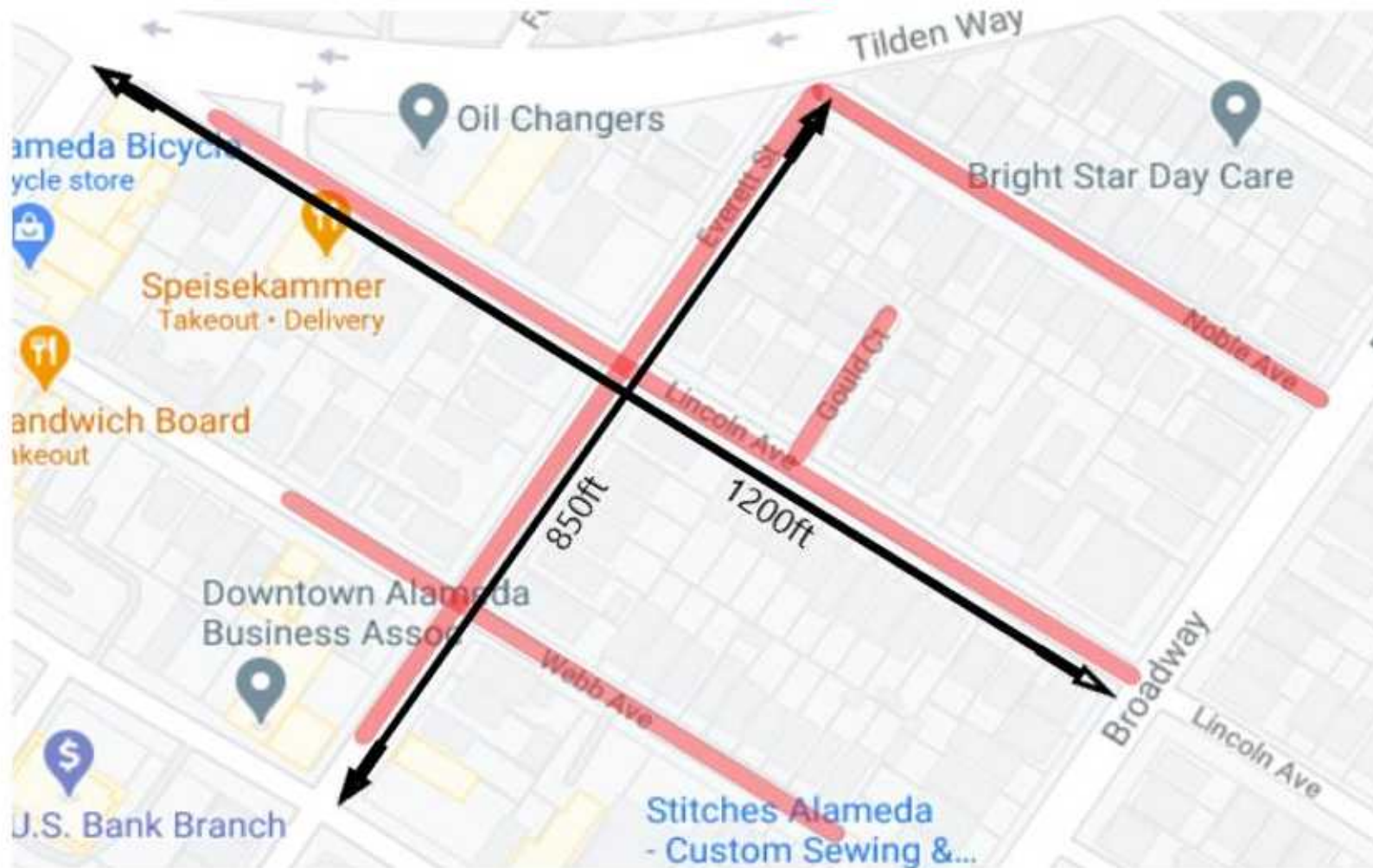


# Appeal for Use Permit No. PLN20-0160 2416 Lincoln Ave

Enrico Meier, one of many concerned residents

More than 32 residential households support this appeal, and with more time we would have more supporters.

# Affected Neighborhood



Area consists of more than 130 residential households and several businesses. Possibly more residencies and business are affected but no official study or survey has been done.

# Adverse Impact on Neighborhood and Citizens

- Planning board did not alleviate any concerns to adverse impact on the affected neighborhood in matters of traffic, parking and safety.
  - AMC 30-21.3 b.3. “....will not adversely affect other property ....”
  - AMC 30-21.3 a “ will not cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity.
- Neighborhood is already adversely impacted by businesses and traffic:
  - People park in driveways, police repeatedly needs to be called and cars towed.  
**In one case even preventing people from leaving on an emergency.**
  - Added frustration for people coming home from work, with the only parking spot available two blocks away from home
  - Cars speeding on Lincoln Ave







# No Street Parking available during peak hours

## 1.A Patient Volume

NUG projects the potential patient pool to be 3%<sup>+</sup> of the total population within a 10-minute drive from the intersection of Park and Lincoln Street. Considering the population of the City of Alameda (79,000 total pop., Market Section 25%), plus a 25,000 section of the Oakland population, we expect a customer pool of **3,120 customers visiting twice per 28-day business month**, for a total of 223 customers per month. To be conservative, NUG has assumed a reduced patient volume for the first 18 months of operation. NUG anticipates that patient visits will be **busiest on weekends and evenings when most neighboring businesses are closed.**

**3,120 patients visiting twice = 6,240 patients**

**6,240 patients in a 28 day period = 222.857 customers/patients per day**

**Restaurant Speisekammer busiest at the exact same times, evenings and weekends with zero parking left, except Monday's which shows as then ample parking is available**

**Where are those 223 customers per day during peak times go? Are they all coming by bus?  
How are they going to park on the 4 (+1 handicap) off street parking spaces?**

**Not to mention the 8+ employees who can still come by car and will use street parking.**

# Mislead planning department and public

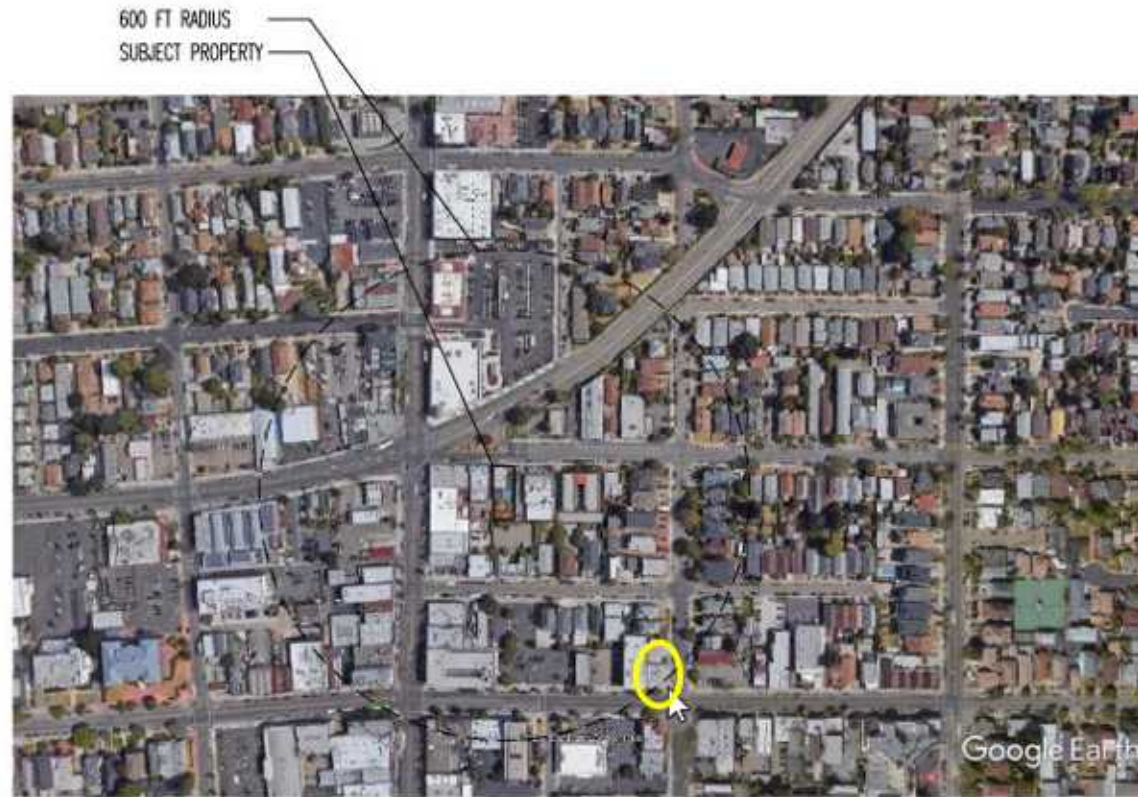
## 1.A Patient Volume

NUG projects the potential patient pool to be 3%<sup>†</sup> of the total population within a 10-minute drive from the intersection of Park and Lincoln Street. Considering the population of the City of Alameda (79,000 total pop., Market Section 25%), plus a 25,000 section of the Oakland population, we expect a customer pool of 3,120 customers visiting twice per 28-day business month, for a total of 223 customers per month. To be conservative, NUG has assumed a reduced patient volume for the first 18 months of operation. NUG anticipates that patient visits will be busiest on weekends and evenings when most neighboring businesses are closed.

- Incorrect calculation result stating only 223 customers visits per month has:  
Mislead the Planning Staff and Planning board  
Mislead the Public
- And made them not realize the adverse impact this business will have on neighborhood and citizens.



# Violation of AMC 6-59.10 e. 1. Sensitive Use



Planning Board approved plan for Dispensary in December 2019, despite Super Scholars Day Care center on 2415 Santa Clara Ave within 600ft radius of Dispensary.

600ft circle drawing is from applicant's own design plans.

## VICINITY MAP

### e. Operational Radius.

1. No cannabis business engaging in dispensary/retail or dispensary/delivery shall locate within a one thousand (1,000) foot radius of a public or private school providing instruction in kindergarten or any grades 1 through 12. **Further, no such cannabis business shall locate within a six hundred (600) foot radius of a youth center, tutoring center, or day care center.** The distance shall be measured via a path of travel from the nearest door of the nearest foregoing sensitive uses known when the RFP is issued to the nearest door of the dispensary. For purposes of this section, "school" does not include any private school or similar use in which education of any kind is primarily conducted in private homes, churches or similar locations where such instruction is an ancillary use. All other sensitive uses identified in this subsection not defined herein or in this article are defined under the California Child Health Care Act, codified in the California Health and Safety Code.

# Crime impact to adjacent areas

**Study: “From Medical to Recreational Marijuana Sales: Marijuana Outlets and Crime in an Era of Changing Marijuana Legislation (2017 Study)”**

## Conclusions.

This study suggests that the effects of the availability of marijuana outlets on crime do not necessarily occur within the specific areas within which outlets are located, but are occurring in adjacent areas. Thus studies assessing the effects in local areas are underestimating their true effects.

- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6651729/>

**City relies only on crime reports from Webster street Dispensary despite crime being different in type and intensity throughout the city of Alameda.**

**Security only within 100ft of 2416 Lincoln Ave and cameras on property, does not ensure no negative impact to safety in neighborhood further away.**



# Planning Department/Staff Response

- The Planning Staff:
  - Did not respond to all concerns of the appeal:
    - not addressing AMC 30.7-1
    - not addressing AMC 30-21.3 a and 30-21.3.b.3, regarding properties further away than 100ft that will be impacted
    - no word of violation of AMC 6-59.10 e. 1.
  - Did not ask or question applicant's business plan, especially customer visits 223/day vs 223/month as pointed out in the appeal
  - Misrepresents appellant's writing "Otherwise, the Appellant's claim is unjustified as it is basically an argument to keep the property vacant. It also unfairly speculates that cannabis retail customers will ignore traffic laws and illegally park or speed on Lincoln Avenue."

# No Staff Response to AMC 30-7.1

- **Alameda Municipal Code for Off street parking, 30-7.1 Intent:**
  - “a. To relieve congestion on streets, and to provide more fully for the flow of traffic, including improving maneuvering of transit and emergency vehicles or street maintenance equipment;
  - **b. To protect neighborhoods from parking and vehicular traffic congestion generated by the adjacent nonresidential districts;”**
- Nothing in the provided project documents provides any indication on how that will be achieved. A security guard operating 100ft radius of the planned project, does not do anything about parking or traffic further away.
- As mentioned, there are no street parking spaces available during peak times.



# Closing statement

- With the hearing time constraints, we could not respond to all counter arguments made by the planning department, that does not mean we concur to planning staff's response.  
And where the planning department did not respond to arguments, does not make them irrelevant.
- We, the appellant and supporters of the appeal, live in the neighborhood and would be directly or indirectly adversely impacted by the proposed project, daily.
- We spent serious effort and thought in writing this appeal.
- **We request this project with its current plan to be stopped and alternatives to be discussed.**  
**We believe another location could be found that will not adversely impact the neighborhood.**