

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-23-15**

A RESOLUTION OF THE PLANNING BOARD RECOMMENDING THE CITY COUNCIL AMEND THE ZONING MAP TO REZONE THE APPROXIMATELY 2,280 SQUARE FOOT PROPERTY AT 1715 LINCOLN AVENUE (APN 72-299-11) FROM C-1, NEIGHBORHOOD BUSINESS DISTRICT, TO R-5, RESIDENTIAL DISTRICT, IN CONFORMANCE WITH THE PROPERTY'S GENERAL PLAN LAND USE DESIGNATION OF MEDIUM-DENSITY RESIDENTIAL (PLN23-0210)

WHEREAS, an application was made on May 23, 2023, by Nick Portolese for Portman Enterprises, LLC requesting approval for conformance rezoning PLN23-0210 to amend the zoning map for the approximately 2,280 square foot property at 1715 Lincoln Avenue (APN 72-299-11) from C-1, Neighborhood Business District, to R-5, Residential District; and

WHEREAS, the C-1 Zoning District is intended to provide retail shopping and service facilities via ground floor commercial storefronts; and

WHEREAS, the Alameda 2040 General Plan Land Use Diagram changed the designation for the property from Neighborhood Business to Medium-Density Residential; and

WHEREAS, the C-1 Zoning is not consistent with the General Plan designation for Medium-Density Residential; and

WHEREAS, the existing structure on the property was originally built as a single-family home and is not well suited to meet modern building codes for a retail storefront, including significant accessibility issues; and

WHEREAS, the Housing Element of the General Plan calls for permitting 5,353 housing units between 2023 and 2031; and

WHEREAS, amending the Zoning Map to rezone the property at 1715 Lincoln Avenue from C-1, Neighborhood Business District to R-5, Residential District will facilitate reinvestment in the property and restore one unit of housing and bring the zoning into General Plan conformance; and

WHEREAS, the Planning Board held a duly noticed public hearing for the project on July 24, 2023 and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that, based on substantial evidence in the record, the potential environmental impacts of the project have been evaluated and disclosed pursuant to CEQA. On

November 30, 2021, by Resolution No. 15841, the City Council certified a Final Environmental Impact Report for the Alameda 2040 General Plan (State Clearinghouse No. 2021030563) in compliance with CEQA, and adopted written findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the General Plan Amendment to update the Alameda General Plan (General Plan EIR). Pursuant to CEQA Guidelines sections 15162 and 15163, none of the circumstances necessitating further CEQA review are present with respect to the General Plan EIR. Approval of the project would not require major revisions to the General Plan EIR due to new significant impacts or due to a substantial increase in the severity of the significant environmental effects. There have been no substantial changes with respect to the circumstances under which the project would be undertaken that would require major revisions of the General Plan EIR due to new or substantially increased significant environmental effects. Further, there has been no discovery of new information of substantial importance that would trigger or require major revisions to the General Plan EIR due to new or substantially increased significant environmental effects. For these reasons, no further environmental review is required; and

BE IT FURTHER RESOLVED, that the Planning Board has reviewed the proposed rezoning and finds (AMC Section 30-22.5):

1. **The amendment relates favorably to and maintains the integrity of the General Plan.** The proposed rezoning ensures consistency between the General Plan and the Alameda Zoning Map. The zoning designation for this property, C-1, Neighborhood Business District, is not consistent with the General Plan designation of Medium-Density Residential. Amending the Zoning Map to R-5, Residential District is consistent with the General Plan designation of Medium-Density Residential.
2. **The zoning map amendment will support the general welfare of the community.** The proposed rezoning is consistent with the prior residential use of the site, and will support the general welfare of the community by enabling significant reinvestment into the property and restoring a housing unit to Alameda's housing inventory.
3. **The zoning map amendment is equitable.** The proposed rezoning is equitable in that it is consistent with the General Plan, the City Charter and other City documents. The map amendment is a conformance rezoning to change the C-1, Neighborhood Business District zoning to R-5, Residential District; and

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda recommends that the City Council amend the City of Alameda Zoning Map to rezone the approximately 2,280 square foot property at 1715 Lincoln Avenue (APN 72-299-11) from C-1, Neighborhood Business District, To R-5, Residential District.

Hold Harmless. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code section 66020(a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of section 66020, the applicant will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning, Building and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 24<sup>th</sup> day of July 2023, by the following vote to wit:

AYES: (6) Ariza, Cisneros, Curtis, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (1) Hom

ATTEST:



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Allen Tai, Secretary  
City of Alameda Planning Board