

CITY OF ALAMEDA ZONING ADMINISTRATOR
RESOLUTION NO. ZA-95-10

APPROVING USE PERMIT, UP-95-10, FOR REMOVAL OF THE LIMITATION OF
THE NUMBER OF DENTAL STAFF WORKING AT 2042 CENTRAL AVENUE

WHEREAS, an application was made on April 27, 1995, by Gerald G. Gelle, DDS, requesting a Use Permit, UP-95-10, to amend a previously approved Use Permit by removing the limitation of the number of dentists and hygienists operating at the site to one of each. The application does not propose any changes to the site or existing structure; and

WHEREAS, the application was accepted as complete on May 27, 1995; and

WHEREAS, the subject property is designated Medium Density Residential on the General Plan Diagram; and

WHEREAS, the subject property is located in an R-5, (General Residential) Zoning District; and

WHEREAS, the approved Use Permit limited the dental office use to one dentist operating alone and requires reconsideration of the Use Permit for any proposed increases in staff pursuant with Subsection 30-21.3(b) of the Alameda Municipal Code; and

WHEREAS, the proposal is Categorically Exempt under CEQA Guidelines, Section 15301 - Existing Facilities; and

WHEREAS, the Zoning Administrator has held a public hearing on this application on August 30, 1995, and has examined pertinent maps, drawings, and documents; and

WHEREAS, the Zoning Administrator has made the following findings:

1. That the location of the proposed use is compatible with other land uses in the general neighborhood area. Staff can make this finding. The requested increase in staff, without expanding the building, will not alter or degrade the level of compatibility with residential uses as found for Use Permit UP-90-29.
2. That the proposed use will be served by adequate transportation and service facilities. Staff can make this finding. The proposed increase in staff will not alter or degrade the existing level of access to transportation and service facilities as found for Use Permit UP-90-29.
3. That the proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity. Staff can make this finding. The proposed increase in staff will not adversely affect other property in the vicinity. Because of the hours of operation and

because parking is provided on site, the business parking would not significantly conflict with residential parking.


THEREFORE BE IT RESOLVED that the Zoning Administrator of the City of Alameda hereby rescinds Use Permit, UP-90-29 and approves Use Permit, UP-95-10, which incorporates and changes the provisions of Use Permit, UP-90-29 pursuant with Subsection 30-21.3(b) of the Alameda Municipal Code, subject to the following conditions:

1. The use shall be conducted in substantial compliance with the plans submitted by Gerald G. Gelle, dated as received by the Planning Department on April 27, 1995, marked as Exhibit "A" and on file in the office of the City of Alameda Planning Department.
2. The Use Permit shall expire one (1) year from the date of final approval (on August 30, 1996), unless the applicant provides written notice to the Planning Department that the applicant is choosing to exercise Use Permit, UP-95-10, which authorizes additional staff and rescinds Use Permit, UP-90-29.
3. The operation of the Dental Office is subject to the following limitations:
 - a. The office may operate between the hours of 9 a.m. to 5 p.m., weekdays and 9 a.m. to 4 p.m. on Saturdays.
 - b. The Dental Office operation shall be limited to one additional dentist (a total of two dentists) and one dental hygienist. Any further expansion of professional staff shall require reconsideration under the Use Permit process.
 - c. The addition of any additional floor area shall require reconsideration of the Use Permit.

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, or final action on any appeal, plus extensions authorized by California Code of Civil Procedure Section 1094.6.

The decision of the Zoning Administrator shall be final unless appealed to the Planning Board, in writing and within (10) days from the date of the Zoning Administrator's action or (3) days from Planning Board acceptance of the report, whichever is greater.

PASSED AND ADOPTED by the Zoning Administrator of the City of Alameda on the 30th day of August, 1995.



Marjorie W. Macris
Zoning Administrator