

CITY OF ALAMEDA RESOLUTION NO. _____

DENYING THE APPEAL FILED BY TY HUDSON ON BEHALF OF UNITE HERE LOCAL 2850 AND REMANDING THE DESIGN REVIEW FOR A 96-ROOM HOTEL WITH 62 PARKING SPACES AT 1825 PARK STREET (PLN17-0538) FOR FURTHER CONSIDERATION BY THE PLANNING BOARD

WHEREAS, Paul Patel for Ganesha LLC submitted an application requesting a Design Review and Parking Reduction approval to construct a new 96-room four-story hotel with 62 parking stalls located on approximately 0.74 acres, as case number PLN17-0538 (“project”); and

WHEREAS, on March 26, 2018, the Planning Board held a study session on the project and provided comments on the proposed design and parking demand study; and

WHEREAS, on January 28, 2019, the Planning Board conducted a duly noticed public hearing on the project and approved the Design Review and Parking Reduction for PLN17-0538, subject to findings and conditions of approval; and

WHEREAS, on February 6, 2019, appellant Ty Hudson on behalf of UNITE HERE Local 2850 filed a timely appeal of the Planning Board’s decision to approve the project (“the Hudson appeal”); and

WHEREAS, after giving due notice to the appellant, the applicant, all interested parties, and the public, the appeal came before the City Council on March 19, 2019 as a de novo hearing; and

WHEREAS, the appellant, the applicant, supporters of the application, those opposed to the application and interested neutral parties were given ample opportunity to participate in the public hearing by submittal of oral and/or written comments; and

WHEREAS, the public hearing on the appeal was closed by the City Council on March 19, 2019; and

WHEREAS, the City Council was supportive of the hotel use on the site but not on the design and therefore directed staff to return to it a resolution denying the appeal and remanding the Design Review to the Planning Board for further consideration consistent with the City Council direction; and

WHEREAS, the City Council was in favor of the parking reduction, but made a motion (approved 4-1) recommending that the Planning Board consider modifying the Carpool Ride Share Services Condition of Approval; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council, having independently heard, considered and weighed all the evidence in the record presented on

behalf of all parties and being fully informed of the application, the Planning Board's decision, and the appeal, finds:

1. The Hudson appeal is denied, based in part on the March 19, 2019 City Council staff report, which is hereby incorporated by reference as if fully set forth herein.
2. For reasons independently considered by the City Council that were not raised in the Hudson appeal, and as described in more detail below, the City Council is not able to affirm the Planning Board's findings that the project design is compatible with the site's surroundings and prominent location at a major gateway to the City, and remands the Design Review to the Planning Board for further consideration.
3. Although the Planning Board correctly approved the Parking Reduction application because the project adequately meets the criteria and requirements of AMC 30-7, the City Council recommends modification of Condition of Approval 5 (Carpool Ride Share Services) to align with the City's climate goals and designate a safe drop-off location for TNCs.

BE IT FURTHER RESOLVED, that in further support of the City Council's decision to remand the Design Review, the City Council rejects the discussion, findings and conclusions regarding the Design Review application in the March 26, 2018 Planning Board staff report and the January 28, 2019 Planning Board staff report, and instead, hereby finds by substantial evidence that the Design Review criteria in AMC 30-37.5 were not satisfied, therefore the City Council is not able to approve the Design Review. The required findings that cannot be made are shown in **bold type**; the explanation as to why the City Council finds that these findings cannot be made is shown in *italics*.

(b) The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses;

The proposed overall building design is in the streamline moderne architectural style, and is not characteristic of adjacent or neighboring buildings on this section of Park Street north of Lincoln Avenue. A high quality design, such as a classical architectural style with a brick façade, or a modern architectural style that includes glass and steel elements, is more appropriate for the site, which is located in the historic downtown gateway corridor, and would better fit into the fabric of Park Street. If significantly improved, the streamline moderne architectural style could be appropriate if the quality of the proposed design were less stark and nondescript. The proposed design and building colors do not promote harmonious transitions in scale and character due to their abruptness to the streetscape. The proposed design does not adequately facilitate a harmonious pedestrian oriented experience, promote commercial vitality, or signal that public areas are available for public use.

(c) The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.

The building's exterior materials, architectural elements, and building colors are not visually compatible with the surrounding development. The proposed design elements of the structure, including the fin on the side of the building and exterior materials such as the light earth tone colors and stucco material, are not consistent with the predominant architectural style found in the North Park Street Gateway District; and

BE IT FURTHER RESOLVED, that elements of the project that are approved are categorically exempt from environmental review pursuant to CEQA Guidelines section 15332 (in-fill development projects), and elements of the project that are remanded will be subject to CEQA review at the time the Planning Board takes further action. The City Council hereby incorporates by reference the CEQA findings included in Planning Board Resolution No. PB-19-02 as if fully set forth herein; and

BE IT FURTHER RESOLVED, the record before this Council relating to this project application and appeal includes, without limitation, the following:

1. The application, including all accompanying maps and papers;
2. All plans submitted by the applicant and its representatives;
3. The Petition for Appeal and all accompanying statements and materials;
4. All final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation all related/supporting final materials, and all final notices relating to the application and attendant hearings;
5. All oral and written evidence received by the Planning Board and City Council during the public hearings on the application and appeals; and all written evidence received by relevant City staff before and during the public hearings on the application and appeal; and
6. All matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) the Alameda Municipal Code; (c) all applicable State and federal laws, rules and regulations; and

BE IT FURTHER RESOLVED, that the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are located at the Office of the City Clerk located at 2263 Santa Clara Avenue, Room 380, Alameda, CA 94501; and

BE IT FURTHER RESOLVED, the recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 2nd day of April 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 3rd day of April 2019.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Michael H. Roush, Interim City Attorney
City of Alameda