NATEL ENERGY – DESIGN REVIEW & USE PERMIT
CALL FOR REVIEW OF PLANNING BOARD APPROVAL

CITY COUNCIL | ITEM 7-A | JUNE 4TH, 2024

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CALL FOR REVIEW

- On 4/22/24, Planning Board unanimously approved Natel's application for:
  - Use Permit for outdoor research & development, outdoor storage
  - Design Review for expansion of existing hydraulic test facility
- Called for Review by Vice Mayor Daysog & Councilmember Herrera-Spencer
- City Council must decide if you believe the Planning Board made a mistake in approving the project and finding it exempt from CEQA
- City Council can uphold, reverse, or modify Planning Board decision

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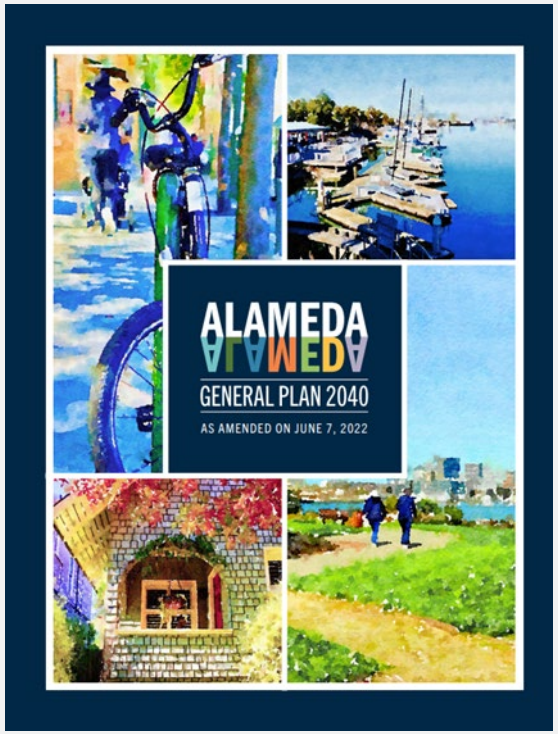
USE PERMIT AND DESIGN REVIEW (PLN24-0059)

- Planning Board's Approval was based on Findings:
  1. Exempt from CEQA – Infill Development
  2. Use Permit – Compatibility; Adequate Transportation & Service Facilities; No Adverse Impacts; Relates favorably to **General Plan & Alameda Point Zoning**
  3. Design Review – Consistent w/ **General Plan & Zoning**; Appropriate Design; Visual Compatibility

- **General Plan & Alameda Point Zoning:**
  - Heavy emphasis on attracting new businesses to Alameda Point
  - Supporting adaptive reuse, investment in the NAS Alameda Historic District



CALL FOR REVIEW #1

Argument #1: Insufficient Notice – some long-term **tenants** nearby did not receive mailings.

Staff Response:

- *Project was noticed properly per AMC & CA Government Code.*
  - *Property **owners** w/ in 300 feet based on County assessment roll*
- *Staff also mails courtesy notices to tenants when addresses available*
  - *Courtesy notices emailed to tenants whose addresses were not in database*
- *Failure to receive notice does not invalidate decision*

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CALL FOR REVIEW #2

Argument #2: View Blockage – "additional equipment will significantly block views [of SF] from the City's long-term tenants"; impacts "value of the leases"

Staff Response:

- *View in question is not city-adopted view corridor or character defining feature of historic district*
- *Approval balances General Plan priorities w/ desire to maximize views*
- *Existing 32' easement on northern property line*

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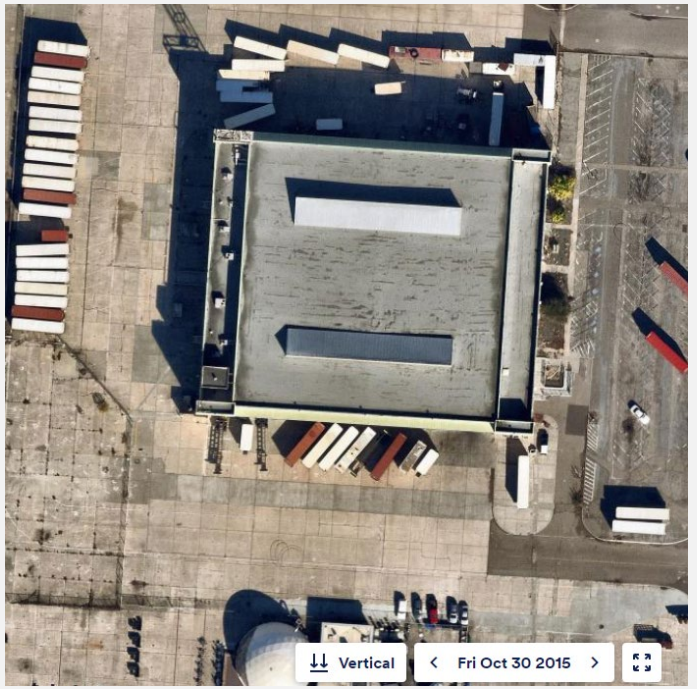
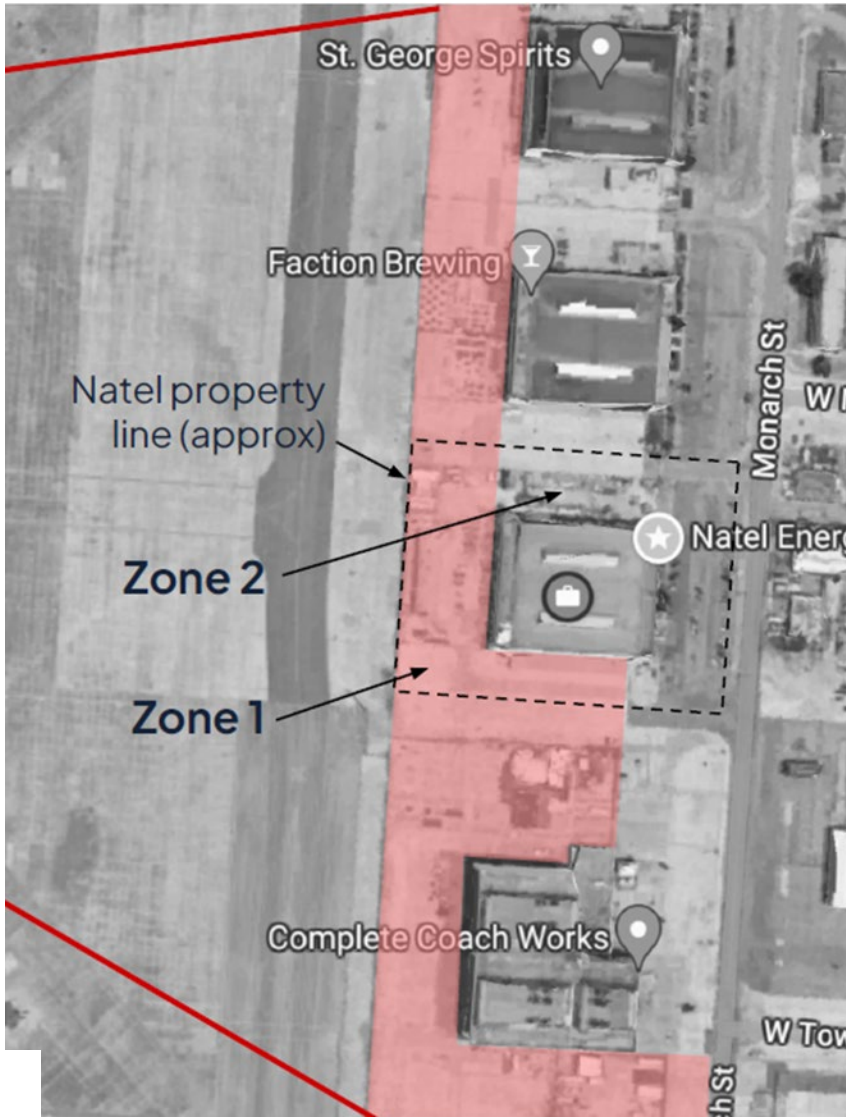
CALL FOR REVIEW #3

Argument #3: Unpermitted Use & Structure – clarify "legal non-conforming" status referenced at Planning Board

Staff Response:

- *Outdoor uses have been continuous prior to Natel*
- *Not relevant to Planning Board findings on April 22nd*





CALL FOR REVIEW #4

Argument #4: Noise, vibration, & Compliance w/ USFWS Biological Opinion – existing equipment & operation not compliant w/ Biological Opinion.

Staff Response:

- *Project is compliant with Biological Opinion*
  - *Zone 2 allows new structures as tall as adjacent building*
  - *Biological Opinion does not regulate noise in Civic Core Area (incl. 2401 Monarch.)*
  - *CA Least Tern colony established while airfield was in operation*
  - *No vibration, noise levels are modest & intermittent; complies w/ Noise Ordinance*

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CALL FOR REVIEW #5

Argument #5: Building 43 Winery Lease Impacts – View impacts on nearby tenants, especially B43 Winery, are unacceptable impact on value of those leases. B43 took possession in June ’14, yard was “vacant” in Nov. ’15 when Natel signed lease.

Staff Response:

- *B43 Lease: “No rights to any view or to light or air over any property”*
- *2401 Monarch covered in (Matson) shipping containers in 2014 & 2015*
- *Natel outdoor storage & testing began almost immediately after move in*
- *City’s landlord role not part of regulatory role in making Use Permit & DR findings*

CALL FOR REVIEW #6

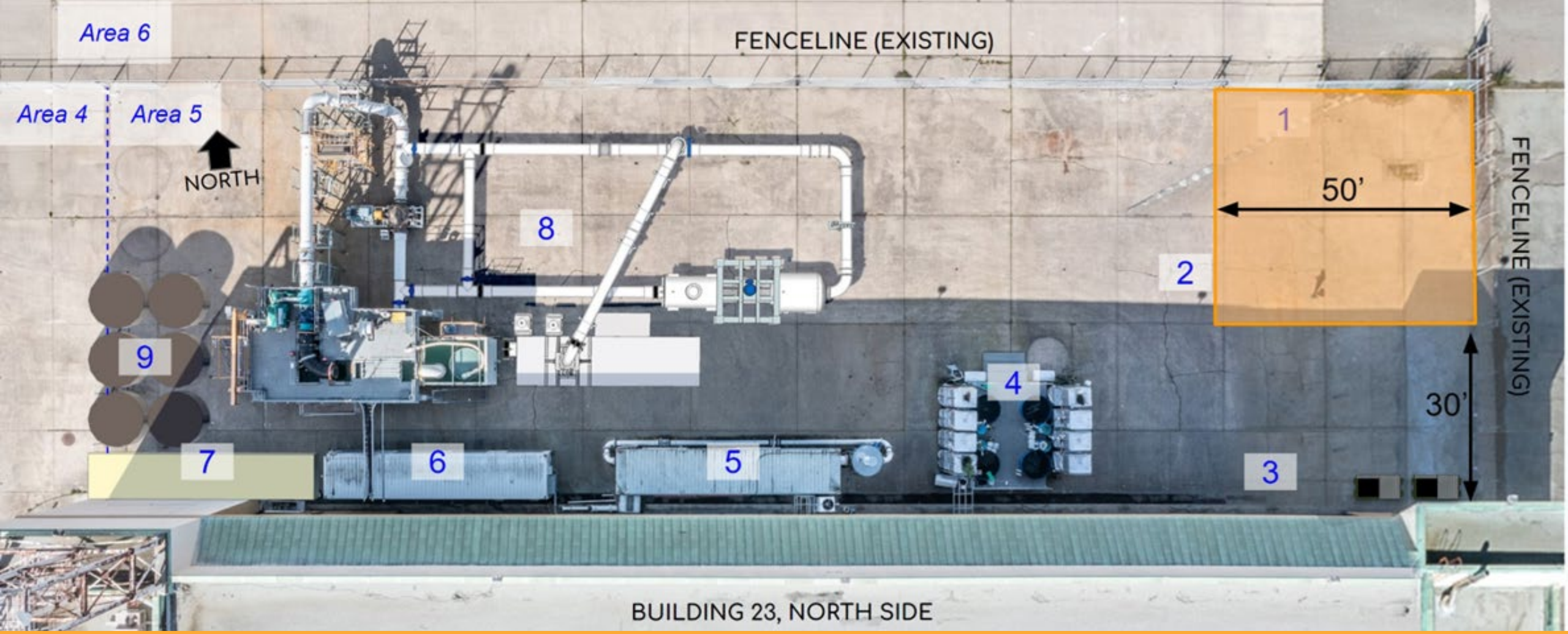
Argument #6: Council should review Planning Board Findings – CEQA infill exemption is incorrect; project is not compatible w/ Spirits Alley

Staff Response:

- *CEQA –*
  - *Meets all five criteria for an infill exemption (Sec. 15332)*
  - *Historic structure not affected by outdoor uses*
  - *Complies w/ Biological Opinion*
  - *Also qualifies for Existing Facilities (Sec. 15301) & Small Structures (Sec. 15303) exemptions; Also covered by Alameda Point FEIR (2014)*
- *Planning Board found project (as conditioned) compatible*

STAFF RECOMMENDATION

- Uphold Planning Board decision
- Find project exempt from CEQA



QUESTIONS?

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