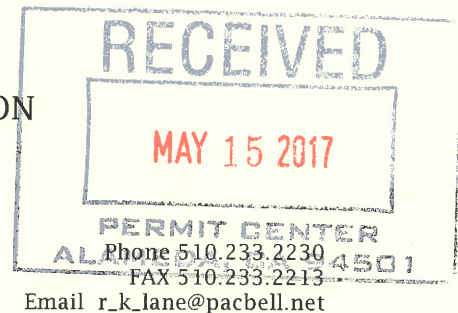


R. KINGSBURY LANE CORPORATION
36 NICHOLL AVENUE
POINT RICHMOND, CALIFORNIA 94801

ROBERT K. LANE, ATTORNEY AT LAW



May 15, 2017

Community Development/Planning
2263 Santa Clara Ave., Room 190
Alameda, CA 94501-4477

Hand Delivered

Re: Petition For Appeal of PB-17-07, etc.

Dear Community Development:

Enclosed is the Petition For Appeal with Attachment One: Grounds For Appeal which, in turn, attaches the approved Resolution PB-17-07.

Our understanding is that this matter will be placed on the calendar of the City Council for a hearing to be set a few weeks out. Due to the absence of one or the Appellants' representatives in June, we would request that the hearing of this matter be either July 5th or July 18th.

Please advise at your earliest convenience and thank you for your consideration.

Very truly yours,

Robert K. Lane, Attorney For Appellant

RKL:bl

ccc



PETITION FOR APPEAL

Community Development • Planning & Building
 2263 Santa Clara Ave., Rm. 190
 Alameda, CA 94501-4477
 alamedaca.gov
 510.747.6800 • F: 510.865.4053 • TDD: 510.522.7538
 Hours: 7:30 a.m.–3:30 p.m., M–Th

Please print clearly. This petition is hereby filed as an appeal of the decision of the:

Planning Board, which
 (Community Development Director/Zoning Administrator/Planning Board/Historical Advisory Board)

Granted Revocation of Conditional Use Permit
 (Denied/Granted/Established Conditions) for application

by Approval of Resolution number PB-17-07
 (Application Type) (Application Number)

at 1200 Park Street, Alameda on 5/8/17
 (Street Address) (Date of Action)

State the reasons or justification for an appeal (attach additional sheets if needed):

see Attachment One

Appellant Jay and Ben Garfinkle on behalf of The David Garfinkle Trust and The Diana L. Garfinkle Trust and Ten
 Name: Individuals c/o JAY GARFINKLE c/o Phone: 510-233-2230
Robert Lane, Attorney
 Address: 36 Nicholl Ave., Point Richmond, CA 94801
 Email: r_k_lane@pacbell.net

Alameda Municipal Code (AMC) 30-25, Appeals and Calls for Review, provides that within ten (10) days a decision of the Community Development Director or Zoning Administrator may be appealed to the Planning Board, and decisions of the Planning Board or the Historical Advisory Board may be appealed to the City Council. In addition to the appeal process, decisions of the Community Development Director or Zoning Administrator may be called for review within ten (10) days to the Planning Board by the Planning Board or by the City Council and decisions of the Planning Board or the Historical Advisory may be called for review by the City Council or a member of the City Council.

Fees (must accompany this petition)

Single-Family or Duplex Residence: \$250 plus time and materials cost up to \$500, max \$750.

Multi-Family Residential, Commercial, or Non-Residential: \$350, plus time and materials costs up to \$2,500, max \$2,850

Appellant Signature

Date

by JAY Garfinkle
 Print name

FOR OFFICE USE ONLY

Received by: David Salmon Receipt No.: 514112 Date Received Stamp



Attachment One: Appeal Grounds

Appellant is appealing from the Revocation of the Conditional Use Permit at 1200 Park Street, Alameda, California. This is an Appeal from the Planning Board's approval of Resolution NO. PB-17-07 (attached hereto and incorporated herein), including, but not limited to the fact that the "findings" thereof are vague, conclusory, and without foundation; and further involves violations of Appellants' rights to due process and regarding the unfair taking of their real property rights; consistent failure of proper or sufficient notice; failure of City civil servants to timely or accurately respond to the inquiries of its Citizens (Appellants being 3rd generation Alameda Citizens with 35 years of the same "compatible use" at this 1200 Park Street address); failure of City Staff to carry out the monitoring instructions of the Planning Board resulting from the November 28, 2016 Planning Board meeting; failure of the Planning Board to address factual evidence of an absence of a parking problem; all resulting in fundamental unfairness with regard to the procedural and substantive process visited upon Appellants by the moving party, the City Planning Staff, to wrongfully seek revocation of the Conditional Use Permit running with the land at 1200 Park Street.

Because of the number of issues and their complexity, Appellants request 30 minutes to present their Appeal's Opening Statement before the Council which shall be given in three parts by three individuals representing the Appellants.