

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

**Community Development Director, pursuant to Sections 30-25.1 and 30-25.2 of the Alameda Municipal Code (Exhibit "A")**, which  
(Community Development Director/Zoning Administrator/Planning Board/Historical Advisory Board)  
**Incorrectly identifies the zoning and land use designations applicable to the subject property** for application  
(Denied/Granted/Established Conditions)

**Zoning Compliance Determination** number **PLN17-0589**  
(Application Type) (Application Number)  
at **1715 Lincoln Avenue, Alameda, CA 94501** on **01/18/18**  
(Street Address) (Date of Action)

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

**Property is shown as "Medium Density Residential" on the General Plan Map, and is shown as "R-5" on Zoning Map. Please see attached documentation in Exhibit "B".**

#### Appellant


Name: **Richard Loewke, Loewke Planning Associates** Phone: **(925) 804-6225**  
Address: **547 Wycombe Court, San Ramon, CA 94583**  
Email: **Dick@Loewke.com**

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

**01/24/18**

Date

**Richard Loewke, AICP**

Exhibit 4 Print name

Item 7-B, 3/12/18

Planning Board Meeting

FOR OFFICE USE ONLY

Received by: \_\_\_\_\_ Receipt No.: \_\_\_\_\_ Date Received Stamp

January 25, 2018

City of Alameda Planning Board  
C/O Executive Assistant Nancy McPeak  
2263 Santa Clara Avenue  
Alameda, CA 94501

**Submitted via Email:** [nmcpeak@alamedaca.gov](mailto:nmcpeak@alamedaca.gov)

**Copy to:** [dsablan@alamedaca.gov](mailto:dsablan@alamedaca.gov)

**SUBJECT: Appeal of Administrative Decision by Community Development Department  
Pertaining to Zoning and Land Use Designation for 1715 Lincoln Avenue**

Dear Board Members Burton, Curtis, Cavanaugh, Köster, Mitchell, Sullivan, and Teague:

We are filing this administrative decision appeal (Notice of Appeal) on behalf of the property owner's representative and Trustee, Keystone Consulting, pertaining to property located at 1715 Lincoln Avenue in the City of Alameda, APN #072-299-011 (the "Subject Property"). We are professional urban planners who were retained to analyze the staff's administrative determination pertaining to the zoning and general plan land use designation for the Subject Property, and file this appeal.

This appeal is submitted in accordance with City of Alameda Municipal Code Sections 30-25.1 and 30-25.2, based on the decision of the Community Development Director, appealable to the Planning Board in compliance with Section 30.25.1. A decision was received from David Sablan on January 18, 2018. We are hereby filing this Appeal in compliance with Section 30.25-2 (please see attached code sections, **Exhibit "A"**).

This appeal seeks your review of the factual evidence presented in this Appeal, and to amend the planning staff Zoning Compliance Determination in order to:

1. Correct the staff's determination of zoning district applicable to the Subject Property from "C-1 Neighborhood Business" to "R-5" Residential; and
2. Correct the staff's determination of General Plan Designation applicable to the Subject Property from "Neighborhood Business" to "Medium Density Residential".

After initially meeting with City Staff, our firm filed a Zoning Determination request to City Staff on December 5, 2017. We provided objective documentation showing the original construction and historic use of the Subject Property as residential. This documentation also demonstrated that the historic (since 1991) as well as current Zoning District and General Plan Land Use Designation applicable to the Subject Property are both residential. The Staff Determination letter summarily concluded, without supporting evidence, that the Zoning and General Plan Designation were both Neighborhood Business. Therefore, we have submitted this appeal request to the Planning Board.

Attached to this Appeal, we have provided the following (previously submitted) documentation:

1. **Exhibit B – Attachment 1: Official Current Zoning Map as Posted on City Website –**  
This attachment is an accurate enlargement of the City's official Zoning Map, clearly showing the Subject Property as being entirely within the "R-5" District.

Planning Board, City of Alameda

January 25, 2018

Page 2

2. **Exhibit B – Attachment 2: Official Current General Plan Map** – This accurate enlargement of the most recent official October 2016 General Plan Map, downloaded from the City’s website, clearly shows the entire Subject Property designated as “Medium Density Residential”.
3. **Exhibit B – Attachment 3: Previous 1991 General Plan Map** – A true copy of the archived 1991 General Plan Map was provided to us by City Staff in December 2017. Enlargement of the map shows the Subject Property as being entirely orange in color, reflecting a land use designation of “Medium Density Residential”. We also note that the entire southerly half of the block fronting on the easterly side of Lincoln Avenue is designated (orange) “Medium Density Residential”. Only the commercial structures occupying the northwesterly corner of Lincoln Avenue and Grand Street are shown (red) designated as “Neighborhood Business”.
4. **Exhibit B – Attachment 4: Current Alameda GIS Information** – The City’s official GIS website currently shows the Subject Property as designated under the General Plan for “Medium Density Residential” use and being within the “R-5” Zoning District.
5. **Exhibit B – Attachment 5: Pictures** – This attachment includes current photographs of the existing single-story residential structure and site improvements on the Subject Property. This documentation clearly shows that the original design and construction of the building on the Subject Property is that of a single-family residence with a conventional residential driveway, a residential detached garage, a remaining residential kitchen, and interior residential living spaces. Our inspection of the premises shows that the design and scale of the improvements on the Subject Property are substantially the same as those of the single-family residence on the contiguous property to the south (also zoned R-5).
6. **Exhibit B – Attachment 6: Zoning Determination Letter from 2011** – This attachment concluded that the Subject Property was zoned “C-1” in 2011, based on its identification of an uncertain zoning boundary line which appears to split the Subject Property, suggesting that the northerly half of the lot was within the “C-1” District, while the southerly half was in the “R-5” District. The 2011 letter also identified the General Plan Designation as “Neighborhood Business”, but did not include any supporting evidence. The current Administrative Determination (upon which this Appeal is based) appears to summarily rely on this vague and inaccurate information generated in 2011.
7. **Exhibit B – Attachment 7: City of Alameda Permit History Report 2017** – This attachment lists Permit #PLN11-0090, stating under the Zoning Compliance Determination as follows: *“ZONING MAP STATES RESIDENTIAL, HAS BEEN USED & TAXED AS COMMERCIAL”*. We believe this information to be accurate, as all available documentation consistently shows a uniform residential (“R-5”) zoning on the Subject property.
8. **Exhibit B – Attachment 8: December 5, 2017 Transmittal to Planning Staff** – This is the preliminary transmittal of documentation which we originally provided to City Staff seeking confirmation of the residential zoning and land use designation.
9. **Exhibit B – Attachment 9: Zoning Compliance Determination letter from City Staff** – This is the staff determination received via email on 1/18/18 which is the subject of this Appeal.

In conclusion, our professional analysis has concluded that the adopted and officially published General Plan Map and Zoning Map conclusively identify a residential land use policy and zoning

## EXHIBIT 4 - Page 4 of 36

Planning Board, City of Alameda

January 25, 2018

Page 3

district for the Subject Property. Our analysis also confirms that the Subject Property consists of a single-family home which was built on a residential lot, and used historically as a residence.

We respectfully ask that the Board review all of the attached materials and revise the Zoning Compliance Determination to affirm the "R-5" Zoning and "Medium Density Residential" Land Use Designation as shown in the attached maps and exhibits. We will be available to address any questions you may have at the hearing.

Sincerely,



---

Richard T. Loewke, AICP, President  
Loewke Planning Associates, Inc.

Cc: Jennifer Keystone, Keystone Consulting, Trustee  
David Sablan, Planning

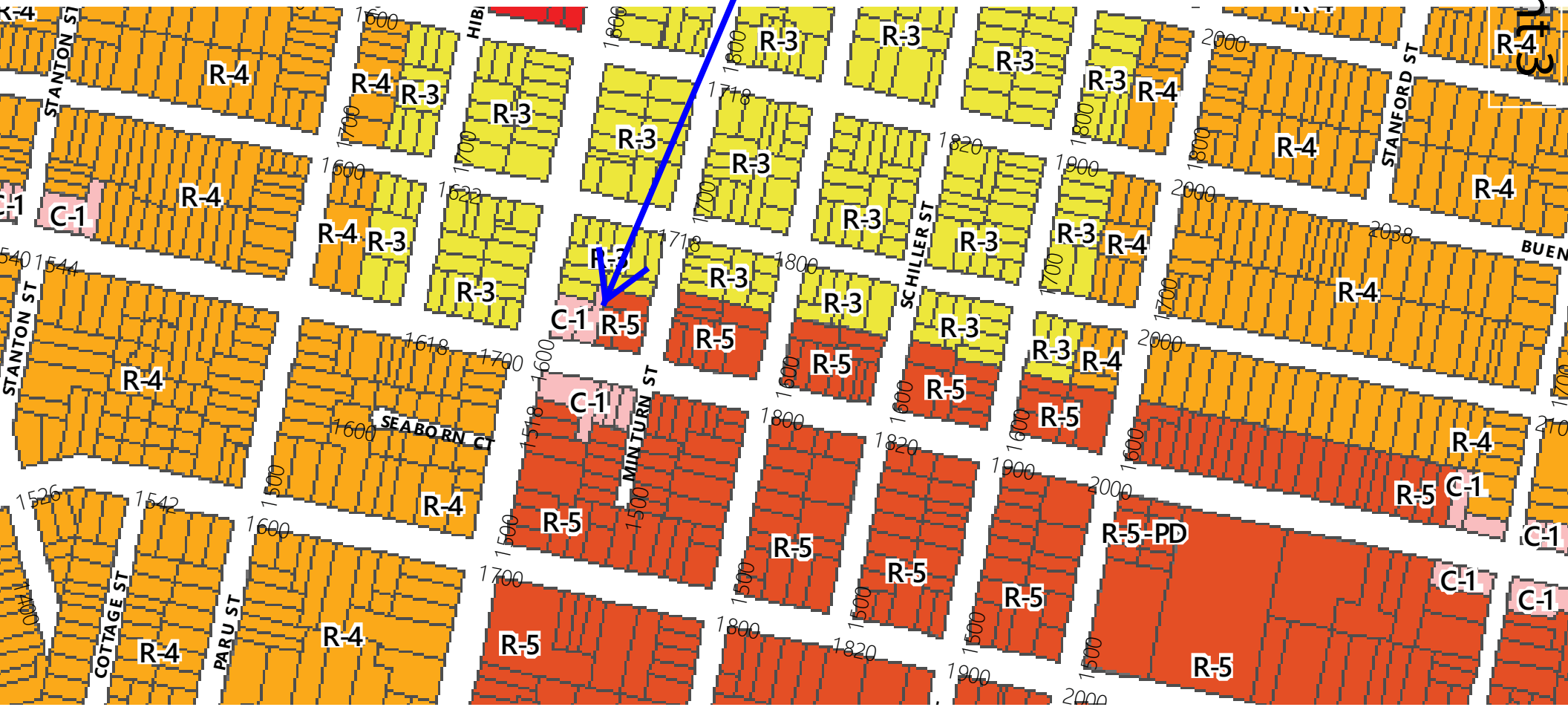
Attached Exhibits:

Exhibit A: City of Alameda Municipal Code Section 30-25

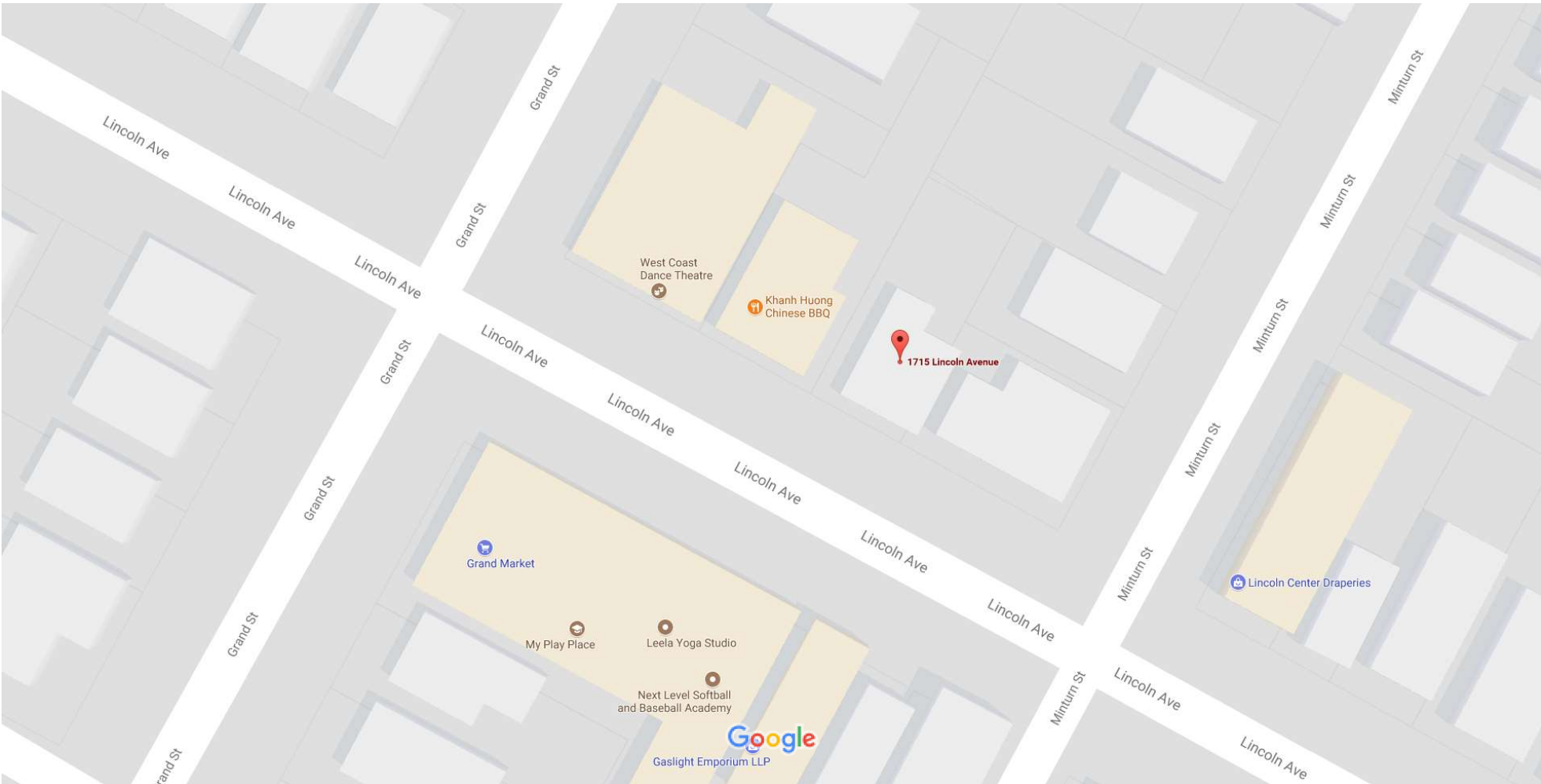
Exhibit B: Attachments 1-9

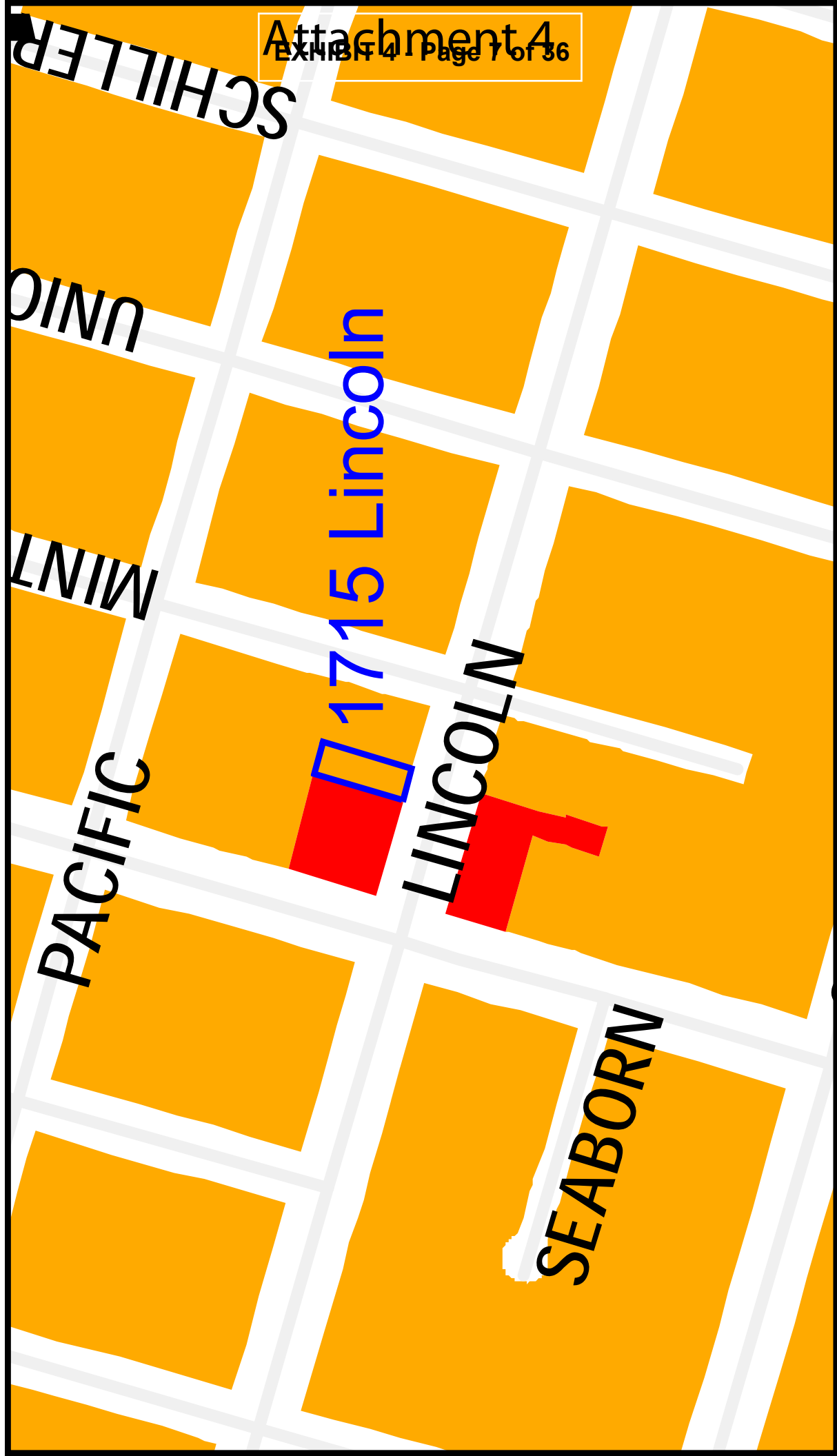
1715 Lincoln Avenue Alameda, CA

Attachment 3



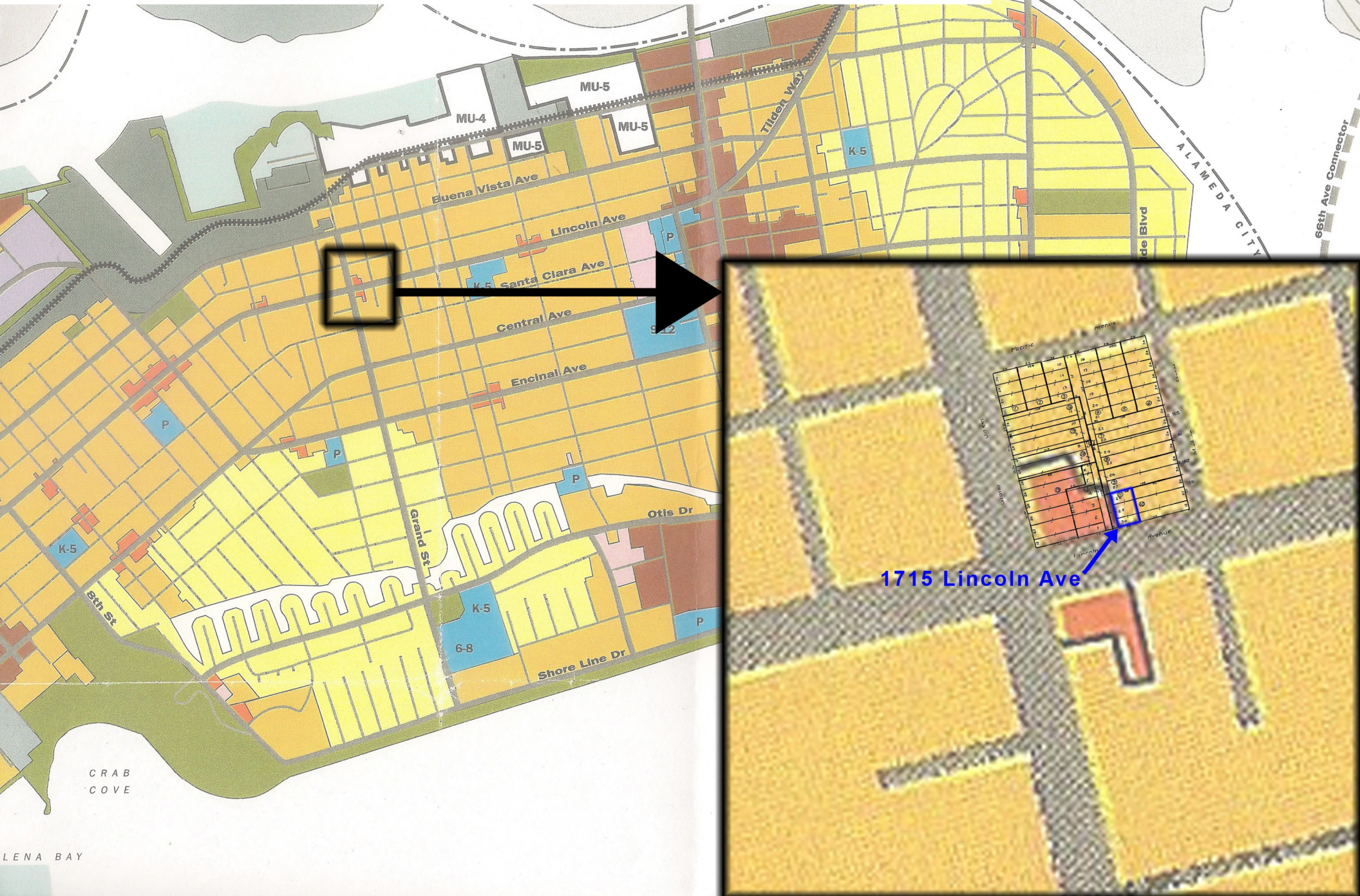
Google Maps 1715 Lincoln Ave







# 1991 City of Amameda General Plan Map





CommunityView | City of Alameda CommunityView

Not secure | maps.digitalmapcentral.com/production/VECommunityView/cities/alameda/index.aspx

Apps | Download Adobe Acrobat | Your Loan Servicing | I-Board Allied School

**CITY OF Alameda** 2263 Santa Clara Ave. | 510.747.6805 | [alamedaca.gov](http://alamedaca.gov)

lincoln ave  
LINCOLN AVE, OAKLAND, CA

**Parcel Detail**

APN : 72-299-11  
Address : 1715 LINCOLN AV E  
Lot Square Feet : 2280  
Living Square Feet : 923  
Property Details : [Assessor Data](#)  
Zoning : R-5  
Link to City Zoning Code : [Click Here](#)  
General Plan : MEDIUM-DENSITY RESIDENTIAL  
Historic Study List :

Commands















### Community Development Department CERTIFICATE OF ZONING COMPLIANCE

Site Address:	1715 Lincoln Ave, Alameda, CA 94501
Zoning Designation: .	C-1 Neighborhood Business District
General Plan Designation:	Neighborhood Business'.

RE: Zoning Compliance Determination, PLN11 ..0090

We have received your request dated March 23, 2011 for zoning confirmation for the property at 1715 Lincoln Ave. Please note the following information:

The pro'perty is currently marked R-5 General Residential District on the City of Alameda zoning map. Abutting parcels are zoned C-1 and R-5.

Responses to Inquirer's information requests:

1. What is **the** zoning designation for **the** subject property?

A review of the zoning history indicates that this property was zoned C-1 Neighborhood Business District in 1958 and has never been rezoned to any other district. The earliest available map (after the adoption of the new zoning code in 1958) shows this property and all surrounding properties zoned C-1 (Attachment #1). The City's log of zoning ordinance revisions does not indicate that this property has ever been rezoned since then. In 1965 and 1952 the city passed ordinances 1515 and 2622 respectively rezoning several properties near 1715 Lincoln Avenue, but not 1715 itself (Attachment #2). The 1991 Zoning map shows that 1715 Lincoln was still zoned C-1 (Attachment #3). In 2007 and 2008 the City created a new, color, zoning map to replace the old black-and-white map. As part of that drafting process it appears that 1715 Lincoln Avenue was mistakenly marked as R-5 (Attachment #4).

Based on the above described review the city has determined ~~that~~ the zoning is C-1 Neighborhood Business District and the General Plan designation is Neighborhood Business. The correct zoning has been noted in city records and the map will be corrected as part of the next zoning ~~map~~ update.

2. What are the permitted uses under such zoning designation?

It is intended that this district classification be applied on properties suitable to serve residential areas with convenient shopping and service facilities (Attachment #5).

Uses Permitted include:

1. Any nonresidential use permitted in R-1, R-2, R-3, R-4 and R-5 Districts.
2. The following retail and similar business uses when conducted principally within enclosed structures and where said uses are not doing business between the hours of 10:00 p.m. and 7:00 a.m.:
  - (a) Art and antique shops,
  - (b) Bakery goods stores,
  - (c) Barber and beauty shops,
  - (d) Book stores and rental libraries,
  - (e) Candy stores,
  - (f) Clothing stores,
  - (g) Dairy products stores, excluding processing,
  - (h) Drug stores, including fountain and food service,
  - (i) Florist shops,
  - (j) Grocery stores,
  - (k) Gift, novelty and stationery shops,
  - (l) Hardware stores,
  - (m) Jewelry shops,
  - (n) Laundries and cleaning agencies, including pressing, spotting, garment repair and alteration service,
  - (o) Music and dancing studios,
  - (p) Repair shops for shoes, radios and television sets, small domestic appliances, watches and similar items,
  - (q) Bed and breakfast facilities, upon compliance with standards set forth in the definition for bed and breakfast in Section 302,
  - (r) Uses permitted in the AP District, and other office uses not associated with permitted retail sales use of the site, provided that for any frontage of a building adjoining a public street, public alley or public sidewalk, fifty (50%) percent in depth of the ground floor space nearest such frontage shall be reserved for retail sales and/or service uses permitted in the C-1 District.



3. Are there any violations currently on file with respect to the subject property?  
There are no open enforcement cases for this property.

Please visit our website:

<http://www.ci.alameda.ca.us/planning/PlanningDocuments.html>, for a complete list of application forms including permit applications and design guidelines. The Zoning Ordinance and General Plan are also available in PDF format.

Planner:

  
Brian Stanke, Permit Center Planner

Date: April 28, 2011

Enclosed Background Documents:

- Attachment 1: 1961 Zoning map
- Attachment 2: Rezoning ordinance log pg. 19 & 27
- Attachment 3: 1991 Zoning map
- Attachment 4: 2008 Zoning map
- Attachment 5: AMC Subsection 30-4.8
- 6: Permit History

DISCLAIMER:

This Certificate of Zoning Compliance does not grant or provide **any** vested right to engage in any use. The City of Alameda reserves **the** right **to** amend or suspend its zoning regulations at any time and in any manner. Any expenditure made by the applicant in reliance of this certificate is **made** at the applicant's full risk.

cc: File  
Property Owner (if different from above)





A P	ADMINISTRATIVE-PROFESSIONAL DISTRICT		
C-1	NEIGHBORHOOD BUSINESS DISTRICT		
C-2	CENTRAL BUSINESS DISTRICT	P D	(COMBINING DISTRICT)
C-M	COMMERCIAL MANUFACTURING DISTRICT	A	SPECIAL PLANNED DEVELOPMENT DISTRICT
M-1	INTERMEDIATE INDUSTRIAL (MFG) DISTRICT	B	SPECIAL AGRICULTURAL DISTRICT
M-2	GENERAL INDUSTRIAL (MFG) DISTRICT	H	SPECIAL BUILDING SITE DISTRICT
		G	SPECIAL HEIGHT LIMIT DISTRICT
		Y	SPECIAL GOVERNMENT DISTRICT
			SPECIAL YARD DISTRICT





ADOPTION DATE (Effective 30 days later)	ORDINANCE NUMBER	AMENDMENT NUMBER	REZONING FILE NUMBER	PARCEL ADDRESS	ASSESSOR'S PARCEL NUMBER	ZONED FROM	ZONED TO
	1515			1712, 1714, 1716, 1718, 1719, 1724, 1725, 1729 and Part of 1726 Lincoln Ave; 1528, 1529, 1601, 1607, 1611, 1612, 1614 Minturn	72-298-9 thru 13; 72-299-8, 9, 10; 72-300-2 thru 5; 72-301-1, 2, 23, part of 3	C-1	R-5
	1515			2100 Clement Ave; — Clement Ave	71-228-part of 1-2; 71-229-part of 2-1	R-4	M-1
12/06/66	1541	43	1966-5	1254 Pearl St 1252 2612 Encinal Ave 2614 2616 2620 1247 Pearl St 2609 Encinal Ave 2611 2615 2621 2625 1301 Pearl St 1305 1304	70-150-1 -32 70-151-2 -3 -13 -14 -15-1 70-152-35 -34 -33 -26 -25 -24 -23 70-153-27	R-1	R-2



ADOPTION DATE (Effective 30 days later)	ORDINANCE NUMBER	AMENDMENT NUMBER	REZONING FILE NUMBER	PARCEL ADDRESS	ASSESSOR'S PARCEL NUMBER	ZONED FROM	ZONED TO
04/21/92	2598	162	R-91-23	878 Oak St; 985 Park St; 983 Park St; 876 Oak St	74-1225-137 -138 -139 -140	R-4	R-4-PD
07/07/92	2607	163	R-92-2	Properties on: Eagle Ave, Buena Vista Ave, Oak St. See Table II.	Various parcels. See Table II.	C-M, M-1	R-5
12/15/92	2622	164	R-92-3	1712, 1714, 1716 Lincoln Ave	72-300-2, 3, 4	R-5	C-1
09/22/93	2640	165	R-93-1	1234, 1236, 1238 College Ave; 2828 Encinal Ave	69-133-1	R-1	R-1-PD
01/05/94	2654	166	R-92-4	2300, 2306 Alameda Ave; 1218 Oak St	71-205-1, 2, 15	C-2	R-5
03/02/94	2659	167	R-93-2	2313 San Antonio Ave	71-206-12	C-2	R-5
05/18/94	2663	168	GPA/ZA/R-91-332	Area bounded by the mouth of the Estuary on the west, city limits on the north, Miller-Sweeney bridge on the east, and Pier and Bulkhead line on the south. (When the two lines diverge, it is the area bounded by the Pierhead line.)	Various parcels outboard of the Pier and Bulkhead Line, and other land with no parcel numbers. See list attached to Ordinance.	R-1	E
06/10/94	2665	169	R-92-2				
	2665			2301, 2305 Eagle Ave	71-198-23, 22	M-1	R-5
	2665			2300, 2305 Buena Vista Ave; 1712 Oak Street	71-200-1, 23; 71-199-25	C-M	R-5
06/10/94	2666	170	R-92-2	2301-2303 Buena Vista Ave	71-199-26	C-M	R-5

\* Indicates amendment number(s) MISSING between starred number and the previous number. Missing number amendment believed to be non-existent.

+ Indicates the amendment number has been used twice, for two different amendments.

rw:Rezoning Table\ZonAmd.tbl



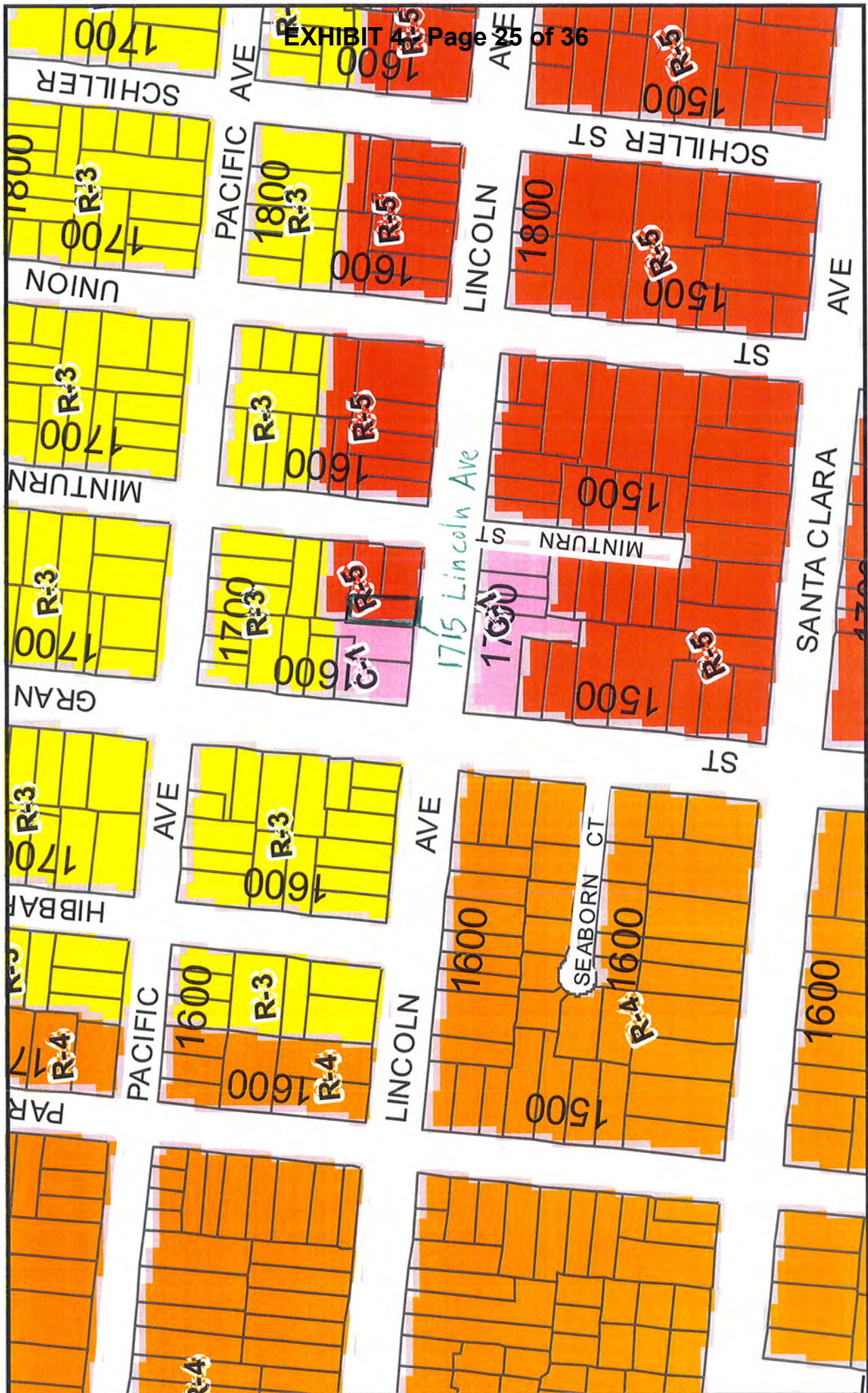




map  
b7c



## Attachment #4







- a. General: The following specific regulations and the general rules set forth in Section 30-5 shall apply in all C-1 Districts, as delineated and described in the zoning map(s). It is intended that this district classification be applied on properties suitable to serve residential areas with convenient shopping and service facilities.
- b. *Uses Permitted.*

1. Any nonresidential use permitted in R-1, R-2, R-3, R-4 and R-5 Districts.
2. The following retail and similar business uses when conducted principally within enclosed structures and where said uses are not doing business between the hours of 10:00 p.m. and 7:00 a.m.:

- (a) Art and antique shops.
- (b) Bakery goods stores.
- (c) Barber and beauty shops.
- (d) Book stores and rental libraries.
- (e) Candy stores.
- (f) Clothing stores.
- (g) Dairy products stores, excluding processing.
- (h) Drug stores, including fountain and food service.
- (i) Florist shops.
- (j) Grocery stores.
- (k) Gift, novelty and stationery shops.
- (l) Hardware stores.
- (m) Jewelry shops.
- (n) Laundries and cleaning agencies, including pressing, spotting, garment repair and alteration service.
- (o) Music and dancing studios.
- (p) Repair shops for shoes, radios and television sets, small domestic appliances, watches and similar items.
- (q) Bed and breakfast facilities, upon compliance with standards set forth in the definition for bed and breakfast in Section 302.
- (r) Uses permitted in the AP District, and other office uses not associated with permitted retail sales use of the site, provided that for any frontage of a building adjoining a public street, public alley or public sidewalk, fifty (50%) percent in depth of the ground floor space nearest such frontage shall be reserved for retail sales and/or service uses permitted in the C-1 District.

3. Public utility service offices and underground or above ground public utility facilities primarily for local service such as substations, gas regulators, manned or unmanned communications equipment buildings, and similar uses.
  4. Signs: As provided in Section 30-6 of these regulations.
- c. *Uses Requiring Use Permits.* It is the intent of this paragraph that the following uses shall be reviewed by the Planning Board for their appropriateness in a specific location, or for such other factors as safety, congestion, noise, adequate light and air for dwelling uses, and similar considerations.

1. Any dwelling use permitted in the R Districts; provided that the residential use will not conflict with or inhibit attainment of General Plan land use designations or the operation of legitimate business uses within the commercial district; that new residential use shall not occupy ground floor space considered suitable for business use; and that new structures devoted solely to residential use shall not be permitted; and that there shall be not less than two thousand (2,000) square feet of lot area for each dwelling unit.
2. Uses permitted in the AP District, and other office uses not associated with permitted retail sales use of the site, which are not otherwise permitted in paragraph b.2.(r).
3. Gasoline service stations, exclusive of body, chassis and painting work, provided that all operations except the service with gasoline, oil, air and water shall be conducted within a building; subject further to the provisions of subsection 30-5.7, of this article.
4. The following and similar retail business, or service uses:

- (a) Public buildings intended to directly serve the public.
- (b) Self-operated laundries.
- (c) Taverns without live entertainment.
- (d) Restaurants, snack bars, lunch counters, but excluding drive-ins.
- (e) Convenience food stores.
- (f) Liquor stores.
- (g) Plant nurseries.
- (h) Those portions of grocery stores devoted to the sale of alcoholic beverages.
- (i) Small upholstery shops, exclusive of refinishing and other furniture repair or manufacturing.

5. Any permitted use listed in paragraph b. that does business between the hours of 10:00 p.m. and 7:00 a.m.
6. Any permitted use listed in paragraph b. which is not principally conducted within an enclosed structure.
7. Theaters with live performances that are in combination with other permitted uses.
8. Pet shops and animal grooming facilities. Such uses may be allowed only upon a finding that sufficient air conditioning and soundproofing will be provided to effectively confine odors and noise so as not to interfere with the public health, safety and welfare of adjoining properties. No outside parking spaces shall be permitted.

9. Boutique theater.
  10. Large format retail including conversion of existing multiple retail tenant spaces to a single tenant space larger than thirty thousand (30,000) square feet (if part of a planned development, no use permit is required). Super stores, as defined in Section 30-2, are prohibited.
  - d. *Minimum Height, Bulk and Space Requirements:*
    1. Lot Area, Lot Width, Building Coverage Regulations: None.
    2. Building Height Limit: Two (2) stories but not to exceed thirty (30) feet.
    3. Front Yard: None.
    4. Side Yard: No setback shall be required, except where the side yard of a lot abuts an R District, then a minimum side yard of five (5) feet shall be maintained.
    5. Rear Yard: None, except where the rear yard abuts an R District a minimum of fifteen (15) feet shall be maintained.
    6. Off-street Parking and Loading Space: As regulated in Section 30-7.
- (Ord. No. 535 N.S., §§ 11-1329—11-1332; Ord. No. 1277 N.S., Ord. No. 1363 N.S.; Ord. No. 1749 N.S., Ord. No. 1802 N.S.; Ord. No. 1817 N.S., Ord. No. 1821 N.S.; Ord. No. 2064 N.S., Ord. No. 2174 N.S.; Ord. No. 2202 N.S.; Ord. No. 2242 N.S.; Ord. No. 2267 N.S.; Ord. No. 2289 N.S., § 2; Ord. No. 2416 N.S., §§ 2—4; Ord. No. 2566 N.S., § 4; Ord. No. 2630 N.S., § 1; Ord. No. 2943 N.S., § 10; Ord. No. 2944 N.S., § 2; Ord. No. 2979 N.S., § 2; Ord. No. 2984 N.S., § 2)



## CITY OF ALAMEDA

2263 SANTA CLARA AVENUE, ROOM 190  
ALAMEDA, CA 94501

(510) 747-6800  
FAX (510) 747-6804

PERMIT HISTORY REPORT  
Activity at: 1715 LINCOLN

<u>Permit</u>	<u>Type</u>	<u>Status</u>	<u>Applicant</u>	<u>Issued Date</u>	<u>Final Date</u>
X91-0320	Complaint	FINAL	CITY OF ALAMEDA	10/29/1991	10/29/1991
<b>Work Description:</b> SFD USED AS ILLEGAL BUSINESS (AUTO REP)					
B04-1666	Building Permit	FINALED		12/08/2004	10/26/2005
<b>Work Description:</b> SIGN - "ANTIQUERY"					
MDR04-0370	Minor Design Review	FINALED		03/09/2005	03/09/2005
<b>Work Description:</b> SIGN - "ANTIQUERY"					
P05-0505	Plumbing Permit	FINALED		11/08/2005	11/10/2005
<b>Work Description:</b> REMOVE/REPLACE 40 GAL WATER HEATER					
MR07-0419	Miscellaneous Revenue	ISSUED		07/30/2007	
<b>Work Description:</b> PERMIT HISTORY					
FS105-1974	Fire Safety	PASSED			
<b>Work Description:</b> ANNUAL FIRE SAFETY INSPECTION					

04/28/2011

Page 1 of 2

Attachment #6





# CITY OF ALAMEDA

2263 SANTA CLARA AVENUE, ROOM 190  
ALAMEDA, CA 94501

(510) 747-6800  
FAX (510) 747-6804

## PERMIT HISTORY REPORT Activity at: 1715 LINCOLN

<u>Permit</u>	<u>Type</u>	<u>Status</u>	<u>Applicant</u>	<u>Issued Date</u>	<u>Final Date</u>
PLN11-0090	Entitlement	Staff Review	CHERYL VAHEY, TRUSTEE		
<b>Work Description:</b> ZONING COMPLIANCE DETERMINATION - ZONING MAP STATES RESIDENTIAL, HAS BEEN USED & TAXED AS COMMERCIAL					
X01-0296	Complaint	INVALID	CITY OF ALAMEDA		
<b>Work Description:</b> LITTER ON TOP OF ROOF WOODEN PIECES					



**CITY OF ALAMEDA**  
2263 SANTA CLARA AVENUE, ROOM 190  
ALAMEDA, CA 94501

(510) 747-6800  
FAX (510) 747-6804

**PERMIT HISTORY REPORT**  
**Activity at: 1715 LINCOLN**

<u>Permit</u>	<u>Type</u>	<u>Status</u>	<u>Applicant</u>	<u>Issued Date</u>	<u>Finished Date</u>
X91-0320	Complaint	FINAL	CITY OF ALAMEDA	10/29/1991	10/29/1991
<b>Work Description:</b> SFD USED AS ILLEGAL BUSINESS (AUTO REP)					
B04-1666	Building Permit	FINALED		12/08/2004	10/26/2005
<b>Work Description:</b> SIGN - "ANTIQUERY"					
MDR04-0370	Minor Design Review	FINALED		03/09/2005	03/09/2005
<b>Work Description:</b> SIGN - "ANTIQUERY"					
P05-0505	Plumbing Permit	FINALED		11/08/2005	11/10/2005
<b>Work Description:</b> REMOVE/REPLACE 40 GAL WATER HEATER					
MR07-0419	Miscellaneous Revenue	Finaled		07/30/2007	11/14/2011
<b>Work Description:</b> PERMIT HISTORY					
FC113-0015	Fire Complaint	OK to Inspect			
<b>Work Description:</b> OUTDOOR RUBBISH. REC'D 6/6/2013					



## CITY OF ALAMEDA

2263 SANTA CLARA AVENUE, ROOM 190  
ALAMEDA, CA 94501(510) 747-6800  
FAX (510) 747-6804PERMIT HISTORY REPORT  
Activity at: 1715 LINCOLN

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<u>Permit</u>	<u>Type</u>	<u>Status</u>	<u>Applicant</u>	<u>Issued Date</u>	<u>Finished Date</u>
FS105-1974	Fire Safety	Closed			

**Work Description:** ANNUAL FIRE SAFETY INSPECTION

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PLN11-0090	Entitlement	Approved	CHERYL VAHEY, TRUSTEE
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**Work Description:** ZONING COMPLIANCE DETERMINATION - ZONING MAP STATES RESIDENTIAL, HAS BEEN USED & TAXED AS COMMERCIAL

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SW16-0008	Sidewalk	Applied
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**Work Description:** 36 SF SIDEWALK, 9 SF DRIVEWAY

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X01-0296	Complaint	INVALID	CITY OF ALAMEDA
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**Work Description:** LITTER ON TOP OF ROOF WOODEN PIECES

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X14-0159	Complaint	Compliance
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**Work Description:** SUBSTANDARD BUILDING AND HEALTH AND SAFETY VIOLATIONS



December 5, 2017

David Sablan, Planner II  
City of Alameda  
Community Development Department  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501-4477

**SUBJECT: Transmittal 1715 Lincoln Avenue Planning Permit Application Request for General Plan and Zoning Determination/Confirmation**

Dear Mr. Sablan:

Thank you for your time meeting with our firm and the property owner's representative on Monday December 4, 2017. As suggested during our meeting, we are submitting the attached "Permit Application Request" form, in order to request a determination by Planning Staff as to the current General Plan Designation and Zoning District for 1715 Lincoln Avenue (APN #072-299-011).

As you are aware from our input and the pictures provided at our meeting, this property was originally built as a single-family home, and was later used for a commercial business. The property owner has interest in resuming use of this property as a single-family residence at this time.

Enclosed with our application, we have provided the following attachments which reflect our independent analysis of the GP designation and Zoning district based on official public records, along with supporting materials documenting the previous residential use (accommodation for which has been maintained while the business use has been in operation; i.e., kitchen, restrooms, etc.).

1. **Zoning Determination Letter from 2011** – This attachment concludes that the Zoning was C-1 in 2011 based on supporting analysis which includes a zoning boundary line which splits the subject property, placing the northerly half of the lot in the C-1 District, and the southerly half in the R-5 District. The letter also identifies the GP designation is Neighborhood Business, but does not include any supporting evidence.
2. **City of Alameda Permit History Report 2017** – This attachment lists Permit #PLN11-0090 which states under the Zoning Compliance Determination as follows: *"ZONING MAP STATES RESIDENTIAL, HAS BEEN USED & TAXED AS COMMERCIAL"*.
3. **Official Current Zoning Map as Posted on City Website** – This attachment enlargement of the City's official Zoning Map clearly shows the property as being entirely within the "R-5" District.
4. **Official Current General Plan Map** – This enlargement of the most recent official October 2016 General Plan Map, downloaded from the City's website, clearly shows the entire subject property designated as "Medium Density Residential".
5. **Previous 1991 General Plan Map** – A copy of this archived General Plan Map from 1991 was provided to us by you at the meeting on Monday. Enlargement of the map showing the subject property clearly shows it as being entirely orange in color, reflecting a land use

## EXHIBIT 4 - Page 34 of 36

David Sablan, City of Alameda

December 5, 2017

Page 2

designation of Medium Density Residential. We also note that the entire southerly half of this block fronting on the easterly side of Lincoln Avenue is designated (orange) Medium Density residential. Only the commercial structures occupying the northwesterly corner of Lincoln Avenue and Grand Street are shown (red) designated as Neighborhood Business.

6. **Current Alameda GIS Information** – The City's GIS website currently shows the property at 1715 Lincoln Avenue as General Plan "Medium Density Residential", and Zoning as "R-5".
7. **Pictures** – This attachment includes current photographs of the existing single-story structure and site improvements at 1715 Lincoln Avenue, clearly documenting its original design and construction as a single-family residence with conventional driveway and detached garage, remaining kitchen and interior living spaces. We note that the design and scale of the improvements on the subject property are substantially the same as those of the single-family residence on the contiguous property to the south (also zoned R-5).

Our analysis has concluded that the adopted General Plan and Zoning maps constitute the accurate designation and district for the subject property. Realizing the inconsistencies in the City's files surrounding this property, we look forward to discussing mechanisms for resolving these issues.

We greatly appreciate your review of our materials, and look forward to speaking with you to discuss potential avenues for either (1) confirming the GP/Zoning as supporting residential uses by Planning Staff, or (2) discussing mechanisms available for rezoning of the property to maintain consistency with the General Plan and a possible future residential use.

Sincerely,



Michael T. Loewke, AICP  
Vice President  
Loewke Planning Associates, Inc.

Cc: Jennifer Keystone, Keystone Consulting, Trustee



## CERTIFICATE OF ZONING COMPLIANCE

File No. PLN17-0589  
Site Address: 1715 Lincoln Ave Alameda, CA 94501  
Parcel Number(s): 072-0299-011-00  
Zoning Designation: C-1, Neighborhood Business  
General Plan Designation: Neighborhood Business

The property is zoned C-1, Neighborhood Business, it is intended that the Neighborhood District be applied on properties suitable to serve residential areas with convenient shopping and service facilities. The abutting parcels to the West and South of the subject parcel are also zoned C-1, abutting parcels to the North and East of the subject parcel are zoned R-5, General Residential District.

### Responses to Inquirer's information requests:

#### 1. What is the zoning designation for the subject property?

This property at 1715 Lincoln Avenue is located in the C-1 (Neighborhood Business) Zoning District, and is subject to Alameda Municipal Code Section 30-4.8 (Attachment A).

#### 2. What is the General Plan Land Use Designation?

The General Plan Land Use Designation for the property at 1715 Lincoln Avenue is Neighborhood Business, as depicted in the February 1991 General Plan Diagram. As stated in Chapter 1 of the City of Alameda General Plan, "to make the General Plan Diagram readable, it is necessary to omit isolated use designations smaller than an acre."

#### 3. Suitability for Residential Use:

The Land Use Element of the General Plan notes in its description of the Neighborhood Residential land use classification that "Residential use is encouraged on the second floor and is permitted elsewhere." (Attachment B)

AMC Section 30-4.8(c) lists uses requiring approval of a Use Permit. Dwelling units are listed as requiring a Use Permit subject to meeting the following criteria:

- a. The residential use will not conflict with or inhibit attainment of General Plan land use designations or the operation of legitimate business uses within the commercial district.
- b. That new residential use shall not occupy ground floor space considered suitable for business use.



- c. New structures devoted solely to residential use shall not be permitted
- d. There shall be not less than two thousand (2,000) square feet of lot area for each dwelling unit.

Approval of a Use Permit to permit a dwelling unit would require the City to make the findings that the single story building is not suitable for business activities that the General Plan encourages in the Neighborhood Business land use classification. General Plan Policy 2.5.g states "Maintain neighborhood business districts for small stores that attract mainly pedestrian traffic and can be acceptable neighbors for nearby residents." (Attachment B)

Issued: Andrew Thomas, City Planner



Per: \_\_\_\_\_

David Sablan, Planner II

Date: January 16, 2018

**Enclosed Documents:**

Attachment A: AMC Subsection 30-4.8

Attachment B: Excerpts from City of Alameda General Plan Land Use Element

**DISCLAIMER:**

**This Certificate of Zoning Compliance does not grant or provide any vested right to engage in any use. The City of Alameda reserves the right to amend or suspend its zoning regulations at any time and in any manner. Any expenditure made by the applicant in reliance of this certificate is made at the applicant's full risk. This Certificate does not certify a property's compliance with building or fire codes or the requirements of these codes, as no site inspection has been made to determine whether structures on the subject property conform to current building or fire codes. Therefore, this certification is for zoning purposes only.**