

**CITY OF ALAMEDA  
COMMUNITY DEVELOPMENT DEPARTMENT**

**ADMINISTRATIVE USE PERMIT**

**ITEM NO:** 3-A

**PROJECT DESCRIPTION:** **PLN18-0533 – 2400 Monarch Street (Alameda Point, Bldg 44) – Applicant: Jeffrey Nibler on behalf of Wonky Kitchen, LLC.** Public hearing to consider a use permit to allow the operation of food trucks within the parking lot of Building 44 at Alameda Point (2400 Monarch Street), and to allow extended hours of operation for the food trucks before 7:00 AM and after 10:00 PM, starting operations at 6:00 AM and staying open until midnight. The applicant proposes having up to three food trucks operating on the site at one time, seven days a week. The Alameda Point Final EIR (State Clearinghouse No. 201312043) evaluated the environmental impacts of redevelopment and reuse of the lands at Alameda Point. No further review is required for this project.

**GENERAL PLAN:** AP1, Alameda Point Civic Core Mixed Use

**ZONING:** AP-AR, Alameda Point Adaptive Reuse

**PROJECT PLANNER:** David Sablan, Planner II

**PUBLIC NOTICE:** A notice for this hearing was mailed to property owners and residents within 300 feet of the site, published in local newspapers and posted in public areas near the subject property. Staff has not received any public comments on this proposed project.

**EXHIBITS:** Exhibit 1 – Project Plans

**RECOMMENDATION:** Approve the project with conditions.

**BACKGROUND:** The project site is located at 2400 Monarch Street and contains Building 44 that currently houses The Prep Station commercial kitchen, which provides kitchen facilities and food production services to a variety of food business operators. The applicant is requesting an administrative use permit to allow food truck operations in the parking lot for their facility. No new structures or changes to the exterior of the building are proposed as part of the project. Up to three individual food trucks will be parked on site, starting as early as 6:00 AM and staying open until as late as midnight. Staff recommends several conditions of approval that ensure the proper cleanup of any potential litter caused by the operation of food trucks.

**FINDINGS:**

**1. The location of the proposed use is compatible with other land uses in the general**

**neighborhood area, and the project design and size are architecturally, aesthetically, and operationally harmonious with the community and surrounding development.**

The Alameda Point Adaptive Reuse District encourages community destination services that support reinvestment in the existing buildings and infrastructure within the NAS Alameda Historic District. The proposal to expand the amenities for customers at an existing business establishment within the Alameda Point commercial area is consistent with this goal. The proposed food truck use will relate favorably to other properties and uses in the vicinity by increasing commercial activity at Alameda Point. No new structures or changes to the existing building are proposed as part of the project.

**2. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.**

The existing establishment is already served by adequate transportation and service facilities. The property is fully developed with no barriers to public access and ample areas for vehicle and bicycle parking. The proposed food truck operation will not generate a large influx of additional vehicular traffic because many of the same customers who currently visit the nearby "Spirits Alley" will continue to frequent the area in addition to employees of nearby businesses who currently have limited dining opportunities in the neighborhood. Therefore, the proposed project will not significantly generate additional traffic or transportation service requirements.

**3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have deleterious effects on existing business districts or the local economy.**

The operations will be conducted in compliance with the local requirements and approved conditions of approval, and the activity will not adversely affect properties in the surrounding area. Furthermore, the proposed use will have a positive impact on existing and future businesses at Alameda Point by providing more outdoor amenities for visitors to the area. The uses complement the existing winery, brewery, and distillery uses along Monarch Street and West Tower Avenue.

**4. The proposed use relates favorably to the General Plan.**

The General Plan designation for this project location is Alameda Point Civic Core Mixed Use. The proposed use is consistent with this land use designation. Furthermore, General Plan policies support job generating uses at Alameda Point including policy 9.2.a which encourages creating local serving commercial uses. The proposed use permit amendment is consistent with the General Plan.

**CONDITIONS:**

1. Compliance with City Ordinances. The approved use is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies including the Department of Alcohol Beverage Control.
2. Compliance with Plans. Any modification on this site shall be in substantial compliance with the site plan submitted by Jeffrey Nibler on December 4, 2018, and on file in the City of Alameda Community Development Department, except as modified by the conditions listed in this report.

3. Changes to Approved Plans: This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits. Any changes to the approved scope of the project shall be submitted to the Community Development Department for review and approval.
4. Hours of Operation: Food truck operations shall be limited to the hours of 6:00 A.M. to 12:00 A.M., seven days a week.
5. Pedestrian Safety: Applicant/Developer shall provide and maintain a safe pedestrian path of travel around the project site within the public right of way that is clear of hazards to the satisfaction of the Planning, Building and Transportation Director and Public Works Director.
6. Alcohol Beverage Control (ABC) License: Any application for an ABC License Type 42 or 48 shall require the approval of a separate conditional use permit, subject to the guidelines of AMC Section 30-21, prior to the issuance of such ABC Licenses.
7. Exterior Lighting and Fencing. No new exterior lighting or changes to the exterior fencing shall be allowed without review and approval of the Planning, Building and Transportation Department.
8. Special Event Permits. Special events that involve activities that are beyond the scope of the regular business activities described in this Use Permit shall require approval of a Special Event Permit. Additional conditions regarding traffic control, security or other public welfare and safety issues may be added through the Special Event Permit process.
9. Food Truck Vendors. Food Truck Vendors may operate onsite with the following requirements:
  - a. Maximum number of food trucks and permitted locations:
    - i. A maximum number of three food trucks are allowed to operate concurrently on the project site. That maximum can be increased for special events subject to review and approval by the Planning, Building and Transportation Department.
    - ii. Food trucks can only be parked in existing paved parking spaces are not permitted in any unpaved areas.
  - b. Proof of permits and fees:
    - i. Vendors must obtain a City Business License, based on the same classification as restaurants.
    - ii. Vendors must provide proof of insurance and valid CA driver's license.
    - iii. Vendors must provide proof of a valid health permit from the Alameda County Health Department.
    - iv. Vendors are required to obtain a hazardous materials permit when quantities of propane are equal to or exceed ten (10) gallons.
  - c. Site requirements for off-street locations:
    - i. Vendors must be stationary for a minimum of two (2) hours. No trolling

allowed.

- ii. Vendors will be required to provide proof of agreement from the business owner.
- iii. The food trucks shall always remain operable and removable off-site on their own power.

10. Urban Runoff / Stormwater Requirements:

- a. Applicant must ensure that no pollutants, including food waste/grease, liquid wastes, garbage/debris, litter, and/or other materials, are discharged to the City's storm drain system (including roadways and storm drains), or the paved use areas, or are wind-dispersed off-site.
- b. Applicant will be required to pick up, remove and properly dispose of all wastes, debris and trash from the use site daily.
- c. Applicant will be required to pick up, remove, and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed, and any residue deposited on the street and the paved use areas from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire area within a 25-foot radius of the location where food vending is occurring.
- d. Applicant shall use best management practices and dry methods of cleaning to prevent accumulation or discharge of any materials to the City's storm drain system (including roadways and storm drains) and the paved use areas.
- e. Applicant shall ensure that any wash water from surface cleaning activities shall be collected and discharged to the sanitary sewer system and shall implement surface cleaning best management practices described in the Bay Area Stormwater Management Agencies Association (BASMAA) "Pollution From Surface Cleaning" guidance document.

11. Integrated Waste Requirements:

- a. Applicant shall provide customers sufficient garbage, recycling, and organic collection receptacles while food trucks are in operation.
- b. When food trucks are not in operation, all garbage facilities shall be secured within the building or within a fenced area protected from access by raccoons or other potential Least Tern predators. In no circumstances will uncovered garbage, grain, refuse or other edible materials be placed outside the building in an open bin or can.
- c. Applicant shall place graphically rich signs or labels on or adjacent to containers so customer discards are more thoughtfully sorted.
- d. All receptacles shall be covered or secured when operations are closed. Applicant will discourage the scavenging of bottles and cans from use area.
- e. Applicant understands that disposable food service ware that uses polystyrene foam (aka Styrofoam™) is prohibited within jurisdictional limits.
- f. Use of City waste receptacles is prohibited.

12. Revocation. This Use Permit may be modified or revoked by the Zoning Administrator, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator

determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.

13. Vesting. The Use Permit approval shall expire two (2) years after the date of approval or by **February 4, 2021** unless authorized use of the property has commenced. The applicant may apply for a time extension, not to exceed two (2) years. An extension request will be subject to approval by the Zoning Administrator and must be filed prior to the date of expiration.
14. Indemnification. The Applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of or City Council related to this project. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. 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 plus extensions authorized by California Code of Civil Procedure Section 1094.6.

#### **DECISION:**

##### Environmental Determination

The Zoning Administrator finds that by Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 et seq. and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014, for the Alameda Point Project, and that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the administrative use permit application is required.

##### Use Permit

The Zoning Administrator approves the Use Permit with conditions.

The decision of the Zoning Administrator shall be final unless appealed to the Planning Board, in writing and within ten (10) days of the decision.

Approved by: \_\_\_\_\_

Zoning Administrator

Date: February 4, 2019