

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

APPROVING DESIGN REVIEW APPLICATION PLN20-0160 TO ALLOW EXTERIOR BUILDING AND SITE ALTERATIONS AT 2416 LINCOLN AVE (PLN20-0160).

WHEREAS, on April 8, 2020, Burch Greene on behalf of Alameda NUG Shop submitted an application for a Use Permit to allow the operation of a Cannabis Retail Dispensary and Design Review for building and site alterations at 2416 Lincoln Avenue; and

WHEREAS, on July 13, 2020, the application was deemed complete; and

WHEREAS, the project site is designated as Community Commercial in the General Plan; and

WHEREAS, the project site is located within the C-C-T (Community Commercial, Theatre Combining) Zoning District; and

WHEREAS, the Planning Board held a duly noticed public hearing on August 17, 2020 and reviewed the application for a use permit and design review, PLN20-0160, and all applicable material including public comments; and

WHEREAS, the Planning Board approved the use permit at their August 17, 2020 meeting but remanded the Design Review to staff and the applicant for revision to the Design Review plans; and

WHEREAS, the Planning Board held a duly noticed public hearing on October 12, 2020 and reviewed the application for design review, PLN20-0160 and all applicable material including public comments.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board makes the following findings in support of the project's approval:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed building alterations will remove the exterior stairs and rear carport and upper floor addition, which were not consistent with the design and form of the building after it was expanded to two stories in the 1920s. The resultant form and massing of the building is more compatible with the surrounding commercial and mixed-use buildings, and is complementary to the adjacent Park Street Historic District.
2. **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 project will reduce the overall size of an existing commercial building to closer match the

building's original footprint, which is compatible with the surrounding commercial buildings. A new fence will be constructed to separate the surface parking from adjacent property and new exterior lights will be shielded to minimize light pollution and glare on the neighbors.

3. **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 original storefront windows and doors will be retained and preserved in their current state. A non-original addition that did not completely match the original building's materials will be removed as part of the project. The proposed work requires Design Review approval, but any changes to the exterior of the building will be finished with materials matching the existing main structure; and

BE IT FURTHER RESOLVED, No further environmental review is necessary pursuant to *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80, which found that design review for by right projects is a ministerial decision under Public Resources Code section 21080. On a separate and independent basis the Planning Board finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15301 (existing facilities) – operation, permitting or leasing of existing private structures involving negligible or no expansion of use beyond that which exists, each as a separate and independent basis; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Design Review PLN20-0160, subject to the following conditions:

1. A copy of this Design Review Approval Notice shall be printed on the cover of the final Building Permit plans.
2. This approval is valid for two years and will expire on October 12, 2022 unless construction has commenced under valid permits. *Please note: The approval may be extended to October 12, 2024 upon submittal of an extension request and the associated fee. Design Review approval may be extended upon application for up to two (2) additional years from the date of expiration.*
3. **Compliance with Plans:** Any modification of this site shall be in substantial compliance with the plans submitted September 8, 2020, drawn by Burch Greene, on file in the City of Alameda Planning, Building, and Transportation Department, except as modified by the conditions listed in this resolution.
4. **Window Screening:** Plans submitted for the Operator's Permit and building permits must show how public facing windows will be screened to obscure view of any display, storage, transfer, or sales activity of cannabis or cannabis products from the public rights-of-way, developed in consultation with the Downtown Alameda Business

Association and approved by the Planning Director. Opaque window screenings shall be limited to the windows on the storefront doors and shall not be used for storefront windows. Prior to issuance of a Certificate of Occupancy, the applicant shall install the approved method of screening. Any changes to the interior affecting the visibility of product from the public right-of-way shall be submitted for review and approval by the Planning Director.

5. **Driveway Marking and Signage:** Plans for the building permit shall include details of signage and curb markings at the driveway on Lincoln Avenue to alert pedestrians and motorists of crossing traffic, subject to the approval of the City Engineer and Planning Director. Any approved signage and curb markings shall be installed prior to issuance of Certificate of Occupancy.
6. **Site Fencing:** Plans submitted for building permits shall show the extension of fencing along the east property line shared with the property at 2408 Lincoln Avenue.
7. **Signage:** Any permanent signage is subject to a separate sign permit approval.
8. **Planning Inspection:** A site inspection to determine compliance with this Design Review Approval is required prior to the final building inspection and/or to the issuance of a Certificate of Occupancy. The applicant shall notify Planning staff at least four days prior to the requested Planning Inspection dates.
9. **Hold Harmless.** To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code section 66020(a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of section 66020, the applicant will be legally barred from later challenging such fees or exactions.
