

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

APPROVING VARIANCE APPLICATION NO. PLN19-0237 TO ALAMEDA MUNICIPAL CODE SECTION 30-7 OFF-STREET PARKING AND LOADING SPACE REGULATIONS TO ALLOW DEVELOPMENT WITHOUT OFF-STREET PARKING AT 1929 WEBSTER STREET

WHEREAS, on May 29, 2019, Daniel and Ben Cukierman submitted an application for a Use Permit to allow the operation of a Tavern with extend hours of operation, a parking waiver, and Design Review for a new commercial building at 1929 Webster Street; and

WHEREAS, on November 2, 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, Community Commercial Zoning District; and

WHEREAS, the Planning Board held a duly noticed public hearing on November 23, 2020 and reviewed the application for a use permit and parking waiver, PLN19-0237, and all applicable material including public comments; and

WHEREAS, the Planning Board approved the use permit application for a Tavern use with outdoor seating and extended business hours, but determined that a parking waiver was inappropriate for the project; and

WHEREAS, the Planning Board determined the project was eligible for a parking variance and directed staff to prepare a recommendation for a variance to Alameda Municipal Code Section 30-7 Off-street Parking and Loading Space Regulations; and

WHEREAS, the Planning Board held a duly noticed public hearing on December 14, 2020 and reviewed the application for a variance, PLN19-0237, and all applicable material including public comments.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project is categorically exempt from environmental review pursuant to CEQA Guidelines Section 15305 – Minor Alterations to Land Use Limitations, and finds that none of the exceptions to the categorical exemptions apply; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings in support of a variance to Alameda Municipal Code Section 30-7 Off-street Parking and Loading Space Regulations:

1. There are exceptional or extraordinary circumstances applying to the property involved or to the proposed use of the property.

The subject property is unusually long and narrow making it impossible to develop according to City parking standards. The property measures approximately forty feet (40') at its widest point and only thirty-two feet five inches (32'5") at the Webster Street frontage, which makes the lot too narrow to fit both the parking stalls and the necessary space for maneuvering a car in and out of the lot. Specifically, per AMC Section 30-7.9, the required length of a standard parking space is eighteen feet (18') and drive aisles (backup areas) are required to be a minimum twenty-four feet (24') wide; just these dimensions alone exceed the width of the lot. Additionally, the code requires a three foot (3') landscaping strip between property lines and the parking spaces and a landscape strip one foot (1') wide between property lines and drive aisles (AMC Section 30-7.10). Added together, the minimum width needed to fit off-street parking is forty-six feet (46'), which is wider than any point of the lot. The long and narrow configuration of the lot also make it infeasible to accommodate parking because cars would only be able to enter the site in one direction but would not have adequate space to turn around and exit. Allowing vehicles to back out onto Webster Street is prohibitive from a public safety perspective. Therefore, the narrow lot width is an extraordinary circumstance for the subject property.

2. Because of such exceptional or extraordinary circumstances, the literal enforcement of specified provisions of this section would result in practical difficulty or unnecessary hardship such as to deprive the applicant of a substantial property right possessed by other owners of property in the same class of district.

The property is currently vacant and cannot accommodate off-street parking that meets City standards under AMC Section 30-7 due to the unusually narrow width of the lot. Per AMC Section 30-7.2, the construction of a new building requires providing off-street parking spaces. The lot is too narrow to accommodate any standard configuration of parking and vehicular access, and to impose the parking requirements as stated in AMC Section 30-7 would result in practical difficulties and impair development potential on the site. There are many properties in the C-C Zoning District along Webster Street that have long been developed without any off-street parking.

3. The granting of the variance will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to persons or property in the vicinity.

The granting of a variance will not be detrimental to public welfare because the site is located along the Cross Alameda Trail and is served by AC Transit Line 51A, a trunk line with high-frequency service to important transportation connections in the Oakland-Alameda vicinity. The granting of a parking variance will allow a long vacant site to finally be developed. The existing driveway curbcut will be removed and replaced with curb, gutter and sidewalk built according to City standards. The removal of the curbcut will resolve an unsafe condition caused by the existing driveway's close proximity to the busy Atlantic/Webster intersection, the pedestrian and bicycle entrance to the Cross Alameda Trail, and the existing bus stop in front of the property.

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Variance PLN19-0237, subject to the following conditions:

1. **Bicycle Parking:** Plans submitted for building permits shall show a minimum of 30 short term bicycle parking spaces (bike racks) accessible by the public and a minimum of 8 long term bicycle storage accessible by employees. The installation of the bicycle parking facilities shall comply with the City of Alameda Bicycle Facility Design Standards to the satisfaction of the Planning Director and Public Works Director.
2. **Compliance with Plans:** Any modification of this site shall be in substantial compliance with the plans submitted October 2, 2020, drawn by Studio KDA, on file in the City of Alameda Planning, Building, and Transportation Department, except as modified by the conditions listed in this resolution.
3. **Alameda Transportation Management Association Membership:** The applicant shall join the Alameda Transportation Management Association (ATMA) that will provide one AC Transit EasyPass or equivalent pass to each employee (full-time and part-time) of the business. Proof of ATMA membership shall be provided to the City prior to building permit final (Certificate of Occupancy) and thereafter to be furnished upon request of the City.
4. **Variance Effective Date.** This variance approval shall become effective immediately upon approval by the Planning Board unless appealed or called for review under AMC Section 30-25.
5. **Indemnification.** To the maximum extent permitted by law, the applicant (or its successor in interest) 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 and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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.