

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING A USE PERMIT FOR THE CLUBHOUSE BAR FOR THE USE OF A REAR PATIO AND LAWN AREA FOR OUTDOOR SEATING AREA AT 1215 PARK STREET.

WHEREAS, the Club House Bar ("Applicant") is requesting approval for a Use Permit to use an existing rear patio and yard area for outdoor customer seating at 1215 Park Street ("Project"); and

WHEREAS, the subject property is designated as Community Commercial in the General Plan; and

WHEREAS, the subject property is located in a C-C-T, Community-Commercial-Theatre Combining District; and

WHEREAS, the Planning Board held a duly noticed public hearing on July 12, 2021 for the Project and examined pertinent maps, drawings, and documents.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 - Existing Facilities, and finds that none of the exceptions to the categorical exemptions apply. As a separate and independent basis, the project is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 (projects consistent with General Plan and Zoning); and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the Use Permit application:

1. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** As conditioned the proposed outdoor patio is compatible with other commercial and residential land uses in the surrounding neighborhood area. The project is conditioned to prohibit live or amplified music or announcements in the patio that would be incompatible with neighboring residential uses. Additionally the hours for customers to use the outdoor patio area are limited to minimize disturbances to the surrounding neighborhood area.
2. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The location of the project is fully developed and does not require additional service facilities. The proposed outdoor patio is an option for customers and the patio seating alone will not increase the vehicle traffic or parking demand of the restaurant use. The Park Street Business District has several City operated parking lots and street parking within walking distance to the bar, as well as bike parking facilities throughout the district. The site is located on Park Street which is served by AC Transit bus routes 20, 51A, and O.
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 substantial deleterious effects on existing business districts or the local economy.**
The proposed outdoor seating, as conditioned, will not adversely affect the surrounding properties, or hurt existing business districts or the local economy. The proposed use is a low-

intensity use that is consistent with the pedestrian-oriented commercial uses facilitated by the Community Commercial zoning regulations. The proposal does not involve design changes to the exterior of the building. Compliance with the conditions of approval will further minimize the possibility of adverse effects on adjacent property.

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

The proposed outdoor seating for a restaurant will provide a low-intensity use compatible with the Community Commercial General Plan designation. The proposal is consistent with the General Plan because the proposed use would not have any negative impacts upon the surrounding properties and commercial businesses. General Plan Policy 2.5.a also calls for providing enough retail business and services to provide Alameda residents with a full range of services.

BE IT FURTHER RESOLVED, that the Planning Board approves a Use Permit to allow an outdoor seating area in the rear patio and yard area at 1215 Park Street, subject to the following conditions:

1. Limitations Outdoor Patio Area Hours of Use: The use of the outdoor areas shall be limited to the following locations and times:
 - The lawn area will be closed to use Monday through Friday. On Saturday and Sunday, the lawn area will be limited to the hours of 11:00 am to 6 p.m. or dusk, whichever comes first.
 - The patio area will be open 11:00 am to 9:00 p.m. Sunday through Thursday and until 10 p.m. on Friday and Saturday.
2. Signs. Signs shall be posted in the back yard and patio area informing patrons of the need to be respectful, mindful, and courteous of the adjacent neighbors.
3. Video. The back patio area shall be equipped with surveillance cameras to enable the staff to monitor activities on the patio area at all times.
4. Phone Numbers. The applicant shall provide neighbors with a direct line that can be used to talk to the staff when the noise in the rear patio or yard is becoming excessive or if patrons are not acting courteous or mindful of the needs of the neighbors.
5. Prohibitions on Amplified Sound: No amplified speakers are allowed in the outdoor patio or garden.
6. Prohibition on Smoking: No smoking is allowed in the outdoor patio area. A “No Smoking” sign shall be posted in the outdoor patio area at all times.
7. Exterior Lighting: Exterior lighting fixtures shall be limited to the patio area and shall be low intensity, directed downward and shielded to minimize offsite glare consistent with the City’s Dark Skies Ordinance, AMC Section 30-16.c.
8. Privacy Screening: Prior to the issuance of Certificate of Occupancy for the outdoor patio, the applicant shall install a new privacy fence along the rear property line that is eight feet tall, as permitted in AMC Section 30-5.14. Final design shall have input from adjacent residential neighbors.

9. Posting of Use Permit and Conditions: A copy of this Use Permit and conditions of approval shall be posted on the premises at all times. Bar employees shall be informed of these conditions of approval and limits of this Use Permit.
10. Revocation: Upon receipt of three valid complaints due to operations or use in conflict with these conditions, City staff shall schedule a public hearing to consider revocation of this use permit. This Use Permit may be modified or revoked by the Zoning Administrator, Planning Board, or City Council, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator, Planning Board, and/or City Council 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.
11. Fees: The applicant shall pay all fees required by the adopted City of Alameda Fee Schedule for the review of a Conditional Use Permit.

HOLD HARMLESS. 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. 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.

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.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning, Building, and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

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