

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING A TEMPORARY USE PERMIT FOR OUTDOOR COMMERCIAL EVENTS AT 1435 WEBSTER STREET.

WHEREAS, an application was made by the West End Arts District, the West Alameda Business Association and the Fireside Lounge (“Applicants”) requesting approval for a Use Permit to use an existing parking lot at 1435 Webster Street for outdoor commercial entertainment events; 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 Temporary 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 commercial use is compatible with other commercial and residential land uses in the surrounding neighborhood area. The project is conditioned to limit the term of the use, the days of the week, the hours of the day, and the hours of amplified music 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 Webster Street Business District has City operated parking lots and street parking within walking distance to the site, as well as bike parking facilities throughout the district. The site is served directly by AC Transit.
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. 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 events will support the economic recovery of the commercial district from the COVID pandemic. Preservation of commercial services and businesses is consistent with General Plan Policy 2.5.a which 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 Temporary Use Permit to allow an outdoor use of the parking lot at 1435 Webster Street for commercial entertainment uses, subject to the following conditions:

1. Term. This use permit shall expire on December 31, 2021.
2. Events per week. Events shall be limited to no more than three (3) event days per week in July, August and September; two (2) event days per week in October and November; and two (2) events total in December.
3. Days of Week. Events shall be limited to Thursdays, Fridays, Saturdays and Sundays.
4. Amplified Sound Event Dates. Concerts and other events with amplified sound shall be limited to the following specific dates:
 - a. July 16, 17, 23, 24, 30 and 31.
 - b. August 1, 6, 7, 8, 14, 21, 22 and 29.
 - c. September 17, 18, 19 and 25.
 - d. October 2, 9, 15, 17, 23, 30 and 31.
 - e. November 6, 13, 26 and 27.
 - f. December 10 and 11.
5. Amplified Sound Time of Day and Duration. The use of amplified sound of any kind (i.e. live band, DJ, background music) shall terminate at **8:00 pm** and be limited to a total of three (3) hours per day, plus an additional one (1) hour maximum for pre-event sound checks only.
6. Event Time. Events times shall be limited as follows:
 - a. Thursday events limited to the hours of 5:00 pm to 8:00 pm.

- b. Friday events limited to the hours of 5:00 pm to 9:00 pm.
 - c. Saturday events limited to the hours of 11:00 am to 9:00 pm.
 - d. Sunday events limited to the hours of 11:00 am to 8:00 pm.
 - e. Set up and breakdown activities may occur for up to 3 hours before and 2 hours after events.
7. Ticket Sales. Ticket sales shall be limited as follows:
- a. Thursday events limited to 220 tickets,
 - b. Friday events limited to 350 tickets,
 - c. Saturday events limited to 350 tickets, and
 - d. Sunday events limited to 220 tickets.
8. Event Parking: Event organizers shall:
- a. Provide parking for staff and vendors at Beacon Bank and US Bank parking lots.
 - b. Provide signs for the laundromat parking lot stating: "No event parking". Provide staff to monitor to ensure non-laundromat customers are not using the laundromat lot.
 - c. Provide secure bike parking onsite for 12 bicycles for events with 100 to 299 attendees, and for 18 bicycles for events with 300 or more attendees.
 - d. Promote alternative forms of transportation (ride share, Uber/Lyft, bicycling, AC Transit, and walking) in all event advertising
9. Public Right of Way: All activities shall be kept within the confines of the lot and traffic shall not be blocked on Taylor or Webster Street for any reason. Equipment and lighting may not obstruct vehicular traffic. No street closures shall be permitted. Attendees waiting to enter shall form a line along the sidewalk on Webster Street.
10. Fire Protection: Fire extinguisher for general use shall be located at exits and readily accessible, classification 2A:10B:C. Generators shall not be located within 20 feet of tents/canopies. No pyrotechnics shall be allowed.
11. Security: For ticketed events with 100 or more attendees, security staff shall be posted at both entrances and exits to the space.
12. Tents: Tent/Canopy location and layout shall be according to approved plans and shall not be located within 20 feet of buildings, lot lines and vehicles. No open flames are allowed under tents/canopies.
13. Violations and 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.

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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