

CITY OF ALAMEDA RESOLUTION No. _____

UPHOLDING THE APPEAL OF USE PERMIT AMENDMENT PLN25-0649 AND MODIFYING THE USE PERMIT TO EXTEND PILOT TO ALLOW OUTDOOR MUSIC EVENTS CONSISTENT WITH THE NOISE ORDINANCE ON A 0.29-ACRE SITE AT 1200 PARK STREET

WHEREAS, an application was made on January 5, 2026, by Park Station (“Applicant”) requesting approval to amend Use Permit PLN24-0412 to allow an outdoor seating area with up to ten (10) live music events per month on Fridays from 4:00 PM to 9:00 PM, Saturdays from 2:00 PM to 9:00 PM, and Sundays from 2:00 PM to 7:00 PM, located on a 0.29-acre site at 1200 Park Street with a maximum noise level of 90 dB; and

WHEREAS, the application was deemed complete on February 9, 2026; and

WHEREAS, the subject property is designated Community Mixed Use in the General Plan; and

WHEREAS, the subject property is located in the C-C-T, Community-Commercial – Theater Combining Zoning District; and

WHEREAS, on February 13, 2023, the Planning Board approved Use Permit and Design Review PLN22-0412 to allow the adaptive reuse of an existing commercial property as a tavern use with an outdoor seating area with live music events, new perimeter fencing, and extended hours of operation until 11:00 PM on Fridays and Saturdays. The use permit approval allowed a maximum of three (3) outdoor music events per month on Fridays between 4:00PM – 8:00PM and on Saturdays 2:00PM – 8:00PM, limited to up to 3 hours per event. The use permit also included a requirement that the applicant return to the Board for a six-month review of the outdoor seating and music uses in conformance with the approved conditions; and

WHEREAS, on February 23, 2026, the Planning Board held a duly noticed public hearing for the six-month review and the proposed amendment to the Use Permit for the outdoor amplified live music event hours, and examined pertinent maps, drawings, and documents; and

WHEREAS, the Planning Board approved by a unanimous vote (6-0) Resolution No. PB-26-01, Park Station’s application PLN25-0649 for Modification of Use Permit No. PLN24-0412; and

WHEREAS, on March 2, 2026, Lozeau Drury LLP filed an appeal of the Planning Board’s decision to approve the Use Permit Amendment; and

WHEREAS, after giving due notice to the applicant, appellant, all interested parties, and the public, the Appeal was heard and considered by the City Council at a regular public hearing on May 5, 2026; and

WHEREAS, the applicant, supporters of the application, those opposed to the application and interested neutral parties were given the opportunity to participate in the public hearing; and

WHEREAS, the City Council held a de novo public hearing on May 5, 2026, on the Appeal at which time the City Council considered the entirety of the record, including all submitted materials and public comments regarding the application; and

WHEREAS, the City Council considered the Appeal, the public testimony, and all pertinent reports and evidence in the record as a whole, and made findings to approve the Use Permit Amendment application PLN25-0649 as set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Alameda that the City Council finds this project categorically exempt from environmental review pursuant to CEQA Guidelines Sections 15301 - Existing Facilities, and finds that none of the exceptions to the categorical exemption apply; and

BE IT FURTHER RESOLVED, that the City Council makes the following findings relative to the Use Permit application (AMC Sections 30-21.3):

- 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 seating area with live music is compatible with other commercial and residential land uses in the surrounding neighborhood area. The use is consistent with General Plan Policy LU-10. The outdoor seating area provides an outdoor gathering space for the community to socialize, and will be limited hours to the same operating hours as the indoor use. The project conditions limit amplified music events to up to four events per month on Fridays from 4:00 PM to 8:00 PM, and Saturdays from 2:00 PM and 8:00 PM, for up to three hours per event. All live music events must comply with the City's Noise Ordinance to minimize disturbances to the surrounding neighborhood. The outdoor seating is also consistent with General Plan Health and Safety Policy HS-7.b. As conditioned, the proposed use is compatible with the community and surrounding development.

- 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 within the Park Street downtown area and is fully developed and does not require additional service facilities. The Park Street Business District has a City operated parking lot, parking structure, and on-street parking within walking distance to the site, as well as bike parking facilities on the site and throughout the district. The site has access to public transit and is served directly by AC Transit lines 20, 21, 51A, O and W.

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 use of the site, as conditioned, will not adversely affect the surrounding properties or existing business districts or the local economy. The proposed use is consistent with the pedestrian-oriented commercial uses facilitated by the Community Commercial zoning regulations. The outdoor seating area will provide an outdoor gathering space for the community to socialize and will operate primarily like other outdoor dining locations in the Park Street area including the parklets of adjacent restaurants. The project conditions limit amplified music events to up to four events per month on Fridays from 4:00 PM to 8:00 PM, and Saturdays from 2:00 PM and 8:00 PM, for up to three hours per event. All live music events must operate consist with the City's Noise Ordinance to minimize disturbances to the surrounding neighborhood area. Therefore, the proposed use is compatible with the community and surrounding development.

4. **The proposed use relates favorably to the General Plan and the purpose of the C-C Zoning District.**

The project is consistent with General Plan Policy LU-10, which calls to support, promote and enhance Park Street to provide a broad mix of retail store, restaurants, entertainment, hospitality, personal and professional service, and transit oriented mixed-use housing opportunities. The tavern use with outdoor seating and music events would contribute to the goal of promoting Park Street as a Main Street district, and relates favorably with other restaurant and commercial uses that provide a similar family friendly, pet friendly atmosphere in the Park Street area. The proposal is consistent with the General Plan because, as conditioned, the proposed use would not have a negative impact upon the surrounding properties and commercial businesses. The proposal is also consistent with the Community Commercial Zoning District which is intended to provide for general retail, personal service use, offices, restaurants, hotels/motels, service stations, public and quasi-public uses and similar and compatible uses, and the proposed use is allowed with approval of a use permit; and

BE IT FURTHER RESOLVED, that the City Council uphold the Planning Board decision to approve Use Permit Amendment application PLN25-0649 to allow live music events at the outdoor seating area during specified times located on a 0.29-acre site at 1200 Park Street, subject to the following conditions:

1. Previous Outdoor Patio Conditions in Resolution PB-23-01: The following conditions of approval shall supersede the outdoor music event conditions of approval in Planning Board Resolution PB23-01, adopted February 13, 2023.
2. 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. Tavern employees shall be informed of these conditions of approval and limits of this Use Permit.

3. Expiration: The Use Permit shall expire two (2) years after the date of approval unless authorized construction or use of the property has commenced. A one-time extension for an additional two years may be granted by the Planning, Building and Transportation Director upon written request and payment of applicable fees.
4. 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 additional changes shall be submitted to the Planning, Building, and Transportation Department for review and approval.
5. Approved Uses: This use permit approves live entertainment activities with amplified sound in the outdoor seating area subject to the conditions below.
6. 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 County of Alameda Department of Environmental Health, and the Department of Alcohol Beverage Control. The applicant shall obtain a Type 41 ABC license prior to commencement of alcohol sales related activity.
7. Hours of Operation: Hours of operation outdoor operations shall be from 7:00 AM to 11:00 PM on Friday and Saturday only, and normal business hours from 7:00 AM to 10:00 PM Sunday through Thursday.
8. Outdoor Music. Live music events performing outdoors with amplified sound exceeding the ambient noise levels in the area (i.e. live band, DJ) shall be subject to the following limitations:
 - a. Be limited to no more than four (4) days per calendar month on either a Friday or Saturday. The applicant shall provide a calendar of scheduled events and provide such calendar to the City upon request.
 - b. Friday events shall be limited to the hours of 4:00 PM to 8:00 PM.
 - c. Saturday events shall be limited to the hours of 2:00 PM to 8:00 PM.
 - d. Events shall be limited to a total of three (3) hours per day, plus an additional one (1) hour maximum for pre-event sound checks only.
 - e. Set up and breakdown activities may occur for up to 3 hours before and 2 hours after events.
 - f. Events shall comply with the City's Noise Ordinance at all times. Upon three-verified violations of the maximum noise level, the Planning Board

shall hold a hearing to review the Use Permit at the cost of the applicant as outlined below

- g. Drums shall be provided with dampeners to reduce their sound level.
 - h. Applicant shall install and monitor a professional sound meter in the outdoor patio to provide decibel readings for onsite staff to review and shall make adjustments to comply with the maximum noise level identified in the City's Noise Ordinance at all times.
 - i. The Applicant shall conduct preliminary sound readings during sound check and during each outdoor music event to control amplification of all events to ensure compliance with this Use Permit. The sound readings shall be conducted with a mobile sound reading device at the property line of the nearest residential use.
9. Organizer Contact and Event Schedule. Applicant shall provide their contact information to residential and commercial neighbors by posting information on the site that informs the public who to call so that they may report issues and concerns. Applicants shall also post an up to date calendar of events on the site.
10. Noise Ordinance. Events and general activity shall strictly comply with the Alameda Noise Ordinance (AMC Section 4-10). The applicants shall monitor noise level at every event and ensure compliance with the maximum allowable noise levels in AMC Section 4-10.4.b. and ambient noise levels in the neighborhood
11. Dark Skies Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Dark Skies Ordinance (AMC Section 30-5.16.c), as applicable.
12. Integrated Waste Management:
- a. Applicant shall provide customers sufficient garbage, recycling, and organic collection receptacles.
 - b. All garbage facilities shall be secured within the building or within a fenced area protected from access by raccoons or other vermin. 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.
13. Revocation: 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.
14. Four-Month Review: This Use Permit approval is valid for four months from February 23, 2026. The applicant shall submit a Use Permit application and pay application fees for the Use Permit renewal prior to September 5, 2026, at which point the use approved under this Use Permit may continue until an action on the permit renewal is taken by the Planning Board at a public hearing conducted in conformance with Alameda Municipal Code Section 30-21. If no Use Permit application is submitted prior to the September 5, 2026, the Use Permit shall expire and use of the outdoor amplified music shall be prohibited. As part of the four-month review, the applicant shall provide a report from a noise consultant outlining best noise management practices for the facility. The Planning Board may at that time approve, amend or deny the Use Permit extension.
15. **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.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 5th day of May 2026, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 6th day of May 2026.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda