



City of Albany



PLANNING & ZONING APPEAL

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|---|--|--|-------------------------------------|
| GENERAL INFORMATION | | Date of decision being appealed 10 / 12 / 10 | |
| Who | Any Applicant or party with standing may appeal an administrative decision by Planning staff or a Planning & Zoning Commission action | Type of decision | Please check one |
| When | A written appeal must be filed within 14 calendar days of the administrative or Commission action | Administrative | <input type="checkbox"/> |
| Where | Appeals of administrative decisions are filed with the Community Development Department Appeals of Planning & Zoning Commission actions are filed with the City Clerk | Planning & Zoning Commission | <input checked="" type="checkbox"/> |
| Cost | \$550.00 (non-refundable) | Municipal Code or Zoning Ordinance Section | <input type="checkbox"/> |
| Process | Appeals of Planning Staff decisions will be considered by the Planning & Zoning Commission Appeals of Planning & Zoning Commission decisions will be heard before the City Council For appeals of Planning & Zoning Commission decisions on items not requiring a Public Hearing, the appeal will be set for formal City Council consideration within 30 days For items which required a Public Hearing, the City Council will schedule a Public Hearing within 30 days to consider the appeal | If you have any questions regarding this procedure, please call the City Clerk at (510) 528-5720 or Planning Division at (510) 528-5760. CITY OF ALBANY OCT 26 2010 | |
| Description of Project <u>Medical Cannabis Dispensary</u> | | COMMUNITY DEVELOPMENT DEPARTMENT | |
| Applicant Name | <u>BERT VAN DEN AUWER ERIK VAN DEN AUWER</u> | Appellant Name | |
| Address | <u>3020 EL CERRITO PLAZA #571 EL CERRITO, CA 94530</u> | Address | <u>SAME AS APPLICANT</u> |
| Phone Number | <u>510 295-4313</u> | Phone Number | |
| Basis of Appeal (Please be precise) <u>SEE ATTACHED.</u> | | | |
| Signature <u>Bert van den Auwer</u> | | Date <u>10/26/10</u> | |
| Date Filed <u>10/26/10</u> | Received by <u>Att.</u> | Fee \$ <u>550.00</u> | Receipt # <u>66746</u> |
| Appeal Agenda Date | P & Z <input type="checkbox"/> | City Council <input type="checkbox"/> | |

With respect to the City of Albany Planning and Zoning Commission Notice of Action, in the matter of Planning Application 09-064, the applicants hereby appeal the decision of the Planning and Zoning Commission. With respect to item 1, the appellants assert that the YMCA facility at 921 Kains Avenue is not a youth oriented establishment as defined in ordinance #07-01, therefore this finding creates an inconsistency with the aforementioned ordinance. With respect to item 2, this information was presented to the Commission during the public comment section of the Planning and Zoning Commission meeting by members of the community who oppose the application, and no effort was made by the Commission to substantiate this claim. Further, this information is not relevant to any required finding for the issuance of the permit.

CITY OF ALBANY

OCT 26 2010

COMMUNITY DEVELOPMENT
DEPARTMENT