

**Minutes of the Regular Planning Board Meeting
Monday, May 22, 2006**

1. CONVENE: 7:03 p.m.
2. FLAG SALUTE: Member Kohlstrand
3. ROLL CALL: President Cunningham, Vice President Cook, Ezzy Ashcraft, Kohlstrand, Lynch, Mariani and McNamara.

Also present were Planning and Building Director Cathy Woodbury, Assistant City Attorney Donna Mooney, Planning Services Manager Andrew Thomas, Planner III Douglas Garrison, Planner II Emily Pudell, Executive Assistant Latisha Jackson.

4. MINUTES:
 - a. Minutes for the meeting of May 8, 2006
(Continued from the meeting of April 24, 2006.)

Member Kohlstrand noted that the Board Resolution on page 7 should be changed to deny approval of the Use Permit, not to adopt the Planning Board Resolution.

Member Ezzy Ashcraft noted that pages 4 and 5 of the minutes, "Mr. Steve Gibson, 1531 "A" Street" should read "Eighth Street." She noted that Mr. Wilton Fike's address should read "1524 Eighth Street."

Member Ezzy Ashcraft noted that the language on page 5 should be changed: "Mr. Italo Calpestri, project architect, noted that he picked up a change suggested by Board Member Ezzy Ashcraft to make a connecting pathway from the *handicapped* accessible space through the terrace to the handicapped ramp."

Member Ezzy Ashcraft noted that the last sentence on page 9, "Ms. Pudell displayed the plans on the overhead, and noted that" should be completed with Ms. Pudell's comments.

Member Ezzy Ashcraft noted that page 13, paragraph 5, should be changed to read, "Member Ezzy Ashcraft agreed that the Planning Board should not operate in a vacuum, and noted that the City Council's and EDC's views on these elements were the ultimate decision-makers." She noted that she did not intend to say that, and that she intended to say that it would be important to know what the EDC's views were on these elements since they came from a difference perspective from the Planning Board.

Vice President Cook noted that the first sentence on page 13 should be changed to read, "Vice President Cook noted that she received a letter from Helen *Sause Sess*," to correct the spelling.

M/S Ezzy Ashcraft/Cook to approve the minutes for the meeting of April 10, 2006, as amended.

AYES – 6; NOES – 0; ABSTAIN – 1 (Mariani)

5. AGENDA CHANGES AND DISCUSSION: None.

6. ORAL COMMUNICATIONS: None.

7. CONSENT CALENDAR:

7-A. **Initiation of a Zoning Text Amendment: Parking Exception Process (CE).**

M/S Kohlstrand/McNamara and unanimous to accept Initiation of a Zoning Text Amendment: Parking Exception Process.

AYES – 7; NOES – 0; ABSTAIN – 0

- 7-B. **Use Permit UP05-0020 – Monica Martinez for Amelia Cueva – 2071 San Antonio Avenue (SH).** The applicants request Use Permit approval to increase the capacity of an existing residential care facility from twelve to thirteen residents on site. Pursuant to AMC 30-4.1.b.(8), Use Permit approval is required for residential care facilities providing care for more than six residents on site. The property is located within an R-4, Neighborhood Residential District.

M/S Kohlstrand/McNamara and unanimous to adopt Planning Board Resolution No. PB-06-19 to approve a Use Permit to increase the capacity of an existing residential care facility from twelve to thirteen residents on site. Pursuant to AMC 30-4.1.b.(8), Use Permit approval is required for residential care facilities providing care for more than six residents on site.

AYES – 7; NOES – 0; ABSTAIN – 0

- 7-C. **Interim Use Permit, UP 06-0009 – Daniel Ayala for Model Aeronautics Club (AT).** The applicant requests an interim use permit to establish a model airplane club on Taxiway H adjacent to 650 West Tower Avenue and the Seaplane Lagoon at Alameda Point. The site is zoned M-2-G (General Industrial).

M/S Cook/Ezzy Ashcraft and unanimous to adopt Planning Board Resolution No. PB-06-20 to approve an interim use permit to establish a model airplane club on Taxiway H adjacent to 650 West Tower Avenue and the Seaplane Lagoon at Alameda Point.

AYES – 7; NOES – 0; ABSTAIN – 0

8. REGULAR AGENDA ITEMS:

- 8-A. **DR06-0002 – Jenny Wong – 3292 Washington Street (EP).** Public Hearing to consider a Call for Review of a decision of the Planning and Building Director approving Major Design Review, DR06-0002, to allow construction of an approximately 1,350 square foot second story addition, new deck and patio. The property is located in a R-1, One Family Residence Zoning District. **(Continued from the meeting of May 8, 2006.)**

Ms. Pudell summarized the staff report, and noted that a revised shadow study was included as requested by the Board. She displayed the slides of the shadow study results.

In response to an inquiry by Member McNamara whether anyone on Washington Street objected to this project, Ms. Pudell replied that two people on Washington Street did not sign the petition.

The public hearing was opened.

Mr. David McCarver, 3288 Washington Street, described his conclusions about the shading study, and noted that he discarded the 5 p.m. images. He noted that he was not concerned about shadows on his garage, but was concerned about how the project's shadows affected the back half of his house. He noted that in February at 10 a.m., the new structure caused 100% shading on his kitchen; by 12 p.m., the existing structure allows for kitchen, family room window and glass door, as well as the entire side of the house to have full sun exposure. He described that on April 30, his home would be 100% clocked off by the new structure. He was concerned that in May and June, his morning sun would be fully blocked off. He disagreed with staff's assessment of the shadow study, and believed that the effect of the new structure would constitute a substantial impact on his house. He requested that the Board reject this proposal.

Mr. Charles Wolff expressed concern not about the proposed project, *per se*, but noted all ten homes on the block were built as one-story homes. He was concerned about the effect of a two-story house, on traffic circulation and safety and he was concerned about the parking in that area.

The public hearing was closed for Board discussion.

In response to an inquiry by President Cunningham if the proposed office at the rear of the project had been removed from the development, Ms. Pudell replied that the office was not removed from the plans, to reduce shadowing on the rear of the neighbor's property.

Member McNamara agreed with Mr. McCarver's interpretation of the shade study with regard to the main part of his house being affected by the proposed addition. She inquired why there had not been some open dialogue in terms of seeing what could be done to the plan to minimize the impacts on the neighbor's property or scaling back the plans for the house.

Ms. Pudell replied that staff met with the applicant and Mr. McCarver, but did not reach a resolution.

Member Lynch noted that in this particular neighborhood, there were homes with second stories, and he interpreted this impasse as an inability of the neighbors to discuss the issues and develop a modified plan. He cautioned the speakers from using the term "takings," which is a legal term that has very specific meanings with respect to case law. He did not believe that term applied in this case. He believed this was a design issue, and he would like to continue this item to allow the neighbors to come to an understanding about a modified plan before the Board makes a decision. He believed the applicant was within her rights to add a second story, which was a normal part of urban living. He added that the neighbors had a right to comment on that design, to question it and to try to come to an agreement.

President Cunningham agreed with Member Lynch's comments, and would like the neighbors to attempt to resolve this issue.

Member Ezzy Ashcraft concurred with Member Lynch's comments. She added that she was troubled by the statement in the staff report that this project was compatible with neighboring homes, across a four-lane street. She noted that every house on Washington Court was a *two one*-story house, so there was a difference in scale. In walking and driving this street, she believed the expansion was a substantial one.

Member Mariani noted that she was very familiar with this area, and did not believe the project fit well in the neighborhood. She understood Mr. McCarver's frustration and believed that it was overwhelming that there were only two people on the street who did not oppose the addition. She hoped the applicant would modify the design.

Member Kohlstrand agreed with Member Lynch's comments, and acknowledged that there were additional shadows cast on the back of the property during morning hours. She noted that it was unfortunate that the two property owners had not been able to work their differences out. She would recommend that the property owners try to reach a compromise.

Member McNamara agreed with Member Kohlstrand's views on this issue, and believed the project as designed would not conform to the findings necessary for approval. She noted that there would be significant shading on the living part of Mr. McCarver's home. She hoped the two parties could reach a workable compromise.

Vice President Cook agreed with the previous comments, and would like to see a compromise reached. She was not in favor of effectively downzoning the property by saying a second story could not be built unless the whole block was willing to do the same.

President Cunningham noted that Vice President Cook had touched on a vital point regarding the rights of property owners to expand their homes, and did not believe the Board should deny an application just because a group of neighbors rebelled against the applicant's desire to expand their home. He would like to see a compromise between the two parties.

Member Mariani believed that the neighbors had legitimate concerns, and that the rights of the owners should be balanced against the rights of the neighbors.

M/S Lynch/Member McNamara to continue this item so that the applicant and the neighboring property owner could resolve their issues.

AYES – 7; NOES – 0; ABSTAIN – 0

Ms. Woodbury noted that because this item was not continued to a date and time certain, that staff would renote this item.

- 8-B. **UP06-0007 and MDR06-0095 – Harsch Investments Realty LLC – 2300 Otis Drive (DG).** The applicant requests approval of a use permit allowing twenty-four hour operation of a retail drug store (Walgreens) with a drive-thru pharmacy window and sign permit. The existing Walgreens, located in the Alameda Towne Centre has been operating twenty-four hours a day under a valid use permit. This new use permit is required due to the relocation to a new building within the shopping center. Existing entitlements for this project include Planned Development Amendment PDA02-0003 and Design Review DR05-0067. The project site is zoned C-2-PD Central Business District, Planned Development Zoning District.

Mr. Garrison presented the staff report, and recommended approval of this item.

In response to an inquiry by Vice President Cook why there was no landscaping on the trellises, *but also on the faces of some of the buildings*, Mr. Garrison replied that the issue would be addressed with the planned development amendment in the next few months.

Member Mariani noted that there was reference on the plans to trumpet vines on the trellis.

Ms. Woodbury noted the plans show vines on trellises.

Member Lynch suggested that be added to the conditions.

In response to an inquiry by Member Kohlstrand whether the drive-through window had been part of the original approval, Mr. Garrison confirmed that it was part of the original approval.

Member Ezzy Ashcraft expressed concern about air quality and pollution in relation to the drive-through. Mr. Garrison noted that it would be a low-intensity use, a small contribution to air quality impacts, and that the Bay Area is in compliance with ozone standards and that ozone precursors emissions were the primary emissions from passenger vehicles. He noted that the area was surrounded by Alameda Hospital and a number of assisted living facilities, and staff believed this was an appropriate use.

Member Mariani supported this use, and noted that there were often times when it was not possible to get out of the car.

President Cunningham supported this use, particularly because there would be no intensification of use.

M/S Mariani/Ezzy Ashcraft and unanimous to adopt Planning Board Resolution No. PB-06-21 to approve a use permit allowing twenty-four hour operation of a retail drug store (Walgreens) with a drive-thru pharmacy window and sign permit, with an additional condition for the addition of vines on the west facing and trellises.

AYES – 7; NOES – 0; ABSTAIN – 0

8-C. Catellus Mixed Use Project Draft Supplemental Environmental Impact Report (SCH #2006012091) (AT). A public hearing to receive public comment on the draft Environmental Impact Report evaluating proposed revisions to the Catellus Mixed Use Development Master Plan to allow additional retail and residential uses and reduce the amount of office and research and development uses currently allowed. The project site is zoned MX (Mixed Use Planned Development District).

Mr. Thomas summarized the staff report, and noted that comments would be taken until June 19, 2006. The comments would be consolidated and responses and additional information would be provided in the Final EIR. He described the details of the plan and displayed the site on the overhead screen. No action from the Board was requested.

The public hearing was opened.

Mr. Harry Hartman, 1100 Peach Street, spoke in support of this item. He stated that he supported the change from office use to mixed use and housing in the area, and believed that this project would be an enhancement for Alameda.

Mr. Sam Faye, Executive Director, Cardinal Point, 2431 Mariner Square Drive, spoke as an advocate for their residents, and spoke in support of this item. He believed this would be a positive impact for the seniors to have access to the amenities and the water. He believed this was a quality project.

The public hearing was closed for Board discussion.

Member McNamara noted that there was a difference of approximate 120,000 square feet between the two variants, and requested clarification of the square footage allotment. Mr. Thomas replied that Variant A replaced 1.3 million square feet currently approved for office R&D with 400,000 square feet of office, 300 housing units, 300,000 square feet of retail, and 20,000 square feet of health club use. He noted that Variant B included 400,000 square feet of office, 50,000 square feet of retail and 370,000 square feet of R&D. He explained that Variant B was designed to have similar or less traffic impacts than Variant A. Member McNamara believed staff developed a creative way to address the traffic issues.

In response to an inquiry by President Cunningham regarding the determination of residential units in the R-4 PD area, Mr. Thomas replied that staff determined that the absolute maximum that could be fit within the Measure A constraint came to 300 units.

Vice President Cook expressed concern that the specific spots for residential have been chosen, and that more residential density may be desired in the future. She did not wish to constrain the City's choices unnecessarily by not looking at different densities at a higher level at a policy level.

Vice President Cook noted that Alameda nearly lost the ferry service to Harbor Bay because of lack of riders due to low density. Other transportation alternatives such as water taxis

require rider ship to be feasible, and she would like to see further study of the density required to support transit rider ship.

Member Kohlstrand noted that it was very important to make the transportation mitigation measures actually work in Alameda, which relate to Vice President Cook's point about density. She expressed concern about the level of parking being provided. She noted that shared parking was not discussed in the document, and did not believe there should be the assumption that everyone would use their own cars which required a separate parking place for each car.

Mr. Thomas noted that transportation funding is becoming increasingly linked to land use, and that the City must be careful and thoughtful in that regard. He understood that the Board would like more specifics about the TDM program and what density or other methods would be needed to make it successful; also, the parking strategy must be identified in terms of standards, shared parking and other factors such as density that would make transit successful. He noted that the issue of splitting out the residential use was a significant part of the land use proposal. He noted that staff would be meeting with the Transportation Commission regarding the TDM program.

Vice President Cook stated that she would like to see a greater density alternative in the EIR so the City could evaluate potential benefits on transit from a different mix of residential, office and retail uses. She wanted to ensure enough analysis would be done to create the proper mix of use, and create the type of neighborhood where it was not necessary to drive. She believed people would trade some density to create a mix that would allow people to get out of their cars. She believed a good EIR was an analytic tool that enabled the City to make wise policy choices, and she would like the informational document to be as broad and robust as possible.

Mr. Thomas understood that the Board wishes to see a higher density alternative to evaluate whether such an alternative would reduce environmental impacts related to transit, transportation and open space.

Member Ezzy Ashcraft understood that the Tinker Avenue extension was a major component of the traffic flow, and inquired how realistic that extension was in terms of a timeframe. Mr. Thomas replied that the traffic section states that the Tinker extension is an important connection to move traffic in and around the site, however it is a mitigation that requires land acquisition from another agency that is somewhat out of the City's control. Mr. Thomas stated that the EIR assumed all background growth in Alameda, full buildout of the Housing Element, the General Plan, as well as Oakland's projections for their buildout in 2025. The full Alameda Landing project plus full buildout of Alameda Point in 2025 were included in the traffic projections.

In response to an inquiry by Member Ezzy Ashcraft regarding the financial impact of the retail development on Alameda Point, Mr. Thomas replied that there was an extensive list of retail studies done over the past few years, which can be provided to the Planning Board. He added that those studies provided the information used by staff, and noted that the

CEQA threshold addressed whether the development could create blight. The EIR determined that the project was unlikely to create blight because the project is designed to include retail categories and types that would be compatible with existing retail uses in Alameda.

Ms. Woodbury advised that the EDC would meet on June 15, 2006.

In response to an inquiry by President Cunningham regarding the timeline of revision of the Master Plan guidelines, Mr. Thomas replied that their goal was to have it available for public circulation well ahead of the June 26, 2006, study session.

Member Ezzy Ashcraft noted that she was pleased to read in the staff report that the public's comments could also be submitted by fax or email.

Ms. Woodbury noted that members of the public can also examine the document in the Planning and Building office and submit their comments at that time.

No action was taken.

9. WRITTEN COMMUNICATIONS:

Ms. Woodbury noted that a memo was distributed, clarifying the Board's responsibilities, as excerpted from the *Board and Commissions Handbook*. A legal opinion was also distributed regarding a joint meeting between the Planning Board and the City Council, with respect to referring to specific projects. The City Council has met with different boards and commissions regarding future goals.

President Cunningham noted that he had only seen one since he had been on the Board in the last five years, and would like it to be pushed up.

10. BOARD COMMUNICATIONS:

- a. Oral Status Report regarding the Northern Waterfront Plan (Vice President Cook).

Vice President Cook advised that there were no further meetings since the last report.

- b. Oral Status Report regarding the Oakland/Chinatown Advisory Committee (Board Member Mariani).

Member Mariani advised that there were no further meetings since the last report, and the May meeting had been cancelled.

- c. Oral Status Report regarding the Transportation subcommittee (Board Member Kohlstrand).

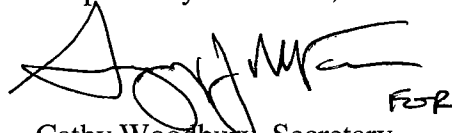
Member Kohlstrand advised that there had been no further meetings since the last report.

11. STAFF COMMUNICATIONS:

Ms. Woodbury wished to introduce Doug Vu, who had joined the Planning and Building staff.

12. ADJOURNMENT: 9:20 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cathy Woodbury', with a stylized flourish at the end.

Cathy Woodbury, Secretary
Planning & Building Department

These minutes were approved at the July 10, 2006, Planning Board meeting. This meeting was audio and video taped.