

**Minutes of the Regular Planning Board Meeting
Monday, July 25, 2005 – 7:00 p.m.**

1. CONVENE: 7:07 p.m.
2. FLAG SALUTE: Ms. McNamara
3. ROLL CALL: President Cunningham, Vice President Cook, Kohlstrand, Lynch, McNamara and Piziali.

Board Member Mariani was absent.

Also present were Deputy City Attorney Julie Harryman, Assistant City Manager Paul Benoit, Supervising Planner Cynthia Eliason, Planner II Dennis Brighton, and Executive Assistant Latisha Jackson.

4. MINUTES:
 - a. Minutes for the meeting of June 13, 2005 **(continued from the meeting of June 27, 2005)**.

M/S Cook/Piziali to approve the minutes for the meeting of June 13, 2005, as presented.

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

- b. Minutes for the meeting of July 11, 2005.

M/S Kohlstrand/McNamara to approve the minutes for the meeting of July 11, 2005, as presented.

AYES – 5 (Mariani absent); NOES – 0; ABSTAIN – 1 (Cook)

5. AGENDA CHANGES AND DISCUSSION:

Item seven (7) was moved to the end of the agenda as Board Member Mariani was not in attendance at the start of the meeting.

6. ORAL COMMUNICATIONS: None.
7. 2005-2006 ELECTION OF PLANNING BOARD OFFICERS:

This item was continued to the next meeting when a full board is present.

8. CONSENT CALENDAR:

- 8-A. **PDA05-0003 Applicant: Joe Ernst/SRM Associates (DG).** The applicant proposes a Planned Development Amendment to amend the Harbor Bay Business Park landscaping and lot coverage provisions as established in Resolution 1203. This Amendment would affect Lots 1-6, 8 and 12 of Tentative Parcel Map 8574. These lots are fronting on or southerly of 1900 and 2000 North Loop Road. The proposed Planned Development Amendment would allow a five percent (5%) increase in building coverage for parcels larger than 5.5 acres. Currently, maximum allowed building coverage is thirty five percent (35%) for lots larger than 5.5 acres and forty percent (40%) on lots smaller than 5.5 acres. The maximum lot coverage allowed on lots smaller than 5.5 acres would not be affected. The proposed Planned Development Amendment would also decrease the minimum landscape coverage by five to ten percent (5 to 10%), depending on lot size. Currently, 30% landscaping coverage is required on lots smaller than 5.5 acres and 25% landscaping coverage is required for parcels larger than 5.5 acres. The proposed Planned Development Amendment would decrease the landscaping requirement to twenty percent (20%) for these lots regardless of size. The property is zoned C-M – PD (Commercial-Manufacturing – Planned Development.) **(Applicant requests a continuance to the meeting of August 22, 2005.)**

M/S Cook/McNamara to continue this item to the meeting of August 22, 2005.

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

8-B. **FDP05-0002/DR05-0057 Applicant: Joe Ernst/SRM Associates (DG).** The applicant requests a Final Development Plan and Design Review for four (4) new flex warehouse, office and light manufacturing facilities ranging in size from 13,900 to 33,272 square feet on 6.41 acres adjacent to and southerly of 2000 North Loop Road (Parcels 8-12 on Tentative Parcel Map No. 8574). These facilities will be on one lot of approximately 11.53 acres until the final map is approved. The property is zoned C-M – PD (Commercial-Manufacturing – Planned Development.) **(Applicant requests a continuance to the meeting of August 22, 2005.)**

M/S Cook/McNamara to continue this item to the meeting of August 22, 2005.

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

9. REGULAR AGENDA ITEMS

- 9-A. **Variance, V04-0002, and Major Design Review, DR03-0146 – Alvin Wong – 2708 Lincoln Avenue (DB).** The applicant requests a Major Design Review approval for the partial demolition of an approximately 842-square foot, two-bedroom, single-story cottage and reconstruction to provide approximately 1,114-square feet, four-bedroom, two-story, single-family residence, which includes partially covered off-street parking for two-tandem vehicles. Variances are required to permit the following: 1) The structure would be built to within 3-feet from the northwesterly side property line, where a minimum 5-foot setback is required; 2) The structure would cover approximately 51-percent of the site, where the maximum permitted main building coverage is 48-percent for residences with attached garages; and 3) The front porch would be relocated and covered and would be setback approximately 7-feet from the front property line, where 20-feet is the minimum required front yard setback. The site is located within an R-1 (Single-Family Residence) Zoning District.

Staff member Dennis Brighton summarized the staff report and recommended approval of this item.

The public hearing was opened.

There being no speaker's slips for this item the public hearing was closed for Board discussion.

In response to an inquiry by Board Member Kohlstrand regarding a discrepancy in the square footage stated on the public notice, Mr. Brighton responded that staff used the initial application which requested an addition of roughly 1100 square feet of space. He explained that the proper wording should have been a total of roughly 1800 square feet. The acting Planning & Building Director, Gregory J. McFann, was aware of the discrepancy and determined that the item should be able to go forward with the minor alteration.

In response to an inquiry by Board Member McNamara regarding the second variance for lot coverage, Mr. Brighton stated that the difference in lot coverage related to the provision of covered parking which allowed for a higher lot coverage. He explained that the proposed parking is partially covered and the building forms somewhat of a carport over the parking area. Board Member McNamara then asked whether a carport constituted covered parking. Mr. Brighton responded in the affirmative.

In response to second inquiry by Board Member McNamara regarding the proposed height of this building relative to surrounding buildings, Mr. Brighton responded that the garages on both sides are one story structures. The surrounding structures are two stories and one on Pearl Street has a two story high gable, so they're compatible in story height. The maximum height allowed in the R-1 zone is 30 ft.

Board Member Piziali advised that the window schedule called for wood and the plans indicated a fiberglass frame window by integrity, Mr. Brighton responded that either window type is allowed.

Staff does not make a design distinction between the two materials. Clad wood is preferred, but vinyl is permissible and only aluminum windows are prohibited.

In response to an inquiry by Vice-President Cook regarding garage requirements, Mr. Brighton responded that there is no distinction between covered parking, carports and garages. They are all types of covered parking. Ms. Eliason further explained that there is no City requirement to have covered parking, as parking can all be unenclosed.

In response to a concern by Vice-President Cook regarding use of parking for storage, Mr. Brighton responded that in some multiple family homes it has been required that carports or garage doors be removed in order to restrict the ability to utilize their garage for storage. He explained that unenclosed parking tends to be used more for parking rather than storage.

Vice President Cook noted that it seems like a really big house for such a small lot. She understands the constraints of the site, but was concerned there was a potential third story and this addition may overdevelop such a small lot. She noted the fact that she could see continuing the pre-existing substandard set backs, but she still didn't see where that requires you to have 51% coverage; you could make the back of the house smaller and still come in under the required building coverage.

Board Member Lynch requested clarification on the third story item addressed by Vice President Cook and her concern that the applicant would exceed 30 ft. Vice President Cook responded she recalled the story requirements had been removed.

In response to an inquiry by Board Member Piziali regarding parking in the front yard, Ms. Eliason noted that the parking in the front yard was a pre-existing condition.

In response to an inquiry by Board Member Kohlstrand regarding reduction of the front yard, Mr. Brighton stated the front yard is not being reduced and the front of the house is not being changed. The actual parking configuration is not being changed except it's being partially covered now.

In response to Vice-President Cook regarding the location of the porch, Ms. Eliason stated that the porch is in a new location, but the parking situation is an existing parking situation. We are simply allowing them to partially cover the parking with the carport.

Board Member Kohlstrand informed the Board that after visiting the site, she feels that although the house is big for this lot, given the circumstances of the setting, this proposal is not an unreasonable request.

Board Member Piziali commented that the front of the building, where the porch is, goes straight up with flat windows. He would prefer if there was some sort of cutback from the porch or the roof could be set back to reduce massing visible from the street.

Board Member Lynch agreed that the drawings on the paper don't give it any depth; he noted that because it's a narrow lot you must go up. He feels that once it is built, it will actually look better than

the way it's drawn. Secondly, if the landing can continue across the front of the building it might break up some of the massing.

Board Member McNamara stated on the proposed north elevation drawing, there are two sets of recessed elevations that the drawing doesn't do justice.

President Cunningham advised the Board that he received a speaker's slip to speak on the item.

M/S (McNamara/Piziali) and unanimous to re-open the public hearing.

Ms. Dian McPherson, 1539 Versailles Ave., spoke in favor of this item. She stated that Mr. Wong and his family were wonderful neighbors and strongly suggested that the Board approve the Variance for their home.

The public hearing was closed.

Julie Harryman addressed two questions the Board had. The first one she wanted to clarify with staff in reference to the parking and if there were two existing legal non-conforming parking spaces already at the property, so no variances would be needed on those parking spaces to which Mr. Brighton responded in the affirmative. The second was the discrepancy in the noticing question posed by the Board, where Ms. Harryman suggested that Board would vote to continue this item until the next meeting, and have staff re-notice the item with the correct square footage and it would come back to the next meeting as a consent calendar item.

M/S (McNamara/Kohlstrand) and unanimous to have staff re-notice this item with the correct square footage and continue it to the next meeting as a consent calendar item.

AYES – 6 (Mariani absent); NOES – 0; ABSTAIN – 0.

10. WRITTEN COMMUNICATIONS: None.

11. BOARD COMMUNICATIONS:

- a. Oral Status Report regarding the Alameda Point Advisory Committee APAC (Vice President Cook).

Vice President Cook advised that this item could be removed from the agenda, as the APAC no longer exists. Staff noted her request.

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

Vice President Cook advised that there was nothing to report at this time.

- c. Oral Status Report regarding the Golf Course Committee (Board Member Piziali).

Board member Piziali advised that there was nothing to report at this time.

- d. Oral Status Report regarding Oakland/Chinatown Advisory Committee (Board member Mariani).

Board member Mariani was not in attendance to present this item.

12. STAFF COMMUNICATIONS:

- a. Transportation Sub-Committee Member Appointment.

Ms. Eliason informed the Board that even though the APAC will be taken off the agenda, there would be a need for a Board member for the transportation committee to which Board Member Kohlstrand volunteered to be the representative.

- b. Discussion of rolling stores.

In response to an inquiry by Board Member Lynch on what the definition of a rolling store is, Ms. Eliason read the Alameda Municipal Code definition and description and stated that at the last City Council meeting, the Council directed that the Planning Board look at the City's rolling store provisions even though they are not in the Development Code.

In response to an inquiry by Board Member Lynch regarding why this was an issue, Assistant City Manager Paul Benoit responded that there is a citizen of Alameda who owns a business where he makes espresso and coffee drinks in a van/truck. The owner approached the city with an interest in parking the vehicle on city property at the dog park by Washington Park. There was an issue on whether the vehicle was allowed to use a city park while vending goods. He explained that the owner filed for a business license and the Finance Department referred to the Municipal Code and explained to the applicant that this use was considered a "rolling store" and the City of Alameda does not allow this type of business. The matter was further researched and it was discovered that one could obtain a Use Permit for a "concession" in parks and this business could be considered a concession on wheels. The matter was then referred to the Parks Commission which is now in the process of developing park rules and regulations for use. They are not considering this item until the rules and regulations have been established which won't be until approximately 2006.

Mr. Benoit continued that the only other way the citizen could operate this type of business is if the section of the Municipal Code regarding rolling stores be amended. He also explained that this section of the code is dated decades ago. The Council referred this item to the Planning Board for their input on how the City of Alameda should go about amending this section of the Municipal Code and what items may be of concern if the amendment goes forward. He explained that the applicant has worked on this issue for a number of months and would like resolution on the matter, but the City has to look at the bigger picture. He acknowledged that there are businesses that currently operate in this manner such as catering trucks that operate routinely around the City. Although people appreciate the goods

that they vend, technically, these types of businesses are not allowed.

In response to a point of clarification by Board Member Piziali about a vending booth or mobile building that used to operate in Washington Park that sold different types of consumable items, Ms. Eliason responded that such a facility would be considered a concession stand which requires a use permit and is allowed. She explained that rolling stores are allowed on private property with the property owner's permission and are not allowed to sell goods on city streets. These trucks are common at Alameda Point, off of the street. The other way these rolling stores are allowed are with use permits at the parks. She explained that staff is researching how other communities handle these types of businesses. The City wants to be careful on how these types of uses are permitted, where these businesses may be permitted to sell their goods. This is a delicate issue, so the City wants to be clear on what kinds of merchandise can be sold and how this will be approached.

In response to an inquiry by President Cunningham regarding whether or not there is a time limit on how long one of these businesses could stay in one location, Ms. Eliason responded not at this time. Mr. Benoit added that at this point, at least for rolling stores, they would have to respect the regulations that are posted on the right of way. Beyond that, there aren't any special rules.

Ms. Susan Potter, 1717 5th Street, distributed copies of the proposal that was submitted to the City for her "rolling store" business and pictures of the competition. She explained these types of business are not all on private property, they are all over Alameda Point and the entire City. She explained that she was the mother of the gentlemen who wished to open a rolling store. She would like an answer as to why they could not find a way of changing the ordinance to allow people to legally do business in the city. She explained that there were numerous trucks coming to the Island to do business and not contribute any monies to the City. She explained that she was told the mistake her son made was asking permission to run his business, where other vendors have not been granted permission, but still does business in the City. She feels the other vendors don't care about the city and they don't contribute any finances except for purchasing gasoline. She hopes that the ordinance can change so the people who already have these types of businesses can blatantly stop ignoring the ordinances and the people who want to run legal businesses in the City won't be told no.

In response to Board Member McNamara's inquiry regarding whether the photo's submitted to the Board are current examples of these types of businesses, Ms. Potter responded in the affirmative. Ms. Potter also explained that these businesses are not solely operating at the base, but also on different streets throughout the City.

Board Member Piziali acknowledged that he has seen these types of businesses on the base.

In response to President Cunningham's inquiry about whether these types of businesses are at construction sites as well, Ms. Potter responded in the affirmative.

The public hearing was closed.

Board Member Lynch expressed his concerns on this type of use. He explained that while he

appreciated the comments made by the speaker, he first must focus on the need to enforce the existing ordinance. This is not a Planning & Building or Code Enforcement Department issue, but a Police Department issue. He did agree that two wrongs don't make it right. He explained he worked in a jurisdiction where these types of business are an issue and you have to involve law enforcement to enforce the ordinance. Secondly he stated that this is a complex issue, in that not all vehicles are made the same in terms of their waste and water regulations. He felt this was a slippery slope and urged staff to gather more information to address the current issue but to be sure, if the ordinance is amended, it must be place specific and time specific.

President Cunningham noted that there are a number of issues related to this item that need to be addressed and staff should look closely at this ordinance before any changes are proposed.

After much Board discussion Ms. Eliason informed the board that this item would come back to the Planning Board when all of the research has been addressed and a new ordinance has been drafted. At that point, the item would be advertised for public comment.

13. ADJOURNMENT: 7:57 p.m.

Respectfully submitted,

Paul Benoit, Interim Secretary
Planning Board

These minutes were approved at the August 22, 2005, Planning Board meeting. This meeting was audio and video taped.