

APPROVED MEETING MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, JULY 23, 2012

1. CONVENE: 7:10 p.m.
2. FLAG SALUTE: Board member Köster
3. ROLL CALL: Present: President Zuppan, Board members Ezzy Ashcraft, Köster, and Knox White
Absent: Vice-President Burton
4. MINUTES Minutes from the Regular meeting of May 14, 2012
Board member Knox White motioned to approve minutes as amended. Board member Ezzy Ashcraft seconded motion
Motion carried, 4-0, no abstentions

Minutes from the Regular meeting of June 11, 2012
Board member Ezzy Ashcraft motioned to approve minutes. Board member Köster seconded the motion.
Motion carried, 4-0, no abstentions

Minutes from the Regular meeting of June 25, 2012 (Pending)
Minutes from the Regular meeting of July 9, 2012 (Pending)

5. AGENDA CHANGES AND DISCUSSION

Andrew Thomas, Planning Services Manager, requested that items 9-B and 9-E be continued to the August 27, 2012 meeting.

Board member Ezzy Ashcraft suggested that the items be continued to either September 10th or 24th meeting, since the agendas for those meetings are more open.

Board member Ezzy Ashcraft motioned to continue item 9E to the meeting of August 27, 2012 and continue item 9B to a date to be determined by staff with re-noticing to the neighbors.

Board member Knox White seconded the motion

Motion carried, 4-0; no abstentions

6. STAFF COMMUNICATIONS

6-A Future Agendas

Andrew Thomas, Planning Services Manager, provided an overview of upcoming projects.

7. ORAL COMMUNICATIONS

None

8. CONSENT CALENDAR

8-A Zoning Administrator and Design Review Recent Actions and Decisions. A report of recent actions on minor variances, minor variances, and design review applications.

Board member Knox White motioned to approve. Board member Köster seconded the motion. Motion carried 4-0; no abstentions

9. REGULAR AGENDA ITEMS

9-A 1310 Central Ave - PLN12-0158 - Amendment to Conditional Use Permit for Valero Gas to allow the sale of diesel fuel and automobile servicing on Saturday in exchange for reduced hours of operation. (Call for Review)

Andrew Thomas, Planning Services Manager, gave brief presentation

Board member Ezzy Ashcraft clarified with staff that the diesel pumps/hoses are already installed and have been covered up.

Board member Knox White asked if the use permit can be restructured to protect against noise, etc., but allow the business owner more flexibility with operation hours.

Mr. Thomas stated that the use permit can be restructured; and the applicant can adjust their services according the permit; however, services cannot be expanded upon over the current level of services.

President Zuppan clarified with staff that the business service expansion is based upon the current level of services.

Board member Ezzy Ashcraft asked when the fuel is delivered.

Board member Köster clarified with staff the history of the business hours and asked if the City is asking the applicant to reduce their weekly hours of operation by 5 hours.

Mr. Thomas stated that the applicant is requesting that Saturday service hours and the sale of diesel fuel be added to the use permit, and in return, the applicant will reduce operating service hour in order to comply with the non conforming use permit rules.

Board member Ezzy Ashcraft motioned to limit speaker comments to three minutes
Board member Knox White seconded the motion
Motion carried, 4-0; no abstentions

President Zuppan opened public comment

Timothy Jacobs, resident, stated he has not experienced any problems with the business and encourages the Board to allow the applicant to operate on Saturdays.

Philip Gravem, resident, concern with noise of garage, non conforming entity and residential gas stations are a dying institution. Requests that the Board support the residents and maintain the tranquility of a residential neighborhood

Hugh Winslow, resident and customer, stated Saturday hours would be more convenient for customers.

Denise Falconer, resident, stated that the customer service is great and Saturday hours would be helpful to customers.

Kathy Munson, resident, stated that the Saturday hours would be convenient for customers.

Noelle Poston, resident, stated Saturday hours would be convenient, the shop is quiet and the service is very good.

Chris McGinnis, resident, stated Saturday hours are convenient, and station is an asset to the community. He has not noticed additional noise.

Cynthia Prewitt, customer service is great and the shop is quiet, no noise, no graffiti, loitering, pan handlers, it's a clean shop, they are good to the community and their hours need to be increased. Saturday hours are convenient

Sunny Mann, owner of Central Auto Service, shop is barely making it, and they need the Saturday hours.

Leon Zetger, station owner, clarified that the gas delivery is between 8:00 am and 8:00 pm. He said that diesel gas is cleaner than regular gas and they should be able to sell diesel just as a grocery store is able to sell soda.

Michael Ryan, resident, stated that it is a great gas station, which is a great convenience and a real asset to the neighborhood.

Joseph Zadik, owner, stated that diesel is delivered with unleaded and no additional truck deliveries will be needed with the addition of diesel sales. He stated that the mechanics are usually doing small jobs and not generating lots of noise. Asked the

board to consider the economic times and allow them to sell diesel gas and extend the service shop hours.

President Zuppan closed public comment.

Board member Knox White clarified with staff that gas station hours are Monday-Friday 7:00 a.m. to 8:00 p.m. and Saturday 9:00 a.m. to 4:00 p.m. while the Service Repair Shop hours are Monday – Friday 9:00a.m. – 6:00 p.m. and no service on Saturday.

Board member Ezzy Ashcraft stated she is comfortable with the proposed changes stating that subbing out one type of fuel for another and reducing Monday-Friday hours to allow for Saturday hours are an equal exchange.

Board member Knox White stated that he is willing to support the current proposal but suggests that the board consider directing staff to work with the applicant and neighbors on a different proposal, which would allow them to operate within the current 72 hours, but with clear “quiet hours,” and consequences if complaints are filed and found to be valid.

Board member Ezzy Ashcraft clarified with staff that Sunday closure was a condition for a previously issued use permit.

Mr. Thomas responded that staff could create a pool of hours with conditions. He stated that it is difficult to monitor the operating hours.

President Zuppan clarified with staff that there could be a noticing provision of 30-60 days of any revised operating hours.

Board member Ezzy Ashcraft is interested in the idea of restructuring the conditions, and expressed concern about problems that may arise with future owners.

Mr. Thomas suggested that the Board approve the use permit tonight; the applicant can then submit a proposal for additional changes that could go before the Zoning Administrator.

Board member Knox White concurred with staff’s suggestion

Board member Köster asked if other service stations have to submit to certain operation hours.

Mr. Thomas replied that every service station is operating under the basic zoning ordinance which allows operation hours between 7:00 a.m-10:00 p.m. Businesses who want extended hours must get a use permit approved by the Planning Board.

Board member Köster stated that the addition of the sale of diesel is not an expansion since there is not additional pump installation. He said he is in favor of keeping weekly

operating hours as is and adding Saturday repair shop hours since the gas station is already open on Saturdays.

President Zuppan stated that in consideration of the support of the neighbors, few complaints of noise levels, and the importance of economic development she can support the findings in the resolution and also separately agreed with Board member Knox White's suggestion to allow the station to keep the current hours of operation.

Board member Knox White motioned to approve the resolution with the following changes, allowing the Monday-Friday operating hours to remain as is current, and allow the sale of diesel fuel. He encouraged the applicant to work with the neighbors to restructure the use permit allowing for more flexibility to run the business and address noise concerns.

Board member Ezzy Ashcraft stated that the language in the resolution addresses the concerns with noise adequately by limiting it to light duty repair and does not need to be re-worded

Board member Ezzy Ashcraft seconded the motion
Motion carried, 4-0; no abstentions

9-B 1011 Chestnut Street - PLN12-0182 - Review a Planned Development Amendment and Design Review application for St. Joseph Elementary School to include the use of one 700 square foot modular classroom building facing Lafayette Street as part of the Planned Development.

Item continued to a future meeting.

9-C 2001 Versailles Avenue - Tentative Subdivision Map Application PLN11-0223 Applicant: Clifford Mapes. A proposed Tentative Map application to develop an 11 lot subdivision on a 1.29-acre property located at 2001 Versailles Avenue at the corner of Fernside Boulevard and Versailles Avenue.

Andrew Thomas, Planning Services Manager gave brief presentation

President Zuppan asked staff to clarify if the toxic certification will be done for the entire property or parcel by parcel as implied by the resolution. She stated that because contaminants can migrate underground the entire lot should be certified clean prior to development.

Board member Knox White asked why the cement island will be extended from Versailles Avenue to the existing cement island on Fernside.

Obaid Khan, Public Works, answered that the location is congested with traffic and by extending the cement island people will not be able to turn left into driveways which would create back up traffic on the road and impact queued traffic.

President Zuppan clarified with staff that vehicles can turn left onto Versailles, but traffic on Fernside will not be able to turn left into driveways.

Board member Knox White suggested that the condition that states, “no additional right of way shall be conditioned...” reads as a condition on the City and should be stricken because it is not necessary. He clarified with staff that the property along Tilden will be graded and a fence built to close off the property. He expressed concern with noise mitigation and suggested that the Board discuss methods to mitigate the noise, possibly a sound wall.

Board member Ezzy Ashcraft clarified with Board member Knox White that to some extent landscaping can be used to mitigate sound as opposed to a sound wall.

President Zuppan opened public comment

Maria Ferro, resident, stated she thinks the property should be developed but expressed concern with the toxicity of the property, she asked if the environmental reports are available for public review. She also stated that the styles and quality of the buildings need to fit in with the neighborhood. She asked if the buildings would have front yards, and requested further definition of low income housing. She stated she is confused with the R-2 zoning, and said the property was originally zoned for 8 houses not 11.

Mr. Thomas responded that the prior approval was for 15 units and the current proposal meets all the 2012 requirements. He addressed the question regarding low/moderate income by explaining that the applicant has entered into an “Affordable Housing Agreement,” and the City is responsible for ensuring that the tenants or owners meet eligibility standards. He clarified that if the units are to be rented than one unit has to be designated as low income and one as moderate income.

President Zuppan clarified that this hearing is for subdivision of the lots and that during Design Review the construction of the buildings and the landscape will be reviewed.

Board member Köster stated that there are 20 foot setbacks on the lots so it appears that there will be front yards.

Anthony Pontino, resident, stated the memorandum is ambiguous and he is interested in what is going to be built and who will be building it. He requested that the project be further defined and expanded upon.

Evan Schwimmer, resident, supports the development of single family residential. He suggested that no other option but single family residential be available to the developer in order to maintain consistency in the neighborhood, traffic flow and safety. He requested that the Board limit the developer’s ability to sell each lot individually and that the pedestrian access be moved and restricted to Tilden and Fernside.

Chris Long, resident, concurred with Mr. Schwimmer, he stated that there is busy traffic on Fernside; he expressed concern with placing properties up against the retaining wall stating the possibility of shifting of earth during an earthquake. He also suggested that the plans include 2-car garages to keep parked cars off the streets. He proposed mitigating traffic flow on Fernside and turning the property into a park

Lester Cabral, resident, gave brief history of the property. He stated that he is against the project as proposed. He stated that the property should be zoned R-1. He questioned the size of the lots, the type of development (town houses, row houses). Suggested that the Board table the project.

Mr. Thomas clarified that the proposal is for 11 single family residences that are detached. He stated that the lots range in size with the smallest parcel at 4050 square feet and the largest at 9482 square feet.

Steve Sorensen, resident, is supportive of the development and supports staff's recommendation. He stated that the site has been cleaned up. He stated he does not see a point in extending the concrete median to prevent left hand turns on Fernside.

Mat Hoffman, resident, stated he is supportive of the project but has a few concerns, concurred with the comments by Mr. Schwimmer. He stated that the retaining wall is important and the noise is problematic.

Clifford Mapes, owner, stated that the current median is two sets of solid double yellow lines, which are illegal to cross. He said the houses and driveways have a calming effect and drivers tend to slow down. He stated that the current retaining wall is 4 feet with a cyclone fence. He stated the property will need to be graded which will require an additional retaining wall. He stated that the project has been thought out and is defined.

Board member Ezzy Ashcraft clarified with the applicant that the Chevron and Exxon lawsuit in the late 1990s was to prove that the site was clean and the monitoring wells could be closed. She clarified that there is a service road for the bridge. She asked what physical measures will be taken to prevent trespassers from climbing the fence.

President Zuppan closed public comment

Board member Knox White clarified with staff that the zoning was approved in 1987 and that the Board is reviewing the configuration of 11 parcels designed for single family use. He stated that based on lot size, the parcels could potentially be developed to accommodate two residences each. He suggested that the resolution regarding the public right of way be rewritten to state that the City is not requesting that additional right of ways be dedicated. He stated that the construction of a raised median will not calm traffic, is unnecessary, and should be removed. He commented on the lack of pedestrian pathway connections and would like the City to address pedestrian access in a way that is compatible with the General Plan.

Board member Ezzy Ashcraft expressed concerns with requiring the construction of a median on Versailles. She stated that the retaining walls and sound walls, and the rear of the properties need more detail and discussion. She suggested that staff and the Board further discuss the implications of each parcel having the ability to accommodate two housing units. She suggested that the matter be continued and that discussion also include how the City preserves the charm of the neighborhood. She clarified with staff that no further environmental testing needs to be done and the property is ready for development.

Board member Köster clarified with staff that the property is zoned R-2 PD and requires approval of the individual parcels, development plan, and design review. He stated that is clear that town homes are not a good option. He concurred that pedestrian access at the north east corner is important. He stated that the property has been vacant for too long and suggested that a timeframe for construction be implemented. He clarified with staff that there are requirements for disclosure of all the environmental reports. He suggested that there be a condition for lots 9, 10, and 11 that provides a single continuous fence or wall that fronts Tilden.

President Zuppan stated that she is generally supportive of the development of the property. She stated that the cost of the median outweighs the benefits, and does not support construction of the median. She suggested that the City ensure that the irrigation of the landscape in the public right of way be included to mitigate future tree root damage. She expressed concern and opposition to increasing public access to the rear of the property citing: the height differences which are impassable for bicycles and would require installation of ramps, which would take property away from the owners; the traffic impact; the creation of liability issues for the property owners; and safety. She concurred with Board member Ezzy Ashcraft to mitigate the noise issues by using landscape to dampen the sound as opposed to the building of a sound wall.

Board member Knox White suggested that the parcel map be condition to provide public access at lot 8, but would not have to be open to the public until such time that the City determined the access necessary.

Board member Ezzy Ashcraft motioned to allow agenda item 9-D to be presented after 10:30 p.m. Board member Köster seconded the motion. Motion carried, 4-0; no abstentions

President Zuppan replied that as long as the neighborhood has meaningful input she finds Board member Knox White's suggestion acceptable.

Board member Köster clarified with staff that the tentative map can be approved with conditions. The conditions will have to be implemented in the final map prior to final approval.

Board member Knox White motioned to approve the resolution with the following modifications: strike last sentence in condition # 5; delete last phrase Public Works

General Information condition 1 and create a new condition that states, “No right of way shall be dedicated along Tilden Way,” strike condition requiring construction of the concrete island/median; add a condition that requires design and construction of an attractive frontage and gateway to the city and explain/describe how noise from Tilden will be mitigated for the back yards, prohibiting the construction of a sound wall, prior to approval of final map; condition that proper irrigation be provided in the landscaping in the public right of way.

Board member Ezzy Ashcraft seconded the motion.

Motion carried, 4-0; no abstentions

9-D TRACT 7884 (Alameda Landing)- PLN11-0328, Applicant: Catellus Alameda Development, LLC. Amendment to Conditions of Approval for Development Plan Amendment and Master Street Plan Amendment regarding striping and bus stop locations.

Andrew Thomas, Planning Services Manager, gave brief presentation.

Board member Knox White referenced the General Plan which states the Board will not mitigate plans that have right turn lanes. He then referred to the intersection and right turn lane from Stargell onto Fifth Street and asked if the Board is comfortable with giving Catellus the flexibility to not institute the right turn lane.

Board member Knox White motioned to extend the meeting to 11:30. Board member Köster seconded the motion. Motion carried 4-0; no abstentions

Matt Naclerio, Public Works Director, requested that the Environmental Document be checked to make sure there is not a requirement for the turn lanes.

Board member Ezzy Ashcraft concurred with Board member Knox White and is troubled with all the lanes at the intersection. She clarified with staff that the bus stop will be moved to the other side of the intersection.

Board member Knox White motioned to approve staff recommendations with the addition that if consistent with the EIR, the west bound right turn lane implementation be optional.

Board member Köster seconded the motion

Motion carried, 4-0; no abstentions

9-E. Draft Bicycle Facility Design Guidelines - The Planning Board will make a recommendation to the City Council on the Draft Bicycle Facility Design Guidelines. The guidelines provide direction to City staff, developers and the public regarding the implementation of bikeways and bicycle facilities in Alameda.

Item continued to the meeting of August 27, 2012.

10. WRITTEN COMMUNICATIONS

NONE

11. BOARD COMMUNICATIONS

Board member Köster inquired about 1700 Park Street, stating that partial painting has occurred on the rear of the building.

Mr. Thomas stated that the applicant is looking at colors, the scaffolding went back up because of the cosmetic work needing to be done, and trim needs to be added to the rear of the building.

Board member Köster inquired about the old Wienerschnitzel building.

Board member Ezzy Ashcraft responded that the restaurant is now BBQ and the paint scheme is the only façade change.

Board member Knox White requested that the Board be notified in advance when an item is going to be continued.

12. ADJOURNMENT

11:07 p.m.