

**Minutes of the Regular Planning Board Meeting
Monday, February 28, 2005 – 7:00 p.m.**

1. CONVENE: 7:08 p.m.
2. FLAG SALUTE: Ms. McNamara
3. ROLL CALL: President Cunningham, Vice President Cook, Kohlstrand, Lynch, Mariani, and McNamara.

Board member Piziali was absent.

Also present were Interim Planning Director Jerry Cormack, Assistant City Attorney David Brandt, Supervising Planner Judith Altschuler, Planner III Allen Tai, Leslie Little, Development Services, Eric Fonstein, Development Services.

4. MINUTES: Minutes for the meeting of February 14, 2005.

M/S Kohlstrand/Cook and unanimous to approve the minutes for the meeting of February 14, 2005, as presented.

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

5. AGENDA CHANGES AND DISCUSSION:

President Cunningham advised that a speaker slip had been received for Item 7-C.

Mr. Chuck Millar, 2829 San Jose Avenue, stated that he was in favor of Item 7-C., and did not wish to speak.

President Cunningham stated that because of the length of the agenda, and the fact that the March 14, 2005, agenda did not have any items, there was a general consensus to continue Item 8-D to the March 14, 2005, meeting.

M/S Cook/Mariani and unanimous to continue Item 8-D to the Planning Board meeting of March 14, 2005.

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

6. ORAL COMMUNICATION: None.

7. CONSENT CALENDAR:

- 7-A. **TM04-0005 SRM Associates Harbor Bay Parkway (MG).** Applicant requests approval of Tentative Map 8574 in order to subdivide three parcels into sixteen parcels. The parcels are located within the Harbor Bay Business Park and are zoned C-M-PD, Commercial Manufacturing, Planned Development District. **(Continued from the meeting of January 24, 2005.)**

M/S Cook/McNamara and unanimous to adopt Planning Board Resolution No. PB-05-06 to approve Tentative Map 8574 in order to subdivide three parcels into sixteen parcels.

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

7-B. **Theater Overlay District Designation (CE).** Recommendation to the City Council to adopt an ordinance establishing a Theater Overlay District and rezoning certain properties in the Theater Overlay District designation. **(Continued from the meeting of February 14, 2005.)**

M/S Cook/McNamara and unanimous to adopt Planning Board Resolution No. PB-05-07 to approve a recommendation to the City Council to adopt an ordinance establishing a Theater Overlay District and rezoning certain properties in the Theater Overlay District designation.

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

7-C. **ZA05-0002, 842 Central Avenue, Central Cinema, Applicant: Mark Haskett (DV).** The Applicant seeks approval to continue to operate a movie theater with up to 49 seats in the C-1, Neighborhood Business District where a movie theater use is not currently allowed as a permitted use or as a use regulated by Use Permit. The Planning Board will review and take action on the following options associated with continued use of this movie theater:

- 1) Consideration of a Zoning Use Determination that a “Boutique Theater” defined as “A theater with audiences of 49 persons or less for live performances or for the screening of motion pictures where there is only one screen in the theater” is sufficiently similar to what is allowed pursuant to Alameda Municipal Code section 30-4.8(c)(7) which allows by Use Permit “Theaters with live performances that are in combination with other permitted uses.” If the Planning Board determines that a “Boutique Theater” is consistent with what is allowed by A.M.C. section 30-4.8(c)(7), then the applicant will apply for a Use Permit at a future meeting; or
- 2) Consideration of an Amendment to Section 30-4.8 (c) to add “Boutique Theater” as a use regulated by Use Permit in the C-1 zoning district. “Boutique Theater would be defined as “A theater with audiences of 49 persons or less for live performances or for the screening of motion pictures where there is only one screen in the theater.” If the Planning Board determines that a “Boutique Theater” could be an appropriate use in the C-1 zoning district, the zoning amendment will be forwarded to Council for adoption and the applicant would need to return to the Planning Board for a Use Permit following adoption of the amendment by Council. **{Staff requests a continuance to the meeting of April 11, 2005 pending an Initial Study as required by the California Environmental Quality act (CEQA)}**

M/S Cook/McNamara and unanimous to continue this item to the Planning Board meeting of April 11, 2005.

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

8. REGULAR AGENDA ITEMS:

- 8-A. **Study Session Theater (DSD/JA).** Study Session to review revisions for Design Guidelines to construct a new 7-screen Cineplex and 352-space parking structure on the Video Maniac site. This site is located at 2305 Central Avenue within the CC – CCPD, Community Commercial and Special Planned Development Districts. **(Continued from the meeting of February 14, 2005.)**

Ms. Kohlstrand advised that she would recuse herself from this item because she was a principal with the firm of EnviroTrans Solutions, which performed the traffic analysis for the combined parking garage/theater analysis.

Ms. Leslie Little, Development Services, advised that the theater's design would be addressed at this study session, and that they would present revised guidelines. She advised that Michael Stanton could not attend this session, and that Brian Lyles would speak on behalf of the project developer.

President Cunningham advised that eight speaker slips had been received.

M/S Mariani/McNamara to limit the speakers' time to three minutes.

AYES – 3 (Piziali absent); NOES – 2 (Cunningham, Cook); ABSTAIN – 1 (Kohlstrand)

The public hearing was opened.

Mr. Christopher Buckley, Alameda Architectural Preservation Society, 1017 San Antonio Avenue, requested to speak after the letter from AAPS had been distributed to the Board members.

Mr. Richard Rutter, 2205 Clinton Avenue, advised that he had distributed a letter to the Board. He noted that there was considerable detail on the exterior, but that there was less information regarding the interior of the project. If it was a partial package, he believed it should be not as such; if not, he requested an explanation regarding the missing information. He believed the developer's architect should be given maximum design creativity within a set of design guidelines.

Mr. Scott Brady, 1812 Encinal Avenue, former chairman of the Historic Advisory Board, noted that he was an architect. He believed the guidelines were unnecessarily restrictive, and that the wording in the draft guideline would lead the designer to a design very similar to the elevations in the packet. He noted that those elevations were labeled for reference only, and should be eliminated from the packet; the reference design was not compatible with the guidelines and featured a large blank walls. He believed the addition to the theater should remain secondary to the existing theater; the art deco architecture were the primary elements on the short block, and any contemporary design would complicate and detract from the main element of the original theater.

Ms. Rosemary McNally, 2145 San Antonio, believed that the corner where the theater is located is a major feature of Alameda; she expressed concern about excessive massing and blank walls with respect to the theater. She suggested that the large blank wall adjacent to Long's be covered with a mural duplicating the view of what would be lost. She would like to see the round corner included in the structure. She did not believe that three-minute speaking time was sufficient for speakers with detailed presentations.

Mr. Chuck Millar, 2829 San Jose Avenue, believed the massing model made the building look as if it were bursting at the seams, and that it pushed out in all directions. He believed that community opinion was overwhelmingly against the "big box" look. He supported some reference to the old building in the new design, and did not see that in this design.

Ms. Annie Rutter, 2205 Clinton Avenue, spoke in opposition to this design, and did not believe it was beautiful enough for Alameda. She would prefer to see the design created by Timothy Flueger to be restored to its former glory. She believed the upstairs balcony should be restored, like the Grand Lake Theater in Oakland. She expressed concern about the amount of parking that would be needed, and did not believe the proposed parking garage would be sufficient.

Ms. Elizabeth Krase, 2520 Chester Street, AAPS, generally supported this item. She expressed concern about the two-foot and three-foot projections of the second floor, particularly the projection at the lobby which she believed would seriously detract from the rounded corner. She did not support the idea of notching the building back so that people in the lobby could see the round perforated decorative screen. She did not like the use of metal can letters in the signage; she suggested that neon signage would be in keeping with the Deco design of the original building.

Mr. Kevin Frederick, 1287 Caroline Street, did not believe the design of the proposed theater was at all attractive, and believed that there were other good examples of contemporary architecture in Alameda.

Mr. Christopher Buckley, Alameda Architectural Preservation Society, 1017 San Antonio Avenue, noted that he had submitted a 12-page letter to the Board. He thanked staff for making the two-foot projection an option, and expressed concern that the guidelines as written could lead to a building that would resemble the building shown during preliminary studies. He believed that the guidelines were too specific in some cases. He detailed the redlined text changes to the guidelines from Attachment A of his letter, and displayed the examples on the overhead projector. He would like to see the parking garage broken up to appear as if they were individual buildings, as in Walnut Creek; the guidelines discouraged this approach for the theater. He suggested the addition of text stating that "the actual design will require approval of the City of Alameda pursuant to the City's design review procedure, and shall include approval by the Planning Board and Historic Advisory Board."

Mr. Buckley suggested that the reference to contemporary design be edited, which suggested only two design approaches; he believed the architect should have more flexibility in drawing elements

from surrounding buildings. He believed that the guidelines meant a modernist building rather than contemporary. He suggested that the overly strong horizontal proportions be toned down for visual balance with respect to the surrounding buildings; the two-foot projection should be deleted. The three-foot project should be incorporated as an option to be considered by the architect. He did not believe the Oak Street side of the Cineplex should be notched to show the parking garage; it should be a continuous façade. He did not believe this project should have internally illuminated signs, box signs or individually canned letters; the sidewalk along Oak Street should be at least 12 feet wide to accommodate any large crowds.

Mr. Arthur Lipow spoke in opposition to this item. He believed that the public funds could be put to better use than the theater and parking structure, given the current economy of the State and the City. He believed the East Bay already had too many movie screens, and did not believe it was an economically viable project.

The public hearing was closed for Board discussion.

Ms. Little noted that the vertical elements that would require ADA access were in the new building, not the historic building.

In response to an inquiry by President Cunningham regarding the seating capacity, Ms. Little replied that approximately 1,100 seats would be installed.

Vice President Cook believed that it was important to be aware of the flexibility of the development deal, and that the tradeoffs would be reflected in design accommodations in the new building.

Ms. Little noted that the developer and the architect were anxious to proceed with the project, and added that the comments were very valuable. She noted that the design guidelines were not intended to become complicated, but were an attempt to get good qualitative comments in the beginning of the process.

Mr. Lynch agreed with a number of items presented during the public hearing. He did not believe the allocation of public dollars was within his purview as a Board member; the elected leadership of the City Council made that determination. He noted that some ideas will not be incorporated, given the economics of the deal; he noted that the comments presented would be difficult to digest at one time. He suggested that this brainstorming process would have worked well on the department level, to be culminated with a session before the Planning Board.

Ms. Mariani agreed with Mr. Lynch's assessment regarding the amount of information to distill.

In response to an inquiry by Ms. Mariani regarding the interior design, Ms. Little replied that it would be presented during the design review.

Mr. Lynch believed that it was very important to discuss this project at the front end.

President Cunningham believed that a great deal of valuable comments had been made, and that would be sufficient to start crafting a more developed design. He expressed concern about the corner, as well as the seam between the new cinema and the old theater.

Vice President Cook expressed concern that the new design would interfere with the rounded nature of the old architecture evident on existing theater.

Ms. McNamara agreed with Vice President Cook's comments, and believed strongly that Mr. Buckley's ideas should be seriously considered. She believed the new architecture should reflect the surrounding architecture that appears in the neighborhood.

Referring to Mr. Buckley's photos, Mr. Lynch liked the manner in which the massing was broken up, particularly with the parking garage within the City of Walnut Creek.

Ms. Mariani agreed with the other Board members' comments, and cautioned against the building becoming a large, protruding box on the corner. She requested redlined versions of future documents so revisions could be easily noted.

President Cunningham summarized the comments by the Board and the public:

1. A large monolithic box on the corner are not acceptable, whether or not the two-foot projection was included;
2. The rosette on the front corners of the existing theater is a very important element of the existing architecture;
3. Internally illuminated box signage or individual can letters should be avoided;
4. The design guidelines don't give clear direction as to how the signage would relate in the retail area;
5. Some language should be added regarding the parking garage and the big wall, to ensure the designer and contractor are aware of the community's aversion to a large blank wall; and
6. Provisions for a mural or some articulation of this blank wall should be included, as suggested by Ms. McNally.

President Cunningham noted that Mr. Buckley's comments were very valuable, particularly with respect to eliminating the elevations.

Ms. Little noted that Mr. Buckley's comments and photographs were appreciated.

No action was taken.

M/S Cook/Mariani and unanimous to continue this item to the Planning Board meeting of March 14, 2005.

AYES – 5 (Piziali absent); NOES – 0; ABSTAIN – 1 (Kohlstrand)

- 8-B. **R04-0002, UP04-0013, V04-0018, DR04-0101: 1410 Everett—Mary Applegate (DV).** Public hearing to reconsider a Design Review (DR04-0101) for the construction of a new 5,300 sq. ft. veterinary clinic on a lot currently developed with a vacant bank building which would be demolished located at 2501 Central Avenue. The existing veterinary clinic located at 1410 Everett Street would be demolished and developed as a parking lot. The proposed 23 space parking lot can be accessed from either Central Avenue or Everett Street. The project also requires the rezoning of an approximately 7,800 square foot lot currently developed as a parking lot located between the bank building and the adjacent condominium building. The lot would be rezoned from R-5, General Residential Zoning District, to C-C, Community Commercial Zoning District to establish consistency with the General Plan. The lots at 2501 Central Avenue and 1410 Everett Street are zoned C-C, Community Commercial Zoning District.

Ms. Altschuler summarized the staff report. Four separate actions are sought by the Planning Board:

1. A recommendation on a conformance rezoning;
2. A decision on a Use Permit;
3. A decision on a Variance for a second driveway; and
4. A decision on a Design Review for the new building being proposed.

Ms. Altschuler advised that this item had been appealed to the City Council, who returned the case to the Planning Board for second review in response to expressed concerns related to the wording of the public notice. She advised that the original notice was listed as 1410 Everett, the address for the original clinic. However, the expansion would occur on a site that is addressed off of Central Avenue. City Council directed staff to bring this item back before the Board as a *de novo* hearing, and all four items will be heard as if they were new items. She reviewed the items for the Board, and emphasized that the rezoning was intended to conform to the intent of the General Plan for that site. The conformance rezoning was separate from any expansion intended for the veterinary clinic; rezonings do not run with a use, and are legislative actions that affects all future uses.

President Cunningham advised that numerous speaker slips had been received.

M/S Mariani/Kohlstrand and unanimous to limit the speakers' time to three minutes.

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

The public hearing was opened.

Dr. Mary Applegate, DVM, applicant, summarized the background of her business and the application. She emphasized that the clinic was not open 24 hours a day, and noted that a new facility was essential to maintain their services and level of care. She stated that they made every effort to design a beautiful and functional building, and added that they employed approximately 15 Alameda residents.

Mr. Steve Busse, operations manager for Park Center Animal Hospital, noted that Dr. Applegate is his wife. He summarized the history of this application, and displayed a presentation of the design on the overhead screen. He noted that he spoke with Tom Matthews, who lives across the street from the property; as a result of the discussion, he presented City Council with a modified signage plan that featured a backlit sign and a change in the elevation on Central Avenue. He also attempted to contact the individuals who spoke at the Council meeting to get their feedback, clarify any misunderstandings, and better understand their concerns. He noted that only one person (Joe Meylor) agreed to meet with him; his primary concern was with the noticing, and he was also concerned about the building's design. He believed that the neighborhood alert that had been distributed to the neighbors was a major reason why no one wished to meet with him, and added that it was inflammatory and inaccurate. He stated that the allegations of criminal activity in the neighborhood was completely without foundation. The clinic was not open 24/7, and the staff report clearly stated the hours of operation.

Mr. Busse noted that the square footage of the building requires 22 parking spaces, and 23 spaces have been included. A large curb cut would be removed, which would replace 2 to 3 on-street parking spaces. He noted that most of the animals they treated would be in the hospital for a few hours, and they did not operate a boarding facility; customers would be able to allow their pets to stay at the facility only if they were existing veterinary customers, and usually because they had medical concerns about their pet. They will continue to observe their written dog-walking policy, which includes maintain dogs on-leash, walking only on public sidewalks, and maintaining the dog on public property. They will pick up their droppings, as well as other droppings that they see while walking; he noted that their efforts resulted in fewer droppings, not more waste. He strongly disagreed with the allegation that they posed a public nuisance, and stated that in 13 years, the practice has been under their management; they received no complaints about noise, smell, or other aspects of their business practices. The Better Business Bureau report states that no complaints about their business practices had been filed; no police reports had been filed complaining about their business operation; the Building Department shows no legitimate complaints about their business operation.

Dr. Cathy Wydner, DVM, co-owner, described the proposed project and noted that the original building was not designed as a veterinary hospital. She noted that the dramatic changes in veterinary medicine necessitate changes in hospital design; 95% of their 3,000 clients live in Alameda, and all their staff lives in the City as well. She stated that the density was fairly low for the block, and that the condo across the street had a far higher density; parking was more than what was required. She noted that the outdoor fenced area will contain most of the dog walking, resulting in a lower neighborhood impact from walking the dogs.

Mr. Brandon Stanford, noted that he owned a hair salon at 1422 Everett, and leased space at 1414 Everett. He spoke in support of this application, and had never been disturbed by the applicants or the use in 15 years. Many of his customers had looked at the plans and supported them as well. Mr. Lawrence Henderson, spoke in support of this project, and believed it would be beneficial for the

neighborhood. He also believed the animal care would be improved with the new facility, and that on-street and off-street parking pressure would be eased. He noted that he brought his three cats to the facility, and complimented the staff on their courtesy, sense of responsibility, and professionalism. He was pleased with the design of the new building, and the fact that it was designed for the specific use of practicing veterinary medicine.

Ms. Susan Corlett, spoke in support of this project and noted that she was a loyal client of the clinic.

Mr. Paul Schmidt, 2515 Central, noted that his original concern about the setback and the proposed landscaping plan was alleviated when he saw the newest plans; his concerns about the dogwalking had been addressed to his satisfaction. He believed that it would have been helpful if these plans had been available at the Council meeting.

Mr. Jim Miller, 2508 Crist Street, noted that he was originally opposed to this project; after hearing the applicants' response to the neighborhood concerns, he is now in support of this project and rescinded his stated opposition to the project.

Mr. George Borikas, 1500 Gibbons Drive, noted that he owned the four-unit apartment building displayed by the applicant. He inquired what his rights as a landlord would be if a tenant sued him for failing to provide "quiet enjoyment" because of any excessive noise from the clinic; he inquired whether the City would pay for his defense should he have a problem with a tenant.

Mr. Erin Beales, 2452 Central Avenue, spoke in opposition to this item, and noted that he was the author of the neighborhood alert. He emphasized that he was not trying to close the clinic down, and read his written statement into the record:

"I'm here to ask you to deny the Use Permit for this project. You sent out approximately 175 notices to the people in the neighborhood. These notices were to inform people that there is going to be a decision made by the Planning Board that can negatively affect their way of life. In essence, you're asking these people how they feel about this project, and that their opinions would drive the decision of the Planning Board. In two short weeks, my neighbors and I knocked on a few doors and explained to the residents what was being proposed on the corner of Central and Everett. In the short time, we gathered a list of signatures, almost 50 people that are within the notification boundary. The other 10 on this list are on the close outskirts of this boundary. If we had more time, this list would be a lot bigger. This is almost 25% of the notification list that have spoken out with some concern about this project. The concerns range from obviously my concerns of the dogs being exercised in the neighborhood, the scale and size of the actual building that close to the residential neighborhood. And although there are 23 parking spaces, it is going to have an impact on the parking in the neighborhood, no matter what you say.

When there are 50 neighbors against an applicant, I would hope that you would see the light and deny this Use Permit. Let's remember the intended use of this actual plot is not approved in its zone. That is why they need a Conditional Use Permit; that's why they're here for that permit. We are here to discuss whether that would be okay, and clearly, I think it is not. Furthermore, if you decide to give them this Use Permit, at the very least, there should be a condition written into it that says they must conduct all business, specifically the dog walking, in a commercial zone, not in the residential zone next door. So, if they're going to be doing business in a commercial zone, all of their business should take place there. This new facility, although they say it does not exercise dogs in the neighborhood, on the layout of the actual facility that was given to you before, there are 21 kennels in this facility for dogs. Out of 21 dogs at full capacity, I think quite a few of these dogs are going to be exercised every day. If I had my dog there, I would hope that it got out at least once a day. Currently, I view this all day long out my front window. They walk the dogs, right in front of my house and down Regent. And whether they say they do or do not, they do. They pick up after the dogs, but you cannot extract urine from my lawn. It is detrimental and a healthy hazard."

Ms. Heather Beales, 2452 Central Avenue, spoke in opposition to this item. She was concerned that most of the supporters of this application did not live directly across the street from the site, as she did. She expressed concern that the activities and lighted sign of the hospital encroached on the quiet enjoyment of her home; she was also concerned about the potential noise of the exercise area, as well as the increased traffic on Central Avenue. She did not question the character of the applicants, but did not believe this was the appropriate location for this use.

Mr. Gene Oh, Alameda Bicycle, 1522 Park Street, spoke in support of this application, and noted that it was difficult to balance business needs with the needs of a neighborhood, especially in the Park Street area. He believed the applicant needed to expand in order to properly serve their customers.

Mr. John Barni, 1023 Auburn Court, spoke in opposition to this item. He noted that he built the condominium next door to the project site and recalled the background of this use. He noted that the sidewalk corners reeked of urine, and recently discovered that the clinic boarded dogs. He requested that the rezoning of the lot as CC be denied, and was concerned that it would allow many uses that he did not believe were appropriate to the neighborhood. He believed that it should be zoned Professional Offices instead.

Mr. Justin Louw, 908-A San Antonio Street, spoke in support of this project, and noted that he could see the staff walking the dogs from his apartment window. He has also seen the staff pick up after their dogs and other peoples' dogs as well. He believed the odor came from the ivy on the corner, because the foliage made it difficult to pick up the dog waste. He noted that the hospital had taken good care of his dog when it was hit by a car.

Ms. Shelley Dunn, 1322 Regent Street, noted that she was not opposed to the presence of the hospital, but was concerned about parking and dog urine on her lawn. She noted that the urine may not be the responsibility of the hospital staff. She inquired what would happen to the cars current renting space on that site.

Ms. Kate Pryor, 2063 Eagle Avenue, spoke in support of this application. She noted that she was a business owner, and believed that the mixed use made the district more vibrant.

Ms. Nancy Matthews, 2450 Central Avenue, spoke in opposition to this item, and expressed concern about the impact of this use on the residences. She described the traffic flow in the neighborhood, and expressed concern about the potential increase in traffic. She did not believe that customers of the clinic should be able to urge approval of a project they did not have to live with.

Mr. Tom Matthews, 2450 Central Avenue, spoke in opposition to this item, and noted that 50 local residents were also opposed to this application. He doubted that the merchants on Park Street would allow this use. He did not believe this building had any residential character, and that the expansion was too large for the area. He believed a condition should be added that would require pets to be walked in the commercial zones only, and that the use to limited to care of sick pets only, with no boarding. He believed the setback was inadequate, with a one-foot setback from Central Avenue; he believed the small setback made it incompatible with the rest of the neighborhood. He would like to see architectural changes that would be more compatible with the transitional residential part of the neighborhood.

Mr. Joe Meylor, 1361 Regent Street, spoke in opposition to all facets of this project, including the use, the design and the Variance because the use fundamentally changed the business model of the business. He noted that a small business would become a larger, wider-ranging facility with many more uses. He noted that dogs urinated on his private property, which was impossible to clean up. He stressed that he harbored no ill will toward the applicants, and added that his two cats had received excellent care at the clinic for the last five years. He understood that he lived in a transitional neighborhood, but asked that the Planning Board ensured that the residential voice was heard. He expressed concern about the noise impacts from the use. He noted that the applicants had misinterpreted his concerns incorrectly following their meeting.

Ms. Monica Peña, 1361 Regent Street, spoke in opposition to this application, and believed it would negatively impact her quiet enjoyment of her property. She expressed concern that the dogs being walked in her neighborhood would pose a safety threat to her children.

Mr. John Gruntfest noted that he did not live in the subject neighborhood, and spoke in support of this application. He noted that all residents had to make compromises. He noted that he was the CFO of San Francisco Veterinary Specialists, and been in the veterinary business for 20 years; there were no communicable diseases between animals and people through urine or feces. He had visited the neighborhood, and believed that the business was very orderly and well-kept; the improved facility

was important for the health care of the animals. He noted that the business was located in a commercial area with surrounding homes.

Dr. Genevieve Manchester-Johnson, DVM, Associate Veterinarian, Park Center Animal Hospital, 16863 Los Banos Street, San Leandro, wished to respond to the residents who believed the applicants would act in an irresponsible manner. She read the oath taken by all veterinarians:

“Being admitted to the profession of veterinary medicine, I solemnly swear to use my scientific knowledge and skills for the benefit of society through the protection of animal health, the relief of animal suffering, the conservation of animal resources, the promotion of public health and the advancement of medical knowledge.

I will practice my profession conscientiously, with dignity and in keeping with the principles of veterinary medical ethics. I accept as a lifelong obligation the continual improvement of my professional knowledge and competence.”

Dr. Manchester-Johnson stated that everyone at Park Center took their oath very seriously, and added that keeping the neighborhood clean was a very large part of that commitment. She stated they would never consider walking an animal that would pose a health risk to other animals or people; to suggest so would be utterly against their oath.

Ms. Helen Mohr Thomas, 3011 Thompson Avenue, spoke in support of this project; she had taken her pets to the center for 10 years and received excellent care. She believed the business was an asset to Alameda. She believed the expansion would greatly improve the physical appearance at Everett and Central, especially the elimination of the long-abandoned minibank. She believed the expansion would also provide a valuable service to the community.

Mr. Robb Ratto, Executive Director, Park Street Business Association, spoke in support of this application, and was pleased that the project offered more parking than was required. He noted that the rezoning would bring the parcel into compliance with the General Plan, as well as its intent for commercial zoning in that area. He added that had been overlooked in the past, and that the rezoning would correct the oversight. He believed this would be an appropriate use, and that the expansion was an improvement. He emphasized that this design and application met the needs of neighborhood, and it would be welcomed on Park Street without reservation. He did not believe that any dog under the care of the hospital staff had urinated on private property; he suggested that the residents call the Police Department if they see someone trespassing on their property.

The public hearing was closed for Board discussion.

Ms. Mariani wished to disclose that she received calls from Mr. Matthews and Mr. Barni; she also owns three dogs.

In response to an inquiry by Ms. McNamara regarding the nature of any boarding services provided,

Mr. Busse stated that the business was a veterinary hospital, and that boarding was an ancillary use. Only medical clients were able to use the boarding services, such as for diabetic dogs that need medical oversight. Presently, they allow only two spots for boarding, and that boarding was not available for non-clients; the other four slots were reserved for hospitalized animals. He estimated that six to eight boarding spaces would be available at peak periods for their medical clients; their business was not a kennel.

In response to an inquiry by Ms. McNamara regarding the exercise area, Mr. Busse confirmed that it was not a dog run or play area, but an enclosed area where staff members will walk dogs on-leash one at a time. He emphasized that dogs would not be fenced in unattended in that area all day; it may take 10-15 minutes for staff to walk each dog.

In response to an inquiry by Ms. Kohlstrand regarding the setbacks, Mr. Busse stated that the building setback at the closest point would be one foot from the property line on Central Avenue. The property line is 4'2" from the existing sidewalk, allowing five feet of landscape space at the closest point; it would expand to a range of 7-14 feet in other areas.

Vice President Cook stated that she had no concerns about the proposed rezoning or about the design. She expressed concern about the impact of the lighted sign on the residences, and added that the business hours were generally confined to daylight hours. She was not concerned about the driveway, but was concerned about the expansion of the use next to residential uses. She noted that the Use Permit ran with the land, not the business, and did not believe this was an appropriate use so close to a residential neighborhood.

Mr. Lynch advised that he did not have any concerns with the business operations at this site, largely due to their business model.

Ms. Mariani noted that this use should blend as much as possible into the neighborhood, and suggested that mature landscaping be a condition of appeal.

Mr. Busse advised that all the mature trees along the boundary between the property and the condominiums would be retained; the street trees on Central Avenue will remain as well. He stated that 24-inch box Chinese elms and Sweet Bay trees, as well as 36-inch box Maidenhair trees were among the trees being proposed.

Ms. McNamara believed it was important to be more sensitive to the residential design in the immediate neighborhood.

Ms. Altschuler noted that this was a very contemporary building, and that the reference to Craftsman style was with respect to the building materials. The condominium immediately adjacent was also a very modern building, as was the former Central Market across the street. She noted that the Board may recommend the rezoning without approving any other parts of the application.

M/S Cook/Lynch and unanimous to adopt Planning Board Resolution No. PB-05-08 to rezone the approximately 7,800 square foot lot currently developed as a parking lot located between the bank building and the adjacent condominium building property from R-5, General Residential Zoning District, to C-C, Community Commercial Zoning District to establish consistency with the General Plan.

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

President Cunningham stated that he believed this was a very good project, and supported it wholly. He understood the neighbors' concerns, and suggested that conditions be crafted to help mitigate the issues of dog exercise and waste in the neighborhood. He did not believe the veterinary hospital should be held accountable for other dog owners' actions in the neighborhood.

Ms. Altschuler advised that she had spoken with the business owners regarding that issue, and suggested that the Board discuss that point with the applicants. She suggested that a compromise be reached on whether the dogs may be walked only in the commercial areas. She noted that it would be difficult to distinguish between an employment of the hospital and another person walking a dog unless some identifying garb were to be worn.

Mr. Lynch noted that he was a strong proponent of the revitalization of Park Street, and acknowledged that many people walked their dogs in that area. He would not support a restriction requiring the dogs be walked only in a commercial district because of the number of dogs in the area; it would be an unenforceable restriction. He suggested that the pets being cared for wore a band that would identify them as patients of the facility.

Ms. Kohlstrand noted that the other veterinary hospitals in Alameda were adjacent to residential uses, with the exception of the facility on Webster Street. She noted that this neighborhood must accommodate both residential and commercial uses, and that both uses need to co-exist; she did not believe the design should be a residential design. She would like responsiveness towards the neighbors regarding the treatment along Central Avenue, although the existing setback was adequate.

President Cunningham advised that he liked the building design, and believed that the scale of the design was appropriate for the neighborhood. The parking was supported on-site, and the zoning was now in conformance with the General Plan. He appreciated the sensitivities of the neighbors.

M/S Lynch/Kohlstrand to adopt Planning Board Resolution No. PB-05-08 to approve the Use Permit to construct a new 5,300 square foot veterinary clinic and 23 space parking lot on a lot currently developed with a vacant bank building which would be demolished at 2501 Central Avenue.

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

M/S Kohlstrand/Lynch and unanimous to adopt Planning Board Resolution No. PB-05-08 to approve

a Variance to allow two driveways to provide ingress/egress to the proposed 23 space parking lot to serve the vet clinic use.

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

Dr. Applegate advised that they did not plan to have an internally illuminated sign, and added that it got dark before 5 p.m. in the winter. She would like to have a backlit sign on Everett Street so that the sign may be read, but that they did not want to have bright lights in the neighborhood.

M/S Cook/Mariani to adopt Planning Board Resolution No. PB-05-08 to change Condition 10 to require that the sign along Central Avenue will not be illuminated; site illumination would be acceptable.

AYES – 5 (Piziali absent); NOES – 1 (Kohlstrand); ABSTAIN – 0

M/S Lynch/Kohlstrand to adopt Planning Board Resolution No. PB-05-08 to approve the Design Review (DR04-0101) for the construction of a new 5,300 sq. ft. veterinary clinic on a lot currently developed with a vacant bank building which would be demolished located at 2501 Central Avenue. The existing veterinary clinic located at 1410 Everett Street would be demolished and developed as a parking lot. The proposed 23 space parking lot can be accessed from either Central Avenue or Everett Street.

AYES – 5 (Piziali absent); NOES – 1 (McNamara); ABSTAIN – 0

President Cunningham called for a five-minute recess.

8-C. **PD04-0004/DR04-0113, 433 Buena Vista Avenue, Applicant: Alameda Multifamily Ventures, LLC (AT).** The applicant seeks Design Review and Planned Development approval for the construction of a two-story 6,000 square foot community building, four 16-car garages, facade changes to existing apartment buildings, and other improvements at the Harbor Island Apartments site. The site is located at 433 Buena Vista Avenue, within an R-4 PD, Neighborhood Residential Planned Development District.

Mr. Tai summarized the staff report, and described the modifications to the design and elevations. Since the packet had been sent to the Planning Board, the applicants and staff met to revise some of the conditions related to the trash enclosures. He advised that on page 4, the first sentence of Condition 12 should be deleted and substituted with, "The applicants shall comply with AMC Subsection 20-2.1, which currently requires the owner or occupant of any premise is to subscribe and pay for all integrated waste collection..."

Mr. Tai advised that Condition 13 was revised to state that "the applicants shall comply with Section 21-2.1, which currently requires that collection of solid waste from residential areas..."

The public hearing was opened.

Mr. Chris Auxier, applicant, stated that they would be available to respond to questions.

Mr. Michael Yoshii, Pastor, Buena Vista United Methodist Church, and Renewed Hope Housing Advocates, noted that he attended the West End Community Improvement Project. He noted that the mass evictions highlighted the need to coordinate the social impact on the community, with respect to the intent to make physical improvements in the neighborhood. He noted that the impact on the schools was very important, particularly regarding the anticipation of new residents and new students. He believed the community needed to be mended following these difficulties.

Ms. Lorraine Lilly wished to address the human factors following the actions of the 15 Group and the Harbor Island apartment complex, and stated that the mass evictions were dehumanizing for the 400 families impacted by them. She did not believe the human impact was being adequately addressed by the proposed renovation plan, particularly regarding the disabled population. She disagreed with the lighting plan, and noted that the visually impaired would not have adequate visual clarity with the 25-foot lighting plan. She believed the standards of visual accessibility should be in compliance with the ADA standards. She noted that the planned development did not address handicapped accessibility for the elevators; no phones were included in the elevator cars for assistance. She stated that the fire suppression equipment should be adequate for the entire complex. She expressed concern about the parking plan, and did not believe it addressed the needs of the disabled tenants; even when they requested parking spaces close to their units, they were not assigned. She noted that the drinking water was often brown, and inquired whether it was contaminated.

Ms. Modessa Henderson, 465 Buena Vista #105, spoke in opposition to this item and noted that she had lived at the site for 30 years. She inquired what kind of tenants would live at the complex, and stated that it had been a family-oriented complex. She believed that there was a great need for activities for children, if families were to return to the complex. She would like some design accommodations for the disabled, such as first-floor apartments.

Ms. C. Landry, spoke in opposition to this item. She noted that she had lived in Harbor Island for a number of years, and was displaced following the evictions. She believed the improvements were superficial, and believed the plumbing system and sprinklers should be fixed. She noted that several units had not been repaired following fires.

President Cunningham requested a motion to extend the meeting to a time certain.

In response to an inquiry by Ms. Mariani whether this item could be continued to the following Board meeting, Mr. Brandt replied that if continued, the project would be deemed approved if no action were taken under the time limits of State law.

M/S Kohlstrand/Cook and unanimous to extend the meeting hours to 11:30 p.m.

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

Mr. Reginald James, 1501 Grand Street #E, expressed concern about the physical conditions of the site, and did not believe the site was up to code. He noted that one woman had been boarded up in her apartment. He was pleased to see an alternative to the valet garbage plan, and suggested that a half-court basketball court be installed. He believed the parking should be addressed more thoroughly, and would like to see a rooftop terrace; he expressed concern about the state of the fire sprinklers.

The public hearing was closed for Board discussion.

In response to an inquiry by President Cunningham regarding how the ADA regulations related to this project, Mr. Shaun Alexander, project architect, replied that any existing project had issues to grapple with, and added that this project was exempt from ADA compliance and upgrades because it was built and occupied prior to 1991. The new clubhouse must be in compliance.

In response to an inquiry by President Cunningham regarding Code violations, Mr. Tai confirmed that there were no outstanding Code violations registered for this property.

Mr. Alexander noted that there was a condition in the approval related to sewer testing; the major problems addressed by the speakers had been addressed, and most of the mains had been repaired. They were working with the Public Works Department to video the remainder of the lines, and to make repairs as necessary.

In response to an inquiry by President Cunningham regarding recourse available to tenants if a property falls into disrepair (such as following a repair in an existing apartment), Mr. Brandt advised that would be a violation of the Housing Code.

Mr. Alexander noted that many of the fires in recent history were the result of arson, not of electrical problems.

Ms. Kohlstrand noted that she had difficulty reconciling the complaints of the residents with the statements that the buildings were up to Code.

Mr. Brandt advised that there were extensive site visits to the property in November 2004.

In response to an inquiry by Ms. Mariani regarding the interior of the building, Mr. Alexander noted that they were in for permit for interior improvements on the project and that they must conform to all Alameda and State codes.

Mr. Lynch believed the City was missing a tremendous opportunity to benefit many families in Alameda, and did not believe this was a Measure A issue. He noted that the remodel did not speak to possible physical changes that could provide a more live able environment to families, which he believed was a gross oversight by the City.

Vice President Cook appreciated some of the changes made to the design in response to the Board's comments. She expressed concern that the use of architectural elements were not fully utilized to create more individuality in the buildings; some of the structures still looked monolithic. She noted that the use of entry pylons still connoted the gated effect, which she had opposed in the earlier sessions. She was still uncomfortable with the design, and did not believe sufficient changes had been made since December 2004.

Ms. McNamara believed some of the wording in the staff report could be improved, and noted that page 4, Items 6 and 7, stated that "The applicant shall coordinate with the Police Department as an effort to try and improve public safety in the facility." She did not believe that wording held the applicant accountable for not complying, and believed that stronger language should be used to ensure compliance.

Mr. Auxier noted that he spoke to Officer Hisher, and did not object to the letter; the flexible wording was meant to allow further discussion by the Police Department and the applicant. He noted that they had not yet found a solution to the trash enclosures.

Mr. Tai advised that staff and the applicants had been in ongoing coordination with the Police Department with respect to the Police Department's specific recommendations, such as size of addressing, and location of "No Trespassing" signs.

Ms. McNamara wanted to ensure that the relationship between the Police Department and the applicant did benefit the citizens of Alameda, and would rebuild the credibility for public safety in that area.

Mr. Tai advised that that condition stated that it would be to the “satisfaction to the Chief of Police and the Planning and Building Director,” and there would be sufficient flexibility to require compliance on these recommendations.

Mr. Lynch believed that Ms. McNamara referred to the property management aspects of this project.

Ms. McNamara believed that staff’s condition of approval requiring a landscape and common area maintenance agreement between the property owners and the City to ensure diligent maintenance should be an ongoing effort. She believed the ongoing maintenance of the property was critical to the success of the project and the surrounding area.

President Cunningham suggested the addition of a maintenance agreement for the swimming pool, and believed that was central to the development.

Mr. Tai advised that page 5 contained a condition relating to the landscape and common area maintenance agreement, which is recorded with the property at the County Recorder’s office. The applicants would be required to maintain the property; if that did not happen, the City would have the right to make the improvements at the applicants’ cost. The common area included the swimming pool, the proposed tot lots and other play areas, and all the other open space.

Ms. Mariani noted that she was not prepared to approve this project.

Ms. Kohlstrand believed that changing the approach towards trash containment was generally a good change, but that it was unfortunate to see the huge trash container at the end of the walkway near Fifth Street. She would like to see that container relocated to a less visible area. She believes that the project sponsor had made some compromises, and added that there were still residents in the complex. She believed it was extremely important to ensure the buildings were not in disrepair.

Mr. Tai advised that he had spoken with the Code Compliance Division earlier in the day; they advised that a complaint had been filed on February 18, 2005. The complaint was vague, and it was not logged and registered as a specific complaint. Technically, there were no outstanding violations.

Mr. David Blackwell, representing the applicant, wished to give credit to City staff for their tireless work on this application, as well as the Planning Board. He had discussed the conditions of approval with staff, and believed that they were now in accordance. He emphasized that the interior improvements had nothing to do with the application before the Board at this time. He requested that Condition 25 (Public Art fee) be removed, and added that Mr. McFann estimated it would come to approximately \$6,000. He believed that this project did not fall within 30-65 because it was not a

new commercial, industrial, or municipal project; because it only addressed the community center. He spoke with the City Attorney regarding Condition 27 ("hold harmless"), and understood that it meant that if the application were to be approved, and someone sued the City stating that the approval was wrong, the applicant would pay for the defense. That indemnification did not relate to any other issues not related to this approval.

M/S Kohlstrand/Lynch to adopt Planning Board Resolution No. PB-05-09 to approve a Design Review and Planned Development for the construction of a two-story 6,000 square foot community building, four 16-car garages, facade changes to existing apartment buildings, and other improvements at the Harbor Island Apartments site.

AYES – 4 (Piziali absent); NOES – 2 (Cook, Mariani); ABSTAIN – 0

- 8-D. **ZA05-0003 Zoning Ordinance Text Amendment/City-wide (JC/JA)** Phase II of proposed revisions to the Development Regulations (ZA05-0003) contained within Chapter XXX of the Alameda Municipal Code (AMC), more commonly referred to as the Zoning Ordinance with respect to building height limits and number of stories; exceptions to minimum side yard requirements for additions to existing residences, provide a definition for “replacement-in-kind”, off-street parking regulations and simplifying reconstruction of non-conforming residential structures.

M/S Cook/Mariani and unanimous to continue Item 8-D to the Planning Board meeting of March 14, 2005.

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

9. WRITTEN COMMUNICATIONS:

10. BOARD COMMUNICATION:

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

M/S Mariani/McNamara and unanimous to continue this item to the Planning Board meeting of March 14, 2005.

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

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

M/S Mariani/McNamara and unanimous to continue this item to the Planning Board meeting of March 14, 2005.

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

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

M/S Mariani/McNamara and unanimous to continue this item to the Planning Board meeting of March 14, 2005.

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

- d. Oral Status Report regarding the Golf Course Committee (Board Member Mariani).

M/S Mariani/McNamara and unanimous to continue this item to the Planning Board meeting of March 14, 2005.

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

10. STAFF COMMUNICATIONS:

11. ADJOURNMENT:

11:34 p.m.

Respectfully submitted,



Jerry Cormack, Interim Secretary
City Planning Department

These minutes were approved at the March 14, 2005, Planning Board meeting. This meeting was audio and video taped.