



**Minutes of the Regular Planning Board Meeting
Monday, December 11, 2006**

1. CONVENE: 7:05 p.m.
2. FLAG SALUTE: Member McNamara
3. ROLL CALL: President Lynch, Vice President Cook, Ezzy Ashcraft, Kohlstrand, McNamara.

Members Cunningham and Mariani were absent.

Also present were Assistant City Attorney Donna Mooney, Supervising Planner Andrew Thomas, Planner III Douglas Garrison.

4. MINUTES: Minutes for the meeting of November 13, 2006.

Member Kohlstrand noted that page 5, paragraph 7, read, "Member Kohlstrand understood how Park and Webster Streets had their own unique shelter designs, and how flexibility in terms of materials would be necessary." She noted that the main point she tried to convey was that aside from unique shelter designs on Park and Webster, that there should be a consistent design treatment throughout the rest of the city. She believed Member Ezzy Ashcraft also made that comment.

Member Ezzy Ashcraft concurred with Member Kohlstrand's statement.

Member Kohlstrand noted that on page 12, the last statement attributed to Member Kohlstrand should be attributed to Member Ezzy Ashcraft.

Member Kohlstrand noted that on page 22, the vote on Item DR006-0096, regarding Building 500, Member Ezzy Ashcraft was listed as a "No." She noted that Member Kohlstrand should be listed as a "No" vote, instead of Member Ezzy Ashcraft.

Member Ezzy Ashcraft noted that the first sentence in the last paragraph on page 9 should read, "Mr. Michael Kruger noted that as a Transportation Commissioner, he wished to direct the Planning Board's *attention* to the Commission's recommendation that had not been included in the original packet."

She also wished to commend Cory Emberson for a superlative job on the minutes for a very long and complex meeting.

Vice President Cook noted that page 5, should be changed to read, "Vice President Cook expressed concern about the width and usability of sidewalks and *wanted to ensure that there were no*

encroachments made on *that width* with various items that may not be useful any more.” She wanted to make sure that tree wells, benches and bus shelters, and other items on the sidewalk that was meant to be walked on.

Vice President Cook noted that page 13, paragraph 6, should read, “Vice President Cook noted that it was important to address the overall density of retail at South Shore Center on a planwide basis, and not project by project as they come in.

Vice President Cook noted that page 21, paragraph 1, should be changed to read, “Vice President Cook shared the concerns about the scale of the existing center, and believed that the project *that had been built* was becoming even bigger than what was approved in 2003.” She wished to add the following sentence: “She was particularly interested in advice from City staff regarding how the Board could look at the project in the context of the overall site, as opposed to how it could be done building by building, as discussed in the developer’s attorney’s letter.” She was looking for the City attorney and staff to address the issue of how it could be looked at as a PDA, as was done in 2003.

M/S Cook/Kohlstrand and unanimous to approve the minutes for the meeting of November 13, 2006, as amended.

AYES – 4 (Mariani, *Cunningham* McNamara absent); NOES – 0; ABSTAIN – 1

5. AGENDA CHANGES AND DISCUSSION: None.

6. ORAL COMMUNICATION:

Ms. Diane Lichtenstein, Homes, recalled an active discussion in the July meeting regarding a community forum to discuss Measure A. She noted that the staff report was to have been made available at that time, and she urged the Planning Board to put it on the agenda for community discussion.

Ms. Karen Butter, representing the League of Women Voters of Alameda, echoed Ms. Lichtenstein’s comments, and added that there was a need for public meetings to consider the advantages and disadvantages of exempting Measure A from Alameda Point. She encouraged the Planning Board to move forward in scheduling such a meeting in a timely fashion. She noted that during one of the summer meetings, there was also a suggestion from the staff on that issue.

President Lynch noted that the Board had heard from individuals and organizations in Alameda that would want to entertain a discussion. He believed the question before the City was how to facilitate that process. He did not personally advocate one way or the other, but suggested that it was incumbent upon the Board to respond to the responsibility to consider that particular item. He believed the question before the Board was how to respond to that item.

Member McNamara inquired whether it was realistic to expect a response by the next meeting.

President Lynch did not believe this was a difficult item to process, but believed it was challenging because of its possible scope.

A discussion of the process choices ensued.

Member Kohlstrand noted that staff has had six months to consider this item, and that the public and Board has requested a response. She would like to see a response from staff regarding the layout of the plan by the end of January.

Member Ezzy Ashcraft echoed President Lynch's comments, and added that no matter how challenging an issue was, they had to start somewhere. She believed that because the Planning Board advised the City Council on planning matters, and recalled that while the Board did not wish to be the convening body, they did want to be part of the process, including calling in outside professionals regarding environment issues and land use law.

President Lynch noted that he had discussed that matter with Planning and Building Director Cathy Woodbury, and he agreed that it would be reasonable to request a report by the end of January.

Vice President Cook noted that this was an ideal time to discuss this issue because there was currently no developer at Alameda Point.

President Lynch agreed with the previous comments, and noted that the Board would be able to contemplate planning issues without the pressure of an ongoing development.

Mr. Thomas advised that staff was starting work with a grant received from MTC to examine transit-oriented development at Alameda Point. The first task would be an analysis of the different alternatives. The report to be presented in January would outline the scope of the work and the community process. He believed it would be very helpful for the Planning Board to comment on how to interface with that process, as well as work to be done beyond that point.

7. CONSENT CALENDAR:

7-A. Adoption of 2007 Planning Board Calendar.

Mr. Thomas noted that the 2007 Calendar had been revised to reflect staff's recommendation that the first meeting in November not be cancelled at this time.

President Lynch noted that the Board may want to consider canceling the July 9, 2007, meeting. It had been his experience that was a popular vacation time with the Planning Department, and that it was close to July 4th.

Vice President Cook concurred with President Lynch's suggestion.

Member Kohlstrand noted that she was comfortable with the existing calendar, and found that meetings were cancelled if there were no agenda items.

M/S Kohlstrand/Cook and unanimous to adopted the revised 2007 Planning Board Calendar.

AYES – 5 (Cunningham, Mariani absent); NOES – 0; ABSTAIN – 0

- 7-B. **DR06-0043 (Major Design Review) and V06-0003 (Variance) – Sebastian Martinez – 1534 Buena Vista Avenue (DV).** The applicant requests Major Design Review approval to re-construct a single-family residence that was substantially destroyed by two separate fires. A Variance is requested because the lot has a width of 25-feet and the proposed residence will have side yard setbacks of 3-feet, where a minimum 5-foot side yard setback is required, and a front yard setback of 15-feet, where a minimum of 20-feet is required. The site is located within an R-4, Neighborhood Residential Zoning District.

M/S Kohlstrand/Cook and unanimous to adopt Planning Board Resolution No. PB-06-51 to approve a Major Design Review approval to re-construct a single-family residence that was substantially destroyed by two separate fires. A Variance is requested because the lot has a width of 25-feet and the proposed residence will have side yard setbacks of 3-feet, where a minimum 5-foot side yard setback is required, and a front yard setback of 15-feet, where a minimum of 20-feet is required.

AYES – 5 (Cunningham, Mariani absent); NOES – 0; ABSTAIN – 0

- 7-C. **TM06-0006 (Tentative Map) – Alameda Development Corporation – 626 Buena Vista Avenue (DV).** The applicant requests approval of Tentative Parcel Map 7846, consisting of 8 new lots. The site is located within the R-4-PD Neighborhood Residential Planned Development Zoning District.

M/S Kohlstrand/Cook and unanimous to adopt Planning Board Resolution No. PB-06-52 to approve Tentative Parcel Map 7846, consisting of 8 new lots.

AYES – 5 (Cunningham, Mariani absent); NOES – 0; ABSTAIN – 0

- 7-D. **TM06-0005 (Tentative Map) – SRM Associates – 1900 - 1980 North Loop Road (DB).** The applicant requests Tentative Parcel Map approval to merge six existing parcels into five parcels with each parcel accommodating a new flexible use building (warehouse, distribution, light manufacturing and administrative office). The site is located within the Harbor Bay Business Park in the C-M-PD, Commercial Manufacturing, Planned Development Zoning District.

M/S Kohlstrand/Cook and unanimous to adopt Planning Board Resolution No. PB-06-53 to approve a Tentative Parcel Map to merge six existing parcels into five parcels with each parcel accommodating a new flexible use building (warehouse, distribution, light manufacturing and administrative office).

AYES – 5 (Cunningham, Mariani absent); NOES – 0; ABSTAIN – 0

8. REGULAR AGENDA ITEMS:

- 8-A. **FDP06-0002 (Final Development Plan) and DR06-0062 (Major Design Review) – Harbor Bay Acquisition LLC – 2275 Harbor Bay Parkway (AT).** The applicant requests a Final Development Plan and Major Design Review to allow a one-story building of approximately 36,899 square feet in floor area with 69 parking spaces to be constructed on a 4.1 acre site. The site is located within the Harbor Bay Business Park in the C-M-PD, Commercial Manufacturing, Planned Development Zoning District. **(Continued from the meeting of September 11, 2006.)**

Mr. Thomas presented the staff report, and noted that five conditions had been added to address the neighborhood concerns. He noted that the additional conditions had been added since the September 11, 2006, version of the resolution. Staff recommended approval of this item.

The public hearing was opened.

Mr. Joe Ernst, SRM Associates, presented the proposal and noted that Zephyr was a leading designer and manufacturer of high-end kitchen range hoods, and was a \$27 million company founded in 1997. He noted that SRM was committed to sustainable design, and added that they currently had four LEED facilities underway, including the Peet's roasting facility at Harbor Bay.

Mr. Ernst described the new site orientation and the plans for noise management and mitigation, as well as the grading and landscaping plans.

Mr. Stephen Fee, project architect, displayed the site plan and elevation of this project and described the massing and design elements of the showroom.

Mr. Ernst noted that they would be available to answer any questions.

There were no Public speakers.

The public hearing was closed for Board discussion.

In response to an inquiry by Member McNamara whether page 3 of the Draft Resolution was misnumbered, or whether items were missing, Mr. Thomas noted that the items had been misnumbered by the automatic numbering system in Microsoft Word. He noted that the conditions were complete and would need to be renumbered.

Member Kohlstrand commended Mr. Ernst and his team for the time they spent meeting with the neighborhood group, as well as for their responsiveness in addressing the Board's issues. She believed this was an exciting business, and that the design features and enhancements that had been incorporated into the project were very positive. She believed they were losing an opportunity by putting parking adjacent to the waterfront, and would not feel comfortable voting for this project.

Member Ezzy Ashcraft commended the design team, and would like to see more environmentally friendly design through the City. She believed they had been very responsive and put together a beautiful design. She was mindful of the business park's 70% occupancy rate, and believed Zephyr was an innovative company. She was impressed by how the parking in front had been minimized, and believed that because this business park was approved many years ago in this area, she did not expect it to read the same way as a beachfront resort. She liked the wider walkways, the trees, and the removal of several parking spaces.

President Lynch echoed the previous positive comments. He believed the City erred in the design of this business park because it looked like a business park. While it was functional as a business park, the design elements were not too far from his perception of tilt-ups. He noted that while the interiors were uniform and uninteresting, the exterior was attractive. He cited a building in the Napa Business Park at the intersection of Highway 12 and 29 that was unidentifiable as a warehouse.

A discussion of parking configurations ensued.

“Vice President Cook agreed with much of Member Kohlstrand's comments, *but also* ~~and~~ understood the need for this project to have a specific front function. She challenged the applicant to treat the waterfront differently with future projects and attract future tenants that *do not require parking in front of the buildings, and that* can conform to the design challenge.”

M/S Cook/Ezzy Ashcraft to adopt Planning Board Resolution No. PB-06-54 to approve a Final Development Plan and Major Design Review to allow a one-story building of approximately 36,899 square feet in floor area with 69 parking spaces to be constructed on a 4.1 acre site. He suggested that the applicant may be able to offer that kind of design as well, by breaking up the massing with the materials and various design elements. He emphasized that he was not suggesting that the building be redesigned at this time.

AYES – 4 (Cunningham, Mariani absent); NOES – 1 (Kohlstrand); ABSTAIN – 0

8-B. 2245 S. Shore Center (old Walgreen's Building) Major Design Review File No. DR06-0081; 2246 S. Shore Center (old Ross building): Major Design Review File No. DR06-0096; 2293 South Shore Center (Petco building) Major Design Review File No. DR06-0096. (DG). (Continued from the meeting of November 13, 2006.)

Mr. Garrison summarized this staff report. He noted that the project design was consistent with the nearby buildings in the center, as well as the residential area. No Planned Development Amendment or additional CEQA review would be required, and construction of the two buildings would not preclude site improvements that may be required under Planned Development Amendment 05-004 (Target). Staff recommended approval of both design reviews.

“Vice President Cook noted that the minutes *did not* discussed concerns raised about the status of the conditions of the 2003 PDA.” She noted that the staff report discussed what was going well, but did not sufficiently address what was not done; she believed that was the more interesting discussion. She requested further information from the staff in that regard.

Mr. Garrison noted that the only condition at this point that seemed to be an issue was the condition for the east-west sidewalk behind the bank on the north part of the property. Staff believed that the applicant had met with City staff and pointed out the engineering problems resulting from the creation of the sidewalk. They developed an alternative plan, which included several north-south sidewalks which were designed to serve the function of the east west sidewalk which is to facilitate pedestrian access to and through the shopping center. He understood that staff, in consultation with Public Works, administratively decided that the alternative was acceptable. In hindsight, he believed that was a condition that may not have been an appropriate item to approve on an administrative level. “He believed it was a moot point, because once the Planned Development Amendment application *was acted upon*, everyone including the applicant acknowledged that everything was back on the table” and the Planning Board could require that sidewalk. As noted in the staff report, they intended to return in January with a comprehensive site plan that showed the sidewalk plan prior to Planning Board determination.

Vice President Cook noted that there were a number of current Board and staff members who were involved in this matter. She did not believe it would be difficult to reconstruct their thoughts on the sidewalk issue. She noted that the Board was passionate on the issue of sidewalks, and she believed their viewpoints were clear on the tapes of the meeting.

Mr. Thomas noted that the resolution itself was where the conditions are officially documented.

A discussion of the conditions and determination on which the permit was originally affirmed ensued.

Vice President Cook noted that originally, the building heights were not discussed because they were lower at that time. She noted that height was a concern because of the redesign; the second stories would change the square footage and parking requirements. She noted that the developer had told her that more pedestrian and bicycle usage would reduce parking. “She believed the real issue was how much square

footage could be supported on this site without sacrificing the *pedestrian bicycle access, and number of trees, landscaping and other amenities* the Board desired. She believed that the developers did not get *approval for most of the center in the 2003* ~~much of what they wanted from the PDA, and noted that because the Board wanted the developers to improve the project's~~ the Board's desire for waterfront orientation. ~~would force the developers to return and show increased waterfront orientation.~~ She noted that the developers did not appeal *the 2003 Planning Board decision* ~~that direction to the City Council, and returned with the project.~~ She believed that at this point, the Board was being asked to approve *buildings on a piecemeal basis without regard for the overall site and water orientation of the project design,* with some buildings having been approved, and some buildings that have been all but demolished except for their shells. She believed the intent of the Planning Board had been extremely clear, and she was concerned that their intent had not been carried *out forward.*"

Mr. Garrison stated that a comprehensive site plan would be presented in January, and that it would address every question raised by Vice President Cook. He noted that the Board would have all the information and authority to make changes to the site plan and add sidewalks.

"Vice President Cook expressed concern that *this* approach would weaken the City's leverage with the developer. She asked whether the Planning Board could look at the *overall* site plan as it was *allowed to examined* in 2003, including the intentions stated at that time."

President Lynch noted that if an earlier determination was believed to be inappropriate, there could be a rescission of that condition.

In response to an inquiry by Member Kohlstrand regarding Vice President Cook's concerns, President Lynch replied that she had requested a status report on the conditions as they were placed in the PDA in 2003.

"In response to Member Ezzy Ashcraft's request for the specific examples, Vice President Cook replied that *she was concerned about the status of they were.*"

1. The east-west sidewalk;
2. The 120-foot transit stop near Walgreen's, and a transit area/center provided near Albertson's;
3. The water orientation of the site as a whole.
4. One tree for every four parking spots, but some credit given for the palm trees that shaded the parking hardscape;
5. Credits given for office space that was never developed;
6. Angled parking versus perpendicular parking to be addressed in three to five years when the other unimproved phases returned to the Board;
7. Bike access;
8. Whether the second floors would be built out, and if so, whether there would be enough parking;
9. A second restroom in future phases;
10. A gas station, which the Board wanted to ensure was somewhere on the plans;

She stated that she was very concerned about the clarity of the Board's intent with respect to approval of various phases, and the Board's accountability to the community.

"Member Ezzy Ashcraft noted that she was passionate about the issue of the sidewalk, and disclosed that she did a walkthrough of the property with Harsch, and also with Field Paoli, *and representatives from the Alameda Transportation Commission, Bike Alameda and Pedestrian Friendly Alameda.*"

Mr. Garrison reviewed the applicant's compliance with all of the Condition of Approval from the 2003 PDA. He added that there was an existing application for the gas station, and that a mitigated negative declaration would be released for that project in the next week.

Vice President Cook wanted to ensure this suburban mall could become an outward-looking mall with a respect for the waterfront. Mr. Garrison noted that the applicant's presentation would show an interim plan for that area, how it will be connected to the center, and a final plan showing its connection.

Ms. Mooney requested clarification from Vice President Cook regarding a range of items.

Vice President Cook stated that the Board received a letter from the developer's attorney explaining how they could proceed with the approval of the separate buildings, as proposed by the developer. She had inquired at the last meeting how the Board could look at the PDA for the entire site, as they did in 2003. "She also expressed her concern that the Planning Board had approved a PDA for this site with conditions, and that a *at least one* major condition had not been met. She inquired what the Board's options were at this point. She inquired how the developer could proceed in this way by *first* building under the PDA, ~~and~~ *but then*-returning on a building-by-building basis for approval *outside of the PDA*; she would appreciate a response from staff that addressed her concerns." She would like those concerns to be addressed in a subsequent staff report. She would especially like detailed follow up in staff reports that describe why and how items were addressed, or were not able to be carried out. She believed that Alameda should aspire to higher planning standards.

Mr. Thomas noted that staff tried to answer most of those questions in the November 13 staff report. He noted that the resolution, not the tapes from the meeting, delineated what was approved or not approved. The resolution that acknowledges that there may be changes in the areas outside of the approved area. It was based on those conditions and limitations that City staff believed that they could proceed with design review and with making changes to buildings outside the approved area of the originally approved planned development.

Mr. Garrison noted that this was an existing shopping center, and although there were proposed changes within the shopping center that the Board did not specifically approve through the 2003 PDA, they were existing legal uses. The applicant is allowed to replace, repair and renovate those buildings.

President Lynch suggested that if the resolution was not clear in identifying the amount of the square footage inside versus outside the PDA, he suggested that in January, staff prepare a data sheet that identifies the date, the square footage on the site, the buildings and administrative approvals. At that time, the Board could come to an agreement for a starting point, and then overlay what has been approved.

Member McNamara noted her appreciation of Vice President Cook's research and analysis of the past documentation for this project, and noted that it was critical to identify the requirements for this project.

President Lynch did not want to be part of a process that revisits City code that disallows the Planning Director the ability to administratively approve changes. He believed that was crucial to the ability to streamline applications in the City.

Mr. Randy Kyte, project architect, described the background of this application. He noted that every condition detailed from the initial meetings with staff has either been met or in the process of being met on a phase-by-phase basis. He noted that the additional sidewalks have been installed already, and he believed that they had met the necessary conditions. He noted that because this was an existing project, there was urgency associated with its redevelopment, including the repositioning of certain tenants. They had revised their plans to a certain degree from the 2003 PDA, and they retained, renovated and retented many of the existing structures instead of tearing them down. Their main focus was to set a consistent design theme, as detailed by their architect, at the last meeting. He displayed a PowerPoint presentation that displayed the history of this center's development. He described the site design, as well as lighting and landscaping plans; he also described several tenant plans as they related to the center as a whole.

Mr. Kyte noted that they considered the tower element to be an important element in this project, and believed it was an identifying feature on a critical corner of the project. They strongly believe it should be maintained in the design. He also described the circulation patterns surrounding the center.

The public hearing was closed for Board discussion.

Member McNamara inquired when the model would be available to see. Mr. Kyte noted that they would meet with the owners and the design team on December 19 and at that point, the model will be available to review.

"Vice President Cook was disappointed that a waterfront site would have *only* "peekaboo" views of the Bay *from a second floor deck*." Mr. Kyte noted that Petco had a very long lease that would make any change in that regard a challenge.

Member McNamara noted that she did not understand why the building height had to be much higher than Trader Joe's, and added that an additional eight feet was significant. Mr. Kyte noted that the tower was the only part that was higher, and added that a strong tower element would create a strong

statement. He noted that a 46-foot-high tower was not very high, and the apartment buildings were substantially higher.

Member Kohlstrand noted that she met with the project sponsor after the last Planning Board meeting and looked at the model. She noted that the timing of approvals were a complex balance with other issues, and would like further discussion of that item. She acknowledged that better waterfront views would be possible if the tower were to be moved, but she noted that the property owner and business owners should have some flexibility in terms of where their tenants were located. She supported the changes that had been incorporated. She had spoken with the Chair of the Transportation Commission, and believed that they were beginning to move towards the access solutions.

Mr. Kyte noted that staff has been acutely aware of the implications of this piece of the project, long before it was appealed to the Planning Board by community members under the design review submittal. They re-examined the conditions for this phase of the development, including what should be done to meet the conditions of the 2003 PDA as it related to this phase, including parking layout, ratio and landscaping. They believed all those conditions for this phase had been met.

Member Ezzy Ashcraft expressed concern that this project may be stopped at this point while awaiting clarification of the issues addressing previous approvals. She believed that for years, Alameda residents wanted to see this deteriorating shopping center improved. She hoped that there would be a chance for a walk-through. She noted that some of the concerns regarding waterfront views had been met in different ways besides having a tower that faced directly on the water. "She liked the cut-throughs, and did not want to see the issues swept under the rug, and inquired whether the Board could request a date certain *for completion of incomplete items* once the questions have been clarified." She was concerned that the retail leases could not be held open indefinitely, because retail openings are time-sensitive. She believed the design was attractive. She wanted the center to be pedestrian-friendly, with an emphasis on their safety, particularly on the walkway in front of Building 300.

Member Ezzy Ashcraft liked the improvements in Building 500, but believed that it needed a south-facing entrance. She understood that the current tenant did not want to have people looking out on the car wash property, but noted that it may not always be a carwash. She believed that would aid the waterfront view.

Mr. Thomas suggested that before the EIR for Target was finalized, staff should return before the Board in January with the 2003 resolution, the map, the matrix, the adopted conditions and an explanation of how the sidewalk condition was handled.

Mr. Kyte noted that when they approached staff regarding the sidewalk and the conflicts regarding the driveways and stormwater systems, the north-south orientation became an obvious solution. They believed that if there was a condition with a long-term Master Plan or strategy in place to control sidewalks throughout the shopping center, some would be achievable and others would be more difficult where other owners' property was involved. Regarding the building's design and the Bed

Bath & Beyond's access point, the layout was a function of where their entry point was, and he noted that tenant was relatively inflexible, and they were satisfied with the solution that connected them to the parking lot and to the mall.

"Vice President Cook complimented the applicant on their design *details for the part of the project approved and built pursuant to the 2003 PDA work*, ~~especially the fine details~~. She expressed concern that the tinting on the interior windows was very dark. Mr. Kyte noted that was specified for the Low-E coating. She believed *to date* the center was well-done and greatly improved, *but* ~~and added that~~ it could be *much* better from a waterfront planning perspective." She was concerned that the 2003 conditions did not address all of the issues, and that the Board would not get what it wanted if it did not approve Target.

Mr. Kyte believed that they had been in Alameda for a long time, and hoped there was a certain level of trust that had been established.

Member Kohlstrand noted that with the exception of Target, the retail areas had not been examined, and that they had the ability to control the square footage.

M/S Kohlstrand/Ezzy Ashcraft to adopt Planning Board Resolution No.'s PB-06-55 and PB-06-56 to approve Building 300 with the design revisions, and Building 500 with the understanding that a full staff report would be presented in January 2007 on the issues brought forward by Vice President Cook.

AYES – 3 (Cunningham, Mariani absent); NOES – 1 (Cook); ABSTAIN – 1 (McNamara)

The motion failed.

President Lynch noted that the applicant could appeal to the City Council.

Mr. Garrison noted that the most of the questions that have been raised were being addressed through ongoing work on site improvements, sidewalks, transit operations, pedestrians, bicycles, vehicle circulation and landscaping; and those items would come to the Planning Board in January.

Member McNamara noted that she was not comfortable voting on this item without that information.

Mr. Mike Corbitt, Harsch Investment, noted that another delay would push the leasing deals into 2008, and that they would not be able to open in 2007.

President Lynch appreciated the applicant's comments and noted that this was a design review issue. He added that within a PDA, the case law and planning principles were very clear. He believed that mechanisms, including code compliance, status report and other avenues, were in place to address the items heard during this meeting.

Member Ezzy Ashcraft noted that she would not like to see the applicant pay the price if there was a

shortcoming within the Planning Department. She would not let the issue of the east-west sidewalks fall through the cracks, and had spoken with the Transportation Commission and Bike Friendly Alameda about it as well. Following her walkthrough with the transportation advocates, she believed they were pleased with the transit, bike and pedestrian access at the site.

President Lynch noted that in Alameda, members of the community clearly communicated their disagreements with proposed projects. He believed it was significant that there were no public speakers to voice their disapproval. To the design review as it related to Buildings 300 and 500.

Vice President Cook wanted to ensure that the promised amenities materialized for this project, and would like those items to be documented.

Member Ezzy Ashcraft believed the applicant had been very responsive to the community and to the Planning Board.

Member Ezzy Ashcraft noted that the transportation and bicycle advocates were complimentary of the access in this project.

Mr. Kyte did not believe that good design needed to be regulated Target. He believed that if the PDA had not been on the table, the Design Review would not have been appealed to this Board. He inquired whether a motion could be put on the floor that would allow them to continue with Buildings 300 and 500 with a condition in terms of a timeline and follow-up regarding a future PDA.

President Lynch believed that once clarity was received about the sidewalk, and that it could be remedied, he was satisfied with it. He did not believe that the ability to modify additional conditions, or to insert or delete other items should be done within the design review process; it should be done in the PDA.

Member Ezzy Ashcraft inquired whether a special meeting could be convened to further address this application.

President Lynch expressed concern about proper noticing for an additional December meeting.

Vice President Cook suggested a special meeting of the City Council.

President Lynch suggested that Vice President Cook communicate her concerns to staff in order to notice and prepare for a possible special meeting.

A discussion about meeting dates and logistics ensued, which determined that a special meeting would not be feasible due to the holidays.

In response to an inquiry by Vice President Cook regarding the City's legal opinion whether there would be another opportunity to address these issues, Ms. Mooney replied that she had not seen what

would be brought before the Board in the form of the Target PDA.

9. WRITTEN COMMUNICATION: None.

10. BOARD COMMUNICATION:

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

Vice President Cook advised there was nothing new to report.

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

Member Mariani was not in attendance to present this report.

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

Member Kohlstrand noted that there had been no meetings since her last report.

d. Oral Status Report regarding the Alameda Climate Protection Task Force (Board Member Cunningham).

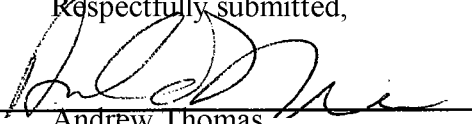
Member Cunningham was not in attendance to present this report.

11. STAFF COMMUNICATION:

Mr. Thomas reviewed recent City Council action on Development Projects.

12. ADJOURNMENT: 11:28 p.m.

Respectfully submitted,


Andrew Thomas
Secretary, City Planning Board

These minutes were approved at the January 8, 2007, Planning Board meeting. This meeting was audio and video taped.