

**Minutes of the Regular Planning Board Meeting
Monday, February 14, 2005 – 7:00 p.m.**

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

Also present were Interim Planning Director Jerry Cormack, Deputy City Attorney Julie Harryman, Supervising Planner Judith Altschuler, Supervising Planner Andrew Thomas, Planner III David Valeska, Bruce Knopf, Development Services, Leslie Little, Development Services, Eric Fonstein, Development Services.

4. MINUTES: Minutes for the meeting of January 24, 2005.

M/S Cook/Kohlstrand and unanimous to approve the minutes for the meeting of January 24, 2005, as presented.

AYES – 5; NOES – 0; ABSTAIN – 2 (Mariani, McNamara)

5. AGENDA CHANGES AND DISCUSSION:

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

M/S Piziali/Cook and unanimous to remove Item 7-B from the Consent Calendar and to place it on the Regular Agenda.

AYES – 7; NOES – 0; ABSTAIN – 0

6. ORAL COMMUNICATION:

Mr. Christopher Buckley, Alameda Architectural Preservation Society, 1017 San Antonio Avenue, noted that the AAPS submitted written comments for the Alameda Theater proposal. He apologized for the lengthy comments presented so close to the meeting, and requested email addresses for the Board members to provide written comments sooner.

Mr. Lynch noted that Mr. Buckley's comments raised the larger question of adhering to the noticing requirements and the challenges presented by overworked and understaffed Planning Departments. He noted that some Planning Departments publish their meeting notices two meetings out in order to

invite communication and participation from the public.

Vice President Cook noted that it was important for members of the public to have access to meeting materials, especially prior to high-interest items such as the Alameda Theatre.

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 nine 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.)**

Ms. Kohlstrand noted that the number of parcels in the subdivision was listed differently in the resolution and on the agenda.

Ms. Harryman advised that this item would be withdrawn from the Consent Calendar and renoticed due to the discrepancy.

M/S Piziali/Kohlstrand and unanimous to continue this item so that it may be renoticed.

AYES – 7; NOES – 0; ABSTAIN – 0

- 7-B. **UP01-0022/DR01-0089: American Tower Corporation. Washington Park, 740 Central Avenue (DV).** Renewal of expired Use Permit and Major Design Review for 90 foot tall painted metal monopole communications tower in place of an existing 47 foot tall light pole along the upper baseball diamond left field fence at Washington Park. Associated ground equipment would be placed in a building of up to 825 square feet with screen-fenced ground equipment. A Use Permit is required by AMC Sections 30-4.1(c)(1) and (2) for any structure and above ground utility installation in the O Open Space Zoning District. **(Continued from the meeting of January 24, 2005.)**

M/S Piziali/Cook and unanimous to remove Item 7-B from the Consent Calendar and to place it on the Regular Agenda.

AYES – 7; NOES – 0; ABSTAIN – 0

Mr. Bruce Knopf, Development Services Department, requested that this item be continued to the March 28, 2005, meeting to give staff additional time to address comments made recently.

The public hearing was opened.

Mr. Lil Arnerich, 3275 Encinal, noted that the proposed building was very large, and would encroach on the park's recreational activities. He noted that the current Board contained five members who did not approve the original application in 2001; he believed the item should have been discussed publicly.

Mr. Jay Ingram, noted that while he was the Chair of the Recreation & Parks Commission, he was speaking as an individual. He distributed packets containing information about the towers. He noted that since the original agreement was created, several cellphone companies had merged. He inquired whether a monopole capable of accommodating six cellphone providers was still needed. He hoped that American Tower would be willing to move the fence and move the container away from the softball field; the applicant stated that the hum from the container would be muffled. A member of the public had suggested that the 10-foot container be sunk five feet in order to minimize the visual impact.

Mr. Jason Peary, project manager, American Tower, noted that they would address the suggestions made in the comments and that they would work with Mr. Arnerich and Mr. Ingram.

The public hearing was closed for Board discussion.

Mr. Piziali noted that he spoke with Mr. Ingram the previous week. He agreed that the building's visual impact should be minimized.

Vice President Cook expressed concern about the visual impact of the container.

Mr. Lynch would like to see the applicant's business model, including the wave repeater, various technologies, and the FCC requirements as they relate to the Planning Board. He would also like to know why this site is critical to the applicant's operation.

Ms. Kohlstrand requested that the applicant respond to the height issues raised by Mr. Ingram at the next hearing.

M/S Piziali/Cook and unanimous to continue this item to the Planning Board of March 28, 2005.

AYES – 7; NOES – 0; ABSTAIN – 0

8. REGULAR AGENDA ITEMS:

- 8-A. **Study Session Theater (DSD/JA).** Study Session for a proposal to rehabilitate the Alameda Theatre and construct a new 7 screen Cineplex and 350 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.

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 Director, summarized the history of this project and noted that the environmental review for this project had been completed. She noted that this project had three components: 1) the restoration of the historic Alameda Theater; 2) the construction of a new seven-screen cineplex that would be integral to the historic theater; and 3) the construction of a 352-space parking garage along Oak Street. The comments of the Board regarding significant design elements were sought in this study session; a three-dimensional model of the theater was presented to show the massing elements of the building. She emphasized the importance of the components working in an integral manner, rather than independently of one another. She introduced the members of the development team.

Mr. Michael Stanton, project developer, presented a detailed PowerPoint presentation on the proposed Alameda Theater renovation construction and project site. The presentation included a variety of buildings in the historic commercial district of varying architectural styles.

Ms. Naomi [Morolio], Architectural Resources Group, gave a presentation detailing the history, approach and proposed renovation of the Alameda Theater. She described the interior design and layout features of the theater, and noted that full ADA access would be provided throughout the theater, as well as structural and mechanical upgrades.

Mr. Stanton noted that this would be one of the most important buildings in town, and added that the design guidelines included a clear differentiation between the historic portion of the building and the new construction. He described the layout of the theater and the disabled access, as well as the supporting functions of the project. He requested Board comment on five principle aspects of the design guidelines as sent by staff:

1. Bulk and massing;
2. Architectural form and articulation;
3. Lighting;
4. Signage; and
5. Materials and colors.

The design team believed that the massing should be oriented toward Oak and Center. They believed that both facades were equally important in terms of design significance. While the ground level

retail, the auditoriums, the second-level lobby, and multilevel connection to the historic theater should be expressed as individual elements, the team believed the Cineplex should be designed to read as a single structure. The building also should acknowledge the garage presence at Oak Street.

The design team had six recommendations for the Board to consider under Architectural Form and Articulation:

1. The second-level lobby will project three feet beyond the property line at Central to bring the activity of the lobby into the public domain, and to animate the street.
2. The strong horizontal line created by the existing marquees will be acknowledged in the new design;
3. The design should have continuous fixed glass, metal or concrete canopies to shelter the pedestrians in the street;
4. The frontage should have consistent transparent retail (80% of the retail space should be left open), and the activity of the shops should spill onto the street;
5. All mechanical equipment should be fully screened from view; and
6. The individual cinema at Oak and Central should project two feet beyond the property line to improve the general massing of the theater.

The lighting recommendations were:

1. The overall lighting should be subdued and indirect;
2. The canopies over the retail spaces should have continuous downlights onto the public sidewalk;
3. Concealed lighting will be employed to illuminate the rosette and the curved section;
4. Exterior lighting will be controlled on a photocell or a timer; and
5. Lighting will be available in a vacant retail space.

The signage should be subdued. Materials and colors will use a broad palette that will be consistent with the range found in the downtown district, and will be of high quality. Metal panels, glass panels, glass block, architecturally treated and painted concrete, ornamental stone, and masonry units will be available to the developers.

Mr. Stanton described the parking garage, which will be brought before the Board in more detail at the next meeting. He noted that gates should not be necessary; there will be six levels, with the greatest massing in the middle of the block.

President Cunningham advised that seven speaker slips had been received.

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

AYES – 7; NOES – 0; ABSTAIN – 0

The public hearing was opened.

Ms. Elizabeth Krase, AAPS, 2520 Chester Street, expressed concern that the second floor glazed lobby would project out excessively, blocking the decorative treatment of the building front. She wanted to ensure that the old and new elements were tied together appropriately.

Mr. Al Wright, 1205 Park Street, noted that there were tremendous vertical lines in the building that should also be emphasized. He inquired whether corner ornamentation could be placed on the building to harmonize with the Twin Towers Church across the street. He noted that the easternmost side on Oak Street looked very blank, and inquired whether metal channeling or terra cotta could break up the massing.

Ms. Birgitt Evans, 2829 San Jose, was pleased that there would be a new theater, and suggested that the corner of the new Cineplex be rounded to display the decorative grill; she was concerned that the presence of the escalator would preclude that. She understood that the box on the corner was not going to project into the public domain; she expressed concern that it would block views of the Twin Towers Church and would loom into the sidewalk. She preferred that it be rounded and stepped back from the corner.

Mr. Chuck Millar, 2829 San Jose Avenue, noted that the restoration focused more on the lobby rather than the theater itself. He believed the vertical elements of the theater should be picked up in the new design. He noted that there was a curved Moderne building (containing a Starbucks store) across the intersection that would be a good model for creating more curved elements in the theater.

Mr. Dick Rutter, 2205 Clinton Avenue, expressed concern about the big blank walls that must be softened; the "big box" on the corner of the building has attracted general community concern. He noted that other buildings on the street were stepped back from the intersection, and did not want the theater to loom over the intersection. He noted that the Oak Street sidewalk was narrow, and believed that a pedestrian sidewalk of 10-12 feet should be installed. He believed that cornices, bay windows were appropriate overhangs into the public right-of-way; large expanses of wall such as a second-floor lobby or the "big box" were not appropriate for such a use.

Mr. Christopher Buckley, AAPS, 1017 San Antonio Avenue, noted that they were excited about the project, and pleased with the sensitive approach taken to the historic Alameda Theater. He believed the design should reflect the traditional architecture of the historic Park Street district, and not be too modernistic; the design should have more vertical elements and less emphasis on the horizontal elements, especially the projecting bay window on the second floor; the horizontal openings on the parking garage should also be moderated; the Cineplex should not look like a blank box; the theater in Livermore appeared to have blank walls, but used false walls and surface articulation to mitigate the massing; the Cineplex should be stepped back from the Central Avenue/Oak Street intersection with a canted or rounded corner; a tower, bay window or similar articulation should articulate the corner; high-quality materials should be used; the Oak Street sidewalk should be widened to at least 12 feet; the parking garage should not look like a parking garage.

Ms. Rosemary McNally, 2145 San Antonio, submitted a speaker slip but was not in attendance to

speak.

The public hearing was closed for Board discussion.

Ms. McNamara inquired how many seats the theater would have; Ms. Little replied that the main auditorium would seat 450 people, and that it would not always be filled; it would be able to accommodate blockbuster films if needed. She believed that the historic feel of the theater would be evoked through the new design. She described the refinishing and stabilizing processes planned for the renovation; the estimated cost for the renovation of the historic theater was \$5.1-5.2 million for construction, plus associated soft costs of up to \$2 million; these figures do not include the cost of acquisition; the new construction costs were not included in this estimate.

President Cunningham inquired about the seismic upgrades; Ms. Little replied that ARG had integrated the upgrades in such a way that it would not detract from the design.

In response to an inquiry by Vice President Cook, Ms. Little replied that there was considerable original fabric inside the theater; she described the original finishes and previous renovations.

In response to an inquiry by Ms. Mariani, Ms. Little confirmed that the study session was to focus on the exterior of the building. Ms. Mariani supported Mr. Buckley's input, particularly the removal of the big box and emphasizing the vertical elements.

Vice President Cook wished to ensure that there was easy pedestrian access from the garage towards the library. Mr. Stanton stated that the garage was planned to be expandable should Long's become available to the City; the parking would then be available in the center of the block; a second lobby with a separate elevator and staircase would enable people to exit at the center of the block.

Ms. McNamara expressed concern about traffic impacts on the narrow street and the parking garage exits; Ms. Little noted that their environmental impact studies would address those concerns.

Vice President Cook expressed concern about the blank exterior walls.

Regarding public art, Ms. Little noted that the historic theater itself would be an art piece; she described the "phantom gallery" program, in which community artists rotate displays of their artwork in a single venue. Vice President Cook believed the north side of the building would be a good location for a mural or similar art piece. Ms. Little noted that staff was concerned about a mural because the project may be expanded and the mural would be blocked.

President Cunningham believed the blank wall should have some modulation.

Vice President Cook did not object to the horizontal nature of the new theater; she liked the idea of the interior public space along Central Avenue being part of the street scene; she did not like the large square edifice on the corner. Mr. Stanton suggested that the Board direct the developer's team

to present a handsome articulation of the wall so it is not an urban eyesore.

President Cunningham suggested that some articulation be written into the design guidelines to craft protection of the visibility of the marquee; he did not want to block of the view of the Twin Towers Church, and believed that scale of the intersection should be respected; he believed this was a golden opportunity to create an attractive and understated contemporary building that would blend into the existing community; the lighting plan of the project would be very important.

Mr. Stanton advised that the historic theater can function by itself; however, the Cineplex cannot function without the historic theater.

Vice President Cook would like the architecture team and the developer to address the corner; she suggested striking the language in 6-c that stated it "shall project two feet over the sidewalk"; Mr. Stanton replied that #6 could be stricken completely, or the wording could be strengthened so that the false brick materials could only be used after a public hearing before the Planning Board. Vice President Cook would like more specific language in the materials list; Mr. Stanton detailed some of the exterior materials.

President Cunningham requested that the applicants speak to City staff to provide specific definitions as they pertain to the project.

Ms. Altschuler noted that the size of the Cineplex sign was not yet clear; the developers were aware of the signage requirements in Alameda.

Mr. Stanton described the ticket windows, and noted that purchasing tickets online would be used more often in the future; Ms. Little noted that they would endeavor to reduce the impact of ticket queuing as much as possible; bicycle parking would be in the garage.

Mr. Stanton noted that they would incorporate comments from the public and the Board, and return for another hearing; the garage design would be considered in a separate study session in more detail;

No action was taken.

President Cunningham called for a five-minute recess.

Board members Lynch and Mariani left the dais following the recess.

8-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.

Mr. Eric Fonstein, management analyst, Development Services Department, summarized the staff report. Staff recommended that the Planning Board recommend that the City Council approve the zoning text amendment and the reclassification based on the findings contained in the Draft Resolution.

The public hearing was opened.

There were no speakers.

The public hearing was closed for Board discussion.

Vice President Cook advised that some text of the amendment was not included in her packet.

Ms. Harryman advised that the attached ordinance was included when she saw it the previous week.

M/S Kohlstrand/Cook and unanimous to continue this item to the Planning Board meeting of February 28, 2005 to allow staff to re-circulate the report with all attachments.

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

- 8-C. **Design Review DR04-0082; Variance V04-0014; Peter Braun for Michele and Frank Mulligan; 1608 Santa Clara Avenue (AT/MG).** The project involves Code Enforcement action on an unauthorized conversion of a two car garage in the rear yard into a dwelling unit. The applicants are requesting approval of a Major Design Review and seven variances to legalize the conversion. The variances required to legalize the dwelling unit include:
- a. Variance to AMC Subsection 30-4.4(d)(6), for the eight-inch side yard, where five feet is required for the first story and seven feet is required for the second story.
 - b. Variance to AMC Subsection 30-4.4(d)(7), for the eight-inch rear yard, where twenty feet is required.
 - c. Variance to AMC Subsection 30-4.4(d)(8), for the approximate 15' separation between the main building and the proposed cottage, where a twenty foot separation is required.
 - d. Variance to AMC Subsection 30-7.10(a)(2), for not having a landscaped separation between the proposed parking spaces and buildings/property lines, where a three foot landscaped separation is required.
 - e. Variance to AMC Subsection 30-7.9(f)(1), for the proposed driveway, which is approximately twenty feet wide, where residential driveways are limited to a maximum of ten feet.
 - f. Variance to AMC Subsection 30-7.10(a)(3), for not having a landscaped separation between the proposed driveway and the property line, where a one foot landscaped separation is required.
 - g. Variance to AMC Subsection 30-7.6(a)(1), for the proposed three parking spaces, where a minimum of four off-street parking spaces is required for two dwelling units.

Mr. Valeska summarized the staff report. Staff recommended denial of the Variances and Major Design Review, and recommended that the applicant explore other solutions as part of the Code Enforcement.

The public hearing was opened.

Mr. Frank Mulligan, applicant, detailed the history of this application and stated that he was surprised to find that the cottage was permitted for a garage. He emphasized that the structure was never a garage, and distributed an appraisal form to the Board members. He noted that the cottage was intended to house his mother following surgery, and added that the cottage had always been there. He noted that he intended to appeal any denial.

Mr. Leo Beaulieu, 1430 Paru Street, spoke in opposition to this item. He noted that when his neighbor built the cottage, it was never intended to be a garage; the builder originally called it a workshop.

The public hearing was closed for Board discussion.

Mr. Piziali noted that there were no permits for a house to be built on that site; the permits were for a garage. He did not believe the structure was built with good workmanship, as stated on the appraisal.

President Cunningham advised that the Board must act on the Variances and the findings as they conform to the Alameda Municipal Code.

Ms. Kohlstrand expressed concern about the residential structure not meeting the building code; Mr. Piziali noted that even in 1984, a house could not be built on a zero property line. He emphasized that the Board was severely limited in their ability to help the applicant without making the required findings.

M/S Piziali/ McNamara and unanimous to uphold staff's recommendation to deny the Variance and Major Design Review.

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

9. WRITTEN COMMUNICATIONS: None.

10. BOARD COMMUNICATION:

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

Vice President Cook advised that they continued to meet monthly, and were preparing for the workshop on March 3, 2005, at 6:30 p.m. in Chambers; community participation was strongly encouraged.

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

Vice President Cook advised that there was nothing new to report since her last report.

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

Board Member Piziali advised that there was nothing new to report since his last report.

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

Board Member Mariani was not in attendance to present this report.

11. STAFF COMMUNICATIONS:

- a. Presentation in preparation for March 3 Alameda Point Community Workshop.

Mr. Thomas displayed a PowerPoint presentation to provide the Planning Board with a preview of the issues associated with development of Alameda Point, which will be discussed at the workshop to be held March 3, 2005. He distributed a hard copy of the PowerPoint presentation and advised that the presentation and other materials can be found on www.alamedapoint.com. He anticipated having a preliminary land use concept and a conveyance strategy accomplished with the Navy by summer. He noted that the four key issues to be addressed at the March 3 workshop were: financial feasibility, historic preservation, Measure A and transportation. The following workshop at the end of March will be co-hosted by the Transportation Commission and the APAC, and will focus on the Estuary crossing issues. He emphasized that the project must pay for itself, and not rely on the City's General Fund; it must also be fiscally neutral in the long run.

Mr. Thomas detailed the policy background, environmental constraints, land use constraints, challenges and opportunities of the site. He summarized the issues to be covered during the March 3 workshop, including the Officer's Club, Big Whites, BOQ, historic preservation, transportation constraints.

M/S Piziali/McNamara and unanimous to extend the meeting to 11:15 p.m.

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

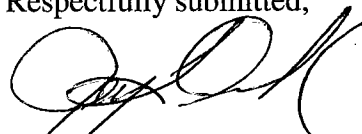
Ms. Kohlstrand believed the issue of transportation constraints should be linked to the land use discussion.

Mr. Thomas noted that no decisions would be made at the end of the workshop.

12. ADJOURNMENT:

11:14 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerry Cormack", written over a horizontal line.

Jerry Cormack, Interim Secretary
City Planning Department

These minutes were approved at the February 28, 2005, Planning Board meeting. This meeting was audio and video taped.