

**Minutes of the Regular Planning Board Meeting
Monday, May 14, 2007**

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

Also present were Planning Services Manager Andrew Thomas, Assistant City Attorney Donna Mooney, Planner I Simone Wolter.

4. MINUTES:
 - a. Minutes for the Alameda Towne Centre Workshop of March 12, 2007.

Board member McNamara noted that she was absent from the 4:30 p.m. March 12 meeting because she recused herself.

Board member Cunningham moved approval of the minutes as presented.

Vice President Cook seconded the motion, which carried by the following voice vote – 6. Abstain: 1 (McNamara).

- b. Minutes for the meeting of April 23, 2007.

Member Ezzy Ashcraft noted that page 4, paragraph 2, read, “He did not believe the east-west roadway was necessary when the north-south roadways were already available...” She did not believe that was the substance of Mr. Krueger’s comments, because it contradicted his previous sentence.

Member Ezzy Ashcraft noted that page 4, paragraph 7, read, “In response to an inquiry by Board member McNamara regarding Ms. Reid’s suggestion of split sidewalks, Mr. Corbitt replied that they had examined that possibility. He noted that there were 23 driveways...” She noted that the previous references on page 3 refer to there being 13 driveways, and inquired whether that was a typo. Mr. Thomas noted that he was referring to putting the sidewalk on the south side of that road, where there were 23 parking aisles.

Member Ezzy Ashcraft noted that page 5, the last sentence of paragraph 3, read, “Once the road is placed on that parcel, a bike-pedestrian path would be placed there, and the area would be added to the beachfront area for buildings and parking.” She noted that her notes did not reflect that information, and was concerned about whether it would be temporary. She would like the record to reflect that Mike Corbitt stated it was a temporary parking lot, and that it was not to be a beachfront area for buildings and parking because that was not the idea of enlivening the waterfront with parking lots.

Board member Kohlstrand moved approval of the minutes as amended.

Board member Cunningham seconded the motion, which carried by the following voice vote – 4. Abstain: 3 (Cook, Lynch, Mariani).

5. AGENDA CHANGES AND DISCUSSION:

President Lynch noted that speaker cards had been received for Item 8-A of the Consent Calendar.

Board member Kohlstrand moved to remove Item 8-A from the Consent Calendar, and to place it on the Regular Agenda.

Board member Cunningham seconded the motion, which carried by unanimous voice vote – 7.

6. STAFF COMMUNICATIONS:

a. Future Agendas

Mr. Thomas provided an update on future agenda items.

7. ORAL COMMUNICATION: None.

8. CONSENT CALENDAR:

- 8-A. **Use Permit UP07-0005- Applicant: Bryan Gower for Crosstown Coffee House - 1303 High Street (SW).** The applicant requests Use Permit approval to have (acoustic and amplified) live music performances within the coffee shop. Pursuant to AMC Subsection 30-4.8(c)(7), a Use Permit is required for live performances that are in combination with other allowed uses. The site is located within the C-1 Neighborhood Business District.

Board member Kohlstrand moved to remove Item 8-A from the Consent Calendar, and to place it on the Regular Agenda.

Board member Cunningham seconded the motion, which carried by unanimous voice vote – 7.

Mr. Wolter summarized the staff report and recommended approval of this item.

President Lynch noted that eight speaker slips had been received.

Board member Cunningham moved to limit the speakers' time to three minutes.

Board member Ezzy Ashcraft seconded the motion, which carried by unanimous voice vote – 7.

The public hearing was opened.

Ms. Carol Dutra spoke in support of this item as well as live musical performances, and noted that her son was learning to play the piano.

Mr. Dave Netherhood noted that he was the founder of the Crosstown Coffee House, and noted that Mr. Gower was unable to attend due to a family medical emergency. He wished to discuss the hours that music would be allowed, as well as the acoustic study requirement. He got the impression that staff wanted no sound at all to be emitted from the building. He did not believe that would be realistic.

Mr. Jack Hickman noted that he volunteered at the coffeehouse, and noted that their business had dropped significantly since live music was discontinued. He was unsure how long they could continue serving coffee without live music.

Timothy Runberger distributed a copy of his comments and noted that he was eager to see this permit granted, and objected to some of the conditions, particularly the condition stating that prior to any live entertainment being able to play, that a consultant be hired to make engineering recommendations to reduce noise levels. He noted that would be expensive and burdensome for the coffeehouse, and would cause a significant delay. He believed it was inconsistent with the standards set for in the Alameda Municipal Code. He noted that no one in the City had to comply with the established standard of having no

audible noise outside the building. He noted that the coffeehouse would do everything possible to avoid violations of the AMC, and if there were any violations, enforcement procedures were already in place. He urged the Planning Board not to adopt a condition inconsistent with the Code.

Ms. Kelly Day noted that she had previously spoken against the coffeehouse at the last meeting, and noted that she now believed that the noise condition was too harsh. She believed that Condition 10, requiring a six-month report to the Planning Board, would cover the noise issues. She did not believe it would be necessary to hire an engineer to measure the noise levels.

Ms. Amy Wheat noted that the owners of the coffeehouse had canvassed the neighborhood to solve the noise problems, and that many of the residents' ideas were incorporated by the applicant. She believed that hiring a sound consultant would be far beyond the budget of the applicant, and noted that it was not suggested by the residents. She believed it was an unreasonable condition, and that no one else in the City has had to comply with that condition.

Louanne Zanke noted that she understood music could only be played until 8 p.m., and noted that her son could play music in her dining room until 10 without disturbing the neighbors. She added that if a neighbor complained, that the police would come to the door. She noted that the coffeehouse did a good job of presenting family-appropriate music, and thought that 9 p.m. might be a good time to stop the music during the week, and 10 p.m. during the weekends.

Ms. Anise Jenkins spoke in support of this project, and noted that it was a positive situation for the neighborhood. She noted that traffic, buses and planes were noticeable in the neighborhood, and did not believe the music would be a detriment to the neighborhood.

Mr. Jim McWorley noted that his grandmother used to live across the street from the building occupied by the coffeehouse, and noted that the applicants had vastly improved the noise situation from the days when the building was occupied by the 19th Hole. He noted that this was the only place in Alameda that he could bring his kids to hear live music in the evening.

A speaker spoke on behalf of the kids who played music, and noted that she and her husband were youth leaders. She noted that a place like Coffeehouse was a positive influence for kids who perform there.

Mr. David May noted that he was the host of Open Mike Night at the coffeehouse, and that Open Mike Night was as structured as possible, and was held between 7:00-9:30 p.m. He noted that they wanted to follow the guidelines, would monitor the sound better and would police themselves in order to be a good neighbor.

A speaker believed that Crosstown Coffeehouse embodied all the positive aspects of Alameda, and noted that they sponsored a middle school arts night.

The public hearing was closed for Board discussion.

President Lynch described the conditional use permit process, and noted that there was a difference between a residential use and a commercial use.

Board member Mariani noted that she used to live kitty-corner to the old 19th Hole, and noted that she used to live above the liquor store. She noted that the current use could not compare with that use. She believed this was a positive use, and suggested giving the applicant a chance before requiring the use of a noise consultant. She would not be opposed to a 9 p.m. cutoff, especially during the summertime, because dance studios and other businesses that play music were often open until 9 p.m.

Board member Ezzy Ashcraft commended Kelly Day for her part in repairing the communication. She believed that the process could have been simplified if the correct procedures had been followed. She believed that the rights of the neighbors had to be balanced with the needs of the coffeehouse, and may not object to 9 p.m. for music performance.

Board member Kohlstrand was pleased to see the support for this proposal, and was concerned about the neighbors who lived nearby. She did not want to place untenable conditions on the coffeehouse.

Vice President Cook suggested that a limit or cap on the number of performances be placed so a burden would not be placed on the neighborhood. She did not want to put constraints like requiring closed windows on the use.

Board member McNamara supported the previous comments by the Board members. She did not believe that keeping the doors and windows closed would be a realistic condition. She believed it would be reasonable to measure the noise over time, rather than prior to the first live performance. She was concerned about respecting the time for the music to stop to accommodate the neighbors. She would support an 8 p.m. time limit during the week. She questioned whether the live music was necessary to play every night.

Board member Cunningham noted that the use permit rode with the property, and noted that the Planning Board had always been concerned about uses that may follow this particular use. He requested that a condition be crafted that state that the use permit may require certain mitigations should there be neighborhood concern in the future.

Mr. Thomas noted that the Planning Board may modify or add conditions, but there should be a clear set of conditions that clearly articulate the City's expectations in working with the neighbors.

President Lynch noted that he was not quite convinced after hearing the testimony, and did not see this item as a complicated issue. He did not believe the applicant should be required to submit an acoustical study prior to the action taken. He believed that with respect to

Condition 3, it would be appropriate to have extend the hours past 8 p.m. given the time of year. He suggested that the time of year, the type of activity and the individuals participating in the activity be taken into account.

Vice President Cook suggested deleting Condition 2 (requiring an immediate sound study); changing Condition 10 from a six-month report to a three-month report; Condition 12 to state that the use permit approval would expire in one year rather than two years after the date of approval, unless the above conditions have been met. She would be willing to agree to limit the number of events during the week.

Board member Ezzy Ashcraft believed it may be too onerous to limit the number of events per week. She was more concerned about events falling into the amplified music category, and that the performances did not disturb the neighbors. She believed it would be reasonable to request a review in three months. She suggested that the requirement for the acoustic study be removed, and noted that it could be examined at the three-month review period. She suggested allowing amplified music to end at 9 p.m. on weeknights, and 10 p.m. on weekends, with a report after three months of operation.

President Lynch cautioned that if the doors were required to be closed, that someone may also lock them, which would be an unsafe violation of the fire code.

Board member Kohlstrand moved to adopt Planning Board Resolution No. PB-07-13 to approve a Use Permit to have (acoustic and amplified) live music performances within the coffee shop. Pursuant to AMC Subsection 30-4.8(c)(7), a Use Permit is required for live performances that are in combination with other allowed uses. The following modifications were added:

1. Condition 2 was deleted;
2. Condition 3: 8 p.m. should be changed to 9 p.m.;
3. Condition 10: the six-month review should be changed to a three-month review; and
4. Condition 12: the two-year vesting period should be changed to one year.

Vice President Cook seconded the motion, with carried by unanimous voice vote – 7.

- 8-B. **Design Review DR06-0066, Use Permit UP07-0009 and Parking Exception - Applicant: Sandip Jariwala - 1628 Webster Street (Hawthorne Suites) (ZS).** The project involves adding a 16-room 8,990 square foot structure to an existing 50-room 30,500 square foot hotel; and a Parking Exception to provide fewer parking spaces than the number required by City code.

Board member Kohlstrand moved to continue this item to a future date.

Vice President Cook seconded the motion, with carried by unanimous voice vote – 7.

- 8-C. **Initial Study IS05-0001; Planned Development Amendment PDA05-0001; Major Design Review DR05-0010; Use Permits UP06-0003, UP06-0010, UP06-012 and UP06-0013; – Applicant: Safeway, Inc. 2234 Otis Drive (adjacent Alameda Towne Centre) (AT).** The applicant requests approval of Planned Development Amendment, Major Design Review and Use Permits allowing the demolition of an existing bank building and redevelopment of the property with a gas station. The project includes three covered pump islands, each containing three pumps, for a total of eighteen pumping stations. Fuel will be stored in three 20,000 gallon underground storage tanks. In addition to the approximately 7,500 square-foot canopy covering the gasoline pumping facilities, the project includes an approximately 625 square-foot building, housing the cashier's desk, restrooms and retail sales of convenience items. The applicant is proposing twenty-four hour operations and the sale of beer and wine. An Initial Study / Mitigated Negative Declaration has been prepared for this project. Mitigation measures have been identified that will reduce potentially significant impacts to a less than significant level. The site is located within a, Central Business District with Planned Development overlay Zoning District (C-2-PD). **(Continued from the meeting of April 23, 2007. Staff requests continuance to the meeting of June 11, 2007.)**

Board member Kohlstrand moved to continue this item to June 11, 2007.

Vice President Cook seconded the motion, which carried by unanimous voice vote – 7.

9. REGULAR AGENDA ITEMS:

- 9-A. **DP07-0001 - Catellus/Prologis - Alameda Landing Mixed Use Development (AT).** The applicant requests Development Plan approval for the waterfront promenade, streetscape cross-sections for Fifth Street and Mitchell Mosley Avenue, and the Alameda Landing Transportation Demand Management Program. The project area is located south of the Oakland Alameda Estuary, north of the College of Alameda and the Bayport Residential District, east of Coast Guard Housing, and west of Webster Street. The site is in the M-X (Mixed Use) Zoning District.

Mr. Thomas presented the staff report, and recommended approval of the Transportation Demand Management plan for the project, the Mitchell Avenue and 5th Street roadway design, and the Site-wide Landscaping Development Plan amendment.

Mr. David Tirman, Senior Vice President (California), Catellus Development Group, noted that he was an architect by training, and detailed his professional background. He noted that he was an active member of the AIA and was a LEED-accredited professional. He introduced the design and architecture team, and described their efforts with respect to sustainable development.

Ms. Karen Alschuler displayed a PowerPoint presentation on the overhead screen, and described the background, scope and layout of this project.

Mr. Rene Behan, Managing Principal, SWA San Francisco, detailed the components to the master plan with respect to the landscaping plan, the open space network, public use spaces and the bioswales.

Mr. Tirman noted that the Clif Bar design documents and the adjacent parking shed would be brought forward at the May 29 meeting, along with the waterfront promenade development plan. He noted that at the June 11 meeting, they would return with the retail plans developed by LPA. The design review for 5th Street, Mitchell Avenue and the waterfront plaza would be presented.

The public hearing was closed for Board discussion.

President Lynch called for a five-minute recess.

President Lynch noted that the first topic of discussion would be the TDM.

Board member Kohlstrand believed the outline for the TDM program was good, but she was concerned that it did not have a lot of teeth to it. She noted that seven to eight hours of shuttles per day was the only guarantee. She noted that there were no transit services to the site, and no disincentives for single-occupancy auto trips. She noted that there was no link to reducing the parking on-site to create any disincentive. She noted there was a lot of work to provide pedestrian circulation through the site, but much of it was through

parking areas rather than public streets, which was a concern for her. She noted that the guaranteed ride home was only for businesses with more than 100 employees, which may not be the majority of the businesses on this site. She was concerned that the pieces were there, but there were no guarantees that they would be provided, or that they would be effective.

Board member Mariani agreed that the transportation piece was very important, but that people could not be forced to use them. She supported the use of incentives.

Board member Ezzy Ashcraft commended the Transportation Commission for their work in creating a very comprehensive report. She expressed concern about the water shuttle service, and she would like a stronger commitment to the water taxi, as well as stronger language. She noted this was a waterfront-oriented project, and believed there should be better alternatives to get bikes from Alameda to Oakland rather than riding through the Tube. She strongly believed that public transportation should be subsidized, and that the dollars should be found to do that. She noted that she would continue to work toward a stronger commitment to the water taxi.

Vice President Cook shared the concerns about the transportation plan, and noted that she was underwhelmed by it. She shared Board member Kohlstrand's concerns. Under "Duties and Deliverables," the report never discussed evaluating the landside requirements for successful operations of a water taxi, which should include links to other public transportation. She expressed general concern about the funding for the transportation plan, and noted that it did not seem to be particularly well funded. She requested further clarification on the developer role, and any funding contingencies if it failed. She noted that some of the evaluation points were somewhat confusing.

Board member Mariani would like further clarification of the \$425,000, which only seemed to be available at full development.

Board member Cunningham would like more information on how the dollar amounts were arrived at, and noted that 300 homes were referred to, while there were only 225 homes. He asked whether that would affect the dollar amounts. He noted that with respect to the onsite amenities, one goal was to reduce traffic trips. He suggested adding daycare centers to accompany the residential and business uses. He would like more information about the water shuttle. Page 17 referenced the ride share program, which he would like more information on.

Mr. Thomas described the background of the TDM program as it developed from the Alameda transportation strategy, where each project in the West End must contribute money on an annual basis to transportation. He believed this was the best TDM program seen by the City so far, but that future TDM programs could be better.

Mr. Thomas noted that the City Council included the five-year evaluation late in their deliberations of the development agreement. After five years of TDM operations, an evaluation of the TDM program would take place. If the project is doing very well

financially, and the TDM program is not doing very well, and if additional funds could help the TDM program do better, there would be an increase in the annual allocations to the TDM program.

Board member Kohlstrand would like more assurance for other kinds of service to compensate for the water taxi if needed, and the level of parking needed given the mix of uses on the site as a whole.

Mr. Thomas noted that any developer would like to have certainty with respect to parking. He noted that there were no commercial office developments in Alameda that charged for parking, and that it was very tough to compete in that arena.

Board member Kohlstrand did not believe it would be feasible to charge for parking, and suggested that limiting parking would force users into using alternative modes of transportation; she emphasized that the alternative mode must be available to serve the project.

Board member Ezzy Ashcraft inquired whether a positive incentive for a business could be created, rather than using a punitive approach. She hoped that some realistic efforts would be made for a realistic solution. She noted that it took time for new transportation habits to be formed, and did not want to see more traffic put through the Tube. She would like to see more emphasis on water transportation, and would like to see a best effort in developing a workable solution.

In response to an inquiry by Vice President Cook regarding the financial aspect of the project, Mr. Thomas replied that the entitlements were already in place. He recommended that the Planning Board could consider the annual report on the success of the program, and if it wanted the parking issue to be addressed in each of the annual reports, it would provide the opportunity to discuss the TDM plan, the parking strategy, use of parking, and whether it should be changed.

President Lynch suggested that the areas of the TDM to be addressed in the annual report be discussed prior to the annual report in a scoping session.

Board member Kohlstrand suggested that the annual report include a parking management report that assesses the occupancy of the spaces and how they relate to the achievement of goals of reduction of peak hour uses and there should be another strategy to pick up the slack if the water shuttle has not proven to be feasible.

Board member Ezzy Ashcraft inquired whether the water shuttle pilot period could be changed from one year to two.

President Lynch noted that was contained in the DA.

Mr. Thomas noted that the City Council wanted to see it run for a year, and that it would be problematic to change it, because the DA would need to be amended.

Board member Ezzy Ashcraft moved to reopen the public hearing.

Vice President Cook seconded the motion, which carried by unanimous voice vote – 7.

The public hearing was reopened.

Mr. Bruce Knopf, Catellus, noted that they were very committed to the TDM program, and saw the TMA program as establishing the beginning of their program, and for other developments to use in the future. They were committed to the water shuttle, which had a minimum funding level in the budget. The operation of the water shuttle will require gap funding from the developer, and he noted that it needed a sufficient level of ridership in order to succeed. They were working with Bike Alameda to develop a constituency. They had also spoken with Transportation Commission Chair John Knox White and members of the TMA about including the TMA itself as an entity within CMA to qualify for guaranteed ride home programs for smaller employers. They had worked closely with AC Transit in the last three months to discuss car share programs, and a program like EcoPass would become a component of their program.

Board member Kohlstrand expressed concern that the information presented by Mr. Knopf was not included in the TDM report, and that the language should have been less tentative.

President Lynch did not want to circumvent the authority of the TMA Board, which should be the body that fleshed out the ideals of the program.

Mr. Knopf noted that the language was accurate, and that he could not guarantee the continued operation of the water shuttle.

The public hearing was closed for Board discussion.

Board member Cunningham moved to adopt Planning Board Resolution No. PB-07-14 to approve the Alameda Landing Transportation Demand Management Program, with the following modifications as noted by staff would be included and;

1. Parking management strategies would be included in the annual report;
2. If any part of the water shuttle is started and then de-funded, that decision and other options would be reviewed by the Transportation Commission and the City Council.

Board member McNamara seconded the motion, with carried by the following voice vote – 6. Abstain – 1 (Cook).

Vice President Cook did not believe that the planning issues were addressed adequately, and did not believe it should be before the Planning Board if it was predetermined, and if the Board could not make meaningful input.

Mr. Thomas described the overall rights-of-way dedicated to the recommended 5th Street and Mitchell Cross Sections.

Ms. Alschuler noted that the requirements were given specific scale and size in relationship to the Master Plan.

President Lynch invited comment about 5th Street; there were no comments.

Vice President Cook expressed concern about the narrowness of the sidewalk on the west side of 5th Street, given that the right of way had been set. She hoped there could be a true mixed use project on this site.

Mr. Knopf noted that the strategy for that side of the street was to have an 11-foot section, with a six-foot continuous hardscape and five feet of planting. That planting could be in a more urbanized condition, with trees being placed in tree grates.

Vice President Cook inquired whether there would be room for café tables. Mr. Knopf replied that there would be room for the tables.

Board member Ezzy Ashcraft inquired about the narrow townhomes and shop homes. Mr. Thomas described the homes as a Measure A-compliant duplex sitting on top of a retail space.

Board member Kohlstrand inquired whether the Board would have an opportunity to comment on the entire street plan. Mr. Thomas replied that the entire internal street network would be presented as part of the development plan, including each phase of the development. The retail center, from Mitchell to Stargell, would be presented on June 11, 2007, as well as building footprints and design review.

Board member Kohlstrand expressed concern that the Board was being asked to approve sections of 5th Street, and that there did not seem to be city blocks in the plan. It appeared to be a big shopping center to her, rather than city blocks.

Board member Kohlstrand did not believe there was a street network that connected with Alameda.

Vice President Cook shared Board member Kohlstrand's concerns, and was also concerned about the apparent privatizing of the streets.

Board member Kohlstrand noted that the roads in South Shore Center were similar, and believed this project replicated the problems in South Shore Center, with a roadway in a mall. She was concerned that all of the traffic was put on one or two main roads.

Board member Cunningham moved to adopt Planning Board Resolution No. PB-07-15 to approve the Mitchell Moseley/5th Street.

Board member Mariani seconded the motion, which carried by the following voice vote – 4. Noes– 3 (Cook, Ezzy Ashcraft, Kohlstrand).

President Lynch suggested that action on the landscape development plan be continued to the meeting of May 29, 2007.

Mr. Thomas noted that at the next meeting, staff would present landscape, waterfront promenade and Clif Bar, in that order.

Board member Mariani moved to continue the landscape development plan to the meeting of May 29, 2007.

Board member Cunningham seconded the motion, which carried by unanimous voice vote – 7.

10. WRITTEN COMMUNICATIONS: None

11. BOARD COMMUNICATION:

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

Board member Mariani noted that they would hold the next meeting at 3:30 p.m. on May 17, 2007, at the Asian Health Center in Chinatown.

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

Board member Kohlstrand noted that there was nothing further to report.

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

Board member Cunningham advised that the next meeting would be held on Wednesday, May 16, at 7 p.m. at the Library.

Board member Cunningham noted that many mail notifications of project had been received, and he would be happy to access the notifications on line o save mailing expenses.

Board member Ezzy Ashcraft suggested printing materials on both sides of the page to save paper.

12. ADJOURNMENT:

10:56 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew Thomas', is written over a horizontal line.

Andrew Thomas, Secretary
City Planning Board

These minutes were approved at the May 29, 2007, Planning Board meeting. This meeting was audio and video taped.