

**Minutes of the Regular Planning Board Meeting
Monday, February 12, 2007**

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

Also present were Cathy Woodbury, Planning Services Manager Andrew Thomas, Assistant City Attorney Donna Mooney, Planner III Doug Vu, Recording Secretary Erin Garcia.

4. MINUTES: Minutes for the meeting of January 8, 2007.

Vice President Cook noted that page 14, paragraph 4 should be changed to, "Vice President Cook believed the study should go forward and the Measure A *study forum* should also go forward."

Board member Kohlstrand moved to approve the minutes of February 12, 2007, as amended.

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

5. AGENDA CHANGES AND DISCUSSION: None.
6. ORAL COMMUNICATION: None.

7. CONSENT CALENDAR:

- 7-A. **Design Review DR05-0041, DR05-0028 and UP05-0008 – Community Improvement Commission and Alameda Entertainment Associates – 1416 Oak Street and 2305 Central Avenue (CE/JO).** Consideration of amendments to the Design Review and Use Permit conditions for the parking garage and cineplex. Request is for an amendment to the timing for compliance with Conditions of Approval from "prior to issuance of a building permit" to "prior to the issuance of a temporary certificate of occupancy". The site is located within a C-C-T, Community Commercial - Theater Combining Zoning District. **(This item has been withdrawn from the Planning Board agenda and will be heard by the City Council.)**

Ms. Woodbury noted that this item had been approved by the Planning Board and then appealed to the City Council. The City Council initially denied the appeal, upheld the Planning Board's action, and adopted the same action as did the Planning Board. She noted that this item would be considered by the City Council.

No action was taken.

8. REGULAR AGENDA ITEMS:

- 8-A. **Planned Development PD05-0002 – Francis Collins – 2241 and 2243 Clement Avenue (AT).** The property owner is requesting a Planned Development to construct 242 dwelling units on two (2) parcels totaling approximately 9.4 acres. The site is located within the M-2, General Industrial (Manufacturing) Zoning District (4.6 acres) and the R-2/PD, Two-Family Residence/Planned Development Combining Zoning District (4.8 acres).

Mr. Thomas presented the staff report, and stated that because the findings could not be made, staff recommended denial of this planned development approval. The proposed project was not consistent with the General Plan, which called for a mix of uses on the site; it was not consistent with the zoning designations on the property; the proposed development plan did not provide a more efficient use of the site than could be achieved under the district regulations; and it was not possible to make the finding that the proposed developed plan would not have a significant impact on the adjacent land uses.

The public hearing was opened.

Robert McGillis, project architect, wished to clarify several items. He noted that the Housing Element identified the entire property as being suitable and desirable for housing. He believed the remaining 4.6 acres should be rezoned to allow for housing. He understands that Mixed Use zoning allowed residential/industrial mix. He noted that that the staff report did not note that the project met the 25% inclusionary housing, thus entitling the area to the density bonus. He added that the staff report did not indicate that they had provided all environmental reviews required, including a traffic report. A study for the DTSC (Department of Toxic Substance Control) was provided as well, and was out for comment at this time.

Mr. Joseph Woodard noted that staff did not mention the controversy surrounding this site, and that the site had been identified in the Master Plan as a site for a park. He did not want that issue to be forgotten, and believed it would allow that part of the City to be more livable. He urged the Planning Board to adopt staff's recommendation to deny the project.

Mr. Christopher Siewald noted that he employed approximately 100 people on Blanding Avenue. He was pleasantly surprised by the project, which displayed the density of a city. He liked the small houses, which reminded him of the cottage rows in Alameda. He believed it lacked a fully interconnected street grid, and believed that *cul de sacs* and dead ends were not neighborly. He would trade some of the open space for an open space square inside the development, rather than its current location. He would support this proposal if shops were to be located in the square. He opposed this project as presented.

The public hearing was closed for Board discussion.

Member Kohlstrand noted that the proposal was not consistent with the zoning.

In response to an inquiry by Member McNamara regarding the items raised by the applicant, Mr. Thomas replied that the site zoning and General Plan conformance was discussed by staff. He noted that the Housing Element included a number of sites throughout the City that were appropriate for future housing development. Since 1991, the General Plan stated that within the general area, between 250-350 housing units, open space and industrial uses should be included. The updated Housing Element from 1993 included a table identifying future housing development sites, which identified 300 potential housing units. Staff believed that the zoning adopted by City Council was absolutely consistent with the General Plan.

President Lynch believed the applicant should contact staff, and that the staff response may be provided to the Board.

Member Mariani suggested that the applicant bring this application to the City Council because it did not conform with the zoning requirements.

Vice President Cook would welcome a proposal in keeping with the General Plan zoning, and agreed with *many of* Mr. Siewald's comments; however, she would like to see some public access on the site.

Member Ezzy Ashcraft believed the shoreline access was minimal and not welcoming because of the lack of the street grid continuing through the development. She noted that there was little public parking, with the exception of the shopping center at the foot of the Park Street Bridge. She noted that Blanding and Clement were very busy streets, and that the new homes would add to the congestion. She expressed concern about the rows of three-story homes, which may obstruct the view of anyone in the neighborhood with a smaller house. She hoped the traffic study would closely examine the traffic on Blanding and Clement.

Board member Mariani moved to adopt Planning Board Resolution PB-07-03 to deny a Planned Development to construct 242 dwelling units on two (2) parcels totaling approximately 9.4 acres.

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

President Lynch called for a two-minute recess.

8-B. **Amendment to the Sign Program Associated with PD03-004 (Planned Development) – Steve McCullagh – First Community Bank – 2531 Blanding Avenue.** The applicant requests an amendment to the Bridgeside Sign Program to increase the maximum total sign area and install one additional panel sign on the east elevation of the Nob Hill Foods building. The site is located in a C-2-PD, Central Business District, Planned Development Combining Zoning District.

Mr. Vu presented the staff report, and recommended approval of this application.

The public hearing was opened.

Mr. Steve McCullagh, applicant, believed that the proposed sign would be a valuable addition to the site, and would be subdued during the nighttime hours, in keeping with the other signage. He thanked Mr. Vu for a thorough staff report.

Mr. Adam Garfinkle believed it was important to follow the City standards, and was concerned about setting a precedent for future applications. He encouraged the applicant to follow other advertising channels, rather than requesting an amendment to the Sign Program.

The public hearing was closed for Board discussion.

In response to an inquiry by Member Ezzy Ashcraft whether the proposed bank sign had the same dimensions as Java City, Mr. Vu replied that they were approximately the same size.

Member Ezzy Ashcraft noted that she had visited the site, and believed the sign was quite attractive. She believed the propose sign would visually balance the existing signs. She believed the trend toward one-stop shopping was reflected in this center, and believed this was a good way for people to leave their cars and shop in one place.

In response to an inquiry by Vice President Cook, Mr. Vu replied that no further signage requests had been received for this development.

In response to an inquiry by Member Kohlstrand, Mr. Vu confirmed that the Bridgeside Sign Program was more restrictive than the City's signage requirements, and that the sign would be internally illuminated.

Vice President Cook noted that she was not opposed to this particular sign, and agreed with the other comments. She was concerned about the signage placed on the windows of the petfood store. She would like the windows to contribute to the uses spilling out onto the waterfront. She would like to revisit that issue. Mr. Vu noted that staff had noticed that as well, and staff had approached the Petfood Express management. They stated that the banners were meant to be used for grand opening purposes, and that they would be removed after a certain period of time. He understood that no more than 25% of windows or glazing may be covered by signs or decals. The development would not receive its

final certificate of occupancy until those conditions had been met.

In response to an inquiry by Vice President Cook regarding proposed changes to the public art in the center, Mr. Vu replied that the project went to the Art Commission, and that the mast and the sail she referred to were not part of the public art project. The applicant had applied for the public performance program, and would provide public art in that manner.

Member Mariani requested a status report or call for review in the future about the signage in the center, because of past experiences with the developer.

Ms. Woodbury noted that the project was entitled and could not be reviewed again. She noted that staff would be happy to provide updates and lead a site visit, and added that Mr. Vu had worked very closely with them with respect to signage.

In response to an inquiry by President Lynch regarding opening dates, Ms. Woodbury replied that Nob Hill Foods should open in about one month, and that temporary certificates of occupancy may allow individual stores to open for business.

Board member Cunningham moved to adopt Planning Board Resolution PB-07-04 to approve an amendment to the Bridgeside Sign Program to increase the maximum total sign area and install one additional panel sign on the east elevation of the Nob Hill Foods building.

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

8-C. Workshop to discuss roles and responsibilities of the Planning Board and staff, improvements in the effectiveness of meetings, and major planning projects and initiatives in 2007. **(Continued from the special meeting of January 31, 2007.)**

Ms. Woodbury presented the staff report, and noted that the 2006 calendar had been very heavy with many items having been continued. Staff would be cognizant of the mix of controversial items with more routine items. Another idea was to hold special meetings for workshops, with some of the special meetings being held on-site at a different time. She noted that following the rules of procedure with respect to agenda order would enhance efficiency. She added that using the Zoning Administrator to address administrative use permits and variances, which would lighten the load of the agendas. She emphasized that the Zoning Administrator hearings would also be publicly noticed and open to the public.

President Lynch supported the use of Zoning Administrator hearings to enable the Planning Board to address more detailed items more thoroughly during the regular Planning Board meetings.

Ms. Woodbury advised that the same timetables for appeals and call for review would apply to the Zoning Administrator hearings. She noted that a bulletin would be distributed to the Planning Board regarding upcoming items.

In response to an inquiry by Member McNamara regarding how the agenda order was determined, Ms. Woodbury replied that was delineated in the Rules and Procedures. Member McNamara suggested shifting the less time-consuming item to the beginning of the agenda. Ms. Woodbury noted that it was sometimes difficult to assess that possibility before it starts, and that it was the Board's prerogative to change the agenda order.

Member Ezzy Ashcraft urged caution in reordering the agenda since some members of the public plan to arrive at a certain time to hear a particular item. She did not want the public to miss an item because it was moved up on the agenda.

Member McNamara noted that when the draft minutes were reviewed by the Board, the Board had agreed to change the minutes to a summary from more detailed minutes. She noted that when the Board makes corrections and edits to the draft minutes, it often involves more detailed verbiage. She inquired what the current standard was for the minutes. Ms. Woodbury replied that the summary minutes do have some level of detail to ensure the comments and votes were captured correctly. She emphasized that the minutes are based on what was actually stated during a meeting, not what was intended in considering the content after the fact. She added that the audiotape and the City's webcast center on the website were also available to the public. She noted that verbatim minutes would reflect every word exactly as spoken.

Member Kohlstrand noted that with respect to meeting cancellation, she liked Member Cunningham's recommendation of having a list of items to address. She believed that it was awkward to cancel the January 22 meeting, followed by a special meeting on January

Member Kohlstrand noted that the staff comments and Board communications were currently scheduled at the end of the meeting, and inquired whether those items could be moved to the beginning of the meeting. Ms. Mooney noted that those rules of agenda order may be changed by Board resolution.

Member Mariani noted that when the meetings run very late, it was difficult to address staff and Board communications at that late hour. She suggested that they be considered earlier on the agenda.

Vice President Cook noted that when she reviewed the meeting tapes for South Shore, there were many hours of audiotapes to search through. She suggested that the meeting audio be available on CD so they could be reviewed in the car or on a home CD player. Ms. Woodbury replied that was a good point, and added that since the meetings were available on streaming video, perhaps a CD could be produced.

President Lynch suggested contacting the IT Department to diversify the sources.

Member Mariani noted that the shelf life for videotapes was limited, and agreed that they be archived on DVD and CD.

Ms. Woodbury noted that the preparation for the Planning Board/City Council joint meeting continued to move forward. She noted that President Lynch had inquired about the Planning Board's role in relation to the economic development of a project.

President Lynch inquired about staff's concept of how that meeting would take place. Ms. Woodbury replied that Planning staff was working with the City Manager's office, and that previous meetings were not on the City Council regular agenda. She noted that in the past, members of the public have attended, and that staff preferred that the previous formats continue. She noted that the meeting may be held at the Library, or other locations depending on the date and time.

President Lynch noted that members of the public have often commented about their desire for clarity on issues such as economic development as they relate to land use and other Planning issues. He suggested that joint meeting with the EDC and other bodies may focus the discussion in a beneficial manner.

Member Kohlstrand would like to see some follow-up on the parking discussions held in conjunction with the EDC.

Member Ezzy Ashcraft noted that she had been appointed to the Big Box Retail Committee, and that no meetings had been held yet. Ms. Woodbury noted that would be a standing item for follow-up on future agendas.

President Lynch suggested considering adding a status report on projects that had

received their determination under Staff Communications.

No action was taken.

9. WRITTEN COMMUNICATION: None.

10. BOARD COMMUNICATION:

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

Vice President Cook noted that there had been no further meetings since her last report.

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

Member Mariani noted that the next meeting would be held on February 15, 2007.

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

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

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

Member Cunningham noted that the next meeting would be held on February 14, 2007.

11. STAFF COMMUNICATION:

a. Work Program Status Report

Mr. Thomas summarized the staff report, and noted that Items 11-a and 11-b would be agendaized each meeting. He noted that items could move to different dates because applicants can change their minds, and there could be changes within staff's involvement in the items. He noted that this report would give the Board an opportunity to look three months ahead. The Board would be able to maintain a list of every item being considered by the Planning Board and that may be brought to City Council. Staff would like to have a database of every application on file, which generally numbers between 100- 125 projects.

President Lynch noted that there were lingering questions regarding Alameda Town Centre, and noted that the gas station application may not be addressed because of the number of questions. He suggested scheduling a status report on the Town Centre before March 26, 2007, in order to maintain the timeline. Mr. Thomas noted that staff would like to schedule a study session to examine the Town Centre issues, including a walk around.

Member Ezzy Ashcraft inquired whether the study session could be held on the same evening. She noted that she was pleased to see the study session for green building ordinances for March 12, 2007, which she had lobbied for; she did not believe the City needed to reinvent the wheel in that regard, and noted that many other cities had added green building ordinances. She would like to see the draft ordinances brought back to the Board, with a date certain to submit it to the City Council for their approval. She would also like to see the next steps beyond the initial step.

Member Kohlstrand complimented staff on the list, and noted that the April 9, 2007, meeting occurred during spring break. She was concerned that may not be a good date to have major items on the calendar. She also wanted to ensure there was a reasonable transportation network to support Alameda Landing, which she believed the Transportation Commission should examine. She noted that Clif Bar needed to move ahead before further action. Mr. Thomas noted that the approved Master Plan included many transportation issues, including the street cross-sections, model, and open space development concept. He noted that the bigger items would be presented for evaluation before the smaller items such as Clif Bar could be addressed.

Member Kohlstrand noted that the May 29 meeting would address the Transportation Element Update Study Session, and believed it would be a good idea to revisit those since the City Council had adopted some transportation policies.

Vice President Cook noted that there was no Measure A forum on the list, and believed that it should be addressed, or that a discussion why it would not be addressed should be held. Ms. Woodbury noted that a workshop would be held, and that further workshops may be spun off if needed. Vice President Cook believed it should be on the agenda, or if not, that reason should be discussed.

Vice President Cook believed there should be discussions of continuity of waterfront access, and a discussion held whether there should be common themes or different design concepts. She would like to see more emphasis on pedestrian-friendly walkways. She expressed concern about the City's gateways, and would like to see more gateway planning efforts. She believed that uses such as food banks and the Salvation Army were essential to the community but may not be appropriate for gateways. She added that other uses such as auto uses and cigarette shops might not be appropriate gateway uses as well.

Vice President Cook would like staff's *reports to summarize status of developers' comments to follow up on and strengthen developer promises and commitments.*

Member Cunningham inquired about the breadth of subjects that could be covered by ordinances from a legal point of view. Ms. Mooney replied that it would depend on the topic, and noted that the City has legal enforcement available to deteriorated buildings. She noted that there were many factors to take into account, and that it would depend on the specific subject matter.

President Lynch noted that the Health and Safety Code would address dilapidated buildings.

Ms. Woodbury advised that the Planning Board typically addressed development regulations, and staff has occasionally approached the Board to amend development regulations for a certain purpose, such as K&L findings. She emphasized that she was committed to using the staff resources as efficiently as possible, and that some items were required to be performed by state law.

President Lynch believed the public would like to see the Towne Centre and gas station on the same evening.

The public hearing was opened.

Mr. Adam Garfield agreed with Member Mariani's request to track developer commitments.

Ms. Woodbury suggested that he speak with staff regarding any project-specific comments and questions.

The public hearing was closed for Board discussion.

President Lynch acknowledged that there was considerable frustration over the Blanding project, and that a Board member may ask for a scheduled revocation hearing if certain benchmarks were not met. He understood that the Board wished to avoid that, and that there were significant differences of opinion. He suggested a site visit where Board members could gain more information about signage and other items.

Member Mariani noted her disappointment in how the project had developed, after the many hours of discussion and hearings by the Planning Board. She hoped the situation

would improve, and that some consequences would follow noncompliance of specific Board requests.

Member McNamara inquired about the Big Box Retail Study, and noted that she had not heard anything further. Ms. Woodbury replied that no meeting had been scheduled yet, and that no funds had been budgeted to hire the consultant. City Council believed that many retail and leakage studies had already been held, and requested that staff compile existing information for the committee. After that, it would be determined whether there were any gaps in the information, and whether further study would be needed.

Member Kohlstrand suggested moving Staff Communication to follow Oral Communication. Ms. Woodbury noted that could be agendized as an amendment to the Rules and Procedures.

b. Future Agenda Items. None.

12. ADJOURNMENT: 9:40 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 March 26, 2007 meeting. This meeting was audio and videotaped.