

APPROVED MEETING MINUTES

REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, NOVEMBER 28, 2011
7: 00 p.m.

City Hall Council Chambers
2263 Santa Clara Avenue, Third Floor
(Corner of Santa Clara Avenue and Oak Street)
ALAMEDA, CA

Doors will open at 6:45 p.m.

Please file a speaker's slip if you wish to address the Board. Anyone wishing to address the Board on agenda items or Oral Communications may speak for a maximum of 5 minutes per agenda item when the subject is before the Board. The Board may limit the speaker's time to 3 minutes when five or more speaker's slips are submitted.

1. CONVENE: 7:05 P.M.
2. FLAG SALUTE: Board Member Autorino
3. ROLL CALL: Present: President Ezzy Ashcraft, Vice-President Autorino, Board members Burton, Henneberry, Kohlstrand, and Zuppan.

Absent: None
4. MINUTES: Minutes from the Regular meeting of April 25, 2011
Minutes from the Regular meeting of October 10, 2011, (Pending)
Minutes from the Regular meeting of October 24, 2011. (Pending)
No Action

5. AGENDA CHANGES AND DISCUSSION:

6. STAFF COMMUNICATIONS:

Written Report

6-A Future Agendas

Margaret Kavanaugh-Lynch, Planning Services Manager, provided an overview of upcoming projects.

The Zoning Administrator approved projects at 1630 Park Street for a use permit to temporarily establish an ice rink with ancillary uses at the November 22, 2011 hearing and

at 815 Atlantic Avenue for a use permit to place a 1,500 gallon liquid oxygen tank to serve the hyperbaric therapy areas within the Alameda Wound Clinic at the November 28, 2011 hearing.

7. ORAL COMMUNICATIONS:

Mary Anderson, resident, spoke on the Mif land swap proposal.

Andrew Thomas, Planning Services Manager reported on the current status of the proposal and mentioned that the item is slated to be heard by the City Council on January 23, 2012.

Ken Peterson, resident, spoke on the cost to the City of the Mif land swap proposal.

8. CONSENT CALENDAR:

8-A 2012 Planning Board Meeting Schedule The Planning Board will consider and approve a Planning Board meeting schedule for 2012.

Board member Kohlstrand moved approval of the consent calendar.

Vice President Autorino seconded the motion which carried by a unanimous voice vote-6-0

9. REGULAR AGENDA ITEMS:

9-A Master Street Tree Plan. A public workshop to review the Master Street Plan in response to public concerns about recent actions to remove trees on Park Street for the Park Street Improvement Plan.

Matt Naclerio, Public Works Director, gave an overview of the Master Street Tree Plan (MSTP). He mentioned that currently the plan does not require public posting for trees that are dead, a threat to public safety, or infected with rapidly spreading disease. He also stated that streetscape projects or capital improvement projects that have previously been approved by the City Council which entail tree removal are exempt from public posting. Staff is recommending that these exceptions be revised to require any Capital Improvement Projects (CIP) that will remove more than 5% of the street trees in any given block face and have been reviewed by the Planning Board and approved by the City Council will be posted at least two weeks prior to removal. He stated that tree removal is permissible only after all practical and reasonable alternatives have been considered. Additional recommended modifications include the following minimum posting requirements: one day for trees that are dead and present an imminent threat to public safety, as determined by a certified Arborist (currently no posting is required); three days for trees that are dead but do not pose an imminent threat to public safety, as determined by a certified Arborist (currently no posting is required), and three days for trees that are diseased with a rapidly spreading pathogen that pose a hazard to other trees, as determined by a certified Arborist (currently no posting is required). The only time a tree will not be subject to the posting requirement is when it is significantly damaged and its immediate removal is required for the safety of the general public. In addition, because of safety concerns associated with dead or diseased trees,

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these tree removals, which are not appealable in the current MSTP, are proposed to remain non-appealable. Mr. Naclerio also stated that the City Council's approval to remove any tree(s) is final, provided the project commences within two years of the City Council approval. This is the standard effective approval period for planning projects. Furthermore, should construction of the project occur after one year of the City Council approval, an informational community meeting is to be held prior to commencement of the project.

Board member Kohlstrand mentioned that the staff report states that the tree will be posted three weeks prior to removal and the proposed revisions state that it will be posted two weeks prior.

Mr. Naclerio stated that the correct time frame is three weeks.

President Ezzy Ashcraft asked that when a CIP goes before the City Council for approval that it not be placed on the Consent Calendar.

Mr. Naclerio stated that the projects will not be on the Consent Calendar.

Board member Zuppan asked why if the City Council approval is good for two years why a informational community meeting will be held in one year regarding the removal.

Mr. Naclerio stated that the meeting is a way to refresh everyone's memory that the project was previously approved.

Board member Zuppan asked that the informational community meeting be held an appropriate amount of time before the removal to allow for any City Council action if necessary.

Mr. Naclerio stated that the project is still approved for the two year period and the meeting is just a courtesy reminder but saw no reason that the meeting can't be held three weeks prior to the removal.

Vice President Autorino stated that three weeks notice of the pre approved project is more than generous.

President Ezzy Ashcraft asked that when these projects are brought for approval that the Planning Board and City Council be given renderings of the projects. She also asked to see a rendering of the Park Street Streetscape project. She also suggested that the Public Works take a look at the City of Oakland site which describes all of the projects going on in Oakland for the public's information.

Mr. Naclerio stated that the Public Works Department is working on a contract to do a rendering of the Park Street project.

Vice President Autorino stated that once a project is approved it should not have to be open to everyone coming back and opposing the project unless a significant change has been made.

Board member Zuppan stated that it would be fruitless to have a meeting if it has no impact. She also questioned the statement in the staff report referring to Streetscape and other projects that have already received public input and City Council approval for tree removal being exempt from the tree removal and non-appealable asking if there were a list of such projects to review.

Mr. Naclerio stated that they are not grandfathering any projects and all projects including tree removal will be brought to the Planning Board.

Board member Zuppan suggested that when a project such as the Park Street one that actually clear cuts all of the trees it should be noted somehow to the public.

Mr. Naclerio stated that in the future they can state if and when all of the trees are being removed

President Ezzy Ashcraft stated that the merchants on Park Street were given a notice stating that site preparation was about begin and no mention of the tree removal was included.

Mr. Naclerio stated that the noticing could have been much clearer and will be in the future.

Motion made by Board member Henneberry to allow for 5 minutes for the speaker time, seconded by Board member Burton. Motion passed 6-0

President Ezzy-Ashcraft opened the public comment period.

Christopher Buckley, resident, requested that a similar policy be applied to the removal of the City's park trees.

Dee Keltner, resident, suggested that the City look at planting Red Maples or October Glory trees instead of the planned Ginkgos on Park Street.

Jon Spangler, resident, spoke against the planned removal of the parking meters on Park Street.

Lucy Gigli, Bike Alameda, spoke against the Phase II streetscape stating it is not consistent with the original plans from 2002.

Ken Peterson, resident, stated that he had worked on the Master Tree Plan and it is a very extensive document, covering a lot of the issues being discussed at the meeting.

Susan Gallymore, resident, stated that there needs to be more of an effort to notice the residents through the news papers and other ways.

Brian Hatoff, resident, stated that he has a street tree at his resident that is old and declining and would like a time line for replacement once it is removed.

President Ezzy-Ashcraft closed the public comment period.

Mr. Naclerio stated that they can look at revisions to include the removal of trees that are declining rapidly.

Vice President Autorino stated that in the City of Alameda it becomes almost impossible to complete projects because there is always someone who has a problem with the project for some reason. He stated that if a project has had major changes it should be reviewed again.

Board member Kohlstrand state that she agrees with the proposed changes. She believes that the Park Street Streetscape Plans should have been brought back to a City Board to re-review it.

Mr. Naclerio stated that the Park Street Streetscape Plan can be brought back to the Planning Board although the project has already been awarded and contracted so major changes to it could jeopardize the entire project.

President Ezzy Ashcraft stated that she also believes that there are not enough bike parking spots on Park Street. She suggested that a bike rack be located in Redwood Square.

Board member Zuppan reiterated her concerns regarding revisiting projects after one year of the original approval if the project has not been started yet or if significant changes are made to the plan and that adequate time for public response are given.

Mr. Naclerio suggested the following wording be added:
“Significant changes to an approved project shall require a new public hearing at the Planning Board and City Council.”

Vice President Autorino stressed that it needs to be a large enough change to cause it to be re-reviewed.

Mr. Naclerio stated that his department will bring the Park Street Streetscape plan to a Planning Board meeting in the future for information only. He mentioned that he will try to get the renderings completed prior to bringing it to the Planning Board.

Board member Burton concurred on the prior remarks concerning the public process for this project. He also agrees that there is a lack of bike parking in the Park Street district.

President Ezzy Ashcraft asked about the remark made by Mr. Naclerio that the City does not have in the budget any money to maintain the trees. She asked why the Park Street Business Association (PSBA) couldn't contribute funds from the landscaping funds to maintain the trees.

Board member Zuppan reiterated Vice President Autorino's comments regarding consistencies in noticing policies for all City properties and incorporating those into the Master Street Tree Plan. She also would like a commitment by the City have clearer

communication regarding projects in the future and state that you are removing all of the trees and no removing 30 and adding 60.

Board member Henneberry made the motion to approve the staff recommendations as amended by the Planning Board. Motion seconded by Board member Kohlstrand. Motion passed 6-0.

9-B Recommend Adoption of An Ordinance Amending Alameda Municipal Code Sections 6-27.4, 6-52.1 and 22-8.1 to allow Sale of Goods from a Rolling Store with Approval of a Special Event Permit, Conditional Use Permit, or Encroachment Permit; and Adoption of Food Truck Program Guidelines, including Standard Conditions of Approval for Conditional Use Permit or Encroachment Permit for Rolling Stores.

Eric Fonstein, Development Manager, Economic Development Division, gave a presentation highlighting the Food Truck Program Guidelines. At the request of the West Alameda Business Association (WABA) and Park Street Business Association (PSBA), permanent or reoccurring food truck uses on private property will be restricted to specific underserved commercial areas in Alameda. The following describes this three-prong permitting process:

- A Special Event Permit (SEP) for one-time events or up to three individual events (such as block parties or street festivals occurring on consecutive days) on private property or in the public Right-of-Way;
- A Conditional Use Permit (CUP) for permanent or recurring food truck uses on private property; or an Encroachment Permit (EP) for permanent or recurring food truck uses in the public Right-of-Way. A CUP for permanent or reoccurring food truck use would be restricted to the following locations: the former Naval Air Station at Alameda Point, the College of Alameda property, the South Shore Shopping Center, and the Marina Village and Harbor Bay Business Parks.

Staff proposes revising the following Sections of the AMC to be consistent with the California Vehicle Code, to encourage food trucks in appropriate locations, and to be consistent with the City's existing practice

Vice President Autorino asked how the public or neighbors are allowed to provide opposition to a Special Events Permit for a food truck.

Margaret Kavanaugh-Lynch stated that some Special Event Permits are not noticed and others are required to be noticed by the applicant.

Board member Henneberry questioned why a Special Events permit is required for the trucks within a block of a park.

Mr. Fonstein answered that it was because of children in the area and pedestrian safety.

Board member Burton asked to what extent other cities were consulted regarding their programs and ways to make the program successful.

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Mr. Fonstein stated that staff consulted many local jurisdictions which allow the food trucks. He mentioned that what makes them successful are the local restaurants and business associations.

Board member Burton stated that he has heard the biggest complaint from operators of the trucks is the onerous process that cities put them through both costly and lengthy. He asked how the City of Alameda's process addresses that concern.

Mr. Fonstein stated that the City has spoken to Off the Grid, a San Francisco-based company that specializes in organizing regular and special food truck events to look at the process and advise on how to streamline it.

Jennifer Ott, Chief Financial Officer for Alameda Point, stated that the fees are consistent or below that of other jurisdictions.

Board member Kohlstrand inquired how the food trucks are going to work at South Shore Center with all of the current restaurants on the property.

Brad Witt, General Manager of South Shore Center stated that they have brought in food trucks in the past and it is restricted so that the trucks do not compete with the existing restaurants.

President Ezzy-Ashcraft opened the public comment period.

Ken Dorrance, resident and local restaurant owner, spoke in opposition of the Food Trucks stating that he is concerned that the trucks will take business away from his establishments.

Mary Anderson, resident, spoke in opposition of the Food Trucks because she feels that the trucks will hurt the existing businesses in Alameda. She feels that all of the businesses affected by this should be consulted. She also was concerned with the waste generated at the trucks.

Board member Zuppan stated that the only business associations consulted on the program were West Alameda Business Association (WABA) and Park Street Business Association (PSBA) and she is concern that the other business associations were not

Jon Spangler, resident, spoke in favor of the Food Trucks citing that as a bicyclist the trucks Are very convenient.

Carol Gottstein, resident, spoke in favor of the Food Trucks citing that the events being held in the Bay Area attract people from all over. She also stated that with limited mobility the trucks are very convenient.

Jim Strehlow, resident, stated that he believes the local restaurants should be given top priority to have trucks in Alameda.

President Ezzy-Ashcraft closed the public comment period.

President Ezzy Ashcraft mentioned that in a recent newspaper article stated the following concerns regarding the Food Trucks:

1. The law does not limit the number of trucks that can operate in a specific location.
2. Authorities are not enforcing time limits for how long a truck can park or prohibiting the trucks from selling in front of existing restaurants.

She stated that it seems that it is easier for the trucks to open and operate than brick and mortar restaurants. She asked if suggested renewal process is the same as applied to the restaurants.

Ms. Ott stated that it is a completely different process because generally Use Permits do not have a time limit or renewal. The City feels that if there are no problems with a certain vendor they should not have to go through the entire process every year.

President Ezzy Ashcraft asked if the City should regulate the number of trucks that can be at a particular location at one time.

Ms. Ott stated that should that become an issue the program can be revisited and amended.

She also stated that currently under state law the trucks can legally operate in the public right away and the Alameda Municipal Code (AMC) is inconsistent with that law and if the City doesn't regulate the trucks they can, by law, park in public spaces.

Board member Zuppan stated that she is concerned that the other business associations were not consulted. She also stated that she actually spoke to the Harbor Bay Business Park and they didn't know about their area being slated as a Food Truck area.

Vice President Autorino stated that there are currently food trucks out at the business park on a daily basis.

Board member Burton stated that it appears the reason for the introduction of the trucks is to service under served areas in the City. He also sees them as a way to attract new customers to an existing commercial area in need of patronage and for the local restaurants and businesses to test out a new market in a new area. He feels that having the trucks banned on Webster Street and Park Street should be removed because they are missing a great opportunity to bring people to those districts. .

Ms. Ott stated that it is not a ban because vendors can still park in the public areas. The ban on private property in those districts was due to concerns by WABA and PSBA.

Ms. Ott summarized the Planning Board recommendations:

- Review the restrictions regarding parks and schools.
- Return to the Planning Board in a year to review the program.

- Meet with the remaining Business Associations about the program prior to going to City Council.
- Encourage existing local businesses to become involved in the program

Board member Kohlstrand made the motion and it was seconded by Board member Henneberry, to recommend adoption of an Ordinance amending Alameda Municipal Code Sections 6-27.4, 6-52.1 and 22-8.1 with the Planning Board recommendations to allow the Sale of Goods from a Rolling Store with Approval of a Special Event Permit, Conditional Use Permit, or Encroachment Permit; and

Adopt Food Truck Program Guidelines, including Standard Conditions of Approval, for a Conditional Use Permit and Encroachment Permit for Rolling Stores. Motion passed 6-0.

9-C Alameda Landing. A public workshop to review and discuss the new site plan for the Alameda Landing Commercial Center that includes plans for a new Alameda Target Store on lands just to the north of Willie Stargell Avenue and the College of Alameda.

Mr. Thomas gave an overview of the project. He mentioned that staff is interested in receiving comments regarding the plan so that staff can come back to the Board in January with a final design. He stated that one of the main concerns is how to get pedestrian and bicycle traffic to flow through the site.

Motion to extend the meeting to 12:00 a.m. was made and seconded. Approved 6-0.

Karen Bey, resident, spoke in opposition regarding the large format retail center design of the project and she doesn't believe that this large of a center is appropriate for this site and would like to see a smaller format.

Jon Spangler, resident, spoke in favor of the project citing that he prefers the design over the 2007 plan. He stated that he would like to see solar power integrated into the project.

Lucy Gigli, Bike Alameda, asked why the waterfront is not being developed first. She also would like to see large bike stations for customers and employees.

Board member Henneberry asked if any other tenants have been identified other than Target.

Sean Wiskeman of Catellus stated that the only retailer publicly discussed is Target. He stated that the categories that they are looking at are apparel, electronics, home improvement, restaurants, and specially foods.

Board member Henneberry mentioned that Alameda's Big Box Ordinance does not apply to the Alameda landing site but he asked what format of store was Target planning on bringing to Alameda a super center or discount center.

Mr. Thomas gave an overview of the Big Box Ordinance stating that the ordinance prohibits

any store larger than over 90,000 square feet with 10% of the floor area dedicated to non taxable products and groceries.

Mr. Wiskeman stated that the store will be approximately 140,000 square feet including the storage areas.

Board member Zuppan stated that she likes the improvements to the bike and pedestrian paths and realizes that the development is necessary to stop the tax dollar leakage from the City.

Vice President Autorino stated that he feels that the development is a great opportunity for Alameda. He is excited about the project but would like to see more detail.

Board member Kohlstrand stated she would like the site to feel more like an urban street character than a big shopping center. She agrees with staff's conclusions on what still needs to be reviewed concerning the project. She is also concerned about the loading bay at Building A which crosses the pedestrian right of way.

Board member Burton asked how it was anticipate that customers will drive to the site.

The applicant stated that off island customers will get to the site from Webster Street turning at Willie Stargell. He mentioned that there will be new streets running along the site.

Board member Burton stated that he feels that a turn lane is needed at the Target entrance. He questioned certain areas where there is no pedestrian access and the elimination of the bike lane on Willie Stargell. He asked where the bike parking is located and feels that bikes need to be able to ride around the site without competing with the vehicles.

President Ezzy Ashcraft stated that she hopes Target will come in with a good design that fits with the neighborhood. She questioned how the Board can be sure that the plans they are seeing and approving it actually gets built that way. She stated that she feels that the location suits a Target store more so than South Shore Center so the trucks and traffic do not have to crisscross the city. She asked about the term 'Power Center'.

The applicant stated that a "Power Center" is basically made up predominately of tenants in 30,000 to 50,000 square foot spaces. Although the site does have a large format store it is more of a hybrid design with more of a mixture of neighborhood uses.

Mr. Thomas stated that the City of Alameda's Community Improvement Commission (CIC) reviewed and approved the tenant strategy for the center. He stated that if the developer wanted to change that they would need to go back to the CIC for approval.

10. WRITTEN COMMUNICATIONS:

None

11. BOARD COMMUNICATIONS:

Board member Kohlstrand reported that she received a notice from Custom Kitchens that the National Association of the Remodeling Industry selected the project at 1150 Bay Street as their Historic Preservation award winner for 2011.

12. ADJOURNMENT: 12:07 a.m.