

APPROVED MINUTES  
REGULAR MEETING OF THE  
CITY OF ALAMEDA PLANNING BOARD  
MONDAY, NOVEMBER 28, 2016

1. CONVENE

President Köster called the meeting to order at 7:02pm.

2. FLAG SALUTE

Board Member Sullivan led the flag salute.

3. ROLL CALL

Present: President Koster, Board Members Burton, Curtis, Knox White, Mitchell, Sullivan. Board Member Zuppan arrived at 7:09pm (beginning of regular agenda).

4. AGENDA CHANGES AND DISCUSSION

**\*None\***

5. ORAL COMMUNICATIONS

**\*None\***

6. CONSENT CALENDAR

**2016-3616**

Planning Board 2017 Regular Meeting Schedule

The Planning Board 2017 regular meeting schedule can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=2889231&GUID=C41D68C6-9708-4E4C-9EB6-EDF56E143E79>

President Köster asked if the plan was to continue to not have meetings in August, and if so, should we remove those meetings from the schedule.

Staff Member Thomas said that they could remove those meetings if they wanted and that they could reschedule meetings if they were necessary.

Board Member Mitchell said school is usually back in session during August and he usually takes vacations in July.

Staff Member Thomas said the break coincides with the City Council calendar.

Board Member Knox White made a motion to approve the schedule with the August meetings cancelled. Board Member Burton seconded the motion. The motion passed 6-0.

## 7. REGULAR AGENDA ITEMS

### **2016-3617**

PLN14-0134 - 1200 Park Street - Hearing to Consider Modification to An Existing Use Permit for Automotive Repair at 1200 Park Street (Big O Tires site). A petition from the neighborhood is requesting review and termination of the existing Use Permit UP88-36, as amended by PLN14-0134, for 1200 Park Street

Staff Member Thomas gave the staff presentation. The staff report and attachments can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=2889232&GUID=FCA3607E-DBF8-45B7-8EF7-0EBD8A470711&FullText=1>

President Köster asked staff to comment on the letter the board received today from the property owner's attorney.

Staff Attorney Brown said they received the letter and they are still trying to process some of the allegations in the letter. She said if the board is leaning towards adding a termination clause to the use permit, that it might be prudent to continue the hearing until they can address the letter and potentially amend the resolution accordingly.

President Köster opened the public hearing.

Bobbie Centurion lives in the neighborhood and spoke in favor of expiring the use permit when the current tenant leaves. She said the business is not compatible with the location. She said the use creates pollution.

Dave Blackwell, attorney for the property owner, said the use permit runs with the land and cannot be wished away. He said the use permit can only be revoked if the permit holder is in violation of the terms of the use permit or the law.

Rick Oneil, Big O Tires, said they want to continue to operate in Alameda and are in escrow to purchase the property and continue to operate with the existing use permit restrictions.

Art Thoms, owner of the neighboring laundromat, said the current use has had a negative effect on the neighborhood. He said they have been in violation of their use permit for years. He asked the board to terminate their use permit.

Jim Lott said the operation impacts parking in the neighborhood. He said he would like to see this end of Park St. improve.

Walter Knight said the business definitely has impacts on the neighborhood. He said the property is in poor condition. He said he would like to see new businesses.

Adam Garfinkel said the action being considered is very odd. He said he has not seen any proof that violations are happening. He said this property is being singled out.

Rich Krinks said he disagrees with staff's recommendation to terminate the use permit. He said the strong business brings a lot of spillover business to the area. He said there are parking issues associated with many businesses throughout town.

Betsy Matheson said the business in operation is not Big O. She summarized the impacts the operation has on her Park Ave neighborhood. She said the auto use sends a bad message to prospective tenants of the other properties at that corner.

Robert Lane, attorney for the property owners, said there is adequate parking for the use. He said if there was not, the City should have acted before now. He said they have a buyer in escrow. He said this is not car repair. He said the use is important to the community. He said the use is recession proof, unlike other boutique type uses envisioned by some for the site.

Ben Garfinkel, property owner, said that he does not see how they determined that there was a parking problem. He said multiple parties have incurred significant expenses on the premise that the permit runs with the land. He said it was too late in the game to make this change.

Mana Jean Wagman said she likes using the service and finds parking when she visits the area. She said the two tire businesses will split customers and decrease neighborhood impacts.

Jay Garfinkel, property owner, gave a history of the site. He said it is hard to make an investment in the community if the rules can be changed midstream. He says there is lots of parking in the neighborhood. He said if the city wants this business to provide parking, all businesses on Park St should be required to provide parking.

President Köster closed the public hearing.

Board Member Zuppan asked if there are ground contamination issues at this site.

Staff Member Thomas said there is likely still hazardous material in the ground, based on conversations with the owners.

Jay Garfinkel said the Big O corporation did some examinations as due diligence and found some relatively minor toxic hits on the site.

Board Member Knox White asked if this was considered a revocation hearing.

Staff Attorney Brown said it was not a revocation hearing. She said staff was recommending adding a condition to the use permit that puts in a termination clause.

Board Member Curtis asked if violating conditions is cause for revocation. He said there was not much parking when he looked at the area.

Staff Member Thomas said they have been constantly tinkering with the conditions of the use permit to try and make it work. He explained how a revocation process could work if the board wanted to proceed in that matter.

Board Member Mitchell asked what the realistic prospects for retail were at the site.

Staff Member Thomas said Park St. was a very successful retail business corridor and could support more, depending on the rent.

Board Member Mitchell asked if the previous hearing on the use permit was approved with the understanding that there were problems and that the business owners were actively pursuing a new location.

Staff Member Thomas said that was his recollection, that the board was trying to find a stop gap solution, knowing a move was imminent.

President Köster asked if there is a way to add more restrictions to the use permit going forward.

Staff Member Thomas said that if the Planning Board wants to clarify the conditions for continued use they can do that.

Board Member Knox White said he is sensitive to the externalities this type of use generates. He said this block and that side of the street are hard to operate retail successfully given the way the fire station and gas station break up the pedestrian experience. He said, given the legal letter received today, he would be uncomfortable moving forward with any action today. He suggested scheduling a revocation hearing for March 27th to give everyone a chance to gather data. He suggested bringing back potential conditions to limit noise at that point, including banning outside speakers.

Board Member Curtis said the site has had problems for years. He said they allowed the existing business owners time to find a new solution. He said the site just might not be appropriate for the volumes needed to make the rent or purchase price pencil out. He said nobody is enforcing the conditions, so that does not help the situation.

Board Member Zuppan said she is not ready to move forward without further information. She said she has tried to take advantage of the valet service on multiple occasions without success. She said the volume is the problem. She said that when it comes back she would like to understand how they would construct an enforceable use permit.

Board Member Mitchell said he enjoys the location but understands the problems as well. He said we should hold off on any decisions tonight and monitor the site and come back for a future hearing.

Board Member Burton said he does not feel comfortable acting tonight. He said that there is a process for compliance issues and would prefer that method.

Board Member Sullivan said that we need more information before acting.

President Köster said he lives near automotive businesses and understands the tradeoffs. He said he is not ready to make a decision tonight. He says it seems like violations have been ignored over time. He said that if other automotive businesses are required to conduct their work inside, we should be consistent.

Board Member Knox White made a motion to continue the hearing to March 27, 2017 at which time a revocation hearing will be held and staff will provide analysis from 4-6 random compliance observations of the site. He said he would like to hear some information about how the parking was being used (short term shoppers vs. long term storage). He said he would like staff to also bring back potential noise related conditions at that time for the board to consider.

Board Member Zuppan said she was uncomfortable prescribing a date and locking staff into a certain action at a certain time.

Staff Member Thomas said they can do it either way. He said perhaps not continuing the hearing and allowing staff to renotice when they are ready would be beneficial.

Board Member Knox White amended his motion, removing the date certain from the motion to continue.

Board Member Curtis asked if the revocation hearing is effective immediately or would give 60 days notice or something other amount of time.

Staff Member Thomas said they would provide that information at the hearing. He said they were attempting to provide time for transition with their approach today. He said typically it is revoked immediately, but they will look into options.

Board Member Zuppan seconded the motion. The motion passed 7-0.

8. MINUTES  
**2016-3618**

Draft Meeting Minutes - June 27, 2016

Board Member Knox White said he received an email from former Board Member Henneberry with some lengthy amendments to his comments. He suggested continuing the item until the next meeting so that staff can work the comments into the minutes.

President Köster said that on page 6 of 8, his comments about breaking up the long, uniform wall were echoed in the minutes by Board Member Zuppan but not reflected in the record of his own comments.

The minutes were continued.

**2016-3619**

Draft Meeting Minutes - July 25, 2016

Board Member Knox White made a motion to approve the minutes. Board Member Curtis seconded the motion. The motion passed 5-0-2 (Mitchell and Zuppan abstained).

9. STAFF COMMUNICATIONS  
**9-A 2016-3620**

Zoning Administrator and Design Review Recent Actions and Decisions

Staff Member Thomas said they approved several design reviews.

**9-B 2016-3621**

Future Public Meetings and Upcoming Community Development  
Department Projects

Staff Member Thomas outlined the items coming at the December 12th meeting.

10. WRITTEN COMMUNICATIONS  
**\*None\***

11. BOARD COMMUNICATIONS

President Köster said there was a subcommittee meeting with the Commission on Disability Issues. He said he would like to appoint himself to the ad hoc subcommittee for Alameda Marina, being the only architect available on this project. He said he would like to appoint Board Members Knox White and Mitchell to the ad hoc subcommittee as well.

Board Member Knox White said he would like to revisit the process of subcommittee members reporting back to the board in order to make sure the communication is happening as intended.

## 12. ORAL COMMUNICATIONS

**\*None\***

## 13. ADJOURNMENT

President Köster adjourned the meeting at 8:53pm