

APPROVED MINUTES  
REGULAR MEETING OF THE  
CITY OF ALAMEDA PLANNING BOARD  
MONDAY, SEPTEMBER 10, 2018

1. CONVENE

President Mitchell convened the meeting at 7:00pm

2. FLAG SALUTE

Board Member Sullivan led the flag salute.

3. ROLL CALL

Present: President Mitchell, Board Members Cavanaugh, Curtis, Saheba, Sullivan, Teague.

Absent: Board Member Burton.

4. AGENDA CHANGES AND DISCUSSION

Staff Member Thomas asked to add some announcements from Staff Communications to the beginning of the agenda.

Staff Member Thomas welcomed new Board Member Saheba.

Board Member Saheba introduced himself to the board.

Staff Member Thomas introduced Staff Member Delucas.

5. ORAL COMMUNICATIONS

**\*None\***

6. CONSENT CALENDAR

**6A 2018-5919**

PLN16-0186 and -0187 - Alameda Point Site A - Street Names for Blocks 6 and 7 - Applicant: Trumark Homes, LLC. The Planning Board will hold a public hearing to consider two additional street names for the paseos at the approved residential development at Blocks 6 and 7, which are located between Coronado Avenue and West Atlantic Avenue at Alameda Point. The proposed street names are Halo Lane and Starling Lane, which are names of former naval ships stationed at NAS Alameda on the City's Official Street Naming List. The naming of these streets is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

**Board Member Teague made a motion to approve the consent calendar. Board Member Curtis seconded the motion. The motion passed 6-0.**

## 7. REGULAR AGENDA ITEMS

### **7-A 2018-5921**

PLN18-0228 - Conditional Use Permit - 1518 Park Street - Applicant: Jason Tsang on behalf of Habana's Cuban Cuisine. A public hearing to consider a request for approval of a Conditional Use Permit to allow an existing restaurant to operate after 10:00 P.M., until 1:30 A.M., every Friday and Saturday night. Live or amplified music and dancing will take place inside the restaurant from 7:00 P.M. until 11:00 P.M. The project site is located in the C-C-T (Community Commercial, Theatre Combining) Zoning District.

Staff Member Sablan gave a presentation. The staff report and attachments can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=3645839&GUID=18C0B906-FEEE-41FB-93AC-2E73E76056F7&FullText=1>

Board Member Teague asked if they can require the onsite security encourage compliance with the second hand smoke ordinance.

Staff Member Thomas said that they could add that request.

President Mitchell asked how other restaurants in the area are treated.

Staff Member Thomas said that the conditions vary in order to respond to management methods and previous incidents at different businesses. He said this process began because of an APD response that uncovered their lack of a use permit.

Board Member Curtis asked if there would be a hearing before a permit could be revoked.

Staff Member Thomas said they would respond to "three strikes" by scheduling a revocation hearing with the Planning Board.

Board Member Sullivan asked how long they have operated without a use permit and how many complaints there have been.

Staff Member Sablan said they had issues going back to March.

Board Member Teague asked if the language saying that the Zoning Administrator can revoke the permit was accurate.

Staff Member Thomas said he would only take actions that are non-controversial, and that a revocation would definitely be controversial and be scheduled for the board to hear.

Board Member Cavanaugh asked if the 11pm cutoff for the music was consistent along Park and Webster streets.

Staff Member Thomas said it varies by business. He said any business operating after 10pm requires a use permit.

Jason, operator of Habanas, said the fights that happened were outside the business. He said they have been effectively managing the floorplan to minimize the noise issues. He said they will hire security and strictly follow the board's conditions.

President Mitchell opened the public hearing.

Dennis Owens said that sometimes the noise would keep them from being able to sleep at night. He said they never complained before, because they did not know there was no permit. He said they are still concerned about how enforcement would work, given that a noise complaint would not be a high priority for APD.

Don Swain said the neighbors want businesses to be successful, but the business had been putting loud speakers on the corner that have impacted the neighbors. He said the drums are also an issue.

Mike Woltjen said the drums' low frequency carries down Webb Ave. He said he does not want to hear drums after 11pm. He said he knows that living close to Park St. comes with compromise, but the noise was too much.

President Mitchell closed the public hearing.

Board Member Curtis said that compliance will be the issue. He said if there are lots of complaints, they will show up in the police logs. He said he is in favor of the permit.

Board Member Teague said he is familiar with this type of issue. He said he is in favor of approving the permit with an amendment to require the security to help enforce the second hand smoke ordinance.

Board Member Saheba said there is a precedent for this type of use permit and this business should have a level playing field.

Board Member Sullivan said she would like to review the permit after six months.

President Mitchell said he thinks the conditions will hopefully fix the problem and he would like to give the business a chance to succeed.

**Board Member Teague made a motion to approve the use permit with the condition that the security guard be required to notify and encourage compliance with the second hand smoke ordinance. Board Member Curtis seconded the motion.**

Board Member Sullivan reiterated her desire to have a review in six months.

Board Member Teague said he thinks six months is not enough time to know if the policy is working.

Board Member Curtis agreed.

**The motion passed 5-1 (Sullivan opposed.)**

**7-B 2018-5923**

Public Hearing to Consider a Waterfront Plaza and Promenade Development Plan and Design Review for Approximately 4.5 acres of the Alameda Landing Waterfront. An Environmental Impact Report has been completed for the Alameda Landing Project, Including the Proposed Park Staff Member Dong introduced the item. The staff report and attachments can be found at: <https://alameda.legistar.com/LegislationDetail.aspx?ID=3645841&GUID=9D095822-0DF9-448E-9991-12C5DE6BAA15&FullText=1>

Sean Whiskeman, Catellus, gave an update on the project process.

Jason Victor, park designer, gave a presentation on the park design.

Board Member Sullivan asked how many people would be expected to use the park on a weekend day.

Mr. Victor said they do not have specific numbers but envision some larger events, but there would not often be a densely packed space. He gave a breakdown of where parking for the park would be located and phased.

Board Member Sullivan asked what kind of retail uses they are envisioning for the park area.

Mr. Whiskeman said they are required to have 5,000 square feet of commercial space and that they think a couple of small restaurants would be the best way to activate the plaza.

Board Member Teague asked how the change in park boundaries affected the park acreage.

Staff Member Thomas explained why they adjusted the property lines to accommodate privately owned setbacks for the housing which was compensated for by adding in the pocket parks and dock acreage.

Board Member Teague asked why the dock was part of phase II.

Bill Kennedy, Catellus, said that BCDC's process for approving on the water improvements necessitated having the park go first and the dock second.

Board Member Teague raised the issue of the requirement that the project provide multiple spaces capable of handling major public events, and asked if the expectation would be that one would still be required in the future on the Bay Ship portion of the project.

Staff Member Thomas said that the pocket parks would not meet that requirement and that if the Bay Ship portion is ever developed, the other four acres of park would have to be built.

Board Member Curtis asked if the one small bathroom on one end of the park would be adequate for such a large space.

Mr. Victor said that there is a public restroom facility integrated into the dry stack marina next door. He said they physically cannot build a structure on the wharf deck. He said the activity would be concentrated around the plaza, which dictated the location.

Board Member Cavanaugh asked if there is any further information about the potential bridge and where it would land.

Staff Member Thomas said the bridge, if built in this location, would be 30 to 35 feet above the park and not require supports coming down onto the park. He said they are designing the neighborhood with an easement that could allow a future bridge.

Board Member Cavanaugh asked if they can get the dock constructed as soon as BCDC approves the plan.

Staff Member Thomas said they will not give building permits for the residential until the dock has final approval from BCDC.

Board Member Cavanaugh said he would like to see something other than palm trees considered in front of the residential.

President Mitchell asked what the look would be around the AMP substation.

Mr. Victor said that they have been working with AMP. He said they need visibility into the facility, and have gate access on the south side.

President Mitchell asked how the connection through the dry stack marina would function.

Staff Member Thomas said their path is existing and required by their permit with BCDC.

Board Member Saheba asked about options to address the look and circulation around the substation.

Mr. Kennedy said they have made progress with AMP on design for the fence, but that the feature and its limitations are a necessary evil of living on an island. He said that the outside of the parking lot would be where they can start doing the softscape.

Board Member Saheba said there was an inconsistent edge condition created where the bollard lighting stops near the plaza. He said there could be more light near the play area and bathrooms.

President Mitchell opened the public hearing.

David Ross said the project has left labor out of the process. He said the project should not proceed without an agreement with local labor unions.

Cynthia Bonta thanked the board for supporting the naming of the park after Bohol Circle.

President Mitchell closed the public hearing.

Board Member Teague said the argument presented for the palm trees was compelling and we can review that with the housing component. He said the Planning Board does not have the authority to require labor agreements. He said he supports the project with clarifications that the pocket parks do not meet the “large community gathering space” requirement. He echoed Board Member Saheba’s comments regarding the lighting.

Board Member Sullivan says she is excited for the park to be completed. She said the screening planting should be evergreen, not deciduous. She asked that there be money to maintain the granite pathways. She said they should take lessons from the children’s play area at South Shore.

Board Member Curtis echoed Board Member Saheba’s comments about the lighting and said he can support the project.

Board Member Cavanaugh said he supports the project. He said he is unsure about the palm trees and likes to see native plants. He said he is concerned about the bridge.

Board Member Saheba said the details of the landscaping at the center planter will be important and a possible challenge. He said seating along the edges and a clear path to the destination is often preferred in this type of promenade.

President Mitchell said the planter is the focal point of the project and he would like to see something more interesting. He said he still does not like the acrylic surface treatments and would like to see a lower maintenance, more natural surface.

Board Member Curtis asked whether the proposed changes by President Mitchell would slow down the project.

Staff Member Thomas said they have plenty of details left to iron out that he thinks they can work in all the comments heard tonight. He said they have a condition that all final details are to be approved by the Director of Recreation and Parks Department.

Board Member Teague said he would be open to an option that keeps the space open for events and flow instead of the planter.

**Staff Member Thomas summarized the proposed amendments to the resolution: clarify that this park only has one of the large public gathering spaces and the Bay Ship portion would have to add one if it develops in the future; the palm trees are not being approved with this project and will come back with the residential portion; revise the lighting plan around the promenade, kayak area, and bathrooms; look closely at the circular planter; evaluate whether the acrylic surface is the best choice; use evergreen trees around the substation; work with AMP to try and make to round the corners of the substation; look closely at the use of synthetic grass; ensure plenty of tot lot seating; and softening the landscape palette. He said they can add these conditions and direct staff to provide regular updates.**

**Board Member Teague moved the staff recommendation with the conditions outline by Staff Member Thomas. Board Member Sullivan seconded the motion. The motion passed 6-0.**

## 8. MINUTES

### **8-A 2018-5917**

Draft Meeting Minutes - July 9th, 2018

Board Member Sullivan pointed out that the last sentence under item number six dropped off.

Board Member Teague said that the Assistant City Attorney's details regarding the Guyton Amendment were missing.

Board Member Sullivan made a motion to approve the minutes with the requested changes. Board Member Cavanaugh seconded the motion. The motion passed 4-0-2 (Curtis and Saheba abstained.)

### **8-B 2018-5918**

Draft Meeting Minutes - July 23rd, 2018

Board Member Curtis said the chart requested be provided by the Encinal Terminals developer was never sent.

Board Member Curtis made a motion to approve the minutes as submitted. Board Member Sullivan seconded the motion. The motion passed 5-0-1 (Saheba abstained.)

## 9. STAFF COMMUNICATIONS

### 9-A 2018-5920

Community Development Department Recent Actions and Decisions

The staff report can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=3645838&GUID=55950540-C71A-4153-A0D4-892122F6E77A&FullText=1>

Board Member Curtis asked if the backyard balcony received any concerns from the neighbors.

Staff Member Thomas said he would update the board via email tomorrow.

Board Member Teague asked for an update on the Encinal Terminals hearing.

Staff Member Thomas said the City Council was supportive of the road alignment the board suggested and would be bringing final language back to the council.

### 9-B 2018-5922

Future Public Meetings and Upcoming Community Development  
Department Projects

Staff Member Thomas gave an updated on future agenda items. The schedule can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=3645840&GUID=973A5AD9-7D91-4829-9871-14A59273BA39>

Board Member Sullivan asked how the different hotel applications interact with each other.

Staff Member Thomas said there are applications for hotels at both ends of the business park.

## 10. WRITTEN COMMUNICATIONS

**\*None\***

## 11. BOARD COMMUNICATIONS

President Mitchell said he met with the applicant for the hotel near the ferry terminal on Harbor Bay. He said he joined the Climate Action Plan Taskforce.

Staff Member Thomas explained the process for the task force.



President Mitchell said the plan includes money for bringing reclaimed water infrastructure to the island.

12. ORAL COMMUNICATIONS

**\*None\***

13. ADJOURNMENT

President Mitchell adjourned the meeting at 9:41pm.