

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, JUNE 22, 2020

1. CONVENE

President Curtis convened the meeting at 7:00 p.m.

This was a virtual meeting.

2. FLAG SALUTE

Board Member Jeff Cavanaugh led the flag salute

3. ROLL CALL

Present: Board Members Curtis, Hom, Rothenberg, Cavanaugh, Ruiz, Saheba, and Teague.

Absent: None.

4. AGENDA CHANGES AND DISCUSSION

None.

5. ORAL COMMUNICATIONS

None.

6. CONSENT CALENDAR

6-A 2020-8066

Conditional Use Permit for Alameda Commercially Zoned Properties. Public hearing to consider a Use Permit to allow the temporary use of privately owned outdoor space and parking lots and City-owned sidewalks and on-street parking spaces in certain commercially zoned districts for retail and commercial purposes during the COVID-19 Health Emergency. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 - Minor Alteration of Existing Facilities, 15304(e) - Minor Temporary Use of Land, and 15305 - Minor Alterations to Land Use Limitations.

Consent item, attachments, and public comments can be found at
<http://alameda.legistar.com/gateway.aspx?m=l&id=/matter.aspx?key=9767>.

Board Member Teague made a motion to approve the Consent Calendar.

Celena Chen, City Planning Counsel, stated that since it is a public hearing for a use permit there is a requirement to have a public hearing portion.

President Curtis questioned if there were any additional public comments other than the ones they already have.

Board Member Teague said the item should be moved to the Regular Agenda if there needs to be a public hearing.

President Curtis stated that all the public comments coming in have been supportive. The City Council and the community are for this, and it's urgent and critical for the businesses in Alameda. As long as there was no objection he would poll the board now and if that was incorrect he would take responsibility for it.

Andrew Thomas, Director of Planning, Building, and Transportation, stated that from the staff's perspective they did not have any public speakers on this, if there were they would have put the item in the Regular Agenda.

Staff Counsel Chen asked President Curtis that if he would open a public hearing to show there were no speakers and then closed the public hearing that would take care of the procedural requirement.

President Curtis opened the public hearing.

President Curtis wanted it noted that all the correspondence that he had received had been favorable and urging a quick settlement of this issue.

President Curtis closed the public hearing.

Board Member Teague previously made a motion to approve the Consent Calendar and Board Member Ruiz seconded. President Curtis took a roll call vote and the item passed 7-0.

7. REGULAR AGENDA ITEMS
7-A 2020-8069

*Development Agreement Annual Reports. The Planning Board will consider the annual report documenting compliance with the Del Monte Warehouse Development Agreement, Alameda Landing Development Agreement, and the Alameda Point Site A Development Agreement. The consideration of an Annual Report is not a project under the California Environmental Quality Act (CEQA). **Item Continued to July 27, 2020.***

7-B 2020-8074

PLN20-0164 - Use Permit - 1222 Park Street - Applicant: Aaron Kraw on behalf of Park Social, LLC. Public hearing to consider a Use Permit to allow the operation of a cannabis retail dispensary with off-site delivery within the existing commercial building at 1222 Park Street for the on-site sale of Cannabis and Cannabis Products. The project is located within the C-C-T (Community Commercial, Theatre Combining) Zoning District. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 - Minor Alteration of Existing Facilities and Section 15183 - Projects consistent with General Plan and Zoning

David Sablan, City Planner III, gave a presentation. The staff report and attachments can be found at <http://alameda.legistar.com/gateway.aspx?m=l&id=/matter.aspx?key=9775>.

Board Member Rona Rothenberg wanted to know if the "Good Neighbor Policy" could be met in regards to Jackson Park since the city would be building a playground there. She asked if the applicant could meet the conditions of approval safely in terms of smoking and littering.

Staff Member Sablan pointed to the Alameda Municipal code and since Jackson Park does not have a licensed daycare it would not qualify as sensitive use and therefore meets the conditions.

Board Member Rothenberg pressed the point that no one can control what happens but as a matter of diligence wanted to know what the applicant will do to ensure their products are not a danger to the users of Jackson Park.

Aaron Kraw, the applicant, talked about the plans they have in place in different cities and all the security protocols they use.

Miguel Rodriguez, the applicant, talked more about their security, how they check IDs and they use child safety packaging. Also, any purchased product will be linked to an account so they would be able to find out if anyone had been leaving the product in places or trying to resell it.

Board Member Rothenberg was not entirely satisfied with these answers.

Director Thomas talked about all the consideration and planning the City Council had put into cannabis. The applicant's use permit can be revoked and the operator's permit has a one-year expiration. If there are any problems like the ones Board Member Rothenberg had brought up the city had set up a regulatory system so these concerns could be addressed.

Board Member Rothenberg asked Director Thomas if the staff report supported that this was compatible land use.

Director Thomas said yes, they see this as any other type of retail space.

Kenneth Turgen, the architect for the applicant, spoke about the benefits to the city this location and being on Park Street offered.

Board Member Teague asked if there would be a door for deliveries that was a nonpublic access door.

Mr. Turgen nodded yes.

Board Member Teague asked if all off-site deliveries would be coming in and out of that door.

Mr. Turgen said yes, the main entrance would be for clients only. They would be following the correct protocols that no deliveries would be going through the main entrance.

Board Member Teague asked about the labeling of the public restrooms "men" and "women" and if it would be possible to label them just "restrooms".

Mr. Turgen said that the code “potty parity” states they must have a certain amount of restrooms for men and women. How they are signed afterward is entirely up to the end-user.

Board Member Teague encouraged the applicant to label them appropriately after they were in business.

Board Member Ruiz wanted clarification if there was going to be onsite consumption of the product.

Mr. Turgen said no, that idea had been pulled.

Board Member Ruiz pointed out that the drawings still show a smoking area.

Mr. Turgen said that area was going to be a VIP and educational area.

Board Member Ruiz asked staff to delineate that in the resolution, and she wanted her concerns noted about the proximity of two daycares in the area. She wanted staff to respond to this concern.

Staff Member Sablan said that the draft resolution condition number one strictly prohibits onsite consumption and the two daycares in question are family daycares and are not, under the municipal code, included in the definition of a daycare.

Board Member Saheba asked how the entrance would be secured for at least 50 feet according to the “Good Neighbor Policy”.

Staff Member Sablan said that staff is looking at their security plan and it would be a combination of personnel and cameras.

Board Member Saheba asked about where the notices will be posted in the building.

Mr. Turgen said they don't post that on the drawings but will of course put signage how the permit directs them to.

Board Member Hom wanted to know about the facade of the building and wanted to know how they are planning on screening the windows.

Mr. Turgen talked about what their plans are.

Board Member Cavanaugh wanted to know more about the VIP area.

Mr. Turgen answered what the VIP section would offer to shoppers. It would be more of a one on one shopping experience.

Board Member Cavanaugh wanted to know what security guidelines they would enforce to deter “shoulder tapping” when an underage person approaches a stranger outside the building and asks to buy them a product.

Mr. Kraw spoke again about their security system, how your ID is scanned when you purchase an item and linked to the product. You can be heavily fined if you are caught reselling or sharing with minors. They also keep files on each of their clients, "shoulder tapping" has not been an issue at any of their other stores.

President Curtis wanted to know if products would be sampled in the VIP section.

Mr. Kraw said no, it would be focused more on educational purposes.

President Curtis opened public comments.

Director Thomas explained that other than the letters they received before this meeting there have not been any additional public comments.

President Curtis closed public comments.

President Curtis commented that the presentation made by the applicant was excellent and very informative.

Board Member Teague made a motion to approve the use permit with the condition specified in the resolution, Board Member Cavanaugh seconded. President Curtis took a roll call vote and the use permit passed 6-1, Board Member Rothenberg opposed.

7-C 2020-8075

PLN20-0157 - Use Permit - 1616 Webster Street - Applicant: John Ngu on behalf of Alameda Patients Group. Public hearing to consider a Use Permit to allow the operation of a cannabis retail dispensary within the existing commercial building at 1616 Webster Street for the on-site sale and off-site delivery service of Cannabis and Cannabis Products. The project is located within the C-C (Community Commercial) Zoning District. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 - Minor Alteration of Existing Facilities and Section 15183 - Projects Consistent with the General Plan and Zoning

Staff Member Sablan played a video presentation from the applicant. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4567505&GUID=09CF6976-BB54-4189-BF9B-BB8B5A6528D6&FullText=1>.

Board Member Teague asked if there would be a separate door (not main entrance) for deliveries.

John Ngu, the applicant, answered yes there was a separate door for deliveries and it was located in the back.

Board Member Saheba asked the staff how they needed to evaluate the design of the store, the drawings are limited. He did note that the front window glass would be frosted and was concerned about the storefront appearance.

Staff Member Sablan said the applicant does not have anything that qualifies for design review, they would just be looking at the floor plan.

Director Thomas spoke about the challenge of blocking the view of inside the store from protected groups but also making the storefront aesthetically pleasing to pedestrians. This is something they will continue to work on, to keep the windows interesting while screening them as well.

Board Member Saheba was very concerned that just blocking the windows created a “dead zone” and believed the applicant could create a better option.

Board Member Ruiz wanted to know where the delivery vehicles would be parked.

Mr. Ngu answered they have a parking lot behind the building.

Board Member Ruiz voiced similar concerns about the street window. She wanted to encourage the applicant to look at other creative ways to contribute to the pedestrian’s experience on Webster.

Board Member Ruiz then pointed out the proximity to another dispensary on Webster and worried they were creating an over-concentrated area. She also asked if the operating hours could be adjusted so that it would not be opened until after the first bell at Island High School.

Board Member Teague asked what the operating hours of Main Street Supply were.

Staff Member Sablan answered that Main Street Supply had applied for 9 am to 9 pm and the city law allows 7 am to 9 pm and that is what Alameda Patient Group had applied for.

Board Member Cavanaugh asked about “shoulder tapping” and how the applicant was going to keep people from buying the product and reselling it to minors.

Mr. Ngu talked about their security protocols from cameras to how products will be logged to clients at the time of purchase.

Board Member Ruiz asked if staff had received any community feedback about Main Street Supply since they had been in operation.

Staff Member Sablan said that they had received a complaint about the screening that had been removed. Once it had been replaced they had no other issues.

Board Member Hom wanted to know if the store owners are required to make client accounts available to the police department.

Mr. Ngu said yes, their POS (point of sale) data is shared with the local police department.

President Curtis opened public comments.

President Curtis closed public comments.

Board Member Cavanaugh commented that window screening does comply with the bird-safe windows in the city ordinance and that was a good thing.
Board Member Ruiz felt strongly about revising the hours of operations.

Board Member Teague wanted to hear from the applicant on how they felt about changing their hours.

Mr. Ngu said if they were unable to move forward with the proposed hours they would but preferred to keep the proposed hours.

A poll was taken for hours of operation.

Mr. Ngu wanted it noted that having an open business is only going to improve the safety of the neighborhood.

Board Member Teague made a motion to approve the use permit as stated in the draft resolution, Board Member Cavanaugh seconded. The use permit passed 5-2, Board Member Ruiz and Rothenberg were opposed.

Board Member Hom made a second motion to move the hours to 9 am, Board Member Rothenberg seconded. The motion was rejected 4-3, Board Members Curtis, Teague, Cavanaugh, and Saheba were opposed.

8. MINUTES
None

9. STAFF COMMUNICATIONS
9-A 2020- 8067

Planning, Building and Transportation Department Recent Actions and Decisions

Design Review, a full description can be found at
<https://alameda.legistar.com/LegislationDetail.aspx?ID=4566395&GUID=94382B16-ABDA-4B6A-B478-0D8D854EFF29&FullText=1>.

9-B 2020- 8068

Oral Report - Future Public Meetings and Upcoming Planning, Building and Transportation Department Projects

Director Thomas said the next meeting will be in July. The meeting on July 13th has been canceled, the next meeting will be on July 27th.

10. WRITTEN COMMUNICATIONS
None.

11. BOARD COMMUNICATIONS

President Curtis wanted to tell Board Member Cavanaugh how much he will be missed and the wonderful work he had done on the board. He then read Board Member

Cavanaugh's resolution stating his history with the Planning Board and his many accomplishments. President Curtis then thanked the entire board for all of their hard work and how honored he had been to serve as President. After this, he stepped down as President and handed the gavel over to President Teague.

Director Thomas talked about Alameda's RHNA (Regional Housing Needs Allocations) numbers. They would have their exact numbers by next year but to expect between 3,500 to 4,000 housing units. This will be a challenge and of that number about half will be for low-income housing. He also mentioned that the City Council had a hearing about Measure A two weeks ago, and voted to put Section 26-1 on the ballot for repeal in November 2020.

Director Thomas also wanted to thank Board Member Cavanaugh and President Curtis for their time and service.

12. ORAL COMMUNICATIONS
None
13. ADJOURNMENT
President Teague adjourned the meeting at 8:36 p.m.