

PLANNING BOARD STAFF REPORT

DATE: April 27, 2009

TO: HONORABLE PRESIDENT AND MEMBERS OF THE
PLANNING BOARD

FROM: Laura Ajello, Planner I
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APPLICATION: **PLN09-0054 – Trader Joe’s – 2217 South Shore Center.** The applicant, Trader Joe’s, is requesting a use permit allowing deliveries to the store from 6:00 am to 11:00 pm. Deliveries outside the hours of 7:00 am to 10:00 pm require a Use Permit.

ZONING DISTRICT: C-2-PD, Central Business District, Planned Development Combining District

GENERAL PLAN: C-C, Community Commercial

EXECUTIVE SUMMARY

The applicant has requested expanding the current delivery times by one hour in the morning and one hour in the evening, starting at 6 a.m. and ending at 11 p.m. so that deliveries will not interfere with regular store operations. Staff recommends approval of this Use Permit.

This use permit application was scheduled for review by the Zoning Administrator (ZA) on April 7, 2009. The Planning Board President requested that this item be heard by the Planning Board instead of the Zoning Administrator. At the regularly scheduled April 7, 2009 ZA hearing, the ZA announced that the hearing would be continued to the next available Planning Board hearing date and that in this case that would be April 27, 2009, due to the recent cancellation of the April 13, 2009 meeting. The ZA hearing was then opened for public comment. Three members of the public were present. They noted that other residents were interested in this matter but were unable to attend the ZA hearing. They requested that the written comments submitted by

those residents be forwarded to the Planning Board. These comments are included as Attachment No. 5.

BACKGROUND

The Alameda Towne Centre, previously the South Shore Shopping Center, has been in continuous operation since the late 1950's. Prior to 2003, there were no limitations on truck delivery hours. Condition No. 19 of Planning Board Resolution No. PB 30-40 limited truck loading activities to the hours of 7:00 am to 10:00 pm. This condition notes individual businesses may be granted extended hours by Use Permit approval. In 2008, the Planning Board approved new hours of operation for the entire shopping center as part of Planned Development Amendment PDA 05-0004. This approval allowed twenty-four hour deliveries, unless a business was located within 200 feet of a residential area. Extended delivery hours to businesses located within 200 feet of residential areas would still require a use permit. On appeal, the City Council modified the Planning Board approval to require that individual businesses apply for use permits for extended delivery hours regardless of the distance from residential areas. Trucks making deliveries in Alameda, including to Alameda Towne Centre, are required to use designated City truck routes and there are no time restrictions on the use of these public streets.

STAFF ANALYSIS

Trader Joe's is located in Building #100, which is a commercial building in the middle of Alameda Towne Centre, a regional shopping center. The store does not have a separate loading dock. Deliveries are made in the front of the building near the main store entrance and would impact service to customers if conducted during regular business hours. The applicant has requested expanding the current delivery times by one hour in the morning and one hour in the evening, starting at 6 a.m. and ending at 11 p.m. so that deliveries will not interfere with regular store operations. The applicant anticipates an average of 1 delivery on weekdays, 1 to 2 on weekends and up to 30 per week during peak holiday periods.

Condition No. 10 of City Council Resolution No. 14275 requires shopping center security to monitor late night deliveries. This condition was requested by neighbors of the shopping center and accepted by the shopping center management. The shopping center has been tracking deliveries that occur between the hours of 10 pm and 7 am since December 20, 2008. Their most recent report, dated 12/20/08 through 4/02/09, shows a range of 0-7 deliveries per night, with an average of 1.2 deliveries per night (see Attachment 6). These totals include small delivery vans as well as large trucks. The report includes existing truck deliveries to Trader Joe's. However, the applicant, in an effort to

work with the City and neighbors, had reduced early and late deliveries during this period. Approval of this use permit could result in a minor increase in

deliveries during these hours, but will not increase the total number of daily deliveries.

It should be noted that none of the written comments, received to date, are from neighbors who live immediately adjacent to the shopping center. One commenter, who attended the ZA hearing does live on Otis Drive across from the center. However, trucks making deliveries to the Alameda Towne Centre after 10:00 pm are required to use the Park Street driveways and would not pass by her residence. The bulk of the comments are from residents who live along existing City Truck Routes one to four blocks away from the shopping center. The commenters have voiced opposition to this use permit based on traffic noise. The applicant is only one of the many users that utilize City streets and designated truck routes. The City is required to provide adequate routes to accommodate trucking activities.

According to the California Department of Transportation (DOT):

Overland trucking is the primary means of moving goods in the United States. Commerce and trade have state and federal legal protection, therefore restriction of commerce is difficult. It requires substantial supporting evidence such as accident data and a reasonable alternate route” and on state routes, “California does not currently have any truck restrictions during certain hours.”¹

City regulations restrict the speed of traffic and designate street classifications but do not restrict time of use. The appropriate arena for discussion of truck routes would have been during the City of Alameda Transportation Master Plan public hearings that resulted in the adoption of the updated City of Alameda Transportation Element earlier this year. The following quote, taken from the Transportation Element, describes truck transit routes:

The Truck Route Network is designed to maintain a limited number of streets on which through truck traffic is allowed. Truck traffic is allowed to use non-truck route streets when it is necessary in order to reach their destination. Truck drivers must use the truck route for as much of their trip as possible. This network was created in order to give a useful network of streets that will not require excessive off-route driving.

¹ State of California Department of Transportation. "Truck Restriction Procedures." 8 April 2009.

CONCLUSION

Review of existing data shows that approval of this use permit will not result in a substantial increase in truck traffic between the hours of 10:00 pm and 7:00 am. The number of large trucks currently making deliveries to the Alameda Towne

Centre between 10:00 pm and 7:00 am ranges from zero to seven per night and averages less than two per night. This is not an excessive level of activity.

FINDINGS

The Planning Board must make the following findings in order to approve the Use Permit:

- 1. The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.**

Trader Joe's is part of an existing shopping center that has been in continuous operation since the 1950's. There are other stores in the shopping center that operate up to twenty-four hours a day. Historically, twenty-four hour deliveries have been permitted at the shopping center. The proposed change in delivery hours will be compatible with the mix of commercial uses in the neighborhood and is not expected to generate significant adverse impacts on residential uses, due to the stores location which is over 500 feet from the nearest residential development and is separated from the nearest residential properties on Otis Drive by the parking lot surrounding the mall and the row of businesses fronting on Otis Drive. These businesses include the twenty-four hour Safeway gas station, the twenty-four hour Walgreen's Drugstore and two banks. Additionally, Trader Joe's is adjacent to the twenty-four hour Safeway grocery store. The granting of extended delivery hours will have no effect on existing structures and does not entail a change in architectural details.

- 2. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.**

The proposed use is adequately served by transportation and service facilities. Designated truck routes provide twenty-four hour access to the shopping center. The applicant currently utilizes the parking lot entrance on Park Street for store deliveries and will continue to do so. The shopping center has a large parking lot and an existing truck loading zone in front of the store. This site is located in a walkable and pedestrian and bicycle friendly neighborhood. Permitting deliveries during non-peak hours will enhance pedestrian and bicycle safety by reducing potential pedestrian- and bicycle-vehicle conflicts.

- 3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have significant deleterious effects on existing business districts or the local economy.**

The extension in store delivery hours will reduce truck traffic during regular business hours and will thus improve circulation in the parking lot and on public streets. The City has evaluated potential impacts associated with the ongoing operation and expansion of the shopping center, including twenty-four hour deliveries. In 2003, the City adopted a Mitigated Negative Declaration (MND) for the proposed expansion and redevelopment of the center. In 2008, the City certified an Environmental Impact Report (EIR) that evaluated an additional expansion of the center. In both cases, no significant impacts that could not be adequately mitigated were identified. In response to neighbor complaints City Code Enforcement staff have monitored the noise level at the complainant's home, on Otis Drive, and determined that noise levels generated by a range of after hours activities did not violate City noise standards or cause a significant increase in noise levels. Condition No. 1 limits the hours for deliveries to 6 a.m. and 11 p.m. daily. Condition No. 2 requires trucks to use the Park Street driveway between the hours of 10:00 pm and 7:00 am. Condition No. 3 requires trucks to limit engine idling time to five minutes. Although already determined to be less than significant, implementation of these conditions further reduce the potential for adverse effects on nearby residential properties.

- 4. The proposed use relates favorably to the General Plan.**

General Plan Retail Business and Services guiding policy 2.5.d states, "... encourage the continuing improvements to the South Shore Center" (Alameda Towne Centre). Trader Joe's is a key tenant in the center and has been strong contributor to the redevelopment of the center. Granting extended delivery hours will allow this business to continue to thrive and provide a higher level of customer service. This, in turn, supports the continued improvements to the South Shore Center (now known as Alameda Towne Centre).

ENVIRONMENTAL REVIEW

If granted this use permit will allow extending the hours for accepting deliveries at an existing store, located in a shopping center that was first established in the late 1950's. The ongoing operation and expansion of the center has been evaluated in a Mitigated Negative Declaration, adopted in 2003, and in an Environmental Impact Report that was certified in 2008. The change in hours of

operation does not present a significant effect on the environment and is exempt from further environmental review under California Environmental Quality Act (CEQA) Guidelines, Section 15301 – Existing Facilities and Section 15162— Subsequent EIRs and Negative Declarations.

PUBLIC NOTICE

A notice for this hearing was mailed to property owners and residents within 500 feet of the site and interested parties, published in local newspapers and posted in public areas near the subject property. Staff has received 36 public comments

regarding this project. All expressed opposition, citing concern over traffic noise along the City's truck routes.

RECOMMENDATION

Staff anticipates several more use permit applications for extended delivery hours from other businesses in the center. Staff recommends that deliveries be permitted from 6 a.m. to 11 p.m. daily.

RESPECTFULLY SUBMITTED BY:

REVIEWED BY:

Laura Ajello
Planner I

Douglas Garrison
Supervising Planner

Attachments:

1. Resolution
2. Site Plan
3. Staff photos
4. Public Notification Map
5. Public comments
6. Delivery report from Alameda Towne Centre
7. Applicant's supplemental information