

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: **PLN09-0073 – Big 5 Sporting Goods – 325 Park Street.** The applicant is requesting a use permit allowing deliveries to the store between the hours of 10 pm and 7 am, which is outside the standard delivery hours for this individual business.

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

GENERAL PLAN: C-C, Community Commercial

EXECUTIVE SUMMARY

The applicant, Big 5 Sporting Goods, is requesting a use permit to allow up to two deliveries a week between 10:00 pm and 7:00 am. Staff recommends that the Planning Board approve this request.

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

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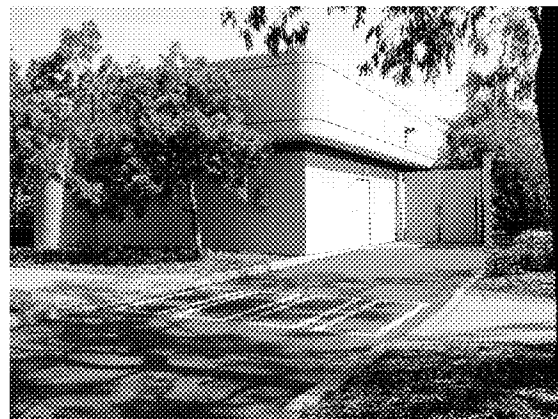
those residents be forwarded to the Planning Board. These comments are included as Attachment No. 5.

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.

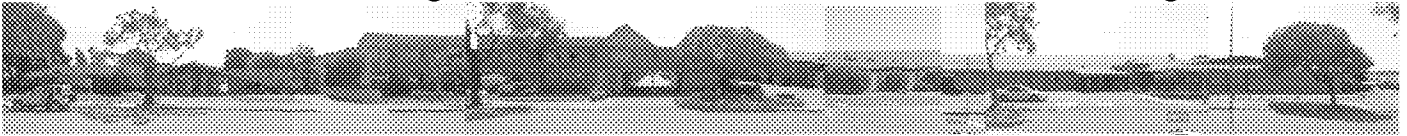
STAFF ANALYSIS

Big 5 Sporting Goods is located in Building #1600, which is a commercial building in the southeast corner of Alameda Towne Centre, a regional shopping center. The store has a separate loading area on the south side of the building. Per the applicant, one full size truck typically delivers goods at 7 am on Tuesday mornings, however, some flexibility in the time of delivery is necessary due to holidays which fall on a Tuesday, traffic conditions, and delivery scheduling issues. The applicant has requested lifting the current delivery restriction between 10 pm and 7 am twice a week.



Big 5 loading area faces the parking lot

This site is less than 200 feet from a residential district. However, at this time, no residential uses are within 200 feet. The opposite side of Park Street, directly across from Big 5 Sporting Goods, is zoned R-6, Hotel-Residential district and has a variety of commercial uses. The AMF Bowling Center is located at 300 Park Street (corner of Shore Line), the Coral Reef Inn & Suites is located at 400 Park Street, and a multi-unit office building is located at 450 Park Street.



Composite photo of Park Street commercial uses opposite the Alameda Towne Centre

450 Park Street (office)

400 Park Street (hotel)

300 Park Street (bowling alley)

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 the Big Five Sporting Goods store. Big 5 Sporting Goods has been receiving an average of one large truck delivery per week during this period.

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 commentor, 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 commentors 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

¹ State of California Department of Transportation. “Truck Restriction Procedures.” 8 April 2009. <<http://www.dot.ca.gov/hq/traffops/trucks/routes/restrict-process.htm>>

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.

CONCLUSION

Review of existing data shows that approval of this use permit will not result in an 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.**

Big 5 Sporting Goods 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 impacts on residential uses, due to the store's location, which is 400 feet from the nearest residential development and is separated from the nearest residential properties on Park Street by a row of businesses fronting on Park Street. These businesses include a bowling alley, hotel and office building. The granting of extended delivery hours twice per week 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 on the south side of the store. This site is located in a pedestrian and bicycle friendly neighborhood. Permitting deliveries during non-peak hours will enhance pedestrian and bicycle safety by reducing potential conflicts with vehicles entering and exiting the site.

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 twice per week 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. Condition No. 1 limits the frequency of extended delivery hours to twice per week. 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). Granting extended delivery hours twice per week 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 38 public comments regarding this project. 37 expressed opposition, citing concern over traffic noise along the City's truck routes. One letter was in support of the project.

RECOMMENDATION

Find the project Categorically Exempt from further CEQA Section 15301 – Existing Facilities and Section 15162 – Subsequent EIRs and Negative Declarations and approve Use Permit PLN09-0073.

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