CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY - - - AUGUST 16, 2005 - - - 6:10 P.M.

Time: Tuesday, August 16, 2005, 6:10 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.

2. Public Comment on Agenda Items Only.

   Anyone wishing to address the Council on agenda items only, may speak for a maximum of 3 minutes per item.

3. Adjournment to Closed Session to consider:

3-A. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Arthur Hartinger of Meyers, Nave, Riback Silver and Wilson.

Employee: City Attorney.

4. Announcement of Action Taken in Closed Session, if any.

Adjournment

Beverly Johnson, Mayor

CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE COMMUNITY IMPROVEMENT COMMISSION
TUESDAY - - - AUGUST 16, 2005 - - - 6:45 P.M.

Time: Tuesday, August 16, 2005, 6:45 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.

2. Public Comment on Agenda Items Only.

   Anyone wishing to address the Commission on agenda items only, may speak for a maximum of 3 minutes per item.

3. Adjournment to Closed Session to consider:

3-A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property:	Fleet Industrial Supply Center.
Negotiating parties:	Catellus Limited Operating Partnership and Community Improvement Commission.
Under negotiation:	Price and terms.

4. Announcement of Action Taken in Closed Session, if any.

Adjournment

Beverly Johnson, Chair
Community Improvement Commission

CITY OF ALAMEDA • CALIFORNIA

IF YOU WISH TO ADDRESS THE COUNCIL:

1. Please file a speaker's slip with the Deputy City Clerk and upon recognition by the Mayor, approach the podium and state your name; speakers are limited to three (3) minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
3. Applause and demonstration are prohibited during Council meetings.

AGENDA - - - - - - - - - - - - REGULAR MEETING OF THE CITY COUNCIL
TUESDAY - - - - AUGUST 16,2005 - - - - 7:30 P.M.

[Note: Regular Council Meeting convenes at 7:30 p.m., **City Hall, Council Chambers, corner of Santa Clara Ave and Oak St.**]

The Order of Business for City Council Meeting is as follows:

1. Roll Call
2. Agenda Changes
3. Proclamations, Special Orders of the Day and Announcements
4. Consent Calendar
5. Agenda Items
6. Oral Communications, Non-Agenda (Public Comment)
7. Council Communications (Communications from Council)
8. Adjournment

Public Participation

Anyone wishing to address the Council on agenda items or business introduced by Councilmembers may speak for a maximum of 3 minutes per agenda item when the subject is before Council. Please file a speaker's slip with the Deputy City Clerk if you wish to address the City Council.

SPECIAL MEETING OF THE CITY COUNCIL	6:10 P.M.
COMMISSION, CITY COUNCIL CHAMBERS CONFERENCE ROOM	
Separate Agenda (Closed Session)	
SPECIAL MEETING OF THE COMMUNITY IMPROVEMENT	6:45 P.M.
COMMISSION, CITY COUNCIL CHAMBERS CONFERENCE ROOM	
Separate Agenda (Closed Session)	
SPECIAL MEETING OF THE COMMUNITY IMPROVEMENT	7:35 P.M.
COMMISSION, CITY COUNCIL CHAMBERS	
Separate Agenda	

PLEDGE OF ALLEGIANCE

1. ROLL CALL - City Council

2. AGENDA CHANGES

3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

3-A. Proclamation recognizing John Knowles for his contribution to the revitalization of the Park Street Business District.

3-B. Proclamation designating August 26th as Women's Equality Day in Alameda.

4. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Council or a member of the public.

4-A. Minutes of the Special Joint City Council, Community Improvement Commission, Alameda Reuse and Redevelopment Authority and Housing Authority Board of Commissioners meeting and the Regular City Council meeting held on August 2, 2005.

4-B. Bills for ratification.

4-C. Recommendation to accept Quarterly Investment Report for period ending June 30, 2005.

4-D. Recommendation to accept Quarterly Sales Tax Report for the period ending June 30, 2005, for sales transactions in the First Calendar Quarter of 2005.

4-E. Recommendation to authorize the City Manager to execute second amendment to Consultant Agreement with Harris & Associates, extending the term, scope of work and price for services associated with the Webster Street Renaissance Project.

4-F. Recommendation to approve an agreement with Ameresco Keller Canyon, LLC for the purchase of power from Landfill Gas Generation.

4-G. Adoption of Resolution Creating Special Newsrack Districts in Both the Park Street and West Alameda Business Districts as Authorized in the Alameda Municipal Code Section 22-7, Newspaper and Periodical Vending Machines of Article 1 (Streets), Chapter XXII (Streets and Sidewalks).

4-H. Adoption of Resolution Requiring City Council Approval of Any Amendment to the Employment Contracts of the City Manager or City Attorney.

4-I. Adoption of Resolution Amending the Alameda City Employees (ACEA) Salary Schedule by Establishing Salary Range for the Position of Senior Combination Building Inspector.

4-J. Adoption of Resolution Amending the Management and Confidential Employees Association (MCEA) Salary Schedule by Establishing Salary Ranges for the positions of Information Systems Network Analyst and Safety Officer.

5. REGULAR AGENDA ITEMS

5-A. Public Hearing to consider Appeals of the Planning Board's approval of a Use Permit and Design Review for the parking garage and new Cineplex components of the proposed Alameda Theatre Project on Oak Street and Central Avenue. This site is located at 1416 Oak Street and 2305 Central Avenue (Video Maniacs site), within the C-C-T (Community Commercial Theater Combining) District. Applicants: City of Alameda (DSD) and Kyle Conner, Alameda Entertainment Associates, LP. Appellants: Ani Dimusheva and Valeria Ruma;

- (UP05-008) Use Permit and (DR05-0028) Final Design Review of proposed new 352-space parking structure component at 1416 Oak Street, **and adoption of related resolution;**
- (DR05-0041) Final Design Review of proposed new Cineplex at corner of Oak Street and Central Avenue, **and adoption of related resolution. [Continued from August 2, 2005]**

6. ORAL COMMUNICATIONS, NON-AGENDA (Public Comment)

Any person may address the Council in regard to any matter over which the Council has jurisdiction or of which it may take cognizance, that is not on the agenda.

7. COUNCIL COMMUNICATIONS (Communications from Council)

7-A. Consideration of Mayor's nominations for appointment to the Civil Service Board, Economic Development Commission, Golf Commission, Historical Advisory Board, Housing and Building Code Hearing and Appeals Board, and Recreation and Park Commission.

8. ADJOURNMENT

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CITY OF ALAMEDA • CALIFORNIA

IF YOU WISH TO ADDRESS THE COMMISSION:

1. Please file a speaker's slip with the Deputy City Clerk and upon recognition by the Chair, approach the podium and state your name; speakers are limited to three (3) minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.

SPECIAL MEETING OF THE COMMUNITY IMPROVEMENT COMMISSION
TUESDAY - - - AUGUST 16, 2005 - - - 7:35 P.M.

Location: **City Council Chambers**, City Hall, corner of Santa Clara Avenue and Oak Street.

Public Participation
Anyone wishing to address the Council/Commission on agenda items or business introduced by Council may speak for a maximum of 3 minutes per agenda item when the subject is before the Council/Commission. Please file a speaker's slip with the Deputy City Clerk if you wish to speak on an agenda item.

ROLL CALL

1. CONSENT CALENDAR

1-A. Minutes of the Special Joint City Council, Community Improvement Commission (CIC), Alameda Reuse and Redevelopment Authority, and Housing Authority Board of Commissioners Meeting, and the Special CIC Meeting of August 2, 2005.

1-B. Recommendation to approve a Contract with Cooper Pugeda Management, Inc./The Allen Group, LLC for Construction Management Services for rehabilitation of the Historic Alameda Theater Project and proposed Civic Center Parking Garage for $1,114,436.

1-C. Adoption of Resolution Authorizing the Executive Director to Execute a Fourth Amendment to the Disposition and Development Agreement (DDA) by and Between the Community Improvement Commission and Catellus Limited Operating Partnership (Developer) Which Would Extend the Expiration Term by One Year From June 2007 to June 2008 in Order to Allow the Developer to Explore a Change from Commercial Office/Research and Development Land to a Mixed-Use Retail/Residential Land Use at the Former U.S. Navy Fleet Industrial Supply Center (FISC) Property.

AGENDA ITEMS

None.

ADJOURNMENT

Beverly Johnson, Chair
Community Improvement Commission

Proclamation

WHEREAS, in the early 1990s, the Park Street Business Association was organized to focus on the revitalization of the Park Street Business District; and

WHEREAS, in 1991, the Business and Waterfront Improvement Project was created to also assist in the revitalization of the Park Street Business District; and

WHEREAS, over the past decade, many projects have occurred in the Business District that have helped move it toward its goal of being a revitalized shopping district with a full inventory of both goods and services; and

WHEREAS, one of the most significant projects undertaken to date is that of the "Knowles Block," the east side of the 1300 block of Park Street; and

WHEREAS, the Knowles Block is a shining example of comprehensive and sensitively accomplished downtown renovation that has greatly contributed to the overall revitalization of the Park Street Business District; and

WHEREAS, this revitalized block is the result of the dedication, hard work and forward thinking of Mr. John Knowles, owner and developer of the Knowles Block.

NOW, THEREFORE, BE IT RESOLVED that we, the Mayor and City Council of the City of Alameda, do hereby express our thanks to Mr. John Knowles and do hereby proclaim August 16, 2005 as

John Knowles Appreciation Day

in the City of Alameda and urge the citizens of Alameda to join us in thanking John Knowles for his contribution to the revitalization of the Park Street Business District.

Mayor Beverly Johnson

Vice Mayor Marie Gilmore

Councilmember Doug deHaan

Councilmember Tony Daysog

Councilmember Frank Matarrese

Proclamation 3-A
8-16-05

Proclamation

WHEREAS, August 26, 2005, marks the 85th anniversary of the ratification of the 19th Amendment, guaranteeing women's right to vote, the result of a successful and dynamic 72-year political campaign that began at the world's first Woman's Rights Convention in Seneca Falls, NY, in 1848 and ended with the addition of the 19th Amendment to the U.S. Constitution in 1920; and

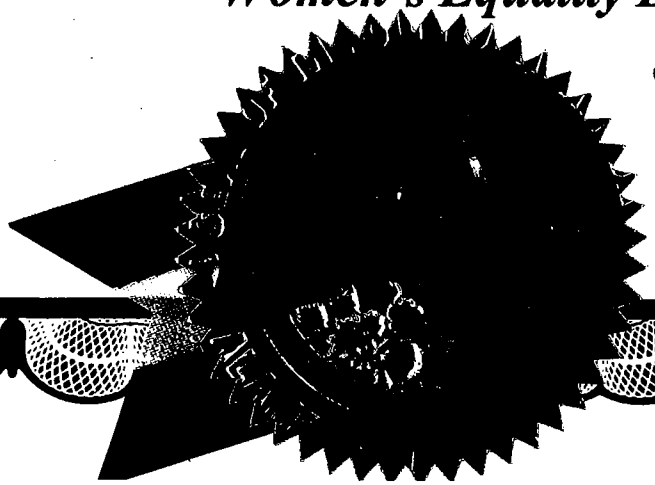
WHEREAS, Whereas, between 1868 and 1920, the Woman Suffrage movement confronted great obstacles of well-financed political, corporate, and religious opposition, as well as widespread voting fraud to keep women disenfranchised. During this time, suffragists were forced to conduct 56 referenda campaigns to male voters, 480 campaigns to urge legislatures to submit Woman Suffrage amendments to voters, 47 campaigns to induce state constitutional conventions to write Woman Suffrage into state constitutions, 277 campaigns to persuade state party conventions to include Woman Suffrage planks in their platforms, 30 campaigns to urge presidential party conventions to adopt Woman Suffrage planks and 19 campaigns with 19 successive Congresses; and

WHEREAS, Whereas, the 19th Amendment, called the Susan B. Anthony Amendment, finally narrowly passed Congress in 1919 and was ratified by 36 states in 14 months. It was certified as part of the U.S. Constitution on August 26, 1920, a day celebrated thereafter as Women's Equality Day; and

WHEREAS, Whereas, this year's 85th anniversary of the greatest single expansion of citizenship rights in the United States presents a remarkable opportunity both to honor the unrelenting tenacity and spirit of the multitude of women and men who worked to secure women's right to vote and also to illustrate what can be achieved in a democratic society by the collective efforts of citizens committed to political reform.

NOW, THEREFORE, I, Beverly Johnson, Mayor of the City of Alameda, do hereby resolve that August 26, 2005, the 85th anniversary of the constitutional affirmation of women's right to vote in the United States, be celebrated by the citizens of our community and that August 26th be designated as

Women's Equality Day in Alameda



Beverly Johnson
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Proclamation 3-B
8-16-05

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL JOINT CITY COUNCIL, COMMUNITY IMPROVEMENT COMMISSION, ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY, AND HOUSING AUTHORITY BOARD OF COMMISSIONERS MEETING
TUESDAY - - - AUGUST 2, 2005 - - - 7:05 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:07 p.m.

Roll Call - Present: Councilmembers/Commissioners/Authority/Board Members Daysog, deHaan, Gilmore, Matarrese and Mayor/Chair Johnson - 5.

Absent: None.

(05- CC/05- CIC) Conference with Legal Counsel - Existing Litigation; Name of case: Operation Dignity, Inc. v. City of Alameda, Community Improvement Commission, Alameda Reuse and Development Authority and Housing Authority.

Following the Closed Session, the Special Meeting was reconvened and Mayor/Chair Johnson announced that the Council/Commissioners/ Authority/Board Members obtained briefing and gave direction to the City Attorney/Legal Counsel.

Adjournment

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 7:50 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement Commission

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED MINUTES

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY - - AUGUST 2, 2005 - - 7:30 P.M.

Mayor Johnson convened the Regular Meeting at 8:24 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(05-____) Mayor Johnson announced that the Public Hearing to consider an Appeal of the Planning Board approval of Parking Garage Use Permit [05-___] and Public Hearing to consider an Appeal of the Planning Board approval of Cineplex design [05-____] would be continued to August 16, 2005.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(05-___) Mayor Johnson welcomed the new City Manager.

(05-___) Presentation to the Fourth of July Committee recognizing their efforts for a successful Mayor's Fourth of July Parade.

Mayor Johnson read and presented the Proclamation to the Fourth of July Committee members.

Barbara Price, Committee Chair, thanked the Council for recognizing the Committee and construction crews; stated that $20,000 was raised; $10,000 would go to school music programs.

Mayor Johnson thanked Bill Frink, Harris and Associates, for the extraordinary effort made to get Park and Webster Streets ready for the parade; stated that people thought the parade was wonderful.

Councilmember deHaan inquired how many participants were in the parade.

Ms. Price responded that there were 3,000 participants, 182 entries, 17 bands and 13 equestrian units.

Councilmember Matarrese thanked the Committee for their time and efforts.

(05-___) Proclamation declaring Brad Kruck to be Alameda's 2004 Housing Choice Voucher Program Rental Property Owner of the Year in the three or fewer rental unit category.

Mayor Johnson read and presented the Proclamation to Brad Kruck.

(05-___) Proclamation declaring Irene Hanson to be Alameda's 2004 Housing Choice Voucher Program Rental Property Owner of the Year in the four or more rental unit category.

Mayor Johnson read and presented the Proclamation to Irene Hanson.

(05-___) Library Project update.

The Project Manager gave a brief presentation.

Councilmember Matarrese thanked the Project Manager for ensuring that the project was on schedule and for managing the contingency fund; requested that the Project Manager thank the contractors.

The Project Manager stated that a second change order, which is a credit back to the Contract, would be brought to the Council next month.

Councilmember deHaan stated that he hoped that future reports would be as upbeat as the report presented tonight.

CONSENT CALENDAR

Mayor Johnson announced that the recommendation to authorize the Mayor to send a letter to the United States Postal Service [05-___] and Adoption of Resolution Empowering the City Attorney to Employ Special Legal Counsel [05-____] were removed from the Consent Calendar for discussion.

Councilmember deHaan moved approval of the remainder of the Consent Calendar.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*05-___) Minutes of the Special Joint City Council and Community Improvement Commission (CIC) meeting held on June 21, 2005; and the Special, Special Joint City Council and CIC, and Regular City Council meetings held on July 19, 2005. Approved.

(*05-___) Ratified bills in the amount of $4,913,721.97.

(05-___) Recommendation to authorize the Mayor to send a letter to the United States Postal Service regarding the City's interest to relocate the distribution function of the Alameda Post Office from Shoreline Drive to another site in Alameda.

Mayor Johnson stated that the City Manager would revise the draft letter.

Councilmember Matarrese stated that he is in favor of relocating the distribution center; that there is no reason for a warehouse and parking lot to enjoy one of the best views of the entire East Bay; stated that the City should retain some sway over what would be placed at the site; there is no need for another carwash or retail-type enterprise that would not take advantage of the location; efforts should be made to retain a retail front within the South Shore Center for mail transactions.

Councilmember Daysog stated that he has a concern with the possibility that the Post Office would be relocated at Alameda Point.

Mayor Johnson stated that the intent was to have the retail portion of the Post Office remain at the South Shore Center and have the sorting portion of the facility move to a more appropriate location.

Councilmember deHaan stated that the relocation of the distribution center is a great opportunity for the City.

Mayor Johnson stated the relocation is not certain; the matter has been discussed for years.

Vice Mayor Gilmore moved to approval of the staff recommendation.

Councilmember deHaan seconded the motion, which carried by the following voice vote: Ayes: Councilmembers deHaan, Gilmore, Matarrese and Mayor Johnson - 4. Abstentions: Councilmember Daysog - 1.

(*05-___) Recommendation to adopt specifications for Vehicle Tow Contract for abandoned vehicles for the Police Department. Accepted.

(*05-___) Recommendation to amend the Consultant Contract with Signet Testing Labs, Inc., modifying the scope of work and

increasing the Contract price in the amount of $54,000 for the New Main Library Project, No. P.W. 01-03-01. Accepted.

(05-___) Adoption of Resolution Empowering the City Attorney to Employ Special Legal Counsel.

Councilmember Matarrese stated that the proposed resolution was a very good start in addressing how the Council would implement its authority per Section 8-5 of the Charter and to be clear on how the Council chooses to empower the City Attorney to make decisions at a lower expenditure level and moving up; the Charter obligations are met with the concepts in the proposed resolution; the resolution should be written in said terms; the elements, e.g. threshold, are included; the direction is in terms of implementation of a Section of the Charter; reporting details do not have relevance to the Charter, are more of an expectation and work product rather than an implementation of the Charter, and should be removed from the resolution; that he does not recall discussing how the Council would incorporate Alameda Power & Telecom (AP&T), the Community Improvement Commission (CIC) and Alameda Reuse and Redevelopment Authority (ARRA).

Vice Mayor Gilmore stated that she recalled that there would be a separate discussion on AP&T; that she was not sure whether there would be a separate discussion on the ARRA and CIC.

Councilmember Matarrese noted that the discussion would be about delegating authority to the Public Utilities Board (PUB); the resolution should be presented in terms of clarifying and providing the procedure for implementing the Charter; further stated that the proposed resolution should be written as the Council's path on how it empowers the City Attorney to engage outside counsel.

Councilmember Daysog stated that the proposed resolution starts with operative clauses; pre-ambulatory clauses are needed to provide context.

Mayor Johnson stated the language should restate the Charter provision and state that pursuant to the Charter, the Council has the authority and is making a delegation of its Charter authority under the particular circumstances in the resolution.

Vice Mayor Gilmore inquired whether the language should state that the resolution would also apply to the CIC and ARRA.

Mayor Johnson stated that the CIC and ARRA should be separate because the authority regarding outside counsel for the CIC and ARRA are under by-laws, not the Charter.

Councilmember deHaan stated that a separate action would be needed.

Vice Mayor Gilmore clarified that the intent is to have the same apply to ARRA and the CIC.

Mayor Johnson stated that she concurred with Councilmember Matarrese; some language should not be included in the resolution; the purpose of the resolution is to delegate authority under the Charter; procedural issues should be in a separate document and should be removed [from the resolution]; that she was not clear on the $35,000 threshold; the resolution states that the City Attorney has the authority to spend $35,000 on any chase and does not come to the Council until $35,000 is spent, which was not what Council intended.

Councilmember deHaan stated the intent was that the City Attorney would advise the Council of the approximate cost of the case; if the case would reach the $35,000 threshold, it would definitely have to come to the Council.

Councilmember Matarrese stated the resolution is not to limit spending, rather it defines when the Council's Charter authority is delegated; small consultations that amount to a couple thousand dollars should not come to the Council and authority is delegated; $35,000 was an order of magnitude when there would be a significant impact on the City's liability or a significant amount of money would be spent and the Council's authority would not be delegated.

Mayor Johnson stated that she recalled that if the anticipated legal costs would be more than $35,000, than the matter would come to Council, however the City Attorney could spend money on the interim until the matter comes to the Council.

Vice Mayor Gilmore stated that she recalled that the $35,000 threshold had a couple of caveats; the matter would come to Council if there were policy questions or if there were potentially large ramifications no matter how much or small of an amount would be spent; if there were a matter that Councilmembers wanted to ask questions about, Councilmembers have the option to have the matter brought to Council.

Councilmember Matarrese stated said directions are work product and performance issues, not a question of delegating authority; the Council is trying to identify a point when the Council delegates authority to the City Attorney and when Council retains authority; something of extreme importance might cost less than $35,000 and the City Council might want to retain its authority on the

engagement of outside counsel; the question is of delegation, not limits on spending; the intent is to define the delegation.

Mayor Johnson stated that she interpreted that the intent of the proposed resolution was that the City Attorney could spend $35,000 and then, once the cost goes beyond $35,000, the matter would come to the Council for additional authority.

The City Attorney stated that the fourth bullet point in the resolution includes limitations on spending; that she does not have the authority to spend $35,000 on a $200,000 case and then come to Council.

Mayor Johnson stated that the fourth bullet point addresses reporting; the first bullet point states that the City Attorney is authorized by the Council to spend up to $35,000 per matter from the appropriated budget without prior Council approval; the statements implies that the Councils is giving the City Attorney authority to spend $35,000 on any matter before coming to Council; the fourth bullet point is a reporting requirement; the focus should be on the issue of when the Council is delegating its Charter authority to the City Attorney, not reporting requirements; the language might just need clarification; inquired whether she was interpreting the first bullet point correctly.

The City Attorney responded that the first bullet point is in context of the fourth bullet point, which means that she has authorization to spend $35,000 per matter without prior Council approval, however, she must come to Council with the litigation budget for anything estimated to exceed $35,000 within 35 days.

Mayor Johnson inquired whether the City Attorney would come to Council for approval of hiring outside counsel or simply to report to the Council.

The City Attorney responded that she would bring the issue to the Council similar to the Closed Session tonight.

Mayor Johnson stated the Closed Session tonight was a report; the purpose of the resolution is to clarify when the Council would delegate its authority to the City Attorney to hire outside counsel.

Councilmember Matarrese stated that the Council would not delegate its authority to hire outside counsel if any of the following apply: 1) if the estimated defense costs were over $35,000; 2) if a policy question were involved; 3) if there were significant ramifications to the City; and 4) if requested by the Council; the

Council does not delegate its authority to hire outside counsel if any of the four apply; the $35,000 threshold allows the City Attorney to engage outside counsel to get the ball rolling so that the City would not incur increased liability if there was an immediate need and the Council did not meet for two weeks; the reporting [approval of hiring outside counsel] would occur at the next regular City Council meeting; a special meeting could be called if the matter was extremely urgent.

Mayor Johnson stated that the language in the resolution needs to be clarified to reflect Councilmember Matarrese's comments.

The City Attorney stated that she would have to retain outside counsel in order to start litigation.

Mayor Johnson stated the Council understands said issue, which is the reason for the $35,000.

Councilmember Matarrese concurred; stated the $35,000 threshold allows the City Attorney to do so [retain outside counsel]; inquired whether $35,000 was a reasonable amount to get the ball rolling on a big case.

The City Attorney responded in the affirmative.

Councilmember Daysog stated that he is interpreting the exercise of the City Attorney's responsibilities within the $35,000 threshold in two ways: 1) the Council is trusting the City Attorney to exercise professional responsibility in evaluating the cost ahead of time; if said evaluation deems that the matter would be less than $35,000, the City Attorney has the authority to move forward; 2) the Council is trusting the City Attorney to use her professional background and experience to make the decision to bring the matter to the Council when the cost would be more than $35,000.

Mayor Johnson stated that there is an accountability issue; Council would have questions if a case were estimated to cost $5,000 and it ended up costing $80,000; there is a check and a balance; the reporting requirements, limitations on hiring outside counsel, and the Public Utilities Board delegation should be addressed separate; the resolution should not read: "limitations on spending outside counsel budget;" limiting spending is not the intention; the City will have to spend whatever amount needs to be spent; the delegation or approval of the hiring of outside counsel under certain circumstance is what is being addressed; requested that the matter be brought back to Council; stated the CIC, ARRA and AP&T issues also need to be discussed later.

Councilmember Matarrese stated once the questions that were raised are resolved with the next draft, the Council could move forward to extrapolate the same approach to ensure the language is correct in the ARRA and CIC by-laws; then, Council could discuss whether it wants to delegate its authority to the PUB.

Councilmember deHaan questioned whether items other than an estimate over $35,000, policy questions, significant ramifications or Council questions should trigger that the matter comes to Council; inquired if there were significant ramifications the matter would come to Council regardless of whether the cost would be $35,000.

Vie Mayor Gilmore responded in the affirmative; stated that she does not care how much a matter costs, the matter should come to Council if there would be significant ramifications.

Councilmember Matarrese stated the four points [over $35,000, policy questions, significant ramifications or Council questions] are the conditions under which the Council's authority is retained.

Mayor Johnson concurred; stated the language should be clear that [under the four conditions,] the Council retains its authority to empower the City Attorney to hire outside counsel.

The City Attorney requested that the revised proposal be brought back to the Council in September since she will not be at the August 16, 2005 City Council Meeting.

REGULAR AGENDA ITEMS

(05-___) Ordinance No. 2943, "Amending the Alameda Municipal Code by Amending Various Sections of Chapter XXX (Development Regulations)." Finally passed.

Ken Carvalho, Alameda, urged the Council to pass the Ordinance.

Councilmember deHaan moved final passage of the Ordinance.

Councilmember Matarrese seconded the motion, which carried by the following voice vote: Ayes: Councilmembers deHaan, Gilmore, Matarrese, and Mayor Johnson - 4. Abstentions: Councilmember Daysog - 1.

(05-___) Ordinance No. 2944, "Amending the Alameda Municipal Code by Declaring Boutique Theaters to be Uses Permitted by Use Permit within the C-1 Neighborhood Commercial Zoning District of Chapter

XXX (Development Regulations)." Finally passed.

Councilmember Matarrese moved final passage of the Ordinance.

Councilmember deHaan noted that reducing the number of districts still needed to be reviewed.

Councilmember Daysog seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Daysog, deHaan, Matarrese, and Mayor Johnson - 4. Abstentions: Vice Mayor Gilmore - 1.

(05-___) Public Hearing to consider an Appeal of the Planning Board approval of Parking Garage Use Permit (UP05-0008) and Design (DR05-0028); and adoption of related resolution. **Continued to August 16, 2005.**

(05-___) Public Hearing to consider an Appeal of the Planning Board approval of Cineplex Design (DR05-0041); and adoption of related resolution. **Continued to August 16, 2005.**

ORAL COMMUNICATIONS, NON-AGENDA

(05-___) Richard Scrindy, Alameda, stated that he is selling his house in Alameda; inquired why past permits have not been honored and why criminal charges were filed against him; invited the Council to come to his home; thanked Mayor Johnson, Councilmember Matarrese and Councilmember deHaan for trying to help.

COUNCIL COMMUNICATIONS

(05-___) Written communication from the League of California Cities requesting designation of Voting Delegate for the League's 2005 Annual Conference.

Mayor Johnson suggested that Councilmember Daysog be the City's delegate and Vice Mayor Gilmore be the alternate.

Councilmember Matarrese moved approval of Councilmember Daysog serving as the City's delegate and Vice Mayor Gilmore serving as the alternate.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

(05-___) Discussion regarding the placement of proposed federal legislation that would amend the Indian Gaming Regulatory Act to limit casino expansion on the August 16, 2005 City Council agenda

for formal action.

Mayor Johnson stated proposed federal legislation regarding gaming might be helpful to communities such as Alameda; the matter would be continued because there was not sufficient information provided yet.

Councilmember Daysog inquired whether other legislation was being proposed.

Mayor Johnson responded that she thought there was proposed legislation from Senators Feinstein and McCain; stated that all information would be presented when the matter returns to Council.

(05-___) Councilmember Matarrese welcomed the new City Manager; stated that he was looking forward to working with the new City Manager to get a lot done.

Councilmember Daysog welcomed the new City Manager.

Councilmember deHaan welcomed the new City Manager; noted that tonight's adjournment time is not the norm.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular City Council Meeting at 9:17 p.m.

Respectfully Submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

August 11, 2005

Honorable Mayor and Councilmembers:

This is to certify that the claims listed on the check register and shown below have been approved by the proper officials and, in my opinion, represent fair and just charges against the City in accordance with their respective amounts as indicated thereon.

Check Numbers	Amount
139101 - 139538	1,937,329.22
EFT 127	143,909.87
EFT 128	51,205.00

Void Checks:

139080	(1,563.29)
139188	(75.71)
138701	(3,094.00)

GRAND TOTAL	2,127,711.09

Respectfully submitted,

Pamela J. Sibley

Pamela J. Sibley

Council Warrants 08/16/2005

BILLS #4-B
08/16/05

CITY OF ALAMEDA
MEMORANDUM

Date: August 3, 2005

To: Honorable Mayor and Councilmembers

From: Debra Kurita
City Manager

Re: Quarterly Investment Report for Period Ending June 30, 2005

BACKGROUND

Attached is the investment portfolio for the quarter ending June 30, 2005.

DISCUSSION

The attached portfolio reflects the invested operating funds as well as the various assessment district funds. These investments have been made in accordance with the provisions of the City's approved Investment Guidelines. The City of Alameda's expenditure requirements for the next six months are more than sufficiently covered by two sources, namely (1) anticipated revenues from regular operations and (2) liquidity of current investments.

FINANCIAL IMPACT

This report is provided for information purposes only.

RECOMMENDATION

It is recommended that Council accept the City's Investment Report for the period ending June 30, 2005.

Respectfully submitted,

Juelle-Ann Boyer
Chief Financial Officer

JB:dl
Attachment

G:\FINANCE\COUNCIL\2005\081605\Investment2ndqtr.doc

Report 4-C
8-16-05

City of Alameda California

August 3, 2005

Honorable Mayor and City Council

I have reviewed the City of Alameda's Investment Report for the quarter ending June 30, 2005, and find that it complies with the Investment Policy established by my office.

The interest of the Council is always appreciated

Sincerely,

Kevin Kennedy
City Treasurer

KK:dl

Kevin Kennedy, City Treasurer

Office of the City Treasurer
2263 Santa Clara Avenue, Room 220
Alameda, California 94501
510. 748.4560 • TDD 510. 522.7538
Business 510. 748.1898 • Fax 510. 748.1896

CITY OF ALAMEDA
INVESTMENT PORTFOLIO FOR THE QUARTER ENDING JUNE 30, 2005

INVESTMENT SUMMARY

		BOOK VALUE	PERCENT OF TOTAL	AVERAGE REMAINING LIFE DAYS	AVERAGE YIELD	PAR VALUE	MARKET VALUE
1.	CERTIFICATES OF DEPOSIT	$190,000.00	0.1339%	218	2.5050%	$190,000.00	$190,000.00
2.	FEDERAL/AGENCY ISSUES	52,951,769.99	37.3042%	847	3.2498%	51,960,577.20	52,462,570.61
3.	MEDIUM-TERM NOTES	11,221,719.54	7.9056%	638	3.6493%	10,802,000.00	11,083,024.81
4.	INVESTMENTS WITH TRUSTEES	58,952,513.76	41.5317%	268	1.9829%	58,988,339.80	58,975,616.55
5.	FIRST AMERICAN TREASURY FUND	90,410.29	0.0637%	1	2.5400%	90,410.29	90,410.29
6.	LOCAL AGENCY INVESTMENT FUND	18,539,510.28	13.0610%	1	2.8500%	18,539,510.28	18,539,510.28
	TOTAL INVESTMENT PORTFOLIO	$141,945,923.86	100.0000%			$140,570,837.57	$141,341,132.54

	GENERAL FUND ONLY	TOTAL
2003-04 ACTUAL INTEREST INCOME	$789,927	$1,542,795
2004-05 PROJECTED INTEREST INCOME	$2,000,000	$4,220,283
YEAR-TO-DATE INTEREST INCOME *	$897,492	$3,487,466
*Reduced due to GASB 31 adjustment		
PERCENT OF INTEREST RECEIVED TO DATE	44.87%	82.64%
CITY WEIGHTED AVERAGE YIELD	2.70%	
CITY WEIGHTED AVERAGE LIFE	478	

I VERIFY THAT THIS INVESTMENT PORTFOLIO IS IN CONFORMITY WITH ALL STATE LAWS AND THE CITY'S INVESTMENT POLICY WHICH IS REVIEWED ANNUALLY BY THE CITY COUNCIL AND THE CITY TREASURER OF THE CITY OF ALAMEDA.

JUELLE-ANN BOYER, CHIEF FINANCIAL OFFICER

CITY OF ALAMEDA

INVESTMENT PORTFOLIO FOR THE QUARTER ENDING JUNE 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE 6/30/2005
						INVESTMENT BY FUND			
CITY POOLED FUNDS									
LOCAL AGENCY INVESTMENT FUND	$18,285,056.80	2.8500%	2.8500%	1-Apr-05	01-Jul-05	91	1	$18,285,056.80	$18,285,056.80
LOCAL AGENCY INVESTMENT FUND (UDAG)	254,453.48	2.8500%	2.8500%	1-Apr-05	01-Jul-05	91	1	254,453.48	254,453.48
U S BANK - FIRST AMERICAN TREASURY	90,410.29	2.5400%	2.5400%	1-Apr-05	01-Jul-05	91	1	90,410.29	90,410.29
TRANS PACIFIC NATIONAL BANK	95,000.00	2.5000%	2.5300%	06-Feb-05	06-Feb-06	365	221	95,000.00	95,000.00
BANK OF ALAMEDA	95,000.00	2.4500%	2.4800%	30-Jan-05	30-Jan-06	365	214	95,000.00	95,000.00
FHLB GLOBAL NOTES	1,039,414.06	3.250%	1.376%	24-Jun-03	15-Aug-05	783	46	1,000,000.00	1,002,275.34
WAL MART STORES INC CORPORATE NOTES	493,987.50	5.875%	2.020%	03-Mar-03	15-Oct-05	957	107	450,000.00	454,961.56
US TREASURY NOTES	1,045,664.06	5.750%	2.435%	17-Jun-04	15-Nov-05	516	138	1,000,000.00	1,012,193.72
CITIFINANCIAL COMMERCIAL CREDIT CO NOTES	498,395.00	6.125%	6.200%	12-Jan-01	01-Dec-05	1,784	154	500,000.00	499,848.01
FHLMC GLOBAL REFERENCE NOTES	1,038,054.00	5.250%	2.767%	17-Jun-04	15-Jan-06	577	199	1,000,000.00	1,013,185.51
US TREASURY NOTES	809,269.53	1.500%	2.400%	01-Oct-04	31-Mar-06	546	274	820,000.00	814,563.14
AMERICAN GENERAL FINANCE CORP NOTES	524,235.00	5.910%	3.329%	28-Jun-04	12-Jun-06	714	347	500,000.00	511,949.61
FNMA BENCHMARK NOTES	1,102,092.00	5.250%	1.715%	24-Jun-03	15-Jun-06	1,087	350	1,000,000.00	1,033,354.35
FNMA GLOBAL BENCHMARK NOTES	1,976,948.00	2.500%	3.100%	15-Jun-04	15-Jun-06	730	350	2,000,000.00	1,988,798.34
FNMA BENCHMARK NOTES	2,055,190.00	5.250%	3.277%	05-Jan-05	15-Jun-06	526	350	2,000,000.00	2,036,815.14
FNMA NOTES (CALLABLE)	449,437.50	2.580%	2.632%	06-Jan-04	29-Jun-06	905	364	450,000.00	449,770.34
NATIONAL CITY CALIF CMNTY DEV (AMBAC)	1,649,257.50	3.500%	3.530%	11-Jan-05	01-Aug-06	567	397	1,650,000.00	1,649,469.31
FNMA NOTES (CALLABLE)	300,000.00	2.500%	2.499%	31-Mar-04	11-Aug-06	863	407	300,000.00	300,000.00
FHLB TAP NOTES	525,527.34	5.250%	3.883%	17-Jul-02	15-Aug-06	1,490	411	500,000.00	507,428.14
FHLB NOTES (CALLABLE)	514,800.00	2.400%	2.786%	12-Dec-03	28-Aug-06	990	424	520,000.00	517,729.73
FFCB DESIGNATED BONDS	986,663.70	2.375%	2.492%	24-Sep-03	02-Oct-06	1,104	459	990,000.00	988,578.89
US TREASURY NOTES	834,316.41	6.500%	3.618%	17-Jul-02	15-Oct-06	1,551	472	750,000.00	776,975.01
GENERAL ELECTRIC CAP CORP NOTES	1,244,275.00	3.125%	3.372%	01-Dec-04	09-Nov-06	708	497	1,250,000.00	1,245,947.62
FHLB TAP NOTES	1,006,484.38	2.750%	2.491%	05-Apr-04	15-Nov-06	954	503	1,000,000.00	1,003,469.80
FNMA GLOBAL BENCHMARK NOTES	833,713.44	2.625%	3.010%	04-Nov-04	15-Nov-06	741	503	840,000.00	835,691.41
WELLS FARGO CO CORPORATE NOTES	724,495.42	6.550%	3.313%	23-Nov-04	01-Dec-06	738	519	682,000.00	712,297.42
FHLB GLOBAL NOTES	743,477.25	2.750%	3.194%	01-Dec-04	15-Dec-06	744	533	750,000.00	745,299.36
US TREASURY NOTES	1,088,355.47	3.000%	3.635%	07-Apr-05	31-Dec-06	633	549	1,100,000.00	1,089,908.11
FNMA BENCHMARK NOTES	520,019.53	5.000%	4.017%	17-Jul-02	15-Jan-07	1,643	564	500,000.00	507,259.96
COUNTRYWIDE HOME CORPORATE NOTES	780,750.00	5.500%	3.833%	21-Jun-04	01-Feb-07	955	581	750,000.00	769,022.04
FHLB TAP NOTES	607,517.58	4.875%	3.251%	27-Sep-02	15-Feb-07	1,602	595	570,000.00	584,507.77
FNMA GLOBAL BENCHMARK NOTES	931,481.65	2.375%	3.113%	06-May-04	15-Feb-07	1,015	595	950,000.00	938,999.76
FHLMC GLOBAL REFERENCE NOTES	1,944,706.00	2.375%	3.469%	15-Jun-04	15-Feb-07	975	595	2,000,000.00	1,965,770.76
FNMA GLOBAL BENCHMARK NOTES	524,277.34	5.250%	4.111%	17-Jul-02	15-Apr-07	1,733	654	500,000.00	509,715.07
FNMA GLOBAL BENCHMARK NOTES	371,587.89	5.250%	3.798%	09-Aug-02	15-Apr-07	1,710	654	350,000.00	358,700.49
FNMA NOTES (CALLABLE)	748,875.00	2.500%	2.552%	31-Mar-04	19-Apr-07	1,114	658	750,000.00	749,315.03
CITIGROUP GLOBAL MARKETS NOTES	825,083.81	7.375%	3.627%	29-Dec-04	15-May-07	867	684	761,000.00	812,158.77
US TREASURY NOTES	843,339.84	6.625%	3.780%	17-Jul-02	15-May-07	1,763	684	750,000.00	788,210.08
US TREASURY NOTES	1,169,905.28	3.125%	3.282%	15-Jun-04	15-May-07	1,064	684	1,175,000.00	1,171,685.63
US TREASURY NOTES	1,545,519.53	3.500%	3.656%	29-Jun-05	31-May-07	701	700	1,550,000.00	1,545,525.90
CITIFINANCIAL CORPORATE NOTE	526,680.00	6.750%	4.155%	28-Apr-05	01-Jul-07	794	731	500,000.00	524,656.96
US BANK NA NOTES	744,720.00	3.700%	4.035%	16-May-05	01-Aug-07	807	762	750,000.00	745,012.95
FHLB TAP NOTES	601,230.00	3.750%	3.679%	30-Jun-04	15-Aug-07	1,141	776	600,000.00	600,863.44
FHLB TAP NOTES	1,001,601.56	3.750%	3.695%	17-Jun-04	15-Aug-07	1,154	776	1,000,000.00	1,001,120.76
FFCB NOTES	1,458,928.50	2.700%	3.940%	02-May-05	04-Sep-07	855	796	1,500,000.00	1,461,582.04
FNMA GLOBAL BENCHMARK NOTES	454,828.13	6.625%	3.523%	10-Dec-02	15-Oct-07	1,770	837	400,000.00	427,047.80
AMERICAN GENERAL FINANCE CORPORATE NOTES	629,022.00	4.500%	3.099%	09-Mar-04	15-Nov-07	1,346	868	600,000.00	619,076.24
FHLB TAP NOTES	1,055,414.06	3.500%	3.361%	10-Nov-03	15-Nov-07	1,466	868	1,050,000.00	1,053,288.34
FFCB NOTES	1,009,450.00	3.750%	3.449%	07-Jul-04	19-Nov-07	1,230	872	1,000,000.00	1,006,827.44

CITY OF ALAMEDA

INVESTMENT PORTFOLIO FOR THE QUARTER ENDING JUNE 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
FHLMC GOLD MBS POOL #M90791	665,038.64	4.000%	3.286%	14-Jan-03	01-Jan-08	1,813	915	654,605.85	659,722.42
HOUSEHOLD FINANCE CO. NOTES	719,070.75	4.625%	3.094%	05-Jun-03	15-Jan-08	1,685	929	675,000.00	700,044.42
BANK OF AMERICA CORPORATE NOTES	895,374.06	6.375%	4.165%	30-Jun-04	15-Feb-08	1,325	960	834,000.00	879,325.74
FNMA GLOBAL BENCHMARK NOTES	859,511.72	5.750%	2.406%	24-Jun-03	15-Feb-08	1,697	960	750,000.00	813,358.69
FHLB TAP NOTES	1,396,954.82	3.375%	3.997%	04-May-05	15-Feb-08	1,017	960	1,420,000.00	1,398,212.10
US TREASURY NOTES	1,092,437.50	3.375%	3.643%	31-May-05	15-Feb-08	990	960	1,100,000.00	1,092,666.27
FHLMC GLOBAL REFERENCE NOTES	603,186.65	5.750%	3.499%	31-Jul-03	15-Apr-08	1,720	1,020	550,000.00	582,609.47
FHLMC GLOBAL REFERENCE NOTES	545,882.50	5.750%	3.605%	06-Aug-03	15-Apr-08	1,714	1,020	500,000.00	528,204.03
GENERAL ELECTRIC CAPITAL CORP NOTES	655,843.50	3.500%	3.286%	07-Oct-03	01-May-08	1,668	1,036	650,000.00	653,732.98
FNMA BENCHMARK NOTES	612,200.60	6.000%	3.142%	11-Feb-04	15-May-08	1,555	1,050	550,000.00	592,838.53
FHLB NOTES	1,103,157.00	4.000%	3.898%	31-May-05	13-Jun-08	1,109	1,079	1,100,000.00	1,103,076.15
BANK ONE CORPORATE NOTES	1,055,250.00	6.000%	4.234%	08-Mar-05	01-Aug-08	1,242	1,128	1,000,000.00	1,050,534.13
FHLB TAP NOTES	1,006,797.00	3.750%	3.559%	08-Oct-04	15-Aug-08	1,407	1,142	1,000,000.00	1,005,604.90
US TREASURY NOTES	896,800.78	3.250%	3.332%	09-Dec-03	15-Aug-08	1,711	1,142	900,000.00	897,831.68
FHLMC GLOBAL REFERENCE NOTES	588,502.80	3.625%	4.118%	08-Jun-04	15-Sep-08	1,560	1,173	600,000.00	591,207.66
FHLMC GLOBAL REFERENCE NOTES	980,703.13	3.625%	4.124%	17-Jun-04	15-Sep-08	1,551	1,173	1,000,000.00	985,162.96
FHLB GLOBAL NOTES	586,713.00	3.625%	4.177%	08-Jun-04	14-Nov-08	1,620	1,233	600,000.00	589,696.04
US TREASURY NOTES	911,630.86	3.250%	3.684%	15-Jun-05	15-Jan-09	1,310	1,295	925,000.00	911,795.37
FHLMC GLOBAL REFERENCE NOTES	538,711.00	5.750%	3.980%	06-May-04	15-Mar-09	1,774	1,354	500,000.00	530,198.20
FHLMC GLOBAL REFERENCE NOTES	582,261.00	3.375%	4.039%	06-May-04	15-Apr-09	1,805	1,385	600,000.00	586,103.49
FNMA GLOBAL BENCHMARK NOTES	995,346.00	4.250%	4.356%	17-Jun-04	15-May-09	1,793	1,415	1,000,000.00	996,277.90
FNMA GLOBAL BENCHMARK NOTES	445,630.80	6.375%	3.746%	31-Aug-04	15-Jun-09	1,749	1,446	400,000.00	438,321.60
FHLMC MBS 5YR BALLOON POOL #M90935	1,555,419.71	5.000%	3.934%	30-Jul-04	01-Jul-09	1,797	1,462	1,519,335.50	1,549,302.50
FHLMC GLOBAL REFERENCE NOTES	408,342.00	4.250%	3.773%	31-Aug-04	15-Jul-09	1,779	1,476	400,000.00	407,068.78
FHLMC MBS NOTES 5YR BALLOON POOL# M90937	1,148,112.35	5.000%	4.051%	01-Feb-05	01-Aug-09	1,642	1,493	1,126,635.85	1,146,570.13
FHLMC GLOBAL REFERENCE NOTES	1,334,210.40	6.625%	4.025%	06-Dec-04	15-Sep-09	1,744	1,538	1,200,000.00	1,319,569.33
FNMA GLOBAL BENCHMARK NOTES	667,248.60	6.625%	3.979%	07-Jan-05	15-Sep-09	1,712	1,538	600,000.00	660,902.56
FHLB TAP NOTES	987,770.00	4.000%	4.290%	07-Mar-05	13-Nov-09	1,712	1,597	1,000,000.00	988,571.94
FHLB NOTES AGENCY	556,392.10	4.375%	4.107%	09-May-05	17-Mar-10	1,773	1,721	550,000.00	556,228.36
TOTAL AND AVERAGES	$82,993,410.10	3.2002%	3.2951%			1,191	761	$81,582,497.77	$82,365,515.99

CITY OF ALAMEDA

INVESTMENT PORTFOLIO FOR THE QUARTER ENDING JUNE 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
HBI ASSESSMENT DIST. 92-1									
C.A.M.P. - MONEY MARKET (IMPROVEMENT FUND)	$1,083,704.95	2.7800%	2.7800%	1-Apr-05	01-Jul-05	91	1	$1,083,704.95	$1,083,704.95
BNY - WELLS FARGO TREASURY PLUS	130.78	2.3400%	2.3400%	1-Apr-05	01-Jul-05	91	1	130.78	130.78
BNY - INVESTMENT AGREEMENT	1,972,050.78	5.1500%	5.1500%	1-Apr-05	01-Jul-05	91	1	1,972,050.78	1,972,050.78
TOTAL AND AVERAGES	$3,055,886.51	4.3094%	4.3094%			91	1	$3,055,886.51	$3,055,886.51
HBI ASSESSMENT DIST. 92-1									
BNY - WELLS FARGO TREASURY PLUS	$78.11	2.3400%	2.3400%	1-Apr-05	01-Jul-05	91	1	$78.11	$78.11
TOTAL AND AVERAGES	78.11	2.3400%	2.3400%			91	1	$78.11	$78.11
MARINA VILLAGE ASSESSMENT DIST. 89-1									
C.A.M.P. - MONEY MARKET (IMPROVEMENT FUND)	$2,454,435.82	2.7800%	2.7800%	1-Apr-05	01-Jul-05	91	1	$2,454,435.82	$2,454,435.82
CDC FUNDING - INVESTMENT AGREEMENT	3,163,532.42	5.4000%	5.4000%	1-Apr-05	01-Jul-05	91	1	3,163,532.42	3,163,532.42
TOTAL AND AVERAGES	$5,617,968.24	4.2553%	4.2553%			91	1	$5,617,968.24	$5,617,968.24
CERTIFICATE OF PARTICIPATION (CITY HALL)									
MBIA INVESTMENT AGREEMENT	$829,950.00	4.9250%	4.9250%	1-Oct-03	01-Jul-05	639	1	$829,950.00	$829,950.00
BNY - WELLS FARGO TREASURY PLUS	146.59	2.3400%	2.3400%	1-Apr-05	01-Jul-05	91	1	146.59	146.59
TOTAL AND AVERAGES	$830,096.59	4.9245%	4.9245%			365	1	$830,096.59	$830,096.59
1995 SEWER SYSTEM PROJECT									
BNY - WELLS FARGO TREASURY PLUS	$19,381.78	2.3300%	2.3300%	1-Apr-05	01-Jul-05	91	1	$19,381.78	$19,381.78
U.S. TREAS NOTES 1.50%, 1/31/05	$1,083,044.53	1.5000%	1.5000%	1-Feb-05	31-Jul-05	180	31	$1,089,000.00	$1,087,508.07
TOTAL AND AVERAGES	$1,102,426.31	1.5146%	1.5146%			136	16	$1,108,381.78	$1,106,889.85
CERTIFICATES OF PARTICIPATION (POLICE BLDG)									
BNY - WELLS FARGO TREASURY PLUS	$35.12	2.3400%	2.3400%	1-Apr-05	01-Jul-05	91	1	$35.12	$35.12
US TREAS NOTES 3.625% , 1/15/10	241,602.97	3.6250%	3.6250%	1-Feb-05	15-Jan-10	1,809	1,660	242,000.00	240,855.34
BNY - WELLS FARGO TREASURY PLUS	3,525.16	2.3400%	2.3400%	1-Apr-05	01-Jul-05	91	1	3,525.16	3,525.16
TOTAL AND AVERAGES	$245,163.25	0.0340%	0.0340%			664	554	$245,560.28	$244,415.62
COMMUNITY FACILITIES DISTRICT #1									
BNY - WELLS FARGO TREASURY PLUS	$27.17	2.3300%	2.3300%	1-Apr-05	01-Jul-05	91	1	$27.17	$27.17
BNY - AIG MATCHED FUNDING CORP.	1,470,357.17	5.1520%	5.1400%	15-Jun-04	01-Aug-19	5,525	5,145	1,470,357.17	1,470,357.17
TOTAL AND AVERAGES	$1,470,384.34	5.1519%	5.1399%			2,808	2,573	$1,470,384.34	$1,470,384.34

CITY OF ALAMEDA

INVESTMENT PORTFOLIO FOR THE QUARTER ENDING JUNE 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
COMMUNITY FACILITIES DISTRICT #2									
U.S. TREAS. NOTES 1.50% 7/31/05	$444,555.47	1.5000%	1.5000%	1-Feb-05	31-Jul-05	180	31	$447,000.00	$446,387.61
U.S. TREAS. NOTES 1.625 % 2/28/06	185,928.75	1.6400%	1.6400%	1-Mar-05	28-Feb-06	364	243	$189,000.00	$186,762.24
BNY - WELLS FARGO TREASURY PLUS	9,660.33	2.3400%	2.3400%	2-Apr-05	01-Jul-05	90	1	9,660.33	9,660.33
TOTAL AND AVERAGES	$640,144.55	1.0770%	1.0770%			211	92	$645,660.33	$642,810.18
CERTIFICATES OF PARTICIPATION (GOLF & LIBRARY)									
FED'L HOME LOAN MTG NOTES 11/30/05	$355,628.80	3.2600%	3.2600%	16-May-05	30-Nov-05	198	153	$362,000.00	$355,307.02
BNY - WELLS FARGO TREASURY PLUS (RESERVE)	30,539.57	2.3300%	2.3300%	1-Apr-05	01-Jul-05	91	1	30,539.57	30,539.57
TOTAL AND AVERAGES	$386,168.37	3.1865%	3.1865%			145	77	$392,539.57	$385,846.59
1992 PFA REVENUE BONDS SERIES A									
BNY - WELLS FARGO TREASURY PLUS	$35.90	2.3300%	2.3300%	1-Apr-05	01-Jul-05	91	1	35.90	35.90
TOTAL AND AVERAGES	$35.90	2.3300%	2.3300%			91	1	$35.90	$35.90
ALAMEDA CIC TAX ALLOC. REFUND. SER 2003 A & B									
UNION BANK - PROVIDENT INST. FUND	$1,186,575.31	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	$1,186,575.31	$1,186,575.31
UNION BANK - PROVIDENT INST. FUND	1,075,000.00	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	1,075,000.00	1,075,000.00
UNION BANK - PROVIDENT INST. FUND	416,593.58	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	416,593.58	416,593.58
UNION BANK - PROVIDENT INST. FUND	122,004.18	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	122,004.18	122,004.18
TOTAL AND AVERAGES	$2,800,173.07	2.7400%	2.7400%			91	1	$2,800,173.07	$2,800,173.07
ALAMEDA CIC TAX ALLOC. REFUND. SER 2003CD									
MBIA GUARANTEED INVESTMENT CONTRACT	$1,263,768.75	4.8600%	4.8600%	1-Apr-05	01-Jul-05	91	1	$1,263,768.75	$1,263,768.75
UNION BANK - PROVIDENT INST. FUND	186,314.07	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	186,314.07	186,314.07
UNION BANK - PROVIDENT INST. FUND	22.33	2.7500%	2.7500%	1-Apr-05	01-Jul-05	91	1	22.33	22.33
TOTAL AND AVERAGES	$1,450,105.15	4.5876%	4.5876%			91	1	$1,450,105.15	$1,450,105.15
ALAMEDA CIC SUB TAX TABS 2002 SERIES B									
UNION BANK - PROVIDENT INST. FUND	$163.78	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	$163.78	$163.78
UNION BANK - U.S. TREASURY NOTES	463,413.44	3.5000%	3.4600%	1-Apr-05	15-Nov-06	593	503	481,000.00	480,456.47
UNION BANK - PROVIDENT INST. FUND	9,137.36	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	9,137.36	9,137.36
TOTAL AND AVERAGES	$472,714.58	3.4850%	3.4458%			258	168	$490,301.14	$489,757.61

CITY OF ALAMEDA

INVESTMENT PORTFOLIO FOR THE QUARTER ENDING JUNE 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
ALAMEDA CIC SUB TAX ALLOC BONDS 2003B									
UNION BANK - PROVIDENT INST. FUND	$15.11	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	$15.11	$15.11
UNION BANK - PROVIDENT INST. FUND	0.02	0.0000%	0.0000%	1-Apr-05	01-Jul-05	91	1	0.02	0.02
UNION BANK - PROVIDENT INST. FUND	20,171.09	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	20,171.09	20,171.09
CDC FUNDING GUARANTEE INVEST AGREEMENT	886,783.44	4.5100%	4.5100%	18-Dec-03	30-Dec-16	4,761	4,201	886,783.44	886,783.44
CDC FUNDING GUARANTEE INVEST AGREEMENT	4,743,747.87	1.3100%	1.3100%	18-Dec-03	01-Jun-06	896	336	4,743,747.87	4,743,747.87
TOTAL AND AVERAGES	$5,650,717.53	1.1095%	1.1095%			1,186	908	$5,650,717.53	$5,650,717.53
ALAMEDA CIC SUB TAX ALLOC BONDS 2003A1 & A2									
UNION BANK - PROVIDENT INST. FUND	$58.67	2.7300%	2.7300%	1-Apr-05	01-Jul-05	91	1	$58.67	$58.67
UNION BANK - PROVIDENT INST. FUND	17,207.62	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	17,207.62	17,207.62
AIG MATCHED FUNDING CORP. 5.202%	3,230,954.81	5.2000%	5.2000%	1-Apr-05	01-Jul-05	91	1	3,230,954.81	3,230,954.81
UNION BANK - PROVIDENT INST. FUND	66,631.12	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	66,631.12	66,631.12
CDC FUNDING 1.31% GUARANTEE INVEST ACCT	15,303,951.46	1.3100%	1.3100%	1-Apr-05	01-Jul-05	91	1	15,303,951.46	15,303,951.46
UNION BANK - PROVIDENT INST. FUND	450,000.00	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	450,000.00	450,000.00
UNION BANK - PROVIDENT INST. FUND	59,383.35	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	59,383.35	59,383.35
UNION BANK - PROVIDENT INST. FUND	22,520.94	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	22,520.94	22,520.94
AIG MATCHED FUNDING CORP 1/1/2014	8,426,002.59	0.0000%	0.0000%	1-Apr-05	01-Jul-05	91	1	8,426,002.59	8,426,002.59
TOTAL AND AVERAGES	$27,576,710.56	1.3527%	1.3527%			91	1	$27,576,710.56	$27,576,710.56
2003 LIBRARY BOND PROJECT									
LAIF--LIBRARY CONSTRUCTION & IMPROVEMENTS	$7,653,740.70	2.8500%	2.8500%	2-Apr-05	01-Jul-05	90	1	$7,653,740.70	$7,653,740.70
TOTAL AND AVERAGES	$7,653,740.70	2.8500%	2.8500%			90	1	$7,653,740.70	$7,653,740.70

CITY OF ALAMEDA

INVESTMENT PORTFOLIO FOR THE QUARTER ENDING JUNE 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
						INVESTMENT BY TYPE			
1. CERTIFICATES OF DEPOSITS									
TRANS PACIFIC NATIONAL BANK	$95,000.00	2.5000%	2.5300%	06-Feb-05	06-Feb-06	365	221	$95,000.00	$95,000.00
BANK OF ALAMEDA	95,000.00	2.4500%	2.4800%	30-Jan-05	30-Jan-06	365	214	95,000.00	95,000.00
TOTAL AND AVERAGES	$190,000.00	2.4750%	2.5050%			365	218	$190,000.00	$190,000.00
2. GOVERNMENT AGENCIES									
FHLB GLOBAL NOTES	$1,039,414.06	3.250%	1.376%	24-Jun-03	15-Aug-05	783	46	$1,000,000.00	$1,002,275.34
US TREASURY NOTES	1,045,664.06	5.750%	2.435%	17-Jun-04	15-Nov-05	516	138	1,000,000.00	1,012,193.72
FHLMC GLOBAL REFERENCE NOTES	1,038,054.00	5.250%	2.767%	17-Jun-04	15-Jan-06	577	199	1,000,000.00	1,013,185.51
US TREASURY NOTES	809,269.53	1.500%	2.400%	01-Oct-04	31-Mar-06	546	274	820,000.00	814,563.14
FNMA BENCHMARK NOTES	1,102,092.00	5.250%	1.715%	24-Jun-03	15-Jun-06	1,087	350	1,000,000.00	1,033,354.35
FNMA GLOBAL BENCHMARK NOTES	1,976,948.00	2.500%	3.100%	15-Jun-04	15-Jun-06	730	350	2,000,000.00	1,988,798.34
FNMA BENCHMARK NOTES	2,055,190.00	5.250%	3.277%	05-Jan-05	15-Jun-06	526	350	2,000,000.00	2,036,815.14
FNMA NOTES (CALLABLE)	449,437.50	2.580%	2.632%	06-Jan-04	29-Jun-06	905	364	450,000.00	449,770.34
FNMA NOTES (CALLABLE)	300,000.00	2.500%	2.499%	31-Mar-04	11-Aug-06	863	407	300,000.00	300,000.00
FHLB TAP NOTES	525,527.34	5.250%	3.883%	17-Jul-02	15-Aug-06	1,490	411	500,000.00	507,428.14
FHLB NOTES (CALLABLE)	514,800.00	2.400%	2.786%	12-Dec-03	28-Aug-06	990	424	520,000.00	517,729.73
FFCB DESIGNATED BONDS	986,663.70	2.375%	2.492%	24-Sep-03	02-Oct-06	1,104	459	990,000.00	988,578.89
US TREASURY NOTES	834,316.41	6.500%	3.618%	17-Jul-02	15-Oct-06	1,551	472	750,000.00	776,975.01
FHLB TAP NOTES	1,006,484.38	2.750%	2.491%	05-Apr-04	15-Nov-06	954	503	1,000,000.00	1,003,469.80
FNMA GLOBAL BENCHMARK NOTES	833,713.44	2.625%	3.010%	04-Nov-04	15-Nov-06	741	503	840,000.00	835,691.41
FHLB GLOBAL NOTES	743,477.25	2.750%	3.194%	01-Dec-04	15-Dec-06	744	533	750,000.00	745,299.36
US TREASURY NOTES	1,088,355.47	3.000%	3.635%	07-Apr-05	31-Dec-06	633	549	1,100,000.00	1,089,908.11
FNMA BENCHMARK NOTES	520,019.53	5.000%	4.017%	17-Jul-02	15-Jan-07	1,643	564	500,000.00	507,259.96
FHLB TAP NOTES	607,517.58	4.875%	3.251%	27-Sep-02	15-Feb-07	1,602	595	570,000.00	584,507.77
FNMA GLOBAL BENCHMARK NOTES	931,481.65	2.375%	3.113%	06-May-04	15-Feb-07	1,015	595	950,000.00	938,999.76
FHLMC GLOBAL REFERENCE NOTES	1,944,706.00	2.375%	3.469%	15-Jun-04	15-Feb-07	975	595	2,000,000.00	1,965,770.76
FNMA GLOBAL BENCHMARK NOTES	524,277.34	5.250%	4.111%	17-Jul-02	15-Apr-07	1,733	654	500,000.00	509,715.07
FNMA GLOBAL BENCHMARK NOTES	371,587.89	5.250%	3.798%	09-Aug-02	15-Apr-07	1,710	654	350,000.00	358,700.49
FNMA NOTES (CALLABLE)	748,875.00	2.500%	2.552%	31-Mar-04	19-Apr-07	1,114	658	750,000.00	749,315.03
US TREASURY NOTES	843,339.84	6.625%	3.780%	17-Jul-02	15-May-07	1,763	684	750,000.00	788,210.08
US TREASURY NOTES	1,169,905.28	3.125%	3.282%	15-Jun-04	15-May-07	1,064	684	1,175,000.00	1,171,685.63
US TREASURY NOTES	1,545,519.53	3.500%	3.656%	29-Jun-05	31-May-07	701	700	1,550,000.00	1,545,525.90
US BANK NA NOTES	744,720.00	3.700%	4.035%	16-May-05	01-Aug-07	807	762	750,000.00	745,012.95
FHLB TAP NOTES	601,230.00	3.750%	3.679%	30-Jun-04	15-Aug-07	1,141	776	600,000.00	600,863.44
FHLB TAP NOTES	1,001,601.56	3.750%	3.695%	17-Jun-04	15-Aug-07	1,154	776	1,000,000.00	1,001,120.76
FFCB NOTES	1,458,928.50	2.700%	3.940%	02-May-05	04-Sep-07	855	796	1,500,000.00	1,461,582.04
FNMA GLOBAL BENCHMARK NOTES	454,828.13	6.625%	3.523%	10-Dec-02	15-Oct-07	1,770	837	400,000.00	427,047.80
FHLB TAP NOTES	1,055,414.06	3.500%	3.361%	10-Nov-03	15-Nov-07	1,466	868	1,050,000.00	1,053,288.34
FFCB NOTES	1,009,450.00	3.750%	3.449%	07-Jul-04	19-Nov-07	1,230	872	1,000,000.00	1,006,827.44
FHLMC GOLD MBS POOL #M90791	665,038.64	4.000%	3.286%	14-Jan-03	01-Jan-08	1,813	915	654,605.85	659,722.42
FNMA GLOBAL BENCHMARK NOTES	859,511.72	5.750%	2.406%	24-Jun-03	15-Feb-08	1,697	960	750,000.00	813,358.69
FHLB TAP NOTES	1,396,954.82	3.375%	3.997%	04-May-05	15-Feb-08	1,017	960	1,420,000.00	1,398,212.10
US TREASURY NOTES	1,092,437.50	3.375%	3.643%	31-May-05	15-Feb-08	990	960	1,100,000.00	1,092,666.27
FHLMC GLOBAL REFERENCE NOTES	603,186.65	5.750%	3.499%	31-Jul-03	15-Apr-08	1,720	1,020	550,000.00	582,609.47
FHLMC GLOBAL REFERENCE NOTES	545,882.50	5.750%	3.605%	06-Aug-03	15-Apr-08	1,714	1,020	500,000.00	528,204.03
FNMA BENCHMARK NOTES	612,200.60	6.000%	3.142%	11-Feb-04	15-May-08	1,555	1,050	550,000.00	592,838.53
FHLB NOTES	1,103,157.00	4.000%	3.898%	31-May-05	13-Jun-08	1,109	1,079	1,100,000.00	1,103,076.15

CITY OF ALAMEDA

INVESTMENT PORTFOLIO FOR THE QUARTER ENDING JUNE 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
FHLB TAP NOTES	1,006,797.00	3.750%	3.559%	08-Oct-04	15-Aug-08	1,407	1,142	1,000,000.00	1,005,604.90
US TREASURY NOTES	896,800.78	3.250%	3.332%	09-Dec-03	15-Aug-08	1,711	1,142	900,000.00	897,831.68
FHLMC GLOBAL REFERENCE NOTES	588,502.80	3.625%	4.118%	08-Jun-04	15-Sep-08	1,560	1,173	600,000.00	591,207.66
FHLMC GLOBAL REFERENCE NOTES	980,703.13	3.625%	4.124%	17-Jun-04	15-Sep-08	1,551	1,173	1,000,000.00	985,162.96
FHLB GLOBAL NOTES	586,713.00	3.625%	4.177%	08-Jun-04	14-Nov-08	1,620	1,233	600,000.00	589,696.04
US TREASURY NOTES	911,630.86	3.250%	3.684%	15-Jun-05	15-Jan-09	1,310	1,295	925,000.00	911,795.37
FHLMC GLOBAL REFERENCE NOTES	538,711.00	5.750%	3.980%	06-May-04	15-Mar-09	1,774	1,354	500,000.00	530,198.20
FHLMC GLOBAL REFERENCE NOTES	582,261.00	3.375%	4.039%	06-May-04	15-Apr-09	1,805	1,385	600,000.00	586,103.49
FNMA GLOBAL BENCHMARK NOTES	995,346.00	4.250%	4.356%	17-Jun-04	15-May-09	1,793	1,415	1,000,000.00	996,277.90
FNMA GLOBAL BENCHMARK NOTES	445,630.80	6.375%	3.746%	31-Aug-04	15-Jun-09	1,749	1,446	400,000.00	438,321.60
FHLMC MBS 5YR BALLOON POOL #M90935	1,555,419.71	5.000%	3.934%	30-Jul-04	01-Jul-09	1,797	1,462	1,519,335.50	1,549,302.50
FHLMC GLOBAL REFERENCE NOTES	408,342.00	4.250%	3.773%	31-Aug-04	15-Jul-09	1,779	1,476	400,000.00	407,068.78
FHLMC MBS NOTES 5YR BALLOON POOL# M90937	1,148,112.35	5.000%	4.051%	01-Feb-05	01-Aug-09	1,642	1,493	1,126,635.85	1,146,570.13
FHLMC GLOBAL REFERENCE NOTES	1,334,210.40	6.625%	4.025%	06-Dec-04	15-Sep-09	1,744	1,538	1,200,000.00	1,319,569.33
FNMA GLOBAL BENCHMARK NOTES	667,248.60	6.625%	3.979%	07-Jan-05	15-Sep-09	1,712	1,538	600,000.00	660,902.56
FHLB TAP NOTES	987,770.00	4.000%	4.290%	07-Mar-05	13-Nov-09	1,712	1,597	1,000,000.00	988,571.94
FHLB NOTES AGENCY	556,392.10	4.375%	4.107%	09-May-05	17-Mar-10	1,773	1,721	550,000.00	556,228.36
TOTAL AND AVERAGES	$52,951,769.99	3.8284%	3.2498%			1,297	847	$51,960,577.20	$52,462,570.61
3. MEDIUM-TERM NOTES (CORP. BONDS)									
WAL MART STORES INC CORPORATE NOTES	$493,987.50	5.875%	2.020%	03-Mar-03	15-Oct-05	957	107	$450,000.00	$454,961.56
CITIFINANCIAL COMMERCIAL CREDIT CO NOTES	498,395.00	6.125%	6.200%	12-Jan-01	01-Dec-05	1,784	154	500,000.00	499,848.01
AMERICAN GENERAL FINANCE CORP NOTES	524,235.00	5.910%	3.329%	28-Jun-04	12-Jun-06	714	347	500,000.00	511,949.61
NATIONAL CITY CALIF CMNTY DEV (AMBAC)	1,649,257.50	3.500%	3.530%	11-Jan-05	01-Aug-06	567	397	1,650,000.00	1,649,469.31
GENERAL ELECTRIC CAP CORP NOTES	1,244,275.00	3.125%	3.372%	01-Dec-04	09-Nov-06	708	497	1,250,000.00	1,245,947.62
WELLS FARGO CO CORPORATE NOTES	724,495.42	6.550%	3.313%	23-Nov-04	01-Dec-06	738	519	682,000.00	712,297.42
COUNTRYWIDE HOME CORPORATE NOTES	780,750.00	5.500%	3.833%	21-Jun-04	01-Feb-07	955	581	750,000.00	769,022.04
CITIGROUP GLOBAL MARKETS NOTES	825,083.81	7.375%	3.627%	29-Dec-04	15-May-07	867	684	761,000.00	812,158.77
CITIFINANCIAL CORPORATE NOTE	526,680.00	6.750%	4.155%	28-Apr-05	01-Jul-07	794	731	500,000.00	524,656.96
AMERICAN GENERAL FINANCE CORPORATE NOTES	629,022.00	4.500%	3.099%	09-Mar-04	15-Nov-07	1,346	868	600,000.00	619,076.24
HOUSEHOLD FINANCE CO. NOTES	719,070.75	4.625%	3.094%	05-Jun-03	15-Jan-08	1,685	929	675,000.00	700,044.42
BANK OF AMERICA CORPORATE NOTES	895,374.06	6.375%	4.165%	30-Jun-04	15-Feb-08	1,325	960	834,000.00	879,325.74
GENERAL ELECTRIC CAPITAL CORP NOTES	655,843.50	3.500%	3.286%	07-Oct-03	01-May-08	1,668	1,036	650,000.00	653,732.98
BANK ONE CORPORATE NOTES	1,055,250.00	6.000%	4.234%	08-Mar-05	01-Aug-08	1,242	1,128	1,000,000.00	1,050,534.13
TOTAL AND AVERAGES	$11,221,719.54	5.1583%	3.6493%			1,096	638	$10,802,000.00	$11,083,024.81

CITY OF ALAMEDA

INVESTMENT PORTFOLIO FOR THE QUARTER ENDING JUNE 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
4. INVESTMENTS WITH TRUSTEES									
BNY - WELLS FARGO TREASURY PLUS	$130.78	2.3400%	2.3400%	1-Apr-05	01-Jul-05	91	1	$130.78	$130.78
BNY - INVESTMENT AGREEMENT	1,972,050.78	5.1500%	5.1500%	1-Apr-05	01-Jul-05	91	1	1,972,050.78	1,972,050.78
BNY - WELLS FARGO TREASURY PLUS	78.11	2.3400%	2.3400%	1-Apr-05	01-Jul-05	91	1	78.11	78.11
BNY - WELLS FARGO TREASURY PLUS	146.59	2.3400%	2.3400%	1-Apr-05	01-Jul-05	91	1	146.59	146.59
BNY - WELLS FARGO TREASURY PLUS	19,381.78	2.3300%	2.3300%	1-Apr-05	01-Jul-05	91	1	19,381.78	19,381.78
BNY - WELLS FARGO TREASURY PLUS	35.12	2.3400%	2.3400%	1-Apr-05	01-Jul-05	91	1	35.12	35.12
BNY - WELLS FARGO TREASURY PLUS	3,525.16	2.3400%	2.3400%	1-Apr-05	01-Jul-05	91	1	3,525.16	3,525.16
BNY - WELLS FARGO TREASURY PLUS	27.17	2.3300%	2.3300%	1-Apr-05	01-Jul-05	91	1	27.17	27.17
BNY - AIG MATCHED FUNDING CORP.	1,470,357.17	5.1520%	5.1400%	15-Jun-04	01-Aug-19	5,525	5,145	1,470,357.17	1,470,357.17
BNY - WELLS FARGO TREASURY PLUS	9,660.33	2.3400%	2.3400%	2-Apr-05	01-Jul-05	90	1	9,660.33	9,660.33
BNY - WELLS FARGO TREASURY PLUS (RESERVE)	30,539.57	2.3300%	2.3300%	1-Apr-05	01-Jul-05	91	1	30,539.57	30,539.57
BNY - WELLS FARGO TREASURY PLUS	35.90	2.3300%	2.3300%	1-Apr-05	01-Jul-05	91	1	35.90	35.90
C.A.M.P. - MONEY MARKET (IMPROVEMENT FUND)	1,083,704.95	2.7800%	2.7800%	2-Apr-05	01-Jul-05	90	1	1,083,704.95	1,083,704.95
C.A.M.P. - MONEY MARKET (IMPROVEMENT FUND)	2,454,435.82	2.7800%	2.7800%	2-Apr-05	01-Jul-05	90	1	2,454,435.82	2,454,435.82
CDC FUNDING - INVESTMENT AGREEMENT	3,163,532.42	5.4000%	5.4000%	2-Apr-05	01-Jul-05	90	1	3,163,532.42	3,163,532.42
MBIA INVESTMENT AGREEMENT	829,950.00	4.9250%	4.9250%	1-Oct-03	01-Jul-05	639	1	829,950.00	829,950.00
U.S. TREAS NOTES 1.50%, 1/31/05	1,083,044.53	1.5000%	1.5000%	1-Feb-05	31-Jul-05	180	31	1,089,000.00	1,087,508.07
US TREAS NOTES 3.625% , 1/15/10	241,602.97	3.6250%	3.6250%	1-Feb-05	15-Jan-10	1,809	1,660	242,000.00	240,855.34
U.S. TREAS. NOTES 1.50% 7/31/05	444,555.47	1.5000%	1.5000%	1-Feb-05	31-Jul-05	180	31	447,000.00	446,387.61
U.S. TREAS. NOTES 1.625 % 2/28/06	185,928.75	1.6400%	1.6400%	1-Mar-05	28-Feb-06	364	243	189,000.00	186,762.24
FED'L HOME LOAN MTG NOTES 11/30/05	355,628.80	3.2600%	3.2600%	16-May-05	30-Nov-05	198	153	362,000.00	355,307.02
LAIF--LIBRARY CONSTRUCTION & IMPROVEMENTS	7,653,740.70	2.8500%	2.8500%	2-Apr-05	01-Jul-05	90	1	7,653,740.70	7,653,740.70
UNION BANK - PROVIDENT INST. FUND	1,186,575.31	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	1,186,575.31	1,186,575.31
UNION BANK - PROVIDENT INST. FUND	1,075,000.00	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	1,075,000.00	1,075,000.00
UNION BANK - PROVIDENT INST. FUND	416,593.58	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	416,593.58	416,593.58
UNION BANK - PROVIDENT INST. FUND	122,004.18	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	122,004.18	122,004.18
MBIA GUARANTEED INVESTMENT CONTRACT	1,263,768.75	4.8600%	4.8600%	1-Apr-05	01-Jul-05	91	1	1,263,768.75	1,263,768.75
UNION BANK - PROVIDENT INST. FUND	186,314.07	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	186,314.07	186,314.07
UNION BANK - PROVIDENT INST. FUND	22.33	2.7500%	2.7500%	1-Apr-05	01-Jul-05	91	1	22.33	22.33
UNION BANK - PROVIDENT INST. FUND	163.78	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	163.78	163.78
UNION BANK - U.S. TREASURY NOTES	463,413.44	3.5000%	3.4600%	1-Apr-05	15-Nov-06	593	503	481,000.00	480,456.47
UNION BANK - PROVIDENT INST. FUND	9,137.36	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	9,137.36	9,137.36
UNION BANK - PROVIDENT INST. FUND	15.11	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	15.11	15.11
UNION BANK - PROVIDENT INST. FUND	0.02	0.0000%	0.0000%	1-Apr-05	01-Jul-05	91	1	0.02	0.02
UNION BANK - PROVIDENT INST. FUND	20,171.09	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	20,171.09	20,171.09
CDC FUNDING GUARANTEE INVEST AGREEMENT	886,783.44	4.5100%	4.5100%	18-Dec-03	30-Dec-16	4,761	4,201	886,783.44	886,783.44
CDC FUNDING GUARANTEE INVEST AGREEMENT	4,743,747.87	1.3100%	1.3100%	18-Dec-03	01-Jun-06	896	336	4,743,747.87	4,743,747.87
UNION BANK - PROVIDENT INST. FUND	58.67	2.7300%	2.7300%	1-Apr-05	01-Jul-05	91	1	58.67	58.67
UNION BANK - PROVIDENT INST. FUND	17,207.62	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	17,207.62	17,207.62
AIG MATCHED FUNDING CORP. 5.202%	3,230,954.81	5.2000%	5.2000%	1-Apr-05	01-Jul-05	91	1	3,230,954.81	3,230,954.81
UNION BANK - PROVIDENT INST. FUND	66,631.12	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	66,631.12	66,631.12
CDC FUNDING 1.31% GUARANTEE INVEST ACCT	15,303,951.46	1.3100%	1.3100%	1-Apr-05	01-Jul-05	91	1	15,303,951.46	15,303,951.46
UNION BANK - PROVIDENT INST. FUND	450,000.00	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	450,000.00	450,000.00
UNION BANK - PROVIDENT INST. FUND	59,383.35	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	59,383.35	59,383.35
UNION BANK - PROVIDENT INST. FUND	22,520.94	2.7400%	2.7400%	1-Apr-05	01-Jul-05	91	1	22,520.94	22,520.94
AIG MATCHED FUNDING CORP 1/1/2014	8,426,002.59	0.0000%	0.0000%	1-Apr-05	01-Jul-05	91	1	8,426,002.59	8,426,002.59
TOTAL AND AVERAGES	$58,952,513.76	1.9832%	1.9829%			400	268	$58,988,339.80	$58,975,616.55

CITY OF ALAMEDA

INVESTMENT PORTFOLIO FOR THE QUARTER ENDING JUNE 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
U S BANK - FIRST AMERICAN TREASURY	$90,410.29	2.5400%	2.5400%	2-Apr-05	01-Jul-05	90	1	$90,410.29	$90,410.29
TOTAL AND AVERAGES	$90,410.29	2.5400%	2.5400%			90	1	$90,410.29	$90,410.29
6. LOCAL AGENCY INVESTMENT	$18,539,510.28	2.8500%	2.8500%	2-Apr-05	01-Jul-05	90	1	$18,539,510.28	$18,539,510.28
TOTAL AND AVERAGES	$18,539,510.28	2.8500%	2.8500%			90	1	$18,539,510.28	$18,539,510.28

CITY OF ALAMEDA
Memorandum

Date: August 3, 2005

To: Honorable Mayor and Councilmembers

From: Debra Kurita
City Manager

Re: Quarterly Sales Tax Report for the Period Ending June 30, 2005, for Sales Transactions in the First Calendar Quarter of 2005

BACKGROUND

This sales tax report and the accompanying charts relate to sales tax receipts for the period ending June 30, 2005, and are for sales transactions occurring January through March (first calendar quarter).

DISCUSSION/ANALYSIS

Quarterly sales tax revenues decreased by 0.3% as compared to the same quarter of the prior year after adjusting for one-time payments.

Key declines came from food products and general retail sales. The three economic areas vital to the City's sales tax revenue are: transportation (29.9% of total), food products (23.0% of total) and business to business (22.3% of total). These three categories produced 75.2% of the City's sales tax collections during the first calendar quarter.

A comparison of the major business groups is as follows:

		1st Quarter 2005		1st Quarter 2004	
Percent Change	**Economic Category**	**Total**	**Percent of Total**	**Total**	**Percent of Total**
-3.0	Transportation	356,797	29.9	367,646	30.7
-7.3	Food Products	274,407	23.0	296,106	24.8
-7.1	General Retail	239,184	20.1	257,371	21.5
21.8	Business to Business	266,409	22.3	218,815	18.3
-2.6	Construction	46,864	3.9	47,916	4.0
11.0	Miscellaneous	8,828	0.8	7,955	0.7
-0.3	**Total - Quarter**	1,192,309	100.0	1,195,809	100.0

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8-16-05

A comparison of the geographic generation of sales tax for the first quarter of 2005 as compared to the same period in 2004 follows.

		Current Year		Prior Year	
Percent Change	**Geographic Areas**	**1st Qtr 2005 Total**	**Percent of Total**	**1st Qtr 2004 Total**	**Percent of Total**
-4.1	Park - North of Lincoln	$ 277,621	23.3	$ 289,620	24.2
-11.3	South Shore Center	213,736	17.9	240,843	20.1
0.9	Park - South of Lincoln	127,423	10.7	126,344	10.5
88.5	Marina Village Business Park	168,462	14.2	89,358	7.5
3.4	Webster-North of Lincoln	71,692	6.0	69,321	5.8
-13.0	Neighborhood Commercial Districts	52,523	4.4	60,384	5.1
-34.1	Northern Waterfront	32,338	2.7	49,077	4.1
0.8	Harbor Bay Landing	51,766	4.3	51,331	4.3
-6.7	Marina Village Shopping Center	35,081	2.9	37,609	3.1
19.9	Alameda Point	34,396	2.9	28,686	2.4
14.8	Harbor Bay Business Park	40,586	3.4	35,349	3.0
-25.1	Balance of City	27,157	2.3	36,252	3.0
-17.2	Mariner Square	15,373	1.3	18,575	1.6
-7.9	Webster – South of Lincoln	29,559	2.5	32,090	2.7
-79.3	Fernside Center	2,279	0.2	10,990	0.9
-38.4	Ballena	12,319	1.0	19,986	1.7
0	Heritage Bay	0	0	0	0
-0.3	**Total - Quarter**	1,192,319	100.0	1,195,815	100.0

Marina Village Business Park and Alameda Point showed the greatest increase in sales tax over the comparative quarter. Fernside Center and Ballena had the greatest decline for the comparative quarters.

The top five sales tax generators contributed 23.2% of the total sales tax revenue for this quarter. Adding the next block of five sales tax generators, these 10 businesses generated 32.8% of the total quarterly sales tax revenues. The top 100 sales tax generators contributed 74.4% of the total sales tax revenues.

The sales tax digest attached (see page 3) lists the top sales tax producers for the quarter.

Following is a three-year comparison of total sales tax for benchmark year by business class. The percentage change reflects the change from 2004 to 2005.

Percent Change	Economic Category	2005 (as of 1st Quarter)	Percent of Total	2004 (as of 1st Quarter)	Percent of Total	2003 (as of 1st Quarter)	Percent of Total
0.25	Transportation	1,546,544	29.4	1,542,573	30.0	1,541,174	29.4
-3.92	Food Products	1,169,124	22.2	1,216,828	23.7	1,145,018	21.8
-3.16	General Retail	1,147,192	21.8	1,184,691	23.1	1,338,209	25.5
21.95	Business to Business	1,135,876	21.6	931,400	18.1	961,720	18.3
9.13	Construction	220,003	4.2	201,603	3.9	191,843	3.7
25.77	Miscellaneous	46,411	0.9	62,528	1.2	68,736	1.3
2.44	TOTAL – BENCHMARK YEAR	5,265,150	100.00	5,139,623	100.00	5,246,700	100

BUDGET/FISCAL IMPACT

Our sales tax projections for 2005-06 have taken into consideration these trends. We will monitor this revenue source closely.

RECOMMENDATION

This data is provided for informational purposes only and requires no action from the City Council.

Respectfully submitted,

JuelleAnn Boyer
Chief Financial Officer

JB/dl
Attachment

cc: Rob Ratto, PSBA

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City of Alameda
Sales Tax Digest Summary
SECOND Quarter Collection of FIRST Quarter Sales
02/12/2005 – 05/12/2005

MBIA
MBIA MuniServices Company

Quarter 1, 2005

State Overview

California experienced continued growth during the year ended 1st Quarter 2005. Cash receipts were up a total 7.5% statewide over the prior year. Northern California saw a 6.8% increase in cash receipts while Southern California saw an 8.0% increase.

After adjusting for anomalies, payments to prior periods, and late payments, the economic growth statewide was 5.2% for the year ended 1st Quarter 2005 over the prior year. Northern California's economic growth was 4.7% while Southern California's economic growth was 5.5%.

Regional Overview

The following tables analyze the growth experienced in each of the State's seven regions. The figures have been adjusted for anomalies, payments to prior periods, late payments, etc. Values on the left side of each cell represent the percent each category or segment comprises of the whole region. Values on the right indicate the percentage change over the year.

ECONOMIC CATEGORY ANALYSIS FOR YEAR ENDED 1ST QUARTER 2005							
	North Coast	S.F. Bay Area	Central Coast	South Coast	Inland Empire	Sacramento Valley	Central Valley
General Retail *% of Total / % Change*	*30.6 / 4.3*	*29.8 / 4.2*	*34.0 / 1.6*	*29.5 / 5.1*	*27.5 / 5.2*	*28.5 / 6.9*	*31.7 / 6.3*
Food Products *% of Total / % Change*	*14.9 / 3.4*	*16.4 / 3.6*	*24.8 / 2.2*	*16.1 / 4.9*	*14.1 / 6.1*	*13.4 / 3.3*	*15.3 / 4.9*
Construction *% of Total / % Change*	*17.0 / 14.9*	*10.3 / 6.9*	*10.7 / 11.2*	*9.5 / 8.9*	*13.1 / 13.1*	*15.3 / 6.5*	*13.8 / 11.6*
Transportation *% of Total / % Change*	*28.3 / 7.3*	*21.6 / 4.1*	*21.7 / 11.4*	*26.0 / 6.2*	*27.3 / 9.4*	*27.4 / 5.9*	*26.7 / 7.4*
Business to Business *% of Total / % Change*	*8.4 / 9.9*	*20.7 / 0.2*	*7.9 / 0.1*	*17.7 / 3.9*	*15.5 / 8.7*	*14.3 / 5.1*	*11.7 / 14.4*
Miscellaneous *% of Total / % Change*	*0.9 / 12.1*	*1.2 / 2.5*	*0.9 / 13.4*	*1.1 / 1.2*	*2.4 / -6.0*	*1.1 / 1.0*	*0.9 / -7.0*
TOTAL	***100.0 / 7.21***	***100.0 / 3.5***	***100.0 / 4.7***	***100.0 / 5.4***	***100.0 / 7.7***	***100.0 / 5.8***	***100.0 / 7.8***

THREE LARGEST ECONOMIC SEGMENTS ANALYSIS FOR YEAR ENDED 1ST QUARTER 2005							
	North Coast	S.F. Bay Area	Central Coast	South Coast	Inland Empire	Sacramento Valley	Central Valley
1st Largest Segment *% of Total / % Change*	**Department Stores** *15.3 / 4.8*	**New Auto Sales** *11.5 / 0.2*	**Restaurants** *17.0 / 4.5*	**New Auto Sales** *13.6 / 2.0*	**New Auto Sales** *15.4 / 7.9*	**New Auto Sales** *15.3 / 5.7*	**Department Stores** *15.5 / 9.2*
2nd Largest Segment *% of Total / % Change*	**New Auto Sales** *10.3 / 2.6*	**Restaurants** *11.1 / 4.7*	**Department Stores** *11.9 / 4.0*	**Restaurants** *11.3 / 5.1*	**Restaurants** *10.1 / 6.4*	**Department Stores** *11.4 / 10.7*	**New Auto Sales** *13.4 / 4.5*
3rd Largest Segment *% of Total / % Change*	**Bldg. Matls. Retail** *10.2 / 14.0*	**Department Stores** *10.1 / 6.1*	**New Auto Sales** *11.0 / 12.1*	**Department Stores** *10.3 / 8.1*	**Department Stores** *9.6 / 8.2*	**Bldg. Matls. Wholesale** *8.4 / 10.3*	**Restaurants** *8.8 / 5.5*

City of Alameda

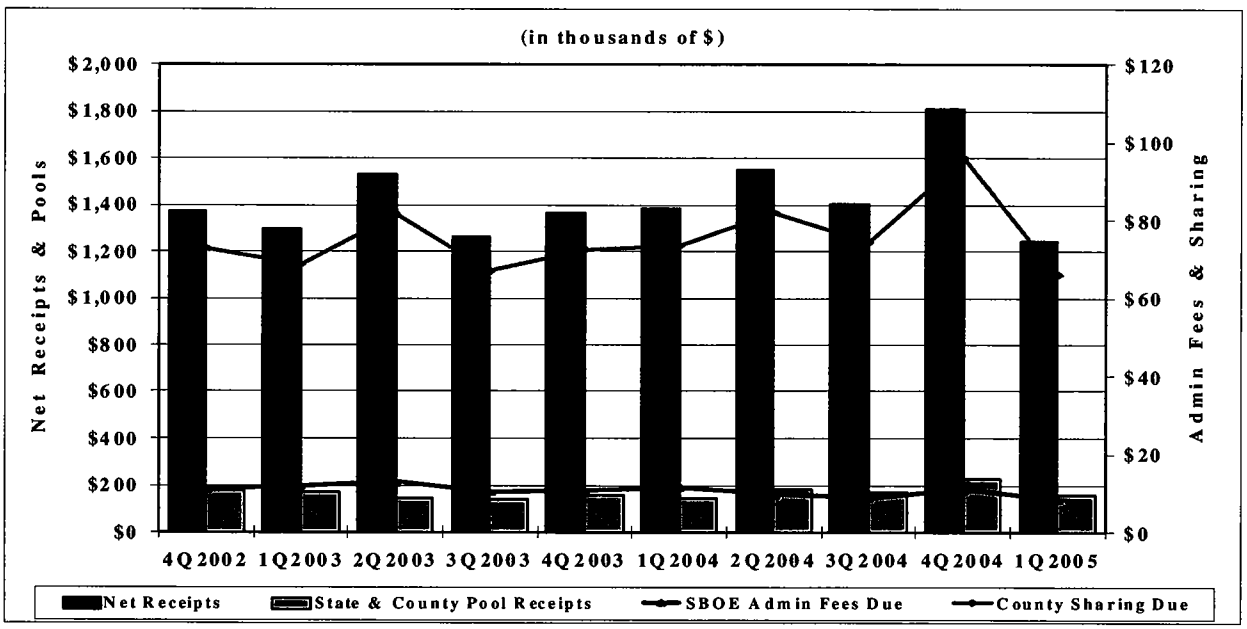
Reconciliation Summary

SBE Collections Analysis	
Local Collections	**$1,162,530**
Share of County Pool (2.41%)	**157,651**
Share of State Pool (.11%)	**1,880**
SBE Net Collections	**1,322,061**
Less: Amount Due County 5.00%	**(66,103)**
Less: Cost of Administration	**(8,405)**
Net 1Q2005 Receipts	**1,247,553**
Net 1Q2004 Receipts	**1,386,842**
Actual Percentage Change	**-10.0%**

FIRST Quarter Economic Performance Analysis

Local Collections	**$1,162,530**
Less: Payments for Prior Periods	**(139,854)**
Preliminary 1Q2005 Collections	**1,022,676**
Projected 1Q2005 Late Payments	**169,630**
Projected 1Q2005 Final Results	**1,192,306**
Actual 1Q2004 Results	**1,195,811**
Projected Percentage Change	**-.3%**

Historical Cash Collections Analysis by Quarter



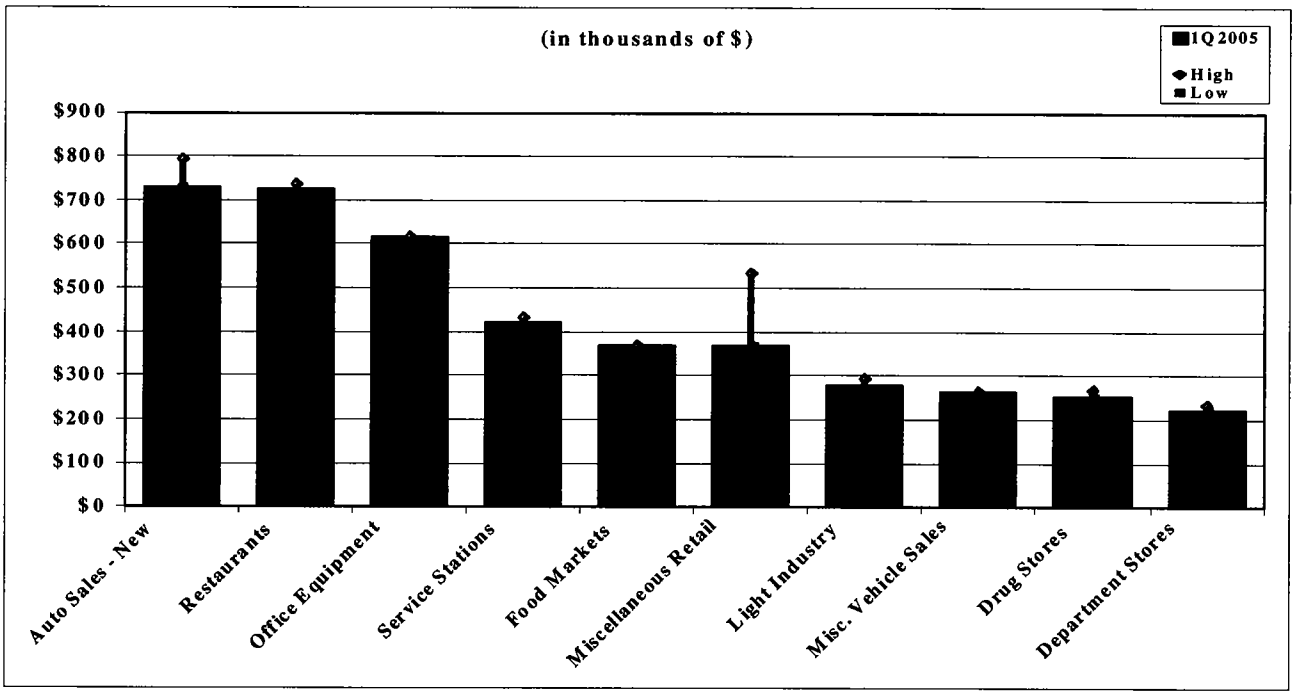
City of Alameda Overview

Top 25 Sales/Use Tax Contributors

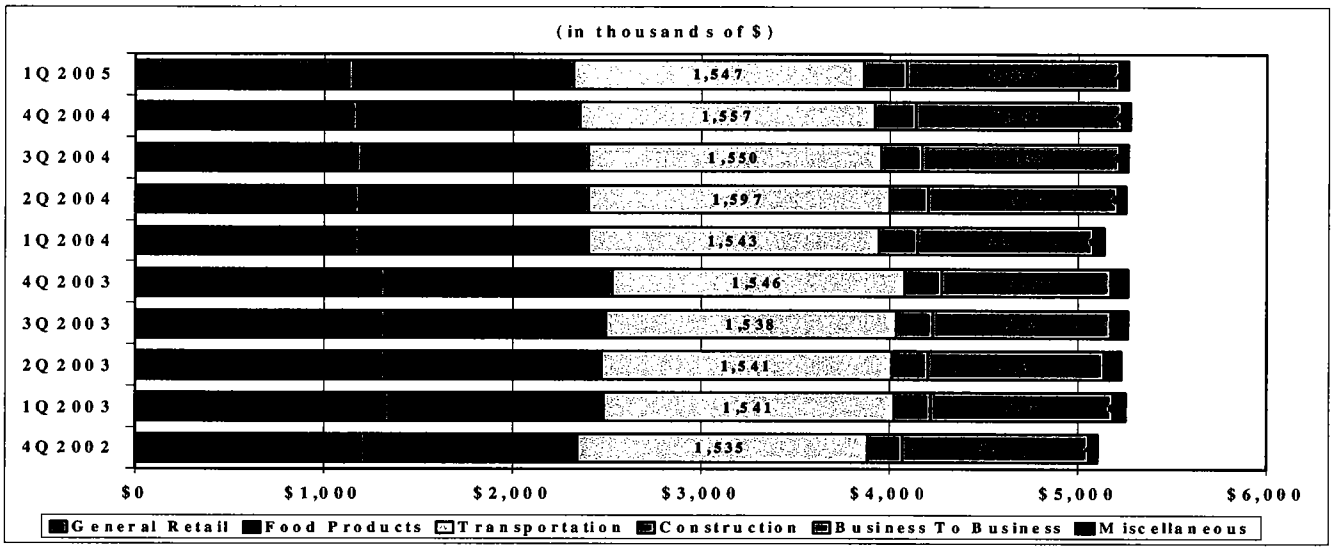
The following list identifies the top 25 Sales/Use Tax contributors in City of Alameda. The list is in alphabetical order and represents the most current four quarters. The top 25 Sales/Use Tax contributors generate 48.1% of the jurisdiction's total sales/use tax revenue.

ALAMEDA ELECTRICAL
ALBERTSON'S FOOD CENTERS
ARCO AM/PM MINI MARTS
CAVANAUGH CHRYSLER/PLYMOUTH
CELERA DIAGNOSTICS
CHEVRON SERVICE STATIONS
EMBARCADERO SYSTEMS
FUTURE COMPUTING SOLUTIONS
GOOD CHEVROLET
LONGS DRUG STORES
MERVYN'S DEPARTMENT STORE
OFFICEMAX
ONE WORKPLACE
PAGANO'S ACE HARDWARE
PINNACLE PRINTING SYSTEMS
PITNEY BOWES INC.
RON GOODE TOYOTA
ROSS STORES
ROUNDSTONE SYSTEMS CORPORATION
SAFEWAY STORES
SVENDSEN'S BOAT WORKS
TRADER JOE'S
WALGREEN'S DRUG STORES
WIND RIVER SYSTEMS
XTRA OIL COMPANY

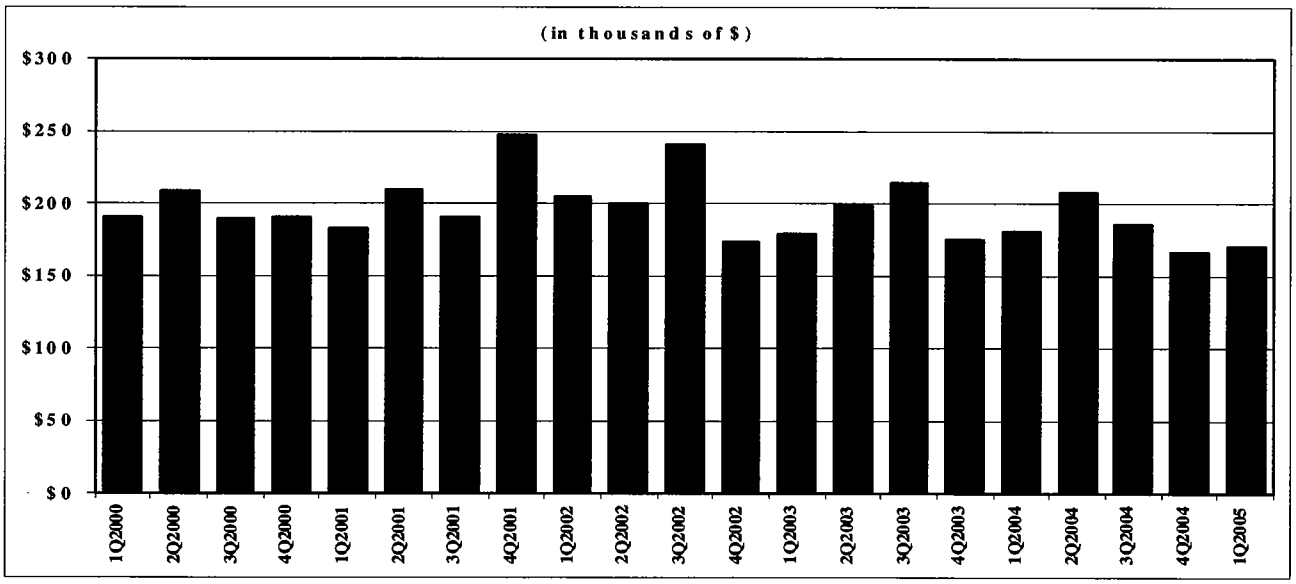
Historical Sales Tax Amounts
Year End FIRST Quarter 2003 to Year End FIRST Quarter 2005



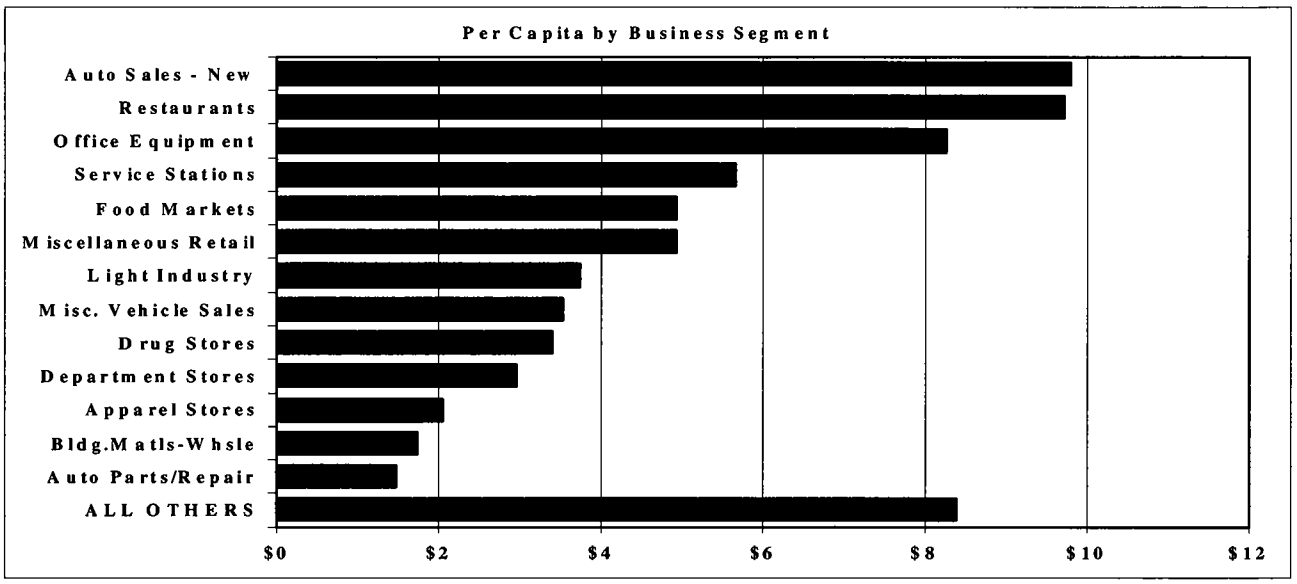
Annual Sales Tax by Business Category



Five-Year Economic Trend: Auto Sales - New



Per Capita by Business Segment: Benchmark Year Ending FIRST Quarter



FOURTH Quarter 2004 Final Results

- **$1,811,459 Local net cash collections**
- **$119,446 Less pool amounts**
- **$480,564 Less prior quarter payments**
- **$108,721 Add late payments**
- **$1,320,170 Local net economic collections after adjustments**
- **UP BY .9% compared to FOURTH Quarter 2003**

MMC's Audit Results

MMC performs an on-going audit for the City of Alameda. This quarter, the City received $54,161 in sales tax from MMC audit efforts, bringing the total sales tax revenue produced by MMC to $1,738,027. The net return to the City on MMC fees is currently 714.3%.

CITY OF ALAMEDA
MEMORANDUM

Date: August 8, 2005

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Recommendation to Authorize City Manager to Execute Second Amendment to Consultant Agreement with Harris & Associates, Extending the Term, Scope of Work and Price For Services Associated With the Webster Street Renaissance Project

BACKGROUND

On September 7, 2004, the City Council awarded a contract to Golden Bay Construction, Inc., for construction of the Webster Street Renaissance Project, No.P.W.07-02-07 in the amount of $2,086,410, including contingencies. At the request of the West Alameda Business Association (WABA), the City Manager entered into a contract with Harris & Associates (Harris) for construction management of the project in the amount of $75,000. Since the initial award of the construction contract, Council has amended the construction contract to: replace all sidewalk within the project limits; extend Alameda Power & Telecom's (AP&T's) infrastructure to building facades to avoid removing sidewalk on a future case-by-case basis; and install six (6) bus shelters. This additional work has increased the total contract amount and extended the construction contract schedule. In addition, due to staffing changes in the Public Works Department, the City Manager requests that the scope of work for Harris be expanded to include project engineering services. The first amendment was a no cost modification that changed the construction manager assigned to the project.

DISCUSSION

The original contract with Harris was for construction management services based on a construction schedule of 165 working days. The changes to the project scope, which includes replacing all sidewalk, extending AP&T's infrastructure to building facades, and installing six (6) bus shelters, have increased the total contract amount by approximately $300,000 and extended the construction contract schedule by 64 working days and 28 inclement weather days. In addition, staffing changes in the Public Works Department requires expanding the scope of work for Harris to include project engineering services. Staff estimates that an additional $75,000 is required to complete the project with Harris functioning as the construction manager and project engineer. The second amendment that extends the term, scope of work and price of the construction contract with Harris is on file in the City Clerk's Office.

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BUDGET CONSIDERATION/FINANCIAL IMPACT

The work is funded under CIP# 00-15, with funds available from the Transportation for Livable Community (TLC) Grant, Redevelopment Funds, AP&T funds, Urban Runoff Fee, Sewer User Fee and Measure B. There are sufficient funds available to fund the proposed amendment.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The Webster Street Renaissance Project is consistent with the Economic Development Strategic Plan.

RECOMMENDATION

The City Manager recommends that the City Council authorize the City Manager to execute the Second Amendment to Consultant Agreement with Harris & Associates, extending the term, scope of work and price of services associated with the Webster Street Renaissance Project.

Respectfully submitted,

Matthew T. Naclerio
Public Works Director

MTN:gc

Cc: Bill Frink, Harris & Associates

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CITY OF ALAMEDA
Memorandum

DATE: August 15, 2005

TO: Honorable Mayor and Councilmembers

FROM: Debra Kurita
City Manager

RE: Recommendation to Approve Agreement with Ameresco Keller Canyon, LLC for the Purchase of Power from Landfill Gas Generation

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BACKGROUND

Alameda Power & Telecom (Alameda P&T) has been investigating a number of possibilities to meet its pending need for additional power supply. Last year, the Public Utilities Board (PUB) approved the pursuit of power purchases from proposed wind and landfill gas-fueled electricity generating projects. The wind and landfill gas proposals provided prices and conditions that are extremely competitive with conventional sources of power and purchases from the wholesale market, but with the additional benefit of contributing to the high level of renewable resources in Alameda P&T's power supply portfolio.

The subject of this report is a power purchase agreement for a proposed landfill gas project to be built at the Keller Canyon landfill near Pittsburg, CA. The PUB approved the subject agreement at its August 15, 2005, meeting. Because the term for this agreement exceeds 15 years, the agreement must be ratified by the City Council as required by the City Charter.

The following table provides a quick update on power purchase agreements recently approved by the Council as well as current status of the agreements:

Project Description	Date Approved by Council	Status
1.5MW* Santa Cruz LFGTE** for 20 yrs (Ameresco)	November 16, 2004	In permitting stage
10MW Solano County Wind, for 23 yrs (PPM Energy)	December 7, 2004	Deliveries 1/1/05
Up to 5.7MW Half Moon Bay LFGTE for 20 yrs (Ameresco)	January 27, 2005	In permitting stage

* MW = megawatts; ** LFGTE = landfill gas-to-energy project

DISCUSSION

The proposed power purchase agreement is between Ameresco Keller Canyon, LLC (Ameresco), a limited liability subsidiary of Ameresco Incorporated, and Alameda P&T for the delivery of between 1.4 and 2.05 net MW of power (depending on the plant's permitted size) and the associated environmental attributes. This agreement is the *third* of three agreements under development with Ameresco.

Report 4-F
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Based on the life-cycle fuel availability, Ameresco plans to build a 4.3 MW facility at the site with an associated net capacity of 4.1 MW delivered at the point of interconnection with the PG&E system. However, under the terms of the agreement Ameresco can choose to build a smaller plant, as small as 3 net MW. A permit is required from the Bay Area Air Quality Management District (BAAQMD) and will be the primary factor determining the size of the plant. Like the previous landfill gas and wind projects, Alameda P&T has worked with the City of Palo Alto in facilitating the project proposal and negotiating the power purchase agreement. The power production will be shared equally with Palo Alto. Alameda P&T's 50 percent share of the maximum and minimum capacity plants would be 1.4 and 2.05 net MW, respectively. Ameresco must commit to the specific plant size within 7 days of obtaining the authority to construct the project from BAAMQD.

The major provisions of the power purchase agreement are:

- **Price:** The price is specified over the life of the contract, initially set at $59 per MW-hour, and escalating at 1.5 percent per year. This price is competitive with projected wholesale electricity prices. The annual cost to Alameda P&T for the maximum sized plant will range from approximately $985,000 initially to $1,308,000 by the end of the contract for a total of $22.8 million over the life of the contract;
- **Term:** 20 years commencing with the commercial operation date – projected at January 1, 2007;
- **Milestones:** Ameresco must meet certain milestones in the development of the project. If it does not, it will be subject to penalties or termination. Overall, Ameresco has approximately 3 years to complete the plant. However, Ameresco has indicated that it actually expects to have the plant operating much sooner, perhaps in less than a year;
- **Performance:** The project is expected to generate base-load power with a capacity factor in excess of 90 percent. If the plant's availability drops below 70 percent over a 24-month period, the price will be reduced by 7.5 percent. If the plant's capacity factor drops below 60 percent over a 24-month period, Ameresco would be in default and subject to damages;
- **Environmental Attributes:** Alameda P&T will receive all of the environmental attributes associated with its share of the generated energy;
- **Expansion of Plant:** Alameda P&T will have a 60-day right of first refusal to purchase any energy resulting from expansion of the plant;
- **Environmental Regulations:** Ameresco will comply with all environmental regulations and comply, at their expense, with future changes in law.

The agreement is on file in the office of the City Clerk.

The power to be delivered under this agreement meets Alameda P&T's goal of obtaining economic and stably priced power. Since the plant is located close to the Bay Area, there is possible protection from transmission congestion pricing exposure and some contribution to area reliability.

BUDGET CONSIDERATION/FINANCIAL IMPACT

This purchase power agreement provides Alameda P&T the ability to obtain power that is at or below current and projected future market prices. In addition, this power comes from a renewable

energy source with the associated environmental attributes. These attributes have monetary value and could be sold separately if desired.

The annual cost to Alameda P&T for the maximum sized plant will range from approximately $985,000 initially to $1,308,000 by the end of the contract for a total of $22.8 million over the life of the contract. The cost of this power will be taken into consideration in developing of Alameda P&T's power cost budget for Fiscal Year 2006-2007 and in longer-term projections.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

Not applicable.

ENVIRONMENTAL REVIEW

All environmental review and CEQA compliance will be completed by Ameresco as required. Air pollution permits and requirements will be approved by the Bay Area Air Quality Management District.

RECOMMENDATION

The City Manager recommends approval of the Agreement with Ameresco Keller Canyon, LLC for the purchase of power from landfill gas generation.

Respectfully submitted,

Valerie O. Fong
General Manager
Alameda Power & Telecom

cc: Public Utilities Board

CITY OF ALAMEDA
Memorandum

To: Honorable Mayor and Councilmembers

From: Debra Kurita
City Manager

Date: August 3, 2005

Re: Adoption of a Resolution to Create Special Newsrack Districts in Both the Park Street and West Alameda Business Districts as Authorized by Alameda Municipal Code §22-7, Newspaper and Periodical Vending Machines

BACKGROUND

Both the Park Street Business Association (PSBA) and the West Alameda Business Association (WABA) are actively revitalizing their respective downtown Districts. Today, major streetscape projects are under construction in each that will upgrade downtown aesthetics and greatly enhance pedestrian safety. In December 2004, Council repealed and replaced AMC §22-7, Newspaper and Periodical Vending Machines. This revised code section allows for the creation of "Special Newsrack Districts" to promote uniform newsracks and a comprehensive plan for their ongoing maintenance. Having attractive, well-maintained newsracks is an important part of overall street appearance.

DISCUSSION

Each Business Association, working with their respective Design Committees, has selected the same style modular newsrack from Sho-rack, a national vendor of clean-lined, pedestal-based newsracks. The units provide individual cubicles for the insertion of papers. All units will be painted "Alameda Green" to match the color of other street furnishings such as benches, trash receptacles and light poles.

Each Business Association has agreed to partner with Contra Costa Newspapers (CCN), a Knight Ridder company located in Walnut Creek. CCN will provide the Sho-rack pedestal bases upon which the individual modular cubicles sit, a service it provides to a number of Bay Area communities. Vendors can then buy their cubicles directly from CCN to assure uniformity.

Each Business Association has met the requirements of the revised code regarding the creation of a Special Newsrack District by:

Re: Reso 4-G
8-16-05

- Making a written request to the Development Services Director that:
  - Identifies the Special Newsrack Districts' boundaries and shows the general location of each newsrack on a special newsrack district map on file in the Office of the City Clerk.
  - Provides a plan for the acquisition and maintenance of newsracks in each respective District. In each District, the local Business Associations, with their maintenance personnel already on the streets, will assume the bulk of the maintenance and monitoring of the newsracks.
- Obtaining the Public Works Director approval of both Districts' boundaries and newsrack placement within. A copy of the plan is also available in the Office of the Clerk.

The proposed Special Newsrack Districts have also been reviewed by the various City Departments that participate in the monthly Design Review Team (DRT) process. DRT review was favorable and City Departments (Public Works, Building and Planning, Development Services) have had an opportunity to plan for implementation of the proposed projects.

Following Council adoption of the Resolution, Public Works' Land Development and Transportation Division will fine-tune each Newsrack Placement Plan, assuring newsracks placed in the public right-of-way comply with all applicable regulations. Additionally, formal agreements will be entered into between each Business Association and the City's Public Works Department to assure smooth operation of the Special Districts.

Newsrack vendors are aware of the plans to create Special Newsrack Districts. Prior to the passage of AMC §22-7, Newspaper and Periodical Vending Machines, each Business Association met with vendors several times to discuss the new program and to answer questions. No serious objection has been voiced. Standardizing newsracks is an ongoing trend within the Bay Area, which most vendors both understand and have already experienced in neighboring jurisdictions.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No impact on the General Fund is anticipated. The acquisition of the newsracks will be handled through CCN, which will provide the pedestal bases. Participating inserts will then pay CCN for a standardized cubicle. An annual fee will cover the cost of issuing a yearly renewal and offset each Business Associations' ongoing maintenance and policing of their respective Special Newsrack Districts.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

- AMC §22-7, Newspaper and Periodical Vending Machines
- The Economic Development Strategic Plan (2000), Strategy #2B: Increase the Availability and Quality of Retail Goods and Services, Implementation Plan, Supporting Initiatives, specifically, initiatives supporting the creation of streetscape design plans and their implementation to improve both the Park and Webster streetscapes.
- The Downtown Vision Plan (2000)

RECOMMENDATION

The City Manager recommends that Council adopt a Resolution to create Special Newsrack Districts in both the Park Street and West Alameda Business Districts as authorized by Alameda Municipal Code §22-7, Newspaper and Periodical Vending Machines.

Respectfully submitted,

Leslie A. Little
Development Services Director

By: Dorene E. Soto
Manager, Business Development Division

Sue G. Russell
Development Coordinator

DK/LAL/DES/SGR:rv

cc: Park Street Business Association
West Alameda Business Association

CITY OF ALAMEDA RESOLUTION NO. _____

CREATING SPECIAL NEWSRACK DISTRICTS IN BOTH THE PARK STREET AND THE WEST ALAMEDA BUSINESS DISTRICTS AS AUTHORIZED IN THE ALAMEDA MUNICIPAL CODE SECTION 22-7, NEWSPAPER AND PERIODICAL VENDING MACHINES OF ARTICLE 1 (STREETS), CHAPTER XXII (STREETS AND SIDEWALKS)

Approved as to Form
Assist. CITY ATTORNEY

WHEREAS, Section 22-7.4 of Article I of Chapter XXII, Streets and Sidewalks, of the Alameda Municipal Code authorizes the establishment of "Special Newsrack Districts;" and

WHEREAS, City Council adopted legislation to allow for the creation of "Special Newsrack Districts" to assure newsrack vending equipment in both the Park Street and the West Alameda Business Districts would be both attractive, uniform and compliment the current capital investment occurring in each District in the form of major streetscape re-design projects featuring curb extensions, new vintage lights, street furniture and those other attributes of a planned downtown business district; and,

WHEREAS, the Park Street Business Association (PSBA) and the West Alameda Business Association (WABA) have each submitted written plans as required by the Alameda Municipal Code to the Development Services Department of the City of Alameda requesting such Districts be created along with a plan for their creation and continued upkeep; and

WHEREAS, the boundaries of each Special Newsrack District in both the Park Street and the West Alameda Business Districts duplicate exactly the boundaries of the Business Improvement Assessment Areas for each, copies of which are on file in the Office of the City Clerk; and,

WHEREAS, the Director of Public Works has indicated his approval of the "Special Newsrack District" in each business district by signing the "Newsrack Placement Plan" for each; and,

WHEREAS, each Business District has called general meetings of those businesses using the newsracks vending equipment in their respective districts to inform same of impending changes to create a new system of uniform and attractive boxes and explaining the procedure to those businesses for obtaining space in the new system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that a "Special Newsrack District" for the Park Street Business District and a "Special Newsrack District" for the West Alameda Business District, which duplicate the boundaries of the Business Improvement Assessment Areas for each, are hereby established.

* * * * * *

Resolution # 4-G CC
8-16-05

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____day of _____, 2005.

_____
Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA
Memorandum

To: Honorable Mayor and Councilmembers

From: Debra Kurita
City Manager

Date: August 3, 2005

Re: Resolution Requiring City Council Approval of Any Amendment to the Employment Contracts of the City Manager or the City Attorney

BACKGROUND AND DISCUSSION

The City Manager and City Attorney positions both serve at the will of the City Council. The City Manager and the City Attorney each have written employment contracts with the City Council, which sets forth their respective salaries and benefits.

On July 19, 2005, the City Council discussed past procedures regarding the implementation of certain provisions in the City Manager and City Attorney's employment contracts. The Council determined that for the future, any proposed changes in a provision of the City Manager's or City Attorney's employment contract be brought to the Council for approval, prior to implementation. The City Council directed a Resolution memorializing that the requirement for prior Council action be brought back to Council for action at the next available Council meeting. A copy of the Resolution is attached to this staff report.

BUDGET CONSIDERATION/FISCAL IMPACT

There is no fiscal impact resulting from this proposed action.

RECOMMENDATION

It is recommended that the City Council adopt the resolution requiring City Council approval of any amendment to the employment contracts of the City Manager or the City Attorney.

Respectfully submitted:

Debra Kurita
City Manager

by: Karen Willis
Human Resources Director

Attachment

Re: Reso 4-H
8-16-05

CITY OF ALAMEDA RESOLUTION NO. _____

REQUIRING CITY COUNCIL APPROVAL OF ANY AMENDMENT TO THE EMPLOYMENT CONTRACTS OF THE CITY MANAGER OR CITY ATTORNEY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ALAMEDA THAT:

Any proposed changes or amendments to the employment contracts of either the City Manager or the City Attorney shall require prior approval by majority vote of the City Council.

* * * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the day of _____, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the said City this _____ day of _____, 2004.

_____

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA RESOLUTION NO. _____

REQUIRING CITY COUNCIL APPROVAL OF ANY AMENDMENT TO THE EMPLOYMENT CONTRACTS OF THE CITY MANAGER OR CITY ATTORNEY

Approved as to Form
Assist. CITY ATTORNEY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ALAMEDA THAT:

Any proposed changes or amendments to the employment contracts of either the City Manager or the City Attorney shall require prior approval by majority vote of the City Council.

* * * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the day of _____, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the said City this ____ day of _____, 2004.

_____
Lara Weisiger, City Clerk
City of Alameda

Resolution # 4-H CC
8-16-05

CITY OF ALAMEDA
Memorandum

TO: Honorable Mayor and Councilmembers

FROM: Debra Kurita
City Manager

DATE: August 16, 2005

RE: Resolution amending the Alameda City Employees Association (ACEA) Salary Schedule by establishing the salary range for the position of Senior Combination Building Inspector

BACKGROUND

The Memorandum of Understanding for the Alameda City Employees Association (ACEA) was adopted in December 2004 and covers the period July 1, 2003 through June 30, 2006.

The resolution establishes the hourly salary range for a new classification on the ACEA salary schedule.

DISCUSSION

The Planning & Building Department has developed a plan for staffing changes, additions and elevations. These changes are designed to accommodate increasing service demands and provide succession planning as seasoned staff is lost to retirement and resignation. These changes were factored into the Planning & Building Department 2005/2006 budget recently approved by Council.

The first of these changes to be implemented is to create an organizational structure in the Building Inspection unit like that in place in the Public Works Construction Inspection unit. Public Works Construction Inspection addresses public works infrastructure projects undertaken by the City and construction within the public right of way, whereas Building Inspection addresses construction work performed by or for residents, businesses, the City or other non-City entity on private and public parcels. The addition of a Senior Combination Building Inspector position would result in an inspector, senior inspector, and supervisor organizational structure like that in place in Public Works Construction Inspection. The proposed salary range for this new classification is the same as that currently established for Senior Construction Inspector.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There is no financial impact to the General Fund since funding was included in the 2005/2006 budget.

Re: Reso 4-I
8-16-05

RECOMMENDATION

The City Manager recommends that the City Council, by motion, approve the amendment to the ACEA salary schedule.

Respectfully submitted,

Karen Willis
Human Resources Director

KW:mm

CITY OF ALAMEDA RESOLUTION NO. _____

AMENDING THE ALAMEDA CITY EMPLOYEES ASSOCIATION (ACEA) SALARY SCHEDULE BY ESTABLISHING SALARY RANGE FOR THE POSITION OF SENIOR COMBINATION BUILDING INSPECTOR

Approved as to Form
First CITY ATTORNEY

BE IT RESOLVED by the Council of the City of Alameda that the salary resolution of Alameda City Employees Association (ACEA) is hereby amended by establishing the salary rates, salary range, salary steps and benefits for the position of Senior Combination Building Inspector designating it as applicable to classifications in the service of the City of Alameda.

CITY OF ALAMEDA
ALAMEDA CITY EMPLOYEES ASSOCIATION
Effective August 17, 2005

Code	Classification *NON-EXEMPT*	HOURLY							
		Step AA	Step A	Step B	Step 1	Step 2	Step 3	Step 4	Step 5
3242*	Senior Combination Building Inspector	$26.40	$27.72	$29.11	$30.57	$32.10	$33.71	$35.40	$37.17

*Indicates classification within thirty-seven and one-half (37 ½) or forty (40) hour original work week.

* * * * * *

Resolution # 4-I CC
8-16-05

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____day of _____, 2005.

_____
Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA
Memorandum

TO: Honorable Mayor and Councilmembers

FROM: Debra Kurita
City Manager

DATE: August 16, 2005

RE: Resolution amending the Management and Confidential Employees Association (MCEA) Salary Schedule by establishing the salary ranges for the positions of Information Systems Network Analyst and Safety Officer

BACKGROUND

The Memorandum of Understanding for the Management and Confidential Employees Association (MCEA) was adopted in 2002 and covers the period September 9, 2002 through December 31, 2004.

DISCUSSION

The Administrative Services Division of Alameda Power & Telecom (AP&T) requires a new classification to adequately meet the department's and City's evolving information technology requirements. The proposed Information Systems Network Analyst will specialize in the design and support of a variety of information networks including local area networks (LAN), municipal area network (MAN), virtual local area networks (VLAN), and virtual private networks (VPN). The Information Systems Network Analyst will replace the existing Information Systems Technician, which has been vacant.

The Operations Division of AP&T requires a new classification to adequately meet the department's safety and environmental compliance requirements. The proposed Safety Officer will monitor the department's compliance of safety and environmental regulations as well as assess training needs and arrange for such training. The proposed classification will also analyze and assess the department's risk and liability of operations, including accident and safety trends, and recommend changes while collaborating with Risk Management. The Safety Officer will replace the existing Environmental Health and Safety Coordinator classification.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The AP&T Enterprise Fund will pay the funds required to cover the recommended salary ranges of the Information Systems Network Analyst and Safety Officer classifications. Funding has been authorized by the Public Utilities Board for these positions and there is no addition to total employees.

Re: Reso 4-J
8-16-05

There is no financial impact to the General Fund.

RECOMMENDATION

The City Manager recommends that the City Council, by motion, approve the amendment to the MCEA salary schedule.

Respectfully submitted,

Karen Willis
Human Resources Director

CITY OF ALAMEDA RESOLUTION NO. _____

AMENDING THE MANAGEMENT AND CONFIDENTIAL EMPLOYEES ASSOCIATION (MCEA) SALARY SCHEDULE BY ESTABLISHING SALARY RANGES FOR THE POSITIONS OF INFORMATION SYSTEMS NETWORK ANALYST AND SAFETY OFFICER

Approved as to Form
Asst. CITY ATTORNEY

BE IT RESOLVED by the Council of the City of Alameda that the salary resolution of Management and Confidential Employees Association (MCEA) is hereby amended by establishing the salary rates, salary ranges, salary steps and benefits for the positions of Information Systems Network Analyst and Safety Officer, designating those as applicable to these classifications in the service of the City of Alameda.

CITY OF ALAMEDA
MANAGEMENT AND CONFIDENTIAL EMPLOYEES ASSOCIATION
Effective August 17, 2005

Code	Classification *EXEMPT*	BI-WEEKLY				
		Step 1	Step 2	Step 3	Step 4	Step 5
7316*	Information Systems Network Analyst	$2274	$2388	$2507	$2632	$2764
7710*	Safety Officer	$2632	$2764	$2902	$3047	$3199

*Indicates classification within thirty-seven and one-half (37 ½) hour original work week.

* * * * * *

Resolution # 4-J CC
8-16-05

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____day of _____, 2005.

_____
Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA
Memorandum

To: Honorable Mayor and Councilmembers

From: Debra Kurita
City Manager

Date: August 3, 2005

Re: Public Hearing to Consider an Appeal of Planning Board's approval (UP05-0008), Use Permit and (DR05-0028), Final Design Review of the proposed new 352-space parking structure at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site. This site is located at 1416 Oak Street within the C-C-T (Community Commercial Theater Combining) District. Applicant: City of Alameda (DSD); Appellants: Ani Dimusheva and Valeria Ruma

BACKGROUND

Over the last several months, City staff and Michael Stanton of Michael Stanton Architecture (MSA) have presented and discussed preliminary parking garage designs with numerous members of the community. Based on the feedback received from the community, MSA developed a proposed design for the garage that was presented to the Planning Board on March 28, 2005. The parking garage design was also presented to the Historical Advisory Board (HAB) on April 7, 2005 for review and comment. City staff also presented the parking garage design to the Transportation Commission on April 27, 2005 for review and comment (see attached minutes). MSA altered the March 28th design in response to the Planning Board's and Historical Advisory Board's comments, and these changes were reflected in the design presented to the Planning Board on May 9, 2005. The Planning Board granted preliminary acceptance of the Civic Center Parking Garage designs on May 9, 2005 with a few minor contingencies.

On June 27, 2005, the Planning Board considered Section 106 findings for the garage and approved a design review for a six-level parking structure at 1416 Oak Street including several conditions. The matter was appealed by Ani Dumusheva and Valerie Ruma on July 7, 2005. A final design review submittal, including changes made per the Planning Board design review conditions, is attached for review.

DISCUSSION

The applicants' Bases of Appeal are contained in Attachment #1 along with staff's responses. The applicants' Bases of Appeal are in New Times Roman font and staff's responses are in Arial font.

Re: Public Hearing and Reso 5-A (Garage) 8-16-05

BUDGET CONSIDERATION/FINANCIAL IMPACT

The City Council action will not have a financial impact on the City.

ENVIRONMENTAL REVIEW

Implementation of the project requires local (City and CIC), state (State Office of Historic Preservation) and federal (HUD) approval actions, and therefore invokes the environmental documentation requirements of both the California Environmental Quality Act (CEQA), as amended, and the National Environmental Policy Act (NEPA). The City of Alameda (the "Lead Agency" under CEQA and the "Responsible Agency" under NEPA), as amended, to meet the CEQA and NEPA environmental documentation requirements associated with the local, state and federal approval actions necessary to implement the project. The City prepared a joint environmental document in the form of a CEQA-authorized Mitigated Negative Declaration (MND) supported by an Initial Study, and a NEPA-authorized Mitigated Finding of No Significant Effect (Mitigated FONSI) supported by an Environmental Assessment.

On November 8, 2004, a public meeting was held to take comments on the proposed scope of environmental review (Mitigated Negative Declaration/ Environmental Assessment) in accordance with HUD Environmental Regulations, Part 58.

The draft Initial Study/Environmental Assessment determined that there would be no unavoidable significant impacts and proposed a limited number of standard mitigations to avoid potentially significant aesthetic, air quality, cultural/historical, environmental hazard, geological, noise and transportation impacts identified in the Initial Study/Environmental Assessment.

On May 3, 2005, the City Council adopted the Mitigated Negative Declaration. Since that time there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162.

RECOMMENDATION

The City Manager recommends that the City Council deny the appeal and uphold the Use Permit and Design Review approval by the Planning Board.

Respectfully submitted,

Leslie A. Little
Development Services Director

Dedicated to Excellence, Committed to Service

By: Dorene E. Soto
Manager, Business Development Division

Jennifer Ott
Development Manager

DK/LAL/DES/JO:rv

Attachments

1. Bases of Appeal
2. June 27, 2005 Planning Board Staff Report
3. Final Planning Board Resolution
4. Minutes from June 27, 2005 Planning Board Meeting
5. Bruce Anderson's Section 106 Findings (on file with City Clerk's Office for review)
6. City Response to Bruce Anderson's Section 106 Findings (on file with City Clerk's Office for review)
7. Draft minutes from June 2, 2005 Historical Advisory Board meeting
8. Minutes from April 27, 2005 Transportation Commission meeting
9. Architectural Rendering of Alameda Theater, Cineplex, and Parking Garage Project (on file with City Clerk's Office for review)
10. Final Design Review Submittal (July 2005) (on file with City Clerk's Office for review)

cc: Ani Dimusheva
Valerie Ruma
Planning Board

ATTACHMENT 1
BASES OF APPEAL

Appeal of the approval of Design and Use Permit for the proposed parking garage, item 8-B of the agenda of Planning Board meeting from June 27, 2005

I. Appeal of Use Permit

1. We appeal the approval of the Use Permit for the parking garage because it does not meet the requirements set forth in AMC, sec. 30-21-3B which governs Standards and states that "the City Planning Board shall authorize the issuance of a Use Permit only if the evidence presented at the hearing is such as to establish:

1. That the location of the proposed use is compatible with other land uses in the general neighborhood area;

2. That the proposed use will be served by adequate transportation and service facilities;

3. That the proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity."

The location of the proposed garage is not compatible with other land uses in the general area. The general area is comprised of buildings offering small scale retail, community and civic use. It is currently pedestrian and bike friendly and historic in nature. Adjacent streets are not adequate to accommodate large volumes of vehicular traffic. The proposed use "parking garage" will increase vehicular traffic in the vicinity sufficiently to adversely affect both the physical state and use patterns of other properties in the vicinity

The proposed parking garage project is within the massing and scale of the surrounding Park Street Historic District (PSHD) and is compatible with its surrounding uses. The parking garage meets the height requirements set forth in the City's Development Code Sec. 30-4.9A(g)(2) zoning code that allows six (6) stories and no height limit for a parking garage. Carey & Company (historic preservation architects) conducted the Section 106 section of the Environmental Assessment for the project. As part of this analysis, Carey & Company reviewed the height and massing of the project and determined their consistency with the Secretary of Interior's Standards for Rehabilitation and Restoration.

The parapet of the parking garage is 56 feet along Oak Street and 60 feet at the highest point along the Santa Clara elevation, both well below the highest point of the Alameda Theater (70 feet at the top of the blade sign), and within close range of the Theater's flat corners (58 feet), the parapets of City Hall (52 feet) and Alameda High School (54 feet). The highest point of the parking garage is the parapet of the elevator penthouse at 67

feet, comparable to the 67-foot ridgeline of City Hall and the top of the spires of the Twin Towers Church at approximately 70 feet.

It is typical throughout the Bay Area and the United States for parking garages to be located within close proximity of business districts and civic uses, both significant generators of parking demand. The garage will provide much-needed parking for not only movie theater patrons (primarily nighttime and weekend users), but also Twin Towers Churchgoers on Sunday morning, City Hall and School District visitors and employees during the day, and business district shoppers during all hours of the week.

The traffic impacts associated with the project were evaluated as part of the City's environmental review process under both CEQA and NEPA.[1] The adopted Initial Study/Environmental Assessment determined that there would be no unavoidable significant impacts and proposed a limited number of standard mitigations to avoid potentially significant impacts including potential traffic impacts. It was found that the traffic impacts of this project could be reduced to a less than significant impact if the appropriate mitigations were implemented. The mitigations in the Mitigation Monitoring Reporting Program were adopted as part of the Disposition and Development Agreement (DDA) and are being addressed by the project as a whole. Initially, this includes a signal retiming at the Santa Clara Avenue and Oak Street intersection due to a decrease in Level of Service during the PM peak hour. This mitigation will be funded by the parking garage project.

2. We appeal the approval of the use permit for the parking garage based on that it is ill advised as a use of prime public civic center space. Most advocates of the parking structure come from the business community, a small segment of the overall population. Testimonials by many citizens state a preference to explore other parking options. The proposed configuration ignores the advice of planning professionals and mayors of other progressive cities given to the late Mayor Ralph Appezato (sic) at a seminar of the Mayor's Institute on City Design and reported on by Susan Fuller in the Alameda Journal October 26th 2001.

The article entitled: **More Parking Not Always the Answer** discusses the advice given by experienced mayors and designers who have worked through similar problems. Their advice included the following comments:

"Probably the most controversial thing was that they strongly recommended not building a parking garage in the Long's lot." **Both mayors and design professionals said that a garage - especially one without retail on the ground level- would destroy the civic center.** The other mayors spoke from experience, saying that they regret having garages in the heart of the civic center. They advised Appezato to be sure that more parking was absolutely necessary. **The business community, the other mayors told him, will push for more parking even when it's not needed.**

[1] *Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study*, EnviroTrans Solutions, Inc., December 3, 2004.

The mayors of the other cities - Sacramento; San Leandro; Boseman, MT; Bellingham, WA; Columbus, OR; Duluth, MN; and Kansas City MO were charmed by Alameda's sense of history and small town atmosphere, Appezato said.

(This article was contained in a package of information prepared by Eric Scheuermann and delivered to Mayor Johnson and City Council on June 6th, 2005)

Also included in the same information package referenced above were comments by numerous citizens who signed an online petition to put a halt to this project. Some of their comments were:

- "... and 1 question the need for such a large parking structure. I think both are overkill."

- "No to the megaplex and the garage! ... if it is built, I will not shop on Park St!"

- "Alameda is a special, quaint town. .. . A megaplex theater is too big; the parking structure and megaplex is hideous. In looks and the idea of it. . .. It will be a traffic nightmare in what is an already too congested area. What will we do in 10 years when we realize that it is a failure. Tear it down?"

- "If I wanted to live in a place like Oakland or Emeryville I could do it for a lot less money than I'm paying to live in a quieter town."

- "seems to me we are being bamboozled into a parking garage. from drawing I can barely see the historic theater. find another spot for parking structure."

- "while add'l parking in the Park Street area is needed, a large multi-story eyesore is not needed. Alameda still has a definite, important charm---let's try to keep that charm."

- "Stop plans for building an oversized multi-theater complex and parking structure"

- "I am totally against this theater/parking lot project."

- "Let's not destroy Alameda's small-town appeal. We surely don't want to see a 6 level garage in the downtown area."

- "a huge central parking garage may cause more traffic problems than it solves."

- "Traffic and safety issues will ensue and the multi-level parking structure does not fit in with Alameda's historical ambiance."

- "I oppose the parking structure."

The City is implementing a long-standing goal of the Alameda community by developing a multi-level parking garage as part of the Civic Center and Downtown areas. This policy direction is presented in the City's various policy documents, which all resulted from extensive public participation:

- As stated in the City's current General Plan (3.4 Civic Center Specific Plan), "...multi-level parking structures replacing parking lots would serve both the civic center and the adjoining Park Street business district."

- The Alameda Downtown Vision Plan (2000) considers a parking garage to help meet the parking needs of a restored Alameda Theatre and a possible adjoining cineplex specifically on the Video Maniac's property (as currently proposed) on page 26.

- The Economic Development Strategic Plan (2000) recommends implementing Strategy #4 by, " establishing a Civic Center, highlighting Kofman Auditorium, Alameda Theater and a new main library, with a civic center parking structure for Alameda's Downtown;"

Some planning professionals and mayors from other cities cautioned against a parking garage to Mayor Ralph Appezzato in 2001 in a civic center, not in conjunction with an adjacent theater. Additionally, the City conducted a recent parking study[2] re-confirming that a significant unmet demand for parking spaces in the Downtown with the implementation of the proposed Alameda Theatre project. The parking garage will meet that need in the most cost effective and efficient manner on land that the City has already been successful at acquiring.

3. We appeal the approval of the Use Permit for the parking structure because it is parking only and does not include street level retail which is recommended by the urban design community in general and also by the Alameda General Plan (section 2.51) which states "for multilevel parking... Provide retail uses in the front portion of the structures' ground floors where necessary to provide continuity of ground floor retail uses or to connect such uses where they are now separated."

While the City would have preferred providing retail on the ground floor of the garage, the site for the garage has, through design and mid-block siting, been narrowed to 127 feet in width, which is not sufficiently large to accommodate parking spaces and retail space on the ground floor. However, retail at the base of the Cineplex building has been required and wraps around the corner of Central Avenue and Oak Street to provide the necessary pedestrian link to the Park Street downtown.

Multi-level parking without street level retail has a high probability of creating negative impact in the general area and specifically for Longs, City Hall, businesses located on Santa Clara facing the back of the garage and civic and residential use buildings facing the garage from Oak Street. Negative impact could include loitering, crime and graffiti, due to lack of human activity with no retail or civic space and an automated parking attendant. Visual unattractiveness of a large flat wall facing the Longs lot would negatively impact both City Hall, which is a historical

[2] *Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study*, EnviroTrans Solutions, Inc., December 3, 2004.

gem and businesses facing the structure from Santa Clara. Lack of street level retail also affects the financial feasibility of the structure as a whole. Ground floor retail and open spaces would invite more pedestrian traffic and contribute to the bottom line ROI of the project which the DDA currently projects to produce negligible income.

The ground floor of the garage will include movie posters, brick courses, and well-lit pedestrian entryways for people using the garage at night. These design elements along with landscaping features will enliven the public right-of way in front of the garage, creating a pedestrian-friendly environment and discouraging negative behavior. The entire garage will be well lit to avoid dark corners and will be patrolled by the Alameda Police Department. The Park Street Business Association will remove any graffiti from the movie poster boxes to ensure the street-level view of the garage remains attractive and welcoming. Additionally, the garage, like all other buildings in the City, will be subject to the City's graffiti abatement regulations.

The northern wall of the garage facing Santa Clara Avenue will not be left blank. The City is currently in the process of soliciting art proposals for a temporary mural for the northern wall of the garage. The mural will use billboard technology and be temporary due to the long-term redevelopment potential of the Longs Drugs parking lot. The City's Public Art Advisory Committee (PAAC) has released a Call for Artists for the mural project and will solicit proposals from a few of the most qualified artists. The PAAC will be responsible for selecting the final design and dimensions of the proposed mural. This will be the City's first official public art project. Ultimately, over time the blank wall will be a neighboring wall to development that will most likely take place on the Long's lot at some future time. The experience will not be unlike the experience the blank wall on the west side of the historic Alameda theater currently creates in the downtown.

Ground floor retail will not necessarily improve the financial feasibility of the project and would require the reduction of the total number of spaces.

4. We appeal the approval of the Use Permit for the parking structure because in its proposed configuration it will be a burden to Alameda taxpayers at an estimated cost of $9,731,801. Priority #5 from the Downtown Vision Statement was to "create satelite (sic) parking lots and parking zones to enhance on-street parking and parking availability in the downtown." Smaller scale distributed parking could serve needs just as well and be much more financially and civicly (sic) responsible.

The funds for the garage are a federal HUD Section 108 loan funds, and proceeds from already issued redevelopment bonds. The redevelopment bonds will be paid back (starting this fiscal year) with existing tax increment. Neither of these sources of funds can be used to pay for ongoing City services; they are restricted from use in that way.

The development of small surface public parking lots throughout the Park Street area is not practical for achieving a significant number of parking spaces and serving the needs of the adjacent movie theater. The implementation of satellite surface parking lots to

provide the 350 parking spaces would require the acquisition of 2.8 acres of land (at 350 square feet per space), necessitating acquisition and demolition of structures in and around the historic district. It would require significant financial resources for the acquisition of multiple parcels of land from multiple owners throughout the Park Street area. In addition, it is not an efficient use of urban land. One acre (43,560 square feet) of surface parking would provide the City with approximately 124 parking spaces at 350 square feet per space, while an acre of structured parking at the density of the proposed garage would provide approximately 814 spaces, 6.5 times more parking.

Furthermore, it is important for the parking garage to be located within close walking distance of the movie theater and in a central location of significant value to the whole downtown to make it easy for people to go to the movies and maximize the success of the project.

II. Appeal of Design:

1. We appeal the design approval for the garage because it is highly unlikely that it can be built within the proposed budget. As expressed by a planning board member, the cost of $20,000 per stall is not realistic, and even the contingency allowing the price per stall to go as high, but not higher than $24,000 per stall may not be enough which would ultimately cause the structure to be scaled down incurring redesign costs, impairing appearance and possibly leaving the entire project with less than adequate parking.

The current parking garage budget of $10.6 million ($30,000 per space for a 350-space garage) is based on a professional estimation of construction costs and includes land acquisition, a 15 percent contingency, and other soft costs (i.e., architecture and engineering, city fees, etc.). Hard construction costs only are currently estimated at approximately $20,000 per space. Once bids are submitted to the City for the design and construction of the garage, the City will adjust the budget accordingly. Because construction costs are escalating rapidly, the City is prepared to work closely with our construction management firm and the design-build contractor to explore opportunities for reducing costs if the bids exceed the City's allotted budget.

2. We appeal the approval of the garage design because it does not meet guiding policy 3.4.a of the Design Element of the General Plan which states, "Using City Hall as the centerpiece develop the surrounding area as an identifiable civic center that will enhance civic pride in Alameda." The creation of a 60 ft tall blank garage wall facing the Longs parking lot does not enhance civic pride. Such blank wall serves no aesthetic function, will be clearly visible from City Hall, will throw a shadow over the entire Longs parking lot creating an enclosed and claustrophobic feeling for Longs' customers, and will have a potentially detrimental effect on Longs' business as well as on businesses located along Santa Clara near Oak Street and facing the wall.

As mentioned above, the northern wall of the garage facing Santa Clara Avenue will not be left blank, but instead will be the home of the City's first official public art project. The City is currently in the process of soliciting art proposals for a temporary mural for the

northern wall of the garage. The mural will use billboard technology and be temporary due to the long-term redevelopment potential of the Longs Drugs parking lot. The City's Public Art Advisory Committee (PAAC) has released a Call for Artists for the mural project and will solicit proposals from a few of the most qualified artists. The PAAC will be responsible for selecting the final design and dimensions of the proposed mural.

The City has contracted with a professional consultant to conduct a shading study of the parking garage project and its effect on the shading of businesses located on the far side of Santa Clara Avenue. The study will be complete within the next several weeks. Consideration of the results of the study is included as one of the Planning Board conditions on design review approval. However, it should be noted that, the shadow will be approximately identical to the shadow cast by the historic Alameda Theater upon Santa Clara Avenue, since that building is of similar height and identical distance from the street.

3. We appeal the design approval for the garage because the current design conflicts with the General Plan Land Use element 2.5.b which calls for revitalization of historic downtown shopping districts while maintaining their small-town character. The design of this parking structure is very much out of character with Alameda's small town charm. If more parking is actually needed, then it should be distributed around the business district in multiple smaller configurations that can be made to conform with this requirement of the General Plan.

The City's General Plan (3.4 Civic Center Specific Plan) specifically states, ". . .multi-level parking structures replacing parking lots would serve both the civic center and the adjoining Park Street business district." The proposed parking garage design is consistent with this policy. In addition, the current design of the parking garage meets the City's height requirement for parking garages in the area (six levels), per the City's 30-4.9(g)(2) zoning code. General Plan policy 2.5.i specifically refers to the City's 1990 zoning, which allowed 100-foot buildings, as being inconsistent with small-city character. The proposed parking garage parapet at its highest is 60 feet along the Santa Clara Avenue elevation. The current City zoning code, which allows for a 6-level parking structure in the Park Street area, was developed subsequent to the City's 1991 General Plan, and is assumed to be consistent with the City's General Plan policies, and therefore consistent with the small-city character referred to in the Plan. In addition, there are many other buildings in the area with comparable heights including the Alameda Theatre, City Hall, Twin Towers Church, and the Alameda High School.

4. We appeal the design approval for the garage based on concerns about the additional traffic and congestion it will create and feel that the traffic mitigation measures undertaken to date were inadequate.

The traffic impacts associated with the project were evaluated as part of the City's environmental review process under both CEQA and NEPA.[3] The adopted Initial

[3] *Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study*, EnviroTrans Solutions, Inc., December 3, 2004.

Study/Environmental Assessment determined that there would be no unavoidable significant impacts and proposed a limited number of standard mitigations to avoid potentially significant impacts including potential traffic impacts. It was found that the traffic impacts of this project could be reduced to a less than significant impact if the appropriate mitigations were implemented. The mitigations in the Mitigation Monitoring Reporting Program were adopted as part of the DDA and are being addressed by the project as a whole. Initially, this includes a signal retiming at the Santa Clara Avenue and Oak Street intersection due to a decrease in Level of Service during the PM peak hour. This mitigation will be funded by the parking garage project. The Community Improvement Commission adopted the DDA including the Environmental Assessment on May 3, 2005.

5. We appeal approval of the design for the parking garage because the entire project goes against recommendations from the public, advice of planning professionals and mayors of other progressive cities given to the late Mayor Ralph Appezato at a seminar of the Mayors' Institute on City Design and reported on by Susan Fuller in the Alameda Journal October 26th 2001.

As mentioned above, although some planning professionals and mayors from other cities cautioned against a parking garage for a "civic center" to Mayor Ralph Appezzato in 2001, the City conducted a recent parking study[4] that found a significant unmet demand for parking spaces in the Downtown with the implementation of the proposed Alameda Theatre project. Further, since no one has the background or context for the basis of this recommendation, it is hard to determine what assumptions were made to produce that recommendation. Parking structures typically serving only civic centers are often empty, cold places on weekends and in the evenings. This will not be the case for a structure serving the business core as well. The parking garage will meet that need in the most cost effective and efficient manner on land that the City has already been successful at acquiring.

6. We appeal approval of the design for the parking garage because according to staff report issued at the June 27th meeting states that a professional site survey of the property raised questions regarding the location of the property line along Oak Street and the associated width of the public right-of-way. Regardless of where the correct property line is determined to be, it will jeopardize the existing proposed design, as was pointed out by a public speaker at the June 27th meeting, either by eating into the public right-of-way or by eating into space allocated to the building. We oppose the approval of a design this tightly configured that has open questions as to the location of the property line.

The City and its professional consultants have clearly determined where the legal property line of the Video Maniacs parcel along Oak Street lies in relation to the public right-of-way. The proposed building design of the cineplex and the parking garage will not be affected. Additionally, the existing 8-foot sidewalk along Oak Street will be

[4] *Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study*, EnviroTrans Solutions, Inc., December 3, 2004.

replaced in front of the cineplex and garage with a new 10.5 ft widened sidewalk upon construction of the garage.

ALAMEDA PLANNING & BUILDING DEPARTMENT

STAFF REPORT

ITEM NO: **8-B**

APPLICATION: **UP05-0008/DR05-0028 – Use Permit and Final Design Review of the Proposed New Civic Center Parking Garage – City of Alameda (DSD) – 1416 Oak Street**. Consideration of a Use Permit and Final Design Review, including consideration of Section 106 findings, for a new 352-space parking structure at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site. This site is located at 1416 Oak Street within the C-C (Community Commercial) District.

GENERAL PLAN: Community Commercial

ENVIRONMENTAL DETERMINATION: A Mitigated Negative Declaration was prepared and adopted for the Alameda Theater, Cineplex and Parking Structure Project

STAFF PLANNER: Cynthia Eliason, Supervising Planner
Jennifer Ott, Development Manager

RECOMMENDATION: Approve use permit and final design review.

ACRONYMS:
C-C - Community Commercial Zoning District
CEQA - California Environmental Quality Act
FONSI - Finding of No Significant Effect
HAB – Historical Advisory Board
HUD – Housing and Urban Development
IS/EA - Initial Study/Environmental Assessment
MND - Mitigated Negative Declaration
NEPA - National Environmental Policy Act

ATTACHMENTS:

1. Draft Resolution
2. Minutes from April 27, 2005 Transportation Commission Meeting
3. Parking Garage Final Design Review Submittal (Distributed at the meeting of June 13, 2005)

Attachment 2

The following attachments are included in the Staff Report for Item 8-A (Cineplex):

4. Bruce Anderson's Section 106 Findings
5. City Response to Bruce Anderson's Section 106 Findings
6. Draft Minutes from June 2, 2005 Historical Advisory Board Meeting

I. BACKGROUND/PROPOSAL SUMMARY:

The project consists of construction of a new multi-level parking structure with 352 parking spaces. Access to and from the garage would be solely from a single entrance on Oak Street. The project site is located in the Park Street Business District and is zoned C-C, Community Commercial, which allows a commercial parking structure with a Use Permit. Commercial parking structures are specifically exempt from the height restrictions in the C-C District provided the structure does not exceed six (6) stories and public parking is provided. The proposed public parking structure would be six (6) stories in height and is adjacent to the Alameda Theater and Long's Drugs and the proposed new Cineplex. The proposed parking structure is intended to provide parking for the Park Street Business District including the renovated Alameda Theater and proposed Cineplex.

As mentioned at the May 9, 2005 Planning Board meeting, City staff had developed a plan for a 6-foot widening of the Oak Street sidewalk along the Video Maniacs site, per stakeholder and CIC comments. Since that meeting, a professional site survey of the property was completed, which raised questions regarding the location of property line along Oak Street and the associated width of the public right-of-way. Depending on where the property line is determined to be, the 6-foot widening could result in a sidewalk between approximately 10 to 14 feet wide. It may be difficult to accommodate all of the landscape features along Oak Street in front of the Cineplex and garage, as previously discussed, if the public right-of-way is determined to be at the lower end of that range. However, the pedestrian safety measures (i.e., textured and colored pavement along mouth of garage) will be maintained. In addition, any change to the width of the sidewalk will preserve sufficient space for the future installation of a bike lane along Oak Street, as currently envisioned in the General Plan.

II. ENVIRONMENTAL REVIEW:

Implementation of the project requires local (City and CIC), state (State Office of Historic Preservation) and federal (HUD) approval actions, and therefore invokes the environmental documentation requirements of both the California Environmental Quality Act (CEQA), as amended, and the National Environmental Policy Act (NEPA). The City of Alameda (the "Lead Agency" under CEQA and the "Responsible Agency" under NEPA), as amended, to meet the CEQA and NEPA environmental documentation requirements associated with the local, state and federal approval actions necessary to implement the project. The City prepared a joint environmental document in the form of a CEQA-authorized Mitigated Negative Declaration (MND) supported by an Initial Study, and a NEPA-authorized Mitigated Finding of No Significant Effect (Mitigated FONSI) supported by an Environmental Assessment.

On November 8, 2004, a public meeting was held to take comments on the proposed scope of environmental review (Mitigated Negative Declaration/ Environmental Assessment) in accordance with HUD Environmental Regulations, Part 58.

The draft Initial Study/Environmental Assessment determined that there would be no unavoidable significant impacts and proposed a limited number of standard mitigations to avoid potentially significant aesthetic, air quality, cultural/historical, environmental hazard, geological, noise and transportation impacts identified in the Initial Study/Environmental Assessment.

On May 3, 2005, the City Council adopted the Mitigated Negative Declaration. Since that time there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162.

III. STAFF ANALYSIS:

The proposed parking garage requires both a Use Permit and a Major Design Review.

A. Use Permit

Discussion:

Land Use Compatibility: The project is part of a broad redevelopment strategy for the City's Downtown/Park Street Area. The project site is located in the Park Street Business District and supports the existing commercial and retail uses in the vicinity.

Traffic: The Initial Study/Mitigated Negative Declaration identified one intersection that will require mitigation and several intersections that could potentially fail with cumulative traffic predicted. With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts to traffic circulation can be brought to a satisfactory level of service.

Parking: The parking garage is intended to meet the parking demand for the Alameda Theater/ Cineplex. The parking garage will contain 352 parking spaces and bicycle parking.

Noise: The noise in the vicinity and associated with the use is primarily associated with vehicular traffic. The use does not introduce any new noise sources to the area.

Hours of Operation: The parking garage will operate on a daily basis on a 24-hour basis.

General Plan Conformance: The proposed parking garage is consistent with the site's General Plan designation of Community Commercial and would be consistent with Policy 2.5.1.

Findings: In order to approve the requested Use Permit, the Planning Board shall make all of the following findings and must determine that the proposed use favorably relates to the General Plan:

1. The location of the proposed garage is compatible with other land uses in the general neighborhood area.

   The parking garage will support the proposed reuse of the Alameda Theater and the new Cineplex. Other uses in the area include complimentary retail and institutional uses.

2. The proposed use will be served by adequate transportation and service facilities.

   As mitigated by improvements required by the IS/MND, the project will not impact local intersections. With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts to traffic circulation can be brought to a satisfactory level of service.

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.

   With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts of this project can be reduced to a less than significant level.

4. The proposed use relates favorable to the General Plan.

   The proposed parking garage is consistent with the site's General Plan designation of Community Commercial and would be consistent with Policy 2.5.1.

In summary, Staff can make all of the required Use Permit findings.

B. <u>Design Review</u>

Over the last two months, City staff and Michael Stanton of Michael Stanton Architecture (MSA) have presented and discussed preliminary parking garage designs with numerous members of the community. Based on the feedback received from the community, MSA developed a proposed design for the garage that was presented to the Planning Board on March 28, 2005. The parking garage design was also presented to the Historical Advisory Board (HAB) on April 7, 2005 for review and comment. City staff also presented the parking garage design to the Transportation Commission on April 27, 2005 for review and comment (Attachment 3). MSA altered the March 28th design in response to the Planning Board's and Historical Advisory Board's comments, and these changes were reflected in the design presented to the Planning Board on May 9, 2005. The Planning Board granted

preliminary acceptance of the Civic Center Parking Garage designs on May 9, 2005 with a few minor contingencies:

- Change the base of the garage to a darker color;
- Provide additional framing around the movie poster boxes; and
- Add brick courses/brick patterns along façade of the garage.

The design preliminarily accepted by the Planning Board served as the basis for an independent Section 106 review of the proposed garage design.

As a mitigation measure in the Initial Study/Environmental Assessment (IS/EA) for the Proposed Alameda Theater, Cineplex, and Parking Structure Project, the City must contract with an independent historic preservation professional to review the project plans and specifications of the three components of the project for consistency with state and federal historic preservation policies and standards (i.e., *Secretary of Interior's Standards for Rehabilitation and Restoration*). In addition, the HAB must review the findings conducted by the consultant and provide comment to the Planning Board before the Planning Board can grant final design review approval.

The City's historic preservation consultant, Mr. Bruce Anderson, developed his findings as required by the IS/EA based on the May 9, 2005 parking garage design (See Attachment 4). The City has also prepared a response to Mr. Anderson's findings regarding the parking garage for your review (See Attachment 5). City staff presented the following information to the HAB on June 2, 2005 for review and comment: (1) the May 9th Planning Board design submittal, (2) a revised Oak Street elevation that incorporated the Planning Board's May 9th comments, (3) Mr. Anderson's Section 106 findings, and (4) the City's preliminary response to the Section 106 findings. The draft minutes from the June 2, 2005 HAB meeting are attached (see Attachment 6). The HAB supported Mr. Anderson's findings and requested lighting and signage programs for the parking garage. The Planning Board must consider Mr. Anderson's findings, staff's response, and the June 2, 2005 HAB comments before granting final design approval of the proposed Final Parking Garage Design (see Attachment 2).

Findings: Staff believes that the following findings can be made for approval of this Design Review application:

1. The project will have no adverse effects on persons or property in the vicinity.

   With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts of this project can be brought to a reduced to a less than significant level.

2. The project will be compatible and harmonious with the design and use of surrounding properties.

   As modified by the staff in response to the Section 106 findings and comments from the Historical Advisory Board, the final design of the garage will be compatible and harmonious with the design and use of surrounding properties.

3. The project will be consistent with the City's Design Review Guidelines.

   The project meets the intent of the City's Design Guidelines with building height, massing setbacks and finishes which are reflective and respective of existing historic and architecturally significant in the vicinity.

In summary, Staff can make the appropriate design review findings.

IV. RECOMMENDATION:

Staff recommends that the Planning Board hold a public hearing, consider all pertinent testimony and information, and then act to approve UP05-0008/DR05-0028 based upon the findings contained in the attached Draft Resolution.

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Planning Board Staff Report 8-B from June 27, 2005:

Attachment # 1 Draft Resolution is on file in the City Clerk's Office

Attachment #2 Draft Minutes from 4/27/05 Transportation Commission Meeting are Attachment #8 to the City Council Staff Report

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-05-28

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING UP05-0008/DR05-0028 USE PERMIT AND FINAL DESIGN REVIEW OF THE PROPOSED NEW CIVIC CENTER PARKING GARAGE

WHEREAS, an application was made by the City of Alameda (Development Services Department) for a Use Permit for construction of a new 352-space parking structure and Final Design Review, including consideration of Section 106 findings, at 1416 Oak Street, the corner of Oak Street and Central Avenue, generally on the Video Maniacs site; and

WHEREAS, the subject property is located in the C-C (Community Commercial) District; and

WHEREAS, A Mitigated Negative Declaration was prepared and adopted on May 3, 2005 for the Alameda Theater, Cineplex and Parking Structure Project by the City Council. Since that time there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162; and

WHEREAS, the Board has held a public hearing on this application on June 27, 2005 and has examined pertinent maps, drawings, and documents; and

WHEREAS, the Board has made the following findings relative to the Use Permit:

1. The location of the proposed garage is compatible with other land uses in the general neighborhood area.

   The parking garage will support the proposed reuse of the Alameda Theater and the new Cineplex. Other uses in the area include complimentary retail and institutional uses.

2. The proposed use will be served by adequate transportation and service facilities.

   As mitigated by improvements required by the IS/MND, the project will not impact local intersections. With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts to traffic circulation can be brought to a satisfactory level of service.

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.

   With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts of this project can be reduced to a less than significant level.

Attachment 3

4. The proposed use relates favorable to the General Plan.

The proposed parking garage is consistent with the site's General Plan designation of Community Commercial and would be consistent with Policy 2.5.1.

WHEREAS, the Board has made the following findings relative to the Design Review:

1. The project will have no adverse effects on persons or property in the vicinity.

With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts of this project can be brought to a reduced to a less than significant level.

2. The project will be compatible and harmonious with the design and use of surrounding properties.

As modified by the staff in response to the Section 106 findings and comments from the Historical Advisory Board, the final design of the garage will be compatible and harmonious with the design and use of surrounding properties.

3. The project will be consistent with the City's Design Review Guidelines.

The project meets the intent of the City's Design Guidelines with building height, massing setbacks and finishes which are reflective and respective of existing historic and architecturally significant in the vicinity.

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby grants UP05-0008/DR05-0028 subject to the following conditions:

1. The project shall be constructed in substantial conformity with plans titled "Oak Street Public Parking Garage" dated June 7, 2005, prepared by Michael Stanton Architecture, labeled Exhibit A and on file with the Planning and Building Department as modified below.

2. Prior to the issuance of any building permit for the Public Garage, the Planning Board shall approve the final lighting plan, signage program and landscaping plan for the parking garage. The final lighting plan shall be prepared by a professional lighting designer.

3. The interior illumination of the garage shall meet these minimum standards:

- Minimum Horizontal Illumination is 1 foot-candle.
- The Minimum Horizontal Uniformity is 10:1 (Maximum/Minimum).
- The Minimum Vertical Illumination is .5 foot-candles.

4. The Public Art Committee shall approve the designs and dimension of the proposed temporary mural on the north elevation of the Public Garage.

5. The minimum width of the proposed sidewalk along Oak Street shall be 10 feet wide.

6. Textured and colored pavement shall be installed along mouth of garage to the satisfaction of the Planning and Building Director.

7. A decorative brick framing shall surround the proposed poster display boxes to the satisfaction of the Planning and Building Director.

8. Vesting. The use permit approval shall terminate one (1) year from the effective date of its approval, unless actual construction or alteration under valid permits has commenced within that time or the applicant applies for and is granted an extension prior to the expiration.

9. Construction Noise. Construction noise impacts shall be minimized by restricting construction activities to the daytime hours specified by the Alameda Municipal Code. The current provisions limit construction to Monday through Friday, between 7:00 a.m. to 7:00 p.m., and on Saturday between 8:00 a.m. to 5:00 p.m., with no Sunday construction.

10. Construction Soil Control. All construction contracts shall contain dust control clauses. The developer shall require that all contractors control the dust by watering exposed earth surfaces, covering trucks transporting fill to the site, and daily removal of earth or mud carried onto City streets from the project site.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision by competing and submitting an appeal form paying the required fee.

PASSED AND ADOPTED by the Planning Board of the City of Alameda on the 27th day of June 2005 by the following vote:

AYES:	(4)	Piziali Cook, Cunningham and Lynch,
NOES:	(1)	Mariani
ABSENT:	(2)	Kohlstrand, McNamara

ATTEST:

Cynthia Eliason

Paul Benoit, Interim Secretary
City Planning Board

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8-B. **UP05-0008/DR05-0028 – Use Permit and Final Design Review of the Proposed New Civic Center Parking Garage – City of Alameda (DSD).** Consideration of a Use Permit and Final design review, including consideration of Section 106 findings, for a new 352-space parking structure at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site. This site is located at 1416 Oak Street within the C-C and C-C-PD (Community Commercial and Community Commercial -- Planned Development) Districts. **(Continued from the meeting of June 13, 2005.)**

M/S Cook/Piziali and unanimous to continue the meeting to 11:30 p.m.

AYES – 4 (Kohlstrand, McNamara absent); NOES – 1 (Mariani); ABSTAIN - 0

Ms. Ott summarized the staff report.

M/S Piziali/Lynch and unanimous to limit the speakers' time to three minutes.

AYES – 4 (Kohlstrand, McNamara absent); NOES – 1 (Mariani); ABSTAIN - 0

The public hearing was opened.

Mr. Kevin Frederick, 1287 Caroline Street, suggested revisiting the idea of removing the garage from Oak Street to an earlier proposed location behind the Elks' Lodge, which would be a bigger site. He noted that a more efficient garage could be built there, next to a four-lane road. He expressed concern that a six-story garage could invite trouble, and that a smaller garage would reduce that risk.

Ms. Melody Marr, CEO, Alameda Chamber of Commerce, spoke in support of this application, and noted that this garage was badly needed in Alameda. She noted that there was no place in Alameda where people could park for a long time without getting parking tickets.

Ms. Nancy Hird was not in attendance to speak.

Mr. Robb Ratto, Director, PSBA, spoke in support of this application, and noted that their Board of Directors had voted unanimously in favor of this design.

Mr. Christopher Buckley, 1017 San Antonio Avenue, noted that he was speak as an individual. He noted that the Board requested a design change to include stronger framing around the posters on the lower level. He had gotten the impression that the Board wanted some sort of depression in the wall so the posters could be inserted in them. He suggested the use of opaque spandrel glass around the perimeter, with the movie posters exposed inside. He believed the use of variegated brick on the Cineplex would be an improvement, and suggested that it be used on the parking garage as well.

Mr. Noel Folsom spoke in opposition to this item. He did not believe this was a true Art Deco design, and believed that it was too large for the site. He did not like the design of the parking garage.

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Mr. Harold McKenzie, 3263 Thompson Avenue, spoke in support of this item. He would like the garage to be constructed in such a way that would make it work for the City.

Mr. Eric Strimlin noted that there was an increasing public groundswell against this structure because of its massiveness. He believed it was out of scale with Alameda, and did not understand why the size of the garage could not be reduced. He asked the Board to inspire, not to compromise. He expressed concern that this garage could weigh the downtown down, and requested that the design be reduced.

Mr. Harry Hartman noted that he had a business on Oak Street, and added that parking garages were primarily about functionality. He believed this garage would be an improvement, and that it was not a nondescript structure. He suggested that some work be done to the panels, or that cornices be added for some visual interest. He believed that if the garage were to be well-designed, the ingress and egress would be easy for people.

Mr. Jim Strehlow, 3122 Gibbons Street, noted that he supported the project, but was concerned about its size. He requested information about free parking, and hoped the plans for the garage were fiscally sound so that it could be self-sustaining. He suggested that fewer levels would enable to City to reach that goal, and that there should be subsidized parking validation for the Cineplex, to be paid back by the theater owner. He suggested that there should be parking validation for the library as well. He encouraged monthly parking rental revenue, and some methodology to determine how many people would buy monthly passes for the garage.

Mr. Robert Gavrich, 1517 Fountain, believed this parking garage was not big enough and was concerned that it would be inadequate for evenings when the Cineplex was at capacity. He believed that would be a parking and traffic nightmare, and did not believe the current plan was unworkable. He noted that the City estimated the creation of 300 new jobs, but that many of them would be in construction. He inquired where the employees would park. He noted that the City was invoking eminent domain against the owner of the Alameda Theater, and inquired why that could not be invoked against Long's for the portion of their parking lot that would make this garage publicly acceptable.

Ms. Ani Dimusheva, 2911 Calhoun Street, read an excerpt from the *Alameda Journal* entitled "More Parking is Not Always the Answer:"

> "Oak Street between Central and Lincoln Avenue should be Alameda's civic center. That was the advice to Mayor Ralph Appezzato from his counterparts in other cities and urban design professionals during last week's seminar of the Mayors' Institute on City Design. The area from historic Alameda High School to the new main library to be built at Oak Street and Lincoln Avenue could be a vibrant area that will bring residents together. . . . .
>
> "Alameda doesn't have the land for a civic plaza, but the City could improvise to get the feeling of an open gathering space into the existing compact area, the group told Appezzato. Probably the most controversial thing was they strongly recommended

> not building a parking garage in the Long's lot. Both mayors and design professionals said that a garage, especially one without retail on the ground level will destroy the Civic Center."

Ms. Dimusheva did not want to suggest that there be no parking garage, but she requested that the Board to pay attention to the fact that this area is the civic center, which should be designed on open space, not a canyon. She encouraged the addition of retail on the ground level. She read an excerpt from *The Whole Building Design Guide:*

> "Parking has often been reduced to the construction of the most minimal standalone structure or parking lot, without human, aesthetic or integrative considerations. This has given parking a poor public perception, and frequently disturbs or disrupts the existing urban fabric. . . . .
>
> "However, many architects, engineers and planners have envisioned and constructed far more complex, aesthetic and integrated structures. This should be the goal of good parking design. . . . .
>
> "Aesthetics of garage design has become very important to communities across the country. Recently, garage design has become part of an architectural style of the surrounding architecture. It becomes part of the architectural style of the surrounding architecture, respecting the language of design and using the design process."

Ms. Dimusheva believed that the City did not need a Cineplex, but did need a parking garage. She suggested that the parking garage be built with two or three levels of retail space on the bottom, with the addition of a garden and coffee shops on the top, and a cutout corner for public gathering.

Mr. Jon Spangler, 1037 San Antonio, noted that he had expected more from the Planning Board with respect to the design of the parking garage and that he usually respected their work. He suggested that people use bicycles for transportation more often, and added that parking structures were not generally beautiful. He was not sure that this was the right place for the parking garage. He would rather see the garage without a Cineplex than a Cineplex without a parking garage. He inquired what the City would do when the parking structure is declared obsolete, perhaps before the bonds were paid off. He inquired about the City's exit strategy regarding what would be done with an empty Cineplex when technology makes it obsolete in the future.

The public hearing was closed for Board discussion.

Ms. Leslie Little noted that a number of years ago, a parking assessment was performed in the central business district in which a number of different locations were analyzed to accommodate future parking. A number of public lots were examined, but they did not have the dimensions to accommodate that use. The three top sites were prioritized, and the site was identified as the single greatest priority; it included the Long's parking lot at the time, which yielded 508 parking spaces. She noted that after 6 p.m., the parking structure would be free. She described the payment method proposed for the garage. She noted that it would not staff-intensive, and that there would be no pay

gate to queue up for at the end of the evening.

Vice President Cook noted that there had been more opposition to the theater than the garage, and added that the Board listened carefully to each public speaker. She noted that some items had been addressed previously, such as retail on the ground floor.

Mr. Piziali supported the use of variegated brick to add more detail to the façade.

Ms. Ott noted that Michael Stanton believed that the symmetry of the pattern with respect to the horizontal openings would look better with a more subtle brick design.

President Cunningham believed that the header courses should be fixed, and he was very concerned about the current *brick detail* design.

In response to an inquiry by Mr. Lynch, Ms. Ott confirmed that one of the criteria was that the exterior façade would be consistent with whatever the Planning Board approves. She noted that Michael Stanton specified the quality of the materials in a very detailed way, based on the sample board provided.

Vice President Cook noted that the DDA discussed the City's parking operations plan, which would be submitted in a timely manner and examined in detail by the City Council.

President Cunningham addressed Mr. Spangler's comment regarding an exit strategy, and noted that there was no way to tell what would happen in the future. He believed the floor-to-floor heights could be adjusted, and that the conversion of a parking garage was problematic. He noted that designing structures with an eye towards adaptive reuse before the intended use has begun will compromise the project from the beginning. He hoped that Park Street business would require this volume of parking.

Vice President Cook believed that without the Cineplex, this parking structure would appear too massive on its own.

Mr. Lynch requested the inclusion of the financials at the next presentation. He suggested that with the recent Supreme Court decision regarding eminent domain, that the City Council and City Attorney provide information with respect to potential litigation.

Ms. Mariani noted that she agreed with the modifications suggested by the Board. She did not agree with the scale of the parking garage, and agreed that the City needed parking.

M/S Piziali/Cook and unanimous to adopt Planning Board Resolution No. PB-05-28 to approve a Use Permit and Final design review, including consideration of Section 106 findings, for a new 352-space parking structure at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site, with the following modifications:

1. The size of the poster boxes would be enhanced with contrasting brick detail and accents;

2. The header courses would be corrected;
3. A lighting consultant would be utilized;
4. A landscaping plan would be included, and returned to the Planning Board.

AYES – 4 (Kohlstrand, McNamara absent); NOES – 1 (Mariani); ABSTAIN - 0

9. WRITTEN COMMUNICATIONS:

President Cunningham advised that a letter from Sarah [Unavolta], commenting that she was not in favor of Item 8-A.

10. BOARD COMMUNICATION:

a. Oral Status Report regarding the Alameda Point Advisory Committee APAC. (Vice President Cook).

Vice President Cook advised that their last meeting was held the previous week. Staff will make a presentation before the Planning Board to discuss the future of the project, and what kind of regular review the Board would like.

b. Oral Status Report regarding Northern Waterfront Specific Plan (Vice President Cook).

Vice President Cook advised that there was nothing new to report since the last meeting.

c. Oral Status Report regarding the Golf Course Committee (Board Member Piziali).

Board Member Piziali advised that there was nothing new to report since the last meeting.

d. Oral Status Report regarding the Oakland/Chinatown Advisory Committee (Board Member Mariani).

Board Member Mariani advised that there was nothing new to report since the last meeting.

11. STAFF COMMUNICATIONS:

Ms. Eliason advised that the preliminary concept for Alameda Point was distributed to the Board members. There will be a meeting on that subject in July.

12. ADJOURNMENT: 11:25 p.m.

Respectfully submitted,

Paul Benoit, Interim Secretary

PRELIMINARY DRAFT
Subject to modification prior to
Approval by Historical Advisory Board

MINUTES OF HISTORICAL ADVISORY BOARD
REGULAR MEETING OF THURSDAY, JUNE 2, 2005
COUNCIL CHAMBERS, CITY HALL
2263 SANTA CLARA AVENUE – 7:00 PM

Chair McPherson called the meeting to order at 7:04 p.m. Secretary Eliason called the roll.

MEMBERS PRESENT: Chair McPherson; Vice-Chair Anderson; Boardmembers Lynch and Miller

MEMBERS ABSENT: Boardmember Tilos (arrived at 7:30 p.m.)

STAFF PRESENT: Secretary Eliason, Acting Recording Secretary Rosemary Valeska

MINUTES:

Consensus by Chair and Boardmembers to continue minutes of the Special Meeting of March 10, 2005 to the next meeting in order to allow more time for review.

Consensus by Chair and Boardmembers to continue minutes of the Regular Meeting of April 7, 2005 due to the lack of a quorum present for these minutes.

AGENDA CHANGES AND DISCUSSIONS: None

WRITTEN COMMUNICATIONS: (Discussion only) None

ELECTION OF OFFICERS:

M/S (Lynch/Miller) to elect Vice-Chair Anderson as Chair. 4-0-1.

Ayes: 4; Noes: 0; Absent: 1; Motion carries.

M/S (McPherson/Anderson) to elect Boardmember Miller as Vice-Chair. 4-0-1.

Ayes: 4; Noes: 0; Absent: 1; Motion carries.

ACTION ITEMS (Discussion/Action):

1. Consideration of Independent Consultant's Findings and Issuance of Certificate of Approval CA-05-0012 – City of Alameda (DSD) – Alameda Theater – 2317 Central Avenue.

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Jennifer Ott of Development Services gave an overview of this item and introduced Naomi Miroglio of Architectural Resources Group (ARG), who gave a PowerPoint presentation regarding the Historic Alameda Theatre Rehabilitation.

Chair McPherson opened the floor to public comment.

Richard W. Rutter commended Bruce Anderson's Section 106 Findings Report. He explained that there was a process called "jacketing" that could be used to make the window columns appear smaller. He stated that he would like to see more detail on the proposed automatic movie ticket dispensing machines – wants to be sure that they don't look like BART ticket machines. He also noted that there are companies back East that specialize in salvaging vitolight from old buildings.

Ani Dimusheva stated concern that the Historic Theatre Rehabilitation portion of the project could bear the burden of a budget shortfall.

Christopher Buckley stated that he was speaking for himself and not on behalf of the Alameda Architectural Preservation Society. Recommended that the HAB approve the Certificate of Approval with the conditions that the details of the storefront, ticket booth and concession stand are brought back for further review and that the HAB should request material and color samples.

Birgitt Evans criticized the design of the cinema multiplex. She commended Bruce Anderson's Section 106 Findings report and agreed with the finding recommending redesign of the ticket booth for the Historic Theatre. Secretary Eliason noted that the ticket booth would be redesigned.

Chair McPherson closed public comments and opened the floor to Boardmember comments.

Vice-Chair Anderson stated that even though the HAB could not turn its back on the Theatre's historic status, we need to move forward on retrofitting for seismic safety. Automatic ticket booths are the wave of the future but these will need to be redesigned. The concession stand is OK to be in the center of the lobby but should have architectural features with Art Deco elements.

Chair McPherson stated her concurrence with Vice-Chair Anderson.

Vice Chair Anderson summarized the need for the HAB to see: 1) material samples, 2) storefront details, 3) material colors, and 4) further detail regarding the ticket booths.

Boardmember Miller asked about the suggestion regarding column jacketing. Ms. Miroglio stated that would follow up with her engineer regarding this item.

Judith Altschuler, who was in attendance in the audience, addressed the Board, stating that the HAB's purview was for the exterior only – not the interior design. Exterior elements could come back to the HAB and that could be part of the overall design approval. HAB's advice to staff would be taken into consideration regarding the structural changes and exterior design, only.

Chair McPherson stated that she wanted the details of the ticket machine and the window and door system to come back to the HAB. The HAB wants to see a finished sample of the vitrolight.

Cynthia noted that staff would craft into the conditions of the Resolution: 1) final design of ticket machines and 2) return with storefront window details, including finished samples and materials.

M/S (Tilos, Miller) to approve per the staff recommendation with conditions as noted. 5-0.

Ayes: 5; Noes: 0; Absent: 0; Motion carries.

2. Review and Comment on Independent Consultant's Findings regarding Proposed Cineplex – City of Alameda (DSD) – 2305 Central Avenue.

Secretary Eliason stated that the HAB's purview was to provide comments for the Planning Board's Final Design approval.

Ms. Ott addressed the Board and noted that the City does not agree with the consultant's findings regarding aluminum door and window systems.

Chair McPherson opened the floor to public comment.

Richard W. Rutter noted that the consultant was only referring to the aluminum color. Alcoves for the recessed entry doors should be required. Stated that he was in favor of a clear anodized system on the cineplex. Consistency of column treatments would unify the building façade.

Ani Dimusheva stated that the proposed new buildings "bully" the surrounding historic buildings and were examples of "disposable architecture." Can't just "tweak" with bad design.

Kevin Frederick stated that the original vision of the multiplex has been blown out of proportion. This is not what Alamedans expect. The Planning Board was pressured by the developer. The Planning Board likes to play with modern and contemporary design.

Christopher Buckley stated that he was representing the Alameda Architectural Preservation Society. He gave an overview of AAPS comments to the Planning Board regarding Section 106 and read from Item 2, page 9 of the consultant's report. Mr. Buckley stated that he endorsed the consultant's recommendations. The Chair granted Mr. Buckley additional public speaker time in order for him to show samples of other architecture on the projector. One of the examples shown was a theater in Livermore designed by Rob Henry, the architect for the cineplex.

Chair McPherson closed public comments and opened the floor to Boardmember comments to the Planning Board regarding exterior design elements of the cineplex.

Boardmember Miller stated that he agreed with Mr. Buckley's comments. Doesn't think we're "there yet." Asked how much room there was for change.

Boardmember Lynch stated that people at Twin Towers were concerned about looking at a blank wall.

Vice-Chair Anderson stated that there was too much of a difference between the Historic Theatre and the proposed cineplex and parking structure – not compatible with historic standards. A stronger connection is needed – cited the Livermore example.

Secretary Eliason stated that the Planning Boards May 9 preliminary design approval was to provide consistency for the Section 106 findings study.

Boardmember Tilos stated that the vertical elements needed work.

Chair McPherson suggested making a recommendation requiring clear anodized aluminum.

Vice-Chair Anderson would like to ask the architect to design an alternate façade.

Chair McPherson stated that the Oak Steet façade needs to be looked at.

Boardmember Miller stated that it would be a good idea to "send it back to the drawing board."

Chair McPherson stated that she did not think it was awful but it could be reworked. Shouldn't say, "send it back to the drawing board."

Boardmember Lynch recommended telling Rob Henry to take a look at his design for Livermore.

Chair McPherson stated that greater design detail on the façade was needed and the vertical elements needed to be more consistent.

Boardmember Lynch stated that true Art Deco moldings and details could be introduced.
Chair McPherson summarized as follows: 1) more attention to the Oak Street façade; 2) use elements like Livermore; 3) use clear anodized aluminum framing; 4) more attention to vertical elements; 5) more Art Deco details; 6) the architect needs to revisit the Livermore project elements for an alternative design.

Ms. Ott noted that the Livermore project had been brought up at a previous Planning Board meeting. Mr. Henry had cited the Alameda projects' site constraints compared to Livermore.

Chair McPherson noted that Art Deco elements could complete with the Historic Theatre and be at odds with the Federal standards.

Vice-Chair Anderson stated that you don't have to repeat the Alameda Theatre but more elements are needed on the façade so it won't read as a blank wall.

Boardmember Miller stated that the design competes with and overwhelms the Historic Theatre.

Boardmember Tilos stated concern with the horizontality of lobby windows.

Secretary Eliason noted that the Planning Board wants the mezzanine "punch out."

Vice-Chair Anderson stated that the architect should revisit the design and incorporate elements from the Livermore theatre.

Secretary Eliason stated that the Board had provided quite a bit of direction.

3. Review and Comment on the Independent Consultant's Findings regarding Proposed Civic Center Parking Garage – City of Alameda (DSD) – 1416 Oak Street.

Secretary Eliason stated that the HAB's purview was to provide comments for the Planning Board's Final Design approval.

Ms. Ott gave an overview to the Board.

Chair McPherson opened the floor to public comment.

Kevin Frederick stated that he was concerned about potential traffic and circulation problems along Oak Street and stated that the garage would have been better sited on the Elks property. He also stated that the garage drawing did not look proportional.

Richard W. Rutter stated that he supposed that the reason there were no architect's comments in the Section 106 Findings report was due to the garage being a design/build project. He agrees with the recommendations regarding lighting and signage in the 106 Report, but with a caveat that there should be an emphasis on the lights being easily accessible for effective maintenance. He also agrees with the recommendation for a graphics consultant.

Christopher Buckley stated that he was representing the Alameda Architectural Preservation Society. He stated that he had made a recommendation to the Planning Board to "dress things up a bit." The design looks massive – maybe moldings would help. Maybe the use of cornices to minimize the wall height above the windows. It is obvious that there are budget concerns with this project.

Ani Dimusheva stated concerns with traffic issues – ingress and egress on Oak Street. Asked if the drawing proportions were correct – the height to width ratio did not look right. Stated that the design was uninspired. Cited a garage built in Stanton, Virginia as a good example.

Chair McPherson closed public comments and opened the floor to Boardmember comments to the Planning Board regarding exterior design elements of the parking garage.

Chair McPherson stated that there needs to be a focus on signage and lighting.

Vice-Chair Anderson explained the concept of "design/build."

Ms. Ott noted that if the façade did change, the project would be required to go back to the Planning Board.

Chair McPherson stated that more needs to be done on the street level – can do better than four movie posters. Secretary Eliason noted that the Planning Board did require additional framing around the posters.

Chair McPherson asked about landscaping. Secretary Eliason stated that there would be street trees along Oak St. Ms. Ott noted that landscape design would be required as part of the design/build and that sidewalks would be widened.

Chair McPherson stated that the detailing on the façade needs revisiting – too vanilla, not consistent with the architecture in the area. The whole thing needs revisiting with special emphasis on the public walkway.

Boardmember Tilos asked how HAB's previous comments would be incorporated. Ms. Ott stated that at this meeting, HAB was being requested to comment only as it related to the Section 106 Findings.

Secretary Eliason stated that a recommendation could be made for a signage and lighting program to go back to the Planning Board for approval and this condition could be added to the cineplex recommendations, also.

REPORTS: None.

ORAL COMMUNICATIONS:

Boardmember Miller asked about the status of the code enforcement action against the house demolition at 616 Pacific Avenue. Secretary Eliason took this opportunity to introduce Emily Pudell, a new member of the Planning Staff. Ms. Pudell stated that she is preparing the agenda report for this item. The property owner is appealing the five-year stay imposed by Code

Enforcement. The owner states that he intends to re-use architectural elements from the original structure.

Chair McPherson directed that discussion of 616 Pacific Avenue be agendized for the next HAB meeting.

Vice-Chair Anderson thanked Chair McPherson for her service to the HAB.

STAFF COMMUNICATIONS:

ADJOURNMENT:

M/S (Lynch/Miller) to adjourn the meeting at 9:20 p.m.

Respectfully submitted by:

_____

Jerry Cormack
Interim Planning & Building Director

Draft Minutes from 4/27/2005 Transportation Commission Meeting
Regarding Theater/Garage Project

Jennifer Ott of the Development Services Department reviewed the proposed parking garage project. She stated that the proposed garage will be located on Oak Street between Santa Clara Avenue and Central Avenue. The current design includes six levels and 352 spaces. She noted that the project will be implemented through a design-build contract, so the internal circulation may change. The exterior design is scheduled to be taken to Planning Board in June for approval.

Staff Ott described several mitigation measures that were developed to address pedestrian safety at the garage entrance/exit. These include textured paving, a speed bump, lights and sound to be emitted as vehicles exit, and concave mirrors. The sidewalk will be widened by six feet on Oak Street in front of the project to help direct pedestrians away from the building and provide improved visibility for drivers exiting the garage. Six parking spaces total to be removed, and landscaping will be included. She noted that PSBA unanimously approved this design.

Staff Ott noted that eight bicycle lockers (accommodating 16 bicycles) and 24 bicycle racks will be included on the first floor of the garage. Also, there will be lighting in front of the pedestrian-only entrance so pedestrians won't feel drawn to the vehicular entrance.

Staff Ott stated that there was an initial study on parking and traffic impacts, which illustrated that there is going to be an insufficient supply of parking given the anticipated demand associated with the theater project as planned.

The only required traffic mitigations determined to be directly associated with the project are signal timing adjustments, although there are other mitigations for required to reach a "less than significant impact" determination for 2020 as well as for the cumulative impacts of all development, including Alameda Point.

Commissioner Krueger asked if access to the bicycle parking area is to be provided through the vehicular entrance as well as the side entrance. *Staff Ott* indicated that bicyclists would be able to use either entrance.

Chair Knox White noted that in the negative declaration that impacts to pedestrians and bicyclists were not addressed. He asked if they were addressed somewhere else. *Staff Ott* replied that the CIC had expressed concerns about these issues, and that these concerns were addressed internally, working with the Public Works Department.

Chair Knox White stated that after accounting for the landscaping, if the sidewalk along Oak Street would actually be narrower after the proposed widening. *Staff Ott* indicated that the sidewalk would be wider than what is currently there.

Commissioner McFarland asked if the intention is to have both bicyclists and pedestrians utilize the widened sidewalk area. *Staff Ott* responded that this was not the intention, but that the

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removal of the on-street parking should help to enhance safety for bicyclists along the block. She noted that the proposal will not preclude Class II bike lanes along Oak Street in the future.

Commissioner Krueger stated that this assumes that a 10' lane width would be sufficient for motor vehicle traffic. He asked if there are other scenarios that would require wider traffic lanes. *Staff Hawkins* responded that the only reason would be if Oak Street were to be designated a truck route. She noted that if volume were the issue, an additional lane would be necessary, wider lanes would not be helpful.

Chair Knox White Opened Public Comment

Jon Spangler asked what security would be provided for the bicycle parking, and whether this area is covered. He also requested that signage be added at the vehicular entrance to make it clear that bicycles can use this entrance. *Mr. Spangler* stated that the building should be designed so that it may be converted to retail space if needed in the future. He also stated that the Class II bike lanes on Oak Street are important, and indicated that he supported widening Oak in the future for safety purposes, but not to add more lanes.

Mr. Spangler expressed his support for the views of BikeAlameda, and stated that the project should be designed to give bicyclists equivalent access to Park Street as motor vehicles. He indicated his support for the removal of diagonal parking on Central Avenue.

Treya Weintraub expressed her support for restoring the bike lane on Central Avenue between Walnut Street and Oak Street and removing the angled parking.

Lucy Gigli, the president of BikeAlameda, asked the Commission to address the project in terms of bicycle safety, noting that with 350 parking spaces that many more vehicles will be present at this location. She stated that improvements at this location are especially important, due to the proximity to Park Street, the main library, and City Hall. BikeAlameda recommends several mitigations:

- *Ms. Gigli* stated that currently bicyclists on Central are routed onto sidewalk and are redirected into the street in the Park Street district, where there is significant traffic. She recommended restoring the bike lanes on Central Avenue between Walnut and Oak
- She requested that shared roadway stencils and signs be installed along Oak Street from Lincoln Ave. to Encinal Ave. in place of the potential future bike lanes; this will help to alert both bicyclists and drivers to one another.
- *Ms. Gigli* asked for assurance that bike lanes will not be precluded on Oak Street and that 10' travel lanes will be acceptable
- *Ms. Gigli* requested that these improvements be implemented as part of the garage project.

Andy Cutright stated that one reason he and his family decided to move to Alameda was because of the bike lanes, and that the community and economy will be enhanced by maintaining safe access for vehicles, pedestrians, and bicyclists. He stated that bike lanes are preferable to signage only, but that signs are preferable to no bicycle designation.

Cheri Galan stated that she prefers to use her bike rather than a car, and that she feels unsafe when riding with her children on streets without bike lanes. She stated that it is important to have a north-south bicycle facility near Park Street, Grand is too far away, and that it is important to address issue now, not in planning off in the future.

Rochelle Reed stated that she lives on south end of Oak and works on Blanding, that she commutes by bike, but doesn't use Oak. She expressed concerns that Oak currently feels unsafe to bike, and the parking garage will make it less safe.

Carl Babcock stated that he also lives on Oak Street and tries to ride his bike for local errands, but that it is difficult to get to many shops safely. He requested that the bike lane be restored on Central and, if possible, create a bike lane on Oak.

Public comment closed

Commissioner Schatmeier asked staff if they could respond to the bicyclists' concerns. *Staff Ott* stated that the project will include shared roadway stencils (sharrows) and signs on Oak Street from Encinal to Lincoln. She also noted that widening the sidewalk will increase bike safety in front of the garage. She said that the removal of diagonal parking on Central is not currently included in project, she anticipates this will be discussed as part of the TMP.

Commissioner Schatmeier noted that the garage will have bicycle parking, and asked if it is appropriate to include project elements to help bicyclists reach the facility safely. *Staff Ott* agreed that safe bicycle access is important, but noted that the project is attempting to meet many objectives with a limited project budget. She stated that the bike lane issues on Central should not be linked to the garage, and expressed concern that stakeholder groups not in attendance may be opposed to removing the diagonal parking on Central.

Commissioner McFarland asked if the library or garage would be completed first. *Staff Ott* responded that the garage is scheduled to be completed first.

Commissioner McFarland asked if there was a cost estimate for restriping Central. *Staff Ott* responded that staff is looking into this.

Commissioner Ratto stated that the funding sources for the project is an important issue, and that to fund funding for striping Central Avenue would require taking money from another element of the project. He said that he and PSBA support restoring parallel parking on Central, since the 350-space parking garage should meet parking needs. He said that if there are other organizations that oppose removing the diagonal parking, which would bring the General Plan into compliance, they should state their case to Council. *Commissioner Ratto* stated that bicyclists should not be diverted onto the sidewalk on that block. He also stated that he doesn't believe the restriping should be considered as a mitigation for the parking structure, but other funding should be available.

Commissioner Krueger asked how the mitigation measures would be funded. *Staff Ott* responded that only the signal timing adjustments would be funded through the project.

Commissioner Krueger asked if it would be possible to find other funding for the signal timing as well as the bike lanes, since they both seem related to the project. *Staff Ott* said they are concerned that the project bid will come in higher than the funding that's available

Commissioner Ratto stated that it is up to the City Council to determine the funding decisions, and that members of the community can bring these issues to the Council.

Commissioner Schatmeier asked where will revenues from the garage will go. He asked if fees can be adjusted to raise funds. *Staff Ott* responded that part of the funding is from a HUD Section 108 loan, which will be repaid in part with meter revenues.

Commissioner Schatmeier asked if the garage would be used for commuters, patrons of businesses, or both. *Staff Ott* indicate that both would be using the facility, and that they are considering monthly permit parking spaces, possibly with smart cards.

Commissioner Parker asked if the garage will be set up to accommodate vanpooling. *Staff Ott* said she will look into that and respond.

Commissioner Parker stated that mitigation is generally done project by project, not on a cumulative basis, and that mitigation needs to be done in context. She stated that the project shouldn't necessarily pay for all mitigations, but funding should be looked at for other related measures.

Chair Knox White noted that the packet says the stenciling will be on Oak from Central to Lincoln, but that Staff Ott had indicated Encinal in her presentation. *Staff Ott* noted that BikeAlameda prefers Encinal to Lincoln, and that may be possible.

Chair Knox White stated that he believes the Central Avenue bike lanes should be considered as a mitigation for the garage project. He noted that other mitigations are as far away as Santa Clara/Broadway, and that the bike lanes are close enough to the garage that it should be linked.

Commissioner Ratto moved approval of the following: 1) Bicyclists and citizens deserve signage and stencils on Oak Street from Encinal to Lincoln, 2) the bike lane on Central Ave between Walnut and Oak Street should be restored, 3) the diagonal parking on Central Avenue should be removed, 4) funding be found to implement these mitigations as the project progresses, and 5) signage should be included at the entrance to the parking structure indicating that bicycle parking is available. *Commissioner Schatmeier* seconded the motion. Motion carried by a unanimous voice vote – 6.

CITY OF ALAMEDA RESOLUTION NO. _____

UPHOLDING THE PLANNING BOARD OF THE CITY OF ALAMEDA'S DECISION TO APPROVE DESIGN REVIEW DR05—0028 AND USE PERMIT UP05-0008 FOR THE PROPOSED NEW CIVIC CENTER PARKING GARAGE

Approved as to Form
Asst. CITY ATTORNEY

WHEREAS, an application was made by the City of Alameda (Development Services Department) for a Use Permit for construction of a new 352-space parking structure and Final Design Review, including consideration of Section 106 findings, at 1416 Oak Street, the corner of Oak Street and Central Avenue, generally on the Video Maniacs site; and

WHEREAS, the subject property is located in the C-C (Community Commercial) District; and

WHEREAS, A Mitigated Negative Declaration was prepared and adopted on May 3, 2005 for the Alameda Theater, Cineplex and Parking Structure Project by the City Council. Since that time there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162; and

WHEREAS, the Planning Board held a public hearing on the proposal on 27 June 2005and approved the Use Permit and Design Review: and

WHEREAS, Ani Dinusheva and Valerie Ruma appealed the approvals on 7 July 2005; and

WHEREAS, the City Council held a public hearing on this appeal on 16 August 2005 and has examined pertinent maps, drawings, and documents as well as the record of the Planning Board hearing; and

WHEREAS, the City Council has made the following findings relative to the Use Permit:

1. The location of the proposed garage is compatible with other land uses in the general neighborhood area.

   The parking garage will support the proposed reuse of the Alameda Theater and the new Cineplex. Other uses in the area include complimentary retail and institutional uses.

2. The proposed use will be served by adequate transportation and service facilities.

   As mitigated by improvements required by the IS/MND, the project will not impact local intersections. With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts to traffic circulation can be brought to a satisfactory level of service.

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.

With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts of this project can be reduced to a less than significant level.

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

The proposed parking garage is consistent with the site's General Plan designation of Community Commercial and would be consistent with Policy 2.5.1.

WHEREAS, the City Council has made the following findings relative to the Design Review:

1. The project will have no adverse effects on persons or property in the vicinity.

With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts of this project can be brought to a reduced to a less than significant level.

2. The project will be compatible and harmonious with the design and use of surrounding properties.

As modified by the staff in response to the Section 106 findings and comments from the Historical Advisory Board and Planning Board, the final design of the garage will be compatible and harmonious with the design and use of surrounding properties.

3. The project will be consistent with the City's Design Review Guidelines.

The project meets the intent of the City's Design Guidelines with building height, massing setbacks and finishes which are reflective and respective of existing historic and architecturally significant in the vicinity.

THEREFORE BE IT RESOLVED that the City Council of City of Alameda hereby upholds the Planning Board's approval of Use Permit UP05-0008 and Design Review DR05-0028 subject to the following conditions:

1. The project shall be constructed in substantial conformity with plans titled "Oak Street Public Parking Garage" dated July 27, 2005, prepared by Michael Stanton Architecture, labeled Exhibit A and on file with the Planning and Building Department as modified below.

2. Prior to the issuance of any building permit for the Public Garage, the Planning Board shall approve the final lighting plan, signage program and landscaping plan for the parking garage. The final lighting plan shall be prepared by a professional lighting designer.

3. The interior illumination of the garage shall meet these minimum standards:

- Minimum Horizontal Illumination is 1 foot-candle.
- The Minimum Horizontal Uniformity is 10:1 (Maximum/Minimum).
- The Minimum Vertical Illumination is .5 foot-candles.

4. The Public Art Committee shall approve the designs and dimension of the proposed temporary mural on the north elevation of the Public Garage.

5. The minimum width of the proposed sidewalk along Oak Street shall be 10 feet wide.

6. Textured and colored pavement shall be installed along mouth of garage to the satisfaction of the Planning and Building Director.

7. A decorative brick framing shall surround the proposed poster display boxes to the satisfaction of the Planning and Building Director.

8. Vesting. The use permit approval shall terminate one (1) year from the effective date of its approval, unless actual construction or alteration under valid permits has commenced within that time or the applicant applies for and is granted an extension prior to the expiration.

9. Construction Noise. Construction noise impacts shall be minimized by restricting construction activities to the daytime hours specified by the Alameda Municipal Code. The current provisions limit construction to Monday through Friday, between 7:00 a.m. to 7:00 p.m., and on Saturday between 8:00 a.m. to 5:00 p.m., with no Sunday construction.

10. Construction Soil Control. All construction contracts shall contain dust control clauses. The developer shall require that all contractors control the dust by watering exposed earth surfaces, covering trucks transporting fill to the site, and daily removal of earth or mud carried onto City streets from the project site.

* * * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____day of _____, 2005.

_____
Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA
Memorandum

To: Honorable Mayor and Councilmembers

From: Debra Kurita
City Manager

Date: August 3, 2005

Re: Public Hearing to consider an appeal of Planning Board's approval of (DR05-0041), Final Design Review of the proposed new Cineplex at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site. This site is located at 2305 Central Avenue within the C-C-T (Community Commercial Theater Combining) District; Applicant: Kyle Conner, Alameda Entertainment Associates, LP; Appellants: Ani Dimusheva and Valeria Ruma

BACKGROUND

The Henry Architects, the project architect for the new cineplex, developed a design that is responsive to the Final Design Guidelines for the Proposed Cineplex approved by the Community Improvement Commission (CIC) on March 15, 2005. These guidelines were the result of numerous meetings with community stakeholders and with the Planning Board. Draft versions of the guidelines were revised based on feedback provided by the Planning Board at the February 14, 2005, February 28, 2005, and March 14, 2005 Planning Board meetings.

Preliminary Cineplex designs were presented to the Historical Advisory Board (HAB) on April 7, 2005 and to the Planning Board's Sub-Committee (formed on March 28, 2005 to provide feedback on the new cineplex design) on April 15, 2005 for review and comment. The Park Street Business Association (PSBA) also reviewed preliminary designs and is supportive of the proposed design. The cineplex designs presented to the Planning Board on May 9, 2005 were the result of this extensive community feedback. The Planning Board granted preliminary acceptance of the cineplex designs on May 9, 2005 with a few minor contingencies.

On June 27, 2005, the Planning Board considered Section 106 findings for the cineplex and approved a design review for a seven-screen, two- story cineplex building at the corner of Central Avenue and Oak Street including several conditions. The matter was appealed by Ani Dumusheva and Valerie Ruma on July 7, 2005. A final design review submittal, including changes made per the Planning Board design review conditions, is on file with the City Clerk's office for review.

Re: Public Hearing and Reso 5-A (Cineplex) 8-16-05

DISCUSSION

The applicants' Bases of Appeal are contained in Attachment #1 along with staff's responses. The applicants' Bases of Appeal are in New Times Roman font and staff's responses are in Arial font.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The City Council action will not have a financial impact on the City.

ENVIRONMENTAL REVIEW

Implementation of the project requires local (City and CIC), state (State Office of Historic Preservation) and federal (HUD) approval actions, and therefore invokes the environmental documentation requirements of both the California Environmental Quality Act (CEQA), as amended, and the National Environmental Policy Act (NEPA). The City of Alameda (the "Lead Agency" under CEQA and the "Responsible Agency" under NEPA), as amended, to meet the CEQA and NEPA environmental documentation requirements associated with the local, state and federal approval actions necessary to implement the project. The City prepared a joint environmental document in the form of a CEQA-authorized Mitigated Negative Declaration (MND) supported by an Initial Study, and a NEPA-authorized Mitigated Finding of No Significant Effect (Mitigated FONSI) supported by an Environmental Assessment.

On November 8, 2004, a public meeting was held to take comments on the proposed scope of environmental review (Mitigated Negative Declaration/ Environmental Assessment) in accordance with HUD Environmental Regulations, Part 58.

The draft Initial Study/Environmental Assessment determined that there would be no unavoidable significant impacts and proposed a limited number of standard mitigations to avoid potentially significant aesthetic, air quality, cultural/historical, environmental hazard, geological, noise and transportation impacts identified in the Initial Study/Environmental Assessment.

On May 3, 2005, the City Council adopted the Mitigated Negative Declaration. Since that time, there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162.

RECOMMENDATION

The City Manager recommends that the City Council deny the appeal and uphold the Design Review approval by the Planning Board.

Respectfully submitted,

Leslie A. Little
Development Services Director

By: Dorene E. Soto
Manager, Business Development Division

Jennifer Ott
Development Manager

DK/LAL/DES/JO:rv

Attachments

1. Bases of Appeal
2. June 27, 2005 Planning Board Staff Report
3. Final Planning Board Resolution
4. Minutes from June 27, 2005 Planning Board Meeting
5. Bruce Anderson's Section 106 Findings (on file with City Clerk's Office for review)
6. City Response to Bruce Anderson's Section 106 Findings (on file with City Clerk's Office for review)
7. **Draft** minutes from June 2, 2005 Historical Advisory Board meeting
8. Final Cineplex Design Guidelines
9. Architectural Rendering of Alameda Theater, Cineplex, and Parking Garage Project (on file with City Clerk's Office for review)
10. Final Design Review Submittal (July 2005) (on file with City Clerk's Office for review)

cc: Ani Dimusheva
Valerie Ruma
Kyle Conner, Alameda Entertainment Associates, LP
Planning Board

ATTACHMENT 1
BASES OF APPEAL

Appeal of the approval of final design for the proposed cineplex, item 8-A of the agenda of Planning Board meeting from June 27, 2005

We appeal approval of the design of the cineplex for the following reasons:

1. The decision was made in spite of extensive community disapproval of the project.

   - The disapproval was expressed by the majority 25 of the 36 citizens who spoke at the Planning Board meeting on June 27,2005, rejecting various aspects of the design of the cineplex, as well as the project as a whole.

   - Disapproval of the project by citizens has been consistently heard at previous meetings of the Planning Board, City Council, and Historic Advisory Board.

   - Public opinion and rejection of the project was expressed in letters to the Editor of the Alameda Journal and the Alameda Sun, and in communications of Citizens to the City Council, City Manager and Mayor.

   - Rejection of the cineplex by the public is evident in the number of people who have signed the petition against it and in the 13 pages of comments by people who signed the petition online (attached).

   Approval of the final designs of the cineplex by the Planning Board flies in the face of Alameda citizens and shows disregard for public opinion of the project.

Planning Board decisions are not made on the basis of how many speakers oppose the project or letters to the editor. The Board does consider all testimony, but also takes into consideration such things as the project plans, staff reports and other guiding documents as well as conformity to City regulations and policies.

The cineplex design is the culmination of significant community feedback and participation over the last six months. There has been much impassioned discussion both for and against the direction taken in rehabilitating the Alameda Theatre, which includes the adjacent development of the new 7-screen cineplex. The City has directed significant resources towards the Alameda Theatre rehabilitation and new cineplex project because of the clear direction received by the City from the community during the preparation of the City's Economic Development Strategic Plan (2000) and Downtown Vision Plan (2000) processes. Both City policy documents have guided the City's efforts in creating an entertainment district in the Park Street Historic District (PSHD) and in restoring the historic Alameda Theatre to its original use as a movie theater. Additionally, the Downtown Vision Plan raised the idea of bringing a movie theater with additional screens to the Park Street area, if the market supported the

endeavor. Page 25 of the Priority Actions of the Vision Plan states that "there have been informal discussions about the possibility of locating a multi-screen theater Downtown; however, no decisions have been made." Many Alameda community members over the last several years have participated and been supportive of the project in the numerous community meetings and public hearings held regarding various aspects of this project, including transactional, design, and funding issues (see attached chronology of public meetings held before public bodies and commissions). A brief summary of these public meetings is as follows:

- At least eleven (11) times to the CIC/City Council over the last three years;
- At least seven (7) times in front of the Planning Board over the last eight months; and
- Various meetings with the Economic Development Commission, Historical Advisory Board and Transportation Commission.

2. The cineplex design does not comply with findings in the Alameda Municipal Code.

- The cineplex is not compatible with the site and does not provide harmonious transition in scale and character between designated land uses (AMC, Sec. 30-375-a). The transition between the cineplex and the area west of the theater on the other side of the zoning boundary on Oak Street is abrupt and disharmonious, with the theater mass overwhelming and intruding into the visual space of the Twin Towers Methodist Church as evidenced by the attached rendering. This intrusion is emphasized even more by the 20" second story overhangs which extend beyond the property line of the cineplex.

- Because it does not comply with AMC, Sec. 30-37-5-a) The project is detrimental to existing property (AMC, Sec. 30-37-5-b)

Section 30-37.5 (Requirements) states that "(p)rojects must be compatible with their site, any adjacent or neighboring buildings or surroundings and promote harmonious transitions in scale and character in areas between different designated land uses." Staff believes this project complies with this general requirement. The proposed cineplex project is well within the massing and scale of the surrounding buildings and is compatible with its surrounding uses per AMC, Sec. 30-37-5-a. The Alameda Theatre is 58 feet at its lowest point (the flat corners of the front façade) and the blade sign on the front elevation is 70 feet at its highest point. The cineplex at its highest point is 58 feet, which is set back from the street; it is 54 feet at the parapet. City Hall is 67 feet at the ridgeline and 52 feet at the roof edge; Historic Alameda High is 54 feet at parapet; the towers of Twin Towers Church reach to approximately 70 feet. Many buildings in the district encroach at the second story including a number of Victorians with Bay Windows and along Oak Street the former Knights of Pythias building across the street from City Hall.

View of The Twin Towers Church and its two spires will be visible three-quarters of the way down the block along Central Avenue towards Oak Street. Construction of the Cineplex will impact some views of Twin Towers Church from nearer the Park Street and Central Avenue intersection (see attached line of sight diagram). It should be remembered that any development in an urbanized area like Alameda will likely impact some existing views. The General Plan Section 3.2, Edges Vistas and Focal Points, does not discuss view impacts caused by new construction except as they relate to views of the water.

The 20-inch overhang of the second story of the cineplex at the corner of Central Avenue and Oak Street was designed for both programmatic and architectural reasons. The overhang is necessary for meeting the programmatic needs of the interior of the movie theater. Given the constraints of the small site and the exiting requirements of movie theaters, the overhang is necessary for providing competitively sized movie screens and configured theaters on the second floor. In addition, the overhang provides a clear separation of stories and materials that reduce the undesirable effect that a continuous uninterrupted wall would create.

3. The Cineplex design does not meet the criteria of the Planning Department's Design Review Manual.

- The second paragraph of the Site Design section of the City of Alameda Design Review Manual states "Building placement on a site should avoid monotony and a monolithic appearance within the surroundings." The cineplex with its huge mass and large concrete panels creates exactly the kind of appearance the Design Manual guidelines are intended to prevent. Both independent consultant Bruce Anderson's report and the City's response to it refer to the "box-like, massive feeling" of the cineplex. (Section 106 Review and Findings, May 2005; and City Response to Section 106 findings, June 7,2005)

The City did not state that the cineplex has a "box-like, massive feeling;" this was taken out of context. The following is the complete text of the City's response:

"The precast concrete panels vary in color and are recessed in a number places creating an interesting design pattern for the second-story façade, which helps to diminish the box-like, massive feeling of the second-story corner, not add to it. In addition, the box-like feeling is diminished by the lowering of the vertical, tower element at the corner to the top of the mezzanine windows and by extending the two horizontal elements from the corner of the Central Avenue façade east towards the Alameda Theater."

The proposed Cineplex design meets the criteria of the Planning Department's Design Review Manual. Additionally, General Plan policy 3.3.f states that buildings in the commercial district should be placed along the front of the lot, with a continuance of retail fabric.

The design of the Cineplex avoids monotony and monolithic appearance through the following physical design features and characteristics:

- Rounded "tower" element at the corner that drops down to the top of the transom windows,
- Variety of materials and colors that reflect historic buildings in the area,
- Design articulation of the tower and pre-cast concrete panels,
- Transparent, glazed upstairs lobby that helps create a second-story life for the building,
- Glazed retail storefronts with possible sidewalk seating that help create a pedestrian-friendly street environment,
- Horizontal elements that help to reduce the tallness of the building,
- Continuation of the brick columns from the ground floor to second story, which breaks up the blankness of the second story auditorium walls.

- The first paragraph of the Building Design section states "Buildings should have a harmonious relationship with the surrounding neighborhood," with "appropriate sense of scale" being one of the conditions for such relationship. The design of the cineplex clearly disregards this guideline. The cineplex is supposed to be compatible in scale not only with the Historic Theater but with the Twin Towers Methodist Church located in the neighborhood just west of it. As approved, the scale of the cineplex is much larger than that of the Church, with the roofline of the cineplex reaching halfway up the towers of the church. To have a harmonious relationship and maintain an appropriate sense of scale the top of the cineplex should not extend in height beyond the top of the body of the church building which constitutes its mass. The incompatibility is evident when you overlay the mass of the cineplex over the church.

The scale and setting of the project is consistent with the setting for much of "developed" Oak Street, from Lincoln to Santa Clara Avenues. The proposed cineplex project has "an appropriate sense of scale" and is well within the massing and scale of the surrounding neighborhood including the Twin Towers Church. The height of the cineplex's parapet (54 feet) and the rounded corner (58 feet) are both well below the top of the towers of the Twin Towers Church, which reach close to 70 feet and are of similar height as the Alameda Theatre (58 feet at the outside corners). The highest point of the cineplex at 58 feet is only four feet higher than the ridgeline of Alameda High School (54 feet) and significantly below the ridgeline of City Hall (67 feet).

- The first paragraph of the Traffic and Parking section of the Design Review Manual states "Circulation systems should be designed to avoid conflicts between traffic modes-vehicular, pedestrian and bicycle." The cineplex design is connected to the developer's requirement that it should accommodate 7 screens and 1,100 seats. The theater is also supposed to operate seven days a week between the hours of 4 pm and

10 pm, and will more likely operate between noon and midnight (DDA summary report, section C, Developer responsibilities, paragraphs 2 and 8) With such number of theater patrons and number of screens/movie shows it is reasonable to expect that there will be significant car traffic turning right from Park Street onto Central and Santa Clara in order to get to the adjacent garage prior to a movie showing. This increased traffic will most certainly conflict with pedestrians on Park Street especially as they try to cross Central Ave. to get to a popular location like Peets on evenings and weekends.

It is not clear whether any mitigation measures have been recommended to address this potential conflict.

The traffic impacts associated with the project were evaluated as part of the City's environmental review process under both CEQA and NEPA. The adopted Initial Study/Environmental Assessment determined that there would be no unavoidable significant impacts and proposed a limited number of standard mitigations to avoid potentially significant impacts including potential traffic impacts. It was found that the traffic impacts of this project could be reduced to a less than significant impact if the appropriate mitigations were implemented. The mitigations in the Mitigation Monitoring Reporting Program were adopted as part of the DDA and are being addressed by the project as a whole. This includes a signal retiming at the Santa Clara Avenue and Oak Street intersection due to a decrease in Level of Service during the PM peak hour. This mitigation will be funded by the parking garage project.

The City has also studied the interface between vehicular, bicycle and pedestrian traffic and developed the following measures to mitigate potential hazards to bicyclists and pedestrians along Oak Street:

- Oak Street sidewalk widening along the Video Maniacs site from 8 feet to 10.5 feet, which eliminates on-street parking along the entire exterior of the garage and Cineplex along Oak Street The sidewalk widening will help to draw pedestrians away from the mouth of the garage. The elimination of on-street parking spaces along the site will also increase bike safety by reducing bike accidents related to the opening of car doors. The widening would not preclude the future installation of bike lanes (as described in the General Plan) along this segment of Oak Street.

- Shared roadway pavement stencils ("sharrows") and signage along Oak Street from Encinal Avenue to Lincoln Avenue, which will help raise motorists' awareness of the presence of bicycles; and

- Various design and streetscape features included as part of the garage project are intended to slow vehicles and alert them to the presence of pedestrians and bicycles (and bicyclists/pedestrians to the presence of cars) as they enter/exit the garage, including the following:

i. Colored paving on sidewalk in front of garage entry/exit way.

ii. Textured pavement on exit of garage.

iii. Speed bump on exit.

iv. Landscape features that divert pedestrians from garage entry/exit way.

v. Sound and lighting (warning) system.

vi. Concave mirrors facing the exiting traffic from the garage.

vii. Ample general lighting that invites pedestrians to use pedestrian entryways into the garage.

City staff presented these mitigation measures to the Transportation Commission on April 27, 2005 for review and comment. The minutes from this meeting were subsequently provided to the Planning Board on June 13, 2005 for consideration as part of the design review process. Per this review, the final landscaping plan for the garage will be brought back to the Planning Board for subsequent approval.

4. The cineplex is consistent with the General plan which requires buildings in C-C zones to be built to the property line. However, the Section 106 review, Section 3.4 "Potential Project Effects on the Park Street Historic Commercial District" calls for "compatible structure placement on the property, building to the property line at the sidewalk **(i.e. consistent with the existing historic district)**". We argue that because the main mass of cineplex occupies a comer (Central and Oak) it is more oriented towards other buildings occupying this comer (the Historic Alameda High School and Twin Towers Church, located in a zone allowing setbacks) than it is to the buildings in the Park Street District commercial zone. Therefore, to be respectful of the Historic character of these buildings, the cineplex should be stepped back from the property line to match the setbacks of the Twin Towers Church and Historic High School, and the appropriate permits should be issued.

The proposed cineplex is designed in accordance with the City's General Plan policy 3.3.h that encourages two- and three-story buildings to extend to the front and side property lines in both the Webster and Park Street Districts. The sidewalk widening along Oak Street including landscape features and the addition of street trees along Central Avenue in front of the cineplex will help to create a "front yard" for the project and create a more harmonious relationship with the Twin Towers Church and Historic Alameda High School.

5. The design does not comply with the Guiding policies of the Alameda General Plan

- The design for the cineplex does not meet Guiding Policy 2.5.b of the Alameda General Plan which states "Revitalize Alameda's historic downtown shopping

districts at Park Street and Webster Street while maintaining their small-city scale." a seven-screen multiplex does not maintain small-city scale, rather it destroys it.

The General Plan does not provide details on how the revitalization should occur. The City undertook the Downtown Vision Plan in 2000 to provide a forum for Alamedans to develop a strategy for revitalization, which includes a consensus of vision teams, a priority of actions, and an implementation plan. The Vision Plan is the action plan for the general plan goal for revitalization.

6. The cineplex design does not comply with AMC Section 30-4-9A, subsection G which states "Maximum height shall be five (5) stories but not to exceed sixty (60') feet for properties Fronting on Park Street north of Encinal Avenue. In the remaining areas of the Park Street C-C District the height limit shall be three (3) stories but not to exceed forty (40') feet and the height within this area may be increased to a maximum of five (5) stories but not to exceed sixty (60') feet upon approval of a use permit." The height of the cineplex (54-58 ft) exceeds the limit of 40 ft. The amendment to the Municipal Code 304-22 does not provide for exceptions in height.

The applicant for the Cineplex will be required to seek approval of a Use Permit for the Cineplex allowing a multi-screen theater in a "T" (Theater) overlay Zoning District and allowing a building height of 58 feet, which exceeds the current limit of 40 feet per AMC Section 30-4-9A, subsection G. AMC Section 30-4-9A, subsection G states "Maximum height shall be five (5) stories but not to exceed sixty (60') feet for properties Fronting on Park Street north of Encinal Avenue. In the remaining areas of the Park Street C-C District the height limit shall be three (3) stories but not to exceed forty (40') feet and the height within this area may be increased to a maximum of five (5) stories but not to exceed sixty (60') feet upon approval of a use permit."

It is common in a development process to seek Use Permits subsequent to attaining other approvals and permits including design review. Many approvals have already been attained for the project including approval of the Disposition and Development Agreement (DDA) by the Community Improvement Commission on May 3, 2005; final design review approval of the Cineplex by the Planning Board on June 27, 2005; issuance of a Certificate of Approval by the Historical Advisory Board for structural alterations to the historic Alameda Theatre on June 2, 2005. The applicant is tentatively scheduled to apply for both Use Permits for the Cineplex at the September 12, 2005 Planning Board meeting.

7. The design for the cineplex is not consistent with and not conducive to the recommendations of the Alameda Downtown Vision report.

- The report (attached) identified the following as a number one priority for Downtown "Renovate/Restore the Alameda Theater as a movie theater." Approval of the design for the cineplex gives green light to a plan which will not fully restore Alameda theater but rather will emphasize the lobby as an entrance to the cineplex, diminishing the importance of the rest of the interior.

The Alameda Theater will be renovated and will provide the major viewing screen in this integrated cinema complex. The historic Alameda Theater auditorium will be appointed and accommodate an audience of up to 484 seats. The Alameda Downtown Vision Plan calls for the renovation/restoration of the Alameda Theatre, potentially within the context of a multiple-screen movie complex, if the market supports the investment. The City has directed significant financial and staff resources to achieving this priority action.

Currently, the Alameda Theatre sits vacant and is in a state of deterioration. Over the last 30 years, the Theatre underwent significant changes to its interior including overpainting of original leaf finishes, the removal of the original carpeting, and the installation of acoustical treatments over original painted surfaces. The City of Alameda proposes spending $9.6 million in rehabilitating and restoring the historic Alameda Theatre to its original use as a movie theater including disabled access improvements, structural improvements, new mechanical and electrical systems, and improved acoustical treatments, as well as significant rehabilitation work on the lobby and main auditorium. The City of Alameda is clearly implementing the Downtown Vision Plan.

- Rehabilitation of the Balcony will be left for a future phase and to the discretion of the developer (DDA summary report, section C, Developer responsibilities, #12). Such rehabilitation may never happen if the developer deems it not feasible, leaving Alameda residents cheated of their vision.

Many years ago, the historic floor plan and much of the fabric of the historic theater was altered when two small screens were built in the balcony. While at the current time, there is no immediate plan to reoccupy the balcony of the Alameda Theatre, the plan does not preclude the use of the balcony at a future date. The auditorium will once again house a single screen theatre including 484 seats, one of the largest in the Bay Area. The main auditorium screen will be used to feature the most popular blockbuster films.

- The original finishes in the main auditorium will not be restored (Alameda Theater Section 106 review, p.53) in contrast to the finishes in the lobby which will be restored. This shows an intention to focus on the entrance which also leads to the cineplex, rather than on the main auditorium which is the theater's main attraction.

There is no intention to use the Alameda Theatre as an "entrance which leads to the cineplex." Due to the on-going deterioration of the Alameda Theatre the City will be spending 70 percent of its hard construction costs for the Alameda Theatre on just structural, mechanical, electrical, and code upgrades. The City funding for the cineplex represents only 14 percent of the City's total project costs. Under the City's proposal, the exterior of the Alameda Theatre building will be rehabilitated, with the marquee and storefronts returned to their original configurations. The retail spaces will remain. The lobby is the gateway to the entire complex, and as such, its finishes will be restored, based on extensive research and microscopic analysis. Significant rehabilitation work is planned for the auditorium, which will house a single screen theatre including 484 seats. The rehabilitation of the auditorium will include the following work: the level floor in the

auditorium will be removed, the finishes preserved and stabilized, chandelier relamped, original curtain repaired and fire-treated, orchestra pit and stage stairs repaired and repainted, and the light fixtures cleaned, relamped, and replaced, where necessary, stadium seating installed, among other work. There are also private fundraising efforts underway to help involve the community in restoring a number of unfunded decorative elements throughout the Theatre, which is typical for historic theater rehabilitation projects.

- The doors on the west side of the main lobby will be modified in order to connect to the cineplex, compromising the layout of the lobby (Alameda Theater Section 106 review, p.53)

The side doors on the west side of the main lobby of the Alameda Theatre will be modified to provide access to the Cineplex. The City's Historical Advisory Board issued a Certificate of Approval for the modification of the side doors on June 2, 2005. This modification was also discussed with the State's Office of Historic Preservation, when they toured the building and discussed the rehabilitation plans in March 2004.

- A proposed ticket booth will intrude into the entrance vestibule, an architecturally and historically significant space (Alameda Theater Section106 review, p.53)

An expanded ticket booth will be installed in the entry foyer to accommodate the programmatic needs of a modern cinema. While the ticket booth in the vestibule is necessary to meet the needs of a modern movie theater, based upon recommendations of Architectural Resources Group (ARG), the City's preservation architects, the walls will be made of transparent glass so as to preserve a movie patron's line of sight throughout the foyer. The glazed side walls of the ticket booth will terminate at the bottom of the lowest, existing soffit in the vestibule, leaving a 1'-8" clear opening between the top of the glazed wall and the main ceiling, in order to preserve the visibility of existing historic light fixtures.

- Downtown Vision participants offered the following comments, outlining a vision of which the proposed cineplex design is not at all conducive: Develop a civic plaza/public gathering place downtown"

  "Create civic gathering places"
  "Develop public plazas/pedestrian mall
  "Develop a central gathering place"
  "Develop a public plaza nearby City Hall and a renovated Alameda Theater"
  "No big box!"
  "Incorporate project selection criteria that promote good design" "emphasize the uniqueness of the existing downtown"
  "Quieter, more pedestrian friendly street"
  "Develop a large enough tax base to support necessary city services without losing existing character"
  "Encourage small, locally owned business"

"Consider rooftop cafes and gardens"
"Create a more pedestrian oriented and accessible environment" "Reduce traffic lanes through the heart of downtown"
"Develop bicycle infrastructure downtown"
"Emphasize direct, honest communication between the city, tenants, property owners and developers"
"Make Alameda a location for the Bay Area's cultural renaissance"

The quotations above were not made in context and appear to have been picked to support the appellants' contentions. Since no citations were given, staff reviewed the Plan and found that the quotations are statements contained in the summary reports made by visioning plan participants in response to issues raised at the various workshops or stakeholders during interviews. When reviewing the entire document, often counter statements to those above are made as well. For example, the statement "no big box!" (Summary for Workshop #2, section A-2, page 2) was made in response to a strategy which states "utilize sales tax leakage studies and discussions with merchants and property owners to develop an appropriate retail mix strategy (e.g. apparel, home furnishings, grocery store, restaurants)". "Big box" connotes a retail industry definition of a large retailer requiring a sea of surface parking. Seen in context it is quite clear that the respondent was referring to such stores as the Home Depot or Wal-Mart rather than a movie theatre. The statement "develop a large enough tax base to support necessary city services without losing existing character" (Workshop #1 Summary , page 3) also contained the statements "welcome chain stores that address a market niche that is currently not addressed in Alameda (e.g. Crate & Barrel, Pottery Barn – furniture store)" and " attract an upscale, anchor tenant (e.g., Palo Alto, University Ave., Walnut Creek)" and, "Bring in a grocery store and book store" and "develop a holistic center that addresses Alameda's basic commercial needs (e.g. grocery store, video store, etc.)"

- Downtown Visioning Process identified attracting new retail and the restoration of the Alameda Theater as top priorities. The current design jeopardizes the fulfillment of both of those priorities

(see item 8 below)

8. The cineplex design compromises the goal of attracting new retail which directly benefits the City in favor of more movie screens which directly benefits the Developer. The cineplex design calls for retail spaces that have a significantly smaller depth (20 ft) than the industry standard of 60 ft. (City response to Section 106 findings) This could result in difficulty attracting and retaining quality retail tenants. In the response to Section 106 review the City argued that losing 4 ft of space to accommodate recommended recessed doors will compromise the leasing potential of he space when this space is already greatly compromised in order to accommodate 3 movie screens on the ground floor of the cineplex.

The private developer of the Cineplex, Alameda Entertainment Associates (AEA), is responsible for developing and operating both the movie theater and the 3,400 square

feet of retail space. AEA has a vested financial interest in ensuring that both the theater and the retail space are successful. The Cineplex has been designed carefully to ensure that the building accommodates the needs of both a movie theater and new retail tenants. The retail area of the cinema will share common service areas, trash, etc. and therefore does not need the same depth as certain freestanding retail. In addition, it was important to install continuous retail activity to the street in front of the theater to continue the downtown's pedestrian activity and experience. Furthermore, the retail space is located in a strong market for new retail given its proximity to the proposed theater project and other successful nearby Park Street businesses, creating additional potential for its success.

9. The cineplex design is not sufficiently responsive to the recommendations of independent consultant Bruce Anderson retained for this project as a mitigation measure per Section 106 Review (Carey and Co., Inc., Dec. 2004). The response of the CIC in regards to these recommendations was dismissive of the following major issues, despite being urged by AAPS several times to address them:

- To the finding "the design and use of materials lack clarity and consistency" the City responded that it has been presented with a "clear design and use of materials."

- To the finding "The facade's large precast concrete panels are flat, thereby adding to the building's box-like, massive feeling" the City responded that color and elements on the concrete panel "help diminish the box-like, massive feeling, not add to it"

- To the finding "evocation [of Art Deco stylistic features] could exhibit a greater response" and "refinements in design of the Central avenue and Oak Street facade should be given major consideration." the City responded that "other options were not used...in order to maintain the simplicity of the design and not compete with the detailing of the historic theater."

It is not clear how failing to incorporate mitigation measures recommended in the Section 1 06 review mitigates the findings of that report.

The Section 106 process is a Federal process required as part of the Environmental Assessment and the environmental review for the distribution of funds by the U.S. Department of Housing and Urban Development. CEQA does not require the City to undergo a Section 106 process; however, the City, in preparation of the joint Initial Study/Environmental Assessment incorporated mitigations appropriate for the process. To a certain extent the Section 106 process is an informational process not unlike CEQA and experts can disagree about the methods of avoidance, minimization and mitigation.

The City was highly response to both Carey & Company's Section 106 analysis contained in the Environmental Assessment and to Bruce Anderson's Section 106 review findings regarding the cineplex. The City disagreed with certain findings that could potentially have jeopardized the leasing potential of the retail space or did not

provide a clear, specific recommendation (see attached report and City response). Additionally, the cineplex architect has made further design refinements to pre-cast panels as requested by the Planning Board and per Mr. Bruce Anderson's Section 106 report.

10. The cineplex design is based on the use of the Historic Alameda Theater which the city of Alameda currently does not own and has not come to any agreement with the current owner as to the purchase of such property. The Eminent Domain process through which the City is currently trying to acquire the Theater will certainly be contested and incur lengthy litigation and large legal fees further jeopardizing the viability of the project as the feasibility studies and financial analysis become more out dated and irrelevant. All this while the Mayor and City Council recently agreed that limiting litigation costs was a priority.

The Community Improvement Commission of the City of Alameda (CIC) approved a Resolution of Necessity to acquire the Alameda Theatre property by eminent domain on May 17, 2005. Since that time, significant progress has been made on achieving ownership and control of the property including:

- The CIC filed an Eminent Domain lawsuit on June 23, 2005 to acquire the property, and deposited the appraised amount of probable compensation with the State Treasurer. On June 30, the Superior Court granted the CIC's application for an Order for Possession of the property. At the same time, the Court approved a stipulation signed by the CIC and the owner of the Theater whereby the owner waived all objections to the right to acquire the property, and reserved only the right to litigate the amount of compensation to be paid for the property. The Order for Possession allows the CIC to take possession of the entire property in early October 2005.

- The CIC is working to relocate the four retail tenants, and has reached tentative agreements with some. Negotiations to relocate the businesses and have them vacate the site by early October are well under way. This is a requirement of the renovation of the historic theater, including the significant seismic and structural stabilization.

- With the consent of the owner of the Theater, the CIC has started testing on the site, including environmental testing and other construction-related evaluations of the building in anticipation of beginning work on the rehabilitation of the Theater.

CHRONOLOGY OF PUBLIC REVIEW ITEMS RELATED TO ALAMEDA THEATRE REHABILITATION/CINEMA MULTIPLEX AND PARKING STRUCTURE PROJECT

December 21, 2000 (Ref: RFP)

- Request for Proposal for the Revitalization of the Historic Alameda Theatre

January 17, 2002 Economic Development Commission (Ref: ENA)

- Recommendation to Enter into an Exclusive Negotiating Agreement (ENA) with Atlas Properties for the Redevelopment of the Alameda Theatre

February 19, 2002 Community Improvement Commission (Ref: ENA)

- Recommendation to Enter into an Exclusive Negotiating Agreement (ENA) with Atlas Properties for the Redevelopment of the Alameda Theatre

January 7, 2003 Community Improvement Commission (Ref: ENA)

- Recommendation to Enter into an Extension of the Exclusive Negotiation Agreement with Atlas Properties for the Redevelopment of the Alameda Theatre

March 18, 2003 Community Improvement Commission (Ref: ENA)

- Recommendation to Enter into an Extension of the Exclusive Negotiation Agreement with MovieTECS for the Redevelopment of the Alameda Theatre to Complete a Disposition and Development Agreement with MovieTECS

May 20, 2003 Community Improvement Commission (Ref: ENA)

- Recommendation to Enter into an Extension of the Exclusive Negotiation Agreement with MovieTECS for the Redevelopment of the Alameda Theatre

October 7, 2003 Community Improvement Commission (Ref: ENA)

- Recommendation to Enter into an Extension of the Exclusive Negotiation Agreement with MovieTECS for the Redevelopment of the Alameda Theatre to Complete a Disposition and Development Agreement (DDA) with MovieTECS

March 16, 2004 Community Improvement Commission (Ref: ENA)

- Recommendation to Enter into an Extension of the Exclusive Negotiation Agreement with MovieTECS for the Redevelopment of the Alameda Theatre to Complete a Disposition and Development Agreement with MovieTECS

CHRONOLOGY OF PUBLIC REVIEW ITEMS RELATED TO ALAMEDA THEATRE REHABILITATION/CINEMA MULTIPLEX AND PARKING STRUCTURE PROJECT

November 8, 2004 Planning Board (Ref: Environmental Scoping Meeting)

- Public Scoping Meeting – Alameda Downtown Parking Structure and Revitalization (CE) – A public meeting to take comments on the proposed scope of environmental review (anticipated Mitigated Negative Declaration/ Environmental Assessment) for the Alameda Theater rehabilitation and associated parking structure in accordance with HUD Environmental Regulations, Part 58.

November 16, 2004 Community Improvement Commission (Ref: Funding Options)

- Discussion of Funding Options for Historic Theatre Rehabilitation, New Two-Story Cineplex and 350-Space Parking Structure and Request to Confirm the Executive Director's Recommended Funding Strategy

December 10, 2004 Planning and Building Department Legal Notice (Ref: Notice of Intent – Neg Dec)

- Notice of Intent to Adopt a Negative Declaration of Environmental Significance with Mitigation Measures and Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds

Review Period: December 10, 2004 to January 10, 2005, 5:00 p.m.

Published in Alameda Journal (#2604) on December 10, 2004

February 1, 2005 Community Improvement Commission (Ref: ENA)

- Resolution Approving Amendment to Exclusive Negotiation Agreement with MovieTECS, Inc. and Purchase Option Assignment and Assumption Agreement with MovieTECS, Inc., and Recommendation to Authorize the Execution of Said Option

March 14, 2005 Planning Board (Ref: Design Guidelines Study Session)

- Study Session Theater (DSD/JA). Study Session to review revisions for Design Guidelines to construct a new 7 screen Cineplex and 352 space parking structure on the Video Maniac site. This site is located at 2305 Central Avenue within the CC – CCPD, Community Commercial and Special Planned Development Districts. ***(Continued from the meetings of February 14 and 28, 2005.)***

March 15, 2005 City Council (Ref: Design Guidelines)

- Recommendation to Approve Theatre Design Guidelines and Presentation of Conceptual Parking Structure Designs

CHRONOLOGY OF PUBLIC REVIEW ITEMS RELATED TO ALAMEDA THEATRE REHABILITATION/CINEMA MULTIPLEX AND PARKING STRUCTURE PROJECT

March 28, 2005 Planning Board (Ref: Design Review)

- DR05-0028 – City of Alameda – 1416 Oak Street (JA/JO). Applicant Requests a Design Review for a 352 space, 6 level parking structure, open Public Hearing, provide comments and continue item to the meeting of April 11, 2005. The site is within the C-C Community Commercial, Zoning District.

April 5, 2005 City Council (Off-Agenda) (Ref: Design Process)

- Status of Design Process for New Civic Center Parking Garage, New Cineplex, and Rehabilitation of Historic Theatre Projects

April 7, 2005 Historical Advisory Board (Ref: Request for Comments on Design)

- Consideration and comments on design of proposed 352 space parking structure to be constructed as part of the rehabilitation of the Alameda Theatre and construction of a new Cineplex. The parking structure would be built at 1416 Oak Street within the CC, Community Commercial District. ***(Continued from February 3, 2005 meeting.)***

April 27, 2005 Transportation Commission (Ref: Request for Comment)

- Review and Comment on the Proposed Civic Center Parking Garage and Oak Street Streetscape Designs

May 3, 2005 Council/CIC Joint Session (Ref: Disposition and Development Agreement and Adoption of a Mitigated Negative Declaration)

- Joint Public Hearing to Consider Recommendation to Authorize the City Manager/Executive Director to Enter into a Disposition and Development Agreement with Alameda Entertainment Associates, L.P., Approval of the California Health and Safety Code Section 33433 Report Summarizing the Financial Impact of the Project and Adoption of a Mitigated Negative Declaration for the Alameda Theatre, Cineplex and Parking Structure Project (State Clearinghouse #2004-122-042)

- Resolution of the Community Improvement Commission of the City of Alameda Approving and Authorizing Execution of a Disposition and Development Agreement between the Commission and Alameda Entertainment Associates, L.P., and Approving Certain Mitigation Measures for the Project and Adopting a Mitigation Monitoring Program

- Resolution of the City Council of the City of Alameda Approving and Authorizing Execution of a Disposition and Development Agreement between the Commission and Alameda Entertainment Associates, L.P., and Adopting a Mitigation Monitoring Program

CHRONOLOGY OF PUBLIC REVIEW ITEMS RELATED TO ALAMEDA THEATRE REHABILITATION/CINEMA MULTIPLEX AND PARKING STRUCTURE PROJECT

This item had been originally scheduled for April 19; at that time, staff requested a continuance to May 3, 2005.

Public Notice published in the Alameda Journal (#2765) on April 5 and 12, 2005. Eighty-two mailed notices were sent to owner, tenants, surrounding property owners and businesses, and interested parties.

May 9, 2005 Planning Board (Ref: Acceptance of Preliminary Design for Cineplex and Parking Structure)

- DR05-0041 - City of Alameda – 2305 Central Avenue (CE/JO). Acceptance of preliminary design for the Cineplex generally at the corner of Oak Street and Central Avenue on the Video Maniac site. This site is located at 2305 Central Avenue within the C-C and C-C-PD (Community Commercial and Community Commercial - Planned Development) Districts

- DR05-0028 – City of Alameda – 1416 Oak Street (CE/JO). Applicant requests acceptance of preliminary Design for a 352-space parking structure, at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site. This site is located at 1416 Oak Street site within the C-C-PB Community Commercial, Community Commercial – Planned Development Zoning Districts ***(Continued from the meetings of April 11 and April 25, 2005.)***

May 17, 2005 Community Improvement Commission (Ref: Resolution of Necessity)

- Resolution of Necessity To Acquire Property by Eminent Domain for Redevelopment Purposes; Authorizing Commencement of Litigation to Acquire Property and for Order of Possession; Code of Civil Procedure Section 1245.235 *et seq.* (APN 071-0203-014 and APN 071-0203-015; 2315-2323 Central Avenue, Alameda, California – Alameda Theater/Cineplex and Parking Structure)

Per California Redevelopment Law and direction of counsel, direct mail notices were sent to the property owner, the owner's agent and building tenants. Certificates of mailing were obtained and incorporated into the resolution exhibits.

June 2, 2005 Historical Advisory Board (Ref: Section 106 Findings and Certificate of Approval)

- Consideration of Independent Consultant's Findings and Issuance of Certificate of Approval CA-05-0012 – City of Alameda (DSD) – Alameda Theater – 2317 Central Avenue

- Review and Comment on Independent Consultant's Findings regarding Proposed Cineplex – City of Alameda (DSD) – 2305 Central Avenue

- Review and Comment on the Independent Consultant's Findings regarding Proposed Civic Center Parking Garage – City of Alameda (DSD) – 1416 Oak Street

June 13, 2005 Planning Board (Final Design Review, Section 106 Findings and Use Permit)

- DR05-0041 – Final Design Review of the Proposed New Cineplex - City of Alameda (CE/JO). Final design review, including consideration of Section 106 findings for the proposed Cineplex at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site. This site is located at 2305 Central Avenue within the C-C and C-C-PD (Community Commercial and Community Commercial -- Planned Development) Districts ***(Continued to June 27, 2005.)***

- UP05-0008/DR05-0028 – Use Permit and Final Design Review of the Proposed New Civic Center Parking Garage – City of Alameda (DSD). Consideration of a Use Permit and Final design review, including consideration of Section 106 findings, for a new 352-space parking structure at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site. This site is located at 1416 Oak Street within the C-C and C-C-PD (Community Commercial and Community Commercial -- Planned Development) Districts ***(Continued to June 27, 2005.)***

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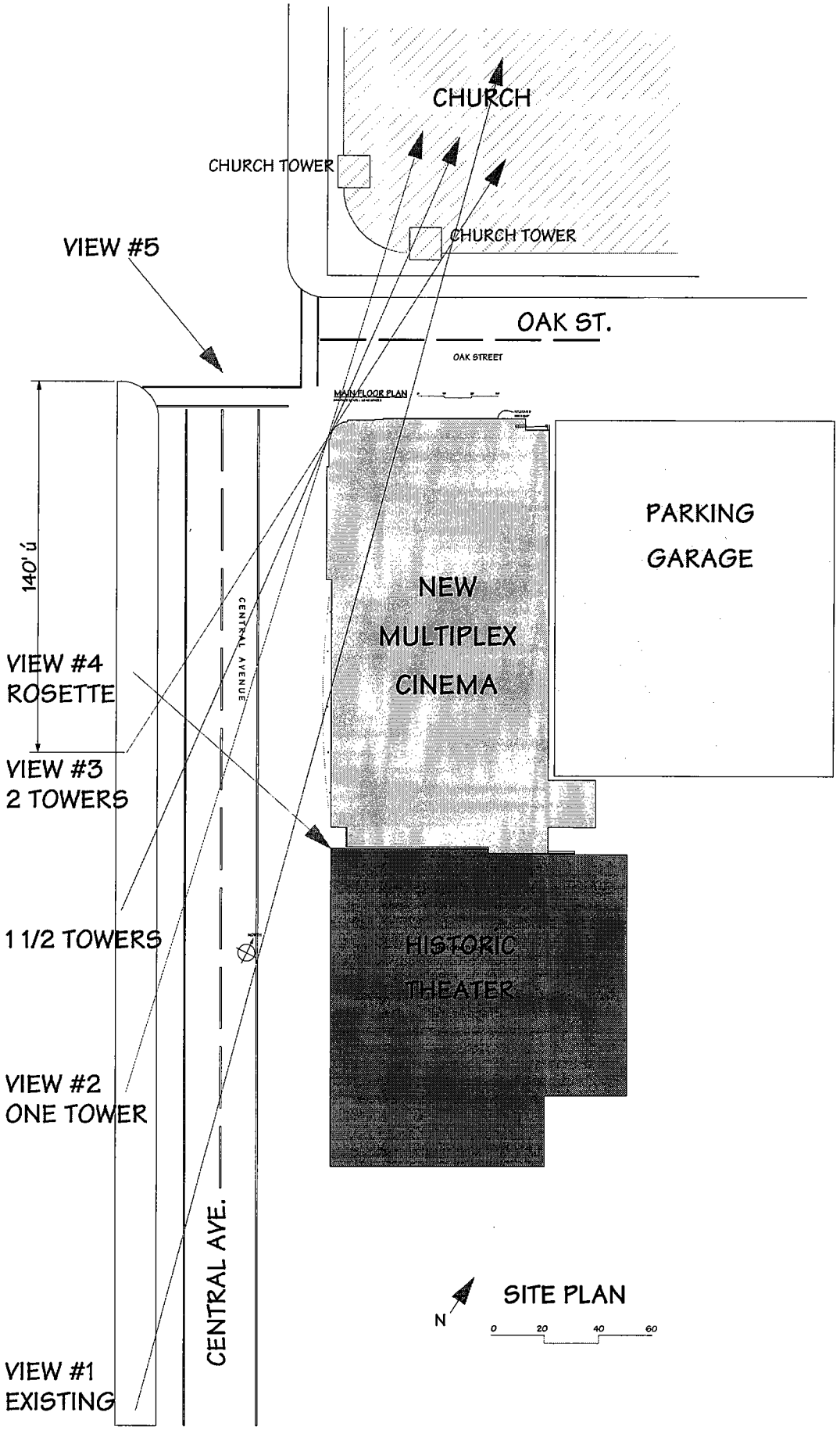
* Standard rules for noticing of City Council, Planning Board and Historical Advisory Board items are as follows:

The City Council agenda is published to the City's Website by the Thursday before each meeting. Hard copies of the agenda packets are left for the media to pick up at the City Clerk's Office. Items requiring a separate Notice of Public Hearing are published in the Alameda Journal no less than ten days before the hearing.

The Planning Board and Historical Advisory Board items are individually noticed. Three copies of the Notice of Public Hearing are posted in the vicinity of the project. A legal notice is printed in the Alameda Journal no less than ten days before the meeting. Notices are sent by direct mail to the owners of record within 300 feet of the project; however, if there are 1,000 or more owners within the noticing area, a display ad is published in the Alameda Journal instead.


CHURCH
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OAK ST.
OAK STREET
MAIN FLOOR PLAN
140' ú
PARKING
GARAGE
NEW
MULTIPLEX
CINEMA
CENTRAL AVENUE
VIEW #4
ROSETTE
VIEW #3
2 TOWERS
1 1/2 TOWERS
HISTORIC
THEATER
VIEW #2
ONE TOWER
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VIEW #1
EXISTING
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ALAMEDA PLANNING & BUILDING DEPARTMENT
STAFF REPORT

ITEM NO: **8-A**

APPLICATION: **DR05-0041 - Final Design Review of the Proposed New Cineplex – Alameda Entertainment Associates, LP -- 2305 Central Avenue.** Final Design Review, including consideration of Section 106 findings for the proposed Cineplex at the corner of Oak Street and Central Avenue, generally on the Video Maniac site. This site is located at 2305 Central Avenue within the C-C-T (Community Commercial Theater Combining) Districts.

GENERAL PLAN: Community Commercial

ENVIRONMENTAL DETERMINATION: A Mitigated Negative Declaration was prepared and adopted for the Alameda Theater, Cineplex and Parking Structure Project

STAFF PLANNER: Cynthia Eliason, Supervising Planner
Jennifer Ott, Development Manager

RECOMMENDATION: Approve final design review.

ACRONYMS:
C-C-T - Community Commercial, Theater Combining Zoning District
CIC – Community Improvement Commission
CEQA - California Environmental Quality Act
FONSI - Finding of No Significant Effect
HAB – Historical Advisory Board
HUD – Housing and Urban Development
IS/EA - Initial Study/Environmental Assessment
MND - Mitigated Negative Declaration
NEPA - National Environmental Policy Act
PSBA – Park Street Business Association

ATTACHMENTS:
1. Draft Resolution
2. Bruce Anderson's Section 106 Findings
3. City Response to Bruce Anderson's Section 106 Findings
4. Draft Minutes from June 2, 2005 Historical Advisory Board Meeting
5. Final Design Guidelines for the Proposed New Cineplex
6. Cineplex Final Design Review Submittal (Distributed at the meeting of June 13, 2005)

I. BACKGROUND/PROPOSAL SUMMARY:

The Henry Architects, the project architect for the new Cineplex, developed a design that is highly responsive to the Final Design Guidelines for the Proposed Cineplex approved by the Community Improvement Commission (CIC) on March 15, 2005. These guidelines were the result of numerous meetings with community stakeholders and with the Planning Board. Draft versions of the guidelines were revised based on feedback provided by the Planning Board at the February 14, 2005, February 28, 2005, and March 14, 2005 Planning Board meetings.

Preliminary Cineplex designs were presented to the Historical Advisory Board (HAB) on April 7, 2005 and to the Planning Board's Sub-Committee (formed on March 28, 2005 to provide feedback on the new Cineplex design) on April 15, 2005 for review and comment. The Park Street Business Association (PSBA) also reviewed preliminary designs and is very supportive of the proposed design. The Cineplex designs presented to the Planning Board on May 9, 2005 were the result of this extensive community feedback. The Planning Board granted preliminary acceptance of the Cineplex designs on May 9, 2005 with a few minor contingencies:

- Change aluminum window and door systems to dark anodized aluminum;
- Eliminate the dome at the top of the vertical element at the corner of Oak Street and Central Avenue and change back to flat top, as presented to the HAB on April 7, 2005; and
- Setback rooflines or soften corners of the Cineplex near historic Alameda theater.

The design preliminarily accepted by the Planning Board served as the basis for an independent Section 106 review of the proposed Cineplex design which was reviewed by the HAB on 2 June 2005. At that time the HAB recommended that the clear aluminum window and door systems originally proposed for the Cineplex be reinstated to match those of the Alameda Theatre;

II. ENVIRONMENTAL REVIEW:

Implementation of the project requires local (City and CIC), state (State Office of Historic Preservation) and federal (HUD) approval actions, and therefore invokes the environmental documentation requirements of both the California Environmental Quality Act (CEQA), as amended, and the National Environmental Policy Act (NEPA). The City of Alameda (the "Lead Agency" under CEQA and the "Responsible Agency" under NEPA), as amended, to meet the CEQA and NEPA environmental documentation requirements associated with the local, state and federal approval actions necessary to implement the project. The City prepared a joint environmental document in the form of a CEQA-authorized Mitigated Negative Declaration (MND) supported by an Initial Study, and a NEPA-authorized Mitigated Finding of No Significant Effect (Mitigated FONSI) supported by an Environmental Assessment.

On November 8, 2004, a public meeting was held to take comments on the proposed scope of environmental review (Mitigated Negative Declaration/ Environmental Assessment) in accordance with HUD Environmental Regulations, Part 58.

The draft Initial Study/Environmental Assessment determined that there would be no unavoidable significant impacts and proposed a limited number of standard mitigations to avoid potentially significant aesthetic, air quality, cultural/historical, environmental hazard, geological, noise and transportation impacts identified in the Initial Study/Environmental Assessment.

On May 3, 2005, the City Council adopted the Mitigated Negative Declaration. Since that time there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162.

III. ANALYSIS:

As a mitigation measure in the Initial Study/Environmental Assessment (IS/EA) for the Proposed Alameda Theater, Cineplex, and Parking Structure Project, the City must contract with an independent historic preservation professional to review the project plans and specifications of the three components of the project for consistency with state and federal historic preservation policies and standards (i.e., *Secretary of Interior's Standards for Rehabilitation and Restoration*). In addition, the HAB must review the findings conducted by the consultant and provide comment to the Planning Board before the Planning Board can grant final design review approval.

The City's historic preservation consultant, Mr. Bruce Anderson, developed his findings as required by the IS/EA based on the May 9, 2005 Cineplex design (See Attachment 2). The City has also prepared a response to Mr. Anderson's findings regarding the Cineplex for your review (See Attachment 2). City staff presented the following information to the HAB on June 2, 2005 for review and comment: (1) the May 9th Planning Board design submittal, (2) a revised Central Avenue elevation that incorporated the Planning Board's May 9th comments, (3) Mr. Anderson's Section 106 findings, and (4) the City's preliminary response to the Section 106 findings. The draft minutes from the June 2, 2005 HAB meeting are attached (see Attachment 4). The Planning Board must consider Mr. Anderson's findings, staff's response, and the June 2, 2005 HAB comments before granting final design approval of the proposed Final Cineplex Design (see Attachment 3).

The Section 106 process is a Federal process required as part of the Environmental Assessment and the environmental review for the distribution of funds by the U.S. Department of Housing and Urban Development. CEQA does not require the City to undergo a Section 106 process; however, the City, in preparation of the joint IS/EA incorporated mitigations appropriate for the process. To a certain extent the Section 106 process is an informational process not unlike CEQA and experts can disagree about the methods of avoidance, minimization and mitigation.

Mr. Anderson's recommendations have generally been accepted and are incorporated into the revised plans. However, his recommendation to install non-aluminum window and door systems on the new Cineplex and to recess all the doors to the retail spaces were not accepted. Staff felt and the HAB agreed that the door and window systems for the new Cineplex should match the clear aluminum systems used at the Alameda Theatre. Further, since the retail space is relatively narrow along Central Avenue, staff recommends that the doors not be recessed in order to provide maximum depth and flexibility to future retail tenants. Non-recessed doors are fully code compliant.

The project is consistent with the *Final Design Guidelines for the Proposed New Cineplex.* Staff has provided a summary of guidelines below with a brief description of how the proposal conforms with each guideline. Please see Attachment #5 for the complete text.

A. Overall Design Approach

The proposed Cineplex echoes the Art Deco design of the Alameda Theatre, but is clearly differentiated from other historic structures in the vicinity.

B. Bulk and Massing

The proposed Cineplex is oriented to Oak Street and Central Avenue and its massing will strengthen the street walls of the downtown. Each façade acknowledges the street which it faces.

C. Architectural Form and Articulation

The corner of the proposed Cineplex has been rounded. The second story lobby has extensive glazing and is projected three feet over the Central Avenue sidewalk. The strong horizontal line created by the marquee of the Alameda Theatre has been extended on the new building by use of a overhead canopies over the retail spaces in the Cineplex building. The retail store frontage on Central Avenue contains 75% glazing (this frontage is 149 ft 5.5 in and contains 112 feet of glazing without the inclusion of the main entry) and over 90 percent of the Oak Street retail frontage is glazing (36 ft 7 in of the Oak street façade is devoted to retail space and 33 feet is glazed). None of the structural walls associated with the continuous retail space is more than 4 feet long. The proposed overhead canopies provide consistent visual expression and shelter for pedestrians. Roof-top mounted mechanical equipment is screened in all directions. The massing of the new Cineplex has been notched back to receive the existing marquee of the Alameda Theatre and to open a partial view of the rosette and rounded corner façade of the Alameda Theatre; windows at the second level lobby will afford views of the rosette and the historic Theatre beyond from inside the Cineplex.

D. Lighting

A lighting plan will be provided to the Planning Board for review and approval at a future date. Sheet A-10 shows a preliminary lighting plan.

E. Signage

A signage program will be provided to the Planning Board for review and approval at a future date.

F. Materials and Colors

The window and door system will be of a clear anodized aluminum finish to match the retail spaces of the Alameda Theatre. The exterior of the Cineplex will be a combination of painted concrete pre-cast panels and detailed with brick panels; low-e clear class will be used on the second story lobby, mezzanine office windows and the ground story retail level.

Findings: Staff believes that the following findings can be made for approval of this Design Review application:

1. The project will have no adverse effects on persons or property in the vicinity.

2. With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts of this project can be reduced to a less than significant level.

3. The project will be compatible and harmonious with the design and use of surrounding properties.

4. As modified by the staff in response to the Section 106 findings and comments from the Historical Advisory Board, the final design of the Cineplex will be compatible and harmonious with the design and use of surrounding properties. The design is consistent with state and federal historic preservation policies and standards (i.e., *Secretary of Interior's Standards for Rehabilitation and Restoration*).

5. The project will be consistent with the *Final Design Guidelines for the Proposed New Cineplex*.

6. The project meets the intent of the Design Guidelines adopted specifically for the project.

In summary, Staff can make the appropriate design review findings.

IV. RECOMMENDATION:

Staff recommends that the Planning Board hold a public hearing, consider all pertinent testimony and information, and then act to approve DR05-0041 based upon the findings contained in the attached Draft Resolution.

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Planning Board Staff Report 8-A from June 27, 2005:

Attachment # 1 Draft Resolution is on file in the City Clerk's Office

Attachment #2 Bruce Anderson's Section 106 Review & Findings is on file in the City Clerk's Office

Attachment #3 City Response to Bruce Anderson's Section 106 Findings is on file in the City Clerk's Office

Attachment #4 Draft Minutes from June 2, 2005 Historical Advisory Board meeting are Attachment #7 to the City Council staff report

Attachment #5 Final Cineplex Design Guidelines are Attachment #8 to the City Council staff report

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-05-27

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING FINAL DESIGN REVIEW, DR05-0041 AT 2305 CENTRAL AVENUE

WHEREAS, an application was made by Alameda Entertainment Associates L.P. for Final Design Review, including consideration of Section 106 findings, for the proposed 7 screen Cineplex at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site; and

WHEREAS, the subject property is located in a C-C-T (Community Commercial, Theater Combining) Zoning District; and

WHEREAS, A Mitigated Negative Declaration was prepared and adopted on May 3, 2005 for the Alameda Theater, Cineplex and Parking Structure Project by the City Council. Since that time there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162; and

WHEREAS, the Board has held a public hearing on this application on June 27, 2005 and has examined pertinent maps, drawings, and documents; and

WHEREAS, the Board has made the following findings relative to Final Design Review, DR05-0041:

1. The project will have no adverse effects on persons or property in the vicinity.

   With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts of this project can be reduced to a less than significant level.

2. The project will be compatible and harmonious with the design and use of surrounding properties.

   As modified by the staff in response to the Section 106 findings and comments from the Historical Advisory Board, the final design of the Cineplex will be compatible and harmonious with the design and use of surrounding properties. The design is consistent with state and federal historic preservation policies and standards (i.e., *Secretary of Interior's Standards for Rehabilitation and Restoration*).

3. The project will be consistent with the *Final Design Guidelines for the Proposed Cineplex.*

   The project meets the intent of the Design Guidelines adopted specifically for the project.

Attachment 3

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby grants DR05-0041 subject to the following conditions:

1. The project shall be constructed in substantial conformity with plans titled "New Alameda Multiplex Cinema", dated June 04, 2005, prepared by The Henry Architects Inc., labeled Exhibit A and on file with the Planning and Building Department as modified below.

2. The approved elevations are those shown on sheet A-2 on the plan set labeled Exhibit A as modified below.

3. The pre-cast concrete panels shall be detailed to the satisfaction of the Planning and Building Director.

4. Brick veneer shall be installed as a separation between the pre-cast concrete panels as shown on the plans provided by the developer at the 27 June 2005 Planning Board hearing to the satisfaction of the Planning and Building Director. However, the keystone caps on the brick veneer extensions as shown on these plans are specifically not approved, although a detailed cap element in keeping with the overall architectural character to add visual interest may be acceptable to the satisfaction of the Planning and Building Director.

5. A base element shall be installed below the storefront windows to the satisfaction of the Planning and Building Director

6. All brick veneer shall be variegated.

7. All windows and door systems shall be clear anodized aluminum to match window and door systems of the historic Alameda Theatre retail spaces.

8. All windows shall be fitted with clear, non-tinted low e glass.

9. Entries to individual retail spaces shall not be recessed, except as required by the Alameda Building Code.

10. The project shall be subject to the City of Alameda Public Art Ordinance

11. Prior to the issuance of a building permit for the Cineplex, the Planning Board shall approve the final lighting and signage program for the Cineplex. The final lighting plan shall be prepared by a professional lighting designer.

12. Vesting. The use permit approval shall terminate one (1) year from the effective date of its approval, unless actual construction or alteration under valid permits has commenced within that time or the applicant applies for and is granted an extension prior to the expiration.

13. Construction Noise. Construction noise impacts shall be minimized by restricting construction activities to the daytime hours specified by the Alameda Municipal Code. The current provisions limit construction to Monday through Friday, between 7:00 a.m. to 7:00

p.m., and on Saturday between 8:00 a.m. to 5:00 p.m., with no Sunday construction.

14. Construction Soil Control. All construction contracts shall contain dust control clauses. The developer shall require that all contractors control the dust by watering exposed earth surfaces, covering trucks transporting fill to the site, and daily removal of earth or mud carried onto City streets from the project site.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision by competing and submitting an appeal form paying the required fee.

PASSED AND ADOPTED by the Planning Board of the City of Alameda on the 27th day of June 2005 by the following vote:

AYES:	(4)	Piziali, Cook, Cunningham, and Lynch
NOES:	(1)	Mariani
ABSENT:	(2)	Kohlstrand, McNamara

ATTEST:

Cynthia Eliason

Paul Benoit, Interim Secretary
City Planning Board

Acknowledgment of Conditions:

I hereby acknowledge receipt of Planning Board Resolution No. PB-05-27 for, the Planning Board's approval of Final Design Review, DR05-0041, approved on June 27, 2005, and in accordance with Conditions herein, I hereby verify that I understand and agree to comply with the Conditions of Approval of said Planning Board Resolution No. PB-05-27 and the applicable provisions of Chapter 30 of the Alameda Municipal Code (Zoning Ordinance).

Executed at: _____ By: _____
City Applicant

On: _____ _____
Date Title

APPLICANT MUST FILL OUT AND RETURN TO THE PLANNING & BUILDING DEPARTMENT.

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8. REGULAR AGENDA ITEMS:

8-A. **DR05-0041 – Final Design Review of the Proposed New Cineplex - City of Alameda (CE/JO).** Final design review, including consideration of Section 106 findings for the proposed Cineplex at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site. This site is located at 2305 Central Avenue within the C-C and C-C-PD (Community Commercial and Community Commercial -- Planned Development) Districts. **(Continued from the meeting of June 13, 2005.)**

Ms. Ott summarized the staff report. The changes proposed during public and Board comment were:

1. The dome element was eliminated;
2. The aluminum system was changed from clear to dark; and
3. The roof lines were set back as much as possible on the walls closest to the Alameda Theater.

Ms. Ott noted that the dome element was eliminated, but that staff recommended that the clear aluminum system be retained. The project architect was able to set back the corner slightly at the joining of the Cineplex and the historic theater. She noted that the architect, Rob Henry, was not able to attend this meeting.

The public hearing was opened.

Mr. Kyle Connor, Alameda Entertainment Associates, displayed the revised plans for the proposed Cineplex on the overhead screen.

President Cunningham advised that more than five speaker slips had been received.

M/S Mariani/Piziali and unanimous to limit the speakers' time to three minutes.

AYES – 5 (Kohlstrand, McNamara absent); NOES – 0; ABSTAIN - 0

The public hearing was opened.

Mr. Wilbur Richards, 2235 Clement Street, spoke in support of this item. He noted that the island would continue to change, and that it could not return to the past. He noted that the parking lot would be difficult to change to another use, and hoped the proper street trees would be chosen.

Mr. Kevin Frederick, 1287 Caroline Street, spoke in opposition to this item. He believed this project was too massive for this corner and should be scaled down. He did not believe the Cineplex would be financially viable.

Ms. Ani Dimusheva, 2911 Calhoun Street, spoke in opposition to this item. She would miss the view of the Oakland Hills, and did not want that kind of change in Alameda. She noted that the design in people's environment was very important. She suggested building retail uses and incorporating it

into the parking structure. She did not believe the Cineplex would be financially feasible in five years.

Ms. Linda Hansen spoke in opposition to this item, and displayed photographs of the site with projected massing superimposed on the existing site. She noted that while the Twin Towers Church is taller than the proposed structure, the massing of the Cineplex overwhelmed them. She suggested building an open plaza at the Video Maniacs corner with a two-story retail space and a gathering place. She displayed her sketch, and noted this was more in line with contemporary design theory. She believed this would be more pedestrian-oriented.

Ms. Debbie George, speaking as AN individual, not PSBA, spoke in support of this item. She noted that there had been at least ten public meetings on this subject, and noted that the designers had been responsive to public and Board requests.

Mr. Jon Spangler, 1037 San Antonio, spoke in opposition to this item. He noted that he was a business owner and a member of the Chamber of Commerce. He did not believe this project belonged on this particular corner, and believed that the building was too massive. He noted that over 1,500 signatures had been gathered in opposition to this project. He believed that Alameda deserved a better fit than this design, and would like to see alternatives that fit Alameda's character better.

Ms. Barbara Marchand, spoke in support of this item. She believed that no matter how many meetings are held, that there would not be 100 percent agreement on this project. She believed the retail establishments and the people of Alameda would benefit from this project.

Mr. Christopher Buckley, Alameda Architectural Preservation Society, 1017 San Antonio Avenue, noted that AAPS has gone on record supporting the project concept, but had some concerns about the design. He read an excerpt of the report (page 9, item 2) written by the consultant, Bruce Anderson, expressing concerns about the design, and suggesting that refinements of the design should be made. He believed this report had been glossed over by staff. He displayed an illustration of the project, and noted that the transom windows were misaligned.

Mr. Chuck Millar, 2829 San Jose Avenue, spoke in opposition to this item, and noted that he has been very critical of the design from the beginning. He was very concerned that the City would be saddled with a regrettable design. He believed that Bruce Anderson's comments had been treated on the same level as public comment, and added that HAB had been very critical of the design, which was also not apparent. He noted the walls made of precast concrete would be very suitable for Art Deco. He strongly urged that more design elements be included in this project so that it would not be so plain.

Ms. Holly Rose, spoke in opposition to this item, and believed that this project overwhelmed the intersection in a claustrophobic manner. She did not like the aesthetics of the building.

Ms. Melody Marr, CEO Chamber of Commerce, noted that the community had been waiting a long time for this theater. She noted that the visitors and tax revenue were needed badly in Alameda,

particularly to support police and fire services.

Mr. Gene Oh, Alameda Bicycle, spoke in support of this item, and believed the parking structure was also necessary to create a viable and vibrant outdoor downtown.

Ms. Deborah Overfield, spoke in opposition to this item, and noted that she had discussed her concerns with Mayor Johnson. She would like to see a two level parking structure, and only one screen instead of multiple screens. She realized this project had been going on for a long time, but did not believe the current design fit Alameda's character. She was very concerned that the new structure would block the Twin Towers Church, which had just installed new stained glass. She believed that more people should walk in town and not worry so much about parking. She did not like the design at all.

Ms. Valerie Ruma, spoke in opposition to this item, and noted that she would speak on Items 8-A and 8-B simultaneously. She realized that a lot of work had gone into this project, and believed that many Alameda citizens were not aware of the reality of the designs. She noted that some of the recipients of the RFP were not in an appropriate position to do the work, and was not surprised that there were so few responses. She believed the height of the buildings were excessive, and while they did not exceed the decorative structures of the nearby buildings, the structure did overwhelm the main adjacent structures. She suggested that there be sensitive renovation of the Alameda Theater to its original three screens, elimination of the Cineplex building, which would allow for a more distributed parking solution, and public open spaces or smaller scale retail included in the design.

Ms. Rosemary McNally, 2145 San Antonio, spoke in opposition to this item. She had attended or watched many HAB and Planning Board meetings, and believed that the general public had only recently understood what was happening. She opposed the 20-inch overhang, and to it being so close to the street. She suggested building a big theater in Harbor Bay if the City wanted the revenue. She did not believe the decision must be made at this time, and believed that there was more information to be heard.

Ms. Birgitt Evans, 2829 San Jose, spoke in opposition to this item, and complimented staff on summarizing her comments on June 13, 2005. She agreed with Bruce Anderson's Section 106 review, as well as HAB's comments on the design of the Cineplex. She noted that four out five members of the HAB recommended that the architects "go back to the drawing board." She complimented the project architects on their Deco-style cinema in Livermore, and would like to see a design like that in Alameda. She particularly liked the strong vertical elements. She noted that most proponents of the Cineplex had a vested financial interest in it. She believed that Alameda should have a better design for such a major project.

Mr. Anders Lee spoke in opposition to this item. He believed this could be a much better design, and stated that there was considerable public opposition to this design.

Mr. Vern Marsh spoke in opposition to this item. He did not like the proposed design, and would favor the designs suggested by the other speakers. He would like a smaller-scale theater such as the Orinda Theater. He believed the transit congestion on and off the Island would not attract visitors

from other communities.

Mr. Don Grappo, spoke in opposition to this item. He did not oppose the concept of a theater and parking structure, and did not believe it was a good design. He suggested valet parking, and inquired whether the changing technology of movies would make this theater obsolete. He suggested a smaller and more aesthetically pleasing design.

Mr. Harry Hartman, 1100 Peach Street, spoke in support of this application. He believed the design was a positive compromise, and noted that the City did not have the financial resources to fund an elaborate design at this time. He noted that the business district was set up to benefit from a draw such as this theater. He noted that 352 new spaces in the parking structure would take a lot of pressure off the downtown streets. He believed the cost-benefit analysis showed clearly that the benefits of the Cineplex far outweighed the detriments.

Rose, P.O. Box 640353, San Francisco, noted that she was an Alameda resident. She supported the restoration of the theater, and believed that this type of theater could be a model for other specialized movie theaters.

Mr. Rudy Rubago spoke in opposition to this item and noted that this was the first time he had seen this design, and inquired about what had happened to the South Shore movie theater. He expressed concern that this theater might not last very long, and what would happen to the building. He did not like the design. He believed the evolving movie technologies for in-home viewing may make theaters obsolete. He inquired whether the owners or employees of this theater live in Alameda. He expressed concern that the money generated from this use would be spent off the Island. He expressed concern about potential crime in the parking structure. He would like to see a cultural center for the performing arts in Alameda.

Mr. Rich Tester, 2020 Pacific Avenue, noted that he was a Park Street business owner, and spoke in opposition to this item. He expressed concern about the size and shading of the structure; he inquired about the shade study. He was concerned that there would be an alleyway feel to the side of the parking garage, and noted that there were no businesses on that side. He expressed concern about the traffic congestion on Oak Street, which many people used to traverse Alameda.

Ms. Ott advised that right after the June 13 meeting, staff contacted a firm to do a shading analysis, which had a two to three week turnaround time. Staff will report on the results of the shade analysis when it is complete. She noted that the revised HAB minutes were available.

Ms. Pat Pane spoke in opposition to this item, and did not believe the construction of the building in the middle of a historic district was appropriate. She pointed out that the economics of movies was changing, and did not believe that spending money on an outmoded structure and technology would be appropriate. She did not like the design.

Ms. Scott Corkens spoke in opposition to this item, and believed the Cineplex was grossly out of scale. He believed this use would spur more development in the district, and would add to traffic congestion. He was very concerned about danger to pedestrians due to increased traffic. He believed

this building was grossly out of scale for the street, and did not believe anyone would want to renovate the proposed design in the future.

Mr. Jim Strehlow, 3122 Gibbons Street, did not understand the pedestrian flow from the parking garage, which forced customers to walk outside before entering the theater. He did not see much detail for the historic theater portion, and would like to see more information. He wished to ensure the historic theater was not dwarfed. He would like to see live performances in that theater, and would like the Planning Board to plan accordingly.

Mr. Robert Gavrich, 1517 Fountain, spoke in opposition to this item. He expressed concern about the design and the financial details of this project with respect to the developer.

President Cunningham suggested that the financial questions be directed to the City Council, and that the design issues be addressed at this hearing.

Mr. Gavrich noted that the elevation was drawn from a distance of 200 feet, and noted that perspective would not be available in reality. He was concerned about the canyon and wind effect on the street, as well as the noise from the cars driving in the parking garage.

Mr. Richard Rutter noted that the staff report for the parking garage stated that the site survey raised questions regarding the property line along Oak Street and the associated width of the public right-of-way. He noted that there would be a ripple effect into the right-of-way or the building. He complimented historical consultant Bruce Anderson on a good and reasoned analysis. He believed the staff report was at odds with his findings. He would be hesitant to support this project at this point before such open issues were resolved.

Mr. Jerrold Connors, 2531 San Jose Avenue, spoke in opposition to this item, but would favor a more modest three-screen theater like Piedmont Cinema or the Grand Lake. He would like a theater with more character befitting Alameda, and believed it should be scaled back.

Ms. Judith Lynch, 1372 Versailles Avenue, noted that she was a member of the HAB but was speaking as an individual. At the June 13 meeting, she had been concerned that the staff report was based on inaccurate HAB minutes. She thanked staff for making those corrections, but believed that the staff report was still inaccurate with respect to Bruce Anderson's comments on page 9. She generally supported the project, but would like it to look better; she did not believe it was compatible or harmonious in its present state. She believed the Art Deco heritage of Alameda should be celebrated in this design. She displayed an example of a Deco theater, and urged the Board to consider changing the design.

Ms. Paula Rainey spoke in opposition to this item and didn't believe this project met the needs of Alameda. She believed it was too big, and believed that Ms. Hanson's sketch demonstrated how good design can bring people together.

Mr. Mike Corbitt, Harsch Investments, 523 South Shore Center, spoke in support of this application. He noted that this theater would help stop leakage to Oakland, San Leandro and surrounding

communities. He noted this was a catalyst site, and believed the developer was trying to respond to the community's concerns as much as possible. He believed the parking structure was critical to the success of downtown businesses.

Mr. Robb Ratto, Director, Park Street Business Association, spoke in support of this item. He noted that the Board of Directors voted unanimously in favor of the design, and that the majority of PSBA business owners support the design. He noted that this has been a difficult process, and commended the architect for his design and responsiveness to the comments received.

Mr. Frank George, 1419 Park Street, spoke in support of this item. He noted that there was a 10-screen cinema in Twain Harte, a smaller town than Alameda, and that they had no problem filling it. He noted that economic diversity was a critical element of financial success, and that there had been eight theaters in Alameda that functioned at the same time. He noted that this was a centrally-located and oriented parking structure and theater, and that the crossover traffic would benefit the other businesses. He originally thought the building was too massive, but believed it would be a benefit to Alameda.

Mr. Harvey Brook, 2515 Santa Clara Avenue, #208, spoke in support of this application, and noted that he was a Park Street business owner. He was aware of the petitions circulating against the project, with approximately 1,800 signatures, 2.4% of Alameda's 75,000 residents. He noted that there would be impacts on property tax revenues if this project did not go forward. He was very concerned that if this project were to be delayed, the City would no longer be able to afford the project.

Mr. Walt Jacobs, President, Alameda Chamber of Commerce, spoke in support of this item. He noted that this project has been going on for a long time, and that there had been considerable public input. He believed that it was needed to make Alameda more vibrant and attractive to downtown businesses. He believed the design was acceptable, and complimented staff on incorporating the requested changes.

The public hearing was closed for Board discussion.

President Cunningham called for a five-minute recess.

President Cunningham thanked the public for its comments, and noted that financial issues were within the City Council's purview, not the Planning Board's. Because a quorum of four Board members was required for an up-or-down vote, he requested a straw poll of the Board members to determine whether they wished to move the discussion forward.

Mr. Lynch noted that a number of different ideas regarding the value and design of this project had been heard. He was not inclined to deny this project because he believed the City was getting close to a workable project. He respected the emotions felt by members of the public, and was ready to move forward with this project. He encouraged Alameda citizens to continue to be involved with the process.

Mr. Piziali echoed Mr. Lynch's comment, and added that he was ready to move forward with the project. He supported the project at this point.

Ms. Mariani noted that she rejected the design as it stands, and agreed with the HAB's opinion of starting again with the design.

Vice President Cook noted that she would like to continue the discussion, and added that scale was one of the fundamental issues she heard from the public. She noted that City Hall, the new Library and the Twin Towers church were also large-scale projects. She believed it was time to make a final decision. She noted that someone would probably appeal the decision and to bring it to City Council, which would open up further dialogue about the details of the project. She strongly believed that the project should be sent forward with very clear design direction. She would have liked to have had the agreement with Long's, allowing a larger site. She encouraged the residents to revisit the Long's issue with City Council.

President Cunningham agreed with Vice President Cook's comments, and believed the 106 findings should be reviewed to help improve the project. He believed the design of the project had progressed considerably, and noted that some projects can take many years to design. He requested staff's response to the 106 findings.

Mr. Lynch agreed with the speakers who wanted the architect and owner to work with the HAB and PSBA to fill in some Art Deco features along the Central Avenue and Oak Street elevation.

Vice President Cook expressed concern about including *faux* historic elements in the design, which may dilute the genuine historic design. She believed that a theater similar to the Livermore example may overwhelm the historic theater. She believed the architecture should reflect the constant evolution of the City.

Mr. Lynch noted that some of the speakers had modified their comments, and he would incorporate that increased acceptance into his decision-making process.

Mr. Piziali would prefer to send the design to City Council with the Planning Board's comments, and if the Council wished to redirect it to the Board, that would be fine.

President Cunningham believed the aversion to the blank panels would be a major part of the Board's comments to the Council.

In response to an inquiry by President Cunningham, Ms. Eliason confirmed that the HAB has already provided their comments and given a certificate of approval for the historic Alameda Theater; that element would not be within the Planning Board's purview.

In response to an inquiry by Ms. Mariani, Mr. Lynch replied that the Board did not have the ability to scale the project back; the Board may either approve or deny the project.

Ms. Harryman advised that if the Board approved this item, it would only go to Council if someone

appealed it. She noted that the Council may send it back to the Board.

In response to an inquiry by Vice President Cook regarding the changed color of the aluminum and glass on the upstairs element, President Cunningham replied that he agreed with the HAB's recommendation to use the clear aluminum. He wished to clarify that low-E glazing was available in many tints; the Board would prefer the clear low-E glazing.

President Cunningham noted that with respect to page 3, Item 2.2, regarding the base along the theater, a spandrel would provide a base in accordance with the findings. He would like the wording to be modified to provide for a base.

President Cunningham noted that with respect to Item 6, he would not recommend 6-inch aluminum clad element depths in the doors; there should not be any recessed openings.

Vice President Cook agreed with President Cunningham's assessment; although historic buildings had an increased depth, the narrowness of the retail spaces would not accommodate that depth; she would prefer that be changed to enliven the retail space. The Board agreed that item would be deleted.

President Cunningham noted that with respect to Items 8 and 9, a professional lighting designer should be employed for the Cineplex, rather than an electric subcontractor. That design and the signage should come back to the Board. Ms. Eliason advised that Condition 4 of the Draft Resolution already stated that the signage and lighting programs be brought back to the Board.

Vice President Cook liked the addition of the brick veneer, which broke up the larger planes.

President Cunningham noted that the stucco column caps could be eliminated.

In response to an inquiry by President Cunningham whether the color of the brick veneer would be monotone or variegated, Ms. Ott replied that it would be variegated.

President Cunningham noted that the sunlight/shading study should be included in the conditions.

Vice President Cook noted that she was not extremely concerned about the shading study, and believed that the shade should fall on the Long's parking lot; she believed it was important to respond to the public's concerns.

Ms. Eliason noted that because the Cineplex was a permitted use, the Board would not be asked to consider any operational limitations. However, the Board will consider operational limitations for the parking garage.

In response to an inquiry by Mr. Lynch regarding how questions and concerns regarding operational issues for the theater could be voiced, Ms. Eliason suggested that could be expressed before the City Council; those concerns will also be reflected in the record.

Mr. Lynch noted that after the theater opens, it may be necessary for the police to direct traffic at the owner's expense, as they did after the Jack London Square Theater opened.

Ms. Ott noted that there were provisions to handle large crowds for a blockbuster presentation at various times during the year. There would be some education programs so the public could become accustomed to the operation.

Vice President Cook fully agreed with Bike Alameda's comments regarding the bike path on Central Avenue, especially with respect to their call to remove the diagonal parking on Central, and having a bike lane.

Ms. Eliason noted that City Council had made the commitment to remove the diagonal parking, and to have parallel parking and a bike lane in its place.

Vice President Cook was concern about losing the landscaping along the Oak Street façade; she noted that a landscaping plan would soften the large scale of the building. She would like the detailed landscaping plan to return to the Board, addressing both the Cineplex and the garage. Ms. Ott recommended that be conditioned for the garage, because the funding for the landscaping plan is part of the garage contract. She noted the project would have to comply with the City's ordinance, and that there would be street trees for Oak Street. Central Avenue will have street trees along Central as part of the City's ordinance.

Mr. Lynch noted that he had concerns about the large DBH; he would like to see trees that were tall enough to soften the building.

M/S Piziali/Cook to adopt Planning Board Resolution No. PB-05-27 to approve the Final design review, including consideration of Section 106 findings for the proposed Cineplex at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site, with the following modifications:

1. The blank panels will be resolved;
2. Clear aluminum storefronts will be acceptable;
3. Low-E clear glass will be used;
4. A base for retail spaces will be provided;
5. There will not be recessed openings on retail spaces;
6. The lighting plan prepared by a lighting designer will be returned to the Planning Board;
7. The added brick veneer will be retained;
8. The brick veneer will be variegated as specified on the material board;
9. The end caps will be deleted;
10. The shading study will be returned to the Planning Board if there will be shading on Santa Clara; and
11. A sign program will be brought to the Planning Board.
12. The additional brick detail around the movie poster boxes.

AYES – 4 (Kohlstrand, McNamara absent); NOES – 1 (Mariani); ABSTAIN - 0

PRELIMINARY DRAFT
Subject to modification prior to
Approval by Historical Advisory Board

MINUTES OF HISTORICAL ADVISORY BOARD
REGULAR MEETING OF THURSDAY, JUNE 2, 2005
COUNCIL CHAMBERS, CITY HALL
2263 SANTA CLARA AVENUE – 7:00 PM

Chair McPherson called the meeting to order at 7:04 p.m. Secretary Eliason called the roll.

MEMBERS PRESENT: Chair McPherson; Vice-Chair Anderson; Boardmembers Lynch and Miller

MEMBERS ABSENT: Boardmember Tilos (arrived at 7:30 p.m.)

STAFF PRESENT: Secretary Eliason, Acting Recording Secretary Rosemary Valeska

MINUTES:

Consensus by Chair and Boardmembers to continue minutes of the Special Meeting of March 10, 2005 to the next meeting in order to allow more time for review.

Consensus by Chair and Boardmembers to continue minutes of the Regular Meeting of April 7, 2005 due to the lack of a quorum present for these minutes.

AGENDA CHANGES AND DISCUSSIONS: None

WRITTEN COMMUNICATIONS: (Discussion only) None

ELECTION OF OFFICERS:

M/S (Lynch/Miller) to elect Vice-Chair Anderson as Chair. 4-0-1.

Ayes: 4; Noes: 0; Absent: 1; Motion carries.

M/S (McPherson/Anderson) to elect Boardmember Miller as Vice-Chair. 4-0-1.

Ayes: 4; Noes: 0; Absent: 1; Motion carries.

ACTION ITEMS (Discussion/Action):

1. Consideration of Independent Consultant's Findings and Issuance of Certificate of Approval CA-05-0012 – City of Alameda (DSD) – Alameda Theater – 2317 Central Avenue.

Jennifer Ott of Development Services gave an overview of this item and introduced Naomi Miroglio of Architectural Resources Group (ARG), who gave a PowerPoint presentation regarding the Historic Alameda Theatre Rehabilitation.

Chair McPherson opened the floor to public comment.

Richard W. Rutter commended Bruce Anderson's Section 106 Findings Report. He explained that there was a process called "jacketing" that could be used to make the window columns appear smaller. He stated that he would like to see more detail on the proposed automatic movie ticket dispensing machines – wants to be sure that they don't look like BART ticket machines. He also noted that there are companies back East that specialize in salvaging vitolight from old buildings.

Ani Dimusheva stated concern that the Historic Theatre Rehabilitation portion of the project could bear the burden of a budget shortfall.

Christopher Buckley stated that he was speaking for himself and not on behalf of the Alameda Architectural Preservation Society. Recommended that the HAB approve the Certificate of Approval with the conditions that the details of the storefront, ticket booth and concession stand are brought back for further review and that the HAB should request material and color samples.

Birgitt Evans criticized the design of the cinema multiplex. She commended Bruce Anderson's Section 106 Findings report and agreed with the finding recommending redesign of the ticket booth for the Historic Theatre. Secretary Eliason noted that the ticket booth would be redesigned.

Chair McPherson closed public comments and opened the floor to Boardmember comments.

Vice-Chair Anderson stated that even though the HAB could not turn its back on the Theatre's historic status, we need to move forward on retrofitting for seismic safety. Automatic ticket booths are the wave of the future but these will need to be redesigned. The concession stand is OK to be in the center of the lobby but should have architectural features with Art Deco elements.

Chair McPherson stated her concurrence with Vice-Chair Anderson.

Vice Chair Anderson summarized the need for the HAB to see: 1) material samples, 2) storefront details, 3) material colors, and 4) further detail regarding the ticket booths.

Boardmember Miller asked about the suggestion regarding column jacketing. Ms. Miroglio stated that would follow up with her engineer regarding this item.

Judith Altschuler, who was in attendance in the audience, addressed the Board, stating that the HAB's purview was for the exterior only – not the interior design. Exterior elements could come back to the HAB and that could be part of the overall design approval. HAB's advice to staff would be taken into consideration regarding the structural changes and exterior design, only.

Chair McPherson stated that she wanted the details of the ticket machine and the window and door system to come back to the HAB. The HAB wants to see a finished sample of the vitrolight.

Cynthia noted that staff would craft into the conditions of the Resolution: 1) final design of ticket machines and 2) return with storefront window details, including finished samples and materials.

M/S (Tilos, Miller) to approve per the staff recommendation with conditions as noted. 5-0.

Ayes: 5; Noes: 0; Absent: 0; Motion carries.

2. Review and Comment on Independent Consultant's Findings regarding Proposed Cineplex – City of Alameda (DSD) – 2305 Central Avenue.

Secretary Eliason stated that the HAB's purview was to provide comments for the Planning Board's Final Design approval.

Ms. Ott addressed the Board and noted that the City does not agree with the consultant's findings regarding aluminum door and window systems.

Chair McPherson opened the floor to public comment.

Richard W. Rutter noted that the consultant was only referring to the aluminum color. Alcoves for the recessed entry doors should be required. Stated that he was in favor of a clear anodized system on the cineplex. Consistency of column treatments would unify the building façade.

Ani Dimusheva stated that the proposed new buildings "bully" the surrounding historic buildings and were examples of "disposable architecture." Can't just "tweak" with bad design.

Kevin Frederick stated that the original vision of the multiplex has been blown out of proportion. This is not what Alamedans expect. The Planning Board was pressured by the developer. The Planning Board likes to play with modern and contemporary design.

Christopher Buckley stated that he was representing the Alameda Architectural Preservation Society. He gave an overview of AAPS comments to the Planning Board regarding Section 106 and read from Item 2, page 9 of the consultant's report. Mr. Buckley stated that he endorsed the consultant's recommendations. The Chair granted Mr. Buckley additional public speaker time in order for him to show samples of other architecture on the projector. One of the examples shown was a theater in Livermore designed by Rob Henry, the architect for the cineplex.

Chair McPherson closed public comments and opened the floor to Boardmember comments to the Planning Board regarding exterior design elements of the cineplex.

Boardmember Miller stated that he agreed with Mr. Buckley's comments. Doesn't think we're "there yet." Asked how much room there was for change.

Boardmember Lynch stated that people at Twin Towers were concerned about looking at a blank wall.

Vice-Chair Anderson stated that there was too much of a difference between the Historic Theatre and the proposed cineplex and parking structure – not compatible with historic standards. A stronger connection is needed – cited the Livermore example.

Secretary Eliason stated that the Planning Boards May 9 preliminary design approval was to provide consistency for the Section 106 findings study.

Boardmember Tilos stated that the vertical elements needed work.

Chair McPherson suggested making a recommendation requiring clear anodized aluminum.

Vice-Chair Anderson would like to ask the architect to design an alternate façade.

Chair McPherson stated that the Oak Steet façade needs to be looked at.

Boardmember Miller stated that it would be a good idea to "send it back to the drawing board."

Chair McPherson stated that she did not think it was awful but it could be reworked. Shouldn't say, "send it back to the drawing board."

Boardmember Lynch recommended telling Rob Henry to take a look at his design for Livermore.

Chair McPherson stated that greater design detail on the façade was needed and the vertical elements needed to be more consistent.

Boardmember Lynch stated that true Art Deco moldings and details could be introduced.
Chair McPherson summarized as follows: 1) more attention to the Oak Street façade; 2) use elements like Livermore; 3) use clear anodized aluminum framing; 4) more attention to vertical elements; 5) more Art Deco details; 6) the architect needs to revisit the Livermore project elements for an alternative design.

Ms. Ott noted that the Livermore project had been brought up at a previous Planning Board meeting. Mr. Henry had cited the Alameda projects' site constraints compared to Livermore.

Chair McPherson noted that Art Deco elements could complete with the Historic Theatre and be at odds with the Federal standards.

Vice-Chair Anderson stated that you don't have to repeat the Alameda Theatre but more elements are needed on the façade so it won't read as a blank wall.

Boardmember Miller stated that the design competes with and overwhelms the Historic Theatre.

Boardmember Tilos stated concern with the horizontality of lobby windows.

Secretary Eliason noted that the Planning Board wants the mezzanine "punch out."

Vice-Chair Anderson stated that the architect should revisit the design and incorporate elements from the Livermore theatre.

Secretary Eliason stated that the Board had provided quite a bit of direction.

3. Review and Comment on the Independent Consultant's Findings regarding Proposed Civic Center Parking Garage – City of Alameda (DSD) – 1416 Oak Street.

Secretary Eliason stated that the HAB's purview was to provide comments for the Planning Board's Final Design approval.

Ms. Ott gave an overview to the Board.

Chair McPherson opened the floor to public comment.

Kevin Frederick stated that he was concerned about potential traffic and circulation problems along Oak Street and stated that the garage would have been better sited on the Elks property. He also stated that the garage drawing did not look proportional.

Richard W. Rutter stated that he supposed that the reason there were no architect's comments in the Section 106 Findings report was due to the garage being a design/build project. He agrees with the recommendations regarding lighting and signage in the 106 Report, but with a caveat that there should be an emphasis on the lights being easily accessible for effective maintenance. He also agrees with the recommendation for a graphics consultant.

Christopher Buckley stated that he was representing the Alameda Architectural Preservation Society. He stated that he had made a recommendation to the Planning Board to "dress things up a bit." The design looks massive – maybe moldings would help. Maybe the use of cornices to minimize the wall height above the windows. It is obvious that there are budget concerns with this project.

Ani Dimusheva stated concerns with traffic issues – ingress and egress on Oak Street. Asked if the drawing proportions were correct – the height to width ratio did not look right. Stated that the design was uninspired. Cited a garage built in Stanton, Virginia as a good example.

Chair McPherson closed public comments and opened the floor to Boardmember comments to the Planning Board regarding exterior design elements of the parking garage.

Chair McPherson stated that there needs to be a focus on signage and lighting.

Vice-Chair Anderson explained the concept of "design/build."

Ms. Ott noted that if the façade did change, the project would be required to go back to the Planning Board.

Chair McPherson stated that more needs to be done on the street level – can do better than four movie posters. Secretary Eliason noted that the Planning Board did require additional framing around the posters.

Chair McPherson asked about landscaping. Secretary Eliason stated that there would be street trees along Oak St. Ms. Ott noted that landscape design would be required as part of the design/build and that sidewalks would be widened.

Chair McPherson stated that the detailing on the façade needs revisiting – too vanilla, not consistent with the architecture in the area. The whole thing needs revisiting with special emphasis on the public walkway.

Boardmember Tilos asked how HAB's previous comments would be incorporated. Ms. Ott stated that at this meeting, HAB was being requested to comment only as it related to the Section 106 Findings.

Secretary Eliason stated that a recommendation could be made for a signage and lighting program to go back to the Planning Board for approval and this condition could be added to the cineplex recommendations, also.

REPORTS: None.

ORAL COMMUNICATIONS:

Boardmember Miller asked about the status of the code enforcement action against the house demolition at 616 Pacific Avenue. Secretary Eliason took this opportunity to introduce Emily Pudell, a new member of the Planning Staff. Ms. Pudell stated that she is preparing the agenda report for this item. The property owner is appealing the five-year stay imposed by Code

Enforcement. The owner states that he intends to re-use architectural elements from the original structure.

Chair McPherson directed that discussion of 616 Pacific Avenue be agendized for the next HAB meeting.

Vice-Chair Anderson thanked Chair McPherson for her service to the HAB.

STAFF COMMUNICATIONS:

ADJOURNMENT:

M/S (Lynch/Miller) to adjourn the meeting at 9:20 p.m.

Respectfully submitted by:

_____

Jerry Cormack
Interim Planning & Building Director

FINAL DESIGN GUIDELINES FOR THE PROPOSED

NEW CINEPLEX

Alameda, California
16 March 2005

Prepared for:
Community Improvement Commission
City of Alameda

by
Michael Stanton Architecture
444 De Haro Street, Suite 202
San Francisco, CA 94107
(415) 865-9600

Attachment 8

Final Design Guidelines for the New Cineplex

I. GENERAL INTENT

The New Cineplex to be built at the corner of Oak Street and Central Avenue in downtown Alameda will adhere to the design criteria given below. These Design Guidelines represent the City's general expectations for the Cineplex's overall building form, materials, urban design features, and other elements of the design of this new development. These Design Guidelines were approved by the City Council of the City of Alameda at its 15 March 2005 public meeting. These Design Guidelines will be included in the DDA with the developer of the New Cineplex and will be a requirement of the final design. A draft of these Design Guidelines had been previously be discussed at public hearings of the Planning Board of the City of Alameda on 14 February 2005, 24 February 2005, and 14 March 2005. Earlier these guidelines were conceptually discussed on 03 February 2005 public meeting of the Historic Advisory Board of the City of Alameda.

II. EXTERIOR

A. Overall Design Approach

The design of the New Cineplex shall adhere to the Secretary of the Interior requirements for new additions to historic structures. Paraphrasing these standards, the New Cineplex should be clearly differentiated from and subordinate to the Historic Theater so that the new construction does not appear to be part of the historic resource. The new construction may reference design motifs from the Historic Theater, significant buildings in the Park Street Historic District, or nearby significant buildings including: City Hall, the Carnegie Building, and the Twin Towers Methodist Church. The new construction shall respect the character defining features displayed in the Historic District. The New Cineplex should be clearly differentiated from the historic buildings and be compatible in terms of mass, features, materials, relationship of solids to voids, and color. The new construction will adhere to the "recommended" and "not recommended" practices in the Secretary of the Interior's Illustrated Guidelines appended to these guidelines.

B. Bulk and Massing

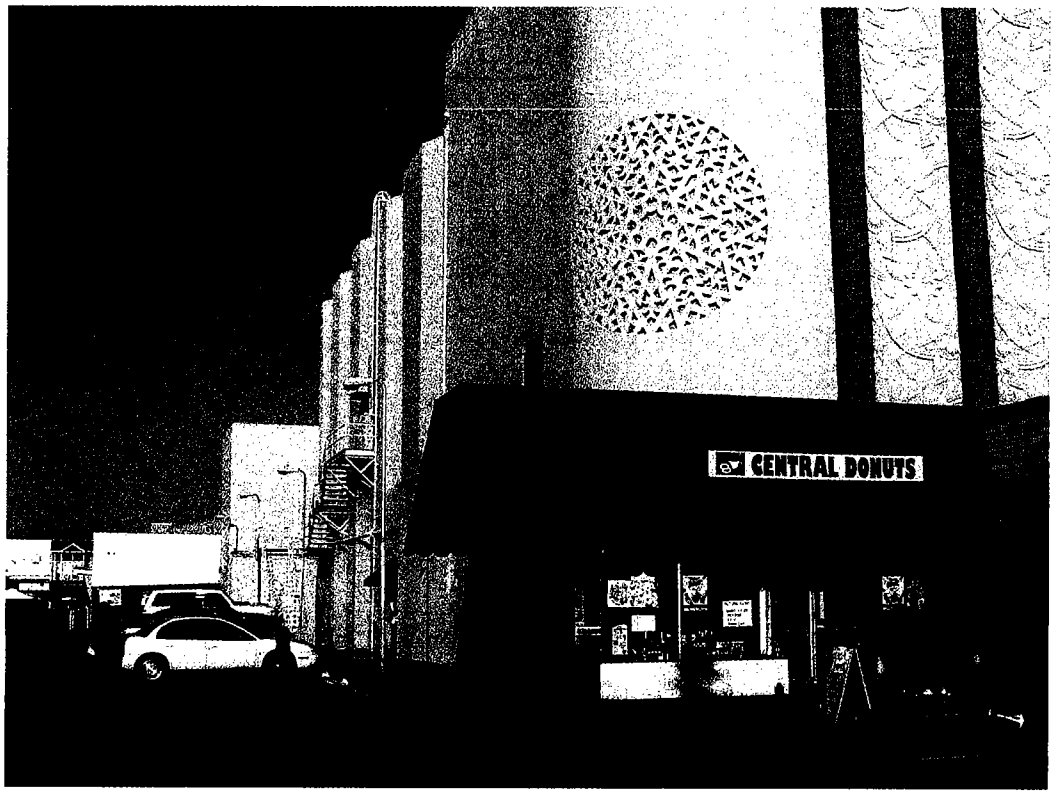
The New Cineplex building is required to include the following:

1. The Cineplex shall be designed with the principal massing oriented to Oak Street and Central Avenue in the fashion of the multistory commercial buildings of the Park Street Historic Commercial District. This massing will strengthen the street walls of downtown and improve the sense of enclosure of the public open space of the sidewalk and vehicular thoroughfare.
2. The design shall acknowledge that both the Central Avenue and Oak Street facades are key elements of the urban context of Alameda and that each façade will be treated with equal importance.

C. Architectural Form and Articulation

The New Cineplex is required to include the following:

1. The conceptual massing of the New Cineplex locates one of the second level cinemas at the corner of Oak Street and Central Avenue. Great attention shall be paid to the massing and articulation of this element. A large blank wall will not be acceptable. The developer is required to design and detail this element with the care and attention its important location in Alameda merits. The developer is encouraged to consider a vertical, canted, or rounded element at this corner. The architect for the Cineplex should explore inclusion of a tower element or bay windows at this corner.
2. The architect for the New Cineplex should consider employing a vertical emphasis above the storefronts to reflect the proportions of other significant buildings in and around the Park Street Historic District.
3. To enliven the public domain with the activity of the upper level lobby, the New Cineplex, shall have extensive glazing and shall project approximately three feet over the Central Avenue sidewalk.
4. The strong horizontal line created by the marquee of the Historic Theatre will be acknowledged across the façades of the New Cineplex and articulated in the detailing of the retail canopies, the mechanical level, or by other appropriate methods.
5. The design of the New Cineplex shall include regular transparent retail store frontage on Central Avenue and at the corner of Central and Oak. This retail store frontage shall be continuous except were emergency exits from the Cineplex and structural supports are required. The continuous retail store frontage on Central Avenue and at the corner of Central and Oak will be required to be at least seventy-five percent (75%) transparent. Continuous blank structural walls greater than four feet in length are prohibited.
6. To provide a consistent visual expression at the street level and furnish pedestrian shelter from the elements, the design of the New Cineplex shall incorporate regular canopies over the entire new retail frontage on Central Avenue and Oak Street. These canopies shall be constructed of concrete, fixed metal, glass or other similar permanent material. These canopies shall project a minimum of five (5) feet from the building face.
7. Roof-top mounted mechanical equipment (including grease hoods, vents, and exhaust fans) will be permitted only on the highest roof of the New Cineplex and then only when fully screened from view in all directions (including the Parking Garage). Project sponsor shall provide a set of diagrams illustrating the full and complete screening of all equipment.
8. The massing of the New Cineplex at its intersection with the Historic Theater on Central Avenue shall be notched back to (1) receive the existing marquee of the Historic Theater and (2) open a partial view to the rounded corner façade and ornamental rosette of the Historic Theatre (see image below). The developer of the New Cineplex is encouraged to install windows in the new second level lobby that will allow patrons of the New Cineplex to view the rounded corner of the Historic Theater. See also Design Guideline D.2 following.



Existing marquee and ornamental rosette of the Historic Theatre

D. Lighting

The lighting of the New Cineplex will be subdued and indirect so as not to compete with the entrance lighting and illuminated signage of the Historic Theatre. The New Cineplex will rely on interior illumination glowing through the windows to announce its presence to the public. In addition, the New Cineplex shall provide the following lighting:

1. The canopies at the retail storefronts shall contain downlights placed near the edge of the canopy at intervals of approximately six feet (6′) on center to illuminate the sidewalk. The sidewalks shall be provided with a minimum of fifteen 15 footcandles per square foot. Project sponsor shall provide photometric data sufficient to ensure this criterion is met.
2. A concealed exterior uplight will be incorporated into the second level of the New Cineplex to illuminate the rounded corner façade and ornamental rosette of the Historic Theatre.
3. All exterior lighting will be controlled by a photocell and time clock to ensure the continuous lighting of the exterior during nighttime operational hours (minimum of dusk until midnight).
4. In the event that retail tenants have not been identified for the ground level retail space at the completion of construction and the space is to be left initially in shell condition, a continuous gypsum board soffit extending a minimum of three (3) feet from the face of storefront shall be installed within all the retail space. Recessed downlights approximately five (5) feet on center will be installed in this

soffit to provide consistent illumination of the space adjacent to the public domain. These lights shall provide a minimum of fifteen 15 footcandles per square foot to the floor area inside the storefront. The project sponsor shall provide photometric data sufficient to ensure this criterion is meet. These downlights will be controlled by a house photocell to insure that there will be continuous illumination of the storefronts during the night. If the retail space has been fully leased at the completion of construction, the tenant's architect will be required to prepare a lighting plan that ensures a similar pleasing illumination of the space adjacent to the public domain is achieved. Prior to construction, this lighting plan and photometric data will be submitted to the City of Alameda for approval.

E. Signage

The signage of the New Cineplex will be subdued so as not to compete with the entrance and signage of the Historic Theatre. The New Cineplex shall provide the following signage:

1. One illuminated sign may be attached to the second level auditorium facing Oak Street. This sign may be mounted horizontally or vertically. This sign shall be composed of individual metal can letters with acrylic faces or individual neon letters. Each letter shall be no more that eighteen-inches (18") in height. Each letter shall be illuminated and silhouetted.
2. One illuminated sign may be attached to the second level auditorium facing Central Avenue. This sign may be mounted horizontally or vertically. This sign shall be composed of individual metal can letters with acrylic faces or individual neon letters. Each letter shall be no more that eighteen-inches (18") in height. Each letter shall be illuminated and silhouetted.
3. In the event that the architect for the Cineplex proposes a rounded or canted corner at Oak and Central (see C.1 above), a single vertical sign may be incorporated into this feature. This sign shall conform to the size and other requirements given in E.1 above.
4. In addition to signage the retail tenant may wish to install behind the glass of their storefront, each retail store shall be required to have two exterior signs. One sign shall be incorporated into the edge of the canopy and one shall be a blade sign perpendicular to the sidewalk located below the canopy. The bottom of the blade sign shall be at least eight feet (8') above the public sidewalk. If an individual retail tenant has more that forty feet (40') of retail frontage or has exposure to both streets, the tenant shall have two canopy signs and two blade signs. The architect for the new Cineplex shall submit with the final design of the cinema proposed retail sign standards describing design size and location of allowable tenant signs.
5. Scrolling LED signage is prohibited.

F. Materials and Colors

The exterior surfaces of the New Cineplex shall be constructed of high quality materials. Examples of acceptable materials are:

- Storefronts and Window Frames – Storefronts and windows may be of the following materials: stainless steel, aluminum with factory-applied powder coat

finish, aluminum in a satin finish, or a frameless butt-glazed glass system. Wood frames and aluminum frames in a bronze anodized or black finish are not permitted.

- Glass – All glazing shall accentuate the transparency of the retail spaces and the second level Cineplex lobby. Glass may be clear glass, low energy, body-tinted, or enameled/screen printed glass (provided that it is highly transparent). Colored and reflective glasses are not permitted. Obscure colored glass may be incorporated into upper level features such as false windows.
- Pressed Brick – Full-brick veneer walls may be used.
- Brick Plate – Fully grouted brick plate may be used after review and approval of the design and detailing by the City of Alameda.
- Terra Cotta –Veneer walls of terra cotta blocks may be used. Terra cotta trim pieces such as string courses and cornices may be used.
- Cement Plaster – Painted cement plaster may be used provided it is not located within ten feet of the vertical extension of the property lines along Oak Street and Central Avenue. If cement plaster is proposed for the property line wall with the Parking Garage, the design will have to demonstrate that graffiti artists will not easily tag it.
- Extruded Foam Insulating System - Extruded Foam Insulating System (EIFS) products are not be permitted.
- Metal panels – Metal panels with factory-applied powder coat finish of sufficient thickness to avoid oil canning may be used. Field painted metal panels are not permitted.
- Concrete – Precast concrete panels and pour-in-place concrete walls with an architectural finish may be used. The proposed architectural finish of an exposed concrete wall must be submitted to the City of Alameda for approval prior to construction. These walls may have an integral color or be painted.
- Wood – Wood siding and exposed wood based products are not permitted.
- Ornamental Stone – Stone slabs (minimum three centimeters thick) may be used as accents and as base material. Exterior stone tile is not permitted.
- Glass Block- Glass Block may be used.
- Concrete Masonry Units – Use of concrete masonry units will not be permitted.

Other materials not specifically discussed above must be submitted for review to CIC staff with the schematic design submittal required by the DDA. Alternate materials will be considered at this time only. If approved by the CIC at the schematic design submittal, the alternate materials may then be included in the final design submittal to the Planning Board.

III. INTERIOR

The Interior lobby of the New Cineplex that connects to the lobby of the Historic Theatre will be designed to accentuate the exposed façade of the Historic Cinema and the connections between the two buildings. The railings of the stairs, escalators, and guardrails facing onto the multi-level lobby will be glass and metal supplying at least

eighty-percent (80%) transparency. This new multi-level lobby will be skylit and will feature a prominent window on the second level at the top of the escalator.

IV. STREETSCAPE

The New Cineplex will furnish the standard concrete sidewalk and curb as required by the Public Works Department of the City of Alameda. Along Central Avenue the New Cineplex will furnish street trees at spacing consistent with the City of Alameda's requirements and the existing pattern of planting along Central Avenue. These street trees shall be consistent with the City's Master Tree Plan and subject to City Approval. The preferred street tree along Central Avenue is the London Plane Tree (Plantanus Acerifolia Yarwood, Yarwood Sycamore).

While it is beyond the scope of work of construction for the New Cineplex, it should be noted that the City will study options for improving the pedestrian environment along Oak Street. Options to be studied include widening the sidewalk, introducing street trees, and providing other amenities.

- END OF DOCUMENT -

CITY OF ALAMEDA RESOLUTION NO._____

UPHOLDING THE PLANNING BOARD OF THE CITY OF ALAMEDA'S DECISION TO APPROVE DESIGN REVIEW DR05—0041 THE PROPOSED CINEPLEX AT 2305 CENTRAL AVENUE

Approved as to Form
CITY ATTORNEY

WHEREAS, an application was made by Alameda Entertainment Associates L.P. for Final Design Review, including consideration of Section 106 findings, for the proposed 7 screen Cineplex at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site; and

WHEREAS, the subject property is located in a C-C-T (Community Commercial, Theater Combining) Zoning District; and

WHEREAS, A Mitigated Negative Declaration was prepared and adopted on May 3, 2005 for the Alameda Theater, Cineplex and Parking Structure Project by the City Council. Since that time there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162; and

WHEREAS, the Planning Board held a public hearing on this application on June 27, 2005 and approved DR-05-0041; and

WHEREAS, Ani Dinusheva and Valerie Ruma appealed the approval on 7 July 2005; and

WHEREAS, the City Council held a public hearing on this appeal on 16 August 2005 and has examined pertinent maps, drawings, and documents as well as the record of the Planning Board hearing; and

WHEREAS, the City Council made the following findings relative to Final Design Review, DR05-0041:

1. The project will have no adverse effects on persons or property in the vicinity.

   With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts of this project can be reduced to a less than significant level.

2. The project will be compatible and harmonious with the design and use of surrounding properties.

   As modified by the staff in response to the Section 106 findings and comments from the Historical Advisory Board and Planning Board, the final design of the Cineplex will be compatible and harmonious with the design and use of surrounding properties. The design is consistent with state and federal historic preservation policies and standards (i.e., *Secretary of Interior's Standards for Rehabilitation and Restoration*).

3. The project will be consistent with the *Final Design Guidelines for the Proposed Cineplex.*

The project meets the intent of the Design Guidelines adopted specifically for the project.

THEREFORE BE IT RESOLVED that the City Council of the City of Alameda hereby upholds the Planning Board's approval of DR05-0041 subject to the following conditions:

1. The project shall be constructed in substantial conformity with plans titled "New Alameda Multiplex Cinema", dated July 20, 2005, prepared by The Henry Architects Inc., labeled Exhibit A and on file with the Planning and Building Department as modified below.

2. The pre-cast concrete panels shall be detailed to the satisfaction of the Planning and Building Director.

3. Brick veneer shall be installed as a separation between the pre-cast concrete panels as shown on the plans provided by the developer at the 27 June 2005 Planning Board hearing to the satisfaction of the Planning and Building Director. However, the keystone caps on the brick veneer extensions as shown on these plans are specifically not approved, although a detailed cap element in keeping with the overall architectural character to add visual interest may be acceptable to the satisfaction of the Planning and Building Director.

4. A base element shall be installed below the storefront windows to the satisfaction of the Planning and Building Director

5. All brick veneer shall be variegated.

6. All windows and door systems shall be clear anodized aluminum to match window and door systems of the historic Alameda Theatre retail spaces.

7. All windows shall be fitted with clear, non-tinted low e glass.

8. Entries to individual retail spaces shall not be recessed, except as required by the Alameda Building Code.

9. The project shall be subject to the City of Alameda Public Art Ordinance.

10. Prior to the issuance of a building permit for the Cineplex, the Planning Board shall approve the final lighting and signage program for the Cineplex. The final lighting plan shall be prepared by a professional lighting designer.

11. Prior to the issuance of any building permit for the project, the applicant shall secure a Use Permit pursuant to Section 30-4.9(4)(g) relating to the height of the building and secure a Use Permit pursuant to Section 30-4.22 relating to the Zoning District in which the parcel is located.

12. Vesting. The use permit approval shall terminate one (1) year from the effective date of its approval, unless actual construction or alteration under valid permits has commenced within that time or the applicant applies for and is granted an extension prior to the expiration.

13. Construction Noise. Construction noise impacts shall be minimized by restricting construction activities to the daytime hours specified by the Alameda Municipal Code. The current provisions limit construction to Monday through Friday, between 7:00 a.m. to 7:00 p.m., and on Saturday between 8:00 a.m. to 5:00 p.m., with no Sunday construction.

14. Construction Soil Control. All construction contracts shall contain dust control clauses. The developer shall require that all contractors control the dust by watering exposed earth surfaces, covering trucks transporting fill to the site, and daily removal of earth or mud carried onto City streets from the project site.

******

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____day of _____, 2005.

_____
Lara Weisiger, City Clerk
City of Alameda

From: Linda Hanson <andcolor@mac.com>
To: <lweisige@ci.alameda.ca.us>
Date: 6/6/2005 11:10:12 PM
Subject: text of letter to Mayor Johnson

Below is a copy of my letter to Mayor Johnson on the state of the Megaplex Theatre Complex. I wish that it be placed in the record of the June 7, City Council Meeting. If possible I will read this piece at the council meeting, if time does not allow that, I wish it to be included in the minutes.

thank you,

Linda Hanson

Dear Mayor Johnson,

First, let me say I am not opposed to development. Change and growth is essential to the well-being of a small town such as ours. The Park and Webster Street improvements are positive and welcome and they seem to be coming along just fine.

However, when considering change to any community two significant factors must be taken into account - scale and need. The MegaPlex, as it has been presented, overlooks both. A MegaPlex is by definition MEGA. It's Big. Huge. Oversized. Placed next door to the existing very large Alameda Theater and snuggled up next to a multi-story parking structure the theater complex will present an elephant sized footprint. It will dominate down town and I think take away from the user friendly scale being developed on the rest of Park Street. Besides, I fear that within a year or two the footprint will belong to a white elephant.

My reasoning: The price of going to a movie has shot up in the past few years. Tickets for an evening feature are $9.00. Children are a bit less, but add in popcorn, drinks and maybe parking, a casual evening out could cost about $50 for a family of four. I cannot speak for others, but to me, that is serious money. Consider as well, that big screen home theaters are very popular. Feature films are available as DVD's in a matter of weeks after their theater release, as is Pay-Per-View. A family can stay home, watch a movie and make their own popcorn for a whole lot less than going to a MegaPlex.

Besides, if a family or a couple spend that kind of money on a movie, how eager will they be to stop by Tucker's and spend another $10 for ice cream? It's not out of the question that a MegaPlex could hurt existing businesses on Park Street.

As for the parking structure, I confess to a personal prejudice against them, because, quite simply, they give me the creeps. Now that is excentric to the point of being irrational, I know, but the fact is that the inside of a parking garages are cold, dark, lonely and smelly. Parking structures in cities are used for purposes other than parking cars, often making up for an absence of public toilets.

Re: Agenda Item # 5-A
8-16-05

Is this really, truly, what we want for our downtown? Is this Mega Plex and parking structure going to be the jewel in the crown of Park Street or just an ungainly elephant?

I would like to see the City Council and Planning Board take more time on this project. Let these agencies seek out and actively pursue alternatives to the MegaPlex. I understand that a few years ago no one came forward with a bid for the Alameda Theater, but perhaps that would change now. The success of the little Central Cinema may serve as an inspiration to a new developer. Perhaps the city could support two or three tiny film venues. And ideally, with the proven success of this mini-movie a different developer might find that a three-plex would be welcome and successful.

I urge you with all my heart to put a hold on this project and take time to seriously consider alternatives to the MegaPlex. I urge the council and planning commission to listen to those of us who have signed the petition.
Let us begin again and consider what really will be best for our city and our citizens.

Thank you,

Linda Hanson

From: <Margieanna@aol.com>
To: <lweisige@ci.alameda.ca.us>
Date: 6/7/2005 8:04:02 AM
Subject: FOR THE RECORD please, Lara

Subj: Theater/parking lot
Date: 5/26/2005 8:41:24 AM Pacific Daylight Time
From: <A HREF="mailto:Margieanna">Margieanna</A>
To: <A HREF="mailto:Margieanna">Margieanna</A>, <A HREF="mailto:tdaysog@ci.alameda.ca.us">tdaysog@ci.alameda.ca.us</A>, <A HREF="mailto:bjohnson@ci.alameda.ca.us">bjohnson@ci.alameda.ca.us</A>, <A HREF="mailto:fmatarre@ci.alameda.ca.us."> fmatarre@ci.alameda.ca.us.</A>, <A HREF="mailto:mgilmore@ci.alameda.ca.us">mgilmore@ci.alameda.ca.us</A>

Just so I'm 'on the record', folks, I am totally against the proposed plan for that horrendous multiplex theater and nightmarish parking lot plan. As you are aware there is a petition against it being circulated over the internet which I have also 'signed.' I believe you may possibly be getting the pulse of your constituency now...so...may we trust you to do your job correctly?

My suggestion is to put this project on hold as of NOW. Don't spend any more money on it. It's a waste. Use that amount of funding for fixing up our infrastructure instead. That would be the WISE thing to do.

Margie Joyce

From: Denise Nessel <DDNessel@sbcglobal.net>
To: <clerk@ci.alameda.ca.us>
Date: 6/12/2005 3:46:31 PM
Subject: Comments regarding June 13 agenda items

June 12, 2005

City Clerk Lara Weisiger
Office of the City Clerk
City Hall
2263 Santa Clara Avenue, Room 380
Alameda, CA 94501

Dear City Clerk:

I am unable to attend the meeting of the Planning Board on Monday, June 13, but would like to register this comment about items 8-D and 8-E on the agenda, that is, the items relating to the building of a cineplex and a multi-level parking garage at Central and Oak Streets downtown.

I do not approve of the construction of such a large multi-screen movie theater and am especially concerned about the concomitant construction of a six-story parking garage in this location. Six levels of cars stacked in this location will be a particularly unattractive addition to the downtown area and will invite an endless stream of cars in an around that intersection‹not appealing at all to those of us who enjoy the pleasure of walking and biking downtown.

I am sending this to you to register my strong disapproval of the whole plan and my urging to the City Council to rethink this immediately, bringing a plan for a movie theater to a more sensible scale with a building that houses, at most, three screens and that reduces the parking structure (if one is needed at all) to a much smaller scale that is in line with the existing structures in that neighborhood.

Denise Nessel
1545 Ninth Street
Alameda

From: Craig Valenza <valenza@berkeley.edu>
To: <lweisige@ci.alameda.ca.us>
Date: 6/11/2005 5:37:53 PM
Subject: MOVIE MEGAPLEX

To whom it may concern , I have been involved in the movie theater buisiness for over 34 years. As I consider myself to know at least a bit about the buisiness, I would take issue with some of the so called facts and figures recently published. The concept of a theater or mega plex internally generating multi MILLIONS per year would seem a bit far fetched, especially considering that most of the money involving the sale of tickets, simply goes back to the film/distributing companies. This leaves the dollars generated from soda and popcorn to pay the heavy electric bill, heating bill, paychecks and maint. costs. If one were to own a Chain of theaters, yes, they may indeed generate Millions, but the situation remains the same, only spread over a large area. I for one would seriously question your source for the fantastic figures that have been quoted. It also would seem to me that the City's financial involvement in this project is well out of line, and once you are in it , and the developer wants out (which is notoriously rampant) chances of finding a partner to actually run the theater will most likely be slim.
HEY..... if this buisiness was presently worth MILLIONS, don't you think there would be more people doing it, as well as developers that would finance this project, privately, to rake in those MILLIONS for them selves ?..... A few facts : as the moviegoing audience ages , they go to fewer and fewer movies on the whole, ask your own folks..... At the present time, movie attendace is in another sharply declining pattern, this may well be of course due to the rise of so called home theater, and various other upcoming digital formats..... or perhaps lousy product ?.....
NOT A FACT (yet) In view of recent technology changes, It might not surprise one too much, if in the near future Hollywood was to offer all new titles in digital down load format, just think , they would not have to split the proceeds with theater owners, what more could Hollywood ask for ! Hope this may shed some light to a proper decision. Thanks..... Craig Valenza
Projectionist, Pacific Film Archive
P.S. I have yet to meet a theater owner, with only 1 location who has millions.

From: <Jam99sam@cs.com>
To: <clerk@ci.alameda.ca.us>
Date: 6/12/2005 11:23:42 PM

To whom it may concern:

As an nine year resident of Alameda I would like to state my opinion regarding the Alameda Theater Project. Unfortunately I am out of state due to a family medical emergency, however I felt it was important to express my opinion by email in liu of my attending the planning board meeting this week.

Yes, I am for the rejuvination of the old theater.

Yes, I am for three screens, maximum.

NO, I am NOT for the currently proposed parking garage structure.

Common sense tells me that a large multiplex is ridiculous. Emeryville has two, Jack London has one and plans for one more on the way. Do the math. We live in a small town. Look to Orinda, in the town that I was raised. The Orinda theater literally sits on the crossroads of a major bay area freeway (hwy 24) and they had the wisdom to realize they could not compete with the huge multiplexes in nearby cities that were farther away from them than our local multiplexes are from us. They capitalized on the beauty of the old theater building they had and added two more smaller screens to make the theater viable. Also, the parking garage that accompanies the theater is to scale with the other buildings that surround it. It does not tower over or dominate the landscape and downtown when you drive past it. If the Alameda planning board members have not gone to take a look in person, it is my opinion that they should literally go look at Orinda, and theaters in Marin and on the pennisula before approving the current monstrosity that is proposed for Alameda.

Regarding parking solutions. We like to call ourselves 'Silicon Island'. We Alamedans take pride in our high tech industry companies. We are entertaining an electric train, and a gondola that would traverse the esturary. Why is it that we are not considering high tech parking solutions like the ones used in the Japan. Japan's urban areas have much more density than do ours and they have come up with creative solutions to this problem. On my many trips to that country I have seen high tech parking structures/garages that do not have a big footprint on the land, but service many vehicles. One type I can think of is akin to an enclosed ferris wheel. Automobiles pull into a space just off the street, and the driver gets out of the car at street level. The driver then chooses an available slot/space number and the car is then rotated or lifted to an upper level/space on a movable platform instead of driving around the many (massive) ramps required of the typical large parking garage found in this country. When it is time for the driver to leave, an attendant or machine accepts the slot number (and payment) and the car is then delivered to street level where it is then driven away.

This type of structure does not need huge ramps for entrance and exits or interior roadways for going from floor to floor to access parking. This is just one type of garage I observed in Japan. Why shouldn't Alameda be a trend setter for the bay area and take advantage of this forward thinking technology? Our city could be the leader for the bay area or possibly the state or nation on this issue.

Lastly, on a related topic, I am most definitely in support of the Central Cinema and know that many of my neighbors on the 400 block of Lincoln Avenue on the west end support it. I are frequent customer of a similar neighborhood theater in Chico, Ca named "The Pageant". It is well received and very popular. Yes, there are cars and people that come and go, and yes it works just fine and is well loved.

Thank you very much for your time and attention.

Sheila Milberger
452 Lincoln Avenue
Alameda
510-393-3813

From: <Jam99sam@cs.com>
To: <clerk@ci.alameda.ca.us>
Date: 6/12/2005 11:53:48 PM
Subject: Multiplex

To the City Planning Board,

Please note that I am opposed to the large parking garage planned for the multiplex project.

I believe we should revamp the old theater, but that the limit of screens should be kept to three only.

Alameda needs its movie house, but one that is in keeping with the size and scale of Alameda and the 'realistic' demographic use for such a theater.

Please don't put an albatross on the island for posterity.

Thanks,
Jon Michels
448 Lincoln Ave
Alameda
510-337-0969

GIULIO ACCORNERO
ATTORNEY AT LAW
841 MENLO AVENUE
MENLO PARK, CALIFORNIA 94025

TELEPHONE (650) 321-8463
TELECOPIER (650) 321-8466

RECEIVED
JUL 26 2005
CITY OF ALAMEDA
CITY CLERK'S OFFICE

July 25, 2005

SENT VIA TELECOPIER & U.S. MAIL

Honorable Members of the City Council
CITY OF ALAMEDA
2263 Santa Clara Avenue
Alameda, CA 94501

Re: Alameda Theatre & Parking Structure

Dear Members of the City Counsel:

Since 1959, my family has owned the former Wells Fargo Bank building at the corner of Park and Central; and quite literally from the date of acquisition, representatives of the City of Alameda have assured us that the shortage of parking in the Park Street Business District was an acknowledged priority item. Nearly 50 years later, this promise appears close to becoming a reality. Congratulations!

Good things are starting to happen in Alameda as evidenced by the entry of Starbucks, Peets, and the other higher-end retailers that have located along Park Street. Current renovations to the streets and sidewalks are also welcome additions increasing momentum toward a newer and more vital downtown and a totally rejuvenated island.

I understand that the Council will consider objections to the design for the Alameda Theatre and adjoining parking structure at its next meeting. As a property owner about to undertake a remodeling project befitting the "new Alameda," I encourage you to approve the project and avoid dissipation of the energy and enthusiasm your recent efforts have produced. 50 years is enough, SEIZE THIS OPPORTUNITY!

Respectfully,

Giulio Accornero

GA:s
cc: Mr. Paul Accornero

August 2, 2005

05 AUG -2 PM 1:19

TO: Mayor Beverly Johnson, Vice Mayor Marie Gilmore, Council Members: Tony Daysog, Doug deHaan, and Frank Matarrese

FROM: Vicki Varghese, Resident of Alameda, Teacher, Parent, Taxpayer

RE: Stop the Megaplex – URGENT

I am writing to URGE all of you to take another big look at what the consequences would be of building the megaplex as planned on Park Street. Building a megaplex will destroy the desirable small town feeling of our city center and will overrun our neighborhoods with TRAFFIC, NOISE and LITTER and CONJESTION.

You may say we need more jobs and commerce in Alameda. That may be true. But not so much that we destroy the ambiance of our lovely downtown area by opening it up to hundreds of people and cars jamming our streets and restaurants so we residents can't enjoy the city we live in.

What are the qualities we all love and appreciate about living in Alameda? The small town atmosphere, the "home grown" feel of independent shops owned by individuals who live here (as opposed to chain stores), the fact that you can drive up and park in front of the store you're shopping at rather than having to park in a parking structure and walk a long way just to get coffee, and the fact that almost wherever you go in Alameda, you always meet someone you know.

It's the community feeling of our town that I appreciate most, and Park Street is the heart of our downtown area. PLEASE reconsider this project and scale it down to a reasonable size that a city of our size can handle. A much smaller, 3-screen theatre would be more than adequate for our neighborhood.

PLEASE DO WHAT'S RIGHT FOR THE PEOPLE WHO LIVE IN ALAMEDA – NOT FOR THE DEVELOPERS OR CHAIN STORE/THEATRE OWNERS, who would really by the beneficiaries of the megaplex. We, the residents of Alameda, are counting on our leaders to make the right decision for our wonderful city.

Thank you!

Vicki Varghese
39 Stone Harbor
Alameda, CA 94502

Note: Letter has been typed as written (attached) by its author.

Dear Mayor and City Council, 8/6/05

The parking garage proposed for the multiplex cinema could bring alameda up to date with other American towns – that have lost their charm to strong industrial architectural statements.

The consequences though, would be meaner streets, a more calculated shopping experience, more mechanical oriented parking input – hence a less memorable visit to the area.

The present open space next to the theater is a breathing space, a little less noisy, and a space where one can find a cool breeze in downtown alameda! It fits the pace and air quality Alamedan's are accustomed to.

The amount of pollution and increase in air to the additional traffic you hope the parking garage will generate is an ingredient for a lower quality downtown.

If you must have a parking garage in Alameda build it in a more industrial part of Alameda where it belongs.

3rd Generation Alamedan,
Michael Karvasales

P.S. Why top off one of Alameda's main spots with a parking garage?!!
Less than 5% of the people I asked to sign a petition were in favor of a parking garage.

DEAR MAYOR AND CITY COUNCIL, 8/6/05

THE PARKING GARAGE PROPOSED FOR THE MULTIPLEX CINEMA COULD BRING ALAMEDA UP TO DATE WITH OTHER AMERICAN TOWNS— THAT HAVE LOST THEIR CHARM TO STRONG INDUSTRIAL ARCHETECTURAL STATEMENTS.

THE CONSEQUENCES THOUGH, WOULD BE MEANER STREETS, A MORE CALCULATED SHOPPING EXPIERIENCE, MORE MECHANICAL ORIENTED PARKING INPUT - HENCE A LESS MEMORABLE VISIT TO THE AREA.

THE PRESENT OPEN SPACE NEXT TO THE THEATER IS A BREATHING SPACE, A LITTLE LESS NOISY, AND A SPACE WHERE ONE CAN FIND A COOL BREEZE IN DOWNTOWN ALAMEDA! IT FITS THE PACE AND AIR QUALITY ALAMEDAN'S ARE ACCUSTOMED TO.

THE AMOUNT OF POLLUTION AND INCREASE IN AIR T° THE ADDITIONAL TRAFFIC YOU HOPE THE PARKING GARAGE WILL GENERATE - IS AN INGRIEDIENT FOR A LOWER QUALITY DOWNTOWN,

IF YOU MUST HAVE A PARKING GARAGE IN ALAMEDA BUILD IT IN A MORE INDUSTRIAL PART OF ALAMEDA WHERE IT BELONGS.

3RD GENERATION ALAMEDAN,
MICHAEL KARYASALES

P.S. WHY TOP OFF ONE OF ALAMEDA'S MAIN SPOTS WITH A PARKING GARAGE ?!!
LESS THEN 5% OF THE PEOPLE I ASKED TO SIGN A PETITION WERE IN FAVOR OF A PARKING GARAGE.

1554 EVERETT STREET
ALAMEDA, CALIFORNIA 94501

05 AUG -9 PM 2:37

August 8, 2005

Mayor, Vice-Mayor and City Councilmembers
Alameda City Hall
2263 Santa Clara Avenue
Alameda, CA 94501

Honorable Mayor, Vice-Mayor, and City Councilmembers:

Please accept the attached petition in favor of the Historic Alameda Theater Rehabilitation Project. It was gathered with the help of Ipetitons.com, a free electronic petition Web site, starting July 6 and ending August 7. The petition page from the Web site is also attached for your reference.

I started this electronic petition after the July 4 parade, when I was given a flyer by a member of a "Citizens for Megaplex-Free Alameda." This brochure was so full of factual errors and also innuendo about the intentions of city staff and elected officials that I left the parade extremely upset. Moreover, the brochure and the accompanying Web site seemed to imply that these people spoke for me. I knew I had to do something to show that the "silent majority" citizens of Alameda are solidly behind the efforts to restore and rehabilitate the Alameda Theater.

My effort has been to set up this petition Web page and to e-mail my friends and acquaintances to ask them to electronically sign it. I only sent out information to people that I have worked with on a committee or project. I have not stood on street corners or gone door to door to get signatures. I sent letters to the newspapers with the petition address, but unfortunately the address was misprinted in the newspaper so those who got the address there could not get through to the petition and may have given up. Nevertheless, more than 260 people did sign their names to the petition by my deadline of August 7, only one month after the petition was started. I believe that those who signed are representative of many Alamedans who support this project in its entirety, theater, cineplex, and parking garage, and just want to see the city move ahead with it as quickly as possible.

In addition to signing their name and zip code, nearly 100 people took the time to leave comments about the project, which I think you may find especially enlightening. In view of the many Alamedans who support the City in going ahead with this project, please reject the appeal of the Planning Board's decision, and let the construction begin.

Sincerely,

Kevis Brownson

PETITION TEXT

The proposed restoration of the Alameda Theater, building of an adjoining seven screen cineplex, and the building of an adjoining parking garage to accommodate the increase in vehicles for the cineplex and for new Park Street businesses, passed the major design review process at the Planning Board meeting of June 27, 2005. This construction has been years in the making, with many public meetings involved, including meetings on what was important for the revitalization of Park Street, the Downtown Visioning process. It was the consensus of the participants that the most important project for the health of the Park Street shopping district for the future, was to get the Alameda Theater back up as a viable, first run movie theater. To that end, the city of Alameda has worked for several years to find developers for the project and get a viable proposal.

Now, we are on the verge of having our dream of a first run movie palace in Alameda finally realized. We ask that the buildings be designed with sensitivity to the historic architecture of the downtown area.

This petition FOR the Alameda Theater restoration, adjoining cineplex and parking garage, will be sent to the Alameda City Council by e-mail and snail mail by August 5. City Council will decide the issue at their August 16 meeting. If you WANT a first run movie theater in the Park Street district and the restoration of the Alameda Theater, please sign the petition and show the City Council that most Alamedans really want this project.

Thank you,

Kevis Brownson
kevis@alamedanet.net

WEB PAGE

4 Free Movie Tickets
Go to this summers hits on us. Limited Time Only! Act now.

Cinema Theater
Quality new and used items. Find cinema theater now!

Regal Theater Movie Times
$50 Regal Movie Theatre Certificate Free & easy. Get Yours Now!

Improv Theater Shows
Live Improv Comedy & Auditions Shows & Classes Bay Area & SF

Support the Alameda Theater restoration and cineplex

The proposed restoration of the Alameda Theater, building of an adjoining seven screen cineplex, and the building of an adjoining parking garage to accommodate the increase in vehicles for the cineplex and for new Park Street businesses, passed the major design review process at the Planning Board meeting of June 27, 2005. This construction has been years in the making, with many public meetings involved, including meetings on what was important for the revitalization of Park Street, the Downtown Visioning process. It was the consensus of the participants that the most important project for the health of the Park Street shopping district for the future, was to get the Alameda Theater back up as a viable, first run movie theater. To that end, the city of Alameda has worked for several years to find developers for the project and get a viable proposal.
Now, we are on the verge of having our dream of a first run movie palace in Alameda finally realized. We ask that the buildings be designed with sensitivity to the historic architecture of the downtown area.
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Thank you,
Kevis Brownson
kevis@alamedanet.net

*(fields marked with * are required)*

* First Name	
* Last Name	
* Email	
Address	
City	
State	Select
* ZIP Code	
Country	Select
Gender	Female
Age	Your Age
Comments	

☑ Yes, I want iPetitions to contact me on similar campaigns or petitions.

Links

There will be an informational meeting about the theater August 1 7:30 pm, O'Brien Hall at Van Buen and High Street. All are welco attend.
http://www.ci.alameda.ca.us/theater/ New city site explaining th project.
http://www.shopparkstreet.com Park Street Business District pa with links to Alameda Theater project, including the latest drawi historical phots.
http://home.alamedanet.net/~kevis/LivermoreTheHenry.jpg Dra a new project by the architects for Alameda cineplex project.
http://home.alamedanet.net/~kevis/GarageStauntonVirginia.jpg I of a new garage made to fit into a historic downtown.
http://home.alamedanet.net/~kevis/StauntonVirginiaParkingGara News article about this garage.
http://home.alamedanet.net/~kevis/GaragesCineplexes.pdf PDF showing garages fitting into older downtowns, cineplexes attach historic theater (The Grove in LA). Documents from City Hall We concerning the project (PDF):
http://home.alamedanet.net/~kevis/theaterstaffreport.pdf and http://home.alamedanet.net/~kevis/summarytheaterdda.pdf . D of Alameda Theater when it was new:
http://alamedainfo.com/Alameda_Theatre_Program_A.jpg

Discussions

Support the Alameda Theater restoration and cineplex

I am just an ordinary citizen and taxpayer in Alameda, but I do only one block from Park Street. You can go to my personal We at http://home.alamedanet.net/kevis

The views expressed in this petition are solely those of the petiti sponsor and do not in any way reflect the views of iPetitions. iPe is solely a provider of technical services to the petition sponsor cannot be held liable for any damages or injury or other harm ar from this petition. In the event no adequate sponsor is named, iPetitions will consider the individual account holder with which th petition was created as the lawful sponsor.

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
1	FIRST NAME	LAST NAME	ADDRESS	CITY	STAT	ZIP CODE	GEND	COMMENTS
2	Kevis	Brownson		Alameda	CA	94501	F	
3	katie	linderme				94501	F	sounds good to me. it will be nice to have a movie theatre
4	Tyler	Flowerday		Alameda	CA	94501	M	
5	Melissa	Scott		Alameda	CA	94501	F	
6	Sally	Brownson				94501	F	
7	Kathy	Moehring	1808 Nason Street	Alameda	CA	94501	F	
8	Kristine	Carey	3116 Central Avenue	Alameda	CA	94501	F	Don't let the vocal minority rule in Alameda!!
9	Karen	Bey	2911 Santa Clara Ave.	Alameda	CA	94501	F	I sat on the Downtown Visioning Task Force and attended most of the meetings related to the theater. It's sad to see some people choose not to attend meetings and voice their concerns early on in the planning stage and wait to the end to sabotage the hard work and efforts of many who were part of that process. I am completely in favor of moving forward with the project as is. Alameda has gone on far too long without a theater! Thanks for your petition.
10	Len	Palkovic				94501	F	
11	Lauren	Do				94501	F	I support the new movie theater and all other development projects that positively benefit the residents of Alameda.
12	Michael	Fallon	8 Vista Road	Alameda	CA	94502	M	I want my movies in town.
13	Sheryl	Martin-Moe		Alameda	CA	94502	F	
14	Elizabeth (Betsy	Mathieson	1185 Park Avenue	Alameda	CA	94501	F	Thank you, Kevis!
15	Michele	Kuttner	2504 Noble	Alameda	CA	94501	F	
16	Jean	Purvis				94501	F	
17	Lori	Payne				94501	F	
18	Nichole	Lopez				94501	F	
19	Ruby	Bermiester				94501	F	
20	Mary	Kovalitsky	1340 Pearl Street	alameda		94501	F	Let's get it on!

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
21	Arlene	Saidman			CA	91502	F	multiplex theaters are the only ones economically viable - and Alameda needs one for its businesses and citizens
22	Carmen	Bringas	2222 San Antonio Ave	Alameda	CA	94501	F	
23	Tyler	Sanderson				94501	F	
24	Richard	Hausman	2620 Clay Street	Alameda	CA	94501	M	
25	Adelle	Treakle	1710 Moreland Drive	Alameda	CA	94501	F	I am not sure why the stop the multiplex group is just starting to complain now. This plan has been on the board for quite awhile. I think a compromise of a few less screens would be OK.
26	Audrey	Lord-Hausman		Alameda		94501	F	
27	Joseph	DiDonato	2624 Eagle Ave	Alameda	CA	94501	M	
28	John	Rossillon	1107 Court St	Alameda	CA	94501	M	Why any Alameda citizen would rather have an unused eyesoar other then something fun and usefull is beyond me.
29	Lisa	McLean	1171 Park Ave	Alameda	CA	94501	F	
30	Lily	Smith		Alameda	CA	94501	F	I think that a cineplex in Alameda would be a fabulous idea, as i am quite sure that no one enjoys driving at least 15 minutes in any direction just to see one movie that they could see easily--and probably in walking/biking distance from their homes. Thank you for asking my opinion.
31	john	piziali	313 Taylor ave.	alameda	CA	94501	M	kevis thanks for speaking out on this issue. we need to hear from the silent majority.

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
32	valerie	Ruma				94501	F	Your petition is flawed as it only mentions that people who sign the petition are for the renovation of the historic theater. That is the same thing the folks against the megaplex is for. What we are not for is an additional (7 not 6) screen cineplex and accompanying 6 story garage in our historic civic center which does not have the infrastructure to support it. Get with the program if you want to circulate a peition.
33	Maddy	Kuttner				94501	F	
34	Kari	Thompson				94502	F	
35	Lowell	Schneider				94501	M	
36	Noelle	Robbins	2931 Northwood Dr.	Alameda	CA	94501	F	We want a movie theater in downtown Alameda!!!
37	Suzanne	Storar	418 Ironwood Road	Alameda	CA	94502	F	
38	Andrew	Storar	418 Ironwood Road	Alameda	CA	94502	M	
39	Marilyn	Bailey				94501	F	
40	Mary	Avila				94501	F	

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
41	Rose	Leaphart	1210 Union Street	Alameda	CA	94501	F	As an Alameda resident since 1981, as an owner of an historic Victorian house (built in 1887)since 1994, as the parent of a US Marine, as an active citizen, as a small business owner in Alameda, as frequent patron of businesses on Park Street and the South Shore Mall, as a member of the Harbor Bay Club, I have been anxiously awaiting the day when Alameda would finally have a movie house. I'm tired of driving to Oakland or San Francisco or Piedmont. I'd prefer to walk to the movies, have a coffee or dinner afterwards in Alameda, and see my long time friends and neighbors doing the same. I'd also like to have a parking lot where I can park my car on those rare occasions when I need to drive my vehicle to the Park Street area: on rainy nights, when my knee is bothering me, when my mother-in-law is in town, when I'm dressed-up and can't walk the eight blocks in heels.Let's make Alameda a community of thriving businesses, a community that brings residents, again and again, to Park Street for a variety of reasons and occasions. Personally I walk to the Park Street area at least 3 times a week
42	Tara	Leigh				94501	F	
43	Van	Hausman	2017 San Antonio #2	Alameda	CA	94501	M	

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
44	Barbara	Kahn	467 Central Ave	Alameda	CA	94501	F	I am not sure that the plan is viable, but there has been ample time for public comment in the past, and as usual, there are a group of people who emerge to oppose any change in anything. I have lived in Alameda for more than 40 years and every project that proposes to move us forward brings people whose vision is for a community that probably never existed, but for whom any change is unacceptable.
45	Kosty	Oreshkov			CA	94502	M	I support Alameda Theater restoration project.
46	John	Abrate	29 Brehaut Court	Alameda	CA	94502	M	It's about time we have a movie complex in Alameda. I am glad there is someone willing to create a petition that shows support for the movie theater.
47	Patricia	Grey	1422 Gibbons Drive	Alameda	CA	94501	F	

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
48	David	Avila	1514 Fountain Street	Alameda	CA	94501	M	I strongly support the City's previously approved resolution to proceed with the development of a new Movie Theater Complex at the corner of Central and Oak Streets in Alameda. Last night after work, my wife and I spent $22 at the Jack London Theater and discussed how nice it would have been to be able to have seen a movie in the city in which we live. When we go to movies in other cities, we typically have dinner and shop before attending the movie and frequently have coffee/snacks afterward. None of our discretionary entertainment dollars are spent with Alameda businesses. I futhermore believe that busy, congested streets and sidewalks are signs of a thriving and successful downtowns. I look forward to fighting traffic and crowds and impatiently trying to find a parking space so that my wife and I can shop, dine and be entertained along the revitalized Park Street shopping/entertainment corridor.
49	Kathryn	Mosher	Biscay bay	Alameda	CA	94502	F	It's time to join the modern world Alameda.
50	Richard	Mosher	117 Bisacy Bay	Alameda	CA	94502	M	
51	Juanita	Matsuoka	1842 Fremont Dr.	Alameda	CA	94501	F	
52	Stephen	Gehrett	324 Maitland drive	Alameda	CA	94502	M	
53	Nancy	Bennett	1829A Encinal Avenue	Alameda	CA	94501	F	
54	Kyleen	Carey				94501	F	
55	Gordon	Wong				94501	M	
56	Lily	Leung	1106 Bismarck Lane	Alameda	CA	94502	F	I am signing this petition to support the Alameda Theater and restoration and cineplex.

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
57	David	Hewitt	3019 Bayo Vista Ave.	Alameda	CA	94501	M	I am a life long resident of Alameda. The theatre will be a great way to attract more people to the Park Street business district.
58	michael	kelley	3221 liberty ave.	Alameda	CA	94501	M	why would you want to go to oakland, when you could just walk out of school and go to the movies across the street. think about it people pay off some of the debt in this town
59	Frank	Matarrese	2850 Johnson Avenue	Alamneda	CA	94501	M	This project will be great for Alameda - we'll be able to enjoy a movie and have a coffee or ice cream (Tuckers, of course) all in town. We've seen how Park Street is becoming the place where Alamedans meet in a "small town" atmosphere and this project will add another quality venue to the downtown.
60	William	Morrison	3115 Bayo Vista	Alameda	CA	94501	M	The people who are against the theater complex are in the employ of Oakland interests that wish to suppress the Alameda Economy.
61	Lu	Burton	2606 Bayview Drive	Alameda	CA	94501	F	
62	Gary	Patterson	154 10th Street Apt. 2	San Francisc	CA	94103	M	Restore this Motion Picture palace for the Alameda commuity to enjoy. It will strengthen the community.
63	Sylvia	kahn	370 Bryant Ave	Alameda	CA	94501	F	
64	Daphne	Leonard	36 Britt Court	Alameda	CA	94502	F	
65	Edmund	Leonard	36 Britt Court	Alameda	CA	94502	M	
66	Camille	Brennan	419 Sheffield Rd.	Alameda	CA	94502	F	
67	Sandra	Lehane				94502	F	
68	Cheri	Corfey				94501	F	
69	Lynn	Hutchins	33 Shannon Circle	Alameda	CA	94502	F	
70	Beth	Pao				94502	F	
71	Olive	Lin				94502	F	
72	Dawn	Milne				94501	F	
73	Melissa	Verduzco	1608 unio st APT A	Alameda	CA	94501	F	

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
74	laurie	mclachlan fry	50 moss pointe	alameda	CA	94502	F	Alameda needs the revenue and a place for its citizens to enjoy safe evenings out
75	Kathleen	Hennigh				94502	F	
76	Sheila	Hewitt	1587 Pacific Ave.	Alameda	CA	94501	F	
77	David	Campbell	1 Kofman Court	Alameda	CA	94502	M	Our family supports the Alameda Theater project. Please approve this badly needed project.
78	ELLEN	CLETO	300 Anderson Road	Alameda	CA	94502	F	
79	Kelly	Ransil	9 Ennis Place	Alameda	CA	94502	F	Everyone would enjoy a nice dinner and a show here, instead of going to Bay Street or Jack London. It would be good for the commerce and people of Alameda. Also, having children, I would love to have them ride their bikes to this theatre.Kelly L. Ransil
80	Sue	Yajko	3117 Bayo Vista Ave	Alameda	CA	94501	F	
81	Mary Lee	Shalvoy	3293 Briggs Avenue	Alameda	CA	94501	F	Having my pre-teen and teenage kids walk to the movies on a Friday night? SIGN ME UP! Building up Park Street into a fabulous area that makes me want to stay local on a Saturday night instead of hitting Rockridge or San Francisco? Sign me up.Congratulations on working toward building an inviting, exciting Alameda.
82	Kathleen	Starkey	137 Brighton Rd	Alameda	CA	94502	F	
83	Helen	Simpson	307 Capetown Drive	Alameda	CA	94502	F	
84	Jan	DeLano			CA	94501	F	I support the theatreplans for Alameda.
85	Alison	Botts	3325 COnstance Circle	Alameda	CA	94501	F	
86	Deborah	Gunning				94502	F	Strongly support the restoration of the theater and parking garage!
87	Bill	Botts	3325 COnstance Circle	Alameda	CA	94501	M	
88	Sandy	Lothian				94501	F	
89	Pam	Lothian				94501	F	

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
90	Carrie	Wasson				94502	F	I am in favor of a cinema in Alameda. I grew up here and have since moved back in order to raise my kids. I remember going to the movies at South Shore and it was always a treat. I would like to take my children to a movie without driving 20 minutes through Oakland. I hope the restortation of the Alameda movie theater continues.
91	Lupe	Mariscal	2624 Clay Street	Alameda,	CA	94501	F	My family and I support the development of the theater complex in Alameda.
92	Glenn	Yajko	3117 Bayo Vista Ave	Alameda	CA	94501	M	
93	Kate	Stiling	2205 San Antonio #C	Alameda	CA	94501	F	
94	Pat	Jacobus	2927 Baywalk Rd	Alameda	CA	94502	F	
95	JULIA	ETZEL	965 Shorepoint Ct #207	Alameda	CA	94501	F	
96	Alice	Wilson-Fried	742 Palmera Ct.	Alameda	CA	94501	F	
97	Niki	Babor				94502	F	
98	Sean	Hugger	2908 Windsor Drive	Alameda	CA	94501	M	
99	Michael	McLaren	268 Ratto Road	Alameda	CA	94502	M	
100	Tomi	Watanabe				94502	F	
101	Linda	Winslow	40 Clipper Drive	Alameda	CA	94502	F	This is so needed in Alameda. It will help keep our teens off the freeways and close to home.
102	Sean	Bradshaw		Alameda	CA	94501	M	
103	Eugene	Pak		Alameda	CA	94502	M	
104	Joni	Mahler	1100 Paru St.	Alameda	CA	94501	F	
105	Don	Peterson	1720 Versailles Ave.	Alameda	CA	94501	M	Hurry up PLEASE!!!!!
106	Gene	Li				94502	F	
107	Tian	Liang				94502	F	
108	Ke	Ruan				94502	F	
109	Karen	Riley	18071 Knight Dr.	Castro Valle	CA	94546	F	
110	John	Riley	18071 Knight Dr.	Castro Valle	CA	94546	M	
111	Marilyn	Ashcraft		Alameda	CA	94501	F	
112	Howard	Ashcraft		Alameda	CA	94501	M	

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
113	Charles	Olken	651 Tarryton Isle	Alameda	CA	94501	F	The Alameda Theater will continue the progress of downtown Alameda by increasing foot traffic in the area and by adding a modern, attractive facility for Alamedans.
114	Jeanne	Chin	302 Court St.	Alameda	CA	94501	F	
115	Deborah	Lau	101 Shannon Circle	Alameda	CA	94502	F	Alameda needs a movie theatre! Having a nice movie complex with parking is a great idea.
116	Megan	Fry				94502	F	
117	franklin	fried				94501	F	
118	Arthur	Huntley	3323 Washington Court	Alameda	CA	94501	M	
119	Deanna	Daum	310 Lincoln Aveune	Alameda	CA	94501	F	
120	Kevin	Daum				94501	F	
121	Marna	Mitchell	338 Channing Way	Alameda	CA	94502	F	I'm the mother of 2 girls, ages 15 and 9, and would dearly love to have a good-sized local cinema for them to attend.
122	Robert	Doumitt	3001 Gibbons Dr	Alameda	CA	94501	M	
123	Shirley	Doumitt	3001 Gibbons Dr.	Alameda	CA	94501	F	I definitly want renovations and parking to take place--I'm not sure there should be so many theaters, possibly 5 instead of 7.with maybe more retail space in the parking complex
124	Jan	Curtis	902 Regent Street	Alameda`	CA	94501	F	
125	Tony	Doumitt	21 Stonington Pointe	Alameda	CA	94502	M	Being an Alamedan, born and raised,I feel a great need for this project to go through. For the nay sayers, I believe they are a small yet vocal group that have no viable argument. Traffic, bad elements coming from other communities and other concerns they might have are over estimated compared to the positve impacts that this development will have on the Park St. businesses and surrounding areas. Please make sure this is a go!!!!!!

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
126	Angie	Doumitt				94502	F	
127	Robert	Cooper				95436	F	we need it!
128	Beth	McMahon	1139 Verdemar Dr	Alameda	CA	94502	F	
129	Nance	Boese				94502	F	
130	Michelle P.	Miller		Sacramento	CA	95831	F	
131	Daniel	Dimitruk	3476 Catalina Avenue	Alameda	CA	94502	M	
132	Mike & Diane	Ballerini	1825 Fremont Dr	Alameda	CA	94501	M	
133	Gregory	Schopf	Thompson Av	Alameda	CA	94501	M	
134	claudia	lopez			CA	94112	F	
135	James	Kelly	3333 Washington Court	Alameda	CA	94501	M	Stop complaining & start building.
136	Everett Peter	McNamara	3120 Gibbons Drive	Alameda	CA	94501	M	While I believe the exterior design of the proposed Cinaplex can be improved greatly i am in favor of the restoration of Alameda Theater, the Cinaplex and the parking stucture which we need so badly!E. Peter McNamara
137	Kurt	Cecconi				94124	F	
138	Roberta	Ratto	27 Thurles Place	Alameda	CA	94502	F	
139	Dana	Ratto				94502	F	
140	Lora	Geller				94502	F	
141	Stephen	Geller				94502	M	
142	Barbara C.	Weill				94579	F	We are loosing too many neighborhood theatres. This is needed badly.
143	John	Sutton	2704 Bayview Drive	Alameda	CA	94501	M	With the beatification of the Park Street parking taking spaces, we need this garage for replacements. the merchants deserve it.
144	Janet	Basta				94502	F	
145	Jill	Nannizzi				94502	F	
146	Mary	H.				94501	F	
147	Ron	Starkey	137 Brighton Road	Alameda	CA	94502	M	
148	Margaret	Lawson				94501	F	
149	Ann	Ratto	1541 Eastshore Drive	Alameda		94501	F	
150	Penny	Stevens	106 Roxburg Lane	Alameda	CA	94502	F	
151	Lauren	Tung				94502	F	

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
152	gary	cates	1250 Park Ave	Alameda	CA	94501	M	I have lived in Alameda all my life and I have been waiting for many years to have our wonderful theatre returned to us. Please do not let this opportunity pass us by.
153	Nicola	Mazumdar	1082 Armitage Street	Alameda	CA	94502	F	
154	Connie	Tench				94501	F	
155	Dennis	DiFabio	2704 Otis Dr	Alameda	CA	94501	M	
156	Linda	Valler	3304 Fernside Blvd	Alameda	CA	94501	F	
157	Mary Ann	Cates	1250 Park Ave	Alameda	CA	94501	F	
158	Jane	Andren	424 Greenbrier Road	Alameda	CA	94501	F	
159	Nita	White	329 Channing Way	Alameda	CA	94502	F	I support the Alameda Cinema complex
160	Cecily	Medved			CA	94502	F	
161	Bill	Dal Porto				94502	F	
162	Deline	Davis	1234 Hawthorne St.	Alameda	CA	94501	F	The Davis/Easterday family is definitely in favor of a multiplex cinema theater in Alameda.
163	Arlene	Stauder	1811 Versailles Ave	Alameda	CA	94501	F	
164	JACQUE	REYNOLDS	3208 SAN JOSE AVE	ALAMEDA	CA	94501	F	Second generation Californian, born and raised in Alameda, in favor of movie complex, wish the rest of the original Alameda's would "step up to the plate" and support this.
165	Marla	Lee				94502	F	
166	Katherine	Dustin		Alameda	CA	94502	F	
167	Eddie	Lee	1826 Fremont Drive	Alameda	CA	94501	M	
168	Chuck	Bianchi		Alameda	CA	94502	M	
169	Anita	Wong				94502	F	
170	John	Williams				94502	M	
171	Adair	Roberts				94501	F	thanks for doing this Kevis, please give my regards to Dave.cheers,Adair Roberts

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
172	Robert	Levitt	855 Portola Ave.	Alameda	CA	94501	M	Please realize those opposed to this project are a very vocal MINORITY of local citizens. The majority that supports this project has remained largely silent because we approve of the way you have handled this lengthy and complex process. Thank you for your sensitivity to all Alamedans and please do not cave in to a noisy reactionary group willing to bend the truth.
173	Gregory	Jesser	855 Portola Ave.	Alameda	CA	94501	M	
174	Michael	Kusiak	113 Crolls Garden Court	Alameda	CA	94501	M	
175	Caine	Nova		Alameda	CA	94501	M	movies!!!!!
176	Jessica	Lindsey				94501	F	
177	Ann	Johnsen	2120 Alameda Ave.	Alameda	CA	94501	F	I'm tired of spending my time, money and gas to travel off the island to see movies.We've waited far too long for the Alameda Theatre to be up and running !
178	tracy	becker	1400 san jose ave	alameda		94501	F	built the megaplex and theatre. If the PABA wants it, it's good enough for me. Those folks are the ones taking a chance every day by owning businesses on PArk ST. IF they want it, so do I. I'm not taking their kind of risk and owning a business there. My hat is off to the business owners on Park St.
179	Meresa	Kimble	1606 Santa Clara Ave	Alameda	CA	94501	F	
180	Tara	Narayanan		Alameda	CA	94501	F	I support the movie palace in Alameda
181	marianne	malenk	2963 gibbons drive	alameda	CA	94501	F	
182	Kathleen	Shea	506 Tideway Drive	Alameda	CA	94501	F	We are in favor of the theatre
183	Brian	Murray				94501	F	
184	Margaret	Murray				94501	F	
185	Kevin	Leong	48 Kara Road	Alameda	CA	94502	M	The upside to creating the cineplex far out weigh the downside to the project.
186	Tom	Lau	101 Shannon Circle	Alameda	CA	94502	F	Alameda needs a movie theatre!

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
187	Diane	Padway	40 Basinside Way	Alameda	CA	94502	F	While a huge cineplex is not my first choice, it must be understood that no one could make the financial numbers work for a small theater and still preserve the Historic Theater portion. This leaves the alternative...no theater at all.
188	Julia	Giardino	1340 pearl Street	Alameda	CA	94501	F	
189	Gina	Giardino	1240 Pearl STreet	Alameda	CA	94501	F	
190	Vinny	Giardino	1340 Pearl Street	alameda	CA	94501	F	
191	Brian	Montone	1713 Alameda Ave.	Alameda	CA	94501	M	
192	Susan	Hedley	2790 Pearl Harbor Rd	Alameda	CA	94501	F	We want a theater! If you can't accomodate it at Park Street, I know the West End would take the business!
193	mike	boese	339 Creedon Circle	Alameda	CA	94502	M	
194	HAnnah	Boese				94502	F	
195	dominic	boese				94502	F	
196	Christine	Scott	1202 Versailles Ave.	Alameda	CA	94501	F	
197	Michael	Castro	1815 Chestnut Street	Alameda	CA	94501	M	It is absurd that we have no movie theatre in Alameda. Please pass this measure so that we can get started.Thank you,Michael J. Castro
198	Oliver	Blackburn				94502	M	I support construction of a new movie theater and parking garage, AND restoration of Alameda Theater. Restoring the historic theather needs to be mandatory part of the redevelopment project.
199	Amy	Wheat Rumber	1339 Bay Street	Alameda	CA	94501	F	
200	Paula	Whitton				94501	F	
201	Timothy P.	Rumberger	1339 Bay Street	Alameda	CA	94501	M	
202	Lilianna	Rumberger	1339 Bay Street	Alameda	CA	94501	F	
203	Gary	Flanigan	342 Tideway Drive	Alameda	CA	94501	M	
204	Tony	Kuttner				94501	M	
205	Michael	Shea	506 Tideway Drive	Alameda	CA	94501	M	We need the theater!!!

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
206	Lakeisha	Dyer				95401	F	This would be a great oportunity for teenagers to get jobs.Also having more things to do, instead of having the opportunity of using drugs or joining gangs in the community.
207	marcus	piziali	313 taylor ave	alameda945	CA	94501	M	
208	Melissa	Kusiak				94501	F	
209	Jacque	Martin	507 Tideway Dr.	Alameda	CA	94501	F	
210	charles	cline	615 sheffield rd	alameda	CA	94502	M	
211	Armand	Kok	671 Centre Court	Alameda	CA	94502	M	It'd be great to finally have a movie teather in Alameda; I had been longing to go to watch a movie without traveling into another city.
212	Eileen	Graybeal	318 Tipperary Lane	Alameda	CA	94502	F	
213	David	Graybeal	318 Tipperary Lane	Alameda	CA	94502	M	
214	merilee	piziali	313 taylor ave.	alameda		94501	F	
215	Justin	Edwards				94080	M	
216	Amy	Beckman		Alameda	CA	94501	F	I hope the theater development proceeds as planned; I believe it would be an asset to Alameda's downtown area.
217	Yalin	Li				94502	F	
218	Xinxing	Yu				94502	F	
219	Cathy	Leong	48 Kara Road	Alameda	CA	94502	F	be sure the community knows this is GOOD for business which means tax dollars for Alameda which means fewer tax increases across the board. thank you
220	Jacqueline	Andrews	2608 Buena Vista Ave	Alameda	CA	94501	F	I haved lived and worked in Alameda all my life and when I was growing up we had at least 5 theaters and a drive-in that I can remember. This is what Alameda needs. We also need the parking garage. Other cities have them and it's time for Alameda to live in the future. But then again in the past we had theaters!!!!
221	Antoinette	Rustad	929 Central ave	Alameda	CA	94501	F	

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
222	barry	wolfe	1012 Mound St.	alameda	CA	94501	M	This project MUST go through!!It will be a MAJOR boon to the whole city.
223	Denise	Nowicki	1217 Park Avenue	Alameda	CA	94501	F	
224	Molly	Mills	1635 Eagle Ave	Alameda	CA	94501	F	YES - keep the project. I am very happy to have an opportunity to sign this petition
225	Jennifer	Chin		Alameda	CA	94501	F	I grew up in Alameda and am glad to see it has retained it's "small town charm." However, I would love to see the area around Park St. continue to develop and thrive.
226	gayle	saldinger			CA	94501	F	Alameda needs a theatre. There has been a good process to make this decision. Alamedans support this decision- do not let a few dissuade the City Council.
227	edward	oneil	1719 clinton ave	alameda	CA	94501	M	
228	Sonia	Urzua	1026 Taylor Ave	Alameda	CA	94501	F	
229	Dan	Pollart	127 Capetown Drive	Alameda		94502	M	
230	Stu	Rosenthal	939 Park Street	Alameda	CA	94501	M	I support the current plans to renovate the theatre and add the parking garage. We need more reasons for Alamedans to stay on the island to eat, shop, and find entertainment, andd this will help. [A Target store at South Shore, however, I can do without.]
231	Theresa	Lua	1560 Everett Street	Alameda	CA	94501	F	I wish there would have been a nice local theatre for my children to see current movies when they were growing up, but maybe my grandchildren can reap the benefits!
232	Straide	Lua	1560 Everett Street	Alameda	CA	94501	M	
233	Chris	Osterdock	3110 Thompson Ave	Alameda	CA	94501	M	Keep the theater!!!
234	Bradley	Reed	876 Oak Street	Alameda	CA	94501	M	
235	Mary	Hudson	876 Oak Street	Alameda	CA	94501	F	
236	Cynthia	Grady		alameda	CA	94501	F	
237	Walter	Grady		Alameda	CA	94501	M	

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
238	Michael	Grace			CA	94501	M	I support the new theater...
239	Constance	Chapman	1401 Fernside Blvd	Alameda	CA	94501	F	I support the theater restoration and multiplex. Alamedans needs a place to go to the movies!!!
240	angie	klein				94501	F	I would prefer a more sympathetic design to the old theatre.
241	Rock	Harmon		Alameda	CA	94501	M	
242	Cathy	Harmon		Alameda	CA	94501	F	Please include our entire family as in favor of the theatre--we want one here and want to give our town the business. With three teenagers who go the movies a lot, it would be nice to have them here as opposed to figuring out ways to get to Jack London or Bay Street.
243	Rocky	Harmon		Alameda	CA	94501	M	
244	Timmy	Harmon		Alameda	CA	94501	M	
245	Megan	Harmon		Alameda	CA	94501	F	
246	Mary	Sutter			CA	94501	F	I definitely want a movie theater that I can walk to. Please keep this project moving forward.
247	Jalena	Bingham	2101 Mosley Ave	Alameda	CA	94501	F	I support restoration of the theater, and want to have first run movies in Alameda. I think the multiplex will benefit the city. Blocking this will just be continuing to send our entertainment tax revenues to other cities.
248	TERRI	REGAN	9 GARDEN RD.	ALAMEDA	CA	94502	F	
249	Nicholas	Khadder	2836 Johnson Avenue	Alameda	CA	94501	M	I would urge the council to consider the opinion of a majority of Alamedans, not the noisy few who try to make their voice louder than everyone else's (and the time to harrass the council at every meeting).
250	Sharon	Khadder				94501	F	

Pro Historic Alameda Theater Project E-Signatures

	B	C	E	F	G	H	J	L
251	Mark	Inocencio	1635 EAgle Ave	Alameda	CA	94501	M	I attended the Alameda Theater while growing up in Alameda, and I am very pleased with the new Cineplex design. Please continue the project!
252	Bill	Douglas	566 Kings Road	Alameda	CA	94501	M	I'm extremely supportive of the new theatre project and the hoped for improvements to down town business in general.
253	Debra	Jensen	742 Limerick Lane	Alameda	CA	94502	F	We've been waiting so long for a theatre!!
254	Craig	Wolff	1026 Taylor Avenue	Alameda	CA	94501	M	
255	Melanie	Guevara		Alameda	CA	94502	F	
256	Dennis	Guevara				94502	M	
257	Laura	Shen				94502	F	
258	Brad	Handzel				95003	F	Get Park Street to be avivable shopping area by approving the renovation of the theather.
259	Robert	Hessler	710 Limerick Lane	Alameda	CA	94502	M	I strongly support the Alameda Theater and Cineplex project as being essential to the health and development of the City of Alameda.
260	Darlene	Hessler	710 Limerick Lane	Alameda	CA	94502	F	I strongly support the Alameda Theater and Cineplex project as being essential to the health and development of the City of Alameda.
261	Mr. & Mrs. L.	Bianchi	3117 La Campania	Alameda	CA	94502	M	We need a Movie theater in Alameda and there is not one better than the Original One!!Kudo's.....
262	Andrea	Dacumos				94502	F	
263	Michael	Murphy	46 Salmon Road	Alameda	CA	94502	F	
264	Joseph	Stephens	320 Jack London Ave	Alameda	CA	94501	M	We need a place like this in Alameda.
265	Daniel	Brownson		Alameda	CA	94501	M	
266	David	Brownson	1554 Everett St	Alameda	CA	94501	M	

Note: Letter has been typed as written (attached) by its author.

August 10, 2005

City Council –

If Alameda Theater couldn't stay in business with three (3) screens when it closed in 1977 or thereabout, how can it support seven (7)?
Enclosed is the latest about theaters future. Please read & really, really consider or reconsider the plan.

Sincerely,
D. Hoffner

Attached article not scanable –
On file in the City Clerk's Office

05 AUG 15 AM 11:35

City Council -

If Alameda Theatre couldn't stay in business with three (3) screens when it closed in 1977 or thereabout, how can it support seven (7)? Enclosed is the latest about theaters future. Please read & really, really consider or re-consider the plan.

Sincerely
D. Haffner

Theater/Parking Concerns, Correspondences

Date: Thu, 14 Jul 2005 11:43:26 -0700
Subject: NO MEGAPLEX, NO MONSTER GARAGE
From: Lici Baumgartner <2bears@alamedanet.net>
To: ddehaan@ci.alameda.ca.us

Mr. DeHaan,

We voted for you in this last election, thinking that you would do things to preserve the quality of life in our town.

We must once again express our OPPOSITION to the building of a MEGAPLEX THEATRE and that monstrous garage at the site of the Old Alameda Theater.

BECAUSE:
1. The entire design, espcially of the garage, is grossly unsuited to the rest of our downtown. It is an eye-sore.
2. 7 or more screens is a ridiculous number for such a small community.
3. The council plans to give our tax dollars to a private developer. This is especially outrageous since he has invested so little of his own money in this venture.
4. We do not support the use of BONDS to build a theater.
5. The council did NOT keep the town properly informed of the progress of this project, nor did council even respond to our own repeated protests regarding this project.
6. Forget what the puppets of the Supreme Court have ruled. The council has NO ETHICAL RIGHT TO SEIZE PRIVATE PROPERTY FROM A CITIZEN AND GIVE IT TO A PRIVATE DEVELOPER. The council should get some perspective on their responsibilities to the community. This is a theater; not a Railway, Freeway, School or Hospital.

I hope that you will instill some sense into your fellow council members. We're counting on you.

--
Lici Baumgartner
1054 San Antonio Ave
Alameda

From: Lici Baumgartner <2bears@alamedanet.net>
To: bjohnson@ci.alameda.ca.us,
tdaysog@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us,
mgilmore@ci.alameda.ca.us,
fmatarresse@ci.alameda.ca.us

Council Members,

This message relays our intense opposition to the planning of a megaplex cinema and monster parking garage (there really is no other word for such a gross display of unnecessary excess) at the old Alameda Theater site. I have lived in Alameda my entire life, and my husband is not too far behind me, and we feel that you need to be reminded that it is small town charm, not large-scale box development, that has made this city a wonderful place to live. A smaller theater and a small parking garage would be much more in line with the personality of our downtown.

By the way, we also oppose your inappropriate, and quite frankly, unconstitutional use of the concept of imminent domain in this and other recent incidents. You are indeed deluded if you think that people haven't noticed.

Sincerely,
Lici A. Baumgartner
Edgar O. Cagawan
1054 San Antonio Ave.

Date: Tue, 12 Jul 2005 21:23:29 -0700
Subject: Please keep the historic Alameda Theatre
From: alyssa <abs29@alamedanet.net>
To: bjohnson@ci.alameda.ca.us

Dear Mayor Johnson,

Please reject the ideas for the multiplex being proposed in Alameda. By restoring the existing Alameda Theatre with its charm and art deco, residents and those in nearby cities would have an enjoyable place to see a film. By building a large multiplex, traffic will be awful and Alameda will lose some of its charm and appeal.

Thank you very much for your attention in this matter.

Sincerely,

Alyssa Sacher
Resident of Central Alameda

Subject: Proposed Alameda Theater redevelopment
Date: Wed, 8 Jun 2005 17:19:48 -0700
From: "Andy Currid" <ACurrid@nvidia.com>
To: <bjohnson@ci.alameda.ca.us>,
<tdaysog@ci.alameda.ca.us>,
<ddehaan@ci.alameda.ca.us>,
<mgilmore@ci.alameda.ca.us>,
<fmatarrese@ci.alameda.ca.us>
Cc: <andy@andycurrid.com>

Dear Mayor Johnson and City Council Members

I'm writing to ask that you reconsider the current plan to redevelop the historic Alameda Theater. Like most Alamedans, I want the theater to be redeveloped, but I don't like the scale of the proposed redevelopment.

Alameda is a special place. When I immigrated here nine years ago, I was fortunate to have the choice of two jobs - one in Santa Clara, one in Alameda. I chose the job in Alameda, mostly because of the unique appeal of the city. It's like no other place in the Bay Area.

Nine years later, I've changed jobs and now work in Santa Clara, but remain an Alameda resident: I'd rather drive eighty miles a day to and from my job than move from Alameda. I just bought a house and intend my two children to grow up here. But the proposed theater redevelopment seems at odds with what I love about this city.

From an aesthetic and cultural standpoint, the proposed redevelopment threatens the uniqueness that is Alameda. A multiplex cinema and six-storey parking garage fits in the Park Street District about as well as a Wendys in the White House.

From a business standpoint, I'm not convinced it makes that much sense either. The city seems to be spending a large amount of money for a relatively modest projected return, and on a development that would be in direct competition with all the other me-too multiplexes springing up around here.

What would I prefer? I'd like three, at most four screens that are mostly housed in the existing theater building, integrated more tightly with existing businesses in the vicinity. The theater should emphasize Alameda as a desirable place for visitors without compromising the values that are so important to Alameda residents.

If the hidden pay-off to the current plan is the parking garage, let's look for more innovative ways to solve parking issues in the Park Street district. Increasing parking at multiple sites along Park Street could provide just as many spaces as a six-story garage, and would encourage people to walk between the various retail establishments and the theater - something that's very hard to do in the strip malls that masquerade as cities elsewhere in the Bay Area. This approach has worked well on Fourth Street in Berkeley.

As council members, you're only in office a relatively short time, but the effects of planning decisions such as these have a very long reach. I challenge you to take the long view; don't launch Alameda down a path that's going to erode the essence of what makes this city special.

Sincerely

Andy Currid
--
Andy Currid, NVIDIA Corporation
acurrid@nvidia.com

From: Linda Hanson <andcolor@mac.com>
Date: Mon, 6 Jun 2005 23:02:12 -0700

Dear Mayor Johnson,

First, let me say I am not opposed to development. Change and growth is essential to the well being of a small town such as ours. The Park and Webster Street improvements are positive and welcome and they seem to be coming along just fine.

However, when considering change to any community two significant factors must be taken into account - scale and need. The MegaPlex, as it has been presented, overlooks both. A MegaPlex is by definition MEGA. Big. Huge. Oversized. Placed next door to the existing very large Alameda Theater and snuggled up next to a multi-story parking structure the theater complex will present an elephant sized footprint. It will dominate downtown and I think take away from the user friendly scale being developed on the rest of Park Street. Besides, I fear that within a year or two the footprint will belong to a white elephant.

My reasoning: The price of going to a movie has shot up in the past few years. Tickets for an evening feature are $9.00. Children are a bit less, but add in popcorn, drinks and maybe parking, a casual evening out could cost about $50 for a family of four. I cannot speak for others, but to me, that is serious money. Consider as well, that big screen home theaters are very popular. Feature films are available as DVD's in a matter of weeks after their theater release, as is Pay-Per-View. A family can stay home, watch a movie and make their own popcorn for a whole lot less than going to a MegaPlex.

Besides, if a family or a couple spend that kind of money on a movie, how eager will they be to stop by Tucker's and spend another $10 or so for ice cream? It's not out of the question that a MegaPlex could hurt existing businesses on Park Street.

As for the parking structure, I confess to a personal prejudice against them, because, quite simply, they give me the creeps. Now that is excentric to the point of being irrational, I know, but the fact is, that the inside of parking garages are cold, dark, lonely and smelly. Parking structures in cities are used for purposes other than parking cars, often making up for an absence of public toilets. Is this really, truly, what we want for our downtown? Is this Mega Plex and parking structure going to be the jewel in the crown of Park Street or just an ungainly elephant?

I would like to see the City Council and Planning Board take more time on this project. Let these agencies seek out and actively pursue alternatives to the MegaPlex. I understand that a few years ago no one came forward with a bid for the Alameda Theater, but perhaps that would change now. The success of the little Central Cinema may serve as an inspiration to a new developer. Perhaps the city could support two or three tiny film venues. And ideally, with the proven success of this mini-movie a different developer might find that a three-plex would be welcome and successful.

I urge you with all my heart to put a hold on this project and take time to seriously consider alternatives to the MegaPlex. I urge the council and planning commission to listen to those of us who have signed the petition. Let us begin again and consider what really will be best for our city and our citizens.

Thank you,

Linda Hanson

Cc: bjohnson@ci.alameda.ca.us,
tdaysog@ci.alameda.ca.us,

ddehaan@ci.alameda.ca.us,
mgilmore@ci.alameda.ca.us
From: Linda Hanson <andcolor@mac.com>
Subject: Re: The Theatre
Date: Tue, 14 Jun 2005 08:42:09 -0700

Thank you for writing back regarding the movie complex. I attended the Planning Board meeting and was one of the 15 speakers challenging the project.

This is tough, I realize. I know how hard you all have worked and I understand the desire to revitalize and restore downtown. I share those goals. Actually, I think just about everybody speaking last night shares those goals, it's just that this project, which has been presented as *all or nothing,* is troubling and offensive to many smart, thoughtful voters.

I am sure we can do better and believe we owe it to ourselves to do so.

My issues specifically are this: the design presented is not pedestrian friendly. It offers zero space for people to gather, visit and mingle. The materials on the theater, especially those huge concrete slabs on the facade, are going to look faded, dirty and grey in about six months. The glass windows facing south will be heat collectors. The air-conditioning bill for that theatre will be way larger than the price of a movie ticket. Not so much as a nod has been given to green or sustainable design. I think you will find that green design is economically sustainable and environmentally friendly. I'm not suggesting we grow carrots on the roof, but at the very least let's look at a design that deals with those issues. And let's do something about keeping the sidewalks as places to linger and enjoy, rather than hurry past.

The movie scene has changed in Alameda in the last 6 months. It's clear that a small theatre can succeed. No one knew that last October, but we do now. So let's begin again. Let's find someone to revive the old theatre. And then rethink the space next door and design an urban space representative of the best Alameda has to offer.

Sincerely, Linda Hanson

From: Ani Dimusheva <antzv@earthlink.net>
To: Frank Matarrese, Marie Gilmore, Beverly Johnson, CITY MANAGER, Doug DeHaan, Tony Daysog
Date: Monday - June 6, 2005 1:07 PM
Subject: Public input on theater project

Dear Mr. Norton, Mayor Johnson and Council members,

As you are probably aware there is a strong public opposition to the proposed cineplex and garage proposed in conjunction with the renovation of Alameda Theater. I am not going to reiterate the reasons why people are against it, as this has been well expressed in multiple public comments, letters, emails, as well as in the text of the "Stop Megaplex" petition which continues to grow in its number of signatures. You can read the text of the petition at

www.ipetitions.com/campaigns/stopmegaplex

I know that the project which is currently rolling at a breakneck speed has been in consideration for at least three years, and that a DDA agreement with the developer has already been signed. However, I am surprised at how little publicity has been given during that time to a project of significant impact to our city. Unlike the series of community meetings relating to the development of Alameda Point, the multiplex and garage approval process have escaped the public radar during this whole time— hence the present outcry against it.

I spoke with Mr. Norton on Friday and he expressed some bitterness at the fact that the public comes out against decisions made by City Government much more often than it does in support of them. I pointed out to him, as I would like to point out to you, that the public came in full support (during the 2000 Alameda Downtown Visioning study) of the restoration of the Historic Alameda Theater—with a very positive voice, and hope that their elected officials would heed it. The public didn't know that this vision comes with strings attached (very large, ugly strings) and they trusted you to let them know if that would be the case.

It seems like the decision to go ahead with the cineplex and garage was taken without an honest effort to solicit public opinion for the "revised" vision. I have talked to numerous people and searched various sources thoroughly in an effort to discover an attempt for public dialog similar to the one on Alameda Point—with no result. If I am wrong, and such discussions have happened, I would appreciate if you can let me know. Until then, I will maintain the position that the project should not proceed without an open public discussion.

Please feel free to contact me at your convenience via phone or email.

Sincerely,
Ani Dimusheva

antzv@earthlink.net

Frm; bjhcpa@juno.com

To: bjohnson@ci.alameda.ca.us,tdaysog@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us,mgilmore@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us
Cc: info@centralcinema.net
Date: Sat, 18 Jun 2005 13:24:12 -0700
Subject: Alameda Theater

Madam Mayor and Council Members:

Mr. Haskett appears to be someone that can get a first run (or close to it) movie house up and running, without a big budget, as shown with his success at Central Cinema. His proposal, as summarized below, may be worth considering and verified, given the belief that many Alameda residents have, myself included, that the project that is currently approved would take away a lot of Alameda's small town style and appeal in addition to being costly.

thanks,

William J. Houston, C.P.A.
Alameda Land Company, Inc.
510.769.6080 (Telephone)
510-769-6088 (Facsimile)
bjhcpa@juno.com (e-mail)

Mark Haskett's Company's Offer to Operate a Three-Screen Theater at Alameda Theater

Following is a copy of a letter dated June 14, 2005 from Mark Haskett to Acting City Manager Bill Norton:

Dear Mr. Norton,

As president of the Alameda Theater Project, Inc. (ATP), I met with owner of the Alameda Theater, John Cocouras on several occasions over the last two years. ATP's construction bid to produce a functional, viable, and profitable three-screen theater at the existing Alameda Theater building was proposed at 1.89 million dollars. I would be happy to provide you with these construction documents and the pro forma sheet for a facility that would generate 1.36 million dollars in annual gross revenue.

As operator and tenant of a three screen theater at the Alameda Theater, the Alameda Theater Project, Inc. is willing to finance 15% of the total construction cost.

If this is something you would like to discuss in more detail please feel free to contact me anytime.

Best Regards,

Mark Haskett, Alameda Theater Project, Inc.

From: "Blisker" <blisker@alamedanet.net>
To: "Doug DeHaan" <ddehaan@ci.alameda.ca.us>
Cc: "Doug DeHaan" <ddehaan@ci.alameda.ca.us>,
"Tony Daysog" <tdaysog@ci.alameda.ca.us>,
"Marie Gilmore" <mgilmore@ci.alameda.ca.us>,
"Frank M." <fmatarrese@ci.alameda.ca.us>,
"Beverly Johnson" <bjohnson@ci.alameda.ca.us>
Subject: Alameda Theater Sorry about leaving out your name
Date: Sun, 26 Jun 2005 15:46:43 -0700

Dear Council Members and Mayor Johnson:

The following letter sent to Mayor Johnson elicited a brief non-responsive note. I urge the council to carefully and independently examine the consequences of their acts rather than accepting the conclusions of city staff.

As a co-author of the original feasibility study on the Oakland Alameda County Coliseum Project Report I know whereof I speak. I actively supported the public group lead by Frank Russo of Oakland, which was effective in derailing the first Raiders give away. Unfortunately we suffered an end run on the next version and I estimate that the civic costs now exceed $100 million with no end in sight.

Certainly an independent review of the project is indicated in light of the less than sterling ethics demonstrated by the former City Manager. The incoming City Manager should be given the assignment to review the plan in all its aspects and provide a realistic assessment of the risks and alleged benefits.

William Lisker

7 Regulus Court
Alameda, CA 94501
June 24, 2005

Dear Mayor Johnson:

As a relative newcomer to Alameda I sympathize with the desire to revive the Alameda Theater. However, I also have seen too many ill-conceived but well-meant municipal projects fail at enormous expense to the community.

The classic local example is the Oakland Alameda County Coliseum. The initial financing to build and operate the stadium and the arena was a combined annual payment of $1.5 million; half by the Oakland and half by the county. Oakland actually provided somewhat over 75% because the citizens paid both city and county taxes. The Board consisted of Bob Nahas, Edgar Kaiser, George Loorz, Bill Knowland and an attorney whose name I have forgotten. Bill Downing and I who were Kaiser employees coauthored the feasibility study, which was issued under the imprimatur of the project architect Skidmore, Owings and Merrill.

Some years later the return of the raiders deal wrought by the politicians starting with our very own Don Perata, ably assisted by the Oakland City Council and the Alameda County Board of Supervisors increased the annual cost to the communities to, I believe, about $20 million. This is at a time when all our communities are starved for funds.

There is a point to this jeremiad and it is that we must always be diligent in examining the underlying assumptions of all projects. Once the assumptions are made the conclusions come from simple arithmetic. Another way of putting it is the devil lies in the details. In these parlous times we must be extraordinarily vigilant with public and private funds.

I don't have any idea where the money for this movie/ parking project is originating; what the risks are and who did the analysis, which supports the scheme. I suspect, but do not know for sure, that there was not too much independent and critical analysis.

In the case of the Coliseum expansion which was presented to the Oakland City Council and the Board of Supervisors and, as I recall, passed with little or no dissent the key assumption was sold out football games perhaps 90-95% of the time. I wrested a "worst case'' scenario from the then asst. city manager with an assumption of 80% occupancy which turned out to be wildly optimistic. These assumptions were endorsed by an "impartial" consultant who was hired to sell tickets.

Is there a single document upon which this project is based? If so I would like to know where I and other citizens can examine it and test the rationale and assumptions therein. I do not mean the ponderous legal documents available on the web but a definitive and explicit executive summary documenting the crucial assumptions, payments, costs and projections. I fervently hope that our incoming City manager will have such information as well.

For the record I spent the last twenty years of my employment with Kaiser Engineers, Kaiser Industries and Kaiser Aluminum preparing and critiquing economic feasibility reports for industrial and civic projects.

I also was appointed to the Oakland Citizens Budget Advisory Committee on which I served three two-year terms. It is no disrespect to that City Council to say that those citizens with whom I served had a greater understanding of the budget and the budget process than most members of the council. It was evident to the committee that in Oakland the City Manager made executive decisions without effective oversight from the council since any review was done in house rather than independently.

I would be pleased to discuss and clarify my concerns with you.

Sincerely yours,

William Lisker
864-2569

Date: Tue, 19 Jul 2005 22:52:04 -0700
From: bweiss@alamedanet.net
Subject: Megaplex
To: bjohnson@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us,
tdaysog@ci.alameda.ca.us, ddehaan@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us

As a citizen, taxpayer, parent, teacher, homeowner and, Park Street business owner, I strongly oppose the building of a megaplex and six-level parking structure next to the Historic Alameda Theater in Downtown Alameda.

I believe the original vision of this community to restore the Alameda Theater has been lost and relaced with a rush to build an oversized megaplex and garage, with a permanent detrimental impact on Alameda's downtown. Such development will create a traffic nightmare, be an eyesore in the heart of our city that will destroy Alameda's treasured charm as well as be a potential fiscal disaster.

I am concerned that sensible alternatives to a megaplex have not been given a fair hearing, and that in allowing the current project to move forward the City Council and Planning Board are not acting in the best

interest of Alameda's citizens, nor are they working for the preservation and beautification of this jewel of the Bay, Alameda.

I urge you to call for an immediate halt in the development plans and instead schedule a city wide forum with Mayor, City Council and Planning Board to openly discuss the long-term viability and consequences of a megaplax, and a list of realistic alternatives for a smaller complex restoring the existing theater only.

Thank you for your time and attention to this matter,

Betsy Weiss
1340 Versailles Avenue
Alameda, CA 94501

From: "Carol A. Alliger" <caa3@comcast.net>
To: <bjohnson@ci.alameda.ca.us>,
<tdaysog@ci.alameda.ca.us>,
<ddehaan@ci.alameda.ca.us>,
<mgilmore@ci.alameda.ca.us>,
<fmatarrese@ci.alameda.ca.us>
Subject: Megaplex in Alameda
Date: Sun, 17 Jul 2005 08:03:46 -0700

Dear Mayor and City Council:

I am writing to voice my opposition to the current plan for a movie theater and garage. My husband and I love to go to the movies. Over the last several years, we have stopped going as much because we despise the Megaplex experience. We now only go to small, older movie theaters. Our favorite is the one in Lafayette. We no longer look for a movie we want to see; instead we go to the theater site and see what is playing. We also go to the Orinda, Grand Lake, Piedmont, Albany and Moraga theaters.

I believe a 3-plex theater would do well in Alameda. From conversations with friends and co-workers I know we are not the only people who hate Megaplex theaters. Alameda is not like everywhere else.

We need a downtown garage, but again the size and scale of the one proposed is way out of line with the downtown neighborhood.

I have lived in Alameda for over 27 years and I am amazed at some of the bad design decisions that have been made. But I am equally amazed at how involved citizens of Alameda can get when they think another mistake is about to be made. This town really believes in learning from its mistakes. A small, vocal group started the opposition to this theater. Thank goodness there are people like them who take the time to get involved, and alert the rest of us as to what is going on.

PLEASE STOP TO CAREFULLY CONSIDER THIS PROJECT AND ALLOW THE CITIZENS OF ALAMEDA TO VOICE THEIR CONCERNS. We want a theater and garage, but NOT THIS ONE.

Carol Alliger
Thompson Avenue, Alameda

From: caviper@comcast.net (caviper)
To: fmatarrese@ci.alameda.ca.us (Frank Matarrese), mgilmore@ci.alameda.ca.us (Marie Gilmore), ddehaan@ci.alameda.ca.us (Doug deHaan), tdaysog@ci.alameda.ca.us (Tony Daysog), bjohnson@ci.alameda.ca.us (Beverly Johnson)
Subject: Megaplex & Parking Garage
Date: Tue, 14 Jun 2005 19:54:27 +0000

Dear Mayor, Vice Mayor & Council Members,

I attended the Planning Board meeting last night which discussed the Theater & Parking garage. There was an out pouring of individuals at the meeting that just plain opposed the development & design.

The agenda item was really a final review and approval for the design of the Theater/Garage development. However, except for two, all that spoke and there were many, they did not only oppose the design but the idea of such a large complex. It seems strange that none of these individuals spoke out in earlier planning meetings and maybe if they had attended they would have. Anyway, as it stands now, with this out-pouring of opposition against the design & size of the Theater & Garage, I urge you folks to conduct an additional review on all the aspects that the citizenry had concerns about last night.

Thank you.

Vern Marsh, P.O. Box 800, Alameda, CA 94501

From: Crankyrigger@cs.com

Date: Sun, 19 Jun 2005 19:55:15 EDT
Subject: Alameda Theater Project
To: tdaysog@ci.alameda.ca.us
CC: ddehaan@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us

Councilmembers

Please stop this nonsense with the Alameda Theater and parking structure project. I work very hard to be able to live in a quiet community like Alameda. Oakland and Emeryville are not cities to emulate. Stop pandering to developers who will only degrade the real quality of life we enjoy.

Mike Fennelly
On Bay St. since 1957

From: Denise Nessel <DDNessel@sbcglobal.net>
To: <bjohnson@ci.alameda.ca.us>,
<tdaysog@ci.alameda.ca.us>,
<ddehaan@ci.alameda.ca.us>,
<mgilmore@ci.alameda.ca.us>,
<fmatarrese@ci.alameda.ca.us>

Dear Mayor and City Council,

I have been engaged in heavy travel for the past several months and have not been able to keep in close touch with the latest City Council development plans. I was aware some time ago of the desire to restore the old theater in town and increase parking, and I had also read something about a multi-screen theater. Catching up on news last week, I was dismayed to discover that an enormous multi-screen theater is in the planning stages, along with a six-story parking garage!

I am strongly opposed to these plans! Not only will the expense be enormous, but a six-story parking garage in the heart of downtown is the last thing this lovely town needs. It will not only look way out of scale but will also attract even more cars to the already traffic-filled downtown area. Alameda is a great city for walking and biking (I seldom get in the car for any purpose, except to go off the island), so I would prefer to see money spent on bike paths and bike parking. If more parking is really needed downtown, though, a giant garage that will dwarf all the nearby buildings is a terrible solution.

As to a giant multi-screen theater, that, too, makes little sense if we want to preserve the charm of this town. A refurbishing of the historic theater would be great, though. That building is in the proper scale with the rest of the downtown area and would surely provide more than ample opportunity for Alamedans to see films without leaving the island.

I love Alameda's small-town culture and would be sorely dismayed to have it destroyed by building the proposed over-large structures. I was unable to come to the council meeting tonight to register my opinion, which is why I am writing to all of you now. I sincerely hope that you will give all of this a second thought and take heed of the groundswell of negative opinion that has been in the papers in recent days.

Sincerely,
Denise Nessel
1545 Ninth Street
Alameda

Received: from Deeplume@aol.com

Sat, 16 Jul 2005 10:42:12 -0400 (EDT)
From: Deeplume@aol.com
Message-ID: <15.48ce81e1.300a76c4@aol.com>
Date: Sat, 16 Jul 2005 10:42:12 EDT
Subject: Terrible!
To: bjohnson@ci.alameda.ca.us, tdaysog@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us

Alamedanews
July 15th

Acting Executive Director Bill Norton has given Alameda's Community

Improvement Commission the current status of the design review of the proposed Cineplex and 6 story parking garage at Central Avenue and Oak Street.

This looks awful...I hope you're not going to let this terrible plan go through. It looks like living in another world..it doesn't fit Alameda. I also think it is financially too risky. I can't see hordes of people driving to Alameda just to go to the movies when they have lots of choices near where they live. Also two, no more...screens is enough. Dee

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Date: Tue, 07 Jun 2005 07:59:53 -0700
From: "Elizabeth Acord" <EACORD@ci.alameda.ca.us>
To: "Doug DeHaan" <DDeHaan@ci.alameda.ca.us>
Subject: phone messages

Hi Doug,

Diane Voss called to let you know that she is in opposition of the theater project. She can be reached at xxxxxxx if you'd like to speak to her further.
Liz Cleaves also called to state her opposition of the project. She can be reached at the same number xxxxxxx

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From: "Dan Ouellet" <douellet@alamedanet.net>
To: <bjohnson@ci.alameda.ca.us>,
<mgilmore@ci.alameda.ca.us>,
<tdaysog@ci.alameda.ca.us>,
<ddehaan@ci.alameda.ca.us>,
<fmatarrese@ci.alameda.ca.us>
Subject: Theater and Garage
Date: Tue, 7 Jun 2005 15:54:29 -0700

Mayor Johnson and city officials: I do not like the idea of a LARGE theater and a LARGER garage in alameda when the theater in south shore could not remain in business. I do not know what you all are thinking about when you started this project, It just came to me "MONEY" Do not spend my tax dollars on this project. Not only will it fail but also we will have to look at for at least another 15 years before the city decides to tear it down and build something else with our money. Dan Ouellet 1355 Grove St, Alameda, CA 94501

Date: Thu, 14 Jul 2005 11:48:55 -0700
Subject: NO MEGAPLEX THEATER, NO MONSTER GARAGE
From: Edgar Cagawan <ecagawan@alamedanet.net>
To: ddehaan@ci.alameda.ca.us

Mr. DeHaan,

We voted for you in this last election, thinking that you would do things to preserve the quality of life in our town.

We must once again express our OPPOSITION to the building of a MEGAPLEX THEATRE and that monstrous garage at the site of the Old Alameda Theater.

BECAUSE:
1. The entire design, espcially of the garage, is grossly unsuited to the rest of our downtown. It is an eye-sore.
2. 7 or more screens is a ridiculous number for such a small community.
3. The council plans to give our tax dollars to a private developer. This is especially outrageous since he has invested so little of his own money in this venture.
4. We do not support the use of BONDS to build a theater.
5. The council did NOT keep the town properly informed of the progress of this project, nor did council even respond to our own repeated protests regarding this project.
6. Forget what the puppets of the Supreme Court have ruled. The council has NO ETHICAL RIGHT TO SEIZE PRIVATE PROPERTY FROM A CITIZEN AND GIVE IT TO A PRIVATE DEVELOPER. The council should get some perspective on their responsibilities to the community. This is a theater; not a Railway, Freeway, School or Hospital.

I hope that you will instill some sense into your fellow council members. We're counting on you.

Edgar Cagawan
1054 San Antonio Ave
Alameda
From: Dave Brannigan <firemedic@alamedanet.net>
Subject: Please Reconsider the Parking Garage
Date: Mon, 27 Jun 2005 15:29:46 -0700
To: bjohnson@ci.alameda.ca.us,
tdaysog@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us,
mgilmore@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us

Dear Mayor Johnson and Councilmembers,

I'm writing to voice my opposition to the proposed parking garage at the corner of Central and Oak. My family has lived in Alameda since 2000. We were drawn here from Berkeley because of the charm of the city, especially the Park Street district. In an era of big box stores and outdoor malls full of huge buildings like the Bay Street complex in Emeryville, Alameda offers quality shopping with a beautiful and historic downtown. To include a parking structure that would be taller than any other building in the area would not only diminish, but overwhelm this beautiful downtown.

Beyond asthetics, a parking garage of this magnitude is likely not necessary. My wife and/or I drive to Park Street at least once a day and I have never, really NEVER, had to park more than half a block from my destination store (usually Tuckers or Loren's Closet). Of course a new theatre will bring the need for some additional parking, but please consider alternatives that will AT LEAST be shorter by a story or two. Perhaps putting smaller garages on some of the existing parking lots (behind La Pinata and Bank of America for example) would add a comparable number of parking spaces without overwhelming the small town feel of downtown. This would also generate more foot traffic for businesses not in the immediate vicinity of the new theater.

In addition, if Alameda wants to compete for big box stores and chain retail, I'm all for it, but let's use that big deserted Navy Base to compete with Bay Street, not our charming, historic, successful downtown.

In conclusion, I am a firefighter in Berkeley and a 5 year homeowner in Alameda. I have seen Berkeley pass up lucrative retail opportunities, which deprived the city of needed tax revenue. Let me be clear that I am in support of a new theatre and the parking required to support it. The more people who visit, the better for Alameda. That being said, I feel it would be irresponsible to tarnish the downtown area with one enormous structure. Let's spread the parking around and keep new development in scale so that Alameda can support our existing businesses, as well as grow into the 21st Century.

Thank you for considering my opinion.

Dave Brannigan
917 Walnut Street
Alameda
firemedic@alamedanet.net

From: "Laura Groves" <flygirl67@alamedanet.net>
To: "Alameda Journal" <ajletters@cctimes.com>
Cc: <bjohnson@ci.alameda.ca.us>,
<mgilmore@ci.alameda.ca.us>,
<tdaysog@ci.alameda.ca.us>,
<ddehaan@ci.alameda.ca.us>,
<fmatarrese@ci.alameda.ca.us>
Subject: historic Alameda Theatre
Date: Sat, 23 Jul 2005 19:42:21 -0700

I have just read Kevis Brownson's letter in yesterday's Alameda Journal and will certainly be signing the petition when the site gets up and running. His letter really says it all for me; "belatedly controversial" is exactly right! The progress of the theater project hasn't exactly been a secret; I am at an utter loss to understand why a small but vocal group of people has left it until this late date to object so violently. Some of their objections are blind to the need for architecture to be a living thing, not a mausoleum. I also notice with some exasperation that those who object to the additional building are not coming forward with names of any developers who are willing and ready to take on the historic theatre on its own, and in complaining

about the aesthetics of the new building they don't seem to take into account that the existing (now vacant) building there, and especially the surrounding parking lot, are eyesores to begin with!

My husband and I have owned our historic Alameda house for three years now, and have been making careful repairs (foundation work, exterior paint, and now a historically-sensitive kitchen remodel that was nearly a year in the planning stage) so that it may last another 95 years. One of the main reasons we love living in Alameda is its wealth of historic buildings, and another very important reason is our ability to walk to Park Street, a vibrant (and getting even more so!) shopping district. We have been looking forward to walking to a newly opened theater on Park Street to see movies on a regular basis and will be terribly disappointed if a small group of "squeaky wheels" manage to succeed in derailing this project.

Yours sincerely,

Laura Groves

Date: Mon, 13 Jun 2005 14:05:10 -0700

To: bjohnson@ci.alameda.ca.us, tdaysog@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us
Subject: Our theater distric and Petalumas

Hello,
I was passing through Petaluma this morning and remembered the articles
re: the new Petaluma theater. I stopped and took these photos.
To me, the whole project is in scale and compliments the existing
buildings. Their parking structure is maybe 40 feet high (4 stories)
Just an FYI,
Suzanne Lindsey

P.S. BTW, the only place I could find a drawing of the proposed cineplex
is on http://medastyle.com/2005/06/04/multiplex_a_sineplex.html

www.GallagherAndLindsey.com

From: <GaybleT3@aol.com>
To: Frank Matarrese, Marie Gilmore, Doug DeHaan, Beverly Johnson,
"daysog@ci.alameda.ca.us".SMTP/MIME.Alameda@ci.alameda.ca.us
Date: Monday - May 30, 2005 7:26 PM
Subject: New York Times on diminishing of theater going public please take a look

Hello,
I returned from vacation to a bunch of emails protesting the multiplex and
wanting me to do so also. I know you all have spent a lot of time making this
decision and I appreciate it. With my reading of the following article (it
echoes the watching patterns at my house), I thought maybe we might not be making

a good bet here. I suppose you have all seen this article but just in case you haven't take a look.
thanks,
debra arbuckle

A copyrighted article from the New York Times of May 27, 2005,

MOVIEGOERS ARE STAYING HOME WITH POPCORN, DVDS, AND TIVO.
By Laura M. Holson

Matthew Khalil goes to the movies about once a month, down from five or six times just a few years ago. Khalil, a senior at the University of California, Los Angeles, prefers instead to watch old movies and canceled television shows on DVD.

He also spends about 10 hours a week with friends playing the video game Halo 2. And he has to study, which means hours on the Internet and reading at least a book a week.

"If I want to watch a movie I can just rent it on DVD," he said. "I want to do things that conform to my time frame, not someone else's."

Like Khalil, many Americans are changing how they watch movies - especially young people, the most avid moviegoers. For 13 weekends in a row, box-office receipts have been down compared with a year ago, despite the blockbuster opening of the final "Star Wars" movie. And movie executives are unsure whether the trend will end over the important Memorial Day weekend that officially begins the summer season.

Meanwhile, sales of DVDs and other types of new media continue to surge.

With box-office attendance sliding, so far, for the third consecutive year, many in the industry are starting to ask whether the slump is just part of a cyclical swing driven mostly by a crop of weak movies or whether it reflects a much bigger change in the way Americans look to be entertained - a change that will pose serious new challenges to Hollywood.

Studios have made more on DVD sales and licensing products than on theatrical releases for some time. Now, technologies like TiVo and video-on-demand are keeping even more people at home, as are advanced home entertainment centers, with their high-definition television images on large flat screens and multi-channel sound systems.

"It is much more chilling if there is a cultural shift in people staying away from movies," said Paul Dergarabedian, president of the Exhibitor Relations Company, a box-office tracking firm. "Quality is a fixable problem."

But even if the quality of movies can be improved, Mr. Dergarabedian said,

the fundamental problem is that "today's audience is a much tougher crowd to excite. They have so many entertainment options and they have gotten used to getting everything on demand."

Last year Americans spent an average of 78 hours watching videos and DVDs, a 53 percent increase since 2000, according to a study by the Motion Picture Association of America, the film industry's trade group. DVD sales and rentals soared 676.5 percent during the same period, and 60 percent of all homes with a television set now also have a DVD player. DVD sales and rentals alone were about $21 billion, according to the Digital Entertainment Group.

Discs are now released just four months after a film's debut, and the barrage of advertising that accompanies the opening in movie theaters serves ultimately as a marketing campaign for the DVD, where the studios tend to make most of their profits.

The number of moviegoers has dropped, sliding 4 percent in 2003, 2 percent in 2004 and 8 percent so far in 2005.

Time spent on the Internet has soared 76.6 percent and video game playing has increased 20.3 percent, according to the association. Last year, consumers bought $6.2 billion worth of video game software, an increase of 8 percent from 2003, according to the NPD Group, which tracks video game sales.

Consider Matt Cohler, a 28-year-old vice president at Thefacebook.com, a Silicon Valley company that creates Internet student directories on college campuses. Cohler likes movies, but lately, he said, little has grabbed his attention.

He liked the new "Star Wars" and a documentary about the collapse of Enron. But of the Nicole Kidman-Sean Penn big-budget thriller, "The Interpreter," Mr. Cohler said, "It was only O.K." He has few plans to see anything else this summer, and said he was content to spend his free time online or writing e-mail.

But what could well have the greatest impact on theater attendance is the growing interest in digital home entertainment centers, which deliver something much closer to a movie-style experience than conventional television sets.

Brian Goble, 37, a video game entrepreneur, said he had not been to a movie theater in two years, except to see "Star Wars" with his wife and four friends. Instead, he stays at his home in a Seattle suburb, where he has turned the basement into a home theater with a 53-inch high-definition television screen and large surround-sound speakers. He no longer has to deal with parking and jostling crowds, he said, a relief now that he has two children.

" It's really just not as comfortable and fun as being at home," he said. "You can pause, go to the bathroom, deal with a crying kid."

Goble rarely watches video-on-demand ("The quality is poor," he said.) Instead he has an account with Netflix and orders his movies online. When the Nicholas Cage movie "National Treasure" was released last November, for instance, he

added it to his Netflix list so he would be sent a copy when it came out on DVD.

His prime regret about seeing the final installment of "Star Wars" was that he could not watch it at home. "The only reason to go to the theater these days," he said, "is because it is a movie you must see right now."

Date: Wed, 29 Jun 2005 20:15:09 -0700
From: Cara & Randy Watkins <geekspeak@compuserve.com>
Reply-To: geekspeak@compuserve.com
User-Agent: Mozilla/5.0 (Macintosh; U; PPC; en-US; rv:1.0.2) Gecko/20030208 Netscape/7.02
X-Accept-Language: en-us, en
MIME-Version: 1.0
To: bjohnson@ci.alameda.ca.us, tdaysog@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us
Subject: Alameda Theater Contract

Dear Mayor and Council Members,

Alamedans need to be aware of the fine print on the agreement with the developer on the Alameda Theater. According to the agreement, Alameda will pay $44.82 million over 30 years. In return, they will receive $9.555 million in payments, rent and interest. That leaves $35.265 million for the taxpayers. On top of that, after five years, the developer has the option of purchasing the theater at the fair market value (which may be less than current costs) or a prorated amount of actual costs (which will definitely be less than current costs). Alamedans wanted to renovate the theater, let's stick to that.

Randy Watkins
915 Pacific Ave
Alameda, CA 94501

From: "Robb Ratto" <parkstreetrobb@alamedanet.net>
To: "Tony Daysog" <tdaysog@aol.com>,
"Bev Johnson" <bjohnson@ci.alameda.ca.us>,
"Doug Dehaan" <ddehaan@ci.alameda.ca.us>,
"Frank Matarrese" <fmatarre@ci.alameda.ca.us>,
"Marie Gilmore" <MGilmore@ci.alameda.ca.us>
Subject: The multi/mega/godzila plex
Date: Wed, 8 Jun 2005 09:36:16 -0700

Hope you all got some sleep last night.

Thanks to you all for your support of the 59 screen godzilaplex and the 73 story 7,500 space galactic parking garage we're trying to build even though cars and movies will be obsolete within the next 11 months (did I miss a memo?). How could we all be so silly? Of course the obvious course of action is to build "boutique theaters" in every neighborhood. In fact we should have one boutique theater for every resident in town. That way, all the "experts" can run their own theater, schedule their type of movie, at the

times they want to watch them. Of course the only thing wrong with this plan is it probably violates Measure A somehow.

But seriously folks, one group of people who will thank you all for years and years to come are all the kids in this town who are between the ages of 10 and 18 and can't drive. And their parents will thank you also. Being able to drive your kid to a movie in Alameda and know he/she is relatively safe, what a concept.

Take care of yourselves. I'm sure the Planning Board meeting on the 13th is going to be a blast.

Best Regards,
Robb

From: Ake Grunditz <grunditz@alamedanet.net>
Date: Fri, 24 Jun 2005 09:52:23 -0700
Subject: Megaplex

Cc: tdaysog@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us,
mgilmore@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us
To: bjohnson@ci.alameda.ca.us

Office of The Mayor and City Council
Alameda City Hall
2263 Santa Clara Avenue
Alameda, CA 94501

Re: Request for Cineplex and Garage Project on Council Agenda

Dear Mayor/City Council:

As a concerned citizen of the City of Alameda, I respectfully request that the issue of the proposed cineplex/parking garage be placed on the agenda for the next regular meeting of the City Council.

We are opposed to this project as it exists currently and would like to have an open-minded discussion of possible alternatives before any more City resources are spent developing the current plan.

I trust that you will want to make sure that citizens' concerns are given an opportunity to be heard, and will therefore take this request into consideration.

Thank you.

Sincerely,

Leslie,Åke, & Naomi Grundiz
1550 4th St
Alameda

From: himself@tnbillings.com
To: bjohnson@ci.alameda.ca.us, ddehaan@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us,
tdaysog@ci.alameda.ca.us
Cc: "Alameda Journal" <ajletters@cctimes.com>,
"Don Roberts" <donroberts@alamedadailynews.com>,
"Oakland Tribune" <triblet@angnewspapers.com>,
slabarre@alamedasun.com
Date: Mon, 20 Jun 2005 12:24:52 -0800

Your attention is respectfully invited to the following article that recently appeared in the San Jose Mercury News. It's implications for Alameda's contemplated Theatre/Parking Project are obvious. Only a wonton disregard of the facts could enable that project to go forward.

Tom Billings
1607 High Street
Alameda, CA 94501
510-769-2000
himself@tnbillings.com

Why movie fans are staying home

By Bruce Newman, Mercury News

What Joey Puntanilla remembers best about seeing ``Star Wars" with his 6-year-old son this month is the way the sound thundered every time something blew up on screen. ``The room was shaking during all the battle scenes," he recalls. ``My son was loving it."

Unfortunately for the multiplexes -- where Puntanilla, his son and his fiancee used to go to the movies almost every weekend -- the family was at home in South San Jose, watching a DVD of the original ``Star Wars" on their new $13,000 home theater system just purchased at Best Buy.

Puntanilla is among a growing army of Americans who have vanished from traditional movie theaters this spring, staying home to microwave their own popcorn while the box office has slumped for 17 consecutive weekends. More ominously for the nation's theater owners, 73 percent of adults in an Associated Press-America Online poll say they prefer watching movies at home -- on DVD, videotape or pay-per-view -- compared with just 22 percent who said they would rather see films in a theater.

Overall attendance is down 8.57 percent from a year ago, according to the box office tracking firm Exhibitor Relations. Neither the powerhouse opening of the new ``Star Wars" picture last month, nor a blistering start for ``Batman Begins" this weekend could prevent Hollywood from tying its all-time record for box office futility, set in 1985. ``Batman" took in an estimated $46.9 million over the weekend, but overall receipts were down for the 17th consecutive weekend.

Long lines at the box office and concession stand, followed by a mad scramble for good seats, are among the reasons people like Puntanilla have been dropping out. ``It's not really the same experience" at home, he acknowledges, but watching ``Star Wars" on his 55-inch plasma screen, with a 5.1 Dolby surround sound system that rocks the house, ``it's getting pretty close."

Compared with the same period last year -- when ``The Passion of the Christ" sold 58 million tickets -- some 61 million American moviegoers have gone missing, and theater owners such as Jack NyBlom of the South Bay's Camera Cinema chain have been hit hard. ``The past 16 weeks have been really hairy," he says. ``It's been unreal. We're definitely feeling the pain."

Home revenue tripled

As DVDs have grown more popular, home video revenue has tripled what studios now make at the box office. According to a report by the Consumer Electronics Association, about 30 percent of all U.S. households have a home theater system, though that figure covers everything from a $500 hodgepodge of amps and speakers to sophisticated digital projection and sound setups that cost $250,000. Along with competition for consumers' time from video games and the Internet, the growing universe of things to do besides attend first-run movies has theater owners like NyBlom worried about the future.

The last great technological advance in movie exhibition was the invention of air conditioning, but there have been incremental improvements such as Dolby sound systems and stadium seating along the way. Theater chains that used to compete with each other for teenagers' time and allowance money now must share it with the PlayStation and the iPod. Faced with the need to improve or die, the Camera Cinemas are formulating a plan to reopen the Camera 3 early next year as a premium theater, offering food, alcohol and live entertainment -- possibly even with valet parking at the door.

``We're bombarded with choices now about how we take delivery of our entertainment," says Paul Dergarabedian, president of Exhibitor Relations. ``That makes it increasingly challenging to get people out of the house and into movie theaters. But going to the movies is part of our cultural DNA, and I don't think it's going away."

Not so convenient

It's already begun to disappear from the DNA of Michael Carrell, who recently cobbled together a theater at his new home in San Ramon. ``My wife and I both love movies," he says. But he can't remember the last one they went to see at a multiplex. ``We used to make a night out of it. But the movie never seems to start at the right time, so if you go to a restaurant you've got to rush to make it. And once you're in the movie, it's crowded, you've got somebody kicking the seat beside you or they haven't necessarily taken care of their hygiene that day. It's not a great experience."

A decade ago, the so-called ``window" between a movie's opening in theaters and its release on video was six months and 23 days. But to take advantage of ``Ray's" six Oscar nominations this year, that picture was released on DVD three months and three days after it opened; it quickly became a bestseller on disc while it was still playing in theaters.

The same executives at Universal who publicly tut-tutted when exhibitors screamed about that quick turnaround have recently been scratching their heads at the poor box office performance of the studio's new biopic, ``Cinderella Man." No one can be sure why the movie tanked, but one popular theory is that everybody's waiting for the DVD. That would fit a pattern that has emerged only in the past few months. When ``Miss Congeniality 2: Armed and Fabulous" is released on DVD Tuesday, it will have completed its journey to the home theater less than three months after its pit stop at the multiplex.

Little wait time

Very soon, that ``window" between theatrical and home video may snap completely shut. Fox will release the pilot episode of Steven Bochco's new series about the Iraq war, ``Over There," on DVD less than a week after its July 27 premiere on the FX cable network -- which is also owned by Fox.

But that's still too slow for Mark Cuban and Todd Wagner, the visionaries who have created a pipeline that will soon shower movies into the American living room on the very same day they open in theaters. Their company -- 2929 Entertainment, which controls the boutique film label Magnolia Pictures, premium cable's HDNet and the Landmark Theatre chain -- recently released the documentary ``Enron: The Smartest Guys in the Room" in theaters and for broadcast on the same day.

Cuban and Wagner hope to blow up the current distribution model, and have already teamed with director

Steven Soderbergh to make a series of movies that will premiere simultaneously in theaters, on pay per view TV and possibly on disc. The first film to emerge from the collaboration, ``Bubble," will pop up soon in a theater very near you.
Contact Bruce Newman at mercextra.com/bnewman

---

himself@tnbillings.com; Mon, 18 Jul 2005 12:47:59 -0800
From: himself@tnbillings.com
To: bjohnson@ci.alameda.ca.us, ddehaan@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us,
tdaysog@ci.alameda.ca.us
Cc: "Don Roberts" <donroberts@alamedadailynews.com>
Date: Mon, 18 Jul 2005 12:47:59 -0800
Subject: ALAMEDA THEATRE/PARKING PROJECT NEEDS REALISTIC RETHINKING

Leslie Little was right in her recent Op-Ed piece in The Alameda Journal: the Theatre/Parking Project is worthy of serious consideration, and consideration by City Council and staff that is rational and not merely serious is long overdue.

Management consultant Peter Drucker gained fame by advising, "Before you get concerned about doing a thing right, make sure what you're doing is the right thing." Because the Project is fundamentally the wrong thing for Alameda to do, it should never have reached the Planning Commission in the first place. How to do it right should always have been moot.

Unfortunately, the Project concept became an idee fixe many years ago. Its validity should have been assessed realistically in light of changing circumstances, but instead, strenuous efforts have been made to rationalize it with fanciful assertions about economic benefits it might yield.

The Project reminds us of fiascoes in Alameda's past which resulted from rationalizations of idees fixes by city government reflecting badly flawed benefit assumptions, personal agendas, and the seductive lure that grants would result in taxpayers elsewhere helping to fund our local follies such as the bicycle bridge; Ron Cowen Parkway to nowhere; a shopping center at south shore rather than north; Bay views squandered by post office, court house, parking lots, and down-market eateries; a new library designed for the 20th century; and Bay Farm Island development without plausible provision for access. The list goes on, but you get the picture.

Idee fixe, fostered by the same tiny but vociferous group of Alameda architectural "embalming" activists, whose fetishes support both the Theatre/Parking project and immutable Measure A, now also threatens rational redevelopment at Alameda Point.

Idee fixe leads to all kinds of mistakes. It can evolve from something that "seemed like a good idea at the time" into rationalized error by ignoring unwelcome emerging truth about reality. On a global scale, as is now well documented, our disastrous war in Iraq came about in just that way.

In removing almost all of its 90,000 books from its undergraduate library to make room for an "electronic information commons," the University of Texas recently observed: "In our rapidly changing world, sound planning requires vision rather than tradition." At policy-making level, Alameda's planning remains hopelessly bogged down in tradition and utterly bereft of vision.

Proponents of the Theatre/Parking project, including the Park Street Business Association whose self-serving commercial interests are obvious, doggedly ignore three compelling realities.

1. Proximate South Shore Center with relatively big name retailers and ample parking which is not merely

free but also - and of utmost importance - convenient, absolutely caps Park Street's revitalization potential in the absence of similar genuinely ample, free and convenient parking. Parking is not Park Street's only deficiency, but it is the sina qua non for renewal. No amount of wishful hoping or squandered redevelopment money can significantly alter that reality.

2. Patronage of movie theaters will continue to shrink rapidly for obvious, compelling, and now well documented reasons. A vast majority of people now prefer to see their movies at home in other ways that are already entirely feasible and rapidly becoming increasingly attractive. And a growing share of the population prefers to spend a growing share of its time in ways other than movie viewing, anywhere. Even if these things were not true, Alameda does not need, and could not support, another megaplex this close to alternatives in Jack London Square, Oakland, Union City, Berkeley, Emeryville, and Bayfair. Again, no amount of fantasizing can alter this reality.

3. A single, central parking structure would join the theatre as Alameda's second, most visible, world-class White Elephant. To be viable, parking facilities must, above all else, be convenient, and this will be increasingly true as increasing numbers of Alamedans display handicapped license plates and placards. The proposed structure would not be deemed convenient by most potential customers of merchants more than half a block from the intersection of Park and Central, and would thus be of virtually no value to a majority of Park Street businesses and their customers. Competent consumer research confirms that our society is becoming less and less ambulatory every day, and no amount of puffing and promoting will alter that reality, either.

The Theatre/Parking project was not originally conceived to provide either movies or parking for Alamedans. Both purposes are actually afterthought rationalizations - excuses rather than reasons for preserving the semblance of an architectural artifact whose aesthetic form once followed a now long superseded cultural function, and whose sole claim to value now is that it is "old."

If our elected surrogate decision makers are really interested in using Alameda Theatre to bring traffic, spending, fees, and tax revenues to our "downtown," they need to recognize that if those things came from other parts of Alameda it would merely be robbing Peter to pay Paul. To have a real beneficial effect, such traffic would have to come from Oakland and elsewhere, and that might not be an entirely welcome development in light of congestion and other possible impacts.

Nevertheless, if traffic is what's really wanted, "thinking outside the box" (a rarity at Alameda City Hall to be sure) would identify a potentially much more productive use for the theatre than turning it into a Cineplex. It could easily be converted into a relatively small but otherwise dandy gambling casino that would fully justify the parking structure all by itself, conceivably 24 hours a day, seven days a week, and quickly fill the City's coffers to overflowing.

I don't necessarily advocate doing that, but it would make great economic sense for the City and for Park Street. And, in a state that allows casinos elsewhere and, itself, sponsors that most greedily inequitable form of gambling, the Lottery, morality certainly oughtn't to be an issue.

On the other hand, if the real goal is to try to make Park Street effectively competitive with South Shore and other shopping venues, then using Eminent Domain and some of the $25 million of redevelopment money that's apparently in play, the City could condemn nearby properties all up and down Park Street and convert them into ample, free, and convenient parking lots just as cities like Mountain View have done with great success.

I do hope the City won't squander more taxpayer dollars on Project consultants. Unlike doctors, lawyers, engineers, architects, accountants, and other professionals, no government agency certifies the competence of consultants, so their recommendations should always be suspect. Some consultants simply discover what their clients want to hear and then feed it back, thereby imbuing the client's original view, whether sensible or not, with an aura of "independent expertise" that's intended to carry undue weight in debate with knowledgeable opponents.

Tom Billings
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510-769-2000
tom-billings@the-view-less-seen.com

From: "Mark Irons" <ironsml@alamedanet.net>
To: "Beverly Johnson" <bjohnson@ci.alameda.ca.us>,
"Frank Matarrese" <fmatarrese@ci.alameda.ca.us>,
"Marie Gilmore" <mgilmore@ci.alameda.ca.us>,
"Doug DeHaan" <ddehaan@ci.alameda.ca.us>,
"Tony Daysog" <tdaysog@ci.alameda.ca.us>
Subject: Alameda Theater
Date: Wed, 20 Jul 2005 09:33:23 -0700

Mayor and Council,

I've been a long time vocal critic of the concept of such a large cineplex as part of restoring the Alameda Theater and I will always be very reluctant about any parking structure being built. I'm on record with letters in the paper dating back two years or more.

Let me speak to the theater first. I've known Allen Michaan for a number of years because I know people who worked on the two mini theaters at the Grand lake and in the 1980s I worked on his home on Paru Street. In the mid-nineties, prior to Jack London Cinemas being built, I talked to Allen about his then on going negotiations with the City about restoring the Alameda Theater. Allen then insisted that additional multiple screens were the only way to make the project viable. I couldn't accept that as absolutely correct and I still don't, but in my many debates with Rob Ratto about the project that conversation with Allen was the one thing that bothered me. I've never gotten back to Allen to verify, but as you are probably aware Don Robert's recently printed the "strong rumor" that if the current proposal fails, Michaan has told Haskett he would be willing to collaborate on a three screen proposal. So now I'm completely confused about the finances of screenage.

I'm sure some of the slump in retail theater has to do with the awful movies being produced. But more and more, I think many of the new residents moving to Alameda will support the more artsy fare commonly shown at the Piedmont and Elmwood theaters. However, I think the industry may find that rising ticket prices really started dampening attendance when they broke $9.

As for the architecture, it's obvious the latest proposal is a total aberration. I have repeatedly stood at the corner in front of Peet's looking at Twin Towers and realize how out of scale and ugly this project will be.

While I basically agree with the Stop the Megaplex people, I haven't signed their petition or directly joined their efforts because I don't feel they have both feet on the ground. But eleventh hour or not I welcome their effort because it may give us a last chance to consider all options and to review the viability of the current cineplex plan.

The Journal ran an article about outgoing City Manager Flint which cast a

shadow on some of the dealing for which he was responsible and this included the $40 million redevelopment bond for Park Street on the list. In their typical fashion they didn't include any detail, but it makes one wonder. We'd all like to be reassured that the assumptions made on debt maintenance and repayment of this bond are sound.

Secondly the parking structure. Environmentally and from the perspective of planning fifty years out, the garage is a white elephant. We are reaching peak oil production and the entire nation is in total denial as to the long term or even near term negative impacts this will have on the private passenger automobile. Aside from that, the proposed structure is another architectural aberration, right opposite the newly refitted historic City Hall and Carnegie library.

I read the negative declaration for the Long's lot and it sure seemed like smoke and mirrors to me. Oak Street is narrow and can easily be ruined as an alternative artery to Park. Alameda's geographic isolation as an island makes it unlikely that we will ever be a destination like Forth Street in Berkeley. A garage will take pressure off parking in the district but one can also easily imagine it being mostly empty much of the time, even with greater success on Park street.

All in all there seem to be enough serious questions about the garage and cineplex proposals and enough vehement, if late, public objection that one hopes you will re-examine the situation before approving either of these projects.

Mark Irons

From: "Jon & Lynn" <jjoish@alamedanet.net>
To: <ddehaan@ci.alameda.ca.us>

Dear Council Member deHaan:

We've all heard the news about the opposition to the restoration of the Alameda Theater.

I wanted to let you know that there are many Alameda citizens who do support the restoration of the theater and the parking garage. We are tired of driving 30 minutes or more through traffic just to see a movie. And our kids deserve to have a movie theater in town.

Please continue to support the movie theater and parking garage.

Sincerely,

Lynn Hutchins
33 Shannon Circle
Alameda, CA 94502

From: Kate.Lenhardt@kp.org
Date: Tue, 14 Jun 2005 09:48:07 -0700

Dear Mayor, Vice Mayor and Councilmen,

First, I'd like to thank you for your thoughtful replies to my recent note about the proposal that was floated at a recent council meeting to pay for street repairs with a parcel tax. I feel reassured that the city will not suggest yet another parcel tax to fix budget problems.

Today, I'm writing to add my voice to the outcry from many residents of Alameda in opposition to the proposed parking structure and cineplex. It doesn't belong in Alameda for lots of reasons: too many theatre screens (which probably result in tiny screens in tiny theatres), a parking garage that's too tall, too much financial risk for the city. Really, what were you thinking? I thought that the Park street area was focusing in quality, not quantity. I hope that you reconsider this project so that it doesn't become a costly blight.
Kate Lenhardt

From: <KelleyRico2@aol.com>
To: Doug DeHaan
Date: Friday - June 3, 2005 1:58 PM
Subject: megaplex

I would urge you to stop this development plan immediately. The City of Alameda does not need a seven screen theater or a huge, eyesore, crime attracting parking structure. Please reconsider these plans and create something in line with what the community needs and has expressed as what it wants.
Thank you
Kelley Rico

Date: Fri, 15 Jul 2005 14:21:18 -0700
From: "Paul Benoit" <PBenoit@ci.alameda.ca.us>
To: "Tony Daysog" <tdaysog@aol.com>,
"Beverly Johnson" <BJOHNSON@ci.alameda.ca.us>,
"Doug DeHaan" <DDeHaan@ci.alameda.ca.us>,
"Frank Matarrese" <fmatarre@ci.alameda.ca.us>,
"Marie Gilmore" <MGilmore@ci.alameda.ca.us>
Cc: "Debra Kurita" <DKurita@ci.alameda.ca.us>
Subject: Fwd: Alameda Theater

FYI. Thought you might be interested in this.

Paul

>>> Susan Hardie 7/12/2005 9:14 AM >>>
Leslie and Greg,
I'm forwarding this email from Kevis Brownson in case you haven't seen it. Kevis is a long time member of the Alameda Arch. Preservation Society.

Susan

>>> Kevis Brownson <kevis@alamedanet.net > 7/7/2005 1:55 PM >>>
Hi everyone,

I hope you are all having a wonderful summer. I am sending you spam--yes, I apologize but something near and dear to my heart has come up and so I hope you will pardon me.

I have been hoping for the restoration and reopening of the Alameda Theater since before 1994, when I knew that the non-competition clause with the South Shore Cinemas expired. There have been attempts several times through the years, but always there were obstacles. Several years ago Dave and I participated in the Park Street Visioning process, where a future direction for the district was established. The number one priority of those who participated in the process was to reopen the Alameda Theater as a theater for first run movies. Since that time the city has worked diligently to find a developer who will be able to work out how to do that in the current environment of theaters with stadium seating and multiple screens. After about three years of negotiations, the project of a mostly restored Alameda Theater accompanied by an attached six screen cineplex with ground floor retail stores and a parking garage is ready to go, by passing major design review at the last Planning Board meeting. It could be finished sometime in 2006.

However, a small group, known as "Citizens for a Megaplex-Free Alameda" has started a petition to try to stop the whole project, and are appealing the decision of Planning Board to City Council. They have a number of issues, which I don't want to go into here, but the main one is that they think the project is out of scale of the current downtown.
But what really got me upset was that their whole focus seems to be that they seem to feel they are representing the individual citizens of Alameda against the forces of big business. So I started an online petition FOR the project. Here is the URL:
http://www.ipetitions.com/campaigns/Alameda_Cineplex . If you feel comfortable signing it, I would really appreciate it. If you want to know more about the project, have concerns about it, or just want to know more about why I support it, please call me. (522-4966)

If you feel comfortable doing so, please forward my e-mail to your friends that you think might be interested in this project.

My apologies again for sending this to everyone in my address book and hope
that you are not offended-- I wouldn't do it for just any issue. I really
had hoped that my children would be able to go to movies on Park Street in
their teens, and I have one out of high school now already!

Thanks for listening,
Kevis Brownson

From: <LandAFish@aol.com>

To: Beverly Johnson

CC: Doug DeHaan, Frank Matarrese, Marie Gilmore, Tony Daysog

Date: Wednesday - June 15, 2005 5:37 PM

Subject: DON'T SELL ALAMEDA OUT, PLEASE

Mayor Johnson and City Council Members,

I went to the last city council meeting knowing very little about the multiplex theater plan. I didn't know anything about a six story parking structure. That was my very first City Council meeting and I was there with interest in a totally different problem. The more I heard from the speakers opposed to this plan, combined with the flow of snide comments from the rude self righteous man sitting behind us that seemed to be insulted that anyone would dare to disagree with him, the more I wanted to try to do something about the situation.

I would like for the people of Alameda to decide this issue, not a few businesses that want to profit at our expense. I had never asked people to sign a petition before in my life, but in a few hours last weekend I collected 150 signatures on a petition that, with signatures collected by other concerned citizens, were turned over to the planning board Monday evening.

These are signatures of Alameda citizens. We live here and we should have a say in this. That short time talking to people told me that there are many more who will not only sign a petition, but vote against this, if given the chance. We don't want it. It represents nothing about Alameda that we know and want to continue to know. This plan isn't for me, my family or my neighbors. We don't want Alameda to turn into "Just another city," selling it's soul for the almighty dollar.

When one of the speakers made the comment that many of the business owners don't live here, the man behind us said "I love it when they're talking about me." He also, more than once, made the comments to his friends "We love money." To some people money justifies anything, even selling the town you grew up in. If this is representative of the kind of people who are pushing this plan, I can only hope that logic, reason and loyalty to the good people who do live here wins out.

Bill Woodle

Date June 20, 2005

Office of The Mayor and City Council

Alameda City Hall

2263 Santa Clara Avenue

Alameda, CA 94501

Re: Request for Cineplex and Garage Project on Council Agenda

Dear Mayor/City Council:

As a concerned citizen of the City of Alameda, I respectfully request that the issue of the proposed cineplex/parking garage be placed on the agenda for the next regular meeting of the City Council.

Many citizens are opposed to this project as it exists currently and would like to have an open-minded discussion of possible alternatives before any more City resources are spent developing the current plan.

I trust that you will want to make sure that citizens' concerns are given an opportunity to be heard, and will therefore take this request into consideration.

Thank you.

Sincerely,

Lester Cabral

The Hair Shaper 2321 Central Ave Alameda,Ca.

Date: Mon, 20 Jun 2005 17:43:53 -0700
From: lilpocahontas510@alamedanet.net
Subject: Theatre
To: bjohnson@ci.alameda.ca.us
cc: tdaysog@ci.alameda.ca.us, ddehaan@ci.alameda.ca.us,
mgilmore@ci.alameda.ca.us, fmatarrese@ci.alameda.ca.us

Hi. My name is Emily Zugnoni. I am 17 years old and I've been living in Alameda for my entire life. I'm really excited for the new theatre to be put in. I know that there is a league trying to stop the construction from happening. I would like you to know that I totally support the project. Alameda needs this theatre!
You can email me back at LiLpocahontas510@alamedanet.net. It's not necessary though, because I just wanted to let you know how I felt about the movie theatre.

-Emily Zugnoni

From: LIVELYARTS2@aol.com
To: bjohnson@ci.alameda.ca.us

Cc: tdaysog@ci.alameda.ca.us, ddehaan@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us
Subject: Multiplex

I must voice my concern over the size of the planned multiplex: movie theatre attendance is down. I don't know anyone who plans to attend these proposed theaters, and these are Alamedans. I think times have changed, and we are too late for this plan to flourish.

Diane Mosier

From: <Margieanna@aol.com>
To: Bill Norton
Date: Thursday - June 2, 2005 4:51 PM
Subject: Re: Theater/parking structure

Thanks, Bill.... have to admit I steer clear of most Plan Bd/Council meetings...prefer to watch on ch. 15, but don't catch them all. I realize information gathering is the #1 prerequisite for intelligent and fair commentary. But I think I know...as well as sense and smell... the money motives.

I'm one of those. I love Alameda have lived here for 70 years and knew it when. I lament the loss that development is thrusting upon this treasured island. I repeat, repeat, repeat...Alameda is a 10 square mile island of now 76,000 plus people w/a commensurate number of cars. I firmly believe that is sufficient for comfortable living. Do know I'm one of a huge majority!

I'll hold off any more emails, Bill.... but will not change my mind on this matter. No amount of manipulative data and rationale will convince me that Alameda should grow any more than it has. Enough is enough. Use what space is left....in particular AP...for recreation and open space so we may live our lives here with some semblance of sanity and peace.

Margie

To: Tony Daysog, Beverly Johnson, Doug DeHaan, Frank Matarrese, Marie Gilmore
Date: Thursday - June 2, 2005 2:52 PM
Subject: Phone Message re Alameda Theater

Today, we received a phone call from Marilyn Taylor, who asked that we send the following message to each of you.

She is "supremely dismayed" over "your" pushing through the proposed multi-plex theater. It will be an eyesore, cause traffic problems and ruin our beautiful City. Why not a smaller theater, as originally proposed?

Marilyn cannot attend the meeting re the theater, as she cannot venture out in the evening. Please feel free to phone her at xxxxxxxx.

From: "Deirdre McCartney" <mcdybas@alamedanet.net>
To: <bjohnson@ci.alameda.ca.us>,
<ddehaan@ci.alameda.ca.us>,
<fmatarrese@ci.alameda.ca.us>,
<mgilmore@ci.alameda.ca.us>,

<tdaysog@ci.alameda.ca.us>
Subject: Fw: Alameda Theater and Parking Structure
Date: Tue, 7 Jun 2005 10:17:13 –0700

From: Deirdre McCartney
To: tdaysog@ci.alameda.ca.us
Sent: Tuesday, June 07, 2005 10:10 AM
Subject: Alameda Theater and Parking Structure

Dear Council Members,

I am shocked that you are considering a mega-plex for the Alameda Theater, and a SIX-STORY PARKING STRUCTURE next to it!!

What are you thinking? This would be detrimental to Alameda's Park Street Business area!

The scale of a mega-plex and a six-story parking structure are way out of proportion to anything in the vicinity. The traffic this will attract will be a nightmare!

There has to be another way to save the historic theater without sacrificing the integrity of our city's historic architecture and scale.

Please oppose the mega-plex and parking garage.

Deirdre McCartney
920 Willow St.
Alameda, CA

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rom: Michael Schiess <pinhead@ujuju.com>
To: Doug DeHaan
Date: Thursday - May 26, 2005 10:07 AM
Subject: Megaplex Plans

Dear Council member de Haan,

I have become increasingly concerned about the plans for the Park St. Alameda Theater renovation and parking structure. I have lived in Alameda for 20 years and was excited when I heard Alan Michan was interested in renovating it. Alan has a great track record with restoring and reviving old theaters, it is something he truly cares about, and he is an Alameda resident. I watched the papers for years as I saw the deal go back and forth and then to my dismay, vaporize and a complete stranger and big corporation was suddenly given the go ahead on a Multiplex with a parking garage. Then last week I find out that the city doesn't even own the building and after a meager $1.5 million offer was refused, Alameda's favorite big stick, eminent domain is being

wielded. What is going on here? This isn't the Alameda I know. I don't understand why we can't take this one step at a time. Instead of building a multi screen complex and parking garage, how about restoring the Alameda to a 3 screen, provide an expanded parking lot after removing Video Maniacs and see how that works. If a bigger venue is needed, we'll know, but to jump headfirst into an extremely risky venture with taxpayers money and no public vote on it is irresponsible government at best! Why not give Alan another shot at it? He lives here, he cares, and I believe the main obstacle, the non-competition clause with the South Shore Cinema was taken care of with their demise. Another thing to consider is the changing technology. Will we even have movies or theaters as we know them in 10 years? It's possible that the industry may start direct pay to view to homes and bypass theaters completely. Then, only theaters with history and charm will be viable, not strip mall cinemas without character. I implore you and the City Council to please reconsider this project. Thank you for your time.
Sincerely,
Michael Schiess
1029 Central Ave.
Alameda, CA 94501-2305

Michael Schiess Lucky Ju Ju Pinball/Art Gallery Alameda, CA

To: fmatarrese@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us,
tdaysog@ci.alameda.ca.us,
bjohnson@ci.alameda.ca.us,
mgilmore@ci.alameda.ca.us
From: Michele Kuttner <mkuttner@alamedanet.net>
Subject: cineplex and parking garage should be a go
Date: Sun, 17 Jul 2005 11:07:17 -0700

Dear Mayor Johnson and City Council members,

I realize that you are hearing a lot of opposition to the proposed development and renovation of the Alameda Movie Theater.
I am not part of that group.
Although, I am a bit concerned that the proposed development is of such a large scale, I still want to see this project happen.
I do not believe that a multi-screen movie theater and adjacent parking garage will ruin the atmosphere of the Park St downtown area. I believe it will enhance it.
The building which houses Video Maniacs and the surrounding parking lot are not a sight I will miss. I also find it increasingly more difficult to find parking around Park St.

My family and I have lived right near Park St for ten years in August.

We have always wished for the Alameda Theater to be a first run movie theater again and will be very disappointed if the deal falls through. I believe that you, our mayor, and the members of our city council would not rush into this project unwisely. On the contrary, it is obvious that a lot of time and effort has gone into making this deal a reality. I support the project and your efforts to keep it going.

I believe that if this deal is in danger of falling through, then you should make this known to the public. I know many, many people who share my opinion and would speak up in opposition of those who oppose the cineplex. We're also the ones who will constantly frequent a new theater.

Sincerely,

Michele Kuttner
Alameda home-owner and teacher

Cc: Don Roberts <donroberts@alamedadailynews.com>,
Tony Daysog <tdaysog@ci.alameda.ca.us>,
Marie Gilmore <mgilmore@ci.alameda.ca.us>,
Frank Matarrese <fmatarrese@ci.alameda.ca.us>,
ddehaan@ci.alameda.ca.us
From: Monika Slay Pitchford <monika@m2post.com>
Subject: Alameda Theater
Date: Mon, 6 Jun 2005 22:01:01 -0700
To: bjohnson@ci.alameda.ca.us

Dear Mayor and City Council Members,

I was inspired to write to you after reading Ani Dimusheva's letter published on the Alameda Daily News website (http://www.alamedadailynews.com/) regarding the proposed Alameda theater and parking structure. I wrote to the planning board about the theater in December 2004, but Ani's letter has caused me to reiterate my opinion. I understand the time for public comment may have passed, but I hope you will still take my concerns into consideration.

I am opposed to the planned multiplex and parking structure. Based on an informal poll of about a dozen neighbors, fellow ferry riders, and friends, (all Alameda property owners), I can honestly say I do not know one person who supports it. We all share the concern that twenty-five million dollars is too much money for the city to spend on such a project, and we do not want a multiplex theater in Alameda. Additionally, most people who I talk to about the project were not aware of it until recently. I am concerned that the required public notification was not made successfully.

I appreciate our city official's desire to improve the business districts of Alameda, and I applaud the work being done to spruce up the streets and sidewalks on Park Street and Webster Street. I would strongly support the restoration of the original Alameda Theater, however a multiplex and the parking structure now proposed are not compatible with the small-town feel of Alameda that we know and love.

Theaters like Piedmont Theater, The Parkway Theater and Grand Lake Theater in Oakland, as well as The Castro Theater in San Francisco, are examples of successful small theaters that have become destination points because of their age and style, as well as the culture that has developed around them through their thoughtful movie selection. Alameda should strive for something similar.

Although I can understand the urge to try to solve Park Street parking deficits with one structure, I believe that would be a strategic and aesthetic mistake. Not only would one large parking structure be a terrible eyesore and a blight on our historic business district, but it is a mistake to consolidate all parking in one area. The shadow cast by the parking structure on to the Nazarene Church will be as depressing as the huge cement face of the structure that will dominate the view from City Hall and the High School. The traffic on Oak street will become intolerable, and by consolidating parking at Oak and Central, pedestrian ambling will be discouraged. Alameda deserves better than this.

People come to Alameda to get a taste of the past, and to admire the historic charm of our streets and buildings. We should capitalize on these characteristics. We need more small boutique shops, and more two to three story Victorian and Craftsman styled storefronts in keeping with the existing buildings. "Big-box" commercial buildings will do nothing but erode what makes Alameda precious.

Please reconsider this project.

Thank you for your time.

Monika Slay
1835 Nason Street
Alameda, 94501
510-814-7394
From: mike curtis <mt_curtis@yahoo.com>
Subject: vote no on cineplex
To: ddehaan@ci.alameda.ca.us

Dear Mr. de Haan:
I am writing to urge you to vote no on the proposed plan to "rehabilitate" the Historic Alameda Theater. The project as currently planned neither restores the theater to its historic look, nor does it provide any real benefits for Alamedans. I oppose it for the following reasons:

the megaplex and parking structure is way too large for the site, dwarfing the surrounding buildings, especially the theater;

it is doubtful that the megaplex would be economically viable. In addition to the fact that Alameda does not have the population to support such a

venture, cinema attendance in general is declining, and probably will continue to do so in the future;

there is no need for parking in the area at this time. As a nine year resident of Park St, I can say with confidence that ample parking is available on the streets and surrounding lots for everything that goes on in the district. There was a report to the Planning commission a few years ago the spelled this out. If a lot is to be built, it should be a three-level garage with one level underground, keeping in scale with the area.

the city has proceeded with a bad plan in spite of warning signs. The 80 or so entities that passed on the proposal should have given the planners a clue- this project is a bad one. The developer who has signed on has no real experience here, and is not really accountable should it fail. That leaves the Alameda tax payer holding the tab;

the plan may be what Park Street Business Association wants, but it does not serve the greater good of Alamedans. It is highly doubtful that the project will draw the kind of attendance to significantly impact the Park St district. The flaws on Park St have more to do with the quality of the stores there and the unpleasant ambiance, than lack of parking.

I recommend scrapping the current plan, rehabbing the theater first as a cultural center where music, film, dance and theater could all perform, then if necessary, proceed with a parking structure. Let's go sensibly and build something that is both useful to all Alamedans and something we can all be proud of.

Thank you for reading, and please vote NO on the megaplex plan.

Mike Curtis
991 Park St
Alameda
523 3462

Date: Tue, 21 Jun 2005 09:57:53 -0700 (PDT)
From: Natalie Sullivan <nataliegsullivan@yahoo.com>
Subject: Request for Cineplex and Garage Project on Council Agenda
To: bjohnson@ci.alameda.ca.us, tdaysog@ci.alameda.ca.us, ddehaan@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us, fmatarrese@ci.alameda.ca.us

Dear Mayor/City Council:

As a concerned citizen of the City of Alameda, I respectfully request that the issue of the proposed cineplex/parking garage be placed on the agenda for the next regular meeting of the City Council.

Many citizens are opposed to this project as it exists currently and would like to have an open-minded discussion of possible alternatives before any more City resources are spent developing the current plan.

I trust that you will want to make sure that citizens' concerns are given an opportunity to be heard, and will therefore take this request into consideration.

Thank you,

Natalie Sullivan

Date: Mon, 6 Jun 2005 21:00:57 -0700 (PDT)
From: Natalie Sullivan <nataliegsullivan@yahoo.com>
Subject: Alameda Theater
To: bjohnson@ci.alameda.ca.us, tdaysog@ci.alameda.ca.us, ddehaan@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us, fmatarrese@ci.alameda.ca.us

Mayor and City Council,

I urge all of you to reconsider the decision to use our tax dollars to help a developer make money, while destroying what makes Alameda a quaint city.

The idea of building a megaplex and parking structure that will be the tallest buidling in the area is absurd. I cannot imagine how this can even be considered a viable option for our city.

I am sure that the Alameda Theater could be renovated for less than $30 million and we would end up with a grand three screen building that would be more than sufficient for the city's movie goers.

I think first we should be interested in drawing residents of our island to the Park Street area before people from other cities.

Please help us not only save our theater but save our city.

Thank you for your time and consideration in this vital matter.

Natalie Sullivan
Homeowner & Taxpayer

From: "Olli Blackburn" <Olli.Blackburn@borland.com>
To: Beverly Johnson, Doug DeHaan, Marie Gilmore, Frank Matarrese, Tony Daysog
Date: Friday - May 27, 2005 10:33 AM
Subject: Alameda Theater redevelopment - Please APPROVE it

I've just received a petition from "Citizens For A Megaplex-Free Alameda" asking me to sign a petition to stop development of the "megaplex". I do not support the effort to derail this vital project that's already been much delayed. We need to MOVE FORWARD with restoring the old theater and developing a viable destination that is key to the revitalization of downtown Alameda. I do not believe we do not need to halt the project and engage in a "city-wide forum".

I urge you to please continue with the current plans that hopefully lead to the cinema opening within 2 years.

Olli Blackburn
343 Sweet Road
Alameda

From: <P94501@aol.com>
To: Doug DeHaan
Date: Saturday - May 28, 2005 12:46 PM
Subject: mega plex

Hello,
I am a concerned park street merchant. I really think you need to re- examine the ideal of a mega plex at the old central theater. The building of a 25 million dollar theater and parking garage to a historical downtown. The movie industry is changing very fast. Soon the big production companies will releasing their blockbuster movies on DVD the same day it hit the theaters. Taking away from walk in theater patrons. Releasing the movies to DVD the same day is the way of the movie industry to battle movie piracy .I would hate to see a theater being built for that price in a historical building and if it fail for the wasted money a destruction of a historical building. If the project fails what other business will go there? Are you willing to waste that much for an ever fast pace changing industry?
I would like to suggest building it on the old Blanding shopping center site. There area is leveled and parking, traffic, destruction of a building is not that big of a concern. I am sure
a theater would love that spot, it is close to freeway, you can build a parking garage ,and not destroy a piece of alameda history and waste millions of tax payers money. When it could be going to better projects.

Thanks
Patti Tsang
From: "Patia Dial" patia@dialinv.com

To: <ddehaan@ci.alameda.ca.us>
Subject: Theater in Alameda? YES!
Date: Mon, 18 Jul 2005 12:53:55 -0700

The Dial family cannot WAIT for a theater in Alameda. Our city desperately needs activities for families and teens. Thank you for your consideration.

Patia Dial
patia@dialinv.com

Dial Investigations
875-A Island Drive, #145
Alameda, CA 94502
510.522.3374
510.337.0459 FAX

Date: Tue, 07 Jun 2005 11:36:45 -0700

Phone Call:

Sharon Fare called to let you all know that she's in complete support of the theater/ciniplex project. She thinks it's exactly what Alameda needs.

Nancy Gordon also called re: the theater. She wanted to let you know that she's opposed to the project and, in addition, is opposed to letting the Central Cinema stay open. She can be reached at 521-0364 for further comment.

–

From: Pat M Gannon <pmgannon@juno.com>

Honorable Beverly Johnson
Mayor, City of Alameda
Alameda City Council
Santa Clara at Oak Streets
Alameda, CA 94501

Dear Mayor Johnson and City Council:

I am writing to express my growing concern regarding the proposed 7-screen megaplex. There have been numerous articles in the newspaper in recent weeks regarding the continuing decline of movie patrons, due to increasing costs and decreasing quality movies. I seriously doubt that Alameda can support a 7-screen theatre; this project could become a white elephant for which taxpayers would have to foot the bill. I also understand that the City is putting in the major costs of the project.

I am also concerned about the size of the project. From pictures I have seen it totally overwhelms the corner of Oak and Central and does not fit in with downtown Alameda's character. I also understand that the theatre itself will not be restored, which is what Alamedans want, but the lobby will be cosmetically renovated only to serve as an entrance to the

megaplex.

I am informed that Mark Haskett, the owner of Central Cinema, has put an offer on the table to partially fund and operated three screens in the Historic building. I strongly urge that the City delay the current project to at least explore this possibility. I believe that Council Members Tony Daysog and Doug DeHaan have asked for a new look at the economic feasibility of the theater as well as a new marketing study (the last one was done in 1997 - eight years ago.) I strongly urge the City to table this project until both these steps are taken and to explore all options.

The City already is facing a serious budget shortfall. Please don't increase it by proceeding with this ill-advised project.

Thank you.
Sincerely,

Patricia M. Gannon
1019 Tobago Lane
Alameda, CA 94502

From: PPBIGBIRD@aol.com

Date: Thu, 16 Jun 2005 23:48:25 EDT
Subject: Message from an Alamedan
To: bjohnson@ci.alameda.ca.us, fmatarrese@ci.alameda.ca.us,
mgilmore@ci.alameda.ca.us, tdaysog@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us, manager@ci.alameda.ca.us
CC: donroberts@alamedadailynews.com

I have lived in Alameda a long time, spent a lot of money restoring a couple of Victorian houses, one twice because of fire. I didn't do this just because I wanted to, <u>but also because it was the right thing to do for Alameda</u>.

Building a huge ugly multiplex in the middle of a Historic area is not right for Alameda.

Wasting our money on a white elephant with already outmoded technology when movie producers are making more money on DVD sales than in theater sales of movies, and probably will continue to do so, is not right for Alameda.

Please don't build this eyesore which we will hate for years. It is <u>not</u> the right thing to do for Alameda.
Thank you.

Sincerely,

Pat Payne

Cc: tdaysog@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us, ddehaan@ci.alameda.ca.us
From: paula rainey <prainey@mac.com>
Subject:
Date: Tue, 14 Jun 2005 23:15:56 -0700
To: bjohnson@ci.alameda.ca.us

dear mayor johnson:

i am writing to urge you to go back to the drawing board with the alameda cineplex, parking garage and old theater restoration plan. the plan that has been proposed is not right for our community. it is too big, too big, too big. and i should add, there is no character in the design that we has seen thus far. the massive proposed structure will dwarf neighboring buildings, and with essentially only the facade of the original theater retained, the beauty of the historic building will be lost.

some people have stated that a megaplex has at least 17 screens. but in my opinion, for a town the size of alameda with no freeway frontage, the proposed project is a megaplex

it is time to discard this megaplex/6 level garage proposal and return to the vision of restoring the historic theater and building a parking lot with with a larger footprint. that parking garage might even have a public garden on the top with outdoor stage and community gathering space, lending itself to a real community "building" activities.

please halt this plan now and go forward with an alternative.

sincerely,
paula m rainey
556 palace court
alameda 94501
522-8005

---

cc: city council members

From: "Robb Ratto" <parkstreetrobb@alamedanet.net>
To: "Tony Daysog" <tdaysog@aol.com>,
"Bev Johnson" <bjohnson@ci.alameda.ca.us>,
"Doug Dehaan" <ddehaan@ci.alameda.ca.us>,
"Frank Matarrese" <fmatarre@ci.alameda.ca.us>,
"Marie Gilmore" <MGilmore@ci.alameda.ca.us>Subject: The Latest Rumor
Date: Wed, 20 Jul 2005 00:46:23 -0700

Hi Folks,

And you all wonder why I stick around until the bitter end.

Forget the parcel tax. The latest rumor is the evil dark lord of the sith, Darth Ratto, will go door to door in the sleepy little hamlet of Alamedatowne and spirit away every first born child in the sleepy little hamlet of Alamedatowne to toil away in the bowels of the 59 screen godzillaplex making "we support the new Target store" signs in the sleepy little hamlet of Alamedatowne. Wait a minute; is that the latest rumor or the story line from Star Wars Episode VI? I always get confused about that. Especially at 12:44 a.m. I gotta get a life.

Best Regards,
Robb

From: Vivian MORAN
To: Tony Daysog, Doug DeHaan, Frank Matarrese, Marie Gilmore
Date: Thursday - June 2, 2005 4:00 PM
Subject: Phone Message

Sheila Melberger, of 452 Lincoln, Alameda, phoned today. She wishes to advise each of you that she and her husband, Jon Michels, are opposed to the present plans for Alameda Theater. They would prefer a 3-plex, at most.

Sheila is involved with a Board of Directors group in Concord, CA, working with their Sister City in Japan. She would like to relate her thoughts about the type parking garage she has seen in Japan, which might well suit Alameda.

Date June 20, 2005

Office of The Mayor and City Council
Alameda City Hall
2263 Santa Clara Avenue
Alameda, CA 94501

Re: Request for Cineplex and Garage Project on Council Agenda

Dear Mayor/City Council:

As a concerned citizen of the City of Alameda, I respectfully request that the issue of the proposed cineplex/parking garage be placed on the agenda for the next regular meeting of the City Council.

Many citizens are opposed to this project as it exists currently and would like to have an open-minded discussion of possible alternatives before any more City resources are spent developing the current plan.

I trust that you will want to make sure that citizens' concerns are given an opportunity to be heard, and will therefore take this request into consideration.

Thank you.

Sincerely,

Sheila Milberger
452 Lincoln Ave
Alameda, Ca

From: "sheryl michels" <smichels@cpllabs.com>
To: <ddehaan@ci.alameda.ca.us>
Subject: megaplex
Date: Mon, 20 Jun 2005 09:18:07 -0400

Date June 20, 2005

Office of The Mayor and City Council
Alameda City Hall
2263 Santa Clara Avenue
Alameda, CA 94501

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Thank you.

Sincerely,

Jon Michels
448 Lincoln Ave
Alameda, Ca

From: "SUE GALLAGHER" <suevee1010@msn.com>
To: <bjohnson@ci.alameda.ca.us>
Cc: <m.gilmore@ci.alameda.ca.us>,
<tdaysog@ci.alameda.ca.us>,
<ddehaan@ci.alameda.ca.us>,
<fmatarrese@ci.alameda.ca.us>
Subject: megaplex and garage
Date: Tue, 7 Jun 2005 10:34:18 -0700

I want to add my voice against the current plans for the oversized movie theater complex and garage. Many eloquent, logical and intelligent letters have been published in the Alameda Journal and the Alameda Sun and a petiton online has been collecting signatures. (Did you think about the number of tickets that need to be sold??) I strongly support those views. I hope that all of you pay attention to the points made, and make some changes in the plans to better reflect reality here in Alameda. It is not too late to correct those plans and make our downtown (and our elected officials!) one we can all support and be proud of! Please be thoughtful about this and have the wisdom to scale down!
Thank you Sue Gallagher

Date: Mon, 13 Jun 2005 14:05:10 -0700
From: Suzanne Lindsey <suzlindsey@earthlink.net>

To: bjohnson@ci.alameda.ca.us, tdaysog@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us
Subject: Our theater distric and Petalumas

Hello,
I was passing through Petaluma this morning and remembered the articles
re: the new Petaluma theater. I stopped and took these photos.
To me, the whole project is in scale and compliments the existing
buildings. Their parking structure is maybe 40 feet high (4 stories)
Just an FYI,
Suzanne Lindsey
P.S. BTW, the only place I could find a drawing of the proposed cineplex
is on http://medastyle.com/2005/06/04/multiplex_a_sineplex.html
--
510-219-8977 Cell
www.GallagherAndLindsey.com

From: "Stephan, Laria, Nicholas Pippen" <threepippens@earthlink.net>
To: <bjohnson@ci.alameda.ca.us>,
<tdaysog@ci.alameda.ca.us>,
<ddehaan@ci.alameda.ca.us>,
<mgilmore@ci.alameda.ca.us>,
<fmatarrese@ci.alameda.ca.us>
Subject: Alameda Theater
Date: Fri, 15 Jul 2005 10:40:36 -0700

Dear Honorable Mayor, Vice-Major and Councilmembers of Alameda:

Three years ago my son (4), husband (38) and I (36) moved to Alameda from Los Angeles. Originally from Berkeley, I never visited Alameda until my move from So. California. On our first visit, Stephan and I knew right away that we wanted to live Alameda. As I told our friends and family about the virtues of Alameda, I always bragged about the small-town feel, the nice people, the fact that there were no "big box" stores and very few fast food chains. I could go on and on about the merits of living in Alameda, but I know you are familiar with them. What I would like to convey is that our city is unique in many ways. We

value independent businesses, an I.O.U. at the local hardware store (this actually happened to me and made Alameda win my heart), a community where business owners know your name and that you're a frequent customer. How far away from this model does the council intend to take our city? Are we headed away from uniqueness, small-town, and personal service? Are we headed toward being another Walnut Creek or Corte Madera?

I was the Development Director at the West Hollywood Chamber of Commerce for several years and worked closely with the city's development department, the business and residential communities. I understand that growth and change are important for a community to sustain itself. I understand the depth to which projects must be studied, particularly as they relate to the city's budget and prospect for tax profit. I think, however, that it is important to step away from the number crunching and to look at the "culture" of *our* community. Let's face it, building a 6-level parking structure is not a benefit for *our* community, it's for people from other communities. Yes, I get it – they come here to Alameda and spend money and that's good for Alamedians. But is it really? I don't think so. I don't think the pay off is worth transforming our city into something that its residents do not want it to be. We like the feeling of being small. We like to walk and ride our bikes to Park St. and around town. We don't need a mega-parking structure. And why 7 screens? Sometimes I go to the mega-plexes in Emeryville and see many more empty seats than taken seats in one screening room; what a waste.

I am very excited about the prospect of the theater being revitalized, but not to the tune of 7 screens. It seems so unnecessary. Again, I understand that there are economic issues here. But, please, trust your instincts for a moment. Remember why you live in Alameda and love it so. We have a number of development projects including Southshore, Gateway and Webster St. that are going to be very successful and bring significant revenue to the city. If you do not respect the "feel" of Alameda, potential new residents and home buyers will be turned off - and there goes a big chunk of change for the city.

Thank you, in advance, for taking the time to read my letter and consider my opinion.

Respectfully,

Laria Pippen
3030 Fernside Blvd.

From: <tom-billings@the-view-less-seen.com>
To: Doug DeHaan
Date: Tuesday - May 31, 2005 12:11 PM
Subject: Alameda Theatre belongs to the past, not the future

Before spending any more taxpayer dollars on the Alameda Theatre reincarnation project, the Alameda City Council needs to have serious second thoughts. It's now very clear movie theatres, especially multiplexes, are the wave of the past and within a few short years will go the way of the dodo bird and the buggy whip. We might devoutly wish this were not true, but it really is true, and the Alameda Theatre project portends a world-class white elephant.

The following article from the New York Times of May 27 articulates obvious reality in compelling terms. The handwriting is on the wall, loud and clear.

Tom Billings

1607 High Street
Alameda, CA 94501
tom-billings@the-view-less-seen.com

The New York Times, May 27, 2005
MOVIEGOERS ARE STAYING HOME WITH POPCORN, DVDS, AND TIVO.
By LAURA M. HOLSON

LOS ANGELES, May 26 - Matthew Khalil goes to the movies about once a month, down from five or six times just a few years ago. Khalil, a senior at the University of California, Los Angeles, prefers instead to watch old movies and canceled television shows on DVD.

He also spends about 10 hours a week with friends playing the video game Halo 2. And he has to study, which means hours on the Internet and reading at least a book a week.

"If I want to watch a movie I can just rent it on DVD," he said. "I want to do things that conform to my time frame, not someone else's."

Like Khalil, many Americans are changing how they watch movies - especially young people, the most avid moviegoers. For 13 weekends in a row, box-office receipts have been down compared with a year ago, despite the blockbuster opening of the final "Star Wars" movie. And movie executives are unsure whether the trend will end over the important Memorial Day weekend that officially begins the summer season.

Meanwhile, sales of DVDs and other types of new media continue to surge.

With box-office attendance sliding, so far, for the third consecutive year, many in the industry are starting to ask whether the slump is just part of a cyclical swing driven mostly by a crop of weak movies or whether it reflects a much bigger change in the way Americans look to be entertained - a change that will pose serious new challenges to Hollywood.

Studios have made more on DVD sales and licensing products than on theatrical releases for some time. Now, technologies like TiVo and video-on-demand are keeping even more people at home, as are advanced home entertainment centers, with their high-definition television images on large flat screens and multi-channel sound systems.

"It is much more chilling if there is a cultural shift in people staying away from movies," said Paul Dergarabedian, president of the Exhibitor Relations Company, a box-office tracking firm. "Quality is a fixable problem."

But even if the quality of movies can be improved, Mr. Dergarabedian said, the fundamental problem is that "today's audience is a much tougher crowd to excite. They have so many entertainment options and they have gotten used to getting everything on demand."

Last year Americans spent an average of 78 hours watching videos and DVDs, a 53 percent increase since 2000, according to a study by the Motion Picture Association of America, the film industry's trade group. DVD sales and rentals soared 676.5 percent during the same period, and 60 percent of all homes with a television set now also have a DVD player. DVD sales and rentals alone were about $21 billion, according to the Digital Entertainment Group.

Discs are now released just four months after a film's debut, and the barrage of advertising that

accompanies the opening in movie theaters serves ultimately as a marketing campaign for the DVD, where the studios tend to make most of their profits.

By contrast, movie attendance has increased 8.1 percent from 2000 to 2004, according to the association. Many in the movie industry point to that figure as a sign of overall health. But attendance was down in three of those five years, and the sharp increase in attendance in 2002 is attributed to the overwhelming success of "Spider-Man" and "Star Wars: Attack of the Clones."
More recently, the number of moviegoers has dropped, sliding 4 percent in 2003, 2 percent in 2004 and 8 percent so far in 2005.

Time spent on the Internet has soared 76.6 percent and video game playing has increased 20.3 percent, according to the association. Last year, consumers bought $6.2 billion worth of video game software, an increase of 8 percent from 2003, according to the NPD Group, which tracks video game sales.

This does not mean that the $9.5 billion theatrical movie business is near its last gasp. It still plays a crucial role for the studios in generating excitement. But movie makers recognize they have to be more on their toes if they want to recapture their core audience.

"There are a lot of distractions," said Jerry Bruckheimer, who produced the "Pirates of the Caribbean" in 2003 as well as the successful "CSI" television franchise. "You need to pull them away from their computers. You need to pull them away from their video games."

Consider Matt Cohler, a 28-year-old vice president at Thefacebook.com, a Silicon Valley company that creates Internet student directories on college campuses. Cohler likes movies, but lately, he said, little has grabbed his attention.

He liked the new "Star Wars" and a documentary about the collapse of Enron. But of the Nicole Kidman-Sean Penn big-budget thriller, "The Interpreter," Mr. Cohler said, "It was only O.K." He has few plans to see anything else this summer, and said he was content to spend his free time online or writing e-mail.

"I feel quite strongly that, with a few exceptions, the quality of movies has been declining the last few years," he said.

Amy Pascal, the chairwoman of Sony Pictures Entertainment's motion picture group, said, "We can give ourselves every excuse for people not showing up - change in population, the demographic, sequels, this and that - but people just want good movies."

She predicted that "Bewitched," a romantic comedy about a producer who unwittingly hires a "real" witch for the lead role in a remake of the television show, would have a broad appeal. "If it was a straight-ahead remake of the show," she said, "we would have been guilty of doing the ordinary."

Jill Nightingale, 37, who works at IGN Entertainment in ad sales, is the type of moviegoer - older, female and important to studios - that "Bewitched" should appeal to. But video games increasingly have taken up time she otherwise might spend watching television or going to the movies. The last two theater showings she said she attended were "Star Wars" and "Sideways," which she viewed in December.

She plays a video game for 30 minutes each night before bed. Two weeks ago, five friends joined her at her San Francisco condo to drink wine and play "Karaoke Revolutions" on her Sony PlayStation, where the would-be American Idols had a competition, belting out everything from Top 40 hits to show tunes.

"Party games are great for dates," she said. "A few years ago I would have been at a bar or at a movie."

But what could well have the greatest impact on theater attendance is the growing interest in digital home entertainment centers, which deliver something much closer to a movie-style experience than conventional television sets.

Brian Goble, 37, a video game entrepreneur, said he had not been to a movie theater in two years, except to see "Star Wars" with his wife and four friends. Instead, he stays at his home in a Seattle suburb, where he has turned the basement into a home theater with a 53-inch high-definition television screen and large surround-sound speakers. He no longer has to deal with parking and jostling crowds, he said, a relief now that he has two children.

" It's really just not as comfortable and fun as being at home," he said. "You can pause, go to the bathroom, deal with a crying kid."

Mr. Goble rarely watches video-on-demand ("The quality is poor," he said.) Instead he has an account with Netflix and orders his movies online. When the Nicholas Cage movie "National Treasure" was released last November, for instance, he added it to his Netflix list so he would be sent a copy when it came out on DVD.

His prime regret about seeing the final installment of "Star Wars" was that he could not watch it at home. "The only reason to go to the theater these days," he said, "is because it is a movie you must see now."
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Date: Sat, 18 Jun 2005 15:41:58 -0700 (PDT)
From: Victoria Ashley <victronix01@yahoo.com>
Subject: Multiplex Issue
To: bjohnson@ci.alameda.ca.us, tdaysog@ci.alameda.ca.us, ddehaan@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us, fmatarrese@ci.alameda.ca.us

Dear Mayor Johnson, Councilmembers and Vice-Mayor Gilmore,

I am writing to express my concerns about the current size of the planned Multiplex Theater. I moved to Alameda last year and thus, did not hear about this project until only recently when it began making headlines.

As someone with a degree in architecture, I am dissapointed that 'development' would take precedence over a desire to conform to the existing context and the genuine charm of the island. As a member of the Green Party County Council of Alameda County, I am concerned to see the outcry of local residents being ignored in some press reports, and hope this is not the case for city officials also.

I was very impressed to see how well Alameda officials

and residents responded to the schools funding issue with a special election. I hope the same can be true for this more divisive and difficult issue.

As a new resident in Alameda, I write to request that the Megaplex issue be placed on the next agenda.

Sincerely,

Victoria Ashley
3014 Encinal Ave.
Alameda, CA 94501

From: Vivian MORAN
To: Tony Daysog, Doug DeHaan, Frank Matarrese
Date: Monday - June 6, 2005 2:26 PM
Subject: Today, June 6th, Virgiinia Darrow phoned to express her feelings and those of her husband, Lee, rega

Today, June 6th, Virgiinia Darrow phoned to express her feelings and those of her husband, Lee, regarding the proposed parking structure and theater for Alameda. The Darrows live at 1621 San Jose. (Virginia has already contacted Mayor Johnson and Marie Gilmore).

They are strongly opposed to a 6-story parking structure on the proposed site — or anywhere in Alameda. They would like to see the Alameda theater restored, but not as a mega-plex.

From: <tom-billings@the-view-less-seen.com>
To: Doug DeHaan
Date: Tuesday - May 31, 2005 12:11 PM
Subject: Alameda Theatre belongs to the past, not the future

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tom-billings@the-view-less-seen.com
510-769-2000

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From: "Katie Dustin" <kdustin@berkeley.edu>
Subject: For the Alameda Theatre Project
To: bjohnson@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us, tdaysog@ci.alameda.ca.us, ddehaan@ci.alameda.ca.us, fmatarrese@ci.alameda.ca.us
X-Mailer: CommuniGate Pro WebUser Interface v.4.2.6
Date: Mon, 25 Jul 2005 12:08:37 -0700
Message-ID: <web-8358677@calmail-be2.berkeley.edu>
MIME-Version: 1.0
Content-Type: text/plain; charset="ISO-8859-1"; format="flowed"
Content-Transfer-Encoding: 8bit

Katherine L Dustin
1144 Fontana Drive
Alameda, CA 94502
July 25, 2005

Mayor, Vice-Mayor and City Councilmembers
Alameda City Hall
2263 Santa Clara Avenue
Alameda, CA 94501

Honorable Mayor, Vice-Mayor, and City Councilmembers:

I believe Alameda is in dire need of a cineplex. Not only will it provide a local place for Alameda residents to see a first-run movie, it will also help boost the downtown economy. Currently, I mostly see movies in Oakland at Jack London Square or the Grand Lake Theatre, often
eating at a nearby restaurant or shopping at a bookstore nearby. I would MUCH rather spend my

dollars in Alameda, and avoid the hassle of driving a distance to a theatre. Currently, I am greatly enjoying Central Cinema, and am glad that you approved the zoning measure allowing it to
continue operations.

This is the first time I have ever written Alameda's elected officials, so you know how important this issue is to me. I am disheartened that after all your hard work, some citizens now want to put a halt to this project. I encourage you to move ahead with the project as quickly as possible.

Sincerely, Katherine Dustin

Date: Tue, 26 Jul 2005 14:52:29 -0700 (PDT)
From: Sandy Keh <kehcat@yahoo.com>
Subject: Multiplex
To: bjohnson@ci.alameda.ca.us, tdaysog@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us

Dear City of Alameda,
Please do not change the Alameda Theater into a Megaplex.
We don't understand why having a bunch of theaters in one
space is a good thing.
Let's just remodel the building and have a couple of
theaters. Thanks

Sandy

Date: Tue, 26 Jul 2005 14:52:29 -0700 (PDT)
From: Sandy Keh <kehcat@yahoo.com>
Subject: Multiplex
To: bjohnson@ci.alameda.ca.us, tdaysog@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us

Dear City of Alameda,
Please do not change the Alameda Theater into a Megaplex.
We don't understand why having a bunch of theaters in one
space is a good thing.
Let's just remodel the building and have a couple of
theaters. Thanks

Sandy

From: Barry <barkwolf@alamedanet.net>
Subject: Go Cineplex!!!
Date: Tue, 26 Jul 2005 15:34:17 -0700

I am totally behind the Cineplex. It's a beautiful building, no taller than the Alameda Theater building, not 1,000 ft. tall like the anti people would like us to believe. I hope that this small, hysterical minority (about 2,000 signers out of 72,400 residents) will not prevent this much needed project from going through. These people are completely irrational and going off the deep end over this! The downtown area is NOT downtown Carmel and you are not building a slaughterhouse in the middle of it. It can only help the downtown area to prosper. I know for a fact that NO developer will waste their time on a 3 screen cinema! Times have changed and these people just don't get it!! I spoke with a friend of mine who manages the California in Berkeley and he confirmed it. Theaters only make 3-6% off of ticket sales and make the rest from snack bar. The really need at least 5 screens to succeed, and 7-12 screens to prosper!

When this is built, people will not only be proudly showing off the Gold Coast neighborhood to their visitors, but the Cineplex as well! Please hang in there and stand tough against this small, but vocal minority!!

Barry Wolfe

From: "bmeyer" <bmeyer_co@mindspring.com>
To: <ddehaan@ci.alameda.ca.us>
Subject: stop the megaplex
Date: Thu, 28 Jul 2005 12:49:57 -0700

Mr. De Haan,

Please vote no when the Megaplex plan comes before the Council in August. This plan is entirely too big for our downtown. I am sure you have heard all the arguments and will hear them again.

Thank you
pat meyer

From: STStorar@aol.com
Date: Mon, 25 Jul 2005 18:54:35 EDT
Subject: From Suzanne T. Storar re: Theater project
To: bjohnson@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us,
tdaysog@ci.alameda.ca.us, fmatarrese@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us

Honorable Mayor, Vice-Mayor and City Councilmembers:

I am writing to strongly request that you reject the appeal of the Planning Board's approval of the Alameda Theater, Cineplex and parking garage project at your Aug. 2 meeting.

I fully support the design and construction of the theater complex, restoration of the historic Alameda Theater and construction of a parking structure to serve the theater complex and shopping district.

You may recognize me as a writer, but I am also a registered professional engineer in California. As such, I am able to look at an architect's rendering and visualize how a building will fill a given space. In my opinion, the cineplex design does not overpower the available space at Oak and Central. In fact, it better complements the buildings parallel to the proposed complex on the north side of Santa Clara Ave. (Luciano's, the Beveled Edge, and others) than the current configuration of Longs Drugs and its parking lot.

In addition, I know that my husband and I would be regular patrons of a local movie theater. Our theater dollars, money for restaurant meals and (yes, I'll admit it) impulse purchases currently are spent in Emeryville, Oakland, Berkeley, Walnut Creek and Union City. And yes, we know about Central Cinema. But we prefer the benefits of the modern moviegoing experience, particularly sloped seating for a full view of the screen ahead.

Finally, this project has not been foisted upon an unknowing public. Every newspaper in Alameda (and that's saying something!) has run countless articles on the Park Street Visioning process, the search for a developer to restore the historic theater, and many details about design and approval processes for both the theater complex and parking structure.

Thank you for your consideration.

Sincerely,
Suzanne T. Storar
418 Ironwood Road
Alameda, CA

From: Emesetiv@aol.com
Date: Mon, 25 Jul 2005 18:00:32 EDT
Subject: (no subject)
To: bjohnson@ci.alameda.ca.us
CC: mgilmore@ci.alameda.ca.us, tdaysog@ci.alameda.ca..us,
ddehaan@ci.alameda.ca.us, fmatarrese@ci.alameda.ca..us

Please add my name to those who oppose your very irresponsible idea of the megaplex and parking garage. I don't wish to repeat the many eloquent words on the subject, let me just say that you are selling out not only us, but all future generations of this lovely city. PLEASE RECONSIDER!!!!!!

Emese Tivadar
1323 Crown Dr.
Alameda, CA 94501

Date: Mon, 25 Jul 2005 14:06:59 -0700 (PDT)
From: Judi Swenson <judi@rocketmail.com>
Subject: MEGAPLEX
To: mgilmore@ci.alameda.ca.us, tdaysog@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us, fmatarrese@ci.alameda.ca.us

Hello,
I am a longtime resident of Alameda, and would like to
express my opposition to the megaplex movie house.

Aesthetically and practically, Alameda does not need such an oversized complex in the heart of the city. Alameda is historically and traditionally a small town, and as such, its charm and present atmosphere of relative tranquility should be preserved. The megaplex proposes to bring services and traffic congestion to a city which does not need this kind of growth. I am surprised that the megaplex project has proceeded because I have heard nothing but negative sentiment from friends and neighbors alike.
Please do not distort the original restoration of Alameda Theater into such a misguided project.

Sincerely,

Judi Swenson
3108 Bayview Drive
Alameda, CA 94501

From: Patricia Linert <linert@yahoo.com>
Subject: New Alameda Theater and Carpark
To: bjohnson@ci.alameda.ca.us, tdaysog@ci.alameda.ca.us, ddehaan@ci.alameda.ca.us, mgilmore@ci.alameda.ca.us, fmatarrase@ci.alameda.ca.us

Dear Honorable Mayor and City Councilmembers,

I have lived in Alameda for 15 years and have seen the many transformations of the now demolished theater.
I would love to see a new theater complex in Alameda. Let's keep some tax dollars! I like to shop and spend money in Alameda. I also enjoy our live theater.
My only comment on the design for the new complex is my disappointment that it cannot look like the old theater. I don't understand the point of an architectural "law" that prohibits the recreation of the beautiful styles of the past.

Thank you for your time and all that you do for our wonderful city.
Best Regards,

Patricia Linert
Landscape Horticulturist and
Stampin' Up Demonstrator

Date: Tue, 19 Jul 2005 09:17:00 -0700

To: "Frank Matarrese" <frank_matarrese@alamedanet.net>,
"Tony Daysog" <tdaysog@aol.com>,

"Beverly Johnson" <BJOHNSON@ci.alameda.ca.us>,
"Doug DeHaan" <DDeHaan@ci.alameda.ca.us>,
"Marie Gilmore" <MGilmore@ci.alameda.ca.us>
Subject: Theatre and South Shore

Connie Corkhill XXXXXXXX called to voice her concern with the theatre, parking structure and Target at South Shore. Stated that a three screen theatre would be sufficient and that she would prefer to see a department store at South Shore instead of a Target.

Lana

Subject: Alameda Theater, cineplex, garage, pro- petition
From: Kevis Brownson <kevis@alamedanet.net>
To: bjohnson@ci.alameda.ca.us,
Tony Daysog <Tdaysog@ci.alameda.ca.us>,
mgilmore@ci.alameda.ca.us,
ddehaan@ci.alameda.ca.us,
fmatarrese@ci.alameda.ca.us

Attached is the pro-petition, so far.

Please read some of the comments; I really think this is how most people feel about the project. I don't think that many of us expected opposition at this late date, when it has been so many years of negotiation, and meetings.
I will be in touch soon,
Very truly yours,
Kevis Brownson

Date: Mon, 01 Aug 2005 09:23:17 -0700
From: Gail Wetzork <gawetzork@alamedanet.net>
To: ddehaan@ci.alameda.ca.us
Subject: Theatre project

I am sending this message to urge you to vote in favor of this project at the August 16 Council Meeting. As you know, the City of Alameda has a very small business tax base. This base needs to be enlarged and I believe the theatre project is a viable economic development tool.
Thank you,
Gail Wetzork

From: "Cheri" <ccorfey@alamedanet.net>
To: Doug DeHaan
Date: Thursday - August 4, 2005 5:05 PM
Subject: Letter in support of the cineplex and parking garage

2937 Lincoln Ave
Alameda, CA 94501

August 4, 2005

Mayor, Vice-Mayor and City Council members
Alameda City Hall
2263 Santa Clara Avenue
Alameda, CA 94501

Honorable Mayor, Vice-Mayor, and City Council members:

Please strongly support the Alameda Theater, Cineplex, and parking garage project at the August 16 City Council meeting by rejecting the appeal of the Planning Board approval decision.

As a parent, it is important to me to have a safe place in town for my children to go to see the latest films. The downtown site is centrally located, is in a primary commercial district, and on several bus routes, making it ideal for those without car transportation to attend the theater.

We have been waiting patiently while negotiations were taking place over several years for this project. Please don't delay any further-let's build this project so it can be up and running in 2006.

Sincerely,

Cheri Corfey

From: <himself@tnbillings.com>
To: Beverly Johnson, Doug DeHaan, Frank Matarrese, Marie Gilmore, Tony Daysog
Date: Friday - July 29, 2005 4:05 PM
Subject: A Better Use for Alameda Theatre

Some Alamedans have raised a legitimate question: why didn't those of us who oppose the Alameda theatre and parking project object earlier? I can't speak for others, but I never dreamed such a misconceived venture could possibly come to fruition.

I support the city's acquisition of the Alameda Theatre building and, in the right context, I would also support construction of an adjacent parking structure. What I oppose is the use of the building for a cinematic megaplex which seems clearly to be not in its highest and best use from any reasonable point of view.

Somoe people have properly chided those who oppose the project as currently conceived for being negative while failing to suggest a better idea. Well, there is a far better idea which I propose and discuss below.

The whole theatre/parking issue, like so many Alameda issues, has been fraught with emotions and short on reasoning and facts. Apparently unreconcilable differences exist among various heartfelt and plausible desires which tend to be supported with passionate rhetoric rather than competent market research and by aesthetic desires rather than realistic economic analysis. But in fact, those apparently unreconcilable differences can be largely reconciled.

Here's the fundamental conundrum: to increase the city's sales tax revenues, the aggregate sales within the city limits must increase. Shifting sales from South Shore to Park Street, for example, won't do the trick. Incremental sales must come from people who neither shop in Alameda now, nor for the most part live here either. But that would mean increased traffic and congestion.

We can't have everything we might desire. Resources are not unlimited. And there's no such thing as a free lunch. We need to remember the adage: if wishes were horses then beggars would ride. It's really hard to have our cake and eat it too, but in this case that might not be impossible.

The theatre/parking project cobbles together diverse objectives in an unfortunately ineffective way: the City's desire for taxes, Park Street's desire for business, movie-goers' desire for convenience, preservationists' desire for nostalgia, and citizens' desire for less rather than more congestion. All are legitimate

desires which ought to be accommodated if economically rational ways can be found to do so. Actually those objectives aren't mutually exclusive, but the theatre/parking project is not the solution.

As a modest investment in competent market research would confirm, the theatre/parking project is not the most economically sound route to any of those objectives. That the project would generate significant funding to help maintain our police, fire department, ambulance service, parks, streets, sidewalks, and other municipal infrastructure and services is at best dubious.

And the assertion declining theatre patronage doesn't portend major dislocation is specious. Yes, movies survived the advent of radio, television, and other new ways for people to spend their time and money, but that was not true of movie theatres. Alameda once had several, all of which failed while movies, themselves, survived by adopting alternative means of distribution. Much the same kind of scenario is destined to play itself out in the years just ahead. Movies will surely continue to survive, but most movie theatres, especially under-utilized megaplexes will not.

This bane of congestion in Alameda largely originated with the misplacement of the South Shore Shopping Center on the wrong side of the island. It should have been located on the North Shore near the Park Street bridge where it would have enjoyed maximum traffic from out of town as well as from Alameda while minimizing congestion. And it would have thereby maximized sales that would have generated maximum sales taxes. Trader Joe's at South Shore exacerbated South Shore's negative impact on congestion while failing to maximize its sales and therefore sales tax potential. A big box store such as Target at South Shore would further compound this error.

The best place to increase traffic, sales, and sales tax revenues with minimum aggravation of congestion is on or near the estuary and on or near any of the bridge or tube accesses to the city. The Bridgeside center or an extension

thereof would be a near optimum location for a Trader Joe's, a Target, and - yes - a movie theatre is there were going to be one anywhere in Alameda.

With Central Cinema and Jack London Square nearby, Alameda's movie theatre needs are already satisfactorily met, and such needs are now increasingly met in other ways. Resurrecting Alameda Theatre might be nice, but it's far from necessary insofar as movie-going is concerned.

Alameda could definitely use a contemporary legitimate community theatre similar to those in Hayward and other surrounding communities. But that wouldn't be a money-maker. As is true almost everywhere, it would require subsidy as an object of civic identity and pride. Kofman auditorium doesn't fill the bill, and there's no way the Alameda Theatre could be made to do so.

To revitalize Park Street, its must somehow be provided with parking equivalent to South Shore's - ample, free, and convenient. Nothing less will do the trick. If the city has $25 million to work with, appropriate parking could be provided for Park Street merchants by using some of it to acquire properties near Park Street from one end of the street to the other and converting them into municipal parking lots. Even if free, a Central structure would lack the essential element of convenience needed by Park Street businesses.

If a viable use can't be found for the Alameda Theatre building itself, it should be demolished after being thoroughly photographed. Like everything else, it won't last forever. But hold on, there is actually a plausible new use for the building that would address many of the objectives surrounding the theatre/parking project, and far more effectively at that.

The Alameda Theatre building could be converted into a gambling casino. As such, it would build Park Street traffic without aggravating congestion elsewhere in the city. It would bring potential customers to Park Street from out of town and, from many related sources, it would fill the city's sales tax coffers to overflowing.

It would also fill the contemplated parking structure to capacity all by itself while self-generating the funding needed to pay for the structure.

This is an entirely serious alternative proposal. It would give Alameda the economic benefits of a casino without the congestion problems that might have accompanied a casino near Oakland Airport (and from which Alameda would have derived no countervailing benefits).

Some might object to a casino on moral grounds, but our state lottery surely laid that issue to rest long ago. And some might argue a casino could attract an "undesirable element," but our police force has done a great job of protecting Alameda from "undesirable elements," and there's no reason to believe a casino would overwhelm that capability.

Tom Billings
1607 High Street
Alameda, CA 94501
himself@tnbillings.com

From: Victoria Ashley <victronix01@yahoo.com>

But more importantly, to me, as an activist, I noticed that these people were self-organizing. Most activists stand around and wait for an organizer to tell them what to do. The Alameda residents I saw took things into their own hands and began to disperse themselves to each corner to spread out the coverage of the message. This is how much it means to them.

As a person in a position to represent Alameda residents, I would imagine this might be important to each of you - as you may be aware already, once people in a community begin to organize, their organized efforts begin to point in a variety of directions, such as political campaigns and any local issue which concerns them. The recent history of San Francisco is a good example. Following the anti-war protests in that city, the Democratic party almost lost its hold on the mayor's seat with the campaign of the Green Party's Matt Gonzalez, who lost by only a few thousand votes, a campaign organized by the same people who organized the anti-war protests.

I encountered only 3 people in an entire morning of flyering who disagreed with our position, and each one had to walk away from the debate because they could not come up with reasonable arguments against the common sense of democratic decision making rather than selling out for profits.

More importantly, however, the majority of the people I spoke with did not know about the Megaplex, but now do. Many were from out of town, visiting relatives or former residents, and asked what they could do. I was surprised and how much concern they showed for a town which they clearly still love, even though they've moved away. We used up every one of our flyers.

I hope you will consider the fact that so many residents in Alameda are willing to spend hours out of their Saturday morning holding signs and handing out flyers because of the Megaplex issue. We all have better things we could be spending our time on, so I'm disappointed to see this issue is so undemocratically being pushed on an unwilling public.

I urge you to represent the people of Alameda, all of the people, not just the businesses.

Sincerely,

Victoria Ashley
3014 Encinal Ave. #2
Alameda, CA 94501

From: Anne LIMA
To: Tony Daysog, Beverly Johnson, Doug DeHaan, Frank Matarrese, Marie Gilmore
Date: Friday - July 29, 2005 4:18 PM
Caller: Mr. Pardee
Company:
Phone: 523-9331

Dear Council,

Mr. Pardee wanted me to give you the following message.

Re: Alameda Theater

Three weeks ago, on ABC World News, there was a segment on theaters which told about declining attendance to theaters. Mr. Pardee's opinion is that we should just build 3 theaters, not 10. If something happens to the theater business, the public in Alameda will be paying the rest of their lives. The person operating the theaters has very little responsibility. The cost factor if the theaters close down will be on the residents of Alameda. We don't have extra money in the City of Alameda. Why are we taking such a chance?

Mr. Pardee said you don't have to call him back unless you want to.

iD	FIRST NAME	LAST NAME	EMAIL	ADDRESS	CITY	STATE	ZIP CODE	COUNTRY	GENDER	AGE	COMMENTS
1	Kevis	Brownson	kevis@alamedanet.net		Alameda	CA	94501		F		
2	katie	linderme	comicsrkool@yahoo.com				94501		F		sounds good to me. it will be nice to have a movie theatre
3	Tyler	Flowerday	tydude1@yahoo.com		Alameda	CA	94501	US	M	1	
4	Melissa	Scott	mjsgirl710@aol.com		Alameda	CA	94501	US	F		
5	Sally	Brownson	webmistress@criesofthecarrots.com				94501		F	1	
6	Kathy	Moehring	KLMoehring@	1808 Nason S	Alameda	CA	94501	US	F	4	
7	Kristine	Carey	kcarey@alam	3116 Central A	Alameda	CA	94501-3144	US	F	5	Don't let the vocal minority rule in Alameda!!
8	Karen	Bey	k.bey@sbcglc	2911 Santa C	Alameda	CA	94501	US	F	5	I sat on the Downtown Visioning Task Force and attended most of the meetings related to the theater. It's sad to see some people choose not to attend meetings and voice their concerns early on in the planning stage and wait to the end to sabotage the hard work and efforts of many who were part of that process. I am completely in favor of moving forward with the project as is. Alameda has gone on far too long without a theater! Thanks for your petition.
9	Len	Palkovic	LMPAL@pacbell.net				94501		F		
10	Lauren	Do	laurendo@gmail.com				94501		F		I support the new movie theater and all other development projects that positively benefit the residents of Alameda.
11	Michael	Fallon	hl1hl2@hotma	8 Vista Road	Alameda	CA	94502	US	M	4	I want my movies in town.
12	Sheryl	Martin-Moe	smartinmoe@comcast.net		Alameda	CA	94502		F		
13	Elizabeth (Bet	Mathieson	emathieson@	1185 Park Av	Alameda	CA	94501	US	F	4	Thank you, Kevis!
14	Michele	Kuttner	mkuttner@ala	2504 Noble	Alameda	CA	94501	US	F	4	
15	Jean	Purvis	lorisunshine@alamedanet.net				94501		F	6	
16	Lori	Payne	lorisunshine@alamedanet.net				94501		F	4	
17	Nichole	Lopez	lorisunshine@alamedanet.net				94501		F	1	
18	Ruby	Bermiester	lorisunshine@alamedanet.net				94501		F		
19	Mary	Kovalitsky	mkovalitsky@	1340 Pearl St	alameda		94501	US	F	5	Let's get it on!
20	Arlene	Saidman	Arlenerae@aol.com			CA	91502		F		multiplex theaters are the only ones economically viable - and Alameda needs one for its businesses and citizens
21	Carmen	Bringas	cbringas@sbc	2222 San Ant	Alameda	CA	94501	US	F	5	
22	Tyler	Sanderson	motaboi18@yahoo.com				94501		F		
23	Richard	Hausman	rhausman@ix	2620 Clay Str	Alameda	CA	94501	US	M	6	
24	Adelle	Treakle	ezmom@yahc	1710 Morelan	Alameda	CA	94501	US	F		I am not sure why the stop the multiplex group is just starting to complain now. This plan has been on the board for quite awhile. I think a compromise of a few less screens would be OK.
25	Audrey	Lord-Hausma	alord@ix.netcom.com		Alameda		94501		F	6	
26	Joseph	DiDonato	didonato@ala	2624 Eagle A	Alameda	CA	94501	US	M	4	
27	John	Rossillon	belairjr@yaho	1107 Court S	Alameda	CA	94501	US	M	4	Why any Alameda citizen would rather have an unused eyesoar other then something fun and usefull is beyond me.
28	Lisa	McLean	ecmclean@al	1171 Park Av	Alameda	CA	94501	US	F	4	
29	Lily	Smith	lil@colin-smith.net		Alameda	CA	94501	US	F		I think that a cineplex in Alameda would be a fabulous idea, as i am quite sure that no one enjoys driving at least 15 minutes in any direction just to see one movie that they could see easily--and probably in walking/biking distance from their homes. Thank you for asking my opinion.

30	john	piziali	jpbullit@alam	313 Taylor av	alameda	CA	94501	M	6 kevis thanks for speaking out on this issue. we need to hear from the silent majority.
31	john	piziali	jpbullit@alam	313 Taylor av	alameda	CA	94501	M	6 kevis thanks for speaking out on this issue. we need to hear from the silent majority.
32	valerie	Ruma	Valerie@inkgraphics.com				94501	F	Your petition is flawed as it only mentions that people who sign the petition are for the renovation of the historic theater. That is the same thing the folks against the megaplex is for. What we are not for is an additional (7 not 6) screen cineplex and accompanying 6 story garage in our historic civic center which does not have the infrastructure to support it. Get with the program if you want to circulate a peition.
33	Maddy	Kuttner	addymay13@alamedanet.net				94501	F	
34	Kari	Thompson	mumsy63@hotmail.com				94502	F	4
35	Lowell	Schneider	lowell@mac.com				94501 US	M	4
36	Noelle	Robbins	Robbins@Ala	2931 Northwo	Alameda	CA	94501 US	F	5 We want a movie theater in downtown Alameda!!!
37	Suzanne	Storar	ststorar@aol.	418 Ironwood	Alameda	CA	94502	F	
38	Andrew	Storar	ststorar@aol.	418 Ironwood	Alameda	CA	94502	M	
39	Marilyn	Bailey	swimflower88@yahoo.com				94501	F	
40	Mary	Avila	m_avila@aviladesign.com				94501	F	5
41	Rose	Leaphart	ro@leaphart.	1210 Union S	Alameda	CA	94501 US	F	5 historic Victorian house (built in 1887)since 1994, as the parent of a US Marine, as an active citizen, as a small business owner in Alameda, as frequent patron of businesses on Park Street and the South Shore Mall, as a member of the Harbor Bay Club, I have been anxiously awaiting the day when Alameda would finally have a movie house. I'm tired of driving to Oakland or San Francisco or Piedmont. I'd prefer to walk to the movies, have a coffee or dinner afterwards in Alameda, and see my long time friends and neighbors doing the same. I'd also like to have a parking lot where I can park my car on those rare occasions when I need to drive my vehicle to the Park Street area: on rainy nights, when my knee is bothering me, when my mother-in-law is in town, when I'm dressed-up and can't walk the eight blocks in heels.Let's make Alameda a community of thriving businesses, a community that brings residents, again and again, to Park Street for a variety of reasons and occasions. Personally I walk to the Park Street area at
42	Tara	Leigh	opera_critique@yahoo.com				94501	F	
43	Van	Hausman	vhausman@c	2017 San Ant	Alameda	CA	94501 US	M	4
44	Barbara	Kahn	barbarakahn@	467 Central A	Alameda	CA	94501 US	F	7 I am not sure that the plan is viable, but there has been ample time for public comment in the past, and as usual, there are a group of people who emerge to oppose any change in anything.
45	Kosty	Oreshkov	oreshkov@yahoo.com			CA	94502 US	M	3 I support Alameda Theater restoration project.
46	John	Abrate	jabrate@earth	29 Brehaut C	Alameda	CA	94502 US	M	5 It's about time we have a movie complex in Alameda. I am glad there is someone willing to create a petition that shows support for the movie theater.
47	Patricia	Grey	trishgrey@yal	1422 Gibbons	Alameda	CA	94501 US	F	5

48	David	Avila	d_avila@avila	1514 Fountair	Alameda	CA	94501	US	M	4
49	Kathryn	Mosher	kathryn.mosh	Biscay bay	Alameda	CA	94502	US	F	5
50	Richard	Mosher	kathryn.mosh	117 Bisacy Ba	Alameda	CA	94502	US	M	5
51	Juanita	Matsuoka	juanmats@ao	1842 Fremont	Alameda	CA	94501	US	F	4
52	Stephen	Gehrett	sgehrett@alai	324 Maitland	Alameda	CA	94502	US	M	5
53	Nancy	Bennett	nanster1nb@	1829A Encina	Alameda	CA	94501	US	F	5
54	Kyleen	Carey	kyleen@alamedanet.net				94501		F	
55	Gordon	Wong	gordonwong@earthlink.net				94501		M	5
56	Lily	Leung	LILYFFLL90@	1106 Bismarc	Alameda	CA	94502-6936	US	F	4
57	Lily	Leung	LILYFFLL90@	1106 Bismarc	Alameda	CA	94502-6936	US	F	4
58	David	Hewitt	dehewitt@ala	3019 Bayo Vi	Alameda	CA	94501	US	M	5
59	michael	kelley	immortalprop	3221 liberty a	Alameda	CA	94501	US	M	1
60	Frank	Matarrese	frank_matarre	2850 Johnsor	Alamneda	CA	94501		M	
61	William	Morrison	bmorrison@a	3115 Bayo Vi	Alameda	AL	94501	US	M	5
62	Lu	Burton	luburton@sbc	2606 Bayview	Alameda	CA	94501	US	F	5
63	Barbara	Kahn	barbarakahn@	467 Central A	Alameda	CA	94501		F	7
64	Gary	Patterson	Gretnoid@Ya	154 10th Stre	San Francisc	CA	94103	US	M	5

I strongly support the City's previously approved resolution to proceed with the development of a new Movie Theater Complex at the corner of Central and Oak Streets in Alameda. Last night after work, my wife and I spent $22 at the Jack London Theater and discussed how nice it would have been to be able to have seen a movie in the city in which we live. When we go to movies in other cities, we typically have dinner and shop before attending the movie and frequently have coffee/snacks afterward. None of our discretionary entertainment dollars are spent with Alameda businesses. I futhermore believe that busy, congested streets and sidewalks are signs of a thriving and successful downtowns. I look forward to fighting traffic and crowds and impatiently trying to find a parking space so that my wife and I can shop, dine and be entertained along the revitalized Park Street shopping/entertainment corridor.

It's time to join the modern world Alameda.

I am signing this petition to support the Alameda Theater and restoration and cineplex.

Please support the Alameda Theater restoration and cineplex.

I am a life long resident of Alameda. The theatre will be a great way to attract more people to the Park Street business district.

why would you want to go to oakland, when you could just walk out of school and go to the movies across the street. think about it people pay off some of the debt in this town

This project will be great for Alameda - we'll be able to enjoy a movie and have a coffee or ice cream (Tuckers, of course) all in town. We've seen how Park Street is becoming the place where Alamedans meet in a "small town" atmosphere and this project will add another quality venue to the downtown.

The people who are against the theater complex are in the employ of Oakland interests that wish to suppress the Alameda Economy.

I have lived in Alameda for more than 40 years and every project that proposes to move us forward brings people whose vision is for a community that probably never existed, but for whom any change is unacceptable.

Restore this Motion Picture palace for the Alameda commuity to enjoy. It will strengthen the community.

65	Sylvia	kahn	slykahn@aol.ı	370 Bryant Av	Alameda	CA	94501	US	F	4
66	Daphne	Leonard	daphne.leona	36 Britt Court	Alameda	CA	94502	US	F	
67	Edmund	Leonard	ned_leonard@	36 Britt Court	Alameda	CA	94502	US	M	
68	Camille	Brennan	dhfan@hotma	419 Sheffield	Alameda	CA	94502-6425	US	F	3
69	Sandra	Lehane	sandralehane@yahoo.com				94502		F	
70	Cheri	Corfey	ccorfey@alamedanet.net				94501		F	3
71	Lynn	Hutchins	lynn.hutchins(	33 Shannon C	Alameda	CA	94502	US	F	4
72	Beth	Pao	bpao@alamedanet.net				94502	US	F	
73	Olive	Lin	olivefeng@yahoo.com				94502	US	F	
74	Dawn	Milne	milneda@hdco.com				94501	US	F	2
75	Melissa	Verduzco	melissa.verdu	1608 unio st	Alameda	CA	94501	US	F	2
76	laurie	mclachlan fry	lmclachlan@a	50 moss point	alameda	CA	94502	US	F	4
77	Kathleen	Hennigh	khennigh@comcast.net				94502	US	F	3
78	Sheila	Hewitt	s-hewitt@sbc	1587 Pacific A	Alameda	CA	94501	US	F	3
79	David	Campbell	dave.campbel	1 Kofman Cou	Alameda	CA	94502	US	M	4
80	ELLEN	CLETO	ellen@mapro	300 Anderson	Alameda	CA	94502	US	F	4
81	Kelly	Ransil	Kelly@Ransil.	9 Ennis Place	Alameda	CA	94502	US	F	4
82	Sue	Yajko	yajkofamily@	3117 Bayo Vi	Alameda	CA	94501	US	F	4
83	Mary Lee	Shalvoy	marylee@alar	3293 Briggs A	Alameda	CA	94501	US	F	4
84	Kathleen	Starkey	Kathy@exoce	137 Brighton I	Alameda	CA	94502		F	
85	Helen	Simpson	hsimpson@m	307 Capetowı	Alameda	CA	94502		F	3
86	Jan	DeLano	jan@delanoconsulting.com			CA	94501	US	F	
87	Alison	Botts	mrsbbotts@c	3325 COnstar	Alameda	CA	94501	US	F	3
88	Deborah	Gunning	debbiekevin@mac.com				94502		F	3
89	Bill	Botts	b.botts@com	3325 COnstar	Alameda	CA	94501		M	4
90	Sandy	Lothian	sandylothian@aol.com				94501		F	4
91	Pam	Lothian	scottypjl1@aol.com				94501		F	4
92	Carrie	Wasson	windn@alamedanet.net				94502		F	3
93	Lupe	Mariscal	Mariscal@bh	2624 Clay Str	Alameda,	CA	94501		F	
94	Glenn	Yajko	yajkofamily@	3117 Bayo Vi	Alameda	CA	94501	US	M	4
95	Kate	Stiling	kjstiling@alan	2205 San Ant	Alameda	CA	94501	US	F	4
96	Pat	Jacobus	pjacobus8@a	2927 Baywalk	Alameda	CA	94502	US	F	
97	JULIA	ETZEL	jetzel@placer	965 Shorepoi	Alameda	CA	94501		F	3

Alameda needs the revenue and a place for its citizens to enjoy safe evenings out

Our family supports the Alameda Theater project. Please approve this badly needed project.

Everyone would enjoy a nice dinner and a show here, instead of going to Bay Street or Jack London. It would be good for the commerce and people of Alameda. Also, having children, I would love to have them ride their bikes to this theatre.Kelly L. Ransil

Having my pre-teen and teenage kids walk to the movies on a Friday night? SIGN ME UP! Building up Park Street into a fabulous area that makes me want to stay local on a Saturday night instead of hitting Rockridge or San Francisco? Sign me up.Congratulations on working toward building an inviting, exciting Alameda.

I support the theatreplans for Alameda.

Strongly support the restoration of the theater and parking garage!

I am in favor of a cinema in Alameda. I grew up here and have since moved back in order to raise my kids. I remember going to the movies at South Shore and it was always a treat. I would like to take my children to a movie without driving 20 minutes through Oakland. I hope the restortation of the Alameda movie theater continues.

My family and I support the development of the theater complex in Alameda.

98	Alice	Wilson-Fried	tennisgrammy	742 Palmera (	Alameda	CA	94501	US	F	5	
99	Niki	Babor	nbabor@yahoo.com				94502		F	3	
100	Sean	Hugger	fourhuggs@c	2908 Windsor	Alameda	CA	94501	US	M	3	
101	Michael	McLaren	themclarens@	268 Ratto Ro	Alameda	CA	94502	US	M	3	
102	Michael	McLaren	themclarens@	268 Ratto Ro	Alameda	CA	94502	US	M	3	
103	Tomi	Watanabe	TWatanabe@ea.com				94502		F	4	
104	Linda	Winslow	lrepublicano@	40 Clipper Dri	Alameda	CA	94502	US	F	4	This is so needed in Alameda. It will help keep our teens off the freeways and close to home.
105	Sean	Bradshaw	seanbradshaw@aol.com		Alameda	CA	94501		M	3	
106	Eugene	Pak	epak1000@yahoo.com		Alameda	CA	94502	US	M	3	
107	Joni	Mahler	mahlers@alar	1100 Paru St.	Alameda	CA	94501		F	4	
108	Don	Peterson	do@alamedar	1720 Versaille	Alameda	CA	94501	US	M	6	Hurry up PLEASE!!!!!
109	Gene	Li	li101030@sbcglobal.net				94502		F		
110	Tian	Liang	tianliang@sbcglobal.net				94502		F		
111	Ke	Ruan	li101030@sbcglobal.net				94502		F		
112	Karen	Riley	racemom365	18071 Knight	Castro Valley	CA	94546	US	F	6	
113	John	Riley	circletrack@c	18071 Knight	Castro Valley	CA	94546	US	M	6	
114	Marilyn	Ashcraft	ashcraft@earthlink.net		Alameda	CA	94501	US	F		
115	Howard	Ashcraft	ashcraft@earthlink.net		Alameda	CA	94501	US	M		

CURRENT APPLICATIONS
CIVIL SERVICE BOARD
ONE (1) VACANCY

Lydia L. Chan

Karen Green

Linda M. McHugh

Michael E. Soderberg

Council Communication # 7-A
8-16-05

CURRENT APPLICATIONS
ECONOMIC DEVELOPMENT COMMISSION
THREE (3) VACANCIES
ONE INCUMBENT ELIGIBLE FOR REAPPOINTMENT

Marilyn Ezzy Ashcraft

Robert A. Bonta

R. Annette Brisco

Michael R. Fassler

Claire Fitzgerald

Jay L. Ingram

Janet W. Iverson

Robert F. Kelly, Incumbent

Carrolyn M. Kubota

Lenard L. Lee

Diane C. Lichtenstein

James A. Price

Valerie Ruma

William C. Russell

Jay J. Seaton

Jay G. Townley

Morris H. Trevithick

Randy K. Watkins

CURRENT APPLICATIONS
GOLF COMMISSION
ONE (1) VACANCY
INCUMBENT ELIGIBLE FOR REAPPOINTMENT

Christopher Brownlee

Susan J. Fornoff

Arthur R. Huntley

Larry W. Jones

Stephen W. Kling

James Mills

Paul D. Mountain

Victor K Quintell

Thomas V. Reilly

Richard B Robison

Anthony M. Santare, Incumbent

Cheryl L. Saxton

Michael Soderberg

Svend Svendsen

William A. Wagner

Paul Weir

CURRENT APPLICATIONS
HISTORICAL ADVISORY BOARD
ONE (1) VACANCY
LANDSCAPE ARCHITECT/ARCHITECT/DESIGN BUILD SEAT

Hanson D. Hom

Janet W. Iverson

Greg J. Klein

CURRENT APPLICATIONS
HOUSING AND BUILDING CODE HEARING AND APPEALS BOARD
ONE (1) VACANCY

Jacob M. Chapman

James A. Price

David A. Solis

CURRENT APPLICATIONS
RECREATION AND PARK COMMISSION
TWO (2) VACANCIES

Kathryn F. Boyle

Michael Cosentino

John F. Curliano

James R. Currier

Lauren R. Eisele

Harry L. Hartman

Lee A. Kaplan

Geoffrey M. Lee

Jessica Lindsey

Scott A. McKay

Lissa V. Merit

Jessica S. Niland

Terri Bertero Ogden

Donald E. Oransky

Cookie Robles-Wong

Rueben Tilos

Gail A. Wetzork

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL JOINT CITY COUNCIL, COMMUNITY IMPROVEMENT COMMISSION, ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY, AND HOUSING AUTHORITY BOARD OF COMMISSIONERS MEETING
TUESDAY - - - AUGUST 2, 2005 - - - 7:05 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:07 p.m.

Roll Call - Present: Councilmembers/Commissioners/Authority/Board Members Daysog, deHaan, Gilmore, Matarrese and Mayor/Chair Johnson - 5.

Absent: None.

(05- CC/05- CIC) Conference with Legal Counsel - Existing Litigation; Name of case: Operation Dignity, Inc. v. City of Alameda, Community Improvement Commission, Alameda Reuse and Development Authority and Housing Authority.

Following the Closed Session, the Special Meeting was reconvened and Mayor/Chair Johnson announced that the Council/Commissioners/ Authority/Board Members obtained briefing and gave direction to the City Attorney/Legal Counsel.

Adjournment

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 7:50 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement Commission

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -AUGUST 2, 2005- -7:27 P.M.

Chair Johnson convened the Special Meeting at 8:03 p.m.

ROLL CALL - Present: Commissioners Daysog, deHaan, Gilmore, Matarrese and Chair Johnson - 5.

Absent: None.

MINUTES

(05-)Minutes of the Special Joint City Council and Community Improvement Commission (CIC) meeting of June 21, 2005; the Special Joint CIC and Alameda Reuse and Redevelopment Authority meeting of June 28, 2005; and the Special Joint City Council and CIC Meeting of July 19, 2005. Approved.

Vice Chair Gilmore moved approval of the minutes.

Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 5. [Note: Commissioner Matarrese abstained from voting on the June 28, 2005 minutes.]

AGENDA ITEM

(05-)Recommendation to approve the amended Contract with Architectural Resources Group, Inc. by increasing the Contract amount an additional $307,414 to provide additional pre-planning and construction administration services for the rehabilitation of the Alameda Theater.

The Development Services Director gave a brief report.

Commissioner deHaan stated that the original November 2003 Contract was for $79,000 and has increased to close to $1 million; inquired whether the Commission was made aware that additional phases would be added.

The Development Services Director responded that the November 2003 Contract was for the beginning phase; the Commission should have been advised that other phases would be added.

Commissioner deHaan inquired whether there would be a bid package within the next month or two, to which the Development Services Director responded in the affirmative.

Commissioner deHaan inquired whether there would be construction administration throughout the project.

The Development Services Director responded in the affirmative; stated that a construction management contract would be presented at the August 16 CIC Meeting.

Commissioner deHaan inquired whether the construction manager would be a contractor.

The Development Services Director responded in the affirmative; stated the construction manager would also manage the parking garage project.

Commissioner deHaan inquired what the (construction management) Contract would cost, to which the Development Services Director responded approximately $1 million.

Commissioner deHaan inquired whether there would be additional oversight, to which the Development Services Director responded not unless a problem arose with the historic property.

Commissioner deHaan inquired whether there was a budget for oversight of architecture and engineering for the parking structure, to which the Development Services Director responded in the affirmative.

Morgan, Citizens for a Megaplex Free Alameda, urged that the Commission continue the matter until after a decision has been rendered on the project.

Commissioner Daysog inquired what services were being provided by Architectural Resources Group, Inc. (ARG) and why another layer of consultants was providing advice.

The Development Services Director responded that construction projects involving the rehabilitation of a historic structure involve changes and modifications; architects are needed to draft up solutions to gray areas.

Commissioner Daysog inquired whether said level of services was always contemplated, to which the Development Services Director responded in the affirmative.

Commissioner Daysog stated that he has a sense of sticker shock with the increased amount of the Contract; that he understands that there is a level of complexity in dealing with a historic structure.

The Development Services Director stated that the construction administration cost is well within industry standards.

Commissioner Daysog stated that the project should move forward; expert advice is needed because of the project's historic nature.

Commissioner Matarrese inquired whether ARG would provide services for the theatre and not the parking structure, to which the Development Services Director responded in the affirmative.

Commissioner Matarrese stated that expert restoration and preservation advice is needed when restoring and rehabilitating an old building.

Commissioner deHaan inquired whether the Contract would have any impact on the Cineplex, to which the Development Services Director responded in the negative.

Commissioner deHaan inquired whether there were extraordinary circumstances involving the Heating, Ventilation and Air Conditioning (HVAC) system.

The Development Services Director responded in the affirmative; stated the original HVAC system exceeded noise levels.

Commissioner deHaan inquired whether construction administration would be initiated when bids are in hand to which the Development Services Director responded in the affirmative.

Commissioner Matarrese moved approval of the staff recommendation.

Commissioner deHaan seconded the motion, which carried unanimous voice vote - 5.

ADJOURNMENT

There being no further business, Chair Johnson adjourned the meeting at 8:23 p.m.

Respectfully Submitted,

Lara Weisiger
Secretary,
Community Improvement Commission

The agenda for this meeting was posted in accordance with the Brown Act.

CITY OF ALAMEDA
Memorandum

To: Honorable Chair and
Members of the Community Improvement Commission

From: Debra Kurita
Executive Director

Date: August 3, 2005

Re: Recommendation to Approve a Contract with Cooper Pugeda Management, Inc./The Allen Group, LLC for Construction Management Services for Rehabilitation of Historic Alameda Theatre Project and the Proposed Civic Center Parking Garage for $1,114,436.

BACKGROUND

The City of Alameda is actively pursuing the revitalization of its "Main Street" districts including the Park Street and Webster Street commercial corridors. As part of these redevelopment efforts, the City has identified funding for the rehabilitation of the historic Alameda Theatre and for the design and construction of a new 350-space parking structure within the Park Street Business District. The historic Alameda Theatre is located at 2317 Central Avenue between Park and Oak Streets and the proposed parking garage will be located at 1416 Oak Street between Central and Santa Clara Avenues, generally on the site behind the existing Video Maniacs store.[1] In addition, the ongoing planning and development of the rehabilitation of the Alameda Theatre and new garage is occurring concurrently and being coordinated with the development of the new cineplex project.

In June, the City solicited proposals from qualified firms to provide construction management services for the design and construction of the Civic Center Parking Garage, and received five complete proposals. Based on review of the proposals, staff interviews, and reference checks, City staff selected the highly qualified construction management team of Cooper Pugeda Management, Inc. (CPM) and The Allen Group, LLC (TAG). The City also selected the CPM/TAG team to provide construction management services for the rehabilitation of the Alameda Theatre, based on their relevant historic renovation experience, the specialized nature of the rehabilitation work of the Alameda Theatre, and the cost savings that could be realized by combining the contracts. City staff believes that if separate contracts were executed for the Theatre and parking garage projects with two different construction management firms, the total cost to the City would exceed the cost of this combined contract. The CPM/TAG Team is able to utilize one full-time construction manager and quality assurance inspector for both projects, whereas separate firms would likely require their own full-time staff.

[1] A portion of the garage will be located on land not currently owned by the City. However, the City approved a Resolution of Necessity to acquire the property by eminent domain on May 17, 2005.

Report 1-B
8-16-05

The cost of the construction management services contract (including contingency) represents approximately 7 percent of the currently estimated hard construction costs for both the rehabilitation of the Theatre and new parking garage. While the industry standard is typically around 5 percent, the CPM/TAG contract includes additional predevelopment services related to the design-build nature of the parking garage project including assistance in preparing outline specifications for the design-build contractors and involvement in ongoing design development. Although these services are not typically included in standard construction management contracts, City staff believes the CPM/TAG team's early involvement in the City's first major design-build project will help the City minimize change orders and cost increases and potentially realize cost saving during the bidding and construction process. Additionally, information processing and potential claims analysis related to the very detailed and specialized work of the rehabilitation of the Theatre requires additional construction management support not typically included in standard contracts.

Lastly, this contract includes a not-to-exceed budget amount that allows the City to realize cost savings if certain construction management services assumed in the current contract are not utilized or not fully utilized during predevelopment and/or construction. Construction management costs, in general, were not included in the original proposed budget for the Alameda Theatre and parking garage projects, and will increase both project budgets accordingly.

CPM/TAG have collaborated on the successful completion of four similar parking structure projects, all of which were completed on schedule and within budget. Currently, they are managing a design-build parking garage for the University of California, San Francisco at Mission Bay. The team's Project Manager, Geoff Neumayr is a licensed Civil and Structural Engineer and has over 20 years experience in the design and construction of parking facilities throughout the Bay Area. Specifically, Mr. Neumayr led the design-build effort for two major parking facilities for BART at their Walnut Creek and Concord Stations, and is the current Project Manager for the UCSF Mission Bay design-build parking structure, in addition to numerous other parking facilities.

CPM also has relevant experience working on historic renovation projects including the $30 million expansion and renovation of the Berkeley Central Library, a nationally registered landmark. In 2002, CPM provided construction management and cost estimating services on the seismic retrofit and expansion of the Library. The historic Library renovation included restoration of the reading room, reference room and children's library. Specific examples of restoration work included the replication of original lanterns and restoration of intricate ceiling stenciling. In addition, the Library was expanded by 50,000 square feet. The Library expansion/renovation was honored with a 2002 Berkeley Architectural Heritage Association (BAHA) Preservation Award. CPM staff members assigned to the Alameda projects were directly involved in the Berkeley Central Library project including Jeffrey Cooper (Principal-in-Charge for Alameda project) and Mark Evans (Quality Assurance Inspector for Alameda project).

DISCUSSION

The CPM/TAG team's proposed contract scope includes the work tasks outlined below for both the rehabilitation of the Alameda Theatre and the design and construction of the parking garage:

- Assist in the review of the design-build performance specifications and negotiation of a design-build contract for the parking garage.
- Assist in the review of plans and specifications for rehabilitation of Alameda Theatre with special attention paid to coordination with parking garage and cineplex projects.
- Be responsible for day-to-day oversight of construction work.
- Maintain all construction records and logs of all construction correspondence. Responsible for timely turn around of project submittals, RFIs, and resolution of field issues.
- Conduct weekly construction coordination meetings including, at minimum, bi-monthly review of the contractors' construction schedule for both projects.
- Provide brief weekly written project status reports to the designated project manager that will be submitted to the City Manager, Development Services Director, Public Works Director and Business Association.
- Provide oversight of the inspection of work, including coordinating and scheduling specialty inspections, to assure compliance with project plans and specifications and all other applicable regulations.
- Review and resolve field conflicts and design change requests with input from City staff as necessary.
- Process the contractors' pay estimates and change order requests and forwards these to the City for payment or appropriate disposition, adhering to Davis Bacon payroll reporting and other regulations, when appropriate.
- Coordinate project close out including punch list work, as-built drawings, and warranties.
- Review and accept project schedule to ensure contractor schedule of activities are within the specified number of working days. Requires revisions to schedule as required to ensure timely project completion.
- Review project budget to help ensure final project will be delivered within authorized budget.

- Keep City apprised of potential issues affecting budget and schedule and provide recommendations for consideration to keep project within budget and on time.

- Coordinate with construction manager for the new cineplex and with the local business community, as necessary.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The contract is for an amount not to exceed $1,114,436. This contract will be funded by the 2003 Merged Area Bond Issue and will not impact the General Fund.

RECOMMENDATION

It is recommended that the CIC approve the contract with Cooper Pugeda Management, Inc./The Allen Group, LLC for $1,114,436 to provide professional construction management services for the rehabilitation of the Alameda Theater and for the design and construction of the Civic Center Parking Garage Project.

Respectfully submitted,

Leslie A. Little
Development Services Director

By: Dorene E. Soto
Manager, Business Development Division

Jennifer Ott
Development Manager

DK/LAL/DES/JO:rv

cc: Jeffrey Cooper, Cooper Pugeda Management, Inc.
Geoff Neumayr, The Allen Group, LLC

Attachment

CONSULTANT AGREEMENT

THIS AGREEMENT, entered into this 16th day of August 2005, by and between COMMUNITY IMPROVEMENT COMMISSION of the CITY OF ALAMEDA, a public body (hereinafter referred to as "CIC"), and Cooper Pugeda Management, Inc. (CPM)/The Allen Group, LLC (TAG), a joint association, whose address is 607 Market Street, 2nd Floor, San Francisco, CA 94105 (hereinafter referred to as "Consultant"), is made with reference to the following:

RECITALS:

A. CIC is a public entity duly organized and validly existing under the laws of the State of California with the power to carry on their business as it is now being conducted under the statutes of the State of California and the Charter of the City.

B. Consultant is specially trained, experienced and competent to perform the special services which will be required by this Agreement; and

C. Consultant possesses the skill, experience, ability, background, certification and knowledge to provide the services described in this Agreement on the terms and conditions described herein.

D. CIC and Consultant desire to enter into an agreement for construction management services upon the terms and conditions herein.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. **TERM**:

The term of this Agreement shall commence on the 16th day of August 2005, and shall terminate on the 31st day of July 2007, unless terminated earlier as set forth herein.

2. **SERVICES TO BE PERFORMED**:

Consultant shall perform each and every service set forth in Exhibit "A" which is attached hereto and incorporated herein by this reference.

3. **COMPENSATION TO CONSULTANT**:

Consultant shall be compensated for services performed pursuant to this Agreement in the amount not to exceed $1,114,436.00 as set forth in Exhibit "B" which is attached hereto and incorporated herein by this reference. Invoices shall be submitted monthly to the CIC and shall include the services and costs provided during the previous month.

4. **TIME IS OF THE ESSENCE/STANDARD OF CARE**:

Consultant and CIC agree that time is of the essence regarding the performance of this Agreement. Consultant agrees to perform all services hereunder in a manner commensurate with the prevailing standards of like professionals in the San Francisco Bay Area and agrees that all services

shall be performed by qualified and experienced personnel who are not employed by the CIC nor have any contractual relationship with CIC other than this Agreement.

5. **INDEPENDENT PARTIES**:

CIC and Consultant intend that the relationship between them created by this Agreement is that of independent contractors. The manner and means of conducting the work are under the control of Consultant, except to the extent they are limited by statute, rule or regulation and the express terms of this Agreement. No civil service status or other right of employment will be acquired by virtue of Consultant's services. None of the benefits provided by CIC to its employees, including but not limited to, unemployment insurance, workers' compensation plans, vacation and sick leave are available from CIC to Consultant, its employees or agents. Deductions shall not be made from any fees due Consultant for any state or federal taxes, FICA payments, PERS payments, or other purposes normally associated with an employer-employee relationship. Payments of the above items, if required, are the responsibility of Consultant.

6. **IMMIGRATION REFORM AND CONTROL ACT (IRCA):**

Consultant assumes any and all responsibility for verifying the identity and employment authorization of all of his/her employees performing work hereunder, pursuant to all applicable IRCA or other federal, or state rules and regulations. Consultant shall indemnify and hold CIC and City harmless from and against any loss, damage, liability, costs or expenses arising from any noncompliance with this provision by Consultant.

7. **NON-DISCRIMINATION:**

Consistent with City's policy that harassment and discrimination are unacceptable employer/employee conduct, Consultant agrees that harassment or discrimination directed toward a job applicant, a CIC or City employee, or a citizen by Consultant or Consultant's employee or subcontractor on the basis of race, religious creed, color, national origin, ancestry, handicap, disability, marital status, pregnancy, sex, age, or sexual orientation will not be tolerated. Consultant agrees that any and all violations of this provision shall constitute a material breach of this Agreement.

Consultant certifies and agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, sex, age, or condition of physical or mental handicap (as defined in 41 C.F.R. Section 60-741, et. seq.), in accordance with the requirement of state or federal law. Consultant shall take affirmative action to ensure that qualified applicants are employed and that employees are treated during employment without regard to race, color, religion, national origin, ancestry, sex, age, or condition of physical or mental handicap in accordance with requirements of state and federal law. Such shall include, but not be limited to, the following:

A. Employment upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation.

B. Selection for training, including interns and apprentices.

Consultant agrees to post in conspicuous places in each of Consultant's facilities providing services hereunder, available and open to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

Consultant shall, in all solicitations or advertisements for employees placed by or on behalf of Consultant, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, sex, age, or condition of physical or mental handicap, in accordance with requirements of state and federal law.

Consultant shall send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice advising the labor union or workers' representative of Consultant's commitments under this paragraph.

Consultant certifies and agrees that it will deal with its subconsultants, bidders, or vendors without regard to race, color, religion, national origin, ancestry, sex, age, or condition of physical or mental handicap, in accordance with requirement of state and federal law.

In accordance with applicable state and federal law, Consultant shall allow duly authorized county, state and federal representatives access to its employment records during regular business hours in order to verify compliance with the anti-discrimination provisions of this paragraph. Consultant shall provide such other information and records as such representatives may require in order to verify compliance with the anti-discrimination provisions of this paragraph.

If the City finds that any of the provisions of this paragraph have been violated, the same shall constitute a material breach of this Agreement upon which City may reasonably determine to cancel, terminate, or suspend this Agreement. City reserves the right to determine independently that the anti-discrimination provisions of this Agreement have been violated. In addition, a determination by the California Fair Employment Practices Commission or the Federal Equal Employment Opportunity Commission that Consultant has violated state and federal anti-discrimination laws shall constitute a finding by City that Consultant has violated the anti-discrimination provisions of this Agreement.

The parties agree that in the event Consultant violates any of the anti-discrimination provisions of this paragraph, City shall be entitled, at its option, to the sum of $500.00 pursuant to California Civil Code Section 1671 as liquidated damages in lieu of canceling, terminating, or suspending this Agreement.

Consultant hereby agrees that it will comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), all requirements imposed by the applicable regulations (45 C.F.R.), and all guidelines and interpretations issued pursuant thereto, to the end that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of Consultant receiving Federal financial assistance. In addition, Consultant shall comply with the Uniform Federal Accessibility Standards, and Consultant, Engineer, or Architect responsible for any design, construction or alteration shall certify compliance with those Standards.

Consultant's attention is directed to laws, including but not limited to:

A. **CIVIL RIGHTS/EQUAL OPPORTUNITY**

(1) Civil Rights Act of 1964. Under Title VII of the Civil Rights Act of 1964, no person shall, on the grounds of race, sex, religion, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(2) Section 109 of the Housing and Community Development Act of 1974. No person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

Section 109 of the Act further provides that any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any program or activity funded in whole or in part with funds made available pursuant to the Act.

B. EMPLOYMENT AND CONTRACTING OPPORTUNITIES

Section 3. The work to be performed under this Agreement is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the area of the Section 3 covered project, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the Section 3 covered project.

The parties to this Agreement will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of the Housing and Urban Development set forth in 24 Part C.F.R. 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

Consultant will send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

Consultant will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 C.F.R. Part 135. Consultant will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 C.F.R. part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

Compliance with the provisions of Section 3 of this Agreement, the regulations set forth in 24 C.F.R. Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Agreement, is a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient, its consultants and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 C.F.R. Part 135.

C. PROGRAM ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

This Agreement is subject to laws and regulations concerning the rights of otherwise qualified individuals with handicaps for equal participation in, and benefit from federally assisted programs and activities, including but not limited to:

(1) Americans with Disabilities Act of 1990 (ADA) (28 C.F.R. 35). Title II, Subpart

A of the Americans with Disabilities Act of 1990 applies to all publicly funded activities and programs. Consultant shall also comply with the public accommodations requirements of Title III of the ADA, as applicable.

(2) Nondiscrimination on the Basis of Handicap (24 CFR 8). These regulations, which implement Section 504 of the Rehabilitation Act of 1973, as amended, and as cited in Section 109 of the Housing and Community Development Act, apply to all federally assisted activities and programs and are implemented through the regulations at 24 C.F.R. 8.

(3) Architectural Barrier Act of 1968. Any building or facility, excluding privately owned residential structures, designed, constructed, or altered with federal funds, shall comply with the Uniform Federal Accessibility Standards, 1984 (41 C.F.R. 3) and the Handicapped Accessibility Requirements of the State of California Title 24. The Consultant, Engineer or Architect responsible for such design, construction or alteration shall certify compliance with the above standards.

(4) In resolving any conflict between the accessibility standards cited in paragraphs (1), (2) and (3) above, the more stringent standard shall apply.

8. **HOLD HARMLESS**:

Consultant shall indemnify, defend and hold harmless CIC, City, its City Council, boards, commissions, officials, employees and volunteers ("Indemnitees") from and against any and all loss, damages, liability, claims, suits, costs and expenses whatsoever, including reasonable attorneys' fees ("Claims"), arising from or in any manner connected to Consultant's negligent act or omission, whether alleged or actual, regarding performance of services or work conducted or performed pursuant to this Agreement. If Claims are filed against Indemnitees which allege negligence on behalf of the Consultant, Consultant shall have no right of reimbursement against Indemnitees for the costs of defense even if negligence is not found on the part of Consultant. However, Consultant shall not be obligated to indemnify Indemnitees from Claims arising from the sole or active negligence or willful misconduct of Indemnitees.

As to Claims for professional liability only, Consultant's obligation to defend Indemnitees (as set forth above) is limited to the extent to which its professional liability insurance policy will provide suchsuch cost and defense.

9. **INSURANCE**:

On or before the commencement of the term of this Agreement, Consultant shall furnish CIC with certificates showing the type, amount, class of operations covered, effective dates and dates of expiration of insurance coverage in compliance with paragraphs 9A, B, C, D and E. Such certificates, which do not limit Consultant's indemnification except as set forth in this Agreement, shall also contain substantially the following statement: "Should any of the above insurance covered by this certificate be canceled or coverage reduced before the expiration date thereof, the insurer affording coverage shall provide thirty (30) days' advance written notice to the CIC by certified mail, Attention: Risk Manager." It is agreed that Consultant shall maintain in force at all times during the performance of this Agreement all appropriate coverage of insurance required by this Agreement with an insurance company that is acceptable to CIC and City and licensed to do insurance business in the State of California. Endorsements naming CIC, City of Alameda, its City Council, boards, commissions, officials, employees and volunteers as additional insured shall be submitted with the insurance certificates.

A. **COVERAGE**:

Consultant shall maintain the following insurance coverage:

(1) **Workers' Compensation**:
Statutory coverage as required by the State of California.

(2) **Liability**:
Commercial general liability coverage in the following minimum limits:

Bodily Injury:	$500,000 each occurrence
	$1,000,000 aggregate - all other
Property Damage:	$100,000 each occurrence
	$250,000 aggregate

If submitted, combined single limit policy with aggregate limits in the amounts of $1,000,000 will be considered equivalent to the required minimum limits shown above.

(3) **Automotive**:
Comprehensive automotive liability coverage in the following minimum limits:

Bodily Injury:	$500,000 each occurrence
Property Damage:	$100,000 each occurrence
or	
Combined Single Limit:	$500,000 each occurrence

(4) **Professional Liability**:
Professional liability insurance which includes coverage for the professional acts, errors and omissions of Consultant in the amount of at least $1,000,000 per claim subject to a $1,000,000 annual aggregate.

B. **SUBROGATION WAIVER:**
Consultant agrees that in the event of loss due to any of the perils for which he/she has agreed to provide comprehensive general and automotive liability insurance, Consultant shall look solely to his/her insurance for recovery. Consultant hereby grants to CIC and City, on behalf of any insurer providing comprehensive general and automotive liability insurance to either Consultant, CIC or City with respect to the services of Consultant herein, a waiver of any right to subrogation which any such insurer of said Consultant may acquire against CIC or City by virtue of the payment of any loss under such insurance.

C. **FAILURE TO SECURE**:
If Consultant at any time during the term hereof should fail to secure or maintain the foregoing insurance, CIC shall be permitted to obtain such insurance in the Consultant's name or as an agent of the Consultant and shall be compensated by the Consultant for the costs of the insurance premiums at the maximum rate permitted by law and computed from the date written notice is received that the premiums have not been paid.

D. **ADDITIONAL INSURED**:
CIC, City of Alameda, its City Council, boards, commissions, officials, employees, and volunteers shall be named as an additional insured under all insurance coverages, except any professional liability insurance and workers compensation, required by this Agreement. The naming of an additional insured shall not affect any recovery to which such additional insured would be

entitled under this policy if not named as such additional insured. An additional insured named herein shall not be held liable for any premium, deductible portion of any loss, or expense of any nature on this policy or any extension thereof. Any other insurance held by an additional insured shall not be required to contribute anything toward any loss or expense covered by the insurance provided by this policy.

E. **SUFFICIENCY OF INSURANCE**:

The insurance limits required by CIC are not represented as being sufficient to protect Consultant. Consultant is advised to confer with Consultant's insurance broker to determine adequate coverage for Consultant.

10. **CONFLICT OF INTEREST:**

Consultant warrants that it is not a conflict of interest for Consultant to perform the services required by this Agreement. Consultant may be required to fill out a conflict of interest form if the services provided under this Agreement require Consultant to make certain governmental decisions or serve in a staff capacity as defined in Title 2, Division 6, Section 18700 of the California Code of Regulations.

11. **PROHIBITION AGAINST TRANSFERS**:

Consultant shall not assign, sublease, hypothecate, or transfer this Agreement, or any interest therein, directly or indirectly, by operation of law or otherwise, without prior written consent of CIC which consent shall not be unreasonably withheld. Any attempt to do so without said consent shall be null and void, and any assignee, sublessee, hypothecate or transferee shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer. However, claims for money due to Consultant from CIC under this Agreement may be assigned to a bank, trust company or other financial institution without prior written consent. Written notice of such assignment shall be promptly furnished to CIC by Consultant.

12. **SUBCONTRACTOR APPROVAL**:

Unless prior written consent from CIC is obtained, only Consultant shall perform services under this Agreement, unless Consultant first obtains written approval from CIC.

In the event that Consultant employs subcontractors, such subcontractors shall be required to furnish proof of workers' compensation insurance and shall also be required to carry general, automobile and professional liability insurance in reasonable conformity to the insurance carried by Consultant. In addition, any work or services subcontracted hereunder shall be subject to each provision of this Agreement.

13. **PERMITS AND LICENSES:**

Consultant, at his/her sole expense, shall obtain and maintain during the term of this Agreement, all appropriate permits, certificates and licenses including, but not limited to, a City Business License, that may be required in connection with the performance of services hereunder.

14. **REPORTS**:

Each and every report, draft, work product, map, record and other document reproduced, prepared or caused to be prepared by Consultant pursuant to or in connection with this Agreement, shall be the exclusive property of CIC.

No report, information nor other data given or prepared or assembled by Consultant pursuant to this Agreement shall be made available to any individual or organization by Consultant without prior approval by CIC.

Consultant shall, at such time and in such form as CIC may require, furnish reports concerning the status of services required under this Agreement.

15. **RECORDS:**

Consultant shall maintain complete and accurate records with respect to sales, costs, expenses, receipts and other such information required by CIC that relate to the performance of services under this Agreement.

Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to such books and records to the representatives of CIC or its designees at all proper times, and gives CIC the right to examine and audit same, and to make transcripts therefrom as necessary, and to allow inspection of all work, data, documents, proceedings and activities related to this Agreement. Such records, together with supporting documents, shall be kept separate from other documents and records and shall be maintained for a period of three (3) years after receipt of final payment.

If supplemental examination or audit of the records is necessary due to concerns raised by CIC's preliminary examination or audits of records, and CIC's supplemental examination or audit of the records discloses a failure to adhere to appropriate internal financial controls, or other breach of contract or failure to act in good faith, then Consultant shall reimburse CIC for all reasonable costs and expenses associated with the supplemental examination or audit.

16. **RESTRICTIONS ON LOBBYING:**

This Agreement is subject to 24 C.F.R. 87 which prohibits the payment of Federal funds to any person for influencing or attempting to influence, any public officer or employee in connection with the award, making, entering into, extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or agreement.

17. **COMMUNITY REDEVELOPMENT LAW REQUIREMENTS:**

A. To the greatest extent feasible, contracts for work to be performed in connection with any redevelopment project shall be awarded to business concerns which are located in, or owned in substantial part by persons residing in the Business and Waterfront Improvement Project (BWIP), the West End Community Improvement Project (WECIP), or the Alameda Point Improvement Project (APIP).

B. To insure training and employment opportunities for lower-income residents within the BWIP, WECIP or APIP, Consultant and any Subcontractors are encouraged to give employment preference to residents within the BWIP, WECIP or APIP for contracts valued over $100,000.

C. Clauses (A) and (B) shall be included in any subcontract.

18. **NOTICES:**

All notices, demands, requests or approvals to be given under this Agreement shall be given in

writing and conclusively shall be deemed served when delivered personally or on the second business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided.

All notices, demands, requests, or approvals from Consultant to CIC shall be addressed to CIC at:

City of Alameda
Development Services Department
950 W. Mall Square, 2nd Floor
Alameda, CA 94501
Attention: Jennifer Ott

All notices, demands, requests, or approvals from CIC to Consultant shall be addressed to Consultant at:

Cooper Pugeda Management, Inc./The Allen Group, LLC
607 Market Street, 2nd Floor
San Francisco, CA 94105
Attention: Ismael G. Pugeda

19. **TERMINATION:**

In the event Consultant fails or refuses to perform any of the provisions hereof at the time and in the manner required hereunder, Consultant shall be deemed in default in the performance of this Agreement. If such default is not cured within a period of ten (10) days after receipt by Consultant from CIC of written notice of default, specifying the nature of such default and the steps necessary to cure such default, CIC may terminate the Agreement forthwith by giving to the Consultant written notice thereof.

CIC shall have the option, at its sole discretion and without cause, of terminating this Agreement by giving seven (7) days prior written notice to Consultant as provided herein. Upon termination of this Agreement, each party shall pay to the other party that portion of compensation specified in this Agreement that is earned and unpaid prior to the effective date of termination.

20. **COST OF LITIGATION:**

If any legal action is necessary to enforce any provision hereof or for damages by reason of an alleged breach of any provisions of this Agreement, the prevailing party shall be entitled to receive from the losing party all costs and expenses in such amount as the Court may adjudge to be reasonable, including attorneys' fees.

21. **COMPLIANCES:**

Consultant shall comply with all state or federal laws and all ordinances, rules and regulations enacted or issued by CIC.

22. **CONFLICT OF LAW:**

This Agreement shall be interpreted under, and enforced by the laws of the State of California excepting any choice of law rules which may direct the application of laws of another jurisdiction. The Agreement and obligations of the parties are subject to all valid laws, orders, rules, and

regulations of the authorities having jurisdiction over this Agreement (or the successors of those authorities.)

Any suits brought pursuant to this Agreement shall be filed with the courts of the County of Alameda, State of California.

23. **ADVERTISEMENT:**

Consultant shall not post, exhibit, display or allow to be posted, exhibited, displayed any signs, advertising, show bills, lithographs, posters or cards of any kind pertaining to the services performed under this Agreement unless prior written approval has been secured from CIC to do otherwise. This shall not be interpreted to preclude Consultant from including a description of the work being done for CIC as part of a resume or Statement of Qualifications.

24. **WAIVER:**

A waiver by either party of any breach of any term, covenant, or condition contained herein shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained herein, whether of the same or a different character.

25. **INTEGRATED CONTRACT:**

This Agreement represents the full and complete understanding of every kind or nature whatsoever between the parties hereto, and all preliminary negotiations and agreements of whatsoever kind or nature are merged herein. No verbal agreement or implied covenant shall be held to vary the provisions hereof. Any modification of this Agreement will be effective only by written amendment signed by both CIC and Consultant.

26. **INSERTED PROVISIONS:**

Each provision and clause required by law to be inserted into the Agreement shall be deemed to be enacted herein, and the Agreement shall be read and enforced as though each were included herein. If through mistake or otherwise, any such provision is not inserted or is not correctly inserted, the Agreement shall be amended to make such insertion on application by either party.

27. **CAPTIONS:**

The captions in this Agreement are for convenience only, are not a part of the Agreement and in no way affect, limit or amplify the terms or provisions of this Agreement.

IN WITNESS WHEREOF, the parties have caused the Agreement to be executed on the day and year first above written.

Cooper Pugeda Management, Inc. (CPM)	COMMUNITY IMPROVEMENT COMMISSION
By: ISMAEL G. PUGEDA Title: PRESIDENT	Debra Kurita Executive Director

The Allen Group, LLC (TAG)

By: Lakenda D. Allen
Title: President

RECOMMENDED FOR APPROVAL:

Leslie A. Little
Development Services Director

Dorene E. Soto, Manager
Business Development Division

APPROVED AS TO FORM:

Teresa Highsmith
Assistant City Attorney

City of Alameda

7/14/2005

Alameda Civic Center Parking Garage

Responsibility Matrix - Cooper Pugeda Management, Inc. / TAG & City, Design-Builder, Adjacent Projects, and Others

Activity Description	Assigned to:	NOTES
Job Set-up		
Jobsite Office – Furniture	City / Design-Bldr	
Computers, Software, and Networking	City / Design-Bldr	
Copy of the Computer Policy	City / Design-Bldr	
Office Space	City / Design-Bldr	
E-mail	City / Design-Bldr	
Telephone's	City / Design-Bldr	
Cellular Phone's or Radio's	City / Design-Bldr	
Copy Machine, Fax Machine	City / Design-Bldr	
Jobsite Parking for Staff	City / Design-Bldr	
Filing Cabinets	City / Design-Bldr	
Plan's and Specification's – Administration and Location	City / Design-Bldr	
Develop Project Directory	City	
Design (CD Development)		
Monitor Design Progress and Schedule	CPM/TAG	
Review Documents for Compliance with Contract Documents	CPM/TAG	
Review Documents for Completeness, Accuracy and clarity	CPM/TAG	
Coordinate review of D/B Documents with Fire Marshall, City, Design Architect	CPM/TAG	
Financial Control		
Expenditure Authorization Procedures / Levels	City	
Owner Administration Costs - Tracking	City	
Project, including contingency, funding sources, expenditures	City	
Preparation of City Payment Request	CPM/TAG Review and provide to City PM	CPM/TAG will review all payment request from Contractor and issue payment recommendation to the City Project Manager for payment.
Change Order Estimating	CPM/TAG (As Required)	CPM/TAG will provide estimating support, as needed.
Change Order Negotiations	City / CPM/TAG	CPM/TAG will assist to conduct all change order negotiations, and make recommendation for approval to the City Project Manager. The negotiations will be supported by supportive documentations prepared for each particular change order.
Approval of Changes	City	City has Heirarchy
Development of Cash Flow Projections / Trend Reporting	CPM/TAG	From the cost loaded schedule submittal, CPM/TAG will develop cash flow chart that will show cash flow projection, as well as actual expenditure to date. A trend program will be maintained, in order to identify all potential changes to the contract that could impact the project cost. By having the trend program, it will provide the project team sufficient time to evaluate each potential change and avoid surprises to the City.
Coordination		
Outside Testing Labs / Special Inspection	CPM/TAG Coordinate, Schedule Only	CPM/TAG will coordinate directly with the Testing Labs and the Special Inspection Agencies. All request will have to be coordinated through CPM/TAG.
Interface w/ Private Utilities	CPM/TAG to Provide Direct Contact, City Assist	All Interface requirements with Private Utility and Outside Government agencies will be coordinated through CPM/TAG
Interface w/ Outside Government Agencies	CPM/TAG to Provide Direct Contact, City Assist	
Interface with Cineplex / Historic Theatre	CPM/TAG to Provide Direct Contact, City Assist	All Interface requirements with Adjacent Theatre and New Cineplex will be coordinated through CPM/TAG
Payment Requests	CPM/TAG	
Control of Inspections / Results	CPM/TAG	Quality Assurance and contract conformance inspections will be provided by CPM/TAG. Daily diaries will be done to document the weather and work done during the day, labor, materials and equipment that were used, as well as significant events that occurred.
Materials Testing	Outside Lab / Contractor	CPM/TAG Will Cooordinate Results and Distribute those results
Design - Builder Interface		

City of Alameda

7/14/2005

Alameda Civic Center Parking Garage

Responsibility Matrix - Cooper Pugeda Management, Inc. / TAG & City, Design-Builder, Adjacent Projects, and Others

Activity Description	Assigned to:	NOTES
Communication Flow through the CM	CPM/TAG to Develop	A flow chart will be develop to indicate how communication will be distributed when the designer and/or AE services issue design changes to the contract document..
Develop clear procedure for submittals, RFI's	CPM/TAG to Develop	A procedure will be drafted to provide guidelines in submittals and RFI's processing that will adapt to City Requirements
Develop communication for response	CPM/TAG to Develop	When technical transmittals are issued from the Engineer, CPM/TAG will receive copies of the transmittals, and then prepare and sign change notices, prior to transmitting document to Contract for RFP.
Develop communication for reporting of test results	CPM/TAG to Develop	Test results will be transmitted to the Engineer by the CM to conform to contract requirements.
Construction Services		
Establish lines of communication	CPM/TAG to Develop	CPM/TAG will develop a flow chart where lines of communications will be defined between the City, CM and the Contractor.
Quality Assurance - Role in Reporting and Approval, Sign off	CPM/TAG QA Sign Off, City Inspector Final Approval	QC - Contractor, Designer, Architect, Bldg Inspection, Lab
Who signs off on code	City	
Analyze Claims and Disputes	CPM/TAG and City	CPM/TAG will provide documentation and resources to respond to claims and disputes. CPM/TAG will monitor and mitigate potential claim situations; receive and log contractor claims, monitor labor, equipment and material usage on a daily basis; conduct fact finding; evaluate technical, schedule and commercial merits; prepare response to Contractor; request for negotiation authorization and set limits; plan and conduct negotiation; prepare cost and commitment changes and obtain approval for final settlement; prepare and issue contract change order for approval processing. CPM/TAG will recommend action, City will Determine Final Response
Rejection of Work	CPM/TAG and City	As a result of the quality assurance effort by CPM/TAG, any rejection of work will be recommended by the CM for the City Project Manger's approval. The rejection of work could entail rework or cost reduction. In case of remedial work, CPM/TAG will review Contractor's proposals and determine the best remedial actions, in conformance with the Engineer, prior to directing the Contractor to start the rework. City is to have final Authority
Documentation for Record Documents, one complete copy of all project documentation	CPM/TAG	Project documentation include but not limited to: contract files, drawings, technical documents (other than drawings, schedule submittals, payment files, expediting reports, inspection reports, progress photos, and safety / security files.
CM will receive all related documentation to project	CPM/TAG	
Project Communication		
Design-Builder / Special Meetings - CM may serve as the moderator, keep agenda, keeps discussions focused, assigns commitments and keeps action and priority items, summarized results, deadlines, responsibilities	CPM/TAG	As moderator for design, construction or special meetings, CPM/TAG will ensure that the prepared agenda is followed and discussions are focused to each item, assign responsibilities and commitments to action items, and summarized results and deadlines. Minutes of the meeting will be prepared and distributed within 3 days after the meeting, for conformance to action items..
Serial Letter Issuance, Log	CPM/TAG	Develop and maintain serial letter # log
RFI Log	CPM/TAG	Develop and maintain RFI log for items Needing Clarification outside the Design-Build Process
Submittal Log	CPM/TAG	Develop and maintain submittal log for items outside the Design-Build Process
Routing Stamp, Date Stamp	CPM/TAG	CM will provide
Incoming Correspondence / Outgoing Correspondence	CPM/TAG will control	For correspondence and notices, CPM/TAG will designate recipient for all contract correspondence; log correspondence and maintain files; assign actions, report and follow up open action items; prepare outgoing correspondence log and monitor open items; review outgoing correspondence for contract compliance and procedures; review and sign all outgoing correspondence; and archiving and permanent storage.

7/14/2005

City of Alameda

Alameda Civic Center Parking Garage

Responsibility Matrix - Cooper Pugeda Management, Inc. / TAG & City, Design-Builder, Adjacent Projects, and Others

Activity Description	Assigned to:	NOTES
Document Flow Hierarchy	*CPM/TAG will control*	*Document Control System*
Other Items		
Prepare Weekly Project Status Report	*CPM/TAG*	
Community involvement, hotline – protocols	*City*	
Certified Payroll Documentation Gathering	*City*	
Certified Payroll Recap and Verification	*City*	
Start-up and Testing	*CPM/TAG to Coordinate*	
Notice of Completion	*CPM/TAG Prepare, City Issue*	*Architect will provide final written approval, CM will gather information and coordinate final sign-off.*
Project Tours / Informational Meetings	*CPM/TAG will Assist*	
Warranty Period Notices and Logs	*CPM/TAG*	
Warranty Period Closeout Inspection and Documentation	*CPM/TAG and City*	

City of Alameda

7/14/2005

Alameda Theatre Rehabilitation

Responsibility Matrix - Cooper Pugeda Management, Inc. / TAG & City, Designer, Contractor, Adjacent Projects, and Others

Activity Description	Assigned to:	NOTES
Job Set-up		
Jobsite Office (Incl. Furniture, Restrooms)	*City / Contractor*	*To be provided by PS Contract or Theatre Contract*
Computers, Software, and Networking, DSL	*City / Contractor*	*To be provided by PS Contract or Theatre Contract*
Copy of the Computer Policy	*City / Contractor*	*To be provided by PS Contract or Theatre Contract*
Office Space	*City / Contractor*	*To be provided by PS Contract or Theatre Contract*
E-mail	*City / Contractor*	*To be provided by PS Contract or Theatre Contract*
Telephone's	*City / Contractor*	*To be provided by PS Contract or Theatre Contract*
Cellular Phone's or Radio's	*City / Contractor*	*To be provided by PS Contract or Theatre Contract*
Project Office Supplies, Copy Paper and Toner	*City / Contractor*	*To be provided by PS Contract or Theatre Contract*
Copy Machine, Fax Machine	*City / Contractor*	*To be provided by PS Contract or Theatre Contract*
Jobsite Parking for Staff	*City / Contractor*	*To be provided by PS Contract or Theatre Contract*
Filing Cabinets	*City / Contractor*	*To be provided by PS Contract or Theatre Contract*
Plan's and Specification's – Administration and Location	*City / Contractor*	*To be provided by PS Contract or Theatre Contract*
Develop Project Directory	*City*	
Design (Finalize CD's)		
Monitor Design Progress and Schedule	*CPM/TAG*	
Review Documents for Compliance with Contract Documents	*CPM/TAG*	
Review Documents for Completeness, Accuracy and clarity	*CPM/TAG*	
Financial Control		
Expenditure Authorization Procedures / Levels	*City*	
Owner Administration Costs - Tracking	*City*	
Project, including contingency, funding sources, expenditures	*City*	
Preparation of City Payment Request	*CPM/TAG Review and provide to City PM*	*CPM/TAG will review all payment request from Contractor and issue payment recommendation to the City Project Manager for payment.*
Change Order Estimating	*CPM/TAG (As Required)*	*CPM/TAG will provide estimating support, as needed.*
Change Order Negotiations	*City / CPM/TAG*	*CPM/TAG will assist to conduct all change order negotiations, and make recommendation for approval to the City Project Manager. The negotiations will be supported by supportive documentations prepared for each particular change order.*
Approval of Changes	*City*	*City has Heirarchy*
Development of Cash Flow Projections / Trend Reporting	*CPM/TAG*	*From the cost loaded schedule submittal, CPM/TAG will develop cash flow chart that will show cash flow projection, as well as actual expenditure to date. A trend program will be maintained, in order to identify all potential changes to the contract that could impact the project cost. By having the trend program, it will provide the project team sufficient time to evaluate each potential change and avoid surprises to the City.*
Coordination		
Outside Testing Labs / Special Inspection	*CPM/TAG Coordinate, Schedule Only*	*CPM/TAG will coordinate directly with the Testing Labs and the Special Inspection Agencies. All request will have to be coordinated through CPM/TAG.*
Interface w/ Private Utilities	*CPM/TAG to Provide Direct Contact, City Assist*	*All interface requirements with Private Utility and Outside Government agencies will be coordinated through CPM/TAG*
Interface w/ Outside Government Agencies	*CPM/TAG to Provide Direct Contact, City Assist*	
Interface with Cineplex / Parking Structure	*CPM/TAG to Provide Direct Contact, City Assist*	*All interface requirements with Parking Structure and New Cineplex will be coordinated through CPM/TAG*
Payment Requests	*CPM/TAG*	
Control of Inspections / Results	*CPM/TAG*	*Quality Assurance and contract conformance inspections will be provided by CPM/TAG. Daily diaries will be done to document the weather and work done during the day, labor, materials and equipment that were used, as well as significant events that occurred.*
Materials Testing	*Outside Lab / Contractor*	*CPM/TAG Will Cooordinate Results and Distribute those results*
Designer & Contractor		

City of Alameda

7/14/2005

Alameda Theatre Rehabilitation

Responsibility Matrix - Cooper Pugeda Management, Inc. / TAG & City, Designer, Contractor, Adjacent Projects, and Others

Activity Description	Assigned to:	NOTES
Establish Construction Website for Project Administration	CPM/TAG	Establish a www site for this project through CPM's server to handle project administration
Communication Flow through the CM	CPM/TAG to Develop	A flow chart will be develop to indicate how communication will be distributed when the designer and/or AE services issue design changes to the contract document..
Develop clear procedure for submittals, RFI's	CPM/TAG to Develop	A procedure will be drafted to provide guidelines in submittals and RFI's processing that will adapt to City Requirements
Develop communication for response	CPM/TAG to Develop	When technical transmittals are issued from the Engineer, CPM/TAG will receive copies of the transmittals, and then prepare and sign change notices, prior to transmitting document to Contract for RFP.
Develop communication for reporting of test results	CPM/TAG to Develop	Test results will be transmitted to the Engineer by the CM to conform to contract requirements.
Construction Services		
Prepare Preliminary Site Analysis & General Photo documentation	CPM / TAG	CPM will prepare a preliminary site survey which includes the following: General photographic log of current site conditions
Establish lines of communication	CPM/TAG to Develop	CPM/TAG will develop a flow chart where lines of communications will be defined between the City, CM and the Contractor.
Quality Assurance - Role in Reporting and Approval, Sign off	CPM/TAG QA Sign Off, City Inspector Final Approval	QC - Contractor, Designer, Architect, Bldg Inspection, Lab
Who signs off on code	City	
Analyze Claims and Disputes	CPM/TAG and City	CPM/TAG will provide documentation and resources to respond to claims and disputes. CPM/TAG will monitor and mitigate potential claim situations;. receive and log contractor claims; monitor labor, equipment and material usage on a daily basis; conduct fact finding; evaluate technical, schedule and commercial merits; prepare response to Contractor; request for negotiation authorization and set limits; plan and conduct negotiation; prepare cost and commitment changes and obtain approval for final settlement; prepare and issue contract change order for approval processing. CPM/TAG will recommend action, City will Determine Final Response
Rejection of Work	CPM/TAG and City	As a result of the quality assurance effort by CPM/TAG, any rejection of work will be recommended by the CM for the City Project Manger's approval. The rejection of work could entail rework or cost reduction. In case of remedial work, CPM/TAG will review Contractor's proposals and determine the best remedial actions, in conformance with the Engineer, prior to directing the Contractor to start the rework. City is to have final Authority
Documentation for Record Documents, one complete copy of all project documentation	CPM/TAG	Project documentation include but not limited to: contract files, drawings, technical documents (other than drawings, schedule submittals, payment files, expediting reports, inspection reports, progress photos, and safety / security files.
CM will receive all related documentation to project	CPM/TAG	
Project Communication		
Designer, Contractor / Special Meetings - CM may serve as the moderator, keep agenda, keeps discussions focused, assigns commitments and keeps action and priority items, summarized results, deadlines, responsibilities	CPM/TAG	As moderator for design, construction or special meetings, CPM/TAG will ensure that the prepared agenda is followed and discussions are focused to each item, assign responsibilities and commitments to action items, and summarized results and deadlines. Minutes of the meeting will be prepared and distributed within 3 days after the meeting, for conformance to action items..
Serial Letter Issuance, Log	CPM/TAG	Develop and maintain serial letter # log
RFI Log	CPM/TAG	Develop and maintain RFI log
Submittal Log	CPM/TAG	Develop and maintain submittal log
Routing Stamp, Date Stamp	CPM/TAG	CM will provide
Incoming Correspondence / Outgoing Correspondence	CPM/TAG will control	For correspondence and notices, CPM/TAG will designate recipient for all contract correspondence; log correspondence and maintain files; assign actions, report and follow up open action items; prepare outgoing correspondence log and monitor open items; review outgoing correspondence for contract compliance and procedures; review and sign all outgoing correspondence; and archiving and permanent storage.

City of Alameda

7/14/2005

Alameda Theatre Rehabilitation

Responsibility Matrix - Cooper Pugeda Management, Inc. / TAG & City, Designer, Contractor, Adjacent Projects, and Others

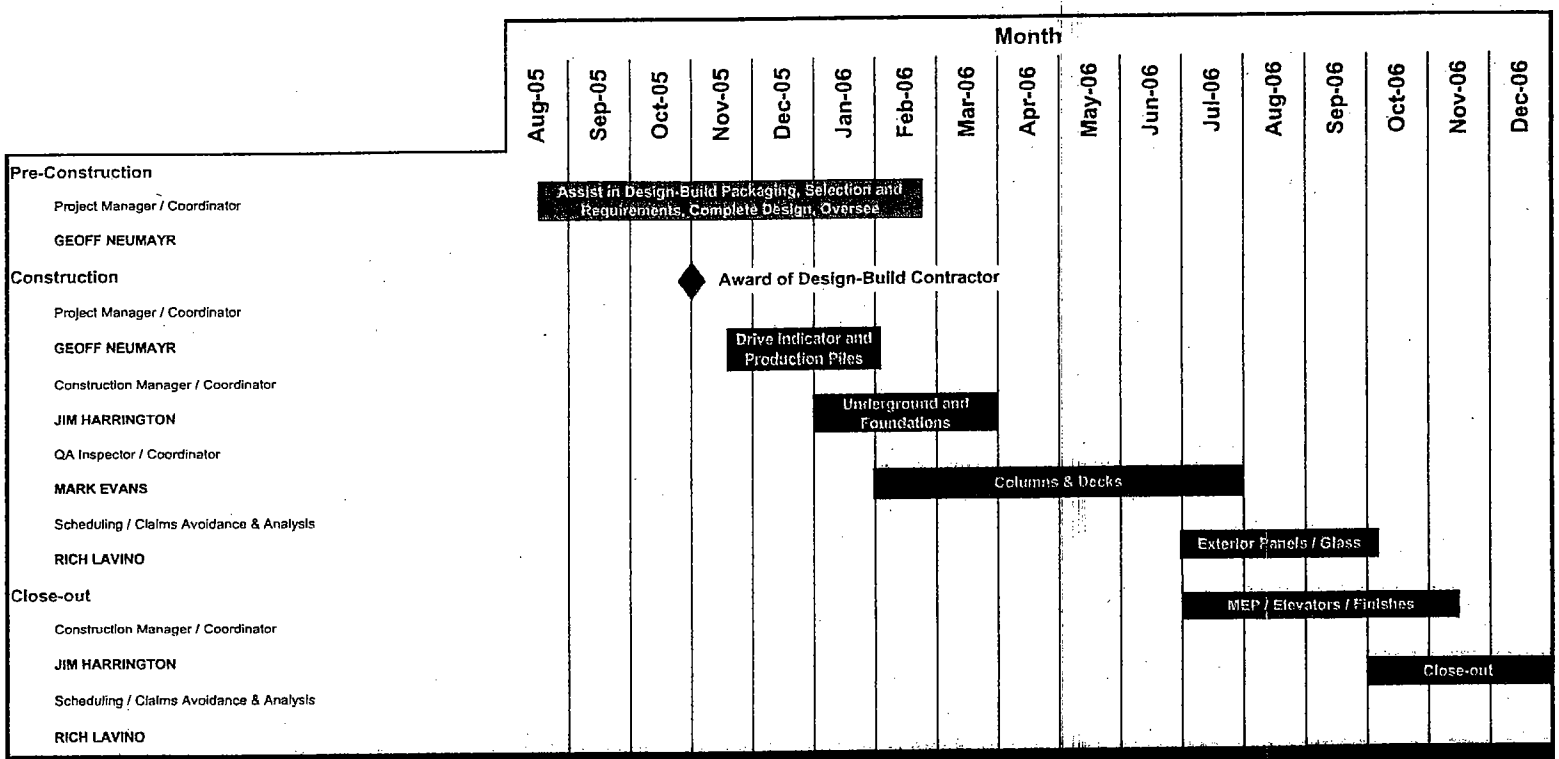
Activity Description	Assigned to:	NOTES
Document Flow Hierarchy	*CPM/TAG will control*	*Document Control System*
Other Items		
Prepare Weekly Project Status Report	*CPM/TAG*	
Prepare Daily Inspection Reports w/ Photo Documentation	*CPM/TAG*	*CPM will provide daily construction field reports with various site digital photography documenting specific areas of progress*
Community involvement, hotline – protocols	*City*	
Certified Payroll Documentation Gathering	*City*	
Certified Payroll Recap and Verification	*City*	
Start-up and Testing	*CPM/TAG to Coordinate*	
Notice of Completion	*CPM/TAG Prepare, City Issue*	*Architect will provide final written approval, CM will gather information and coordinate final sign-off.*
Project Tours / Informational Meetings	*CPM/TAG will Assist*	
Warranty Period Notices and Logs	*CPM/TAG*	
Warranty Period Closeout Inspection and Documentation	*CPM/TAG and City*	

CPM/TAG - A Joint Association

CM Services - Alameda Historic Theatre Renovation / Downtown Parking Structure

7/8/2005

Type and Level of Services Provided / Staffing Utilization / Estimated Level of Effort



ESTIMATED STAFFING LEVEL

		Aug-05	Sep-05	Oct-05	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06	Jul-06	Aug-06	Sep-06	Oct-06	Nov-06	Dec-06
• *Project Manager*	**Geoff Neumeyr**	50%	50%	40%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
• *Construction Manager*	**Jim Harrington**		50%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
• *QA Inspector / Coordinator*	**Mark Evans**				100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	50%	50%
• *Scheduling / Claims Analysis*	**Rich Lavino**	20%			60%	60%	60%	80%	80%	80%	80%	80%	80%	80%	80%	50%	50%	
• *Field Administrator / Coordinator*	**Mary Henderson**				100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	75%	50%

Rate(s) 2005/6 FY (Billable per Hour Worked)																			Total Hours	Total Billable Wages
Geoff Neumeyr	$170.00	86.5	86.5	69.2	34.6	34.6	34.6	34.6	34.6	34.6	34.6	34.6	34.6	34.6	34.6	34.6	34.6	34.6	726.60	$ 123,522
Jim Harrington	$131.25	0.0	86.5	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	2,681.50	$ 351,947
Mark Evans	$96.35	0.0	0.0	0.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	86.5	86.5	2,249.00	$ 216,691
Rich Lavino	$91.65	34.6	0.0	0.0	103.8	103.8	103.8	138.4	138.4	138.4	138.4	138.4	138.4	138.4	138.4	86.5	86.5	0.0	1,626.20	$ 149,041
Mary Henderson	$75.00	0.0	0.0	0.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	173.0	129.8	86.5	2,292.30	$ 171,923

	$ 1,013,124
10% Allowance for Authorized Additional Work	**$ 101,312**
	$ 1,114,436

Exhibit "B"

Client#: 1608 CPMSERVI

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 7/12/05

PRODUCER
Dealey, Renton & Associates
P. O. Box 12675
Oakland, CA 94604-2675
510 465-3090

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
CPM Services, Inc.
607 Market Street, 2nd Floor
San Francisco, CA 94105-3309

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Hartford Casualty Insurance Co.	
INSURER B: State Fund Insurance	
INSURER C: Great American Assurance Co.	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC	57SBAKB2020 General Liab. Excludes Claims Arising Out Of The Performance Of Professional Services	12/15/04	12/15/05	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$1,000,000 $300,000 $10,000 $1,000,000 $2,000,000 $2,000,000
A		AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS	57UECIG1162	03/01/05	03/01/06	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$1,000,000 $ $ $
		GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EA ACC AGG	$ $ $
		EXCESS/UMBRELLA LIABILITY OCCUR CLAIMS MADE DEDUCTIBLE RETENTION $				EACH OCCURRENCE AGGREGATE	$ $ $ $ $
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	1471273	07/01/05	07/01/06	X WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$1,000,000 $1,000,000 $1,000,000
C		OTHER Professional Liability	EDN5850453	11/04/04	11/04/05	$2,000,000 per claim $2,000,000 annl aggr.	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
All Operations of the Named Insured.

Approved as to Form
Carol A. Korade
ATTORNEY

RECEIVED
JUL 13 2005
DEVELOPMENT SERVICES DEPARTMENT
CITY OF ALAMEDA

CERTIFICATE HOLDER

City of Alameda
Development Services Department
Attn: Susan Fassiotto
950 W. Mall Square, 2nd Floor
Alameda, CA 94501

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Brenda Rossi

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EXCERPTS FROM: Hartford Form SS 00 08 04 01

BUSINESS LIABILITY COVERAGE FORM

Insured: CPM Services, Inc.
Insurer: Hartford Casualty Insurance Co.
Policy Number: 57SBAKB2020
Policy Dates: December 15, 2004-December 15, 2005

C. WHO IS AN INSURED

2. f. Additional Insureds by Contract, Agreement or Permit (page 11 of 21)
Any person or organization with whom you agreed, because of a written contract or agreement or permit, to provide insurance such as is afforded under this Business Liability Coverage Form, but only with respect to your operations, "your work" or facilities owned or used by you. However, coverage under this provision does not apply:
(1) Unless the written contract or agreement has been executed or a permit has been issued prior to the "bodily injury", "property damage" or "personal and advertising injury".
(2) To any person or organization included as an insured under provision **g.** (Broad Form Vendors).
(3) To any other person or organization shown in the Declarations as an Additional Insured.

CIC, City of Alameda, Its City Council, Boards, Commissions, Officials, Employees and Volunteers

E.5. Separation of Insureds
Except with respect to the Limits of Insurance, and any rights or duties specifically assigned in this policy to the first Named Insured, this insurance applies:
a. As if each Named Insured were the only Named Insured; and
b. Separately to each insured against whom a claim is made or "suit" is brought.

E.7. Other Insurance - Primary Additional Insured
If the written contract or agreement or permit requires this insurance to be primary for any person or organization with whom you agree to include in WHO IS AN INSURED, this Other Insurance Provision is applicable. (a) This insurance is primary. We will not seek contribution from other insurance available to the person or organization with whom you agree to include in WHO IS AN INSURED....

EXCERPT FROM Hartford Form SS 00 05 06 96

COMMON POLICY CONDITIONS

K. TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

2. Applicable to Business Liability Coverage: If the insured has rights to recover all or part of any payment we have made under this policy, those rights are transferred to us. The insured must do nothing after loss to impair them. At our request, the insured will bring "suit" or transfer those rights to us and help us enforce them.

Approved as to Form

Hartford Casualty
Insured: CPM Services, Inc.
Policy Number 57UECIG1162
Policy Effective Dates: 3/1/05-3/1/06

EXCERPTS FROM CA 00001 (1001)

HARTFORD BUSINESS AUTO COVERAGE

Additional Insured: SECTION II – LIABILITY COVERAGE

1. WHO IS AN INSURED: The following are "insureds"

c. Anyone liable for the conduct of an "insured"...but only to the extent of that liability.

Primary Insurance: SECTION IV – BUSINESS AUTO CONDITIONS

B. General Conditions - 5. Other Insurance

a. For any covered "auto" you own, this Coverage Form provides primary insurance. For any covered "auto" you don't own, the insurance provide by this Coverage Form is excess over any other collectible insurance.

c. Regardless of the provisions of paragraph a. above, this Coverage Form's Liability Coverage is primary for any liability assumed under an "insured contract".

CIC, City of Alameda, Its City Council, Boards, Commissions, Officials, Employees and Volunteers

Cross Liability Clause: SECTION V – DEFINITIONS

G. "Insured" means any person or organization qualifying as an insured in the Who is An Insured provision of the applicable coverage. Except with respect to the Limit of Insurance, the coverage afforded applies separately to each insured who is seeking coverage or against whom a claim or "suit" is brought.

EXCERPTS FROM HA9916 (0302)

HARTFORD COMMERCIAL AUTOMOBILE BROAD FORM ENDORSEMENT

15. WAIVER OF SUBROGATION – We waive any right of recovery we may have against any person or organization with whom you have a written contract that requires such waiver because of payments we make for damages under this Coverage Form.

Approved as to Form

CITY OF ALAMEDA
Memorandum

To: Honorable Chair and Members
of the Community Improvement Commission

From: Debra Kurita
Executive Director

Date: August 1, 2005

Re: Authorize the Executive Director of the CIC to execute a Fourth Amendment to the Disposition And Development Agreement ("DDA") by and Between the CIC and Catellus Limited Operating Partnership ("Developer") which would extend the expiration term by one-year from June 2007 to June 2008 in order to allow the Developer to explore a change from commercial office/research and development land use to a mixed-use retail/residential land use at the former FISC property.

BACKGROUND

On June 1, 2000, the CIC entered into a Disposition and Development Agreement ("DDA") with Catellus Limited Operating Partnership, formerly known as Catellus Development Corporation ("Developer") for the sale and development of certain property at the FISC and East Housing portion of the Naval Air Station. The original DDA has since been amended three times.

The DDA was first amended in December 2001 to reflect the Renewed Hope and Arc Ecology Lawsuit Settlement Agreement. A second amendment was approved in March 2003, and was required to address re-phasing the Project to take advantage of a strong residential market and modify shortfall lending and security provisions required to provide interim construction funding for demolition and backbone infrastructure to support the Bayport residential project. The third amendment to the DDA, in November 2003, provided for the release of a 3.437-acre parcel from the Developer's development footprint to accommodate the proposed ACET project. Per the DDA, the parcel has since reverted back to the Developer as the ACET project did not go forward.

The requested fourth amendment to the DDA would extend the expiration term of the DDA from June 2007 to June 2008. The one-year extension would give the Developer the opportunity to explore a change from entitled land uses at the FISC, which currently allows for 1.3 million square feet of commercial office/R&D development, to a mixed use residential / retail alternative.

DISCUSSION

The 115-acre Bayport residential project is successfully underway and scheduled for build-

out in 2007. However, nearly 88 acres of adjoining land located at the former FISC property, with entitlements for 1.3 million square feet of office/R&D space, which was conceived when the office market was exceptionally strong prior to the year 2000, remains entirely undeveloped.

Changes in the office market have led to deferring development of office/R&D indefinitely. However, if the Developer decided to proceed with the minimum takedown in accordance with the DDA, the CIC would be negatively impacted by the lack of sufficient cash flow from commercial land sales proceeds necessary to meet its obligation to fund demolition and significant backbone infrastructure improvements (e.g. construction of Tinker/Webster Intersection and Mitchell Mosley), required to support office/R&D development on the minimum land conveyance of 14 acres.

In order to encourage the productive use and timely redevelopment of underutilized military base property, the Developer would like to explore a process for re-entitling the remaining FISC property to take advantage of stronger residential and retail markets. Additionally, re-entitlement of the property will create the opportunity to restructure the existing deal terms and current means for funding demolition and supporting infrastructure to obtain an overall set of project improvements that will better meet the needs of the CIC and the City of Alameda.

Currently, the Developer must purchase a minimum 14-acre site by June 2007. If there is no minimum take-down by that date, the Developer's rights to the property are terminated. The Developer has requested a time extension to begin property conveyance at the FISC for one year, to June 2008. This would extend the Developer's option to just beyond the estimated time that it would take to re-entitle the property for the proposed mixed residential/retail land use.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The requested one-year time extension to the existing term of the DDA will not require any supplemental appropriations or have any fiscal impact on the City's General Fund. The Developer will absorb all City staff and consultant costs required to implement the action.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

CIC negotiations with the Developer will take into full account City Council Resolution No. 13643 Establishing a Policy of Fiscal Neutrality Regarding Development at the Fleet Industrial Supply Center/East Housing And Alameda Point.

ENVIRONMENTAL REVIEW

The requested one-year time extension to the existing term of the DDA does not require CEQA review.

RECOMMENDATION

It is recommended that the Community Improvement Commission of the City of Alameda ("CIC") authorize the Executive Director of the CIC to execute a Fourth Amendment to the Disposition And Development Agreement ("DDA") by and Between the CIC and Catellus Limited Operating Partnership ("Developer") which would extend the expiration term by one-year from June 2007 to June 2008 in order to allow the Developer to explore a change from commercial office/research and development land use to a mixed-use retail/residential land use at the former FISC property.

Respectfully submitted,

Leslie Little
Development Services Director

By: Debbie Potter
Base Reuse and Redevelopment Manager

dk/lal/dp:if

G:\Comdev\Base Reuse& Redevp\DougCole\Catellus Phase 2\8-3-05 4th Amendment.doc

COMMUNITY IMPROVEMENT COMMISSION
OF THE CITY OF ALAMEDA
RESOLUTION NO._____

Approved as to Form
GENERAL COUNSEL

AUTHORIZING THE EXECUTIVE DIRECTOR OF THE CIC TO EXECUTE A FOURTH AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT ("DDA") BY AND BETWEEN THE CIC AND CATELLUS LIMITED OPERATING PARTNERSHIP ("DEVELOPER") WHICH WOULD EXTEND THE EXPIRATION TERM BY ONE-YEAR FROM JUNE 2007 TO JUNE 2008 IN ORDER TO ALLOW THE DEVELOPER TO EXPLORE A CHANGE FROM COMMERCIAL OFFICE/RESEARCH AND DEVELOPMENT LAND USE TO A MIXED-USE RETAIL/RESIDENTIAL LAND USE AT THE FORMER FISC PROPERTY.

WHEREAS, on June 1, 2000, the Community Improvement Commission ("CIC") pursuant to Resolution #00-88 authorized the Executive Director to execute a Disposition and Development Agreement (hereinafter referred to as the "DDA") with the Catellus Development Corporation ("Developer") for the sale and development of certain property at the Fleet Industrial Supply Center and East Housing portion of the Naval Air Station, the ("Property"); and

WHEREAS, on June 16, 2000, the parties executed the DDA; and

WHEREAS, the CIC and Developer have entered into other agreements related to the DDA including a Joint Implementation Agreement dated May 31, 2000, a Development Agreement dated June 6, 2000, and Construction Reimbursement Agreement ("CRA") dated August 21, 2001 in order to assure the timely and orderly development of the Property, as contemplated by the DDA; and

WHEREAS, previously on May 13, 2000, the City of Alameda certified the Final Environmental Impact Report of the Catellus Mixed Use Development; and

WHEREAS, on December 18, 2001, the City of Alameda approved an Addendum to the Final Environmental Impact Report ("EIR Addendum") for the DDA; and

WHEREAS, on December 18, 2001, the CIC pursuant to Resolution #01-99 authorized the Executive Director to amend the original DDA, as amended by the First Amendment to the DDA to address the Settlement Agreement by and between the City and Petitioners dated March 20, 2001; and

WHEREAS, on December 19, 2001, the parties executed the First Amendment to the DDA; and

WHEREAS, on March 18, 2003, the CIC pursuant to Resolution #03-110 authorized the Executive Director to execute a second amendment to the DDA to address a revised project phasing schedule, shortfall lending by the developer and security to be provided to developer for funds lent to the CIC for demolition and backbone infrastructure for the residential project; and

WHEREAS, on November 18, 2003, the CIC pursuant to Resolution #03-119 authorized the Executive Director to execute a third amendment to the DDA to provide for the release of a 3.437-acre parcel from Catellus' development obligations pursuant to the DDA; and

WHEREAS, the primary intent of the Fourth Amendment to the DDA is to provide a one-year term extension to Catellus for its development obligations pursuant to the DDA; and

WHEREAS, the CIC has determined that by amending the DDA: The CIC will further encourage the productive use and timely redevelopment of underutilized former military base property.

NOW, THERFORE BE IT RESOLVED, that the CIC authorizes the Executive Director to execute the proposed Fourth Amendment to the DDA with the Developer for the Sale and Development of the Fleet Industrial Supply Center and the East Housing portion of the Naval Air Station consistent with the Business and Waterfront Improvement Project and the City of Alameda General Plan.

* * * * * *

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

City Clerk
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

Recorded for the Benefit of
The City of Alameda
Pursuant to Government Code Section 6103
Exempt from Recording Fee Pursuant
To Government Code Section 37383

FOURTH AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT

THIS FOURTH AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT (this "Fourth Amendment") is made effective the ___ day of August, 2005 (the "Fourth Amendment Effective Date") by and between the COMMUNITY IMPROVEMENT COMMISSION OF THE CITY OF ALAMEDA, a public body, corporate and politic (the "CIC"), and CATELLUS DEVELOPEMNT CORPORATION, a Delaware corporation, formerly known as Catellus SubCo, Inc., a Delaware corporation with corporation identification number 3632445 ("CDX").

RECITALS

A. The CIC and CDX's predecessor in interest entered into the Disposition and Development Agreement dated as of June 16, 2000, and recorded in the Official Records of Alameda County on July 21, 2000, as series No. 2000216842, as amended by (i) the First Amendment to Disposition and Development Agreement dated as of December 18, 2001, and recorded in the Official Records of the Alameda County on April 25, 2003, as series No. 2003242611, and (ii) the Second Amendment to Disposition and Development Agreement dated as of April 2, 2003, and recorded in the Official Records of Alameda County on April 25, 2003, as series No. 2003242612, and (iii) the Third Amendment to the Disposition and Development Agreement dated as of November 19, 2003, and recorded in the Official Records of Alameda County on December 1, 2003, as series No. 2003701894 (collectively the "DDA" or the "Agreement"). The DDA relates to certain real property located in the City of Alameda, the County of Alameda and the State of California (the "Property"). The Property is more particularly described in the DDA. All capitalized terms shall have the definitions given to them in the DDA, unless otherwise expressly stated herein.

B. Pursuant to the DDA, the CIC agreed to convey to Developer, and Developer agreed to acquire from the CIC, the Property, in Phases, on the terms and conditions set forth in the DDA.

C. Effective as of July 15, 2005, Catellus Operating Limited Partnership, a Delaware limited partnership, as successor by merger to Catellus Development Corporation, a Delaware corporation with corporation identification number 2049941 ("COLP") assigned all of COLP's rights and obligations under the DDA, including, without limitation, all rights and obligations of the Master Developer and the Developer to the entire Business Park, to CDX.

D. CDX, in its capacity as the Master Developer and the Developer, desires, at it sole cost and expense to explore potential amendments to the Master Plan and Subdivision Map as they pertain to the Business Park phases of the Project (the "Potential Re-entitlement Process"). CDX and CIC mutually recognize that the Potential Re-entitlement Process could take a minimum of a year to accomplish. The CIC and CDX desire that the CIC's right to terminate the DDA for failure of the Initial Demolition Conditions Precedent for the Business Park phase of the Project be extended to accommodate the likely length of time of the Potential Re-entitlement Process.

NOW, THEREFORE, in consideration of the mutual terms, covenants, conditions and promises set forth herein, the CIC and CDX agree as follows:

1. Amendment to Section 4.3. The third sentence of Section 4.3 of the DDA is hereby deleted in its entirety and replaced with the following:

> If Master Developer has not elected to terminate this Agreement and the Initial Demolition Conditions Precedent applicable to Business Park Conveyance Parcel 1 have not been satisfied by June 16, 2008, and provided that no Event of Default with respect to the CIC is outstanding after the expiration of the applicable notice and cure periods, then the CIC shall also have the right to terminate this Agreement, and in such event, none of the CIC, Developer nor Master Developer shall have any further rights or obligations hereunder except as specifically provided in Sections 4.4 and 4.9 below, or in any other Sections of this Agreement that expressly survive termination.

2. Authority. The persons signing below represent that they have the authority to bind the respective Party, and that all necessary board of directors', shareholders', partners', city councils', redevelopment agencies', or other approvals as necessary have been obtained.

3. Counterparts. This Fourth Amendment may be executed in one or more counterparts, and all of the counterparts shall constitute but one and the same agreement notwithstanding that all Parties hereto are not signatory to the same original counterpart.

4. Ratification. The DDA, as modified by this Fourth Amendment, remains in full force and effect, and the Parties hereby ratify the same.

IN WINESS WHEREOF, the parties hereto have executed one or more copies of this Fourth Amendment as of the date first set forth above.

ATTESTATION:

By:_____

APPROVED AS TO FORM:

General Counsel

"CIC"

COMMUNITY IMPROVEMENT COMMISSION
OF THE CITY OF ALAMEDA,
A public body corporate and politic

By:_____
Debra Kurita
Executive Director

"CDX"

CATELLUS DEVELOPMENT CORPORATION,
A Delaware corporation

By: Catellus Commercial Development Corporation, a Delaware corporation, its authorized agent

By:_____
Daniel R. Marcus
Senior Vice President Development

STATE OF CALIFORNIA)
)ss
COUNTY OF)

On _____, before me, _____, Notary Public, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

_____
Signature of Notary Public

[SEAL]

STATE OF CALIFORNIA)
)ss
COUNTY OF Alameda)

On August 10, 2005, before me, KARINA TU CAO, Notary Public, personally appeared DANIEL R. MARCUS, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

KARINA TU CAO
Commission # 1361594
Notary Public - California
Alameda County
My Comm. Expires Jun 20, 2006

_____
Signature of Notary Public

[SEAL]

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Community Improvement Commission of the City of Alameda in Special Community Improvement Commission meeting assembled on the ____ day of August, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this ____ day of August, 2005.

_____
Lara Weisiger, Secretary
Community Improvement Commission

_____
Beverly Johnson, Chair
Community Improvement Commission