

**Minutes of the Regular Planning Board Meeting
Monday, April 24, 2006**

1. CONVENE: 7:06 p.m.
2. FLAG SALUTE: Ms. Mariani
3. ROLL CALL: President Cunningham, Ezzy Ashcraft, Kohlstrand, Lynch and Mariani.

Ms. Ezzy Ashcraft was absent from roll call.

Vice-President Cook and Board Member McNamara were absent.

Also in attendance were Planning and Building Director Cathy Woodbury, Building Official Greg McFann, Planner III Douglas Garrison, Planner II Dennis Brighton, Planner II Emily Pudell, Executive Assistant Latisha Jackson.

4. MINUTES: Minutes for the meeting of April 10, 2006

Ms. Kohlstrand noted that the discussion on page 9 read, "She would like a better connection to the rest of Alameda and further examination of the use of the Tubes." She intended to convey her belief that the City could make better use of the frontage road, the name of which she did not know, at Mariner Square in terms of providing access to the site.

M/S Kohlstrand/Lynch to approve the minutes for the meeting of April 10, 2006, as amended.

AYES – 3 (Cook, Ezzy Ashcraft and McNamara absent); NOES – 0; ABSTAIN – 1 (Mariani)

A quorum was not present. The minutes will be considered at the meeting of May 8, 2006.

5. AGENDA CHANGES AND DISCUSSION: None

President Cunningham advised that there was a request from the Board to move Item 8-C from the Regular Agenda to the Consent Calendar.

M/S Lynch/Kohlstrand and unanimous to move Item 8-C from the Regular Agenda to the Consent Calendar.

AYES – 4 (Ezzy Ashcraft, Cook and McNamara absent); NOES – 0; ABSTAIN – 0

6. ORAL COMMUNICATION:

Mr. Brian Gardner wished to speak on behalf of John Russo, the City Attorney of Oakland who is running for State Assembly. He noted that Mr. Russo led the fight to keep the casino out of the City of Oakland, and conducted an eight-year legal fight to shut down the medical waste incinerator in the City of Oakland. He would fight for full health care, education and for Alameda to receive its full share of taxes, as well as to stop urban sprawl. He has also served as head of League of Cities.

7. CONSENT CALENDAR:

- 7-A. **TM06-0001– Barry Vial – 1951 Harbor Bay Parkway (DG).** The applicant requests approval of Tentative Parcel Map 8980, allowing the conveyance of up to 13 separate commercial spaces located within two buildings to separate owners. The project site is zoned C-M-PD Commercial Manufacturing, Planned Development Zoning District.

Ms. Kohlstrand noted that the Board requested consideration for removing parking spaces in front of the building along Harbor Bay Parkway. She noticed that there were still parking spaces there, and requested clarification of the changes and how they would affect the subdivision of the parcels.

Mr. Garrison advised that there were originally 11 parking spaces in front, which had been reduced to seven spaces, with the four extra spaces moved to the side and to the rear. Additional landscaping had been installed in front. The parking allocation would be addressed through the CC&Rs.

Ms. Kohlstrand was uncomfortable with any parking in front of this development, which would be reflected in her vote.

In response to an inquiry by President Cunningham on whether Item 7-A should be placed on the Regular Agenda because of the lengthy discussion, Ms. Woodbury replied that it should be pulled in the affirmative.

Ms. Kohlstrand stated she would like the parking to be eliminated from the front of the site. Ms. Woodbury replied that staff looked at the circulation issues with other departments, which was the reason the parking could not be eliminated. The area must be maintained for emergency circulation and circulation for the site as a whole.

M/S Kohlstrand/Mariani and unanimous to move Item 7-A from the Consent Calendar to the Regular Agenda.

AYES – 4 (Ezzy Ashcraft, Cook and McNamara absent); NOES – 0; ABSTAIN – 0

The public hearing was opened.

Mr. Barry Vial, applicant, noted that the project contained individual units for sale to small business owners, and the project as approved called for a middle unit with reasonably close parking to those facilities. He did not believe it was a good amenity for an owner to walk up to 100 feet to their own business. He believed that the loss of those additional seven spaces would hurt his chances to sell the units.

The public hearing was closed for Board discussion.

Ms. Kohlstrand noted that she would set aside her objections to the parking, since City Council had

overruled similar Planning Board actions.

M/S Lynch/Mariani and unanimous to adopt Planning Board Resolution No. PB-06-13 to approve Tentative Parcel Map 8980, allowing the conveyance of up to 13 separate commercial spaces located within two buildings to separate owners.

AYES – 4 (Cook, Ezzy Ashcraft and McNamara absent); NOES – 0; ABSTAIN – 0

7-B. **Use Permit UP06-0001 – Sam & Michelle Koka – 650 Pacific Avenue (DB).** The applicant requests a Use Permit renewal to allow the operation of an automotive repair use to continue for an additional five-year period. A Use Permit is required for automobile repair shops in specific locations within the CC (Community Commercial) Zoning District. **(Staff requests a continuance to the meeting of May 8, 2006.)**

M/S Lynch/Kohlstrand and unanimous to continue this item to the meeting of May 8, 2006.

AYES – 4 (Cook, Ezzy Ashcraft and McNamara absent); NOES – 0; ABSTAIN – 0

7-C. **DP05-0001/DR05-0116/PM06-0002 – William De Mar – 471 Pacific Avenue (EP).** The applicant is requesting Development Plan and Major Design Review approvals to establish a new single family home and zero lot-line duplex in an existing R-4-PD (Neighborhood Residential Planned Development) district, and a Parcel Map approval to allow the division of the existing 14,400 square foot residential lot into four parcels, where one is developed with an existing, single family home. The property is located within an R-4-PD (Neighborhood Residential Planned Development) Zoning District. **(Staff requests a continuance to the meeting of May 8, 2006.)**

M/S Lynch/Kohlstrand and unanimous to continue this item to the meeting of May 8, 2006.

AYES – 4 (Cook, Ezzy Ashcraft and McNamara absent); NOES – 0; ABSTAIN – 0

8. Regular Agenda Items

- 8-A. **PDA05-0007 – Park Street Landing – 2307 Blanding Avenue (EP).** Redesign of the existing monument sign, per the request of the Planning Board. Three signs would be established on the existing monument sign. The site is located within the Park Street Landing Shopping Center in the C-M-PD, Commercial Manufacturing, Planned Development Zoning District. **(Continued from the meeting of April 10, 2006.)**

Ms. Pudell summarized the staff report and recommended approval of this item.

The public hearing was opened.

There were no speakers.

The public hearing was closed for Board discussion.

In response to an inquiry by President Cunningham regarding the building color, it was noted that the color would be beige. There would be a maximum of three tenant signs on the pylon, and corporate colors would be allowed.

Ms. Mariani expressed concern about the appearance of the gateway sign.

Ms. Kohlstrand noted that this was a retrofit of an existing sign.

Ms. Mariani noted that a pylon sign in Fremont was designed to show the company names with the same font, and that the companies were able to compromise to have their names on the signs.

Ms. Ezzy Ashcraft arrived at 7:30 p.m.

Mr. Lynch was not enthusiastic about this or any signage at this site, but understood the limitations. He noted that Alameda had a sign ordinance, which this business worked within. He believed that unless the sign ordinance was reopened, elimination of the sign could not be an issue.

Ms. Mariani believed this sign was different because it was a gateway monument sign, and that it should be more visually appealing.

Mr. Tom Foley, property manager, noted that he welcomed the Board's input and agreed with Mr. Lynch's assessment that the existing sign was not very attractive. He noted that corporation logos and colors did not have much flexibility, but that the local tenants were more flexible. He would be happy to change the text if the Board and staff requested it.

Mr. Lynch noted that he liked the sailboat image at the top, which was more appropriate and recognizable to drivers.

In response to an inquiry by Ms. Ezzy Ashcraft whether the edges of the sign could be softened, Mr. Foley replied that it was designed by the City. She requested that the top of sign feature the word "Alameda." Mr. Foley noted that would be possible. Mr. Lynch withdrew his comments about preferring the sailboat at the top of the sign. He liked the current design but would go along with the rest of the Board.

M/S Kohlstrand/Lynch to adopt Planning Board Resolution No. PB-06-14 to approve redesign of the existing monument sign, per the request of the Planning Board. Three signs would be established on the existing monument sign. An additional condition would require the addition of some unifying element, such as a border, brought from the primary sign to the secondary sign.

AYES – 4 (Cook and McNamara absent); NOES – 1 (Mariani); ABSTAIN – 0

8-B. **UP06-0004 – Italo Calpestri, AIA for Dwight Jennings – 776 Lincoln Avenue (EP).** The applicant is requesting approval of a Use Permit to establish a dental office in an existing single family home and to add approximately 500 square feet of office space. The property is located within an R-5 (General Residential) Zoning District.

Ms. Pudell summarized the staff report, and noted that staff requested continuation to the meeting of May 8, 2006. She noted that the area was generally in support of this item.

The public hearing was opened.

Mr. Peter Colinberg noted that he lived several doors down from this property, and spoke in opposition to this item. He expressed concern about the staff report's statement that mature landscaping would buffer the office use. He believed the term "buffer zone" implied something objectionable to be buffered from. He did not believe that on-street parking on Lincoln was actually available. He was concerned that this project would impact their property values negatively. He inquired whether this site would remain zoned commercial if this owner sold the business in the future.

Mr. Brian Stewart noted that his property was adjacent to the subject site. He disagreed with staff's assessment that the area supported this project, and noted that a petition in opposition to this project had been circulated. He believed their home resale values would be negatively impacted.

Dwight and Carmen Jennings, owners, 776 Lincoln, understood that there were neighborhood concerns about the proposed project. She noted that they spoke to as many neighbors as possible about their concerns, and discussed their proposed mitigations to address those concerns.

In response to an inquiry by Ms. Ezzy Ashcraft regarding the number of dentist chairs in the use, Dr. Jennings replied that his practice was orthodontic in nature, and that he had one room with three chairs, and a second room with one chair. He would be the only practitioner in the office, with a support staff of three people. He normally sees approximately three people per hour.

Ms. Jennings noted that in response to the expressed concerns about safety and security, they would have a sophisticated security alarm system that would go directly to a security agency that would notify them and the Alameda Police if there were any issues. They had plans to put a gate across the driveway that would be locked in the evening; the design would be compatible with the 1940s architecture of the house. There were issues about off-street parking, and they had been told that they must have seven off-street parking spaces. She stated that this is not a general dentistry practice, and that the State mandated that any chemicals be picked up on-site. She believed they addressed the commercial versus residential concerns.

The public hearing was closed for Board discussion.

Ms. Mariani disclosed that she lived around the corner from the subject site, and did not believe she

was biased in her decision. She was very familiar with this area, and noted that the check cashing business and the car dealership were in the Webster Street business district. She noted that the area was mostly residential, with the exception of Ralph's Market. She was surprised that more residents were not in attendance, and believed this would be a dramatic alteration to this neighborhood. She did not know whether this was an appropriate location for a dental practice.

President Cunningham noted that the use permit ran with the property, and would remain in force if the current owners were to sell the property. Ms. Pudell added that the use permit would be good only for the specific use proposed.

Ms. Kohlstrand noted that most of the nearby commercial uses were on corner sites near Webster or in a cluster of similar uses; this would be the first introduction of this kind of frontage. She was concerned about introducing a commercial use at this site.

Ms. Ezzy Ashcraft disclosed that she had visited the site and spoke with Mr. Stewart about this site. She noted that the subject traffic would occur during business hours, and that the greatest demand was during the evening hours. She noted that three patients per *hour* day did not mean that they would be parked there all day.

Mr. Lynch noted that Alameda was an urban environment, and would like more detail with respect to complaints about the "noise problem." He noted that there were many medical facilities located throughout Alameda, and he has yet to see any devalued property prices. He added that another complaint addressed decreased privacy. He believed that if a resident did not want this business as their neighbor, they should just say that.

President Cunningham noted that the property is currently vacant, and inquired whether there was a current problem with the property not being occupied at night. He would like further information on traffic impacts. He would like to hear comments from the other neighbors.

M/S Ezzy Ashcraft/Mariani and unanimous to reopen the public hearing.

AYES – 4 (Cook and McNamara absent); NOES – 0; ABSTAIN – 0

Mr. Stewart noted that no one has addressed the salability of the homes in the future, and agreed with Ms. Mariani's concerns. He noted that many neighbors were opposed to this project.

Mr. Colinberg wished to clarify the definition of "buffer," which meant being protected from something. He was not convinced by the Jennings' statement that many neighbors had changed their minds from opposition to support.

The public hearing was closed for Board discussion.

This item was continued to the meeting of May 8, 2006.

8-C. **Variance, V06-0001, and Major Design Review, DR06-0015 – Bob Allegrotti for Kevin Gorham and Katherine Kenny – 1517 Pacific Avenue (DB).** The applicant requests Variances for: (1) The removal of a conforming parking space without providing a conforming equivalent parking space; and (2) The establishment of two unenclosed compact parking spaces not meeting minimum landscaping standards. The project proposes two compact parking spaces where not more than one compact space is permitted and both spaces would not incorporate the required 3-foot wide landscaping separating them from abutting property lines and structures. A Major Design Review approval is requested to add approximately 421-square feet of gross floor area, plus a covered porch to the rear of the existing single-family residence. Because the project would extend a wall an additional 7-feet toward the rear with a nonconforming westerly side yard setback of 3.5-feet, where a minimum 5-foot side yard setback is required, a finding must be made that no adverse effects such as shading, view blockage, or privacy reduction would occur on adjoining properties. The site is located within an R-4, (Neighborhood Residential) Zoning District.

M/S Lynch/Kohlstrand and unanimous to move Item 8-C from the Regular Agenda to the Consent Calendar.

AYES – 4 (Cook, Ezzy Ashcraft and McNamara absent); NOES – 0; ABSTAIN – 0

M/S Lynch/Kohlstrand and unanimous to adopt Planning Board Resolution No. PB-06-15 to approve Variances for: (1) The removal of a conforming parking space without providing a conforming equivalent parking space; and (2) The establishment of two unenclosed compact parking spaces not meeting minimum landscaping standards. The project proposes two compact parking spaces where not more than one compact space is permitted and both spaces would not incorporate the required 3-foot wide landscaping separating them from abutting property lines and structures. A Major Design Review approval is requested to add approximately 421-square feet of gross floor area, plus a covered porch to the rear of the existing single-family residence. Because the project would extend a wall an additional 7-feet toward the rear with a nonconforming westerly side yard setback of 3.5-feet, where a minimum 5-foot side yard setback is required, a finding must be made that no adverse effects such as shading, view blockage, or privacy reduction would occur on adjoining properties.

AYES – 4 (Cook, Ezzy Ashcraft and McNamara absent); NOES – 0; ABSTAIN – 0

8-D. Seismic Retrofit Workshop (GM). Voluntary Seismic Retrofit Program with incentives For Existing One to Three Story Residential Structures.

Mr. McFann summarized the staff report, and displayed a PowerPoint presentation.

The public hearing was opened.

Mr. Ken Gutleben noted that he informed City Manager Bill Norton of a project involving the installation of a basement and seismic retrofit of a historic residence in Alameda. He noted that the permit for the project was denied due to AMC 30, regarding offstreet parking section. He noted that the habitable space was to be in the basement, similar to that in Ms. Ezzy Ashcraft's and President Cunningham's homes. This particular lot size did not meet the offstreet parking requirement, and the project was terminated, leaving the home vulnerable to earthquakes. Mr. Norton agreed that this section of the Code should be changed. Mr. Gutleben believed the Planning Board placed design review over safety, and that retrofits should be placed as a high priority. He noted that Alameda's geographical placement and location on sandy soil left Alameda vulnerable to earthquake damage. He urged adoption of this program.

Mr. David Baker, 939 Taylor, agreed that seismic retrofits were important but believed that this ordinance was a political gimmick to solve a serious issue. He did not believe that exempting historical structures from design review and exempting parking requirements would solve this problem. He respected Mr. McFann and Mr. Gutleben but did not agree with their support of this program. He believed the relaxation of plumbing and electrical upgrades was unwise.

Ms. Kevis Brownson, 1554 Everett Street, noted that she was a member of Alameda Architectural Preservation Society, and thanked Mr. Gutleben for bringing this issue to the City's attention. She supported this program, but objected to exempting homeowners from design review. She believed that design review also protected the historic resources. She disagreed with exempting the front space from the setback limitations, which she believed may result in paved front yards and would be a detriment to Alameda. She agreed with facilitating low interest loans to perform the retrofit.

Mr. Christopher Buckley, Alameda Architectural Preservation Society, agreed with the last two speakers, and had concerns about a design review exemption. He noted that he did not hear Mr. McFann's and Mr. Gutleben's presentations. He noted that a design review was much less expensive than a seismic retrofit. He noted that the past discussion of lifting buildings and the Golden Mean was valuable. He was inclined to discourage exempting design review as an incentive.

Mr. Bob Allegrotti believed that a severe earthquake is due, and that when the Hayward Fault is hit, a lot of Alameda would be damaged. He was somewhat concerned about design review, and believed that a fast track rather than exemptions would be more realistic. He believed that guidelines for the historic buildings would be appropriate. He suggested preinspections for habitable space.

Mr. Dick Rutter noted that he was an architect and lived in a nonseismically upgraded home built in

1910; he believed it should be upgraded. He discussed the failures of cripple walls, which were part of older buildings. He believed there should be incentives for homeowners to be able to fix those types of conditions. He took exceptions of not having engineers looking at buildings pushing the three-story limit. He expressed concern about poor workmanship by fly-by-night contractors.

The public hearing was closed for Board discussion.

Mr. Lynch could not see any work being done without an engineer's and architect's stamp, and believed that was a liability problem. He believed this should be the homeowner's cost, and not the City's. He would be open to the Planning & Building Department waiving the plumbing, mechanical and electrical codes, but does not want to see any lessening of the fire codes. He was not sure the parking requirements would help the City reach the objective.

President Cunningham echoed Mr. Lynch's comments and agreed with Mr. Rutter. He did not believe the City should give away free parking at the expense of seismic retrofitting. He believed they were two important, but different issues. He noted that it was important for an engineer to look at each building, and that each building was different.

Ms. Kohlstrand noted that the Board was not being asked to ultimately take action on the codes. Ms. Woodbury noted that was true, and that any changes in Chapter 30 would eventually come to the Board. The other incentives did not need to come to the Planning Board; the parking and design review requirements would come before the Board.

Mr. Lynch believed the parking component should come back before the Board as a separate piece.

Ms. Kohlstrand believed it was a positive idea to encourage people to make seismic retrofits. She did not believe that relaxing the parking was a bad idea. She was concerned about relaxing the design review requirements unless there was more structure surrounding those requirements.

Ms. Ezzy Ashcraft inquired whether a fast track process could be added for seismic retrofit projects. Ms. Woodbury did not believe that was realistic, and that it would be more logical to waive fees associated with these projects.

Ms. Kohlstrand noted that San Francisco had a low interest loan program, and that they had a difficult time getting people to take them out. Mr. McFann noted that he had examined that program, and that their only incentive was financial, which led to the program difficulties.

Mr. Lynch inquired whether the City reviewed engineering structural documents. Mr. McFann confirmed that it did, and that it was not the primary issue of this matter. He added that it was difficult to find an engineer and architect to do small projects such as these, which were expensive. He believed that was a disincentive to do retrofits.

Mr. Lynch believed that a piecemeal approach would not be the answer, and he believed this was a

process issue.

President Cunningham wished to ensure that the City did not incur liability for private contractors' work.

Mr. McFann advised that staff would craft some Code changes to bring back to the Board.

Mr. Lynch suggested that staff meet with the various groups interested in this process.

No action was taken.

9. Written Communications: None.

10. Board Communications

- a. Oral Status Report regarding the Northern Waterfront Plan (Vice-President Cook).

Vice President Cook was not in attendance to present this report.

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

Ms. Mariani advised that the next meeting would be held on April 27, 2006, at 2 p.m. Her committee was working on a proposal to bring to both Planning Boards.

- c. Oral Status Report regarding the Transportation subcommittee (Board Member Kohlstrand).

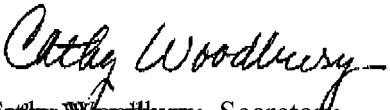
Ms. Kohlstrand advised that there had been no further meetings.

Ms. Mariani noted that she had been approached by two people, stating that the *Alameda Journal* reported that she was in favor of a parking structure at the Catellus project. She was not present at that meeting, did not say that, and she contacted the *Journal* to correct the report. It was in fact Ms. McNamara who mentioned a parking structure.

11. STAFF COMMUNICATIONS: None.

12. ADJOURNMENT: 9:07 p.m.

Respectfully submitted,


Cathy Woodbury, Secretary
Planning and Building Department

These minutes were approved at the May 8, 2006, Planning Board meeting. This meeting was audio and video taped.