

**Minutes of the Regular Planning Board Meeting  
Monday, February 13, 2006**

1.     CONVENE:             7:03 p.m.
2.     FLAG SALUTE:       Ms. Mariani
3.     ROLL CALL:         President Cunningham, Vice President Cook, Kohlstrand, Lynch, and Mariani.

Board member McNamara was absent.

Also in attendance were Planning & Building Director Cathy Woodbury, Deputy City Attorney Julie Harryman, Supervising Planner Cynthia Eliason, Supervising Planner Andrew Thomas, Planner III Douglas Garrison.

4.     MINUTES:     a.       Minutes for the meeting of January 23, 2006.

M/S Cook/Kohlstrand to approve the minutes for the meeting of January 23, 2006, as presented.

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

5.     AGENDA CHANGES AND DISCUSSION:

President Cunningham noted that there was a request to remove Item 8-C from the Regular Agenda and place it on the Consent Calendar.

M/S Cook/Kohlstrand and unanimous to move this item from the Regular Agenda to the Consent Calendar.

AYES – 5 (McNamara absent); NOES – 0; ABSTAIN – 0

6.     ORAL COMMUNICATION:

Mr. David Kirwin noted that he would be unable to stay for Item 8-B, and wished to voice his concern that this application may be used as an end run around Measure A.

7. CONSENT CALENDAR:

- 7-A. **PD05-0001/R05-0002/PM06-0001 – Janice Graham – 1810 & 1812 Clinton Avenue (EP).** The applicant requests a rezoning to add a Planned Development overlay to the existing R-4 (Neighborhood Residential) district, and Planned Development and Parcel Map approvals to allow the division of an existing 14,602 square foot residential lot into two parcels, each with an existing, detached duplex. As part of the project, the applicant will restore the duplex on the front parcel to a single family residence. The property is located within an R-4 (Neighborhood Residential) Zoning District.

M/S Lynch/Cook and unanimous to adopt Planning Board Resolution No. PB-06-05 to approve a rezoning to add a Planned Development overlay to the existing R-4 (Neighborhood Residential) district, and Planned Development and Parcel Map approvals to allow the division of an existing 14,602 square foot residential lot into two parcels, each with an existing, detached duplex. As part of the project, the applicant will restore the duplex on the front parcel to a single family residence.

AYES – 5 (McNamara absent); NOES – 0; ABSTAIN – 0

- 7-B. **PDA05-0007/MDR05-0350 – Park Street Landing – 2307 Blanding Avenue (EP).** Applicant requests a Planned Development Amendment and Minor Design Review to modify the existing sign program to allow for a change in the location of existing building signage, including installation and establishment of three additional signs on an 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. **(Applicant requests continuance to the meeting of February 27, 2006.)**

M/S Lynch/Cook and unanimous to continue this item to the meeting of February 27, 2006.

AYES – 5 (McNamara absent); NOES – 0; ABSTAIN – 0

8. REGULAR AGENDA ITEMS:

- 8-A. **PM05-0002/PM05-0003 – Alameda Real Estate Investments – 1090 & 1350 Marina Village Parkway (AT).** The applicant is requesting the approval of two parcel maps creating a total of four parcels and the conversion of existing berths, within these four parcels, from rental to condominium ownership. These parcels cover existing marina facilities only. No new residential or commercial uses are proposed. No new construction or alteration of existing facilities is proposed. All existing easements and permit requirements concerning, but not limited to, open space, public access and vehicular access will remain in effect. **(Continued from the meeting of January 23, 2006)**

Supervising Planner Andrew Thomas presented the staff report. Staff recommended approval of this item.

The public hearing was opened.

Mr. Thomas Charrone noted that he was a property owner of a townhouse at Marina Village, as well as a director of the Oakland Yacht Club. He believed that while he had no opinion of the proposed project, it was well conceived and legal. He expressed concern about the long-term maintenance of the common properties and the accumulation of trash near the gates. He was also concerned about the maintenance of the parking areas, and did not want it to suffer because of conflicts within the homeowners association or other parties. He expressed concern about access from the parking lots for users of the marina. He would like the tenants of liveaboards to have right of first refusal for marina slips as they come up for sale, as well as the opportunity to move into rented slips. He would like renters of slips to be protected from eviction if the slip is sold to anyone but the owner/user or blood relative of the owner.

In response to an inquiry by Member Kohlstrand regarding Mr. Charrone's concerns regarding slip tenants, Ms. Harryman replied that this issue had not come up before and that she would research the legal implications and bring that information back to the Planning Commission.

The public hearing was closed for Board discussion.

Board member Lynch noted that he did not believe the Board should become involved in slip rental issues, and that it should be left to the homeowners association and other private parties. He did not believe the maintenance of trash by Gates 8 and 9 were the purview of the Planning Board, and that it was a marina management issue.

Mr. Thomas noted that the current system of CC&Rs and cross-access easements seems to be working for the maintenance of the common areas, and for access to the shared facilities. He noted that the easements and provisions in the CC&Rs would remain as they currently are. Regarding the issue on the liveaboards, whether the marina remains in its current status or records a condo plan, the Marina would always be limited by the BCDC restriction of 10% liveaboards.

In response to an inquiry by Vice President Cook, Mr. Thomas explained how a condominium association would operate.

In response to an inquiry by President Cunningham regarding the ability to expand the number of berths, Mr. Thomas replied that any such application would be an amendment to the original Master Plan community for Marina Village. The Master Plan Amendment process requires both Planning Board and City Council approval.

In response to an inquiry by President Cunningham regarding mitigation of pollution and cross-contamination between berths, Diane Eisley, Harbormaster, Emery Cove Yacht Harbor, replied that they had never had any problems.

M/S Cook/Lynch and unanimous to reopen the public hearing.

AYES – 5 (McNamara absent); NOES – 0; ABSTAIN – 0

Mr. Charrone stated that he believed that the organization that owns the property did a good job of maintaining it, as did the harbormaster. He asked that the Board consider that a maximum 10% of slips are liveaboards and that means 71 people in this marina could live there and contribute to the community. He asked that those individuals be made aware of the City's policies with respect to their rental liveaboard status.

The public hearing was closed for Board discussion.

M/S Cook/Mariani and unanimous to adopt Planning Board Resolution No. PB-06-06 to approve two parcel maps creating a total of four parcels and the conversion of existing berths, within these four parcels, from rental to condominium ownership. These parcels cover existing marina facilities only. No new residential or commercial uses are proposed. No new construction or alteration of existing facilities is proposed. All existing easements and permit requirements concerning, but not limited to, open space, public access and vehicular access will remain in effect, with the following modification under Condition 3: *“Parcel maps shall be prepared to the satisfaction of the City Engineer and the City's consultants. Particular attention shall be given to ensure the maintenance and the quality of the existing landscape and parking areas.”*

AYES – 5 (McNamara absent); NOES – 0; ABSTAIN – 0

8-B. **FDP05-0003/DR05-0127/TM05-0003 – Venture Corporation – 2201 Harbor Bay Parkway (DG).** The applicant requests approval of Final Development Plan and Major Design Review applications allowing the construction of three new two-story commercial buildings. The buildings would range in size from 13,946 to 16,952 sq. ft. in size, with a maximum height of 34 ft. The proposed use of these buildings is a mix of research and development facilities and professional offices. The three buildings would contain up to 24 separate units. Specific businesses that would occupy the buildings have not been identified at this time. The applicant also requests approval of a Tentative Parcel Map/Condominium Plan allowing the conveyance of the 24 units to separate owners.

Mr. Garrison presented the staff report.

The public hearing was opened.

There were no speaker slips.

The public hearing was closed for Board discussion.

Member Kohlstrand did not believe it was particularly unusual for the Harbor Bay area, expressed concern that the way the buildings were situated on the site did not bear a positive relationship to the adjacent public streets. She would like to see the focus shifted, and could not support the site plan as presented. She would like to see the buildings come closer to the street, and parking areas moved to the rear of the site.

Member Kohlstrand did not have a problem with mixed use, but was concerned about the sort of services, such as restaurants, that were being provided for the employees in that area.

Vice President Cook agreed with Member Kohlstrand's comments, and had been disturbed by the amount of parking that would be empty on weekends. She noted that there was beautiful public access *along the shoreline*, and that the shore was an amenity that did not have a relationship to the buildings.

President Cunningham did not believe that encumbering one particular owner with having to build a restaurant, and inquired about the future plans. Mr. Garrison noted that a future project included a Hampton Inn in the area; their long-term plans included a conference room and a restaurant. He understood the comments regarding the alignment of the buildings, and suggested that the applicant detail the options.

Vice President Cook expressed concern about the planned development requirements for comfortable facilities for the workers to be outdoors, and did not believe the space was well-used.

Mr. Brock Grayson, project architect, displayed the site plan and discussed details of the building placement. He noted that the views of the Bay played an important part in its design.

Member Kohlstrand believed that a different approach to the layout would provide a balanced perspective

to the street and to the water.

In response to an inquiry by Member Lynch regarding the height limitation, Mr. Grayson replied that in Harbor Bay, buildings could be constructed up to 35 feet. This particular site would be 34 feet.

Member Lynch believed that a 34 foot height limit was a limiting factor, and forced several parameters. He would not mind having a three-story building on this site with proper massing. He believed that this project was needed, and suggested that a second-floor entrance be considered. Mr. Grayson noted that one project with that arrangement did not work as well as anticipated. He noted that his clients did not favor larger buildings.

Mr. Stuart Sheinholtz, Venture Corporation, project developer, noted that they generally sold to small businesses, and that the first project in Alameda was very successful. He noted that a very diverse group of businesses were buying properties in the site. He agreed with Vice President Cook's comments. He noted that this site was fully landscaped, and that they maximized their views; they made successful use of flex-space.

Member Mariani would like to see a second, more creative submission by the architect, and that the space could be used in a more accessible way on the weekends. Mr. Sheinholtz noted that this was primarily a business park, and that when people used it on the weekends, they were able to enjoy the Bay. He noted that if the buildings were swapped, there would be a view of the empty parking lot.

Member Kohlstrand noted that she did not have an issue regarding condominiums, and was concerned about the site layout.

Member Lynch believed this use was needed, and believed the ability for the business owner to own the real estate was very positive. He would like to see an alternative way for this site to be designed.

President Cunningham would like to see the design address the street.

Mr. Grayson noted that they took a very conservative approach to provide sufficient parking. President Cunningham did not want architectural context to be sacrificed for a few parking spaces that may not be used.

Mr. Grayson noted that the Harbor Bay Architectural Committee endorsed this project, as did City staff.

Member Lynch suggested that the applicant consider the height limitations, parking issues, rearticulating the design and approaching the Board at the next meeting. He emphasized that the project itself was supported, and that the design should be revised to reflect the Board's comments. He added that the applicant could take better advantage of what the Bay has to offer. He noted that if the applicant could provide a design rationale for altering the setbacks slightly, he would be willing to hear that.

Ms. Woodbury noted that the planning standards could not be abandoned, and that setbacks needed to

work with the project as a whole. Staff would be happy to work with the applicant in this regard.

Vice President Cook wished to ensure that the applicant did not take a design that worked well in a different setting and insert it into a waterfront setting that may not be as appropriate as it could be. She would like the Board's comments to be addressed without compromising the building standards set by the City.

President Cunningham noted that the Board could vote on this item as presented, and the applicant could appeal it to the City Council, or that the project could be continued and brought back to the Board at the next meeting. Mr. Grayson requested a continuance.

Ms. Woodbury noted that the Board would hear comments on the Draft EIR on the Northern Waterfront at the next meeting. President Cunningham requested that this be the first item on the agenda; Mr. Garrison confirmed that as a continued item, it would be the first item on the agenda.

M/S Kohlstrand/Cook and unanimous to continue this item to the Planning Board meeting of February 27, 2006.

AYES – 5 (McNamara absent); NOES – 0; ABSTAIN – 0



8-C. **ZA06-0001 – City of Alameda (CE).** A Zoning Text Amendment to add an administrative height variance process for additions to existing dwellings. Citywide.

M/S Cook/Kohlstrand and unanimous to move this item from the Regular Agenda to the Consent Calendar.

AYES – 5 (McNamara absent); NOES – 0; ABSTAIN – 0

M/S Lynch/Cook and unanimous to adopt Planning Board Resolution No. PB-06-07 to approve a Zoning Text Amendment to add an administrative height variance process for additions to existing dwellings.

AYES – 5 (McNamara absent); NOES – 0; ABSTAIN – 0

10. WRITTEN COMMUNICATION: None.

11. BOARD COMMUNICATION:

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

Vice President Cook advised there was nothing new to report, and that the EIR was in circulation.

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

Board member Mariani noted that there had been no meetings since her last report.

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

Board member Kohlstrand advised that there had been no further meetings since her last report.

12. STAFF COMMUNICATIONS:

Ms. Woodbury distributed a handout regarding the Brown Act to follow up on questions posed at the last meeting.

Ms. Woodbury noted that several staff members suggested a tour of higher density housing, especially in San Jose. Board member Mariani noted that there was similar housing in San Lorenzo.

Ms. Woodbury noted that if there was a quorum of the Board, it would be a noticed meeting.

Mr. Thomas advised that the Catellus meeting would be held at the O Club on Alameda Point on Wednesday, February 15, 2006, to discuss alternative site plans by the Catellus team. He invited the Board members to attend. The next public meeting on the project would be a study session on March 13, 2006, at the Board's regular meeting. The meeting would be followed by discussion in small groups.

13. ADJOURNMENT: 8:37 p.m.

Respectfully submitted,

Cathy Woodbury, Secretary  
City Planning Board

These minutes were approved at the February 27, 2006 Planning Board meeting. This meeting was audio and videotaped.