

**Minutes of the Regular Planning Board Meeting  
Monday, April 11, 2005 – 7:00 p.m.**

1. CONVENE: 7:02 p.m.
2. FLAG SALUTE: Mr. Lynch
3. ROLL CALL: President Cunningham, Vice President Cook, Kohlstrand, Lynch, Mariani, and Piziali.

Also present were Interim Planning & Building Director Jerry Cormack, Deputy City Attorney Julie Harryman, Supervising Planner Judith Altschuler, Planner III Allen Tai, Planner II Dennis Brighton, Executive Assistant Latisha Jackson.

4. MINUTES:
  - a. Minutes for the Special meeting of March 3, 2005.

Ms. Kohlstrand advised that page 7, last paragraph, stated that she supported that the non-Measure A option be evaluated, not the non-Measure A option itself at this point.

M/S Kohlstrand/Cook to approve the minutes for the Special meeting of March 3, 2005, as corrected.

AYES - 4; NOES – 0; ABSTAIN – 3 (Lynch, Mariani, Piziali)

- b. Minutes for the meeting of March 14, 2005 **(continued from the meeting of March 28, 2005.)**

M/S Cook/Kohlstrand and unanimous to approve the minutes for the meeting of March 14, 2005, as presented.

AYES - 4; NOES – 0; ABSTAIN – 3 (Lynch, Mariani, Piziali)

- c. Minutes for the meeting of March 28, 2005.

President Cunningham advised that page 11, paragraph 3, should be changed from, “President Cunningham believed that if the parapet were to be articulated and supported increasing the *capacity* of the structure.”

President Cunningham advised that the resolutions on page 3 and page 5 need to have a resolution number attached.

M/S Cook/Piziali and unanimous to approve the minutes for the meeting of March 28, 2005, as corrected.

AYES - 4; NOES – 0; ABSTAIN – 3 (Lynch, Kohlstrand, Mariani)

5. AGENDA CHANGES AND DISCUSSION: None.

6. ORAL COMMUNICATIONS: None.

7. SPECIAL ORDERS OF THE DAY

7-A. Resolution and Commendation for Supervising Planner Judith Altschuler.

President Cunningham read the following resolution into the record:

WHEREAS, Judith Altschuler accepted the position of Assistant Planner for the City of Alameda on June 1, 1988; and

WHEREAS, Judith Altschuler was promoted to Planner III for the City of Alameda on December 10, 1995; and

WHEREAS, Judith Altschuler was promoted to Supervising Planner for the City of Alameda on February 24, 2002; and

WHEREAS, Judith Altschuler has assisted in the planning process of numerous projects including the renovation of the Historic Alameda City Hall, construction and renovation of St. Joseph's High School gym and campus, the construction of the Lucent Campus, the construction of California Heritage Bay and Bayport and the completion of Harbor Bay Isle Village V; and

WHEREAS, Judith Altschuler has most recently assisted the Library Building Team in the planning process of the construction of our New Alameda Library, and in the planning process of the renovation of our Historic Alameda Theatre and new Cineplex and parking garage, and the planning process for the development of the Breakers at Bayport.

WHEREAS, Judith Altschuler has assisted in creating the new City-wide Guide to Residential Design and numerous development code amendments; and

WHEREAS, Judith Altschuler has assisted staff in a countless number of daily projects with her knowledge of the Zoning Ordinance and Alameda Municipal Code; and

WHEREAS, Judith Altschuler has been Secretary to the Historical Advisory Board since 1992 and has been instrumental in revising the Historic Preservation Ordinance, in implementing the Historic Building Study List, and the overall historic preservation of Alameda homes, monuments and landmarks; and

WHEREAS, Judith Altschuler has, during her tenure, provided clear and consistent information to the City Council, Planning Board, Historical Advisory Board, staff and the citizens of Alameda; and

WHEREAS, Judith Altschuler will officially retire from her position as Supervising Planner for the City of Alameda on May 12, 2005.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Alameda extends their thanks for her “Dedication to Excellence and Commitment to Service” to the City of Alameda on behalf of the City, staff and the citizens of Alameda.

President Cunningham noted that Ms. Altschuler’s knowledge and expertise will be missed.

Ms. Altschuler thanked the Board for making her tenure so memorable and wonderful, and complimented them on their hard work and commitment to the City. As a citizen of Alameda, she was glad that she was leaving the City in such good hands. She thanked staff for its terrific work, and will miss them.

Mr. Piziali thanked Ms. Altschuler for her clarity in Planning Board and City Council meetings, and would miss her greatly.

Ms. McNamara thanked Ms. Altschuler for her expertise and patience.

Vice President Cook complimented Ms. Altschuler on her clarity and talent for explaining difficult issues, as well as her patience through changing Boards. She complimented Ms. Altschuler on her excellent staff reports, and hoped they would be a model for future staff members.

Mr. Lynch and Ms. Mariani thanked Ms. Altschuler for her excellent service.

8. CONSENT CALENDAR:

- 8-A. **Major Design Review, DR04-0106, and Variance, V05-0001 – Corey Verka – 2825 Van Buren Street (DB).** The applicant requests a Major Design Review approval to add habitable floor area in the basement, enclose the rear stairwell to the basement, and alter the rear deck. Because the enclosed stairwell extends a nonconforming westerly side yard setback of 3-feet, where a minimum 7-foot side yard setback is required, a finding must be made pursuant to AMC 30-5.7 (k) & (l), that no adverse effects such as shading, view blockage, or privacy reduction would occur on adjoining properties. A Variance is also required because the proposed expansion of habitable floor area into the basement would structurally expand the use of a nonconforming third story. The site is located within an R-1, Single-Family Residential Zoning District.

M/S Piziali/Cook and unanimous to adopt Planning Board Resolution No. PB-05-12 to approve a Major Design Review approval to add habitable floor area in the basement, enclose the rear stairwell to the basement, and alter the rear deck. Because the enclosed stairwell extends a nonconforming westerly side yard setback of 3-feet, where a minimum 7-foot side yard setback is required, a finding must be made pursuant to AMC 30-5.7 (k) & (l), that no adverse effects such as shading, view blockage, or privacy reduction would occur on adjoining properties. A Variance is also required because the proposed expansion of habitable floor area into the basement would structurally expand the use of a nonconforming third story.

AYES – 7; NOES – 0; ABSTAIN – 0

- 8-B     **ZA05-0002, 842 Central Avenue, Central Cinema, Applicant: Mark Haskett (JC).** The Applicant seeks approval to continue to operate a movie theater with up to 49 seats in the C-1, Neighborhood Business District where a movie theater use is not currently allowed as a permitted use or as a use regulated by use permit. The Planning Board will review and take action on the following options associated with continued use of this movie theater:
- 1) Consideration of a Zoning Use Determination that a “Boutique Theater” defined as “A theater with audiences of 49 persons or less for live performances or for the screening of motion pictures where there is only one screen in the theater” is sufficiently similar to what is allowed pursuant to Alameda Municipal Code section 30-4.8(c)(7) which allows by use permit “Theaters with live performances that are in combination with other permitted uses.” If the Planning Board determines that a “Boutique Theater” is consistent with what is allowed by A.M.C. section 30-4.8(c)(7), then the applicant will apply for a use permit at a future meeting; or
  - 2) Consideration of an Amendment to Section 30-4.8 (c) to add “Boutique Theater” as a use regulated by Use Permit in the C-1 zoning district. “Boutique Theater would be defined as “A theater with audiences of 49 persons or less for live performances or for the screening of motion pictures where there is only one screen in the theater.” If the Planning Board determines that a “Boutique Theater” could be an appropriate use in the C-1 zoning district, the zoning amendment will be forwarded to Council for adoption and the applicant would need to return to the Planning Board for a use permit following adoption of the amendment by Council. **(Continued from the meeting of February 28, 2005. Applicant and staff are requesting a continuance to the meeting of May 23, 2005.)**

M/S Piziali/Cook and unanimous to continue this item to the meeting of May 23, 2005.

AYES – 7; NOES – 0; ABSTAIN - 0

8-C. **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. **(Continued from the meeting of March 28, 2005. Applicant requests continuance to the meeting of April 25, 2005.)**

M/S Piziali/Cook and unanimous to continue this item to the meeting of May 23, 2005.

AYES – 7; NOES – 0; ABSTAIN - 0

## 9. REGULAR AGENDA ITEMS

- 9-A. **Major Design Review, DR04-0093 Wei Liang for 2019 Buena Vista Avenue: Appellant: Mercedes Milana of 2019 Buena Vista Avenue (DB).** Mercedes Milana is appealing staff's conditional approval of this Major Design Review which permits the structural expansion of a single family residence by converting the basement into habitable space. This residential expansion would provide a total of approximately 3,226-square feet of floor area. The appellant is requesting that the Major Design Review application be denied because of potential detriments to the neighborhood including, but not limited to an increased demand for on-street parking resulting from the increase in residents at the property. The site is located within an R-4, Neighborhood Residential Zoning District.

Mr. Brighton summarized the staff report, and noted that the basis of appeal was issues associated with the number of people who may live in the residence due to this approval, as well as ongoing enforcement actions. Staff recommended that the project be approved conditionally, and that additional conditions be required, including:

1. A deed restriction stating that the building is a single-family residence until otherwise approved by the City;
2. The internal stairwell connecting the basement with the main floor must be opened as much as possible to the floor above;
3. The installation of the proposed wet bar should be disallowed; and
4. Additional stairway access into the basement area from the side of the house will be disallowed.

The public hearing was opened.

Ms. Tonya Parker, 2023 Buena Vista, spoke in opposition to this item, and noted that there had been numerous family members and others living in the building. She expressed concern that they are placing pressure on parking and the schools, and that more families would be added. She believed the applicants' actions were detracting from the nature of the neighborhood.

Mr. Kirk Ling, 2012 Buena Vista, spoke in opposition to this item. He noted that the applicant had added units numerous times, and he had seen people crawling out of windows in the morning. He was very concerned the deed restriction would be disregarded, and that the schools were being pressured by nonresidents of Alameda. He believed this building would turn into an apartment building.

Ms. Mercedes Milana, 2027 Buena Vista Avenue, spoke in opposition to this item. She did not believe this dwelling space was appropriate for so many people, and recalled the past history of this building's occupants. She expressed concern that the additional space would double the number of residents from 13 to 26, and noted that parking shortages would become worse. She understood that this was an R-4 zone, but believed that the situation was excessive. She noted that people in similar

buildings cemented over their lawn and parked there following the amnesty. She believed this would significantly impact the neighborhood.

Mr. Chau, project engineer, understood the neighbors' concerns about parking and has been working with staff. He was not aware of the history of the neighboring buildings, but knew that their family was growing and must be accommodated. He did not believe the number of 26 residents was justified.

President Cunningham noted the neighbors would like a guarantee regarding the number of people on an individual property, and suggested that they work together to craft an answer to limit the number of people who could live within the residence.

Mr. Chau noted that the garage was no longer there, and that they needed storage space. Mr. Piziali noted that in Alameda, the garage was meant to park cars, not for storage.

In response to an inquiry by Ms. McNamara, Mr. Chau stated that they had three cars.

The public hearing was closed for Board discussion.

In response to an inquiry by Ms. Kohlstrand regarding the number of people living in a home as a family, Ms. Harryman noted that the number of people in a dwelling unit cannot be limited. Deed restrictions may be imposed and stairwells reviewed for integrated internal access so that the building may retain its single-family nature.

Mr. Piziali believed that this house was overbuilt for the neighborhood.

Mr. Brighton noted that the resolution contained a typographical error, and that the design review would be valid for one year.

Mr. Lynch believed the applicant should start this process over again, and that the applicant should consider the City guidelines; the new application should be submitted according to those City guidelines in the Code. He believed there was significant inconsistency in the history of this application.

Ms. Harryman noted that the Board members should look at this application as it is, notwithstanding past Code enforcement actions, and that they may make a determination based on significant adverse impacts.

Mr. Piziali could not support this application because of the lack of a garage, and believed it would impact the neighborhood negatively.

Ms. McNamara noted that she could not make the findings, and that this neighborhood was significantly impacted by the large amount of traffic and parking congestion.

Ms. McNamara did not believe that this address was solely responsible for the street's parking suggestion.

Ms. Mariani noted that was not the assumption.



Mr. Piziali noted that the type of window material should be specified in the plans. Mr. Brighton replied that people were able to install any kind of window consistent with the style of architecture, but aluminum windows were prohibited under the Design Guidelines.

In response to an inquiry by Mr. Lynch whether a garage existed on the property, Mr. Chau stated that it was extended with permits and approvals. He did not know whether the garage was being used for parking. The owner stated that it was used for parking and minor storage. He recommended that the garage be removed.

Mr. Lynch believed the addition square footage being sought should incorporate the parking for the residents to the extent possible. He strongly suggested that the applicants discuss this issue with staff, incorporate those discussions into a document to submit to the Planning Board for approval or denial.

Mr. Piziali believed the driveway should be narrowed in the front, and did not believe a single curb cut would be legal. He requested further information on the driveway. *“Mr. Piziali wished to clarify that the pavement of the driveway was very wide, and that they were parking two cars there. He wanted to see the driveway brought back to Code with respect to the project.”*

Vice President Cook commended staff on the work it did under the current conditions, and would like it reflected in the plans that it would be a single-family home. She believed the interior staircase should be decidedly open and not easy to close up.

M/S Piziali/Lynch to adopt Planning Board Resolution No.PB-05-13 to uphold the appeal and deny the Major Design Review and remand it to staff.

AYES – 7; NOES – 0; ABSTAIN – 0

9-B. **Transportation Master Plan (BB)** - Review and comment on the proposed policies of the draft Transportation Master Plan.

Ms. Barbara Hawkins summarized the staff report. She commended John Knox White for taking the leadership role in examining the General Plan for its transportation policies. She noted that he was available for questions.

The public hearing was opened.

Mr. Jon Spangler, 1037 San Antonio Avenue, wanted to ensure that the wording accurately represented the Commissioners' intentions, and that the street system would be equally accessible to people using different methods of travel. Policy A-1-1 should "maintain a consistent classification of streets, sidewalks and paths that will be the basis for identifying vehicle commuter routes, transit routes, bike lanes, walking routes, as well as corridors for other modes of transportation." He noted that the street repair and maintenance program will routinely put in improvements to accommodate bicycles and pedestrians, as well as automobile traffic. He believed this policy should be stated explicitly in the policies and goals. He would like the objective in A-2-3 to protect and enhance the service level of the transportation system. He believed A-2-5 to include water taxis, bicycle shuttles and ferries should be included explicitly to match the intention. He generally disagreed with staff's suggestions, and believed that Development Service's recommendation on A-5-3 can be incorporated easily by stating, "...continue to support, maintain and expand the fixed route AC Transit system." He did not believe that the Public Works staff view of sound walls should be incorporated; the Transportation Commission appropriately said that sound walls were not a good idea. He noted that objective A-7 can contain Public Works' staff recommendation and still maintain the original wording.

The public hearing was closed for Board discussion.

Vice President Cook believed that pedestrian uses had been shortchanged, and did not agree with privatizing streets.

President Cunningham believed that the grid of streets should be broken up with variations in design, including the use of cul de sacs.

Ms. Hawkins noted that the next step would be to examine the grid network.

Mr. Lynch noted that he liked cul de sacs because they were safe places for children to play, and that they were a physical place in an urban setting that allows for that safe area. He noted that the cul de sacs were needed in Alameda, but that they should not be too long.

Mr. Cormack inquired whether bicycle and pedestrian linkages would be favored by the Board at the end of cul de sacs.

Regarding A-1, Vice President Cook believed that truck routes affect the neighborhood, and agreed with Mr. Spangler.

Ms. Kohlstrand wished to make it clear that all modes of transportation should be accommodated.

Mr. Lynch believed the planning should engage agencies as they affect circulation. A working group would be a good solution.

Ms. Kohlstrand believed that providing directions with respect to bridge crossings, etc. would be a positive addition to this document.

Mr. John Knox White noted that this was a general policy, and that the next step would provide more detail.

Ms. Mariani believed that issues with Oakland should be addressed in subcommittees.

Mr. Piziali noted that he did not like speed bumps, lumps or humps, and requested clarification from staff. Ms. Hawkins provided the distinctions. Mr. Piziali believed they had a negative impact on emergency response vehicles, and impacted response times.

Mr. Lynch believed the traffic calming measures providing greater safety for children.

Regarding A-5, President Cunningham believed the policies of the ADA were the standard to base transportation policies upon. Mr. Knox White noted that because it was federal law, it would take precedence; pre-ADA crossings were called out in the document.

Regarding livability, President Cunningham noted that parking relative to parcels was an important issue, and would like the Transportation Commission's opinion.

Mr. Knox White noted that they planned to examine concerns about on-street programs, especially the costs.

In response to an inquiry by Ms. McNamara, Mr. Knox White described various traffic calming tools, including bulbouts and increasing the curve of a street.

Mr. Lynch believed a legend should be included to identify the responsible parties for comments, and added that he was appalled at the Housing Authority's comments. He found it highly disrespectful to the community of Alameda, to suggest the idea of increasing the speed limit on the streets, with more vehicles, while trying to increase pedestrian and bicycle traffic. Mr. Knox White noted that the comment was made by City staff. Mr. Lynch noted that it was an unprofessional suggestion. Ms. Kohlstrand noted that was a standard approach for traffic engineers.

President Cunningham noted that the residents had spoken loud and clear regarding their opposition to sound walls.

Vice President Cook believed the General Plan should specifically state that there should be no sound walls in Alameda.

Ms. Kohlstrand supported shared parking in the Mixed Commercial areas.

Vice President Cook noted that the LOS was affected when high-occupancy vehicles were given priority over low-occupancy vehicles; the single car drivers would be made so uncomfortable that

they would take transit. She believed that bicycles should be more completely addressed as a mode of transportation.

Ms. Kohlstrand noted that Objective D-3, which reads, "Impacts to traffic operations, including all modes of transportation..." did not sound right, and that an expression of multimodal accommodations should be included.

Ms. Kohlstrand understood that the Beltway was being preserved for the light rail line, and inquired whether it would be eliminated. Ms. Hawkins replied that it was in the current General Plan. Ms. Kohlstrand believed that other solutions besides light rail should be examined. *"Ms. Kohlstrand wished to clarify that she was referring to the policy regarding the light rail preservation of the Beltway, not whether the light rail line itself would be eliminated."*

*"President Cunningham made note that he would like the Transportation Commission to identify any areas that would qualify for funding of grants to help implement policies with less of a financial impact to the City."*

No action was taken.

10. **WRITTEN COMMUNICATIONS:** None.

11. **BOARD COMMUNICATIONS:**

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

Vice President Cook advised that she had nothing new to report.

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

Vice President Cook advised that there was nothing 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 to report.

- d. Oral Status Report regarding the Golf Course Committee (Board Member Mariani).

Board Member Mariani advised that there was nothing to report.

12. **STAFF COMMUNICATIONS:**

Mr. Cormack advised that the staff report on the West End Retail Implementation Strategy was provided for information only.

Mr. Cormack advised that at the last City Council meetings, Harbor Island and the veterinarian clinic were approved; the Planning Board was supported on both items.

Vice President Cook inquired about the 100,000 square foot store planned. Mr. Piziali noted that kind of store would only be built at total build-out.

Mr. Cormack advised that it would be a food store, at build-out only.

Mr. Lynch did not see a discussion on how land use decisions impact the general fund, and believed it would be short-sighted not to do so.

13. ADJOURNMENT: 9:42 p.m.

Respectfully submitted,

Jerry Cormack, Interim Secretary  
City Planning & Building Department

These minutes were approved at the April 25, 2005, Planning Board meeting. This meeting was audio and video taped.