

**Minutes of the Regular Planning Board Meeting
Monday, May 8, 2006**

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

Board member Mariani was absent.

Also present were Planning and Building Director Cathy Woodbury, Assistant City Attorney Donna Mooney, Planner II Dennis Brighton, Planner II Emily Pudell.

4. MINUTES:
 - a. Minutes for the meeting of April 10, 2006
(Continued from the meeting of April 24, 2006.)

Vice President Cook noted that during the discussion of Item 8-B (Catellus), she expressed her concern that the row of offices acted in some sense as a wall to the waterfront, and that it was important to have a range of types of uses and a different configuration.

Vice President Cook advised that on page 8, paragraph 1, she would like to clarify her statement, "She liked the amount of open space in the project." She liked the overall amount of open space in the project, but had a question about the appropriate size for the plaza at the foot of 5th Street. She anticipated seeing examples of different public plazas and public spaces in order to understand the size of that plaza in relation to the rest of the site.

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

AYES – 6 (Mariani absent); NOES – 0; ABSTAIN – 0

Minutes for the meeting of April 24, 2006.

Board Member Ezzy Ashcraft noted that page 10, paragraph 5, should be changed to read: "She noted that three patients per *hour* day did not mean they would be parked there all day."

M/S Kohlstrand/Lynch and unanimous to approve the minutes for the meeting of April 24, 2006, as amended.

AYES – 4 (Mariani absent); NOES – 0; ABSTAIN – 2 (Cook, McNamara)

5. AGENDA CHANGES AND DISCUSSION: None.

6. ORAL COMMUNICATIONS: None.

7. CONSENT CALENDAR:

- 7-A. **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. A Use Permit is required for automobile repair shops in specific locations within the CC (Community Commercial) Zoning District.
(Continued from the meeting of April 24, 2006.)

M/S Cook/Ezzy Ashcraft and unanimous to adopt Planning Board Resolution No. PB-06-16 to approve a Use Permit renewal to allow the operation of an automotive repair use. A Use Permit is required for automobile repair shops in specific locations within the CC (Community Commercial) Zoning District.

AYES – 6 (Mariani absent); NOES – 0; ABSTAIN – 0

8. REGULAR AGENDA ITEMS:

- 8-A. **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. **(Continued from the meeting of April 24, 2006.)**

Ms. Pudell summarized the staff report, and wished to clarify that the use was for an orthodontic office. Staff recommended approval of this item.

President Cunningham advised that nine speaker slips had been received.

M/S Lynch/McNamara to reduce the speakers' time to three minutes.

AYES – 6 (Mariani absent); NOES – 0; ABSTAIN – 0

The public hearing was opened.

Dwight and Carmen Jennings, applicants, noted that they received a copy of the petition and tried to contact as many signers as possible. Mrs. Jennings noted that they tried to address their concerns about parking, hazardous waste, security and property value. They had consulted a long-time real estate appraiser in Alameda, who wrote a letter regarding R-5 zones and whether the mixed uses in those zones negatively affects property values. She distributed that letter to the Board.

Mr. Steve Gibson, 1531 A *Eighth* Street, spoke in opposition to this project. He noted that he worked nights and like to relax quietly in his backyard. He believed this proposed use would disturb his quiet use of his property. He expressed concern about the traffic impacts from the proposed use.

Mr. David Ammo spoke on behalf of his grandmother, who owns four parcels near the project site. He expressed concern about the generated medical waste, as well as storage of flammable and nonflammable gases used. He noted that the parking on the street was already severely impacted.

Mr. Mark Severs, 766 Haight, expressed concern about the parking impacts on the street and noted that it was already difficult to park. He did not believe a mixed use neighborhood would retain its value.

Mr. Brian Stewart noted that an additional petition had been signed, and did not agree with staff's rendition of the staff report, which favored this project. He spoke with many people within 300 feet of the site, and stated that almost no one wanted this project. He added that they wanted this area to remain residential. He noted that he had left the petition at the Planning Department, and was concerned that it had not been seen by the Planning Board.

Ms. Candace Fitzgerald was very concerned about the value of her property, which was several blocks away from the project site. She did not want commercial uses creeping closer to her home, and was concerned about traffic and parking issues. She did not want the residential zoning to change.

Ms. Jean Demato, 749 Haight Avenue, spoke in opposition to this project. She did not want the residential nature of the neighborhood to change to partial commercial space. She was concerned about the auto exhaust and any radioactive materials and waste that may come from this use. She was concerned about parking, and did not want the neighborhood to change from a residential neighborhood. She noted that she was the only one of her neighbors to be noticed regarding this use.

Mr. Wilton Fike, 1524 A *Eighth* Street, was very concerned about the parking impacts of this use, and did not want the zoning of the neighborhood to change.

Mr. Peter Colinberg spoke in opposition to this project. He expressed concern about parking capacity, especially when repair or sales and service people came to this office. He noted that several Internet listings identified Dr. Jennings as a dentist, not an orthodontist. He expressed concern about security during the evening and weekend hours. He was concerned about the precedent this zoning change would set. He submitted a letter written by his wife, who could not attend.

Mr. Italo Calpestri, project architect, noted that he picked up a change suggested by Board Member Ezzy Ashcraft to make a connecting pathway from the *handicapped* accessible space through the terrace to the handicapped ramp. He noted that the residential character of the building would change, and that a maintenance contractor would take care of the landscaping. He noted that security was important for the owners and neighbors, and that electronic surveillance would be employed. He noted that changing the building zoning would not involve changes in the building that would be apparent from the street. The proposal including providing off-street parking spaces in accordance with the ordinance. He noted that nearby market would be open on the weekends. He believed the amount of traffic generated by the applicant's use would be minuscule, and asked the Board to support this application.

The public hearing was closed for Board discussion.

Board Member Ezzy Ashcraft noted that Dr. Jennings practiced alone, had three office assistants, and saw an average of three patients per hour. With some overlap of patients and the occasional emergency, she believed there would be one or two cars searching for other parking. She recalled one resident stating that riders of the "O" bus parked on their street, and did not believe that seemed fair. She suggested that Parking Enforcement investigate those occurrences, and believed this use had a minimal parking impact. She believed this was a fairly noisy location to begin with, with respect to traffic noise. She noted that decreased privacy had been cited on several occasions, and one speaker stated that he slept during the day because of his night work. She noted that landscaping and fencing was intended to soften the noise. She was concerned about the decrease of property values, and

spoke with two experienced Realtors in Alameda about this issue. She was told that in general, locating a nonresidential use in a residential area could lower property values, but it depended on the type of use and the neighborhood. Each Realtor cited examples of many medical uses located on Santa Clara Avenue, and that property values in those areas were very strong. She believed that maintenance of the property was more important than the location of the use. She complimented the body of work created by the project architect, and believed it would be performed to a high standard. She noted that patients would not patronize a medical use that was not well maintained.

Member McNamara noted that it was important to respect the current homeowners and residents in this neighborhood, and that they had a major intersection to deal with.

Member Kohlstrand noted that she, along with Member Mariani, had expressed concerns about introducing a commercial or office use on this particular block. She noted that she drove along Santa Clara, Central and Lincoln earlier in the day, and was concerned about additional traffic in this area. She had always advocated for mixed use, but did not believe this was an appropriate site for this use.

Vice President Cook did not generally have a problem with mixed use, and added that she lived in an R-4 zone. She expressed concern about traffic in and out of the site, and suggested that locating this use in a neighborhood with wider streets and less existing noise and congestion; for that reason, she opposed this project.

Member Lynch commended Ms. Pudell on her staff report, which followed the law, had thorough analysis, and accurate and correct citations. He suggested that critics of the staff report look more deeply into planning law and what the role of the planners are. He stated that planners did not support or not support a particular project, but to follow a specific format and to apply the law correctly.

President Cunningham wished to identify what an R-5 zone allowed, and noted that it was the Board's job to hear the public's concerns. He did not hear support from the neighbors for this project.

Member Lynch noted that this use had been contemplated by previous Boards and City Council, which was why it was in the City Codes and planning documents. He noted that in this regard, the neighbors asserted the sense of the neighborhood that did not square with the planning documents.

Vice President Cook complimented Ms. Pudell on the staff report, and added that she was not in favor of this project.

Ms. Jennings noted that she understood the neighbors' and Board members' concerns; she noted that the General Plan identified the R-5 as not being strictly residential. She noted that a variety of permitted uses within the R-5 zone that could impact residences, such as noise and security. She believed the staff report identified the mitigations for the impacts, and added that the property had been vacant since December 15, 2005. She noted that there had

been no security issues. She noted that there would be no radioactive waste materials, because it was an orthodontic/TMJ practice. She listed a number of commercial uses within one block of the subject site, and believed that their practice would be appropriate to the area. She was dismayed by the personal comments that had been made regarding their income level and their goals in the neighborhood. She emphasized that their intent had only been to increase and enhance the property value.

M/S Kohlstrand/McNamara to adopt Planning Board Resolution No. PB-06-17 to deny approval approve 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.

AYES – 4 (Mariani absent); NOES – 2 (Ezzy Ashcraft, Lynch); ABSTAIN – 0

8-B. **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 two attached single-family homes 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. **(Continued from the meeting of April 24, 2006.)**

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

The public hearing was opened.

Mr. William De Mar, applicant, noted that he and his wife Kelly were available for questions.

Mr. Sam Koka, 650 Pacific Avenue, spoke in support of this item, and believed the applicants would be a positive addition to the neighborhood.

In response to an inquiry by Member Lynch why he would not divide the site into two lots that conformed with existing codes, Mr. De Mar replied that at first, he and his wife had to move out of Alameda to buy a home. They were trying to provide entry-level housing for two families, and that he and his family would live in the third lot.

The public hearing was closed for Board discussion.

President Cunningham expressed concern about the potential for every lot in this district being subdivided, and noted that it was already densely developed.

Ms. Pudell could not speak to every lot in the district, but believed that some other lots could be similarly subdivided.

Member McNamara noted that she could not support the parceling with the proposed number of units with the current measurements. She believed there would be too many Variances proposed for her to consider.

Ms. Pudell noted that the Planned Development Overlay allowed for this type of development, as well as for the creation of smaller lots to obtain the General Plan policies regarding affordable housing. Staff noted that this particular project was well within the density range of 8.8 to 22.8 units per acre based on the General Plan Medium Density Overlay. This project was consistent with the General Plan and the zoning regulations.

Member Kohlstrand supported the addition of affordable units, even with additional density. She was concerned that there were four parking spaces at the front of the house, and wondered whether two parcels would be better than three for that reason.

Ms. Pudell noted that the entryway to the homes was on the side elevation, so the residents would not exit directly into a parking space.

Member Lynch noted that he supported the Housing Element policies, and complimented Ms. Pudell on her creative approach in applying them. He believed that when Housing Element policies were applied with respect to the regulatory body of HCD, looking at costs associated with median incomes, a publicly funded project may be maintained within a certain band. Privately funded projects such as this, they would increase in value. He suggested that the project be approved or disapproved on the merits of the project, not how it would impact Housing Element policies, either positively or adversely.

In response to an inquiry by Member Ezzy Ashcraft regarding the size of the rear fenced private areas behind each dwelling, Ms. Pudell replied that Parcel 2 had a 180 square foot area, and Parcels 3 and 4 would have areas of ax 15 by 26 feet, or 396 square feet for each unit.

Member Ezzy Ashcraft echoed the concerns expressed by the other Board Members, and had walked the neighborhood. She noted that the other multiple dwelling sites had more openness on their sites.

Mr. Will Harrison, project designer, addressed President Cunningham's concern relating to the zero lot line between Lots 3 and 4, and noted that the intention was so there could be ownership of each individual unit. The double wall drawn on the floor plans has an airspace between them, through which the lot line runs. He noted that there would be no conflict if the project was developed in a clear and concise way; the applicant intended to encourage entry-level ownership or rental in Alameda.

Vice President Cook noted that while Measure A worked well to protect Victorians, when it came to housing for regular people, it had become very difficult to find a way to provide the middle range of housing for people who don't meet affordability requirements, but cannot afford a million-dollar house. She believed this project met that need.

President Cunningham noted that the site plan appeared to have very intense planning, but noted that when he visited the site, it appeared to be in character with the existing homes in the neighborhood.

Ms. Pudell displayed the plans on the overhead to clarify that the portion of the lot behind 471 Pacific Avenue would remain open and vacant.

M/S Cook/Kohlstrand to adopt Planning Board Resolution No. PB-06-18 to approve a Development Plan and Major Design Review approvals to establish a new single family home and two attached single-family homes 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.

AYES – 5 (Mariani absent); NOES – 1 (McNamara); ABSTAIN – 0

8-C. **DR06-0002 – Jenny Wong – 3292 Washington Street (EP).** Public Hearing to consider a Call for Review of a decision of the Planning and Building Director approving Major Design Review, DR06-0002, to allow construction of an approximately 1,350 square foot second story addition, new deck and patio. The property is located in a R-1, One Family Residence Zoning District. **[Planning Board President Andrew Cunningham].**

Ms. Pudell summarized the staff report, and noted that staff conducted comprehensive review of this project during the initial phases of the project. As a result of the Call for Review, staff worked with the applicant to obtain a shade study, attached to the staff report. Staff continued to stand by its recommendation that the Planning Board approve this project based on the fact that minimal shading impacts will occur as part of the proposed addition.

The public hearing was opened.

Mr. Steven Lau noted that he was a property owner on the same block as this project, and expressed concern about parking. He noted that the expansion would nearly double the size of the house. He did not know whether there were plans to expand the garage or other parking accommodations. He believed this expansion would change the face of the neighborhood, and would not be fair to homeowners who could not expand their own homes.

Mr. David McCarver, 3288 Washington Street, expressed dismay that staff never informed him that the privacy/shade report had been done because that was one of his concerns. He noted that his home was immediately adjacent to this project, which he believed would have a negative effect on his own quality of life. He disagreed with staff's assessment that the project would have no significant adverse effects on his home. He cited the Residential Design Guidelines, and believed the physical changes being proposed to the subject site would not blend into the context of this street. He believed the expansion would loom over his side yard. He did not believe the project would not relate in form or mass with the existing buildings, and believed it would overwhelmingly clash with the dominant verticality of this neighborhood. He noted that the neighborhood was primarily ranch-style single-level homes. He did not believe this project was compatible with any adjacent building in the neighborhood, and that it would not provide harmonious transitions in scale and character. He noted that it was twice the size of any other home in the neighborhood. He believed that it would be detrimental to existing property values, as well as the growth of property values in the neighborhood. He disagreed with staff's assessment in favor of this project. He submitted a petition opposing this project, which was signed by all but two residents, whom he was unable to reach.

The public hearing was closed for Board discussion.

Member McNamara noted that the shading report was difficult to read and understand. Ms. Pudell described the details of the shading study, and noted that second generation photocopies were difficult to read.

Member Kohlstrand suggested postponing a decision on this item until the original shading report could be brought to the Board. She noted that information from the neighbors had been received before the meeting, and noted that she would like more time to review it.

Ms. Pudell noted that the shading study was received only a few days before the packets were issued.

M/S Lynch/Kohlstrand to continue this item to the Planning Board meeting of May 22, 2006, in order for the Board to have more time to review the information.

AYES – 6 (Mariani absent); NOES – 0; ABSTAIN – 0

9. WRITTEN COMMUNICATIONS:

Vice President Cook noted that she received a letter from Helen *Sause Söss*, following up on the meeting regarding the Mixed Use Development Project (formerly known as Catellus). She inquired about the follow-up with the Board in response to her concerns whether there could be a vertical mix of uses and the applicability of Measure A to the entire site. She would also like to know how far they could stray from the proposed land use plan that was included in the initial terms of negotiation with the developer.

Ms. Woodbury noted that the Draft EIR would come before the Board to receive public comment. The actual draft was not a site plan and would not show all the buildings; the actual project was the General Plan Amendment, a zone change and the EIR. The illustrative site plan would display how it would be possible to develop the site.

Member Lynch noted that he did not always agree with moving forward with an environmental report without having the plans before the Board. He noted that Ms. *Sause's Söss* letter raised a number of interesting points, and believed that until a number of concerns are addressed, this project could be continued in perpetuity. He strongly suggested to the applicant that the alternatives be addressed broadly enough where the Board could begin to acknowledge and offer a solution through the environmental document before moving to the final project. He believed it was imperative that that be done immediately.

Member Kohlstrand agreed with Member Lynch's concerns, and that it was important for the Board to get a sense from the City Council what their thinking was. She believed there was unanimity regarding the concerns and philosophies expressed at the public meetings, and would like a sense from the City Council regarding their thinking as well.

Member Ezzy Ashcraft agreed that the *Planning Board should not operate in a vacuum, and noted that the City Council's and EDC's views on these elements were the ultimate decision-makers*. She requested more input from those bodies.

Ms. Woodbury advised that when the item is brought forward, staff will provide a briefing as to what will be asked at the meeting, as well as the Board's opportunity to make comments, and receive comments from the public.

Member Lynch would rather have a discussion about the alternatives, rather than to see the Draft EIR, so they could be decided upon before a public body. The scope of the EIR would be based upon those alternatives, and he noted that the Board did not have that. He did not believe the public process had been integrated into the final decision, and believed there was a disconnect between the various entities with respect to this project.

10. BOARD COMMUNICATIONS:

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

Vice President Cook advised that there were no further meetings since the last report.

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

Member Mariani was not in attendance to present this item.

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

Member Kohlstrand advised that there had been no further meetings since the last report.

11. STAFF COMMUNICATIONS:

Ms. Woodbury advised that the Final EIR for the Alameda Point Golf Course had been released, and that it would go to the Alameda Reuse and Redevelopment Authority at the first meeting in June. Staff would initiate negotiations with the Army Corps of Engineers to obtain dredge materials for future construction of the golf course.


Ms. Woodbury noted that Andrew Thomas had been promoted to Planning Services Manager.

In response to an inquiry by Member McNamara regarding the special Planning meeting for May 18, 2006, Ms. Woodbury replied that Latisha Jackson had polled the Board to see if a joint meeting with the EDC would be possible, with regard to the scope of the parking study for the Park Street and Webster Street areas.

12. ADJOURNMENT:

9:13 p.m.

Respectfully submitted,


- Cathy Woodbury, Secretary
Planning and Building Department

These minutes were approved at the May 22, 2006, Planning Board meeting. This meeting was audio and video taped.