

**Minutes of the Regular Planning Board Meeting  
Monday, January 9, 2006**

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

Also in attendance were Deputy City Attorney Julie Harryman, Supervising Planner Cynthia Eliason, Planner III Allen Tai, Planner Stefanie Hom.

4. MINUTES: a. Minutes for the meeting of November 14, 2005.  
**(Continued from the meeting of December 12, 2005.)**

Board member Kohlstrand advised that page 5, paragraph 1, should clarify her point with respect to managing the parking lot. The lot could be restricted to tenants and their visitors, but it was not her intention to suggest the way it should be operated. She had suggested that a more open approach to parking use on that facility would allow more efficient use of the parking.

Board member Kohlstrand advised that page 5, paragraph 2, should be changed to read: "She stated ~~that she advocated~~ that there were issues associated with it such as liability, safety and lighting."

Board member Kohlstrand advised that page 7, paragraph 3, should be changed to read: "She stated she was in a quandary because of the code requirements *were too high for this particular use*, and she felt that is where the Board should be focusing."

Board member Kohlstrand noted that on page 9, following the vote, she had made a clarification when she voted No on this particular project, that the record should indicate she was against it because she supported the Variance that the applicant had requested.

M/S McNamara/Kohlstrand to approve the minutes for the meeting of November 14, 2005, as amended.

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

- b. Minutes for the meeting of December 12, 2005.

Board member Kohlstrand advised that on page 3, paragraph 11, her inaudible comments were meant to clarify that the last meeting for the Transportation Committee was held on December 7, 2005, and that pedestrian issues were dealt with at that meeting. She also noted that there would be additional meetings after the first of the year.

President Cunningham noted that the Resolution numbers were missing from the minutes.

M/S Kohlstrand/McNamara to approve the minutes for the meeting of December 12, 2005, as amended.

AYES – 6; NOES – 0; ABSTAIN – 0

5. AGENDA CHANGES AND DISCUSSION:

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

M/S Cook/Kohlstrand and unanimous to remove Item 8-A from the Consent Calendar and place it on the Regular Agenda.

AYES – 6; NOES – 0; ABSTAIN – 0

President Cunningham advised that no speaker slips had been received for Item 9-A.

M/S Cook/McNamara and unanimous to remove Item 9-A from the Regular Agenda and place it on the Consent Calendar.

AYES – 6; NOES – 0; ABSTAIN – 0

6. ORAL COMMUNICATION: None.

7. Resolution and Commendation for Board member John Piziali.

President Cunningham read the following Resolution of Farewell and Commendation for John A. Piziali into the record:

WHEREAS John A. Piziali was appointed as a member of the Planning Board on July 15, 1997, to complete an unexpired term; and

WHEREAS John A. Piziali was reappointed as a member of the Planning Board on July 1, 1999; and

WHEREAS John A. Piziali was again reappointed as a member of the Planning Board on July 1, 2003; and

WHEREAS John A. Piziali was elected Vice President of the Planning Board on August 13, 2001; and served as Vice President until October 13, 2004; and

WHEREAS John A. Piziali was elected President of the Planning Board on October 13, 2003; and

WHEREAS John A. Piziali has also served Alameda by his involvement on behalf of the Planning Board in the Golf Course Committee; and

WHEREAS John A. Piziali has earned the respect of his fellow Board members and City Staff for his clear and consistent contributions to numerous development projects throughout his tenure; and

WHEREAS the Planning Board and City Staff wishes to thank John A. Piziali for his constant support. His experience and expertise were invaluable on projects such as the Bay Port Development and the recent development of Alameda's "Guide to Residential Design"; and

WHEREAS his concern for the welfare of the Citizens of Alameda and the future development of our City were always apparent when balancing neighborhood issues with the economic goals of the City.

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda acknowledges his valuable contributions to the City of Alameda, and wishes him all future happiness and continued involvement in community issues.

PASSED AND ADOPTED by the Planning Board of the City of Alameda on the 9<sup>th</sup> day of January 2006.

President Cunningham noted that as long as he was on the Board, Mr. Piziali had been on the Board as well. He added that his knowledge, level-headedness and approach to the issues would be missed. He thanked Mr. Piziali for his hard work.

Mr. Piziali thanked President Cunningham and the Board for their kind words, and noted that the Board had done an outstanding job on development issues. He urged the Board to remember that when the average citizen went through the planning process, that they were not only a Planning Board, but that they were their neighbors, trying to help them.

8. CONSENT CALENDAR:

- 8-A. **UP05-0023; Frank Krauland for Grandview Pavilion; 300 Island Drive (SH).** The applicant requests a Use Permit approval to allow the construction of a 1750 square-foot (35' by 50') tent structure over an existing outdoor patio. Pursuant to AMC Subsection 30-4.19.b(3), a Use Permit is required for structures located on public and private land in the O (Open Space) District. The site is located on the Chuck Corica Golf Complex within the O, Open Space Zoning District.

M/S Cook/Kohlstrand and unanimous to remove Item 8-A from the Consent Calendar and place it on the Regular Agenda.

AYES – 6; NOES – 0; ABSTAIN – 0

Ms. Hom presented the staff report. Staff recommended approval of this item.

Vice President Cook expressed concern about the height and permanence of this structure. She noted that the building was charming, with interesting rooflines and character. She did not believe anything similar had been approved in the City, and believed that better landscaping would help its appearance. She believed it would be a big change to the outdoor area, and did not know whether this tent had sides that could roll up.

President Cunningham echoed Vice President Cook's concerns, and inquired whether a Design Review would be presented at a later date.

Ms. Eliason noted that tents are normally temporary structures, and that the applicants were requesting that it be made a permanent structure. This request would normally be within the Board's purview because this was a Use Permit. A time limit on the Use Permit may be placed by the Board. The height is lower than the existing building. An additional condition could be placed regarding the sides.

In response to an inquiry by Board member Kohlstrand whether a permanent structure would qualify as an expansion of the use, and whether new parking requirements must be considered, Ms. Eliason replied that staff did not require additional parking because it was an outdoor patio. Also, the tent could be removed at any time; staff did not believe it was an expansion of the structure in that way because the applicant was already using the outdoor area. The tent would make the outdoor area more functional in all seasons.

President Cunningham noted that he would be hesitant to limit the time that it was up. He had been concerned about the aesthetics.

Board member Kohlstrand noted that Scott's in Jack London Square had a similar structure that could be used for weddings and other special events.

The public hearing was opened.

Mr. Frank Krauland, applicant, noted that he had been thinking about this addition for several years, and noted that the Vincenza Winery in Napa had the same tent, which he described as gorgeous. He planned to use the same interior pleating, and surround it with Italian cypress, blooming flowers in between the cypress. He guaranteed the Board that it would be a first-class presentation, and noted that they cannot host weddings on an uncovered patio. He noted that the existing landscaping would remain, and added that the sides could be rolled up or removed in the summer. He added that there would be planting inside the tent as well.

Board member Lynch was sensitive to the growth of trees over the long term, given the deterioration of the hardscape. He noted that while replanting trees was the first thought, it was not always the best thought. He suggested that there be flexibility in the landscaping plan, and that they may be planted in portable planter boxes.

In response to an inquiry by Vice President Cook regarding the lifespan of this structure, Mr. Krauland replied that the metal framework would last virtually forever, and that fabric would be replaced every five to seven years to keep it fresh and white.

Board member Mariani believed this would be a beautiful addition to the site.

The public hearing was closed for Board discussion.

M/S Mariani/Cook and unanimous to adopt Planning Board Resolution PB-06-01 to approve a Use Permit to allow the construction of a 1750 square-foot (35' by 50') tent structure over an existing outdoor patio. Pursuant to AMC Subsection 30-4.19.b(3), a Use Permit is required for structures located on public and private land in the O (Open Space) District. The following modifications to the Resolution would be included:

1. The tent shall be replaced upon deterioration, as determined by the Planning & Building Director; and
2. Landscaping shall be installed to the satisfaction of the Planning & Building Director.

AYES – 6; NOES – 0; ABSTAIN – 0

9. REGULAR AGENDA ITEMS:

- 9-A. **DR05-0128, PDA05-0006; 900 Otis Drive; Applicant: Clifford Mapes (AT).** Applicant requests Planned Development Amendment and Major Design Review approvals to modify a previously approved design for the construction of a new single family residence on a vacant lot at 900 Otis Drive. The changes primarily involve replacing the angular style house design with a traditional rectangular plan. As a result of the redesign, the building footprint increases from approximately 2,700 square feet to 3,000 square feet, and the floor area of the residence will increase from 3,750 square feet to 4,360 square feet. The project is located within a R-1PD, One-Family Residence Planned Development District.

M/S Cook/Kohlstrand and unanimous to remove Item 9-A from the Regular Agenda and place it on the Consent Calendar.

AYES – 6; NOES – 0; ABSTAIN – 0

M/S Cook/McNamara and unanimous to adopt Planning Board Resolution No. PB-06-02 to approve a Planned Development Amendment and Major Design Review approvals to modify a previously approved design for the construction of a new single family residence on a vacant lot at 900 Otis Drive. The changes primarily involve replacing the angular style house design with a traditional rectangular plan. As a result of the redesign, the building footprint increases from approximately 2,700 square feet to 3,000 square feet, and the floor area of the residence will increase from 3,750 square feet to 4,360 square feet.

AYES – 6; NOES – 0; ABSTAIN – 0

9-B. **DR04-0075; 301 Spruce Street; Applicants: Bill Wong for Hai Ky Lam; Appellants: Patrick Lynch and Jeanne Nader (AT).** Public hearing to consider an appeal of the Planning and Building Director's approval of a Major Design Review to construct a new 2-story single family residence on a vacant lot at 301 Spruce Street. The site is located within an R-4, Neighborhood Residential District.

President Cunningham advised that more than five speaker slips had been received.

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

AYES – 6; NOES – 0; ABSTAIN – 0

Mr. Tai summarized the staff report. The appellants claim that staff has not complied with the conditions of approval established by previous City Council and Historical Advisory Board actions. He emphasized that these conditions stand separate from the Design Review process, and that they are parallel; they would be in place prior to Building Permit approval. Staff recommended that the Planning & Building Director's approval be upheld by the Planning Board.

The public hearing was opened.

Mr. Patrick Lynch, appellant, 305 Spruce Street, noted that his property was adjacent to the subject vacant lot. He distributed written comments to the Planning Board, and noted that a copy of an article from the August 28-31, 1998 *Alameda Journal* was included in that packet. The article referenced a Use Permit for Alameda Point, and the level of contamination on the site. In this particular case, the Planning Board decided to go against staff's recommendation, and did not approve the Use Permit. He noted that subsequent testing at this site proved that the Planning Board made the proper decision. He noted that the staff report stated that soil samples collected from illegal fill placed at the site in 2002 are free from chemical contaminants. He included a table with the results of two samples performed for Vanadium, a Proposition 65 chemical. The May 2005 sample exceeded the preliminary remediation goal, as well as an environmental screening level established by the Regional Water Quality Control Board. He believed this information meant that the site was not safe for residential use until a more thorough investigation was done into the source and contamination levels in the illegal fill.

Mr. Lynch noted that the City Council resolution also required specific analytical methods be used to test the soil. The soil report was required to be submitted prior to Design Review approval, and he believed it did not comply with the criteria established in the City Council resolution. The analytical methods used was Method 620A, and the City Council resolution specified that Method 610C be used. In addition, the lab must also be accredited to perform the analysis; the lab used was not accredited to perform Method 610C. The City Council resolution also required that a minimum number of samples be collected for different analysis based upon the volume of the stockpile. The grading permit was issued for 100 cubic yards of soil after the fact with an enforcement penalty. He noted that there was over 100 cubic yards of soil at the site.



Ms. Jeanne Nader, appellant, 305 Spruce Street, noted that they had two young children and were very concerned that they lived next to a property with contaminated soil. They had been told the soil would be removed, but it has not been removed because of the unpermitted grading performed by the owner. She noted that there were serious flooding problems, and they did not know how much contamination is in the soil. She did not agree with staff's representation of their appeals, and noted that she and Mr. Lynch have spent considerable time on this issue. They have lived next to this site since 1997, and have had to deal with various owners not maintaining the property, violating Municipal ordinances. She took issue with the staff report claim that they had opposed development in 1998, when there was no development in 1998; they were opposed to the owner cutting down a Coastal Live Oak, which was a protected historic monument in Alameda. She noted that because of their appeal to the Historic Advisory Board, the ordinance that protected that species of tree was strengthened. She stated that staff also excluded some information from 2002 when they approached the Planning Board about problems with the design by the second owner. At that time, staff told the Planning Board that their testimony had been inaccurate, and they appealed to the City Council. The then-Planning & Building Director Greg Fuz decided that their testimony was indeed accurate, and the owner was asked to withdraw his plan at that time. Another plan was submitted, and the property was sold to the current owner. She believed the Residential Design Guidelines did apply to their neighborhood. She inquired whether the same standards had been applied to any other neighborhood in Alameda. She noted that staff said there was an increased setback; she noted that there was no increased setback at their house, and that it remained at seven feet.

Mr. Dana Sack, applicant, noted that the three other applicants were Hai Lam, 1107 Buena Vista; Bill Wong, 373 Ninth Street #301, Oakland; and Ivan Chic, 373 Ninth Street #301, Oakland. He added that they did not wish to speak, and that they asked him to speak on their behalf. He noted that the appellants addressed events regarding prior owners, and that Mr. Lam was a local resident who wished to take over the property in compliance with the City Council and Planning Board. He added that he had done everything the City has asked for to protect the trees, take care of the hazardous material concerns, and had complied with every requirement. He noted that Mr. Lam paid to have a second test done by an appropriate lab, using the appropriate standard; that test showed that the piles and the land in general complied with the City and EPA standards, with the exception of arsenic. He added that arsenic is present in land that has come from the Valley in alluvial silt, and is present in most parcels in the area. He believed the piles and the hazardous materials were red herrings, and noted that the existing house on the neighboring lot has virtually no setback.

The public hearing was closed for Board discussion.

Board member Lynch noted that based on the document submitted by the appellant and the staff report, there were some inconsistencies; however, he believed the inconsistencies were motivated by different reasons. He believed the item was straightforward, and in his experience with grading permits, a 100 cubic yards plus or minus was a nominal difference. He believed there was some misinterpretation of the Regional Water Quality Control Board standards. He believed the staff report was very thorough, and found the neighbors' comments to be anecdotal. He believed the requirements placed on the property should be applied to the project before the Board today, which was for a single-family home. He was most concerned with the process followed by City staff, and

was very comfortable with that process.

In response to an inquiry by Board member McNamara whether the current owners had complied with all the conditions placed upon it by the City to date, Mr. Tai confirmed that was correct. He added that staff would like to remind the property owners that they should perform more due diligence on maintaining weeds and clearing the property to make sure it is clean. He noted that the property owners had been very responsive whenever staff had asked them to clear the property. He added that the soil would probably be removed when construction commences.

President Cunningham agreed with the staff report, and believed the proposed project may mitigate or eliminate some of the issues were reported to pertain to this particular site. He commended the applicant for proceeding in earnest to do the right thing.

M/S Cook/Lynch and unanimous to adopt Planning Board Resolution No. PB-06-03 to uphold the Planning and Building Director's approval of a Major Design Review to construct a new 2-story single family residence on a vacant lot at 301 Spruce Street.

AYES – 6; NOES – 0; ABSTAIN – 0

President Cunningham noted that this would be Mr. Tai's last meeting with the City, and commended him for his insights and hard work during his tenure. He noted that he had been a great resource to the Board, and had been impressed with his swift rise in the Planning & Building Department.

Mr. Tai thanked the Planning Board and the City, and noted that it had been a great pleasure working in Alameda. He added that he had accepted a position as an Advance Planner with the City of San Jose.

9-C. Appointment of Planning Board member to the Golf Course Committee.

Board member McNamara inquired whether this appointment was necessary at this time, given the fact that there had been no meetings during her two-year tenure on the Board.

Ms. Eliason advised that it had been formed for the Alameda Point Golf Course, which is not an active proposal at this time. She advised that the Board may wait to appoint another representative, which became vacant upon Mr. Piziali's departure.

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.

- b. Oral Status Report regarding the Golf Course Committee.

President Cunningham noted that there had been no meetings.

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

Board member Mariani advised that she brought the Planning Board's concerns from the previous meeting before the Committee, particularly regarding the increased construction and development. She agreed with Board member Lynch's assessment that the development was heading up, instead of out. She noted that Oakland did not have a Transportation Commission, and another member of the Committee who worked for the City of Oakland had been surprised that there was no Transportation Commission. She noted that they were working on a recommendation to the Oakland Planning Commission and the Alameda Planning Board for a comprehensive transportation planning document for Chinatown, prepared by the Oakland/Chinatown Advisory Committee.

Board member Kohlstrand noted that this would be an issue that the new Planning & Building Director would be able to address with the Planning Director of the City of Oakland, in order to coordinate the issues; the Public Works Directors may wish to become involved as well.

Board member Lynch advised that he was not a naysayer, nor was he taking a position against any development in Oakland; he strongly encouraged development for a variety of reasons. He raised the questions because he would like to see the same amount of deference paid to Alameda. He noted that when Alameda chose to develop, he found it extraordinarily hypocritical for anyone in Oakland to suggest that Alameda lacked sensitivity traffic or other needs, when Oakland is developing at full-tilt. He believed that was a primary issue, which he believed should be addressed by the Alameda County

Board of Supervisors, and for the elected officials. He would like to see consistency and reciprocity in the relationship between Alameda and Oakland.

- d. 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: None.
13. ADJOURNMENT: 8:03 p.m.

Respectfully submitted,

Gregory J. McFann, Acting Secretary  
City Planning Board

These minutes were approved at the January 23, 2006 Planning Board meeting. This meeting was audio and videotaped.