

LARA WEISIGER

From: Sarah Henry
Sent: Tuesday, October 03, 2017 3:47 PM
To: LARA WEISIGER
Subject: FW: Statement for tonight's 6-E agenda item

Importance: High

Lara – will you please add this to the 6E Correspondence for tonight? Many thanks!

re: 10/3/17 City Council Meeting - Agenda Item #6-E

Mayor Spencer, Vice-Mayor Vella and City Council Members,

Thank you for moving forward with conversation inclusive of *all* East End public access points. Over the last 105 years, the public access points along Fernside Blvd have been both neglected and a focal point of city conversation, left unresolved for decades despite numerous conversations and opportunities along the way, most notably in the 1950s. As the homeowners adjacent to the access point opposite Monte Vista Ave, we would like to help the city finally solve this remarkably persistent issue with a mutually beneficial solution for the homeowners, the community and the city.

The conversation thus far has been unpleasant due to misleading and emotionally deceitful statements from two outspoken members of the community that have led the public to believe that park land was being stolen by “greedy” land owners. History and supporting documents show the land has never been developed, nor have rational or financially feasible plans ever been drafted. The real conversation should be what do we do with this unique opportunity in front of us to develop truly accessible water features for all Alamedans, not dragging neighbors through the mud.

After the fourth harassing face to face insult by members of the community, our neighbors, I would kindly ask Alamedans to refrain from abusive language, improper sign language and general nastiness when visiting the walkway next to our house. Too many times I have personally been on the receiving end of misplaced outrage while doing yardwork and house chores. I place the blame squarely upon the aforementioned community “activists”, who have been spreading mean spirited and misinformed vitriol through social media, email lists and the local press. I would implore them to educate themselves on the history of the access points and help create solutions, and stop with the petty and bitter rhetoric.

The city survey revealed the community has two priorities, boating and viewing water access. We believe the solution that best solves the problem from development and financial perspectives is developing the Monte Vista access point as a “view corridor” and the Eastshore/Liberty access point as a small craft launch complete with dock and pier structures.

We have put together a web site to expand upon our ideas about these potential treasures for all Alamedans to enjoy.

<http://www.fernsideshorelineaccess.com>

We are looking forward to discussing our ideas in detail with the consultant and helping to bring the Inner Tidal Canal project to a close, solving the issue of land and the remaining six water parcels, the true and lost target of the project.

Regards,
Rob Barics & Bethany Polentz
3267 Fernside Blvd
Alameda, CA 94501

Access Paths – Agenda Item 6.E., Alameda City Council Meeting, October 3, 2017:

I am addressing you today as one of the six Fernside houses singled out of the Tidal Canal 2016 submerged parcel transfer based on a last-minute challenge to ownership of our backyard and the backyards of the other 5 houses. Regarding our backyards, I invite you to research and not believe everything you read. I am speaking to you today, however, to share information on the “short-term solutions” and next steps, and ask you to keep in mind that as this plays out for at least a 4th time in history, with all previous discussions being ultimately dismissed; problems including trespassing, name calling, increased security issues, beach erosion, and seawall deterioration are worsening; and 6 homeowners are in limbo. While we have been patient during this 1-year plus ordeal, we are increasingly concerned with continued misinformation being shared with the public, and we feel it is now important to address both City Council and the public to help set the record straight.

We have spent excessive amounts of time and some expense exhaustively researching, including days spent in libraries going through yellowed newspaper clippings, money spent obtaining detailed records on our property dating back to 1912, countless hours tracking down people who have lived in our house or neighborhood decades ago, and incurred fees with outside professionals. We have and will continue to share our findings with City representatives.

While we understand we all have different end goals and opinions, we are hard pressed to understand the City of Alameda paying more taxpayer money to do a feasibility study of the six access points without ensuring that there would even be any of the remaining \$1.1M left after completing the short-term Public Works improvements and feasibility study. Repairing the seawalls alone, which is necessary prior to repaving the pathways, based on our research, will likely cost well over \$1 million.

Regarding short-term solutions mentioned today, speaking for our pathway – while a chain link fence has been erected – we have not noticed any on-site increased police protection, nor have our security cameras picked up any police walking down the 175-foot path. We barely make it through an evening without being woken up by people walking there after dark. Additionally, people going to the end always seem to peep into our yard, while others walk half-way down and then trespass on our property (our parking space and garage access). While there is much news these days about Alameda’s “peeping Tom” – imagine having daily peeping Tom’s studying your yard. Additionally, with no public trash receptacles on our path –we often return home to find our trash cans full and litter all over the path. Also, we have 3 garages where the only access is the pathway. Given the 10’ width of the path, backing out is blind and continuing to allow bikers, skateboarders, and roller-bladers to access this path is an accident waiting to happen.

Again – numerous calls by us and our neighbors to the Alameda Police is public record. No one however has mentioned that in 2013, Sergeant Basham asked us if they could set up a stake out in our house to observe what they believed were drug deals going on in our path on a daily

basis. It has also not been mentioned that I have been approached aggressively by grown men taunting me for driving into my own driveway to access my garage, or that one time after pulling into my garage I had someone banging on the garage door and I was shaking so badly I could hardly call the police. No one takes note of a little girl on a bicycle who almost hit my car as I was backing out.

No one mentions that in 1955, City Councilman William McCall confirmed that the fire access points and bulb-outs were originally planned to give old-time fire engines access to the water in case of fire and that this was corroborated by Assistant Fire Chief William Hilbish, who lived in one of the 6 properties. We also never hear mention of the 1954 recommendation to the Planning Board by Alameda Planning Consultant James Campbell – who reportedly stated that he supported the view that these pathways were of no value to the City, that they were eyesores, and that they would be extremely expensive to develop. Interestingly – we have been unable to find any documentation or minutes from this meeting.

Perhaps most importantly, no one mentions that at least 3 times in the past 100+ years – 1954, 1975, and 1980; City Council considered opening these access paths to the public, and in every case declined to proceed.

To be clear, we have no issues with pedestrians using the path during daylight hours to access a viewpoint, and, in truth – the Public Access dawn-to-dusk sign that the City likes at the entrance to our path, was put there at our request several years ago. We have not found an effective way, however, to control the frightening and potentially dangerous after-dark activity.

We ask that the public respect our privacy by not trespassing, not congregating on our property next to our garages, not biking/skating/running down this blind driveway, not swearing, name calling, or making accusations of ourselves, family, and friends. We also ask the public not to believe everything they read – our research and documentation have found quite a few material errors in public articles, editorials, and blogs. Finally, we ask for quick resolution to this nagging issue.

Thank you for your time.

Dona Fisher

7/28/17

3341 Fernside

Updated information for meeting with Mayor Trish Spencer

We moved to Alameda in 2010 from Pennsylvania and invested in what we hoped would be our long-term Alameda home. We did our homework on schools, neighborhoods, and safety – and chose Alameda for all of those reasons. We took pride in our new home and were planning to retire there. We maintained things meticulously, and were featured in both the Alameda Legacy Home Tour (2012) and Home and Garden Tour (2014).

On the downside, since moving in March 2010 – we have experienced ongoing safety and security issues related to the “Path” between our home and our neighbors’ at 3335 Fernside. We tolerated these disturbances for the past 7 years, and did what we could to stem the activity. At one point, we considered selling our home and moving, but did not want to uproot our family again after only a few years.

Since August 2016, when the “Pocket Park” concept was floated – we have been subject to ongoing ridicule and harassment through no fault of our own. We have been called names, and even yelled at, by people using the “Path” to look for the “Pocket Park” that is “being closed”. We have been unfavorably discussed in numerous editorials, articles and blogs – without our consent or permission, and falsely accused of trying to claim City land for our own. Sadly, our house (and our family) has become a spectacle.

While we have been patient over the past year, we feel strongly that it is now time to put this issue behind us. We read that the City wants to lease us back our fully permitted, taxed, paid for, and maintained yard and pool. This doesn’t make logical sense; however, we are hopeful that everyone can work together for a quick and fair resolution of these heartbreaking issues. We have not been approached by the City since last August, and our patience is wearing thin as we live with this on a daily basis. Moreover, we are in limbo on needed improvements to our home and dock while this prolonged process is playing out in the misinformed public forum.

We are meeting with you today to share the facts as we know them, and ask for your support in working through these issues quickly.

Dona and Michael Fisher

Documentation, communication, and property price on our 2010 purchase all reflect lot ending at back gate (no bulb out):

- We were told, and still believe, that we owned up to the back gate; marketing materials, tax information, building permits, disclosure schedules, and closing documents support this
- We knew we did not own the area behind the gate – but we moved forward with the purchase knowing the other 90+ homes were all in the same situation; based on this we became active in WHOA to work with our neighbors to effect the transfer of the Tidal Canal
- We believe that sometime between the 1912 map, and 1932, when our house 's plans were approved by the City of Alameda, that the land in question was granted as part of the property (it would have had to have been, otherwise the City would have required that our garage be in front)
- To date, we have received no verbal or written disclosure of the bulb out other than from Mr. Penick last August
- The City has yet to show us documentation of ownership

Ongoing safety and security issues on “Path” since 2010:

- Constant stream of cars on “Path” since 2010
- Numerous calls to Alameda Police Department by ourselves and others
- Sergeant Basham was planning a stake out at our house before she left the Alameda PD in 2016
- At Police suggestion – we called the APD frequently –they said they could not see or patrol the “Path” adequately – but with additional Police presence, the activity will likely move elsewhere
- At our request – the City installed signs at the end of the “Path” to reduce traffic issues and threatening trespass (1. Shoreline Access Dawn to Dusk, and 2. No Parking)
- Given the large increase in pedestrian traffic brought on by the “Pocket Parks” conversation coupled with the current condition of the “Path”, we need to be indemnified for any accident or incident that may occur to people who blindly enter this unsafe path until this is resolved

Examples from past two weeks of safety and security issues:

- With the recent influx of bicycles and skate boarders on the “Path” – there is an injury waiting to happen; two weeks ago, a child on a bicycle almost hit my car as I was blindly backing out of our garage into our driveway in broad daylight (her mother apologized)
- Within the past 2 weeks – 2 men on bicycles swore at me for pulling into the “Path” to access my garage – they purposely blocked me from gaining access
- Since the “pocket park” issue was brought up – we have had people on the path yelling nasty things about the homeowners on either side, all within earshot of our family and friends
- On 3 recent occasions – groups of people were leaning on and standing on our property, adjacent to our garage –impeding our opening the garage door.

Learnings since Andrico Penick contacted us in August 2016:

- Original 1912 deed is unclear at best
 - Some interpretations would indicate that the “Path” next to our house was originally dedicated in 1912 as a right of way that included a turnaround on our property to be used as a thoroughfare for emergency equipment access
 - Wording on the 1912 deed referred to the paths with no mention of a bulb out: “Stuart S. Hawley, owner of the land designated and shown on the above map hereby consents to the making and filing of said map, and said owner hereby dedicates Fairview Avenue, Monte Vista Avenue, Bayo Vista Avenue and the parcels of land designated as Paths on

the said map to the public as public thoroughfares.” (In the early 20th century “Dedication” was frequently used to mean donation of land or creation of an easement.)

- While the original intent of the bulb outs is unknown, they have never been parks
 - Several people who have lived in Alameda for generations have commented that the bulb outs are turnarounds for emergency vehicles
 - Based on our research, California Fire Code (section 503.2.5) – had a safety requirement for dead end emergency access – the bulb out is consistent with this requirement (we reached out to Doug Long, Fire Chief, to confirm this – he referred us to the Planning Department and Alameda Historical Museum)
 - The area is zoned residential, not for a public park
 - Woody Minor – an Alameda historian who leads tours of the Waterside Terrace tract – is not aware of any set asides for parks
- Subsequent to 1912, the property lines were re-drawn to ensure 40’ minimum lot widths – this impacted our lot as well; presumably this impacted the bulb outs
- Over the past 105 years, it appears the City has granted us the land in question (if it ever had it)
 - Clearly at some point the “Path” was granted to us as a driveway, and we do pay tax on our portion of the Path
 - Permits were issued over a multi-year period going back almost 20 years; we would have never purchased a property with non-permitted improvements
 - All land in question has been cared for by us, including the shared driveway (we did inquire several years back about re-surfacing the “Path” due to safety issues but have not received an answer)
 - Signs at the Fernside entrance to the path were put there at our request
- Over the past 20 years, we have received many additional indications that the land is ours
 - We now have finalized permits for all backyard work (dating back to 2003) - including swimming pool, fence around property, and terraced deck; while some were not finalized at time of construction – this appears to be due to contractors failing to schedule the final inspection (we learned this in recent conversations with the City)
- Tax records show that we have been paying tax based on a 7,396 sq. ft. lot size – which would include both the bulb out portion and, oddly enough, the “Path” portion of the driveway; to our knowledge – this has always been the case
- Given our garages date back decades – presumably the City granted us permission to use the “Path” to access our garages (Easement by Implication); under California law we cannot be landlocked
- The City of Alameda, Alameda Planning Application Map shows the “Path” ending far short of the water line

Other thoughts:

- There has been no follow-up with us since the May meeting
- Numerous articles, blogs, and photos have been published of our property without consulting or informing us, these have been harassing and inappropriate, and have exacerbated the already-difficult safety and security issues
- We use the “Path” regularly to access our 3 garages and parking space – encouraging additional public use has obstructed our access
- It is improbable that a hidden portion of someone’s backyard would ever be set aside for anything other than intermittent access

LARA WEISIGER

From: Sarah Henry
Sent: Wednesday, August 23, 2017 4:41 PM
To: LARA WEISIGER
Subject: FW: Shopper guy

Will you please also include this email with the September 19 correspondence regarding the public access points?

Many thanks,
Sarah

From: Rob Barics [mailto:rob.barics@gmail.com]
Sent: Wednesday, August 23, 2017 2:46 PM
To: Sarah Henry <SHenry@alamedaca.gov>
Subject: Shopper guy

Heya,

Walkway fun again. I feel like such a bother with this stuff, but it's right next to me.

While practicing out back (I'm a musician btw), the Ring notification went off a few times, so I checked it. I usually don't during the day, because I don't really care who's down there during normal hours. But the ring bell took me out of my zone and annoyed me so I checked. What I saw was just not ok.

While kids were on there way home from school there was a man at the rear of the walkway rummaging through the dumped garbage that I've been seeclickfixing, yup, the same stuff I've been constantly reopening with them after they say its been taken care of, which you had mentioned might be automatic replies. So there he is going through all the clothing and such, even changing some of his own clothes, which wasn't caught on the camera (I need to realign it for greater coverage I suppose). He exchanged the shoes he was wearing for the shoes the other man (the wanker) left previously. This guy here is a new person that I've not seen down there, and I've grown accustom to the same faces, who have visited a few times in the recent weeks, who seem to be dismayed by the chain link fence. Lastly, when I asked the man to pick up his trash he told me to fuck off, took a step towards me and then turned around when I snapped a photo of him.

I'm also not going to call APD to report a man for littering and waste their time, ergo, no "official" record of the daytime nuisance.

Please add to the list of issues the city's lack of desire to adequately maintain what it has proclaimed its own. The rest of the city is not going to have to deal with all the garbage left from homeless folks or teenagers, it's going to be Bethany and I.

I'm also curious who's responsibility is it to trim the redwood tree suckers that sprout from the root ball that are on city property? That thing obscures the view and creates, once again, a dangerous situation for residents. Watch the videos, the man is crazy. Mr. Wasserman and Mr. Knox White think this is just part of urban living. They're correct about that, until something happens to somebody they love.

Here's a link to the videos I captured today.



Combine this with the man I emailed you earlier today about, I get cranky about the timeline and a certain pair of vocal Alamedans.

Please circulate this as you see fit through appropriate city staff and perhaps council.

Regards,
Rob

LARA WEISIGER

From: Jill Keimach
Sent: Sunday, September 24, 2017 9:24 PM
To: Trish Spencer; Rob Barics
Cc: Janet Kern; Andrico Penick; LARA WEISIGER
Subject: RE: Easement kids getting high

Rob,

Thanks for keeping staff and the Council informed about the activities along the public pathway and the concerns about what can and could happen when the area is hidden from view. As you know, the Council will be receiving an update on the pathways along the Tidal Canal at its next meeting on October 3. We will be including your emails are part of the public record.

Jill Keimach
City Manager

----- Original message -----

From: Rob Barics <rob.barics@gmail.com>

Date: 9/17/17 4:55 PM (GMT-08:00)

To: Trish Spencer <TSpencer@alamedaca.gov>, Malia Vella <MVella@alamedaca.gov>, Frank Matarrese <FMatarrese@alamedaca.gov>, Jim Oddie <JOddie@alamedaca.gov>, Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>, PAUL ROLLERI <PROLLERI@alamedaca.gov>, Sarah Henry <SHenry@alamedaca.gov>

Subject: Re: Easement kids getting high

Hey all,

I forgot to mention the time (thanks for asking Frank!). It was between 1-130am. I'm not really that worried about a couple of teenagers in the alley there doing time honored teenager things, but rather thinking about scenarios of campers and kids and hidden parks, so on and so forth. I sent the videos more to further impress the point that hidden parks back there are a terrible idea. In theory they're quite fine. In practice, all it will take is one bad thing to happen back there to turn the community from "yea parks" to "why the hell did you build that?".

I'd presume it was those two kids who also left an aluminum DIY pipe on our side yard that was full of weed. I'd also imagine they were spooked by something, because I've never known a stoner to ever throw out their stash, no matter how small.

Combine this with the man I emailed you earlier today about, I get cranky about the timeline and a certain pair of vocal Alamedans.

Please circulate this as you see fit through appropriate city staff and perhaps council.

Regards,
Rob



Regards,
Rob

On Sun, Sep 17, 2017 at 7:23 AM, Rob Barics <rob.barics@gmail.com> wrote:

Hey all,

Just keeping you up to date with what our camera picks up. Nothing terribly egregious since the tree trimming (thank you!). Last night we had a couple of kids at the end of the walkway for a good half hour drinking and getting high. I was asleep or I would've pulled an "I know your mother" old people routine on them, (which I'm really good at btw). Not a whole lot to be done with this one other than let you know what's happening down here. I'm not going to share these videos publicly because they appear to be minors.

Keep in mind, a hidden "pocket park", "bulb" makes it easy for folks to hide and do stuff, right behind our house out of sight of everyone else but us.

Link to the videos:



Regards,
Rob