

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, JULY 11, 2016

1. CONVENE

President Knox White called the meeting to order at 7:20 p.m.

2. FLAG SALUTE

Board Member Curtis led the flag salute.

3. ROLL CALL

Present: President Knox White, Board Members Curtis, Köster, Zuppan. Absent: Board Members Burton, Mitchell, Sullivan.

4. AGENDA CHANGES AND DISCUSSION

None

5. ORAL COMMUNICATIONS

None

6. CONSENT CALENDAR

None

7. REGULAR AGENDA ITEMS

7-A 2016-3107

Hold a Public Hearing and Adopt the Resolution Recommending Planning Board Approval of the Site A Phase 1 Tentative Subdivision Map Application: PLN15-0570 - Site A Phase 1 Subdivision at Alameda Point - Applicant: Alameda Point Partners. A Proposed Tentative Map Application for a 12-Parcel Subdivision on 21.35 Acres, Including for Condominium Purposes on Lots 2 and 3, to Implement the Alameda Point Master Infrastructure Plan and Site A Development Plan.

Staff Member Thomas introduced the item and gave the staff presentation. The staff report and attachments can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=2772730&GUID=0F8EEDD2-D2FF-4D29-BDA6-6D2732B621C7&FullText=1>

Board Member Köster confirmed that there would only be street trees on one side of A & B streets.

President Knox White opened and closed the public hearing. There were no speakers.

Board Member Curtis made a motion to approve the tentative map including all conditions included in the staff presentation. Board Member Köster seconded the motion. The motion passed 4-0.

The resolution can be found at https://alamedaca.gov/sites/default/files/document-files/department-files/Planning/2016_planning_board_resos_june-july_2016_reduced_2.pdf

7-B 2016-3108

Adopt the Draft Resolution recommending that the City Council Hold a Public Hearing and Adopt a Negative Declaration, Introduce an Ordinance Amending Chapter 30 of the Alameda Municipal Code Section 3-4.21 E, Estuary District, and approve Tentative Map #8337 (PLN16-0240) for a 105 lot subdivision Located along the Oakland Inner Harbor Tidal Canal from approximately 1,800 Feet Northwest of the Park Street Bridge to approximately 2,300 Feet South of High Street Bridge.

Staff Member Thomas introduced the item. Assistant City Attorney Penick gave the staff presentation. The staff report and attachments can be found at: <http://alameda.legistar.com/gateway.aspx?m=l&id=/matter.aspx?key=4809>

Board Member Köster asked about a pier on lot 41 going beyond the parcel boundary.

Staff Attorney Penick said that it was protruding into public property and would be a code enforcement issue post transaction.

Board Member Köster asked how the extra square footage would be treated for things like parcel size requirements for secondary units.

Staff Member Thomas said the submerged lands would be governed by the Estuary Zoning District and could not use the submerged land for dry land entitlements.

Board Member Curtis asked about keeping straight parcel lines and allowing easements for the improvements.

Staff Attorney Penick said that it would create liabilities for adjoining property owners and 71 instances of property lines bisecting structures.

Board Member Curtis asked who is responsible for shoreline improvements like bulkheads, riprap, and seawalls after the transfer.

Staff Attorney Penick said the property owners would be responsible.

President Knox White asked why the City is not taking control of the land extending out from the public access points.

Staff Member Thomas said that they believed 14 feet was enough to launch a small watercraft without creating significant downsides for the neighboring property owners.

Board Member Zuppan asked how the dredging would be affected.

Staff Attorney Penick said the obligation for dredging the navigable portion of the tidal canal remains with the Army Corps but that dredging outside the canal would be the responsibility of the property owners.

President Knox White opened the public hearing.

Lucy Seereiter said that they were not happy with the property lines for her property. She said the line should go straight out and the neighbor should have to move their floating dock. She said the plan would subject the City to lawsuits.

Ezra Roizen thanked staff for doing all the work on the process. He said the shoreline needs attention and this will help homeowners make investments in the land.

Kurt Braun said he has been involved in this process for 20 years and wants this item to move forward. He said the deferred maintenance is showing. He asked if the easement would create a liability for adjacent property owners.

Susan Fitzgerald said the properties facing the water need to have the water facing areas treated like front yards rather than backyards where anything goes. She suggested that land use restrictions around fence, tree, and building heights be added to the properties.

Seth Hamalian said this has been a difficult thing to pull together and is impressed how all the stakeholders have come together at the same time to get this done. He said he understands that the City did not want to be in the position of arbitrating lines for every lot.

David Harris said he appreciates the work done and looks forward to seeing improvements made. He said that the residents understand the process and that it has been very transparent.

President Knox White closed the public hearing.

President Knox White called a recess at 7:16pm due to not having four members, while Board Member Köster was away from the dais.

President Knox White resumed the meeting at 7:18pm.

Board Member Zuppan made a motion to continue item 7-C to the July 25th meeting. Board Member Köster seconded the motion. The motion passed 4-0.

Board Member Zuppan asked for clarification on what was before the board right now.

Staff Member Thomas said they were considering recommendation to Council on three things: 1. The environmental document stating there was no impact from the subdivision. 2. The zoning amendment. 3. The draft map.

Board Member Zuppan asked what they considered in the zoning to address the concerns raised by a speaker about water facing backyards.

Staff Member Thomas said that those changes would require changes to the Fernside R-1 zoning and could be considered in a follow up action to the items before the board tonight, if desired.

Board Member Zuppan said it seems the homeowners have been generally supportive and that she could make the findings to approve tonight.

Board Member Köster said he is ready to move forward.

Board Member Curtis said his only concern was what would happen to parcels where the property owner chose not to purchase right away. He said we should make sure the parcels are kept tied to the adjoining upland parcels going forward.

President Knox White said a 14 foot easement is not enough. He said if we have 35 feet of shoreline, we should have a 35 foot easement. He said we should not have people building private docks in front of public open space. He said there are issues with public access due to homeowners building fences on the open space.

Board Member Köster suggested that the City could build a dock in the City's portion of the estuary beyond the private parcels.

Board Member Curtis said the City should keep its options open and keep the easement at 35 feet.

Board Member Zuppan said she would support expanding the easement as well.

President Knox White said addressing the question of waterfront design guidelines along the estuary was a good idea and something that should be done before property owners begin seeking permits after the transfer is complete.

Board Member Curtis asked how the maintenance of the embankments would be enforced.

Board Member Zuppan made a motion to approve staff's recommendation with the amendment to the easements from 14 feet to the full 35 feet and that the estuary lots be forever linked to the adjoining upland lots.

Staff Attorney Penick said that they considered a provision tying the lots together, and that outside counsel said it would not be legal.

Board Member Curtis suggested the parcels be merged.

Staff Attorney Penick said they wanted to leave it to the property owners to merge or not because the tax implications of the merger causing properties to be reassessed.

Board Member Zuppan withdrew her original motion.

Board Member Köster made a motion to approve the staff recommendation and increase the easements to 35 feet. Board Member Zuppan seconded the motion.

Board Member Curtis confirmed that the concerns raised about the easement widths, tying the estuary lots to their upland lots, and maintenance of the embankments would be discussed in the staff report for City Council.

President Knox White added the access issues to the existing public space be included as well.

The motion passed 4-0. The resolution can be found at: <https://alamedaca.gov/city-hall/planning-board>

7-C 2016-2435

*****Continued to 7/25/16*****

8. MINUTES

8-A 2016-3110

Draft Meeting Minutes - April 11, 2016

No action taken.

9. STAFF COMMUNICATIONS

9-A 2016-3112

Zoning Administrator and Design Review Recent Actions and Decisions
For the benefit of the new member, Staff Member Thomas explained the process involved in Zoning Administrator decisions and calls for review.

9-B 2016-3113

Future Public Meetings and Upcoming Community Development
Department Projects
Staff Member Thomas also explained how staff plans for and how they agenda future meetings.

10. WRITTEN COMMUNICATIONS

None

11. BOARD COMMUNICATIONS

President Knox White asked that staff stop using the term “handicapped” in documents because it is outdated and inappropriate.

12. ORAL COMMUNICATIONS

None

13. ADJOURNMENT

President Knox White adjourned the meeting at 7:46pm.