

APPROVED MINUTES  
REGULAR MEETING OF THE  
CITY OF ALAMEDA PLANNING BOARD  
MONDAY, FEBRUARY 13, 2017

1. CONVENE

President Köster convened the meeting at 7:01pm

**\*\*\*Video for this meeting can be found at:**

**[http://alameda.granicus.com/MediaPlayer.php?view\\_id=6&clip\\_id=1918](http://alameda.granicus.com/MediaPlayer.php?view_id=6&clip_id=1918)**

2. FLAG SALUTE

Board Member Mitchell led the flag salute.

3. ROLL CALL

Present: President Köster, Board Members Burton, Curtis, Knox White, Mitchell, Sullivan.  
Board Member Zuppan arrived at 7:03pm.

4. AGENDA CHANGES AND DISCUSSION

**\*None\***

5. ORAL COMMUNICATIONS

**\*None\***

6. CONSENT CALENDAR

**\*None\***

7. REGULAR

AGENDA

ITEMS

**7-A 2017-3902**

A Public Hearing to Consider: PLN16-0592 - 1310 Court Street - Applicant: Michael and Jen McAnaney. The applicant request Planning Board approval for a Design Review and Variance to waive parking requirements for the conversion of an existing basement to create more than 750 square feet of new floor area in a single family home.

Staff Member Sablan gave a presentation. The staff report and attachments can be found at: <https://alameda.legistar.com/LegislationDetail.aspx?ID=2951559&GUID=681E36B5-085C-40B3-809A-905FFDB2CB26&FullText=1>

Board Member Curtis asked if the curb cut were restored, would there be an additional on street parking space.

Staff Member Sablan said that it would create an additional on street parking space that would be available for the neighborhood.

Staff Member Thomas said that if the board decides to grant a variance for both parking spaces, that they suggest at least restoring the curb so the neighborhood could legally use the extra street parking space.

Board Member Mitchell asked what evidence there was for when the driveway was closed off.

Staff Member Sablan said they had a photograph from 1979 showing the driveway still there, but they are unsure when it was removed.

Board Member Mitchell asked if they could use the laws in place when the change was made to determine what action should be required.

Staff Member Thomas said they do have an amnesty program that tries to do that.

Board Member Mitchell asked whether they would be required to add parking if this were an accessory dwelling unit instead of an addition.

Staff Member Thomas said new laws at the state level say they could not require additional parking if it were a second unit.

Board Member Burton asked if a 600 square foot second unit and 400 square foot addition would require an additional parking space.

Staff Member Thomas said that it would not require additional parking in that scenario.

Board Member Curtis said that there is a practical question about whether there is any harm done by granting a variance in this situation when the improvements are good for the whole neighborhood.

Board Member Burton asked if there is a recorded easement between the applicant and the neighbors at 1314 Court St. who would need it to access their driveway.

Staff Member Sablan said the applicant said there is not.

President Köster asked if the easement would still be valid if they grant the variance.

Staff Member Thomas said that the easement is a civil arrangement between the property owners and would be unaffected by a variance.

Board Member Knox White asked if the existence of the easement negates their ability to find that there is something unique about this property to grant the variance.

Staff Member Thomas said the board could make whatever finding they want about the uniqueness of the property, but it is hard to argue that there is no way to provide the parking.

President Köster opened the public hearing.

Michael McAnaney, applicant, explained why they are asking for a variance. He said there is abundant parking in their neighborhood, their family owns only one car, and he rides a bike and takes the bus to work.

Board Member Sullivan asked how they know the addition is 1,000 square feet. She asked if they could even fit a modern car into the existing garage.

Mr. McAnaney said the plans are for 1,000 square feet and they could not fit their car in the garage if they rebuilt the driveway.

President Köster closed the public hearing.

Board Member Knox White said he is not confident that we could make a legal claim to a variance. He said he would like to recommend to the City Council to change the parking requirements to allow a maximum of two parking spaces.

Board Member Curtis said he opposes a blanket change in zoning and wants to look at each application on its merits. He said he would support restoring the curb cut and granting the variance.

Board Member Zuppan said putting a parking spot on this property would not add to the value of the neighborhood. She said a variance would be appropriate in this instance.

Board Member Mitchell said there is a lot of available street parking in the area. He said he can make a finding about the uniqueness of the property in order to provide a variance. He said he would also like to have a broader discussion about these requirements in light of recent changes to state law.

Board Member Burton said he would normally love to reconsider parking requirements in Alameda. He said the existence of the easement makes it difficult to find the conditions required to give a variance. He said it would set a precedent for other properties in the city. He said he would be supportive of option two.

Board Member Zuppan asked how it would work practically to park two cars on the property given the conditions of the easement which she said would lead to the loss of the easement if the existing garage has to be torn down.

Board Member Burton read the easement description out loud and acknowledged that Board Member Zuppan's interpretation of the easement conditions might in fact remove the driveway access and create the required hardship if the garage were torn down.

Board Member Sullivan said this is a charming property with a young, growing family and in this case, requiring the parking would destroy the ambience of the property. She said she supports the variance.

President Köster said he was curious how this project would play out because he is in a similar situation with his property. He said it presents an interesting challenge for many similar properties in Alameda. He said the property line issues creates a special situation for this property. He said he would like to see the curb cut closed and allow the variance.

Board Member Knox White made a motion to approve the variance with the condition that the curb cut be returned to curb, and with a recommendation that staff bring an amendment to the zoning requirement to give the Planning Board the ability to conditionally waive the parking requirement in similar situations.

Board Member Zuppan said she thinks this should be two separate motions.

Board Member Mitchell made a motion to approve the variance.

Staff Member Thomas said he would like to request the motion direct staff to craft a resolution with the appropriate findings for the variances and restoring the curb cut, to be placed on the consent calendar for approval.

**Board Member Mitchell made a motion to do what Staff Member Thomas said. Board Member Zuppan seconded the motion. The motion passed 7-0.**

**Board Member Knox White made a motion to direct staff to return to the board with a proposed recommendation for City Council to amend the current zoning language that requires the 750 square foot trigger that all parking be brought up to code and give the Planning Board the ability to conditionally waive the parking requirement. Board Member Curtis seconded the motion. The motion passed 7-0.**

**Board Member Knox White made a motion to continue the item to the next meeting. Board Member Sullivan seconded the motion. The motion passed 7-0.**

## **7-B 2017-3904**

### **Study Session to Consider Draft Citywide Universal Design Ordinance Requirements and Standards**

Staff Member Thomas gave a presentation. The staff report and attachment can be found at: <https://alameda.legistar.com/LegislationDetail.aspx?ID=2951560&GUID=258D7220-C844-4689-B63B-FBA18B44EAF0&FullText=1>

Board Member Zuppan suggested making a distinction requiring a bathing component to the bathroom in the universally designed units and not requiring that for the bathrooms used to meet the visitability requirement.

Board Member Knox White asked if an accessory dwelling unit would be held to the Universal Design ordinance.

Staff Member Thomas said there are exemptions for home additions and adding a unit within an existing building.

Board Member Zuppan asked how the ordinance would apply to secondary units.

Staff Member Thomas said that it would apply for a new structure but not converting an existing structure (ie- garage).

Staff Member Zuppan asked why we are not allowing the use of an alternative door to meet the visitability standard, instead of mandating it be the front door.

Staff Member Thomas said that Christopher Buckley (AAPS) also brought that issue up to him for consideration.

Board Member Zuppan asked why the accessible level doorbell was not on the required list. She asked if reconstruction after a fire would be exempt from building to the new standards.

Staff Member Thomas said that it is a good policy question and should be spelled out in the code.

Board Member Zuppan asked if we have considered the financial impact, since we are on the leading edge of this issue, and if there has been pushback.

Staff Member Thomas said there has been some pushback in the developer community. He said the multi-family buildings will meet the requirements fairly easily. He said the townhome developers are very concerned about some of the requirements. He said the flexibility between product types will hopefully help them meet their requirements. He said

the ability to come to the board for waivers will also provide some flexibility if there are problems.

Board Member Mitchell asked how this ordinance would apply to projects currently in the application phase.

Staff Attorney Brown said that until a vested map and development agreement are in place, any new ordinance can apply.

Staff Member Thomas said they can specify who and when the ordinance applies when they pass it.

Board Member Sullivan asked if the visitability requirements would apply to demolishing an old garage and building a new one with an apartment above.

Staff Member Thomas said it would.

President Köster asked how the historic corridors like Park St. would be treated.

Staff Member Thomas said changes within an existing building are exempt, but new construction would have to meet the requirements.

Board Member Curtis asked if only applying the ordinance to properties with three or more units would simplify a lot of these questions.

Staff Member Thomas said that it would.

President Köster opened the public hearing.

Nan Rideout said she was in favor of the ordinance. She said her perspective has changed on the subject as she has aged. She said having housing appropriate for aging seniors allows for many important cultural resources to function.

William Fairchild from Starlight Marine Services said he hopes the board makes maritime businesses part of Alameda's plans for the future.

Audrey Lord-Hausman, introduced members of the Commission on Disability Issues and thanked the board and staff for their work. She said she looks forward to completing this ordinance.

Al Wright talked about his parents' experience getting changes built into a new home to make it more accessible. He said you would never know the house was designed for universal access in mind.

President Köster closed the public hearing.

Board Member Knox White said he would like to see some clarifications for specific situations. He said he would like to see it apply to smaller properties and that there is enough flexibility built in. He said he is ready to see it move forward.

Board Member Curtis said he is concerned that we preserve the flavor of Alameda and exempt older properties being rebuilt.

Board Member Zuppan said she would like to figure out how to issue fewer waivers and get more compliance. She said accessibility is the priority and that there should be flexibility on which door provides access to visitors. She suggested some sort of waiver for reconstruction after disaster. She said she liked the idea of allowing staff to provide some waivers for small properties. She said she was concerned about the accessory structure issue that was raised. She said she is worried that we will be requiring an enormous bathroom on the ground floor for the visitability part of the ordinance.

Board Member Mitchell said he would like to see simple exemptions for some of the accessory structures and odd scenarios. He said he would be okay with allowing a rear or side door meet the accessibility requirement.

Board Member Burton said you can meet the accessible bathroom requirements with a 6'10" x 9' bathroom. He said putting in an effective date would be good, if we can. He said we should add a statement of purpose for the visitability goal. He said we should not exempt buildings like Del Monte that would add a large number of units. He offered several suggested technical edits and proofreading corrections.

Board Member Sullivan said it was important to include comments from the building community about what costs certain items would add. She said she would like to see some tightening of the ordinance to allow single family homes to have flexibility.

President Köster said he would like to safeguard older homes being rebuilt after acts of god. He said there are differences for mobility standards and accessible standards and we should be clear which we are referring to at different points. He said the aggressive nature of the ordinance could be something the city could market.

Board Member Knox White said he hoped the purpose could start out by making the ordinance about people and not design standards and building requirements.

Staff Member Thomas said they would do some fine tuning, meet one more time with the subcommittee and hopefully bring it back before a joint meeting of the Planning Board and CODI in March.

8. MINUTES

**8-A 2017-3889**

Draft Meeting Minutes - December 12, 2016

Board Member Sullivan offered edits for clarity and typos.

Board Member Zuppan offered edits for clarification and asked for further information on Board Member Burton's Board Communication.

**Board Member Sullivan made a motion to approve the minutes with the suggested edits. Board Member Knox White seconded the motion. The motion passed 7-0.**

**8-B 2017-3890**

Draft Meeting Minutes - January 9, 2017

Board Member Zuppan offered edits for clarification.

**Board Member Sullivan made a motion to approve the minutes with the suggested edits. Board Member Mitchell seconded the motion. The motion passed 4-0-3 (Burton, Köster and Knox White abstained).**

**8-C 2017-3906**

Draft Meeting Minutes - January 23, 2017

Board Member Knox White said half his last name was missing in one section.

Board Member Zuppan offered an amendment clarifying concerns about lead paint remediation at Alameda Point. She suggested including the link to the meeting video in place of the link to the staff report and attachments.

Board Member Burton offered some clarifications identifying speakers for the St. Charles project that is being called for review. He clarified the timing of implementation for Zero Net Energy requirements at the state level.

Board Member Curtis offered an edit to clarify his remarks about infrastructure construction costs at Alameda Point.

**Board Member Burton made a motion to approve the minutes with the corrections noted. Board Member Zuppan seconded the motion. The motion passed 7-0.**

9. STAFF COMMUNICATIONS

**9-A 2017-3910**

Zoning Administrator and Design Review Recent Actions and Decisions



Staff Member Thomas said they pulled two items off of the list of approvals for further changes.

Board Member Zuppan asked for more information about 1526 Webster St.

Staff Member Sablan gave a description of the project.

**9-B 2017-3912**

Future Public Meetings and Upcoming Community Development  
Department Projects

Staff Member Thomas said the Harbor Bay Hotel is going before BCDC soon. He listed projects that would be on the next agenda, including Catellus for Alameda Landing waterfront phase.

Board Member Knox White said he is not interested in hearing a request for a change of use by Catellus unless all the requirements of the previous phase, including shopping cart restrictions, have been met.

**10. WRITTEN COMMUNICATIONS**

**\*None\***

**11. BOARD COMMUNICATIONS**

**11-A 2017-3900**

Subcommittee with Commission on Disability Issues regarding Universal  
Design Ordinance

**\*Discussed in item 7-B\***

**11-B 2017-3901**

Subcommittee for Alameda Marina

**\*None\***

Board Member Zuppan said the Economic Development Strategic Plan Task Force is having a meeting 2/16 at 8am at Alameda Marina.

Board Member Knox White reported that he met with Mike O'Hara from Tim Lewis Communities to catch up on the meeting he missed.

President Köster said he also met with Mike O'Hara.

Board Members Knox White and Mitchell disclosed (separately) meeting with Save Alameda's Working Waterfront.

## 12. ORAL COMMUNICATIONS

Al Wright said Andrew Thomas is a real asset to Alameda. He said that we need to find a way to even out our water supply. He said requiring on-demand water heaters for new construction and remodeled building could save a lot of water.

President Köster asked if we want to discuss mandating Zero Net Energy beyond the state requirements.

Board Member Mitchell said he would support that.

Staff Member Thomas reviewed the ordinances that staff is working on getting back before the board which are taking up much of staff's time.

## 13. ADJOURNMENT

President Köster adjourned the meeting at 10:20pm.