

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, JULY 12, 2021

1. CONVENE

President Alan Teague convened the meeting at 7:00 p.m.

Due to Governor Executive Order N-29-20, Planning Board members can attend the meeting via teleconference.

An ASL Interpreter was available for agenda item 7-A and can be seen in the video.

2. FLAG SALUTE

President Teague led the flag salute.

3. ROLL CALL

Present: President Teague and Board Members Curtis, Hom, Rothenberg, and Cisneros.
Absent: Vice President Asheshh Saheba and Board Member Teresa Ruiz.

4. AGENDA CHANGES AND DISCUSSION

Allen Tai, City Planner, requested that item 7-B be converted to a Study Session, due to an issue with the public notice having the wrong address published. He recommended that since there were people in attendance who wanted to speak on this item, they take the public's testimony, which would help give staff direction. Then they would re-notice and come back with this item for formal action at the next meeting.

5. ORAL COMMUNICATIONS

None.

6. CONSENT CALENDAR

None.

7. REGULAR AGENDA ITEMS

7-A 2021-1114

1215 Park Street - Use Permit for Use of an Outdoor Rear Patio and Yard - Applicant: Club House Bar. Consideration of a Use Permit to allow outdoor use of an existing rear patio and yard area behind the Club House Bar for outdoor seating. The project is located within the C-C-T (Community Commercial, Theater Combining) Zoning District. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 - Existing Facilities and 15183 - Projects Consistent with General Plan and Zoning.

Andrew Thomas, Director of Planning, Building, and Transportation, introduced the item and gave a presentation. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=5015997&GUID=3E9BE579-BC27-4F0F-929D-F5866304FE86&FullText=1>.

President Teague opened the board clarifying questions.

Board Member Rona Rothenberg asked about the revocation terms, she wanted clarification on what complaints meant, was it something generalized or associated with specific conditions of approval.

Director Thomas explained the role of the Use Permit, it established a set of ground rules for the operation of the business for the patio and the backyard area. There will need to be a good-faith effort by all parties to make this work. If staff received 3 complaints that they could verify, then a Use Permit could be revoked. He explained that if that happened the city staff could schedule a public hearing and recommend a Use Permit be revoked. They had tried to be very clear and specific about what the expectations were.

Board Member Ron Curtis asked about a similar Use Permit issue with Spinning Bones and that parameters had been added for the use of that outdoor space based on the hours of operation. He wanted to know if staff had looked into that Use Permit to use as a benchmark for this issue since it set a precedent.

Director Thomas said they had looked at that Use Permit but it was a very different use. One was a restaurant and the other was just a bar. They had considered it but instead created custom conditions for this. Every Use Permit was different as every business was different.

Board Member Hom asked what had been the hours for outdoor use at Spinning Bones.

Staff Member Tai said it was 11 am to 3 pm.

Board Member Hom asked if there was a maximum occupancy for the outdoor area.

Director Thomas said after some discussion they had shied away from putting a number as a condition of approval. Mainly because that would be a hard thing to monitor. The board could add that if they wished. The staff believed this obligation fell on the manager and owner of the bar.

Board Member Hom saw how that would be difficult for the staff to enforce. He then asked for the rationale behind having different time limits on the two outdoor areas.

Director Thomas explained the difference between the two outdoor areas, both were different in size and one was closer to neighbors. They had chosen to be more restrictive of the lawn area than the patio area. This was part of the compromise that would hopefully minimize future impacts.

Board Member Hom asked how far away the edge of the patio from the property line was.

Director Thomas said roughly it was about 15 feet.

Board Member Xiomara Cisneros asked if Spinning Bones had received any complaints. She also wanted to know more about the distance to residential neighbors and about the decision to have Saturday and Sunday availability for the lawn. She thought that Sunday night might be more disruptive to people getting ready for the workweek.

Director Thomas was unaware of any complaints that Spinning Bone had received and with Covid, he did not think they were even using their outdoor area. For use of the lawn, it was the applicant's suggestion to have those hours. People/patrons tended to want to enjoy a drink during midday on Saturday and Sunday.

Staff Member Tai could not recall any complaints Spinning Bones had received.

Board Member Cisneros said she could see that and that her question about distance had already been addressed.

Director Thomas referred to an aerial view of the bar to show the two outdoor areas and how close the residential area was.

President Teague had no clarifying question and then opened the public comments.

Abner Aquirre had lived next to the bar saying this had been an issue for a while now, patrons had been loud, obnoxious, and had used very foul language. He thought that covid had exacerbated these issues. He asked that the board imagine what it was like in their shoes and believed that no one would want to experience these activities. He highlighted an incident of drunk driving on June 15th and that the person was slumped over the wheel with their foot on the gas. He wanted to be heard and that this situation was becoming too much to handle.

Casey Byrnes thanked the board. He said he lived right next to the bar, he had since 1989 and thought that the bar had created a dangerous situation. He described fighting and very angry people at the bar. He felt that this issue had been ignored by the bar and didn't think it was fair to the children and families living nearby. He described how people, including children, were unable to sleep at night due to the noise. He also described the two canopies/tents that were out in the patio area that were right up against where they were living and he did not think that was appropriate. He did not believe that people should be behaving this way and thought it should change, he even discussed his sobriety.

Victoria Jongetjes detailed how she had complained about the noise from the bar for a while and felt there was chronic unwillingness by the police to enforce any noise ordinance. She was an early riser for her job and the noise from the bar was making that impossible. She was also upset that the police department did not have decibel readers so they were unable to enforce the noise ordinance anywhere on Park Street. She believed the noise caused by all the parklets was ridiculous and that parking was extremely hard. She was vehemently opposed to any additional outdoor use of space on this block in this area.

Karen Sweet thanked the board for the opportunity to speak. She had known Corinna Zanetti Millosovich, the owner of the Club House Bar, for about 13 years and she and her husband were also acquainted with her husband Joe. In all the time she had known them they have been extremely proud of Alameda, the town they grew up in. She discussed how much Corinna loves the bar and all the energy and pride she had poured into her bar. She described all the work Corinna had put into the bar and she always tries her best to work with her neighbors. She added that the people who frequent the bar were middle-aged regular people, not the loud rude dangerous people commenters had described. She believed the complaints raised against the bar were false and outrageous. She hoped the

board members would take into account Corrina's hard work and dedication to making the bar successful.

Mike Henneberry urged the board to follow the staff's recommendation to allow a permit for the outdoor rear patio at the Club House Bar. He discussed what had always been the standard practice for permits such as these. He reminded everyone that this was a business district. He thought the owners of the bar had addressed many if not all of the complaints brought forward by the disgruntled neighbors. He thought the owners had used the covid emergency as an opportunity to reinvest and create an asset to the community. He urged the board to vote yes.

Cari Lee Donovan had lived adjacent to the bar for the last 13 years and had raised her child there. She said that their homes were so close to the area they want to use she and her neighbors could hear everything the bar patrons said and did. She had sent photos for reference. She said this was more than ambient business district sounds, this was very adult language being used close to where children live. She did not think this was legal under State and Federal Fair Housing Laws. She talked about the video proof that she had sent in that contained adult dialog and sexual harassment. She believed this permit would affect negatively the daily lives of the families who live nearby She described the sexual harassment she had personally been the victim of.

Clare Hayward had witnessed the bar's use of the outdoor space and patio since 2016 and that her backyard space and bedroom windows were very close to the bar's outdoor space. She described the unacceptable levels of noise she had been subjected to, howling, swear words, and unacceptable types of conversation. She could hear noise from the bar in every room in her apartment. She talked about past attempts to reach out to the bar that had been met with mixed responses from "f off" to patrons getting louder after being told to keep it down. She did not think the permit was an appropriate use. She said her roommate had been subject to sexual harassment while exercising in their front yard which had led her to stop using their yard area. Many neighbors had stopped using the yard area for this reason. She discussed her mental health job that she did from home, working with clients who were dealing with sensitive and crisis situations. The noise from the bar made her work impossible, she had a right to a peaceful home environment.

Joe Millosovich, the husband of the owner, discussed the changes and improvements to the bar since the last hearing, including privacy, signage and security cameras. He disputed some of the complaints brought forward by Ms. Donovan. He urged the board to consider the bar's 100-year history when they made their decisions.

Brett Bye said the goal was not to interfere with the bar's ability to conduct business but did not believe residents should have to negotiate for their rights and privacy which had repeatedly been violated. They wanted to maintain the status quo for the good of the whole neighborhood and the neighbors were the only party not motivated by money. He pointed out that the bar had never had an outdoor permit and they don't respect residents now without one. He described all the video proof going back years that showed late-night parties with DJs, people shouting obscenities, sexual harassment, and other behaviors not conducive to the R5 general housing. He said the neighbors were the ones who witnessed this behavior 24/7 and a person who just spends a few hours at the bar did not get the whole picture. He thought this permit was counterintuitive to the upcoming General Plan.

Zac Bowling echoed the comments made by Mike Henneberry, this was a mixed-use area on Park St and the permit was for something that had existed before. He felt bad for the neighbors but this was exactly what this area on Park Street was zoned for. He was in support of the staff's recommendation.

Carmen Reid supported the Use Permit. She discussed how hard Corinna had worked and thought it was very important to support women-led businesses. She was very sad for the neighbors and hoped they could find some sort of compromise or other design change. She felt that Corinna truly cared about the community and both her and her husband's family had been in Alameda for some time. She urged the board to give her a chance and to support her.

John Macaco discussed the many times he had been in the bar and that he had never seen anything that out of hand. He was amazed at the things he was hearing because he knew how much pride Coco (Corinna) was taking in the bar to keep it a decent establishment in the neighborhood. He talked about all the hard work she had done and how she gets rid of people when they are disrespectful. He felt sorry for the neighbors that they felt that this was such a bad idea. He saw the bar as good for the city and much improved from what it used to be. He was very much in favor of this Use Permit.

President Teague closed the public comments and opened the board discussion and potential action.

Board Member Rothenberg believed that the merits of supporting a vibrant business were consistent with the General Plan. She thought it was regrettable that she had not been to the bar. She thought they had to convince themselves that they had demonstrated the terms that were cited in the resolution (she paraphrased from the resolution) such as, it was an appropriate and approved use. She also cited the General Plan and also noted the importance of compromise. She also discussed ways they could improve things when this came for a review and how terms could be added or made stricter.

Board Member Curtis stated this was an interesting issue and thought Board Member Rothenberg articulated it very well with the qualification of the issue of the Use Permit. Then on the other hand everyone has the right to a peaceful usage of their property. He wanted to know how long the patio had been in use.

Director Thomas did not have an exact answer, he thought it had been used on and off over the years. He knew there was a history of neighbors calling and complaining.

Board Member Curtis said that goes on with any bar in a neighborhood.

Director Thomas said that was right, there were other areas of the city where there was constant friction between neighbors and commercial uses, that's the nature of a mixed-use area.

Board Member Curtis thought it was unfortunate that these issues came up from time to time. He believed that the controls that were in place represented a reasonable compromise that would allow him to vote for this Use Permit.

Board Member Hom agreed this was an interesting issue. He discussed the broad issue regarding bars and restaurants in mixed-use areas and how they were appropriate but inherently some conflicts arose. He considered the equity issue with Spinning Bones, he knew it was a different use but with Spinning Bones being a restaurant that usually meant fewer complaints than say a bar. However, they had put more restrictive conditions on Spinning Bones than the Club House Bar. He discussed the differences between the two, a bar operates later into the night and since a restaurant relied more on food services they could handle more restrictions. He had studied Spinning Bones' outdoor area with their 3 pm restriction. He also appreciated that the staff had distinguished between the bar's patio and lawn area. He wanted the board to consider limiting the hours for the lawn area to be consistent with Spinning Bones and suggested 3 pm to be equitable. He further discussed how he assessed the use, it was about finding a balance between a legitimate business but also being mindful that there had been a history of noise complaints at this location.

Board Member Cisneros liked Board Member Rothenberg's suggestion about scheduling a check at some point. She wanted to know if the lawn was closest to the residential area.

Director Thomas said yes it was.

Board Member Cisneros said since that was the case she was open to the suggestion of restricting time on the lawn and she also liked Board Member Hom's idea of treating this equally to what they did for Spinning Bones. She hoped that would give relief to the neighbors and be a compromise for all. She agreed that this was an appropriate use and supported the staff's recommendation.

President Teague thanked everyone for speaking on this, the staff for their work, and the establishment for working on compromises. He concurred with his fellow board members that this was a permitted use. He discussed what they had done in the past when there was a strong potential for problems which included the condition that the Use Permit was for 1 year then it had to come back for review. He wanted the conditions fixed since they did not reflect what was in the staff report. He also wanted to see that the establishment works with the staff to establish a Good Neighbor Policy and enforcement of that. There was nothing now about enforcement. He discussed that the prohibition on amplified sound (#5) had left out live performances and announcements, it just said no amplified speakers. For the exterior lighting item, the city's Dark Sky Ordinance was not sufficient for this. He wanted to see that the lights be directed below the window lines of the neighboring buildings, even if it's not a bright light it could be disturbing after hours. He had also thought that they could just allow the patio area or cut the lawn in half, but this was a Good Neighbor Policy and enforcement issue. Also, to give the neighbors the tools to hold the establishment accountable. He could support this with these types of conditions.

Board Member Curtis pointed out, in regards to Board Member Hom's comment, that the resolution took the grassy area from 11 am to 6 pm. They gave 11 am to 3 pm to the restaurant since that took them through the lunch hour. He thought 11 am to 6 pm was a reasonable time for the bar and didn't cut into the privacy issues. He thought that restricting the hours would hinder the bar and they should do whatever they could to let the bar be successful while also mitigating the noise to the neighbors.

Board Member Rothenberg made a motion to advance the conditional Use Permit subject to the refinement of the terms in the resolution as cited by President Teague, Board

Member Hom, and related comments regarding specific additions that would be consistent with the terms that had been imposed on other similar businesses concerning the Good Neighbor policy, enforcement terms, lighting, acoustic that comply with the noise and dark sky policies as were enumerated in other resolutions. Also that there be timed and dated terms which would come back over a period of time, 6 months, for review.

Board Member Curtis seconded the motion but questioned if that meant changing the hours to 11 am to 3 pm. He preferred to keep the hours as it was in the resolution provided by the staff.

Board Member Cisneros said after hearing more she agreed with Board Member Curtis about not shortening the hours. She appreciated Board Member Hom's thought about treating each business fairly.

Board Member Hom said that Spinning Bones was in the same predicament and for him, it was about parity, Spinning Bones got their business restricted. Also by limiting time on the lawn it would create a buffer for the neighbors and maybe allow more time on the weekend.

President Teague added that 4 pm to 6 pm was typically Happy Hour which was much more important for a bar than a restaurant.

Board Member Hom asked how much indoor sitting the bar has. He wanted to know how restrictive they were being by not allowing people to occupy the lawn area during Happy Hour.

Director Thomas did not know the exact capacity of the bar but as it had already been observed it was a pretty small bar inside. He believed that the 1-year review was the most fundamental thing they were debating. This way they reserve the right to adjust everything when this comes back. Also by opening the parklet on the street they can move people out of the back yard if it gets too busy or loud. However, the council had not made a final decision on how long those palettes would remain.

Board Member Rothenberg clarified her comment about consistency. She was referring to consistency with other businesses they had reviewed that used outdoor space not just in regards to mixed-use zoning. It was also in regards to the broader use issue of hours, noise, good neighbor terms, and so forth. She mentioned all the businesses that gave examples of what it meant to be a good neighbor.

President Teague asked for clarification from Board Member Rothenberg on her motion to see if there was anything he missed. He clarified that condition number 1 was to change the time on the lawn from 6 pm to 3 pm, Board Member Hom's suggestion. Then his suggestion about adding a bullet item about developing, publishing, and enforcing a Good Neighbor Policy, he expected that to come back in the review. The prohibition clause needed to be clarified to include live performances and announcements in addition to the amplified speakers. Also that the exterior lighting would not only comply with the Dark Sky Ordinance but also would be directed below the window lines of neighboring buildings and that this was all come back for review in 6 months.

Board Member Rothenberg confirmed that was her motion.

Board Member Curtis said his second was contingent on the friendly amendment of taking the hours back to 11 am to 6 pm.

President Teague said they could make that a second motion.

Board Member Hom thought that voting on the hours separately was a good approach. He suggested in regards to surveillance cameras, suggested installing cameras not higher than the fence (8 feet) line to ensure privacy for the neighbors.

Director Thomas said that was feasible and they could make that adjustment.

Board Member Curtis made a motion to move the hours back to the staff's recommendation of 11 am to 6 pm. President Teague seconded the motion. A roll call vote was taken and the motion passed 4-1, with Board Member Hom voting against and Vice President Saheba and Board Member Ruiz absent.

Board Member Rothenberg made a motion to advance the conditional Use Permit subject to the refinement of the terms in the resolution. The applicant would work with the staff to develop, publish and enforce a Good Neighbor Policy. For Condition #5 under amplified sound, they would add live performances and announcements to comply with the Noise Ordinance. All exterior lighting would have to comply with the Dark Sky Ordinance and lights would be directed below the neighbor's window lines. All cameras would not be mounted above the fence line. Lastly, this would come back for review with the Planning Board in 6 months. A roll call vote was taken and the motion passed 5-0 with Vice President Saheba and Board Member Ruiz absent.

President Teague checked that the ASL interpreter's services were no longer required, thanked them, and excused them from the meeting.

7-B 2021-1118

1435 Webster Street - Use Permit for Use of Parking Lot for an Outdoor Commercial Entertainment Events - Applicants: West Alameda Business Association, West End Arts District, and the Fireside Lounge. Consideration of a Use Permit to allow outdoor use of an existing parking lot at 1435 Webster Street for outdoor commercial entertainment activities. The project is located within the C-C-T (Community Commercial, Theater Combining) Zoning District. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 - Existing Facilities and 15183 - Projects consistent with General Plan and Zoning.

This item was changed to a Study Session.

Director Thomas gave a presentation. The staff report and attachments can be found at <https://alameda.legistar.com/LegislationDetail.aspx?ID=5015998&GUID=32EB7A38-1B69-4E6F-9179-03FA5B10708B&FullText=1>.

Linda Asbury and Sandy Russell, the applicants, also presented to the board and discussed the background and reasons (the frustrations, emotions, and protests surrounding the murder of George Floyd) for the Healing Garden at the parking lot at 1435 Webster Street and what it grew into. Ms. Russell also discussed what they had been

doing to mitigate sound such as using decibel readers to constantly check the noise level and they had talked to neighbors to better understand what they could do going forward. Ms. Asbury, Executive Director of the West Alameda Business Association (WABA), discussed how the primary charge of WABA since 1985 was to bring commerce to the streets of Alameda and how this location had allowed them to do this and had benefited many different parties.

President Teague opened public comments.

Jenny Garibaldi gave her support to the Healing Garden and the summer concert series. She had known Sandy Russell, the owner of Fireside since she had opened the bar about 10 years ago. She had personally experienced Mr. Russell's hospitality and had seen her share that with her neighbors over the years. She believed that Ms. Russell and her team had revitalized the West End, galvanized the community over the last year, and had helped other Webster Street businesses stay afloat during the pandemic. She saw the Healing Garden as a creative solution to a seemingly hopeless situation that helped local businesses and artists. It was born in response to the murder of George Floyd and out of a need for the community to gather safely during an unsafe time. She discussed the many other benefits of the Healing Garden and how Sandy and her team had been working with neighbors. She hoped that the Healing Garden would be allowed to stay at least until the end of the year.

Rebecca Hayman supported the Healing Garden continuing. She spoke on how it sprang out of nothing and she had personally gone to 4 events, she commented on how easily she and her friends were able to walk to the location. She saw this as an amazing local benefit and saw the good it did the community. She talked about how charming, unique and diverse it was. She hoped they would be allowed to continue to at least the end of the year.

Tara Pilbrow, Vice President of the West End Art's District, discussed the collaboration the Art District had with the Healing Garden Summer Series. She said they started working with the Healing Garden at the beginning of the year when they realized they would not be able to do the bigger events they had planned due to Covid restrictions. She discussed how excited artists have been at the opportunity to do live shows again and how much attendees had appreciated it. She said they had been massively affected by the complaints by neighbors and had worked so hard to mitigate the situation. She discussed ways that they were working on that from limiting the number of events and communicating better with everyone.

Brian J. Kenny, a musician who had played at the Healing Garden, discussed what a phenomenal place it was. He discussed how committed Sandy Russell had been to make it work for both the neighborhood and the performers. He believed it had been great for the community and great for the arts. He spoke on how diverse the crowds had been and how it had restored his faith in the community.

Constance Garica, owner of the Menagerie in Alameda, had been hosting events at the Healing Garden. She discussed how so many artists had lost their sources of income due to the pandemic. The West End had helped to promote culture and how WABA and the Art's District had been very active in handling any issues that had come up with the neighbors. She reminded everyone that they would try to please everyone but to please

remember the importance of the benefits of art and music to the community. She asked that the board please extend the Use Permit.

Robbie Wilson, founder, and Director of the Black Achievers Alliance of Alameda discussed what birthed the Healing Garden. Out of tragedy came art and brought the community together. She loved the openness of the garden, and how she and her daughter even planted flowers in the garden. This had been a beautiful way to bring the whole island community together. She talked about a successful fundraiser she had there and was so happy that this location had been available. This space was a great representation of “we all belong here”. She talked about how Sandy and her team were very conscientious of the noise. She trusted that Sandy would find a solution that would work for everyone and believed this was an amazing collaboration for everyone involved. She discussed how everyone had benefited from being able to be around art and music and was in full support of this continuing.

Zac Bowling was in full support of this project. He said he would save his comments for when a deciding action would take place but felt that it was pretty obvious that this project did a lot for the community.

JR Key said it was pretty clear that the community loved this place. He said he lived a block away and had no issues with the sound. He believed the people running this was insanely respectful and after every event, they clean up thoroughly. He ended by saying it was clear everyone is in favor of this continuing.

President Teague closed public comments and opened the board commentary.

Board Member Rothenberg thanked everyone for their thoughtful comments. She believed this was an appropriate use and was consistent with the goals for the business district. She thought the conditions outlined in the resolution were also appropriate and would support this when it came forward for action.

Board Member Curtis thought the whole project had been exceptionally creative and was good for the community. He also believed it did a lot for mitigating the bad consequences due to Covid. He was concerned about the “law of unintended consequences” and the noise impact for the people around was going to be substantial. He pointed out that from now to the end of the year there were about 31 events planned, that’s a lot of noise for neighbors who just wanted to peacefully enjoy their premises. On the other hand, the greater good that came from this was also a mitigating factor. He wanted to support this but he did have reservations. Those reservations were diluted by the enthusiasm and sincerity of the people who do these events. He believed the greater good from this project more than offset the “unintended consequences”.

Board Member Hom thanked everyone for speaking on this item. He believed this use was organically derived and had a lot of positive energy, anything that enlivened the corridor was a plus. He did share Board Member Curtis’s concern about the noise issues. At the same time, he appreciated that WABA had made a concerted effort to mitigate those issues and had listened to the neighbors. He wanted clarification on the events planned for the rest of the year, it was more limited to what the Planning Staff said was permissible. He also appreciated the suggestion by WABA to install drapery canopies to mitigate the noise. He wanted to know if that had been reviewed by the fire department, he wanted to

make sure the drapes would not be a fire hazard. He also wanted to know how staff had arrived at the maximum occupancy level for the Saturday and weekday events. Overall he believed this use was generally very positive but it would be nice to see what else WABA could do to mitigate the noise.

President Teague clarified that Board Member Hom wanted that information at the next meeting.

Board Member Hom said that was correct.

Board Member Cisneros thanked everyone for their testimonials and she agreed with much of what her fellow board members had already said. Similar to the first agenda item she was sympathetic to the neighbors who were affected and wanted to acknowledge that this was first marketed as a garden that grew into a concert series. She also agreed that communication could have been better with the surrounding community but she believed this was a wonderful phenomenon that happened in Alameda. She appreciated how it had livened downtown during a dark time and the pros outweigh the cons. She did have questions about the dates outlined and was curious why there were some Sundays noted. She was interested to know more about continuing the series at a better location, Crab Cove had been mentioned. This had been such a great success. She was also fine with having her questions answered when the item came back.

President Teague thanked everyone for their participation and was disappointed that the board could not take action now. He pointed out that conditions 2, 3, 4, and 7 were disjointed and when this came back he wanted to understand how they were different. Except for one situation, there were not 3 events per week in the 3 months they were looking at. He wanted to understand more about what they were talking about. For the amplified events, if there were no amplified events it would be nice to have examples of what those were. Also were those ticketed events or like an art show, there was an endless flow of people coming through. He thought this was a marvelous event, he had checked the zoning code and this fell into the conditional use under the area of things done outside of a structure that was either permitted or conditional. Theaters and auditoriums were things that were conditional use, this fell into that category without a structure. He looked forward to getting answers to his questions and he did feel for the neighbors but at least WABA was receptive to their concerns. He suggested adding that contact information for the neighbors so they know where to send their feedback.

7-C 2021-1119

Public Hearing on the Alameda General Plan Update

Director Thomas introduced this item and gave a presentation. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=5015999&GUID=DC5DAE49-8D63-46E5-8CB7-757378675565&FullText=1>.

President Teague opened public comment.

Zac Bowling thought the General Plan revisions looked great. He thanked someone for the clarification of the history of Article 26 by mentioning the Fair Housing Act. He discussed how communities passed exclusionary housing laws like Article 26 in response

to the Fair Housing Act to exclude certain people. He liked the inclusion of the transit-oriented mixed-use housing on the two Main Streets. He discussed densities and gave the idea of putting minimum densities in as a guidepost and not mentioning maximum densities. He also suggested striking the term "Mount Trashmore" from the General Plan. He didn't agree with the comments that ignored the objective reality of the density increases they would have to meet and he rejected the claim that putting densities into the General Plan would encourage demolition of existing buildings.

Leora Feeney appreciated standardizing the name for the Alameda Wildlife Reserve in the General Plan and choosing a name for it. She requested to consider not using the term Alameda Point Nature Reserve but to use Alameda Wildlife Reserve. She explained that the reason for this was because the tag Alameda Wildlife Refuge had been in existence in Alameda with the Fish and Wildlife Service and others for 27 years. She discussed all the materials, banners, and documents that had this name. She had gone over the revised General Plan and had seen five or six ways the property had been referred to. She hoped they would support calling it officially the Alameda Wildlife Reserve.

Chris Aria, Chair of the Harbor Bay Club Members Committee, discussed how their goal was to preserve the location as a recreational space. He discussed how in the first draft of the General Plan the land use element had the Harbor Bay designated as medium density residential and now in the update, it was designated as Community Mixed-Use and he was curious about what motivated this change. He wanted to know more about what was the Planning Board's goal for the Harbor Bay Club's land. He represented over 100 club members and these were their concerns. He said he would be following up with an email and wanted to make sure the club members had their concerns addressed.

Chris Buckley, from the Alameda Architecture Preservation Society, discussed a letter that they had sent the night before and thanked Director Thomas for addressing some of those questions. He also thanked the staff and the board for incorporating many of the comments AAPS had previously submitted into the General Plan revision. Responding to Director Thomas's game plan, there seemed to be a disconnect between where the Housing Element was going and where the rest of the General Plan was going. He advised that after the General Plan was together, get the Housing Element together before sending anything to the City Council. He went over other recommendations that were in the letter. Keeping the text that was proposed for deletion in section 1.3, he thought that text was very relevant for preserving the architectural character of existing historic neighborhoods. For residential densities, he thought the Housing Element should come up with those numbers. He believed they should be careful about upzoning since it was difficult to down zone afterward. For section 9 he recommended keeping those provisions in.

Carmen Reid thanked everyone for their work on the revised General Plan. She commented on the lot sizes. She believed it was important to retain 5,000 square feet minimum lot sizes in the low-density residential land use neighborhoods. She believed that decreasing the size would encourage lot splits and would architecturally disrupt neighborhoods. She wanted the board to be mindful of the quality of life for the residents and how decreasing lot sizes would negatively affect neighborhoods. She also believed that any board member who owned a property larger than 5,000 square feet who would benefit financially from a lot split should consider recusing themselves from weighing in

on this proposed change. She wanted to see more work done to reach out to the communities about proposed commercial development especially Bay Farm and Harbor Bay. She recommended sending out a survey to those communities and having an open dialogue with them.

Lesa Ross wanted to find her way through all of these issues. She was a homeowner at CHBIOA and was a Harbor Point HOA Board Member. Her main concern was changing their recreational area into a mixed-use, property at Harbor Bay Club. She discussed the importance and the benefits of the club, the pool especially, for so many people. She added that this was a community asset and urged the board to save the pool, the childcare, and the grassy area. She added that so many people had no idea what was going to happen and advocated for more communication.

President Teague closed public comment and opened the board commentary.

Board Member Rothenberg reiterated how proud she was to have participated in this plan, it had gotten better and better and was a credit to everyone. She noted how much time they had spent on June 14th about the Harbor Bay Zoning, she had in her notes that it could be rezoned to different zoning. The zoning that was shown in the General Plan was what was in the books but it didn't preclude zoning it for continued use. She thought it had a lot of merit regarding the purpose in the General Plan, she thought it was timely since so many people had mentioned it.

Director Thomas clarified the questions around the Harbor Bay Zoning. The zoning was what governed what you could do with your property and it currently had mixed-use zoning. What they had done in this General Plan was if the future of the Harbor Bay Club was going to change it would change because of the city's RHNA allocation and the Housing Element. They absolutely needed to tackle that as part of the Housing Element conversation. Since they had not even gotten to the Housing Element yet, they recommended that they change it from what was in the original draft to community mixed-use; they had applied this to any property in Alameda that was zoned C2 mixed-use. He explained how the General Plan was a lot bigger than just housing however everybody wanted to talk about housing. He again discussed the staff's thoughts about getting the General Plan out and adopted then tackling the Housing Element.

Board Member Rothenberg thanked him for recapping this information. She also asked about the timing and Mr. Buckley's suggestion about presenting the General Plan and the Housing Element at the same time. She did understand why staff would want to present the General Plan first and then the Housing Element.

Director Thomas said this was how the staff wanted to sequence things, they could do what Mr. Buckley suggested though. He said they all agreed on one thing, that all of the elements in the General Plan, Housing and Land Use, should all be internally consistent. The staff wanted to move forward with the Land Use Element and the rest of the General Plan and get it adopted, with the understanding that in a year they would amend it with the Housing Element. That would be when they tweak the land use classifications. He discussed more of the benefits of sequences items the way staff had recommended.

Board Member Rothenberg asked about items in the AAPS's letter, such as the density change. She also thought that the comment about a Civic Center District had a lot of merit

and opportunities. She said she had a basis for the Secretary of the Interior's Standards. She also volunteered to do page turns since final revisions are very tedious. She asked about a Housing Working Group that was going to work on the Housing Element and wanted an update on that.

Director Thomas said there was a Housing Working Group set up with President Teague and Board Members Cisneros and Hom and they had a meeting coming up. He discussed how the staff had been struggling with it since they had too many balls in the air. He added that on July 6th the City Council did not take a lot of action but it was an important meeting and had set the stage. He discussed the daunting task to get the Housing Element adopted in the City of Alameda on time.

Board Member Curtis had read through all the revisions and Mr. Buckley's comments and aside from the Housing Element, he thought Mr. Buckley made a lot of good points, points he would have made. He mainly liked comments about the building and construction regulations. Any of these regulations that convert and cause the owner to convert on an existing building from electricity to gas should not be an ordinance and that's because it's detrimental to young people who are trying to make ends meet and to older people who are on fixed incomes. He wanted to see that modified to let the owner decide because the city shouldn't ask someone to go into debt even if they offer assistance. He also discussed something that got to him every time, how the Fair Housing Act was the catalyst for Measure A, that was not true. The catalyst for Measure A was Ron Cowan building 9600 units on Bay Farm Island originally, but it went to 3200 units after people complained. He recommended that the Housing Element should have a preempt that should direct the City Attorney if the zoning is legal for the Harbor Bay Club. He believed there was still a lot of work that needed to be done.

Board Member Hom addressed what Director Thomas said about density, he was in the same mind frame as Director Thomas. He appreciated how they addressed the terms about mimicking historic architecture. He also noticed that they had gotten technical input on the language around sea-level rise but those policies had gotten more complicated by referencing elevations that he did not understand. He thought that could use a spotlight to explain what that new information meant. He thought what they had done for the revisions of the land use definitions was very good. He really agreed with taking out the density discussion from the Land Use Element and deferring it to the Housing Element, he thought that was a good approach. He was against deferring adopting the General Plan, the plan was about more than just housing. He believed the plan was continuing to improve and was moving in a very positive direction. For Harbor Bay, he didn't see that the proposed land use designation was in any way pushing for eliminating the health club. He agreed that it was a very important community amenity and discussed more what the zoning meant.

Board Member Cisneros agreed this was an evergreen document and needed to be flexible. She couldn't agree more with Board Member Hom's comment about Harbor Bay, just because it was zoned for something it would be other factors that decided what got built there. She was excited about some of the changes. She advocated changing the theme from character to balance and discussed the desire to make this a more inclusive community. She addressed what they mean to her and gave examples of better wording in sections. She wanted to see the definition of Affordable Housing made broader. For the

density discussion, she did think it made sense to hold off on that until they got deeper into the Housing Element.

President Teague thanked his fellow board members for their insightful comments. On page 7 he appreciated the comment on multi-family and shared housing and the changes to it. He did want to see nontraditional housing included. He really liked that it said “this multifamily in all residential zones”. For LU10 he was disappointed that they had not given Alameda Point a Mainstreet yet and wanted to explore establishing one. He thought they were pretty close on the efficient land use for LU15 which optimized the use of limited land in Alameda for residential purposes. He recommended ending it there and not adding the “by maximizing the number of units on each acre” since there were many ways to optimize the use. On page 10 LU17, he pointed out that none of the action items actually talked about rehabilitation and again brought up the Mills Act. He also pointed out that “historic” meant where something historic happened and gave an example, and “historical” meant being part of a historical timeframe. He addressed that Alameda had many historical buildings but very few historic buildings. He wanted to see the Historical Study List cleaned up and protections prioritized based on the historical nature of the buildings.

Director Thomas asked for more examples of what he was thinking since he had discussed this before.

President Teague further explained that on the Study List if something is labeled N that should have more protections than something labeled S and so forth down the list. On page 14, he was happy to see that the height had been removed and that the density discussion was being deferred. He had not liked having those numbers in the General Plan and wanted them in the zoning. He did not think it should require them to go back and change the Land Use Element because it should say they support multi-family housing. He was not in favor of requiring owners to convert their homes, encouraging was fine but requiring was too much. He saw so many changes that were great, such as expanding the solar panels on existing development. He also agreed they should probably not say Mount Trashmore. He deferred to Staff Counsel Celena Chen if a board member should recuse themselves on the matter of owning a home over a certain amount. He addressed that he owned a lot over 5000 square feet and he would do whatever he was told to do.

Director Thomas thanked President Teague and all the members of the Planning Board. This information was very helpful, and he agreed that every time they worked through this it got better and better. He addressed how the staff was becoming nervous that it was time to get this adopted and on the books, since it was so much better than what they had now, and then they could move on to the Housing Element. He asked for clarification on the comments around policy CC13 Action A, about the electrification of existing buildings. He thought what he was hearing was that incentives to electrify were great but be super careful about any types of requirements or having to do something at the point of sale. He asked about remodeled homes or homes that were being completely reconstructed.

President Teague believed that remodeled and gutted homes were in a grey area. They would need to be super careful there.

Director Thomas knew it would be touchy and difficult. This would be a zoning and building code change.

Board Member Curtis believed that item put a burden on the home buyer and the seniors. He thought it was unfair to take away choice on something somebody owned.

Board Member Rothenberg asked if the Climate Action and Resiliency Plan and its vision in the General Plan anticipated there would be an existing buildings electrification ordinance. She recalled this being something that would have to come forward at some point.

Director Thomas said that was absolutely correct. The CARP did not specify what exactly that would be but to get to be a Net Zero community you have to look at the total building stock. It came down to how aggressive they wanted to be to achieve these goals while maintaining balance. They would work through it like everything else.

President Teague said people had been asking him about “the point of sale” thing as well.

Director Thomas said it was something that other cities had been discussing and Alameda had also been discussing. He asked that everyone remind their neighbors that nothing would happen without a lot of public discussion and conversation.

President Teague thanked everyone and made sure Director Thomas had everything he needed.

Director Thomas said they would publish additional adjustments to the amendment list based on the comments received and what had been discussed. The staff report that would go out for the next meeting would have those suggestions highlighted.

8. MINUTES

8-A 2021-1113

Draft Meeting Minutes – May 24, 2021

Board Member Rothenberg had a correction for Item 7-D, it should have been CARP instead of CARB.

Staff Member Tai said that Item D was about the leaf blowers and referred to the CARB, California Air Resources Board.

Board Member Rothenberg withdrew her correction.

Board Member Hom made a motion to approve the minutes. Board Member Rothenberg seconded the motion. A roll call vote was taken and the motion passed 4-0 with Vice President Saheba and Board Member Ruiz absent and President Teague abstaining.

9. STAFF COMMUNICATIONS

9-A 2021-1105

Planning, Building and Transportation Department Recent Actions and Decisions

Actions and Decisions can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=5015994&GUID=174D0132-9553-4E86-A703-5637C6E8FF46&FullText=1>.

No board member wished to pull any item for review.

9-B 2021-1106

Oral Report - Future Public Meetings and Upcoming Planning, Building and Transportation Department Projects

Staff Member Tai announced that at the Monday, July 26 meeting they would have a full agenda and bring back the 1435 Webster which was the Study Session from today. There would also be a minor planned development amendment to a small setback issue for a building under construction at the Harbor Bay Business Park. The staff would also bring forward an architectural design review approval for the medical respite center at McKay Ave, a draft of the Vision Zero Action Plan, and another General Plan update. He also updated the board that Board Member Ruiz's question about 53 Killybegs had been addressed so she had withdrawn her request for a Design Review.

Director Thomas gave an update that at the July 6th City Council meeting they decided to appeal the RHNA numbers on a 3-2 vote. The appeal was submitted on Friday, July 9th.

President Teague asked about the other 4 items.

Director Thomas said they did not do anything. They debated a bunch of aspects on it and decided not to do anything with the resolution. He explained the next actions for the staff and said they should hear back about the appeal in November.

Board Member Hom wanted to know about the rationale for the appeal.

Director Thomas explained that between Article 26, sea-level rise, transportation, and seismic safety the council believed that it had a strong argument for appeal. The staff had also introduced the issue of the Navy Cap as an argument. They wanted the region to know about the Cap to get help for it. He explained more about the appeal process and what they had asked for. The staff would be working on two paths, one if the appeal was accepted and the other if it is rejected.

Board Member Rothenberg asked about the Encinal Terminals Action that had been bundled with the other items. She thought it would be unfortunate if that languished because the developer needs direction one way or another.

Director Thomas said staff agreed and had made it clear to the council that they would still be bringing projects forward regardless of the appeal.

President Teague asked what was the current state of the Encinal Terminals.

Director Thomas explained they had an approved 2017 Master Plan with no Tidelands Exchange and then they also have the Planning Board recommendation for the Tidelands Exchange Master Plan. They also have the Resolution from the Planning Board recommending to the council to approve the Tidelands Exchange.

10. WRITTEN COMMUNICATIONS

None.

11. BOARD COMMUNICATIONS

None.

12. ORAL COMMUNICATIONS

Chris Buckley requested that notifications for the General Plan get properly sent out. He had some issues with notifications and had not received one for this meeting.

Director Thomas said the issue was being looked into.

13. ADJOURNMENT

President Teague adjourned the meeting at 10:40 p.m.