

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, NOVEMBER 23, 2015

1. CONVENE

President Knox White called meeting to order at 7pm.

2. FLAG SALUTE

Board Member Burton led the flag salute.

3. ROLL CALL

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

4. AGENDA CHANGES AND DISCUSSION

None

5. ORAL COMMUNICATIONS

None

6. CONSENT CALENDAR - None

6-A 2015-2304

2016 City of Alameda Planning Board Regular Meeting Schedule

6-B 2015-2305

Planning Board Rules and Procedures. Approve Revisions to the Planning Board Rules and Procedures to Improve the Public Hearing Process. A change to the Rules and Procedures is not a project subject to the California Environmental Quality Act.

Board Member Burton moved to approve the consent calendar. The motion was seconded by Board Member Henneberry. The motion passed 7-0.

7. REGULAR AGENDA ITEMS

7-A 2015-2302

PLN15-0030 - 615 Haight Avenue - Applicant: Stefan Menzi on behalf of Joseph and Melanie Snell. - CONTINUED FROM OCTOBER 26, 2015. A request for Design Review approval for a two-story addition to be located at the rear of the existing structure. The proposed addition will be twenty-six feet and six inches (26'6") tall and meet all required setbacks. This project is categorically exempt from further environmental review

pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301(e) - Existing Facilities - additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet.

Staff Member Sablan gave the staff report. The staff report and attachments can be found at
<https://alameda.legistar.com/LegislationDetail.aspx?ID=2514194&GUID=82A5696B-D359-46B3-B039-EDC6C5D37446&FullText=1>

Board Member Burton asked about the bay window projection into the setback.

Staff Member Thomas said that the zoning ordinance allows projections beyond the setback for items like bay windows.

President Knox White opened the public hearing.

Bao-Long Nguyen-Trong spoke about his concerns with the project.

Stefan Menzi, the applicant's architect, spoke about the plans he made and addressed issues brought up by the appellant.

Melanie Snell spoke about the efforts made to work with their neighbors and mitigate any impacts. She said they have done the best they can and were as accommodating as they could be.

President Knox White closed the public hearing.

Board Member Burton thought it was a good addition. He wanted to make sure the trim details matched the original house.

Board Member Burton moved to approve the design review with stipulation that the trim details of the windows, door and eave match the existing house. Board Member Henneberry seconded the motion. The motion passed 7-0.

7-B 2015-2303

Proposed Text Amendments to the City of Alameda Medical Marijuana Dispensaries Ordinance (AMC Section 30-5.15): Recommend that the City Council adopt a proposed amendment to the Medical Marijuana Dispensaries Ordinance, to define and prohibit the commercial cultivation and distribution of medical marijuana in response to the recently adopted State of California Medical Marijuana Regulation and Safety Act. The

proposed amendment is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Minor Alterations to Land Use Limitations.

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

<https://alameda.legistar.com/LegislationDetail.aspx?ID=2514195&GUID=024BB4EC-A2A0-4106-A000-08A58CD5BAF6&FullText=1>

President Knox White asked what the Police Department's input was.

Staff Member Thomas said he spoke with the Police Chief and he was supportive of the proposed changes.

President Knox White opened the public hearing.

Karen Bey supported closing the loophole.

A speaker (name withheld) spoke in favor of the benefits of medical marijuana and the lawful approach dispensaries take to avoid problems.

President Knox White closed the public hearing.

Board Member Mitchell asked about the difference between personal cultivation and commercial.

Staff Member Thomas explained how cultivation for personal use is handled in the municipal code and that the proposal does not change that.

Board Member Henneberry expressed support for the ordinance amendments and stated that Alamedans already have good access to medical marijuana.

Board Member Zuppan said she supports closing the loophole.

Board Member Burton supported closing the loophole for now but revisiting potential commercial options in the future and clarifying potential questions about where cultivation for personal use is allowed.

President Knox White supported examining a conditional use permit for commercial cultivation in the Adaptive Reuse Area of Alameda Point. He said Alameda should examine whether it wants to be involved in this business. He stated that it is not much different than what Spirits Alley already is and noted the potential tax revenues.

Board Member Henneberry moved to approve the item. Board Member Sullivan seconded the motion with the clarification that the language distinguishing commercial and personal cultivation would be revised before it goes to the City Council. The motion passed 7-0.

7-C 2015-2308

PLN15-0050 - Amendments to City of Alameda Public Art Ordinance. Public hearing to consider a recommendation that the City Council approve amendments to Section 30-65 Public Art Ordinance. The proposed zoning amendment is categorically exempt from further environmental review pursuant to CEQA Guidelines 15305 Minor Alterations to Land Use Limitations.

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

<https://alameda.legistar.com/LegislationDetail.aspx?ID=2514200&GUID=E0E8BF8A-F3CD-4EEC-9CF2-8FB0018CA74A&FullText=1>

Board Member Sullivan asked why the proposed administrative limit of 20% was so high.

Staff Member Alan Tai explained the consultant recommendation of 20% as an industry standard best practice.

Board Member Köster asked about the control of the location of public art within projects and whether the program could support an artist in residence.

Staff Member Thomas said that they handle each project individually but that planning for the location is not a requirement of the planning process. He said the City Council could decide to fund an artist in residence program.

President Knox White asked how much the public art fund has been billed for staff time to manage the fund.

Staff Member Tai said that it varies year to year from only a couple of hours and up from there.

Board Member Zuppan suggested indexing the cap to inflation. She asked about public access to programs funded by the public art fund.

Staff Member Thomas said their approach was to preserve flexibility in the ordinance and let specific criteria be included in the RFPs.

President Knox White opened the public hearing.

Jim Smallman spoke about previous efforts to reform the program and potential ideas for how to use the funds.

President Knox White closed the public hearing.

Board Member Zuppan expressed concern that the benefit of the program be clearly for and accessible to the public. She wants to remove the cap or index it to inflation.

Board Member Henneberry agreed that we should index the cap and said that the maritime focus should be retained.

Board Member Burton agreed with raising the cap and indexing it to inflation.

President Knox White expressed support for indexing the cap to CPI. He suggested the program potentially be run out of a different department, instead of Planning, that does not have to fund itself. He expressed concerns about opening the fund up to being used for maintenance costs.

Board Member Henneberry moved approval of item 7-C as amended to index the cap to C.P.I. and to encourage the maritime focus. Board Member Sullivan seconded the motion. The motion passed 7-0.

7-D 2015-2309

Proposed Text Amendments to the City of Alameda Zoning Ordinance (AMC Chapter 30) regarding permit streamlining for residential property improvements and other miscellaneous administrative, technical, and clarifying amendments. Public hearing to consider zoning text amendments that would streamline permitting for residential property improvements and other minor administrative, technical and clarifying amendments to improve usability of the zoning regulations. The proposed amendments are categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15305, Minor Alterations to Land Use Limitations.

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

<https://alameda.legistar.com/LegislationDetail.aspx?ID=2514201&GUID=A7D5B39D-F91A-44C9-92A5-AE307C5B9913&FullText=1>

Board Member Mitchell asked for clarification of the parking requirements.

Staff Member Tai explained that people could not pave over their front yards for parking and that this was seen as a pilot program.

Board Member Burton asked about lot size requirements for multiple houses versus second units.

Staff Member Thomas said that you cannot build more than one unit per 2000 square feet.

Board Member Sullivan asked for further clarification of the parking requirements in the staff recommendation.

Staff Member Thomas said that the 2nd unit requires the property to have two independent parking spaces.

Board Member Zuppan asked about the mechanism for enforcing alternative transportation program requirements for the larger projects and whether a similar solution could apply to granting exemptions to second units that do not meet the parking requirements.

Staff Member Thomas said that monitoring can be difficult but they could look at options to address those scenarios.

President Knox White opened the public hearing.

Christopher Buckley from Alameda Architectural Preservation Society said the second unit proposal could drastically change Alameda's single family neighborhoods. He opposed the reduction in lot size requirements as written. He also was concerned with encouraging more accessory buildings.

Dennis Owens, chair of the Historic Advisory Board, spoke in favor of the proposed changes. He said young adults like his own child are having a hard time finding housing. He said tandem parking should be allowed in order to allow better designs to come forward.

Steven Aced said he was concerned that allowing second units on lots smaller than 7500 square feet would radically change neighborhoods.

Karen Bey spoke in favor of the second unit changes and thinks the City should be more liberal allowing second units but focus on quality.

President Knox White closed the public hearing.

Board Member Burton said he supports changing the second unit ordinance in order to build affordable housing. He would support relaxing the parking requirements.

Board Member Köster expressed support for the 2nd unit changes. He also supports looking at alternative solutions to the parking problems and removing the minimum size requirement which might encourage some attractive micro-units.

Board Member Mitchell said he supports the compromise that the staff recommendation represents in terms of the parking requirements.

Board Member Sullivan said there should be a minimum of three parking spaces between the two units.

Board Member Zuppan said she wants home occupation signage to require a permit with design review. She said she supported addressing the parking problem with more creative solutions in the manner that is done with TDM programs on larger projects and allow tandem parking. She said she does not want to see people paving over their yards in order to meet the parking requirements.

President Knox White expressed concern that the parking requirements would result in little or no progress being made with second units. He said the people living in the units should make the decision about how the parking should be prioritized. He said this would be a small dent in the long term housing supply problem and would not drastically change neighborhoods. He supports allowing the tandem parking.

Board Member Burton moved approval of the ordinance amendments with an amendment to allow tandem parking. Board Member Henneberry seconded the motion. The motion passed 6-1 (Sullivan opposed).

8. MINUTES

None

9. STAFF COMMUNICATIONS

9-A 2015-2306

Zoning Administrator and Design Review Recent Actions and Decisions

Staff Member Thomas said several design reviews were recently approved. President Knox White pointed out that when the Planning Board calls an item for review instead of an appellant that the applicant incurs the cost of "time and materials."

9-B 2015-2307

Future Public Meetings and Upcoming Community Development
Department Projects

Staff Member Thomas said the 12/14/15 meeting would be focused on Alameda Point.

10. WRITTEN COMMUNICATIONS

11. BOARD COMMUNICATIONS

11-A 2015-2298

Report from the Alameda Point Site A - Ad-Hoc Sub-Committee
Board Member Burton summarized the discussions around the building design at Block 11 of Site A and the "naked street" in front of the building.

11-B 2015-2299

Report from the Boatworks - Ad-Hoc Sub-Committee
None

Board Member Zuppan wished everyone a Happy Thanksgiving.

12. ORAL COMMUNICATIONS

None

13. ADJOURNMENT

President Knox White adjourned the meeting at 10:11pm.