

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, OCTOBER 10, 2022

1. CONVENE

President Teresa Ruiz convened the *meeting at 7:00 p.m.

**Pursuant to Assembly Bill 361, codified at Government Code Section 54953, Planning Board members can attend the meeting via teleconference.*

2. FLAG SALUTE

A board member Teague led the flag salute.

3. ROLL CALL

Present: President Ruiz and Vice President Hom, and Board Members Saheba, Ariza, Cisneros and Teague.

Absent: Board Member Ron Curtis.

4. AGENDA CHANGES AND DISCUSSION

Allen Tai, City Planner, asked for public comment on 7-D early in the interest of time.

President Ruiz recommended pushing item 7-D to the start of the Regular agenda items.

Board Member Alan Teague made a motion to move item 7-D to the start of the Regular Agenda items and Vice President Hanson Hom seconded that motion. A roll call vote was taken and the motion passed 6-0.

5. ORAL COMMUNICATIONS

None.

6. CONSENT CALENDAR

None.

7. REGULAR AGENDA ITEMS

7-D 2022-2461

Public Workshop to review and comment on the Draft Alameda Active Transportation Plan

President Ruiz opened public comment and advised the board to submit their comments to staff directly.

Mari Rossevelt started to make comment but realized she wanted to comment on item 7-C.

Jill Benson also meant to speak for item 7-C.

Cyndy Johnsen was very excited for the Active Transportation Plan but gave suggestions on how to improve the performance measures.

President Saheba closed public comment.

Brian McGuire, Planner II, added that the last date for comments would be October 23rd.

7-A 2022-2458

PLN22-0271 - 916 Union Street - Applicant: Derek Turner of Qualtek for DISH Wireless. Public hearing to consider Design Review to allow the construction of a 13 foot tall penthouse that is approximately 64-square-feet in size to conceal six wireless antennas and related telecommunications equipment on the roof of an existing four-story apartment building. The project is located within an R-4 Neighborhood Residential zoning district. The project qualifies for categorical exemptions pursuant to CEQA Guidelines Section 15301(e) - additions to existing structures and 15303 - new construction or conversion of small structures. None of the exceptions to the categorical exemptions apply.

Staff Member Tai, introduced this item and gave a presentation. The staff report and attachments can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=5859324&GUID=AA6D7AE2-3BB9-460F-8096-AC840140AD09&FullText=1>.

President Ruiz opened board clarifying questions.

Board Member Teague asked about other co-locating facilities in the area. He also asked about power levels. He wanted to know how design changes would affect the “shot clock” of the permit. He also had specific design questions about the project.

Staff Member Tai described other locations and properties with cell facilities. He said they had until November 15th to approve this project and after that Dish could raise an issue. He discussed the reports that the applicant had provided and answered questions about the design.

Len Aslanian, Assistant City Attorney, discussed energy levels and the health analysis and those would need to follow the FCC (Federal Communications Commission) requirements. The city has no jurisdiction over those issues but there is a condition of approval that the applicant will work with the FCC.

Kevin McManus, Dish Network, answered questions about the design.

Vice President Hom asked about future projects and networks that would be needed to serve the city. He wanted to know more about the importance of this site.

Jeff Diether, Dish Wireless, discussed the new network they were creating and what that meant for Alameda. He talked about other places that were allowing their leases to terminate causing network issues.

Board Member Xiomara Cisneros asked if they had any information as to why the Alameda Hospital was allowing their leases to terminate. She also asked if there was a way for residents to reach out to the FCC.

Speaker Diether did not know and added that both Verizon and AT&T were also having issues with leases being terminated. He was also unsure if the FCC had a hotline.

Derek Turner, Dish Wireless, offered insight as to why hospitals were letting the leases expire.

Board Member Teague asked about an alternative design.

Speaker Turner discussed the design and why it was chosen.

President Ruiz asked about the “shot clock” and what would happen if they deny the project. She also wanted clarification on what the board should be focusing on. She then asked the applicant about alternative locations on the roof.

Staff Member Tai discussed FCC rulings and what would happen if the Board denied this project. He instructed the board on what items they needed to focus on for their decisions.

Counselor Aslanian also discussed what findings the City would have to provide for the basis of the disapproval.

Speaker Turner discussed where the site was visible and where it wasn't. He also discussed tests they had run for ideal location coverage.

President Ruiz opened public comment. She reminded speakers to keep their comments to Design Review only since that was the board's purview.

Devon Westerholm said she could see the equipment from her home. She was frustrated by the limited authority the board had, she wanted proof that this residential building was the only option for this equipment. She suggested the Alameda High School as an alternative.

Dianne Clark was bothered that no one was taking the health risks into account for the nearby residents. This equipment would be visible from her home and she found it hard to believe it was safe. She pointed out that the photos only show the building from the front and not the back and sides where the equipment was more visible.

Matt Reid brought up some incomplete reports in the application. He discussed what he wanted provided from the engineers, he also pointed out structures that had been omitted from the plans. He also discussed other information that he had requested that had not been provided. He asked that the board deny the applicant and ask them to find another location.

Adrienne Lakadat, who lived in the building next door, discussed that the entire neighborhood was historic and should not be eligible for this type of equipment. She pointed out that this location should be discouraged due to the high density of residential units. She agreed with Matt Reid that the application was missing information.

John Kabasakalis, who could see the structure from his back yard, wanted to know why the building on Mastick was not considered. He was also concerned that the telecommunications that were losing their leases at the Hospital would be allowed to come to this building without city approval.

President Ruiz closed public comment and opened board discussion.

Board Member Teague wanted to know specifics about a report. He wanted to make sure the motion they made correct and not against FCC law.

Staff Member Tai discussed the FCC rules and what the board should focus on for their motion. If they added an antenna they would need to generate a new report.

Board Member Teague discussed his issues with the overall design and wanted a clarification added that the barriers would need to end at the height of the post at the roof edge so the barriers would not be visible from the ground.

Vice President Hom asked if this structure would every have to be enlarged and he wanted to know more about why this structure was chosen. He then asked about plans for future projects.

Mr. McManus clarified that this would just be for Dish, no other carriers would be on the rooftop. He explained more why this site was chosen. He added that they had those plans but had not submitted anything to Planning.

President Ruiz asked about St Joe's High School.

Mr. McManus said they had reached out but no one got back to them.

Board Member Saheba made a motion to approve but with following condition. To pull the barriers away from the parapet to make sure they are further concealed. Board Member Teague seconded the motion. A roll call vote was taken and the motion passed 6-0.

7-B 2022-2459

Public Hearing to Consider a Resolution Recommending that the City Council Approve Zoning Map and General Plan Land Use Diagram Amendments for Seven Sites listed in the Draft General Plan Housing Element Site Inventory to Accommodate the City's Regional Housing Needs Allocation (RHNA) for the Period 2023-2031, Affirmatively Further Fair Housing, and Maintain Consistency between State Law, the General Plan Housing Element, the General Plan Land Use Element, and the Alameda Municipal Code Zoning Map CEQA: Pursuant to CEQA Guidelines sections 15162 and 15163, none of the circumstances necessitating further CEQA review or preparation of a new EIR are present with respect to the proposed changes to the General Plan Land Use Diagram and Zoning Map.

Andrew Thomas, Planning Building & Transportation Director, introduced this item and gave a presentation. The staff report and attachments can be found at <https://alameda.legistar.com/LegislationDetail.aspx?ID=5859325&GUID=09A4D7FD-A71A-42DD-9DF1-1E4ACEF6703C&FullText=1>.

President Ruiz opened board clarifying questions.

Board Member Hom asked if there had been any changes since the last time the Planning Board had discussed this.

Director Thomas said they were carrying forward what they had discussed in the past.

Board Member Saheba asked if the owners of these 7 sites were aligned with these changes.

Director Thomas said they were and discussed outreach with the property owners.

President Ruiz opened public comment.

Karen Bey was concerned that Aquatech and Mariner Square Fitness Center were not included but had heard that the owner was interested. She was also concerned that most of the growth (housing and jobs) was in the West End and yet they were losing a lot of the shopping centers in that area. Her major concern was a huge tax sales leakage for Alameda.

President Ruiz closed public comment and opened board discussion.

Board Member Ariza asked for clarification that they would not necessarily lose shopping centers.

Director Thomas said that was correct and went into detail how the zoning was structured to make a mixed use environment for both housing and retail.

Board Member Teague made a motion to recommend that the City Council adopt the Land Use Designation and these amendments as described in the resolution. Vice President Hom seconded the motion. A roll call vote was taken and the motion passed 6-0.

7-C 2022-2460

PLN22-0401 - 2800 Fifth Street - Master Plan Amendment, Development Plan Amendment, and Design Review - Applicant: Pulte Homes, LLC. Public Hearing to consider Master Plan Amendment, Development Plan Amendment, and Design Review to allow the construction of an approximately 1,500-square-foot one-story community building and two approximately 2,500-square-foot three-story moderate-income affordable housing units within the Alameda Landing Waterfront Mixed Use Project. A Final Supplemental Environmental Impact Report for the Alameda Landing Mixed Use Development Project was certified in accordance with the California Environmental Quality Act (CEQA) (State Clearinghouse #2006012091) in 200

Henry Dong, Planner III, introduced the item and gave a presentation. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=5859326&GUID=81622D1C-6EDB-4767-9CE7-73C4A1BA8CD5&FullText=1>.

Bill Sadler, the applicant, also presented. (His presentation starts at the 1:37 min mark in the video)

Board Member Saheba asked if the Parks Department had reviewed this plan. He asked further questions about Rec & Park involvement. He wanted to know if there was any modifications to parking and details about the landscaping.

Staff Member Dong answered yes and discussed how they had been working closing with the Director of Recreation and Parks. He went into detail about how they were involved.

Mr. Sadler said there was no modifications to the parking and then discussed the landscaping.

Vice President Hom asked about the timing for the construction and phases. He also addressed neighbor's concerns and asked Mr. Sadler to comment.

Staff Member Dong discussed the conditions stated in the Certificate of Occupancy.

Mr. Sadler discussed the permit timeline and said they would look to a revised condition to address the overall timeline and schedule. He then discussed what outreach they had had with the HOA and the board members.

Board Member Teague asked visibility for the units. He also wanted to know what other commercial/retail/community spaces were explored.

Mr. Sadler said they had the same floor plan as other units. He then discussed the thought process was behind the commercial space and how they got this final design.

Staff Member Dong clarified that the 12 unit flats were 100% visible.

Board Member Saheba asked if there was any other community space or if the retail space was the only amenity for residents.

Mr. Sadler discussed what they considered, it did come down to budget issues and not wanting to increase HOA fees.

President Ruiz opened public comment.

Jill Benson, who was invested in the Flats, was very concerned for the premium she paid for her space and what they had been told was planned. From her perspective the recreation building appeared almost as tall as the 3 story buildings after being assured it would only be 1 story. She was concerned about what would impede her view since it was looking like an eye sore. She was also concerned for parking since this was being treated as a public space.

Kari DeGraff, a resident of the community, discussed what they had been told when they moved it and now they were being told something different. They also had concerns about parking. She felt that Pulte had not been forthright with the community and hoped that the city would take a hard look at what was being presented. She noted that the HOA, which she was not allowed to be a member yet, was owned by Pulte the developer and they had not been transparent with the designs.

Enrico & Sherry Limcaco echoed the comments made by Speaker DeGraff. They had been able to attend a board meeting but this was the first time they were seeing the plans. They echoed the comments about lack of parking.

Chris Lyod urged the board to delay approval for at least 30 days until they could get input from the future residents of the Bay 37 community. He was very concerned by the conflicting information that Pulte was telling buyers. He also echoed the same frustrations at being able to see plans and the lack of transparency from Pulte.

Jewel Plaisance, owner of unit 2855 5th St, discussed how their views would be impacted by this building. He also discussed the concerns about parking and the developer being in charge of the HOA and giving limited information. He discussed that they paid extra for their view and now that was changing.

Steve & Stacy (no last name given) were homeowners that would be effected by this 3 story building. They both echoed the same concerns about the parking and the lack of transparency. Steve discussed his overall concerns with the design and Stacy noted that the idea of community center was nice it just wasn't well thought out.

Yael HerreraVillar, owner of 2892 Fifth St, discussed how she would be impacted. She like the idea but was concerned about the height. She also agreed with the lack of transparency between the HOA and the residents and the concerns of lack of parking. She wanted to know more details about the plan and the design change.

Marni & Ford Roosevelt agreed with all the previous speakers. Marni added that they too had paid extra for a view of the estuary and now they were losing some of that view and she was very frustrated with lack of transparency. Ford discussed in further his frustrations with the misrepresentation that Pulte had done.

Chuck Vivian, resident in building 2810, agreed with the concerns about parking and the frustrations on the lack of communication from Pulte. He really wanted the city to stick up for them.

Allison Plaisance, building 7, discussed her concerns about parking and the overall lack of transparency and communication from Pulte. She would not have bought a unit without a view and was also concerned about the future value of their homes.

President Ruiz closed public comment and opened board discussion.

Board Member Teague was very disappointed in the lack of exploration for the residential plan. He wanted larger commercial/community space and he was not in favor of this plan. He was also against changing the time and was against changing the plan at this time.

Board Member Ariza asked for design clarifications about the Masterplan since she joined the board after this was originally approved.

Staff Member Dong pointed out bike parking and explained the site plan.

Board Member Cisneros asked staff what their response was to the parking concerns. She wanted to know if there would be shuttles or public transportation for the community space. She also asked the applicant to address the design of roof and transparency concerns.

Staff Member Dong discussed the parking plan and what parking was available for visitors.

Mr. Sadler then addressed the rec center design and height. He added that he would look at the roof layout and address any mechanical eyesore. He then discussed communication with the HOA board.

Vice President Hom stated he was disappointed with the site plan. He knew that getting retail on this site was difficult but this was not what he expected. Also if this was to be an active community space they would need more parking. He then discussed his concerns about the lack of transparency and urged Pulte to do more thorough outreach. Due to all these outstanding issues he did not feel confident moving this forward.

Board Member Saheba said this felt like a Design Review instead of a Master Plan change. He wanted to know more about the community input process. He did not think the design for the building was civic in nature and added that the activity for this site was being diminished. He believed this site needed to be without homes but some sort of benefit for the community. He was not in support of what was happening.

Staff Member Tai clarified that staff had been working with Parks and Rec department on this project and he went into detail about that. He also asked the board to be specific on what they wanted staff to focus on for this project.

Board Member Teague clarified what the developer was responsible for per the Master Plan. He discussed factors that had change since winter 2021 and that he expected the developer to do more research. Ideally, there needed to be something commercial/retail/community use in that 5000sq ft. parcel.

Vice President Hom discussed what he wanted to see in that space. It should be a space for the public and it didn't feel that way. He discussed what was really needed and envisioned for the community building.

President Ruiz thanked the community members for speaking. She addressed that back in December 2021 she was a proponents for additional housing but she was disappointed at the plan they had been presented tonight. She also believed from a Master Plan stand point this missed the mark. She was also disappointed in the lack of commination with residents. She suggested tabling this conversation to give Pulte a change to work on community outreach and other uses for the space.

Board Member Teague instead wanted to make a motion to deny the change the Master agreement instead of tabling it.

Board Member Teague made a motion to deny this change, without prejudice, to the Master Plan and Vice President Hom seconded the motion.

Staff Member Tai discussed the Municipal code's stance on plans that were denied, the applicant would have to wait 3 years before submitting again or in this case they would have to go with a commercial space.

Celena Chen, Planning Staff Counsel, discussed what the packet included and to deny they would need to take a straw vote.

Board Member Teague questioned the process and was not sure why the onus was on the Planning Board to explain why they didn't want to change an existing agreement. He gave a suggestion on a better vote.

Counselor Chen discussed the board's options and how they should move forward. She went into detail about how to treat the Findings if they continued the motion to deny.

President Ruiz discussed which Findings she was having issues with.

Board Member Cisneros asked about the option to table the conversation.

Board Member Teague withdrew his motion to deny the approval and instead made a motion to approve saying that he would vote against it. He stated again why he was not open to continuing this item.

Board Member Teague made a motion to approve the amendment to the Master Plan and Board Member Saheba seconded the motion. A roll call vote was taken and the motion failed 0-6.

Staff Member Tai pointed out that homeowners who were still in escrow would have their information with the city for noticing and asked that Mr. Sadler work with City Staff to ensure information got those future residents.

8. MINUTES

None.

9. STAFF COMMUNICATIONS

9-A 2022-2452

Planning, Building and Transportation Department Recent Actions and Decisions

Recent actions and decisions can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=5859322&GUID=A2E84B39-3DEC-4F17-8199-9CE9E6D9FA4E&FullText=1>

9-B 2022-2453

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

Staff Member Tai said the upcoming 10/24 meeting would be cancelled. The next meeting would be 11/14 with a Residential Development Project at the Admiral's Cove site. He discussed other projects and workshops to expect for November.

10. WRITTEN COMMUNICATIONS

None.

11. BOARD COMMUNICATIONS

Board Member Cisneros wished everyone a Happy Indigenous Peoples Day and acknowledged that Alameda was on Ohlone Land.

12. ORAL COMMUNICATIONS

None.

13. ADJOURNMENT

President Ruiz adjourned the meeting at 10:15 p.m.