

APPROVED MINUTES  
REGULAR MEETING OF THE  
CITY OF ALAMEDA PLANNING BOARD  
MONDAY, MARCH 12, 2018

1. CONVENE

President Mitchell convened the meeting at 7:00pm

2. FLAG SALUTE

Board Member Burton led the flag salute.

3. ROLL CALL

Present: President Mitchell, Board Members Burton, Cavanaugh, Köster, Sullivan, Teague. Board Member Curtis arrived at approximately 7:15pm

4. AGENDA CHANGES AND DISCUSSION

Item 7-A was postponed to a future meeting.

5. ORAL COMMUNICATIONS

**\*None\***

6. CONSENT CALENDAR

**\*None\***

7. REGULAR AGENDA ITEMS

**7-A 2018-5308**

Planning Division Online Tools Presentation

**\*Postponed to a future meeting\***

**7-B 2018-5310**

PLN17-0589 - Appeal of a Zoning Determination - 1715 Lincoln Avenue, Appellant: Loewke Planning Associates, Inc. on behalf of Keystone Consulting. Public hearing to consider an appeal of the Planning Director's determination of the subject property's C-1, Neighborhood Business zoning on the Zoning Map and Neighborhood Business land use designation under the General Plan.

Staff Member Sablan gave a presentation. The staff report and attachments can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=3359364&GUID=C28A5756-CD88-4CA9-A418-673D911CD30B&FullText=1>

Board Member Teague asked if the property is currently being used as residential.

Staff Member Sablan said that the property is currently vacant and being advertised for commercial use.

Richard Loewke, applicant, said the property was built and has been continuously used for residential use. He said there has been incidental commercial use over the years. He said the zoning is inconsistent with the General Plan. He asked that the zoning determination be amended to match the Zoning Map and General Plan.

Staff Member Thomas said the actual zoning is determined by the code and not the 1991 diagram. He said there is no evidence that this site was ever rezoned. He said the Council could change the zoning if they chose to.

Board Member Sullivan asked how the family was notified that their property was rezoned to commercial.

Staff Member Thomas said the evidence indicates that they have been granting permits for commercial use at the site as far back as 1955.

Board Member Teague asked how the residential use would comply if the property was zoned C-1.

Staff Member Thomas said that residential is allowed in C-1, but cannot be the ground floor and primary use.

Board Member Teague asked if the property was zoned R-5, would the businesses have required a use permit.

Staff Member Thomas said that R-5 would require a use permit for the businesses and that no history of use permits exist for the site.

Board Member Sullivan asked what would be considered the ground floor of this particular property.

Staff Member Thomas said that whatever is on the first level would be the ground floor as it relates to the C-1 zoning.

Board Member Curtis asked if the zoning were R-5, what would prevent the owner from razing the property and building a duplex or triplex on that site.

Staff Member Thomas said that the size of the lot would limit it to only one unit at that site.

Board Member Cavanaugh asked how an R-5 zoning would impact the other businesses.

Staff Member Thomas said that they would consider those impacts if a rezoning was considered.

Board Member Burton said it seems clear from the hand drawn maps that this was zoned C-1. He said the owners clearly understand that and are advertising it as such right now. He said he would be open to considering rezoning the property but that it is incumbent upon the property owner to initiate the rezoning.

Board Member Curtis said he agreed with Board Member Burton. He said the zoning was done very carefully and he could not support changing the zoning just to give value to the property owner.

Board Member Cavanaugh said he thinks the zoning should remain.

Board Member Sullivan said she thinks the neighborhood is blighted and the idea of quaint little storefronts is passe in 2018. She said the area would be upgraded by changing the zoning back to residential.

Board Member Köster pointed out that setback and lot coverage requirements for R-5 would allow for a much smaller residence than a C-1 building that covers the entire lot with residential above.

Board Member Teague said the property was zoned C-1 in 1961 and there was never any rezoning. He said he would probably support an application to rezone the property if the owner applied.

**Board Member Burton made a motion to uphold staff's decision regarding the C-1 zoning. Board Member Curtis seconded the motion. The motion passed 6-1 (Sullivan).**

#### **7-C 2018-5312**

Planning Board Recommendation that the City Council Accept the City of Alameda 2017 Housing Element Annual Report. The review of the annual report is exempt from the California Environmental Quality Act

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

<https://alameda.legistar.com/LegislationDetail.aspx?ID=3359365&GUID=B02F5E01-D085-4BD1-9C95-915C24C7F974>

Board Member Sullivan asked about the cumulative effect of congestion on emergency response times.

Staff Member Thomas said the fire department response times have not changed as traffic conditions have changed. He said establishing standards and using them to impact our housing obligation would be a very difficult process.

Board Member Sullivan said that Alameda is a charter city and asked when the state took over zoning and land use decisions.

Staff Member Thomas said that the state has been taking an increased role because housing is a statewide concern.

Board Member Curtis questioned the impact traffic has on emergency response times during the morning and evening commutes. He stated that a report showing those response times would give a good indication of whether or not the traffic is causing a distribution in response times and a safety issue.

Staff Member Thomas said that it is a legitimate concern and they could start working on developing objective standards with the fire chief.

Board Member Teague asked who might be responsible for different types of mitigation for safety impacts that a project might have.

Staff Member Thomas said that the city or project may be responsible depending upon whom is responsible for the safety problem.

Board Member Cavanaugh asked who is responsible for the traffic from new development. He asked what we are doing to try and get people out of their cars.

Staff Member Thomas said we just passed a comprehensive Transportation Choices Plan which has short and long term projects. He said there would be a joint meeting with the Transportation Commission on April 9th.

Board Member Köster asked what happens if we are not meeting our targets.

Staff Member Thomas said that the law currently requires that sufficient land be zoned. He said that more recently laws are beginning to be affected by actual permits issued.

Board Member Köster asked how our shelter is funded.

Staff Member Thomas said that it is funded by Community Development Block Grants.

Board Member Teague asked for more information about the 25 ADU applications and why only six received building permits.

Staff Member Thomas said that the law changed recently and this represented about six months of activity. He said the expense of building and the process slows down the issuance of building permits.

Board Member Teague said he was disappointed that the attorney memo did not cover the duplex/Measure A issue. He said the law dealing with efficiency units was not addressed. He said those units might go through even faster under that law instead of going through our ADU process.

Staff Member Thomas gave a brief summation of Measure A and the density bonus ordinance.

Board Member Teague said we should be looking at how to be a partner with AC Transit to get people to our ferries.

Board Member Burton said we have been making good progress. He asked what the term facilitate means in the progress report.

Staff Member Thomas said the Housing Element envisions public/private partnerships and they think of it as things like providing land and/or funding for projects.

Board Member Burton suggested several changes to the plan in the interest of accuracy. He said he appreciated the City Attorney's analysis of state housing laws and suggested the City do a better job getting that interpretation out into the community.

Board Member Köster said the previous report discussed the missing middle housing and potential policy changes. He said we should look at more funding opportunities to address no-income housing needs.

President Mitchell said included a comparison of other cities in the region would be helpful.

**Board Member Teague made a motion to recommend that the City Council accept the report. Board Member Curtis seconded the motion. The motion passed 7-0.**

## 8. MINUTES

### **8-A 2018-5302**

Draft Meeting Minutes - January 22nd, 2018.

Board Member Teague offered several corrections for clarity and accuracy.

Board Member Sullivan said there was no record of an answer for one of Board Member Cavanaugh's questions.

**Board Member Sullivan made a motion to approve the minutes with amendments. Board Member Burton seconded the motion. The motion passed 6-0-1 (Köster abstained.)**

9. STAFF COMMUNICATIONS

**9-A 2018-5309**

Zoning Administrator and Design Review Recent Actions and Decisions  
Board Member Sullivan, referring to the assisted living facility on Island Dr., said that Harbor Bay has no picket fences and asked if they consulted with the homeowners association. She said it would not be consistent with the design standards there.

Staff Member Thomas said they would inquire and get back to Board Member Sullivan with an answer.

**9-B 2018-5313**

Future Public Meetings and Upcoming Community Development  
Department Projects

Staff Member Thomas gave a report. The schedule can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=3359366&GUID=ECACF3AD-9A32-4A18-8B58-0CF0BC134FC3>

Board Member Teague asked for a more thorough training on how the state housing laws impact policies in Alameda.

Board Member Sullivan said that it would be helpful and then important to get that information out into the community in an understandable way.

10. WRITTEN COMMUNICATIONS

**\*None\***

11. BOARD COMMUNICATIONS

President Mitchell said the Open Government Commission is coming out with some recommendations for Planning Board and City Council to make the meetings more efficient and democratic.

Staff Member Thomas said they would put their recommendations on the agenda and that could spur a review of the board's by-laws.

12. ORAL COMMUNICATIONS

**\*None\***

13. ADJOURNMENT

President Mitchell adjourned the meeting at 8:03pm.