

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, JULY 8, 2019

1. CONVENE

President Curtis convened the meeting at 7:00 p.m.

2. FLAG SALUTE

Board Member Rothenberg led the flag salute.

3. ROLL CALL

Present: Board Members Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, Saheba, Teague.

Absent: None.

4. AGENDA CHANGES AND DISCUSSION

Board Member Teague motioned to move a portion of the Board Communications section to the beginning of the meeting. Board Member Saheba seconded the motion. The motion passed 7-0.

BOARD COMMUNICATIONS

President Curtis read a proclamation for Dorothy Freeman, Joe Woodward, Christopher Buckley, Stephanie Butler, and Virginia Doffelmeyer.

Dorothy Freeman spoke about the neighborhood process that helped refine the design for the new development at 2100 Clement Avenue.

Christopher Buckley, Alameda Architectural Preservation Society, explained the effort they went through to improve upon the original designs.

5. ORAL COMMUNICATIONS

None

6. CONSENT CALENDAR

None

7. REGULAR AGENDA ITEMS

7-A 2019-7067

Board Elections

Board Member Teague nominated Board Member Curtis to be President. Board Member Saheba seconded the motion.

Board Member Cavanaugh nominated Board Member Teague to be Vice President.

There were no other nominations.

The nominations were approved 7-0.

7-B 2019-7069

Proposed Development Plan and Design Review Amendments and Lot Line Adjustment for the Del Monte Warehouse Building Project at 1501 Buena Vista. Applicant: TL Partners, L.P. Public Hearing to consider proposed amendments to the development plan and lot line adjustment to accommodate on-site parking requirements and design review amendments to revise surface materials and window materials on the addition to the approved addition to the building. A final environmental review document was approved for this project in 2014. No new significant impacts have been identified and no additional CEQA review is required.

Board Member Ruiz recused herself from the item because she lives within 500 feet of the project location.

Andrew Thomas, Planning, Building and Transportation Department Director, gave a presentation. The staff report and attachments can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=3997678&GUID=7BF771EB-C1F3-4CA5-BCAE-13042228091E&FullText=1>

Board Member Saheba asked if there was a density increase being requested.

Staff Member Thomas said that there is no change in the number of units on the site. He said there will be more units in the main building, but fewer units in Subarea C.

Board Member Saheba asked if the increase in the number of units in the main building would result in a change to the elevations.

Mike O'Hara, Tim Lewis Communities, explained that some of the loft units were changed into two levels of flats. He said the facades of the buildings are essentially unchanged.

Board Member Teague asked a question about the pattern of score lines in the new plans, comparing the seemingly random pattern in the proposed plan to the symmetrical pattern in the previous plan.

Mr. O'Hara said the goal was to have as few score joints as possible.

Board Member Teague asked for clarification about the approved unit counts and how the work-live units would factor in.

Staff Member Thomas explained that the ten work-live units would apply towards the commercial space, and are not considered residential units that count toward the Master Plan approval. He explained how the affordable housing pad included land outside of the

Master Plan area and that ten units were on land included in the Master Plan area. He said with those ten, plus the 362 units in the main building, there is room for eight units in Subarea C.

Board Member Teague asked why the number of parking spaces increased.

Mr. O'Hara said the increase in units in the main building meant they needed to add parking in order to maintain the approved ratio.

Board Member Hom asked if the applicant was required to submit a parking management plan.

Staff Member Thomas said that the parking would be unbundled and that there is a condition of approval that requires them to identify a plan to actively manage their parking program.

Board Member Hom asked if the four electric vehicle spaces required is based on a city standard.

Staff Member Thomas said that the four spaces were in the original approval. He said the entire project would be pre-wired to be able to accommodate as much electric vehicle charging as there is demand.

Board Member Hom asked if the windows would be recessed.

Mr. O'Hara said that the windows would be recessed. He showed how the reveal of the vinyl and metal windows would be essentially the same.

Board Member Rothenberg asked what the City's position is regarding approving or not approving a condominium map with the project.

Staff Member Thomas said they approved the project with the assumption that the units could be rentals or for sale. He said the housing stock in Alameda is fairly evenly split, and that new projects are coming in relatively balanced. He said the City has not taken a strong position either way about whether new projects should be for sale or rentals.

Board Member Cavanaugh asked what the motivation was for choosing to switch to vinyl windows instead of aluminum.

Staff Member Thomas said that the decision to switch to vinyl was a cost saving decision. He said that these windows would only be used on the addition, which would be set back very far from the street. He said, given the location, staff's view was that the way the windows are set into the wall was more important than the actual material chosen.

Board Member Cavanaugh asked what the future plans are for the pad acquired from Wind River.

Staff Member Thomas said that Tim Lewis Partners would probably come forward with an application at some future date for a small mixed use project. He said both future pads would have to provide their own parking.

President Curtis asked if any thought has been given to what would happen if there turned out to not be enough parking.

Staff Member Thomas said there is a contingency plan for the developer to pay for implementation of neighborhood parking permits if the new residents had significant spillover into the neighborhood. He said that more and more of the newer residents are willing and able to live with fewer cars. He explained that limiting parking, in conjunction with transit options, is an effective method of reducing the amount of traffic generated by projects.

Mike O'Hara added that the parking counts do not include the approximately 130 spaces that will be added on the street surrounding the project.

Board Member Hom asked whether valet parking was an option if the parking proved to be insufficient.

Staff Member Thomas said that valet parking may be cheaper for the developer than paying to implement permit parking in the neighborhood.

President Curtis opened the public hearing.

Karen Bey said she was happy to see the project moving forward, but was disappointed in the loss of retail space with the project. She said it was an important community benefit and consistent with the City's Economic Development Strategic Plan.

Christopher Buckley asked for clarification about placement of each species of street tree, and gave feedback about proper spacing of different trees. He said the City does put in root barriers near sidewalks.

President Curtis closed the public hearing.

Board Member Teague made a motion to approve the item with a change to item 3 in the resolution. He asked that the actual or visual joists of the stucco be rectilinear with a consistent repeating pattern and/or equal divisions that matches the regularity of the building. Board Member Rothenberg seconded the motion.

Board Member Saheba said he thinks the change in window material will be okay. He said it was difficult to see what the effect would be on the muntins and the amount of glass visible. He said the stucco joint locations make no sense to him. He said he is not in favor of the change from the hardie panel to cement plaster.

Board Member Hom said he supports the motion and feels the proposed amendment about the scoring pattern was an important one. He said he supported the lot line adjustment and the changes to the parking plan.

Board Member Rothenberg suggested amending the motion to give direction regarding the surface materials to show a building envelope finish consistent in character with the original approval while leaving flexibility for the applicant to come back with affordable, appropriate, long lasting, aesthetically suitable finishes at a future time. Board Member Teague accepted the amendment.

President Curtis asked if the scoring of the stucco has a structural impact.

Board Member Rothenberg said putting joints into stucco is labor intensive, and that stucco is not particularly long lasting, but the material has economic and thermal benefits.

The motion passed 6-0.

7-C 2019-7070

Study Session to Review Proposed Text Amendments to the City of Alameda Zoning Ordinance (AMC Chapter 30) to ease restrictions on Accessory Dwelling Units, streamline Design Review for existing homes, modify the Work/Live Ordinance, and other miscellaneous administrative, technical, and clarifying amendments. The proposed amendments are exempt from the requirements of CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines Sections 15282(h), which exempts ordinances implementing Accessory Dwelling Unit Law (Government Code Section 65852.2), 15061(b)(3), where it can be seen with certainty that the proposed zoning text amendments will not have a significant effect on the environment, and 15183, projects consistent with a community plan, general plan or zoning (Continued from Meeting of June 24, 2019)

Allen Tai, Planning Services Manager, gave a presentation. The staff report and attachments can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=3997707&GUID=D39DDF54-7B8B-4FC0-8690-B395541CD272&FullText=1>

Board Member Hom asked if ADUs are permitted in every zoning district in the City.

Staff Member Tai said that ADUs are permitted on any residentially zoned property with a single family home.

Board Member Rothenberg shared that there are other bills being considered that pertain to the subject of ADUs, including items related to health, safety, and building quality.

Board Member Cavanaugh asked what recourse residents would have if ADUs have an impact on views or sunlight on neighboring properties.

Staff Member Tai said that those would not be considered an impact under state law. He added that the decisions were ministerial and exempt from CEQA. He said that during the building permit process, staff would continue to ensure that applicants meet state building code requirements.

Board Member Ruiz asked if state law required owners occupy the main residence.

Staff Member Tai said that the current law says cities may require owner occupancy, but there is proposed legislation to remove that permission.

Board Member Ruiz asked if the 1200 square foot maximum being considered at the state level was an aggregate number for two ADUs, or if each would be permitted to be 1200 square feet.

Staff Member Tai said he believed that item was still under discussion at the state level, but that staff has been thinking in terms of an aggregate 1200 square feet. He added that they are seeing many applications in the 400 square foot range, which is approximately the same as a two-car garage. He said they are not seeing many 1200 square foot ADU applications.

Board Member Teague asked if the net-zero energy requirements the state is imposing beginning in 2020 would apply to modular ADUs.

Staff Member Tai said that modular ADUs would have to meet California building code.

Board Member Hom asked how HOA's with stricter CC&Rs regarding ADUs would be resolved with the City's ordinance.

Staff Member Tai said the homeowner signed that covenant by choice. He said the City would review the application and approve it in compliance with city and state laws, but the risk would be on the homeowner if they were not in compliance with state law. He said he has not seen any state legislation discussing possibly preempting HOA rules.

Board Member Curtis asked if ADUs would be exempt from the existing rental ordinance. He said that would discourage producing these units if they were subject to the rental ordinance.

Board Member Teague said that the ADU comes with a new certificate of occupancy, and under Costa-Hawkins, would be exempt from the rent control portions of the law, but would be subject to the just cause eviction protections. He added that if you were splitting a rental unit, instead of building a new structure, it gets more complicated.

Staff Member Tai said that most applicants at the counter say they are fulfilling a family need and only a small portion are looking to rent out the units.

Board Member Curtis said that once the owner occupied requirement goes away, investors will add ADUs and rent them out in bigger numbers.

Staff Member Tai continued his presentation, outlining potential changes to design review requirements.

Board Member Rothenberg suggested that any green roof approvals be conditioned on the structural ability of the building to support the roof.

Staff Member Tai added that staff would still review applications for compliance and applicants would have to meet other requirements in the building approval process.

Board Member Rothenberg asked if the new exemptions would have a negative impact on the City's revenue streams.

Staff Member Tai said that the window permits were not a major component of the Department's revenue.

Staff Member Thomas added that the fees are set up to cover the costs of providing the service, not to turn a profit. He said they are trying to respond to Council direction and community concerns, as well as streamline some of the less controversial processes in order for staff to focus on the larger projects that have more impact on the community.

Board Member Cavanaugh asked if solar panels would be included in the cool roof exemption.

Staff Member Tai said that solar panels are already exempt from design review because of state law.

Board Member Ruiz suggested requiring longer lasting materials for roofs which get a design review exemption as part of our sustainability efforts.

Board Member Hom suggested matching the design review exemption for additions to the ADU ordinance, i.e. - 1200 square feet.

Staff Member Tai responded that staff believes that the current development standards for setback, height and lot coverage provide a good envelope to work within, but they can examine that idea further.

Board Member Hom said that cool roofs with white paint can create glare that impacts other properties and should be considered when designing the ordinance.

Board Member Teague pointed out a change that made the restrictions more onerous than before, which is not consistent with the goals of the item. Board Member Teague said he agrees with the AAPS comment stating that side or rear yards that abut a street should not be exempted from design review.

Staff Member Tai said there are definitions in the Zoning Ordinance which clarify that issue and he will double check and make sure it is clear.

Board Member Cavanaugh asked if the City would be involved in making sure fences are not built too high.

Staff Member Tai said they are not proposing any changes to fence rules. He said fence height is a code enforcement issue, but not as high on the priority list as issues which affect health and safety.

Board Member Saheba said streamlining and focusing on larger projects is an important goal. He asked how other ancillary things people do in their yards are reviewed, if at all.

Staff Member Tai said that staff would still be doing checks for zoning compliance.

Staff Member Thomas added that any modifications that do not require a building permit are already exempt from design review.

Staff Member Tai continued his presentation with proposed changes to the Work-Live ordinance.

Board Member Curtis suggested that there be a minimum amount of living space defined.

Board Member Teague said the 30% living area cap would result in really small, potentially infeasible, living areas for units smaller than 1,000 square feet. He said the 30% requirement would be effective in limiting abuse by people who are really just trying to build housing units.

Staff Member Thomas said they always need to maintain a ratio that keeps the units commercial in nature and the residential portion has to be ancillary in nature. He said if the units were primarily residential, they would have to be Measure A compliant.

Board Member Cavanaugh asked who is responsible for enforcing the commercial nature of the units.

Staff Member Thomas said that there is only one place currently operating work live units in Alameda. He said there is an annual check on business licenses.

Board Member Teague said that it needs to not be residential if it is not going to comply with Measure A. He said including the living, kitchen and bath in the 30% requirement will ensure these are not just housing units.

Board Member Hom asked what the parking requirements are for retail areas.

Staff Member Tai said that Park Street and Webster Street require two parking spaces per 1,000 square feet of retail space, and four spaces per 1,000 square feet elsewhere.

Board Member Hom said that might incentivize people to classify their operations as work-live to reduce their parking requirements.

Board Member Curtis opened the public hearing.

Eileen Devlin requested that ADUs allow the full use of the basement in the home instead of limiting it to only 50% of the size of the primary unit.

Christopher Buckley, AAPS, highlighted portions of their letter regarding window replacement procedures. He suggested potentially using a minor design review process, or administrative appeals. He said the street side lot requirements need to be clarified. He said the text needs to be modified to allow single glazed windows. He said they are concerned about removing the owner-occupied requirements for ADUs.

Board Member Curtis closed the public hearing.

Board Member Teague reiterated that the definitions do not address the street issue and needs to be corrected.

8. MINUTES

8-A 2019-7063

Draft Meeting Minutes – May 13, 2019

Board Member Teague motioned approval. Board Member Rothenberg seconded the motion. The motion passed 5-0-2 (Ruiz and Hom abstained.)

8-B 2019-7064

Draft Meeting Minutes – June 10, 2019

Staff Member Thomas pointed out that only three members present were in attendance at the June 10, 2019 meeting. He asked that at least one of the other members watch the video in order to vote on the minutes at the next meeting.

Board Member Teague moved to continue the minutes to the next meeting. Board Member Cavanaugh seconded the motion. The motion passed 7-0.

9. STAFF COMMUNICATIONS

9-A 2019-7065

Planning, Building and Transportation Department Recent Actions and Decisions

The staff report can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=3996785&GUID=20B929B6-DEBA-4E2D-9B65-600ADA13DB24&FullText=1>

9-B 2019-7066

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

Staff Member Thomas said that the final design review for two hotels would be on the agenda for the next meeting and then the Board would be off in August.

10. WRITTEN COMMUNICATIONS

None

11. BOARD COMMUNICATIONS

Board Member Curtis read a resolution thanking Sandy Sullivan for her service on the Planning Board.

12. ORAL COMMUNICATIONS

None

13. ADJOURNMENT

President Curtis adjourned the meeting at 9:40 p.m.