

APPROVED MINUTES  
REGULAR MEETING OF THE  
CITY OF ALAMEDA PLANNING BOARD  
MONDAY, SEPTEMBER 23, 2019

1. CONVENE

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

2. FLAG SALUTE

Board Member Hom led the flag salute.

3. ROLL CALL

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

Absent: None.

4. AGENDA CHANGES AND DISCUSSION

None.

5. ORAL COMMUNICATIONS

None.

6. CONSENT CALENDAR

Board Member Teague asked to pull both items for review.

**6-A 2019-7266**

*PLN19-0056 - Design Review - 1527 Park Street - Applicant: Maxwell Beaumont for Theresa Do - Public hearing to consider Design Review to allow the construction of an approximately 738-square-foot one-story restaurant on an approximately 10,207-square-foot property located at 1527 Park Street. The site is within the C-C-T, Community Commercial - Theatre Combining District. The project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15303 - New construction of small structures*

The staff report and attachments can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4133455&GUID=DC3D9069-0974-4E4A-A969-1BAAF1ECEDA4&FullText=1>

Board Member Teague said that the resolution permits construction activities on Sundays. He asked if that was intentional, or an oversight.

Henry Dong, Planner III, said that the inclusion of Sundays must have been a mistake.

**Board Member Teague made a motion to approve the item with the condition that Sunday be removed from the permitted construction times.**

Board Member Hom said that one drawing showed the awning crossing into the public sidewalk area and another showed the awning staying within the boundaries of the private property. He asked which was correct.

Allen Tai, City Planner, said that it was very common for awnings in a commercial district to project over property lines. He said they typically just require an encroachment permit reviewed by the City Engineer.

Board Member Saheba said that there were discrepancies on multiple drawings.

Staff Member Tai said that they would ensure that the building plans are 100 percent consistent.

**Board Member Rothenberg seconded Board Member Teague's motion. The motion passed 7-0.**

**6-B 2019-7267**

*PLN19-0377 - Lot Line Adjustment - 1951 Harbor Bay Parkway - Applicant: Joe Ernst. Consideration of a Lot Line Adjustment application to reconfigure three parcels in the Harbor Bay Business Park. The reconfiguration changes the parcel lines of three adjoining parcels to create two parcels, an 8.4-acre lot with existing development and a 5.1-acre vacant lot. The project site is located in the Harbor Bay Business Park C-M-PD (Commercial-Manufacturing Planned Development) Zoning District. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305(a) - Minor Alterations in Land Use Limitations*

Board Member Teague said the description of the item says 1951 Harbor Bay Parkway, but the item also includes property at 2001 Harbor Bay Parkway. He said he wanted to make sure there was no issue with respect to public noticing.

Staff Member Tai said the parcels being considered for a lot line adjustment are for the Peet's roasting facility and two adjacent parcels. He said the neighbors within 300 feet have been noticed.

Board Member Teague said that the information included in the plans should be sufficient to avoid any open government issues.

**Board Member Teague moved approval of the item. Board Member Hom seconded the motion. The motion passed 7-0.**

**7. REGULAR AGENDA ITEMS**

**7-A 2019-7268**

*PLN19-0443 - General Plan Text Amendment - Harbor Bay Business Park - Applicant: Joe Ernst on behalf of srmErnst Development Partners. Public hearing to consider*

*recommending the City Council approve a General Plan Text Amendment to clarify the allowable Floor Area Ratios (FAR) at Harbor Bay Business Park. This amendment would make consistent the Land Use Element text and the existing business park Planned Development zoning regulations by clarifying that a 0.5 FAR limit only applies to the portion of the Harbor Bay Business Park located between the lagoon and the bay, between the intersections of Mecartney Road and Adelphian Way to the north, and North Loop Road and Harbor Bay Parkway to the south. The clarification results in an internally consistent Land Use Element and aligns the Business Park land use classification with existing entitlements, as well as the City's past practice and historical interpretation.*

Staff Member Tai gave a presentation. The staff report and attachments can be found at: <https://alameda.legistar.com/LegislationDetail.aspx?ID=4133615&GUID=3E399FCB-BA0E-4A11-8CA8-088681F9234C&Options=&Search=&FullText=1>

Board Member Teague asked if all property owners in the area had been notified.

Staff Member Tai said that all owners in the business park and the standard list of agencies that they notify for a General Plan Text Amendment had been notified.

Board Member Teague asked why the issue was not brought back to the Planning Board to let them know that this could not be brought to the City Council.

Staff Member Tai said that staff was just busy with other tasks that took priority.

Board Member Rothenberg asked if the intent of the applicant is consistent with the goals of the General Plan. She said 220,000 square feet on one acre would be a very dense, tall building right near the airport.

Staff Member Tai said that they are trying to match the General Plan with the existing zoning dating back to the 1981 Development Plan.

Board Member Teague pointed to a property at the southwest corner of North Loop Road which appears to have been developed with the 0.5 Floor Area Ratio in mind. He asked why that building was being excluded from the current recommended boundaries.

Staff Member Tai said he could not say whether that property was developed with a 0.5 FAR in mind, noting that much of the business park developed at relatively low densities. He said the proposed boundaries reflected an attempt to overlay the old plan to the modern day aerial view. He acknowledged that the property was on the waterfront, but not in between the waterfront and the lagoon.

Board Member Saheba sought clarification of the reasoning behind choosing North Loop Road as the boundary. He asked if the lagoon ends in the same place now as it always has.

Staff Member Tai said the lagoon appears to have been constructed as envisioned in the 1981 plan and that North Loop Road is the edge of the property which sits directly in front of the end of the lagoon.

Board Member Saheba said it seems clear that some projects underbuilt compared to the allowed FAR. He said the project in question at the corner of North Loop Road is a two story building that may actually be exceeding 0.5 FAR.

Board Member Hom asked if the General Plan specifies the FAR for the business park.

Staff Member Tai said the General Plan does not specify FAR.

Board Member Cavanaugh asked if the proposed building would be blocking any views of residences that would create problems for the project.

Staff Member Tai said that the homes behind this site are much further away than the Marriott Hotel site, and that the business park is at a higher elevation than those homes already, and that there aren't really water views for those residents.

President Curtis opened the public hearing.

Joe Ernst, SRM Ernst, noted that the proposed project would be at an FAR of slightly less than 1.0. He said the question of where the "Bay Edge Road" limitations applied came up in 2006 when the Peet's facility was built. He said it was deemed to only apply to the area directly in front of the housing, which is why they were allowed to have the heavy truck use for the Peet's site.

President Curtis closed the public hearing.

Board Member Teague said they had a very long meeting on this topic last year. He said in that meeting, Andrew Thomas, Planning, Building and Transportation Director, said "we have always applied it to properties along the waterfront." He said the findings focused on the waterfront and the basis being the shoreline. He said he agrees that they should have not drawn the line so far down, and should have stopped where the shoreline turns outward and the airport tidal basin begins. He said it should absolutely apply to 2001 Harbor Bay Parkway. He read the language that the Board suggested to the City Council in 2018 and expressed a preference that the board use that language which took hours to craft rather than starting the exercise over. **He said he would make a motion to that effect, using the language from the previous meeting and including the property at 2001 Harbor Bay Parkway in the 0.5 FAR limitation.**

**Board Member Cavanaugh seconded the motion.**

Board Member Hom suggested changing the language from “conference oriented hotel” to something more clear, such as “business hotel,” or just “hotel.”

Board Member Teague suggested that the wording be changed to “hotels” since there are multiple hotels in the business park. He said he would accept Board Member Hom’s suggestion as an amendment.

Staff Member Tai said he understands the direction and will reach out to the subject property owner before the Planning Board recommendation proceeds to the City Council for final approval.

**The motion passed 7-0.**

#### **7-B 2019-7269**

*Adoption of Objective Design Review Standards for Multi-family Residential Development as an addendum to the Citywide Design Review Manual. These Standards are applicable to all future multi-family residential development in the City seeking permit streamlining pursuant to state law. The adoption of Objective Design Review Standards is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that adoption of design standards will not have a significant effect on the environment, and Section 15183, projects consistent with a community plan, general plan or zoning (Continued from the Planning Board Meeting of 9/9/2019)*

**Board Member Teague made a motion to change this item to be a study session. Board Member Ruiz seconded the motion. The motion passed 7-0.**

Staff Member Tai gave a presentation. The staff report and attachments can be found at: <https://alameda.legistar.com/LegislationDetail.aspx?ID=4134326&GUID=60800532-E1D6-4287-9C21-2D080937440A&FullText=1>

Board Member Ruiz asked what would happen if a developer came in with an SB35 application before the objective standards are adopted.

Staff Member Tai said he would point them to the documents the City has already adopted. He said the difficulty would be identifying which standards were objective, and that it would leave the door open for the developer to object and say “these aren’t objective standards.”

Board Member Teague asked hypothetically how these standards would apply to the Alameda Marina application or other projects that have been approved. He speculated that we would have to apply them to every project.

Staff Member Tai said those other projects are not asking for SB35 streamlining and ministerial review and are subject to the normal design review process.

Board Member Teague asked how the Density Bonus law interacts with the streamlining law.

Staff Member Tai said that the Density Bonus law also refers to objective standards and that staff would use these same guidelines as a checklist. He said an applicant could ask for waivers from the objective standards under Density Bonus.

President Curtis opened the public hearing.

Christopher Buckley, Alameda Architectural Preservation Society (AAPS), said that the standards should be beefed up. He said the standards should address context within historic neighborhoods to ensure good design results like the Mulberry project and the Eagle and Everett affordable housing projects. He said there is no discussion of surface materials. He described some of the items they included in their two letters on the issue.

President Curtis closed the public hearing.

Board Member Rothenberg suggested that a ninth guideline for architecture be added that references the design manual.

Board Member Hom said a lot of cities are scrambling to adopt these standards. He said he agreed with some of the suggestions by the AAPS. He suggested that staff review the recently adopted objective standards in the City of Fremont.

Board Member Teague said that there are two bills heading for the Governor's desk that will impact our ability to pass non-objective standards and make changes to the streamlining law. He said he wants the standards to ensure quality but not prevent development in Alameda. He said he does not want standards that would prohibit units that were affordable by design because of something like garage standards.

Board Member Cavanaugh said Alameda has a very different feel in different parts of the city. He said the development that replaced the old Lincoln School did not blend in with the neighborhood and he hopes to prevent occurrences like that.

Board Member Saheba said it can be difficult to define objective standards when design is the subject. He said that it may be best to focus on zoning type standards like setbacks and height limitations. He said some of the guidelines need to be more specific to bring clarity to a developer.

Board Member Curtis said he welcomes any comments from Mr. Buckley. He suggested a standard that would prevent new construction from deviating substantially from the neighborhood context.

Board Member Ruiz said that building technology and codes are constantly changing, which can make matching the existing neighborhood a challenge. She asked for background on the requirement for a playground for projects over 25 units.

Staff Member Tai said that 25 unit standard was taken from multiple other cities that have developed the standard, as well as discussions with the Recreation and Parks Director.

Staff Member Tai asked the Board to continue the item to the next meeting.

Board Member Teague said he would not be in favor of continuing the item because it would not include public comment at the next hearing.

**Board Member Teague made a motion to continue the item to the next meeting under the condition that public comment be allowed when it is reheard. Board Member Ruiz seconded the motion. The motion passed 7-0.**

## 8. MINUTES

### **8-A 2019-7259**

*Draft Meeting Minutes – June 10, 2019*

Board Member Teague said that on page 8, he made a request that the topic of rooming houses and shared living be revisited. He said recent changes left a hole in the zoning ordinance.

Staff Member Tai said they are working on that language and that it might come back with pending changes to the ADU ordinance.

**Board Member Teague made a motion to approve the minutes. Board Member Cavanaugh seconded the motion. The motion was approved 4-0 (Saheba, Hom, and Ruiz abstained).**

President Curtis confirmed that he watched the video of the meeting in order to approve the minutes.

### **8-B 2019-7260**

*Draft Meeting Minutes – July 8, 2019*

**Board Member Rothenberg made a motion to approve the minutes. Board Member Teague seconded the motion. The motion passed 6-0-1 (Ruiz abstained).**

### **8-C 2019-7261**

*Draft Meeting Minutes – July 22, 2019*

**Board Member Hom made a motion to approve the minutes. Board Member Rothenberg seconded the motion. The motion passed 6-0-1 (Saheba abstained).**

## 9. STAFF COMMUNICATIONS

**9-A 2019-7262***Planning, Building and Transportation Department Recent Actions and Decisions*

Board Member Teague said the website is not working reliably. He asked that a link to the “more details” page be provided until the access issues are resolved.

**9-B 2019-7263***Oral Report - Future Public Meetings and Upcoming Planning, Building and Transportation Department Projects*

Staff Member Tai said that the 10/14/19 meeting would have the Alameda Marina wrap building and possibly the Alameda Landing Waterfront project.

**10. WRITTEN COMMUNICATIONS**

None

**11. BOARD COMMUNICATIONS**

Board Member Teague said he attended the Seaplane Lagoon Ferry Terminal ground breaking ceremony. He said it would be a huge step towards addressing our transit issues. He also said he spoke with the Rec and Parks department about the recurring palm tree discussions. He shared that they do not like having palm trees on any project because they are expensive to purchase and replace, expensive to maintain, and that the material is not compostable and ends in the landfill. He said that our goal as a city is zero waste and, therefore, we should not be including palm trees in any new projects. He gave a brief summary of pending legislation that would impact Alameda’s land use policies.

Board Member Rothenberg said there is at least one derelict property just after the Park Street Bridge and wondered if the Planning Board has any purview over a property that a landlord is neglecting.

Staff Member Tai said there are requirements in the Municipal Code regarding maintenance of vacant property and that Code Enforcement is responsible for addressing complaints. He said Code Enforcement does have priorities set by City Council to focus on issues of health and safety.

President Curtis said that he recently met with Pulte about their project.

**12. ORAL COMMUNICATIONS**

None

**13. ADJOURNMENT**

President Curtis adjourned the meeting at 8:36 p.m.