

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, APRIL 27, 2020

1. CONVENE

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

This meeting was completely online.

2. FLAG SALUTE

Board Member Teresa Ruiz led the flag salute.

3. ROLL CALL

Henry Dong, Planner III, took the roll call. Present: Board Members Curtis, Hom, Rothenberg, Cavanaugh, Ruiz, Saheba, and Teague.

Absent: None.

4. AGENDA CHANGES AND DISCUSSION

None.

5. ORAL COMMUNICATIONS

None.

6. CONSENT CALENDAR

6-A 2020-7899

PLN19-0368 - Street Naming for the Alameda Landing Waterfront Residential Development - 2800 Fifth Street - Applicant: Pulte Home Company, LLC. The Planning Board will hold a public hearing to consider eleven street names for the streets within the approved Alameda Landing Waterfront Residential Development located at 2800 Fifth Street. The proposed names were selected off the Official Street Names List according to the City Council Street Naming Policy. The naming of these streets is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b) (3).

Board Member Hanson Hom moved to approve and Board Member Ruiz seconded. City Planning Counsel Celena Chen instructed the Board to take a roll call vote and the motion passed 7-0.

7. REGULAR AGENDA ITEMS

7-A 2020-7900

PLN19-0448 - Development Plan and Tentative Map - 2607 - 2619 Santa Clara Avenue & 1514 - 1518 Broadway - Applicant: Branagh Land Inc. Public Hearing to consider a Development Plan and Tentative Map No. 8534 to allow construction of four single-family dwellings within existing residential development and to subdivide the existing 1.29-acre property into fifteen (15) lots. The property is located within the R-5-PD, General Residential-Planned Development zoning district and partly within the R-4-PD, Neighborhood Residential-Planned Development zoning district. The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15332, In-fill Development.

Staff Member Dong gave a presentation. The staff report and attachments can be found at <https://alameda.legistar.com/LegislationDetail.aspx?ID=4419606&GUID=20E034E6-AFEB-4B3D-ADF7-7263705627C9&FullText=1>

President Curtis asked Lisa Vilhauer, representing the Applicant if she wanted to add anything. Ms. Vilhauer thanked the Board and Staff Member Dong for their time and talked about the thought that went into this site plan.

Board Member Asheshh Saheba asked about the pedestrian path and wanted to know if any new construction was needed.

Staff Member Dong pointed out the path on the plan and that there are no requirements needed for the pedestrian path.

Board Member Saheba asked how the lots were broken down between single-family and multi-family and wanted to know what ADA parking requirements were needed for the multi-family unit.

Staff Member Dong clarified the unit breakdown and said since it is an existing building there were no ADA requirements at this time.

Board Member Hom asked about the background on the planned development ordinance and wanted more explanation on the planned development overlay.

Staff Member Dong explained how the planned development zoning for the entire area was established.

Board Member Hom asked how Staff evaluated the significant reduction in the zoning standards in the district for the planned development and wanted to know what was considered livable open space.

Staff Member Dong spoke about what amenities the Applicant offered and said livable open space is "minimum of eight feet in width".

Board Member Hom asked the Applicant about the tentative map and if their intention was to sell the lots to individual ownership.

Ms. Vilhauer answered this was the plan to give them flexibility in what they sold.

Board Member Hom asked if there was a condition about tenant relocation.

Board Member Dong said that the condition is not addressed and Director Andrew Thomas, Planning, Building, and Transportation Department, followed up by saying there's no condition because all existing laws would apply.

Board Member Jeff Cavanaugh wanted more explanation about what is considered open space vs. parking space and who would be allowed legally to use the open spaces that were marked.

Staff Member Dong explained what is the common open space and which tenants would be sharing each space. Director Thomas followed up that tenants from each unit have their shared common space.

Board Member Ruiz had a follow-up question about the common open space area and wanted to know if there were private open space requirements for the multi-family units.

Staff Member Dong explained if it was based on standard open space requirements, without approval from the board, they would have private open space requirements.

Director Thomas explained a recent amendment to the zoning code that says the Planning Board can waive the requirement as long as the total space under both the private and the common meets the requirement.

Board Member Alan Teague asked if separating out the single-family units to their own lots removes them from rent control due to Costa Hawkins, he was concerned it will because that makes them single-family homes.

City Planning Staff Counsel Celena Chen suggested that was correct and would follow up at a later date.

Board Member Teague asked about landscaping and then pointed out the Municipal Code open space requirements state "common open space may not include required front yards" and wants to know how this is applicable to this application. He also asked for more clarification on the total open space calculation.

Staff Member Dong said there was no landscaping yet and said this was part of the concessions that the Board was being asked to make.

Board Member Teague asked about maintenance for the roads.

Staff Member Dong said it is built into the tentative map.

President Curtis pointed out where the map where the total open space calculation was, PD-3.

Board Member Teague asked if the applicant was waiving their right under the development agreement. The agreement now locks in what it was 25 years ago.

Director Thomas said that Staff and the Applicant had not discussed waiving any rights.

Stefan Cecil, representing the Applicant, said their actions are in line with the existing development agreement.

Staff Counsel Chen concurred that since the proposed plan is consistent with the development agreement it is fine.

Board Member Rothenberg asked if they are bound to the development agreement from 24 years ago since this is a successor owner, and wanted clarification on how current building setbacks are being applied. She also had concerns about the size of the driveways.

Ms. Vilhauer answered they would be happy to work with the Fire Department to make sure the driveways are as safe as possible while also trying to preserve the open space.

President Curtis asked Ms. Vilhauer about the CC&R and the payment structure of the maintenance fees.

Ms. Vilhauer said they are hoping to avoid an HOA Fee but will have some documents about maintenance for maintaining the driveway and open space area.

President Curtis opened public comments.

Various Staff Members read the public comments into the record.

Sylvia, voice message about project 19-00448, plan for Santa Clara and Broadway. She was concerned about the traffic in this area and what added congestion to the streets new homes could cause.

No name, voice message about 2619 Santa Clara and 1541 Broadway, "I strongly protest building 15 units on this small parcel of land" due to congestion on the road.

Email from Dan McDonald where he questions why the hearing wasn't postponed due to Covid-19 restrictions. The email can be found at:
<https://alameda.legistar.com/View.ashx?M=F&ID=8250412&GUID=E7AA2720-51FA-40FA-B82B-D5D391B984C1>

Anesa Dominguez, email, has an objection to the lack of notification the neighborhood got about the proposed project.

Chris Freck, email, has an issue with the lack of transparency and approach taken by the developer. There was very little notice by the city, no access to the online Board Meeting which is very unbecoming of the Alameda Community, no proposed turn lane into the driveway, units don't match density with the rest of the block, the current landlord has skirted their responsibilities for property management, safety concerns about property line, open space issues, and placement of an H-VAC unit that is not shown on the plan.

Sally Gallini, email to City Clerk: does not want to lose the tennis courts behind 2615 Santa Clara as this is where neighborhood children play, and that roads are not safe. She is also concerned about parking and safety during construction.

Anesa Dominguez, second email, has many objections to the building of new units from overcrowding, light pollution, and loss of outdoor space for the neighborhood.

Laurie Gamble, email, offers her support, and wants as many units as possible.

Lupta Martin, email, has strong concerns about construction in her area and wants to know how she can have her voice and concerns heard.

President Curtis closed public comments.

Board Member Saheba does not have an issue with the density being created. He believes there are some flaws with the site plan such as the setbacks and the livability of the outdoor spaces.

Board Member Hom has difficulties supporting this application due to the proposed usable open space and while understanding the flexibility being allowed in zoning does not believe they make good sense from a design point of view.

Board Member Cavanaugh asked if there was a different way to look at the project (such as ADU) and if that could eliminate the need for parking.

Staff Member Dong said there have been changes to the ADU Ordinance but Board Member Teague interjected that ADUs won't work because they are not separately sellable and must be rented.

Board Member Cavanaugh went on to say how he did not like how the common and private open space was lumped together and says we should "go back to the drawing board" on how it is laid out.

Board Member Ruiz echoed the comments that have already been made. She is fine with the density but is troubled by the layout, so much space is for vehicular traffic and not much for pedestrians. She also has a problem with the livability of the open space. She believes the current plan does not meet the intent of the code. She also has trouble supporting this project with such a long list of concessions that are not very clear and made with inadequate information. For these reasons, she cannot support this application.

Board Member Teague thanked the Staff for their time on this and the Applicant for bringing this project forward. He is very supportive of more housing but very concerned about the impact this project will have on pedestrian safety and the quality of life. The design for common open space for the multi-family units has significant usability issues. Believes a better design could be done and would move to deny this application.

Board Member Rothenberg thanked everyone for their work but concurs with the other issues that have been brought up.

President Curtis has no issue with the density but has issues with the driveway layout and the livability of the open space. The design does not work from a safety standpoint or from a standpoint that provides adequate amenities for new residents or those already living there. For these reasons, he can not support this application.

Director Thomas asked that instead of denying this application the board allows Staff to go back and work with the Applicant on some of these issues, and try to improve the site plan. He is unsure how the open space design can change, the layout now takes into account that a fire truck needs to be able to get in and out of that area.

President Curtis said he has no issue with continuing this discussion and asked if anyone would make a motion to continue it.

Board Member Teague first asked what would happen if they did just deny it.

Director Thomas said they would then appeal to City Council or submit a new plan with new fees. He said he would need to look at the zoning code because they might have to wait 3 years to resubmit if they deny the project.

Board Member Teague did not want to risk that and said he would support continuing the discussion.

President Curtis said it was a good idea since it takes the burden off the applicant and the Staff.

Board Member Ruiz asked that there be a clear list of concessions in the Staff Report the Applicant is asking the board to make.

Board Member Hom asked if the Applicant is willing to continue the item and work with Staff on a revised site plan.

Mr. Cecil, representing the applicant, said yes.

Board Member Hom said he would make a motion to continue this item at a later date giving Staff and the Applicant time to work on an improved site plan that recognizes the flexibility allowed in the plan, the fire access issues, and to create more usable open space. Board Member Teague wants to make sure that when they do their calculations they exclude access to single-family homes when they do the aggregated open space calculation.

Director Thomas said when they come back it will be very clear how much open space is on each parcel.

President Curtis said you must also address the egress and ingress of the automobiles getting in and out of the parking, it is not efficient now.

Director Thomas clarified the motion started by Board Member Hom made that the Planning Board will continue this item at a later date. Staff will re-notice the neighbors closer to this date and the Planning Board will reserve judgment until they see the revised plans. Board Member Teague seconded this motion. President Curtis took a roll call vote and the motion passed 7-0.

8. MINUTES

8-A 2020- 7896

Draft Meeting Minutes – February 10, 2020

Board Member Rothenberg made a motion to approve the minutes. Board Member Teague seconded the motion. The motion passed 7-0.

9. STAFF COMMUNICATIONS

9-A 2020- 7897

Planning, Building and Transportation Department Recent Actions and Decisions

Three Design reviews have been approved and a certificate of approval. No concerns

Rothenberg asked about approval for ongoing residential construction and what is considered essential and if that was the jurisdiction of the Planning Board to enforce the new Covid-19 related restrictions.

Director Thomas explained the stay in place order (essential and non-essential) and how it affects certain work in the city and how the Building Department is handling those situations. The current health order does say that work that pertains to Affordable Housing should continue.

9-B 2020- 7898

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

Director Thomas said they hope to have a meeting in two weeks on May 11th then cancel the meeting in 4 weeks. At the May 11th meeting there will be a follow-up item on Boatworks, an appeal on a Design Review on McKay, and a study session on the a Affordable Housing Project at North Housing.

The meeting on May 11th will also be online (WeBX or Zoom)

10. WRITTEN COMMUNICATIONS

None.

11. BOARD COMMUNICATIONS

Board Member Teague asked that Staff go back and look at the Minutes from January 28th, 2019. The second item has the same description as the first item.

Board Member Teague asked if the ADU Ordinance got passed.

Director Thomas said the Council approved those last Tuesday.

Staff Counsel Chen added that the second reading for the ADU Ordinance will be on May 5th, 2020 and after that, the ordinance will be sent to the state.

12. ORAL COMMUNICATIONS

None.

13. ADJOURNMENT

President Curtis adjourned the meeting at 8:54 p.m.