

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, MARCH 23, 2020

1. CONVENE
President Curtis convened the meeting at 7:00 p.m.
2. FLAG SALUTE
Andrew Thomas, Planning, Building and Transportation Director, led the flag salute
3. ROLL CALL
Present: Board Members Curtis, Hom, Rothenberg, Cavanaugh, Ruiz, Saheba, and Teague.
Absent: None.
4. AGENDA CHANGES AND DISCUSSION
Staff requested and a motion was made by Board Member Rothenberg that items 6A, 7A, 7C and Minutes be pushed to the April 13th, 2020 meeting, Board Member Ruiz seconded. A roll call vote was taken and the motion passed 7-0.
5. ORAL COMMUNICATIONS
None.
6. CONSENT CALENDAR
None.
7. REGULAR AGENDA ITEMS
7-B 2020-7845
Boatworks Project, PLN 20-0118, -0119, -0120, -0121 and -0122 at 2229 and 2235 Clement Avenue - Applicant: Boatworks LLC. A Public Hearing to consider entitlements for the development of the 9.4 acre property located at 2229 - 2235 Clement Avenue with 182 residential units and a publicly accessible waterfront open space. The entitlements include requests for a tentative map, density bonus, development plan, open space design review, and development agreement. An environmental impact report was certified in 2010 for the project in compliance with the California Environmental Quality Act and no further review is required.

Staff Member Thomas gave an oral presentation on this item. The staff report and attachments can be found at
<https://alameda.legistar.com/LegislationDetail.aspx?ID=4396700&GUID=1ADC24CB-66E3-4FCE-B75A-D672DBAE0295&FullText=1>

Director Thomas concluded his presentation and made himself available for questions. He also introduced City Planning Counsel Celena Chen from the City Attorney's Office who was available for questions.

Before questions, President Curtis asked Shona Armstrong (representing the applicant, Boatworks LLC) if she wanted to add anything.

Ms. Armstrong commended the thoroughness of the presentation and thanked everyone for making this meeting happen during these extreme circumstances.

Board Member Teague asked City Planning Counsel Celena Chen a clarifying question about waiver criteria under the Density Bonus law.

Staff Counsel Chen explained the waiver criteria and what is required to deny a request for concessions.

Board Member Teague asked Counsel Chen to clarify that a waiver is granted for anything that could preclude the number of units under the bonus for affordable housing.

Counsel Chen clarified that was the case.

Board Member Teague asked about laws related to building within 100 feet of the shoreline.

Director Thomas said the BCDC has jurisdiction over the 100 foot band, you can build but BCDC has design review approval. What is allowed or disallowed in that 100 feet can vary drastically from project to project.

Board Member Teague then asked about how the HOA fees will be distributed to units that are deeded to be affordable.

Director Thomas answered that the City does not get involved with how an HOA organizes itself. The City can only say that 21 of these units can only be leased or sold to families in a certain income range.

Board Member Teague asked if the Transportation Demand Management (TDM) cost was also calculated into that.

Director Thomas said that is a different situation if the City wants something included in the HOA, something the City wants them to cover should be added to the resolution. Past projects have had that, but as of right now he did not see the affordable mentioned in the condition of approval. All units must be given a transit pass.

Board Member Teague asked if there were past projects where the transit passes were not assessed on affordable units.

Director Thomas clarified the project needs to fund the transit passes for all the units. The funding comes out of the TDM fee from the whole project for everyone. He could not recall how it was funded in past projects.

Board Member Teague wanted to make sure that families that are part of the affordable housing do not get stuck with high fees.

Director Thomas said there is a limit to what they can pay, fees don't get added on top later. The rest is subsidized by the rest of the project. They are not added on after the fact to affordable housing.

Board Member Teague asked if palm trees are possible as part of the landscaping. He did not see any on the list for possible plants.

Director Thomas said there are no palm trees proposed on the plans and Ms. Armstrong concurred.

Board Member Jeff Cavanaugh asked about access to the park and easement, what public parking is going to be available.

Director Thomas said there is on-street parking on Blanding and Waterfront West Drive. There will be a requirement from BCDC that there be signed visitor parking available. Tenants and homeowners tend to park in visitor parking and since they would be private streets, the City can't enforce; it is up to the HOA.

Board Member Asheshh Saheba asked about BCDC requirements in parking spaces and access and wanted clarification on what number of parking spaces there will be for BCDC and then for guests. Board Member Saheba asked if the board was trying to approve that now and if the 43 will be adequate for both groups.

Director Thomas believes the 43 spaces will be adequate for both groups. BCDC will get specific and have spots marked but it gets tricky with the enforcement of those spots. From the City staff perspective, there has not been much thought into spaces since there is no way to effectively enforce it.

Board Member Saheba wants to make sure that guest parking makes sense.

Director Thomas explained that the applicant has been meeting with BCDC and that there will be spots for Waterfront Park visitors.

Board Member Saheba wanted to know where the parking was for the multi-family units.

Director Thomas pointed out where they were on the design.

Board Member Saheba asked about the design of the parking structure and wanted to make sure it still needed to go through a design review.

Director Thomas said the ground floor parking design would need some design creativity.

Board Member Saheba asked for some design clarification on the size of units and their placement on the masterplan.

Ms. Armstrong deferred to Robert McGillis, project architect from her team. Mr. McGillis said they were trying to combine universal design and street accessibility.

Board Member Rothenberg asked for clarification on the past explanation by referencing page 4 of the letter about design and elevation.

Mr. McGillis explained the choice of design and the challenge because of the grade difference from the street.

Board Member Rothenberg sought and received clarifications regarding the open space calculations.

Board Member Rothenberg then asked what the entitlement document will say about the open space.

Director Thomas said they have to follow the plans, and the plans show where the park and tentative public access is. When the final map is approved, those easements are recorded into perpetuity.

Director Thomas pointed out that on page DP-4 the applicant has shown the green areas are close to 2 acres for open space. Their plan meets the requirements for open space, so the difference in opinion/wording is irrelevant.

Board Member Rothenberg concluded that if this is the document that gets recorded, what it says matters.

Director Thomas said there will be a final map that gets recorded, this is a tentative map.

Board Member Teresa Ruiz asked if the front yard setback applies.

Director Thomas said no, the internal streets are private, most are alleys, most houses face into paseo, except homes facing Oak Street and Clement Avenue. Under the PD zoning requirement, you need a development plan, the setback requirements are in this.

Board Member Ruiz asked if the common open space claims any of the public set back.

Director Thomas noted that PD-4 and PD-7 illustrate public areas and how they attach to private open space in front of the homes.

Board Member Ruiz asked about affordable housing breakdown and wanted to know the math that decided that amount.

Director Thomas explained the breakdown, 13 for low income and 8 very low income (21 total), and acknowledged that the table explaining it on page 2 was confusing.

Board Member Hom also expressed the table on page 2 was confusing. He then asked about the concession and waiver for Density Bonus law, the applicant asked that Alameda waive that the affordable housing "be distributed equally around the project and be comparable in size." He wanted to know if the City was treating that as one concession.

Director Thomas answered they treated this as a single concession. To be clear this is local Density Bonus Law, it's not state law. They relaxed this code.

Board Member Hom asked about the exact deviations, the waivers on setbacks, and coverage.

Director Thomas explained the concessions that were allowed for parking spaces, setbacks, and heights of buildings.

Board Member Hom said a table would have been useful in the staff report.

Director Thomas said they could provide that in the future.

Board Member Hom asked about the Universal design, it seems that somewhere in the plan it would be beneficial to have a condition that clarifies that the approval for the development plan does not include their request for deviation of Universal design at this point.

Director Thomas agreed that is something the Planning Board could clarify in the resolution. They could add a condition or statement making that clear. Director Thomas explained that this presentation is about advising the Planning Board and what they want to recommend to the City Council.

Board Member Hom asked about Clement Street and the requirement for planter strips.

Director Thomas said the right of way is very narrow, the staff asked that they moved the trees to the back of their property.

Board Member Teague asked Director Thomas about the tentative map, 24 guest parking spaces on public streets.

Director Thomas said that is a mistake, it should say 0, there is no guest parking on public streets. Correct page TM3.

Board Member Teague pointed out a spelling mistake on page 6 of Draft Resolution.

Director Thomas then noted that any laws that are on the books today are applied to this project, any laws that go into effect after this would not be applied to this project.

President Curtis opened up to Public Comment.

Ms. Armstrong again thanked everyone for the meeting.

Director Thomas read a letter from Ms. Dorothy Freeman. In it, she gave a brief history of past projects and plans for this lot and a call for as much open space as possible. She also included a plea to not put all the low-income housing together. Letter can be found at: <http://alameda.legistar.com/gateway.aspx?M=F&ID=c2203480-7e7e-4555-8701-5a9e2269cbdb.pdf>

Public comments are closed.

Deliberation

Board Member Teague moved to approve the staff recommendation with conditions, listed below. Board Member Rothenberg seconded the motion.

Board Member Teague thanked everyone and is excited to see something happen to this lot. He expressed concern about putting all the low-income housing together and about the maintenance of the waterfront area. He suggested wording be added about the maintenance fee for the waterfront area.

Board Member Cavanaugh thanked everyone and wants this to move forward to City Council.

Board Member Saheba thanked everyone and that he has some concerns about the overall design. He believes the units are packed too closely together.

Board Member Rothenberg thanked everyone and added on to the comments made by Board Member Teague and Board Member Saheba that the Planning Board add conditions about the Universal Design, Public Parking and that all attempts be made to optimize all open space.

Board Member Ruiz thanked everyone, had issues with the Open Space concept, and expressed concern with the segregation of the affordable units. She then asked if the applicant has to prove it is a financial burden to place the affordable units throughout the project.

Director Thomas said the burden is on the City to disprove it based on the information they have been given. From the Staff's perspective, it is not worth time or energy to disprove that it saves the Developer money.

Board Member Hom thanked everyone and agrees that it is not ideal to have all the low-income housing in one place and would like to see them spread throughout the project.

President Curtis asked for a table form (parking height and coverage) and agreed that all the low-cost housing should not all be placed together, should not be segregated. Also, the City needs to be protected and make sure that potential buyers know that they are responsible for the "riff raff" on the waterfront. He agreed with Board Member Teague that it should be reflected in the CC&Rs.

Board Member Teague asked Counsel Chen if we can qualify the concession to provide more uniform distribution of affordable units.

Counsel Chen said the municipal code says that the City can require the applicant to provide documentation, which they have in their application. Staff believes this documentation proves the need for the concession.

Board Member Teague clarified that this would be about distributing the low-income housing throughout the development.

Director Thomas reminded everyone that the Board's goal is to advise the City Council. It is clear that everyone is uncomfortable with having low-income housing all together. It would be nice to spread them throughout the site. This can be made as a recommendation.

Board Member Teague listed the conditions.

1. Change reference to 24 parking spots on Clement to zero
2. Page 6, # correct typo
3. Include on page seven the maintenance fees for the HOA
4. Clarify that the Universal Design Ordinance is applicable to the project.
5. All attempts to optimize vertical and horizontal open space must be explored
6. Provide a more uniform distribution of affordable units with the multi-family building should be explored
7. Guest Parking be designated along the waterfront

Roll Call vote was taken to approve with these conditions, the motion passed 7-0.

8. MINUTES

None

9. STAFF COMMUNICATIONS

9-A 2020-7824 Planning, Building and Transportation Department Recent Actions and Decisions

<http://alameda.legistar.com/gateway.aspx?m=l&id=/matter.aspx?key=9525>

9-B 2020-7825 Oral Report - Future Public Meetings and Upcoming Planning, Building and Transportation Department Projects

Director Thomas said they hope to have a meeting on April 13, 2020. However, with Covid-19 it is unsure what the future holds. These meetings need to be open and available to the public for them to attend.

Board Member Teague said he wants to do whatever he can to make this a true digital meeting in the future.

10. WRITTEN COMMUNICATIONS

None.

11. BOARD COMMUNICATIONS

Board Member Saheba was pleasantly surprised by an email about Board Member Rothenberg having won the 2020 Thomas Jefferson award for public architecture.

12. ORAL COMMUNICATIONS

None.

13. ADJOURNMENT

President Curtis adjourned the meeting. (Recording cut out 9:01pm)