

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, MAY 11, 2020

1. CONVENE

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

This was a virtual meeting.

2. FLAG SALUTE

Board Member Alan Teague led the flag salute

3. ROLL CALL

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

Absent: Board Member Jeff Cavanaugh

4. AGENDA CHANGES AND DISCUSSION

None.

5. ORAL COMMUNICATIONS

None.

6. CONSENT CALENDAR

None.

7. REGULAR AGENDA ITEMS

7-A 2020-7934

Public Hearing to consider a Request for Waiver of the Requirements of the Universal Design Ordinance (Alameda Municipal Code Section 30-18) for the Boatworks Development Plan at 2229 - 2235 Clement Avenue, Applicant: Boatworks, LLC.

Andrew Thomas, Director of Planning, Building, and Transportation, introduced the item. The staff report and attachments can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4430529&GUID=EFE3B09E-7B7F-4B42-960E-14DC1D44E463&FullText=1>

Board Member Teresa Ruiz thanked Director Thomas for the staff report and asked if the proposed accessibility accommodation had been reviewed by the building department. If the clubhouse and play structure may already be required by building code to be accessible, then it wouldn't be an "extra" feature.

Director Thomas said no, it may indeed already be required under the building code. It was not in the record before and that is why staff recommends it be a condition of approval.

Board Member Rona Rothenberg asked since the city complies with the 2019 California Building Code for accessibility for design review and the Universal Design Ordinance exceeds that, the stricter standard must be applied.

Director Thomas answered the project must meet the California Building Code, that's non-negotiable. The Universal Design ordinance (local ordinance) exceeds the state's standards. The Applicant is requesting waivers from the city standards.

Board Member Asheshh Saheba thanked the staff for the presentation, found the information very clear, and had no questions.

Board Member Teague asked about the interior width of the garages for the fourteen units.

Director Thomas answered while Robert McGillis, Project Architect, looked up that information. There are one and two-car type garages, they are some grading issues with making the garages accessible.

Board Member Teague said that if the garages are not even 13 or 16 feet wide then they could not accommodate a ramp.

Director Thomas said it's more about the ability to roll in from the alley over the rolled curb into the garage. The grade exceeded the 5% grade.

Board Member Teague wanted to make sure if someone brought in a wheelchair accessible van if they would have the required room.

Director Thomas said yes, on the 14 waterfront homes that "basically" meet all the requirements of the Universal Design. Except for access into the units from the street. They do not meet the letter of the code because the only way to get in with a wheelchair is by vehicle. Those 14 units all have two-car garages so they could accommodate a wheelchair accessible van.

Board Member Hansom Hom wanted to know if the items listed by the Disability Commission address accessibility issues and if Staff feels comfortable adding them to the project. Also wanted to know how the applicant feels about the list.

Director Thomas said that the Disability Commission got together and gave staff the list just today. There may be some items that the Planning Board might think would enhance the project. The list takes into account many types of disabilities, not just the need for a wheelchair. The applicant had only an hour or so to read over the list.

There were no public comments.

Board Member Ruiz was very disappointed that the new development is not able to provide 100% visitability. She went back to the map and is struggling to believe that this is the best they can do with this site. She did understand there are unique challenges but to claim that only 40% of the townhomes are being provided with visitability she would need further detail, without she could not support.

Board Member Rothenberg advocated strongly for optimal disabled access provided by law, however, the Universal design in her opinion is a reach goal. She was inclined to support bringing more housing to fruition sooner rather than later.

Board Member Saheba agreed with Board Member Rothenberg, the Universal Design is setting a higher standard than the baseline code. Also is aware of the unique challenges, but looking at the entire site believes overall goals are being achieved.

Board Member Teague was also disappointed but understood. The main issue is that there is no accessible path to the front door. He would like to see the units made adaptable for seniors, lower mobility, and other need occupants. Items listed from the Disability Commission's list that should be included. If these items are met he could approve.

Board Member Hom also agreed with most of the comments that have already been expressed. Also agreed that at this point, doing a complete redesign is not a realistic option. Though very sympathetic to the hardships the site presents and understanding why choices were made after reading the engineer's report, he believes they can be still better with regards to accessibility and visitability. Though the applicant needs to step up and propose some additional measures, not sure what those items are, and wanted more discussion.

President Curtis agreed with his colleagues. The problem with the inaccessibility is due to the grades. The applicant is asking for a "black and white" solution by having the board waive these requirements. He understands why there is a low percentage of pf accessibility but believes these units can be made adaptable. Did not want to give the applicant a blanket approval on the waiver.

Director Thomas suggested that the Board ask the applicant about the list and if they have considered Board Member Teague's suggestions.

Mr. McGillis said he understood the concerns and additions suggested by the board, however, the townhomes are just not conducive to the universal design criteria. He then described the challenges of incorporating accessibility within the small footprint of the area. He said they are very open to the list for adaptability.

Shona Armstrong, Boatworks LLC, said of the list Board Member Teague presented there were four they are reluctant to be part of the condition. The automatic stove shut off, slip resistance floors, anti-glare counters, and tactile method edge detection. They would strive to include others but mentioned how little time the applicant had with the list.

Board Member Teague believes the applicant could work with staff on reasonable solutions for materials used in the kitchen and bath. He asked the applicant if they would use built-in ovens and stoves.

Mr. McGillis said they did not know.

Board Member Teague is comfortable if the applicant works with staff on these issues.

Director Thomas said they will write the condition of approval very clearly. When the project comes back for design review they will discuss these four items.

Board Member Ruiz said she is satisfied with the interior concerns but still had concerns about visitability. She offered thoughts on how to increase visibility on the interior units.

Board Member Hom said he is now comfortable with supporting the project with these conditions that will be discussed in the design review stage.

Board Member Saheba said his main issue is the lack of visibility. He also agrees there could be opportunities to increase the number of units that you could get to the front door in an accessible way.

President Curtis asked Board Member Ruiz if she would work with Staff on this.

Board Member Ruiz said she would and then asked the board if they were comfortable about granting the waivers on just the perimeter units.

Director Thomas said it will come down to design review and talked more about what they can word in the conditions of approval to make it very clear what is expected of the applicant.

Nicky Collins, Boatworks LLC, said, unfortunately, they got the list very late and had not digested it properly. Though there are some good ideas but was hesitant to make promises.

President Curtis told Ms. Collins that she came in late in the discussion. He said it sounded like the applicant needed more time.

Ms. Collins said she did not want to make promises to the Planning Board something that could not be achieved.

President Curtis did not believe the items on the list (minus the four discussed) are high-cost items. He then suggested they table the discussion to give the applicant more time.

Ms. Collins said that she would not disagree with that and then added it's not just about the perceived cost but what makes sense. They have to take into account both people with disabilities and those who don't.

Ms. Armstrong mentioned the time constraints about the settlement agreement and that continuing the discussion would make things difficult. She then asked the Board if they would grant the waivers knowing that the developer would work with staff to address these issues before design review at a later date.

Board Member Hom suggested putting the burden on the developer to meet these conditions and during design review, the burden is on the developer to explain which items they can not agree to.

President Curtis agreed with Board Member Hom but felt the applicant changed their mind about what they were comfortable with in "the 11th hour".

Board Member Saheba clarified that the list that was sent out from the Disability Commission is not the list that was agreed on. The list that Board Member Teague put out was more for adaptability. This was the list agreed on except for the four items mentioned by Ms. Armstrong.

Director Thomas also added that there are a lot of lists coming in late and the applicant has not had a chance to look at any of it. He said it would be best not to continue this item. What is best for the board tonight is to make a list of conditions everyone is comfortable with. The applicant can always appeal, and there is no time to continue.

President Curtis wanted a motion that gives the applicant the waiver with the conditions listed by Board Member Teague. Expect for the four contested by the applicant, that would come back during design review.

Mr. McGillis wanted to be added to the list of contested items, the 32-inch door clearance.

Board Member Ruiz drafted a condition for visitability "the visitability waivers are granted for units facing Clement, Oak, and Waterfront. Developers shall endeavor to provide visibility to all other units either through the front door or via the garage. Developers shall provide detailed grading plans for all units and visitability during design review".

Board Member Teague did not support this wording.

Board Member Ruiz said the word endeavor is not a guarantee, for the units the developer cannot make accessible just explain why.

Board Member Teague wanted to adjust the wording to "Developers shall work with staff on grading plans on those units that do not meet the visitability".

Ryan Hanson, SBG, addressed the challenges they are facing with the interior units on these requirements and the space they have to work with.

Director Thomas believed they can craft language that works for everyone. After the design review, show the board the grading plan. Please meet these items, and for those five show us why you can't.

President Curtis believes these requirements will not affect marketability and is not unreasonable from a board standpoint.

Board Member Teague made a motion to approve the universal design waiver applicant for the Boatworks Development, the fourth and fifth conditions being replaced with:

- 1. 100% of the units are made adaptable for seniors, lower mobility, and other needs occupancy**
- 2. Windows do not require more than 5lbs of force to close**
- 3. Lever-type handles throughout**
- 4. Light switches must be placed at accessible heights**
- 5. Areas around shower and bath to be reinforced**
- 6. Shower and Bath must have offset controls**
- 7. Closets must have adjustable shelves**
- 8. ADA height required toilets**
- 9. Adjustable stairs**
- 10. The shelving in the kitchen must be adjustable.**

The developer will work with staff on the following items.

- 1. Slip resistance material for floors.**
- 2. Kitchen counters with a tactile method for edge detection.**
- 3. Built-in oven and stoves.**
- 4. 32-inch clear opening through doors where possible.**
- 5. Also really looking hard at ways to increase visibility.**

Before the vote Board Member Hom wanted to make sure that the applicant would study the garages for accessibility.

Ms. Armstrong said they will look into all options but do not want to say yes to anything in particular.

Board Member Ruiz seconded the motion. The motion passed 6-0, one abstained due to absence.

7-B 2020-7936

North Housing Study Session - 300 - 501 Mosley Avenue - Applicants: Habitat for Humanity and Alameda Housing Authority. The Planning Board will hold a study session on two separate residential development proposals for a total of up to 648 units on approximately 14-acres at the North Housing site. The site is generally located between Singleton Avenue, Mosley Avenue and west of Bette Street. The site is located within the R-4-PD-MF, Neighborhood Residential Planned Development District with Multifamily Overlay. No action will be taken by the Planning Board at the study session

Allen Tai, City Planner, gave a presentation. The staff report and attachments can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4430531&GUID=C428193E-1075-4471-A2A7-C7D8521F4F66&FullText=1>

Staff Member Tai finished his presentation and reminded the Board that this is a study session. This is a time for the board to bring up any issues any concerns so the staff and the applicant can address those at a later date.

Kristi Bascom, Habitat for Humanity, thanked the board and talked about the history with North Housing. They want to respect the existing architecture and maximize the number of affordable housing in the space. These units would be affordable to low-income households. They are very excited to bring affordable homeownership to the city of Alameda.

Danielle Thoe, Housing Authority, also talked about the history of the land and talked about the housing needs of Alameda.

Board Member Ruiz asked Ms. Thoe about Lakehurst Drive and if any modifications would be made to the current road.

Ms. Thoe said Lakehurst Dr would remain the same for about 60% from Mosely Ave but will then straighten out to a 90-degree angle to make room for a future local street.

Board Member Ruiz wanted to know about the distribution between seniors and affordable housing at Block A.

Ms. Thoe said that as of now they do not have an exact number of distributions. It will partly depend on demand in the coming years.

Board Member Ruiz asked Ms. Bascom if Habitat for Humanity would be requesting a variance on setbacks.

Ms. Bascom said they are still confirming if they meet all the requirements for setback under the Density Bonus Law, if they do they will not need to change setbacks.

Board Member Ruiz asked about the current fence line and wanted to know if it was permanent or temporary until the paseo was constructed.

Ms. Bascom answered there would be a low rise fence that distinguishes the Habitat Project from the paseo.

Board Member Rothenberg wanted confirmation on the number of units going into block A.

Ms. Thoe said they have provided a range of units depending on each of the blocks depending on the type of housing being produced.

Barry Long, UDA, added that there would be a minimum of 90 units on Block A, setting a bracket for the perimeters of that block.

Board Member Rothenberg wanted to know if the project would be a Notice of Exemption from CEQA.

Staff Member Tai said they are currently reviewing the two applications for compliance of SB35. Under SB35 the projects would be exempt if they qualify.

Board Member Rothenberg asked about the proposed development schedule. She felt that the start date of 2021 was early for a project that had not been approved yet and that the schedule of 3 years was long for a project of this size.

Ms. Thoe said that since affordable housing is needed they want their timelines to be optimistic. They will take a look at that before the hearing.

Board Member Saheba asked about a double gate on the habitat property and wanted to know what the purpose of that gate was.

Ms. Bascom said that is for emergency purposes, to get a fire truck on and off.

Board Member Saheba asked about how residents would move to the paseo.

Ms. Bascom pointed out pathways with gates that open that residents and pedestrians could use.

Board Member Saheba wanted to know how Habitat for Humanity and Alameda Housing Authority would be working together to design the paseo.

Ms. Bascom said that both parties will be contributing to the design and the cost of implementation.

Ms. Thoe added that both parties like the idea of the green space and the need for fire access.

Board Member Teague wanted to know if all units are affordable. He also asked why there was a concern about requesting labor concession because it looks like the applicant is entitled to them.

Ms. Basom answered that all units are affordable and that for now, they do not believe that they will need the concessions.

Board Member Teague wanted to know why they are not building more units. He also wanted to make sure that the Housing Authority had looked at AB-1763 to make sure they can build as many units as possible.

Ms. Basom said that this is as many as they can while also providing enough parking and listening to the concerns of the neighborhood.

Ms. Thoe said she is not familiar with that law but will take a look at it.

Board Member Hom asked about what type of ownership model Habitat for Humanity is proposing.

Ms. Bascom said it is a typical type of condominium ownership.

Board Member Hom also commented if they could do more of a mix of income. He then asked about the windows on the 3rd floor, they seem small and out of scale.

Board Member Hom asked Ms. Thoe for more detail on the different types of housing. He is also interested in seeing a Community Space.

Mr. Long said that is not the plan and that instead it will be distributed throughout the site and not in a central location.

Board Member Hom also commented that he would like to see a wider mix of affordable units.

Ms. Thoe explained how the units need to be divided.

Board Member Teague left the virtual meeting.

President Curtis asked about financing for the project.

Ms. Thoe explained why they provided a range for each block so depending on funding and needs they can determine what works.

Kathleen Mertz, Housing Authority, gave a breakdown of housing authority's financing.

Ms. Bascom then described Habitat for Humanity's financing, it's very different from Housing Authority's. It can be "horrible" and they are always looking for financial aid.

President Curtis wanted clarification on the construction schedule and if they would have the proper finances to begin in 2021.

Ms. Thoe said that the Housing Authority looks for projects that are "shovel" ready. They will be more prepared at each stage of the development.

Board Member Ruiz discouraged the use of the fence facing the paseo, it's a type of segregation. If it's temporary that's fine but would like to see it removed.

President Curtis opened public comments.

Courtney Shepler sent an email to the Clerk regarding insufficient parking and a lack of communication on behalf of the Housing Authority with the Alameda Landing HOA. The email can be found at:

<https://alameda.legistar.com/View.ashx?M=F&ID=8408262&GUID=4709FB3F-9D24-4BBE-85B5-575028E50F1E>

President Curtis closed public comments.

The Board thanked them for their presentation.

8. MINUTES

8-A 2020-7037

Draft Meeting Minutes - February 10, 2020

Board Member Ruiz wanted an edit on the first motion that she had made, it should say "direction to refine and amend".

Board Member Hom made a motion to approve the minutes with the one correction. Board Member Ruiz seconded the motion. The motion passed 5-0, two had abstained due to absence.

9. STAFF COMMUNICATIONS

9-A 2020- 7935

Planning, Building and Transportation Department Recent Actions and Decisions

9-B 2020- 7938

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

Staff Member Tai said the next regular scheduled meeting falls on Memorial Day, and that meeting will be canceled. The next meeting will then be on Monday, June 8th, 2020.

- 10. WRITTEN COMMUNICATIONS
None.

- 11. BOARD COMMUNICATIONS
None.

- 12. ORAL COMMUNICATIONS
Board Member Ruiz feels that when many agenda items come in front of the board that they are unable to continue (due to time constraints) and feel forced to make a decision. She requested more time without putting any project or the city at risk.

Staff Member Tai agreed and noted that Boatworks is unique because of the timeline connected to the settlement agreement. For future items, this is a point well taken and staff will take that into consideration.

- 13. ADJOURNMENT
President Curtis adjourned the meeting at 9:10 p.m.